



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-0870, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2015-7705

Location: 1175 Elko Drive (APN: 104-32-048)

Applicant / Owner: Energy Stars Constructions (applicant) / IDEC Corp. (owner)

Proposed Project:

VARIANCE to allow six wind turbines located between the face of building and street.

Reason for Permit: A Variance is required to allow wind energy systems located between the face of building and street (SMC 19.56.080 (g))

Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Issues: View from the street

Recommendation: Approve with Conditions

NOTE: *This item was continued from the Zoning Administrator hearing of September 30, 2015.*

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industry	Same
Zoning District:	MS (Industrial Service)	Same
Lot Size:	4.5 acres	Same
Total Sq. Ft. on Site:	83,600 sq. ft.	Same
Total Landscaping:	Approx. 54,014. ft.	Same
Setback from Anvilwood	Building: >200'	Wind Turbine: >100'

Previous Planning Projects related to Subject Application: UP - 1998-0555 to allow construction of new industrial building. UP - 2001-0085 to allow 46% FAR for the industrial-warehouse building. Several MPPs approved for signs and other site improvements including a solar panels on the roof.	Yes
Neighborhood Preservation Complaint:	No
Deviations from Standard Zoning Requirements: The applicant is requesting a deviation from City of Sunnyvale Municipal Code Section 19.48.100, which prohibits mechanical equipment including renewable energy systems from being installed between the face of a building and the street. All setback requirements are met.	Yes

Background:

The subject site is located on the corner of Anvilwood Avenue, Elko Drive and Forgewood Avenue. The site is surrounded by industrial land uses. The site is developed with an industrial building including a warehouse and outdoor employee recreation areas. The applicant proposes to install six vertical wind turbines on the west side of the site in the plaza area currently being used for an outdoor employee seating area. The wind turbines will allow the outdoor seating to continue as shown in the proposed plans. Although the proposed wind turbines meet all required setbacks they are located between the face of the building and the street (Anvilwood Avenue) and require a Variance from Sunnyvale Municipal Code 19.56.080 (g) related to design requirements for wind energy systems. The applicant notes that they are unable to find an alternative site that does not result in the turbines not being located between the face of the building and a street as the site is surrounded by streets on three of its four sides. The fourth side (northern side) not facing a street does not have adequate room for the project.

The wind turbines will be 30 feet tall and four feet wide. The structure includes a metal frame with three vertical blades mounted on a base. The applicant notes that each turbine has the potential to generate 2,000 Kilo Watts of energy per hour depending on wind conditions. Under optimal wind conditions, the proposed system is expected to produce 12KW/hr.

Site Layout:

The wind turbines will be located within an existing plaza area with outdoor seating and furniture for employees. The 30-foot tall turbines will be located amongst the seating area with outdoor umbrellas. The turbines will be located approximately 108 feet away from the Anvilwood Avenue and 105 feet away from Elko Drive. This portion of the site is sloped up from the street from Elko Drive. The applicant notes that the height of the structure will be a maximum of 30 feet, which is also addressed in Condition of Approval PS -1 to ensure that the height does not exceed building height. The project also includes six wall mounted panels for energy conversion that will be placed on the west façade of the existing industrial building. The panels are 32"X18"X12" each and shall be painted to match the building's exterior (Condition of Approval PS-1).

Aesthetics:

The wind turbines will be visible from both adjacent street frontages. The frontage along Anvilwood has tall trees/shrubs that will provide partially screening. The turbines will be more visible from Elko Drive. The applicant notes that the wind turbines will be painted to compliment the plaza area. Staff believes that the color of the wind turbines could either be similar to that of the building (grey) or of another complimentary color to enhance this feature. The wind turbines can also be viewed as an aesthetically positive feature that demonstrates alternative energy in an art-like feature. Staff has included a Condition of Approval (No. PS-1), to determine an appropriate color for the turbines. Other ancillary equipment will be located along the wall of the existing building that is setback more than 200 feet from the street and will be screened by landscaping and parking lot trees. Staff finds the aesthetic impact of the wind turbines to the surrounding neighborhood to be minimal. The associated wall mounted panels will have a minimal visual impact on the site and the views from the street.

Parking and Landscaping:

The proposal does not remove/add any trees, landscaping or parking spaces.

Noise:

The applicant has provided information on noise generated by this system. Wind direction and speed is a factor that affects noise levels associated with this system. The proposed wind turbines generated noise level ranging between 38-47 dBA. Sunnyvale code (SMC 19.42.030) restricts operational noise to not exceed seventy-five dBA at any point on the property line of the premises upon which the noise or sound is generated or produced. Noise levels from this system are expected to be below the above noted levels. Staff has included a Condition of Approval to ensure that noise levels do not exceed Sunnyvale standards.

Public Contact: 618 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination: A Categorical Exemption Class 5 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Variance, the following findings must be made:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Siting options for the wind energy system (wind turbines) are limited. The site has street frontage along three of its four sides; and this fourth side (north side) does not have adequate room for this system. The project location is optimal as it does not reduce landscaping or parking areas and is setback more than 100 feet away from the streets and is not located with the required front or side yard setback for the MS zoning district. This location has minimal visibility from the street and would allow the use of alternative energy systems that would be beneficial to the applicant and the community at large. The proposed placement of the wind turbines is consistent with placement of mechanical equipment in other industrial properties throughout Sunnyvale.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The wind turbines would be located at least 100 feet away from both street frontages, and partially screened with landscaping from Anvilwood Avenue. The site is surrounded by existing industrial uses. The wind turbines, as conditioned, are expected to be compatible with this industrial neighborhood. Therefore, staff finds that proposal has minimal visual impact on the surrounding industrial neighborhood.

3. Upon granting of the variance, the intent and purpose of the ordinance will still be served and the

recipient of the variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Approval of the project does not grant the applicant any special privilege, as the intent of the ordinance (SMC 19.56.080 -Wind Energy Systems, Design Requirement) is to minimize visual impacts of unsightly mechanical equipment and allow an alternative energy source is met.

ALTERNATIVES

1. Approve the Variance with recommended Conditions in Attachment 2.
2. Approve the Variance with modifications.
3. Deny the Variance.

RECOMMENDATION

Alternative 1. Approve the Variance with recommended Conditions of Approval in Attachment 2.

Prepared by: Shétal Divatia, Project Planner

Approved by: Gerri Caruso, Principal Planner

ATTACHMENTS

1. Vicinity and Noticing Maps
2. Recommended Conditions of Approval
3. Applicant's Project Description Letter
4. Applicant's Variance Justification Form
5. Site and Architectural Plans