



**APPROVED MINUTES  
SUNNYVALE PLANNING COMMISSION  
August 27, 2012  
456 W. Olive Avenue, Sunnyvale, CA 94086**

**7:00 p.m. - Study Session – West Conference Room**

- 1. File #:** 2012-7304  
**Location:** 600 W. California Ave. (APN: 165-26-010)  
**Proposed Project:** SPECIAL DEVELOPMENT PERMIT for a new 106,617 square foot office/R&D building within Sunnyvale Business Park resulting in a 47.8 % Floor Area Ratio. VESTING TENTATIVE MAP to create one new lot in an existing campus with nine lots and one common lot.  
**Applicant / Owner:** Legacy Partners / Sunnyvale Business Park Sub LLC  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Noren Caliva, (408) 730-7637  
[ncaliva@ci.sunnyvale.ca.us](mailto:ncaliva@ci.sunnyvale.ca.us)  
**Notes:** *This item is scheduled to be considered by Planning Commission on (30 minutes)*
- 2. Location:** City-wide  
**Training:** Stormwater Management - Overview  
**Staff Contact:** Shaunn Mendrin, (408) 730-7429  
[smendrin@ci.sunnyvale.ca.us](mailto:smendrin@ci.sunnyvale.ca.us)  
**Notes:** *(15 minutes)*
- 3. Public Comment on Study Session Agenda Items** *(5 minutes)*
- 4. Comments from the Chair** *(5 minutes)*
- 5. 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; and Commissioner Russell W. Melton.

Members Absent: Commissioner Arcadi Kolchak (excused); and Commissioner Brandon Sulser (excused).

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.

**Chair Larsson** commented about the recent Sunnyvale Centennial Celebration saying that it was a great event and weekend. He thanked all who participated by showing up or volunteering and thanked former Mayor Melinda Hamilton for spearheading the effort.

### **CONSENT CALENDAR**

#### **1.A. APPROVAL OF MINUTES of August 13, 2012.**

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

**PUBLIC HEARINGS/GENERAL BUSINESS**

<b>File #:</b>	<b>2012-7111</b>
<b>2.</b>	
<b>Location:</b>	<b>City-wide</b>
<b>Proposed Project:</b>	Pedestrian Plan for ITR 6
<b>Staff Contact:</b>	Shaunn Mendrin, 408-730-7429, <a href="mailto:smendrin@ci.sunnyvale.ca.us">smendrin@ci.sunnyvale.ca.us</a>
<b>Notes:</b>	<i>This item is scheduled to be considered by City Council on October 2, 2012.</i>

**Shaunn Mendrin**, Senior Planner, presented the staff report.

**Comm. Melton** asked staff about plans for the armory site located in this study area. Staff said the lease has expired for the armory as a winter homeless shelter and affordable housing is being considered for the site. Comm. Melton asked staff about the part of Britton Avenue that was abandoned by the City and is being un-abandon. Staff said that the plan is to add a pedestrian and bike path and the area is not being un-abandoned. Staff explained the Water District is the owner of the land and that they are generally supportive of joint use of their corridors or streams. Ms. Ryan said another option could be to work with the adjacent property owners. Comm. Melton commented that possibly staff could contact the Water District and discuss with them whether the City would be allowed to use the area prior to taking the report to City Council.

**Comm. Hendricks** commented that staff is recommending a new fee for Council to approve. Comm. Hendricks referred to Attachment A, the Fair Oaks Junction - Sense of Place Plan, page 12 regarding public street improvements and discussed with staff whether there is any downside to the improvements. Comm. Hendricks referred to portions of Attachment A, confirming with staff that there is no loss of on-street parking, and discussing pedestrian crossing signals and bike racks.

**Chair Larsson** discussed with staff the mid-block pathways and the importance of making them open and inviting. Staff said the Commission might want to add language to Attachment A, page 17 to make sure the openness is considered in the design of the pathways. Chair Larsson commented that it was helpful to see the cost breakdown for the Pedestrian Plan and that he was surprised at the cost of the lighting.

