



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
June 10, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 pm - Study Session – West Conference Room

**START TIME – 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 Arcadi Kolchak; and Commissioner Russell W. Melton.

Members Absent: Commissioner Bo Chang (unexcused); and Commissioner Ken Olevson (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; and Joey Mariano and Terilyn Anderson, Recording Secretaries.

SCHEDULED PRESENTATION - none.

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

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.

CONSENT CALENDAR

1.A. Approval of Minutes: May 29, 2013

ACTION: Comm. Hendricks moved to approve the Consent Calendar with minor edits to the minutes. Comm. Melton seconded. Motion carried, 4-0, with Vice Chair Dohadwala abstaining, and Comm. Chang and Comm. Olevson absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2012-7020
Location: 702 Santa Rita St. (APN: 205-11-001)
Proposed Project: Design Review to allow a new two-story single-family home resulting in 3,266.34 square feet and 50.9% floor area ratio.
Applicant / Owner: Romex Construction / Maria Ryan
Environmental Review: Categorically Exempt Class 1
Staff Contact: Elise Lieberman, (408) 730-7443, elieberman@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, gave the staff report. She said that Planning Commission review is required for Design Review applications exceeding 45% Floor Area Ratio (FAR). She noted that the architectural features of the project are consistent with the neighborhood; however the ratio of the second to the first floor is 50%, which exceeds guidelines.

The applicant's representative, **Sorin Chereji**, from Romex Construction, described the history of the permit and application. He said the current project is at 50.9% FAR.

Comm. Melton asked if the applicant would be willing to reduce the project by approximately 350 square feet (sf) to achieve a 35% second to first floor ratio. **Mr. Chereji** said he could reduce it somewhat but would appreciate consideration of the plans the way they are now.

Comm. Hendricks asked the applicant if he could taper the project and **Mr. Chereji** responded that he could try to reduce the second floor and also increase the first floor lot coverage to 42 or 43%, however the FAR number may be a little higher.

Chair Larsson asked if anyone else would like to make comments. There were no speakers, so the Chair invited the applicant to conclude his presentation.

Mr. Chereji reiterated his request to approve the drawings as submitted.

Vice Chair Dohadwala commented that the Planning Commission's biggest concern is that the project does not negatively impact the neighborhood and asked if he could demonstrate support from the neighbors. **Mr. Chereji** replied that he feels that the 350 sf in question would have no adverse impact on the neighborhood.

Comm. Hendricks enumerated three possibilities going forward: approve the project as is, decline it, or redesign it, and he asked Mr. Chereji to comment. **Mr. Chereji** responded that he could reduce the second floor to 42 or 43%.

Chair Larson closed the public hearing.

Comm. Melton moved to continue the item to the July 8, 2013 Planning Commission meeting for the purposes of redesigning the project to achieve closer to 35% second to first floor ratio.

Comm. Kolchak seconded the motion.

Comm. Melton commented that he is comfortable with the present FAR of 50.9 %, given the benefit of redevelopment. If there was neighborhood support he could consider something more than a 35% second to first floor ratio. He said he could not make findings 2.2.2 or 2.2.3 for the project as it is currently designed.

Comm. Kolchak commented that this project and the characteristics of the surrounding neighborhood are significantly different than the project the Planning Commission considered at its last meeting. He said reducing the massing on the second floor to get it down to the 40% range and demonstrating support from the neighbors would be a plus.

Comm. Hendricks commented that this project is different from the one he voted for at the last Commission meeting which had more tapering. The current project is a two story block structure and he encouraged the applicant to consider redesigning it so it doesn't look so boxy.

Vice Chair Dohadwala said she supports the motion. Her two concerns are the 50.9% FAR and that design significantly exceeds a 35% second to first floor ratio. She stated that support from neighbors would be helpful.

Chair Larsson said he also supports the motion and that his only concern is that the ratio of the second story to the first story be closer to the 35% guideline. He noted that he is comfortable with the 50.9% FAR and said the reason it is high is that most of the other homes in the neighborhood are one story.

ACTION: Comm. Melton made a motion on 2012-7020 to continue the item to the July 8, 2013 Planning Commission meeting for the purposes of redesigning the project to achieve closer to 35% second to first floor ratio. Comm. Kolchak seconded. Motion carried 5-0, with Comm. Chang and Comm. Olevson absent.

APPEAL OPTIONS: This action serves as the legal notification of the continuance of this item to July 8, 2013.

- 3. File #:** 2012-7879
- Location:** 470 Persian Drive (APN: 110-29-041)
- Proposed Project:** Parcel map to subdivide one lot for condominium purposes.
Special Development Permit to allow redevelopment of an industrial site with 47 residential condominium units.
- Applicant/Owner:** Padus Group, Inc. / Verne B Jr La Fountain et al
- Environmental Review:** Mitigated Negative Declaration
- Staff Contact:** Gerri Caruso, (408) 730-7591,
gcaruso@sunnyvale.ca.gov

Chair Larsson and **Comm. Melton** disclosed that they had spoken to, or met with the applicant regarding the project.

Gerri Caruso, Principal Planner, presented the proposal from the staff report. She noted that a letter of support from the Silicon Valley Leadership Group received this afternoon was on the dais. She made two corrections to the staff report: 1) The initial study prepared by staff included the Department of Toxic Substance Control's requirements for soil remediation and stated that the remedy would likely be excavation, however the Department of Toxic Substance Control has determined that excavation will definitely be required; 2) The staff report says the agreement is with the Padus Group, Inc., but it is actually with the 470 Persian Drive Investor's Group, LLC.

Ms. Caruso clarified the easements on the property.

In response to various questions from Commissioners, Ms. Caruso provided additional project details regarding: universal design, parking space deviation and options for additional parking spaces, setbacks, a sound wall along the front property line, sidewalk requirements and number of bedrooms.

Ms. Ryan clarified the parking code requirements. She also said that the zoning designation listed in the table in the staff report is incorrect: it should be R4 not MS-ITR-R4.

Ms. Caruso explained that the applicant has met the General Plan policy to meet 75% of allowable density. She confirmed that 4 stories are allowed in R4; however the project is 3 stories. She explained the zoning of properties in the vicinity. She confirmed that there is not a recommended condition to remove the sound wall if a new sound wall is constructed along 237 in the future.

Comm. Hendricks commented that he visited the site and does not believe that there is an existing sidewalk on the west, along part of Persian.

Chair Larsson opened the Public Hearing.

Tom Quaglia, applicant with Padus Group, Inc., gave an overview of the project. He discussed his review of conditions in the neighborhood and his outreach efforts to the community. He explained that the project was designed to accommodate both storm drain easements, to be a density more compatible with Traditions and still meet the 27 units per acre minimum, provide a better sense of community, and to achieve all this within three stories.

Mr. Quaglia reviewed the suggestions of neighbors that were incorporated into project design. He reviewed his requested setback and parking deviations and presented options to increase the parking. He explained the rationale for the project design.

Comm. Melton asked Mr. Quaglia to explain more about the sidewalk, the easement and sidewalls. Mr. Quaglia suggested he could install a temporary asphalt sidewalk on the adjacent site to complete the sidewalk on this block. He provided details about the easement and project walls.

Comm. Kolchak asked about landscaping to provide privacy between his site and Traditions. Mr. Quaglia noted that there is already landscaping on the Traditions side and he will provide landscaping along the project side.

Chair Larsson asked the applicant to explain more about the community outreach meetings. Mr. Quaglia explained his notification efforts and meetings with the community.

Chair Larsson and Mr. Quaglia discussed the use of redwood trees.

Chair Larsson asked about the excavation. Mr. Quaglia described that it is one small area outside an existing building. The excavation area is 1,800 to 2,000 square feet and is in the top 5 feet of the soil.

Sandra Escobar, Silicon Valley Leadership Group, spoke in support of the project. She stated that it is close to transit, designed to be affordable, the elevator provides universal access to all units and it is a good area to put new housing.

Bob DeRosier, Vice President of the Traditions Homeowners Association, said his comments were more directed to the Planning Commission. He provided a history of his Association's unsuccessful efforts to get the sound wall along 237 extended. He described the severe noise problem along that side of the Traditions property. He said that if the Planning Commission could figure out a way to get the wall extended he would appreciate it. He also described the bridge decks at Traditions noting that they are not totally private, so there is not an expectation of privacy. He commented about the 300 foot notification area for public meetings. He also commented that the Wi-Fi at the project should be upgradable.

Comm. Melton asked Mr. DeRosier to elaborate on the sound problem. Mr. DeRosier said to help reduce the noise plexiglas windows were installed in the units closest to 237 along Persian Drive. They are quiet on the inside, but noisy if you open a window or go outside on the deck.

Chair Larsson asked Mr. DeRosier to discuss more about the attempts to expand the sound wall. Mr. DeRosier said they ran into a funding issue because they were told that they needed to do a sound study.

Comm. Hendricks asked Mr. DeRosier, given his commentary, if he thinks it is a bad spot to put housing. Mr. DeRosier said it is no worse a spot than the Tradition's location.

Mr. Quaglia wrapped up his presentation by making several points. There is a sound wall at Traditions which he is essentially extending, but at a greater height. The project was designed to minimize the number of units near 237. Modern plexiglas windows are more effective than older ones, so the project meets noise limits for the interiors.

Comm. Melton commented that the noise study said that outside near the sound wall the noise level is projected at 68 decibels and asked the applicant how that fits into the project. He responded that because it is a transit oriented project it has some noise, but according to staff it is within acceptable limits.

Chair Larsson closed the Public Hearing.

Comm. Kolchak asked for a clarification on the number of Below Market Rate (BMR) units. Mr. Caruso said 5.875 BMR units are required. The applicant may do 5 BMR units and pay for the remainder, or do 6 BMR units. This needs to be corrected in the conditions.

Comm. Hendricks moved on Project 2012-7879 for Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with revised conditions to correct the BMR requirement (Condition # GC-7), and to add a condition to require a temporary sidewalk on the property to the west.

Comm. Melton seconded the motion.

Comm. Hendricks said he would be supporting the motion and thinks the project is well designed, given the unique site constraints. He does not favor putting in additional parking spaces now, as that can be addressed by the Home Owners Association in the future. The parking and sound characteristics will be understood when potential buyers consider purchasing the units.

Comm. Melton supports the motion and thanked the speakers for their comments. He said that he is alright with the setback and easements, is comfortable with the density

and architecture, and with the flow of pedestrians. He can make the findings for the special development permit, and cannot make the findings for the vesting tentative condominium map.

Vice Chair Dohadwala said she also supports the project. She expressed appreciation that the flats are universally accessible and said that will benefit Sunnyvale residents with physical challenges. The density did not need a lot of scrutiny because it is on the lower side, and although the parking is a little less than expected, she is comfortable with it.

Comm. Kolchak said he supports the motion. He spoke favorably about the unique architecture, community decks, elevator and option for additional parking. He said he hopes that there will be transparency with the residents regarding the option of adding additional parking. He thanked the Traditions representative and the representative of the Silicon Valley Leadership Group for attending and providing their comments.

Comm. Larsson said he supports the motion. He can make the recommended SDP findings, and not the negative findings for the tentative map. He said the project design was very creative and that the early community outreach was appreciated. He said other positive features are the universal design, common areas to facilitate community, the elevator, the lower density, smaller units, the BMR units and general affordability of the units. He thanked the Traditions representative and the representative of the Silicon Valley Leadership Group for attending and providing their comments.

ACTION: Comm. Hendricks made a motion on 2012-7879 for Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with revised conditions to correct the BMR requirement (Condition # GC-7), and to add a condition to require a temporary sidewalk on the property to the west. Comm. Melton seconded. Motion carried 5-0, with Comm. Chang and Comm. Olevson absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 25, 2013.

- 4. File #:** **2013-7313**
- Location:** **457-475 E. Evelyn Ave.** (APN: 209-04-053 & 054)
- Proposed Project:** **Special Development Permit** to allow a 117-unit apartment building (revised proposal).
Vesting Tentative Map to create one lot pursuant to a lot line adjustment.
- Applicant/Owner:** Prometheus Real Estate / Preg Evelyn Properties, LP
- Environmental Review:** Mitigated Negative Declaration
- Staff Contact:** Ryan Kuchenig, (408) 730-7431,
rkuchenig@sunnyvale.ca.gov

Chair Larsson disclosed that he had spoken with the project applicant.

Ms. Ryan presented the staff report and explained the history of this site and recent City Council actions. The Planning Commission considered a different project in March, which needed review by the City Council because the applicant submitted a companion request to modify the General Plan and the zoning on the property. The Council approved a lower density than the applicant requested and referred the project back to the Planning Commission for redesign. Since the City Council action, a queuing analysis has been conducted exploring various options for locating the driveway and evaluating the projected traffic impact of each alternative. The applicant is requesting some deviations which are enabled through the State Density Bonus.

Comm. Melton commented that the total number of dwelling units approved by the Council is less and asked what impact this has on the number of bedrooms. He also asked why the Planning Commission is being requested to approve the Negative Declaration when the City Council approved it. Ms. Ryan said that the current project is a few less bedrooms because of the reduced size of the project. She explained that the City Council approved the current project's Negative Declaration which, by necessity, is a different document than the original project approved by the Planning Commission because it was redesigned.

Comm. Hendricks asked if it was in the purview of the Planning Commission to require that the applicant pay the full share of a crosswalk improvement and if a stacker is counted as two spots. Ms. Ryan clarified that the Planning Commission is not requiring a crosswalk, but rather a crosswalk study, so the applicant pays only if warranted. She confirmed that a stacker counts as two spaces.

Chair Larsson asked about what factors will be considered in evaluating whether a crosswalk is warranted. Ms. Ryan said factors such as the number and speed of vehicles, and potential pedestrians that would use the crosswalk. She noted that it's important to base the decision on this information because if it is put in prematurely and it is not needed, it will be ignored which could result in safety problems.

Chair Larsson opened the public hearing.

Johnathan Moss, the applicant from Prometheus Real Estate Group, gave an overview of the project. He highlighted several of the project's key features including the project's location near Caltrains and to downtown retail, and it has nine affordable units for very low income families.

He also described his outreach efforts to the community. He clarified that the project proposed in March included 220 bedrooms, and the current project includes 263 bedrooms. He said some residents from Sterling Place are concerned about the impact of the head lamps from the cars that exit the project's parking garage.

Chek Tang, Architect for the project, said that the architectural elements and the overall design of the current project are intact compared with the March project, however the project program has been reduced.

Comm. Melton asked what Mr. Moss's thoughts were about moving the driveway. Mr. Moss replied that he worked with staff to develop a study which was done to investigate various options for locating the driveway and described those options. He expressed the view that the current location of the driveway, in the center of the project, is the safest from a traffic standpoint and that landscaping can help mitigate the impact of car headlights on the units at Sterling Place.

Comm. Hendricks commented that the City Council did not approve the higher level of density and asked Mr. Moss's opinion about what the Council's intent was. Mr. Moss said he wasn't sure what the Council's rationale was, however, some Councilmembers emphasized that they were more concerned about the number of units, rather than the number of bedrooms. He expressed the view that the project is meeting the Council's intent.

Comm. Hendricks and Mr. Moss discussed more details regarding options for locating the driveway. Ms. Ryan said that she discussed the location of the driveway with the Assistant Director of Public Works, and if the driveway was moved 15 to 20 feet to the west there would be no impact on Bayview. Mr. Moss said it would be possible to move the location of the driveway, but at this point in time significant redesign would have to occur.

Chair Larsson commented that the condition of approval states that if the driveway remains where it is, the applicant will work with the Home Owners Association (HOA) across the street and asked about the status of those discussions. Jonathan Stone from Prometheus, recounted communications with the neighbors regarding this issue and gave more details about landscaping options to mitigate the headlight issue.

Andy Frazer spoke in favor of adding an in-pavement lighted crosswalk to the project and advocated that more of these kinds of crosswalks would benefit the whole City, particularly in school areas, at busy intersections and along El Camino Real. He

suggested that the City establish a policy that requires in-pavement lighted crosswalks to be put in at all large developments.

Comm. Hendricks clarified that if it is determined that a crosswalk should be located at the current project it would be an in-pavement lighted crosswalk.

Sandra Escobar, Silicon Valley Leadership Group, and Housing Action Condition, expressed support for the project. She said that the affordable housing portion of the project will benefit labor and its proximity to downtown will help retail sales.

Josie McElroy, a resident of Sterling Place, said that she lives in the unit that would be affected by headlights. She expressed the view that the proposed landscaping is mitigation, but will not alleviate the problem. She does not want to be boxed in by foliage and requested that the driveway be moved 15 feet to the left where there are no residences.

Comm. Hendricks asked about whether a hedge might work better than trees, and if the sweep of the headlights from cars turning would impact her unit if the driveway was moved to the left. Ms. McElroy responded that because of the incline and where it levels off she thinks that the sweep of the headlights would hit the bottom of the unit below her windows. She emphasized that moving the driveway 15 feet is a “win-win” solution.

Mark Sabin expressed his support for the project. He noted that the project’s density and location near downtown and transit will result in less traffic and therefore contribute to lowering greenhouse gas transmissions.

Jackie Nicoli, President of Sterling Place HOA, commented that the proposed landscaping in front of the unit impacted by headlights would block the visibility of drivers pulling out of Sterling Place, so landscaping is not a very good solution.

Mr. Moss commented further about the issue of the lights and elaborated on different possibilities for the location and type of landscaping.

Vice Chair Dohadwala asked about pushing the ramp more inside the building and changing its angle. **Mr. Tang** responded that there is no building over the ramp, but a trellis could be installed to help block headlights angling up the slope, however when cars emerge to the street the lights will still shine horizontally.

Chair Larsson closed the public hearing.

Comm. Melton asked Ms. Ryan if the City Council provided guidance to the Planning Commission regarding density and asked if the Council addressed the headlight issue: Ms. Ryan responded that the City Council’s action was to reduce density, but it gave no direction on the size of the units. The Council did not discuss the project’s design, because it was referred back to the Planning Commission for modification.

Vice Chair Dohadwala asked if there is anything in the code addressing the relationship of FAR to density, since the density has changed but the massing is still the same as the original project. Ms. Ryan suggested that it may be more helpful to view the project as if there were no predecessor and determine if it meets density standards and if there are reasons to make deviations from some of the requirements.

Comm. Melton moved to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with conditions.

Comm. Hendricks seconded the motion.

Comm. Melton said he supports the project and is on board with the affordable housing, the quality of design and the fact that it is a gateway to downtown. He said he thinks that the project meets the intent of the City Council. He thanked the speakers for coming and providing their comments. He commented that, at this point in the project, he is not comfortable with changing the design so that the driveway is moved. He thinks that the mitigation of using the foliage has a very high probably of success. He concluded that he can make the findings as recommended by staff.

Comm. Hendricks supports the project and commented that it is almost identical to the original project. He said that nothing new came up at this meeting that would change his evaluation of the project. He urged the staff, applicant and homeowner to work closely together on the headlight issue.

Vice Chair Dohadwala commented that the massing for the new project is the same as for old project. She said the applicant is making the effort to mitigate the angle of the headlights and their impact on the neighbors across the street through a trellis and horizontal foliage. She stated that she could make the findings recommended by staff.

Comm. Kolchak said he supports the motion and commented that no new information was presented on the project. He expressed hope that the applicant and neighbors would spend a lot of time working together to find the best mitigation possible for the headlight issue.

Chair Larsson said he supports the motion and can make the findings and not make the findings for the tentative map. He thinks the height of the project will protect the neighbors from the noise from the Caltrains tracks. He acknowledged a letter on the dais from Kira Od, who lives in the neighborhood and supports the project. He further commented that this project, compared with the hotel across the street, shows that density, the number of bedrooms and the FAR of a project may go up or down, but the project's overall impact on the neighborhood is caused by multiple variables. He understands that the mitigation for the headlight issue isn't preferred by the neighbor who will be most impacted, but there are a number of options to consider. He concluded by saying that the project is a great gateway to the downtown and its location near transit is a benefit.

ACTION: Comm. Melton made a motion on 2013-7313 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, and Vesting Tentative Map with conditions. Comm Hendricks seconded. Motion carried 5-0, with Comm. Chang and Comm. Olevson absent.

APPEAL OPTIONS: This action is final unless appealed by June 25.

5. Standing Item Potential Study Issues

Comm. Melton suggested two Study Items: 1) review Single Family Design Techniques for 35% second to first floor ratio in predominately one story neighborhoods; and 2) consider whether over-use of earthy neutral paint tones, especially on large-scale residential projects, are potentially detrimental to the long-term aesthetics of the community.

NON-AGENDA ITEMS AND COMMENTS

COMMISSIONERS ORAL COMMENTS

Comm. Melton bought up the Large Family Day Care on Cordilleras Avenue and recalled that the Council required a one-year review by the Planning Commission. Trudi Ryan, Planning Officer, said she didn't think it has been a year yet, but will check the conditions.

Staff Oral Comments

Ms. Ryan commented that there is currently pending a study on Large Family Day Care standards.

City Council Meeting Report

Ms. Ryan said that there has been no City Council meeting since the last Planning Commission meeting. The next Council meeting is tomorrow night. There will be a public hearing on the 2013-14 Budget and a public hearing on the annual review of Fees and Charges. The Council will also consider Board and Commission appointments.

Other Staff Oral Report - None

INFORMATION ONLY ITEMS - None

ADJOURNMENT - With no further business, the Commission meeting adjourned at 11:44 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer