City of Sunnyvale

Notice and Agenda - Final

Planning Commission

Monday, August 10, 2015 | **8:00 PM** | **Council Chambers City Hall, 456 W. Olive Ave., Sunnyvale, CA 94086**

STUDY SESSION CANCELLED

8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to 3 minutes for announcements of related commission events, programs, resignations, recognitions, acknowledgments.

CONSENT CALENDAR

1.A 15-0763 Approval of the Draft Minutes of the Planning Commission Meeting of July 27, 2015

PUBLIC HEARINGS/GENERAL BUSINESS

2 15-0719 Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; Refer to City Council for Approval and Introduction of Ordinance to Adopt Plan Lines

3 15-0764

File #: 2014-7416 & 2014-7417
Location: 915 De Guigne Drive, 936 East Duane Avenue and surrounding area
Zoning: M-S (Industrial and Service) Proposed R-3/PD (Medium Density
Residential/Planned Development)
Proposed Project:

PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for Residential Project and East Sunnyvale Sense of Place Plan
Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

INFORMATION ONLY ITEMS

ADJOURNMENT

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

Agenda information is available by contacting The Planning Division at (408) 730-7440. Agendas and associated reports are also available on the City's web site at sunnyvale.ca.gov or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

Planning a presentation for a Planning Commission meeting?
To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" document available at Presentations.inSunnyvale.com.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing.

PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Planning Division at (408) 730-7440. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II)

City of Sunnyvale

Meeting Minutes - Draft
Planning Commission

Monday, July 27, 2015 | **7:00 PM** | **Council Chambers and West Conference Room, City Hall, 456 W. Olive Ave., Sunnyvale, CA 94086**

7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM

1 15-0736

File #: 2015-7303
Location: 725 S. Fair Oaks Avenue (APN: 211-01-046)
Zoning: C-2/ECR
Proposed Project:
SPECIAL DEVELOPMENT PERMIT to redevelop a former restaurant site into a 182-room, five-story hotel with underground parking. Project includes a **VARIANCE** to reduce solar access to adjacent structures.
Applicant / Owner: Lifestyle Hotel / K3 Dev, LLC
Environmental Review: Mitigated Negative Declaration
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

2 15-0748

File #: 2015-7148
Location: Citywide
Project Description: Policies Regarding Private Security Cameras (Study Issue)
Staff Contact: Rosemarie Zulueta, (408) 730-7437, rzulueta@sunnyvale.ca.gov

3 Public Comment on Study Session Agenda Items

4 Comments from the Chair

5 Adjourn Study Session

8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS

CALL TO ORDER

Chair Melton called the meeting to order at 8:00 p.m.

SALUTE TO THE FLAG

Chair Melton led the salute to the flag.

ROLL CALL

Present: 4 - Chair Russell Melton
Commissioner Sue Harrison
Commissioner Larry Klein
Commissioner David Simons

Absent: 2 - Vice Chair Ken Olevson
Commissioner Ken Rheaume

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

None.

CONSENT CALENDAR

1.A 15-0734 Approval of the Draft Minutes of the Planning Commission Meeting of July 13, 2015

Comm. Klein moved to approve the draft minutes. Comm. Harrison seconded. The motion carried by the following vote:

Yes: 4 - Chair Melton
Commissioner Harrison
Commissioner Klein
Commissioner Simons

No: 0

Absent: 2 - Vice Chair Olevson
Commissioner Rheaume

PUBLIC HEARINGS/GENERAL BUSINESS

2 15-0740

File #: 2014-7236
Location: 863 San Pablo Ave. (APN: 205-04-040)
Zoning: R0
Proposed Project:
DESIGN REVIEW: To allow a two-story addition of 497 sq. ft. to an existing 1,968 sq. ft. one-story home for a total of 2,465 sq. ft. and 48.7% F.A.R
Applicant / Owner: Messier Benitez / Gursharanjit (Jit) Jagait
Environmental Review: Categorical Exemption, CEQA Section 15301(e).
Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, presented the staff report, and noted that staff has provided an additional recommended Condition of Approval (COA) regarding an egress window in the rear second story bedroom.

Comm. Simons confirmed with Ms. Ryan that the additional COA is regarding bedroom two.

Chair Melton opened the public hearing.

Gursharanjit Jagait, the project applicant, gave a presentation on the proposed project.

Comm. Simons confirmed with Mr. Jagait that he is amenable to recommended conditions on the windows.

Chair Melton closed the public hearing.

Comm. Simons moved Alternative 2 to approve the Design Review with a modified condition to add staff recommended Condition of Approval PS-2 that the egress window in the rear second story bedroom shall be the rear yard facing window.

Comm. Klein seconded.

Comm. Simons said we have had a number of homes in this neighborhood historically increase in size, and the biggest conflicts for neighbors are those asking for something similar in size but actually asking for designs that would have impacts on some of our limits on backyards and sideyard setbacks. He said since this is not pushing the boundaries in terms of where the space can go and it is following the design rules he did not find it difficult to make the findings to support this project, and said he thinks it is interesting how the neighborhood is changing

and he expects many of these smaller homes to add square footage.

Comm. Klein said he will be supporting the motion and thanked the applicant for working with staff to follow the Design Guidelines. He noted that too often we see second story additions that push and go way past limits of our guidelines, and that asking for a 25 percent second to first story ratio and working with staff to deal with the coverage issue to come into compliance shows that the applicant is doing the job to improve their property and meet the laws of Sunnyvale. He said he was able to make the findings, that this will be a nice addition as the whole neighborhood is in transition and looks forward to the project moving forward.

Chair Melton said he will be supporting the motion and thanked the applicant for coming forward with the proposal. He said the project looks fantastic, he can make the findings and that this will be a great addition. He said the house is on a beautiful street and in a beautiful neighborhood, and that the applicant will be making a nice capital injection into the neighborhood. He thanked the applicant for getting rid of the legal nonconforming issue where the lot coverage was too big and noted that the applicant wrote a letter to staff and the Planning Commission mentioning a growing family. He noted that Sunnyvale has a lot of multi-generational families and hopes the applicant brings the project to fruition and hopes the added family is a wonderful addition to the house.

MOTION: Comm. Simons moved Alternative 2 to Approve the Design Review with a modified condition:

1) Add staff recommended Condition of Approval PS-2, the egress window in the rear second story bedroom shall be the rear yard facing window.

Comm. Klein seconded. The motion carried by the following vote:

Yes:	4 -	Chair Melton Commissioner Harrison Commissioner Klein Commissioner Simons
No:	0	
Absent:	2 -	Vice Chair Olevson Commissioner Rheaume

3 15-0668

File #: 2015-7505
Location: 1210 Bordeaux Drive (APN: 110-25-038)
Zoning: Moffett Park-Transit Oriented Development (MP-TOD)
Proposed Project: Related applications on a 2.07-acre site:

MAJOR MOFFETT PARK SPECIAL DEVELOPMENT PERMIT: to allow a new 160-foot tall above grade level (AGL) monopole for public safety radio communications and future co-location space for private wireless telecommunications carriers. The top of the antennas on the proposed monopole would reach 175 feet tall AGL.

VARIANCE: to allow the proposed monopole to exceed the 125-foot height limit in the Moffett Park Transit-Oriented Development (MP-TOD) zoning district.

Applicant / Owner: City of Sunnyvale
Environmental Review: Negative Declaration

George Schroeder, Associate Planner, presented the staff report.

Comm. Simons confirmed with Mr. Schroeder that there is no color requirement for the pole, and Comm. Simons noted his concern that a color would not be chosen now and mentioned that colocated users on the pole could maintain the paint. Trudi Ryan, Planning Officer, said if users were identified that had asked to locate on the pole it would be a reasonable request, but that it has not been marketed and it is not definitive that there will be others on the pole.

Comm. Klein confirmed with Andrew Miner, Principal Planner, that the existing similar pole on Pastoria Avenue has been painted twice and the one at City Hall has the same galvanized color that is proposed for the subject pole.

Vice Chair Harrison verified with Mr. Miner that the pole on Pastoria is painted dark green, and discussed a previous pole that was disguised as a tree. Vice Chair Harrison confirmed with Ms. Ryan that a majority of poles are not painted, and that staff finds that the Variance is justified because of the public use of the pole.

Chair Melton opened the public hearing.

Sunnyvale Department of Public Safety (DPS) Captain, Jeffrey Hunter, gave a presentation on the proposed project.

Chair Melton verified with Captain Hunter that manufacturers of equipment recommend not painting the poles because the paint might interfere with communications, that certain types of paint would require the reevaluation of materials which could increase the cost of construction for radio equipment and

would require considering alternative types of metal for the pole.

In response to Comm. Klein's inquiry, Captain Hunter said he does not know what material was used for the pole on Pastoria.

Chair Melton closed the public hearing.

Comm. Simons confirmed with Ms. Ryan that the metal surface of the pole will be raw and that the antennae will have their own different metals and materials.

Comm. Klein confirmed with Mr. Schroeder that the antennae shown in the diagram were part of the original installation, discussed with Ms. Ryan that antennae added via colocation could be located higher than the 80 feet limit discussed by Captain Hunter.

Vice Chair Harrison moved Alternative 1 to approve the Major Moffett Park Special Development Permit and Variance with Recommended Conditions of Approval found in Attachment 10.

Comm. Klein seconded.

Vice Chair Harrison said it seems staff has considered all of the alternatives and is recommending what they feel is in the best interest of the City.

Comm. Klein said he will be supporting the motion, and that if colocation was not involved with this pole the Planning Commission would not see this application. He said regarding height, which is typically the biggest question when looking at monopoles, the Variance requested is normal for what DPS would need from an emergency standpoint, so he can grant the Variance. He noted that he does have an issue with the color of the pole, that paint is often requested of other companies putting in poles and he is hoping DPS and City staff can work with manufacturers to get as dark a color as possible and definitely one that is non-reflective and bird safe. He said he is hoping it will meet the spirit of staff's usual goals to get a dark colored pole and that adding to the infrastructure of Moffett Park and the new Fire Station makes this a good location for the pole. He noted that he disagrees with staff that they are not sure any other utility company will be requesting antennae once the pole is there, that people may quickly stand in line to improve coverage in that area, especially with all of the new construction and influx of new employees.

Comm. Simons said the issues he has with this project are the color and that it is going to be colocated. He noted that once the tower at Pastoria became available

for colocation there was a new user every eight to 12 to 14 months. He said he did research on tower maintenance and the problems of painting and zinc plating failure and that painting can be used to fix a deteriorating tower with plating that is going out. He said whether it is plating or paint coating, a plastic exterior or some other kind of material that would be used for housing the pole, those options have not been looked at enough and he will not be supporting the motion.

