The Study Session regularly scheduled for 7:00 PM is canceled.

8:00 PM - Public Hearing – Council Chambers

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

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; Jack Witthaus, Transportation and Traffic Manager; Shaunn Mendrin, 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 of October 24, 2011

Vice Chair Larsson moved to approve the minutes of October 24, 2011. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.
PUBLIC HEARINGS/GENERAL BUSINESS

2. **FILE #:** 2011-7502  
**Location:** 1697 S. Wolfe Rd. (APN: 309-51-027)  
**Proposed Project:** Appeal of a Zoning Administrator decision to approve a Special Development Permit to allow the sale of beer and wine at an existing Arco automobile service station convenience store.  
**Applicant / Owner:** ARCO / Silicon Valley Fuels  
**Environmental Review:** Categorically Exempt Class 1  
**Staff Contact:** Noren Caliva, 408-730-7637, caliva@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report.

Chair Hendricks clarified with staff that the gas station owner applied and was approved to sell alcohol and the decision is being appealed by an adjacent business owner.

Chair Hendricks opened the public hearing.

Hieu Nguyen, appellant with Wolfe Liquors, said his main concern is about the potential for increased crime if beer and wine sales are allowed at the gas station. He said the area behind his business and other nearby businesses is dark at night and that his property is the only business with a security camera.

Jeff Honda, applicant owner of the ARCO station, commented that the Department of Public Safety (DPS) determined that the rate of crime in this area is pretty low and that the sale of beer and wine at his station would not negatively impact that. He said he would conform to the constraints required in the report.

Jim Cotton, a nearby resident, expressed his concerns about the potential problems that could result in allowing the sale of beer and wine at the ARCO. He said he has witnessed a number of activities in the parking lot over the years including loitering, and hanging out while consuming alcohol. He said the area behind these businesses is not visible from the street and is not well lit. He said he realizes that currently there are no problems associated with the ARCO gas station, however his concern is about introducing an additional variable of alcohol sales to this area and the future impacts.

Vice Chair Larsson asked Mr. Cotton if he had suggestions for making the area safer. Mr. Cotton recommend better lighting, shielded to not affect residents, video surveillance of the parking lot, durable signage about no loitering or alcohol consumption, and said it would be nice to see DPS in the area more often. Staff discussed possible actions to improve the rear property area to the neighboring businesses.

Comm. Kolchak discussed with Mr. Cotton some of the prior issues he has seen over the years in this area and discussed that the Wolfe Liquor storeowner has been responsive to his concerns. Mr. Cotton said he sees people drinking behind the businesses each week and as long as they behave, he does not complain.
Chair Hendricks thanked Mr. Cotton for coming.

Mr. Honda said he understands Mr. Cotton’s concerns. He said from his ARCO property he can only address the lighting and security cameras for his property. He said possibly the other business owners can work together to make the area more secure.

Comm. Travis confirmed with Mr. Honda that he has no problems with the conditions of approval.

Chair Hendricks closed the public hearing.

Chair Hendricks further discussed with staff the zoning versus the possible future behavior. Ms. Ryan said the types of findings allow the Commission to look at whether the use could adversely affect persons or surrounding property.

Vice Chair Larsson moved for Alternative 1, to deny the appeal and uphold the Zoning Administrator’s decision to approve the Special Development Permit with attached conditions. Comm. Travis seconded the motion.

Vice Chair Larsson said he could make the findings. He said he thinks the conditions of approval address what the ARCO owner can do to make the area safer. He said it appears more is needed and he hopes the owner of Wolfe Liquors would work with the neighboring businesses to improve the area.

Comm. Travis said he would be supporting the motion as he can make the findings. He said he understands the neighbor’s concerns and the City is asking ARCO to do all they can.

Chair Hendricks said he would be supporting the motion and is making his decision from a zoning perspective. He said he appreciates the neighbor for being here tonight and it is difficult to know how to deal with the possibility of what might happen. He said one suggestion might be to add some kind of fence.

**ACTION:** Vice Chair Larsson made a motion on 2011-7502 to deny the appeal and uphold the Zoning Administrator’s decision to approve the Special Development Permit with attached conditions. Comm. Travis seconded. Motion carried 6-0, with Comm. Dohadwala absent.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than November 29, 2011.
3. **FILE #:** 2011-7661  
**Location:** 704 Town and Country (APN: 209-07-003)  
**Proposed Project:** Special Development Permit to allow the development of one residential building and one mixed use building with 133 rental units and 8,131 s.f. of ground floor commercial space and 235 parking spaces located on Blocks C and D.  
**Applicant / Owner:** CP 3 Town And Country Sunnyvale  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Shaunn Mendrin, 408-730-7429, smendrin@ci.sunnyvale.ca.us

Shaunn Mendrin, Senior Planner, presented the staff report. Mr. Mendrin provided revised conditions and materials boards on the dais. Mr. Mendrin said the revisions are primarily language clarifications based on concerns of the applicant. Mr. Mendrin said two additional revisions are to be added referring: to BP-8 on page 6 of Attachment B, adding a new “g” that says, “All street furniture including street trees, tree grates, tree lighting and irrigation as required by the Downtown Specific Plan not covered by planning application 2010-7493; and to BP-22 on page 11 of Attachment B, striking “Mitigation Measure”.

Comm. Sulser discussed with staff future improvements planned for the Plaza and that the work will be broken up into phases. Comm. Sulser confirmed with staff that the bus shelter relocation would be closer to the train station. Comm. Sulser discussed with staff the parking deviation and the tandem spaces.

Vice Chair Larsson discussed with staff the lockable storage and that some of the storage is inside the units without compromising the floor plans.

Chair Hendricks asked staff about the bus relocation with staff confirming that the applicant would be paying for the relocation.

Chair Hendricks opened the public hearing.

David Sendin, with KTGY Group representing Carmel Partners, provided the project presentation. He discussed the goals and features of the project. He discussed the deviation they are requesting for the storage requirement.

Vice Chair Larsson said that he likes the distinct look of the project except that this is another stucco building. Mr. Sendin said there is a good portion of the building that is not stucco and explained a smooth panel system is to be used with the materials still to be determined.

Comm. Sulser asked the applicant about the art feature. Mr. Sendin said it is still in process and that they would like it to be part of the architecture. Comm. Sulser discussed with staff the process for the art piece. Comm. Sulser said he likes the project and is excited about this art piece.

Comm. Kolchak discussed with Mr. Sendin and staff the interfacing of this project with the City Plaza.
Chair Hendricks discussed with staff the Below Market Rate (BMR) housing requirements, and that the BMR requirements do not apply on rentals, however a condition is included requiring compliance with the BMR requirements if a condominium map is applied for in the future.

Mr. Sendin commented that the tandem parking spaces are counted towards the 235 parking as 16 spaces, not eight spaces, towards the 235 count. He discussed condition PS-1 about studying the base of the building more, and said that they think the building is correct the way it is, contesting this particular condition. He said they agree with the other conditions; however, they would like PS-1 to be stricken from the conditions.

Joel Wyrick, a member of the public and Executive Director of the Sunnyvale Downtown Association spoke in support of the project. He said all the questions and concerns they had have been met. He said they are looking forward to seeing this built.

Bena Chang, with the Silicon Valley Leadership Group (SVLG), spoke in support of the project and said the SVLG and unanimously voted to support this project. She said they are excited about the housing, and like that, the project will further activate the Plaza.

Ken Rheame, a Sunnyvale resident, discussed the project and said that he does not see these as real lofts. He said he is concerned that in a few years the colors may be dated and suggested adding other elements, possibly metal and brick. He suggested limiting the amount of stucco.

Mr. Sendin said they would like the storage requirement condition modified, asking for a reduction to 150 c.f. for one-bedroom units and 300 c.f. for two-bedroom units. He also requested that the storage space not have to be contiguous and separate and distinct from the unit.

Comm. Sulser discussed with Mr. Sendin the percentage of stucco is planned. Mr. Sendin said they would not be enthusiastic about having to change the materials, however they could look at it. Mr. Sendin said the units many not have 17-foot ceilings but they are higher ceilings and are loftier than nearby units.

Vice Chair Larsson discussed with the applicant that the semi-submerged parking would be mechanically ventilated. Vice Chair Larsson discussed with staff and the applicant about possible changes to some of the project that were made to make the wall more aesthetic, but are also functional saying he is concerned that they might look dated in the future.

Chair Hendricks discussed with the applicant his request for a change to the condition for the reducing the storage requirement. Chair Hendricks confirmed with staff that deviations or variances on storage requirements are rare.

Chair Hendricks closed the public hearing.

Comm. Travis confirmed that staff is agreeable to not require the 300 cubic feet be contiguous.

Mr. Mendrin clarified the parking deviation.
Comm. Sulser moved for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit with the modified revised conditions provided on the dais with two additional revisions provided by staff and one modification by the Commission. The staff revisions are: to add to condition BP-8 on page 6 of Attachment B, a new “g” that says, “All street furniture including street trees, tree grates, tree lighting and irrigation as required by the Downtown Specific Plan not covered by planning application 2010-7493; and to strike the language “Mitigation Measure” from condition BP-22 on page 11 of Attachment B. The Commission modification is to add a condition that the applicant work with staff to reduce the amount of stucco on the facades of the buildings. Vice Chair Larsson seconded the motion.

Comm. Sulser said he is excited about this project. He said a lot is included on this smaller property and the deviations are reasonable. He said he likes many of the design elements, and hopes it gets built and looks as attractive as pictures.

Vice Chair Larsson said he excited about this project, likes the differentiation, and would like to see less stucco. He said he can make the findings, and this is an attractive building that can be seen from the CalTrain station. He said the target market for young professionals is spot-on and the style and amenities are important for this target group.

Comm. Chang thanked the applicant for putting this project forward. He said a couple of things make this project different including following the 100% green building design. He encouraged the applicant to work with staff on the challenges with storage.

Chair Hendricks said he can make the findings. He said he is a little disappointed about parking deviation. He said he is glad that the storage requirement is being stuck to. He said he would like to see wider sidewalks, however the applicant is meeting the requirements. He said he looks forward to seeing the project completed.

Vice Chair Larsson complimented the applicant on the landscaping plans at the pedestrian level.

**ACTION:** Comm. Sulser made a motion on 2011-7661 to adopt the Mitigated Negative Declaration and approve the Special Development Permit with the modified conditions to those provided on the dais including two additional revisions provided orally by staff and one modification by the Commission. The oral staff revisions are: to add to condition BP-8 on page 6 of Attachment B, a new “g” that says, “All street furniture including street trees, tree grates, tree lighting and irrigation as required by the Downtown Specific Plan not covered by planning application 2010-7493; and to strike the language “Mitigation Measure” from condition BP-22 on page 11 of Attachment B. The Commission modification is to add a condition that the applicant work with staff to reduce the amount of stucco on the facades of the buildings. Vice Chair Larsson seconded the motion. Motion carried 6-0, with Comm. Dohadwala absent.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than November 29, 2011.
4. **Subject:** Update/Review Corner Vision Triangle Municipal Code Ordinance (Study Issue)

**Staff Contact:** Jack Witthaus 408-730-7330, jwitthaus@ci.sunnyvale.ca.us

Jack Witthaus, Transportation and Traffic Manager, presented the staff report.

**Vice Chair Larsson** discussed with staff all-way, stop-controlled intersections, the history of measuring corner vision triangles, and the parking of Recreational Vehicles (RVs) near intersections and in driveway vision triangles. Vice Chair Larsson expressed concern that even if an RV is moveable it can be a sight obstruction and he would like to see this concern considered.

**Comm. Chang** discussed with staff the vision triangle exemption for certain trees.

**Chair Hendricks** discussed with staff the proposed changes and whether any parking would be eliminated. Mr. Witthaus said parking would be lost at signalized intersections. They discussed the photo simulations and how staff arrived at the recommendations.

**Chair Hendricks** opened and closed the public hearing.

**Chair Hendricks** asked staff about Alternative 1.c that “obstructions more than 3.5 feet in height shall be prohibited in vision triangles”, specifically how this height was determined. Staff discussed the recommendation from a safety standpoint and from aesthetics with Chair Hendricks commenting he preferred this subject be based more on science than aesthetics.

**Vice Chair Larsson** asked further about driveway vision triangles and obstructions with staff clarifying that the triangle does cross property lines.

**Vice Chair Larsson** moved for Alternative 1, to recommend to City Council to Direct staff to prepare a revision to the Sunnyvale Municipal Code to include the provisions related to intersection and driveway sight triangles identified, items a-e. **Comm. Chang** seconded the motion.

**Vice Chair Larsson** said these recommendations are good steps forward, as far as safety is concerned. He said he was surprised at the challenges of coming up with a set of requirements, and he thinks these are a good, implementable set of requirements.

**Comm. Chang** said this is a good set of rules that we can abide by and they address both safety standards and aesthetics.

**Comm. Hendricks** said he would be supporting the motion. He said this is a good example how the Study Issue process works.

**Comm. Kolchak** said the report provides good details and this is an important public safety issue.
ACTION: Vice Chair Larsson made a motion to recommend to City Council to Direct staff to prepare a revision to the Sunnyvale Municipal Code to include the provisions related to intersection and driveway sight triangles identified in Alternative 1, items a-e. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This recommendation will be provided to City Council for consideration of this item at the December 6, 2011 City Council meeting.

5. Select and Rank Potential 2012 Study Issues

(Public Hearing to allow public comment in the Council Chambers, Planning Commission action will take place in the West Conference Room following Information Only items.)

Ms. Ryan discussed Study Issues, and said this is an opportunity for any member of the public to comment on any of the potential Study Issues before the Commission selects and ranks the items.

Chair Hendricks opened and closed public hearing.

Chair Hendricks said that the Planning Commission received on the dais, a copy of an email from a member of the public expressing support of one of the Study Issues.

6. Standing Item: Potential Study Issues

Comm. Sulser discussed with staff the lockable storage requirement and why the storage must be separate from the unit to count towards the required space. Ms. Ryan said sometimes if there are extra closets, that some of the requirement can be accommodated within a unit.

No potential Study Issues for 2013 were proposed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan congratulated Comm. Dohadwala on the birth of her son. She said that Comm. Dohadwala would return to the Commission meetings in January 2012.

Ms. Ryan reminded the Commission that there is a Joint Study Session with the Planning Commission, City Council, the Bicycle and Pedestrian Advisory Commission, and the Sustainability Commission scheduled for November 29, 2011. She said staff would be providing the Draft Land Use and Transportation Element (LUTE) and the Climate Action Plan (CAP) that the Horizon 2035 Committee has been working on.
Kathryn Berry, Senior Assistant City Attorney, said that the City was notified that the Palo Alto Medical Foundation (PAMF) project which was challenged, went to Superior Court and the City prevailed. She said the challengers took the project to the Court of Appeal and the City prevailed again. Ms. Berry said the PAMF project has been under construction during the Court challenges.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM

- Completion of Public Hearing Item 5 to Select and Rank Potential Study Issues for 2012
  
  (Public Hearing is closed to public comment.)

  The Commission meeting adjourned at 9:53 p.m. and reconvened in the West Conference Room for Study Issue ranking at 10:07 p.m. The Planning Commission discussed the potential study issues, selected those to be considered, and ranked them in preference. The outcome of their ranking is shown in Attachment A.

ADJOURNMENT

With no further business, the Commission meeting adjourned at 10:51 p.m.

Respectfully submitted,

__________________________
Trudi Ryan
Planning Officer

Attachment:
  A. Selection and Ranking of Potential Study Issues for 2012
<table>
<thead>
<tr>
<th>STUDY ISSUE TITLE</th>
<th>PC Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDD 12-09 Pedestrian Plans for ITR Areas</td>
<td>1</td>
</tr>
<tr>
<td>CDD 12-06 Regulations for Telecommunication Facilities Located in the Public Right of Way</td>
<td>2</td>
</tr>
<tr>
<td>CDD 11-02 Downtown Development Policies for Parking</td>
<td>3</td>
</tr>
<tr>
<td>CDD 09-11 Review of the Housing Mitigation Fee</td>
<td>4</td>
</tr>
<tr>
<td>CDD 12-01 Requiring Solar Panel Installation as Part of Re-roofing Projects</td>
<td>5</td>
</tr>
<tr>
<td>CDD 12-05 Food Truck Location and Operation Requirements</td>
<td>6</td>
</tr>
<tr>
<td>LCS 09-01 Explore opportunities to Develop a Community Theater ...</td>
<td>Defer</td>
</tr>
<tr>
<td>CDD 12-08 Use of Redwood Trees Relative to Water Conservation</td>
<td>Defer</td>
</tr>
<tr>
<td>ESD 12-03 Impact of Sea Level Rise</td>
<td>Defer</td>
</tr>
</tbody>
</table>