



City of Sunnyvale

Notice and Agenda - Final Planning Commission

Monday, November 28, 2016

6:30 PM

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

Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing 7 PM

6:30 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

A. [16-1118](#)

File #: 2016-8001

Locations: Citywide

Project Description: Individual Lockable Storage Requirement (Study Issue)

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

Public Comment on Study Session Agenda Items

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Call to Order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

PRESENTATION

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow commissioners to take action on an item not listed on the agenda. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

1. A [16-1113](#) Approve Planning Commission Meeting Minutes of November 14, 2016

Recommendation: Approve Planning Commission Meeting Minutes of November 14, 2016 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [16-0850](#)

Proposed Project: Forward Recommendations on related applications on five parcels totaling 5.49 acres at El Camino Real/Wolfe Road/Fremont Avenue:

REZONE: Introduction of an Ordinance to rezone one parcel from C-1/ECR to R-3/ECR,

SPECIAL DEVELOPMENT PERMIT: To allow 138 residential units (39 townhomes and 99 flats) and 6,934 square feet of retail/office use with surface and underground parking,

VESTING TENTATIVE MAP: To create 40 lots and one common lot, which includes 39 townhome lots and one lot for condominium purposes (99 residential condominiums and one commercial condominium), and

CEQA: Adopt a Resolution to Certify the Environmental Impact Report, adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

File #: 2014-7373

Location: 871 and 895 E. Fremont Ave. (APNs: 211-25-011, 211-25-033, 211-25-034, 211-25-038 and 211-25-039)

Zoning: R-3/ECR and C-1/ECR

Applicant / Owner: De Anza Properties

Environmental Review: Environmental Impact Report

Recommendation: Recommend to City Council Alternatives 1, 3 and 5: 1) Adopt a Resolution to Certify the Environmental Impact Report (EIR), make the findings required by CEQA, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program (Attachment 5 in the report); 3) Introduce an ordinance to Rezone 895 E. Fremont Avenue to R-3/ECR (Attachment 6 in the report); and 5) Approve the Special Development Permit and Tentative Parcel Map with the findings in Attachment 3 and conditions of approval in Attachment 4 of the report.

Staff has worked extensively with the applicant to address community concerns on density, site planning, height, architecture and tree preservation. The project, as proposed, is consistent with the General Plan residential use designation and within the height limits established by the Precise Plan for El Camino Real and the ECR zoning district.

3. [16-0941](#)

Proposed Project: **REZONE:** Introduction of Ordinance to rezone 54 contiguous lots (53 single-family homes and a lot owned by the California Water Service) from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)

File #: 2016-7467

Location: Multiple properties bound by Panama Park on the west, Dartshire Way on the south, Mallard Way on the east and Carlisle Way on the north including Coventry and Cornwall Courts.

1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022), 800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs: 309-11-023 through 309-11-025 and 309-12-029 through 309-12-032), 854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028).

Zoning: R-0

Applicant / Owner: Paul Healy (plus multiple owners)

Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Recommendation: Recommend to City Council: Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and, 2) Introduce an Ordinance to Rezone 54 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).

4. [16-1052](#) Forward a recommendation to the City Council to adopt an Urgency Interim Ordinance and to introduce an Ordinance to Amend Title 19 (Zoning) and Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code related to Senate Bill 1069 and Assembly Bill 2299, and Find that the Action is Exempt from CEQA.

Recommendation: Recommend to the City Council Alternative 1: Adopt an Urgency Interim Ordinance and Introduce an Ordinance to Amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code to ensure consistency with Senate Bill 1069 and Assembly Bill 2299.

The adoption of the recommended amendments to the Sunnyvale Municipal Code will ensure consistency with the amended State legislation on ADUs prior to the effective date of the legislation. In addition, the recommended modifications ensure that the City retains authority to regulate ADUs on applications received after January 1, 2017.

Making no changes to the ordinance would require the City to impose the adopted State standards in their entirety and may create inconsistencies with the City's General Plan and Zoning Ordinance, and adversely impact existing Sunnyvale neighborhoods' characteristics and integrity.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

ADJOURNMENT

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.

Agenda information is available by contacting Katherine Hall at (408) 730-7440. Agendas and associated reports are also available on the City's website at sunnyvale.ca.gov or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

*Planning a presentation for a Planning Commission meeting?
To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" document available at Presentations.inSunnyvale.com.*

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing.

PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Planning Division at (408) 730-7440. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II)