Chair Melton said he will be supporting the motion, can make the findings and that the pole is fine. He said Fire Station 5 is really exciting and harkens back to a great land swap arrangement made by City staff that is bearing fruit in terms of the new station, new equipment and a new road. He said this is the opportunity to take a great thing and make it even better and he hopes the pole is installed along with the construction of the building.

MOTION: Comm. Harrison moved Alternative 1 to approve the Major Moffett Park Special Development Permit and Variance with Recommended Conditions of Approval found in Attachment 10.

Comm. Klein seconded. The motion carried by the following vote:

Yes:	3 -	Chair Melton Commissioner Harrison Commissioner Klein
No:	1 -	Commissioner Simons
Absent:	2 -	Vice Chair Olevson Commissioner Rheaume

4 15-0585 Introduce an Ordinance to add a new Chapter 19.76 entitled Short-term Rentals and Home Sharing to Title 19 of the Sunnyvale Municipal Code, and find that the project is exempt under CEQA pursuant to Guidelines 15061(b)(3) (Study Issue 2015-7147)

Chair Melton confirmed with Rebecca Moon, Senior Assistant City Attorney, that approval of an amendment to the Zoning Code would require a vote of the majority of the members of the whole Planning Commission, which is four.

Andrew Miner, Principal Planner, presented the staff report.

Comm. Klein confirmed with Mr. Miner that AirBnB is capable of automatically deducting the Transient Occupancy Tax (TOT), and discussed the proposed permit approval process and permit fee. Comm. Klein discussed with staff whether an accessory living unit being used as a short-term rental would be considered a hosted or unhosted site. Ms. Ryan added that the subtlety can be corrected in the Ordinance to say that if otherwise no one is using the accessory unit it could be used for rental. Comm. Klein discussed with Jeffery Hunter, Department of Public Safety (DPS) Captain, several municipal code violations at short-term rental sites that were investigated by the Neighborhood Preservation Division of DPS, and confirmed with Ms. Moon the fines for such violations. Mr. Miner added that clearly defining the rules in the Ordinance for renters and working with the different platforms to educate potential users may help avoid violations. Comm. Klein discussed with Mr. Miner State level actions and proposed bills.

Vice Chair Harrison discussed with Mr. Miner the permit approval process and what may serve as grounds for denial of a permit. Vice Chair Harrison also confirmed with Mr. Miner that accessory living units are limited to one bedroom, and discussed with staff whether that would accommodate both resident and renter.

Comm. Simons discussed with staff the process of permit revocation and how neighbor complaints would be addressed. Comm. Simons also discussed with staff ideas for encouraging people to file for a permit once the Ordinance goes into effect, and potentially requiring anyone who receives a violation to wait two years before applying for permit. Comm. Simons confirmed with staff that the space being rented must be inside of the residence, and confirmed with Ms. Moon that this Ordinance covers renting a room or home for compensation and would not impact house swaps.

Chair Melton verified with Mr. Miner that one could not rent out a tent or balcony, and Chair Melton suggested making that as clear as possible in the Ordinance. Chair Melton and Mr. Miner discussed the level of cooperation and communication

of AirBnB with staff, and Chair Melton suggested also making clear that unaccompanied minors cannot be renters. Chair Melton and staff discussed the requirement of homeowners to get approval from a Home Owners Association (HOA) to rent property, and discussed neighborhood impacts of allowing unhosted sites. Chair Melton mentioned that he met with a member of the public who rents a unit to see her unit and how she advertises it.

Chair Melton opened the public hearing.

Lorraine Heng, a Sunnyvale resident, discussed her participation in and support of allowing short-term rentals and her disagreement with over-regulation. Comm. Simons discussed with Ms. Heng whether her daughter, who lives in close proximity to her rental site, would be considered a host.

Dan Paustian, a Sunnyvale resident, discussed his appreciation of short-term rentals and support of the service. Chair Melton confirmed with Mr. Paustian that he does not have a maximum number of adult rule, and Mr. Paustian said he generally limits rental to two adults per bedroom and that at most he has had ten people renting at one time, three of which were children.

Stacey McGowen, a Sunnyvale resident and AirBnB host and guest, discussed her support of the unhosted model of service.

Linda McGahen, a Sunnyvale resident and AirBnB host, discussed her support of the short-term rental service.

Sarah McDermott, with Unite Here Local 19, discussed the impact of short-term rentals on affordable housing, and suggested allowing for short-term use in a responsible way.

Simone Yau, a Sunnyvale resident and AirBnB host, discussed her support of the short-term rental service without over-regulation. Vice Chair Harrison discussed with Ms. Yau the regulations that make her fear she would have to discontinue renting out her home.

Ray Crump, a Sunnyvale resident, discussed his concern with preserving the single family neighborhood and his support of regulation.

Chair Melton closed the public hearing.

Comm. Klein clarified with Mr. Miner the Housing Commission recommendations,

and confirmed that a record of permit issuance will be available online.

Vice Chair Harrison verified with Mr. Miner that no consideration was given to requiring an agent of an unhosted property be within a certain distance of the property, and discussed whether any consideration was given to limiting the number of properties one person or company could rent.

Chair Melton confirmed with Ms. Moon staff is amenable to the Planning Commission voting on each Alternative individually, and clarified the voting requirement to approve an amendment to the Zoning Code.

Comm. Simons suggested reaching consensus on each potential modification.

MOTION: Comm. Simons moved to recommend to City Council Alternatives:
2) Direct staff to return with a Resolution amending the Fee Schedule to reflect the appropriate processing fee for short-term rentals; and,
3) Find that the project is exempt from CEQA under Guideline 15061(b)(3).

Comm. Klein seconded. The motion carried by the following vote:

Yes: 4 - Chair Melton
Commissioner Harrison
Commissioner Klein
Commissioner Simons

No: 0

Absent: 2 - Vice Chair Olevson
Commissioner Rheaume

Comm. Simons moved to recommend to City Council Alternative 4 to introduce an Ordinance to add a new Chapter 19.76 entitled Short-term Rentals and Home Sharing to Title 19 of the Sunnyvale Municipal Code with modifications to the staff recommendation:

1) Allow a maximum of four overnight guests, not including children;
2) If the ordinance passes, it shall be reviewed in 24 months;
3) Recommend that any central company handling short-term rentals over the internet collect the Transient Occupancy Tax;
4) After six months of the Ordinance being in effect those who have been using their homes for short-term rentals without a permit cannot apply for a permit for 24 months.

Vice Chair Harrison clarified this modification with Comm. Simons. Mr. Miner and Ms. Moon added that the goal is to bring people in to register and come under compliance and that a moratorium could defeat that purpose. Comm. Simons withdrew his fourth modification.

Chair Melton noted that if an issue is not addressed as part of the motion, the Planning Commission would be going along with the staff recommendations.

Comm. Klein seconded, and offered a friendly amendment to reword the ordinance to specify that property hosting requirements are per unit, except that sites with a duplex or an accessory living unit may be by property. All Commissioners consented.

Vice Chair Harrison offered a friendly amendment to allow unhosted properties in the Ordinance as long as the owner owns no more than two properties that they are renting in this manner, and an agent is within 300 yards. Comm. Simons said he will not accept that amendment as stated.

Comm. Klein and Mr. Miner discussed the difficulty of enforcement in requiring permits to list a primary contact that has to be within 200 feet of the rental site.

Chair Melton suggested allowing unhosted sites and limiting those to a maximum of six overnight guests.

Comm. Klein said that is not the crux of problem, which is who is in charge if there are any issues.

Mr. Miner interjected that the unhosted option raises the possibility of removing housing which can make a bad housing market worse and questions who will be

there to manage any problems that arise. Ms. Ryan added that staff has tried to be on the side of caution with the recommendation to have the Ordinance reviewed in 24 months, that at that time it may be appropriate to expand features of the program and that beginning with more limitations makes it easier to expand the options in the future.

Comm. Simons discussed with Mr. Miner whether staff considered allowing the unhosted option with a local property management professional.

Comm. Klein suggested recommending to City Council that the unhosted option not be part of the Ordinance now, and to direct staff to evaluate that or shorten the earlier recommended 24 months specifically to discuss the unhosted issue at that later date. Comm. Simons clarified this modification with Comm. Klein. Vice Chair Harrison said she would support an unhosted option if an agent is very close by. Comm. Klein suggested reviewing the Ordinance in 12 months rather than 24. All Commissioners consented.

Chair Melton said he thinks it is enough to requiring an owner's signature to sublet a site one is renting, to limit the number of people on an unhosted site and that he thinks we need to allow this by right. He said it is hard to come to the conclusion that the unhosted option is prohibited out of gate until it is reviewed in 12 months. He said he would vote yes if the unhosted option is reviewed in six months.

Mr. Miner asked for clarification of what the Commission expects staff to bring for review in six months.

Comm. Klein interjected that most of the Commission thinks the unhosted option should be part of the Ordinance, but that he is not sure the Commission can come up with a meaningful solution tonight to allow both the hosted and unhosted options without much enforcement. He said recommending a change to the Ordinance to allow an unhosted option without a process in place does not seem to be an appropriate response, and that he is amenable to revisiting the unhosted option in six months. He said City Council may decide to include the option and improve the permit process. Mr. Miner said if the consensus is to pursue an unhosted option the Planning Commission can direct staff to come up with wording to give a recommendation to City Council.

Comm. Simons said we are recommending to City Council inclusion of an unhosted option with the goals that may or may not include having a contact person in close proximity to the property, that there are limited numbers of property an individual owner can own and rent and that the unhosted option can include an increased

number of maximum guests. Ms. Moon interjected that limiting someone in engaging in this rental activity based on the number of properties they own is not legal.

Chair Melton clarified that the concept of unhosted is supported by the Commission in general and we are asking staff to come up with language that would address the Planning Commission concerns of having a local person of control and a maximum number of adults greater than four. He offered a friendly amendment to add a recommendation to prohibit unaccompanied minors from renting sites and prohibit the rental of tents in a backyard.

Comm. Simons said there may be concern with the age restriction being 18 years old.

Chair Melton confirmed with Ms. Ryan that specific amendments should be included in the motion.

Comms. Klein and Simons discussed the age restriction concern with Ms. Moon and accepted the amendment.

Comm. Simons said this is a complicated issue, and that he is probably in the minority regarding the unhosted issue and would have gone with the staff recommendation to not allow it at this time. He said his concern is not that there is no usefulness to unhosted short-term rentals in Sunnyvale, but rather about minimizing potential abuses and implementing rules that will be followed and will be useful to the citizens of Sunnyvale. He said he is supporting this as a group motion, and wishes staff well on coming up with a workable unhosted solution. He added that he came into the meeting with certain expectations having heard complaints from the community about renters who have not been gracious in how they handle their renters, but he appreciates the public who came out to speak, some of whom are the finer renters using AirBnB and other services who have changed his perceptions.

Comm. Klein said this is a complex issue that we have discussed with City Council and we want to put something in the code to help resolve issues and abuses in the City. He noted that the people who showed up to speak have all had positive experiences renting out their homes, that he has rented via AirBnB and has always had a good experience, but that the people here are not the problem. He said the people who do abuse services and cause problems in their neighborhood may be renting to too many people thus causing noise and traffic issues. He said an unhosted site causes more issues but does need to be an option, whether or not

staff comes up with, and Council approves, a way to regulate is the question. He said it is a great idea that the City will get its TOT and help City coffers, that the extra burden short-term rentals are putting on the City with the Neighborhood Preservation Division or neighbors dealing with the abuse issues will be addressed. He said the Ordinance will give the general public an option to not rent at a hotel where those fees will ultimately be paid and that putting in place a permitting process is important and will deal with AirBnB and other services collecting fees does so that it does not become a property owner or renter issue. He said he hopes it works, that we are putting the review process in place to see if allowing short-term rentals is burdensome, and that this hearing will provide feedback to Council on how successful it can be and how many nuisances we have had. He said hopefully this will alleviate concerns and help neighbors and residents utilize the service. He added that he is supporting the motion, and that hopefully staff and Council can come together on a final Ordinance.

Vice Chair Harrison said she will be supporting the motion, that she has stayed in hosted and unhosted AirBnB situations and can see the value of having a short-term rental for a large group of people at an unhosted site. She said has had relatives from many parts of the country come together to stay at an unhosted site and she finds that limiting the number of people at an unhosted site limits the experience. She said she has a strong concern of the concept of unaccompanied minors and how it plays into human trafficking, that she hopes staff and Council can come up with an unhosted option solution and that having a substitute host in short proximity to the property which is similar to having the property owner renting out but not living in the dwelling unit shows they care about the rental and being a contact for the renter.

Chair Melton said he will be supporting the motion, and thanked the public for sharing their comments and staff for a great report. He noted that this has been a challenging public hearing, not because of disagreeable opinions, but because there are many moving pieces that has caused the Planning Commission to take a while to get to a motion. He said this is about competing priorities, that we are trying to draw people into the process and not make it complicated enough to discourage them. He said we are trying to emphasize the good and deemphasize the bad, that we have a lot of good hosts here but that there will always be some joker who takes a bonafide rental and makes a profit by subletting it. He said we need to protect neighborhoods and affordable housing, and he thinks we have ended up at place where we have accomplished some or most of those priorities, and have also put in a review period of 12 months. He noted that we decided before to review how something is working after a set period of time, that he finds it interesting that Chair Gilbert of the Housing and Human Services Commission

tussled with the unhosted option as well and that he is interested in seeing where City Council ends up on all of this.

FINAL MOTION: Comm. Simons moved to recommend to City Council Alternative 4 to introduce an Ordinance to add a new Chapter 19.76 entitled Short-term Rentals and Home Sharing to Title 19 of the Sunnyvale Municipal Code with modifications to the staff recommendation:

1) Allow a maximum of four overnight guests, not including children;
2) If the ordinance passes, it shall be reviewed in 12 months;
3) Recommend that any central company handling short-term rentals over the internet collect the Transient Occupancy Tax;
4) Reword the ordinance to specify that property hosting requirements are per unit, .
   except that sites with a duplex or an accessory living unit may be by property;
5) Recommend allowance of an unhosted option and direct staff to come up with language for the goal of having a local agent per site and a maximum number of adults that is greater than four; and,
6) No unaccompanied minors at short-term rental sites.

Comm. Klein seconded. The motion carried by the following vote:

Yes:	4 -	Chair Melton Commissioner Harrison Commissioner Klein Commissioner Simons
No:	0	
Absent:	2 -	Vice Chair Olevson Commissioner Rheaume

5 15-0733 **Standing Item:** Potential Study Issues for 2016

Comm. Simons suggested a potential study issue that would look at developing a Transportation Demand Management process for multi-family developments, to which Ms. Ryan replied that City staff is currently working on such a study issue.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Chair Melton mentioned that he attended the Civic Center Modernization Project meeting on Saturday, that City staff put on a great event. He asked that staff provide an overview of the proposed project at 777 Sunnyvale-Saratoga Road.

-Staff Comments

Ms. Ryan said the project at 777 Sunnyvale-Saratoga Road involves the demolition of a portion of the Orchard Supply Hardware facility to make space for a new tenant with the concept that one could order groceries online and pick them up at that place. Chair Melton confirmed with Ms. Ryan that the decision made by the Zoning Administrator to approve the permit is still appealable.

Ms. Ryan announced that City Council is interviewing Board and Commission applicants and may make an appointment to the Planning Commission on August 11. She announced upcoming study sessions of City Council that may be of interest to the Planning Commission to attend, and discussed recently heard and upcoming Planning related Council items.

INFORMATION ONLY ITEMS

15-0735 Revisions to the Toolkit for Mixed-use Developments

Vice Chair Harrison verified with Mr. Miner that the section regarding removal of electric car charging stations and encouraging preferential locations is already in the Zoning Code, and confirmed that the section regarding mixed-use project sites close to transit stops specifies that the project must be close to station and not just near a train or bus that passes by.

ADJOURNMENT

With no further business Chair Melton adjourned the Planning Commission meeting at 11:03 p.m.

City of Sunnyvale

Agenda Item 2

15-0719 **Agenda Date:** 8/10/2015

REPORT TO PLANNING COMMISSION

SUBJECT
Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; Refer to City Council for Approval and Introduction of Ordinance to Adopt Plan Lines

BACKGROUND
The Sunnyvale Municipal Code (SMC) authorizes the adoption of "Official Plan Lines" to implement the City's circulation plan (SMC Chapter 19.06). Official Plan Lines are "the boundaries and limits of a planned right-of-way, including the future-right-of way of an existing street as it is proposed to be widened and including all lands necessary for the building, widening or maintenance of any road, street, highway, or any other type of public way, which planned right-of-way is based on the general plan." (SMC §19.12.160(3).) The development of Official Plan Lines is one of the City's key actions to implement the transportation network. The City designates future build-out of roadway segments by delineating planned right-of-way, which in turn allows the City to require land dedications and limit future building locations and other physical improvements as related to the planned right-of-way line.

Chapter 19.06 describes the process for Official Plan Line adoption: the Planning Commission is required to adopt a resolution recommending approval of official plan lines for designated areas, and the City Council then reviews and approves the Planning Commission resolution, and amends the municipal code to reference the Official Plan Line. (SCM §19.06.050).

The City currently has adopted Official Plan Lines for 58 roadway segments including "Mathilda Avenue: 'Official Plan Lines for that Portion of State Route No. 114 Within the City Limits of Sunnyvale (known as Mathilda Avenue 1), El Camino Real (U.S.101) to the Most Northerly City Limits." (SMC §19.06.050.) The proposed Mathilda Avenue Plan Line project would amend the portion of the existing Mathilda Avenue Plan Lines between El Camino Real and Washington Avenue. The remaining portion of the existing Mathilda Avenue Official Plan Line would remain the same.

In mid-2014, the City was notified that it was the recipient of a Priority Development Area (PDA) Planning Program Grant to develop an updated Plan Line for Mathilda Avenue between El Camino Real and Washington Avenue (the "Mathilda Avenue Plan Line Project"). The PDA Planning Program is administered by the Metropolitan Transportation Commission (MTC), which funds comprehensive planning in PDAs for land uses around public transit hubs and bus and rail corridors in the nine-county San Francisco Bay Area. Two of the key goals of this program are to: boost transit ridership and thereby reduce vehicle miles traveled by PDA residents, employees and visitors; and promote multimodal connections for residents, employees and visitors within the PDA.

The existing Plan Line for this segment of Mathilda Avenue is 120 feet wide. It serves as the westerly border of the Sunnyvale Downtown Specific Plan Area. The Downtown Specific Plan (DSP) was

adopted in 2003, and recently updated in 2013 to remove a planned carriage road on Mathilda Avenue, and to add bike lanes. Since then, the Mathilda Apartments project by Summerhill Homes was conditioned to make modifications to Mathilda Avenue to include a bike lane across its frontage. Both the DSP and the Mathilda Apartments projects have made progress towards helping define the vision for Mathilda Avenue. The Mathilda Avenue Plan Line Project analyzes Mathilda Avenue from a more comprehensive approach and lays out a plan for future build-out.

The DSP identifies this corridor of Mathilda Avenue as needing a Plan Line for identification of roadway widths to implement traffic mitigation. In addition, the City's 2006 Bicycle Plan notes that widening is required to accommodate bicycle lanes on Mathilda Avenue specifically between El Camino Real and Washington Avenue.

Staff recommends that Planning Commission adopt the Resolution to Approve the Official Plan Lines for Mathilda Avenue between El Camino Real and Washington Avenue, and recommend the matter to City Council for approval of the resolution and amendment of the zoning code to include the revised Official Plan Lines.

The Bicycle and Pedestrian Advisory Commission considered this item on Thursday, July 16, 2015 (15-0246). Commissioners voted unanimously to recommend Alternative1: Recommend that Council Approve the Mathilda Plan Line, direct staff to update Municipal Code Section 19.06.050 to reflect this plan line and file the plan line map with the County Recorder's Office (Attachment 1).

City Council is scheduled to consider this item on September 15, 2015.

EXISTING POLICY

Council Policy 1.2.3 - Bicycle Facilities on City Streets: The first paragraph of the policy statement says "It is the policy of the City to provide adequate bicycle facilities on arterial streets through the combined efforts of the City in street widening projects and private developments which have been required to participate in off-site improvements".

General Plan, Chapter 3, Policy LT-1.9 - Support flexible and appropriate alternative transportation modes and transportation system management measures that reduce reliance on the automobile and serve changing regional and City-wide land use and transportation needs.

General Plan, Chapter 3, Policy LT-5.5 - Support a variety of transportation modes.

- Subsection LT-5.5d - Maximize the provision of bicycle and pedestrian facilities
- Subsection LT-5.5 - Implement the City of Sunnyvale Bicycle Plan

General Plan, Chapter 3, Policy LT-5.8 - Provide a safe and comfortable system of pedestrian and bicycle pathways.

