



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
October 28, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

- 1. File #:** 2012-7854
Location: Moffett Place
Proposed Project: Review of Proposed Moffett Park Specific Plan Amendments
Staff: Shaunn Mendrin, (408) 730-7429
Smendrin@sunnyvale.ca.gov
Notes: (10 minutes)
- 2. File #:** 2013-7141
Location: City-wide
Proposed Project: Review General Plan Amendment Initiation Process (Study Issue)
Staff: Trudi Ryan, (408) 730-7435
Tryan@sunnyvale.ca.gov
Notes: (20 minutes)
- 3. File #:** 2013-7142
Location: City-wide
Proposed Project: Standards for Bird-Safe Buildings (Study Issue)
Staff: Andrew Miner, (408) 730-7707
Aminer@sunnyvale.ca.gov
Notes: (20 minutes)
- 4. Public Comment on** (5 minutes)
Study Session Agenda
Items
- 5. Comments from the** (5 minutes)
Chair
- 6. Adjourn Study Session**

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.

8:00 p.m. – Public Hearing - Council Chambers

CALL TO ORDER

Vice Chair Melton called the meeting to order at 8:00 PM.

SALUTE TO THE FLAG

ROLL CALL

Members Present: Vice Chair Russell W. Melton; Commissioner Gustav Larsson; Commissioner Glenn Hendricks; Commissioner Ken Olevson; and Commissioner Ralph Durham.

Members Absent: Chair Maria Dohadwala (excused) and Commissioner Bo Chang (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; and Recording Secretary, Cristina Pfeffer.

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.

Vice Chair Melton welcomed Commissioner Ralph Durham to the Planning Commission.

CONSENT CALENDAR

Vice Chair Melton said he had been advised by staff to pull item 1.B from the Consent Calendar.

1.A Approval of Minutes: October 21, 2013

ACTION: Comm. Larsson moved to approve item 1.A on the Consent Calendar. Comm. Hendricks seconded. Motion carried, 4-0-1 with Comm. Durham abstaining and Chair Dohadwala and Comm. Chang absent.

1.B FILE #: 2013-7683
Location: 824 Poplar Avenue in a R-0 Zoning District (APN: 213-39-136)
Proposed Project: DESIGN REVIEW PERMIT to allow a first and second-story addition to an existing single-family home resulting in 3,465 square feet and 57.6% Floor Area Ratio.
Applicant / Owner: Hometec Architecture Inc./Satya Mylvara
Staff Contact: Noren Caliva-Lepe (408) 730-7653,
Ncaliva-lepe@sunnyvale.ca.gov

Gerri Caruso, Principal Planner, presented the staff report.

Comm. Hendricks confirmed with **Trudi Ryan**, Planning Officer, that this item was pulled from the consent calendar because the project planner had received calls from neighbors expressing concerns.

Vice Chair Melton opened the public hearing.

Bob Steward, a Sunnyvale resident living in the Ponderosa area, said he thinks a 3,465 square foot home is excessive for the area, and that by his own inspection he estimates the home would be 50-100% larger than the neighboring property.

Satya Mylvara, the property owner, said he and his family have lived in their home for 21 years, and their family has grown to the point at which they need to increase the size of their home to accommodate both the inhabitants of the home and their visiting relatives. He said they have spent much time with the architect to ensure that the size, ratios and setback of the proposed house remain within City guidelines. He said there are two-story homes on all sides of his property, and that a smaller home would not meet his family's needs.

Vice Chair Melton closed the public hearing.

Comm. Larsson confirmed with **Ms. Caruso** that the square footage of the proposed home includes the garage, and that the actual living space is around 3,065 square feet.

Comm. Hendricks moved Alternative 1 to approve the Design Review subject to the Conditions of Approval. Comm. Olevson seconded.

Comm. Hendricks thanked the member of the public for voicing his views, and said he is recommending moving forward with the project because he can make the findings. He said there are no requested deviations from City regulations or zoning, and that according to the staff report the applicant is exceeding the minimum setback. He said another piece is that the applicant will be using non-egress windows to prevent views into neighbors' yards, and that it is consistent with the neighborhood and with other actions by the Commission.

Comm. Olevson said he can make the findings, and that it looks like the proposed project is barely a couple hundred feet over the Floor Area Ratio (FAR) threshold and the second floor is a little over the guideline of 35%. He said when looking at the design of the house, it appears as though the applicant has done a good job of expanding his home while having it fit into the neighborhood without a box shape.

Comm. Larsson said he can make the findings and will be supporting the motion. He said the project meets development requirements, and that the corner where the home is located seems deep into the neighborhood. He said if it were closer to the edge of the neighborhood, it might make a difference for him, but the size is compatible with the neighborhood, and privacy concerns have been addressed.

Vice Chair Melton said he will be supporting the motion, and thanked the applicant and member of the public for coming out to speak. He said we have the 45% FAR cutoff, which he colloquially refers to as the anti-monster home ordinance, which allows the Commission to look at things larger in scale. He noted that he typically looks for whether or not a project fits into a neighborhood, and said that when he drove through this neighborhood he saw a lovely property and lovely neighborhood. He said the project will be a fantastic addition, and is looking forward to it coming to fruition.

ACTION: Comm. Hendricks moved Alternative 1 to approve the Design Review subject to the Conditions of Approval. Comm. Olevson seconded. Motion carried, 5-0 with Chair Dohadwala and Comm. Chang absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than November 12, 2013.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. FILE #:** 2013-7171
- Location:** 455 and 465 S. Mathilda Avenue (APN: 165-03-004 and 165-03-005) in the Downtown Specific Plan (DSP/Block 14)
- Proposed Project:** **SPECIAL DEVELOPMENT PERMIT** to allow 105 residential dwelling units with underground parking. **VESTING TENTATIVE MAP** for condominium purposes.
- Applicant / Owner:** Summerhill Apartment Communities / Judith O Burns Trustee
- Environmental Review:** Mitigated Negative Declaration
- Staff Contact:** Gerri Caruso, (408) 730-7591, gcaruso@sunnyvale.ca.gov

Gerri Caruso, Principal Planner, presented the staff report. She said because the applicant is providing affordable housing, State law has allowed the use of tandem parking and a reduced allowance for parking without need of a deviation from City code. She also stated that staff recommends changes to Condition of Approval (COA) BP-23, which is often used to avoid problems that may arise when assigned and unassigned parking spaces are not managed well. She said this project is different because the applicant is providing underground parking in a downtown setting, which can work if it is carefully managed. She stated the applicant has asked for the elimination of conditions A through F to allow more flexibility in the final review of the Parking Management Plan. She said staff considers condition C, prohibiting rental of assigned spaces, necessary due to the concern that a charge for extra spaces may encourage tenants to use free on-street parking, which may cause an impact on the neighborhood. She said staff recommends modification of COA BP-23 taking conditions A and B and D through F off the table, and leaving in C, to be reconsidered in the future by the Director of Community Development.

Comm. Larsson clarified with Ms. Caruso the revisions to COA BP-23.

Comm. Olevson confirmed with Ms. Caruso that a new map would be drawn up for the entire project if the units were converted to condominiums in the future, and that the applicant has exceeded the open-space requirement. Comm. Olevson discussed with Ms. Caruso the potential for overflow of on-street parking, and the traffic analysis done for the application.

Comm. Hendricks confirmed with Ms. Caruso the noticing distance exceeded 500 feet, and that the applicant was allowed a height exception because enough green points were targeted under the green building program. Comm. Hendricks and Ms. Caruso discussed the reason why an Environmental Impact Report (EIR) was not prepared. Comm. Hendricks clarified with **Trudi Ryan**, Planning Officer, the potential rephrasing of COA BP-23. Comm. Hendricks asked if zoning regulations would differ if units were built as condos, to which Ms. Caruso responded they would not differ in terms of

development standards, but the project would be subject to the City's Below Market Rate (BMR) program.

