



City of Sunnyvale

Agenda Item

23-0233

Agenda Date: 1/24/2023

REPORT TO COUNCIL

SUBJECT

Motion to Rescind Actions Taken Regarding Amendments to the Downtown Specific Plan and the Land Use and Transportation Chapter of the General Plan and Other Actions Related to Block 20 of the Downtown Specific Plan

BACKGROUND

On January 10, 2023 the City Council held a public hearing to consider related actions associated with Block 20 of the Downtown Specific Plan (DSP). A question was raised about the public noticing for the project and at the time it was felt that noticing met the minimum requirements. Upon further review it has been determined that proper noticing had not occurred and that a new set of Planning Commission and City Council public hearings should be scheduled and conducted with proper noticing to property owners in the vicinity of Block 20.

Staff recommends that the actions of January 10, 2023 be rescinded.

EXISTING POLICY

Title 19 (Zoning) of the Sunnyvale Municipal Code establishes procedures for notice for discretionary actions. Table 19.98.040 establishes that a public hearing on a legislative action (such as a zoning text amendment) is required to publish a notice of public hearings in the newspaper and that the notice shall be posted on the public notice bulletin board at City Hall. On site-specific applications, such as the consideration of land uses and development requirements for Block 20 of the Downtown Specific Plan the above noticing procedures are required, as well as mailed notice to the applicant and property owners of a site, owners within 300 feet of the site, and any interested parties that have requested notification. In addition, site specific notice shall include a posting of the site. There is an alternative method for large mailings if the number of owners to whom notice shall be mailed is greater than one thousand, notice may be provided by placing a display advertisement in at least one newspaper of general circulation in the City.

Government Code Section 65091 (Public notice for projects) requires that Notice of a hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing.

Council Policy 2.2.2.2

This policy outlines public outreach expectations for development proposals that exceed the minimum standards set by state and local laws. For development proposals that exceed 30 feet in height mailed notice should be provided to property owners and tenants within 1,000 feet of the site. A larger, 2,000-foot, radius was used to advise property owners and tenants of the community outreach meeting.

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ENVIRONMENTAL REVIEW

Rescinding the vote to approve the Downtown Specific Plan amendment so that it can be reheard is an administrative action that is not a “project” within the meaning of the California Environmental Quality Act (CEQA Guidelines Section 15378(b)(5)).

DISCUSSION

At the public hearing of January 10, 2023 staff indicated that the action before the City Council qualified as a legislative action that did not require mailed notice. Upon further review of the noticing procedures staff has determined that mailed notice was required for the Downtown Specific Plan amendment because there is a specific site associated with the application. The actions of the Planning Commission and City Council need to be rescinded as proper procedure was not followed. A new set of public hearings, with proper notification will be scheduled for the Downtown Specific Plan amendment, and related actions. Notices of the public hearings will be:

- sent to property owners and tenants within 2,000 feet of DSP Block 20;
- published in a newspaper of general circulation; and
- posted on along the South Mathilda Avenue DSP Block 20 frontage.

FISCAL IMPACT

No fiscal impact with this action.

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 Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

In addition, the applicants for the DSP Block 20 amendment and the members of the public who spoke at the hearings have been advised that new public hearings will be scheduled.

STAFF RECOMMENDATION

Rescind the City Council action of January 10, 2023 regarding the Acceptance of an Addendum to the 2020 Downtown Specific Plan Environmental Impact Report, Adoption of a Resolution to Amend the General Plan and Downtown Specific Plan (DSP), Approve the DSP Amendments for Block 20, and Adopt a Resolution to Amend Figure 3-2 in the Land Use and Transportation Element of the General Plan.

Staff recommends conducting new public hearings following the City's noticing standards. The prior action of the City Council should first be rescinded.

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