



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
June 9, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

**SPECIAL START TIME - 6:30 PM
Study Session – West Conference Room**

Meeting called to order.

1. **2008-0459 – TMG Moffett LLC** [Applicant] Application for a Design Review for a site located at **399 West Java Drive** (at Bordeaux Dr) in an MPT (Moffett Park Transit Oriented District) Zoning District. (APN: 110-26-047) NC (25 minutes)
2. **2008-0407: The Martin Company** [Applicant] **TMG Santa Trinita LLC** [Owner]: Application for a Use Permit to allow a new 4 story office building totaling 99,317 square feet and 333 parking spaces. The property is located at **384 Santa Trinita Avenue** (at Kern Ave) in an M-S (Industrial & Service) Zoning District. (APN: 205-24-001) RK (25 minutes)
3. **2006-0712 - Trumark Properties** [Applicant] **Pearson Investment Holdings Inc.** [Owner]: Application for related proposals on a 5.1-acre site located at **1275 & 1287 Lawrence Station Road** (near Elko Dr.) in an M-S (Industrial and Service) Zoning District. (APN: 110-15-044) GC; (25 minutes)
 - **Draft Environmental Impact Report (EIR) Overview** of impacts of the General Plan Amendment, Rezone, Tentative Map, and Special Development Permit for 335 residential units and a 26,000 square foot commercial building.
4. **Public Comment on Study Session Agenda Items** (5 minutes)
5. Comments from the Chair (5 minutes)

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Sulser presiding.

ROLL CALL

Members Present: Chair Brandon Sulser; Vice Chair Harriet Rowe; Commissioner Laura Babcock; Commissioner Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; and Comm. David Simons.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Surachita Bose, Principal Planner; Noren Caliva, Assistant Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

CONSENT CALENDAR

Vice Chair Rowe pulled items 1.A. and 1.B from the Consent Calendar.

Trudi Ryan, Planning Officer, clarified the dates that staff is requesting continuance to for items 1.D and 1.E. are July 28, 2008 for 1.D and July 14, 2008 for 1.E.

1.A. APPROVAL OF MINUTES of May 12, 2008

ACTION: Vice Chair Rowe made a motion to approve the minutes of May 12, 2008 as modified. Comm. Chang seconded. Motion carried unanimously, 7-0.

1.B. 2008-0324: Application for a Design Review to allow a second-story addition resulting in approximately 50% FAR (Floor Area Ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at **870 Maranta Ave** (near Kenbridge Ct.) in an R-0 (Low Density Residential) Zoning District. (APN: 198-31-021) NC

ACTION: Vice Chair Rowe made a motion on 2008-0324 to approve the Design Review with attached conditions. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than June 24, 2008.

1.C. 2008-0345: Application for a Design Review to allow a new 2,668 square foot two-story residence resulting in approximately 49% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review. The property is located at **1418 Hampton Drive** (near Elizabeth Way) in an R-0 (Low Density Residential) Zoning District. (APN: 313-13-027) NC

1.D. 2007-0346 – Study Issue to Consider City-Wide Sustainable Building Incentives and Requirements RK (Staff requests continuance to July 28, 2008.)

- 1.E. **2007-0764 - Single-Family Home Development Standards and Accessory Utility Building Standards (Study Issue) MH** (*Continued from May 12, 2008*)(*Staff requests continuance to July 14, 2008.*)

ACTION: Comm. Babcock moved for the approval of agenda items 1.C, 1.D and 1.E: (1.C) 2008-0345 to approve the Design Review with conditions as recommended by staff; (1.D) to continue 2007-0346 to July 28, 2008; and (1.E) to continue 2007-0764 to July 14, 2008. Vice Chair Rowe seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than June 24, 2008.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **2008-0183:** Appeal of a decision of the Administrative Hearing Officer to deny an application for related proposals located at **795 Nisqually Drive** (near Lewiston Drive) in an R-1 (Low Density Residential) Zoning District. (APN: 323-23-006) NC;
- **Use Permit** to allow two accessory utility buildings to be located between the face of the house and public street;
 - **Variance** to allow a side yard setback of 1' and zero lot line where a 6' minimum is required.

ACTION: Vice Chair Rowe made a motion on 2008-0183 to deny the appeal and uphold the decision of the Administrative Hearing Officer to deny the Use Permit, and deny the Variance. Comm. Klein seconded. Motion carried, 6-1, with Comm. Babcock dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than June 24, 2008.

3. **2008-0148 – Goodwill Industries** [Applicant] **Dicks Lakewood Corp.** [Owner]: Application for related proposals located at **1119 Lawrence Ave.** (near Lakehaven Dr.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 110-23-110) MH;
- **Rezone** to consider an amendment to Title 19 of the Sunnyvale Municipal Code to allow donation trailers in the C-1 Zoning District,
 - **Special Development Permit** to allow a donation trailer to be located onsite.

ACTION: Comm. Simons made a motion on 2008-0148 to adopt the Negative Declaration; introduce an Ordinance to amend Title 19 to allow donation trailers in the C-1 Zoning District for sites of 4 acres or greater with approval of a Use Permit, and to delete the 1.5-mile separation requirement for donation trailers; and adopt a Council Policy on Donation Centers with modifications; to approve the Special Development Permit to allow the proposed donation trailer on the subject site with the attached conditions with modifications: to add language to the policy and Condition of Approval (COA) 6 requiring that any donation trailer have signage with contact information for the responsible owner and the City telephone number for lodging complaints regarding the trailer; to add language to COA 6 that the large doors on the back of the donation trailer, when closed, include large signage that indicates “No Dumping”; to recommend to City Council that the dumping regulations include anti-rummaging regulations; that a public hearing and Planning Commission approval, or City Council approval, be required for the addition of any new donation trailer; that the proposed donation trailer remain at the existing site and not be moved to the north side of the lot; to add to COA 5.B the word “Effective” measures shall be taken; and to add a COA 5.B.4 that “other measures as identified and needed to comply with this condition”. Vice Chair Rowe seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the July 15, 2008 City Council Meeting.

4. **2008-0238 - Dale Meyer Associate [Applicant] Nikoley Richard L and Beatrice F [Owner]:** Application for related proposals located at **127 W. California Avenue** (near N. Murphy Ave.) in an R-3 (Medium Density Residential) Zoning District. (APN: 204-043-007) SB;
- **Rezone** from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District,
 - **Special Development Permit** to allow 5 town homes,
 - **Tentative Map** to subdivide one lot into five lots and one common lot.

ACTION: Comm. Simons made a motion on 2008-0238 to recommend that the City Council introduce an Ordinance to Rezone 127-133 W. California Avenue from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map for five units and one common lot with modified conditions: to add to the conditions that the setback for the second-story meet the setback requirements with the minimum setback for the second floor being a 9-foot setback and the minimum for the third floor being a 12-foot setback; to add to the conditions that the roofline on the non-garage sides of the buildings have added gables resulting in a less linear look with staff defining the proportions of the gables in relation to the windows on both the two unit and three unit parts of the project; to add to the conditions that the sidelights of the front door be full length; to add to the conditions that the two windows on either side of the front doors be horizontally aligned; to modify COA 1.E, to address mitigation of storm water runoff, that a pervious driveway be required and if there is any other requirements for storm water then it will trigger additional mitigation; to add to the conditions that different colors of the pervious driveway be used to define a walkway area within the driveway on both sides all the way to the rear of the property and defining the entryways; to recommend that gloss sealant be used on the colored pervious material to make the material look higher contrast; to modify COA 9.G adding that the new trees installed, "shall be native as large as appropriate a species for the placement on the development"; to add to the conditions that the location of buildings A and B be switched as staff recommended; to add to the conditions that the middle unit of the three unit townhome have different color and/or style of materials used to differentiate where one unit begins and another ends, subject to the approval of the Director of Community Development. Comm. Klein seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration. This item was originally scheduled to be heard at the July 15, 2008 City Council Meeting and staff will request an indefinite continuance to allow time for the applicant time to prepare a Variance request for trash enclosures. This item will be renoticed when it is completed.

5. Review of Proposed FY 2008-2009 Budget for Land Use Planning Program

No action required. Comments of the Planning Commission will be forwarded to City Council for consideration at the June 10, 2008 City Council Meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS' ORAL COMMENTS

Comm. Simons recommended a book called "...isms: Understanding Architectural Styles" by Jeremy Melvin. He said the book provides many examples of different architectural styles including "Brutalism.", which he is

not recommending as a style for Sunnyvale, but said the book is very interesting.

Vice Chair Rowe requested of staff that when they do their research on rummaging that they include researching state and federal regulations.

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan commented that on May 13, 2008 City Council considered an appeal of a Design Review for a site located on Conway, which the Planning Commission previously denied. She said the Council upheld the decision of the Planning Commission and denied the Design Review and gave the applicant a period of time to resubmit an application to Planning Commission for reconsideration. She said tomorrow evening, June 10, 2008, that the Council will consider the project on Flora Vista and Bayview that the Planning Commission previously considered and provided recommendation on. She said the applicant modified their application to reflect most of the conditions that the Planning Commission recommended and staff's recommendation is to accept the applicant's proposal. She said an appeal has been received regarding the Planning Commission denial of an application for a school on Commercial St. with the date for the appeal to be determined.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 11:05 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer