



# City of Sunnyvale

## Memorandum

**To:** Planning Commission  
**From:** Rosemarie Zulueta and Diana O'Dell through Trudi Ryan  
**Date:** April 22, 2013  
**Re:** Retooling the Zoning Code: Planned Development Permit

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Since our last study session in January, Planning Commission and City Council have reviewed and approved the first phase of Retooling the Zoning Code. This included the new organizational structure and Article 1, which contains the chapters describing the purpose, applicability and administration of the Zoning Code. In addition, Planning Commission and City Council provided staff with further direction on regulations regarding replacement of nonconforming structures.

At this study session, we would like to address more details regarding the Planned Development (PDP) Permit. Staff has further developed the PDP concept since we last discussed this new permit type.

### PDP DETAILS PREVIOUSLY DISCUSSED

Here is a recap of what we have previously discussed regarding the PDP with some additional questions and clarifications:

- **Purpose** – The PDP is a mechanism through which the City could allow flexibility and creativity in site and building design within existing zoning districts to promote high quality development projects. The PDP is a reinvention of the Special Development Permit (SDP) and will replace the SDP in the new permitting scheme.
- **Applicability** – Projects requesting deviations from certain development standards could apply for a PDP if they are developments of 3 residential units or more or nonresidential developments of 10,000 square feet or more. Currently there is no minimum project size to request a PD combining district
- **Procedures** – The PDP process would not require a rezoning action. Staff is suggesting eliminating the Planned Development (PD) Combining District because of its increasing inefficiency in addressing flexible standards for new construction. As you recall, recent City Council reviews primarily included small sites with projects with fewer than 8 units, because larger sites have been pre-zoned to allow consideration of deviations. These larger projects are reviewed by Planning Commission.

In the proposed structure, Planning Commission would review PDP applications at a public hearing, which will require a 300-foot noticing radius. Thresholds or tiers can be created if the Planning Commission or City Council wants certain projects reviewed at a lower or higher level. For example, it could be decided that projects deviating only from lot width can be reviewed at staff level with required 300-foot notice to neighboring properties. Another example is requiring City Council review for projects larger than 250 units.

**KEY QUESTION: Should the Planning Commission be the review authority for all PDP projects, or should certain projects be reviewed at a lower or higher level?**

- **Deviations** – Deviations that could be requested through the PDP include minimum lot area and width, any setback requirements, maximum lot coverage, maximum floor area ratio, any dimensional landscaping or usable open space requirement, and parking space dimensions. Deviations cannot be requested from residential densities, green building or water-efficient landscaping standards or allowable uses.

**KEY QUESTION: Are there other specific development standards that should be prohibited from, or enabled for, deviations through a PDP?**

- **Findings** – At our last discussion, staff presented the following findings that have to be met for granting of the PDP:
  1. The use is consistent with the General Plan, purpose of the Zoning District or Specific Plan and any other applicable specialized plan; AND
  2. The project design is consistent with applicable City-adopted design guidelines; AND
  3. The requested deviations achieve a desirable development that is compatible with the neighborhood; AND
  4. The proposed project achieves superior community design, environmental preservation or a public benefit.

Planning Commission requested that the last finding (underlined) be more specifically described. Some options are the following:

1. The project is designed to promote a desirable use of the site.
2. The project is innovative in incorporating the highest quality architectural solutions, building materials and landscaping concepts.
3. The project promotes functional and aesthetic relationships between structures, open space and parking areas,
4. The project provides increased open space
5. The project goes beyond Sunnyvale’s minimum green building standards
6. The project goes beyond Sunnyvale’s minimum affordable housing requirements.

**KEY QUESTION: Which of the enhanced findings, other finding, or combination of, should be a PDP finding?**

ADDITIONAL PROPOSED PDP DETAILS

- **Separate Use Permits from Consideration of Deviations.** The Projects that include a use that is conditionally permitted, such as a recreational facility in a commercial zone, would apply for a Use Permit in conjunction with a PDP but will be reviewed at the same hearing.
- **High FAR Industrial or Office Projects.** Industrial and office projects exceeding FAR limitations in the M-S and M-3, and Moffett Park Specific Plan projects not using the Green Building Incentive, areas must apply for a PDP. Currently we require a “Use Permit” which

would not make sense under the proposed scheme. High FAR projects are almost always proposing R&D or office, which is permitted by right in industrial zoning districts. There would be additional findings for this type of project and would reflect the criteria established by Council for high FAR projects.

**KEY QUESTION: Do you concur with using PDPs to evaluate high FAR industrial or office projects as described above?**

- **Existing PDPs** – Building/site changes on a property with a PDP will be considered through a “PDP Amendment.” The process for these amendments will mimic proposed permit structure. Minor changes that include minimal variations from the conditions of approval, site design, architectural design or project description or permit extensions of time will be reviewed at staff level. Major changes that include substantive variations from conditions of approval, site design, architectural design or project description will be reviewed by the Planning Commission. Major changes include further deviations from a development standard or a reduction in the proposed project benefits such as elimination of a community room or reduction in architectural quality. Changes of use will not be considered through a PDP, but will instead defer to the primary use table for permitting requirements, similar to any property.

**KEY QUESTION: Do you concur with the proposed procedures for processing amendments to a PDP?**

- **Existing SDPs** – Proposed amendments to developments with existing SDPs will be processed through a PDP Amendment. A review of permits in the last 5 years indicates that a great majority of SDPs are for use changes or new construction, not modifications to structures or sites that require deviation from land use requirements. The same as a PDP, use changes for properties with existing SDPs will be considered per the primary use table.

**NEXT STEPS**

Staff will continue to wrap up the materials for the next phase of the project. This phase is the “meat” of the Zoning Code, and includes finalizing the consolidated use tables, drafting the chapters for the proposed permitting structure and procedures, and creating and clarifying definitions. We will also have the nonconforming regulations rewritten per the policy direction received in February. We plan to present these to the Planning Commission and City Council in July.