

PLANNING COMMISSION MINUTES OF JANUARY 10, 2011

2010-7777 - International Technological University [Applicant] Bel Arbor Inv Co LP [Owner]: Special Development Permit to allow an institution of higher learning in an existing industrial building at **352 E. Java Drive.** – SM

Shaunn Mendrin, Senior Planner, presented the staff report. He said staff recommends the Commission adopt the Mitigated Negative Declaration and approve the Moffett Park Minor Special Development Permit with attached conditions.

Comm. Sulser discussed with staff the site plan and reconfiguration shown on page 2 of Attachment D.

Comm. Larsson said that the current proposal includes a 70% trip reduction. He asked staff that since the permit goes with the land, that in the future if a different similar use wants to locate at this site and does not meet the 70% trip reduction, would they need a new permit. Mr. Mendrin said if the 70% trip reduction could not be met, a new permit would have to be applied for to modify the conditions.

Comm. Hungerford discussed with staff the Transportation Impact Fees (TIF) and condition PF-1.c regarding the Transportation Demand Management (TDM) Program. **Trudi Ryan**, Planning Officer, confirmed that if the 70% trip reduction is not met that penalties would apply and discussed how the suitable penalties might be determined. Comm. Hungerford said this is a Minor Moffett Park Special Development Permit (SDP) and asked about Attachment A, the Findings, and the Moffett Park goals and policies. Ms. Ryan explained Attachment A, the recommended findings.

Vice Chair Hendricks discussed with staff the traffic reduction. Ms. Ryan said that only the peak hours are examined. Vice Chair Hendricks discussed with staff how this relates to parking with staff saying that the site meets parking requirements even if there were no reduction in trips. Vice Chair Hendricks asked staff a question about CEQA (California Environmental Quality Act) information in the report confirming that the applicant would not be bringing anything new to the site that would be considered hazardous material. Vice Chair Hendricks confirmed with staff that the permit would be for seven days a week.

Chair Travis opened the public hearing.

Mikel Duffy, with the International Technological University (ITU), said they are applying for a new permit as they have had an increase in students and need to move to accommodate for growth. He said they are looking at a three year lease

for this site and hopefully they will find a facility to purchase before they the lease runs out. He said they are locating in Moffett Park as a convenience for the students as transportation is accessible. He said classes are Monday through Friday and also on weekends. The flexible schedule allows the students to work internships. He said one major item that could prevent ITU from locating in this building is the sidewalk requirement which is a financial hardship as they are only planning on leasing the building for three to four years. He said most of their students come by way of public transportation.

Vice Chair Hendricks discussed with staff and Mr. Duffy the TIF, and the projected cost of the sidewalk. Mr. Duffy said the sidewalk cost increases the cost of the entire project by an additional 2/3, approximately \$200,000 to \$300,000, as utilities would have to be moved. Mr. Duffy provided an additional document showing the existing sidewalk, the sidewalk staff is requesting, and the walkway the applicant is proposing as an alternative. Ms. Ryan said if the Commission feels that the majority of the students would arrive by public transportation and a walkway would meet the need, that the Commission has the discretion to not require the sidewalk. Vice Chair Hendricks further discussed with Mr. Duffy areas on site that would accommodate pre-arrival and post-arrival of students, including some study cubicles, a kitchen and a sports lounge.

Comm. Sulser asked Mr. Duffy if they had any reservations about locating in an industrial area. Mr. Duffy said they chose this area so they would be located close to the industry for internship purposes. He said safety is a major concern, however they have no reservations about locating in this area.

Comm. Dohadwala asked staff if the use was in a commercial office building would the sidewalk be required. Ms. Ryan said no. Comm. Dohadwala discussed with staff and Mr. Duffy if non-students using the same public transit could move safely through this area and other possible options. Comm. Dohadwala asked if a condition could be included to make sure this upgrade is done sometime. Ms. Ryan said there could be a timing requirement that the upgrade be done.

Comm. Larsson further discussed with staff a timing requirement that if the applicant stays longer that the sidewalk be required within possibly four years. Mr. Mendrin discussed several other options that the Commission could consider.

Chair Travis closed the public hearing.

Vice Chair Hendricks discussed with staff the parking spaces with staff clarifying that all the parking spaces are standard and there are no compact spaces.

Comm. Sulser moved for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Moffett Park Minor Special Development Permit with modified conditions; to modify the sidewalk requirement that they add a walkway next to the bus stop modifying condition GC-4 that the sidewalk be installed by July 1, 2015. **Comm. Hungerford** seconded the motion.

Comm. Sulser said this is a nice project and he is happy that ITU wants to remain in Sunnyvale. He said he would like to see the sidewalk added, however it is a substantial cost for a few years of leasing. He said the intent of the motion is to make sure the sidewalk is installed if the applicant does stay at this site for a longer period of time.

Comm. Hungerford said he is impressed with the 70% trip reduction commitment and it is good tenants will go into the area using public transportation.

Vice Chair Hendricks said he can make the findings and he is glad ITU staying in Sunnyvale. He said the sidewalk is for the public use not the students so this is why he is okay with the motion. He said encouraged the applicant to graduate smart people.

ACTION: **Comm. Sulser** made a motion on 2010-7777 to adopt the Mitigated Negative Declaration and approve the Moffett Park Minor Special Development Permit with modified conditions: to modify condition GC-4 (regarding sidewalks) to be completed no later than July 1, 2015 and to add a new condition requiring the construction of a connecting walkway between the bus shelter and the existing onsite sidewalk to be installed prior to occupancy. **Comm. Hungerford** seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than January 25, 2011.