



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
February 25, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. **File #:** 2011-7070
Location: City-wide
Proposed Project: Comprehensive Sign Code Revisions (Study Issue)
Staff Contact: Andrew Miner, (408) 730-7707
aminer@sunnyvale.ca.gov
Notes: (45 minutes)
2. **Public Comment** on Study Session Agenda Items (5 minutes)
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 Bo Chang; Commissioner Glenn Hendricks; Commissioner Arcadi Kolchak; Commissioner Russell W. Melton; and Commissioner Ken Olevson.

Members Absent: none.

Staff Present: Gerri Caruso, Principal Planner; Kathryn Berry, Senior Assistant City Attorney; Shaunn Mendrin, Senior 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: February 11, 2013

ACTION: Comm. Melton moved to approve the Consent Calendar. Comm. Kolchak seconded. Motion carried, 6-0, with Comm. Chang abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2012-7625
Location: 1165 East Arques Ave. (APN: 205-24-013)
Proposed Project: Use Permit for new fitness center, a 45,000 square foot building, including parking and landscaping.
Applicant/Owner: Kenneth Rodrigues & Partners / Twc Storage LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, (408) 730-7429,
smendrin@sunnyvale.ca.gov

Shaunn Mendrin, Senior Planner, presented the staff report. Mr. Mendrin discussed a revised data table and Conditions of Approval that were provided on the dais. Mr. Mendrin discussed the magnolia trees on the property providing clarification about two trees in questionable health.

Comm. Melton discussed with staff the revised renderings of the project provided on the dais with staff explaining the changes that have occurred since the study session on January 11, 2013. Comm. Melton discussed with staff the “flag pole” portion of the property that connects the site up to Kern Ave. Comm. Melton discussed the traffic circulation for the site commenting about the difficulty in turning left onto the site from E. Arques Ave. Mr. Mendrin commented about a left hand turn pocket on E. Arques Ave. adding that the traffic study did not note any major traffic issues.

Comm. Olevson said that at the study session the Commission expressed concerns about the west driveway and that drivers exiting the rear parking area are going counter to the parking space markings. Mr. Mendrin said the proposal is for a two-way drive aisle so the parking space striping would have to be adjusted.

Comm. Hendricks asked further about the parking space striping and the west driveway. Mr. Mendrin discussed possible options for the driveway and parking including that this could be a one-way drive aisle. Comm. Hendricks discussed with staff if approving this project would require a neighboring property to reconfigure their parking. Mr. Mendrin said the applicant can be required to try and work with the neighbor, or the area could become a one-way drive aisle. Comm. Hendricks discussed with staff the “flag pole” section of the site and the possibility of adding a sidewalk. Comm. Hendricks referred to Attachment D, site plan A1 and expressed concern about the traffic flow. Comm. Hendricks discussed with staff the requirement of a shared parking agreement with the property to east. Staff said that the property to the east is currently owned by Dollinger Properties and that the parking agreement would be recorded on the title of the property in case of a future change in ownership. Comm. Hendricks referred to Attachment C, page 14 and discussed traffic with staff explaining that the Mitigated Negative Declaration indicates that the project did not generate enough trips to trigger the need for any additional traffic mitigation. Comm. Hendricks discussed with staff the middle turn lane on E. Arques Ave. and signage for the site.

Chair Larsson discussed with staff access from E. Arques Ave., the existing median on E. Arques, and a new joint driveway to the west. Chair Larsson commented about the driveway to the north to Kern Ave. and asked about the possibility of adding on-site directional signage to help with the traffic flow. Mr. Mendrin agreed that directional signage for on-site traffic flow would be a good idea and said that it could be included in the parking management plan.

Chair Larsson opened the public hearing.

Scott Athearn, with Dollinger Properties representing the applicant, discussed the project. He said they are taking a vacant site and improving it. He said Dollinger Properties also owns the property to the east on the corner and said the proposed project would supplement their existing properties.

Comm. Melton acknowledged the modifications made by the applicant to the aesthetics of the project as a response to the Commission's comments at the study session. Comm. Melton discussed his concerns about traffic flow specifically left turns on E. Arques Ave. Mr. Athearn discussed traffic and the driveways and said they would make the west driveway one-way so the neighbor would not need to reconfigure the parking spaces. Comm. Melton asked staff and the applicant about funding for a middle pocket left turn lane and whether Traffic Impact Fees (TIFs) could be designated for this. Mr. Mendrin said the TIFs can only be used for projects identified in the City Congestion Management Plan suggesting other options to improve the traffic flow. Comm. Melton asked Mr. Athearn about the "flag pole" property. Mr. Athearn said Dollinger Properties is buying the "flag pole" property, commenting that it is about 30 feet wide and is wide enough for two lanes of traffic. Comm. Melton asked about adding sidewalks with Mr. Athearn that this area is only wide enough for two lanes of traffic.

Comm. Hendricks commented about better accessibility for pedestrians and bicyclists also, and asked Mr. Athearn further about including a sidewalk on the "flag pole" property. Comm. Hendricks asked Mr. Athearn about the angled parking, changes made to the buildings since the study session, and his concerns about access to the property. Comm. Hendricks said overall he likes the project; however there is no easy access. He said that he would be irritated by the traffic flow. Comm. Hendricks asked Mr. Athearn if he would be opposed to continuing this item and for staff, including Traffic staff, to look more at the traffic alternatives. Mr. Athearn said, due to time constraints regarding the purchase of the property, that he would ask that the Commission provide an answer this evening and possibly include in the conditions that the applicant work with staff to address the Commission's traffic concerns.

Comm. Olevson said he likes this project; however he shares the concerns about traffic, commenting that the site is so close to Lawrence Expressway that possibly allowing right turns only onto the site, might be the only viable option. Comm. Olevson discussed the driveway out onto Kern Ave. He said he is in favor of the Commission proceeding this evening with a decision subject to staff looking further at the traffic.

Mr. Athearn said he thinks this project is an added asset to the City and a nice project for this site. He said they would continue to work with staff on the concerns.

Comm. Hendricks asked Mr. Athearn if he would object if the "flag pole" driveway onto Kern Ave. was an exit-only drive. Mr. Athearn said they would not object if that helps.

Chair Larsson closed the public hearing.

Comm. Melton asked Mr. Mendrin what modifications could be made to the conditions to address the Commission's traffic concerns. Mr. Mendrin suggested the following modifications: to modify BP- 21.e to provide adequate signage to direct traffic to the north and southbound traffic flow and for pedestrian safety; to modify condition PS-1.f for the applicant to work with staff to determine the feasibility of having a one-way drive aisle on Arques eliminating any left hand turns off the site onto E. Arques resulting in the traffic flow onto Arques being all right turns; and for the applicant to work with staff to look at the feasibility of an exit-only or one-way drive aisle to Kern Ave. from the 1165 E. Arques site (as long as the exit-only does not conflict with any existing easements).

Vice Chair Dohadwala asked the Commissioners to discuss the advantage of having the “flag pole” exit to Kern Ave. as an exit-only versus a two-way drive aisle. Comm. Olevson discussed that the exit-only to Kern Ave. provides a more circular traffic flow with less congestion. Comm. Olevson said that exits out of the site on to Arques would only be allowed to turn right. Vice Chair Dohadwala said she does not see the advantage of a one-way drive aisle. Staff further discussed traffic flow with a possible one-way drive aisle. Chair Larsson said he does not think Kern Ave. would be an attractive entrance and discussed traffic flow and why the one-way aisle might be preferable. Vice Chair Dohadwala said she thinks a one-way drive aisle would reduce the use of this area. Mr. Mendrin further discussed traffic flow options.

Comm. Hendricks said this conversation is why he asked if the decision for this project might be continued until Traffic staff could further look at this site and traffic flow. Comm. Hendricks discussed the unusual traffic situation with this project. He said he thinks we are trying to convince ourselves that the traffic pattern is going to be okay. He said there is also a Class A Office building being built down the street and that he is concerned about the impact of the multiple projects. He said it is unfortunate that the applicant needs an answer now.

Comm. Kolchak commented that there is a sign on the existing driveway that says “Emergency Vehicles Only.” He commented that even with adequate signage some people violate the directional signage and that he can see a lot of issues with traffic.

Chair Larsson discussed with staff emergency access only and dividers or road surface that could be used to help limit the area to emergency vehicles. Mr. Mendrin said that he would need to talk to the Fire Safety Division and that the conditions could include looking further at dividers as an option for emergency vehicles.

Comm. Hendricks asked staff about deferring this item to the next Planning Commission meeting. **Gerri Caruso**, Principal Planner, said the next agenda is very full however it is possible.

Comm. Melton moved to continue this item to the March 11, 2013 Planning Commission meeting. The motion died for lack of a second. Comm. Melton re-motivated to continue this item to March 11, 2013 as Vice Chair Dohadwala wanted to second the motion. Vice Chair Dohadwala seconded the motion.

Comm. Melton said that from a traffic standpoint, the Commission does not have enough information to make a decision and this continuance is to allow time for Traffic staff to look at this project one more time and provide the needed information.

Vice Chair Dohadwala said the Commissioners are not traffic experts and it is important to not cause traffic issues for area. She said she would like direction from the Traffic staff on what should be supported traffic-wise for this site.

Chair Larsson said he would not be supporting the motion as he thinks enough direction has been given to staff. He said traffic will be problematic for whatever use goes is on this site and said that he thinks purchasing the flag lot portion is good. He said users will figure out the best way to get in and out of the site. He said it is the applicant's concern whether users will frequent the site. He said he is okay with proceeding with staff having another look and not coming back to the Planning Commission.

Comm. Chang said he would not be supporting the motion. He said the traffic study has been completed and traffic concerns can be reviewed by staff and traffic staff through modifications to the conditions of approval.

Comm. Olevson said he would not be supporting the motion. He said the applicant has incorporated the different concerns from the study session including moving the building back, adding features to the blank walls and parking. He said traffic issues and finalizing signage can be addressed by staff.

Comm. Kolchak said he would not be supporting the motion. He said he echoes Chair Larsson, Comm. Chang and Comm. Olevson's comments.

Comm. Hendricks said he would be supporting the motion.

The motion failed 3-4 with Chair Larsson, Comm. Chang, Comm. Kolchak and Comm. Olevson dissenting.

Comm. Hendricks moved for Alternative 2, to adopt the Mitigated Negative Declaration and Use Permit with modified conditions (with Traffic related modifications to be reviewed by Traffic staff): to modify condition BP-21 to include measures for directional signs for the entry driveways and onsite circulation; to modify PS-1.f to include that staff review the possibility of limiting the shared driveway on the property adjacent to the west as a one-way inbound driveway only; for staff to consider the project driveway that exits on to Kern Avenue to be a one-way outbound driveway only and if possible to consider an onsite sidewalk and bike lane for this driveway; and that Traffic staff look at the overall traffic for this site and also look at the traffic within the context of the Class A office space in development in the same block. Comm. Kolchak seconded the motion and offered a Friendly Amendment for staff to review and mitigate the Public Safety left turn access entering the site from Arques Avenue.

Comm. Hendricks said the Commission spent almost no time on the architecture this evening which is an indicator that we are pleased at the response of applicant to our concerns discussed in the study session. He said overall he thinks this is a great project. He said we did not talk about traffic in the study session. He said it is difficult that the applicant cannot wait for additional Traffic staff review; however the traffic will be looked at again. Mr. Mendrin confirmed that if issues come up in the review that the project can be brought back to the Planning Commission.

Comm. Kolchak said that he thinks this is a great project and that the applicant took into consideration the comments made at the study session. He said he wishes traffic had been brought up at study session.

Comm. Olevson said he would be supporting the motion. He said he is anxious for this project to proceed. He said this use will be a good place for people to burn off energy. He encouraged the Commissioners to approve the motion subject to the conditions of approval. He said with further review of the traffic issues he thinks this project will move forward needing only minor adjustments.

Vice Chair Dohadwala said she would be supporting the motion. She said she believes traffic in this area is an important issue for the applicant and the City to address. She said she would have liked to see this item continued for additional traffic information however she will depend on staff for their advice.

Comm. Melton said he would be supporting motion to approve the project. He said a lot of time was spent on traffic and not much said about the other positive aspects of the project. He said he appreciates the applicant listening to the Commission's input at study session and he wishes the applicant the best for the project.

Chair Larsson said he would be supporting the motion, adding that he can make the findings listed. He said this is a great project and an attractive building and that he likes that it is close to the street. He discussed other features of the project that he likes and said this use will add some excitement to street.

ACTION: Comm. Hendricks made a motion on 2012-7625 to adopt the Mitigated Negative Declaration and Use Permit with modified conditions (with Traffic related modifications to be reviewed by Traffic staff): to modify condition BP-21 to include measures for directional signs for the entry driveways and onsite circulation; to modify PS-1.f to include that staff review the possibility of limiting the shared driveway on the property adjacent to the west as a one-way inbound driveway only; for staff to consider the project driveway that exits on to Kern Avenue to be a one-way outbound driveway only and if possible to consider an onsite sidewalk and bike lane for this driveway; that Traffic staff look at the overall traffic for this site and also look at the traffic within the context of the Class A office space in development in the same block; and for staff to review and mitigate the Public Safety left turn access entering the site from Arques Avenue. Comm. Kolchak seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than March 12, 2013.

Staff requests continuance of Agenda Items 3, 4 and 5 to the March 11, 2013 Planning Commission meeting.

Chair Larsson said that Agenda items 3, 4 and 5 would be handled together as staff is requesting a continuance to March 11, 2013.

3. **File #:** 2012-7990
Proposed Project: Discussion and Possible Action on: General Plan and Downtown Specific Plan (DSP) Amendments for property along the north side of Evelyn Avenue from Mathilda Avenue to just east of Marshall Avenue; and, introducing ordinances for related zoning code amendments and related property rezoning:
- Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5;
 - Expand the DSP boundaries to include up to 9 parcels and establish new DSP Blocks;
 - Amend General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP and General Plan land uses including Transit Center, Mixed Use, and Residential Medium Density up to Residential Very High Density Residential (up to 65 dwelling units per acre);
 - Establish land use, density and development standards for properties annexed into the DSP, including Transit Center, Mixed Use and Residential;
 - Establish streetscape standards for Evelyn Avenue; and,
 - Rezone properties in accordance with Downtown Specific Plan or General Plan designation.
- Applicant/Owner:** Prometheus Real Estate Group / Evelyn Ave. Associates
Environmental Review: Mitigated Negative Declarations
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov
Notes: *Continue to the March 11, 2013. Scheduled to be considered by City Council on March 19, 2013.*
4. **File #:** 2012-7462
Location: 457 - 475 E. Evelyn Avenue (APNs: 209-04-053 & 054):
Proposed Project: Special Development Permit to allow a 158-unit apartment building.
 Vesting Tentative Map to allow a merger of two lots.
Applicant/Owner: Prometheus Real Estate Group / Evelyn Ave. Associates
Environmental Review: Mitigated Negative Declarations
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov
Notes: *Continue to the March 11, 2013. Scheduled to be considered by City Council on March 19, 2013.*

5. **File #:** 2012-7460
Location: 388 – 394 E. Evelyn Avenue & 151-153 S. Bayview Avenue
 (APNs: 209-05-019, 020, 021, & 022):
Proposed Project: Special Development Permit to allow a 67-unit apartment building.
 Vesting Tentative Map to allow a merger of four lots.
Applicant/Owner: Prometheus Real Estate Group / Des Nolan
Environmental Review: Mitigated Negative Declarations
Staff Contact: Ryan Kuchenig, (408) 730-7431,
rkuchenig@sunnyvale.ca.gov
Notes: *Continue to the March 11, 2013. Scheduled to be considered by City Council on March 19, 2013.*

Gerri Caruso, Principal Planner, said staff is requesting continuance of Agenda Items 3, 4 and 5 as preparation for Agenda Item 3, which is primarily policy, took longer than expected and the two development reports (Agenda Items 4 and 5) are related to Agenda Item 3. She said the continuance of these three items to the March 11, 2013 Planning Commission does not affect the Council date and the three items are still scheduled to be considered by City Council on March 19, 2013.

Comm. Hendricks asked staff about the three items and why the policy (rezone) and related development items are considered at the same time. He asked in theory, if the Commission voted “no” on the zoning change, would we consider the other two agenda items. Ms. Caruso said typically staff is responding to the applicant’s needs to keep the projects moving by considering them at the same meeting. She said even if the Commission denied the rezoning and policy, the Commission is providing recommendation on these policy items to Council and the project would still move forward with Council being the final decision maker. Comm. Hendricks said it is disconcerting to him to consider legislative items and related development projects at the same meeting and wonders what the urgency is.

Kathryn Berry, Senior Assistant City Attorney, commented that the legislative decisions are recommendations to City Council. She said the Commission’s comments are appreciated and that after rezones are approved by City Council that they do not actually take effect for 30 days. She said the projects could be spaced out more, or you could assume that the City Council would make the legislative decisions one way or another and vote on the projects providing your recommendation to Council.

Vice Chair Dohadwala moved to continue Agenda Items 3, 4 and 5 to the March 11, 2013 Planning Commission meeting. **Comm. Melton** seconded the motion.

ACTION: Vice Chair Dohadwala moved to continue Agenda Items 3, 4 and 5 (Projects 2012-7990, 2012-7462 and 2012-7460, respectively) to the March 11, 2013 Planning Commission Meeting. **Comm. Melton** seconded. Motion carried 7-0.

APPEAL OPTIONS: This action serves as the legal notification of the continuance of these items to the March 11, 2013 Planning Commission meeting.

6. Standing Item Potential Study Issues

Comm. Hendricks asked about adding a potential study issue to consider whether development related projects should be considered at the same public hearing as the related policy reports. Staff said a study issue paper would be written and provided to the Planning Commission for consideration at a future meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Gerri Caruso discussed Planning-related items considered at the February 12, 2013 City Council meeting and Planning-related items to be considered at the February 26, 2013 City Council meeting.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

With no further business, the Commission meeting adjourned 9:41 p.m.

Respectfully submitted,

Gerri Caruso
Principal Planner