

**4 14-0202****File #:** 2013-7081 & 2013-7132**Location:** 610 E. Weddell Drive (APN: 110-28-001) and 520-550 E. Weddell Drive (110-14-190 & 191).**Proposed Project:** Discussion and possible actions on:**GENERAL PLAN AMENDMENT** to change the land use designation from Industrial to Residential High Density for 610 E. Weddell Drive and 520 E. Weddell Drive (Parcel B only);**REZONING** Introduction of Ordinances to Rezone from MS-PD (Industrial & Service/Planned Development for 610 E. Weddell Drive and M-S/POA (Industrial & Service/Place of Assembly) for 520 E. Weddell Drive (Parcel B only) to R-4/PD (High Density Residential/Planned Development) for both properties.**Applicant / Owner:** Sares - Regis Group (610 E. Weddell Drive); Raintree / Kohl (520-550 E. Weddell Drive)**Environmental Review:** An Environmental Impact Report (EIR) has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Ryan Kuchenig, Associate Planner, presented the staff report, and clarified that the number of affordable units listed on page 12 for the Raintree site should be 27 and not 55.

Vice Chair Olevson and Trudi Ryan, Planning Officer, discussed the utilization of transit near the site. Vice Chair Olevson clarified with Mr. Kuchenig that the applicant is asking for the maximum bonus density as part of the Raintree proposal at the 550 E. Weddell site. Vice Chair Olevson and Ms. Ryan discussed the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan extension.

Chair Melton opened the public hearing.

Ken Busch, with the Sares Regis group, gave a presentation while discussing aspects of the project. Rob Steinberg, the project architect, presented illustrations and discussed the design features of the project. Mr. Busch finished the presentation for the Sares Regis group with a discussion of proposed amenities.

Rick Price, with Raintree Partners, gave a presentation of the project context. Jason Check, with Raintree Partners, discussed the General Plan Amendment and presented images of the site and its surroundings.

Jack Jones, a Sunnyvale resident, said he supports both projects and commented on the need for rental housing.

Chair Melton closed the public hearing.

Comm. Rheaume confirmed the current zoning of the existing property at 550 E. Weddell Drive with Mr. Kuchenig.

Comm. Simons and Ms. Ryan discussed impacts of the site being considered a major residential thoroughfare, the annexation of the site into the Tasman / Fair Oaks Bicycle and Pedestrian plan, expanding pedestrian amenities, and discussed sidewalk widths.

Chair Melton commented on the popularity of the 610 E. Weddell site among developers, and discussed with Ms. Ryan the level of interest in the 520 E. Weddell site.

Comm. Simons moved Alternatives:

- 1) For 610 E. Weddell Dr. (Sares - Regis):
  - a. Adopt the Resolution Amending the General Plan from Industrial to Residential High Density
  - b. Introduce an Ordinance to Rezone from M-S/PD (Industrial and Service/Planned Development) to R-4/PD (High Density Residential/Planned Development)
- 2) For 520 E. Weddell Dr. (Raintree Partners):
  - a. Adopt the Resolution Amending the General Plan from Industrial to Residential High Density
  - b. Introduce an Ordinance to Rezone from M-S/POA (Industrial and Service/Place of Assembly) to R-4/PD (High Density Residential/Planned Development)
- 3) Extend the Boundaries of the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan to include 520 E. Weddell Dr. and 610 E. Weddell Dr.

Vice Chair Olevson seconded.

Comm. Simons said one thing he will be talking about in the future regarding this project is making sure it is compliant with the level of density and the sidewalks. He said this is not place to discuss architecture, but that it is important in the design of the project that we create as best a connection as possible to light rail and the pedestrian realm. He said this project, while being next to a freeway, may be one of the better sets of projects meeting the goal of supporting people, using mass transit and ride share. He disclosed that he

met with one developer to discuss the design and planning of the project and that in the discussion, while not important for this motion, one thing that is good for these projects is a ride sharing option from Zip Car or any other type of auto sharing company. He said this has one of the bigger impacts on reducing the number of cars onsite, more than other amenities, and is really excited to see that the applicant is setting up agreements with companies operating with the concept of car sharing, which will be important for the city in the future.

Vice Chair Olevson said in looking at these sites it is sometimes difficult to separate the projects from the zoning and Environmental Impact Report (EIR), but because of the sequencing we have done, it does make it easier to look at potential rezoning absent of any individual project. He said when looking at the proposed rezoning and the amendment to the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan, he asks if it will have a positive or negative impact on the neighborhood, and that Fair Oaks north of 101 is becoming a very attractive street to drive down with lots of mature trees and a sense of place that is developing. He said he looked at whether or not this will enhance what is already going on and at the numerous letters received when developing the EIR from those who propose supermarkets and parks for these sites, but he said our history has shown that private money is not interested in these places for those applications. He said instead it appears that a residential application, especially along the green belt, is a superior alternative, so it is inherent upon us to change the zoning so this type of project can move ahead. He said the projects fit into the surrounding neighborhood, are less dense than some and more than others, and that whatever project we eventually approve will be better for the neighborhood than the current zoning designation, and because of that he will be supporting the motion.

Comm. Klein said he will be supporting the motion and was able to make the findings to recommend to City Council the rezone of the two projects and to extend the Tasman / Fair Oaks Area Pedestrian and Bicycle Circulation Plan plan. He said in terms of this area, what really sold him as far as the continuation of the EIR, which pointed out possible issues with densities, and in looking at the letters from the public that demonstrate a mixture of people who support the project and those hoping that nothing at all goes there, is that there are appropriate mitigation measures that can be put in place to ensure issues with density will be handled accordingly. He said the other thing that really struck him as shown in Attachment 8 is seeing where high density residential is placed within the City. He said it is close to mass transit and

major freeway intersections, which points to this Fair Oaks and 101 intersection as a natural place for high density residential. He said there are definitely issues with high density here and that is what the EIR is for. He said some of the good things are already being heard, such as ride and bike sharing and access to transit, and when looking at specific projects in the future there will be ways that handle some of the density at this location, so he will be supporting the motion and making the recommendation to Council.

Chair Melton said he wanted to spend a few minutes describing his decision-making process and said one recommended finding that leapt out to him that asks if the contemplated legislative action serves the public interest, and asked himself is what that means. He said he thinks that means the public interest talks about the good of the many versus the good of the few, that it is not black and white and sits on a continuum. He said finding whether these two contemplated legislative actions serve the public interest is difficult, is not a slam dunk in his view, and he thinks the public interest changes slowly over time, if at all, and does not change over night. He said he thinks it is meaningful to look at how these sites are currently zoned and covered in the General Plan (GP), and that previous City Councils all the way back to 1955 deemed it to be in the public interest that these properties were zoned and covered in the GP as industrial. He said he needs to see something that shows him that it is appropriate and really in the public interest to change something that was previously deemed to be in the public interest. He also noted that the public interest question being addressed looks solely at the General Plan Amendment and the rezone and not the development project. He said to evaluate the issue he listed the things that are in the public interest and those that are not. He said it is time to put the EIR to work, and that there has been a lot of effort by the consultant, City staff, the Planning Commission and soon the City Council to create and presumably certify the document and that now is the time to see how the EIR will guide the decisions made. He said the first thing for both sites is that, situated as close as they are to the freeway, they would require the use of hospital quality air filters for dwelling units, which he finds absolutely astounding. He said both sites will require the use of MERV 13 and/or MERV 16 air filters, and found that they are air filters used for hospital and general surgery. He said the EIR talks about excess cancer risk from US Highway 101 traffic for both sites and both will require MERV 13 or 16 air filters, which means that future Sunnyvale residents, potentially including the elderly, the hard-working Silicon Valley engineers, low-income people, or mothers and their newborn children, will be told for the first time that they have to live in a site that requires a hospital quality air filter to get air that does not have deisel particulate matter and potential carcinogenic effects, which he

finds to be absolutely shocking. He said that when the projects come before the Commission, he looks forward to the discussion during which someone will show him in the GP that hospital quality air filters are part of what we are in the City of Sunnyvale. He also noted that excess cancer risk measurements are worse at the 520 E. Weddell site than they are at the 610 E. Weddell site, and that also not in the public interest is the concept of the slippery slope on air quality which means we could be on the cusp of saying for the first time that the use of MERV 13 and 16 air filters is acceptable. He said this will make it easier to say okay again for the next time we want to do a project that has questionable air quality since we have done this before. He said these projects are already deemed to be in the public interest as zoned and contemplated in the GP. He said regarding the 520 site he finds not in the public interest that it is less consistent with neighboring land use than the 610 site which stitches in beautifully with the adjacent uses. He said for both projects, things listed as in the public interest include that they provide much needed housing and affordable housing, and are near transit. He said the 610 site is coveted by developers so the improvements to the greenbelt are more likely to come to fruition, and that the existing terrible structure is more likely to come down. He said the 610 site will serve the public interest by ridding potential crime and public nuisance situations on the small section of the greenbelt, and that the 610 site fits well with the neighboring mobile home park and residential low-density uses. He says that as much as he is concerned about the required use of the hospital quality air filters, he can find that both projects are in the public interest so he will be voting yes, but wanted to be clear that it was a close call for him.

#### FINAL MOTION:

Comm. Simons moved Alternatives:

- 1) For 610 E. Weddell Dr. (Sares - Regis):
  - a. Adopt the Resolution Amending the General Plan from Industrial to Residential High Density
  - b. Introduce an Ordinance to Rezone from M-S/PD (Industrial and Service/Planned Development) to R-4/PD (High Density Residential/Planned Development)
- 2) For 520 E. Weddell Dr. (Raintree Partners):
  - a. Adopt the Resolution Amending the General Plan from Industrial to Residential High Density
  - b. Introduce an Ordinance to Rezone from M-S/POA (Industrial and Service/Place of Assembly) to R-4/PD (High Density Residential/Planned Development)
- 3) Extend the Boundaries of the Tasman / Fair Oaks Area Pedestrian and

Bicycle Circulation Plan to include 520 E. Weddell Dr. and 610 E.

Weddell Dr. Chair Olevson seconded. Motion carried by the following vote:

**Yes:** 6 - Commissioner Harrison  
Commissioner Klein  
Chair Melton  
Vice Chair Olevson  
Commissioner Rheaume  
Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Durham