



**APPROVED MINUTES  
SUNNYVALE PLANNING COMMISSION  
August 13, 2012  
456 W. Olive Avenue, Sunnyvale, CA 94086**

**EARLY START TIME – 6:30 p.m.  
Study Session – West Conference Room**

- 1. File #:** 2012-7460 & 2012-7462  
**Location:** 388 - 394 E. Evelyn Ave., 151 - 153 S. Bayview Ave., & 457-475 E. Evelyn Ave.  
**Overview:** Downtown Specific Plan Amendment and related REZONE (2) and SPECIAL DEVELOPMENT PERMIT (2) and TENTATIVE MAP (2) requests.  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431  
[rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:** Staff overview of study session and Applicant presentation (12 minutes)
  
- 2. File #:** 2012-7460 & 2012-7462  
**Location:** E. and W. Evelyn Ave. between Mathilda Ave. and Washington Ave.  
**Proposed Project:** Downtown Specific Plan Amendment & Related REZONE  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431  
[rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:** (30 minutes)
  
- 3. File #:** 2012-7460  
**Location:** 388 - 394 E. Evelyn Ave., 151 - 153 S. Bayview Ave  
**Proposed Project:** SPECIAL DEVELOPMENT PERMIT & TENTATIVE MAP  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431  
[rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:** (20 minutes)
  
- 4. File #:** 2012-7462  
**Location:** 457- 475 E. Evelyn Ave.  
**Proposed Project:** SPECIAL DEVELOPMENT PERMIT & TENTATIVE MAP  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431  
[rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:** (20 minutes)

5. **Public Comment** on Study Session Agenda Items (5 minutes)
6. **Comments** from the Chair (3 minutes)
7. **Adjourn Study Session**

**8:00 PM - Public Hearing – Council Chambers**

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

**CALL TO ORDER/SALUTE TO THE FLAG**

**ROLL CALL**

Members Present: Chair Gustav Larsson; Vice Chair Maria Dohadwala; Commissioner Bo Chang; Commissioner Glenn Hendricks; Commissioner Arcadi Kolchak; Commissioner Russell W. Melton; and Commissioner Brandon Sulser.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Shaunn Mendrin, Senior Planner; 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 July 23, 2012.**

**ACTION: Comm. Hendricks moved to approve the consent calendar. Comm. Sulser seconded. Motion carried, 5-0, with Comm. Chang and Comm. Kolchak abstaining.**

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. **File #:** 2012-7417  
**Location:** 1395 Hollenbeck Ave. (APN: 323-06-006)  
**Proposed Project:** USE PERMIT to allow the modification of an existing telecommunication facility (Sprint) at Resurrection School with the replacement of three panel antennas within a widened stealth cross and associated equipment.  
**Applicant / Owner:** Sprint / Roman Catholic Welfare Corp of San Jose  
**Environmental Review:** Categorically Exempt Class 1  
**Staff Contact:** Ryan Kuchenig, 408-730-7431, [rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:**

**Chair Larsson** recused himself from considering project 2012-7417 as his employer sells networking equipment to the applicant, Sprint. Chair Larsson left the Council Chambers.

**Vice Chair Dohadwala** presided over public hearing item 2012-7417.

**Ryan Kuchenig**, Associate Planner, presented the staff report.

**Comm. Hendricks** commented about another approved project on the same property that is not yet in compliance and whether this project could be delayed until the tree pole antenna is aesthetically in compliance. **Trudi Ryan**, Planning Officer, said it is the same owner, but technically a separate property. Mr. Kuchenig said staff is continuing to work with the other applicant to modify the tree pole design. Comm. Hendricks confirmed with staff that a condition could be added to this current project that the cross facility cannot go live until it is fully approved by staff. Comm. Hendricks confirmed with staff that a condition could be added to require signage to restrict access to the roof.

**Comm. Sulser** discussed with staff the aesthetics of the cross design and possible modifications.

**Comm. Melton** discussed with staff the conditions on page 5 of Attachment B regarding certification and renewal and that these are newer requirements developed in the past few years.

**David Christenson**, representing Sprint, thanked staff for their support of the project. He said Sprint wants to maintain three antennas in the cross facility and the current width of the cross does not support the new antennas. He said they presented the cross design to the Roman Catholic personnel and they were satisfied with the cross' representation.

**Comm. Hendricks** discussed with the applicant the power density of the new antennas in relation to the nearest residence. Mr. Christenson said they should be about the same as the current exposure levels, which are 1.25% of the Federal Communication Commission (FCC) Requirements general public limit. Comm. Hendricks discussed possibly adding a condition regarding not exceeding what is proposed in the Radio Frequency (RF) study. Mr. Christenson said Sprint would need to comply with the FCC

regulations. Ms. Ryan confirmed that the site should not exceed what has been represented in the RF study.

**Ms. Ryan** referred Attachment B, page 6, regarding Comm. Hendricks' earlier question regarding signage and roof access and said this would be a good location if the Commission wants to make any modifications.

**Comm. Hendricks moved for Alternative 2, to approve the Use Permit with modified conditions: to add a condition that the cell tower cannot go live with production traffic until the facility is fully approved by staff; to add language to the conditions regarding the signage to restrict access to the roof; and to add language to the conditions that the Radio Frequency (RF) of the facility not be allowed to exceed what was represented in the RF Study (Attachment E). Comm. Sulser seconded the motion.**

**Comm. Hendricks** said the project is straight forward, that he is okay with the look, and that there are no issues represented to the City. He said he is comfortable with the project with the modifications as he heard about the ongoing issues with the tree pole project and he wants to make sure staff has the mechanisms in place to address any aesthetic issues with this project before the antennas go live.

**Comm. Sulser** said he is in support of the project and that aesthetically the City wants antennas that blend into the architecture.

**Vice Chair Dohadwala** said she would be supporting the motion. She said the Planning Commission's purview is over the aesthetics only and she thinks the location and aesthetics are fine.

**ACTION: Comm. Hendricks made a motion on 2012-7417 to approve the Use Permit with modified conditions: to add a condition that the cell tower cannot go live with production traffic until the facility is fully approved by staff; to add language to the conditions regarding the signage to restrict access to the roof; and to add language to the conditions that the Radio Frequency (RF) of the facility not be allowed to exceed what was represented in the RF Study (Attachment E). Comm. Sulser seconded. Motion carried, 6-0, with Chair Larsson recusing himself.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than August 28, 2012.**

**Chair Larsson** returned to the Council Chambers and presided over the remainder of the meeting.

- 3. File #:** 2012-7331  
**Location:** 1159 Willow Ave. (APN: 213-01-023)  
**Proposed Project:** SPECIAL DEVELOPMENT PERMIT to allow a child care center in an existing industrial building located in an Industrial-to-Residential district.  
**Applicant / Owner:** IDA / Kwong Wing Lam  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Mariya Hodge, 408-730-7659, [mhodge@ci.sunnyvale.ca.us](mailto:mhodge@ci.sunnyvale.ca.us)  
**Notes:**

Trudi Ryan, Planning Officer, presented the staff report.

**Comm. Melton** discussed with staff his concerns of this use with the traffic flow, that he could not find the posted speed limit, the 18-wheeler truck traffic on this street and that this street is not residential though the use, if approved, would be considered to have transitioned to a residential use. Ms. Ryan discussed that this area is in transition from industrial to residential and until it fully transitions, the industrial uses will be present. Comm. Melton discussed with staff condition EP-1 regarding the traffic control plan and traffic during construction.

**Comm. Kolchak** referred to Attachment G, a letter from a neighbor in an adjoining building and his concern about the proposed use. Comm. Kolchak discussed with staff the neighbor's reference to hazardous materials on their property with Ms. Ryan commenting about the mitigated negative declaration and a Hazmat Safety Plan.

**Comm. Hendricks** discussed with staff the parking, the angle of parking spaces and the driveway. Staff said there would be modifications to the driveway. Comm. Hendricks expressed concern about not enough parking. Comm. Hendricks discussed with staff the Green Building requirements, and that once the City puts any residential use to the property that the site is considered transitioned and the use cannot go back to industrial. Comm. Hendricks commented related to traffic, that this area is one way to access the Lawrence CalTrain station.

**Comm. Chang** discussed with staff the sidewalk widths with staff saying they have not been designed yet and there is some flexibility for design.

**Chair Larsson** discussed with staff the after school daycare program and the peak number of students allowed.

**Chair Larsson opened the public hearing.**

**John Ha**, architect representing the applicant, said they have read the conditions and heard the Commission's concerns. He commented that the driveway would change, and discussed parking. He said they would continue to work with staff on the sidewalks and landscaping. He said the maximum number of students they would have is 83. He asked that the Commission would approve the project.

**Comm. Sulser** referred to the letter in Attachment G from Playgrounds Unlimited and asked Mr. Ha if he could ease his concerns about approving the daycare use next to an industrial use. Mr. Ha said this area is changing. Mr. Ha said he was surprised by Playground Unlimited's complaint. Mr. Ha discussed the surrounding area and said the long term is that the industrial is

shrinking and the residential is increasing. Comm. Sulser said he just wanted to hear the applicant say they are comfortable with the proposed use next to an industrial use. Mr. Ha introduced the applicant, **Naval Mohta**. Mr. Mohta said he shares the concern, however he feels there are measures in place, and the City has reviewed them, and he feels the site is safe for kids and parents.

**Comm. Melton** said he knows the importance of daycares. He discussed his concerns about the daycare being on a street with curves and large trucks, combined with the impacts of peak daycare traffic. Mr. Mahta and Mr. Ha addressed his concerns and commented that the redesign of the driveway would include removing a landscape piece in the middle and creating a loop so cars would not need to backup into the street.

**Comm. Kolchak** discussed with the applicant the proposed use with the applicant clarifying that initially they would have an afterschool enrichment program, however they now intend to offer only a childcare center. Comm. Kolchak had the applicant clarify the architecture on one of the design plans.

**Comm. Hendricks** asked the applicant about parking, traffic flow and special events. The applicant said that typically, the children would not go offsite and they have no plans for special events. Comm. Hendricks expressed his concern about an influx of cars and asked further about occasions when all parents might show up for an event. The applicant said he would abide by whatever the Commission requires confirming that parents would be advised about hazardous materials as required. Mr. Mahta said they are comfortable with the conditions. Comm. Hendricks confirmed with staff that the staff would be reviewing the hazardous material requirements and not the Commission.

The applicant said they had no further comments.

**Comm. Hendricks** discussed the colors for the project. Mr. Mahta said that they have agreed to tone the colors down as required by staff.

**Chair Larsson** further discussed the colors with Mr. Ha and that they would continue to work with staff until they are satisfied.

**Vice Chair Dohadwala** further discussed special events with the applicant. She said she shares the concern about inadequate parking for special events and discussed possibly setting up some kind of shared parking with neighbors or other off-site parking. Ms. Ryan discussed the limitations in the conditions and said a modification to the conditions would be required for special events and to set up the special events be allowed subject to some kind of staff review.

**Chair Larsson closed the public hearing.**

**Comm. Melton moved for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions: to add to the conditions that the applicant be required to submit an off-site parking plan for staff's review prior to special events; and to have staff take another look at the potential traffic overflow for the site particularly at peak times taking into consideration the proposed usage, the two, semi-blind curves on the street combined with the 18-wheeler truck traffic.** Ms. Ryan said that Planning staff can ask the Traffic staff to take another look at it, though it has already been reviewed once. **Comm. Chang seconded.**

**Comm. Melton** said he is a big fan of daycare centers and this is the second business this applicant has in Sunnyvale. He said he has spoken to his concerns that led to the modified conditions. He said about the color scheme, he reviewed the colors of the current facility and agrees with staff on muted colors.

**Comm. Chang** said he would be supporting the motion and shares in the concerns about parking and traffic, however this is a changing area. He said he thinks having good mitigation plans for traffic, hazardous materials and special events will alleviate those concerns and he looks forward to the grand opening.

**Comm. Hendricks** said he would be supporting the motion. He said he does have a concern about parking though the applicant meets the requirements, however fundamentally he does not believe there is enough parking and he thinks there will be spikes in traffic. Ms. Ryan commented that staff has worked with schools and daycares in the City and can work with this applicant on their drop off and pick up procedures to ease traffic. Comm. Hendricks said he has no problem with a daycare in this location.

**Comm. Kolchak** said he would be supporting the motion. He said he originally had traffic and hazardous waste concerns, however after the discussion he feels staff has a good handle on the areas of concern and he can support this project.

**Chair Larsson** said he would be supporting the motion. He said this is an ITR neighborhood and there is more need for childcare in the City. He said he is hoping some parents will be able to walk kids to eliminate some parking need.

**ACTION: Comm. Melton made a motion on 2012-7331 to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions: to add to the conditions that the applicant be required to submit an off-site parking plan for staff's review prior to special events; and to have staff take another look at the potential traffic overflow for the site particularly at peak times taking into consideration the proposed usage, the two, semi-blind curves on the street combined with the 18-wheeler truck traffic. Comm. Chang seconded. Motion carried, 7-0.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than August 28, 2012.**

**Ms. Ryan** commented said this site is located in the study area of the Lawrence Station Area Plan and staff will invite this business to be involved in the ongoing study.

4. **File #:** 2012-7381  
**Location:** 955 Stewart Ave. (APN: 205-22-014)  
**Proposed Project:**
- SPECIAL DEVELOPMENT PERMIT to allow a 186 unit apartment project.
  - PARCEL MAP to merge two parcels together.
- Applicant / Owner:** The Irvine Company / Carr Crhp Ca Props LLC  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Shaunn Mendrin, 408-730-7429,  
[smendrin@ci.sunnyvale.ca.us](mailto:smendrin@ci.sunnyvale.ca.us)  
**Notes:**

**Shaunn Mendrin**, Senior Planner, presented the staff report. He provided a corrected project data table and revised conditions of approval dated August 13, 2012 on the dais.

**Chair Larsson** asked staff to discuss the revised conditions which included changes in Attachment B, page 6, BP-11.b, striking out the reference to a parcel map; page 7, BP-13, that screening of mechanical equipment is not required; page 8, BP-14.e.iii, which includes additional language to the condition; and on page 18, TM-2 and TM-3 which includes additional paragraphs regarding soil testing and liability for the site.

**Comm. Melton** discussed with staff portions of the report including how the proposed development differs from the previous project for this site that was approved by the Planning Commission on 6/13/11, questions about an existing adjacent industrial building at 975 Stewart Drive; and the contemplated park that would connect with another 1 acre park as part of the nearby Fusion project. **Trudi Ryan**, Planning Officer, added that both the Fusion park and the park with this project would be one public park with no line between them. Comm. Melton asked staff the cost of running the park over time with staff saying that the entire area was evaluated and a fiscal impact analysis conducted.

**Comm. Hendricks** discussed with staff changes in the project since the Commission reviewed it in Study Session on 6/11/12. Comm. Hendricks asked staff questions regarding the pool and the community building, complex parking calculations, pedestrian and bike circulation, and that this broader area is being studied and whether it is appropriate to be making decisions about this site until the broader area study is done. Ms. Ryan explained that it has already been determined that this site be residential, so it is appropriate to be making decisions for the site. Comm. Hendricks discussed with staff the wall on the west side of the property between the residential and non-residential areas. Comm. Hendricks referred to a color-coded map and asked staff how we justify that the majority of the project needs approval for deviations. Staff discussed the various deviation requests including height, space between the buildings, setbacks, and looking at the previously approved project as context. Ms. Ryan said the applicant is proposing enclosed garages for apartments and that raises the building height. Chair Hendricks said he understands the need for some of the deviations, however he is having trouble with the yellow and red deviation areas on the color-coded map. Staff addressed questions about the definition of open space, landscaping and useable open space overlap, parking at the park including signage, and traffic circulation for those using the park.

**Comm. Sulser** discussed with staff difficulty in relocating six sycamore trees as conditioned.

**Comm. Kolchak** clarified with staff parking spaces for the park, possible overflow parking onto nearby streets, and peak usage times.

**Comm. Chang** asked staff whether the applicant could change the apartments to “For Sale” units in the future with staff saying the applicant would need come back with a new application. Comm. Chang discussed with staff that if the zoning was R-4 (High Density Residential) instead of R-3 (Medium Density Residential) that the only difference would be that more stories would be allowed and with the higher density, some of the standards are lowered.

**Chair Larsson** discussed lockable storage for the units with staff saying the requirement is met.

**Chair Larsson opened the public hearing.**

**Kerry Williams**, Vice President of Development with the Irvine Company, discussed the vision for this project, some of the changes made as they worked with staff over the past few months, and addressed the questions about the proposed deviations. She said the Irvine Co. is excited to be back in Sunnyvale developing housing. She said the Irvine Co. builds their buildings to last as they own and manage the properties. She discussed the property explaining the plans for demolition and discussed that they are adjacent to the Fusion project. She commented about Comm. Melton’s question about the building at 975 Stewart and said that they acquired the property a few weeks ago and that the long-time tenant has at least five years remaining on their lease. Ms. Williams discussed an aerial view of the project site. She said they are offering two product types or living styles to choose from and that the project was designed to complement the neighboring Fusion project in design and size. She described the plans for the streetscape. Ms. Williams turned the presentation over to **Robert Goto** with Silverwood Landscape, and **Tim Mustard** with TCA Architects. Mr. Goto described the access throughout the site. Mr. Mustard discussed the architecture and color schemes. He said this project features a three-story product, which they worked with staff on the massing, and provided enhanced patio walls and tile accents. Mr. Mustard discussed the enhanced pedestrian circulation. Mr. Mustard discussed examples of past projects, the Indian Wells streetscape and the leasing office and recreation area. He discussed the charm of the architecture reinforcing the entry to the site, and anchoring the recreation area.

**Chair Larsson** disclosed that he met with the applicant.

**Comm. Hendricks** discussed the building separation deviations with staff and the applicant. Ms. Williams said these are unique units, and look and feel like single-family homes. Comm. Hendricks said he needs to be able to justify the technical deviation of moving the buildings closer together from 23 feet, which is what the code says, to 7 feet. Ms. Williams said they are trying to accommodate being located next to lower density residential projects. Ms. Ryan commented that a duplex normally seen on an R-2 (Low-medium Density Residential) site that the two parcels could be as close as 8 feet to each other so staff felt the 7 feet between buildings was not much different than 8 feet. Ms. Ryan explained what staff considered and why they are okay with the deviation. Mr. Goto discussed that technically these units are more like townhomes and the project needs to transition to the adjacent Fusion project. Comm. Hendricks said so staff is saying that he should be happy as we could be putting a different blockier product on the site. Comm. Hendricks said that possibly fewer buildings could be put on the site to make it is less blocky. Ms. Williams said this is a superior architectural design and brings a unique opportunity for renters with the two product types on the site.

**Chair Larsson** discussed the existing property recently acquired at 975 Stewart and asked what steps the applicant would take to address noise from the generators on the roof. Ms. Williams said they own the building, the tenant is fabulous to work with, and the noise will be buffered through mitigation. Chair Larsson discussed with Ms. Williams that depending on what happens with neighboring sites that they would like to open up the connections between sites.

**Dale Council**, a business owner in the area, said he has no opposition to this project, as there are too many empty buildings in this area. He said he commutes to Sunnyvale as there are not enough rental properties like this. He said he came to speak in support of the project.

**Andrey Khorlin**, a neighbor to the site, expressed his appreciation for the two-story units proposed across from his development. He asked about the construction and special measures to be taken during construction and expressed his concern about the traffic flow and the U-turn area at the dead-end of Indian Wells.

**Chair Larsson** asked staff to address the construction question. Ms. Ryan said the construction mitigation measures are specified in the Municipal code. Mr. Mendrin said that based on applicant information that the construction should take about 24 months and start in the spring of 2013. Ms. Ryan addressed the question about Indian Wells and said that a not-a-through-street sign would probably be added.

**Ms. Williams asked Mr. Goto** to talk about the connections in the site including the linear park with Fusion, the pool area and the recreation building on west part of property. Mr. Goto discussed the amenities area, and the pedestrian connections and cross connections. Mr. Goto discussed the landscaping and said they like to use larger trees in the developments. Ms. Williams asked that the Commission amend condition BP-14.m to allow the patio and landscape walls to be 42 inches on four patios instead three feet, as the extra height on the patios facing Stewart would be beneficial. Staff said they are okay with changing the condition to allow the patio and landscape walls to not be higher than four feet.

**Comm. Hendricks** said gave the applicant another opportunity to convince him about the need for the deviations. He said the product should not be the reason and he needs to be convinced for a zoning reason what is unique about this property that makes the deviations okay. Mr. Mustard deferred to staff's explanation that this is really a difference of 8 versus 7 feet rather than 23 to 7 feet.

**Vice Chair Dohadwala** commented that the R-3 zoning requires 23 feet for bulkier buildings, but the deviation allows more walkways essentially by moving the buildings closer together, and the design adds a different product to the market. She said she thinks that allowing the deviation provides some flexibility.

**Comm. Chang** asked staff if the building separation deviation were approved, would the Commission be setting a precedence. Ms. Ryan said that this is the first time we have had this proposed and it could be seen again. She said staff conveyed to the applicant that they should provide transition from the neighboring complex and into the new neighborhood. Ms. Ryan discussed density requirements for R-3 and R-2.

**Ms. Williams** commented about density bonus and green building and that they are giving up some of the capacity that they could include by going from three to two stories on some of the units.

**Chair Larsson closed the public hearing.**

**Comm. Hendricks** asked staff to address the zoning definition and why, on this project, the perceived requirement of space between the buildings is 8 feet instead of 23 feet. Ms. Ryan said this site has the Planned Development (PD) combining district overlay that allows the City to permit deviations or greater restrictions and the Commission has the opportunity to grant or not grant the proposed deviations.

**Comm. Sulser moved for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to modify condition BP-14.m to read, "Patio and landscape walls shall not be higher than four feet" (instead of three feet) as recommended by staff. Vice Chair Dohadwala seconded.**

**Comm. Sulser** said he was able to make findings and he thinks this is a good project. He said he is a renter and likes the diversified rental opportunities. He said he thinks the deviations for the building height and stories are standard and that the setback deviations are minor and common in this zoning district. He said he thinks the deviation for the distance between units is a reasonable deviation to allow the different product type. He said he sees no deviations to the core items that would affect the livability of the project and he is excited about the project.

**Vice Chair Dohadwala** said she would be supporting motion, that she thinks the product has superior design, and that she likes the public park and the recreation building. She said there are some challenges and deviations, however, as Comm. Sulser said, none of the deviations reduce the livability of the project.

**Comm. Chang** said he could make findings and he thinks this is a unique circumstance with the applicant proposing enclosed parking. He said he thinks the deviations are a good compromise and help provide good transitioning to the neighboring project. He said his only concern is the height, and he looks forward to seeing the landscaping.

**Comm. Kolchak** said he would be supporting the motion and he likes the project. He said he has a few small concerns like the pool location, however if he were a neighbor he would like to look at this project. He said he thinks this is a unique project. He said is concerned about the parking at the park however there is enough parking within the project.

**Comm. Melton** said thank you to the members of public who came to speak. He said he would be supporting the motion. He said he likes the addition of the parkland and thinks staff will figure out to how to pay for the park over the long term. He said the largest gap for him for making the findings was the industrial building on the south corner of the property. He said with Ms. Williams' information that they own the property that if in the future this property redevelops that he would ask for a seamless transition between the properties. He said he looks forward to seeing this project completed.

**Comm. Hendricks** said, generally speaking, he really likes this project. He said he likes the park space. He said he has problems with the deviations between the buildings and the setbacks. He said he does not see anything unique about this property to justify the deviations and he is concerned about a precedence problem. He said he votes for deviations if there is something unique however he thinks it would be better in this case, if a building were removed allowing more space.

**Chair Larsson** said he would be supporting the motion. He said he echoes the comments of his fellow commissioners and that rental apartments are a positive addition. He said he is very glad the applicant is going for the green building bonus. He said if the applicant did take out one of the duplex units then they would not need the green building to get the density bonus. He said the green building is important for the whole unit so he is in favor of the design as proposed. He said the accessible units are all on the ground floor, which is another positive benefit.

**ACTION: Comm. Sulser made a motion on 2012-7381 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to modify condition BP-14.m to read, "Patio and landscape walls shall not be higher than four feet" (instead of three feet) as recommended by staff. Vice Chair Dohadwala seconded. Motion carried 6-1, with Comm. Hendricks dissenting.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than August 28, 2012.**

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

**Trudi Ryan**, Planning Officer, discussed two issues that the Planning Commission previously identified: Identifying Resources Available to Encourage Parcel Aggregation along El Camino Real; and Requiring In-lieu Fees for Art in Private Development for Mixed-use Projects.

**Ms. Ryan** said the first item does not need to be a study issue as it is covered in the Precise Plan of El Camino Real. **Comm. Melton** expressed the importance and his reasoning for originally requesting the write-up and respectfully made a motion to add the study to the potential study issues for 2013. The motion failed for lack of a second.

**Comm. Hendricks** said he had requested the second issue and discussed it with staff. Ms. Ryan explained why staff thought this study issue did not need to be proposed. **Comm. Hendricks moved to add a study issue to the list of potential study issues 2013 regarding requiring in-lieu Fees for Art in Private Development for Mixed-use Projects. Comm. Sulser seconded the motion.**

**ACTION: Comm. Hendricks made a motion to add a study issue to the list of potential study issues for 2013 regarding requiring in-lieu Fees for Art in Private Development for Mixed-use Projects. Comm. Sulser seconded. Motion carried, 7-0.**

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS

**Vice Chair Dohadwala** asked staff if the Project Data Table from the report could be included on the applicant's drawings as she said it is difficult to look back and forth between the drawings and the report. **Trudi Ryan**, Planning Officer, said staff would look into the request and get back to the Commission with suggestions.

- STAFF ORAL COMMENTS

**City Council Meeting Report**

**Ms. Ryan** discussed Planning-related items considered by City Council at their July 31, 2012 meeting including a memo regarding follow-up on the Conditions of Approval for the Palo Alto Medical Foundation. Ms. Ryan discussed Planning-related items that would be considered at the August 14, 2012 City Council meeting.

**Other Staff Oral Report –**

**Kathryn Berry**, Senior Assistant City Attorney, said a current trend in environmental issues is to quantify air quality, discussing current case law. Ms. Berry confirmed with the Commission that they would like to her to continue advising the Commission on new case law. Comm. Chang, Comm. Hendricks and Vice Chair Dohadwala

commented that they appreciate the information. Ms. Ryan discussed air quality and mitigation measures.

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business, the Commission meeting adjourned 11:07 p.m.

Respectfully submitted,

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Trudi Ryan  
Planning Officer