

Agenda Item-No Attachments (PDF)

File #: 17-0491, Version: 1

REPORT TO CITY COUNCIL

SUBJECT

Proposed Project: Call for Review by the City Council of a Decision by the Planning Commission Approving Related Applications on 28 Sites Consisting of 51.07 Gross Acres:

PEERY PARK PLAN REVIEW PERMIT: to allow the demolition of 28 existing office and industrial buildings totaling 768,665 sq. ft. and the construction of nine three-story and three four-story office buildings totaling 1,471,400 sq. ft.; a two-story and two one-story amenity buildings totaling 40,000 sq. ft.; one four-level and one three six-level above-grade parking structures; a private connector street with public vehicular and pedestrian access; and related site and offsite improvements.

TENTATIVE MAP: to allow 28 existing parcels to be merged into seven parcels, including the abandonment of Maude Court.

File #: 2015-7879

Location: Various sites located on Almanor, North Mary, Benecia, Palomar, Del Rey and North Pastoria Avenues, and Maude Court.

Applicant / Owner: Irvine Company

Environmental Review: The project is exempt from additional California Environmental Quality Act (CEQA) review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094. The project is within the scope of the Peery Park Specific Plan Program Environmental Impact Report (EIR) as no new environmental impacts are anticipated and no new mitigation measures are required.

Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on April 10, 2017 (see Attachment 17 for Report to Planning Commission and Attachment 18 for meeting minutes). The Planning Commission discussion focused on staff's recommended phasing plan and site plan modifications. The two site plan modifications consisted of: 1) the removal of two driveways on Mary Avenue (to remove conflicts with the new bicycle track); and, 2) relocation of one stairwell/elevator tower on each structure from the street-facing corners of two parking structures on Palomar Avenue (to discourage mid-block crossings). At the hearing, the applicant provided a security assessment report for Parking Structures A and B (Attachment 19). Staff did not have sufficient time to review this assessment. In addition, tree removals/replacements were also discussed. One member of the public commented on the project.

The Planning Commission voted 5-0 on Alternative 2 to make the required findings to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) with no additional environmental review required; and approve the Peery Park Plan Review Permit and Tentative Map subject to the PPSP Mitigation Monitoring and Reporting Program in Attachment 6 and conditions of approval noted in Attachment 4 with the

following modified conditions of approval:

1. Remove PS-1a (*staff's recommendation to relocate the stair/elevator towers for the parking structures on Palomar Avenue furthest from an intersection*);
2. Remove PS-1c (*staff's recommendation to remove a driveway on the east side of Mary Avenue near Almanor Avenue*);
3. Install speed bumps and ensure they are visible on the shared driveway with a neighboring property at 928-930 Benecia Avenue (*added as PS-1i*), and modify EP-28, EP-29, and TM-7a to provide clarifications to recommended Public Works conditions;
4. Implement active bicycle notifications to vehicles at driveways on Mary Avenue to address safety concerns (*added as PS-1j*);
5. Eliminate staff's proposed phasing plan (Attachment 14) and adopt the applicant's phasing plan (as shown on Sheet A1.03 of the plan set);
6. Work with the applicant to maximize the amount of pervious hardscape associated with the project (*added as PS-1k*);
7. Request staff to work with the applicant to increase the number of estate-sized native trees as appropriate for the landscape plan (*added as PS-1l*);
8. Implement wayfinding landscape on Palomar Avenue to mitigate jaywalking from parking garages to office buildings (*added as PS-1m*); and
9. Request staff to work with the applicant to save as many trees as possible (*added as PS-1n*).

The Planning Commission's modified conditions of approval are included in Attachment 4. Staff recommends a change to two of the Planning Commission's modifications (as listed above, #1 location of the elevator/stairs for the parking structures on Palomar and #5 the phasing plan), which are discussed further in the recommendation section of this report and included in Attachment 21. An updated plan set, which is the proposal for this project, is included in Attachment 20 and described in further detail in the discussion section below.

CALL FOR REVIEW

On April 18, 2017, a Call for Review was requested by Mayor Hendricks and Councilmember Klein per Sunnyvale Municipal Code (SMC) Section 19.98.070. The code does not require a reason to be stated for a call for review, and none were provided. No other appeals were received during the 15-day appeal period. The Council can consider any or all aspects of the application as part of a Call for Review.

UPDATE TO PROJECT PLANS AND CONDITIONS OF APPROVAL

Since receiving the Call for Review the applicant has met with staff and revised their plans (Attachment 20) to eliminate a parking lot driveway on the west side of Mary Avenue (fulfilling Condition PS-1b as approved by the Planning Commission) and the driveway on the east side of Mary (as originally recommended by staff in PS-1c). Staff recommends that Conditions PS-1b and PS-1c be deleted because they have been addressed in the updated plan set. Staff also recommends that Condition PS-1j (Planning Commission recommendation to require active bicycle notifications at driveways) be removed because the removal of driveways addresses this concern. The remaining difference between the staff recommendation and the applicant's proposal is the location of one of the stairwell/elevator towers in each of the two parking structures on Palomar Avenue and the project's phasing plan. The applicant is in agreement with the concept of staff's phasing plan, but the plan included in the revised plan set is slightly different because it is based on the schedule of expiring tenant leases.

The following modifications were also made since the Planning Commission hearing:

- Incorporation of the supplemental plan set exhibits from Attachment 12 (enhanced building entries and parking structure insets) and Attachment 13 (building type modifications) that were approved by the Planning Commission on April 10, 2017. Staff recommends that Conditions PS-1e, PS-1f and PS-1g be deleted in their entirety and PS-2 be modified to remove language no longer necessary because it has been addressed in the updated plan set;
- Building type modifications for Building 1 (“directional terracing” to “vertical shift”), Building 2 (“vertical shift” to “horizontal shift”), and Building 4 (“directional terracing to “vertical shift.”) The building type changes do not change the individual building/total project square footage, or the site plan/building setbacks, but there are de minimis height changes that are within maximum height requirements;
- Relocation of the driveway on the east side of Mary Avenue (between Amenity A and Building 1) to face the new east-west connector street). Staff recommends that Condition PS-1c be deleted because this condition has been addressed in the updated plan set;
- Changes to the location and orientation of Amenity A and the adjoining surface parking lot and open space because of the above-noted driveway relocation;
- Changes to the distribution of 28 parking spaces in three parking structures, with no change to the total project parking supply (Parking Structure A and B - 1,060 to 1,046 spaces each and Parking Structure C - 1,060 to 1,088 spaces);
- Incorporation of wayfinding landscaping by Parking Structure A and B to route pedestrian flow to the Palomar/East-West Connector intersection. Staff recommends that Condition PS-1m be deleted because this condition has been addressed in the updated plan set; and
- Included Building 3 into Phase 1 of the applicant's preferred phasing plan

Staff supports the above modifications that were made since the Planning Commission hearing. Updates to the conditions of approval based on these modifications are noted in Attachment 4 and 21. The proposed modifications do not resolve the two issues: 1) location of elevators and stairways on Parking Structure A and B on Palomar Avenue in mid-block locations, and 2) the phasing plan.

The applicant has also requested changes to a few conditions of approval administered by the Department of Public Works. The applicant has requested a fee credit based on the fair market value of land for the Mary Avenue extension, as the dedication of land for the extension is not a required community benefit. The Director of Public Works will consider a Transportation Impact Fee credit per Condition TM-7 as approved by the Planning Commission. The applicant has also requested clarifications to the timing of the Mary Avenue (Condition EP-28) and Mary/Maude Avenue intersection (Condition EP-30) improvements. Staff recommends retaining the Conditions EP-28 and EP-30 as approved by the Planning Commission. The City process allows the Director of Public works to approve the schedule for public improvements. Lastly, the applicant requested that Condition GC-13 be modified to clarify that private bus/shuttle stops will be allowed on the new east-west connector street; which is privately owned and maintained, but with public access. Staff is agreeable to this clarification. The change to Condition GC-13 is reflected in Attachment 4 and 21.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; notice boards at the project sites; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website. Notice of the Call for

Review City Council public hearing was mailed to 1,935 property owners and tenants within 2,000 feet of the project site. Email notice was sent to the SNAIL, Morse Park, Lowlanders, Heritage District, and Charles Street neighborhood associations. The site was posted with notice of the City Council public hearing.

ALTERNATIVES

1. Affirm the decision of the Planning Commission to make the required Findings to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report and no additional environmental review is required.
2. Modify the decision of the Planning Commission to approve the Peery Park Plan Review Permit and Tentative Map subject to the PPSP Mitigation Monitoring and Reporting Program in Attachment 6 by modifying conditions of approval GC-13, PS-1, PS-1a, PSA-1b, PS-1c, PS-1e, PS-1f, PS-1g, PS-1j, PS-1m, PS-2, PS-3, PS-4, and PF-1 as noted in Attachment 21 and affirming all other conditions of approval as noted in Attachment 4.
3. Affirm the action of the Planning Commission to approve the Peery Park Plan Review Permit and Tentative Map subject to the PPSP Mitigation Monitoring and Reporting Program in Attachment 6 and conditions of approval as noted in Attachment 4.
4. Alternative 2 or 3 with modified conditions of approval.
5. Do not make the CEQA Findings and direct staff as to where additional environmental analysis is required
6. Deny the Peery Park Plan Review Permit and Tentative Map and provide direction to staff and applicant on where changes should be made.

STAFF RECOMMENDATION

Alternatives 1 and 2: 1) Affirm the decision of the Planning Commission to make the required Findings to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report and no additional environmental review is required; and 2) Modify the decision of the Planning Commission to approve the Peery Park Plan Review Permit and Tentative Map subject to the PPSP Mitigation Monitoring and Reporting Program in Attachment 6 to the report by modifying conditions of approval GC-13, PS-1, PS-1a, PS-1b, PS-1c, PS-1e, PS-1f, PS-1g, PS-1j, PS-1m, PS-2, PS-3, PS-4, and PF-1 as noted in Attachment 21 to the report and affirming all other conditions of approval as noted in Attachment 4 to the report.

Staff supports the concept of the proposed project. It represents a significant portion of the Peery Park area, and will provide new infrastructure and amenities to support Peery Park. The proposed project covers approximately 15% of the plan area, inclusive of public streets, and is consistent with the Peery Park Specific Plan vision as it is master-planned and designed in an integrated campus setting that promotes innovation and joint use of space across property lines. Approval of the project would allocate about 33% of the net new growth planned for Peery Park. Connectivity is enhanced with a new street, dedication of land for the future Mary Avenue Overcrossing, and bicycle and pedestrian network improvements. Proposed streetscape improvements will further encourage use of alternative transportation modes and enhance aesthetics. Vehicular traffic will be minimized through a required Transportation Demand Management program and by the property owner's participation in the Peery Park Transportation Management Association. Sustainable design features are present in the proposed buildings and site layout. The distinctive architectural design of the project ensures an improved district image in this part of the PPSP.

The conditions of approval ensure important elements of the PPSP are included and met by this

project. Staff supports all but two of the Planning Commission's modifications to the conditions of approval. Staff considers the original conditions on the elevator/stair location preferable to ensure maximum bicyclist and pedestrian safety and prefers a phasing plan that better assures coordinated public improvements.

- PS-1a, which requires the redesign of Parking Structures A and B on the east side of Palomar Avenue to limit the potential for mid-block crossings to the office buildings on the west side. The Planning Commission's position was that jaywalking could be minimized through placement of a landscape buffer at points where crossings could occur. However, there would still be gaps in a landscape buffer when it intersects with driveways and walkways, which would not fully mitigate staff's concern. Staff remains concerned that placing the stairs close to the street at mid-block locations will encourage the opportunity for those pedestrians exiting the garage to cross mid-block without the benefit of a crosswalk. Moving the stairs to the rear of the garage would minimize the likelihood of pedestrians walking to the front of the garage to cross mid-block, while still providing good access to the office buildings on the same side of Palomar Avenue adjacent to the garage. Staff supports the inclusion of PS-1m (to require the landscape buffer) whether the stairs are relocated or not to further reduce the potential for jaywalking across Palomar Avenue. Staff has reviewed the security assessment (Attachment 19) and notes that the memo highlights safety concerns caused by moving the elevators, one related to the pedestrian circulation within the parking lot and the other with less visibility of the elevator from the public street. The memo does not comment on how pedestrian circulation safety is affected. Regarding elevator visibility, staff does acknowledge that more visibility is better, however any safety concerns can be addressed by a number of other elements such as cameras and lighting. These elements should be considered regardless of elevator location.
- Staff's phasing plan would still provide the applicant flexibility to build out a project of this scale over time and honor existing tenant lease commitments and would ensure infrastructure and design elements included in the overall project gets completed in an orderly manner. The applicant has verbally accepted the staff phasing plan, but the plan is slightly different than staff's proposal because it is based on existing tenant leases. Staff recommends that staff's phasing plan be memorialized in the conditions of approval.

Prepared by: George Schroeder, Associate Planner

Reviewed by: Amber Blizinski, Principal Planner

Reviewed by: Andrew Miner, Planning Officer

Reviewed by: Manuel Pineda, Director of Public Works

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. **Amended Recommended Findings**
4. Planning Commission Approved Standard Requirements and Recommended Conditions of Approval (**updated and annotated after Planning Commission action**)
5. CEQA Checklist for PPSP EIR Compliance
6. PPSP EIR - Mitigation Monitoring and Report Program (MMRP) for Project

7. Project Area Zoning Map
8. Existing Site Area Building Size and Use
9. Proposed Community Benefits Plan
10. Block Map
11. Site and Architectural Plans (**as presented to the Planning Commission**)
12. Supplemental Plan Set Exhibits (Building Entries and Parking Structures)
13. Building Type Modifications (Building 6, 7, 11, and 12)
14. Phasing Plan
15. ALUC Determination
16. Project Views from the Sunnyvale Golf Course

Additional Attachments for Report to Council

17. Report to Planning Commission 17-0278, April 10, 2017 (*without attachments*)
18. Excerpt of Minutes of the Planning Commission Meeting of April 10, 2017
19. Applicant's Security Assessment for Parking Structures A and B
20. Revised Site and Architectural Plans, dated June 6, 2017
21. List of Staff's Recommended Modifications to the Planning Commission's Conditions of Approval