General Plan, Chapter 3, Policy LT-5.9 - Appropriate accommodations for motor vehicles, bicycles, and pedestrians shall be determined for city streets to increase the use of bicycles for transportation and to enhance the safety and efficiency of the overall street network for bicyclists, pedestrians and motor vehicles.

General Plan, Chapter 3, Policy LT-5.14 - Historical precedence for street space dedicated for parking shall be a lesser consideration than providing street space for transportation uses when

determining the appropriate future use of street space.

General Plan, Chapter 3, Policy LT-5.18 - The City Council shall make the final decision on roadway space reconfiguration when reconfiguration will result in changes to existing accommodations.

General Plan, Chapter 3, Policy LT-5.19 - Public input on roadway space reconfiguration shall be encouraged and presented independently of technical engineering and planning analyses.

Downtown Specific Plan, Goal C - Promote a balanced street system that serves all users well regardless of their mode of travel.

Downtown Specific Plan, Goal E - Improve street character.

ENVIRONMENTAL REVIEW

A draft and final Program Environmental Impact Report ("Program EIR") was prepared in 2003 when the DSP was adopted by the City Council, and changes amending the streetscape and design standards of the DSP were analyzed in an Addendum to the Program EIR, adopted by the City Council on October 22, 2013 when it modified the DSP to eliminate the frontage road requirement on a portion of Mathilda Avenue (Resolution No. 617-13). The proposed Official Plan Lines are consistent with the project analyzed in the Addendum; no further review is required.

DISCUSSION

Mathilda Avenue between El Camino Real and Washington Avenue has been identified in both the DSP and the City's 2006 Bicycle Plan documents as a corridor in need of a plan for ultimate build-out. The intent of the Mathilda Avenue Plan Line Project is to master-plan the ultimate build-out for this section of roadway and lay out the geometry, number of lanes, lane widths, accessible ramp and crosswalk locations, and bike lanes. In addition, the Plan Line identifies future right-of-way required to complete the build-out.

The existing Plan Line width for Mathilda Avenue is 120 feet. Based on the updates to the City's standards regarding sidewalks and bike lanes, this is no longer sufficient to support the City's vision for this area. The proposed Plan Line width varies between 132.5 feet to 142.5 feet, (Attachment 2) depending upon whether there are single or dual left turn pockets at the intersections.

Existing Conditions:

Currently, Mathilda Avenue in the project area provides three vehicular travel lanes in both the northbound and southbound directions. In the northbound direction, a fourth travel lane starts at Iowa Avenue, but terminates into a dedicated right turn lane at Washington Avenue. The roadway is divided, with a raised landscaped median island separating the through movements and defining the left turn pockets. Sidewalks are primarily 6' in width. On-street parking currently exists on the east side of Mathilda Avenue for the one-block segment of El Camino Real to Olive Avenue. Bicycle lanes do not exist along the corridor.

The Town Center project has widened the roadway and constructed wide sidewalks along its frontage. The Summerhill - Mathilda Apartments project has also provided dedication for roadway widening to accommodate bike lanes and will construct the wider sidewalk along its frontage. The Mathilda Villas project at 538 S Mathilda Avenue has similarly dedicated right-of-way for future street

improvements.

Concept Design Considerations:
A number of considerations have been taken into account during the development of the Plan Lines: 1) Safety for all modes of travel, 2) Protection of existing mature landscaping in the median island, and 3) Minimization of right of way needs and impacts to adjacent properties. Roadway layout and cross sections for Mathilda Avenue are shown in Attachments 3 and 4.

Within the Plan Lines, vehicular through-lane widths are minimized to eleven feet, which is the minimum width governed by the existing speeds and volumes along Mathilda Avenue. Left turn pockets widths are similarly reduced to the minimum width of ten feet. Bike lane widths follow the City's minimum standards of six feet, and the three foot buffered area provides additional safety clearance between bicyclists and vehicles.

Intersection corners have been analyzed to straighten pedestrian paths of travel crossing the street and minimize crossing lengths when possible. The existing median island is kept largely in its current configuration, with slight modifications to facilitate pedestrian crosswalks at the intersections. A wider 13' sidewalk width with street trees is provided for pedestrian connectivity between downtown and commercial/retail uses at Mathilda/El Camino Real.

Bicycle Network:
Developing a Plan Line which includes bicycle lanes between El Camino Real and Washington Avenue completes the planning for the City's bicycle network along Mathilda Avenue. North of Washington Avenue, the roadways are identified on the current bicycle map as for advanced users (bicyclists share the roadway with vehicles), with dedicated bicycle lanes planned for installation via redevelopment projects and grant-funded capital improvement projects. South of El Camino Real to the City border limits at Homestead Road, dedicated bicycle lanes currently exist.

Right-of-Way Requirements:
The proposed buffered bike lanes and widened sidewalks will be accomplished through dedication of additional right-of-way when adjacent properties are redeveloped and via elimination of on-street parking for the one block between El Camino Real and Olive Avenue in the northbound direction of travel. Attachment 5 shows which properties have already dedicated right-of-way as part of their development projects and where right-of-way is still needed from other properties to implement the Mathilda Plan Line.

It is important to note that only major redevelopment applications for discretionary permits such as a change in use or change in zoning would trigger the requirement for right-of-way dedication and Plan Line frontage improvements. Minor renovations such as tenant or façade improvements for commercial buildings or a room addition to a single family home would not trigger the Plan Line implementation. The Plan Line lays out conceptual design and final design would be completed in the future by developers, likely when an aggregate of properties such as a full block redevelopment has occurred.

The Vision:
The proposed Plan Line envisions a modern roadway corridor that accounts for many modes of travel. The pedestrian way is made more comfortable through the use of wider 13' sidewalks that include a parkstrip or tree well. Street trees are provided as a visual and physical buffer to soften the

feel of the corridor and to provide shade to both bicyclists and pedestrians. Buffered bike lanes with possible green texturized treatment help define a zone specifically for bicyclists travelling along the roadway corridor, and provide connectivity to an already existing bicycle network. However, green bike lanes would only be implemented if appropriate additional maintenance funds are identified.

The approval process will require a resolution from the Planning Commission (Attachment 6) and an Ordinance by the City Council to modify the Mathilda Plan Line in Municipal Code Section 19.06.050 (Attachment 7). Once approved, it will be submitted to City Clerk for filing in the office of the County recorder.

Board and Commission Review

The Bicycle and Pedestrian Advisory Commission considered this item on Thursday, July 16, 2016 (15-0246). Commissioners voted unanimously to recommend Alternative 1 with minor text changes to the staff report. The Bicycle and Pedestrian Advisory Commission discussed their support of the project and had specific discussion with respect to the following:

> Lane widths for vehicles making left turns. Staff responded that there the median island was held as-is in width due to not wanting to lose the mature landscaping within the median island, and this caused some deviations in the widths of the left turn pockets at the intersections.

The Commissioners also wanted clarification on the bicycle lane and buffer widths. Staff responded that for most of the Plan Line bicycle lane widths were conceptually designed at 6 feet with a 3 foot buffer zone, however, at the southbound right turn lane at Mathilda/El Camino Real, the bike lane was reduced to 5 feet in width without a buffer zone.

Staff further clarified to the Commissioners that the Plan Line document to be considered by City Council would only set the outside right-of-way (property lines), and that concept designs for vehicular and bicycle lanes were provided for information only.

FISCAL IMPACT

There is no fiscal impact to the City associated with creating the Plan Line document. The MTC procured the services of Fehr and Peers Transportation Consultants to perform the Plan Line study. All invoices by Fehr and Peers are sent directly to MTC. City matching funds were not required for this grant.

PUBLIC CONTACT

Public contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

ALTERNATIVES

1. Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and Recommend that City Council Approve the Resolution and Introduce an Ordinance to Amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

2. Do not approve the Resolution to Recommend Adoption of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue, and provide direction to staff for next steps.

RECOMMENDATION

Recommend to City Council alternative 1: Find that the environmental impacts of the project were considered in the Addendum to the DSP Program EIR adopted on October 22, 2013 (Resolution No. 617-13) for amendments to the DSP; Adopt a Resolution Recommending Approval of the Official Plan Lines of Mathilda Avenue between El Camino Real and Washington Avenue; and Recommend that City Council Approve the Resolution and Introduce an Ordinance to Amend SMC Section 19.06.050 to incorporate the revised Official Plan Lines, and direct that the Plan Line map be filed with the County Recorder's Office.

Adoption of the Mathilda Plan Line will create a master plan for the segment of Mathilda Avenue between El Camino Real and Washington Avenue that identifies roadway widths to implement bike lanes and wide sidewalks with street trees, delineate right-of-way dedication requirements, and complete the vision for Mathilda Avenue.

Prepared by: Jennifer Ng, Assistant City Engineer
Reviewed by: Manuel Pineda, Director of Public Works
Reviewed by: Kent Steffens, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Draft BPAC Minutes of July 16, 2015
2. Mathilda Avenue Plan Line
3. Mathilda Avenue Plan Line - Conceptual Layout and Cross Sections
4. Mathilda Avenue Plan Line - Typical Section Enlargement
5. Mathilda Avenue Plan Line - Right of Way
6. Draft Resolution
7. Draft Ordinance

ENDNOTES

1. In the 1960's designated State Route 114 included Mathilda Avenue and contemplated a connector to 280. That designation was later changed and no longer includes Mathilda Avenue. State Route 114 is now a connector road between Highway 84 and U.S. 101, commonly known as "Willow Road" in Menlo Park)

2. 15-0246 Approval of the Mathilda Avenue Plan Line

Alternative 1: Recommend that Council Approve the Mathilda Plan Line, direct staff to update Municipal Code Section 19.06.050 to reflect this plan line and file the plan line map with the County Recorder's Office.

Jennifer Ng, Assistant City Engineer, presented the Mathilda Avenue Plan Line. The grant funded plan aims to identify both the limits of the right of way needed to build the roadway and how bike lanes can fit in the roadway. The goals of the plan include providing safety, comfort, and convenience for all types of users and modes of transport as well as increasing livability and quality of life. Marcelo Cosentino, Technical Consultant, provided technical details.

Commissioners expressed concern regarding lane widths for both vehicles and bicycles. Assistant City Engineer Ng informed Commissioners that the typical sections presented are conceptual alignments and that Council will be approving the east and west right of way limits of Mathilda.

Dave Simons, representative for the Valley Transportation Authority (VTA) BPAC, expressed concern regarding the planter widths in relation to the speed limit and stated that the plan should meet the VTA's Pedestrian Technical Guidelines. Mr. Simons also recommended that planter boxes have large trees and engineered fill to ensure that the trees have a long life and that their roots do not uplift the sidewalk.

Vice Chair Jackson expressed concern that the existing policy section of the plan does not include the Street Space Allocation policies. Mr. Jackson recommended looking at Land Use Transportation Element (LUTE) policies LT-5.9 through 5.21 and picking out appropriate policies to be included in the plan. Jackson also voiced his disagreement with the wording of the plan as it states it completes the bicycle network on Mathilda.

Commissioner Cordes suggested extending the northern limit of the plan from Washington Ave to Evelyn Ave for connectivity to the train station.

Vice Chair Jackson moved and Commissioner Okuzumi seconded the motion to accept the staff recommendation with the additional points of clarification that were raised. The motion carried by the following vote:

Yes 7 - Chair Jones
Vice Chair Jackson
Commissioner Cordes
Commissioner Kolber
Commissioner Okuzumi
Commissioner Rausch
Commissioner Welch

No 0

3. 15-0714 Election of Officers

4. 15-0715 Proposed Study Issues Vote

NON-AGENDA ITEMS & COMMENTS

Commissioner Comments

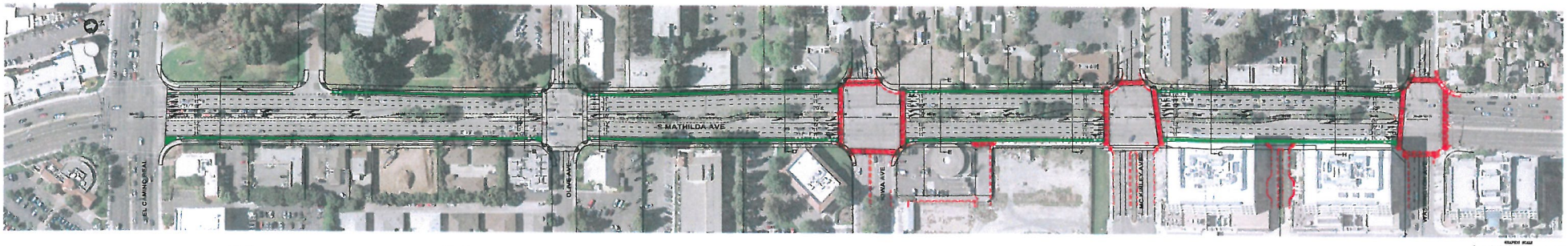
Staff Comments

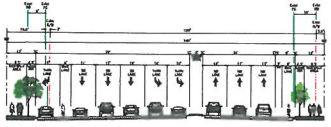
INFORMATION ONLY REPORTS/ITEMS

15-0716 Active Items List

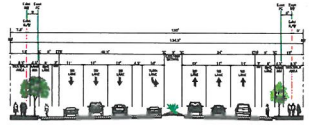
ADJOURNMENT

ATTACHMENT 2

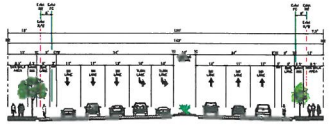




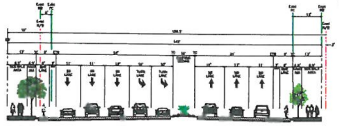
PROPOSED SECTION A-A



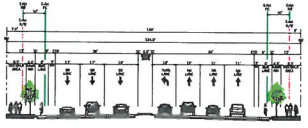
PROPOSED SECTION C-C



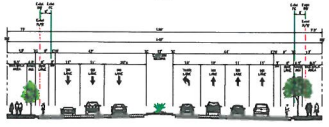
PROPOSED SECTION E-E



PROPOSED SECTION G-G



PROPOSED SECTION B-B



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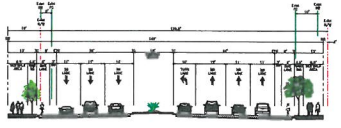
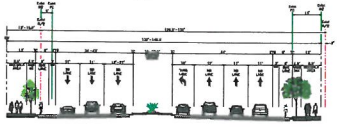


PROPOSED SECTION F-F

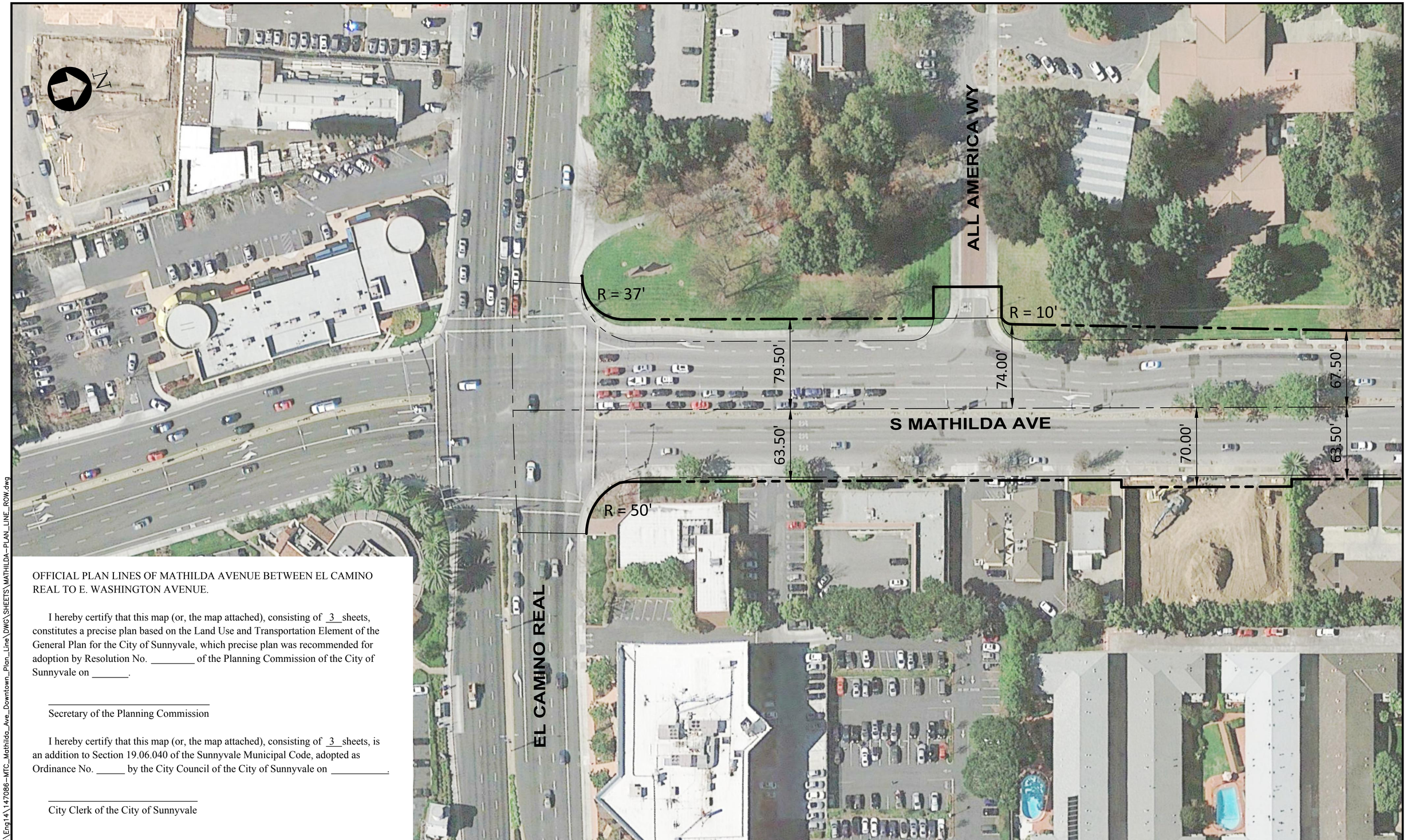


PROPOSED SECTION H-H

EXHIBIT A
MATHILDA AVENUE - DOWNTOWN
EL CAMINO REAL TO WASHINGTON AVENUE PLAN LINE STUDY

BKF ENGINEERS · SURVEYORS · PLANNERS

07/28/2015



OFFICIAL PLAN LINES OF MATHILDA AVENUE BETWEEN EL CAMINO REAL TO E. WASHINGTON AVENUE.

I hereby certify that this map (or, the map attached), consisting of _3_ sheets, constitutes a precise plan based on the Land Use and Transportation Element of the General Plan for the City of Sunnyvale, which precise plan was recommended for adoption by Resolution No. _____ of the Planning Commission of the City of Sunnyvale on _____.

_____
Secretary of the Planning Commission

I hereby certify that this map (or, the map attached), consisting of _3_ sheets, is an addition to Section 19.06.040 of the Sunnyvale Municipal Code, adopted as Ordinance No. _____ by the City Council of the City of Sunnyvale on _____.

_____
City Clerk of the City of Sunnyvale

CITY OF SUNNYVALE CALIFORNIA

MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE

PL-1

50' 0' 50' 100'