Comm. Durham confirmed with Ms. Caruso that the residential project would generate significantly fewer vehicle trips than the current office building, and that a bike lane on the southbound side of Mathilda will be installed as Blocks 14-16 redevelop.

Comm. Larsson verified with Ms. Caruso that the applicant is not asking for any deviations, and that State code and Green Building Program provisions allow the applicant the parking and height concessions.

Comm. Hendricks asked staff if the Commission can add to COA BP-23 the condition that tandem spaces cannot be used across multiple units, to which Ms. Caruso replied that it would be added into the rephrased condition.

Vice Chair Melton discussed with Ms. Caruso the vantage points at which one may be able to see the four-story portion of the project from Charles Street.

Vice Chair Melton opened the public hearing.

Jonathan Fearn, Director of Development for SummerHill Apartment Communities, displayed illustrations while giving his presentation. He reiterated that they are not asking for deviations, and that the project adheres to the Downtown Specific Plan (DSP). He said that although no affordable housing is required for rental housing, they will be providing five units for very low-income households which will be guaranteed affordable for a minimum of 30 years. Mr. Fearn discussed shadow and visual impacts of the project, and the multiple community amenities that are within walking distance from the project.

Rob Steinberg, with Steinberg Architects, discussed the different height limits along Mathilda and Charles, the amenities and landscaping of the project, and the location of trash service. He said the public facilities face Mathilda, and a more residential approach was designed for Charles to provide a sense of individuality. **Comm. Hendricks** discussed with Mr. Steinberg the visibility of the four-story building from Charles Street.

Comm. Durham noted that there are 36 stacked bike lockers planned in parking garage, and asked Mr. Steinberg if he knew anything about this type of locker and how one loads the second story. He said it may not be easy for people to lift their bikes into the second story of the locker. Mr. Steinberg said they are standard bike lockers but that he did not have their details. Mr. Fearn said they do not have the bike racks picked out but they will remain cognizant of the potential difficulty of this type of locker during design development. Comm. Durham said there are certain racks that raise and lower which may make storing easier.

Kevin Jackson, member of Sunnyvale's Bicycle and Pedestrian Advisory Commission (BPAC) speaking on his own behalf, said he would like to encourage the Planning Commission to vote to completely eliminate the frontage road along Mathilda, and noted

that people tend to think segregated bike facilities are better for cyclists. He said there is more to the issue than separation and encourages the Commission to focus on recreational versus transportation cycling because it replaces car trips. He asked that the Commission consider giving cyclists the same facilities motorists need, and encouraged the Commission to approve Alternative 1. **Comm. Hendricks** confirmed with Ms. Ryan that the striping of a bike lane on Mathilda is not a part of this project and would instead be accomplished by a city project, for which there is no specific date. Comm. Hendricks discussed with Mr. Jackson his preferred kind of bike locker. Mr. Jackson said no one likes the second story bike lockers.

Jyh-Jiun Liou, a Sunnyvale resident, said she thinks the transportation analysis does not accurately represent the current traffic situation in this area. She said she has witnessed several accidents at the corner of Iowa and Charles, and that the project will add 250 more cars than the current traffic flow. She said that this will increase traffic danger for children who walk and ride to school and will create poor air quality for the nearby community garden. **Vice Chair Melton** asked Ms. Liou how many accidents she has witnessed, to which she responded that within the last 10 years she has seen 3-4 accidents. **Comm. Hendricks** asked if Ms. Liou agrees with the projection that the total amount of traffic will decrease with residential units as compared to the traffic volume with the existing office buildings. Ms. Liou said she disagrees and commented on the transportation analysis being based on theory and not fact.

Jenlung Tseng, a Sunnyvale resident, said Charles Street is not designed for the volume of traffic this project will bring about. He said one currently sees cars coming and going to and from the office building in the day time, and that once the area becomes residential, one will see cars at night and on the weekends. He said the project is not consistent with the DSP, and that his original plan to remodel his home was rejected on the basis that it would change the street view. He asked why change is allowed for apartment complexes. He said he is concerned that the four-story building will create privacy issues. **Comm. Hendricks** asked Mr. Tseng if he thinks the zoning that requires different heights on Mathilda and Charles is incorrect. Mr. Tseng said you can still see the four-story building from Charles.

Eleanor Hansen, a Sunnyvale resident, said you can have both a Transportation Impact Analysis (TIA) and a Mitigated Negative Declaration, and said that the applicant should have done the TIA that concentrates on volumes of traffic and not Levels of Service. She said the analysis talks about peak hours, but not about the increase of traffic on the weekends. She said few people know the specifics of the DSP. **Comm. Olevson** commented that a TIA was completed for the intersections along Mathilda, to which Ms. Hansen replied that it does not seem adequate.

John Cordes, a Sunnyvale resident, commented that he thought applicants would be providing perspective drawings for residents to see what projects will look like from their properties. He said there should be more surface-level parking for bicycles. **Comm. Hendricks** said that providing perspective drawings is not a requirement for project applicants City-wide, rather it was discussed for projects within the Peery Park District. Mr. Cordes said he thinks they would be useful for this project as well. Comm. Hendricks discussed with Mr. Cordes options for locations of surface-level bike parking.

Mr. Fearn reiterated that the project requires no exceptions, is transit-oriented, close to shops and fits in with the vision of the DSP. He said there will be a net increase of 40 trees, and two electric vehicle spaces will be provided. He said there will be a reduction in storm water runoff and in peak hour vehicle trips. He said that they are required to have seven class-two bike racks, but that they will be providing eight. He said there is nothing in the DSP stating that one cannot see a fourth floor from Charles, and that they did not do an EIR because they were not required to and because the DSP had an EIR. **Comm. Hendricks** confirmed with Mr. Fearn that the rephrasing of COA BP-23 is not cause for concern, and that the applicant will review the accessibility of bike parking locations. Comm. Hendricks also confirmed with Mr. Fearn that he would be amenable to a condition that does not allow the use of stacked bike lockers.

Vice Chair Melton closed the public hearing.

Comm. Larsson moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: in Condition of Approval BP-23, change “shall” to “may” for A, B, D, E and F and change C to: “Clearly indicate that the property manager/homeowners association shall not rent or assign more than one space per unit, except for tandem spaces must be assigned to the same unit; unless approved by the Director of the Community Development Department through a Miscellaneous Plan Permit. The property owner/applicant is required to demonstrate that assigning or renting additional parking spaces will not impact the neighborhood.” Comm. Hendricks seconded and offered a friendly amendment to not allow stacked bike lockers, which Comm. Larsson accepted.

Comm. Larsson said the project follows the DSP and has no deviations. He said the overall concept of the project is what was envisioned when the DSP was created, and noted that Charles Street will have fewer curb cuts which will help with pedestrian safety. He said the articulations on the Mathilda frontage adds interest and does not look like one solid wall. He commented on the two-story Charles Street frontage fitting in with the residential neighborhood, and said that you can barely see the fourth story windows from the street. He said this project moves the DSP forward and does a lot of good for the community.

Comm. Hendricks thanked the public for coming out to speak, and said it is unusual that a given block would have specifics about the number of stories on one side of the street versus the other. He said the developer has stayed within guidelines, that he can make the findings and that this project is part of the DSP as it has been envisioned. He said he found interesting the slide that showed the distance to services within a half mile radius and commented on the lack of detail showing project proximity to city parks. He said he hopes the city can implement a bike lane striping project quickly, in the early phases of this project to show everyone what is supposed to be on Mathilda. He said he thinks this is a good project and hopes to see it completed quickly.

