



**Draft for Planning Commission review
on September 9, 2013**

Council Date: October 8, 2013

SUBJECT: Discussion and Possible Action to Introduce an Ordinance Addressing Development Review Procedures for Projects within the Peery Park District during Preparation of the Peery Park Specific Plan.

BACKGROUND

On July 23, 2013, the City Council discussed a possible ordinance for future development applications within the Peery Park Specific Plan (PPSP) area to be utilized during the specific plan development process (RTC 13-176). At that meeting, the City Council directed staff to develop a standard ordinance, to be reviewed by the Planning Commission and City Council, for the PPSP area. This ordinance would allow for the processing of existing development applications and submittal of new applications during the preparation of the Specific Plan subject to specific review standards.

EXISTING POLICY

Land Use and Transportation Element

Goal LT-4 Quality Neighborhoods and Districts – Preserve and enhance the quality character of Sunnyvale’s industrial, commercial and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

Goal LT-6 Supportive Economic Development Environment – An economic development environment that is supportive of a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal and land use constraints.

DISCUSSION

The draft ordinance (Attachment A) creates the Peery Park District (PPD) and specifies the decision making requirements for planning applications in the Peery Park District. These procedures allow for processing of existing development applications and submittal of new applications within the PPD with specific development regulations. The PPD area will be identical to the PPSP area (Attachment B).

The ordinance will require Planning Commission review and City Council approval of any development proposal or development application located within the PPD that involves:

1. The request for a Use Permit;

2. The request for a Special Development Permit;
3. A Design Review request for Floor Area Ratio (FAR) above 45% with or without a green building incentive (regardless of base zoning); or
4. Design Review applications that involve new construction (additions, new buildings, etc.) to the east of Mathilda Avenue (within the PPD).

It is expected that the analysis of these projects would consider the preliminary studies and recommendations coming out of the concurrent specific plan process. Additionally, these applications could provide useful input to the City Council and staff for shaping the policies and development standards in the PPSP.

For planning applications that do not fall within the above categories, the decision could continue to be made by the Director of Community Development without a public hearing, with possible appeal to the Planning Commission. This procedure is the same for industrial sites in the rest of the City. It would include applications such as signs, landscaping modifications, tree removal permits, and temporary or unenclosed uses.

CEQA REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) (Guideline 15061(b)(3)) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. However, applications for development permits received by the City which describe the intensity of development, location of improvements and relationship to surrounding properties will be subject to CEQA for evaluation of environmental impacts as described in the application.

FISCAL IMPACT

There is no fiscal impact to adopt the ordinance. With the new processing requirements, any applications subject to the additional public hearings will require more project planner staff time to prepare Reports to Council and attend after hours meetings and hearings. Council has authorized additional fees for Planner attendance at after hour meetings (including community meetings and public hearings) which will cover most of the additional costs to implement the ordinance. The preparation of the reports will be absorbed by the current budget.

PUBLIC CONTACT

Public contact was made through the following ways:

1. Posting the Planning Commission and City Council agendas 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;
2. Publication in the *Sun* newspaper, at least 10 days prior to the hearing;

3. Public notice mailed to all property owners within the Peery Park District and all property owners within a 300 foot radius of the Peery Park District; and
4. E-mail notification of the hearing dates sent to all interested parties and all Sunnyvale Neighborhood Associations.

ALTERNATIVES

1. Introduce the ordinance (Attachment A) to require Planning Commission recommendation and City Council action on Use Permits, Special Development Permits and specified Design Review applications in the Peery Park District.
2. Introduce the ordinance with modifications.
3. Take no action.

RECOMMENDATION

Staff recommends that the City Council introduce the Peery Park District Ordinance to create the PPD and create development regulations within the district because it allows the City Council to review projects within the PPSP area, which would assist in defining the development standards for the PPSP.

Reviewed by:

Hanson Hom, Director of Community Development
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Amber El-Hajj, Senior Planner

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Draft Ordinance
- B. Map of the Peery Park District
- C. Public Comment

ORDINANCE NO. _____-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, AND ZONING DISTRICTS MAP TO CREATE THE PEERY PARK DISTRICT

WHEREAS, on July 23, 2013, the City Council of the City of Sunnyvale considered the proposal to create the Peery Park District and directed staff to prepare a standard ordinance for the Peery Park District such that development approvals shall require Planning Commission and City Council review of all Use Permits, all Special Development Permits Design Review applications for a Floor Area Ratio greater than 45% with or without the Green Building incentive in the entire District as shown on the attached Exhibit "A", and, in addition, to Design Review applications that involve new construction (additions, new buildings, etc.) to the east of Mathilda (within the Peery Park District).

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

SECTION 1. CHAPTER 19.27.040 ADDED. Chapter 19.27.040 (Peery Park specific plan district. Is hereby added, to read as follows:

19.27.040 Peery Park District

A zoning district entitled the "Peery Park District" is established as shown on the official precise zoning plan and zoning district map of the City of Sunnyvale, on file in the office of the city clerk. The PPD zoning district implements the Peery Park District map, incorporated by reference, a copy of which is on file in the office of the city clerk.

Any development proposal or development application requesting a Use Permit, Special Development Permit, Design Review request for Floor Area Ratio (FAR) above 45% with or without a green building incentive in the entire District as shown on the attached Exhibit "A", and, in addition, to Design Review applications that involve new construction (additions, new buildings, etc.) to the east of Mathilda (within the Peery Park District), shall be considered by the Planning Commission for a recommendation, and the City Council shall be the final decision-making body.

SECTION 2. CEQA-. The City Council hereby determines that the action taken to create the Peery Park District is exempt from the California Environmental Quality Act (CEQA) (Guideline 15061(b)(3)) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. However, applications for development permits received by the City which describe the intensity of development, location of improvements and relationship to surrounding properties will be subject to CEQA for evaluation of environmental impacts as described in the application.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. 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 once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice 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 days after adoption of this ordinance. Notice of hearings will also be mailed to all owners of property located within 300 feet of the PPD of the dates of both the Planning Commission meeting and the City Council meeting.

Introduced at a regular meeting of the City Council held on August __, 2013 and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on September __, 2013 by the following vote:

AYES:
NOES:
ABSTAIN: NONE
ABSENT: NONE

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

Joan A. Borger, City Attorney

Attachment: Map of Peery Park District Exhibit "A"



Amber El-Hajj <ael-hajj@sunnyvale.ca.gov>

Peery Park District public meeting

Amber El-Hajj <ael-hajj@sunnyvale.ca.gov>
To: Amber El-Hajj <AEI-Hajj@sunnyvale.ca.gov>

Tue, Sep 3, 2013 at 1:55 PM

From: Patricia >
Date: Tue, Sep 3, 2013 at 8:24 AM
Subject: Re: Peery Park District public meeting
To: Amber El-Hajj <ael-hajj@sunnyvale.ca.gov>

Thank you for the notification of this important meeting about Peery Park planning on September 9. Because I will be out of town on that date, I would like to express my opinion on planning in Peery Park to ensure that you have some sense of the diverse perspectives of those in the SNAIL neighborhood.

1. I am excited about the new construction at the corner of Maude and Mathilda. The architecture is appealing and a vast improvement over the structures and landscaping that were there previously.
2. I am also excited by the prospect of additional high-tech and administrative office space within Peery Park, such as the new Apple building at Maude and Mary that is nearing completion.
3. I respect the desire of my neighbors on and near Pine Avenue to have a voice in the Peery Park planning process. However, they are not the only ones "affected" by the project. Those hoping for nearby employment, a larger tax base for Sunnyvale, improved support for local businesses and improved appearance of the area adjacent to the entire SNAIL neighborhood are affected. Just because we do not see the tops of buildings from our properties does not mean that the effects on us should not be considered equally.
4. The time for neighborhood input is during the planning and approval stages, not when the building structures are in place. I am disappointed that the neighbors who live on or near Pine Avenue have chosen to be so angrily vocal only at this too-late stage of the Maude and Mathilda construction project. And theirs is the only voice being heard in media like *The Sunnyvale Sun*. In my opinion, their lack of interest until the buildings were in construction is not the city's or the developers' "fault," even though more effective outreach would have been appreciated by many across the SNAIL neighborhood. Sadly, it is probably best to assume that residents will not "pull" information from standard sources like the City of Sunnyvale Web site or *The Sunnyvale Sun*. Some degree of information "push" as a complement to those public information sources is the most practical and effective way to reach residents. Two possibilities are attending occasional meetings of the SNAIL neighborhood association and sending email notices directly to the SNAIL chair for posting to our online SNAILchat and Nextdoor group communications media. If neighbors choose not to read those information sources, this really cannot be the fault of anyone but the individual neighbor.
5. I believe that Sunnyvale residents have a right to believe that building projects will adhere to the city's own general plan. If a variance is needed, a higher degree of outreach would be appropriate, as suggested above. Ultimately, I understand that the city council must make its best judgment about what's best for the residents of Sunnyvale as a whole and may not be best for a single group or neighborhood.

Thank you for this chance to comment.

9/3/13

City of Sunnyvale Mail - Peery Park District public meeting

ATTACHMENT C
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--Patricia C
Eaglewood Avenue