



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
September 09, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 p.m. – Study Session – Council Chambers

- 1. File #:** 2013 - 7448
Location: 433 N. Mathilda Avenue (APN: 165-28-013)
Proposed Project **MAJOR USE PERMIT** to allow two new office buildings resulting in 213,236 square feet and a floor area ratio of 53%.
Applicant/Owner Christensen Holdings LP
Environmental Review: Mitigated Negative Declaration
Staff Contact Steve Flint, (408) 730-7532, sflint@sunnyvale.ca.gov
Note: Item was not discussed and has been rescheduled for September 23, 2013.
- 2. Training:** Introduction and Overview of Environmental Impact Reports (EIRs) and How to Review Them
- 3. File #:** 2012-7854
Location: 1152 Bordeaux Dr. (APNs: various)
Proposed Project: **Moffett Park Specific Plan Amendment, Rezone, Major Moffett Park Design Review and Development Agreement** for 1.8 million square feet of office with parking structures, amenities building and site improvements.
Applicant/Owner Jay Paul Co. / Bordeaux-Borregas Campus LLC
Environmental Review: Subsequent Environmental Impact Report (SEIR)
Staff Contact: Shaunn Mendrin, (408) 730-7429, smendrin@sunnyvale.ca.gov
Note: Overview of the Draft SEIR

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

- 4. FILE #:** **2013-7240**
Location: **520-592 & 610-630 East Weddell Avenue** (APNs:110-28-003, 110-14-189, 190 & 191)
Proposed Project: **ENVIRONMENTAL IMPACT REPORT**, The East Weddell Residential Projects are proposed by two developers (Sares-Regis and Raintree Partners) on two separate sites. One on an approximately 4.04 acre site at 610 and 630 East Weddell Drive. The second development is on two parcels, totaling approximately 12.04 acres. A 1.1-acre parcel, owned by the San Francisco Public Utilities Commission (SFPUC) for the Hetch Hetchy right-of-way, runs through the middle of the 12.04 acre site and north of the 4.04 acre site. The projects include amendments to the General Plan from Industrial to Residential for the parcels located adjacent to U.S. Highway 101 and a rezoning of each site to High Density Residential / Planned Development (R-4/PD).
Applicant/Owner City of Sunnyvale
Environmental Review: Environmental Impact Report (EIR)
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov
Note: Overview of the Draft EIR
- 5. Public Comment** on Study Session Agenda Items *(5 minutes)*
- 6. Comments** from the Chair *(5 minutes)*
- 7. Adjourn Study Session** Note: Study Session will reconvene after the Public Hearing

8:00 PM - Public Hearing – Council Chambers

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Maria Dohadwala; Vice Chair Russell W. Melton; Commissioner Gustav Larsson; Commissioner Glenn Hendricks; Commissioner Bo Chang; and Commissioner Ken Olevson.

Members Absent: none.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; and Cristina Pfeffer and Joey Mariano, Recording Secretaries.

SCHEDULED PRESENTATION - none.

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

CONSENT CALENDAR

1.A. Approval of Minutes: August 26, 2013

ACTION: Vice Chair Melton moved to approve the Consent Calendar. Comm. Larsson seconded. Motion carried, 6-0.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2013-7689
Location: Peery Park District
Proposed Project: Discussion and Possible Introduction of an Ordinance Addressing Development Review Procedures for Projects within the Peery Park District during Preparation of the Peery Park Specific Plan
Environmental Review: Exempt from CEQA, Guideline 15061(b)(3)
Staff Contact: Amber El-Hajj, (408) 730-2723,
Ael-hajj@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, gave background information on the item and presented the staff report.

Comm. Larsson discussed with Ms. Ryan how to ensure the Planning Commission and City Council will not consistently make opposing decisions when reviewing projects in the Peery Park District prior to the development of the specific plan. Comm. Larsson confirmed with Ms. Ryan the timeline for development of the Peery Park Specific Plan (PPSP), and discussed the potential expansion of notification distances for taller projects.

Comm. Olevson discussed with Ms. Ryan his concerns regarding making project review decisions based on information that may become erroneous once the PPSP is developed. In response to Comm. Olevson's inquiry, Ms. Ryan explained that neighborhood associations will be notified of all projects and that developers are required to have public outreach meetings. Comm. Olevson and Ms. Ryan discussed the differences between the current process and that which would occur after development of the PPSP in terms of Council review.

Comm. Hendricks confirmed with Ms. Ryan that there are no current projects that would be excluded from regulation once an ordinance is adopted. Comm. Hendricks and Ms. Ryan discussed the types of projects that would require Planning Commission and City Council review and what types of projects would be excluded from the Council review requirement, as described in the staff-recommended ordinance.

Vice Chair Melton confirmed with Ms. Ryan that the rules of the PPSP would supersede those of the recommended ordinance once the PPSP is adopted.

Chair Dohadwala confirmed with Ms. Ryan that a city can have a moratorium on development if Council makes certain findings. **Kathryn Berry**, Senior Assistant City Attorney, noted that enacting a moratorium has time limits.

Chair Dohadwala opened the public hearing.

Barry Boole, a Sunnyvale resident, submitted a summary of his requests and suggested notification be sent to the public in simplified language with a software-generated image of the proposed construction. He also suggested a graduating scale of public notification that would increase the notification distance based on the height of a proposed project.

Ann Davis, a Sunnyvale resident, asked for a moratorium on Peery Park development until an Environmental Impact Report (EIR) is complete.

Dr. Anne Ferguson, a Sunnyvale resident, asked for a moratorium on development in Peery Park until an EIR is complete.

Chiaki Quaderer, a Sunnyvale resident, asked the Commission to consider during design review how much light from inside of buildings can be seen by pedestrians and drivers at night.

Jim Quaderer, a Sunnyvale resident, said he would like to see modifications to the proposed ordinance including a requirement for notices that use simplified language and illustrations of proposed projects.

Yasmin Tyebjee, a Sunnyvale resident, said an EIR is necessary, especially to understand how development will affect traffic.

Dwight Davis, a Sunnyvale resident, asked for a moratorium on development in Peery Park until an EIR is complete.

Susan Mueller, a Sunnyvale resident, asked that the Planning Commission refrain from rezoning Weddell & Borregas to high-density residential.

Glenda Ortez-Galari, a Sunnyvale resident, said she supports a moratorium on development in Peery Park until an EIR is completed.

Peter Larko, with JP DiNapoli Co., said he supports the staff recommendation and Council direction. He said that a moratorium on development would place undue hardship upon their company. Comm. Hendricks discussed with Mr. Larko what constitutes hardship for the company. Comm. Olevson confirmed with Mr. Larko that his project could proceed during the development of the PPSP if no moratorium is placed on building. Comm. Larsson asked Mr. Larko for his opinion on putting photo simulations on the notification to the public. Mr. Larko said he thinks it is a terrific idea and that his architects are looking into software to accomplish this for his projects. Comm. Hendricks confirmed with Mr. Larko that his company is supportive of developing the PPSP.

Eire Stewart, with JP DiNapoli Co., said DiNapoli has contracts in place now with timing clauses which, along with opportunities to improve the area, would be lost if a moratorium is placed on development in Peery Park. Comm. Hendricks confirmed with Ms. Stewart that DiNapoli currently has a partial application submitted to the City. Comm. Hendricks confirmed with staff that DiNapoli has three incomplete applications, two of which would currently require staff level review, but would require Council review if the ordinance is adopted.

Lisa Korff, a Sunnyvale resident, suggested more outreach for projects along Mathilda, especially those with a big visual impact.

Chair Dohadwala closed the public hearing.

Comm. Larsson discussed with staff the Federal Aviation Administration's (FAA) standards on safe building heights in the Moffett Park area. Ms. Ryan said a completed development application for taller buildings in that area require the applicant to file information with the FAA. Comm. Larsson discussed with staff required environmental and traffic impact analyses for projects in the Moffett Park area.

Comm. Hendricks discussed with staff the rationale and benefits of developing a specific plan for the Peery Park District. In response to Comm. Hendricks's inquiry, Ms. Ryan said there is potential for approved projects to guide decisions made for the PPSP, and that five years ago the need to develop the PPSP had been identified.

Comm. Larsson discussed with Ms. Ryan projects along the Mathilda corridor, and potential outcomes of the PPSP.

Vice Chair Melton moved Alternative 1 to introduce the ordinance to require Planning Commission recommendation and City Council action on Use Permits, Special Development Permits and specified Design Review applications in the Peery Park District.

Comm. Larsson seconded for purposes of discussion.

Vice Chair Melton said the purpose of this public hearing is not to retroactively opine on Council's decision on a moratorium. He said he thinks the Planning Commission has a limited scope question, and that he is uncomfortable with going back and expressing an opinion on something that Council has decided. He said he thinks the question is whether or not City staff did a sufficient job preparing the draft ordinance, which he thinks staff has done. He said if Council is interested in his opinion, he thinks Councilmember Moylan's original motion to implement a moratorium should have been carried. He recommends Council adopt the ordinance.

Comm. Hendricks said he will not be supporting the motion and that when Council sends something to the Planning Commission it is their opportunity to speak on the topic. He said the intent of the PPSP is to look at the entire area and decide what is the appropriate use and zoning. He said he thinks it would be better to have a moratorium, but to make sure there are carve-outs for things like tenant improvements. He said one option is to leave everything as-is, which he thinks is wrong because if there are proposed buildings that are taller than two stories, they should come through Planning and Council. He said if there was completed project in Planning's hands, the discussion might be irrelevant because they would just follow the current rules.

Comm. Olevson said he will not be supporting the motion, and that he is uncomfortable making rules on the fly while the plan is being defined. He said he is cognizant of the comments from the neighborhood which he thinks is to define an overall plan. He said we currently have ordinances and zoning in place, which may be 20 years old and in need of updating, but that is what the PPSP will accomplish. He said he recognizes there are time constraints for current projects, but that those projects can continue under current zoning, which he thinks is the appropriate thing to do until there is good reason to make changes.

Comm. Larsson said he would prefer to have a plan in place and guidelines to work with. He said he wonders why Planning Commission review is necessary for the proposed process if Council will be deciding what the guidelines are after the Commission has made a recommendation without those guidelines. He said Council did not want to put a moratorium in place, but wanted a higher level of review during which they may decide where the line is drawn. He said there was good input from everyone who spoke and that it was helpful to hear their comments. He said at the end of day he does support the motion because it is what Council asked for from staff.

Comm. Chang said he can make the findings and will support the motion. He said we have an opportunity for an ordinance directed by Council to review any type of Use Permit or Special Development Permit. He said this provides a chance for the public to voice their opinions on projects in a public hearing setting. He said this is a good policy and a good ordinance because of the opportunity for everyone to talk about projects.

Chair Dohadwala said she supports the motion and thanked all of the speakers for their comments. She said the City should work on how to inform more residents of the projects, especially since project density is greater than before. She said if more residents had come to speak about particular projects the outcome may have been different. She said the Planning Commission tries to understand policies and represent the community to make decisions, and that this motion will bring more scrutiny to the projects in the Peery Park area. She said she would like more input from the public to develop a vision of the community that the public wants.

Comm. Hendricks confirmed with **Kathryn Berry**, Senior Assistant City Attorney, a separate motion could be made on public notification.

ACTION: Vice Chair Melton moved to introduce the ordinance to require Planning Commission recommendation and City Council action on Use Permits, Special Development Permits and specified Design Review applications in the Peery Park District. Comm. Larsson seconded. Motion carried, 4-2, with Comm. Hendricks and Comm. Olevson dissenting.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the October 8, 2013 meeting.

Ms. Ryan explained that a motion made on public notification would have to be specific to Peery Park.

Comm. Hendricks moved that the Planning Commission make a recommendation to City Council specific to the Peery Park area saying for any project falling under the proposed ordinance the notification distance be increased to 2,000 feet. Comm. Olevson seconded.

Comm. Hendricks said the motion stems from the public input on the lack of notification, and that public notification is the most important piece.

Comm. Olevson said he supports the motion because it has been brought to Planning Commission attention that the standard notification distance of 300 feet is inadequate for residents who are interested in what is happening around them. He said in the future it may be appropriate for a graduated scale for notification, but that for the Peery Park area 2,000 feet should be adequate.

Chair Dohadwala said she will be supporting the motion.

Comm. Larsson said he thinks 2,000 feet is too far. He said ultimately it will need to be scaled with the height of proposed buildings. He said 300 feet is inadequate, 500 feet is also probably inadequate. He said 1,000 feet is more comfortable and will not be supporting the motion.

ACTION: Comm. Hendricks moved to recommend that for any projects requiring a public hearing under the discussed ordinance, the notification radius be increased to 2,000 feet. Comm. Olevson seconded. Motion carried, 5-1 with Comm. Larsson dissenting.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the October 8, 2013 meeting.

3. Standing Item Potential Study Issues

Vice Chair Melton indicated he had identified “Overuse of Earthy Tones in New Development Projects” as a potential study issue. After discussion with staff, Vice Chair Melton said he will not make a motion to include this issue on the 2014 study issue list.

Chair Dohadwala presented her views on the lack of guidelines regarding placing commercial daycare centers in residential areas.

Chair Dohadwala opened the public hearing.

With no public comments, **Chair Dohadwala** closed the public hearing.

Chair Dohadwala moved to place on the potential study issue list **Design Guidelines for Commercial Daycare Centers in Residential Areas**. **Comm. Hendricks** seconded. Motion carried, 6-0.

Vice Chair Melton discussed the third potential study issue, **Review Ratio of Second Story to First Story in Single Family Homes**.

Chair Dohadwala opened the public hearing.

With no public comments, **Chair Dohadwala** closed the public hearing.

Vice Chair Melton moved to add **Review Ratio of Second Story to First Story in Single Family Homes** to the potential study issue list. **Comm. Hendricks** seconded. Motion carried, 6-0.

Comm. Hendricks said he did not need to add any comments regarding a potential study issue on noticing requirements.

Chair Dohadwala opened the public hearing.

With no public comments, **Chair Dohadwala** closed the public hearing.

Comm. Hendricks moved to add to the fourth potential study issue, **Increase Notice and Submittal Requirements for Taller Projects**, to the 2014 potential study issue list. **Vice Chair Melton** seconded. Motion carried, 6-0.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS – None.
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan discussed Planning-related items considered by City Council at the August 27, 2013 meeting, and noted that the Planning Commission has a joint Study Session with the City Council on September 10, 2013.

Vice Chair Melton discussed with Ms. Ryan the process of recruiting a new Planning Commissioner.

INFORMATION ONLY ITEMS - None

ADJOURNMENT

With no further business, the Commission meeting adjourned at 10:05 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer