



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
June 11, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

- 1. File #:** 2011-7635
Location: 550 W. El Camino Real (APN: 201-22-007)
Proposed Project: Chick-Fil-A Special Development Permit for a new 4,400 sq. ft. fast food restaurant with a drive-through.
Applicant / Owner: Chick-Fil-A /G N D Properties Llc
Environmental Review: Mitigated Negative Declaration
Staff Contact: Noren Caliva, 408-730-7637
ncaliva@ci.sunnyvale.ca.us
Notes: (20 minutes)
- 2. File #:** 2012-7381
Location: 955 Stewart Drive (APN: 205-22-014)
Proposed Project: Special Development Permit for a 186 unit Apartment Project and a Parcel Map to merge two parcels together.
Applicant / Owner: The Irvine Company/ Carr Crhp Ca Props Llc
Environmental Review: Mitigated Negative Declaration
Staff Contacts: Shaunn Mendrin, 408-730-7429
smendrin@ci.sunnyvale.ca.us
Notes: (25 minutes)
- 2. Public Comment on** (5 minutes)
Study Session Agenda
Items
- 3. 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; Vice Chair Gustav Larsson; Commissioner Bo Chang; Commissioner Maria Dohadwala; Commissioner Arcadi Kolchak; and Commissioner Brandon Sulser.

Members Absent: Commissioner Nick Travis (unexcused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; 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 May 14, 2012.

ACTIONS: Vice Chair Larsson moved to approve the consent calendar. Comm. Kolchak seconded. Motion carried 6-0, with Comm. Travis absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2011-7889
Location: 275 N. Fair Oaks Ave. (APN: 204-39-054)
Proposed Project: Appeal of a decision of the Zoning Administrator denying a Use Permit for auto retail in an industrial zoning district.
Applicant / Owner: European Auto Sales
Environmental Review: Categorically Exempt Class 1
Staff Contact: Shaunn Mendrin, 408-730-7429,
smendrin@ci.sunnyvale.ca.us

Shaunn Mendrin, Senior Planner, presented the staff report.

Comm. Chang discussed with staff the parking issue confirming that decreasing or increasing the number of cars allowed for auto retail would either improve or further negatively impact the parking issue. Staff confirmed that the number of auto retail cars allowed could be modified.

Vice Chair Larsson discussed the parking confirming with staff that the southern part of the site is less impacted by parking than the northern part. Staff said there is no on-street parking which adds to staff's concerns.

Comm. Kolchak discussed with staff about changing the one year review to a six month review confirming that the Neighborhood Preservation Division could be contacted regarding parking concerns prior to the end of the review period.

Chair Hendricks asked staff what would be measured during the review period. Staff said staff would periodically drive by the site to check on the parking status, and would contact the applicant to rectify any problems. Chair Hendricks asked staff about the multiple continuations of the Zoning Administrator hearings and the final hearing where the applicant was not present.

Chair Hendricks opened the public hearing.

Jaclyn Imani and Al Rodriguez, applicants, said their main business is the repair shop. Ms. Imani said, as auto brokers, they have never had more than two or three cars for sale at a one time. She said that since they have had the auto broker license, they have not sold more than 12 cars in any year. Mr. Rodriguez confirmed that auto repair is the main source of their business and the retail auto sales would be a secondary business. He said that there is plenty of parking for the existing business and the business structure would remain the same. Ms. Imani said auto sales would boost their business, which has been hard to maintain in the existing economy. Ms. Imani explained the reasons for missing the previous Zoning Administrator hearings, which resulted in a couple of continuations of the public hearings.

Vice Chair Larsson discussed signage with the applicant. Vice Chair Larsson discussed parking with Ms. Imani who said they recently got rid of one lift for the auto repair business, and have gotten rid of other cars on the property which allows more parking space.

Chair Hendricks discussed with the applicant and staff the differences between an auto broker and auto retail, including licensing and whether there are changes to regulations. Ms. Imani said the Department of Motor Vehicles monitors the retail licenses more strictly. Staff said it is only a zoning consideration for the City.

Comm. Dohadwala discussed with staff the occupancy and if it changes, confirming with staff that the zoning would remain the same however auto retail requires a Use Permit.

Ms. Imani added that in 1998 their neighbor was allowed auto retail for one space.

Chair Hendricks confirmed with staff that if the Commission approves the Use Permit and the business changes owners that the permit would go with the land with staff saying wording could be added to the conditions if the Commission wanted that to be different.

Chair Hendricks closed the public hearing.

Comm. Kolchak moved for Alternative 2, to approve the Use Permit for auto retail for three automobiles at 275 N. Fair Oaks Avenue subject a one year review, by the Director of Community Development and subject to the Conditions of Approval in Attachment B with a modification. At the recommendation of **Trudi Ryan**, Planning Officer, Comm. Kolchak said he would amend condition GC-4, changing the date requiring the applicant to apply for a Miscellaneous Plan Permit by December 11, 2012, from June 11, 2013, resulting in a review in six months rather than one year. **Chair Hendricks seconded the motion** for discussion purposes.

Comm. Kolchak said there are pros and cons to the one year review, however he thinks six months should provide adequate data to review the Use Permit and if there are any issues that there are appropriate ways to address issues.

Chair Hendricks said he does not have an issue with the six month or year review as he is comfortable with the one year review. He said staff's concern is parking, and there is no street parking. He said he could make the findings regardless whether the review is six or 12 months.

Vice Chair Larsson said he is concerned about the amendment of the review period to six months and thinks one year gives more data to review. He said he does not think parking is urgent and he would prefer the review to be at one year. He said Neighborhood Preservation could take action if there were a problem.

Comm. Dohadwala said she likes Alternative 2 as it is originally written confirming with staff that after the review the Use Permit would become permanent unless the Commission thinks another review is needed and that additional review was included in the conditions. She said she prefers the one year review over the six month review.

Comm. Kolchak said that after listening to the Commissioner comments, he would like to retract his amendment. Ms. Ryan discussed with the Commission the options for changing the motion. Vice Chair Larsson offered a Friendly Amendment to remove the modification that Comm. Kolchak originally provided regarding a review at six months. The maker and seconder of the motion accepted the Friendly Amendment.

Chair Hendricks offered a Friendly Amendment to change the closing hours to 9 p.m. The Friendly Amendment was acceptable to the maker.

Comm. Chang asked staff about closing hours for other auto retail uses on El Camino Real. Ms. Ryan said the hours vary however, the closing hours for most auto retail businesses are probably 9 or 10 p.m.

Chair Hendricks retracted his Friendly Amendment to change the hours of closing for the business. Chair Hendricks said the motion is now back to Alternative 2 as originally written, with no amendments.

ACTION: Comm. Kolchak made a motion on 2011-7889 to approve the Use Permit for auto retail for three automobiles at 275 N. Fair Oaks Avenue subject to a one year review by the Director of Community Development and subject to the Conditions of Approval in Attachment B. Chair Hendricks seconded. Motion carried 6-0, with Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than June 26, 2012.

3. **File #:** **2012-7012**
Location: **162 N. Wolfe Road** (APN: 205-43-027)
Proposed Project: Appeal of a decision by the Director of Community Development approving a Miscellaneous Plan Permit for parking lot restriping and minor landscaping modifications.
Appellant / Applicant / Owner: Steve Hoffman/ 162 N Wolfe LLC/162 N Wolfe LLC
Environmental Review: Categorically Exempt Class 1 and 4
Staff Contact: Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us

Chair Hendricks asked if there were comments from staff. At staff's recommendation, Chair Hendricks asked if there was anyone present that wished to speak on this item. There was no one who wished to speak. **Trudi Ryan**, Planning Officer, informed the Commission that the appellant withdrew the appeal and that the appellant and applicant were notified that there would not be a public hearing on this item. Ms. Ryan said no further action is required of the Planning Commission and that the status of the project would revert to the original decision of the Director of Community Development.

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

Comm. Chang discussed with staff, townhouse design setbacks and height related to rental versus homeownership and zoning ordinance revisions made several years ago. **Trudi Ryan**, Planning Officer, explained that the City cannot legislate whether something is developed for homeownership versus rental. She said the additional height allowed for townhouses is an issue of architecture and not whether housing is for ownership or rental.

Comm. Sulser proposed a Study Issue to revisit building height within the R-3 (Medium Density Residential) zoned areas and apply the story and height limits set for townhouses to all housing in R-3 zoned areas.

Ms. Ryan mentioned staff would also be providing the requested Study Issue paper for single-family home parking requirements at a future meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said the City Council Sub-committee for the Lawrence Station Area Plan Citizen Advisory Group met on May 31, 2012 and selected the appointees to serve on the Citizen Advisory Group. Vice Chair Larsson and Comm. Sulser are the appointees from the Planning Commission.

Ms. Ryan said the City Council and Planning Commission had a Joint Study Session regarding the "Discussion of Draft East Sunnyvale Precise Plan and Proposed General Plan Amendment and Rezoning" on May 15, 2012.

Ms. Ryan discussed Planning related items considered by City Council at their May 15, 2012 and May 22, 2012 Council Meetings. Ms. Ryan announced that Russell W. Melton was appointed and Glenn Hendricks was reappointed to serve as Planning Commissioners with the four-year terms beginning, July 1, 2012. She said Comm. Nick Travis' term ends, June 30, 2012. Ms. Ryan discussed Planning related items to be considered at the June 12, 2012 City Council meeting.

Other Staff Oral Report

Chair Hendricks asked **Kathryn Berry**, Senior Assistant City Attorney, to discuss the current status of the Downtown Development. Ms. Berry provided an update.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned 8:47 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer