



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
August 22, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

SPECIAL START TIME - 6:30 PM Study Session – West Conference Room
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- 1.A. FILE #:** 2011-7495
Location: 589 W. Java Drive (APN: 110-26-133)
Proposed Project: **Special Development Permit** and **Tentative Parcel Map** to allow the Yahoo! campus expansion to add a new, 6-story 315,000 square foot office building, 24,000 square foot special use amenities building and one parking structure (LEED Gold and 80% FAR).
Applicant / Owner: Yahoo! / Java Snv Holdings Llc
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, 408-730-7429
smendrin@ci.sunnyvale.ca.us
Notes: (20 minutes)
- 1.B. FILE #:** 2011-7558
Location: 704 Town and Country (APN: 209-07-003)
Proposed Project: **Preliminary Review** for a mixed-use project in Blocks C and D of Town and Country comprising of 127 residential units and 8,015 square feet of retail.
Applicant / Owner: CP3 Town and Country/Capella Holdings A Llc
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, 408-730-7429
smendrin@ci.sunnyvale.ca.us
Notes: *Withdrawn.*
- 2. Public Comment on** (5 minutes)
Study Session Agenda
Items
- 3. Comments** from the Chair (5 minutes)

SPECIAL START TIME - 7:30 PM Public Hearing – Council Chambers

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Glenn Hendricks; Vice Chair Gustav Larsson; Commissioner Bo Chang; Commissioner Arcadi Kolchak; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Members Absent: Commissioner Maria Dohadwala (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Hanson Hom, Community Development Director; Jack Witthaus, Transportation and Traffic Manager; Andrew Laveroni, Public Safety Officer; Andrew Miner, Principal Planner; Steve Lynch, Senior Planner; and Recording Secretary, Debbie Gorman.

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 Secretary 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: August 8, 2011

Vice Chair Larsson moved to approve the minutes of August 8, 2011. Comm. Chang seconded. Motion carried 5-0, with Chair Hendricks abstaining, and Comm. Dohadwala absent.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. FILE #:** 2011-7398
Location: 884 Rubis Drive (APN: 201-26-002)
Proposed Project: **Appeal** of a decision by the Director of Community Development denying **Tree Removal Permit** for one Podocarpus tree in the front yard.
Staff Contact: Ryan Kuchenig, 408-730-7431
rkuchenig@ci.sunnyvale.ca.us
Notes:

ACTION: Comm. Sulser made a motion on 2011-7398 to grant the appeal and approve the Tree Removal Permit with modified conditions: adding a condition that the tree removal permit is approved subject to the confirmation by the City Arborist that the fruit of the tree is considered toxic to dogs and cats. Comm. Travis seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This action is final.

The items listed below will begin after 8:00 PM

3. **FILE #:** 2011-7071
Report: Location and Operation of Firearm Sales Businesses Study
Staff Contact: Andrew Miner, 408-730-7707
aminer@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 27, 2011.*

ACTION: Chair Hendricks made a motion on 2011-7071 to recommend to City Council to: Introduce an ordinance to amend the Municipal Code to: a) Create a definition in Titles 9 (Public Peace, Safety and Welfare) and 19 (Zoning) for “firearms sales” to include all firearms licensed by the state and federal governments; b) Amend the Zoning District Tables (Title 19) to prohibit firearm sales in any commercial and industrial zoning districts located within 200 feet of a public school; c) Amend Title 9 to require a new firearm Dealer Permit issued by the Director of Public Safety. Such a plan may include conditions such as: i) Require a security plan subject to approval by DPS; and to modify the language in ii) to read “Require the Federal Firearms Licensee and all employees engaged in the sale of firearms to meet all State and Federal requirements for holding a license.” Comm. Sulser seconded. Motion carried 4-2, with Comm. Kolchak and Comm. Travis dissenting and Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 27, 2011 City Council meeting.

4. **FILE #:** 2011-7543
Report: Update to the City-wide Green Building Tables and to Amend the Moffett Park Specific Plan Regarding Green Building Requirements
Staff Contact: Andrew Miner, 408-730-7707
aminer@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*

ACTION: Comm. Chang made a motion on 2011-7543 to recommend to City Council to adopt the Resolutions in Attachment A and Attachment B to: A) update the Green Building Tables and clarify that the incentives are consistent with planned General Plan growth and B) amend the Moffett Park Specific Plan to clarify that development up to 80% FAR is allowed through the Green Building Program; and to modify the recommendation to Council that the residential component of the green building program be reviewed no later than 18 months and sooner if conditions change. Vice Chair Larsson seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 13, 2011 City Council meeting.

5. **Related Applications** **2011-7119; 2011-7170; and 2011-7507**
- A. **FILE #:** 2011-7119
Location: **803-809 Eleventh Ave.** (APN: 110-45-001 through 008)
Proposed Project: **Major Moffett Park Design Review** for the addition of about 200,000 s.f. Building 5 at the Ariba/Moffett Towers campuses. Project includes Green Building LEED Gold incentive resulting in 80% Floor Area Ratio, and requires modification to the existing development agreement (Planning Application 2011-7507).
Applicant / Owner: Jay Paul Company / Moffett Park Dr. LLC & Moffett Towers LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Steve Lynch, 408-730-2723
slynch@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*

ACTION: Vice Chair Larsson made a motion on 2011-7119 to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review with attached conditions. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 13, 2011 City Council meeting.

- B. **FILE #:** 2011-7170
Location: **1100-1180 Enterprise Way** (APN: 110-57-001 through 006)
Proposed Project: **Major Moffett Park Design Review** for modification of Building 'D' at the Moffett Towers campus (net increase of about 125,000 s.f.). Project includes Green Building LEED Gold incentive resulting in 80% Floor Area Ratio, and requires modification to the existing development agreement (Planning Application 2011-7507).
Applicant / Owner: Jay Paul Company / Moffett Towers Lot 3 LLC.
Environmental Review: Mitigated Negative Declaration
Staff Contact: Steve Lynch, 408-730-2723
slynch@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*

ACTION: Comm. Sulser made a motion on 2011-7170 to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review with attached conditions. Vice Chair Larsson seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 13, 2011 City Council meeting.

- C. **FILE #:** 2011-7507
Locations: **1) 990-1080 Enterprise Way and 803-809 Eleventh Ave.; 2) 1100-1180 Enterprise Way**
Proposed Project: Modification to two Development Agreements between the City of Sunnyvale and: 1) Moffett Park Dr. LLC and Moffett Towers LLC; and 2) Moffett Towers Lot 3 LLC and Performance Review of said Development Agreements
Applicant / Owner: Jay Paul Company
Environmental Review: Mitigated Negative Declaration
Staff Contact: Trudi Ryan, 408-730-7440
tryan@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*

ACTION: Vice Chair Larsson made a motion on 2011-7507 to recommend to City Council to: 1) confirm the findings in Attachment D and introduce an ordinance to amend the Development Agreement between Moffett Towers LLC/ Moffett Park Dr. LLC and the City of Sunnyvale (Attachment B); 2) confirm the findings in Attachment D and introduce an ordinance to amend the Development Agreement between Moffett Towers Lot 3 LLC and the City of Sunnyvale (Attachment C); 5) find that the developer is in compliance with the terms of the development agreements. Comm. Sulser seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 13, 2011 City Council meeting.

6. **Report:** Fair Oaks Avenue/Route 237 Parking Facility Study
Staff Contact: Jack Witthaus, 408-730-7330
jwitthaus@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 20, 2011.*

ACTION: Comm. Sulser made a motion to recommend to City Council to accept the findings of the study issue and take no further action on the establishment of a self-pay, improved parking facility at the City property at Fair Oaks Avenue and Route 237. Comm. Kolchak seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 20, 2011 City Council meeting.

7. **Standing Item:** Potential Study Issues

No potential study issues were discussed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Chang asked if Sunnyvale has a program for the installation of handicap access at the corner of streets. Staff said there is a program that the Department of Public Works manages. Jack Witthaus, Transportation and Traffic Manager, discussed the prioritization, funding, mandated installations, and the status of the program.

- STAFF ORAL COMMENTS

City Council Meeting Report – None

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned at midnight.

Respectfully submitted,

Trudi Ryan
Planning Officer