



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, October 10, 2016

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

#### 1 Call to Order in the West Conference Room

#### 2 Roll Call

#### 3 Study Session

##### A [16-0963](#)

**File #:** 2013-7608

**Locations:** 696 N. Mathilda Ave. (APN: 204-01-003) and 380 San Aleso Ave. (APN: 204-01-004)

**Zoning:** MS/PD-70

**Proposed Project:**

**PERRY PARK CONDITIONAL USE PERMIT** to combine two parcels, demolish existing structures and construct a new 4,387 square foot restaurant with drive-thru.

**Environmental Review:**

**Applicant / Owner:** J.P. DiNapoli Companies, Inc. / Sequoia Del Ray LLC

**Project Planner:** Shetal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

##### B [16-0964](#)

**File #:** 2015-7624

**Location:** 767 N. Mathilda Ave. (APN: 165-43-021)

**Zoning:** MS/FAR100

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to redevelop an industrial site to a 6-story, 238-room hotel with surface parking. Proposed hotel Hilton Garden Inn.

**Environmental Review:** Mitigated Negative Declaration

**Applicant / Owner:** Architectural Dimensions /Sinogap LLC

**Project Planner:** Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

#### 4 Public Comment on Study Session Agenda Items

**5 Adjourn Study Session**

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

**CALL TO ORDER**

Vice Chair Rheume called the meeting to order in Council Chambers.

**SALUTE TO THE FLAG**

Vice Chair Rheume led the salute to the flag.

**ROLL CALL**

- Present:** 5 - Vice Chair Ken Rheume  
 Commissioner Russell Melton  
 Commissioner Ken Olevson  
 Commissioner David Simons  
 Commissioner Carol Weiss
- Absent:** 1 - Chair Sue Harrison

**ORAL COMMUNICATIONS**

John Cordes announced that a debate for City Council candidates will take place on Wednesday, October 12 at 7 p.m. at 755 N. Mathilda Avenue.

**CONSENT CALENDAR**

MOTION: Commissioner Melton moved and Commissioner Olevson seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

- Yes:** 5 - Vice Chair Rheume  
 Commissioner Melton  
 Commissioner Olevson  
 Commissioner Simons  
 Commissioner Weiss
- No:** 0
- Absent:** 1 - Chair Harrison

- 1.A**     [16-0961](#)     Approve Planning Commission Meeting Minutes of September 26, 2016

Approve Planning Commission Meeting Minutes of September 26, 2016 as submitted.

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2**      [16-0959](#)      **Proposed Project:** Public Comments on the Draft Environmental Impact Report for the Land Use and Transportation Element Update.  
**File #:** 2016-7708  
**Location:** Citywide  
**Applicant:** City of Sunnyvale  
**Project Planners:** Jeff Henderson and Trudi Ryan, (408) 730-7462, Horizon2035@sunnyvale.ca.gov

Director of Community Development Trudi Ryan said the purpose of the Public Hearing is limited to receiving public comment on the adequacy of the Draft Environmental Impact Report (DEIR) for the Land Use and Transportation Element (LUTE) Update, and she introduced Project Managers, Jeff Henderson and Dana Hoffman.

Commissioner Weiss said the EIR references complete communities, population growth and projections, and that in the discussion of housing it is imperative to consider Below Market Rate (BMR) housing. She encouraged increasing the BMR percentage from 12.5 to 15 and emphasized rental housing for low- and very low income residents and senior housing. She said the LUTE mentions adequate housing in the policies and suggested that it mention affordable housing, and said she supports Alternative 2 for fewer jobs and more housing units.

Director Ryan interjected a reminder that tonight's hearing is to gather public input on the DEIR and not the LUTE update itself.

Commissioner Weiss said transit may need to be reviewed after Measure B is voted on because it will specifically impact where the lines are for buses and light rail in areas where there are job increases.