Comm. Olevson said he will be supporting the motion for several reasons including the project’s consistency with the DSP. He said it is a pleasure when the Commission gets a project without requested deviations, and that it is tough to say he cannot make the

findings for the Vesting Tentative Map because that is a positive statement. He said that looking at the approved DSP, the traffic study done a few weeks ago and this project, everything is consistent with what has been set up.

Vice Chair Melton said he will be supporting the project, and that throughout his 1.5 years as a planning commissioner, he is not sure he has seen a project this clean. He noted that the project does not require a General Plan Amendment or zoning change, nor does it require deviations from the Sunnyvale Municipal Code. He said the applicant had an exception from the state for applying very low-income housing that they are not using, and that there are no setback deviations or balconies that are ten feet apart as seen on some recent residential projects. He said it is a nice design with four stories on Mathilda and two stories on Charles which is the benefit of a specific plan, on which he sees action here. He commented on the exterior architecture, saying there is nice zest and zip in the color palette, which will make a great addition to the downtown environment. He noted that he has stopped by the project several times and finds it plausible that there will be a reduction in the number of trips during peak hours. Vice Chair Melton thanked the public speakers, and said he sees slight potential for a fourth story window being able to see something looking down onto Charles Street, but finds that such a distance would not create a genuine privacy impact. He said for all those reasons he can make the findings.

ACTION: Comm. Larsson moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions:

a) in Condition of Approval BP-23, change “shall” to “may” for A, B, D, E and F and change C to: “Clearly indicate that the property manager/homeowners association shall not rent or assign more than one space per unit, except for tandem spaces must be assigned to the same unit; unless approved by the Director of the Community Development Department through a Miscellaneous Plan Permit. The property owner/applicant is required to demonstrate that assigning or renting additional parking spaces will not impact the neighborhood.”; and,

b) to not allow stacked bicycle lockers in the garage.

Comm. Hendricks seconded. Motion carried, 5-0 with Chair Dohadwala and Comm. Chang absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than November 12, 2013.

3. **FILE #:** 2013-7448
Location: 433 N. Mathilda Avenue (APN: 165-28-013)
Proposed Project: MAJOR USE PERMIT for two new office buildings with a FAR of 53%.
Applicant / Owner: Christensen Holdings Lp
Environmental Review: Mitigated Negative Declaration
Staff Contact: Gerri Caruso, (408) 730-7591
Gcaruso@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, presented the staff report, and said there were revisions to the Conditions of Approval as the ones sent out were mistakenly taken from a different project.

Comm. Olevson and Ms. Ryan discussed landscaping and shading, and how the platinum level of the Green Building incentive would affect allowable Floor Area Ratio (FAR) for this project.

Gary Black, with Hexagon Transportation Consultants, discussed with **Comm. Olevson** the recommendations given for improvements described in the traffic study for this project. Comm. Olevson commented on the staff report indicating a specific dollar amount for increased property taxes coming into city coffers and said that it is good data.

Comm. Hendricks discussed with Ms. Ryan the Commission's ability to require as a Condition of Approval (COA) the applicant to reach the platinum level of the Green Building incentive. Comm. Hendricks confirmed with staff that space will be provided for a bike lane, and discussed the Mary Avenue extension remaining part of the General Plan. Comm. Hendricks and Ms. Ryan discussed the fees associated with lengthening the turn pocket on Mathilda.

Vice Chair Melton discussed with Ms. Ryan the line-of-sight diagrams on the enlarged site plans and suggested the applicant show these diagrams to City Council. Vice Chair Melton confirmed with Ms. Ryan that the installation of a bike lane will happen, but that the applicant will not do the striping work, and discussed the applicant's eligibility for credit toward the Transportation Impact Fee (TIF) for new sidewalks. Vice Chair Melton and Ms. Ryan discussed findings and criteria for projects that require a Use Permit to exceed the Floor Area Ratio (FAR) of base zoning. In response to Vice Chair Melton's inquiry, Ms. Ryan defined "city-wide development pool."

Comm. Hendricks clarified with Ms. Ryan the findings that need to be made for a Use Permit, and confirmed that City Council discussed the moratorium on development in Peery Park before the ordinance was brought before the Planning Commission.

Vice Chair Melton opened the public hearing.

Gavin Christensen, the applicant, highlighted aspects of the project, and said the net impacts would be relatively minimal. He said they would be implementing a Transportation Demand Management (TDM) plan to reduce the amount of auto traffic to

the site via incentives to use alternate modes of transportation, including the downtown Caltrain Station. Mr. Christensen presented illustrations of the site plan, an architectural rendering of the project and perspectives of the project from different angles, which were also presented during the community outreach meeting on September 12. He said the presentation boards at the meeting displayed views of the project from neighboring properties directly east of Mathilda and from single-family homes on Orchard Avenue. Mr. Christensen summarized the history of the environmental situation of the site, and said that they are happy to work with staff on the parking lot shading issue. He said the project conforms to all zoning regulations in regards to setbacks, height and other parameters, and that they are only asking for an 8% increase in FAR.

Comm. Larsson confirmed that the applicant will provide art on-site. Mr. Christensen said it may be a sculpture but they have not picked it out.

Comm. Hendricks discussed with Mr. Christensen the applicant's aim of gold for the Green Building incentive and confirmed with Mr. Christensen that the closure letter from the Regional Water Quality Control Board (RWQCB) stated that no additional work was required for the site. They also confirmed that a vapor barrier will be placed beneath the underground parking. In response to Comm. Hendricks inquiry, Ms. Ryan explained that if residual contamination is found on the site, the applicant would need to contact the RWQCB, and that the Commission could add a Condition of Approval (COA) as a precaution. **Kathy Berry**, Senior Assistant City Attorney, said the RWQCB makes it understood that if they find a presence of contamination in the future, they can take back their closure letter. Comm. Hendricks confirmed with Mr. Christensen that if a COA was added, they would be okay with it. Comm. Hendricks asked Mr. Christensen if the construction jobs created would be filled by local workers, to which Mr. Christensen responded that while locals are preferred, they have not discussed this.

Vice Chair Melton suggested to the applicant reconciling the two line-of-sight plans and suggested bringing the environmental expert to the City Council meeting.

Dwight Davis, a Sunnyvale resident, said he would like to request a line-of-sight view for Pine and W. Arbor and notification of the stage of construction throughout the project. He said he is concerned with the amount of noise the construction may produce.

Eleanor Hansen, a Sunnyvale resident, said she thinks this project is aesthetically challenged, and that she is enthusiastic about the project that replaced the post office at Maude and Mary. She said she likes striking architecture and finds the architecture of this project is mediocre. She said she hopes the landscaping covers the building and thinks this project is not appropriate for an entrance into the City of Sunnyvale.

In response to earlier questions, **Ms. Ryan** confirmed that the mitigation measure does require a passive vapor intrusion system that is incorporated into the construction plans, and that regardless of any action of the Planning Commission, she would reformat it to show City Council the mitigation measures outlining the who and when. She said regarding the turn pocket intersection of Mary and Maude was not covered by the

Traffic Impact Fees (TIF) in the long-range plans. She said it is a Congestion Management Plan (CMP) significant intersection that would be operating at level of service D because it would be averaging all lanes of the intersection and that the Planning Commission could include in their recommendation the lengthening of that turn lane.

Mr. Christensen said the demolition should be minimal and so not very loud.

Comm. Hendricks confirmed with Mr. Christensen that he would be comfortable with using software to draw up views of the project from specific areas.

Vice Chair Melton suggested drafting up a line-of-sight view from W. Arbor and Pine as requested by the member of the public, and said that neighbors may take comfort in being notified of the various construction phases.

Vice Chair Melton closed the public hearing.

Comm. Hendricks moved to recommend Alternative 2 to adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions: provide illustrations for the City Council and residents of what the project will look like from the view of neighboring properties. Comm. Larsson seconded.

Comm. Hendricks said this project has an interesting history. He said he recommended in a previous meeting that development be discontinued in this district until the Peery Park study was completed, but that a moratorium is not the policy in place and he will be going by the policy of Council to review these projects. He said there is also a lot of history around this project because of the LinkedIn project and its height. He said he went to a community outreach meeting and thinks a lot of work has been done in terms of building orientation and their views across Mathilda. He said original plans included multiple six-story buildings and that there should be an acknowledgement of a reduction in building height resulting from the applicant and staff working with the community. He said the last piece is bringing a sketch up of what the project would look like from every other house on Pine, and if the applicant gives that as advanced notice to neighbors, it would provide project transparency and an opportunity for residents to voice their concerns.

Comm. Larsson commented on the need for modern office buildings for good jobs in Sunnyvale, and that employees today expect something different than what was produced 40-50 years ago. He said this building will be much more attractive to employees, that it is located along a major corridor so it will be easy to enter and exit, and it will be an improvement to the area. He said he is glad the applicant put the four-story building further back, which creates a nicer view from the road, and he is glad that the front building is closer to Mathilda, but not right up against it, so that there is a comfortable landscape buffer there. He said pedestrians will not be facing parking, so it will be an attractive environment. He commented on the public art being located in front of the building so that everyone can see it when driving by and said everyone will get to appreciate it. He said he would like to commend the applicant for putting parking

underground, which he knows is expensive, but will result in more trees, landscaping and amenities for everyone to enjoy.

Comm. Olevson said he will be supporting the motion, and said he looks at the building as modern but not all glass as there were earlier concerns about Sunnyvale becoming an all-glass city. He said there is a nice balance of traditional elements and some that are timeless to this design. He said the project benefits greatly from having underground parking which allows more landscaping for those working in the area and driving by, rather than having a multi-story parking garage that can obstruct view. He said he thinks the line-of-sight issue has been addressed, that the landscaping is very well done, and wishes the applicant success.

Vice Chair Melton said he will be supporting the motion and can make the findings. He thanked the members of the public for speaking and noted that one comment he heard suggested this project contained mediocre architecture, but that all perspectives are subjective. He said he is the guy commenting about glass box architecture in Moffett Park and reiterated that he said in the study session that while this project has a lot of glass, there is a lot of architectural interest that breaks up the glass and adds a timeless quality to it. He said he appreciates the applicant being proactive with the line-of-sight views, which is helpful when talking with neighbors. He stated that we need a Specific Plan in Peery Park and that this project demonstrates why. He said we are doing the best we can, and that the project is being reviewed within the context of General Plan (GP), and referenced a review of a previous project within the context of the Downtown Specific Plan and said that is the way to do it. He said staff included an updated Balanced Growth Plan (BGP) as an exhibit, and he has been thinking about the pace of development in Sunnyvale contextualized against the BGP, the GP and the 20-year plan and thinks a case can be made regarding development of office and industrial FAR putting us too far ahead of where we would expect to be at this point in the 20-year plan. He said the time may soon be upon us where we need to exercise independent oversight to tap the brake pedal on development, specifically with regard to office and industrial floor area.

ACTION: Comm. Hendricks moved to recommend Alternative 2 to adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions: provide illustrations for the City Council and residents of what the project will look like from the view of neighboring properties. Comm. Larsson seconded. Motion carried, 5-0 with Chair Dohadwala and Comm. Chang absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the November 19, 2013 meeting.

4. Standing Item Potential Study Issues (2015)

Comm. Hendricks suggested a study issue on Vice Chair Melton's idea of tapping the brakes on development. He said it may be difficult to do at the individual project level as projects come in that are taking advantage of existing zoning, and he does not know how the Commission could do that without arbitrarily denying an application.

Vice Chair Melton said this sounds like a study session, which could include brake-tap tools available to the Planning Commission.

Ms. Ryan said an update to the Land Use and Transportation Element (LUTE) is expected in late spring of 2014, which includes an updated BGP that would go beyond 2025. She said there will be an opportunity to discuss how to use the BGP.

No new study issues were added to the potential study issue list for 2015.

NON-AGENDA ITEMS AND COMMENTS

• **COMMISSIONERS ORAL COMMENTS**

Comm. Durham thanked Council for his appointment to the Planning Commission and thanked staff for his orientation.

• **STAFF ORAL COMMENTS**

City Council Meeting Report

Trudi Ryan, Planning Officer, discussed Planning-related items that were heard and will be considered by City Council.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Planning Commission meeting adjourned at 10:56 p.m.

Notice to the Public:

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 Community Development Department located at 456 W. Olive Avenue, Sunnyvale, CA during normal business hours and in the Council Chambers on the evening of the Planning Commission meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting The Planning Division at (408) 730-7440. Agendas and associated reports are also available on the City's web site at <http://sunnyvale.ca.gov> or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Planning Division at (408) 730-7440. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.106 ADA Title II)

VISUAL PRESENTATION

To assist you in utilizing the technology available in the Council Chambers, the publication "How to Make Your Presentation More Effective" may be helpful.

Ask the Project Planner for a copy. Copies are also available on the table located at the back of the Council Chambers prior to scheduled Planning Commission and City Council meetings. You may also pick up a copy at the One Stop Permit Center or the City Clerk's Office during normal business hours, or visit the City's website at: <http://sunnyvale.ca.gov>.

PLANNING COMMISSION SCHEDULED PUBLIC HEARING DATES FOR 2013:

January 14	May 13	October 14
January 15 *	May 29, <i>Wednesday</i> ***	October 21 – <i>Special Meeting</i>
January 28	June 10	October 28
February 1, <i>Friday</i> **	June 24	November 11
February 11	July 8	November 25
February 25	July 22	December 9
March 11	August 12	December 23 – <i>No Meeting</i>
March 25	August 26	January 13, 2014
April 8	September 9	January 27, 2014
April 22	September 23	February 10, 2014
		February 24, 2014

- * Joint Study Session with City Council
- ** City Council Study Issue Workshop
- *** Special Meeting Date due to Holiday

Planning Commission typically meets the 2nd and 4th Monday of each month. Study Sessions are held at 7:00 p.m. in the West Conference Room. Public Hearings are held at 8:00 p.m. in the Council Chambers.

Public Hearings are available by web cast at the following link:

<http://sunnyvale.ca.gov/CityGovernment/CityCouncil/CouncilMeetings/WatchCouncilMeetingsOnline.aspx>

Public Hearings are broadcast on KSUN.

Channel 15 – KSUN

Monday, October 28, 2013	Planning Commission Meeting – (Live) 8:00 p.m.
Thursday, October 31, 2013	Planning Commission Meeting (Replay of October 28, 2013) 8:00 p.m.
Sunday, November 3, 2013	Planning Commission Meeting (Replay of October 28, 2013) 11:00 a.m.

GUIDELINES FOR ADDRESSING THE PLANNING COMMISSION

Public Announcements – Beginning of Meeting

- 3 minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of Planning Commission interest that occur in the City annually. (Only announce one time for the year).

Public Hearings – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable).
- Speakers are requested to give their name (address is optional).
- Anyone interested in addressing the Planning Commission (may only speak one time).
- Closing remarks by the applicant (if applicable).
- Time limit of 3 minutes per person (to be extended at discretion of Chair). Please make comments brief and be prepared to provide new input.

Citizens to be Heard

- Any item relevant to the Planning Commission.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a Speaker Card to the Recording Secretary.
- Items not on the agenda.
- Items that do not fall within the scope of the Public Announcement section.
- Time limit of 3 minutes, 15 minutes total for this category (to be extended or continued to end of Planning Commission business, at the discretion of the Chair). Limit to one appearance during this section.

<p>If you wish to provide the Planning Commission with copies of any handout materials you are presenting, please provide sufficient copies for each Planning Commission member, the Recording Secretary and other staff present.</p>
