



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
November 26, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

- 1. Training** Transportation and Traffic Operations and Capital Projects
Staff Contact: Jack Witthaus, (408) 730-7330
jwitthaus@ci.sunnyvale.ca.us
Notes: (45 minutes)
- 2. Public Comment on** (5 minutes)
Study Session Agenda
Items
- 3. Comments from the Chair** (5 minutes)
- 4. Adjourn Study Session**

8:00 PM - Public Hearing – Council Chambers

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Gustav Larsson; Vice Chair Maria Dohadwala; Commissioner Glenn Hendricks; Commissioner Russell W. Melton; and Commissioner Ken Olevson.

Members Absent: Commissioner Bo Chang (excused); and Commissioner Arcadi Kolchak (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Christy Gunvalsen, Neighborhood Preservation Manager; Gerri Caruso, Principal Planner; Diana O'Dell, Senior Planner; Rosemarie Zulueta, Assistant 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: November 12, 2012

ACTION: Comm. Melton moved to approve item 1.A. Comm. Hendricks seconded. Motion carried, 4-0, with Vice Chair Dohadwala abstaining due to absence on November 12, 2012. Comm. Chang and Comm. Kolchak were absent.

- 1.B. File #: 2012-7739**
Location: 1335 Norman Drive (APN: 313-12-001)
Proposed Project: Design Review to allow a 53 square foot addition to an existing one-story single-family home resulting in a total square footage of 3,718 square feet and 39% Floor Area Ratio.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Shetal Divatia, (408) 730-7422, sdivatia@ci.sunnyvale.ca.us

ACTION: Comm. Melton moved to approve item 1.B. Comm. Hendricks seconded. Motion carried, 4-0, with Chair Larsson abstaining as he knows the applicant. Comm. Chang and Comm. Kolchak were absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** **2012-7646**
 Location: **1175 Willow Avenue (APN: 213-01-021)**
 Proposed Project: **SPECIAL DEVELOPMENT PERMIT to allow 16 townhouses**
 VESTING TENTATIVE MAP to create three residential lots
 with 16 condominium townhouses and one common lot.
 Applicant/Owner: Willow Avenue, Sunnyvale LLC / Joe Mendes et al
 Environmental Review: Mitigated Negative Declaration
 Staff Contact: Gerri Caruso, (408) 730-7591,
 gcaruso@ci.sunnyvale.ca.us

Gerri Caruso, Principal Planner, presented the staff report.

Comm. Melton asked staff about the setbacks. Staff discussed how Sunnyvale defines different types of “yards” e.g. front, side, rear, and how the applicant switched the side and rear setback requirement due to various constraints. Comm. Melton discussed with staff that the Fire Marshall accepted the proposed plan for Fire service, allowing a 24 foot wide drive aisle and any Fire service being provided by the Fire hose. Comm. Melton referred to page 10 of the report and discussed with staff the solar shadow study in relation to the daycare use on the adjacent property. Comm. Melton said the patios of Building 300 would have little sunshine with staff agreeing, adding that the patios provide private open space, that there is common open space and that these units do meet City requirements. Comm. Melton discussed with the staff the Mitigated Negative Declaration (MND) in regards to exterior and interior noise and that the exterior noise is in the conditionally acceptable range. Staff further discussed the MND, that there are both State and City noise requirements and that no mitigation is required for the exterior noise. Comm. Melton asked further about interior noise and the mitigation of mechanical ventilation and keeping doors and windows closed with Ms. Caruso saying it is not uncommon to approve this type of mitigation especially in multi-family type housing near transportation corridors.

Comm. Olevson asked staff further about the setback requirements and why it would be appropriate to violate a zoning requirement. Ms. Caruso explained that through the Special Development Permit (SDP) process the applicant can ask for deviations and with infill projects, staff believes the tradeoff to move buildings forward and incorporate other features of the project, e.g. pedestrian design, increased landscaping and open space that the tradeoff is acceptable. Ms. Caruso discussed features and constraints of the project and the proposed setbacks. Comm. Olevson discussed with staff about possibly reducing the number of units on the site to reduce the deviations. Comm. Olevson discussed with staff sidewalk areas on the interior streets, with staff discussing possible paving that would delineate walkways.

Comm. Hendricks discussed with staff the setbacks, the adjacent daycare site, and constraints of the proposed site. Comm. Hendricks referred to pages 9 through 14 of the report and discussed with staff that deviations are not like variances where findings must be met. Ms. Caruso discussed noise levels and policy. **Trudi Ryan**, Planning Officer, provided examples of setbacks on other narrow R-3 lots (Medium Density Residential) located in Sunnyvale.

Vice Chair Dohadwala discussed with staff that the interior decibel levels for residential noise are set by the State. Ms. Caruso explained that if the Commission approves the plans and adopts the MND that the applicant would be required to meet the mitigations for interior noise and would submit construction plans to the City.

Chair Larsson confirmed with staff that additional storage lockers are not required because the proposed units have private garages.

Comm. Hendricks referred to Attachment D, page 5 and discussed with staff the location of the centralized trash enclosure at the end of Building 200. Ms. Caruso said the Public Works staff felt this was the best location for the enclosure. Comm. Hendricks said it seems odd that the trash would be right by the entry driveway. Comm. Hendricks confirmed with staff that the project meets the off-street parking requirements. Comm. Hendricks commented that the garbage truck would block the driveway.

Chair Larsson opened the public hearing.

Michael Hooper, with Campus Properties, representing the applicant, introduced business partner **Robert Upton** and architect, **Robert Lee**. Mr. Hooper discussed the site and said that the Caltrain station is within walking distance. He commented about the constraints and challenges of the site including the proposed setbacks, and the adjacent property approved for a daycare. He said they believe the proposed project is a balanced solution. Mr. Hooper addressed the Commissioner questions about noise, solar shadow, and the Fire and Garbage truck access saying that the location of the centralized trash is what Public Works wanted. Mr. Hooper said the project initially was to include 18 units; however staff convinced them that 16 units would be a better fit. Mr. Lee discussed the specifics of the architecture and said that the intent of the design is to create a transit oriented development. He discussed the green belt walkways, different sides of project, and the adjacent daycare site in relation to the private yard spaces for Building 300. He said this project should be a catalyst for further residential in this area.

Comm. Melton discussed with Mr. Lee about possibly adding a condition requiring that the interior street between Building 100 and Building 200 be 26 feet wide instead of 24 feet. Mr. Lee explained that only units seven and 14 are not 26 feet apart and discussed possible modifications. Comm. Melton discussed decibel levels with Mr. Lee and possible ways to reduce noise.

Vice Chair Dohadwala commented to the applicant that this project design seems like a creative answer to challenges with the site. Vice Chair Dohadwala expressed her concern for the lack of sunlight available to the two center units in Building 300 and asked if skylights or solar tubes could be added. Mr. Lee discussed the possibility of adding skylights or solar tubes.

Comm. Hendricks said he is concerned about the solar shadow affect this project would have on the adjacent property with Mr. Lee addressing the concern. Comm. Hendricks discussed the centralized trash situation with Mr. Hooper and staff. Mr. Hooper also addressed setbacks and the impact to the neighboring property. Comm. Hendricks commented that he does not see why the centralized trash could not be located towards the back of the site. Comm. Hendricks discussed with Mr. Hooper the possibility of reducing the number of units to reduce deviations. Comm. Hendricks discussed with Mr. Hooper the entry ways for Building 300 and asked about possibly adding pavers to delineate where pedestrians should walk. Ms. Ryan commented that that possibly the trash enclosure could be moved to the north part of the site near Building 100; however it could result in the loss of a parking space.

Comm. Olevson discussed with Mr. Lee the setbacks and Building 100 in relation to the adjacent property owner expressing concern about the setbacks negatively impacting future uses of the adjacent property.

Comm. Hendricks commented that by granting the proposed setback deviations that the Planning Commission would probably not be able to grant the adjacent owners a similar setback deviation.

Comm. Melton discussed with Mr. Hooper parcelization and possibly being able to do more with the site if joined with another site. Mr. Hooper said they did contact the owner of the adjacent property early on; however it was sold to someone else.

Paul Melnyk, a member of public, said he is a nearby property owner and expressed concerns about the development height, parking, and too much being proposed for this space. He suggested cutting the project back to 12 units to alleviate the deviations. He discussed the daycare included in this residential area. Mr. Melnyk discussed the noise in the area and encouraged mitigation for interior noise. He asked the Commission to say no on this project.

Comm. Melton discussed the noise situation in the area with Mr. Melnyk saying there is a lot of noise.

Mr. Hooper said he thinks the proposed project balances the concerns as best can be balanced and he thinks the project complements the Aster Place development and fits in well.

Chair Larsson closed the public hearing.

Comm. Hendricks asked staff about Mr. Melnyk's parking concerns with staff addressing the parking specific to this development and stating that the proposed parking meets code. Comm. Hendricks confirmed with staff that daycares are encouraged in residential zones and that property owners cannot be forced to sell to achieve parcelization.

Comm. Hendricks moved for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: that the applicant work with staff to include pavers in the driveway to delineate the walkway areas for Building 300 and along the side of either Building 100 or 200; and for the applicant to work with staff to possibly move the centralized trash enclosure away from the entry to the north part of the site, however to not move the trash enclosure if it results in the loss of a parking space. Comm. Melton seconded the motion. Comm. Melton offered a Friendly Amendment that the interior drives be required to be 26 feet wide. Comm. Hendricks expressed concern about moving the buildings and discussed with staff the implications of the Friendly Amendment. After further discussion the Friendly Amendment was changed to require 26 feet between the buildings, not the drive aisles. The Friendly Amendment was accepted by the maker of the motion.

Comm. Hendricks said this is an infill project on a unique shaped lot. He said the architecture was discussed at study session and the project is close to transit. He said the biggest challenge is the setbacks and he thinks the tradeoffs are appropriate. He said he could make the findings. He said when looking at the project in totality this is a good project and should go forward.

Comm. Melton said his biggest concern is noise and ultimately not much can be done about that. He said he was concerned about the shading on part of the Building 300, however purchasers of those units will have to be aware of this. He thanked the member of the public for his comments. He said he likes the addition of the sidewalk and he is less concerned about the traffic due to the sidewalk and in knowing that there are steps that a citizen can work with City on if traffic concerns do come up.

Comm. Olevson said he is not convinced that the deviations are justified. He said he does not think these deviations are minor and said he would not be supporting the motion.

Vice Chair Dohadwala said this is a challenging site and she likes the project the way it is proposed. She said she would have supported the motion without the Friendly Amendment, however she would not be supporting the motion as it is.

Chair Larsson said he was going to support the motion until the Friendly Amendment was added and that he would rather keep the project the way it is and would not be supporting the motion.

Motion failed 2-3 with Chair Larsson, Vice Chair Dohadwala and Comm. Olevson dissenting.

Chair Hendricks moved for **Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: to add a condition that the applicant work with staff to include pavers in the driveway to delineate the walkway areas for Building 300 and along the side of either Building 100 or 200; and for the applicant to work with staff to possibly move the centralized trash enclosure away from the entry to the north part of the site, however to not move the trash enclosure if it results in the loss of a parking space. Chair Larsson seconded.**

Vice Chair Dohadwala said she is not in full agreement with moving the trash enclosure however she would be supporting the motion.

Vice Chair Dohadwala asked if she could make an amendment to require solar lighting in certain units. **Kathryn Berry**, Senior Assistant City Attorney, explained parliamentary procedure. Vice Chair Dohadwala moved to require that solar lighting be required in certain units. The motion died for lack of a second.

Comm. Melton thanked the member of public for attending and providing his input.

ACTION: Comm. Hendricks made a motion on 2012-7646 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: to add a condition that the applicant work with staff to include pavers in the driveway to delineate the walkway areas for Building 300 and along the side of either Building 100 or 200; and for the applicant to work with staff to possibly move the centralized trash enclosure away from the entry to the north part of the site, however to not move the trash enclosure if it results in the loss of a parking space. Chair Larsson seconded. Motion carried 4-1, with Comm. Olevson dissenting. Comm. Chang and Comm. Kolchak were absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 11, 2012.

3. **File #:** 2012-7113
Location: Citywide
Council Study Issue: Food Truck Location and Operation Requirements: A study to update the City's current regulations for food truck operations. *For more information visit FoodTrucks.inSunnyvale.com*
Environmental Review: Categorically Exempt Class 5
Staff Contact: Rosemarie Zulueta, (408) 730-7437, rzulueta@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on December 18, 2012.*

Rosemarie Zulueta, Assistant Planner, presented the staff report. She introduced **Christy Gunvalsen**, Neighborhood Preservation manager and said she was present to answer any questions. Ms. Zulueta provided minor edits to the ordinance (Attachment B) on the dais. She said, to date, staff has received 723 responses to the public survey.

Comm. Melton referred to page 7 of the report and discussed with staff that food trucks must use a commissary on a daily basis and that the County checks to make sure this requirement is being met. Comm. Melton discussed with staff other County and City regulations including that business licenses are not required to be displayed, but would need to be provided if requested. Comm. Melton discussed with staff how regulations would be under the new ordinance and that food trucks must comply with all roadway traffic signs.

Comm. Hendricks referred to page 11 of the report and discussed with staff the Murphy Station Heritage Landmark District and the recommendation to prohibit food trucks in this area. Comm. Hendricks suggested possibly including the street names as boundaries in the ordinance. **Trudi Ryan**, Planning Officer, said it may not be necessary as the City owns the property and could choose to not allow food trucks in this area.

Chair Larsson opened the public hearing.

Dan Hugo, a resident of Sunnyvale and member of the newly formed Bay Area Mobile Food Vendors' Association said he had some concerns about this study at first; however he said staff was accessible and alleviated his concerns. He said the Association offers its full support if the ordinance is passed and that they are available to provide feedback and assistance in the future.

Chair Larsson referred to Mr. Hugo's letter in Attachment I and asked Mr. Hugo about obstacles he might see and the request for more flexibility with special events. Mr. Hugo commented that the current recommendation in this final report has facilitated for smaller or medium sized mobile food vendor events so his concern has been addressed. He said some vendors are not sure whether or not to get a permit for special events. Mr. Hugo commented about the commissary requirement and said that the County Health Department does not usually check daily, but they could.

Chair Larsson closed the public hearing.

Vice Chair Dohadwala discussed with staff food trucks along El Camino Real (ECR). Staff said technically ECR is a State Highway, where food trucks are not allowed, though it functions more as a major arterial street. Ms. Zulueta said most of the small number of complaints about food trucks on ECR have been related to business complaints and the Department of Public Safety's (DPS) involvement has been minimal and successful at handling the situation. Ms. Ryan confirmed that staff is not recommending anything in the ordinance specific to ECR. Ms.

Gunvalsen added that as far as vending on ECR has been, if there is a need for DPS that the area of the Sunnyvale Municipal Code that it would pertain to would be the Public Nuisance section. Vice Chair Dohadwala asked what the reason was for prohibiting food trucks in the Murphy Station area. Ms. Zulueta explained that the Murphy Station area has constant pedestrian and vehicle traffic and there are a number of Council Policies specifically related to this area. **Kathryn Berry**, Senior Assistant City Attorney, added that the parking lots behind the Murphy Station area pay into the parking district so it would be unfair to allow food trucks in when they are not paying into the parking district. Ms. Berry said we cannot prohibit food trucks in Sunnyvale, however there is certainly room for a few trucks in other areas of Sunnyvale.

Comm. Melton moved for Alternative 2 and 3 to recommend to City Council to Introduce the proposed ordinance in Attachment B with modifications: to add to the ordinance a requirement for Food Truck operators to display their Sunnyvale Business License at all times; and to prohibit vending within all of Block 2, and not just within the Murphy Station Heritage Landmark District. To adopt the attached resolution (Attachment J, Fee Resolution) rescinding the Mobile Vendor Clean-up Deposit fee. Comm. Hendricks seconded.

Comm. Melton thanked the members of public and staff that participated in this study along the way. He said the health and sanitation issues are covered by the County and for the largest percent possible we would like the food trucks to have the same requirements as brick and mortar establishments. Food truck operators must have a business license with the City. He said, food trucks provide a service, and a good example of where food trucks are helpful is in the Moffett Park area. He said **Comm. Kolchak** said in a previous meeting that food trucks can activate a neighborhood and he agrees with this.

Comm. Hendricks thanked the public for their input. He said he would be supporting the motion because it brings clarity to the food truck situation.

Comm. Olevson thanked staff and said it is not often he supports adding regulations to businesses; however this reduces staff workload for these legitimate businesses. He said the outreach on this study was outstanding and he wholeheartedly supports the motion.

Vice Chair Dohadwala said she would be supporting the motion. She said the report helps clear up some of the perceptions about food trucks and problems are mitigated by the ordinance.

Chair Larsson said he would be supporting motion, and that he is excited about the new directions food trucks are taking. He said this provides clarity, and helps facilitate food trucks in Sunnyvale. He said food trucks fill gaps, and activate areas.

ACTION: Comm. Melton made a motion on 2012-7113 to recommend to City Council to Introduce the proposed ordinance in Attachment B with modifications: to add to the ordinance a requirement for Food Truck operators to display their Sunnyvale Business License at all times; and to prohibit vending within all of Block 2, and not just within the Murphy Station Heritage Landmark District. To adopt the attached resolution (Attachment J, Fee Resolution) rescinding the Mobile Vendor Clean-up Deposit fee. Comm. Hendricks seconded. Motion carried 5-0, with Comm. Chang and Comm. Kolchak absent.

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

The Planning Commission took a five minute recess at 10:25 p.m. and reconvened at 10:30 p.m.

- 4. File #:** 2012-7114
Location: Citywide
Council Study Issue: Consideration of changes to non-residential parking requirements, including number of spaces, dimensions, parking exceptions, and other special parking requirements.
Environmental Review: Negative Declaration
Staff Contact: Diana O'Dell, (408) 730-7257, dodell@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on December 18, 2012.*

Diana O'Dell, Senior Planner, presented the staff report. Ms. O'Dell clarified that staff is also recommending adoption of the Negative Declaration (ND).

Comm. Melton asked staff to comment on the “minimum and maximum numbers” of parking spaces mentioned in the report. Ms. O'Dell discussed the reasoning for recommending minimums and maximums. Comm. Melton discussed with staff, parking at Cherry Orchard.

Comm. Olevson discussed with staff hotel parking being based on an 80% occupancy rate. **Trudi Ryan**, Planning Officer, explained why hotel parking standards are based this rate. Comm. Olevson referred to Attachment A, page 23 parking lot dimensions, and page 24, a parking lot diagram and said he could not get the dimensions to come out correctly. Staff said that the table is incorrect and explained how it would be corrected. Ms. Ryan said that the word “feet” would be added to the table on page 23.

Comm. Hendricks confirmed with staff that the proposed changes are to design parking for the average times, not peak times. Comm. Hendricks asked why staff has included “maximum” numbers of parking spaces and would it be possible to simplify the requirements by removing the maximum numbers. Ms. O'Dell explained staff's reasoning for the maximum and that it might help developers design the most effective sites. Ms. O'Dell said that if the Commission chooses to not move forward with the idea of maximums that the rest of the policy would still apply. Comm. Hendricks referred to Attachment B, and asked about the Proposed Design Guidelines, and whether they are optional. Ms. Ryan said that guidelines are typically not mandatory, but are just short of mandatory. Comm. Hendricks said that the Guidelines are possibly making the Planning Commission's job harder due to constraints. Comm. Hendricks asked about outdoor seating and walkways. Comm. Hendricks referred to Attachment C, the Parking White Paper, and asked staff about peak parking and Child Care Parking rates. Ms. O'Dell said a parking management plan would address peak parking solutions. Comm. Hendricks referred to Attachment G and discussed with staff the survey results including the high percentage of respondents saying that there are not enough parking spaces.

Vice Chair Dohadwala referred to Attachment C and discussed with staff several sections of the White Paper including rates for bars and night clubs, and gas station and auto uses.

Chair Larsson discussed with staff further the parking requirement for auto uses, the downside of having extra parking, and what would happen if a use moves into a space that exceeds the parking requirement. Chair Larsson discussed with staff Traffic Demand Management as related to an applicant wanting to exceed the parking maximum. Chair Larsson said he appreciates the need for flexibility in the parking requirements.

Comm. Hendricks referred to Attachment H, page 5 and asked about shared parking and whether the requirements or tools could force neighbors to share parking. Ms. Ryan said the tool is that the guidelines acknowledge shared parking and experience has shown that users of property have been able to get these agreements. **Comm. Hendricks** said that infill development may not be able or want to share parking. **Vice Chair Dohadwala** commented that parking comes at a cost and it is hard to offer it especially considering liabilities and even if the sharing is good for the City there are other things that may negate the sharing of parking. Staff agreed. **Comm. Hendricks** said his concern is that shared parking is being considered a mitigation technique and strategy. **Vice Chair Dohadwala** said if a use can't secure the parking, it cannot be located at the site.

Chair Larsson opened the public hearing.

Paul Melnick, a member of the public, discussed his concerns about the guidelines including the parking being based on the average rather than the peak, parking overspill to other properties, and compact spaces. He said the City should plan for scooters, motorcycles and bicycles, address narrow parking spaces, and the abundance of handicap parking spaces.

Chair Larsson confirmed with staff the handicapped parking rates are determined by the State and are part of the Building Codes.

Chair Larsson closed the public hearing.

Comm. Hendricks asked his fellow Commissioners if any of them would be interested in removing the parking maximums. **Comm. Olevson** said he agrees we ought to have minimums, but a maximum ought to be determined by the landowner. **Vice Chair Dohadwala** said she would like to keep the maximum requirements. **Comm. Olevson** said his feeling is that having a maximum, limits what businesses could come into the City and we should let businesses decide what they need. **Comm. Melton** said he thinks the City staff has hit it right in terms of the concept of a maximum so he would support keeping the maximum. **Chair Larsson** said he supports concept of a parking maximum and the opportunity for business to justify why they need parking more spaces is available through a described City process.

Vice Chair Dohadwala said we are fine tuning a lot of the parking requirements and asked if the guidelines would make it difficult for new businesses. Ms. O'Dell said staff did consider the reuse of spaces and the flexibility is factored in and the minimum and maximums are for new construction. **Vice Chair Dohadwala** discussed with staff that the increase in population was also factored into the guidelines.

Comm. Melton moved to recommend to City Council to adopt Alternatives 1, 2 and 3: to Introduce an Ordinance repealing the current parking code and providing revised parking requirements (Attachment A). This ordinance includes information in Table 1.1, 1.2, 3.1, and 4.1; Repeal Resolution #193-76 (standards on parking surfaces, drainage, lighting and wheel stops.); and Approve amendment to the Citywide Design Guidelines addressing parking lots and circulation; and a modification to recommend that the City Council adopt the Negative Declaration. **Vice Chair Dohadwala** seconded the motion.

Comm. Melton said the outreach was comprehensive. He said the discussion of minimums and maximums were good. He said the study issue was launched to make Sunnyvale more competitive and he thinks the greater good is achieved with the maximums. He said he likes the guideline idea and can make the findings and supports adopting the ND.

Comm. Hendricks said he has a few concerns however that they do not override the good that would be done here. He said these guidelines and ordinance are trying to improve pedestrian

and bike access and will require some behavioral changes. He said even though he has concerns he will be supporting the motion. He said he thinks there is time and opportunity to see this enacted and there will be changes to it and that this is a good first step.

Comm. Olevson said he would be supporting the motion. He said he has some concerns, however this has overall value and he likes the customization of parking by business types. He said the City is moving towards best practices with parking and these plans make Sunnyvale more competitive.

Chair Larsson said he would be supporting the motion and that he likes the white papers. He said there will be a need for behavior change and as the world goes more online parking is affected. He said this proposal lays out a vision and the design guidelines are not requirements. He said the parking minimums and maximums are suggestions and provide direction. Chair Larsson asked staff about enforcement mechanisms of parking management plans with Ms. Ryan saying they would be enforced like any other condition of approval.

ACTION: Comm. Melton made a motion on 2012-7114 to recommend to City Council to adopt Alternatives 1, 2 and 3: to Introduce an Ordinance repealing the current parking code and providing revised parking requirements (Attachment A). This ordinance includes information in Table 1.1, 1.2, 3.1, and 4.1; Repeal Resolution #193-76 (standards on parking surfaces, drainage, lighting and wheel stops.); and Approve amendment to the Citywide Design Guidelines addressing parking lots and circulation; and a modification to recommend that the City Council adopt the Negative Declaration. Vice Chair Dohadwala seconded. Motion carried 5-0, with Comm. Chang and Comm. Kolchak absent.

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

5. **Subject: Annual Review of Code of Ethics**

Trudi Ryan, Planning Officer, explained that the City Council and the Boards and Commissions review the Code of Ethics annually.

Comm. Hendricks said the Commission has reviewed the document and **moved to wholeheartedly approve the Code of Ethics as written. Comm. Melton seconded the motion.**

ACTION: Comm. Hendricks made a motion to whole-heartedly recommend to City Council to approve the Code of Ethics as written. Comm. Melton seconded. Motion carried 5-0, with Comm. Chang and Comm. Kolchak absent.

APPEAL OPTIONS: This recommendation will be provided to City Council

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Hendricks discussed with staff possible actions that that Planning Commission might take to help support staff in attaining compliance from a cell tower carrier that is currently not meeting the aesthetic requirements including possible revocation their permit.

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan discussed Planning-related items considered by City Council at their November 13, 2012 and November 20, 2012 meetings.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

With no further business, the Commission meeting adjourned 11:49 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer