



Council Date: February 23, 2010

SUBJECT: 2009-0077 Coordinating Zoning for Projects Located Near City Borders (Study Issue)

REPORT IN BRIEF

As pressures for urban infill increase and large developments are proposed near City borders, there is greater interest in a more formalized approach for sharing information between cities and addressing the needs of residents and businesses in adjoining jurisdictions.

The purpose of this study is to explore how adjacent cities can involve each other in strategic planning and land use decisions (Study Issue paper, Attachment A). In recent years, neighboring cities have considered significant development projects near Sunnyvale's borders. Neighboring cities include Mountain View, Los Altos, Cupertino, Santa Clara and a small portion of San Jose. These development proposals include Santa Clara Square, Kaiser Hospital, the 49ers stadium in Santa Clara, the Cupertino Village expansion in Cupertino and Palo Alto Medical Foundation Clinic in Mountain View. Some Sunnyvale residents are concerned about the potential impacts that nearby projects might have on Sunnyvale neighborhoods.

Cities currently provide information to neighboring cities on proposed development through various methods, including professional meetings, regional meetings, public hearing agendas, mandated noticing (such as through an environmental document process) and direct staff contacts. But cities do not always include residents from adjacent cities in notices or policy changes. Some cities notice residents from adjoining cities but do not include current occupants or tenants of the property. Also, each city uses terminology, zoning designations and processes unique to their city.

Currently, when a significant development project is proposed near Sunnyvale, staff represents the community's interest by reviewing a proposal to consider impacts on Sunnyvale residents and businesses and provides written comments to the neighboring city detailing any concerns. Staff monitors projects that could affect Sunnyvale residents and businesses to ensure that potential impacts are considered and minimized before any decisions are made by the neighboring jurisdiction. However, opportunities exist to do more with the support and cooperation of adjoining cities.

Staff recommends that a list of best practices be compiled and shared between cities and that Council direct City staff to work with adjacent cities on implementing these best practices (refer to Attachment G).

BACKGROUND

In June 2008, after a few significant projects were proposed near Sunnyvale's borders, Sunnyvale's mayor initiated conversations with the elected officials of Santa Clara, Mountain View and Cupertino to address concerns related to potential impacts on adjacent cities. Key concerns included information provided at a late stage in the process when development plans have already been finalized, lack of access to information, residents' comments not being considered if they reside in adjoining jurisdictions, differences in noticing procedures between cities and frustrations resulting from differences in zoning designations/processes/procedures in different cities. Attachment C provides a summary of the issues discussed at this inter-city meeting. These discussions heightened staff's awareness to discuss development plans and planning projects with adjacent cities. Staff has closely monitored developments in adjacent cities and has regularly updated Council on the status of these proposals.

The key challenge arises from the fact that each city retains land use authority over properties within its jurisdiction. Adjoining cities raise concerns and provide comments but ultimately decisions are made by the City in which the project is proposed. This study aims to address these ongoing concerns and find ways to anticipate, analyze and resolve conflicts resulting from multi-jurisdictional impacts of large-scale development. The intent of this study is to do the following:

- Identify where areas of potential land use conflicts could occur along Sunnyvale's borders;
- Explore the possibility of establishing mutually acceptable land use and development policies between neighboring cities;
- Develop a collaborative approach to planning and zoning with an opportunity for staff, community and Council to discuss future development near city borders.

EXISTING POLICY

LAND USE AND TRANSPORTATION ELEMENT

Goal R1: Protect and sustain a high quality of life in Sunnyvale by participating in coordinated land use and transportation planning in the region

Policy R1.1: Advocate the City's interests to regional agencies that make land use transportation decisions that affect Sunnyvale

Action Statement R1.3.3: Monitor significant land use and transportation decisions pending in other communities to ensure that Sunnyvale is not adversely affected

COMMUNITY VISION ELEMENT

Citywide Goal XV. Responsive Government: To continue to provide local governance which meets the many and diverse needs of the people and businesses, which is managed to be efficient, effective and compassionate, and which welcomes public participation in an open and accountable public decision making process.

COMMUNITY ENGAGEMENT SUB-ELEMENT

Goal A: Achieve a community in which all community members are well-informed about local issues, city programs and services

2009 LEGISLATIVE ADVOCACY POSITIONS

Council Policy 7.3.2. Legislative Management E4: Support home-rule authority of charter cities and oppose any efforts to reduce local control. Support strengthening "*home rule*" provisions in the State Constitution.

DISCUSSION

A. CONTEXT OF THE STUDY

A major challenge in planning for growth and change in a community is managing developments with impacts that extend beyond a jurisdiction's borders or that affect more than one community. Large scale developments raise issues of intergovernmental coordination, the adequacy of local development review procedures, the appropriateness of mitigation measures and consistency in land use policies. In addition to private land development applications and zoning designations there are other proposals of multi-jurisdictional interest, such as trail planning (e.g. Stevens Creek Trail) and watershed management. This report does not address these non-zoning items; note, however, that many of the communication and planning efforts appropriate for land development are applicable to these other planning activities.

The existing structure in place for development review is described below:

A.1. State law and local planning

State law is the foundation for local land use planning in California. The California Government Code (Sections 65000 et seq.) requires that all incorporated cities and counties in California adopt "a comprehensive, long-term general plan for [its] physical development." The legislative body of each city (the city council) and each county (the board of supervisors) adopts zoning, subdivision and other ordinances to regulate land uses and to carry out the policies of its General Plan.

There is no requirement that adjoining cities or counties have identical, or even similar, plans and ordinances. Cities and counties are distinct and independent political units. Each city, through its council, adopts its own general plan and zoning regulations. In turn, each of these governments is responsible for the planning decisions made within its jurisdiction.

The General Plan and Zoning of each city is a unique expression of the community's values and overall character. Moreover, these documents change over time in response to challenges and issues faced by each jurisdiction. Conflicts along city borders are possible outcomes of the independent land use authority and intrinsic focus of each city to meet its everyday challenges and vision.

However, state law specifies noticing procedures for public hearing projects; state law requires that notice be provided to property owners within 300 feet of a subject property for certain land use decisions regardless of city boundaries (California Government Code Section 65090).

A.2. Role of regional planning agencies

The role of regional agencies is important in the context of multi-jurisdictional issues. Although regional agencies do not have land use authority over local jurisdictions, their strategic programs and policies including regional growth projections, transportation funding, air pollution control measures, directly or indirectly impact land use planning at the local level. The key players are listed below:

The *Association of Bay Area Council of Governments* (ABAG) is the official comprehensive planning agency for the nine-county San Francisco Bay area. As the state-designated clearinghouse for reviewing state and federal projects, ABAG coordinates local proposals with state, regional, and local plans, and manages specific planning programs. Other Bay Area regional agencies, such as the *Metropolitan Transportation Commission* (MTC) and the *Bay Area Air Quality Management District* (BAAQMD), influence local land use planning, transportation and air quality regulations and programs.

The *Valley Transportation Authority* (VTA) is the Congestion Management Agency (CMA) for all jurisdictions in Santa Clara County and is responsible for countywide transportation planning, integration of transportation and land use planning as well as for transit operations (buses and light rail). Through VTA's Transportation Impact Analyses (TIA) guidelines a level of consistency is practiced by local agencies in Santa Clara County for evaluating the transportation impacts of land use decisions.

Several agencies such as the Santa Clara Valley Water District (SCVWD), Regional Water Quality Control Board, Bay Conservation and Development Commission (BCDC), Bay Area Rapid Transit (BART) are only some of the other regional players that directly or indirectly impact planning at the local level.

A.3. CEQA provisions

The California Environmental Quality Act (CEQA) requires local and state governments to consider the potential environmental effects of a project before deciding whether or not to approve it. The 'lead agency' is responsible for seeing that environmental review is done in accordance with CEQA and that environmental analyses are prepared when necessary. The agency with the principal responsibility for issuing permits to a project is deemed to be the 'lead agency'. CEQA statutes require a lead agency to consult with and request comments on the 'environmental impact report' (EIR) document from any city or county which borders a city or county within which the project is located. For example, the city of Santa Clara circulated an EIR for the proposed 49ers stadium project due to its potential for significant impacts including traffic, noise, parking, infrastructure requirements etc.

However, all projects do not require an EIR under CEQA; for those projects that do not meet the threshold to trigger an EIR, there are no requirements under CEQA that mandate the involvement of adjoining cities in the review process. For all projects not exempt from CEQA, the lead agency is required to prepare an Initial Study (IS) which is a preliminary analysis of a project's potential environmental impacts. The Initial Study is followed by a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) document that confirms that a project will not create significant environmental harm, or that environmental damage has been mitigated to a less-than-significant level by the application of certain mitigation measures. The Initial Study, Negative Declaration and Mitigated Negative Declaration documents are all part of the public record.

A.4. Community concerns

During the past couple of years, several residents and elected officials in Sunnyvale have raised concerns about specific projects proposed in adjoining cities and resulting impacts on Sunnyvale's neighborhoods. These projects include Santa Clara Square, Kaiser Hospital and the 49ers stadium in Santa Clara, the Cupertino Village expansion in Cupertino and Palo Alto Medical Foundation Clinic in Mountain View.

Key concerns raised by the public and elected officials included information provided at a late stage in the process when development plans are almost finalized, lack of access to information, residents' comments not being taken seriously if they reside in adjoining jurisdictions, differences in noticing procedures between cities, and confusion resulting from differences in zoning designations, planning processes and procedures in different cities. As

discussed in a previous section of the report, Sunnyvale residents and elected officials have held meetings, met with Sunnyvale staff and staff from adjoining cities, and raised their concerns at public hearings and outreach meetings.

The reality is that development pressure will continue to rise as land becomes more and more scarce and demand for residential and commercial space increases. Each city has land use authority over property located within its own jurisdiction and governing bodies rarely have the same land use policies or priorities that guide their land use decisions. Although Sunnyvale staff reviews and provides comments on key land use decisions that impact properties within our jurisdiction, we do not have any legal authority (just like adjoining cities do not have authority over land use decisions made in Sunnyvale). The challenge lies in doing a better job of anticipating impacts of growth early on and mitigating them to the extent feasible (in partnership with adjoining jurisdictions).

A.5. Current coordination efforts

State requirements for noticing and public outreach are the minimum standards each jurisdiction is required to meet. Local agencies can do more than the minimum required by the State and practices vary among different cities. Cities currently provide notice of public hearings to planning staff in adjoining cities along with documents associated with the project. Cities typically notice residents within a specified distance of projects (different cities use different notification distances) regarding public hearings regardless of City boundaries. Only Sunnyvale routinely includes tenants in its notices.

In addition, cities provide notice of public hearings along with a listing of projects by publishing ads in the local paper. Some cities create a special website for projects to enable a wider audience to access project related details. Staff reports are made available to the public two to three days before the public hearing by uploading documents on the City website as well as by mailing staff report packets to those residents that request a copy. Staff reports are available for public circulation at the same time as they are given to decision makers. Concerned residents (property owners and tenants) as well as adjoining City staff have an opportunity to provide comments on the project either prior to (to the project planner) or during the public hearing.

For larger projects, such as the 49ers stadium and Yahoo office development in Santa Clara, City staff may meet with adjoining city staff during an EIR scoping meeting to provide feedback on key issues to be addressed in the draft EIR document. The lead agency provides a copy of the draft EIR document to adjoining cities with a request to provide comments within a specific number of days. Sunnyvale staff reviews the proposed plans to identify any potential negative impacts on Sunnyvale communities and provides written comments to the adjoining city. Sunnyvale staff has also attended public hearings and/or

outreach meetings associated with the key projects in other cities and provided comments at these meetings on behalf of Sunnyvale residents.

In addition, the City of Sunnyvale coordinates with adjoining cities on general plan updates, specific plans and other advanced planning efforts. For example, the Lawrence Station Area planning project is a collaborative planning exercise between the cities of Sunnyvale and Santa Clara for the redevelopment of areas within a half-mile radius of Lawrence Caltrain station.

B. RESEARCH

To address the objectives of the study and identify possible solutions, staff's research focused on the following:

- Review of best practices of other public agencies on inter-governmental coordination,
- Meetings with adjoining cities to discuss their current and future land use plans near Sunnyvale's borders as well as ideas for process improvements, and
- Identifying areas of significance along Sunnyvale's borders

B.1. Regulating regional impacts in other parts of the United States

Staff reviewed the strategies adopted by other agencies for review of large development projects with multi-jurisdictional impacts. These strategies are described below:

- **MOU's:** Some jurisdictions in the Bay Area have tackled large development projects and issues associated with extra-jurisdictional impacts either through informal agreements or through a '*Memorandum of Understanding*' (MOU) that formalizes the commitments made by the parties involved. For example, the City of San Jose and the County of Santa Clara signed an MOU to address extra-jurisdictional development impacts in Coyote Valley.
- **Establish a joint task force:** Some cities establish a special task force, particularly for large projects, to bring together staff members and elected officials from the lead agency and adjoining cities who meet on a regular basis to assess development related issues. Issues could range from dealing with extra-jurisdictional impacts to identifying funding sources for public improvements associated with a specific project. There has been a commitment to set up an advisory committee for the 49ers stadium project in Santa Clara; the committee would include elected officials and/or staff members from Sunnyvale who will develop a *Transition Management and Operations Plan* (TMOP) with ongoing monitoring.

B.2. Meetings with other cities

As part of this study effort, staff held separate meetings with planning staff of Mountain View, Los Altos, Cupertino and Santa Clara to discuss the subject study and discuss ideas for process improvements. Sunnyvale staff presented the background research related to the study and collected information on other cities' existing and future land use plans. Overall, city staff from all adjoining cities acknowledged the key issues related to project coordination and agreed to work in partnership with Sunnyvale staff on further improving the process.

Some of the ideas that emerged from these meetings included the need for early coordination, consistent noticing procedures, sharing of project information in a timely and consistent manner, regular meetings between staff, improved public access to information and better community education on each city's land use and zoning policies and development standards. The process improvement ideas that resulted from these discussions were carefully vetted to assess the pros and cons of each. A more detailed discussion of possible solutions is included in a subsequent section of this report.

B.3. Areas of significance around Sunnyvale's borders

The four cities that share a substantial border area with Sunnyvale (Mountain View, Los Altos, Cupertino and Santa Clara) have development policies that vary between each city. Staff closely reviewed existing and proposed zoning and general plan designations within a mile of the border with these cities. Staff also reviewed development standards and potential development sites and compared them with Sunnyvale's. Although more immediate impacts are felt within a half mile, staff reviewed land uses within a mile to understand the broader interplay of existing and proposed land uses.

Key projects and areas have been identified with potential land use conflicts that may arise in future due to proposed developments. These areas are called "areas of significance" and are based on:

- a. Different land use types and definitions across a city border;
- b. Different land use densities used by each city, and the goal of each city in setting these standards; or
- c. Projects of regional significance with impacts that may extend beyond a city's border (e.g. 49ers stadium proposal).

Attachment D includes a map identifying these potential *areas of significance*. Attachment E and F includes a detailed discussion of key projects and plans in these areas that have the potential of impacting Sunnyvale residents. In general, these maps show that the areas with greatest impact on Sunnyvale lie along Lawrence Expressway and Homestead Road.

C. POSSIBLE SOLUTIONS

There are a range of possible solutions that could be adopted to reduce the potential for land use conflicts and improve communication between cities. These mechanisms could be adopted in addition to coordination efforts already underway between staff of adjoining cities. The solutions discussed below have been distilled from staff's research, past experience with projects of regional significance, meetings with adjoining cities, and issues raised by elected officials, residents and businesses. There are pros and cons to each option that have been briefly discussed below:

C.1. Rezone adjacent land in adjoining cities to be consistent with Sunnyvale zoning

The ideal situation would be one where land use types and land use densities on either side of Sunnyvale's boundaries were consistent with each other. However, each city has land use authority over property located within its own jurisdiction and conflicts do arise from time to time due to changes in existing land use. Residents and elected officials have asked about the possibility of rezoning properties within a certain distance of Sunnyvale's borders to match land uses in Sunnyvale in order to minimize conflict.

Although it may seem like an ideal solution, rezoning property in adjoining cities is not a practical goal and will be difficult to reconcile. Each city has a unique set of land use designations and development standards that are applied consistently throughout each City. Each city's land use policy emerges out of the community's long history, goals and vision for the future. Although Sunnyvale staff reviews and provides comments on key land use decisions that impact properties within our jurisdictions, we do not have any legal authority just like adjoining cities do not have authority over land use decisions made in Sunnyvale. In our discussions with planning staff in adjoining cities, this option was not perceived to be feasible as a voluntary effort.

C.2. Adopt common zoning terminology

A possible solution to the issue of conflicting land uses along each city border is to have each city use common terms and designations for zoning. Using this approach would require each city to reconsider their zoning and General Plan designations for these areas, and to find densities and designations that each city finds acceptable.

Although there is value to this approach, it would be a difficult expectation since each city has a unique vision for its development, and each has adopted its own zoning code and General Plan using designations and terminology throughout the city.

One of the greatest benefits of having common designations and terminology is to allow residents from each city to better understand activity in an adjacent city, and how it may affect them. Therefore, in place of changing the zoning and

General Plan designations for each city, a method of translating each city's zoning code and General Plan could be developed. An example of this would be to use a chart that shows a "CN" zone in Mountain View is similar to a "C-1" zoning in Sunnyvale. Also terminology for the development process can be explained since each city uses a different method of reviewing projects.

C.2. Improve communication and involvement of adjoining cities

Good communication regarding key projects and future land use plans has the potential for benefiting residents of all cities. One outcome of this study is to determine ways for adjoining cities to coordinate better in order to ensure good communication and provide information to all residents affected by a land use change. Improved communication strategies could include:

- Early application referral to adjacent City staff on projects that are likely to have extra-jurisdictional impacts;
- Preliminary inter-city meetings with planning/traffic/public works staff from adjoining cities to discuss proposals at an early stage and seek comments (early comments will ensure that there is still time to make changes to the project), if required;
- Closer coordination on both current planning and policy planning projects. Cities should provide comments on each others General Plan update processes as well as current planning projects;
- Provide copies of staff reports to adjoining cities at the same time as they are provided to Planning Commissioners/Council members of the subject city;
- Continue to work with adjoining cities on collaborative planning efforts for areas that lie in jurisdictional boundaries. An example of this effort is the Lawrence Station Area planning project, which is a collaborative planning exercise between the cities of Sunnyvale and Santa Clara for the redevelopment of areas within a half-mile radius of Lawrence Caltrain station;
- Keep open channels of communication between City staff to share information on land use policy changes, general plan changes etc. that have the potential for creating area-wide impacts;
- Each city could provide a copy of its General Plan and Zoning comparison chart to adjoining cities that includes details of densities/FAR/lot coverage/height limitations for each zoning district. This would aid adjoining City staff in the review of proposed projects by saving time and minimizing confusion;
- Schedule a sub-regional semi-annual meeting between City staff to discuss key projects and land use issues

Cities currently communicate with each other on projects and this can be increased to ensure channels of communication so extra-jurisdictional issues can be anticipated and addressed early in the process.

C.2. Develop consistent noticing procedures

Issues have been raised in the past regarding the adequacy of noticing procedures for public hearings and outreach meetings held in each city. Different cities have different standards for notification distance, some cities notify only residents and not tenants and not all cities require neighborhood outreach meetings prior to public hearings.

For significant projects, cities could agree to mutually acceptable standards and procedures for providing notice regarding public hearings to all property owners and tenants within a reasonable distance of the project's location regardless of City boundaries. Cities should reach an agreement on who should take the lead on noticing residents in adjoining cities. The City where the project is proposed usually takes the lead on providing noticing with assistance from adjoining cities.

The City of Sunnyvale conducts extensive public outreach for significant development projects as well as policy planning efforts. The City notices both tenants and residents within 300 ft. of a subject property where a project is proposed, neighborhood outreach meetings are held prior to the public hearing for all large development projects and land use studies to provide information and get comments from the broader community. In addition, the City provides regular updates on the status of key development projects and studies on the Planning department webpage.

C.3. Improve access to information

Concerns have been raised about residents not having access to project documents and plans until a couple of days prior to the public hearings. To minimize these issues, cities could encourage developers to conduct neighborhood outreach meetings with residents of adjoining cities, as necessary. Cities could also provide access to information and project related data/proposed plans to a wider audience e.g. create a website to share information on the project. Posting project related information and staff reports as early as possible would be another way to ensure that interested parties have sufficient time to review documents and provide detailed comments. A website would enable residents to access project details at their own convenience minimizing the required time and effort.

Similar efforts are currently underway in some cities and have benefited adjoining City staff and residents alike. For the Cupertino Village project, the City of Cupertino required the developer to hold public outreach meetings for adjoining Sunnyvale residents along Linnet Lane. The outreach meetings gave

the residents an opportunity to understand the proposal better and pose questions directly to the developer regarding their issues and concerns.

C.4. Compile a list of best practices

Based on the strategies discussed above, staff compiled a list of best practices to improve the inter-jurisdictional development review process (refer to Attachment G). These strategies, if applied uniformly and consistently by all adjoining cities, could help alleviate concerns and improve the dialogue between cities. The best practices have been broken down into five broad categories:

- Identify areas of significance and impacts,
- Adopt strategies for improved communication and conflict-resolution at staff level,
- Establish consistent noticing procedures,
- Provide better access to information,
- Reach a common agreement among cities on the list of best practices

Sunnyvale staff could share these practices with adjoining cities' staff and build upon these strategies over time to fine-tune the process. The best practices document is intended to be dynamic and could evolve over time as issues arise and lessons are learned. These *best practices* could serve as handy tools for planners and elected officials to improve the efficiency and effectiveness of the development review process.

The process improvement ideas discussed above could be documented with a written agreement to adhere to these best practices in the future. The agreement could be formalized as a *Memorandum of Understanding* (MOU) (refer to Attachment H) or a similar document, if mutually desired by two cities.

D. CONCLUSION

Planning in an urbanized area is difficult since each City pursues its own vision and goals, and adjacent cities have no authority over those goals. Coordinating land use issues, decisions and zoning terminology is contingent on the openness of each City to that effort. It is not a goal that one City can accomplish on its own. Given that reality, the most productive outcomes will result from cities working cooperatively and proactively on land use planning and development review. This is currently being done, sometimes to meet minimum State and CEQA requirements, but opportunities exist to do more. These efforts require mutual commitment from adjacent cities on a common purpose.

FISCAL IMPACT

No immediate significant fiscal impacts are anticipated in conjunction with the study. However, the implementation of some of these best practices and process improvement tools such as development of a project website, expanded noticing, additional public outreach, may have a fiscal impact (on Sunnyvale as well as adjoining cities) and will likely add more time to the planning process. An assessment of the actual costs associated with the implementation of the best practices is beyond the scope of this study and will have to be assessed prior to implementation. Also, it not known if adjoining cities would be willing to incur additional costs, if any.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety, and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Website.

Outreach meeting: Staff held an outreach meeting on November 4, 2009 to obtain community feedback regarding the study. Notices were sent to neighborhood associations, adjoining cities' planning departments and individuals who have expressed interest in projects adjoining Sunnyvale's border. The meeting was advertised in the *Mercury News* and *Sunnyvale Sun*. Approximately 20 people attended the meeting including Sunnyvale residents, one Santa Clara resident, VTA staff, and planning staff from the cities of Cupertino and Los Altos. Mountain View and Santa Clara staff indicated they had conflicts and followed up with Sunnyvale staff after the meeting. Staff did a presentation on key issues related to the study including areas of significance around Sunnyvale's borders, concerns raised by the community in the past and an overview of process improvement ideas for better coordination between cities.

The attendees raised concerns about a number of issues - mixed use development near the south east corner of Sunnyvale in the city of Santa Clara, City of Santa Clara's General Plan update including plans to re-zone properties to allow higher density, the need for better coordination and involvement with Santa Clara's General Plan update process, the potential for higher density development in the Lawrence station area and along El Camino Real, the need to protect single family neighborhoods from impacts resulting from higher density development and the inability of existing infrastructure particularly roadways and transit systems to absorb developments at higher intensities. A summary of comments received from outreach meeting attendees is included as Attachment I of this report.

Planning Commission public hearing: On February 8, 2010, Planning Commission held a public hearing to review the study. The minutes of the hearing are provided in Attachment J of this report.

Two Sunnyvale residents and a staff member from VTA provided comments at the hearing. The VTA staff member commended the city's efforts towards improving inter-jurisdictional cooperation and offered any technical assistance and/or support from VTA, as desired. The Sunnyvale residents reiterated the concerns raised at the outreach meeting and suggested that there be increased coordination between cities during their respective General Plan update processes, and that Sunnyvale work with one community at a time.

With a 7-0 vote, the Planning Commission recommended alternative 1 and emphasized on the need for better communication and supported the idea that there be regular meetings between staff of adjoining cities. The Commission also requested additional information on the noticing procedures of adjoining cities. Staff is working on compiling this information prior to the Council hearing.

ALTERNATIVES

1. Direct the City Manager to work with adjacent cities to agree upon and administratively implement a list of best practices for planning and development review coordination (similar to Attachment G).
2. Direct the City Manager to formalize an agreement on a framework for land use coordination through a Memorandum of Understanding (MOU) adopted by the respective City Councils (similar to Attachment H).
3. Direct the City Manager to work with adjacent cities on amending General Plan and zoning designations for properties within a half-mile of a City border to a common or similar designation.
4. No action.

RECOMMENDATION

Staff recommends Alternative 1. Staff will also continue to closely monitor planning and development proposals in "areas of significance" (no Council action needed for this).

Pursuing Alternative 1 would result in efforts towards inter-jurisdictional cooperation at an administrative level whereas Alternative 2 would result in a more formal agreement requiring Council ratification. However, the final goal of both alternatives is to get adjoining cities to agree upon *best practices* and apply them consistently to policy planning and development review processes. The success of Alternative 2 would depend on the willingness of the City

Councils of adjoining cities to agree on signing a formal inter-city agreement. This additional effort could be staff intensive and would likely result in a less specific document. Staff believes that reaching agreement on a set of detailed best practices would be the more productive approach.

Preliminary feedback from other cities confirms that we are all in agreement on the need for better communication. Planning staffs in neighboring cities agree that best practices should be mutually developed to improve planning and project coordination, improve dissemination of information to the public and to minimize land use conflicts along city borders.

Reviewed by:

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Prepared by: Surachita Bose, Associate Planner

Approved by:

Gary M. Luebbers
City Manager

List of Attachments

- A. Council Study Issue Paper
- B. Comparison between Sunnyvale and adjoining cities
- C. Summary of key issues discussed at the community meeting held on inter-city coordination at Santa Clara City hall in June 2008
- D. Map showing 'areas of significance' around Sunnyvale's boundaries
- E. Discussion of 'areas of significance' around Sunnyvale's borders
- F. Overview of the proposed layout of the development at NASA-Ames Research Park
- G. Compilation of best practices for better coordination between Sunnyvale and adjoining cities (*draft*)
- H. Draft copy of Memorandum of Understanding between cities
- I. Summary of comments received at the outreach meeting held on November 4th, 2009
- J. Minutes of Planning Commission hearing held on February 8th, 2010

Proposed 2009 Council Study issue

CDD-30 Coordinating Zoning for Projects Located Near City Borders

Lead Department	Community Development
Element or Sub-element	Land Use and Transportation Element
New or Previous	New
Status Pending	History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

In recent years, neighboring cities have considered significant development projects near the Sunnyvale borders. Sunnyvale shares a boundary with the Cities of Mountain View, Cupertino, Santa Clara, Los Altos and a little piece of San Jose. Recent development proposals have included the Kaiser Hospital and the Santa Clara Square projects in Santa Clara, the Cupertino Village expansion in Cupertino, and Camino Medical Clinic in Mountain View. Residents of Sunnyvale have become concerned about the potential impact these projects would have on their residential neighborhoods.

There are requirements and processes in place that require each city to notify its neighboring city of significant development projects being considered. Staff reviews each proposal in terms of the affect it would have on the Sunnyvale community. Staff then writes a letter to the neighboring city detailing the concerns and possible shortcomings of the review to the project. City Council and staff are monitoring projects in adjacent cities to ensure that potential impacts on Sunnyvale and Sunnyvale's goals are known before any decision is made by the neighboring city. In Spring 2008 Sunnyvale's Mayor initiated conversations with the elected officials of Santa Clara, Cupertino and Mountain View to discuss these issues.

This study issue would consider a formalized process to establish zoning and project review for properties along city boundaries. A collaborative approach to planning and zoning could be developed and the opportunity for staff, the community and City Council to be included could be implemented for discussion relating to future development near city borders. A goal of the study would be to identify mutually acceptable land use and development intensities between neighboring cities so that project reviews will be streamlined.

2. How does this relate to the General Plan or existing City Policy?

LAND USE AND TRANSPORTATION ELEMENT

Goal R1: Protect and sustain a high quality of life in Sunnyvale by participating in coordinated land use and transportation planning in the region.

Policy R1.1: Advocate the City's interests to regional agencies that make land use and transportation decisions that affect Sunnyvale.

Action Statement. R1.3.3: Monitor significant land use and transportation decisions pending in other communities to ensure that Sunnyvale is not adversely affected.

3. Origin of issue

Council Member(s) Hamilton
 General Plan
 City Staff
 Public
 Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009

5. Expected participation involved in the study issue **process?**

Does Council need to approve a work plan? No
 Does this **issue** require review by a Board/Commission? Yes
 If so, which?
 Planning Commission
 Is a Council Study Session anticipated? No
 What is the public participation process?
 Outreach to residents, businesses and neighborhood groups.
 Also, coordination with adjacent cities to prepare acceptable processes to meet the desired result. Noticed Planning Commission and City Council public hearings.

6. Cost of Study

Operating Budget **Program** covering costs
 242- Land Use Planning
 Project Budget covering costs.
 Budget modification \$ amount needed for study
 Explain below what the additional funding **will** be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None
 Operating expenditure range None
New revenues/savings range None
 Explain impact briefly

8. Staff Recommendation

Staff Recommendation Against Study

If 'For Study' or 'Against Study', explain
 The City is currently working on an Memorandum of Understanding with adjacent cities to share information on proposals near each other's borders, and recently had a joint planning effort with the City of Santa Clara on the Lawrence Station Transit Village Study Issue, and the Yahoo office project and 49er stadium.

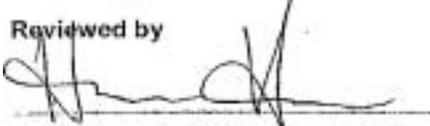
All the neighboring cities and Sunnyvale are updating their General Plans, and have agreed to keep each other up to date on future policies and information as they progress through the review and approval process.

9. Estimated consultant hours for completion of the study issue

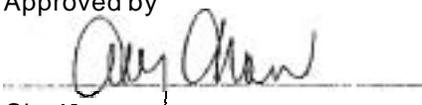
Managers	Role	Manager	Hours			
Lead	Ryan, Trudi		Mgr CY1:	40	Mgr CY2:	0
			Staff CY1:	250	Staff CY2:	0
Interdep	Berry, Kathryn		Mgr CY1:	10	Mgr CY2:	0
			Staff CY1:	0	Staff CY2:	0
interdep	Lord, Patricia		Mgr CY1:	10	Mgr CY2:	0
			Staff CY1:	0	Staff CY2:	0
Interdep	Witthaus, Jack		Mgr CY1:	30	Mgr CY2:	0
			Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 340
 Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

 Department Director

10/22/08
 Date

Approved by

 City Manager

10/30/08
 Date

Addendum

A. Board | Commission Recommendation

Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank
	1 year ago	2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission	Drop	

Board or Commission ranking comments

B. Council

- Council Rank** (no rank yet)
- Work Plan Review Date** (blank)
- Study Session Date** (blank)
- RTC Date** (blank)
- Actual Complete Date** (blank)
- Staff Contact**

Comparison between Sunnyvale and surrounding cities

	Sunnyvale	Santa Clara	Mountain View	Cupertino	Los Altos
City Size (sq. miles)	24 sq. miles	18.38 sq. miles	12.2 sq. miles	10.9 sa. miles	6.4 sa. miles
Population (2008 estimates)	132,109	109,363	71,153	56,592	28,727
Density (persons/square mile)	6006.5/sq. mile	5566.2/sq. mile	5,863/sq. mile	4,620.5/sq mile	4,360.7/sq mile
Number of households	52,539	42,480	33,184	18,753	11,000
Average household size	2.57	2.59	2.25	2.99	2.69
Median household income (in 2007 inflation adjusted dollars)	\$82,622	\$76,850	\$82,904	\$118,635	\$158,745

Source: U.S. Census Bureau, 2005-2007 American Community Survey

Key Issues raised at the multi-city meeting held in June 2008

<p><u>Location:</u> Santa Clara City Hall</p> <p><u>Date:</u> June, 2008</p> <p><u>Attended by:</u> Representatives from four cities including Santa Clara, Sunnyvale, Mountain View and Cupertino (residents, Council members and press)</p> <p><u>Objective:</u> To prevent and resolve issues with large development projects, especially when they occur near city boundaries</p>

Key Issues discussed:

a. Regular meetings required/Seek community Input early

- 9 Group of interested parties from all cities could meet on a quarterly basis
- 9 Have more discussions up front to avoid problems at the tail end and legal issues
- 9 For projects larger than a certain size, density, or proximity, there should be intra-city meetings
- 3 Level of community access to discussions and level of community input into final proposal is not sufficient
- Early notifications to neighborhood meetings! Developer should meet public even before permit application; informal meetings with no legal ramifications
- 9 Try to find total conflict at the beginning of projects
- Need constant and consistent communication. Best practices should be shared. Cities should learn from each other. How does this happen? Planning staff from one city would attend meetings with planning staff from other cities to key projects.
- 9 Include school districts in project review discussions as well

b. Noticing procedures

- 3 Streamline noticing process to inform residents in adjacent cities??
- 9 Provide notice of study sessions to the public/ also invite adjoining city planners to study sessions
- 9 Fixed distance notifications (300 feet, 1000 feet, etc.) are not effective. Instead, take a map and define an area of impact. Notify all people (not just property owners) along the areas of impact.

c. Zoning Standards

- 9 Biggest concerns about industrial/commercial and high-density development next to residential areas
- 9 General plan maps of each city should reflect adjacent cities zoning to see how the plans of cities impact each other
- 9 Consistent 'definitions' and consistent 'processes' across cities

- 9 Work together during GP update process/ zoning changes at City borders should be avoided
- 9 Neighboring cities should have veto power on projects that negatively impacts its residents (Moylan)
- 9 High-density is often not the problem, but high-rise; we need to identify and define impacts better.
- 3 We need to have some consistency between plans and implementations. Follow the guidelines set out in zoning restrictions: if a limit is set at four stories, keep to the limit.
- 3 Bordering cities should have agreements on zoning for a two mile band along their borders.

d. Access to Information

- 9 Put the details of projects on the web (Santa Clara currently claims to have IT issues which prevent the details of some of the larger projects, like Marina Playa, from being available through the web)

e. Other

- 4 We should look into regional general plans like the Grand Boulevard Initiative
- 4 We need to study and address cumulative impacts of projects; we should work with developers to **negotiate plans area-wide and not just lot-by-lot**
- 9 Forecasts are for drought. California is already on voluntary water use reduction, yet we keep adding more people.
- 3 Advocate of putting high-density and high-rise developments where the jobs are.
- 9 "How can all of these ideas be put in place now?"

AREAS OF SIGNIFICANCE AROUND SUNNYVALE BORDERS

Staff was able to identify some key projects and areas around Sunnyvale where current land use conflicts exist or may arise in future due to proposed developments. Attachment E includes a map identifying these potential areas of significance, and the following discussion highlights key projects and plans in these adjoining cities:

City of Santa Clara: Sunnyvale shares a boundary with Santa Clara generally along the eastern side of Sunnyvale.

Over the past couple of years, several projects have been proposed in the city of Santa Clara that could potentially impact residents and businesses that live or work near Sunnyvale's borders. Based on the location of specific projects and potential redevelopment sites, staff identified the following areas of significance in the city of Santa Clara:

Location A: The northeast boundary near *Tasman* and Great America Parkway - The area is zoned primarily to allow industrial uses. Two key projects at this location are the proposed Yahoo campus (3million square feet) and the 49ers stadium.

Location B: The properties within a half-mile radius of the Lawrence Caltrain station - The cities of Sunnyvale and Santa Clara are in the process of jointly developing a Station Area Plan (SAP) to guide future development in the area. Any land use compatibility issues and concerns related to impacts on existing single family neighborhoods will be addressed through the SAP process which is scheduled to commence in mid 2010.

Location C: The intersection of Lawrence Expressway and El Camino Real - The Santa Clara Square development was proposed at the site currently occupied by Kohl's at 3700 El Camino Real. The project included 490 residential units, approximately 12,000 sq. ft. of office and a 170,000 sq. ft. of commercial/retail space (including Kohl's). The project was met with a lot of opposition from residents of both Santa Clara and Sunnyvale who were concerned about density, traffic, noise, construction, parking, and aesthetic impacts.

Location D: The corner of Homestead Road and Lawrence Expressway -The Kaiser Medical Center development is located at this intersection, and included traffic impacts on residential neighborhoods to the north and noise impacts from a proposed helipad at the site.

General Plan Update: Santa Clara is currently in the process of updating its General Plan document that will guide future land use decisions in the city over the next thirty years. As part of this update, sites at the El Camino Real/Lawrence Expressway and Homestead/Lawrence intersections have preliminarily been identified as opportunity sites with a potential for higher density mixed use development.

City of Cupertino: Sunnyvale shares a boundary with Cupertino all along Homestead Road to the south with small pockets of residential neighborhoods jutting into Cupertino to the south of Homestead. Land uses across Homestead Road on either side are compatible for the most part with primarily single family developments on either side.

Location E: The North Vallco planning area - This area is expected to be master planned, but has yet to be developed. Generally, speaking it is a 240-acre area bounded by Homestead Road, Tantau Avenue, I-280 and Wolfe Road. It includes the 100-acre Hewlett Packard campus, 50 acres acquired by Apple Computer for a future second campus, Cupertino Village shopping center, hotel, residential and office developments. A series of public workshops were held in 2008 to provide information and get feedback from the community.

Location F: The intersection of Homestead and Wolfe Road - Key developments in the area include the Cupertino Village site and the area generally referred to as the North Vallco Master Plan area. The Cupertino Village site is located across the street from the Linnet Lane neighborhood in Sunnyvale. In March 2008, Cupertino's Planning Commission and Council reviewed plans for expanding the Cupertino Village shopping center with two additional levels of parking and 24,500 sq. ft. of retail. Residents in adjoining Sunnyvale neighborhoods were concerned about potential traffic *and* noise impacts and parking overflow onto residential streets. Sunnyvale staff met with several residents, reviewed the proposal and provided comments to Cupertino staff and the developer, Kimco Realty. The project was approved with conditions added to minimize impacts on adjoining neighbors.

City of Mountain View: Sunnyvale shares a boundary with the City of Mountain View to the west. Land uses in Sunnyvale and Mountain View are mostly compatible with single family residential uses to the south of El Camino Real (ECR), commercial uses in and around ECR, medium density residential to the north of ECR and south of Central Expressway and industrial uses to the north of Central Expressway. The city of

Mountain View is in the process of updating its General Plan document part of which includes identifying land use alternatives in different parts of the city.

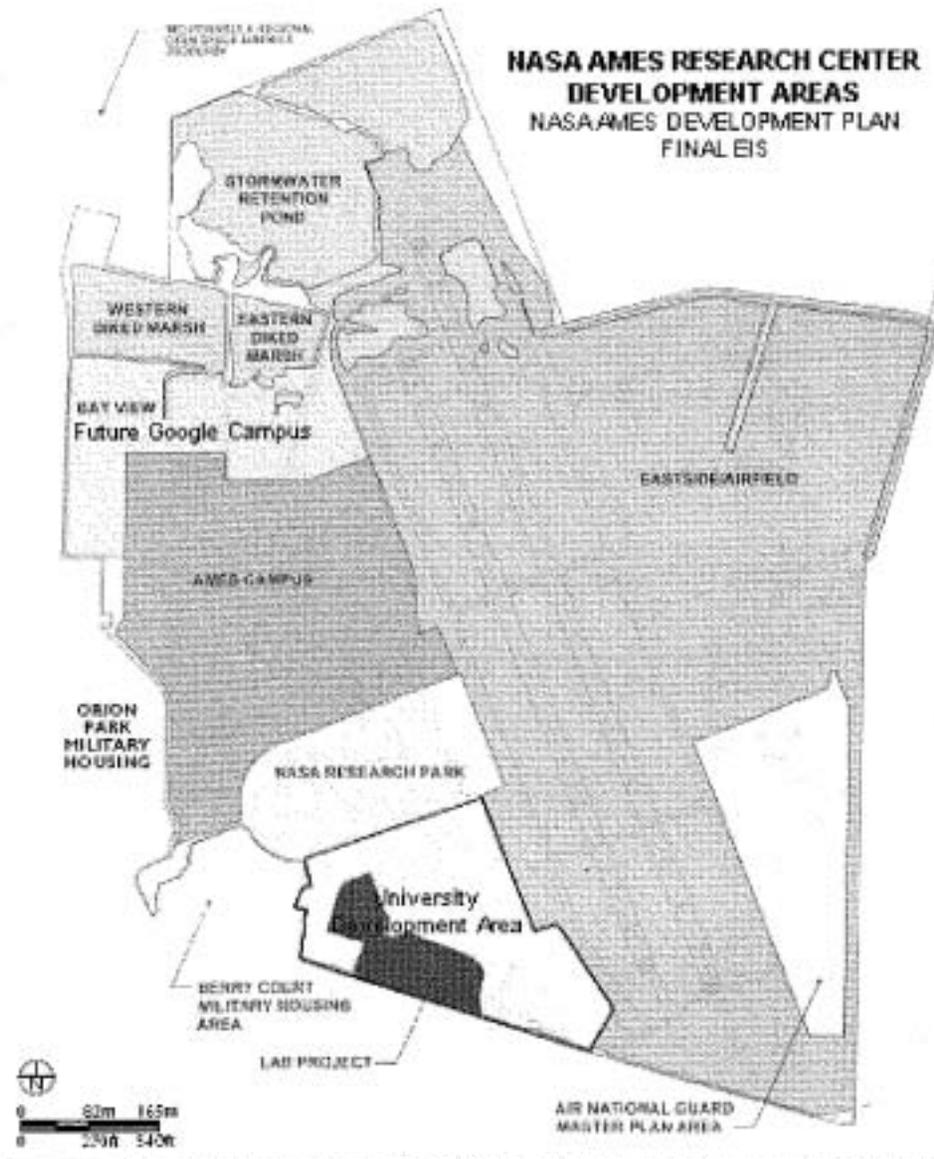
Location G: Location F is identified by the industrial zone south of Highway 101 and west of Hwy 237 located adjacent to the Sunnyvale golf course and the Peery Park industrial area. The area is referred to as the *North Whisman area (East)* in the city of Mountain View's ongoing general plan update. The city is in the process of assessing the viability of alternative land uses in the area including retail, mixed-use residential, open space and office uses. However, no decisions have been made regarding type or intensity of allowable land uses.

NASA/Ames: At the north end of the city is the NASA/Ames site. The entire site is in the Sphere of Influence of Mountain View and Sunnyvale, with that border generally running down the middle of the runway. Neither city has permit jurisdiction in the area, but that resides with the Federal government.

Location H: NASA-Ames Research Center site - Located adjacent to the Moffett Park campus is the federally owned NASA-Ames Research Center (ARC) site. The term 'ARC' is used to describe all of the property owned by NASA, including lands previously under control of the Navy at Moffett Field. In 2000, the NASA Ames Development Plan (NADP) was completed in partnership with NASA's academic partners, UC Santa Cruz and Carnegie Mellon University to guide future development of the ARC with the objective of creating a research park in the heart of Silicon Valley. Attachment F shows the overall location of the ARC and highlights some of its key sub-areas. A greater discussion of the project is located in Attachment F.

City of Los Altos: Sunnyvale shares a boundary with the city of Los Altos to the west with Stevens creek forming the boundary between the two cities. Land uses on either side of the creek are primarily single-family residential. According to the Los Altos General Plan 2002-2020, 80% of the land use in Los Altos allows for single family residential developments with 4% of land reserved for commercial uses and no industrial uses. In the southeast corner of the City, a potentially underdeveloped commercial center offers new opportunities for mixed-use development. Foothill Plaza is located at the northeast corner of the junction of Foothill Expressway and I-280. There are no plans under consideration in the City of Los Altos that would significantly impact Sunnyvale at this time.

NASA RESEARCH PARK UNIVERSITY DEVELOPMENT AREA



BACKGROUND

- Joint **Sunnyvale/Mountain View** Community Advisory Committee was formed in 1996 to advise NASA of best reuses of Moffett Field.
- NASA Ames Development Plan (NADP) created in **2002** to facilitate development of 500-acre NASA Ames Research Center and 1,500-acre former Naval Air Station Moffett Field into a research and education community.
- NADP established NASA Research Park, a 213-acre **R&D** campus for partners from academia, industry and non-profit corporations in support of NASA's mission.
- Environmental Impact Statement (**EIS**) was prepared in 2002 to analyze impacts of development described in the NADP. Public meetings to receive comments on the Draft EIS were held at Ames Research Center, City of Mountain View and City of Sunnyvale.
- University Associates - Silicon Valley LLC (UA-SV LLC) was formed in 2008 by the University of California, Santa Cruz (UCSC) and Foothill-De Anza Community College District.
 - Members are to be all non-profit educational institutions, with UCSC as the lead partner.
 - Final decisions regarding participation in the partnership by Carnegie Mellon University, Santa Clara University and San Jose State University are still pending.
- UA-SV LLC signed a lease agreement in December **2008** with NASA for 77 acres of land at NASA Research Park.
 - Ground lease is for up to a total of 95 years, consisting of a 5-year Predevelopment Period, a 60-year Initial Term, and three unilateral Extended Terms of 10 years each.

VISION FOR UNIVERSITY DEVELOPMENT AREA

- Establish a research and education community where government, academia, non-profits and industry can jointly work to advance scientific study and promote education
- Sustainable community that will be designed to have a minimal carbon footprint and will incorporate environmental sustainability practices and technologies
- Serve as a model and prototype that will evaluate systems and technologies, and encourage use and adoption nationally and globally
- Mixed-use development consisting of about 2.9 million square feet of housing, research and teaching laboratories, classrooms, office and retail on approximately 77 acres of land

UNIVERSITY DEVELOPMENT AREA ENTITLED USE UNDER THE 2002 EIS*

Land Use	Building Square Feet (4)
Residential (1)	1,843,000 (1,930 units)
Office/R&D	Between 150,000 and 300,000
Institutional (2)	Between 500,000 and 650,000
Retail	Between 40,000 and 100,000
Conference Facilities/Lodging (3)	Up to 250,000
Total Entitled Uses	2,952,000 square feet

* Entitled use refers to the development and occupancy of a maximum of not more than 2,952,000 square feet of improvements associated with approximately 77 acres located at the NASA-Ames Research Center.

- (1) Must not contain less than 1,930 housing units (10% will need to be offered and rented at below market rents) based on existing mitigation requirements under the EIS.
- (2) Education or R&D facilities occupied on a phased basis by institutions of higher learning.
- (3) Conference Facilities/Lodging are desired but not required.
- (4) It is possible that some variation in the square footage allocations may be possible within the constraints of the existing EIS and with the consent of NASA and UA-SV LLC. In no event, however, will the total square footage exceed 2,952,000 square feet.

NEXT STEPS

- University Associates-Silicon Valley LLC has just hired a Master Developer (TMG Partners, San Francisco), who will enter a ground sublease with UA-SV LLC under an Exclusive Negotiation Agreement (ENA). The ENA will contain terms and conditions of the sublease and all development and financial considerations.
- An Environmental Impact Report (EIR) will be prepared for the actual development of the 77-acre site; scope and analysis of CEQA is to be consistent with the requirements of the NASA Lease. Surrounding communities will have an opportunity to review and comment. The Regents of the UC will be the lead agency in certifying the EIR. Preparation of the EIR and other planning studies will begin **1/1/2010** and is expected to be completed by **1/1/2012**.
- NASA will have the primary responsibility of formal approval of the development plan. NASA will provide the typical regulatory functions of planning and building departments, such as issuance of building permits, and will act as municipal service provider, rather than local jurisdictions. School impacts and their mitigation will be within the jurisdiction of the local school districts.
- First phase construction expected to begin in **2014**.

For more information, visit:

NASA Research Park: <http://researchpark.arc.nasa.gov/index.html>

University Development Area Project: <http://deliveringthefuture.orel>

D R A F T
Best practices for better coordination on significant projects located near city borders

The following list of best practices is intended to serve as a guide to improve coordination and communication between the cities of Sunnyvale, Mountain View, Los Altos, Cupertino and Santa Clara on projects that have the potential for creating extra-jurisdictional impacts. It is not intended to be exhaustive and could and could be refined upon further discussion with adjoining cities.

1. Identify areas of significance and impacts

- a. Identify potential areas of significance and ensure that projects proposed within these areas are reviewed with a consideration towards impacts on adjoining cities' residents
- b. Consider a range of impacts including socio-economic, environmental, fiscal and traffic impacts.
- c. Consider direct impacts as well as cumulative impacts of the development. The cumulative impacts are often the most difficult to assess, yet may have the most significant consequences.

2. Improved communication and conflict-resolution at staff level

- a. Early application referral on projects that are likely to have extra-jurisdictional impacts.
- b. Set up preliminary inter-city meetings with planning/traffic/public works staff from adjoining cities to discuss project proposal at an early stage and seek comments (early comments will ensure that there is still time to make changes to the project), if required.
- c. Coordination is required on both current planning and policy planning projects. Cities should provide comments on each other's General Plan update processes.
- d. Provide copies of staff reports to adjoining cities at the same time as it is provided to Planning Commissioners/Council members of the subject city.
- e. Continue to work with adjoining cities on collaborative planning efforts for areas that lie in jurisdictional boundaries (for e.g. Lawrence Station Area Planning project between the cities of Sunnyvale and Santa Clara for areas within a half-radius of the Lawrence Caltrain station and the Grand Boulevard Initiative for El Camino Real)
- f. Keep open channels of communication between City staff to share information on land use policy changes, general plan changes etc. that have the potential for creating area-wide impacts.

- g. Each city to provide a copy of its General Plan and Zoning comparison chart with details of densities/FAR/lot coverage and height limitations for each zoning district.
- h. Have a sub-regional semi-annual meeting between City staff to discuss key projects and land use issues

3. Noticing Procedures

- a. Provide notice regarding public hearings to all property owners and tenants within a reasonable distance of the project location regardless of City boundaries. Determination of reasonable distance for noticing in the adjoining city shall be made in consultation with adjoining City staff.
- b. Notification should not be restricted to city boundaries. City where the project is proposed should take the lead on providing noticing. Seek assistance from adjoining cities, if necessary.

4. Access to information

- a. Encourage developers to conduct neighborhood outreach meetings with residents of adjoining cities, as necessary.
- b. Provide access to information and project related data/proposed plans to a wider audience i.e. create a website to share information on the project

5. Reach a common agreement among cities on the list of best practices

- a. Develop a best practices manual in partnership with staff and elected officials from adjoining cities.
- b. Build upon the identified process improvement strategies over time as lessons are learnt and issues arise with an ongoing commitment to improving the efficiency and effectiveness of the development review process.

Developed by: *Planning staff; City of Sunnyvale (December 2009)*

**Draft Outline of Memorandum of Understanding for
Coordination between Cities on Land Use Planning
and Development Review**

OVERALL GOAL:

Improve coordination on land use planning and development proposals of mutual interest to neighboring cities.

COMMON OBJECTIVES:

- Facilitate coordinated public participation in the review of development proposals that affect neighboring cities.
- Ensure that development proposals respond to the applicable policies and standards of neighboring cities.
- Encourage close staff cooperation between adjoining cities in reviewing developments proposals and in preparing General Plan, zoning, and transportation studies of mutual interest.
- Provide opportunities for neighboring cities to provide input on improving the design of a project and on mitigating the environmental impacts of a development proposal.
- Coordinate early and effective public notification on development proposals that affect neighboring cities.
- Identify potential 'areas of significance' and ensure that projects proposed within these areas are reviewed with a consideration towards impacts on adjoining cities' residents.

LAND USE PLANNING AND DEVELOPMENT PROPOSALS SUBJECT TO THIS MOU:

- All development proposals where a discretionary planning entitlement and public notice are required that are located within 1,000 feet of the border of a neighboring city.
- Major development proposals located beyond 1,000 feet of the border of a neighboring city if the potential project impacts (e.g. on street system, public services or public facilities) may extend into the neighboring city (determined upon mutual consultation between staffs of both cities.)

- Comprehensive General Plan, zoning, land use and transportation studies/proposals that affect properties or infrastructure located within one-half mile of the border of a neighboring city.

WE WILL CONTINUE OUR COMMITMENT TO THE FOLLOWING COORDINATION EFFORTS:

- Send legal notices to property owners, businesses and residents (without regard to city boundaries) for proposed development applications, General Plan and zoning amendments, and other land use proposals.
- Set up preliminary inter-city meetings with staff from adjoining cities to discuss the project proposal at an early stage and seek comments.
- Provide environmental notices and documents to neighboring cities for comments, and encourage early comments through scoping or other meetings.
- Provide project technical reports to neighboring cities for staff and public comment, such as traffic, air quality and noise studies.
- Encourage developers to meet with surrounding residents to receive public comments on development proposals, including nearby residents in adjacent cities.
- Provide access to information including project related data/proposed plans to a wider audience i.e. create a project website to share information.
- Provide copies of staff reports to adjoining cities at the same time as it is provided to Planning Commissioners/Council members.
- Each city shall provide a copy of its General Plan and Zoning comparison chart with details of densities, floor area ratios (FAR), lot coverage and height limitations in each zoning district.
- Informally consult with city staffs in neighboring cities on development proposals, general plan changes and other land use matters.

WE WILL STRENGTHEN AND EXPAND OUR COORDINATION EFFORTS THROUGH THE FOLOWING INITIATIVES:

- Prepare mutually agreed upon criteria for expanded public noticing for large or high profile development proposals or proposals that raise significant land use issues or concerns.
- Prepare mutually agreed upon best practices for user friendly public notices; clearly describe proposed planning actions and define land use terms that may not be consistent between cities.
- Define a protocol for early staff coordination on review of development proposals, including joint cooperation on organizing public outreach and conducting community meetings.
- Explore opportunities for joint planning on General Plan, zoning, transportation and other land use studies covering areas that affect adjacent cities or encompass both cities.
- Explore methods to improve consistency, compatibility and transition of land uses on properties that border both cities.
- Define a process to directly and actively involve neighboring city staffs when scoping out environmental review and technical studies (e.g. traffic, noise, etc.) pertaining to development proposals of mutual interest.
- Cooperate with neighboring cities that may wish to have certain development proposals publicly reviewed by their respective planning advisory bodies (e.g. Planning Commission).
- Schedule periodic staff coordination meetings to discuss planning, issues of mutual interest between neighboring cities.

**Study Issue: Coordinating Zoning for Projects Located Near City Borders
Outreach Meeting, November 4, 2009, 6:30 p.m.
Community Comments and Suggestions**

- Participate earlier in the process, such as at the General Plan level instead of waiting and participating during a project's entitlement process.
- How do we get other cities to listen to us?? We need City of Sunnyvale staff to back us up.
How do you enforce closer adherence to the General Plan?
 - With the Variance and General Plan Amendment processes, it seems that there is no accountability on developers, City Council and staff.
- Noticing requirements should not just be the standard "300 feet" because the required radius may not capture properties that may still be affected by a given project. Extent of noticing should be determined on a project-by-project basis.
 - Make sure other cities will notice Sunnyvale residents properly.
- When does development stop? Why do we keep allowing development when roads seem to be already at full capacity?
- Agreements should be made with other cities during the General Plan update process.
- Transitions between existing low densities and higher densities should be at the expense of the new development. If a developer were proposing a high density development adjacent to a low density neighborhood, the project should be designed so that the areas closest to existing low densities are compatible and then slowly transition on to a higher density.
- Create a better mechanism for open space requirements across neighboring cities.
 - Higher densities at city borders affect our parks too!
 - Re-evaluate open space requirements and make sure that the requirement is a meaningful number.
- There is a lack of adequate public transit to support new development.
 - Transit should be in place **before** we plan for new development, especially projects with higher densities.
- How can we work best with Sunnyvale staff to represent us and be heard by other cities??
- How can we get other city staff to engage in conversation with us? They should come to our outreach meetings, or hold outreach meetings with us when there we projects near city borders.

- There needs to be a regional plan to resolve conflicts between neighboring cities' land use policies.
- **Sunnyvale staff should participate more in other cities' General Plan updates!**
- There needs to be a stronger definition of a "transit area" that makes sense. An area shouldn't be designated as a "transit-oriented" area when there is only one bus line going through there.
How can we work more effectively with VTA to provide more transit and support these new developments??
- High density needs transit support and should be in place **FIRST!**
- **Why do we need to grow??**
- Plan for our vision. Don't get bogged down with state mandates. We're tired of justifications that higher densities are needed here and there because of state mandates.
 - How come other cities like Los Altos don't have to grow as aggressively as Sunnyvale does?
- Spread out the density.
The jobs/housing balance needs to be looked at on a regional level and not just within each individual city.
Land use should be looked at on a regional level.
- **Adequate transit needs to be in place first before designating an area as a transit hub and appropriate for higher density.**

PLANNING COMMISSION MINUTES OF FEBRUARY 8, 2010

2009-0077 - Coordinating Zoning for Projects Located Near City Borders (Study Issue) SB

Trudi Ryan, Planning Officer, presented the staff report. She said staff recommends that the Council direct the City Manager to work with adjacent cities to agree upon and administratively implement a list of best practices for planning and development review coordination. She said this includes long term planning and specific project review. She said the Planning Commission's recommendations this evening will be provided to the City Council for consideration at their February 23, 2010 Council meeting.

Comm. Klein said he was happy to see the recommendations to Council for laying out a process, and having ongoing regular meetings. Comm. Klein discussed with staff about how projects in flux would be fed into Sunnyvale's Transportation flow models. Ms. Ryan discussed recent projects and how input was received, or provided from/to adjacent cities. Comm. Klein commented that he was surprised that the noticing standards from the different cities regarding noticing near borders were not clear. Ms. Ryan discussed different standards for noticing including the State standards, and some of the differences between the cities. He said it would be useful to have a table created and added to this study that shows the key noticing differences between the cities considered. Ms. Ryan agreed that a table would be helpful.

Vice Chair Travis asked staff how Alternative 1 on page 14 of the report is different from the City's current practices. Ms. Ryan said the Alternative 1 recommendation expands some of the pieces in the best practices that Sunnyvale does not currently do. She said staff feels that some of the other cities are not doing enough of the items on the best practices list either. Vice Chair Travis discussed with staff other mediums that might be used for advertising and noticing to the public of projects in different cities including the use of websites.

Comm. Hungerford commented that he likes the idea of regular meetings between cities and thinks it should be added to the list with the five bullet points in the report. He said regional and coordinated planning makes sense for cities to help with communication and an atmosphere of greater cooperation.

Chair Chang opened the public hearing.

John Ristow, Chief Congestion Management Agency Officer for VTA (Valley Transportation Authority), spoke in support of City staff for taking on this issue. He said there are multi jurisdictional issues that translate between transportation

and land use. He said his agency would like to offer support and assistance and is ready to help when staff asks for assistance.

Comm. Klein discussed with Mr. Ristow TDM (Transportation Demand Models).

Comm. McKenna asked Mr. Ristow if his agency could verify impact models for different cities and whether the models could serve as an unbiased source for impacts in Transportation Demand. He said the models could offer other possible scenarios for trip types, routes, delays and forecasts.

Comm. Hungerford asked Mr. Ristow if the TDMs are used by consultants when Environmental Impact Reports are prepared. Mr. Ristow said consultants are supposed to use the models for forecasting and projecting trips. Comm. Hungerford asked about the VTA's jurisdiction. Mr. Ristow said VTA's jurisdiction is just Santa Clara County, however the models can go across the borders up into the San Mateo area.

Werner Gans, a Sunnyvale resident, said he was glad to see that this study was done. He said that he thinks the zoning for projects near the City borders needs to start at the General Plan (GP) level rather than at the individual plan level. He discussed examples of different borders of Sunnyvale and incompatibilities of zoning, i.e. residential next to industrial. He discussed the incompatibilities of the zoning at the borders that affect building height, air quality requirements for different zoning, traffic flow, noise, and parking. He referred to Alternative 3 in the report and said that he thinks City staff should work out in advance, requirements and mitigations for future projects. He discussed several projects in neighboring cities that have affected Sunnyvale negatively, that should have been worked out. He said the problem areas need to be identified in advance and the details worked on.

Ed Gocka, a Sunnyvale resident, said he agrees with many of the things that Mr. Gans discussed. He said he thinks that Alternative 3 in the report is the best approach. He said he is a veteran of the "border wars" with Santa Clara. He said this report is a good, rational report, however he feels that the City of Santa Clara is playing hard ball with Sunnyvale. He said some of the Santa Clara proposed developments have insufficient parking and access, leaving the access and parking burden on Sunnyvale. He said there was a report done by Sunnyvale that did delay one Santa Clara development due to Sunnyvale's input. He said Santa Clara has ratcheted things up and that if Santa Clara wants their proposed developments that the City of Sunnyvale needs to put restrictions in place to make sure traffic and access needs are met within Santa Clara neighborhoods.

Chair Chang closed the public hearing.

Comm. Klein moved for Alternative 1 with additions to be made to the report prior to sending the report to Council: to add a table showing the differences and comparable rules between the communities regarding noticing; to add language that projects in surrounding communities be added to the Sunnyvale City website and point the community to the information regarding the projects; and to add as a part of the general best practices the requirement for regular meetings (frequency to be determined) to facilitate communication between the communities. **Comm. Rowe** seconded the motion.

Comm. Rowe said she thinks Alternative 1 gets the City started in a good direction. She said she hopes meetings will go well enough that some of the animosities mentioned can be quelled and Alternative 2 and Alternative 3 would become part of the plans. She said Sunnyvale needs to help other cities understand what our problems are and understand that we do not want to tell them what to do, however we hope we can work together.

Chair Chang said he would be supporting motion. He said he thinks it is great that something has been put together so we can have a working relationship with other cities. He said there have been projects that have affected our residents and we need to keep our guard up and keep our priorities.

Comm. Hungerford said he would be supporting the motion. He said the speakers' comments were good. He said Sunnyvale does have some leverage with neighboring cities and we might want to consider using that leverage when necessary to protect our neighborhoods. He said this is a good first step and working toward compatible general plans with compatible land uses would be a huge step forward. He said hopefully the regular meetings can encourage the idea of compatible general plans.

Comm. Klein thanked staff for the report and said this is the first step toward better communications between our surrounding communities. He said Sunnyvale is trying to achieve a better atmosphere of greater communication. He said we have had problems in the past, and it would be the cooperation of the communities around us that would make the difference. He said we have no true enforcement of parking or traffic beyond our borders and the only way to deal with larger projects would be to facilitate making sure our voice is heard as projects are developing. He said having the City Manager and staff work with the surrounding communities would be best for all the communities involved.

Comm. Rowe added that the best plan is to learn how to cooperate with each other. She said she hopes better communications will produce better results.

Comm. **McKenna** said that she would be supporting the motion. She said she thinks it is important that the City Manager work with the adjacent cities, and that there is a role for the Council Members to work with the other cities. She noted that it would be good for some sort of cooperation or sub committee of Council Members to be working on this issue as well.

Vice Chair Travis said he is somewhat torn, and that he agrees this is a step in right direction. He said he thinks that Alternative 2 has more teeth and is not going too far, however he would be supporting the motion.

ACTION: Comm. Klein made a motion on 2009-0077 to recommend to City Council to direct the City Manager to work with adjacent cities to agree upon and administratively implement a list of best practices for planning and development review coordination (similar to Attachment G). Comm. Klein moved for modifications to the report prior to sending the report to Council: to add a table showing the differences and comparable rules between the communities regarding noticing; to add language that projects in surrounding communities be added to the Sunnyvale City **website** and point the community to the information regarding the projects; and to add as a part of the general best practices the requirement for regular meetings (frequency to be determined) to facilitate the communication between the communities. Comm. Rowe seconded. Motion carried, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled for consideration at the February 23, 2010 Council meeting.