6:30 PM – Lobby Open to View Model for Santa Ana Court Project

7:00 PM - Study Session – West Conference Room

1. FILE #: 2013-7525
   Location: Santa Ana Court (APN: 205-33-002, -005, -007, -009, -010, -011, -012, -013 and -014)
   Proposed Project: SPECIAL DEVELOPMENT PERMIT to construct three interconnected 6-story office buildings at 100% FAR totaling 770,000 square feet with multi-story parking garage on a 17.84 acre site, including the removal of nine existing light industrial buildings. TENTATIVE MAP to subdivide the property for condominium purposes.
   Environmental Review: Environmental Impact Report under preparation
   Applicant / Owner: Landbank Investments, Inc./Scott Jacobs
   Staff Contact: David Hogan, (408) 730-7628 Dhogan@sunnyvale.ca.gov

2. Public Comment on Study Session Agenda Items (5 minutes)

3. Comments from the Chair (5 minutes)

4. Adjourn Study Session
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; Commissioner Bo Chang; and Commissioner Ralph Durham.

Members Absent: Chair Maria Dohadwala (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Shaunn Mendrin, Senior Planner; Momoko Ishijima, Associate Planner; and Cristina Pfeffer, Recording Clerk.

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 Clerk 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: November 11, 2013

ACTION: Comm. Larsson moved to approve the consent calendar. Comm. Chang seconded. Motion carried, 6-0 with Chair Dohadwala absent.
PUBLIC HEARINGS/GENERAL BUSINESS

2. FILE #: 2013-7542
   Location: 420 S. Pastoria Avenue (APN: 165-04-002)
   Proposed Project: SPECIAL DEVELOPMENT PERMIT to allow use of
                     an existing one-story building for a
                     preschool/childcare facility for up to 188 students.
   Applicant / Owner: Teresa Lai / Distel LP et al
   Environmental Review: Negative Declaration
   Staff Contact: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Momoko Ishijima, Associate Planner, presented the staff report, and noted that the
applicant has requested a modification to Condition of Approval (COA) AT-2 to add 30
minutes to the pickup time which would extend the ending hours of operation to 6:30
p.m.

Vice Chair Melton disclosed that he met with the project applicant the week prior to the
Planning Commission meeting.

Comm. Hendricks asked for clarification on the required separate action. Trudi Ryan,
Planning Officer, said the Planning Commission does not have authority to take any
action on the relinquishment of the mutual easements between properties, and said that
is something on which the City Council would make a decision.

Comm. Durham noted that there are no bike lanes on Pastoria and asked if staff has a
plan regarding the situation with increased traffic, to which Ms. Ryan responded that
while there has been considerable discussion, there is no final plan for a bike lane.

Comm. Olevson commented on the traffic study and does not think there is enough
time to drop off and check in 188 students between 7:30 and 9:00 a.m., and pick up and
sign out children in the evening. He said he thinks this will have a major impact to the
public street and nearby lighted signal. Ms. Ryan said the traffic consultant is present to
answer questions, and noted that sometimes there are multiple children per parent and
that should be factored in. Jason Nesdahl, Traffic Consultant with Hatch Mott
MacDonald, explained trip generation and projected trips for the school. He said staff
arrives before the students and the school staggers start times so they are not all
arriving simultaneously. Comm. Olevson confirmed with Mr. Nesdahl that the analysis
included the amount of time needed to walk a child in and out of the school.

Comm. Larsson confirmed with Ms. Ryan that staff supports the modification to COA
AT-2 to add 30 minutes to the pickup time, extending the ending hours of operation to
6:30 p.m.

Vice Chair Melton discussed with Ms. Ryan the consideration of making the flow of
traffic behind the property one way.
Comm. Hendricks and Ms. Ryan discussed the difference in licensing requirements for preschools and elementary schools to have drop-off loops to pick up and drop off children.

Vice Chair Melton opened the public hearing.

Janice Yeh, Architect for the project, presented illustrations while giving background information on the school. She said there is a proposed four foot fence in front of the building for screening purposes, and that employee shifts start at 7:45 a.m. and end at different times depending on which class they teach.

Comm. Olevson commented on the Parking Management Plan (PMP) and asked if there is enough staff to accommodate the number of anticipated students. Ms. Yeh said classes have staggered start times and that students in preschool do not have to be in class at a specific time as with school-aged children. Comm. Olevson noted that children can begin showing up at 7:30 a.m. but staff does not arrive until 7:45 a.m. Ms. Yeh said there is a mistake in the time teachers arrive, and that no one shows up at 7:30 a.m. Comm. Olevson confirmed with Ms. Yeh that the actual drop off time will extend beyond 9:00 a.m. Ms. Ryan added that 7:30 a.m. is the start of the hours of operation and not necessarily when students or teachers would begin arriving.

Comm. Durham and Ms. Yeh discussed the potential for varied student arrival times to create arrival overages that cascade from one class start time into the next and discussed plans for the school to encourage parents to walk or roll their children to school. Comm. Durham said he lives near a Montessori school and thinks they are great but noted that traffic can become bad nearby.

Vice Chair Melton confirmed with Ms. Yeh that she had not encountered asbestos or lead-based paint in the building and that when the previous tenant renovated the building, they removed the asbestos. In response to Vice Chair Melton's inquiry, Ms. Yeh explained that the request for the extension of operating hours is to allow parents a grace period to pick up their children without violating conditions.

Comm. Durham and Ms. Ryan discussed fence heights and related permits, and Ms. Ryan explained that the Commission could require a taller fence. Ms. Yeh said the school is flexible on the fence height.

Robert Ruiz, a Sunnyvale resident, said he likes the project but objects to its proposed location, and asked the Commission to deny the project application.

Theresa Gadbois, a Sunnyvale resident, cited overburdened traffic as her reason for opposition to the location of the school, but said she is not opposed to the project itself.

Richard Duarte, a Sunnyvale resident, said increased traffic is the main problem with this project. He said we need the daycare but suggested a different location.
Dr. Christina Chow, a former school teacher, said she supports the project, which provides a great bilingual and bicultural education and that if there was a Sunnyvale campus she would walk or stroll with her children to school rather than drive.

Stephen Deng, a Mountain View resident, said he sends his son to a Little Tree campus in Campbell and that if there was a campus in Sunnyvale it would be great and would reduce his travel time.

Jackie Funk, the Director of Little Tree Campbell campus, said the Campbell campus does not have a traffic issue because of staggered start times, and said she supports the project.

Comm. Chang, confirmed with Ms. Funk that between 24 and 48 children play outside at any one time.

John Cordes, a Sunnyvale resident, commented on the traffic plan and suggested parking lot A have an exit-only driveway and suggested that upon exiting, drivers can make only a right-hand turn.

Eleanor Hansen, a Sunnyvale resident, said the traffic analysis appears incomplete and commented that it would have been nice if the applicant met with the neighbors to discuss some of the aforementioned public concerns.

Lilian Seow, a Sunnyvale resident, said she sends her daughter to the Little Tree campus in Cupertino and is very excited for a new campus in Sunnyvale. She said sign-in/out logs demonstrate the staggered pick-up and drop-off times.

Jonathan Wu, a Sunnyvale resident and parent of a Little Tree student, said he supports the project and that traffic is not a concern to everyone.

Ms. Yeh clarified the rationale behind the Parking Management Plan (PMP) and said they are open to suggestions. She said they waited for public feedback on the project from Ms. Ishijima, but that none was heard and no community meeting was scheduled.

Comm. Hendricks asked Ms. Yeh if she had an estimate of how many students would come from Sunnyvale, to which Ms. Yeh replied that, as with other Little Tree schools, 60% of students live in the city in which the campus is located and the remaining students are dropped off by parents who work nearby. Comm. Hendricks confirmed with Ms. Ryan that it is out of the Commission’s purview to determine the minimum number of students enrolling who must reside in Sunnyvale. Ms. Ryan suggested looking at whether this type of facility benefits the community.

Comm. Durham confirmed with Ms. Yeh that making exit directions right-turn only had not been considered, and confirmed that the school will discourage parents from using library parking to drop off their children. Ms. Ryan noted that negotiations over mutual access between property owners had not yet commenced.

Vice Chair Melton closed the public hearing.
Comm. Hendricks discussed with Mr. Nesdahl the peak hour impacts to the intersections in the Traffic Impact Analysis (TIA) and confirmed that the largest projected number of trips would be spread out over an hour, not simultaneously.

Comm. Larsson compared with Ms. Ryan projected differences in the number of peak hour trips for the daycare versus general office use. Comm. Larsson noted that the number of parking spaces provided will allow parents more time to drop off and pick up their children. In response to Comm. Larsson's inquiry regarding hours of operation, Ms. Ryan explained that the Planning Commission can determine the hours of the main programs in session and can make modifications to the conditions, including the review of the PMP after a period of time. Comm. Larsson and Ms. Ryan discussed the necessity of requesting a deviation for the trash enclosure.

Comm. Durham asked Mr. Nesdahl if consideration was given to making the driveways right-turn only out of the property. Mr. Nesdahl said this would create other problems, like circulation into the neighborhood and he would not recommend it.

Comm. Olevson moved to deny the application. The motion failed for lack of a second.

Comm. Larsson moved Alternative 2 to adopt the Negative Declaration and approve the Special Development Permit with the modified condition to change Condition of Approval AT-2 to extend the hours of operation to 6:30 p.m. Comm. Hendricks seconded and offered the friendly amendments to allow the applicant to build the front yard fence as high as six feet, and staff review of the Parking Management Plan after six months, which Comm. Larsson accepted.

Comm. Larsson thanked the members of the public for speaking and said it is helpful to get comments from neighbors and parents using schools similar to Little Tree. He said there is a real need for childcare in Sunnyvale, and that even those who spoke about traffic concerns acknowledged that we need daycare. He noted that if this location is not a daycare it will most likely be used as office space, governmental or other, and that traffic could be increased or decreased depending on many factors but would generally be in the ballpark. Comm. Larsson said the addition of one car in each direction every 29 seconds, or less because pick-up and drop-off times would be extended, is not a large amount of traffic, with which the TIA agreed. He noted that the need for traffic calming was consistently brought up, and reiterated the example of the nearby elementary school in the neighborhood by which parents rush to drop off their children, and he said this is a preschool with no set start time so there is less of the sense of urgency to get there by a specific time, which reduces the amount of rushing or bad driving like that around elementary schools. He said this is something the community needs and said he thinks this is a good location for it as it is quite central, near neighborhoods, and near El Camino Real and Mathilda. He said these are good paths for those located further beyond the neighborhood but who work nearby in Sunnyvale.

Comm. Hendricks thanked the public for their comments, and said he can make the findings. He said the lack of daycare comes up as an issue in response to every City
survey which demonstrates a great need and desire for it. He said he can accept the understanding and definition of what is in the traffic analysis, and that traffic plans come out in three ways: how traffic gets to a destination, the ingress and egress queuing as cars come and go from the street to the destination, and circulation within the parking lot itself. He said the applicant will work out the plan within the parking lot and that if it does not work they will continue to work on it as it mostly affects them, and added that staff will also be able to look at the queuing in and out. He said one thing not talked about it that this is close to a park to which kids can hold hands and walk together. He said the location is central in the city for people to get to and hopes that more people who live in Sunnyvale will take advantage of the facility.

Comm. Chang said he will be supporting the motion and can make the findings. He said daycare is a service that is much needed in our city and that this is not the first time the Commission has seen an application for daycare. He said the Commission has seen so many throughout the year and there is always the concern of traffic and noise, but that there are conditions of approval that will review traffic and noise and can be managed to deal with the operations of a daycare. He said he is looking forward to seeing the school open.

Comm. Olevson said he will not be supporting the motion and that he is persuaded that traffic study is somewhat flawed by the testimony of those living in area who know firsthand, by the presentation of the traffic engineer and by the applicant, who, when the amount of time is challenged, suddenly changes the drop-off time. He said we are not operating on the record of the presentation in the staff report and the engineering study, and that the Commission is told that those things do not count and to go ahead with the project anyway. He said he is not convinced that it is proper, based on this record and the presentation in writing, that this project should proceed as is.

Comm. Durham thanked the members of the public for speaking and said he is glad the motion has a revision of the plan. He said he is not sure if it will help if the traffic plan does not turn out to be viable, nor how that will be mitigated and that he sees few options to make changes once the school is in place. He said he believes the school is needed in Sunnyvale and was encouraged to support the motion by the fact that the back gate will be opened for those parking in the posterior lot, otherwise people might be found vying for front lot parking, or there may be more overflow in the library parking lot, whether it is discouraged or not. He said generally this is a good plan and he will be giving reluctant support based on the various traffic issues.

Vice Chair Melton said he would be supporting motion, thanked the members of the public who came out to speak and said their input is very important to hear as the Commission goes through thought processes and deliberation. He said if one conducts a poll or looks at surveys occasionally done of residents in Sunnyvale, the need for more daycare is at or near the number one topic. He said this is a hardworking city where people demand quality daycare facilities for their children, and it is a policy of the City to support daycare uses within the City. He said he appreciates Comm. Hendricks' friendly amendment of staff review of the Parking Management Plan after a set period of time if the daycare does not iron out the kinks. He said he would have preferred not to extend the hours of operation because in his own experience with his young children, 6
p.m. may have been sufficient, but that is not enough to cause him to change his vote. He said he can make the findings and that he reviewed the noise study, of which the public had concerns, but he is comfortable with the noise coming from the daycare versus the ambient noise coming from the site. He said in regards to Comm. Olevson’s comment of not lending support to the project, he respects the viewpoints of all Commissioners and is also somewhat uncomfortable with the data in the traffic plan changing. He commented that if there was a motion to continue the project to a future hearing, he might have supported that as it may have given the applicant and consultant an opportunity to tighten up the facts, but that the staff review function makes him comfortable.

Comm. Hendricks said he had not mentioned the noise component but that the fact that there is only one house close by is another element of his decision.

**ACTION:** Comm. Larsson moved Alternative 2 to adopt the Negative Declaration and approve the Special Development Permit with modified conditions: change condition of approval AT-2 to extend the hours of operation to 6:30 p.m.; to allow the applicant to build the front yard fence as high as six feet, subject to design approval by the Director of Community Development; and review of the Parking Management Plan by the Director of Community Development after six months. Comm. Hendricks seconded. Motion carried, 5-1 with Comm. Olevson dissenting and Chair Dohadwala absent.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than December 10, 2013.
Shaunn Mendrin, Senior Planner, presented the staff report.

Comm. Hendricks and Mr. Mendrin discussed the height of the proposed screen wall and that the new driveway onto Olive Avenue would generate additional traffic. Comm. Hendricks confirmed with Mr. Mendrin that on the El Camino Real side, all directions would be right-turn only in and out of the project.

Comm. Olevson and Mr. Mendrin discussed the effects of reducing the amount of compact parking spaces. Comm. Olevson noted that the owner may decide to convert the apartments into condominiums in the future and confirmed with staff that there would be sufficient space to accommodate the requirements for residential parking if changes do occur. Mr. Mendrin noted that a homeowner’s association would manage parking if conversions were made, and that staff and the applicant adjusted the alignment of driveways on Olive to ensure no headlights would shine into homes on either side of the street. Ms. Ryan remarked that the parking requirement is the same for rental and ownership housing.

Comm. Durham noted that there is a pedestrian emergency vehicle access easement between Olive and El Camino Real and confirmed with staff that emergency access would be open 24 hours a day, but that it may not be open 24 hours to the public due to security reasons.

Vice Chair Melton confirmed with Mr. Mendrin that the medical services building would be for ophthalmology and confirmed the date of the adoption of the El Camino Real Precise Plan. Vice Chair Melton discussed with Trudi Ryan, Planning Officer, the project within the context of the focus on retail in the El Camino Precise Plan.

Vice Chair Melton opened the public hearing.

Richard Truempler, Director of Development for the Sobrato Organization, gave background information on the Sobrato Organization. David Obitz, with KTGY Group, presented illustrations while summarizing elements of the project.
Comm. Hendricks confirmed with Mr. Truempler that the easement from El Camino Real to Olive is intended to be open 24 hours. Mr. Truempler said that if the access becomes a problem for the project or neighborhood, they will work on restricting access by the use of a pedestrian gate or something similar. Comm. Hendricks asked staff if the Condition of Approval (COA) regarding the easement is currently listed as open 24 hours, to which Ms. Ryan said that it was not specifically. Comm. Hendricks confirmed with Mr. Truempler that he would be amenable to adding a specific COA.

Comm. Olevson discussed with Mr. Mendrin the addition of variation to the color palette, and noted that the change of the façade on Olive were a distinct improvement.

Comm. Durham said he would like to see the easement open 24 hours so people in the development north of Olive can walk through and reach the features on El Camino. He said it could potentially reduce traffic. Comm. Durham confirmed that the bike parking would be on the first level of the parking garage.

Vice Chair Melton confirmed with Mr. Truempler that the current intended use of the office building would be for ophthalmology. Vice Chair Melton noted that all sides of the building are predominately glass and asked how the applicant would allow patient privacy, to which Mr. Truempler replied that there will be mecho-shades for screening.

Comm. Olevson confirmed with Mr. Truempler that the phase one and two studies showed minor amounts of hydrocarbons, and Mr. Truempler said they can all be mitigated.

Comm. Durham confirmed with Mr. Truempler that demolition work of existing concrete structures will take place during regular working hours.

Paul Brunemeier, a Sunnyvale resident, said he recognizes that growth and development is unavoidable, but asked the Commission to consider another location for this project and suggested that El Camino may not be an ideal place for a high density project. Comm. Hendricks noted that the applicant is working within the El Camino Real Precise Plan and asked Mr. Brunemeier if he would suggest a review of that plan. Mr. Brunemeier suggested earlier public notification of this project.

Rohit Mittal, a Sunnyvale resident, noted that this area is zoned for commercial use but has mostly a residential plan and said there is already burdened traffic on El Camino Real. He suggested scaling back the residential portion of the project to allow its intended retail use.

Govind Kamat, a Sunnyvale resident living in the Cherry Chase neighborhood, said the preferred use of this parcel was retail and the addition of more than 150 condominiums would have a serious impact on the schools.

Eleanor Hansen, a Sunnyvale resident, said she likes the balcony design feature, that she thinks there may not be enough parking, and that despite the Precise Plan defining this area for retail use, she thinks we need more residential space.
Dr. Elizabeth Vilardo, with the Palo Alto Medical Foundation, said she is speaking in favor of this project which will have space dedicated for a not-for-profit clinic. Vice Chair Melton asked if Dr. Vilardo had any problems with the glass box architecture of the building, to which Dr. Vilardo responded that the shades and arrangement of the offices will not create any privacy problems.

