



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
September 8, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

**6:00 PM - SPECIAL START TIME
Study Session – West Conference Room**

Meeting called to order.

1. Downtown Sunnyvale Redevelopment Project SL (1 hour and 15 minutes)

- History and Background
- Overview of applications for Downtown Specific Plan Amendments and “Block 6” Architectural approval

2. 2006-0712 – Trumark Companies [Applicant] Pearson Investment Holdings Inc. [Owner]: Application for related proposals on a 6.63 acre site located at **1275 and 1287 Lawrence Station Road (near Elko Drive) in an M-S (Industrial & Service) Zoning District. (APNs: 110-15-045, 110-15-044) SL (30 minutes)**

- **General Plan Amendment** to change the land use designation from Industrial to Very High Density Residential;
- **Rezone** the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use);
- **Special Development Permit** to allow development of 338 condominium units and 16,000 square feet of commercial space;
- **Vesting Tentative Map** for condominium purposes;
- **Amend Title 19** of the Sunnyvale Municipal Code (Zoning) to create a Mixed Use Zoning Combining District (MU), which may be combined with the R-3, R-4, and R-5 Residential Zoning Districts;
- **Certify** the Environmental Impact Report and make statements of overriding consideration for air quality impacts associated with the effects of diesel particulate matter on future project residents and related to the project’s contribution to cumulative regional air quality impacts.

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

4. Comments from the Chair (5 minutes)

8:00 PM - Public Hearing – Council Chambers

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

ROLL CALL

Members Present: Chair Harriet Rowe; Vice Chair Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; Commissioner Dianne McKenna Commissioner Brandon Sulser; and Commissioner Nick Travis.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Diana O'Dell, Senior Planner; Noren Caliva, Assistant Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD -

Dr. Gary Gold, of Gary Gold and Associates Optometrists located in downtown Sunnyvale, provided comments about parking in the downtown area. Dr. Gold said his business and a few other businesses in the downtown area have been negatively affected by a change in a former three-hour parking lot nearby their businesses that was changed to an all day parking lot last year. He said Caltrain riders and hotel guests now take much of the parking, which blocks the parking lot for use by patrons in an area that is supposed to be vital downtown retail. He said the other issue is future development of existing downtown lots. He said part of the mission statement of the parking district is to provide parking for the existing landowners and businesses and allow for development of their lots fully. He said as the parking guidelines are redeveloped he would like to urge the Commission that the guidelines do not become so rigid that it limits downtown infill. He encouraged the Commission to make sure there is adequate parking for businesses downtown, adding that he is very excited about the upcoming town center. He said he has heard many concerns about parking from other neighboring business owners and a lot of them do not know how to voice their opinions.

Comm. Klein asked staff about evaluating the status the three-hour parking lots versus all day parking lots. **Trudi Ryan**, Planning Officer, said there are different staff members involved in reviewing the information. She said Planning staff would forward the speaker's comments to the appropriate staff for review.

APPROVAL OF MINUTES of August 25, 2008

Comm. Hungerford moved to approve the minutes of August 25, 2008 with modifications. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2007-0065** – Application for a Design Review to allow a new two-story single family residence for a total of approximately 2,741 square feet and 50% FAR (Floor Area ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at **688 Conway Road** (near Hollenbeck Ave) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 202-06-017) NC (***Applicant requests continuance to September 22, 2008***)

ACTION: Comm. Klein made a motion on 2007-0065 to continue this item to September 22, 2008. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action serves as legal notification of the continuance of this item to September 22, 2008.

2. **2008-0786** – Application for a Special Development Permit to add an approximately 452 square foot patio cover resulting in approximately 64% FAR (Floor Area Ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at **881 Norfolk Pine Avenue** (near Knickerbocker Dr.) in an R-0 (Low Density Residential) Zoning District. (APN: 201-07-051) NC

ACTION: Comm. McKenna made a motion on 2008-0786 to approve the Special Development Permit with the attached conditions. Comm. Klein seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than September 23, 2008.

3. **2008-0164:** Applicant appeal of the conditions of approval by the Administrative Hearing Officer for a Special Development Permit to allow a deli with indoor seating at an existing shopping center. **Karoon Persian Cuisine** [Applicant] **Ahron Bogomilsky Trustee & Et Al** [Owner]: Application located at **897 E. El Camino Real** (near Wolfe Road) in a C-2/PD (Highway Business/Planned Development) Zoning District. (APN: 211-16-029) NC

ACTION: Comm. McKenna made a motion on 2008-0164 to approve the appeal and approve the Special Development Permit, with modifications: to modify condition 1.I to read “The maximum number of indoor seats shall not exceed 10 (may be non-fixed), and shall be designed with appropriate tables that limit the number of seats to two seats per table. The applicant shall work with the Planning Division to determine the appropriate design of the indoor seating area”. Comm. Hungerford seconded. Motion carried, 6-1, Chair Rowe dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than September 23, 2008.

4. **2006-0492** – Application for related proposals located at **199 N. Sunnyvale Avenue** (at E. California Ave.) in an R-2/PD (Low-Medium Density/Planned Development) Zoning District. (Negative Declaration) (APN: 204-49-001) NC; ***(Continued from August 25, 2008)***

- **Special Development Permit** to allow three new two-story single family homes with a shared driveway;
- **Parcel Map** to subdivide one lot into three lots.

ACTION: Comm. Klein made a motion on 2006-0492 to adopt the Negative Declaration and approve the Special Development Permit and Parcel Map with modified conditions: to add a condition 8.K that any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size; to add a condition 8.L that the City Arborist shall assess the health of all protected trees on-site, in an attempt to preserve as many as possible; that the plans be modified to include the following conditions that “Lot 1 – Modify the second floor wall to be 20’ from the rear property line. Reconfigure the floor plan accordingly.”; “Lot 2 – Modify second floor wall to be 25’ from front property line. Reconfigure the floor plan accordingly.”; and “Lot 3 – Modify first floor front entry and wall to be 20’ from the front property line. Modify second floor wall to be 25’ from the front property line. Reconfigure the front entry and floor plan accordingly.” Vice Chair Chang seconded. Motion carried, 5-2, Comm. McKenna and Comm. Travis dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than September 23, 2008.

5. **2008-0376** - City of Sunnyvale [Applicant]: Make amendments to Sunnyvale Municipal Code Chapter 19.44 (Signs) to clarify the use of bounce houses in commercial zoning districts. These changes implement the policies adopted by the City Council on April 29, 2008. DO (*Continued from August 25, 2008*)

ACTION: Comm. Klein made a motion on 2008-0376 to recommend to City Council to adopt the ordinance language in Attachment B with modifications: to modify section 19.44.120, f.5.c changing the hours of bounce house display from 12:01 a.m. Saturday to 11:59 p.m. Sunday; and to add to section 19.44.020 a provision that bounce houses and large inflatable objects are considered to be temporary commercial signs. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the September 30, 2008 City Council meeting.

6. **2007-0754** - City of Sunnyvale [Applicant]: Make amendments to Sunnyvale Municipal Code Title 19 to modify parking standards and requirements. These changes implement the policies adopted by the City Council on February 26, 2008. DO (*Continued from August 25, 2008*)

ACTION: Comm. Hungerford made a motion on 2007-0754 to recommend to City Council to adopt the ordinance language changes in Attachment B with modifications: to modify section 19.12.070 changing the definition of fixed seating by moving the information regarding limited seating to Table 19.46.050; to modify the Parking Management Plans definition, section 19.46.045, to include language suggesting that the A through F provisions would be typical of what is in a Parking Management Plan; to modify section 19.12.200 under the definition of shopping center, clarifying the language to read “group of primarily retail uses planned”; and to modify Table 19.46.050 with a Single-Family and Duplex guest parking requirement that “projects shall provide an *additional* 0.4 unassigned parking spaces per unit”. Comm. Travis seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the September 30, 2008 City Council meeting.

7. **2007-0800** - City of Sunnyvale [Applicant]: Make amendments to Sunnyvale Municipal Code Title 9 (Public Peace, Safety or Welfare) and various sections in Title 19 (Zoning) to implement the new solar energy policies adopted by the City Council on December 11, 2007. DO (*Continued from August 25, 2008*)

ACTION: Comm. Klein made a motion on 2007-0800 to recommend to City Council to adopt the ordinance language in Attachment B with modifications: to clarify in section 19.38.070 that the roof area counted towards parking lot shading requirements shall be located in the actual parking lot area; and to amend the language to 19.56.050 to clarify that a letter from the Owner's Association is only required in instances where the solar energy systems are placed in commonly-held areas where the Owner's Association is responsible for maintenance and repairs. Comm. Sulser seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the September 30, 2008 City Council meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS' ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan said on August 26, 2008, City Council considered the Study Issue on Sustainability and voted in accordance with the Planning Commission's recommendation with modifications. She said the Council considered an appeal of a denial of a front yard landscape element on Nisqually Drive approving one of the two proposed structures. Ms. Ryan said that Council also considered an appeal of a Design Review on Daisy Court granting the appeal.

Ms. Ryan said on September 9, 2008 Council would be considering the Housing Sub-element Work Plan and that immediately following the Council meeting there would be a Study Session to provide an update on the activity downtown.

Other Staff Oral Report

Ms. Ryan commented that staff would begin working on three ordinances regarding the Sustainability program, the Single-Family Development Standards, and the El Camino Real zoning provisions.

Comm. Klein asked staff for more information about the appeals considered by Council on August 26, 2008. Ms. Ryan advised that one appeal was for a Use Permit for two shade structures on Nisqually Drive. The Planning Commission had denied the appeal for both structures and Council approved one of the structures. Ms. Ryan said the second appeal was for a Design Review for a single-family home on Daisy Court where the applicant

requested approval for 56% Floor Area Ratio (FAR), where staff recommended 50% FAR and the Planning Commission had approved 52% FAR. City Council approved the appeal and allowed the 56% FAR.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 11:12 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer