



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
November 12, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

- 1. File #:** 2012-7114
Location: City-wide
Proposed Project: Consideration of Non-Residential Parking Requirements
Staff Contact: Diana O'Dell, (408) 730-7257
dodell@ci.sunnyvale.ca.us
Notes: (10 minutes)
- 2. Training** Status of SB375 One Bay Area Planning Process, including Draft Job-Housing Connection Strategy and Regional Housing Needs Allocation (RHNA)
Staff Contact: Trudi Ryan, (408) 730-7435
tryan@ci.sunnyvale.ca.us
Notes: (35 minutes)
- 3. Public Comment on** (5 minutes)
Study Session Agenda
Items
- 4. Comments from the Chair** (5 minutes)
- 5. Adjourn Study Session**

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Gustav Larsson; Commissioner Bo Chang; Commissioner Glenn Hendricks; Commissioner Arcadi Kolchak; and Commissioner Russell W. Melton; Commissioner Ken Olevson.

Members Absent: Vice Chair Maria Dohadwala (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Mariya Hodge, Associate Planner; and Deborah Gorman, Recording Secretary.

SCHEDULED PRESENTATION - none

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

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: **October 22, 2012**

ACTION: Comm. Hendricks moved to approve the Consent Calendar as amended. Comm. Kolchak seconded. Motion carried, 6-0, with Vice Chair Dohadwala absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2012-7531
Location: 636 West Fremont Ave.(APNs: 323-07-041 & 323-07-042)
Proposed Project: REZONE a 2.3-acre site from a mix of R-1 and R-2/PD zoning to a mix of R-0/PD and R-2/PD zoning;
TENTATIVE MAP to subdivide one lot into 18 single-family lots and one common lot; and
SPECIAL DEVELOPMENT PERMIT to allow development of 18 new single-family homes.
Applicant/Owner: Classic Communities, Inc. / District Advisory Board Northern California
Environmental Review: Mitigated Negative Declaration
Staff Contact: Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on 12/04/12.*

Comm. Melton and **Comm. Chang** disclosed that they had each met with the developer.

Mariya Hodge, Associate Planner, presented the staff report. She said the two documents provided on the dais as supplemental information are the acoustical analysis and comments from a member of the public.

Comm. Melton discussed with staff the effect of reducing the number of housing units proposed and on the Regional Housing Needs Allocation (RHNA) requirements and Below Market Rate (BMR) housing. Staff explained there would be no effect on the RHNA requirements and only a fractional effect on the BMR requirements. **Comm. Melton** discussed with staff the acoustical analysis and the history of current zoning of the property.

Comm. Kolchak discussed with staff the front setbacks of the existing homes on Cordilleras Avenue.

Comm. Hendricks asked staff about the elevation of the land and grading. Ms. Hodge said some grading may occur and the applicant may want to address the question. **Comm. Hendricks** discussed with staff the traffic from the private street. **Comm. Hendricks** confirmed with staff that a Homeowner's Association (HOA) would be established only for the homes on the private street. Ms. Hodge said the five lots on Cordilleras Avenue would be separate from the HOA and that an agreement would have to be made for the stormwater management requirements for the five lots. **Comm. Hendricks** discussed with staff sidewalks and streetlights for the proposed five homes along Cordilleras Avenue.

Chair Larsson commented about the stormwater management requirements and asked about the financial burden to maintain the requirements for the five properties. Staff discussed the issue and said the developer may want to comment.

Chair Larsson opened the public hearing.

Scott Ward, representing Classic Communities, the applicant, asked that the Planning Commission approve the development. He said their goal is to design a community that meets the need for the new home marketplace, that the project integrates well in the neighborhood and that the project is consistent with City Policy. He said they have fallen just shy of the consistency with City Policy which results in the need for the rezoning. He said this project is their lowest density project in Sunnyvale. He also noted that it is predominately a single story development. He said hopefully there is a demand for single story homes. He discussed the downzoning, the neighborhood support, and said they recognize the aggressive regional housing goals, and the need to carefully consider the implications of downzoning the property. He discussed the deviations and said there are three other R-2 (Low-Medium Density Residential) zoned developments near this site. He said they are pleased by the neighbors' response to the revised plans and appreciate the neighbors' support.

Comm. Melton said there is a lot to like about this project and expressed his concerns including the proposed Floor Area Ratio (FAR), front setbacks and privacy concerns with properties six through 11. Mr. Ward addressed the concerns. Comm. Melton discussed with the applicant the scale, bulk and character of homes in relation to the adjacent neighborhood as discussed in the City's Single-Family Design Guidelines.

Trudi Ryan, Planning Officer, clarified that the proposed FAR is a threshold requiring Planning Commission review and not a deviation or limit. Ms. Ryan commented about the FAR calculation and said the entire project is just under 45% FAR. She added that the site is zoned R-2 as opposed to the neighboring property which is R-1 (Low Density Residential).

Comm. Hendricks discussed with staff Attachment B, page 3, PS-1.a regarding front setbacks with staff confirming that the revised Conditions of Approval in the memo apply and that the project meets the minimum setbacks. Comm. Hendricks discussed the setbacks and sidewalks with Mr. Ward. Comm. Hendricks discussed the higher roof height of the single story homes, with staff and Mr. Ward confirming the higher roof height is consistent with the historic Craftsman architectural style. Comm. Hendricks asked if the ceilings were higher. **Don Ricci** with Dahlin Group, the architects, said that in several locations the ceilings are higher.

Chair Larsson thanked the applicant for their community outreach and for responding to the Planning Commission's concerns. Chair Larsson asked about the traffic concerns and Mr. Ward responded. Mr. Ward further discussed changes made as a result of the community input. Chair Larsson asked the applicant about the stormwater management for the homes on Cordilleras Avenue. Mr. Ward discussed a potential maintenance agreement for the five properties that was provided to staff. Chair Larsson further discussed the stormwater management scenarios with Mr. Ward.

Comm. Hendricks asked **Kathryn Berry**, Senior Assistant City Attorney, to comment about the stormwater management situation with the five homes on Cordilleras Avenue. Ms. Berry discussed other similar situations and possible scenarios including possibly a second HOA. Mr. Ward said he is not sure the five houses would qualify to have an HOA. Ms. Ryan said that staff would continue to work with the applicant on the issue so there is a mechanism in place and that the conditions are adequately written to assure that the issue would be resolved.

Comm. Olevson confirmed with the applicant that there would be a separate covenant for the five lots on Cordilleras Avenue.

Chair Larsson discussed with Mr. Ward the nature of the maintenance of the storm drain line.

Comm. Hendricks discussed with Mr. Ward the catch basin and storm water management system.

Patrick Grant, a member of the public, provided a handout to the Planning Commission. He said the process has been a challenge; however the applicant has been accommodating. He said his main concern is the streetlight and said he supports staff's position that no additional street lighting be added discussing ambient and spillage light. He discussed two additional lights on private poles on the corners of lots one and five.

Comm. Melton discussed with Mr. Grant that he does not support the "proposed" streetlights, but supports staff's recommendation. Ms. Ryan confirmed that condition PS-1.f says that the "plans shall be modified to eliminate the proposed new street light along Cordilleras Avenue."

Comm. Hendricks further discussed streetlights with Mr. Grant who said he is against excessive streetlights.

Art Saville, a member of the public, said when he first saw the proposed plans he was appalled, however with the revisions, he thinks the plans look good and thanked the applicant for the revisions.

Martin Landzaat, a member of the public, referred to Attachment I expressing his concern about the public school capacity and the effect of development. He said he does not feel the numbers in the attachment add up, expressing concern about overcrowded schools. Ms. Ryan discussed Attachment I, the 2011 Balanced Growth Profile, and that the numbers reflect capacity growth and not total capacity.

Comm. Hendricks discussed with Mr. Landzaat whether his concerns are about this specific development. Mr. Landzaat said he is more concerned about the cumulative effect of development however he feels like Attachment I does not apply to this project and is therefore misinformation in the report.

Chair Larsson discussed Attachment I with staff. Ms. Ryan said this project would potentially reduce the number of projected housing units that could be built on the site.

Comm. Melton discussed with the applicant and staff the 75% minimum permitted units for the zoning. Staff said the development exceeds the 75% minimum. Comm. Melton discussed with the applicant about possibly reducing the units by one. Mr. Ward explained why he would not want to give up a unit, including the economic impact to the project.

Chair Larsson closed the public hearing.

Comm. Hendricks moved for Alternative 1, to recommend to City Council to adopt the Mitigated Negative Declaration; introduce an Ordinance to Rezone 636 West Fremont Avenue from a mix of R-1 and R-2/PD zoning to a mix of R-0/PD and R-2/PD zoning;

and approve the Vesting Tentative Map and Special Development Permit with the attached conditions. Comm. Kolchak seconded the motion.

Comm. Hendricks said he is encouraged with the results of the applicant working with staff, the community and the Planning Commission's input. He thanked the members of public for coming to the meeting and for providing their comments and said he likes the process that has occurred. He said he thinks this will be a positive project for the community.

Comm. Kolchak said he appreciates the nextdoor neighbor's input who came and spoke in support of the project and gives credit to the developer for the outreach and for making changes to the project. He said initially he was concerned about parking on the private road; however after looking at the project he thinks the parking is adequate.

Comm. Hendricks clarified with staff that the motion includes making the findings for the Rezone and the Special Development Permit and not for the Tentative Map.

Comm. Olevson said that he did not like this project when he first saw it. He thanked the developer for conforming the project to staff's recommendations and existing code. He said the developer was willing to cut into the profit margin to conform the project and said the Planning Commission should approve the plans.

Comm. Chang said he could make findings, thanked the applicant for working with staff and the neighbors and said he looks forward to seeing the project completed.

Comm. Melton said he would not be supporting the motion. He said he thinks the developer has done a fabulous job at community outreach and thanked the members of the public for their input. He said there are many good things about the project however he cannot make the findings based on the Single Family Design Guidelines in regards to bulk and scale for lots six through 11, though he is looking forward to seeing this project come into fruition.

Chair Larsson said he could make the findings and thanked the applicant for the community outreach which resulted in meaningful changes. He said he appreciated the applicant's responsiveness to the Planning Commission's comments from the Study Session. He said the deviations are minor and may be larger because of the changes requested by the Planning Commission. He said the project is nice looking.

ACTION: Comm. Hendricks made a motion on 2012-7531 to recommend to City Council to adopt the Mitigated Negative Declaration; introduce an Ordinance to Rezone 636 West Fremont Avenue from a mix of R-1 and R-2/PD zoning to a mix of R-0/PD and R-2/PD zoning; and approve the Vesting Tentative Map and Special Development Permit with the attached conditions. Comm. Kolchak seconded. Motion carried 5-1, with Comm. Melton dissenting.

APPEAL OPTIONS: This recommendation will be provided to City Council and the project is scheduled to be considered at the Council meeting on December 4, 2012.

3. **File #:** 2012-7711
- Location:** 505 N. Mathilda Ave. (APNs: 165-42-002 & 165-42-005 – 009)
- Proposed Project:** **DESIGN REVIEW** for a modification to a previously approved application (2012-7070) to allow a fifth story on Building "D" and the redevelopment of an additional parcel for parking area. The additional story results in a total of 643,897 square feet of building area, and the additional parcel reduces the Floor Area Ratio of the combined site from 99% to 96%.
TENTATIVE MAP AND USE PERMIT to subdivide six industrial lots into four lots (individual buildings) and two common interest lots for parking, landscaping and amenities.
- Applicant/Owner:** Sequoia M & M LLC
- Environmental Review:** Mitigated Negative Declaration
- Staff Contact:** Ryan Kuchenig, (408) 730-7431, rkuchenig@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report. Ms. Ryan provided a correction regarding the project description.

Comm. Hendricks referred to Attachment D, page 2 and said there are two "Building Cs" shown on that plans. Staff confirmed that one of the buildings should be labeled Building D. Comm. Hendricks referred to Attachment B, page 3, condition GC-17 and discussed the Maximum Development Area and the possibility of capping the allowable maximum at 96% Floor Area Ratio (FAR). Ms. Ryan said that option is not available because this is a Design Review. Comm. Hendricks discussed the parking with staff.

Comm. Melton referred to Attachment B and asked staff about superseding conditions of approval. Ms. Ryan said all of the conditions from prior projects have been consolidated into this set of conditions. Comm. Melton discussed the shading study with staff.

Chair Larsson confirmed with staff that there are no deviations or variances proposed as the Design Review would not allow a deviation from a zoning standard. Chair Larsson discussed approval authorities if a new project were submitted for just this parcel. Staff commented that if this project had not recently been approved by Council that the modification would not have needed Planning Commission review and could have been approved by staff. Chair Larsson discussed with staff the LEED (Leadership in Energy and Environmental Design) Gold certification.

Kathryn Berry, Senior Assistant City Attorney, commented further about Design Reviews and the Planning Commission's purview.

Chair Larsson opened the public hearing.

Peter Larko, representing the applicant, said this project is largely the same as the recent project approved by City Council in June, 2012. He discussed the changes since the Council approval. He said they are close to signing a lease with LinkedIn Corp. and require the changes to accommodate LinkedIn's needs. He discussed the FAR, the parking, and the design integrity and said that the new construction would be certified LEED Gold.

Comm. Hendricks discussed with the applicant why the changes are needed. Comm. Hendricks asked staff if a condition could be added that if the applicant wants a greater FAR in the future that the review would need to come back to the Planning Commission. Ms. Ryan and the applicant indicated that would be an acceptable condition.

Chair Larsson discussed with Mr. Larko the possible construction timeframe. Mr. Larko said that the site might be fully operational in about 16 months. Chair Larsson discussed the trees and sidewalks with the applicant. Mr. Larko said they would work with staff and have no reservations about retaining trees.

Comm. Larsson closed the public hearing.

Comm. Hendricks moved for Alternative 2 to adopt the Mitigated Negative Declaration and approve the Design Review, Vesting Tentative Map, and Use Permit with modified conditions: to add to the conditions that if the applicant proposes additional development on the property that would exceed the current proposal for FAR that the proposal would need to come back to the Planning Commission for consideration. Comm. Melton seconded the motion.

Comm. Hendricks said he is enthusiastic about this project and does not like that the applicant had to come back for Planning Commission review. He said he likes the redistribution of the parking. Comm. Hendricks commented that he is shocked by the speed that applicant anticipates to complete the project and said go forth and get it done.

Comm. Melton said he is delighted to second the motion and that he thinks this will be a fabulous project for Sunnyvale. He said he is not surprised about the corporate changes and he is looking forward to seeing this project completed.

Comm. Olevson said he is impressed with the project, that the ratios are better, that this is a LEED Gold development and that the applicant already has people leasing the building. He said he thinks this project will benefit Sunnyvale.

Comm. Larsson said he would be supporting the motion. He said he thinks it is good that the jobs will be closer to Maude which is beneficial for public transit access and said this project will bring more people and pedestrians to the area. He said he thinks this is a wonderful project and he looks forward to seeing it up and running.

ACTION: Comm. Hendricks made a motion on 2012-7711 to adopt the Mitigated Negative Declaration and approve the Design Review, Vesting Tentative Map, and Use Permit with modified conditions: to add to the conditions that if the applicant proposes additional development on the property that would exceed the current proposal for Floor Area Ratio (FAR) that the proposal would need to come back to the Planning Commission for consideration. Comm. Melton seconded. Motion carried 6-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than November 27, 2012.

4. Select and Rank Potential 2013 Study Issues
(Public Hearing to allow public comment in the Council Chambers, Planning Commission action will take place in the West Conference Room following Information Only items.)

Chair Larsson said this is the portion of the public hearing for the public to comment about potential study issues for 2013. He said the actual Planning Commission ranking would take place later this evening in the West Conference Room.

Chair Larsson opened the public hearing.

Steven Askari, a member of the public, discussed the potential study issue regarding "Downtown Development Policies for Parking" requesting that the Planning Commission support the issue and rank it high.

Martin Landzaat, a member of the public, recommended a new potential study issue about the feasibility of a second high school back in Sunnyvale. He said it seems like Sunnyvale is underserved.

Chair Larsson commented that the deadline for the Planning Commission to suggest any new potential 2013 study issues has passed, however the City Council can still add items to the potential 2013 study issue list and said that Mr. Landzaat may want to address the Council on this issue.

Chair Larsson closed the public hearing.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan discussed Planning-related items considered by City Council at their October 30, 2012 meeting and discussed Planning-related items that would be considered at the November 13, 2012 meeting.

INFORMATION ONLY ITEMS

None

ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM

- Completion of Public Hearing Item 4 to **Select and Rank Potential Study Issues for 2013** *(Public Hearing is closed to public comment.)*

The Commission meeting adjourned at 10:00 p.m. and reconvened in the West Conference Room for Study Issue ranking at 10:10 p.m. The Planning Commission discussed the potential study issues, selected those to be considered, and ranked them in preference. The outcome of their ranking is shown in Attachment A.

ADJOURNMENT

With no further business, the Commission meeting adjourned 11:29 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer

Attachment:

- A. Selection and Ranking of Potential Study Issues for 2013

**PLANNING COMMISSION
SELECTION AND RANKING OF
STUDY ISSUES FOR 2013**

ATTACHMENT A

	STUDY ISSUE TITLE	Rank
CDD 13-07	Large Family Day Care Locational Requirements	1
CDD 13-08	Review General Plan Amendment Initiation Process	2
CDD 11-02	Downtown Development Policies for Parking	3
CDD 13-02	Consideration of useable open space in required front yards	4
CDD 13-03	Single-family Home Parking Requirements	5
CDD 13-04	R-3 Height Requirements (Non-townhouses)	6
ESD 13-05	Ecodistrict Feasibility and Incentives	7
CDD 13-12	Payday Lending Establishments	New item
ESD 12-03	Impact of Sea Level Rise on Land Use	Defer
DPW 13-13	Feasibility of Establishing a Community Animal Farm for Children at the Sunnyvale Landfill.	Defer
CDD 09-11	Review of the Housing Mitigation Fee	Drop
ESD 13-04	Extending and Monitoring TDM Program	Drop
DPW 13-06	Review of On-Street Parking at Private Residences in Order to Emphasize Bicyclists Needs	Drop
CDD 13-01	Appropriate Locations for Bicycle Parking	Removed
CDD 13-05	Accommodate Wireless Telecommunication Facilities in New Tall Buildings	Removed
CDD 13-06	Require In-lieu Fees for Art in Private Development for Mixed-use Projects	Removed
CDD 13-09	Sustainability Rating System	Removed