John Cordes, a Sunnyvale resident, said bike parking should be on the ground level, suggested residents of the project receive eco-passes to mitigate the addition of vehicle trips and said that he is in favor of the project because the City needs more housing.

Peter Botsford, a Sunnyvale resident, said additional housing will affect the quality of the schools, and that the public in the Cherry Chase area should have been notified of the project earlier.

Mr. Truempler said they were contacted in July by a concerned Cherry Chase neighborhood association who they invited to the meeting which they thought helped in terms of notification.

Comm. Durham noted that the number of units was reduced and the number of one and two bedroom units were scaled back equally, and commented that half of the units will not have children heading into the schools.

Vice Chair Melton closed the public hearing.

Comm. Hendricks noted that public notification was ranked by the Planning Commission as number one among the potential Study Issues, and discussed with Ms. Ryan what zoning is emphasized in the El Camino Real Precise Plan.

Comm. Larsson confirmed with Ms. Ryan that said staff had notified property owners and tenants within 1,000 feet of the project.

Comm. Hendricks moved Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions.

Comm. Larsson seconded.

Comm. Hendricks thanked the members of the public who came out to speak, and said he can make the findings for the project. He said attendees of the meeting did not hear the Commission have a discussion about the architecture of the project, which occurred during the study session, during which comments were made having to do with changing the Olive side and it is nice to see that the applicant has made the suggested changes. He said this is a good project in terms of the context of the Precise Plan with mixed residential and commercial usage. He noted that the colors provide a good distinction between the residential and commercial buildings. He said he would like to add the specific condition that the easement be accessible 24 hours / 7 days a week. He suggested that if anything else comes up it can be reviewed by the Planning Division, and that the easement was a unique feature discussed in the study session.
that would change the flow for pedestrians and cyclists mid-block from the back side of
the community on Olive out to El Camino. He said it is good that the additional
driveway on Olive has been reoriented so headlights are not shining into residential
homes. He remarked that he understands the concerns of traffic impact on El Camino,
but that he does not think we are at a point where if you would say no to this project,
you would say no to all future projects in this area. He said he thinks it is great that the
applicant will be cleaning up the stuff in the ground to meet federal requirements, and
that he thinks this is a good project on which to move forward.

Vice Chair Melton said he heard Comm. Hendricks offer a friendly amendment to add
a COA to his own motion and asked if Comm. Larsson accepts.

Comm. Larsson asked staff if it would be challenging to change the COA regarding
access to the pathway in the future if an issue arises and access needs to be closed off.
Comm. Hendricks said if it needed to be reviewed in the future it would go to staff and
not come back to the Planning Commission.

Ms. Ryan said she would phrase the condition to say modifications can be made by the
Director of Community Development without a public hearing.

Comm. Larsson said he concurs, and that there are a number of notable things about
the project including the bicycle and pedestrian connection between Olive and El
Camino so one can get from the apartment building to the Cala Shopping Center. He
said currently you have to take a long path to get there, so this will be positive addition
to the neighborhood. He thanked Ms. Hansen for her comment regarding having too
much retail and said she is right that we could potentially be putting retail in a place
where it will not do well or where there is currently too much retail. He said maybe we
need a different mix and that having residential plus nonresidential is really what mixed-
use is about, but that it does not need to be retail, so a medical office here is
appropriate. He said he is pleased to see that the residential portion has been scaled
down on Olive, and that the underground parking is beneficial because a majority of it
will be hidden away under the building. He said the landscaping provided is double
what the requirement is and will go a long way toward softening the building to make it a
friendlier environment.

Comm. Chang said he can make the findings and will be supporting the motion. He
said this is a great project in the right location and that while it would be better to have
more retail, the project meets the El Camino Real Precise Plan guidelines. Comm.
Chang thanked the applicant for reducing the number of units and the density and said
he is looking forward to the project's completion.

Comm. Olevson said he will be supporting the project and can clearly make the
findings. He said it fits in with existing Council-directed policy and with the El Camino
Real Precise Plan. He said the project has been modified over time, but still fits the
different criteria established by Council, and that he finds nothing negative about the
project.
Comm. Durham thanked the public for coming out to speak and said he would be supporting the development. He said he likes the pathway from Olive to El Camino, which will help mitigate traffic and make it easier for people north of Olive to get to retail without having to loop around on El Camino. Regarding comments about not having much retail, Comm. Durham noted that it is all retail from the west side of the development to next major street and he does not know what we would gain by having retail in the corner of this site. He said there are small windows on the apartments immediately west so there will be low-impact visibility. He said that this is a well-planned unit, he likes that it is broken up and thinks that it is a good color scheme.

Vice Chair Melton said he will not be supporting the motion and that he respects all of the input from the public and the comments from the Commissioners. He said he would quote Comm. Hendricks who said earlier that we have to work within existing policy and that when he feels uncomfortable with something he looks at the relevant policy documents, which in this case is the Precise Plan for El Camino Real. He said the policy was most recently updated in 2007 and from his perspective it is a fresh policy document. He said he went through the Precise Plan and found 13 instances that demonstrated that we should not do this project here, including a guideline that says mixed-use and residential projects should not be done mid-block. He said many of our policy documents are vague so that decision makers can interpret them based on the facts of the situation, and he understands why the Commission is making the current decision, but says there is overwhelming documentation in the Precise Plan that says we should not do this project here and now. He said that within the context of the Balanced Growth Profile we are way ahead on industrial and office space, okay in terms of housing, and way behind on retail. He said he could convince himself to vote yes if the project absolutely knocked his socks off, but it does not and that there is not enough for him to get over that hurdle. He said that while he respects all of the opinions heard, he will be pressing the no button.

Comm. Hendricks moved Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the attached conditions and an additional condition to require the access way be open 24/7, and that the condition may be modified in the future by the Director of Community Development without a public hearing. Comm. Larsson seconded. Motion carried, 5-1 with Vice Chair Melton dissenting and Chair Dohadwala absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 10, 2013.
4. FILE #: 2013-7645
   Location: 617 - 641 E. Arques Ave., 302 - 318 N. Fair Oaks Ave., and 612 - 622 E. Taylor Ave. (APNs: 205-30-009, 010, 011 012, 016, 017, 018)
   Proposed Project: SPECIAL DEVELOPMENT PERMIT to allow the redevelopment of a 4.02 acre site with 85 townhome style condominium units.
               VESTING TENTATIVE MAP to combine seven lots to create 85 lots and one common lot for a townhouse development.
               REZONE from R-3 (Residential Medium Density) to R-3/PD (Residential Medium Density / Planned Development) for the .39 acre parcel at 318 N. Fair Oaks Ave.
   Applicant / Owner: SummerHill Homes
   Environmental Review: Mitigated Negative Declaration
   Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov
   Note: This item is scheduled to be considered by the City Council on December 17, 2013.

Trudi Ryan, Planning Officer, presented the staff report.

Comm. Olevson and Ms. Ryan discussed Condition of Approval (COA) BP-34 regarding hazmat cleanup, and Ms. Ryan explained that it would remain vague until more specific information is received from the Regional Water Quality Control Board (RWQCB). Comm. Olevson confirmed with Ms. Ryan that the requested public pathway is recommended to be included in the calculation of the total open space, and confirmed compliance with the Fair Oaks Sense of Place is mandatory. Comm. Olevson also confirmed with Ms. Ryan that public roads have standard sized speed humps and that the developer could be asked to use them.

Comm. Durham discussed with Ms. Ryan the construction of the east-west pathway and potential arrangements with neighboring developments.

Vice Chair Melton opened the public hearing.

Michael Keeney, Associate Development Manager with SummerHill Housing Group, presented illustrations while summarizing project details. He stated that the Sense of Place trail would run between this and neighboring projects and not connect them as originally contemplated, unless those developments agree to do so. He said that several significant changes were made, including a new building type, the changed locations of parking and the community building and the addition of brighter colors for the architecture. He said the number of deviations was reduced since the study session, but that three remain.
**Comm. Durham** asked Mr. Keeney if they would chew up concrete onsite during demolition, to which Mr. Keeney responded that they would reuse as much material onsite as possible.

**Vice Chair Melton** closed the public hearing.

**Ms. Ryan** said COA BP-29 should say NFPA 13D, rather than NFPA 13.

**Comm. Olevson** moved Alternative 1 to recommend to Council to adopt the Mitigated Negative Declaration, to introduce an Ordinance to Rezone 318 N. Fair Oaks Ave. from R-3 to R-3/PD zoning, and to approve the Vesting Tentative Map and Special Development Permit with attached conditions.

**Comm. Hendricks** seconded, and offered a friendly amendment that would change COA BP-29 to read NFPA 13-D, which **Comm. Olevson** accepted.

**Comm. Olevson** said he can make the findings to support the project and especially likes the idea of putting the bits and pieces of parcels together into a coherent project that looks like it will substantially enhance the neighborhood. He said there will be issues with converting industrial areas to residential, but that it fits the plan. He said there has been a lot of policy surrounding this area of Sunnyvale and that this project looks like it fits right in.

**Comm. Hendricks** said he can make the findings and for the tentative map he cannot make the findings. He said he agrees with **Comm. Olevson** regarding assembling multiple parcels into a project, for which the Commission has used the made up word "parcelization." He said he hates the smaller projects where if, for example, there were seven smaller projects, we would see more walls between them. He said he likes that "parcelization" has allowed the applicant to put together a whole block piece, and that this is the second project in a row where you see a pedestrian and cyclist thoroughfare that expands what people can do in terms of walking through it. He said he sees this as a general public benefit which is where he can see the tradeoff for the three deviations asked for. He said we did not talk about architecture tonight, but did in the study session where feedback was given, and after which the applicant made changes. He said he thinks it will be a good project in the area, and that it would have been nice if the applicant could have gotten a few more little properties, but those people likely enjoy their houses.

**Comm. Larsson** said he can make the findings for the project itself and cannot make the disqualifying findings for the tentative map. He said he is impressed with the applicant assembling seven parcels, and that he is not sure how many owners were involved, but even assembling three parcels is amazing. He said it helps us achieve some of the goals of the Sense of Place plan of opening up the area so there are no little, walled gardens. He said providing the paths through the project is a real benefit for folks there and in adjoining communities. He said he looks forward to the project coming to fruition.
Comm. Durham said he can make the findings for the project and likes the north-south path which will help people in the development immediately north go toward Arques and into the bike lanes on Fair Oaks. He said one issue is the potential traffic impact on Fair Oaks but that this project will not be as damaging to traffic and will fit in well with other projects in the neighborhood.

Vice Chair Melton said he would be happily supporting the motion to recommend to City Council to approve the project. He said the “parcelization” is tremendously impressive and that he is a fan of aggregating smaller parcels into bigger projects so bigger and greater things can be done for the people of Sunnyvale. He said he has no issues with the deviations requested, and wanted to give kudos to staff for an excellent write-up, especially with regard to the open space requested deviation. He said the one item of concern was the requested deviation for the separation distance between buildings, and that the last time the Commission saw this deviation there was ten feet between balconies which was not working for him. He said he is comfortable with this project’s 17.5 feet between balconies and can make the findings or not make the findings for the Vesting Tentative map. He said the only request he has for the applicant is to work with staff to add more zip to the color palette. He said he likes the progress made so far, and suggested earthy greens or reds to add a final punch of zip.

**ACTION:** Comm. Olevson moved Alternative 1 to recommend to the City Council to adopt the Mitigated Negative Declaration, to introduce an Ordinance to Rezone 318 N. Fair Oaks Ave. from R-3 to R-3/PD zoning, and to approve the Vesting Tentative Map and Special Development Permit with the attached conditions and a correction to condition of approval BP-29 B to read NFPA 13-D. Comm. Hendricks seconded. Motion carried, 6-0 with Chair Dohadwala absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council for consideration at the December 17, 2013 meeting.
5. **FILE #:** 2013-7141  
**Location:** Citywide  
**Council Study Issue:** A study to provide options for City Council review of requests to initiate General Plan amendments.  
**Environmental Review:** This action is not considered a “project” under the California Environmental Quality Act (CEQA) because initiation of a General Plan Amendment study has no potential to create a significant environmental impact (California Resources Code Section 21065).  
**Staff Contact:** Rosemarie Zulueta, (408) 730-7437, rzulueta@sunnyvale.ca.gov  
**Note:** This item is scheduled to be considered by the City Council on December 10, 2013.

Trudi Ryan, Planning Officer, presented the staff report.

Comm. Hendricks and Ms. Ryan discussed general criteria for notifying the public when a General Plan amendment initiation (GPI) application is filed, that the distance of notification would be based on heights of proposed developments and that public notification of GPIs provides an earlier opportunity for members of the community to understand proposed changes in their neighborhood.

Comm. Larsson and Ms. Ryan discussed the staff and postage costs to notify residents of public meetings and who would bear them. Ms. Ryan explained that staff is recommending a flat rate based on the distance of notification, that staff will keep track of meeting attendance and feedback from the community and every year make according adjustments to the fee schedule. Comm. Larsson noted that it is important to be mindful of residents’ limited time with regard to attending multiple public meetings on a single project.

Comm. Olevson discussed with Ms. Ryan the rationale for choosing the 300 foot notification radius as the base level.

Vice Chair Melton confirmed with Ms. Ryan that all of the 39 GPIs since the year 2000 were from members of the public and not from City Council.

Vice Chair Melton opened the public hearing and upon seeing no speakers for comment, Vice Chair Melton closed the public hearing.

Comm. Larsson moved to recommend to City Council Alternatives:  
1) To introduce the proposed ordinance which:  
   a. Requires mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site, or within a larger radius if it would be advisable or required for a related development project;  
   b. Requires the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing;
c. Provides for the expiration of approved GPIs if a GPA application is not filed and deemed complete within two years; and
d. Prohibits the filing of a substantively similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request. Additionally, include a similar two-year prohibition for denied rezoning applications.

3) Adopt the resolution in Attachment F to increase the General Plan Amendment Initiation fee by $136 to account for the required 300-foot public noticing described in Alternative 1; and add expanded noticing fees at 500, 1,000, and 2,000 feet for projects requiring a larger radius of mailed notices.

4) Continue the existing process of considering GPI requests when received, and not limiting the number or frequency of GPI reviews each year; and

5) Determine if concurrent or sequential review of the GPA application and related development application will be allowed when a GPI request is considered by the Council.

Comm. Hendricks seconded the motion.

Comm. Larsson said he has expressed concern about having too many meetings for the public in this process, and that having a General Plan amendment initiation request go through the Planning Commission serves a couple of purposes, including getting information out to neighbors sooner and allowing more time for them to discuss and learn about the process before going to the Council hearing. He said there have been misunderstandings about what the initiation request is about, and he is hoping more time will give people a chance to think about it beforehand and get questions answered before it goes to Council. He said he thinks the recommendations to increase fees to cover the cost of increasing notification, part four and part five to determine at the time of the request to do concurrent rather than sequential review are good tweaks to the process.

Comm. Hendricks said he thinks these are all good things to do, that he had a question about distance, but that it would hopefully be reviewed next year. He said he hopes whatever comes out of that will be applied and has a component saying that based on the size or scope of the project, staff can easily expand notification distances. He said he understands why we do not want to do it for smaller things, but has no problem with erring on the side of caution and expanding the distance as much as possible. He noted that more transparency and notification is great, and that regarding the question of concurrency, the biggest thing to highlight to Council is that they have that option. He said he is not sure everyone knew that, that this creates awareness for what will happen and that these are good things to be done.

Comm. Durham said he thinks overall this is good idea and getting citizens in sooner may give them a better chance of making a change or stating their case so that it will do some good for them. He said he approves of the motion.

Comm. Olevson said he will be supporting the motion because adding more structure to the process while still allowing flexibility as we proceed into potential study issues on noticing requirements is the appropriate thing to do at the appropriate time.
Comm. Chang said he will be supporting the motion and that he thinks this is another step that will help propagate information out to the public. He said there will be a process for the public to give feedback, and allow City Council to take action in a timely manner.

Vice Chair Melton said he will be supporting the motion for all the reasons stated previously by the Commissioners and that he thinks staff nailed it in the write-up and he appreciates the work that went into it.

ACTION: Comm. Larsson moved to recommend to City Council Alternatives:

1) To introduce the proposed ordinance in Attachment D, which:
   a. Requires mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site, or within a larger radius if it would be advisable or required for a related development project;
   b. Requires the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing;
   c. Provides for the expiration of approved GPIs if a GPA application is not filed and deemed complete within two years; and
   d. Prohibits the filing of a substantively similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request. Additionally, include a similar two-year prohibition for denied rezoning applications.

3) Adopt the resolution in Attachment F to increase the General Plan Amendment Initiation fee by $136 to account for the required 300-foot public noticing described in Alternative 1; and add expanded noticing fees at 500, 1,000, and 2,000 feet for projects requiring a larger radius of mailed notices.

4) Continue the existing process of considering GPI requests when received, and not limiting the number or frequency of GPI reviews each year.

5) Determine if concurrent or sequential review of the GPA application and related development application will be allowed when a GPI request is considered by the Council.

Comm. Hendricks seconded. Motion carried, 6-0 with Chair Dohadwala absent.

APPEAL OPTIONS: This recommendation will be forwarded to the City Council for consideration at the December 10, 2013 meeting.
NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

  **Vice Chair Melton** discussed with Ms. Ryan how he could request that City Council have a joint study session with the Planning Commission as soon as possible to discuss the General Plan and the Balanced Growth Profile.

  **Comm. Hendricks** said he hopes the joint study session would not be just a general discussion and is unclear as to what would be done in that session, to which Vice Chair Melton responded that he would do his best to make that clear.

- STAFF ORAL COMMENTS

  City Council Meeting Report

  **Ms. Ryan** discussed Planning-related items heard by Council recently.

  Other Staff Oral Report

  **Ms. Ryan** said there would not be a special Planning Commission meeting on December 2.

  **Vice Chair Melton** noted there may be a point in January at which the Commission is down to five Commissioners and confirmed with Ms. Ryan that at least four Commissioners would need to be present to meet quorum requirements.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Planning Commission meeting adjourned at 12:12 a.m.

Respectfully submitted,

__________________________
Trudi Ryan
Planning Officer
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:

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

* 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](http://sunnyvale.ca.gov/CityGovernment/CityCouncil/CouncilMeetings/WatchCouncilMeetingsOnline.aspx)

Public Hearings are broadcast on KSUN.

**Channel 15 – KSUN**

- **Monday, November 25, 2013** Planning Commission Meeting – (Live) 8:00 p.m.
- **Thursday, November 28, 2013** Planning Commission Meeting (Replay of November 25, 2013) 8:00 p.m.
- **Sunday, December 1, 2013** Planning Commission Meeting (Replay of November 25, 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.

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.