

**PLANNING COMMISSION MEETING OF MARCH 14, 2011**

**2011-7018: Sudip Ghosh** [Applicant] **Craig Albright Trustee** [Owner]: Special Development Permit for an approximately 2,998 square foot, three-story medical office building (dental) at **303 W. El Camino Real**. (Negative Declaration) RK

**Trudi Ryan**, Planning Officer, presented the staff report. She provided a correction saying that the applicant said he could reduce the existing property line wall adjacent to the office development to 2 ½ feet to increase visibility from the exiting driveway. She said if the Commission wants the shorter 2 ½ foot wall, that would be acceptable to staff. She said supplemental information from a neighbor opposing approval of the project was provided on the dais this evening. She said staff recommends the Commission adopt the Negative Declaration and approve the Special Development Permit with the attached conditions.

**Comm. Chang** confirmed with staff the hours of operation as the owner has stated are 9 a.m. to 6 p.m. and staff has indicated extended hours of 6 a.m. to 10 p.m. to accommodate emergency services. Comm. Chang discussed with staff the lighting, and that no functional windows would face residences. Comm. Chang discussed with staff a passageway on the second floor towards the back of the building.

**Comm. Sulser** discussed the parking with staff and the possible use of compact spaces to make up the shortage of one space. Staff said using compact spaces would not provide enough space to make up the shortage and that generally compact spaces are not used with medical buildings.

**Comm. Hungerford** discussed the architecture with staff and possible changes including adding walls to the lower level, addressing the blank walls, and providing faux windows.

**Comm. Dohadwala** discussed with staff the architecture and said she does not think the building would not looking appealing from El Camino Real (ECR). Comm. Dohadwala asked staff about security plans in the evening as parking is partly covered and whether there are other similar properties in the City. Ms. Ryan said there are no security plans shown, that lighting could be used, and that this project is likely unique.

**Vice Chair Hendricks** discussed the north wall which staff explained would be a graduated wall with the maximum of 6 feet, where 8 feet is usually required, and would shorten as it approaches Taaffe Street. Vice Chair Hendricks confirmed with staff that the addition of square footage for the restroom on the third floor created a deficiency of one parking space.

**Chair Travis opened the public hearing.**

**Sudip Ghosh**, dentist and applicant, said he has practiced in Sunnyvale for 17 years. He said he is proposing an energy-efficient, specialty dental office. He discussed the proposed architecture describing the three floors and the uses for each. He said he has tried to create a good looking office. He said an adjacent neighbor has asked for the wall between the office and the home be reduced from 8 to 6 ½ feet to allow light into the neighbor's house. Mr. Ghosh discussed exterior lighting with motion sensors and security cameras that he is proposing to help deter vandalism. He discussed the back elevation wall, and said the some neighbors have expressed concern about the wall looking drab. He said he has added color to the wall and false windows for the aesthetics. He discussed the need for the height of the building to accommodate the solar panels as the neighboring office building shades the site. He said a neighbor was concerned about trash explaining his plans for reducing waste. Mr. Ghosh suggested an option to monitor the trash situation. He said he does not plan on selling the building as it is very specialized. He said he just wants to reduce waste and by requiring larger bins, it defeats the purpose of the reduction. He said he is open to suggestions. He said he wants to reduce waste as much as he can. He said he has moved the trash receptacles away from the fence by one parking space to help address the neighbor's concern.

**Vice Chair Hendricks** confirmed with Mr. Ghosh that he does not have any issues with the conditions of approval. Mr. Ghosh said he would like to have the extra restroom for his employees if possible.

**Comm. Larsson** referred to condition BP-5.c and asked staff what needs to be submitted to qualify as "sufficient information" to justify a smaller trash enclosure. Ms. Ryan said some of the comments that Mr. Ghosh has provided this evening about operational procedures should be included to help determine the appropriate size bin.

**Comm. Dohadwala** asked Mr. Ghosh about the attic with her concern that it might be used for storage. Mr. Ghosh said the Fire Marshall checks the site and he is not going to use it for storage. He said the solar panels require the proposed slope. Comm. Dohadwala discussed details about the architecture, elevations, the slopes of the solar panels, and the roof plans with Mr. Ghosh. Mr. Ghosh assured Comm. Dohadwala that the everything on the roof related to the workings of the solar panels would be hidden as it would be screened.

**Comm. Hungerford** expressed his concern about the architecture saying that the front of building is nice, but the view from the two sides causes him concern. Mr. Ghosh discussed the beams and said it would be difficult to add portions of walls to break up the look of the side walls.

**Bill Weaver**, a Sunnyvale resident, commended Mr. Ghosh for designing a building on this small lot. He said he likes the parking underneath the building, the faux windows to break up the walls, and the use of solar panels. He said the only two things he is concerned about are the direction of the parking and the height of the building. He said he would like to avoid traffic coming up Taaffe Street. He said he thinks this is a good use for the site.

**Vice Chair Hendricks** asked Mr. Weaver about his experience with the process with this project. Mr. Weaver explained how he found out about it and that he came to the City and looked at plans. He said the noticing to the neighbors is only to neighbors within about 300 feet however he received it and sent it out on a block email list to everyone on the block. He said he felt the outreach meeting was a little short notice, but the applicant and City staff were present.

**Paul King**, a Sunnyvale resident, said his concern is the height of the building as he thinks three stories is going to be a monolith at the end of the block. He said this one more thing blocking in the Heritage District. He said the residents on the two Heritage District blocks have kind of agreed to limit their own development. He said a Heritage District is unique and he wants to defend it.

**Arthur Schwartz**, a Sunnyvale resident, said he is pleased the applicant has produced a green design and said he has done a wonderful job. He asked if the code regarding seismic design is any less strict for small buildings than larger developments as he read something regarding the Northridge earthquake that about buildings with empty first floors tending to fall over more than a standard building. Comm. Larsson asked staff the same question. Ms. Ryan said she cannot answer a small versus large question however she said the current seismic requirements for buildings similar to this one are much more stringent than the old codes. Mr. Schwartz asked if anything could be done architecturally to the two sides of the building suggesting possibly adding arches to improve the appearance.

**Ron Ritucci**, a Sunnyvale resident, said he agrees with Mr. Weaver and has concerns about the traffic ending up on Taaffe Street and running into the bollards at the end of the street. He said he wants to make sure that when the bollards do get knocked down that the City would make sure they are set back up quickly. He said it is nice to see something happen with this lot.

**Derek Au**, a Sunnyvale resident, directly behind the proposed building said he has two concerns that have been discussed by the applicant. He reiterated that it is important that the long section of wall not be higher than 6 ½ feet so the home will still get sunlight. He said the second concern is the proximity of the trash receptacle being too

close to the wall and potentially having odor. He said he would like the trash relocated on the ECR side rather than the Taaffe side. He said he agrees with Mr. Weaver's concerns about traffic flow. Comm. Larsson and Vice Chair Hendricks further discussed with Mr. Au his concern with the trash receptacles. Comm. Larsson discussed the fence with Mr. Au. Ms. Ryan said it was staff's intent that condition BP-13 read "Install and maintain a 4-6 foot solid wall..." and not 4-8 feet.

**Mr. Ghosh** addressed the traffic issue and said he expects a maximum of 10 to 15 patients a day, and that his staff will advise patients how to get to the office. He discussed the traffic flow, the building height, the solar panels, and that the building meets the shading requirements. He said the trash will be mostly recyclables and no food items so it should not have odor. He said the receptacle is near his entrance and he would not want it to smell. He said he only plans on having enough trash for one bag a week. He said he cannot say what would happen if he sold the building, and said possibly a condition could be added to require that if the building is sold; it has to come back to Planning Commission for review.

**Chair Travis closed the public hearing.**

**Comm. Dohadwala** confirmed with staff that there are signs on Taaffe, Olive and El Camino Real advising that Taaffe is not a thoroughfare. Comm. Dohadwala discussed other traffic options with staff.

**Vice Chair Hendricks moved for alternative 2 to adopt the Negative Declaration and approve the Special Development Permit with modified conditions: to modify the language of condition BP-13 changing the height of the masonry wall from 4-8 feet, to 4-6 feet. Comm. Chang seconded the motion.**

**Vice Chair Hendricks** thanked the public for their input and the applicant for working with the neighbors. He said this is a creative and good use of a challenging lot. He said he does not think there will be a problem with the parking and he is able to make the findings.

**Comm. Chang** thanked everyone in attendance and said he agrees with Vice Chair Hendricks. He said he thinks the fence issues have been addressed and the trash and recycling enclosure has guidelines to follow. He commended the applicant for working with the neighbors and staff.

**Comm. Larsson offered a Friendly Amendment to modify condition BP-12.f that the height of the existing west property line wall be changed from 4 feet of a 10 foot distance to 3 feet or less of a 10 foot distance from the property line. The Friendly Amendment was acceptable to maker and seconder.**

**Comm. Hungerford** said he would not be supporting the motion. He said there are a lot of positive attributes to the project; however, his problem is with the quality of the architecture on the sides of the building. He said the architecture looks top heavy and he does not think it meets what the Precise Plan of El Camino Real requires.

**Vice Chair Hendricks** responded to Comm. Hungerford saying that the west side is somewhat blocked and he politely disagrees as he thinks this side will not be viewed by many people.

**ACTION:** Vice Chair Hendricks made a motion on 2011-7018 to adopt the Negative Declaration and approve the Special Development Permit with modified conditions: to modify the language of condition BP-13 changing the height of the masonry wall to “4-6 feet”; and to modify the language of condition BP- 12.f that the height of the existing property line wall be changed to “3 feet or less of a 10 foot distance from the property line.” Comm. Chang seconded. Motion carried 6-1, with Comm. Hungerford dissenting.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than March 29, 2011.