

- 4 14-0154** Introduce an Ordinance to Create Chapter 19.47 (Off-Site Stadium Event Parking) of Title 19 of the Sunnyvale Municipal Code to Add Off-Site Parking Standards and Regulations Related to Levi's (49ers) Stadium (2014-7021)

Amber El-Hajj, Senior Planner, presented the staff report.

Comm. Klein clarified with staff the zoning district that this ordinance would apply to, and discussed with Ms. El-Hajj prohibiting both tailgating and the sale of food in the offsite parking lots. Comm. Klein and staff discussed the permit appeal process. Comm. Klein confirmed with Trudi Ryan, Planning Officer, that there are no other use permits that cannot be appealed. Ms. El-Hajj discussed the response from the community. Comm. Klein confirmed with Ms. El-Hajj that San Francisco does not currently have an offsite parking ordinance.

Comm. Durham discussed with Ms. El-Hajj whether the number of parking spaces needed for the stadium includes the staff who will work there, and confirmed with Ms. El-Hajj that the Environmental Impact Report (EIR) for the stadium did not include bike parking data. Comm. Durham and Ms. El-Hajj also discussed the number of lots potentially affected that are adjacent to residential properties, and confirmed that the Department of Public Safety is working on having road block signs and limited access areas.

Vice Chair Olevson discussed with staff the rationale behind prohibiting valet parking. Vice Chair Olevson noted that the elimination of tailgating may encourage people to wait until the last minute to arrive, thereby creating traffic chaos. Ms. El-Hajj said Santa Clara is allowing tailgating in all of their lots. Vice Chair Olevson said he would like to see a process of appeal.

Comm. Rheume confirmed with Ms. El-Hajj that the standard Miscellaneous Plan Permit (MPP) application review fee would apply to those wanting to offer parking in private lots. Comm. Rheume confirmed with Ms. Ryan that offsite signage for the lots would not be allowed and that parking in the lots would have to be advertised another way. Comm. Rheume confirmed with Ms. El-Hajj that the City of San Jose is not considering a similar ordinance, and Ms. El-Hajj added that the concern stems from people not wanting to pay \$40 for parking and attempting to park in Sunnyvale for free and then walking to Tasman to get to the stadium. Ms. Ryan displayed the City zoning map and demonstrated the proximity of the stadium to City boundaries.

Comm. Simons commented on the lack of sidewalks on Tasman, and said evaluating this during the first year will not cut it because the worst case will occur

during the Superbowl. He discussed alternatives for the tailgating prohibition which could potentially produce funding for City programs. Comm. Simons and Ms. El-Hajj discussed the ordinance that the Department of Public Works is working on and Ms. El-Hajj said it would include security in the neighborhoods. Comm. Simons confirmed with Ms. El-Hajj that permits would not be approved for parking in private lots if proposed to occur during regular business hours.

Comm. Harrison confirmed with Ms. El-Hajj that the final draft of Santa Clara's transportation operational plan is not yet complete. Comm. Harrison commented on Santa Clara contracting out for the additional parking spaces. Ms. Ryan noted that Santa Clara should take care of parking for their stadium, but that the City of Sunnyvale should be prepared for the first event. Comm. Harrison confirmed with Ms. El-Hajj that Santa Clara would not be adding a sidewalk on Tasman in Sunnyvale and that the City is not asking business owners to set up a new business to manage parking, but is giving them the opportunity to do so.

Comm. Durham confirmed with Ms. El-Hajj that the 49ers have agreed to have no weekday events for the first year.

Comm. Klein confirmed with Ms. El-Hajj that after a permit is revoked, the standard time for approval of the reapplication would be two weeks.

Chair Melton opened the public hearing and upon seeing no speakers for the item, closed the public hearing.

Comm. Klein discussed the lack of funding for improvements to the Woods neighborhood and Tasman Drive, and asked if there is a potential program for application fees to create funding. Ms. Ryan clarified that for a development review the City can only charge for the cost of reviewing the permit.

Comm. Simons and staff discussed developing a list of those who have permits and will be providing parking, and Ms. El-Hajj said where to post the information would be up to the Communications Division.

Comm. Klein moved Alternatives:

- 2) Direct staff to monitor the ordinance and parking and return to Council in one year (or sooner if necessary) to discuss the regulations and provide suggested modifications as needed; and
- 3) Introduce an ordinance with modifications:
 - a. That the revocation of the permit be appealable to the Planning Commission.

Vice Chair Olevson seconded.

Comm. Klein said he understands that staff is trying to deal with all possible issues in an unknown situation, and said he is surprised that neither San Francisco nor Oakland has had to deal with an offsite parking ordinance. He said before this goes to City Council, he suggests staff look around for a similar ordinance. He said he has some issues with the tailgating limitation as tailgating spreads out fan arrival times and said that it is one thing to prohibit cooking and barbecuing and another to prohibit loitering in a parking lot where multiple caravans meet. He said encouraging people to gather is a good thing in terms of the camaraderie and that many times friends have to sit in different areas of the stadium. Comm. Klein reiterated that the tailgating portion is very restrictive and hopes it will be revisited as a priority in one year. He said looking into having tailgating with food trucks may reduce the likelihood of people cooking, and that lessening the tailgating wording so people could congregate and spread time out makes sense. He said it is heavy handed to say one person makes the decision regarding an appeal and would prefer the option to have the revocation of a permit to be appealable to the Planning Commission so permit holders can make their case to a wider audience. He said he worries about the lack of signage and direction for people to find parking, and that free street parking will be a common location. He said charging \$40-50 for a parking spot will encourage people to find free parking, and he hopes staff will look into notification of where parking can be found on event days on the City website. He said he also worries that there may not be a good ordinance in place to deal with the impact of people parking on the street, of shuttle buses not having a direct path to light rail stations or other public transit. He said staff should look into funding improvements to the Woods and Tasman areas regardless of whether or not Santa Clara responds. He said people will be walking in the street, which will become an issue very quickly, and as much as having the stadium nearby will be a boon for local hotels and business, we will also have the nightmare of trying to handle game day in the community. He said this is a good first attempt and looks forward to its development over the next year.

Vice Chair Olevson said he will be supporting the motion for the ordinance with the modification to allow the appeal for revocation to the Planning Commission. He said he has concerns with planning for the future via guess work, but that we do not know the impact this will have. He said Santa Clara has 21,000 spaces and is negotiating 30,000 spaces, and all of this will be moot by the time the first game comes along. He said he is willing to support the modified ordinance because we need to be cautious, and that because Santa Clara is paying us for enforcement but not traffic control, we need to make this work.

Comm. Rheaume said he is having trouble supporting the motion, and that while he appreciates staff's work and concern, he thinks we can keep this simple by waiting a year and seeing how Santa Clara responds. He said if word gets out to fans that you cannot park in Sunnyvale now it may set precedence that you cannot park in Sunnyvale ever, and that while it is hard to control that, it could put pressure on Santa Clara to meet their responsibilities for this stadium. Comm. Rheaume offered a friendly amendment to limit this to include just the Woods neighborhood to see how this would impact the City for the first year. Comm. Klein declined the friendly amendment and said he thinks those neighborhoods are key to understanding how they will be affected because they are so close, and that the biggest issue is people who plan ahead will park in Moffett and people who do not will find the Woods.

Comm. Durham said he can find for this potential ordinance, and that there will be people who will arrive late and want to find parking quickly. He said if people are allowed to park in Sunnyvale for half or three quarters of the cost of parking in Santa Clara they may do the math and decide it is better to arrive early and park in Santa Clara. He said he is hoping there will not be a lot of overflow into Sunnyvale, and that he thinks this is a proactive step. He said he would hate to see that after the first few games we have a flood of parking and no plan to deal with it. He said we have a good start here with plans to fine tune the limitation and definition of tailgating later, so he will be supporting the motion.

Comm. Simons thanked staff for a great effort, and said he will be voting against this because of his one major concern that we may be creating businesses that are invisible unless one is driving around looking for signs. He said he would like to see funding so that people who are looking for parking can find a list of companies, which may not always be open but can be called to confirm availability. He said this should be built into any process like this so we are not creating hidden businesses.

Comm. Harrison confirmed with Ms. El-Hajj that if staff denies a permit it is appealable under normal MPP rules. Comm. Harrison said she will be supporting the motion and appreciates staff's time and dedication. She said this is a good first step, and that she also really questions the tailgating and valet prohibitions and hopes they will be looked at after a period of evaluation.

Chair Melton said he will be supporting the motion and thanked staff for a really well thought out report. He said we have heard Ms. El-Hajj say repeatedly that the primary mission is to protect Sunnyvale, and that we have a massive thing going on

in the next city and we need to look at what is best for Sunnyvale. He said he is not as concerned with the tailgating issue and has faith that it will be addressed in the subsequent iteration. He said it was a close call with regard to the appealability of permit revocation, and that while his preference would have been to leave it as a unilateral decision for the Director of the Community Development Department, he was convinced by Comm. Klein's comments that this is a good way to go. He said we will be looking at this again in 12 months anyway, so it is not as though any decision made now will have major, long-term effects.

MOTION:

Comm. Klein moved Alternatives:

3) Introduce an ordinance with modifications:

- a. That the revocation of the permit be appealable to the Planning Commission; and

2) Direct staff to monitor the ordinance and parking and return to Council in one year (or sooner if necessary) to discuss the regulations and provide suggested modifications as needed.

Vice Chair Olevson seconded. The motion carried by the following vote:

Yes: 5 - Commissioner Durham
Commissioner Harrison
Commissioner Klein
Chair Melton
Vice Chair Olevson

No: 2 - Commissioner Rheaume
Commissioner Simons