**Comm. Hendricks** referred to Attachment D, page 3 and discussed with staff monument signs and that he would prefer to see the safety-type elements for pedestrians and bikes considered before decorative and informational items. **Trudi Ryan**, Planning Officer, said she thinks that is a good suggestion, noting that some of the elements in the plan may be grant funded and the funds would be designated for specific things, affecting the order the elements are considered.

**Vice Chair Dohadwala** discussed monument signs with staff.

**Chair Larsson** opened the public hearing.

**Joseph Coelho**, a Sunnyvale resident, said he is glad to see the City giving attention to this area. He commented that there have been negative impacts to nearby neighborhoods that spill over from this area. He said overall he is happy with the plan, however he would like to see

something included about public safety and possibly a permanent public safety presence at Fair Oaks Park. He suggested a police substation or public safety kiosk could be included which would help in turning the area around to become a place where people feel comfortable.

**Chair Larsson closed the public hearing.**

**Comm. Hendricks** asked staff if they have a response to Mr. Coelho's suggestions. Mr. Mendrin said Mr. Coelho's suggestions are good and would be communicated to City Council along with Chair Larsson's suggestions about making the pathways open and inviting.

**Chair Larsson** discussed with staff whether the suggestion about a public safety presence is outside of the purview of the Planning Commission. Ms. Ryan said the member of the public could first work with staff on the concern or could bring the concern to the City Council's attention.

**Comm. Melton moved for Alternative 2 to recommend to City Council to adopt the Fair Oaks Junction Sense of Place Plan (Attachment A) with modifications: that to the extent available, prioritize safety first over aesthetics. Comm. Hendricks seconded the motion. Comm. Hendricks offered a Friendly Amendment to modify Attachment A, page 17, item 5 regarding Midblock and Trail Connections that the connections shall be designed in a manner to be open and inviting and safe for pedestrians. The Friendly Amendment was acceptable to the maker of the motion.**

**Comm. Melton** thanked staff for the report and for incorporating the suggestions that the Planning Commission made at a recent Study Session. He said this plan should ultimately lead to exciting changes to help this area successfully transform.

**Comm. Hendricks** said he thinks this is an excellent plan, and that the challenge will be how quickly the changes can be made. He thanked the member of the public for his comments and for raising the public safety suggestion. He said he did not think he would suggest a change in the plan regarding the public safety suggestion; however, the concern has now been raised and would be seen by City Council. Comm. Hendricks said he would like to see similar plans done for other segments of the City.

**Vice Chair Dohadwala** said she would be supporting the motion. She said this is an ITR (Industrial-to-Residential) area, and she is glad to see this plan in place before it fully transitions, especially the pedestrian and trail portion of the plan.

**Comm. Chang** said he would be supporting the motion. He said it is good to see a plan in place as this area transitions to ITR, taking into consideration the sense of place, parks and open space. He commented that the City needs to make sure the job is done right and keep safety as the number one priority.

**Comm. Larsson** said he would be supporting the motion. He said the plan goes beyond what he had imagined. He said it is good to have specifics and details and said he likes the details including the financial breakdown.

**ACTION:** Comm. Melton made a motion on 2012-7111 to recommend to City Council to adopt the Fair Oaks Junction Sense of Place Plan (Attachment A) with modifications: that to the extent available, prioritize safety first over aesthetics; and to modify Attachment A, page 17 of 26 (page 14 of document), item 5 regarding Midblock and Trail Connections that the connections shall be designed in a manner to be open and inviting and safe for pedestrians. Comm. Hendricks seconded. Motion carried 5-0, with Comm. Kolchak and Comm. Sulser absent.

**APPEAL OPTIONS:** This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on October 2, 2012.

**Trudi Ryan**, Planning Officer, said this was the first piece of three areas being reviewed and staff would return with a study for the East Sunnyvale area. She said the third area would be included in the Lawrence Station Area Plan.

- 3. File #:** 2012-7094
- Location:** City-wide
- Proposed Project:** Zoning Code Amendments to Vision Triangle Regulations. In December 2011, the City Council considered changes to vision triangle regulations and directed staff to amend the Sunnyvale Municipal Code. This project brings the proposed amendments to Planning Commission for review and to City Council for action.
- Environmental Review:** Negative Declaration
- Staff Contact:** Diana O'Dell, 408-730-7257  
[dodell@ci.sunnyvale.ca.us](mailto:dodell@ci.sunnyvale.ca.us)
- Notes:** *This item is scheduled to be considered by City Council on October 2, 2012.*

Trudi Ryan, Planning Officer, presented the staff report.

**Comm. Chang** asked staff if there is a proposed change to the height allowed in vision triangles. Ms. Ryan said anything in the vision triangle needs to be 3 1/2 feet or less and tree branches in the vision triangle cannot be lower than 8 feet.

**Comm. Hendricks** referred to Attachment A, page 6 and discussed with staff the proposed expanded vision triangle and street parking. Staff said the on-street parking is managed by other sections of the code. Comm. Hendricks asked how close vehicles could be parked to the driveway as a vehicle could impede visibility and that it would be good to know this information before the report goes to City Council. Ms. Ryan said actions regarding parking may have been covered under the other action and this report is regarding vision triangles on private property. Comm. Hendricks said originally staff recommended the vision triangle be 40 foot by 40 foot and is now recommending 15 foot by 40 foot, confirming with staff that this change fulfills the intent of what Council wanted. Comm. Hendricks confirmed with staff that current driveways are 10 foot by 10 foot.

**Vice Chair Dohadwala** said she has the same concerns as Comm. Hendricks about parked cars being close to driveways and impeding visibility and would like to see this included. Ms. Ryan said related aspects of corner vision triangles were discussed in December 2011 and direction was provided on how to manage intersection corner vision triangles whereas this report is only for private properties. Vice Chair Dohadwala discussed with staff existing fences with staff commenting that there has been minimal change recommended to the vision triangle configuration for homes.

**Comm. Melton** confirmed with staff the difference between Attachment A and Attachment B is the 40 foot by 40 foot extended vision triangle. Comm. Melton referred to Attachment A, page 5 and commented that he thought that section d.4 regarding "Public Parking District" should be moved to become b.3. Ms. Ryan noted that section probably works in both places. Comm. Melton and staff discussed the definition of the reducible front yard. Comm. Melton discussed with staff fence height with staff explaining that the 3 1/2-foot fence maximum height in the vision triangle was the result of an analysis of fence heights completed last year.

**Comm. Hendricks** discussed with staff that the code defines how height is measured.

**Comm. Larsson** expressed concern about drivers exiting driveways and not stopping before the sidewalk and whether the 15 foot by 40 foot vision triangle provides enough space for drivers to see pedestrians. Ms. Ryan said this was discussed and that, for drivers who do not stop before sidewalks, the vision triangle likely will not make a difference. Ms. Ryan said community education and ground markings should help with this concern and that she does not think the vision triangle will make a difference for certain motorists.

**Comm. Hendricks** discussed with staff that the proposed changes to the ordinance is a confluence of multiple policies that the City is trying to achieve and while achieving the level of desired safety.

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

**Comm. Hendricks moved for Alternative 2 to recommend to City Council to introduce an updated ordinance (Attachment A) amending Titles 9, 10, 13, 18, and 19 of the Sunnyvale Municipal Code to address corner, driveway and alley way vision triangles including provision of 15 foot by 40 foot vision triangle requirements at primary entry and exit driveways for new development with 100 or more parking spaces. Comm. Chang seconded the motion.**

**Comm. Hendricks** said the changes include positive safety benefits, and adjusting the original numbers results in a better solution that incorporates more of the policies and procedures that we are trying to achieve. He said this is a good safety improvement from a bike, pedestrian and vehicle perspective.

**Comm. Chang** said he would be supporting the motion. He said this is a good incorporation of the Precise Plan of El Camino Real to move buildings closer to the street and not compromise on safety. He said we are trying to achieve several things and the changes will help us with future projects.

**Chair Larsson** said he would be supporting the motion. He said he supports the 15 foot by 40 foot vision triangle and allowing buildings to move closer to the street. He said the changes should help to create a more active, pedestrian-friendly environment and drawing more pedestrians to the sidewalks may encourage traffic to slow down near exiting driveways.

**Vice Chair Dohadwala** said she would not be supporting the motion. She said the goal of the ordinance is to address the vision triangles and she thinks there is more to the equation. She said she sees cars obstructing the vision triangle and the ordinance does not address this so she does not think the changes in the ordinance do much.

**ACTION: Comm. Hendricks made a motion on 2012-7094 to recommend to City Council to introduce an updated ordinance (Attachment A) amending Titles 9, 10, 13, 18, and 19 of the Sunnyvale Municipal Code to address corner, driveway and alley way vision triangles including provision of 15 foot by 40 foot vision triangle requirements at primary entry and exit driveways for new development with 100 or more parking spaces. Comm. Chang seconded. Motion carried 4-1, with Vice Chair Dohadwala dissenting, and Comm. Kolchak and Comm. Sulser absent.**

**APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on October 2, 2012.**

4. **File #:** 2012-7532  
**Location:** City-wide  
**Proposed Project:** Zoning Code Amendments for Development over 70% FAR in Industrial Intensification Sites: New Requirements for Housing Mitigation and Transportation Demand Management; and, Modification to the Green Building Program.  
**Environmental Review:** Categorically Exempt Class 8  
**Staff Contact:** Trudi Ryan, 408-730-7435  
[tryan@ci.sunnyvale.ca.us](mailto:tryan@ci.sunnyvale.ca.us)  
**Notes:** *This item is scheduled to be considered by City Council on September 18, 2012.*

Trudi Ryan, Planning Officer, presented the staff report.

**Comm. Hendricks** said that this draft report was recently reviewed by the Sustainability Commission and discussed with staff their comments. Comm. Hendricks asked staff if there is language that should be added to the proposed documents to make sure no gap exists in the requirements for development between 70% and 100% FAR (Floor Area Ratio). Ms. Ryan commented on the standards for buildings in the downtown, Moffett Park and Peery Park areas. She said there are not many other places in the City that would have the high FAR and still be able to provide the required parking. Comm. Hendricks discussed the public outreach, confirming with staff that to do everything proposed in the report that the motion would be to recommend Alternatives 1 and 2.

**Comm. Chang** discussed with staff the Peery Park and Moffett Park areas related to green building standards. Staff said that Peery Park does not have specific green building incentives other than the City-wide incentives and the Moffett Park area has different graduated incentives available based on the level of green building.

**Chair Larsson** discussed with staff Transportation Demand Management (TDM) programs. Ms. Ryan explained that the projects that have TDMs implemented are required to file an annual report in January identifying their level of achievement. Ms. Ryan discussed how success has been measured over the years and said staff is working to standardize the reporting process and procedures for correcting unsuccessful TDM programs. She said each of the TDM programs has a penalty clause for not meeting the goals and the penalty is more expensive than the cost to run the TDM program. Comm. Larsson asked if there are rough estimates about meeting targets. Ms. Ryan said most TDM requirements are met and there are some who are exceeding their requirements.

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

**Comm. Chang moved for Alternative 1 and 2 to recommend to City Council Alternatives 1 and 2. 1- Introduce an ordinance (Attachment A) to amend Title 19 (Zoning) to require development in the industrial intensification areas that achieve an FAR greater than 70% to:** a. Implement a transportation demand management program that achieves 25% peak hour trip reductions and 20% total daily trip reductions. b. Comply with housing mitigation for all square footage greater than 70% FAR. 2- Approve a resolution (Attachment B) to amend the Green Building Program for specified industrial developments greater than 70% FAR. Comm. Hendricks seconded the motion.

**Comm. Chang** said this is a recommendation to City Council to review the intensification areas where there is zoning that bypassed some of the mitigating fees. He said with these changes that the City should be able to catch some of the larger developments in the future.

**Comm. Hendricks** said this is an easy decision and it closes a gap in the code.

**Chair Larsson** said he would be supporting the motion. He said the changes seem to be straightforward and bring many benefits to the community.

**ACTION: Comm. Chang made a motion on 2012-7532 to recommend to City Council Alternatives 1 and 2. 1- Introduce an ordinance (Attachment A) to amend Title 19 (Zoning) to require development in the industrial intensification areas that achieve an FAR greater than 70% to: a. Implement a transportation demand management program that achieves 25% peak hour trip reductions and 20% total daily trip reductions. b. Comply with housing mitigation for all square footage greater than 70% FAR. 2- Approve a resolution (Attachment B) to amend the Green Building Program for specified industrial developments greater than 70% FAR. Comm. Hendricks seconded. Motion carried, 5-0, with Comm. Kolchak and Comm. Sulser absent.**

**APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on September 18, 2012.**

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

**Comm. Melton** discussed high-speed rail and electrification. He said the two crossings that could be affected would be Sunnyvale and Mary Avenues. He said that the City might like to study what those two crossings would look like in the future if the high-speed rail and the electrification come to pass.

**Trudi Ryan**, Planning Officer said staff would prepare a paper and come back to the Commission for further consideration.

**Comm. Hendricks** asked if staff would like more clarification discussing other aspects of the possible high-speed rail. Ms. Ryan said she was contemplating discussing this subject with staff in the Traffic and Transportation Division to see what the City is already planning would provide feedback.

**Comm. Melton** suggested a second potential study issue of the concept of a Sunnyvale Unified School District. He said he would like to see how legally it might come about and what sort of benefits Sunnyvale might see with a unified K through 12 school district.

**Ms. Ryan** commented that the City is nearing the close of the season to suggest new study issues. She said that the September 24, 2012 Planning Commission meeting would be the last call to support issues as the Planning staff must provide all study issues to the City Manager by October 1, 2012. She commented that the September 10 Planning Commission public hearing portion of the meeting may be canceled.

**Vice Chair Dohadwala** said she would like to suggest a study issue regarding light pollution at night and determining measureable standards. She said excess light at night affects the environment negatively. Ms. Ryan said there is nothing in the zoning code that addresses how much light is allowed. Ms. Ryan said there are standards regarding light spilling over on to other properties, however there are no formal adopted standards for light at night.

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS

**Comm. Melton** discussed with staff ABAG (Association of Bay Area Governments) and RHNA (Regional Housing Needs Allocation). **Trudi Ryan**, Planning Officer, said that there would be a related City Council Study Session in October.

**Comm. Hendricks** referred to an approved cell tower project that staff has had difficulty getting the applicant to satisfactorily meet the aesthetic conditions. He asked if there was anything the Commission could do to help staff with these types of projects. Staff said they would discuss it further and see if there are some suggestions. **Kathryn Berry**, Senior Assistant City Attorney, said a permit could be brought back before the approving body and be revoked or affirmed which would express the seriousness of the issue.

**Chair Larsson** discussed some of the interesting historical items he saw at the City Clerk's booth at the Sunnyvale Centennial Celebration. **Comm. Hendricks** acknowledged the hard work put in by the Heritage Museum, Laura Babcock and her team and former Mayor, Melinda Hamilton.

- STAFF ORAL COMMENTS

**City Council Meeting Report**

**Ms. Ryan** discussed Planning-related items considered by City Council at their August 14, 2012 meeting and Planning-related items that would be considered at the August 28, 2012 City Council meeting. She advised that Commission that the public hearing portion of the September 10, 2012 Planning Commission Meeting may be canceled. She advised that the Planning Commission would have a Joint Study Session with the City Council on November 20, 2012 regarding the Lawrence Station Area Plan.

**Other Staff Oral Report –**

**Kathryn Berry**, Senior Assistant City Attorney, discussed the Brown Act and said it was suspended on July 1, 2012. Ms. Berry advised that the Commission should be cautious and still adhere to the rules of the Brown Act. Ms. Berry discussed litigation against the City regarding park in-lieu fees.

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

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

Respectfully submitted,

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Trudi Ryan  
Planning Officer