

**Council Meeting: May 25, 2010****SUBJECT: 2009-0400 Amend the Zoning Code for Consistency with the Precise Plan for El Camino Real and Recent Streamlining Efforts****BACKGROUND**

In January 2007, Council approved the updated Precise Plan for El Camino Real (RTC 07-003), which sets forth the vision, goals and policies for future development on El Camino Real. To implement the vision described in the Plan, Council rezoned all properties along El Camino Real to include the Precise Plan for El Camino Real Combining District (ECR). Council also directed staff to prepare amendments to the Municipal Code (Sections 19.26.140-190) to ensure the development standards in the zoning code are consistent with the Precise Plan.

EXISTING POLICY**COMMUNITY DESIGN SUB-ELEMENT:**

Policy A.2: Ensure that new development is compatible with the character of special districts and residential neighborhoods.

Action Statement A.2.c: Continue to encourage infill development or redevelopment which is compatible with the use, density, setbacks, height and, where possible, the predominant building style and size of the surrounding district or neighborhood.

LAND USE AND TRANSPORTATION ELEMENT:

Policy N1.11: Recognize El Camino Real as a primary retail corridor with a mix of uses.

Action Statement N1.11.1: Use the Precise Plan for El Camino Real to protect legitimate business interests, while providing sufficient buffer and protection for adjacent and nearby residential uses.

Action Statement N1.11.2: Minimize linear “Strip development” in favor of commercial development patterns that reduce single-purpose vehicle trips.

DISCUSSION**Proposed Development Standards for El Camino Real**

The Precise Plan for El Camino Real lists the following development guidelines to be incorporated into the zoning code for ECR properties:

- For properties not within a Node, reduce the maximum height from 75 feet to 55 feet and reduce the minimum front setback from 70 feet to 15 feet;
- Require buffer walls and landscaping, restrict the location of loading and trash enclosure areas, and limit the height of buildings and light standards on proposed non-residential uses adjacent to residential neighborhoods; and
- Create specific development standards for properties within a Node, which may differ from those of ECR properties not within a Node. These include:
 - Minimum lot size of two acres for non-residential or mixed use projects;
 - No minimum front yard setback provided vision triangle requirements are met;
 - Maximum building height higher than 55 feet; and
 - Minimum percentage as commercial use in mixed use developments.

Staff has prepared the ordinance located in Attachment A to amend the zoning code and incorporate the development standards recommended in the Precise Plan. Additional development standards that can be used within the El Camino Real Nodes will be considered as part of the 2010 Council Study Issue, *Toolkit for Commercial/Residential Mixed Use Developments* (CDD 10-06), which was ranked by Council to be studied this calendar year.

Streamlining Permit Review Processes

In October of 2009, Council adopted a series of code amendments to streamline the permit process for certain uses (RTC 09-263). While preparing the proposed ordinance to incorporate development standards in the ECR combining district, staff became aware that other sections of the Code should be amended to be consistent with the City's recent streamlining efforts.

Currently, any request for new construction, alteration, or change of use on property with the ECR or Planned Development (PD) combining district designation requires approval of a Special Development Permit (SDP) regardless of what the underlying zoning district (i.e., C-2 zoning district) allows. Council's recent action to reduce the permit review needed does not apply in the ECR or PD combining district. Technically, uses allowed by right or with approval of a Miscellaneous Plan Permit in the underlying district would need to go through a public hearing process if within an ECR or PD combining district.

Many existing SDPs and Use Permits (UPs) on El Camino Real properties, and throughout the City, issued prior to establishment of current regulations, also contain provisions that require Planning Commission or City Council review for

certain uses or proposals. Under current regulations and processes, similar projects submitted today would not require those same levels of review.

To be consistent with current processes for most projects city-wide and Council's recent action to simplify permit reviews, staff has included the following provisions in the attached ordinance:

- For new uses and structures on property combined with ECR or PD, require the same permit review levels as the underlying zoning district;
- For modifications or change of use on property with an existing SDP or UP, allow the director of community development to determine appropriate permit review levels so they are consistent with current processes of prior decisions;
- Incorporate the provisions of Council Policy 1.1.11 (Planned Development (PD) Combining District Use Guidelines) which is located in Attachment C; and
- Modify and clean up other sections of the combining districts chapter for clarity and to ensure consistency with recent streamlining efforts.

FISCAL IMPACT

No fiscal impact is expected.

ENVIRONMENTAL IMPACT

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment B).

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 Web site. Public notices were sent to neighborhood associations, Sunnyvale Chamber of Commerce and other interested parties. In addition, neighborhood associations, Chamber of Commerce and other interested parties were notified.

Three emails were received from Sunnyvale residents (Attachment D) prior to the Planning Commission public hearing but after the completion of the staff report. The concerns were discussed at the Planning Commission public hearing (see Attachment E, Minutes of Planning Commission Public Hearing of May 10, 2010). Since there is no construction directly related to this project, no direct physical changes to environment would result. Future projects that will

be subject to the adopted development standards will each be evaluated to determine impact on neighboring uses and subsequent environmental review will be undertaken.

ALTERNATIVES

1. Introduce the proposed ordinance in Attachment A and adopt the Negative Declaration in Attachment B.
2. Repeal Council Policy 1.1.11 (Attachment C, Planned Development (PD) Combining District Use Guidelines) as it is incorporated into the proposed ordinance.
3. Introduce the proposed ordinance with modifications and adopt the Negative Declaration in Attachment B.
4. Do not adopt the ordinance.

RECOMMENDATION

The Planning Commission considered this item at the public hearing held on May 10, 2010 (see Attachment E, Minutes of Planning Commission Public Hearing of May 10, 2010). Discussion at the hearing included clarification on the Precise Plan for El Camino Real Nodes and the proposed new provision that would allow the director of community development to determine the appropriate permit and reviewing authority for proposed modifications or change of use on property with an existing SDP or UP. This provision would allow the Director of Community Development to determine that a Planning Commission or City Council hearing is not required, but that a Miscellaneous Plan Permit or Minor Use Permit is appropriate, for situations where the process city-wide has been streamlined (e.g. sign for major tenants no longer require Planning Commission approval). The provision would not allow the Director of Community Development to modify the intent of a condition of approval for a project, only the process through which an approval or change is to be considered. The Planning Commission voted to recommend the Council adopt the staff recommendations.

Staff recommends Alternatives 1 and 2. Introduce the proposed ordinance in Attachment A, adopt the Negative Declaration in Attachment B and repeal Council Policy 1.1.11 (Attachment C) as it is incorporated into the proposed ordinance.

Reviewed by:

Hanson Hom, Director of Community Development
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Rosemarie Zulueta, Assistant Planner

Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Proposed Precise Plan for El Camino Real Combining District (ECR) Ordinance
- B. Negative Declaration
- C. Council Policy 1.1.11 (Planned Development (PD) Combining District Use Guidelines)
- D. Letters from the Public
- E. Minutes of Planning Commission Public Hearing of May 10, 2010

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO THE PRECISE PLAN FOR EL CAMINO REAL

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 19.26 AMENDED. Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Chapter 19.26

COMBINING DISTRICTS

- 19.26.010. ~~PD-planned-development-district-created—Purpose~~Combining districts—General purpose.
- 19.26.020. ~~PD-Permit-required~~Planned Development (PD) combining district created—Purpose.
- 19.26.030. ~~PD-Permit—Uses-to-comply~~PD combining district—Permit required.
- 19.26.040. ~~O-office~~Office (O) combining district created—Purpose.
- 19.26.050. ~~Use permit required—Office-combining-district~~O combining district—Permit required.
- 19.26.060. ~~HH-heritage-housing~~Heritage Housing (HH) combining district created—Purpose.
- 19.26.070. Nomination of HH heritage district—Initiation of zoning change for HH heritage housing district—Adoption of neighborhood policy.
- 19.26.080. ~~HH combining district—Demolition and replacement construction-in-HH-district.~~
- 19.26.090. ~~ITR-industrial-to-residential~~Industrial to Residential (ITR) district created—Purpose.
- 19.26.100. ~~ITR-district-boundaries~~combining district—Boundaries.
- 19.26.110. ~~ITR combining district—Damage or destruction-within-the-ITR-district.~~
- 19.26.120. ITR combining district—Residential uses ~~within-the-ITR-district.~~
- 19.26.130. ~~ITR combining district—Industrial, commercial and office uses-within-the-ITR-district.~~
- 19.26.140. ~~ECR-El Camino Real-precise-plan-combining-district-created~~PurposePrecise Plan for El Camino Real (ECR) combining district created—Purpose.
- 19.26.150. ~~Precise Plan for El Camino Real~~ECR combining district—Permit required.
- 19.26.160. ~~Precise plan for El Camino Real—Provisions~~ECR combining district—General development standards for all properties.

- 19.26.170. ~~ECR permit required combining district—General development standards for Node properties.~~
- 19.26.180. ~~ECR permit—Uses to comply.~~
- 19.26.190. ~~ECR permit—Conditions and findings.~~
- 19.26.200. ~~Residential single-story (S) combining district (S) created—Purpose.~~
- 19.26.210. ~~Places of assembly (POA) combining district (POA) created—Purpose.~~
- 19.26.220. ~~Mixed use (MU) combining district (MU).~~
- 19.26.230. ~~Live/work units.~~

19.26.010. ~~PD planned development district created—Purpose~~ Combining districts—General purpose.

~~(a) There is hereby created a combining district to be known as PD planned Development district which may be combined with any of the zoning districts designated in Chapter 19.16. The purpose of this chapter is to provide a mechanism whereby certain additional regulations can be combined with the basic regulations of a zoning district to permit the use and development of land which has unique and special development circumstances that cannot be addressed with the standards of the underlying zoning district.~~

~~(b) The purpose of the combining district is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise be handled satisfactorily. The addition of a combining district designated with any zoning district shall not operate to reduce or eliminate any requirements established by the basic district regulations or other requirements contained in this title applicable to any district with which the combining district is added unless expressly provided in this chapter.~~

~~(c) The addition of a combining district designated with any zoning district shall not operate to reduce or eliminate any requirements established by the basic district regulations or other requirements contained in this title applicable to any district with which the combining district is added unless expressly provided herein.~~

19.26.020. ~~PD Permit required~~ Planned Development (PD) combining district created—Purpose.

~~No use shall be established or changed, or any building or structure constructed or altered, upon property in any zoning district with which a PD planned development district is combined unless a special development permit is first issued by the director of community development or the planning commission or the city council.~~

~~(a) There is hereby created a combining district to be known as Planned Development (PD) combining district which may be combined with any of the zoning districts designated in Chapter 19.16.~~

~~(b) The purpose of the PD combining district is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise be handled satisfactorily. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, such as, but not limited to:~~

- (1) Facilitating development or redevelopment of a site to improve the neighborhood;
- (2) Allowing a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project;
- (3) Facilitating desirable development of properties at significant intersections; or
- (4) Allowing development and creation of lots that are less than the minimum size required in the base zoning district.

19.26.030. ~~PD Permit—Uses to comply~~PD combining district—Permit required.

Following issuance of a permit:

- (a) ~~No use shall be established or changed, or any building or structure constructed or altered, upon property in any zoning district with which a PD planned development district is combined except in strict conformity with the permit and any conditions or requirements attached; and~~Uses. Except for uses listed as permitted uses in the underlying zoning district, no use shall be established or changed upon property in any zoning district with which the PD combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.
- (b) ~~No use shall be established or changed, or any building structure constructed or altered, in a manner which would not comply with the regulations of the zoning district with which the PD-planned development district is combined except for modifications authorized by the permit, unless all development on the property covered by the permit is in strict conformity with the permit issued and all conditions or requirements attached~~Structures. No building or structure shall be constructed or altered, upon property in any zoning district with which the PD combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.

19.26.040. ~~O office~~Office (O) combining district created—Purpose.

- (a) There is hereby created a combining district to be known as ~~O office~~ Office (O) combining district which may be combined with any of the residential districts designated in Chapter 19.16.
- (b) – (c) [Text unchanged.]

19.26.050. ~~Use permit required—Office combining district~~O combining district—Permit required.

[Text unchanged.]

19.26.060. ~~HH heritage housing~~Heritage Housing (HH) combining district created—Purpose.

- (a) There is hereby created a combining district to be known as ~~HH heritage housing~~ Heritage Housing (HH) combining district which may be combined with any ~~of the residential districts designated in Chapter 19.16~~

residential zoning district designated as a heritage resource district in accordance with Chapter 19.96.

(b) [Text unchanged.]

19.26.070. Nomination of HH heritage district—Initiation of zoning change for HH heritage housing district—Adoption of neighborhood policy.

~~Any person or group of persons may nominate a residential neighborhood for heritage district status. Nominations shall be considered by the heritage preservation commission for recommendation to the planning commission and city council. The power to initiate formal zoning action to establish, amend or remove heritage district status shall be reserved by the city council. The city council shall adopt a policy statement for each HH district setting forth the identifying historic characteristics. Any zoning action shall be taken in accordance with the adopted policy statement for the neighborhood.~~

[Repealed.]

19.26.080. HH combining district—Demolition and replacement construction ~~in HH district~~.

(a) No demolition of any residential structure in a HH ~~heritage housing combining~~ district may be performed without approval by the heritage preservation commission pursuant to a public hearing as set forth in Chapter 19.96 subject to the following findings:

(1) – (3) [Text unchanged.]

(b) [Text unchanged.]

19.26.090. ~~ITR industrial to residential~~Industrial to Residential (ITR) district created—Purpose.

(a) There is hereby created a zoning district to be known as ~~ITR, industrial to residential~~ Industrial to Residential (ITR) combining district, which may be used in conjunction with certain industrial, commercial or office zoning districts as established Chapter 19.16.

(b) [Text unchanged.]

19.26.100. ~~ITR district boundaries~~combining district—Boundaries.

[Text unchanged.]

19.26.110. ITR combining district—Damage or destruction ~~within the ITR district~~.

[Text unchanged.]

19.26.120. ITR combining district—Residential uses ~~within the ITR district~~.

[Text unchanged.]

19.26.130. ITR combining district—Industrial, commercial and office uses ~~within the ITR district~~.

[Text unchanged.]

19.26.140. ~~ECR El Camino Real precise plan combining district created Purpose~~Precise Plan for El Camino Real (ECR) combining district created—Purpose.

(a) There is hereby created a combining district to be known as the ~~ECR El Camino Real precise plan~~ Precise Plan for El Camino Real (ECR) combining district which may be combined with property along El Camino Real within any of the zoning districts designated in Chapter 19.16.

(b) The purpose of the ~~ECR El Camino Real precise plan~~ combining district is to implement the vision described in the precise plan for El Camino Real which calls for modifications, additions and limitations to zoning district regulations to implement the plan for and respond to the special conditions present along El Camino Real.

~~(c) The addition of the ECR El Camino Real precise plan combining district to any zoning district shall not operate to reduce or eliminate any requirements established by the basic district regulations or other requirements contained in this title applicable to any district with which the combining district is added unless expressly stated in the precise plan for El Camino Real or provided herein.~~

19.26.150. ~~Precise Plan for El Camino Real~~ECR combining district Permit required.

~~The city council shall adopt a precise plan for El Camino Real which establishes generally applicable criteria and guidelines for the development of El Camino Real and specific criteria and guidelines for sites identified for further enhancement. This precise plan shall be adopted by resolution of the city council and is incorporated herein by reference. Minor additions to or deletions from the precise plan may be made by the planning commission; major changes require approval of the city council.~~

~~(a) Uses. Except for uses listed as permitted uses in the underlying zoning district, no use shall be established or changed upon property in any zoning district with which the ECR combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.~~

~~(b) Structures. No building or structure shall be constructed or altered, upon property in any zoning district with which the ECR combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.~~

~~(c) Applications. Permit applications may be subject to additional procedures and requirements set forth in the Precise Plan for El Camino Real.~~

19.26.160. ~~Precise plan for El Camino Real—Provisions~~ECR combining district—General development standards for all properties.

In addition to the provisions of the underlying zoning district, a use or development ~~shall comply with the provisions of the precise plan for ECR El Camino Real. These provisions include, but are not limited to~~ in any zoning district with which the ECR combining district is combined shall comply with the following development standards:

~~(a) Minimum parcel size for nonresidential parcels shall be one acre, unless the precise plan specifies a larger minimum parcel size, or unless the parcel was legally created prior to the adoption of these provisions; Lot Size. Minimum lot size for nonresidential parcels shall be one acre.~~

~~(b) Minimum frontage length for nonresidential parcels shall be two hundred feet, unless the precise plan specifies a larger minimum frontage length, or unless the parcel was legally created prior to the adoption of these provisions; Setback. Properties within the ECR Combining District shall have a minimum front yard setback of fifteen (15) feet. There must be a minimum setback of twenty (20) feet from adjacent residential zoning districts not combined with the ECR combining district.~~

~~(c) Automobile repair facilities are prohibited unless they are an adjunct to a permitted use such as automobile dealership or automobile retail sales; Building Height. For any portion of a building that is within seventy-five (75) feet of a property line of a single-family residential zoning district the maximum building height shall be thirty (30) feet. In all other cases, maximum building height shall not exceed fifty-five (55) feet unless the property is located in a Node area delineated in the Precise Plan for El Camino Real.~~

~~(d) Freestanding restaurants less than three thousand five hundred square feet, exclusive of any basement area, are prohibited; Transitions Between Uses.~~

~~(1) Residential and Nonresidential. The following development standards apply to proposed nonresidential or mixed use development that is adjacent to a residential zoning district not combined with ECR:~~

~~(A) Buffer Walls and Landscaping. A twenty-foot (20) wide landscaped buffer area is required. The properties shall be separated by a masonry wall of a minimum height of eight (8) feet, as measured from the highest adjoining grade.~~

~~(B) Loading Areas and Trash Enclosures. All loading areas and trash enclosures shall be set back a minimum of twenty (20) feet from the property line.~~

~~(C) Lighting. Light standards located within a required landscaped buffer shall not exceed eight (8) feet in height, and shall not exceed fifteen (15) feet in height outside of the buffer.~~

~~(2) Residential and Residential. The development standards for transitions listed above may be required for proposed higher density residential development that is adjacent to a residential zoning district not combined with ECR.~~

~~(e) Fence heights up to seven feet shall be allowed for properties adjacent to residential developments, except that fences higher than seven feet may be approved in accordance with Chapter 19.48; Additional Requirements. Additional or more restrictive requirements may be imposed through the issuance of a miscellaneous plan permit or special development permit to assure compliance with the Precise Plan for El Camino Real.~~

~~(f) Entrances and exits to nonresidential development shall not be permitted onto streets serving primarily residential uses, except that emergency entrances and exits may be approved if determined necessary by the fire marshal.~~

19.26.170. ~~ECR permit required combining district—General development standards for Node properties.~~

~~No use shall be established or changed, or any building or structure constructed or altered, upon property in any zoning district with which an ECR El Camino Real precise plan district is combined unless either a special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapter 19.90. In addition to the provisions of the underlying zoning district, and the requirements set forth in section 19.26.160, a use or development within a Node area, as delineated in Precise Plan, shall comply with the following development standards:~~

~~(a) Lot Size. Minimum lot size for nonresidential or mixed use projects shall be two (2) acres.~~

~~(b) Uses. Mixed use development in a commercial zoning district within a Node area must have a minimum of 20% of the lot area (floor area ratio) as commercial use.~~

~~(c) Setback. Mixed use development within a Node area may have a zero front yard setback provided all applicable vision triangle requirements are met.~~

~~(d) Building Height. For any portion of a building that is within seventy-five (75) feet of a property line of a single-family residential zoning district, the maximum building height shall be thirty (30) feet. In all other cases, maximum building height shall not exceed seventy-five (75) feet.~~

~~(e) Additional Requirements. Additional or more restrictive requirements may be imposed through the issuance of a miscellaneous plan permit or special development permit to assure compliance with the Precise Plan for El Camino Real.~~

19.26.180. ~~ECR permit—Uses to comply.~~

~~Following issuance of a permit:~~

~~(a) — No use shall be established or changed, or any building or structure constructed or altered, upon property in any zoning district with which an ECR El Camino Real precise plan district is combined except in strict conformity with the permit and any conditions or requirements attached; and~~

~~(b) — No use shall be established or changed, or any building or structure constructed or altered, in a manner which would not comply with the regulations of the zoning district with which the ECR El Camino Real precise plan district is combined except for the modifications authorized by the permit, unless all development on the property covered by the permit is in strict conformity with the permit issued and all conditions or requirements attached.~~

~~[Repealed.]~~

19.26.190. ~~ECR permit—Conditions and findings.~~

~~A project which does not conform to the precise plan for El Camino Real may be denied upon a finding that the permit, as requested, does not meet the findings specified in Chapter 19.90. As an exception to the foregoing, if any of the following findings can be made, then the project may be approved:~~

~~(a) — Deviation from the precise plan is minor, the project furthers the vision for El Camino Real as specified in the precise plan and granting of the deviation will not impair the ability of other properties to conform to the requirements of the precise plan.~~

~~(b) — The project conforms to the general development criteria specified for the underlying zoning district and there are no other reasonable alternatives for the use or development of the property. In the event that this is the sole basis for the request to deviate from the requirements of the precise plan the following criteria shall be used to evaluate the application under this section:~~

~~(1) — The size of the property cannot accommodate larger buildings;~~

~~(2) — The shape of the property cannot support other uses;~~

~~(3) — Any other information the director of community development, planning commission or city council finds pertinent to the application.~~

[Repealed.]

**19.26.200. Residential single-story (S) combining district ~~(S) created—~~
Purpose.**

[Text unchanged.]

**19.26.210. Places of assembly (POA) combining district (POA) created—
Purpose.**

[Text unchanged.]

19.26.220. Mixed use (MU) combining district ~~(MU).~~

[Text unchanged.]

19.26.230. Live/work units.

[Text unchanged.]

SECTION 2. SECTION 19.82.050 AMENDED. Section 19.82.050 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.050. Findings.

(a) The director or planning commission may approve any miscellaneous plan permit, with the exception of a determination of convenience or necessity, upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

(1) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

(2) [Text unchanged.]

(b) [Text unchanged.]

SECTION 3. SECTION 19.88.050 AMENDED. Section 19.88.050 of Chapter 19.88 (Use Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.88.050. Findings.

The director, planning commission or city council may approve any use permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

- (a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or
- (b) [Text unchanged.]

SECTION 4. SECTION 19.90.030 AMENDED. Section 19.90.030 of Chapter 19.90 (Special Development Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.90.030. Procedures.

- (a) [Text unchanged.]
- (b) ~~Deviations in standards that~~Deviations from lot area per dwelling unit may not be approved though a special development permit ~~are:~~
 - ~~(1) Buildings in excess of seventy five (75) feet in height, except that buildings in M-S or M-3 zoning district located in the area north of State Route 237 may exceed seventy five (75) feet in height, upon a recommendation of the planning commission and approval by the city council.~~
 - ~~(2) Retail sales of alcoholic beverages or groceries upon automobile service station premises as defined in the definitions chapter of this title.~~
 - ~~(3) Lot area per dwelling unit.~~

SECTION 5. SECTION 19.90.050 AMENDED. Section 19.90.050 of Chapter 19.90 (Special Development Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.90.050. Findings.

The director, planning commission or city council may approve any special development permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

- (a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or
- (b) [Text unchanged.]

SECTION 6. SECTION 19.98.015 ADDED. Section 19.98.015 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

19.98.015. Existing permits.

On property for which a use permit or special development permit has been issued prior to the adoption of regulations stated in this Title, the director of community development may determine the appropriate permit and procedure for an owner's application for a modification to an existing permit, such that it is in accordance with current permit requirements, procedures for similar proposals, and prior decisions.

SECTION 7. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, that this ordinance and the Negative Declaration have been prepared and are in compliance with the requirements of CEQA and hereby adopts the Negative Declaration.

SECTION 8. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 10. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney



PLANNING DIVISION
CITY OF SUNNYVALE
P.O. BOX 3707
SUNNYVALE, CALIFORNIA 94088-3707

File Number: 10-02
No. 2009-0400

**NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION**

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

PROJECT TITLE:

Precise Plan for the El Camino Real Combining District (ECR) Ordinance by The City of Sunnyvale

PROJECT DESCRIPTION AND LOCATION (APN):

Proposed amendments to Title 19 of the Sunnyvale Municipal Code to include development standards for projects on El Camino Real consistent with the guidelines set forth in the Precise Plan for El Camino Real and minor zoning code amendments to support recent actions to streamline permit reviews.

WHERE TO VIEW THIS DOCUMENT:

The **Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on Tuesday, May 25, 2010. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

HEARING INFORMATION:

A public hearing on the project is scheduled for:

Monday, May, 10, 2010 at 8:00 p.m. and Tuesday, May 25, 2010 at 7:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On April 30, 2010

Signed: 
Andrew Miner, Principal Planner

Environmental Checklist Form

Project Number: 2009-0400
 Precise Plan for El Camino Real Combining District (ECR)
 Ordinance
 Project Address: Properties along El Camino Real, Sunnyvale
 Applicant: City of Sunnyvale

Project Title	Precise Plan for El Camino Real Combining District (ECR) Ordinance
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Rosemarie Zulueta
Phone Number	408-730-7437
Project Location	City-wide
Project Sponsor's Name	City of Sunnyvale
Address	456 W. Olive Avenue Sunnyvale, CA 94088
Zoning	All Zoning Districts combined with the Precise Plan for El Camino Real Combining District: C-2, R-3 and R-4
General Plan	Properties governed by the Precise Plan for El Camino Real: Commercial General Business, Residential High Density and Civic Center General Plan Designations
Other Public Agencies whose approval is required	None

Description of the Project: In January 2007, Council approved the updated Precise Plan for El Camino Real (RTC 07-003), which sets forth the vision, goals and policies for future development on El Camino Real. To implement the vision described in the Plan, Council rezoned all properties along El Camino Real to include the Precise Plan for El Camino Real Combining District (ECR). Council also directed staff to prepare amendments to the Municipal Code (Sections 19.26.140-190) to ensure the development standards in the zoning code are consistent with the Precise Plan.

The ordinance located in Attachment A contains the following proposed zoning code amendments for zoning districts combined with ECR:

- Reduce the maximum height from 75 feet to 55 feet;
- Reduce the minimum front setback from 70 feet to 15 feet;
- Require buffer walls and landscaping to transition between residential and non-residential uses; and
- Create specific development standards for properties within a Node, which may differ from those of ECR properties not within a Node. The proposed development standards

for Node properties include minimum lot size of 2 acres and allowance of a zero front yard setback for mixed use projects (still subject to vision triangle requirements).

The following amendments are also proposed to be consistent with current processes and Council's recent action to streamline permit reviews:

- For proposed uses and structures, require the same permit requirements as the underlying zoning district with which ECR is combined; and
- For proposals on property with an existing SDP or UP, allow the director of community development to determine appropriate permit review levels that are consistent with current processes.

There is no construction directly related to this project therefore no physical changes to the environment would result. Further environmental review would be required for specific project applications triggering permit requirements in the existing Sunnyvale Municipal Code.

Surrounding Uses and Setting: This ordinance affects all zoning districts combined with the ECR combining district, which are properties along the El Camino Real corridor. The existing uses on the affected properties are primarily commercial and multi-family residential, and also includes Civic Center. The corridor is surrounded mostly by residential uses (single-family and multi-family).

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one

or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

5. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
6. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
7. Earlier Analysis Used. Identify and state where they are available for review.
8. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
9. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
10. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature 

March 24, 2010

Date

Rosemarie Zulueta

City of Sunnyvale

Printed Name

For (Lead Agency)

Environmental Checklist Form

Project Number: 2009-0400
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 Applicant: City of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 17, See Discussion
2. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
3. BIOLOGICAL RESOURCES:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

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b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	41, 111
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
4. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	59, 60, 61, 111
b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
5. LAND USE AND PLANNING. Would the project:					

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 12, 43, 111
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
6. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
7. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16, 29
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16, 29
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16, 29
d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16, 29
8. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	43, 111

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
of roads or other infrastructure)?					
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	43, 111
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	43, 111
9. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
10. MANDATORY FINDINGS OF SIGNIFICANCE					
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

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b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
11. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
d. Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	103, 104 105, 106, 107, 108
12. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
e. Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
13. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	37, 111
g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12, 85
14. HAZARDS AND HAZARDOUS MATERIALS. Would the project?					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8, 19, 103, 104, 111
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8, 19, 103, 104, 111
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8, 19, 103, 104, 111

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d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8, 19, 63, 103, 104, 111
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8, 19, 103, 104, 111
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8, 19, 103, 104, 111
15. RECREATION					
a. Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17, 43, 111
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17, 43, 111
16. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					

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a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 28, 111
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 28, 111
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 28, 111
17. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 25, 87
b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	25, 25
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 25
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 25
e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 25

Environmental Checklist Form

Project Number: 2009-0400
 Precise Plan for El Camino Real Combining District (ECR)
 Ordinance
 Project Address: Properties along El Camino Real, Sunnyvale
 Applicant: City of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
runoff?					
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 25
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	56, 111
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	56, 111
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 111

Discussion:

1.d Aesthetics: The proposed ordinance includes reduction of front yard setback requirements to encourage buildings to be placed closer to the street and provide a more pedestrian-friendly environment. There is no construction directly related to this project. Future projects that will be subject to the proposed development standards will each be evaluated to determine impact to neighboring uses and subsequent environmental review will be undertaken.

Rosemarie Zulueta

March 25, 2010

Completed By

Date

Environmental Checklist Form

Project Number: 2009-0400
 Precise Plan for El Camino Real Combining District (ECR)
 Ordinance
 Project Address: Properties along El Camino Real, Sunnyvale
 Applicant: City of Sunnyvale

City of Sunnyvale General Plan:

- 2. General Plan Map
- 3. Air Quality Sub-Element
- 4. Community Design Sub-Element
- 5. Community Participation Sub-Element
- 6. Cultural Arts Sub-Element
- 7. Executive Summary
- 8. Fire Services Sub-Element
- 9. Fiscal Sub-Element
- 10. Heritage Preservation Sub-Element
- 11. Housing & Community Revitalization Sub-Element
- 12. Land Use & Transportation Sub-Element
- 13. Law Enforcement Sub-Element
- 14. Legislative Management Sub-Element
- 15. Library Sub-Element
- 16. Noise Sub-Element
- 17. Open Space Sub-Element.
- 18. Recreation Sub-Element
- 19. Safety & Seismic Safety Sub-Element
- 20. Sanitary Sewer System Sub-Element
- 21. Socio-Economic Sub-Element
- 22. Solid Waste Management Sub-Element
- 23. Support Services Sub-Element
- 24. Surface Run-off Sub-Element
- 25. Water Resources Sub-Element

City of Sunnyvale Municipal Code:

- 27. Chapter 10
- 28. Zoning Map
- 29. Chapter 19.42. Operating Standards
- 30. Chapter 19.28. Downtown Specific Plan District
- 31. Chapter 19.18. Residential Zoning Districts
- 32. Chapter 19.20. Commercial Zoning Districts
- 33. Chapter 19.22. Industrial Zoning Districts
- 34. Chapter 19.24. Office Zoning Districts
- 35. Chapter 19.26. Combining Zoning Districts
- 36. Chapter 19.28. Downtown Specific Plan
- 37. Chapter 19.46. Off-Street Parking & Loading
- 38. Chapter 19.56. Solar Access
- 39. Chapter 19.66. Affordable Housing
- 40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
- 41. Chapter 19.94. Tree Preservation
- 42. Chapter 19.96. Heritage Preservation

Specific Plans

- 43. Precise Plan for El Camino Real
- 44. Lockheed Site Master Use Permit
- 45. Moffett Field Comprehensive Use Plan
- 46. 101 & Lawrence Site Specific Plan
- 47. Southern Pacific Corridor Plan

Environmental Impact Reports

- 48. Futures Study Environmental Impact Report
- 49. Lockheed Site Master Use Permit Environmental Impact Report
- 50. Tasman Corridor LRT Environmental Impact Study (supplemental)

- 51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
- 52. Downtown Development Program Environmental Impact Report
- 53. Caribbean-Moffett Park Environmental Impact Report
- 54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

- 55. City of Sunnyvale Aerial Maps
- 56. Flood Insurance Rate Maps (FEMA)
- 57. Santa Clara County Assessors Parcel
- 58. Utility Maps (50 scale)

Lists/Inventories

- 59. Sunnyvale Cultural Resources Inventory List
- 60. Heritage Landmark Designation List
- 61. Santa Clara County Heritage Resource Inventory
- 62. Hazardous Waste & Substances Sites List (State of California)
- 63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

- 64. Subdivision Map Act
- 65. Uniform Fire Code, including amendments per SMC adoption
- 66. National Fire Code (National Fire Protection Association)
- 67. Title 19 California Administrative Code
- 68. California Assembly Bill 2185/2187 (Waters Bill)
- 69. California Assembly Bill 3777 (La Follette Bill)
- 70. Superfund Amendments & Reauthorization Act (SARA) Title III

Transportation

- 71. California Department of Transportation Highway Design Manual
- 72. California Department of Transportation Traffic Manual
- 73. California Department of Transportation Standard Plan
- 74. California Department of Transportation Standard Specification
- 75. Institute of Transportation Engineers - Trip Generation
- 76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
- 77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
- 78. California Vehicle Code
- 79. Traffic Engineering Theory & Practice by L. J. Pegnataro
- 80. Santa Clara County Congestion Management Program and Technical Guidelines

Environmental Checklist Form

Project Number: 2009-0400
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Ordinance
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- 81. Santa Clara County Transportation Agency Short Range Transit Plan
- 82. Santa Clara County Transportation Plan
- 83. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- 84. Santa Clara County Sub-Regional Deficiency Plan
- 85. Bicycle Plan

Public Works

- 86. Standard Specifications and Details of the Department of Public Works
- 87. Storm Drain Master Plan
- 88. Sanitary Sewer Master Plan
- 89. Water Master Plan
- 90. Solid Waste Management Plan of Santa Clara County
- 91. Geotechnical Investigation Reports
- 92. Engineering Division Project Files
- 93. Subdivision and Parcel Map Files

Miscellaneous

- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program

- (EPA) Interim Document in 1985?)
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100. Bay Area Clean Air Plan
- 101. City-wide Design Guidelines
- 102. Industrial Design Guidelines

Building Safety

- 103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
- 104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
- 105. Uniform Plumbing Code, (Including the California Plumbing Code)
- 106. Uniform Mechanical Code, (Including the California Mechanical Code)
- 107. National Electrical Code (Including California Electrical Code)
- 108. Title 16 of the Sunnyvale Municipal Code

Additional References

- 109. USFWS/CA Dept. F&G Special Status Lists
- 110. Project Traffic Impact Analysis
- 111. Project Description
- 112. Project Development Plans
- 113. Santa Clara County Airport Land Use Plan
- 114. Federal Aviation Administration

Policy 1.1.11 Planned Development (PD) Combining District Use Guidelines

POLICY PURPOSE:

To develop specific guidelines regarding the intended circumstances and appropriate use of the PD Combining District. The policy defines when it is appropriate to apply the PD Combining Zoning District and provides more specific criteria for considering deviations from the Zoning Code through the use of a Special Development Permit.

POLICY STATEMENT:

Justifications and benefits of applying the PD Combining District:

1. To facilitate development or redevelopment of a site to improve the neighborhood.
2. To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.
3. To facilitate desirable development of properties at significant intersections.
4. To allow for the development and creation of lots that are less than the minimum size required in the base zoning district.

Commonly requested deviations and potential justifications are set forth in the accompanying guidelines.

Staff reports for a PD Combining District must include a section that specifically analyzes the cumulative effects of any requested deviations, impacts to the immediate neighborhood (industrial as well as residential); and any potential citywide impacts that may result must be analyzed, discussed and reviewed.

(Adopted: RTC 98-010 (10/20/98); (Clerical/clarity update, Policy Update Project 8/2005))

Lead Department: Community Development

**Planned Development Combining District – Special Development Permits
Guidelines for Deviations from Development Standards & Potential Justifications**

* Note: There is not a direct correlation between individual deviations and justifications

Commonly Requested Deviation	Potential Justification
<ul style="list-style-type: none"> • Reduced lot size and lot width • Reduced setbacks • Reduced second story setbacks • Increased height (not exceeding allowed number of stories) • Increased number of stories and height • Increased lot coverage • Reduced landscape square footage • Reduced usable open space • Reduced landscape buffer dimension • Reduced number of parking spaces • Reduced covered or uncovered parking space dimensions • Reduced drive aisle dimension 	<ul style="list-style-type: none"> • Exceeds minimum or is below max. of a specific dimensional development standard such as the following: <ul style="list-style-type: none"> ○ Increased setbacks ○ Increased average setbacks ○ Increased landscape percentage ○ Increased Useable Open Space ○ Reduced lot coverage • Significant site feature (e.g. trees, buildings, etc.) is preserved • Provide additional parking spaces • Provide shared recreational amenities • Provide specimen sized trees – 36 inch box or greater • Provide large sized shrubs – 15 gal. or greater • FAR for residential projects less than 50% • Underground parking • Off site amenity provided such as covered bus shelter • Project includes design solutions resulting in a less dense and massive appearance – could include: <ul style="list-style-type: none"> ○ Many variations in setbacks and projections ○ Variation in exterior colors and materials ○ Variation of roof heights • Landscape plan provides screening, enhances design and softens the appearance of the project • Project design incorporates appropriate transition to buffer existing adjacent land uses.

ATTACHMENT D
Page 1 of 2

From: Planning AP
To: Zulueta, Rosemarie
Date: 5/10/2010 2:32 PM
Subject: Fwd: 2009-0400 Amend zoning code for consistency with El Camino Precise Plan

fyi

>>> [REDACTED] > 5/10/2010 11:01 AM >>>

Dear City staff and Neighbors:

1. In addition to being concerned about lighting effects on adjacent residential neighborhoods, I think you should be concerned about potential or perceived loss or degradation of privacy due to windows. Any window that could reduce privacy of the perception of loss of privacy should be frosted or otherwise constructed not to produce that effect. And no porches or balconies should be allowed the reduce actual or perceived privacy.

2. Given the potential impact of these changes, I think a Traffic Impact Analysis should be done.

Eleanor Hansen

ATTACHMENT D
Page 2 of 2

From: Planning AP
To: Zulueta, Rosemarie
Date: 5/10/2010 2:33 PM
Subject: Fwd: Re: 2009-0400 Amend zoning code for consistency with El Camino Precise Plan

fyi

>>> [REDACTED] 5/10/2010 12:58 PM >>>

Dear Tammy, and staff and neighbors:

Good point. I see that lighting was supposed to be less than significant. I think we need an Environmental Impact Report for all of those issues. This is clearly, and even part of this is likely clearly, bigger than the proposed PAMF Rebuild. If that need a full Environmental Impact Report, then so does this.

Eleanor Hansen

P.S. Tammy -- have you checked out the size of the vacant properties (1) across El Camino Real from Sunnyvale Superior Court and (2) the one to the east side of Sunnymount -- enormous !!.

In a message dated 5/10/2010 12:36:40 P.M. Pacific Daylight Time, [REDACTED] writes:

Dear Staff,

I am concerned at the last pages of the report in which lighting, noise, and traffic have been checked off as having no impact. My question is, How do you know, since you don't know what/who will be building in these new zoning black holes you are creating.

Tammy Salans

"True compassion is more than flinging a coin to a beggar; it comes to see that an edifice which produces beggars needs restructuring. "

--Martin Luther King Jr.

"I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. . . . corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed."

-- U.S. President Abraham Lincoln, Nov. 21, 1864
(letter to Col. William F. Elkins)

To judge the content of a nation's character
look no further than its health care system.

PLANNING COMMISSION MINUTES OF MAY 10, 2010

2009-0400: Amend the Zoning Code for Consistency with the Precise Plan for El Camino Real and Recent Streamlining Efforts RZ

Trudi Ryan, Planning Officer, presented the staff report. Ms. Ryan commented that at the April 12, 2010 Study Session for this item, the Planning Commission requested that staff identify the sections in the Precise Plan for El Camino Real (ECR) from which the development standards in the proposed ordinance originated. She said that a cross reference table of the Precise Plan policies/guidelines and proposed development standards is attached to a memo that was provided to the Commission supplemental to the report.

Comm. Rowe asked staff about residential use along ECR with staff explaining that requests are handled on a case-by-case basis. Ms. Ryan said the proposed ordinance is regarding commercial developments that are adjacent to residential. She said residential use along ECR is an issue to be explored in the future. Ms. Ryan said three emails from Sunnyvale residents were received after the completion of the report which have been provided on the dais. Staff said that the emails are residential-related, and do not apply to this proposed ordinance. Comm. Rowe discussed with staff whether business entrances should be facing ECR with staff saying that the location of entrances is a guideline, not a code requirement. Comm. Rowe asked about lots that are less than the minimum size, with staff discussing Planned Development (PD) zoning, which allows the lot sizes to vary.

Comm. Hungerford discussed nodes along ECR, PD Combining Districts, and uses in different districts. Ms. Ryan explained that the nodes are special cases within the general ECR plan. She said nodes have special regulations, primarily for height, or potential for mixed-use development. Comm. Hungerford asked staff about transition of uses. Comm. Hungerford discussed section 19.98.015 in the proposed ordinance regarding "Existing Permits" with staff saying that this section is part of the streamlining efforts to keep pace with what is allowed.

Chair Chang opened the public hearing.

Keith Petrie, a Sunnyvale property owner along ECR, said he was hoping to get clarification on changes in the zoning code that would affect his property. Chair Chang advised Mr. Petrie that the report is available for the public and had staff share some of the changes in the ordinance. Comm. McKenna commented that some of the changes discussed by staff and the references to "nodes" are probably confusing to the public. Chair Chang and staff made arrangements with

Mr. Petrie that staff would contact him at a later date to further discuss any specific changes.

Chair Chang closed the public hearing.

Comm. Sulser moved for Alternatives 1 and 2, to adopt the Negative Declaration in Attachment B, to introduce the proposed ordinance in Attachment A, and repeal Council Policy 1.1.11 (Attachment C, Planned Development (PD) Combining District Use Guidelines) as it is incorporated into the proposed ordinance. Comm. Rowe seconded the motion.

Comm. Sulser said the City adopted the Precise Plan for ECR in 2007 and he thinks this ordinance brings the zoning code into consistency with the polices adopted. **Comm. Rowe** agreed with Comm. Sulser's comments.

Comm. Hungerford said he would be supporting the motion. He expressed concern about section 19.98.015 and said he thought caution should be taken with older, yet current, permits and how they might be affected by changes in zoning.

ACTION: Comm. Sulser made a motion on 2009-0400 to recommend to City Council to adopt the Negative Declaration in Attachment B, introduce the proposed ordinance in Attachment A, and repeal Council Policy 1.1.11 (Attachment C, Planned Development (PD) Combining District Use Guidelines) as it is incorporated into the proposed ordinance. Comm. Rowe seconded. Motion carried 6-0, with Comm. Klein absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the May 25, 2010 City Council meeting.