



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, June 11, 2018

6:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting - Study Session - 6:00 PM | Special Meeting - Public Hearing 7 PM**

### **6 P.M. STUDY SESSION**

**Call to Order in the West Conference Room**

**Roll Call**

**Study Session**

**A. 18-0536 Proposed Project:**

#### **MAJOR MOFFETT PARK SPECIAL DEVELOPMENT**

**PERMIT:** to allow the redevelopment of a 40.5-acre site for two new 5-story R&D office buildings totaling 1,041,890 s.f. including a 4-level parking structure resulting in 59% FAR. The existing 679,225 s.f. of office & manufacturing buildings will be demolished.

**Location:** 360 Caribbean Drive (APN's: 110-26-020, 110-26-021, 110-26-022, 110-26-023, 110-26-025, 110-26-027, 110-26-028, 110-26-029, 110-26-030, 110-26-031)

**File #:** 2017-8042

**Zoning:** MP-I & MP-TOD

**Applicant / Owner:** Google LLC/Google Inc.

**Project Planner:** Ryan Kuchenig, (408) 730-7431,  
rkuchenig@sunnyvale.ca.gov

**Public Comment on Study Session Agenda Items**

**Adjourn Study Session**

### **7 P.M. PLANNING COMMISSION MEETING**

### **CALL TO ORDER**

Chair Rheaume called the meeting to order at 7:04 PM in the Council Chambers.

### **SALUTE TO THE FLAG**

Chair Rheaume led the salute to the flag.

### **ROLL CALL**

**Present:** 6 - Chair Ken Rheaume  
Vice Chair Carol Weiss  
Commissioner Sue Harrison  
Commissioner Daniel Howard  
Commissioner John Howe  
Commissioner Ken Olevson  
**Absent:** 1 - Commissioner David Simons

Status of absence; Commissioner Simon's absence is excused.

### **ORAL COMMUNICATIONS**

### **CONSENT CALENDAR**

Commissioner Howe moved and Vice Chair Weiss seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

**Yes:** 5 - Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Howe  
Commissioner Olevson

**No:** 0

**Absent:** 1 - Commissioner Simons

**Abstained:** 1 - Chair Rheaume

1. A [18-0546](#) Approve Planning Commission Meeting Minutes of May 29, 2018

### **PUBLIC HEARINGS/GENERAL BUSINESS**

2. [18-0433](#) **APPLICATION WITHDRAWN - NO FURTHER ACTION REQUIRED.**  
**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** for the conversion of a duplex to a child care center of up to 24 children.

**Location:** 1640 Albatross Drive (APN: 309-40-014)

**File #:** 2017-7108

**Zoning:** R-2/PD - Low-Medium Density Residential / Planned Development

**Applicant / Owner:** Shafer Architecture (applicant) / Nir Zuk Trustee (owner)

**Environmental Review:** Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include new construction or conversion of small structures (CEQA Section 15303).

**Project Planner:** Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

**3. 18-0346**

**Proposed Project:**

**USE PERMIT:** to allow a large family child care home within 300 feet of another large family child care home.

**Location:** 1692 S. Mary Avenue (APNs: 323-20-007)

**File #:** 2018-7157

**Zoning:** R-1 (Low Density Residential)

**Applicant / Owner:** Isela Marysol Flores Garcia (applicant) / Oliver F Schwindt and Isela F Garcia (owner)

**Environmental Review:** Statutory Exemption pursuant to CEQA Guidelines Section 15274 (large family day care homes)

**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report.

Commissioner Harrison asked staff about consideration for Homestead High School since it is adjacent to the proposed project. Assistant Director Andrew Miner stated that this was a concern for staff that is now mitigated by the staggered drop off and pick up times.

Commissioner Olevson noted his concerns that the applicant's letter states that the employee will park in the driveway. Associate Planner Cha noted that it is the application's original letter and that the Conditions of Approval (COA) were modified to manage the potential parking issue.

Chair Rheaume opened the Public Hearing.

Isela Marysol Flores Garcia, applicant, presented information about the proposed project.

Commissioner Howe confirmed with Ms. Garcia that she and the employee will park

in the garage and the driveway will remain available for parents.

Vice Chair Weiss noted Homestead High School's new start time and asked the applicant about the staggered timing of drop offs. Oliver Schwindt, the applicant's husband, advised that they will process new contracts with the modified start and end times to ensure adequate driveway space.

Commissioner Harrison confirmed with Ms. Garcia that three to four families currently walk their children to Ms. Garcia's small family child care home.

Commissioner Howard discussed access and use of the different rooms with Mr. Schwindt.

Andrina Hoffman discussed her concerns with safety for the proposed project as it relates to high school student commutes and traffic.

Donald Mintz, Sunnyvale resident, discussed his concerns with parking, the number of driveway entries, safety and egress visibility for the proposed project.

Shani Baron, Sunnyvale resident, spoke in support of the proposed project. Ms. Baron stated that she has not experienced any parking issues and noted the wide width of the driveway.

Commissioner Howard stated that it appears that the proposed project has a triple wide driveway.

Gilli Yahalom, Sunnyvale resident, spoke in support of the proposed project. Ms. Yahalom stated that the staggered pick up times allow for shared use of the driveway.

Vice Chair Weiss asked Ms. Yahalom about the potential increased size of the day care. Ms. Yahalom provided information about the current frequency of use, staggered pick up times and the proximity of the families who can carpool or walk.

Lee Kind, Sunnyvale resident, spoke in support of the proposed project. Mr. Kind commented that the time allowed for drop offs is more than adequate based on the number of families.

Vice Chair Weiss commented on the concerns with driveway visibility and high

school commutes. Mr. Kind stated that it is mostly teachers who park on South Mary Avenue and that reckless driving cannot be controlled by the applicant.

Denisse Flores, employee of the existing small family child care home, stated the importance of communication with families and that community factors will be taken into consideration.

Zehava Kind, Sunnyvale resident, spoke in support of the proposed project. Ms. Kind stated that she has never experienced parking issues and commented on the difference between the proposed day care hours and Homestead High School's hours.

Belen Dilascio, Sunnyvale resident, spoke in support of the proposed project and noted the importance of quality day care centers in the community.

Ms. Garcia and Mr. Schwindt presented additional information about the proposed project.

Commissioner Howard confirmed with Associate Planner Cha that the proposed project would not have to come before the Planning Commission if it was not within 300 feet of an existing large family child care home (LFCC) and that it would be required to have two driveway parking spots.

Commissioner Howe confirmed with Assistant Director Miner that staff is not aware of any issues with the nearby existing LFCC.

Chair Rheaume closed the Public Hearing.

**MOTION:** Commissioner Howard moved and Commissioner Howe seconded the motion for Alternative 1 – Approve the Use Permit in accordance with the Findings in Attachment 3 and recommended Conditions of Approval in Attachment 4.

**FRIENDLY AMENDMENT:** Commissioner Howe offered a friendly amendment to specify that the garage will remain available for parent or employee parking and will not be converted to a non-garage space or used for the LFCC. Commissioner Howard accepted the friendly amendment.

Commissioner Howard noted his concerns with traffic but commented on the need for LFCC's in the City and the positive testimony from families. Commissioner

Howard thanked the applicants and parents for the information they shared. Commissioner Howard stated an opinion that the neighborhood should not be punished for the traffic from Homestead High School and that it should be separately addressed. Commissioner Howard commented that daycare providers routinely use models for their websites.

Commissioner Howe stated that he can make the findings and that the applicant had to come before the Planning Commission solely because the proposed project is within 300 feet of an existing LFCC. Commissioner Howe noted that per staff there have been no serious issues with the nearby LFCC. Commissioner Howe commented on the need for day care in the City and the testimony provided during the hearing.

Commissioner Olevson stated that he will not be supporting the motion. Commissioner Olevson noted that the nearby LFCC is in the same traffic pattern and that the Planning Commission should not deviate from the City Council policy of a 300-foot limit between LFCC's.

Commissioner Harrison stated that she will be supporting the motion and upheld Commissioner Howe's comments.

Vice Chair Weiss commented on her concerns regarding traffic but stated that she must trust the parents' judgment and that the schedule will take all factors into account. Vice Chair Weiss noted the need for quality child care in the City and stated that she will be supporting the motion.

Chair Rheaume stated that he will be supporting the motion and can make the findings. Chair Rheaume noted that this application must be heard by the Planning Commission due to the nearby LFCC within 300 feet of the proposed project. Chair Rheaume commented on the sufficient driveway width and stated an opinion that traffic will always be a problem for day care centers in the City.

The motion carried by the following vote:

**Yes:** 5 - Chair Rheaume  
Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Howe

**No:** 1 - Commissioner Olevson

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**Absent:** 1 - Commissioner Simons

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

**4. 18-0524**

**Proposed Project:** Related applications on a 0.27-acre site:

**DESIGN REVIEW:** To allow construction of a new two-story house resulting in 4,342 sq. ft. (3,849 square feet living area and 493 square feet garage) and 37.5% floor area ratio (FAR). The proposal also includes a new 694-square foot attached accessory dwelling unit (ADU).

**Location:** 1325 Elsona Court (APNs: 320-08-031)

**File #:** 2018-7139

**Zoning:** R-1 (Low Density Residential)

**Applicant / Owner:** Perspective Design Inc. (applicant) / Kiran S and Ritu Panesar (owner)

**Environmental Review:** A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions includes construction of one-single family residence in a residential zoning district.

**Project Planner:** Kelly Cha, (408) 730-7408, [kcha@sunnyvale.ca.gov](mailto:kcha@sunnyvale.ca.gov)

Associate Planner Kelly Cha presented the staff report.

Commissioner Harrison asked staff about discrepancies which show the Accessory Dwelling Unit (ADU) connected and not connected to the main house. Associate Planner Cha advised that the ADU is not proposed to be connected to the main house.

Commissioner Harrison asked staff about additional ADU parking requirements. Associate Planner Cha stated that most ADU's qualify for a parking waiver.

Chair Rheaume confirmed with Associate Planner Cha that one additional parking space would be required for an ADU without a parking waiver. Chair Rheaume confirmed with Associate Planner Cha that the proposed project has two covered and three uncovered parking spaces.

Chair Rheaume opened the Public Hearing.

Kiran Panesar, applicant, presented information about the proposed project.

Seema Mittal, representing Perspectives Design, Inc., presented information about the proposed project.

Commissioner Harrison asked the applicant if they would accept a nine foot first floor plate height since the surrounding homes do not have ten foot first floor plate heights. Ritu Panesar, applicant, advised that they would like to retain the ten foot first floor plate height as a modern, moderate ceiling height.

Ms. Mittal presented additional information about the proposed project.

Chair Rheaume closed the Public Hearing.

MOTION: Commissioner Howe moved and Vice Chair Weiss seconded the motion for Alternative 1 - approve the Design Review in accordance with the Findings in Attachment 3 and Conditions of Approval in Attachment 4.

Commissioner Howe stated that it is tragic to have a fire and that in rebuilding the new home needs to fit the family's needs. Commissioner Howe commented that the setbacks will not be onerous to the neighbors, that this will be a good project and a good fit for the neighborhood.

Vice Chair Weiss commented that the proposed project does not request any deviations and has generous setbacks. Vice Chair Weiss noted that the drought tolerant landscaping is a good addition. Vice Chair Weiss stated an opinion that the home will fit in the neighborhood and has modern touches. Vice Chair Weiss commented that it is a strong expression of faith that the applicants will rebuild in the City.

Commissioner Harrison stated that she will be supporting the motion. Commissioner Harrison noted that the proposed project will have a nine foot plate height at the garage level and that in conjunction with the setbacks it is unlikely that the proposed project's scope will appear inappropriate.

Commissioner Olevson stated that he will be supporting the motion and can make the findings for the Design Review. Commissioner Olevson commented on the setting for the proposed project and noted that the additional trees will benefit the neighborhood and property. Commissioner Olevson noted his sympathy regarding the fire. Commissioner Olevson commented that the home is well designed and that the overall height is compatible with the neighborhood, especially given the

setbacks.

Chair Rheaume stated that he will be supporting the motion and can make the findings. Chair Rheaume noted his appreciation of modern, eclectic designs, such as the project's original design. Chair Rheaume commented that the applicants persevered through the fire and that it is great that they will rebuild in the City.

The motion carried by the following vote:

**Yes:** 6 - Chair Rheaume  
Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Howe  
Commissioner Olevson

**No:** 0

**Absent:** 1 - Commissioner Simons

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

#### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

#### **NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

**-Staff Comments**

Assistant Director Miner stated that the proposed project at 445 and 455 N. Mary Avenue will be heard tomorrow night at the June 12, 2018 City Council meeting.

#### **ADJOURNMENT**

Chair Rheaume adjourned the meeting at 8:20 PM.