



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
November 28, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

SPECIAL START TIME – 6:30 PM Study Session – West Conference Room
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- 1. File:** 2011-7657
Location: 580 N. Mary Ave.
Proposed Project: Use Permit to allow a new 124,000 square foot, 5-story office building resulting in approximately 55% Floor Area Ratio (FAR) with a new 1.5-story parking structure.
Applicant/ Owner: Peery-Arrillaga / A & P Children Invslc
Environmental Review: Determination Pending
Staff Contact: Mariya Hodge, 408-730-7659
mhodge@ci.sunnyvale.ca.us
Notes: (20 minutes)
- 2. File:** 2011-7758, 2011-7759, and 2011-7760
Location: 495 E. Java Drive, 1240 Crossman Drive, 549 Baltic Way
(APNs: 110-32-020 through 110-32-029, 110-36-007, 008 and 020, 110-36-014 and 015)
Proposed Project: Three Major Moffett Park Design Review and Tentative Parcel Map applications for the expansion of the NetApp campus that include modifications to the approved master site that results in a 76.4% Floor Area Ratio (FAR) and the redevelopment of two additional multi-parcel sites that result in a 75.8% FAR and 60% FAR respectively. The project results in approximately 735,859 s.f. of additional building area for a total of 2,505,354 s.f. for the entire campus and utilizes LEED (Leadership in Energy and Environmental Design) Gold design.
Applicant/ Owner: NetApp
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, (408) 730-7431
rkuchenig@ci.sunnyvale.ca.us
Notes: (50 minutes)
- 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 Hendricks presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Glenn Hendricks; Commissioner Bo Chang; Commissioner Arcadi Kolchak; and Commissioner Brandon Sulser.

Members Absent: Commissioner Maria Dohadwala (excused); Vice Chair Gustav Larsson (excused); and Commissioner Nick Travis (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Ryan Kuchenig, Associate 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 November 14, 2011

Comm. Sulser moved to approve the minutes of November 14, 2011. Comm. Kolchak seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **FILE #:** 2011-7682
Location: 1074 Robbia Dr. (APN: 211-27-044)
Proposed Project: Design Review to allow a 513 square foot single-story addition resulting in a total of 2,846 square feet and a Floor Area Ratio of 47.4%.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Noren Caliva, 408-730-7637
ncaliva@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report.

Comm. Sulser discussed with staff the dimension of the proposed new street-facing window.

Chair Hendricks referred to Attachment C, Page 23, and discussed the shape and dimensions of the new street-facing window.

Chair Hendricks opened the public hearing.

Scott Cunningham, with Scott Design Associates representing the applicant **Audrey Smith**, said the only condition of approval they are concerned with is the street-facing window modification condition, BP-1 on page 2 of Attachment B. He said Ms. Smith would like the window design to remain as proposed to accommodate furniture. He said the egress requirements are already met.

Comm. Chang discussed with staff the egress, and the height and design of the window in question. Mr. Cunningham commented that the decision is a subjective preference, instead of function and use for the owner. Ms. Smith showed pictures of a home around the corner from her home that has a similar window design.

Chair Hendricks closed the public hearing.

Comm. Sulser moved for Alternative 2, to approve the Design Review with modified conditions: to modify BP-1 removing the window size modification requirement. Comm. Chang seconded the motion.

Comm. Sulser said he was able to make the findings. He said he agrees with the applicant that the window size is largely an aesthetic concern and the applicant has proven that the design fits in with neighborhood.

Comm. Chang said he agrees with Comm. Sulser and due to the applicant's health he said he can support the project as proposed.

Chair Hendricks said he can support the motion and can make the findings weighing aesthetic reasons and usability of the room. He said he can leave the window size as proposed.

ACTION: Comm. Sulser made a motion on 2011-7682 to approve the Design Review with modified conditions: to modify BP-1, removing the window size modification requirement. Comm. Chang seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 13, 2011.

3. **FILE #:** 2011-7723
Location: 384 Santa Trinita Ave (APN: 205-24-001)
Proposed Project: Use Permit to consider a modification to an approved Use Permit (#2008-0407) consisting of a 99,317 square-foot Research & Development office building.
Applicant / Owner: Devcon Construction / Santa Trinita Office LLC
Environmental Review: Categorically Exempt Class 1
Staff Contact: Ryan Kuchenig, 408-730-7431
rkuchenig@ci.sunnyvale.ca.us
Notes: *Applicant requests continuance to December 12, 2011.*

Ryan Kuchenig, Associate Planner, said the applicant requests continuance to the December 12, 2011.

Comm. Chang moved to continue item 2011-7723 to December 12, 2011. Comm. Kolchak seconded the motion.

ACTION: Comm. Chang made a motion on 2011-7723 to continue this item to the December 12, 2011 meeting. Comm. Kolchak seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

APPEAL OPTIONS: This action serves as legal notification of the continuance of this item to the December 12, 2011 meeting.

4. **FILE #:** 2011-7063
Location: 660-666 W. El Camino Real (APN: 201-22-011 & 201-23-029)
Proposed Project: Special Development Permit and Vesting Tentative Map for a mixed use project consisting of 113 residential townhouse units and approximately 17,302 square feet of office/commercial space.
Applicant / Owner: SummerHill Homes / Dorothy Miller Family, LP
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us

Ryan Kuchenig, Associate Planner, presented the staff report. He said supplemental information received after the completion of the report has been provided on the dais.

Comm. Sulser discussed with staff condition IP-3.a.i on page 18 in Attachment B confirming with staff that the language, "including Washington Avenues between Frances and Mathilda," should be struck from the condition.

Comm. Chang confirmed with staff that there are no other active applications for this site. **Trudi Ryan**, Planning Officer, said if the property owner would like to pursue something else, they could return with a different application.

Chair Hendricks discussed with staff the emergency and pedestrian accesses. Chair Hendricks asked about dual use parking spaces and the number of stories proposed. Chair Hendricks confirmed with staff that there is a buffer between the project and the adjacent residential, except on the north edge. Ms. Ryan discussed the initial environmental study and said from a policy standpoint; staff feels this project is not consistent with the General Plan.

Chair Hendricks opened the public hearing.

Katia Kamangar, with SummerHill Homes, the applicant, said the Miller family has been contributing to Sunnyvale's history for over 100 year. Ms. Kamangar discussed the unique characteristics of the site, provided a project overview, and provided feedback regarding the Commissioner's Study Session comments. She said the parcel is large, however, only 300 linear feet of frontage is on El Camino Real, and it is difficult to place retail or commercial on the back portion of the property. She said they think the proposed project meets the policies in the Precise Plan for El Camino Real (PPECR) and is consistent with the Grand Boulevard Initiative's (GBI) guiding principles. Ms. Kamangar said this is a horizontal mixed-use project with residential on the back portion of the site. She discussed the commercial component and alternate plans considered. She said the primary challenge with the higher commercial square footage the City is seeking is the state of the market and the ability to secure a tenant. She said the Millers are proposing to build the retail components with the residential however, if the City wants more retail than proposed, they would like to move forward with the residential and build the commercial when there is a secured tenant. Ms. Kamangar said they found nothing in the code prohibiting the phasing

of the project with the residential built first and the commercial later. She said Ken Rodrigues, the architect, is present to answer any questions.

Comm. Chang discussed with the applicant the driveway on Allegheny with Ms. Kamanger saying it would be open for emergency and pedestrian access.

Chair Hendricks confirmed with Ms. Kamanger that the pedestrian access would not be gated which allows the residents easier access to the retail. Chair Hendricks discussed with the applicant the efforts to make this area a pedestrian friendly environment. Chair Hendricks discussed with the applicant the City's requirement for a greater percentage of commercial and the applicant's request for a lesser percentage from a zoning perspective. Chair Hendricks said the applicant is not any closer to the City's desired commercial percentage than at the Study Session commenting that if the Commission were to approve the project as proposed it would prevent additional commercial on the back portion of the property in the future.

Thomas Hadig, a member of the public, expressed his concern about opening up traffic on Allegheny Drive saying it would increase traffic in an area that is a major walkway for schoolchildren in morning. He said he is in favor of the pedestrian and emergency access as proposed.

Ms. Kamanger said the Miller family wants to retain the portion of the site along El Camino Real for future income generating opportunities for the family. She discussed the advantages of approving this project and said they have tried to be as creative as they can with the tough constraints on this site.

Chair Hendricks closed the public hearing.

Comm. Sulser moved for Alternative 3, to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map, with modified conditions. Comm. Chang seconded the motion. Chair Hendricks confirmed that staff would make the correction to condition IP-3.a.i removing the language, "including Washington Avenues between Frances and Mathilda."

Comm. Sulser said he moved to deny the project as he cannot find this to be consistent with the PPECR. He said there are challenges with this property, however he is reluctant, to start dividing the site.

Comm. Chang said he cannot make findings, and the PPECR was only recently adopted to help maintain the commercial viability of El Camino Real. He said this is a very challenging site and it would have been easier to approve the project if there were more of a commercial component.

Chair Hendricks offered a Friendly Amendment, that a recommendation be made to Council that if this motion passes and the project is appealed to City Council and the City Council decides allow this project, that the project be brought back to the

Planning Commission to go through the details of the project. The Friendly Amendment was acceptable to the maker and the seconder.

Chair Hendricks said he could not make the findings from a zoning perspective. He said the PPECR is a new policy and the proposed project is too far off from the commercial percentage guidelines. He said if the applicant could get a bit closer to the retail percentage requirement it would be easier to consider. He said he does not think it is appropriate to split up the property. Chair Hendricks said if this item is appealed and goes to City Council, and Council wants to change the policy, they could make that decision. He said it is not the Planning Commission's place to change policy. He said if Council approves the project, it would be good to bring the project back to the Planning Commission for further review.

ACTION: Comm. Sulser made a motion on 2011-7063 to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map with modified conditions: to recommend that if this item is appealed to City Council and Council approves the project that the project is brought back to the Planning Commission for further review of the details. Comm. Chang seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 13, 2011.

5. **FILE #:** 2011-7746
Location: City Wide
Proposed Project: Zoning Code changes to implement Housing Element:
- Provisions to allow special needs housing and emergency housing (including homeless shelters) in the M-S/POA zones as a matter of right,
 - Streamlining the review process for multi-family housing projects with less than 50 units,
 - Reducing parking requirements for senior housing, affordable housing and housing for persons with disabilities, and
 - Reasonable accommodation allowances for people with disabilities.
- Environmental Review:** Negative Declaration
Staff Contact: Andrew Miner, 408-730-7707, miner@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report for four Housing Implementation measures. She noted that there are no pending applications for emergency housing. Ms. Ryan presented a map showing the M-S/POA (Industrial and Service/Place of Assembly) areas in the City where staff recommends allowing emergency housing as a matter of right. Ms. Ryan offered an amendment to the ordinance provided on page 10 of Attachment B, on affordable housing development, that the parking requirement for four or more bedrooms be revised to 2 parking spaces plus 0.15 space for each bedroom over three bedrooms.

Comm. Sulser discussed with staff the recommendation for the Zoning Administrator to be the reviewer of the multi-family design review process instead of the Planning Commission.

Comm. Chang discussed with staff that the intent of the revisions suggested for multi-family and mixed-use processing procedures. Comm. Chang discussed with staff the parking standards and public transportation and noted that the recommendations would allow some flexibility for parking counts based on individual applications.

Chair Hendricks discussed with staff, accessible parking, with staff saying that accessibility requirements are addressed in the Building code. Staff discussed parking and that regardless of our zoning code, the City has to meet State law discussing how differences can be bridged based on what our community needs.

Chair Hendricks opened the public hearing.

Eleanor Hansen, a member of the public, discussed the protection of space for light manufacturing and questioned whether M-S/POA is the best zoning for emergency shelters. She said she would like a larger map showing the M-S/POA areas made available to the public prior to this report going to City Council.

Larry Klein, a member of the public, said he supports streamlining of these processes. He said he agrees with the previous speaker and is concerned about the M-S/POA zoning in regards to emergency housing. He said shorter stays than 30 days would be okay, however if the stays are longer, industrial use sites could be impacted. Mr. Klein discussed

the recommendations and said he thinks the Planning Commission should review Design Reviews rather than the Zoning Administrator. He said he would like to see reviews of multi-family residential dropped from 50 units to 10 or 20 units. He discussed tandem and senior housing parking and parking requirements for affordable units.

Chair Hendricks closed the public hearing.

Comm. Sulser clarified with staff that the City is required to select at least one zoning district where emergency housing is allowed as a matter of right. Comm. Sulser asked staff about PF (Public Facility) zoning districts with staff explaining the PF zoned areas are often surrounded by residential and the M-S/POAs are closer to non-residential. Ms. Ryan discussed affordable housing and parking.

Chair Hendricks asked staff about the definition of an emergency shelter. Ms. Ryan said the shelter can be permanent, however the occupancy is not to be permanent. She said any stay over 30 days, like hotels, would no longer be considered transient.

Comm. Chang had staff clarify the parking for senior citizen housing and housing for persons with disabilities.

Comm. Chang moved for Alternative 1, to introduce the draft ordinance in Attachment B to amend the Municipal Code to: Special Needs Housing and Emergency Housing; Multi-family Residential Development Review Procedures; Parking Standards for Senior Housing, Affordable Housing, and Housing for Persons with Disabilities; and Reasonable Accommodation Procedures. He said the motion includes the staff revision changing the parking requirement for four or more bedrooms to 2 parking spaces plus 0.15 space for each bedroom over three bedrooms. Comm. Sulser seconded the motion. Comm. Sulser offered a Friendly Amendment to change the recommended reviewing body of multi-family residential projects of 50 or fewer units through a Design Review, to the Planning Commission rather than the Zoning Administrator. Chair Chang accepted this Friendly Amendment with some concern that this Friendly Amendment was getting away from the goal of streamlining processes.

Comm. Chang said this motion allows the City to follow State rules, and accommodate for emergency housing to meet resident's needs.

Comm. Sulser said he would be supporting the motion. He said the City has to be compliant with State law and these recommendations would remove some of the arbitrariness of process. He said he thinks these policies will make Sunnyvale a better place.

Chair Hendricks said he would be supporting the motion and that he likes the recommendation to require the multi-family residential projects come to the Planning Commission for Design Review.

ACTION: Comm. Chang made a motion on 2011-7746 to introduce the draft ordinance in Attachment B to amend the Municipal Code to: Special Needs Housing and Emergency Housing; Multi-family Residential Development Review Procedures; Parking Standards for Senior Housing, Affordable Housing, and Housing for Persons with Disabilities; and Reasonable Accommodation Procedures. The motion also includes the following modifications: to change the parking requirement for four or more bedrooms to 2 parking spaces plus 0.15 space for each bedroom over three bedrooms; and to change the recommended reviewing body of multi-family residential projects of 50 or fewer units through a Design Review, to the Planning Commission rather than the Zoning Administrator. Comm. Sulser seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

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

6. Standing Item: Potential Study Issues

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 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 tomorrow evening, 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.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned at 9:38 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer