

- 3** **14-0551** Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to General Procedures and noticing requirements; Adopt a Council Policy to Increase Public Awareness of Development Proposals (Study Issue, 2014-7261); and make a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guideline 15061(b)(3)
(Study Issue, Planning File number: 2014-7261)

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

Comm. Simons confirmed with staff that the Ordinance will only set minimum noticing standards and that there will be flexibility to change methods of noticing without it coming back to the Planning Commission and the City Council for approval of the changes.

Comm. Harrison said the methods for updating the public notices to distinguish them from junk mail are good ideas, and discussed with Ms. El-Hajj the reasoning behind recommending a 1,000-foot noticing radius for proposed projects with six or more stories.

Comm. Durham thanked staff for the staff report, and confirmed with Trudi Ryan, Planning Officer, that noticing radii are measured from the property line. Comm. Durham clarified with Ms. El-Hajj that staff is recommending excluding single family home projects. Ms. Ryan added that staff is recommending changing the minimum notice standard for all projects to a 300-foot radius.

Comm. Klein clarified with staff the increase in the minimum notice standard. Ms. Ryan added that staff is not recommending changes to the process and said that applications for projects under the review threshold would still require no notice. Comm. Klein commented on the appropriateness of 300 feet for notification of new telecommunications facilities. Ms. Ryan explained that the Ordinance would define the minimum noticing standard and that the policy paper would outline guidance for taking the number of stories or height of a building or structure into account to determine the noticing distance. Comm. Klein discussed with Ms. Ryan why Use Permits in the Places of Assembly (POA) zones would still require a 1,000-foot noticing radius.

Vice Chair Olevson and Ms. Ryan discussed the reasoning behind why the draft Ordinance no longer specifically references each design guideline or precise plan. Vice Chair Olevson discussed with Kathy Berry, Senior Assistant City Attorney, why the Public Notice section of the draft Ordinance regarding the failure to receive notice was added.

Vice Chair Olevson opened the public hearing.

Jody Tidwell, a Sunnyvale resident, said no methods work if the noticing radius is 1,000 feet, and she recommended a minimum of three miles for all projects.

Vice Chair Olevson closed the public hearing.

Comm. Harrison Harrison moved to recommend to City Council Alternatives:

- 1) Introduce an Ordinance to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to General Procedures and noticing requirements;
- 2) Adopt a Council Policy to Increase Public Awareness of Development Proposals;
- 3) Find that the Proposed Project is Exempt from the requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(b)(3); and
- 4) To modify the policy:
 - a. That City Council consider increasing the project noticing radius of buildings that are six or more stories to 2,000 feet.

Comm. Klein seconded.

Comm. Harrison said a six-story building is a significant thing for any neighborhood, and that everything else is fine but recommends considering on a case-by-case basis whether the noticing distance should be more than 1,000 feet on a six-story building.

Comm. Klein said he will be supporting the motion and can make the findings. He said he applauds this effort to increase communication within the City, and that he often hears comments from neighbors about not knowing what is going on. He said that part of that is remedied by communication with neighborhood associations, and that he would like to see more self-noticing or deciding on a property by property basis how much noticing one would like. He said that is not feasible now and needs to be looked at by staff, and that long term that is the best way to find out what is going on. He said currently there are ways to find out about developments going before the Planning Commission and City Council and that can be the stop gap while these changes continue. He said increasing noticing in the case of very tall buildings is a big plus and that 1,000 versus 2,000 feet is a big cost difference, but that large projects do have large effects. He noted that he supports Comm. Harrison's modification to the policy, and that standardizing the noticing for smaller developments is a big plus and will help in the long term as far as making it standards and setting that basis. He said it makes sense and he

hopes it is flexible enough to add the ability to make noticing decisions on a per-resident or per-site basis as it becomes available. He said once it is added it will help everyone in the City to decide their level of interest in new projects, and that he looks forward to this moving forward and to future enhancements as a resident.

Comm. Simons said he will be supporting this slightly modified item, and said there has to be a balance between notification and notification overload and if everyone gets notified on everything in the City then it is just as bad as if no one gets any notification. He said long term it must be more of the kind of solution in which people select the level of notification desired, and that some people will worry about venues down the street from them while others will not care about what gets built around them and will want no notification. He said regarding the Ordinance modification and the Council directives, he is hoping more of an effort is put into trying different things on a regular basis to determine what does and does not work. He said noticing has been a problem for decades, especially for controversial issues, and said the proposed increased distance will not be perfect, but that these changes are part of a process of trying to do better. He reiterated the importance of flexibility to accommodate future changes.

Comm. Durham thanked the member of the public for her comments, and said he too has had issues with notification as he had not received the Sunnyvale Sun until it came with the Mercury News, but that notification via newspaper may not be viable much longer. He said one has to decide that to actively look for information regarding what is going on in their neighborhood, and that websites for the City have greatly improved. He said he supports the motion and he is hoping to see in the near future more interactive notification systems such as interactive maps that will help people who want to find out what is going on in the community.

Comm. Rheume said he will be supporting the motion and thanked staff for putting together the policy. He said if the noticing distance is increased to three miles what may happen is that there will be someone right beyond the limit who will want notification and that some people will feel overloaded if they receive notification on everything. He said one thing that is more effective than waiting for the information to be pushed to them is to pull the information themselves from the website instead of waiting on the mail, especially with the concerns about development in Peery Park. He reiterated Comm. Simons' comment that nothing will be perfect, that we should continue to look at how to improve this and that this is a great start.

Vice Chair Olevson said he will be supporting the motion, and that this is a major step forward to by Ordinance to set a minimum standard throughout the City and

concurrently establish a policy that allows for larger areas to be noticed with a policy being much more easy to change than an Ordinance. He said he is also encouraged that staff has already started looking into contract vendors to supply websites to make it easier for residents to look throughout City. He noted that San Francisco, Palo Alto and Concord are already using vendors that allow you to click on a map that immediately shows you what is going on at that address. He said that while it does not cover all of our citizens, it at least provides another alternative. He echoed Comm. Durham's comment about the Mercury News and Sunnyvale Sun possibly not being viable much longer, and added that if you do not subscribe to the Mercury you will not receive the Sun. He said that with the work that staff has done an excellent job getting the assignment from Council into a method that we can support.

MOTION: Comm. Harrison moved to recommend to City Council Alternatives:

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- 2) Adopt a Council Policy to Increase Public Awareness of Development Proposals;
- 3) Find that the Proposed Project is Exempt from the requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines 15061(b)(3);
and
- 4) Modify the policy:
 - a. That City Council consider increasing the project noticing radius of buildings that are six or more stories to 2,000 feet.

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

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

No: 0

Absent: 1 - Chair Melton

4 14-0736 Standing Item: Potential Study Issues for 2015

Comm. Durham said he is contemplating a study issue to extend Transportation Demand Management programs to large-scale residential projects, and will come back to the Planning Commission with more details.

NON-AGENDA ITEMS AND COMMENTS