Commissioner Simons confirmed with Director Ryan that the Planning Commission has had several study sessions on the LUTE and DEIR, and that this is the first Public Hearing on the DEIR. He noted that the DEIR references the Santa Clara Valley Transportation Authority (VTA) Bicycle Design Guidelines in 3.1-21 but makes no reference to use of the VTA Pedestrian Design Guidelines, both of which should be referenced in the same part of the EIR. He suggested a reference to the Vision Zero document as part of the goals, and noted that in the Executive Summary discussion regarding impacts resulting from implementation of the LUTE and applicable mitigation measures one table lists an increase in the number of vehicles in a planning area and shows no mitigation measure required. He suggested there be a comment about adjusting vehicle speeds or increasing pedestrian sidewalk widths. He said in 3.1-11 he would like to see the discussion of

policy 54 expanded to include an interest in higher physical separations between neighborhoods due to changes in activity, an increase in bicycle and pedestrian access in spite of impacts from growth, and mitigating growth issues to meet action requirements while still supporting policy 54. He noted that section 3.4-33 regarding existing pedestrian and bike facilities is confusing because all roads are bike facilities in addition to separate bike paths, and said that he would submit comments regarding the adequacy of several maps used, particularly figure 3.4-7.

Commissioner Olevson noted that on page ES-12 mitigation measure MM 3.6.3 requires construction vehicles use the best available noise control techniques, and that previously we only required construction vehicles meet the requirements of the Bay Area Air Quality Management District (BAAQMD). He said his concern is that if we require the best available there may be issues when better techniques arise, so he would like to see that mitigation measure revisited. He noted that on page 3.2-3 there is a statement regarding the Association of Bay Area Governments (ABAG) concluding that Sunnyvale has a 1.0 ratio of jobs to employed residents which conflicts with table 5.0-1 where the ratio is listed as 1.44. Commissioner Olevson said that throughout the DEIR there is discussion of increasing bike and pedestrian travel to improve transportation, but that the percentage of bike and pedestrian travel is not shown to increase after 20 years, and that this needs further explanation. He said table 3.11.3-1 is useless because it discusses the SMaRT Station generating tons of waste per day, and then compares it to the capacity of different canyons in terms of cubic yards per year. He said only one measurement should be used. He noted that the DEIR shows a population increase over the 20 year period of 20 percent with no new parks constructed, and that developers can either dedicate land or pay a fee, which funds the maintenance of existing parks only. He said there is a conflict in saying that the quality of life will be maintained or improved if no new parks are added to accommodate an increase in the population. He added that he would like a greater explanation in the DEIR as to why Alternative 2 is not the superior Alternative as it has a better jobs-to-housing ratio.

Commissioner Simons noted that in section 3.4 he would like to see a discussion about whether there is a safety issue in increasing average vehicle speeds while maintaining the same sidewalk widths, which should be a significant criterion impact for development. He noted that section 3.13-13 is a City list of documents and suggested that it may be appropriate to list both the VTA Bicycle and Pedestrian Guidelines.

Vice Chair Rheaume opened the Public Hearing.

John Cordes, Sunnyvale resident and member of the Bicycle and Pedestrian

Advisory Commission speaking for himself, said he is concerned that the DEIR notes that vehicle miles traveled will increase while the Climate Action Plan says it should decrease and the DEIR does not reconcile that impact. He said he is concerned with the jobs-to-housing imbalance and does not understand why there is persistent discussion about adding 40,000 more jobs. He said the DEIR does not take into account new technologies such as driverless cars or when electric vehicles become more common, and it ignores new infrastructure and transportation modes such as carpool sharing and how to improve that use. He said the DEIR identifies impacts as significant and unavoidable which does not make sense if we have alternatives that allow us to avoid those impacts. He said he is concerned with the growth rate and that the plan needs triggers such as allowing only so many new jobs until adequate housing supply is built. He encouraged an increase of affordable housing in the LUTE, and said 25 percent in the El Camino Real corridor is good but that we need funding from increased developer fees.

Sue Serrone, Sunnyvale resident, said not enough attention is paid to current trends, that the DEIR needs to be updated with regard to the jobs-to-housing imbalance and actual job creation numbers. She said we do not factor in that each job we create also creates three low-income jobs, and that some impacts are listed as insignificant because they do not affect Sunnyvale but that we are in a mega region and those impacts affect other cities. She said we need to reevaluate these basic assumptions before approving the LUTE.

Bruce Terris, Sunnyvale resident, said his house is adjacent to a current medical center which is an area proposed for a future mixed village, and that he is concerned with the effect a future village may have on the environment. He said generally he supports the goals of the Draft LUTE, which, if properly implemented, could be an asset to neighborhoods. He noted that impact 3.1.3 in the DEIR says changes to land use would have a less than significant impact, with which he disagrees as a multistory building could impact his privacy and solar access and increase noise and traffic. He noted that policy 55 action 2 discussed the consideration of land use transitions around village centers and that he is concerned that his single-story Eichler neighborhood could be rezoned. He suggested removing policy 55 action 2 because it is inconsistent with the goal of neighborhood preservation and that the term 'around village centers' should be better defined.

