



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
June 8, 2009
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

1. **2008-0399 - Sand Hill Property Company [Applicant] Downtown Sunnyvale North LLC [Owner]:** Application for related proposals located at **401 Town & Country** (near W Washington Ave) in a DSP-1a (Downtown Specific Plan-Subdistrict 1a) Zoning District. (APN: 209-07-014); SB (*45 minutes*)
 - **Special Development Permit** to allow a mixed-use development comprising two buildings in Blocks A and B of the 'Town and Country Village' project area (located between Capella and W. Washington Ave.) with 280 residential units and approximately 35,000 sq. ft. of retail/commercial uses and preliminary approval of up to 13,378 sq. ft. of retail and 127 dwelling units in Blocks C and D.
 - **Tentative Map** subdivide a 4.61-acre of land, bordered by Aries Way, Washington Avenue, Frances Street and approximately 150 feet north of the center line of Capella Way, into 4 lots for condominium purposes for a maximum of 407 residential units and retail uses.
2. **Public Comment on Study Session Agenda Items** (*5 minutes*)
3. **Comments from the Chair** (*5 minutes*)

8:00 PM – Public Hearing – Council Chambers

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

CALL TO ORDER/SALUTE TO THE FLAG

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; Steve Lynch, Senior Planner; Jack Witthaus, Transportation/Traffic Manager; Heba El-Guendy, Senior Transportation Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS/CITIZENS TO BE HEARD

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. 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.

APPROVAL OF MINUTES of May 11, 2009

Comm. Travis moved to approve the minutes of May 11, 2009. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2008-0861: Draft Design Guidelines for Eichler Homes** (Study Issue) - Consider adopting Eichler Design Guidelines for applicable Eichler neighborhoods in the City. This action also includes potential modifications to the City's Single Family Design Techniques to address non-Eichler homes immediately adjacent to Eichler homes. (Negative Declaration) DO (*Staff requests continuance to June 22, 2009.*)

ACTION: Comm. Klein made a motion on 2008-0861 to continue this item to the June 22, 2009 Planning Commission meeting. Comm. Travis seconded. Motion carried, 6-0-1, with Comm. Hungerford abstaining.

APPEAL OPTIONS: This action serves as legal notification of the continuance of this item.

2. **2009-0156:** Appeal by the applicant of a Miscellaneous Plan Permit to allow a 6' 10" wood and concrete fence in the front yard for a site located at **805 Devonshire Way** (APN:309-28-027) RK

ACTION: Comm. Klein made a motion on 2009-0156 to deny the appeal and uphold the decision of the Director of Community Development to approve the Miscellaneous Plan Permit including the Condition of Approval as recommended by staff to require the fence to either be built two feet beyond the plane of the garage wall or be reduced to four feet, six inches as measured from top of curb at the current location, or be built at 11' from the property line (as constructed at 814 Devonshire Way). Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This decision is final.

- 3. 2007-1293 – Palo Alto Medical Foundation** [Applicant/Owner]: Application for related proposals on six sites at **301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court** in an R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) Zoning District; (APNs: 209-31-069, 209-32-041, 209-32-039, 209-32-027, 209-32-028, and 209-32-029) SL
- **Certify Final Environmental Impact Report** and adopt Statements of Overriding Consideration
 - **Rezone** from R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) to PF/PD (Public Facilities/Planned Development)
 - **Special Development Permit** to allow development of a 120,000 sf. medical clinic, a two level parking garage, and a storage building.

ACTION: Comm. Klein made a motion on 2007-1293 to recommend to City Council to:

(Regarding EIR Actions) Alternative 1. Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration and adopting the Mitigation Monitoring and Reporting Program;

(Regarding Rezoning Actions) Alternative 3. Maintain the existing zoning designation of R-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning;

(Regarding the Special Development Permit Actions) Alternative 6. Approve the Special Development Permit with modified findings and conditions of approval (listed below);

(Regarding the Transportation Policy Actions)

1. Modified Alternative 8a. Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- that the applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the

applicant/developer shall be responsible for the additional cost (up to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court)

- Adding (from Alternative 9a.): that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Jarvis Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Kenney Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy”; Alternative 10. Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road;
2. Alternative 11. If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved by the City Council, direct staff to meet further with the neighborhood and return to the City council with a status report or study results no later than December 2009.
 3. To add to Alternative 10 that if a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

The conditions of approval to be modified are:

- to add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.;
- to add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- to add a condition that the applicant work with staff and the Director of Community Development to evaluate a modification to the north wall of the parking structure, preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- to add a condition (12.C) that the applicant be required to provide mechanized window coverings on timers on the first, second and possibly the third story windows to prevent evening light towards the residential

community;

- to add a condition that the applicant consider with staff the addition of a mid-block crosswalk with in-ground sensor lighting on S. Bayview Avenue.

Comm. McKenna seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the June 23, 2009 Council meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, commented that at the June 9, 2009 City Council meeting, the Council would be considering an appeal of a Planning Commission denial of a six-unit residential project located on Old San Francisco Road. Ms. Ryan also provided information on Planning related items that were considered at the May 12, 2009 City Council meeting.

Other Staff Oral Report - None

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 11:41 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer