

PLANNING COMMISSION MINUTES OF FEBRUARY 8, 2010

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

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

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

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

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

Chair Chang opened the public hearing.

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

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

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

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

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

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

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

Chair Chang closed the public hearing.

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

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

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

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

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

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

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

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

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

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