Arpita Kumari, Sunnyvale resident, said for the concept of mixed use villages to work it should include the critical mass of housing at the specific location and neighborhood around it to support retail services. She said the jobs-housing ratio needs to be altered as others have suggested and that Alternative 2 may be

included. She said she looks forward to the creation of more interesting spaces on a continuous strip like El Camino and that creating a sense of place is important for developing villages that are safe at any time of day. She said these spaces need enough activity for people to use and strong bike and transit access to proposed villages from adjacent neighborhoods.

Vice Chair Rheamue closed the Public Hearing.

Director Ryan noted that all comments received this evening and all written comments on the DEIR will be used for preparation of the Response to Comments document as part of the Final EIR and will include corrections, modifications and explanations of those comments. She said three Commissions will review the LUTE in October, that the hearing schedule was modified to fit in the Lawrence Station Area Plan and that the Planning Commission and City Council will review the LUTE in January.

Vice Chair Rheame closed this agenda item.

**3**        [16-0548](#)        **Proposed Project:**    Related General Plan Amendment and Rezoning applications:

**GENERAL PLAN AMENDMENT:**

- To change the land use designation from Residential High Density to Residential Low-Medium Density (Sunnytrees townhomes complex), a 5.05-acre site; and
- To change the land use designation from Residential Low Density to Residential Low-Medium Density (838 Azure Street), a 0.34-acre site

**REZONE:** Introduction of an Ordinance to rezone the 838 Azure Street site from Low Density Residential (R-0) to Low-Medium Density Residential with a Planned Development combining district (R-2/PD), 0.34-acre site.

**File #:** 2016-7078

**Location:** 838 Azure Street/842 Sunnyvale-Saratoga Road (APN: 211-18-030) and Sunnytrees townhomes complex [821-836 Azure Street (APNs: 211-41-013 through 211-41-032), 103-180 Brahms Way (APNs: 211-41-001 through 211-41-059), and 817-827 Cezanne Drive (APNs: 211-41-050 through 211-41-055)]

**Zoning:** R-0 (838 Azure Street) / R-2/PD (Sunnytrees townhomes complex)

**Applicant / Owner:** Xin Lu (838 Azure Street), City of Sunnyvale/Multiple property owners (Sunnytrees townhomes complex)

**Environmental Review:** Mitigated Negative Declaration

**Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Associate Planner George Schroeder presented the staff report.

Vice Chair Rheume verified with Associate Planner Schroeder that projects for these sites are not being considered tonight and that only General Plan Amendments and a Rezone are being considered.

Commissioner Melton confirmed with Associate Planner Schroeder that if the General Plan Amendment (GPA) and Rezone are approved by City Council the gate on the property to Sunnyvale-Saratoga would not automatically be removed, and discussed how a Planned Development (PD) combining district would provide benefits considered in the public interest. They also confirmed the zoning of the properties on the north edge of Cirrus Avenue, and Commissioner Melton commented that the argument that 838 Azure would serve as buffer zoning is diminished by fact that those properties on Cirrus do not serve as a buffer.

Commissioner Olevson noted that 'City Council' should be removed from Findings 2 and 3 in Attachment 3, and that in Attachment 7 mitigation measure 10 should read "...end of the root shall be covered." Associate Planner Schroeder said those corrections will be made. Commissioner Olevson and staff discussed whether a change in zoning to 838 Azure is considered spot zoning.

Commissioner Weiss referenced a previous Planning Commission meeting during which 'public interest' could not easily be defined and discussed with staff how to make the public interest finding. She suggested not using the term in the recommendation. Commissioner Weiss discussed with Planning Officer Andrew Miner why specific details such as tree removal and sidewalks are being considered now and not with the actual project.

Vice Chair Rheume also suggested not using the public interest term, to which Senior Assistant City Attorney Rebecca Moon responded that standard practice allows personal opinions of appointed and elected officials to inform their decisions regarding public interest. Vice Chair Rheume discussed with Planning Officer Miner why staff is recommending higher density for the Azure site.

Commissioner Simons and Planning Officer Miner discussed whether a Mitigated Negative Declaration (MND) could be approved in the future for the Sunnytrees site at maximum density.

Vice Chair Rheume opened the Public Hearing.

Applicant Xin Lu presented information about the proposed GPAs and Rezone.

John Cordes, member of the Sunnyvale Bicycle and Pedestrian Advisory Commission speaking for himself, encouraged maintaining the General Plan designation of high density residential for the Sunnyside site.

Andrei Korebkov, owner of property adjacent to 838 Azure Street, spoke in opposition to the GPA and Rezone for the Azure site.

Joe Vojvoda, owner of property adjacent to 838 Azure Street, spoke in opposition to the GPA and Rezone for the Azure site.

Commissioner Melton confirmed with Mr. Vojvoda the location of his property.

Applicant Rodger Griffin, with Paragon Design Group, provided additional comments about the proposed project and addressed public concerns.

Commissioner Weiss confirmed with Ms. Lu who currently lives in the home at 838 Azure, and discussed with Mr. Griffin and Ms. Lu the conditions of trees on the site and the plan for their removal. Commissioner Weiss also discussed with the applicants the plan for cleaning up the soil prior to construction.

Vice Chair Rheaume closed the Public Hearing.

Commissioner Melton verified with Associate Planner Schroeder that the current General Plan designation and zoning allows a maximum of two dwelling units on the Azure site and the proposed GPA and Rezone would increase the maximum to four. They also confirmed that a pedestrian gate would be created along with the project and not approved tonight.

Planning Officer Miner noted that a recommendation for a GPA and Rezone requires four affirmative votes from the Planning Commission.

MOTION: Commissioner Olevson moved and Commissioner Melton seconded the motion to recommend to City Council Alternatives:

- 1) Make the findings required by CEQA in Attachment 3 and adopt the Mitigated Negative Declaration; and,
- 2) Adopt a Resolution amending the General Plan land use designation from Residential High Density to Residential Low-Medium Density for the Sunnyside townhome complex.

Commissioner Olevson said the 838 Azure property is not a contiguous part of the

Sunnytrees part of street, and therefore, he is only recommending making the General Plan designation consistent with the current zoning for the Sunnytrees development.

Commissioner Melton noted that the benefits of the GPA and Rezone of the Azure site are the PD designation and an increase in housing density, and that the negatives include parking, neighborhood incompatibility and inappropriate density, and he said the arguments for creating a zoning buffer do not resonate with him due to the absence of a zoning buffer on Cirrus Avenue. He said the change for the Sunnytrees townhome complex is simply housekeeping, that it is built and zoned and is mismatched to the General Plan so he can make the finding that the change is in the public interest.

Vice Chair Rheume said he is not supporting the motion because it does not make sense to change the designation from high density to low-medium density with the current housing crisis. He said the Sunnytrees site is ideal for high density because it is behind a shopping center and El Camino Real.

Commissioner Weiss said she is supporting the motion and said a high density designation does not mean the 59 homes there now that are in good condition and with current tenants will be demolished to build a high density development.

Commissioner Simons said the big problem with high density housing areas are the unmitigated impacts that the City does not deal with, and that there are already impacts from medium density housing in this area. He said we need more tools to help neighborhoods coexist, and that he supports the motion because he does not like the potential spot zoning of 838 Azure.

The motion carried by the following vote:

**Yes:** 4 - Commissioner Melton  
Commissioner Olevson  
Commissioner Simons  
Commissioner Weiss

**No:** 1 - Vice Chair Rheume

**Absent:** 1 - Chair Harrison

Planning Officer Miner noted that this recommendation will be forwarded to City Council for consideration on November 1.

Commissioner Melton confirmed with Planning Officer Miner that an action should be taken on 838 Azure and Alternative 3.

MOTION: Commissioner Melton moved and Commissioner Simons seconded the motion to recommend that City Council deny the General Plan Amendment and Rezone for 838 Azure Street.

Vice Chair Rheume said he is not supporting this motion and supports increasing the density of this lot.

The motion carried by the following vote:

**Yes:** 4 - Commissioner Melton  
Commissioner Olevson  
Commissioner Simons  
Commissioner Weiss

**No:** 1 - Vice Chair Rheume

**Absent:** 1 - Chair Harrison

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

None.

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

##### **-Commissioner Comments**

None.

##### **-Staff Comments**

Planning Officer Miner discussed recently heard and upcoming Planning-related City Council items, and noted that the Lawrence Station Area Plan has been continued from the October 17 special Planning Commission meeting but will remain on the agenda because it has been advertised. He also announced that he will ask for special meetings in November and December.

#### **ADJOURNMENT**

Vice Chair Rheume adjourned the meeting at 8:36 p.m.