GRAPHIC SCALE

BKF ENGINEERS / SURVEYORS / PLANNERS

07/28/2015

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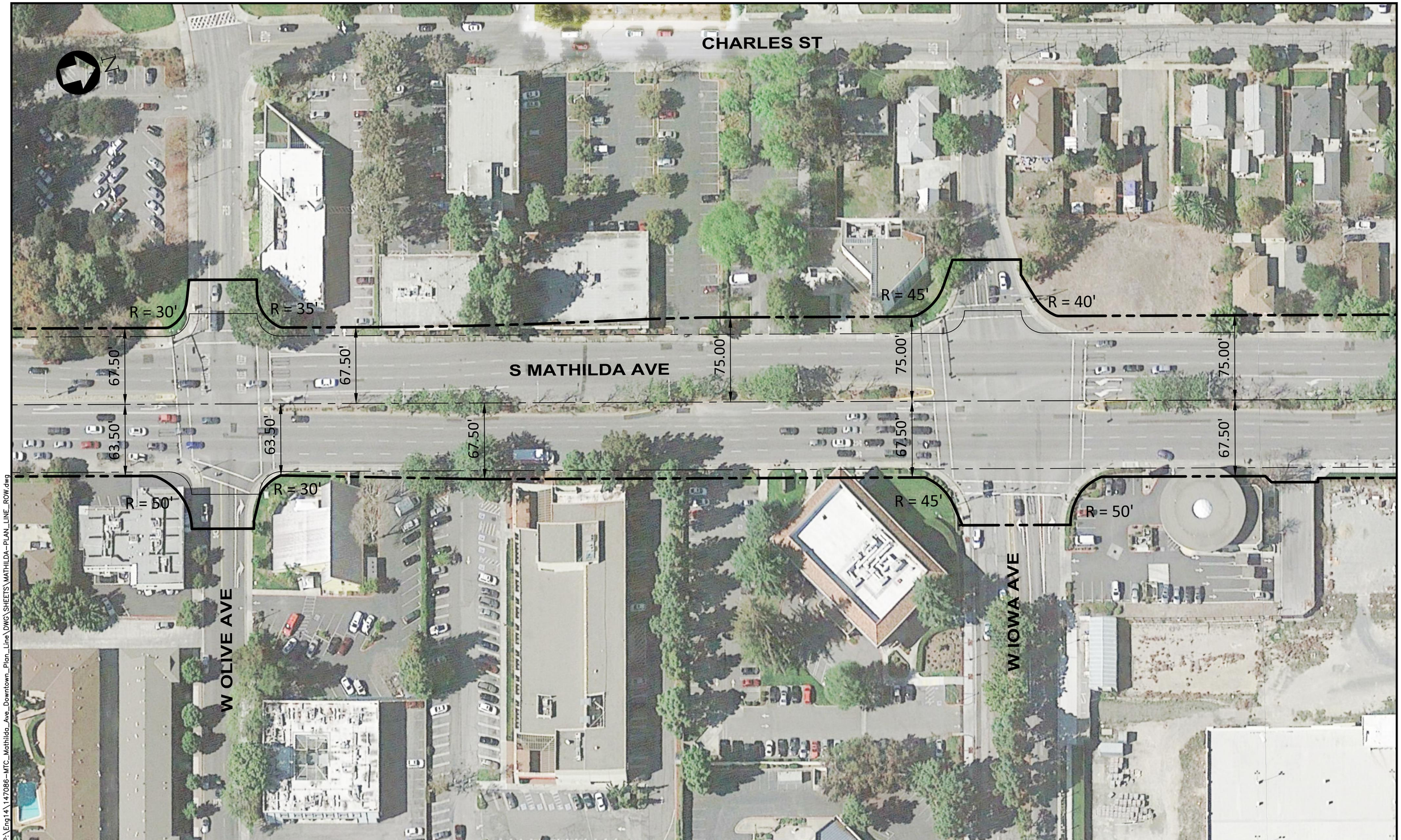

MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE

PL-2

50' 0' 50' 100'

GRAPHIC SCALE

BKF ENGINEERS / SURVEYORS / PLANNERS

07/28/2015

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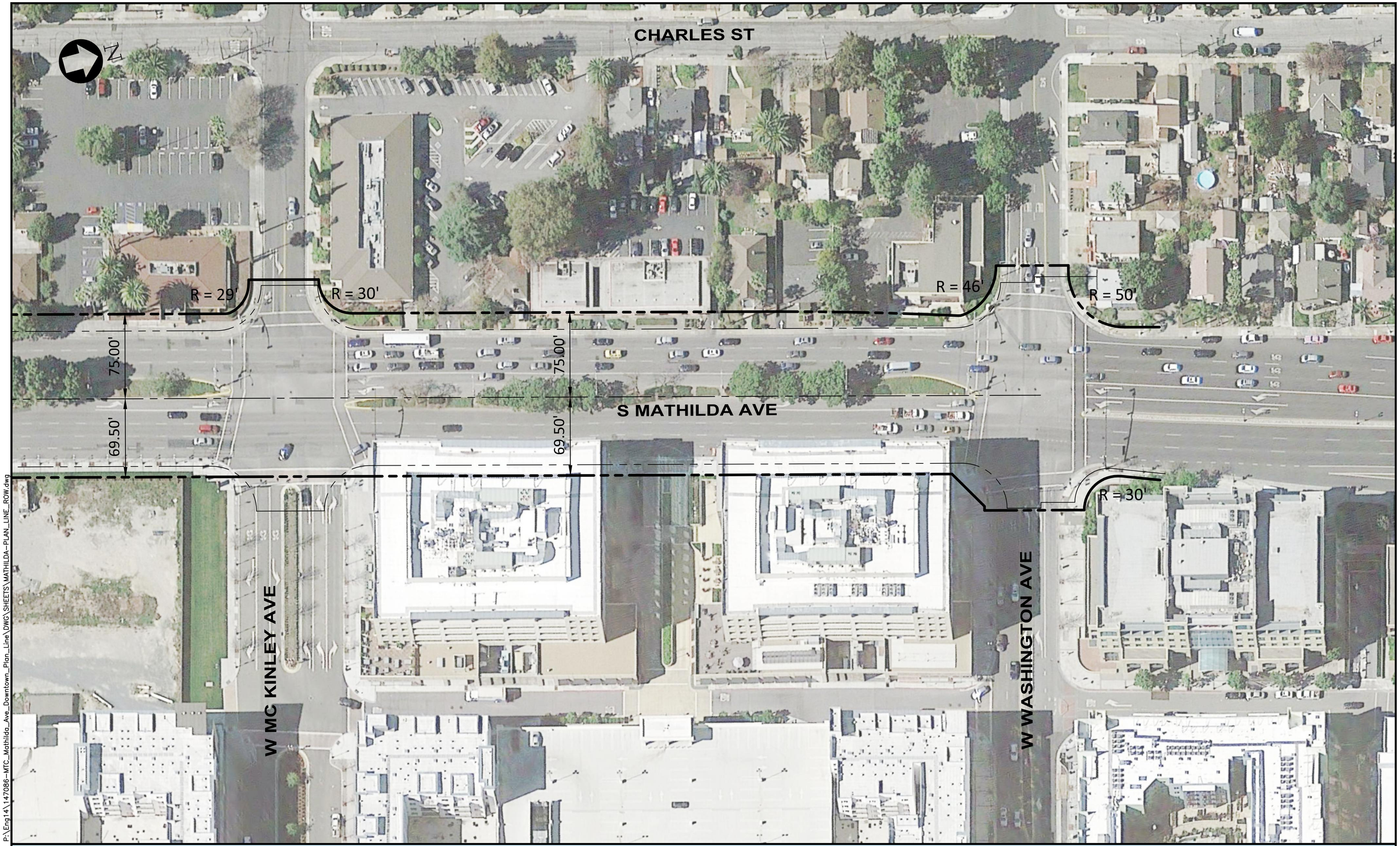

MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE

PL-3

50' 0' 50' 100'

GRAPHIC SCALE

BkF ENGINEERS / SURVEYORS / PLANNERS

07/28/2015

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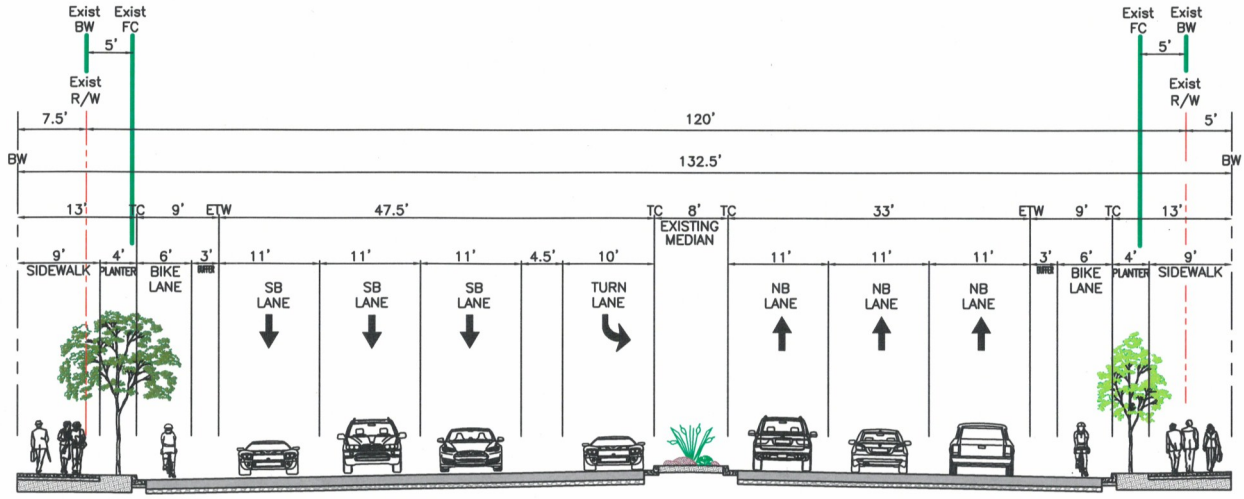
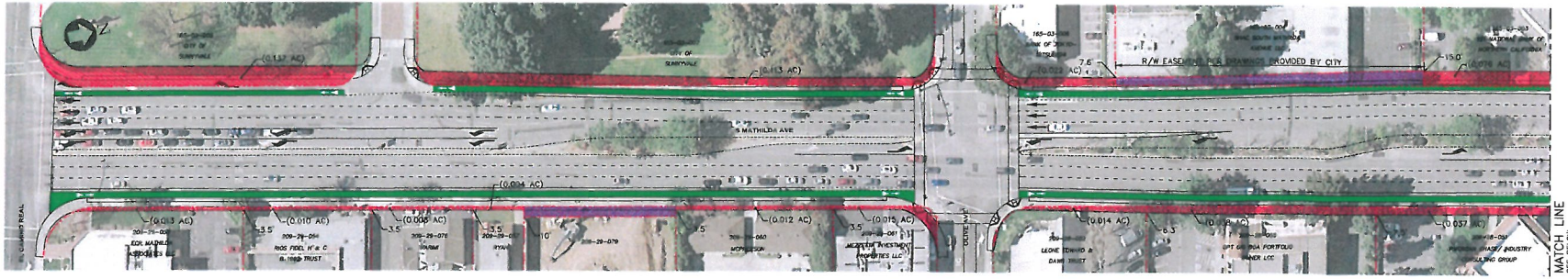
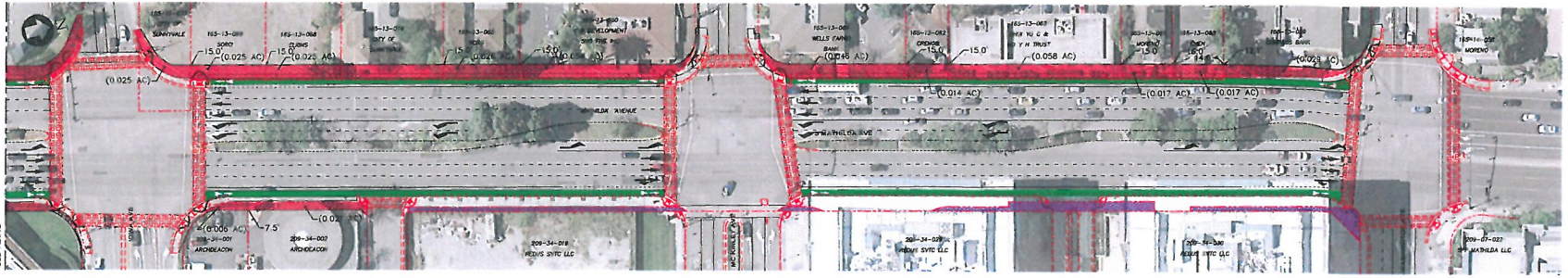
Typical Section Enlargement



PROPOSED SECTION C-C

NO SCALE





NOTES:
1. RIGHT OF WAY SHOWN IS BASED ON RECORD INFORMATION ONLY. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR VERIFICATION OF LOT LINES.

LEGEND:

- EXISTING RIGHT OF WAY/ PROPERTY LINE
- PROPOSED RIGHT OF WAY (EASEMENT)
- (XX AC) AREA FOR DEDICATION
- DEDICATION FOR STREET RIGHT OF WAY
- XX' SETBACK FOR DEDICATION
- EXISTING DEDICATION AREA

EXHIBIT E
MATHILDA AVENUE - DOWNTOWN
EL CAMINO REAL TO WASHINGTON AVENUE PLAN LINE STUDY

BKF ENGINEERS · SURVEYORS · PLANNERS
05/28/2015

DRAFT 7/30/15 _____

PLANNING COMMISSION RESOLUTION NO. _____-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUNNYVALE RECOMMENDING ADOPTION OFFICIAL PLAN LINES FOR MATHILDA AVENUE BETWEEN EL CAMINO REAL AND WASHINGTON AVENUE PURSUANT TO SUNNYVALE MUNICIPAL CODE SECTION 19.06.050

WHEREAS, The Downtown Specific Plan ("DSP") was adopted in 2003 and contained requirements for dedication of right-of-way and installation of a frontage road on Mathilda Avenue between Washington Avenue and Olive Avenue as part of the urban design of the DSP; and

WHEREAS, on October 22, 2013, the City Council amended the DSP requirements by eliminating the frontage road and approving an alternative design; and

WHEREAS, as part of the process of modifying the DSP right-of-way requirements an Addendum to the 2003 Program Environmental Impact Report for the DSP was approved pursuant to Public Resources Code section 15070 and CEQA Guideline 15164, which evaluated the impacts of the DSP frontage road amendment on the environment; and

WHEREAS, the City has prepared an update for the Official Plan Lines for the portion of Mathilda Avenue between El Camino Real and Washington Avenue to implement the streetscape design standards envisioned by the DSP, attached hereto as Attachment A; and

WHEREAS, Sunnyvale Municipal Code Chapter 19.06 sets forth the requirements for adoption of Official Plan Lines, and provides that the Planning Commission shall review proposed Plan Lines and recommend by resolution that they be adopted; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 10, 2015, and considered the reports and the proposed Mathilda Avenue Official Plan Lines, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SUNNYVALE THAT:

1. The proposed Mathilda Avenue Official Plan Lines are consistent with the project analyzed in the Addendum to the Program EIR related to DSP streetscape design and no further review is required.

2. The proposed Mathilda Avenue Official Plan Lines described in Attachment A are consistent with the existing terms of the Downtown Specific Plan and General Plan of the City of Sunnyvale.

3. The Planning Commission recommends adoption of the Official Plan Lines for Mathilda Avenue between at El Camino Real and Washington Avenue, as described in Attachment A.

Adopted by the Planning Commission at a regular meeting held on _____, 2015, by the following vote:

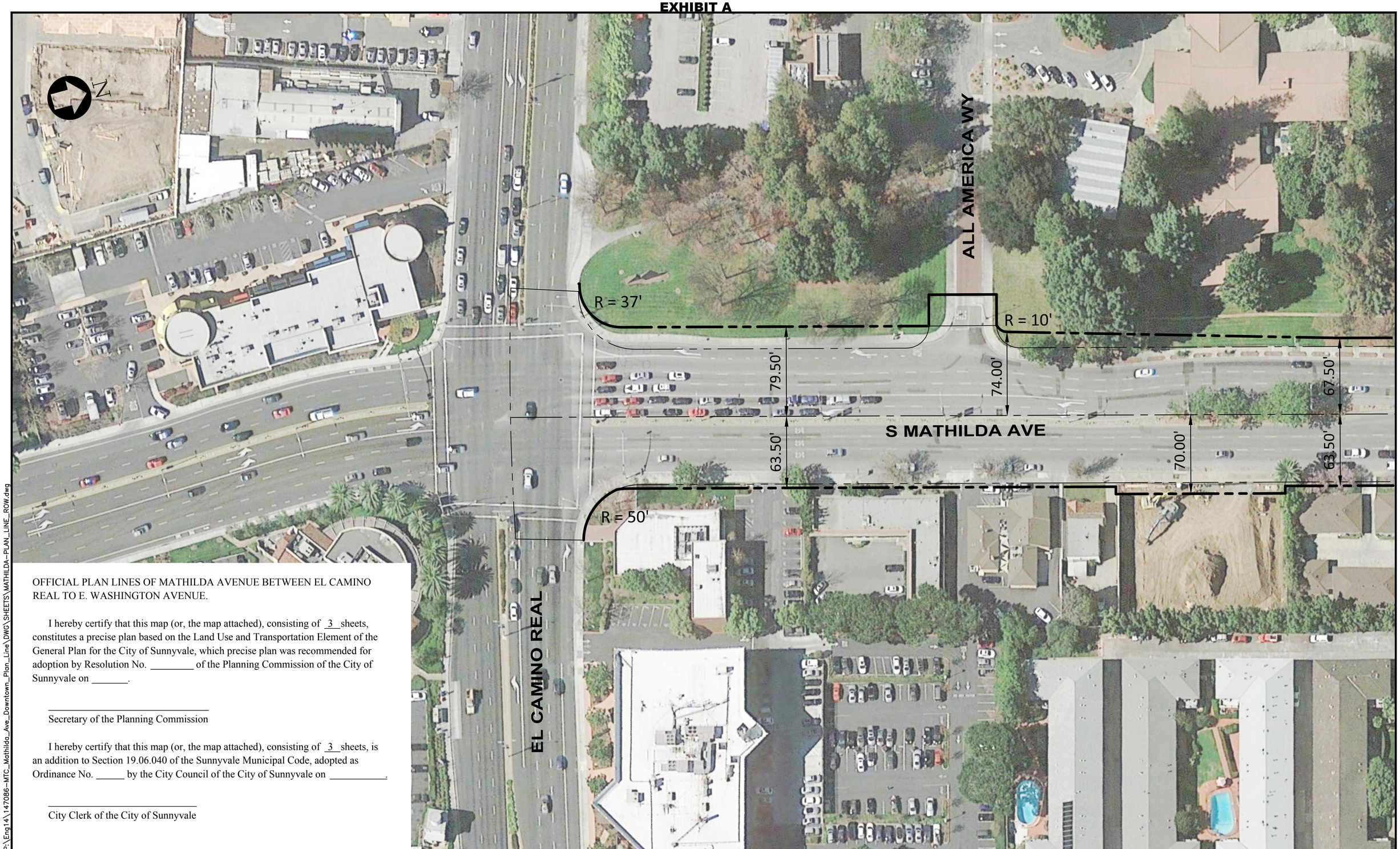
AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____ _____

Planning Commission Secretary Chair
(SEAL)

EXHIBIT A



OFFICIAL PLAN LINES OF MATHILDA AVENUE BETWEEN EL CAMINO REAL TO E. WASHINGTON AVENUE.

I hereby certify that this map (or, the map attached), consisting of _3_ sheets, constitutes a precise plan based on the Land Use and Transportation Element of the General Plan for the City of Sunnyvale, which precise plan was recommended for adoption by Resolution No. _____ of the Planning Commission of the City of Sunnyvale on _____.

_____
Secretary of the Planning Commission

I hereby certify that this map (or, the map attached), consisting of _3_ sheets, is an addition to Section 19.06.040 of the Sunnyvale Municipal Code, adopted as Ordinance No. _____ by the City Council of the City of Sunnyvale on _____.

_____
City Clerk of the City of Sunnyvale

CITY OF SUNNYVALE CALIFORNIA

MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE

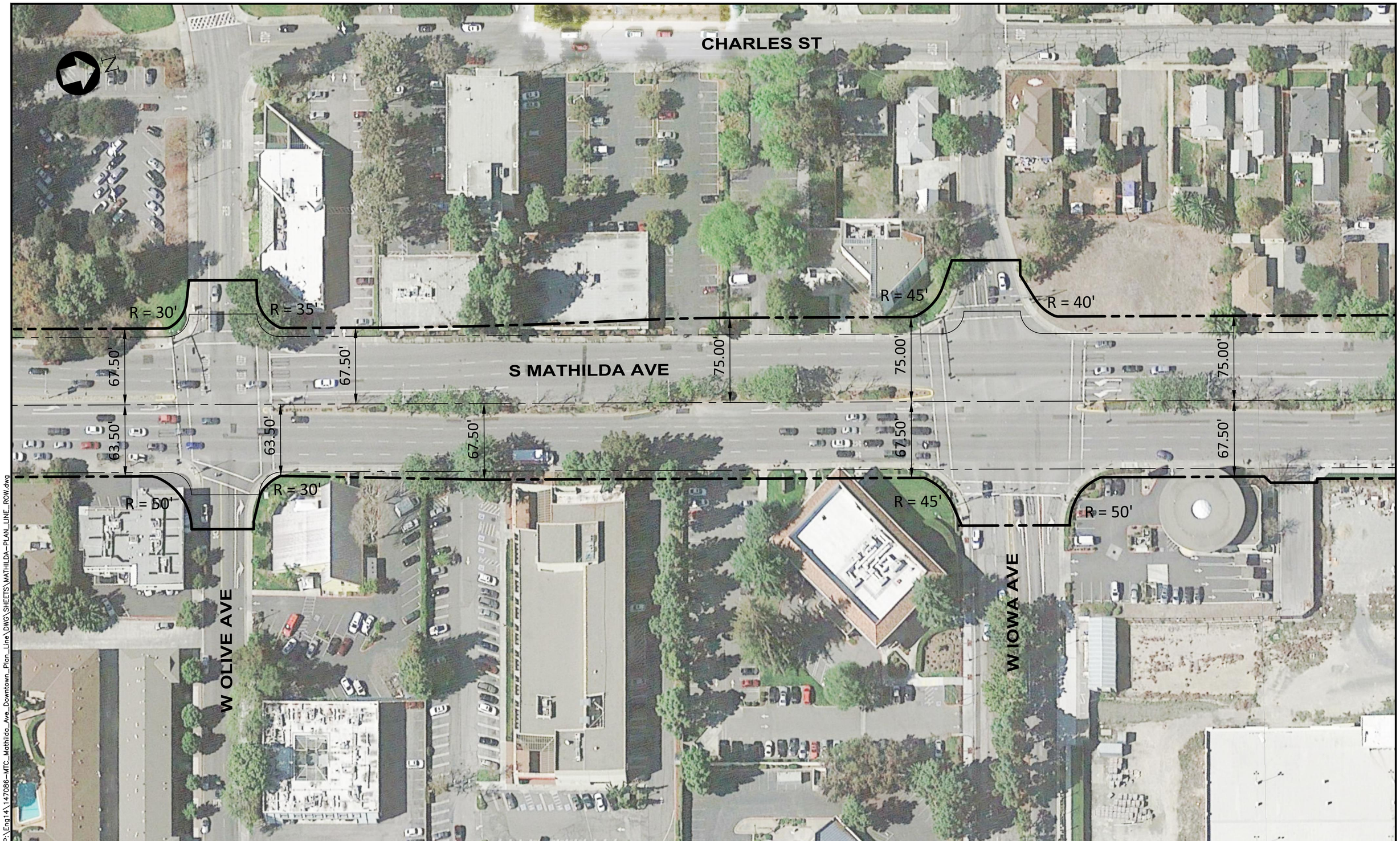
PL-1

50' 0' 50' 100'
GRAPHIC SCALE

BKF
ENGINEERS / SURVEYORS / PLANNERS

07/28/2015

clem Jul 28, 2015 – 3:47pm P:\Eng14\147086-MTC_Mathilda_Ave_Downtown_Plan_Line\DWG\SHEETS\MATHILDA-PLAN_LINE_ROW.dwg



MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE

PL-2

50' 0' 50' 100'

GRAPHIC SCALE

BKF ENGINEERS / SURVEYORS / PLANNERS

07/28/2015

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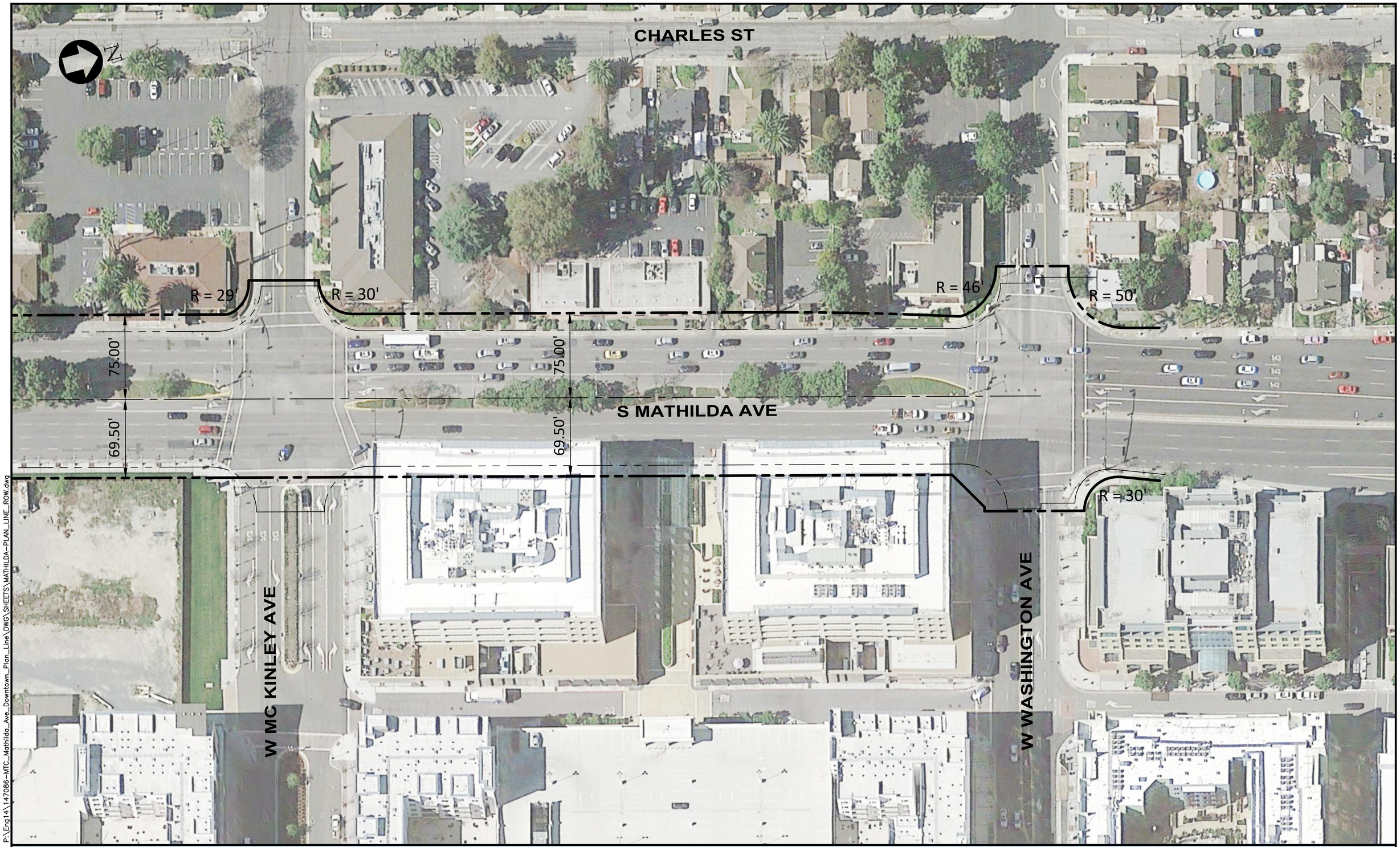

MATHILDA AVENUE PLAN LINE

EL CAMINO REAL TO WASHINGTON AVENUE

PL-3

50' 0' 50' 100'

GRAPHIC SCALE

BkF ENGINEERS / SURVEYORS / PLANNERS

07/28/2015

clem Jul 28, 2015 – 3:49pm P:\Eng14\147086-MTC_Mathilda_Ave_Downtown_Plan_Line\DWG\SHEETS\MATHILDA-PLAN_LINE_ROW.dwg

DRAFT 7/31/15 NB

ORDINANCE NO. _____-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE LIST OF OFFICIAL PLAN LINE MAPS IN SECTION 19.06.050 (MAPS-ADOPTED-DESIGNATION) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO AMEND THE MATHILDA AVENUE PLAN LINE

WHEREAS, the City of Sunnyvale adopted an Official Plan Line for Mathilda Avenue per Ordinance No. 856, on September 27, 1960; and

WHEREAS, the City has prepared an update for the Official Plan Lines for the portion of Mathilda Avenue between El Camino Real and Washington Avenue to implement the streetscape design standards envisioned by the Downtown Specific Plan (DSP); and

WHEREAS, as part of the process of updating the DSP right-of-way requirements an Addendum to the 2003 Program Environmental Impact Report for the DSP was approved pursuant to Public Resources Code section 15070 and CEQA Guideline 15164, which evaluated the environmental impacts of the proposed changes; and

WHEREAS, Sunnyvale Municipal Code Chapter 19.06 sets forth the requirements for adoption of Official Plan Lines, and provides that the Planning Commission shall review proposed Plan Lines and recommend by resolution that they be adopted; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 10, 2015, and considered the reports and the proposed Mathilda Avenue Official Plan Lines, and the written and oral comments presented at the public hearing, and recommended adoption of the new Mathilda Avenue Plan Line that runs from El Camino Real to Washington Avenue by Resolution No. _____; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2015, and considered the reports and the proposed Mathilda Avenue Official Plan Lines, and the written and oral comments presented at the public hearing, and the recommended of approval from the Planning Commission; and

WHEREAS, the City Council hereby approves the revised Official Plan Lines for the subject portion of Mathilda Avenue and now desires to amend the municipal code to reflect the revised plan lines.

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

SECTION 1. SECTION 19.06.050 AMENDED. Section 19.06.050 of Chapter 19.06 (General Plan) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended and inserted alphabetically the following map:

Sec. 19.06.050. Maps-Adopted-Designation.
Official plan lines shall be clearly delineated on maps which, together with all data and information indicated thereon, shall upon adoption by the planning commission and the city council, be made a part of this chapter. The maps are:

[list of maps remains unchanged except as modified below:]

Mathilda Avenue: The Official Plan Lines for Mathilda Avenue are divided into two segments:

(a) Mathilda Avenue: "Official Plan Lines for that portion of Mathilda Avenue between El Camino Real and Washington Avenue" superseding the former Official Plan Line for that portion adopted by Ordinance 856 in 1960; and

(b) Mathilda Avenue: Official Plan Lines for that portion of Mathilda Avenue between Washington Avenue and the Most Northerly City Limits, as established in "Official Plan Lines for that portion of State Route No. 114 Within the City Limits of Sunnyvale (known as Mathilda Avenue), El Camino Real (U.S. 101) to the Most Northerly City Limits."

SECTION 2. CEQA. The City Council finds that the proposed Mathilda Avenue Official Plan Lines are consistent with the project analyzed in the Addendum to the Program EIR related to DSP streetscape design and no further review is required.

SECTION 3. RECORDING. Upon City Council adoption of this ordinance, the City Clerk shall record the map for Mathilda Avenue Official Plan Lines for that portion of Mathilda Avenue between El Camino Real and Washington Avenue map with the Santa Clara County Recorder's Office.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 once in The Sun, the official 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 (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor
Date of Attestation: _____

(SEAL)

APPROVED AS TO FORM:

_____
City Attorney

City of Sunnyvale

Agenda Item 3

15-0764 **Agenda Date:** 8/10/2015

File #: 2014-7416 & 2014-7417
Location: 915 De Guigne Drive, 936 East Duane Avenue and surrounding area
Zoning: M-S (Industrial and Service) Proposed R-3/PD (Medium Density Residential/Planned Development)
Proposed Project:

> **PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)** for Residential Project and East Sunnyvale Sense of Place Plan

Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov