



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
March 11, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

**7:15 PM – Special Start Time
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: (30 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; Hanson Hom, Director of Community Development; Ryan Kuchenig, 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: February 25, 2013

ACTION: Comm. Melton moved to approve the Consent Calendar. Comm. Hendricks seconded. Motion carried, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. File #:** 2013-7007
Location: 701 Dartshire Wy. (APN: 309-13-045)
Proposed Project: Design Review to allow the construction of a first-story addition with a floor area ratio of 26.3% (approximately 4,450.5 square feet of floor area).
Applicant/Owner: Mark and Heather Russell
Environmental Review: Categorically Exempt Class 1
Staff Contact: Elise Lieberman, (408) 730-7443, elieberman@sunnyvale.ca.gov

Gerri Caruso, Principal Planner, presented the staff report.

Chair Larsson opened the public hearing.

Mark Russell, applicant, discussed the proposal and said from a design standpoint they have tried to be respectful of the neighbors, discussing the hip-roof style which is less massive. He said he is available to answer questions.

A neighbor asked about the location of the addition, which is on a portion of land that the applicant acquired that is between his house and the applicant's house. He said several years ago he was told that this portion of the land could not be built on due to something that was beneath the ground, possibly utilities. He asked if staff could clarify whether the portion of land could be built on. Ms. Caruso said prior to the issuance of building permits, a plan check would verify whether there are utilities or easements that might prevent building on the portion of land, and if so the design might need to be altered.

Mr. Russell provided clarification about the portion of land that the neighbor asked about. He said that during the City abandonment process, City staff identified that the southern portion of the property would require a public utility easement which was granted to address that concern.

Comm. Hendricks confirmed with the applicant that the public utility easement is on the south side of the drive and that he understands that if there were any issues regarding the easement that they would have to address those issues.

Chair Larsson closed the public hearing.

Comm. Melton moved for Alternative 1 to approve the Design Review with the conditions in Attachment B. Vice Chair Dohadwala seconded the motion.

Comm. Melton thanked Mr. Russell and the neighbor for their input. He said he thinks this is a fabulous project in a beautiful neighborhood with a uniquely shaped property due to City land abandonments. He said he looks forward to seeing the addition.

Vice Chair Dohadwala said this is a large lot that can have a large home on it. She wished the applicant the best with the project.

Comm. Olevson said he would be supporting the motion and said he was impressed how well the project fits in the neighborhood. He said this was underutilized land and this will be a nice addition to an attractive home with nice landscaping, which does not overwhelm. He said the architecture blends well with the Eichler style and other architecture in the neighborhood.

Comm. Hendricks said he would be supporting the motion and that he could make the findings. He said the only reason this project is being considered by Planning Commission is because the square footage of the proposed home passed a threshold that requires Planning Commission review. He said the applicant's proposal is respectful of nearby neighbors and properties.

Comm. Kolchak said he would be supporting the motion as there are no issues with this project. He said the project blends nicely with the community.

Chair Larsson said he would be supporting the motion as there are no deviations with this single-story addition. He said the fence height should prevent any privacy issues.

ACTION: Comm. Melton made a motion on 2013-7007 for Alternative 1 to approve the Design Review with the conditions in Attachment B. Vice Chair Dohadwala seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than March 26, 2013.

Chair Larsson said the presentations and discussions of Agenda Item 3 (Project 2012-7990), Item 4 (Project 2012-7460) and Item 5 (Project 2012-7462) would be heard together as they are related projects. (The motions were provided separately for the three projects.)

- 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:** ***Continued from February 25, 2013. Scheduled to be considered by City Council on March 19, 2013.***

Comm. Melton, Comm. Chang, Comm. Kolchak and Chair Larsson disclosed that they had spoken to, or met with the applicant at different times regarding the projects.

Ryan Kuchenig, Associate Planner, presented the staff report for project 2012-7990. He said supplemental information related to all three projects has been provided on the dais including a memo from staff with a letter from the applicant and emails and letters from interested parties.

Mr. Kuchenig presented the staff report for project 2012-7460 providing several modifications and recommended modifications to the conditions of approval including: modifying condition GC-9 allowing 67 apartment units based on revised calculations; modifying condition BP-23.b revising number of the guest parking spaces to a minimum of 12 and maximum of 35; and reducing the required storage per unit from 300 cubic feet to 200 cubic feet for the one-bedroom

apartments only. Mr. Kuchenig said that staff cannot offer expedited permit review as the applicant requested in the letter on the dais.

Mr. Kuchenig presented the staff report for 2012-7462. He said staff is recommending modifying condition BP-23.b that a minimum of 28 spaces to a maximum of 84 spaces be required for guest parking.

Chair Larsson asked about the California Density Bonus Law. **Kathryn Berry**, Senior Assistant City Attorney, provided a summary of the California Density Bonus Law.

Vice Chair Dohadwala referred to the Mitigated Negative Declaration (MND) for all three reports and discussed with staff the project descriptions.

Comm. Olevson discussed with staff the proposed changes to the zoning commenting that he approaches zoning changes with great caution. He discussed with staff the amending of the downtown boundaries, streetscape requirements, the current process for changing zoning, and what standards the proposed sites would be subject to. Comm. Olevson referred to page 7 of the report for project 2012-7990 and discussed different sites listed and conformance or compatibility with the zoning. Comm. Olevson commented that in this case the request is to change the zoning for a prospective project, with staff saying it was a directive from Council.

Comm. Melton said that the MND applies to all three projects this evening commenting that depending on which project, that he read the MND from a different view point. He discussed the MND with staff with Ms. Berry saying that the MND could be adopted by City Council, yet Council might not approve a related project. Staff confirmed that if Council does not adopt the MND that Council would not be able to take action on anything related that follows. Comm. Melton asked about the noise component of the MND. Comm. Melton asked about the Balanced Growth Profile in Attachment I of project 2012-7990. **Hanson Hom**, Director of Community Development, provided a summary of the Balanced Growth Profile confirming that it is a long term balancing tool for the City.

Comm. Hendricks outlined the policy piece of the projects with staff confirming that he provided a good summary of the policy specific proposals. Comm. Hendricks discussed the mixed use component with staff and added that the area should be both an on-boarding area for Caltrain and a destination location. He discussed with staff whether the proposed policy changes are where we want to be down the road or do we want to preserve some of the zoning, possibly the office zoning. Mr. Hom commented that staff recommends the flexibility of mixed use zoning, however the Commission could recommend to keep the area zoned for office. Comm. Hendricks asked why the City is not looking at the north side of the tracks also. Mr. Hom said that the areas included in tonight's projects make a logical boundary for the Downtown Specific Plan (DSP).

Comm. Olevson referred to page 15 of report 2012-7990 and asked staff if the increased taxes would support the needs for services that new residential would require. Mr. Kuchenig said no comprehensive analysis has been completed. Comm. Olevson asked about the CEQA (California Environmental Quality Act) analysis. Staff discussed the CEQA analysis and also the density bonuses and how they were calculated. Comm. Olevson asked about park service for the new residents. Mr. Hom discussed the park fees and that City Council would soon be discussing the prioritization of the use of park fees. Mr. Hom discussed some of the potential park upgrades planned for the City.

Comm. Melton asked staff about the noise requirements in the MND and the concern about an alternate methodology being suggested by a consultant as the consultant indicated the noise standards were very stringent. Staff discussed the City noise requirements adding that there are

even stricter standards required by the State in Title 24. Comm. Melton expressed concern about residents not being able to open their windows due to noise.

Comm. Hendricks referred to the MND, page 16 regarding the deficiency in parking standards and the State Density Bonus Law and discussed the parking with staff. Staff said that the applicant does not need to provide stackers. Ms. Berry discussed parking incentives, concessions, State law requirements of developers, and parking calculations.

Vice Chair Dohadwala discussed with staff the definitions of high density, and previous development projects as examples of high density and whether State Density Bonuses were used.

Chair Larsson discussed with staff the project data tables for projects 2012-7460 and 2012-7462 commenting that “stars” are used to indicate deviations from municipal code requirements. Chair Larsson suggested that it would be helpful to use different symbols on the data tables for different deviations such as concessions or waivers. Chair Larsson discussed with staff concerns expressed by neighbors about cut through traffic to the proposed sites. Chair Larsson discussed crosswalks with staff saying there are no crosswalks across Evelyn Ave. and said crosswalks would help create a more pedestrian friendly environment. Staff confirmed that there are no crosswalks currently required in the proposals.

Chair Larsson opened the public hearing.

Jon Moss, with Prometheus Real Estate Group, said he agrees with the staff report and the conclusion. Mr. Moss provided a background of Prometheus Real Estate Group and said their long term strategy for projects and management. Mr. Moss discussed the reasoning for selecting this location, and the value of higher density housing close to transportation corridors. He discussed the green building aspect of the project and that the proposed projects are consistent with other sites in the area. He commented that the success that downtown retail environment only improves with residential and would improve the downtown area. Mr. Moss discussed that the City would be receiving a significant increase in park fees for these projects versus what was required of nearby properties due to changes in park fee calculations. Mr. Moss discussed specific aspects and features of the projects. Mr. Moss discussed design changes that have been made since the August 2012 study session and other changes made to the proposal based on neighborhood and outreach meetings. Mr. Moss discussed the affordable housing units and that they would be built within the new projects. He discussed the outreach they have had and mentioned various groups that are in support of the projects. He mentioned that several of the residents in the Sterling Place development across the street are concerned about headlights shining on their homes as cars come out of garage saying that they are willing to do what needs to be done to mitigate this concern. Mr. Moss discussed traffic and that there are no significant adverse impacts as a result of the projects. Mr. Moss discussed a Historical Plaque to be included on the side of the hotel building that they are volunteering to provide and that they would provide three options for staff and Council’s feedback. Mr. Moss discussed parking stackers. **Chek Tang**, architect with Studio T-SQ., Inc. discussed substantial changes made to the plans since the study session. He said that this is a unique opportunity to provide a gateway into the downtown area. He discussed the architecture and said that a goal was to create a pedestrian walkable area with a variety in the massing. He said they tried to be sensitive to the adjacent property.

Comm. Hendricks discussed with Mr. Moss the request to expedite permit review. Comm. Hendricks asked about the recreation facilities in the vicinity across Evelyn Ave. and whether they would be open to including a crosswalk with lights. Comm. Hendricks confirmed with the applicant and staff that both agree on the calculations for the number of units. Comm. Hendricks discussed with the applicant the height of both projects and that they are asking for deviations

on height. Comm. Hendricks discussed the request from the applicant to decrease the size of the storage units. Comm. Hendricks discussed noise mitigation related to building design and materials; that interior noise levels would be measured with the windows closed; and that the developer would provide proper ventilation for closed windows. Comm. Hendricks discussed the setbacks with Mr. Tang.

Comm. Kolchak asked staff about a corner vision triangle deviation.

Comm. Melton asked about the relocation program table in Attachment I of project 2012-7460, expressing concern that it was approved in 2007 and does not seem to be adjusted for inflation. Mr. Hom confirmed that the table in Attachment I is still current and that residents from about six units would be affected by the project.

Comm. Hendricks discussed with staff the vision triangle and that the DSP allows more flexibility.

Chair Larsson discussed with Mr. Moss that the affordable housing units would be located on the proposed project sites.

Josie MacElroy, a neighbor residing in Sterling Place which is across the street from the proposed sites, said the applicant has been good to communicate with her. She said she is concerned about the driveway location across the street from her home, the effect on traffic and the headlights of vehicles coming out of the driveway shining on her home and several other units. She said she would like the driveways to be located elsewhere. She said in general she is excited to see the additional units. She said mitigation for headlights has been discussed however it will not eliminate the problem and she is concerned it will impact the value of their homes.

Madhavi Dalmia, a neighbor residing in Sterling Place, said she thinks this is a good project, however she has concerns. She asked what benefit will this development be to the current residents of Sunnyvale? She said she is concerned about an increase in traffic congestion with these developments combined with other nearby approved complexes that will eventually be occupied. She said she is also concerned about street parking and extra strain on infrastructure and urged the Commission to not recommend approval at this time until impacts can be further studied.

Mark Sabin, a Sunnyvale resident, commented about jobs, the average salaries of jobs in this area, and the housing costs in Sunnyvale. He said a person with a job in the average salary range cannot afford the average price of a home in Sunnyvale which puts more pressure on the rental units. He spoke in favor of these projects and said they would help meet a critical need by increasing rental housing stock for this community. He said it is also good that these projects are close to public transit.

Jackie Nicoli, a neighbor residing at Sterling Place said her biggest concern is the ingress and egress of the driveway for the project across the street and that she would like to see the driveway at the ends of the project rather than in the middle. She said she agrees with Ms. MacElroy that this project will impact their homes.

Bena Chang with the Silicon Valley Leadership Group, spoke in support of the project saying there is a need for housing in the area. She said she is supportive of the developer using the State Density Bonus and said it is a great way of ensuring affordable housing.

Suchit Jhunjunwala, a Sunnyvale resident, expressed his concern of the effect of the projects on the Caltrain commute. He said he rides Caltrain every day and usually stands on the train.

He said there are other apartments in the area that are still under construction that will also probably increase ridership. He said he would like to see more train cars added. Comm. Melton discussed with Mr. Jhunjhunwala that maybe the City needs to reach out to Caltrain and see if more train cars could be added. Chair Larsson asked staff if the City is engaged with Caltrain and could ask about increasing capacity. Mr. Hom discussed the City's communication to Caltrain which includes information about development and said that hopefully with electrification the distance between trains can be reduced.

Edward Jones, a Sunnyvale resident, said he noticed that the City has approved a lot of permits to build condominiums and apartments, commenting that nothing has been built for entertainment for kids. He said he would like to see movie theaters again and a focus on entertainment for kids. He also commented that no one is talking to anyone about development on the other side of the train tracks to see what we think and that area is just as close to the transit. Chair Larsson confirmed with Mr. Jones that when he says "kids" he is talking about teenagers.

Chair Larsson asked staff about movie theatres. Mr. Hom said that a multi-screen theater and other entertainment has been approved for the downtown area however with the Towncenter project stalled in legal issues no building has occurred yet.

Kristin Munday, a property owner west of the hotel site, asked about information on prioritizing park fees. She said that she has been in touch with the applicant with questions about the project and that they have been very accommodating.

Mr. Moss responded to some of the comments from members of the public discussing the driveway location, vehicle headlight mitigation measures, Caltrain ridership increase capacity issues, and infrastructures in place for the project.

Comm. Melton asked the applicant further about the details regarding vehicle headlights on the Sterling Place residences. **Jonathan Stone**, with Prometheus, commented that part of the concern is the varying angles of the light as vehicles come up out of the parking area further discussing mitigation options. Comm. Melton asked the applicant, hypothetically, about doubling the relocation plan numbers. Mr. Moss said they had not thought about that. Comm. Melton discussed the height of the projects with the applicant. Comm. Melton asked about noise and the MND expressing his concerns about the noise for these projects with the applicant saying that they are required to conform to the City's acoustical requirements. Mr. Hom clarified that the Housing Element was adopted as part of the consolidation of the General Plan, and that the noise and air quality requirements in the Housing Element could possibly be from 20 years ago.

Comm. Olevson asked about the spacing of the trees on the project with the landscape architect, **Zach Tanner**, saying that trees should be, on the average, 30 feet apart. Comm. Olevson asked the applicant who pays to keep the apartment's ventilation running all the time if the residents are to keep the windows closed. Mr. Moss said the tenant would pay for this, which would be disclosed at the time of the lease.

Comm. Hendricks asked about possibly removing three paragraphs from the MND regarding noise. Ms. Berry said that the MND is a disclosure document, and removing paragraphs would be not be disclosing so staff would have concern about any removal. Staff said, bottom line, the must meet the restrictions on noise. Ms. Berry commented that noise contours for City are higher around the train station, as it is difficult to mitigate piercing noise.

Comm. Melton commented about rewriting the noise page and that it will need to be clear to potential residents that windows will need to be closed at all times.

Vice Chair Dohadwala asked further about noise. She commented anyone renting near a train station should expect higher exterior and interior noise and may not want to rent there if the noise is a concern for them. Mr. Moss added that newer construction materials can help reduce noise levels.

Comm. Hendricks confirmed with the applicant and staff the unit counts. Staff said that condition GC-9 for project 2012-7460 should be modified to be 67 units. Comm. Hendricks confirmed with staff the numbers for guest parking with staff saying that condition BP-23.b on 2012-7460 should be modified to be a minimum of 12 spaces to a maximum of 35 spaces; and on project 2012-7462 the numbers should be a minimum of 28 spaces to a maximum of 84 spaces. Comm. Hendricks asked whether a condition could be added requiring a crosswalk with flashing lights on Evelyn Ave. assuming the Traffic staff approves. Mr. Hom said Planning staff would need to confer with traffic staff. Mr. Moss said he would like to know the cost of the crosswalks; however, they are willing to study it.

Vice Chair Dohadwala addressed some of concerns from the members of the public including traffic congestion in the downtown, and increased ridership on Caltrain. Vice Chair Dohadwala commented that the goal of much of the policy for the downtown area is to develop higher density housing and office space. Mr. Hom commented that the way this development benefits the City, is that state requires communities to plan for a certain number of housing units in their Housing element and tonight's projects work towards that housing effort. Staff said for more information regarding the downtown efforts; please see the dedicated webpage on the City website at Downtown.InSunnyvale.com

Comm. Olevson commented about the parking requirements confirming with staff that State law trumps our City parking requirements.

Chair Larsson asked about the driveway issue with Mr. Stone commenting that Public Works staff determined that have the driveway in the center would be best. Chair Larsson discussed the use of parking stackers with Mr. Moss.

Comm. Hendricks asked further about adding a condition to reconsider the location of the driveway with Mr. Moss saying he would prefer to implement mitigation measure for the headlight concerns as this issue has been reviewed extensively with staff. Staff said they are fairly confident that the Traffic Division would say to leave the location of the driveway as proposed.

Chair Larsson closed the public hearing.

Comm. Melton asked staff about providing a condition regarding headlight mitigation with staff suggesting options and saying the condition could be worded to include that the applicant be required to work with City staff and the neighbors on a mitigation measure.

Chair Larsson commented that tonight's motions would be provided to Council as a recommendation next week. Chair Larsson discussed with staff the affordable housing units.

Comm. Hendricks moved on Project 2012-7990 for Alternative 1:

1. **Adopt the Mitigated Negative Declaration (Attachment J) and amend the General Plan and Downtown Specific Plan, amend the zoning code and rezone properties with the following actions:**

- A) **Adopt a Resolution to Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5 (Attachment K).**
- B) **Adopt a Resolution to amend the General Plan and Downtown Specific Plan (Attachment L) to:**
 - a. **Expand the DSP boundaries to include eight additional parcels and change the General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP land uses including Transit Center, Mixed Use, and Residential up to 48 dwelling units per acre;**
 - b. **Change the General Plan land use designation of 470 Marshall from Commercial General Business to Medium Density Residential;**
 - c. **Establish new DSP Blocks 21, 22 and 23 with requirements specifying land use, density and development standards; and,**
 - d. **Establish streetscape standards for Evelyn Avenue between Sunnyvale Avenue and Marshall Avenue.**
- C) **Adopt a Resolution to amend the General Plan for 470 Marshall Avenue from Commercial General Business to Residential Medium Density (Attachment M).**
- D) **Introduce an ordinance to amend Title 19 (Zoning) of the Sunnyvale Municipal Code to establish new zoning districts for the Downtown Specific Plan (DSP) and include related development standards consistent with amendments to the Downtown Specific Plan (Attachment N).**
- E) **Introduce an ordinance to rezone eight properties on the north side of Evelyn in accordance with Downtown Specific Plan designations (Attachment O).**
- F) **Introduce an ordinance to rezone 470 Marshall from Commercial Service (C-4) to Medium Density Residential/Planning Development (R-3/PD) (Attachment P).**
- G) **Authorize staff to revise the DSP document maps and text administratively to reflect the amendments.**

Comm. Olevson seconded the motion.

Comm. Hendricks said being able to try and have additional density near the downtown and the railroad is a good direction to go. He said unfortunately the original proposal with the higher density darkened the project and the density levels had to become more consistent with the area. He said he thinks this proposal is a good direction, and though he would like to preserve some of the office space that he would defer to wisdom and go with the mixed use. He commented that he would have liked to have seen the properties to the north of the train use space in context with public transit.

Comm. Olevson said he would be supporting the motion. He said he approaches changing zoning with great trepidation, however it makes sense to include these sites in the DSP. He said he thinks the proposals make good sense for Sunnyvale.

Comm. Melton said he would be supporting the motion and he thinks logical arguments have been provided. He said he echoes Comm. Olevson's concerns about rezoning. He thanked the members of the public who came to speak. He said he still has concerns about the noise portion of the MND and said that he advised that it be looked at. He said he agrees with Vice Chair Dohadwala that residents choosing to live by a train station can expect noise.

Vice Chair Dohadwala said she would be supporting the motion and confers with staff's findings. She said she wanted to better understand densities on the parcels. She said she agrees with Comm. Olevson's statement that the parcels being added look like they belong in the DSP.

Comm. Kolchak said he would be supporting the motion and echoes some of Comm. Hendricks' comments.

Chair Larsson said he would be supporting the motion and that this development would help make this Caltrain station more of a destination station, especially when more entertainment finally happens in the Downtown. He said this is a good location for more housing and making this development more residential helps protect the existing neighborhood (single family residential).

ACTION: Comm. Hendricks made a motion on 2012-7990 for Alternative 1 to recommend to City Council to adopt the Mitigated Negative Declaration (Attachment J) and amend the General Plan and Downtown Specific Plan, amend the zoning code and rezone properties with the following actions:

- A) Adopt a Resolution to Repeal the Southern Pacific Corridor Site Specific Plan Areas 3, 4, and 5 (Attachment K).**
- B) Adopt a Resolution to amend the General Plan and Downtown Specific Plan (Attachment L) to:**
 - a. Expand the DSP boundaries to include eight additional parcels and change the General Plan land use designations from Commercial General Business and Commercial Central Business to a variety of DSP land uses including Transit Center, Mixed Use, and Residential up to 48 dwelling units per acre;**
 - b. Change the General Plan land use designation of 470 Marshall from Commercial General Business to Medium Density Residential;**
 - c. Establish new DSP Blocks 21, 22 and 23 with requirements specifying land use, density and development standards; and,**
 - d. Establish streetscape standards for Evelyn Avenue between Sunnyvale Avenue and Marshall Avenue.**
- C) Adopt a Resolution to amend the General Plan for 470 Marshall Avenue from Commercial General Business to Residential Medium Density (Attachment M).**
- D) Introduce an ordinance to amend Title 19 (Zoning) of the Sunnyvale Municipal Code to establish new zoning districts for the Downtown Specific Plan (DSP) and include related development standards consistent with amendments to the Downtown Specific Plan (Attachment N).**
- E) Introduce an ordinance to rezone eight properties on the north side of Evelyn in accordance with Downtown Specific Plan designations (Attachment O).**
- F) Introduce an ordinance to rezone 470 Marshall from Commercial Service (C-4) to Medium Density Residential/Planning Development (R-3/PD) (Attachment P).**
- G) Authorize staff to revise the DSP document maps and text administratively to reflect the amendments.**

Comm. Olevson seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 19, 2013 City Council meeting.

4. **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 merge four lots into one lot.
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: *Continued from February 25, 2013. Scheduled to be considered by City Council on March 19, 2013.*

Comm. Melton moved for Alternative 2 on project 2012-7460 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: to modify the relocation bonus in Attachment I doubling the numbers across the board. The motion died for lack of a second.

Comm. Hendricks moved for Alternative 2 on project 2012-7460 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with modified conditions: to modify condition BP-23.b that “a minimum of 12 spaces to a maximum of 35 spaces be required for guest parking”; to modify condition GC-9 that the Total Unit Count be 67 units. **Comm. Chang** seconded the motion and offered a Friendly Amendment that the motion include that the applicant provide to City Council for consideration which of the three designs of the proposed historical plaque be included on the hotel. The Friendly Amendment was acceptable to the maker of the motion. **Comm. Kolchak** offered a Friendly Amendment regarding the possibility of adding a crosswalk as discussed, with staff offering the following wording: That a condition be added that, “The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective.” The Friendly Amendment was acceptable to the maker and the seconder.

Comm. Hendricks said overall, this is a good project and a nice entryway for the downtown on Evelyn. He said the architecture was covered at length in the previous study session. He said these will be quality units and integrate well with the concept of the downtown, and the train station.

Comm. Chang said he could make the findings. He said this will be a nice gateway to downtown, and thanked the applicant for including the historical plaque on the hotel.

Chair Larsson confirmed with staff the four modifications in the motion and asked if there was anything missed from the discussion. Mr. Kuchenig said staff had suggested a modification to the conditions regarding the lockable storage units.

Comm. Melton said he would support the motion. He said this is a good quality project and that he could make the findings for the Special Development Permit and cannot make the findings for the Tentative Map which is what is desired. He said it would be interesting to see the parking stackers as a possible way how to handle parking in the future.

Comm. Olevson said he thinks this is going to be a great project. He said it makes a nice transition from the downtown to the area with lesser density homes.

Comm. Kolchak said he would be supporting the motion. He said this is a quality project with nice architecture. He said he highly recommends the applicant work with staff to include the crosswalk as a safety measure for the public.

Comm. Hendricks said he could make the findings for the Special Development Permit, and cannot make the findings for the Tentative Map piece (which is what is desired). He requested that the applicant make sure the lettering on the historical plaque is easy to read. He confirmed with staff that the applicant is not required to provide the parking stackers.

Vice Chair Dohadwala said she would be supporting the motion. She said she can make findings, that this is a good project, and a good addition and entryway to the downtown.

Chair Larsson said he would be supporting the motion. He said this is a great project with quality architecture and that this was a complex project. Chair Larsson commended those involved, thanked the applicant for their outreach to the public, and thanked the members of the public for their input and for staying for the long meeting.

ACTION: Comm. Hendricks made a motion on 2012-7460 for Alternative 2 to recommend to City Council: to modify condition BP-23.b that “a minimum of 12 spaces to a maximum of 35 spaces be required for guest parking”; to modify condition GC-9 that the Total Unit Count be 67 units; that the motion include that the applicant provide to City Council for consideration which of the three designs of the proposed historical plaque be included on the hotel; and that a condition be added that, “The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective.” Comm. Chang seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 19, 2013 City Council meeting.

5. **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.
Applicant/Owner: Vesting Tentative Map to merge two lots into one lot.
Prometheus Real Estate Group / Evelyn Ave. Associates
Environmental Review: Mitigated Negative Declarations
Staff Contact: Ryan Kuchenig, (408) 730-7431,
rkuchenig@sunnyvale.ca.gov
Notes: *Continued from February 25, 2013. Scheduled to be considered by City Council on March 19, 2013.*

Comm. Melton moved for Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Maps proposed with modified conditions: to modify the conditions to include measures that mitigate impacts of headlights from the center driveway to the adjacent property (Sterling Place). **Hanson Hom**, Director of Community Development, suggested that whatever measures are agreed upon that the language should include that the measures be installed prior to approval of occupancy. **Comm. Hendricks** seconded the motion and offered two Friendly Amendments: to modify condition BP-23.b that “a minimum of 28 spaces to a maximum of 84 spaces be required for guest parking”; and that a condition with the same language regarding a crosswalk from project 2012-7460 be added that, “The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective.” The Friendly Amendments were acceptable to the maker of the motion. **Comm. Chang** offered a Friendly Amendment that a condition be added that a 200 cubic foot lockable storage unit be required for each one bedroom unit (rather than the 300 required). The Friendly Amendment was acceptable to the maker and the seconder of the motion.

Comm. Melton said that this is a high quality project and thanked the efforts of all involved including the members of the public in attendance. He said he could make the findings for the Special Development Permit and not make the findings for the Tentative Map which is the desired outcome.

Comm. Hendricks said he would be supporting the motion. He said overall this is a good project. He said he thinks this project started with a bad cloud over it due to the super high density efforts; however this is better with the affordable housing units on the site. He said he hopes the concerns with the headlights are eliminated rather than just mitigated.

Comm. Olevson said he would be supporting the motion. He said he especially likes that the project adds another gateway in the City. He said initially he was against the height and density being proposed, however after the discussion, he said he can support the project.

Comm. Kolchak said he would be supporting the motion. He said he appreciates tonight’s discussion, that he hopes the neighbor’s concerns about the headlights are well-mitigated, and that he thinks this is a nice gateway project.

Chair Larsson said he echoes the comments of **Comm. Hendricks** about the affordable housing units and said that he is glad this in a transit oriented area.

ACTION: Comm. Melton made a motion on 2012-7462 for Alternative 2 to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Maps proposed with modified conditions: to modify the conditions to include measures that mitigate impacts of headlights from the center driveway to the neighboring property (Sterling Place) and that the measures be installed prior to approval of occupancy; to modify condition BP-23.b that “a minimum of 28 spaces to a maximum of 84 spaces be required for guest parking”; that a condition (with the same language regarding a crosswalk from project 2012-7460) be added that, “The applicant is required to work with staff to evaluate a pedestrian crossing on Evelyn Ave. between Sunnyvale Ave. and Fair Oaks Ave. and that the applicant be required to contribute a fair share of a crosswalk improvement that has been identified by staff to be effective”; and that a condition be added that a 200 cubic foot lockable storage unit be required for each one bedroom unit. Comm. Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 19, 2013 City Council meeting.

6. **File #:** 2012-7895
Location: 696 W El Camino Real (APN: 201-22-002)
Proposed Project: Special Development Permit to allow a new one-story 9,836 square foot retail development.
Applicant/Owner: Steve Askari / Behzad And Louise Askarinam Trustee
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnvyale.ca.gov

Ryan Kuchenig, Associate Planner, presented the staff report. He said updated landscaping plans were provided on the dais.

Comm. Melton discussed the hours of operation and hours of deliveries with staff with Mr. Kuchenig saying the hours are typical of uses not adjacent to residential uses. Comm. Melton discussed with staff the parking lot shading, community outreach, and the property lines. Staff said that if there is a discrepancy on the property lines that a surveyor would have to verify the property lines, possibly requiring that the project come back to Planning Commission if modifications to the plan are necessary. Comm. Melton referred to Attachment C and discussed with staff the hazardous material site management plan, and that ultimately it is the responsibility of the property owner.

Comm. Hendricks talked about parcelization and said possibly we should look at it in a study session as we seem to talk about it, however we do not see anybody doing parcelization. Comm. Hendricks further discussed the hours of operation with staff. Comm. Hendricks referred to Attachment C, and discussed the letters on pages 27 through 29 regarding underground storage tanks.

Comm. Olevson referred to page 7 of the report regarding cross access easements for parking and circulation with adjoining properties confirming that staff is recommending a connection to the properties to the south and the east, not the west as written. Comm. Olevson further discussed cross access easements with staff saying that a condition has been included to reserve easement for future cross access with adjacent neighbors for when a neighboring property owner redevelops an adjacent site.

Chair Larsson opened the public hearing.

Antony Joma, project architect representing the applicant, said the proposal is for a one-story retail building. He discussed the architecture, building height and proposed materials. He said there would be two access points to the site and that the flow of traffic on the site should be comfortable.

Comm. Melton asked the applicant about their parcelization efforts. **Steven Askari**, applicant, said that he approached both adjacent property owners however neither property owner is interested in selling their property.

Comm. Hendricks discussed with Mr. Askari and staff the proposed traffic flow for the project.

Comm. Olevson commented that the address on the landscape drawings has the numbers of the address transposed and that they should be 696 instead of 969.

Mr. Askari commented to the Planning Commission that if the City could provide additional parking in Downtown Sunnyvale that he could put a beautiful building like this and he is taking this opportunity to find parking for his other property in the Downtown area.

Chair Larsson closed the public hearing.

Comm. Melton moved for Alternative 1, to adopt the Mitigated Negative Declaration and approve the Special Development Permit with attached conditions. Comm. Hendricks seconded the motion.

Comm. Melton said that he thinks this is a fabulous project and a huge upgrade for this site. He said he toyed with idea to hold out for parcelization. He said he can make the findings.

Comm. Hendricks said he would be supporting the motion. He said there was good discussion about the architecture in the Study Session and that the deviation on frontage width is not significant. He said he thinks this is a nice addition to El Camino Real.

Comm. Kolchak said he would be supporting the motion and that he likes the architecture. He said he is happy to see this move forward.

Comm. Olevson said he would be supporting the motion and that he can make the findings. He said he is pleased that another area along El Camino Real is going to look really nice especially with the revised landscaping.

Vice Chair Dohadwala said she would be supporting the motion. She said she likes the architecture.

Chair Larsson said he would be supporting the motion. He said he thought about other approved projects nearby and said there will be a lot of change to this block over the next year. He said he thinks the new buildings will blend together well and he likes that the buildings are being brought out close to the street front.

ACTION: Comm. Melton made a motion on 2012-7895 for Alternative 1, to adopt the Mitigated Negative Declaration and approve the Special Development Permit with attached conditions. Comm. Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than March 26, 2013.

7. Standing Item Potential Study Issues

Comm. Hendricks proposed a Study Issue to look at increasing the green building points minimum requirement from 80 to 110. **Hanson Hom**, Director of Community Development said a Study Issue would not be required as part of the Council Action for the Green Building Program includes staff providing a green building update to City Council every 18 months. **Comm. Hendricks** commented that most of the developments exceed the minimum requirement which seems to indicate the City requirements are not set high enough. **Chair Larsson** added that any Study Issue proposed tonight would be for 2014 so the issue should be reviewed by staff within the 18 months.

Comm. Kolchak requested that staff provide training during a Study Session (not a Study Issue) regarding the State Density Bonus.

Comm. Melton proposed a Study Issue to determine whether a change needs to be made to the General Plan regarding noise as it pertains to high-density residential near major transportation thoroughfares.

Comm. Melton proposed a Study Issue to study the use of parking stackers in high-density residential parking facilities.

Vice Chair Dohadwala proposed a Study Issue to determine whether the storage requirement for apartments should remain 300 square feet, changed to more or less square footage, and whether the storage should be in the apartment.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Chair Larsson asked about an item in the City Manager's blog regarding three Mobile Home Parks and a change to land use designation. **Mr. Hom** said this would be a revision to the General Plan land use designation to create consistency with the existing zoning designation on these three sites. He said the Planning Commission would be considering the item at the March 25, 2013 meeting and City Council would be considering the item on April 30, 2013. **Mr. Hom** said there are outreach meetings scheduled prior to the public hearings.

- STAFF ORAL COMMENTS

City Council Meeting Report

Gerri Caruso discussed Planning-related items considered at the February 26, 2013 City Council meeting and Planning related items to be considered by City Council on the March 19, 2013 meeting. She added that several of the City Council members are attending the National League of Cities Congressional Cities Conference in Washington, D.C. this week.

INFORMATION ONLY ITEMS –

None.

ADJOURNMENT

With no further business, the Commission meeting adjourned 12:24 a.m.

Respectfully submitted,

Gerri Caruso
Principal Planner