



City of Sunnyvale

Meeting Minutes

Planning Commission

Monday, October 26, 2015

7:00 PM

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

7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM

- 1 [15-0975](#) **File #:** 2015-7382
Location: 250 E. Java Drive (APN: 110-33-030)
Zoning: MPT (Moffett Park - Transit Oriented Development)
Proposed Project:
 SPECIAL DEVELOPMENT PERMIT to redevelop a site for a
 new 5-story hotel with 180 guest rooms and 6,000 square foot
 of ground floor retail.
Applicant / Owner: Peninsular Investments
Environmental Review: TBD
Project Planner: Margaret Netto, (408) 730-76628,
 mnetto@sunnyvale.ca.gov

2 Public Comment on Study Session Agenda Items

3 Comments from the Chair

4 Adjourn Study Session

8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS

CALL TO ORDER

Chair Melton called the meeting to order at 8:00 p.m.

SALUTE TO THE FLAG

Chair Melton led the salute to the flag.

ROLL CALL

Present: 6 - Chair Russell Melton
Vice Chair Sue Harrison
Commissioner Ken Olevson
Commissioner Larry Klein
Commissioner Ken Rheaume
Commissioner David Simons

ORAL COMMUNICATIONS

Unagendized Special Order of the Day

Chair Melton announced the promotion of Trudi Ryan, Planning Officer, to the role of Community Development Director and presented her with a certificate of commendation for her 26 years of service as the City's Planning Officer.

CONSENT CALENDAR

1.A [15-0897](#) Approval of the Draft Minutes of the Planning Commission Meeting of October 12, 2015

Comm. Klein moved to approve the draft minutes. Comm. Rheaume seconded.
The motion carried by the following vote:

Yes: 6 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheaume
Commissioner Simons

No: 0

PUBLIC HEARINGS/GENERAL BUSINESS

2 [15-0862](#)**File #:** 2015-7303**Location:** 725 South Fair Oaks Avenue (APN: 211-01-046)**Zoning:** C2-ECR**Proposed Project:** Consideration of an application on a 1.25-acre site:**SPECIAL DEVELOPMENT PERMIT:** to allow the redevelopment of a former restaurant site into a 182-room, five-story hotel with underground parking**VARIANCE:** to reduce solar access to adjacent structures.**Applicant / Owner:** Lifestyle Hotel (applicant) / K3 Dev, LLC (owner)**Environmental Review:** Mitigated Negative Declaration**Project Planner:** Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Momoko Ishijima, Associate Planner, presented the staff report. She noted that in attendance are Carol Shariat, Principal Transportation Engineer, and Mike Mowery, with Kimley-Horn, to answer traffic related questions.

Vice Chair Harrison confirmed with Ms. Shariat that the Conditions of Approval (COA) address the bike lane striping request from CalTrans, and confirmed with Ms. Ishijima that the owner of the adjacent commercial property has expressed approval of the proposed project. Vice Chair Harrison also confirmed with Ms. Ishijima that improvements to the bus stop on El Camino Real would not be completed with this project, and verified with Trudi Ryan, Planning Officer, that trash collection would not occur before 7 a.m.

Comm. Olevson discussed with Ms. Ryan and Mr. Mowery whether elimination of the pork chop island would impact vehicular traffic on southbound Fair Oaks Avenue. Comm. Olevson discussed with Ms. Ishijima the solar shading study and the Variance requested by the applicant.

In response to Comm. Klein's inquiry, Ms. Ishijima provided clarification on the expanded solar analysis study, and confirmed that the critical time period for solar access is between 9:00 a.m. and 3:00 p.m. daily. Comm. Klein verified with Ms. Ishijima that the applicant has not received negative feedback from the owner of the property to the north related to the shading of the car port, and confirmed the car port's location with Ms. Ryan. Comm. Klein also confirmed with Ms. Ishijima that the applicant will provide secured bicycle parking.

Comm. Rheume clarified with Ms. Ishijima the proposed removal of trees on and adjacent to the subject property, and discussed why the applicant is asking to remove the neighbor's trees. Comm. Rheume confirmed with Ms. Ishijima that the applicant has proposed to protect the trees on adjacent properties during

excavation of the underground parking lot, and confirmed that the hotel would need to be two stories to avoid a solar Variance request.

Comm. Simons confirmed with Ms. Ryan that staff is amenable to changing the texture of ST.1, the engineered stone tile system as shown on the materials board, and verified with Ms. Ishijima that the planter trees shown in the renderings around the pool are not included in the COAs. Comm. Simons also confirmed that staff is amenable to making more visible the bicycle loops discussed in COA BP-21.

Comm. Olevson commented on the potential increase in solar access Variance requests as similar projects are proposed along El Camino in the future, and discussed with Ms. Ryan whether the code should be modified specifically for El Camino Real to address the solar shading issues for these projects.

Chair Melton opened the public hearing.

Rashik Patel, Vice President of Development, and Greg LeBon, Vice President of Design, with T-2 Development, gave a presentation on the proposed project.

Comm. Simons confirmed with Mr. LeBon that the art installation would be on the corner of El Camino Real and Fair Oaks but is not finalized, and confirmed with Mr. Patel that they are striving to achieve LEED gold. Comm. Simons commented on the side of the building facing El Camino looking like the back of a building, and Mr. LeBon said their intention is to make it look special.

In response to Vice Chair Harrison's inquiry, Mr. Patel defined "select service hotel," and confirmed with Mr. LeBon the estimated cost per hotel room. Vice Chair Harrison also confirmed with Mr. Patel that the whole building creates the shading issue and not just the pool area on El Camino that was portrayed in the previous design.

Comm. Klein confirmed with Mr. Patel that he is amenable to the requirement of four Class II bicycle parking spaces, and discussed his contact with the property owner to the north regarding the solar shading issue.

Stan Hendryx, a Sunnyvale resident, encouraged the Planning Commission to develop a policy recommendation for City Council on solar shading.

Zachary Kaufman, a Sunnyvale resident, discussed his concerns with the replacement of the trees on the site and an increase in traffic in the area. Comm. Simons discussed with Mr. Kaufman the preferred size of replacement trees.

Dave and Meena, Sunnyvale residents, discussed their concerns with adequate parking for the project, increased traffic and their desire for mature trees.

Mr. Patel and Mr. LeBon addressed the neighbors' and Planning Commissioners' concerns. Bruce Jett, Landscape Architect, discussed the proposed tree replacement program.

Vice Chair Harrison clarified the calculation of the percentage of shading throughout the year with Jeremy Grant, Project Architect.

Comm. Rheaume confirmed with Mr. Jett that trees will be replaced with more trees but those smaller in size and that the applicant is planning on saving the eucalyptus trees.

Chair Melton closed the public hearing.

Vice Chair Harrison clarified with Ms. Ryan the section of the code regarding solar shading.

Chair Melton discussed with Ms. Ryan the intent of the Ordinance regarding solar access, and the pros and cons of pork chop islands with Ms. Shariat.

Comm. Klein moved Alternative 3 to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Variance.

Comm. Rheaume seconded.

Comm. Klein said this project has many positives, that the developer worked with staff and the community to look at reducing the height of the building on El Camino and changed the whole frontage there. He said this all goes back to the requested solar shading Variance and that the code is very clear. He said the developer mentioned during the study session that there might be a Variance but that it was not until we saw the final plans that we understood how distinct that Variance request would be. He applauded the applicant for talking to the property owner to the west who is okay with keeping the trees and any solar shading, and noted that the applicant reached out to the apartment owners to the north who they have not heard back from yet. Comm. Klein said the Planning Commission recently reviewed a project with a similar solar shading issue and the owner and community was up in arms about it, so although the owner to the west may be pro-solar shading now, that property may be sold in the future and the new owner may not be in favor of it.

He said the Planning Commission does not set policy, that City Council may decide to reevaluate the policies and codes of the City, but the code clearly says there needs to be an extreme reason to grant a Variance and he does not see such a reason with this project. He said he understands that within the last two weeks keeping the trees on the property line has become a priority of the developer who has said those trees are shading the restaurant to the west and parking lot to the north, and that he understands that the way the lot is set up on El Camino will make shading the buildings to west and north nearly inevitable. He said increasing the scope of this project and purchasing that building and reducing shading on the nearby buildings would be a positive thing and would bring this project into code, but that we are not talking about ten to 15 percent shading, but 95 to 100 percent, which is dramatic. He noted that in the past the Planning Commission has debated 15 or 20 percent shading of a next door residential property and that as much as he likes this project and what it would bring to the community, he cannot vote for the approval of the project. He thanked the developer for going through the process and the community for coming out to discuss their concerns, and said traffic is already a problem here. He said this project would slightly affect traffic, especially as people try exiting onto Fair Oaks.

Comm. Rheume said he will be supporting the motion and that this project comes down to the solar access Variance. He said we allow for ten percent maximum coverage, and here the applicant is asking for 95 to 100 percent, which is not just a little bit over. He said he cannot make the findings to approve the Variance, especially 3.2.5 which states "to ensure properties are developed and operated in such a manner as to minimize their negative impacts to adjacent residential areas." He noted that two weeks ago the Planning Commission denied an application for a similar solar shading Variance, and that with regard to the current project there are no neighbors who are against it, but with the other property just two blocks from this site he does not see how this project is okay to approve while the other is not. He said this is a nice project, and that we are not here to set policy and he wonders if we are still trying to build projects that are too big for this part of the City. He said that until we have a policy to support this he is unable to make the findings.

Comm. Simons said he will be supporting the motion, but wanted to go over his methodology for passing the project. He said he would have changed the fiber board issue, added a requirement for trees around the pool, modified COA BP-21 for bicycle parking and added a requirement to improve the northwest long side of the building, entryway and rear. He said the solar requirement, is very new and will likely be gone very soon because of impacts to development, could have been taken care of in a three to four part addition. He said any applicant that has shaded buildings of a neighborhood would have to offer to pay for covered, cool roofed

parking in adjoining parking lots equal to or greater than the buildings with greater than ten percent shading and that parking be placed in areas of the parking lot that have the least or no shading. He noted that the purpose of the original requirement was not to stop shading of green space, but to limit the amount of impact for anyone wanting to put solar arrays on their home or business and could potentially become nonfunctional for part of the year. He said if you have a green space or golf area that does not count unless it goes over a building, and that what he thinks of as a win-win situation is when we can give an equivalent area where solar power could be placed and would not cost the neighbor as much and to reduce the amount of open parking and heating. He said most greenhouse gases do not come from driving but from heated up cars venting different gas products, and that he thinks the aforementioned option could be done and be very beneficial. He said a hotel has the lowest traffic impact than most other uses for this site, that more retail would have a greater traffic impact and that he is supporting this motion because there may not be support for mitigation for this type of project. He said he expects the policy will change and will allow mitigation in the future and that the intent of the law is not being followed.

Comm. Olevson said he will not be supporting the motion, and that the trees being saved provide all of the solar shading that we are trying to avoid. He said by not taking down the trees the shadow of this building will be on them, and this is a prime reason that this Commission sees a project in public hearing format rather than all projects going directly to City Council, so that we might use judgment and ask whether this project meets City policy. He said if it does not the Commission uses judgement to ask if there are overriding reasons to approve the project anyway. He said he is sensitive to the solar issue and in the last meeting we had a project that would cast great shadows over an open area, which is not something we want to do, but that in this instance the building would be casting shadows on the trees that the applicant and surrounding neighbors have tried very hard to save. He said because of that he does not see that we are violating the intent of the policy at all.

Vice Chair Harrison said she is not supporting the motion, and said how we have been interpreting the Municipal Code is too simplistic by saying that at any point in time during this 9 a.m. to 3 p.m. window if there is more than ten percent shading then the project is out. She said that has been effective for a majority of projects we have seen, but that this is a very different circumstance. She said for the first time she has seen the exact wording of what this section of the code says and the way we have been doing it is not supported by the actual wording of the code, which is "the absence of shadows blocking or reducing exposure to the sun to an extent greater than 10 percent daily during the hours between 9 a.m. and 3 p.m." She said

that does not say if at any point in time more than ten percent is covered it is out, but that during that time period if you add it all up and it is more than 10 percent. She said she understands that we have been comparing this project to a recent similar one with regard to a Variance request, but that this project's documentation is such that she can make the findings that it does not cover more than ten percent of the roof daily during this period of time.

Chair Melton said he is not supporting the motion, that he sees a lot of positives to this project and that some Commissioners had architectural comments we could incorporate if we end up with Alternative 2. He said if you look at the current situation a hotel room in Sunnyvale can go for \$500 per night, which has a lot to do with land use, housing and growth, but indicates that we need hotels. He said there are policies that talk about the growth and development of the City and that the positive aspects are clearly being met. He said the traffic situation and the contemplated removal of the pork chop island is something he can get comfortable with as there are benefits to pedestrians and that creation of a dedicated right turn lane can be managed and detriments to traffic monitored and mitigated. He echoed Comm. Olevson's notion that the solar shading arising from the new building would shade the trees that we are looking to save, and he agrees with Vice Chair Harrison regarding the intent of policy interpretation. He noted that it is interesting that the Planning Commission during consecutive public hearings reviewed two similar projects, and that one critical difference that allows him to say that two weeks ago he was uncomfortable with the Variance and today he is comfortable is the potential injuriousness to the neighboring parcel. He said two weeks ago we had Golfland which is a business operating on access to sunshine which does not carry over to the application we are looking at today. He said the parking car ports are already shaded by trees, and that he can make the findings for the Special Development Permit and those to grant the Variance.

MOTION: Comm. Klein moved Alternative 3 to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Variance.

Comm. Rheume seconded. The motion failed by the following vote:

Yes: 3 - Commissioner Klein
Commissioner Rheume
Commissioner Simons

No: 3 - Chair Melton
Vice Chair Harrison
Commissioner Olevson

Action reflects revote after Commisisoner Olevson indicated he had pushed the wrong button.

Comm. Simons moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Variance with modified conditions: that ST.1 on the materials board be replaced with an appropriate material of a higher quality look; to require the trees shown around the decking area in the project renderings; to add to Condition of Approval BP-21 the provision of six long-term bicycle parking spaces, and require a nicer looking option for the short-term bicycle parking spaces that are more visible; recommend that the applicant and staff look at integrating the required art into the construction of the building; include CalTrans recommendations in the Conditions of Approval, as appropriate; require an improved, visible entryway on the long northwest side of the building and bring materials from the opposite side of the building around to the northwest side to make it consistent. Comm. Simons discussed with Ms. Ryan the challenges and notion of requiring an applicant who proposes to shade an adjacent building beyond ten percent to offer the adjacent property owner payment for construction of a solar structure on their property. Comm. Simons said he would like to add that modification along with the requirement that any covered parking be in a spot without shading. Ms. Ryan confirmed with Comm. Simons that this modification would apply to the commercial site. Ms. Ryan said she and Rebecca Moon, Senior Assistant City Attorney, discussed that such a notion might be over-stepping, and clarified with Comm. Simons his final modification.

The motion failed for lack of a second.

Vice Chair Harrison moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Variance with the modified conditions that Comm. Simons proposed except for the final modification regarding solar structures over covered parking.

Comm. Olevson seconded.

Vice Chair Harrison said she agrees with earlier Commissioner statements that this project would be a benefit to the community, and overrides the loss to the restaurant due to the fact that it would have shading for 100 percent for an hour. She said she does not believe a Variance is necessary based on the actual wording of the code, and that the developer has worked hard with staff and the community to establish a project that looks good, is safe and provides for an attractive community as per the Precise Plan for El Camino Real (PPECR) requirements. She said the additions that Comm. Simons offered with regard to the trees on the third story and bike striping enhance the project and safety of the community.

Comm. Olevson said solar shading is a non-issue, and that shading trees may hinder their growth, but if they are already 50 to 60 feet high it is not an issue. He said he sees a nice project, one where the owner and developer have worked a great deal with their neighbors and staff to come up with a project that will enhance Sunnyvale. He said they are providing shuttle service and other things we think enhance this type of project, that he likes the modifications Comm. Simons put forward except that regarding solar shading, therefore making it easy for him to support this project.

Comm. Klein said he will not be supporting the motion, and that he still has an issue with the requested Variance. He said he is happy with the design of the project and the changes made to the COAs which are a positive twist on the project. He requested that staff and City Council reexamine the current solar code and the request for Variances. He noted that with other projects where solar shading was a slight increase over ten percent meant a denial of the request, and that if we applied the same Variance decision to the project two weeks ago because it was only a small building and portion of the project, that Variance would have been approved. He said staff and the Planning Commission need better direction and evaluation of what the application of that Ordinance needs to be and any possible changes to clarify for staff, the Planning Commission, City Council and developers what the right practice is and best implementation of solar access might be. He said that may mean looking for alternatives for neighbors as recompense when you go beyond a certain shading level and giving them an out like a fee and

that many alternatives are available. He said the question of a solar Variance is not something to be decided on a given night, but should be clarified within the code.

Comm. Rheume said he is supporting the motion and appreciates and was persuaded by the Planning Commissioners comments on this and the previous motions. He said he was stuck on the fact that two weeks ago we denied a very similar project, and thought we should deny this one as well, but that this is different and reaches many General Plan goals. He said what he likes about the project is that it meets specifics of the PPECR to enhance the experience of, and bring more pedestrian friendly environments closer to El Camino. He said he likes that the developer shrunk the front portion from five to three stories, and that the project will not impact the residential neighbors' abilities to provide solar power to their property. He added that this is a positive for the City and he too would like clarification on the solar policy.

Comm. Simons said the reasons he is not supporting the motion include that the justification that trees will be saved that are shading these buildings is a moot point, and that we have had projects where people put in solar arrays and neighbors have to take trees down because state law requires solar access. He said a building is permanent and cannot be not taken down if someone wants to put solar on their buildings. He recommended staff look into a tree removal option for getting solar access into Sunnyvale and for handling developments on El Camino, Mathilda Avenue and Lawrence Station. He said it makes no sense for someone to put solar on their house that may be providing 30 to 40 percent of their power while taking down trees that are shading their house and increasing their heat load 30 to 40 percent. He said we need to have solar power options that make sense and to place them where there is complete open sun that is optimized for angles, and that placement may not be on buildings, but may be in parking lots. He said his proposal may not have been the right solution, but that he is afraid it may become politically expedient to approve whatever is desired to be built on El Camino and to forgo solar protection altogether because we want to have nice nodes, retail and hotels. He said he likes how this project has been developed over time, that it is interesting to see the recommendations from the public and Planning Commission incorporated into the design, but that he cannot support approval of the project. He said the intent of this Variance is about fairness, and that, for example, if you have a required setback there may be great reasons to modify a building so that setbacks are not met, but we have requirements for setbacks in an attempt to be fair to all applicants. He said being fairer toward some people and less fair toward others because their project is wonderful is not where his decision making is coming from. He said it comes from following the rules and how to create a win-win situation when there are conflicting goals.

Chair Melton said he will be supporting the motion, and that looking at the totality of the project and all of the goals and policies of the City, he can make the findings for the Special Development Permit and to grant the Variance. He noted that later on in the agenda the Planning Commission will have the opportunity to suggest potential study issues and hopes to hear suggestions then.

MOTION: Vice Chair Harrison moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Variance with modified conditions:

- 1) That ST.1 on the materials board be replaced with an appropriate material of a higher quality look;
- 2) Require the trees shown around the decking area in the project renderings;
- 3) Add to Condition of Approval BP-21 the provision of six long-term bicycle parking spaces, and require a nicer looking option for the short-term bicycle parking spaces that are more visible;
- 4) Recommend that the applicant and staff look at integrating the required art into the construction of the building;
- 5) Include CalTrans recommendations in the Conditions of Approval, as appropriate; and,
- 6) Require an improved, visible entryway on the long northwest side of the building and bring materials from the opposite side of the building around to the northwest side to make it consistent.

Comm. Olevson seconded. The motion carried by the following vote:

Yes: 4 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Rheume

No: 2 - Commissioner Klein
Commissioner Simons

Vice Chair Harrison left the meeting at 10:05 p.m.

- 3 [15-0976](#) File #: 2014-7416 and 2014-7417
Location: 915 DeGuigne Drive and 936 E. Duane Avenue (APNs: 205-21-001 and 2015-21-002)
Proposed Project:
 General Plan Amendment to change from Industrial to Medium Density Residential for 915 DeGuigne Drive and from Industrial to Public Facility: Park for 936 E. Duane Avenue;
 Rezoning from M-S to R-3/PD for 915 DeGuigne Drive and M-S to PF for 936 E. Duane Avenue; and
 East Sunnyvale Sense of Place Plan
Environmental Review: **Environmental Impact Report.**
Applicant/Owner: Watt Investments at Sunnyvale, LLC
Project Planner: Ryan Kuchenig (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Ryan Kuchenig, Senior Planner, presented the staff report.

Chair Melton confirmed with Trudi Ryan, Planning Officer, that with Vice Chair Harrison's absence there is still a quorum, and that a recommending approval of the General Plan Amendment (GPA) and Rezone will require four affirmative votes.

Comm. Olevson commented on the rejection two years ago of nearby land for park dedication due to ground contamination, and confirmed with Ms. Ryan that the Department of Public Works revised the standard for acceptance for park land dedication and that this site is acceptable. Comm. Olevson clarified with Ms. Ryan the location of multiuse paths on the site and how bicyclists would navigate them.

Comm. Klein discussed with Carol Shariat, Principal Transportation Engineer, this project's effects on the Fair Oaks/Duane intersection and how the previous approval of the road diet means those effects cannot be mitigated, and Comm. Klein commented on the approval of the road diet being shortsighted. Comm. Klein commented on Attachment 5 not listing several residential areas and Ms. Ryan explained that the map is from the 2011 General Plan consolidation which is based on older documents. He disclosed that because he missed the study session on this portion of the project he met with the developer to understand how the project has been developed over time.

Comm. Rheame verified with Mr. Kuchenig which intersections would have unavoidable traffic impacts and whether those are based on the maximum build out or the planned project, and that the maximum density allowed is much higher than the proposal. Comm. Rheame also confirmed with Mr. Kuchenig the zoning of an approved mixed use development, and with Ms. Ryan that part of the recommendation made to Council would be for a GPA and Rezone.

Comm. Klein and Ms. Ryan discussed the appropriateness of the 0.8 acre park listed as an alternative for donation at the corner of DeGuigne and Duane, and discussed potentially looking at more mixed use sites for Industrial-to-Residential designations.

Chair Melton opened the public hearing.

Max Frank, Division President at Watt Investments, gave a presentation on the proposed project.

Chair Melton verified with Mr. Frank that 56 Below Market Rate (BMR) units are proposed for this project and that any housing mitigation fees would be paid for the balance percentage.

Jay Herbert, a member of the public, gave a presentation discussing his concerns with safety and increased traffic in the subject area.

Chair Melton confirmed with Mr. Herbert that his observations are around school drop-off and pick-up times.

Philip Payne, a Sunnyvale resident, discussed his concern with safety and traffic in the subject area, and said having more grocery stores and gas stations in the area would be useful. Mr. Payne submitted a letter outlining his concerns.

Mr. Frank addressed the residents' concerns.

Chair Melton closed the public hearing.

Comm. Klein discussed with staff the community outreach done before approval of the road diet.

Comm. Olevson moved to recommend to City Council Alternatives:

- 1) Certify the Environmental Impact Report, make the findings required by CEQA and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program
- 2) Adopt a resolution amending the General Plan land use designation from Industrial to Residential Medium Density for 915 De Guigne Drive and from Industrial to Public Facility: Park for 936 E. Duane Avenue (Attachment 3).
- 3) Introduce an Ordinance to rezone 915 De Guigne from M-S to R-3/PD and 936 E. Duane Avenue from M-S to PF (Attachment 4).

Comm. Klein seconded.

Comm. Olevson said because we are recommending that City Council adopt a well written Environmental Impact Report (EIR), Sense of Place Plan and in reviewing the Fiscal Impact Analysis (FIA), we have a complete package to set policy for further development of this area, which is the appropriate step at this point. He said we will not make substantive changes to the dirt until the developer makes a specific proposal for the amount of project to put into this place.

Comm. Klein said he was able to make the findings to support the motion, and that this project should have been studied when we did the EIR of the larger area in 2007. He said coming back eight years later to finish the work has created a lot of extra work but that ultimately the impacts here are mitigated where they can be. He said he hopes staff reaches out to the local residents about the road diet, which has been received in a mixed way by the community, and noted that the developers envision the project creating less trips per day than if the industrial site was still being used. He said the impact on the road is less than it is as currently zoned, but that what the residents are saying regarding speed issues and traffic accidents will be mitigated with the road diet is not what the EIR is in place for, and that we are here to look at land use. He said it is a reasonable recommendation to City Council to rezone the site and the park as the EIR looks at the issues a residential zone would cause. He said he hopes in the future staff takes a good look at the commercial viability of a mixed use project when doing ITR zoning, and noted that residents have said this area has lost a lot of commercial properties and have only one shopping center nearby. He said as we look at rezoning and converting industrial locations, separating that land into residential and commercial sections may create a better transition, much like the shopping center is for the residential area to the north. He said when we look at the project in the future residents will be able to provide input regarding what it looks like and the effects on the community, which will hopefully be positive.

Comm. Simons said he is accepting of the EIR but only supportive of a mixed use project and alternative zoning for this area. He said having more services in this area would reduce traffic as residents would not have to travel outside of the neighborhood, and the concept of having giant chunks of residential without services does not make sense long term, especially with higher density housing here. He said the road diet will address a lot of the safety issues, that having two lanes where people are passing is the danger and not the solution and will slow traffic down. He said the road diet will be a major improvement for pedestrians and bicyclists, and that his main concern is the proposed park. He said he will take what

the City said previously about this being a pocket park, and that those of this size are not operationally efficient to maintain. He said we need to concentrate the land, and if that means we have a two-foot cap on top of the contamination underneath that would be appropriate for making contiguous groupings of land for parks.

Chair Melton said he will be supporting the motion, and finds it interesting that the applicant brought a squadron of specialist and experts and it is a testament to the completeness of the package that not all of them had to come up and share their expertise. He said the robustness of community outreach and availability of the project proponent and applicant to work with staff and speak with the public and Planning Commission are meaningful to him. He noted that we need more housing in Sunnyvale, and that the Rezone, GPA and certification of the EIR are a step toward December when we can talk about this project that will help meet this critical need. He thanked the members of the public for coming out to speak and said he understands the traffic concern and the importance of child safety, and that he believes the road diet will make the situation better. He said he hopes the lighted crosswalk will improve safety, and asked the members of the public to stay involved in the process. He said the professional traffic staff are receptive to input from the public, and thanked the applicant for going above and beyond to answer the questions he had regarding the draft EIR and the Pad C issue. He said he is comfortable with the environmental mitigation and everything in the draft EIR that hopefully Council will turn into an adopted final EIR. He reiterated that this is a really big and important motion that will need four votes to pass.

Comm. Rheume said he will support the motion but concurs with Comm. Simons about the desire for the mixed use development alternative. He said there is only a small pocket of retail across the street on Duane, which concerns him because having more services near the site would prevent additional traffic. He noted that such an alternative would substantially reduce the density for sale housing on the site, which demonstrates that we have conflicting goals.

FINAL MOTION: Comm. Olevson moved to recommend to City Council Alternatives:

- 1) Certify the Environmental Impact Report, make the findings required by CEQA and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program
- 2) Adopt a resolution amending the General Plan land use designation from Industrial to Residential Medium Density for 915 De Guigne Drive and from Industrial to Public Facility: Park for 936 E. Duane Avenue (Attachment 3).
- 3) Introduce an Ordinance to rezone 915 De Guigne from M-S to R-3/PD and 936 E. Duane Avenue from M-S to PF (Attachment 4).

Comm. Klein seconded. The motion carried by the following vote:

Yes: 4 - Chair Melton
Commissioner Olevson
Commissioner Klein
Commissioner Rheume

No: 1 - Commissioner Simons

Absent: 1 - Vice Chair Harrison

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Comm. Klein recommended reexamining the solar shading Ordinance of the City, and said we need to look at the affects of usage and not just structures. He also recommended reexamining the ten percent rule as a study issue. He also suggested a study issue to look at the rule of replacing protected trees within a development site and said we should be looking at what the right tree is for the site beyond just size. Ms. Ryan said staff will write up thoughts on each topic to see if it is accurately captured for consideration as a study issue.

Comm. Simons said he would like to add to Comm. Klein's study issue suggestion regarding solar shading looking into what types of review for uses that would include outdoor uses like sporting or farming, and to look into options for mitigation.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Comm. Klein thanked Ms. Ryan for her years of work with the Planning Commission and said he appreciates her making his transition onto the Planning Commission very easy.

Chair Melton offered congratulations to Ms. Ryan on her promotion, and asked Ms. Ryan to comment on transition timing for an interim and permanent Planning Officer and whether the Planning Commission would be involved in the selection process of the permanent Planning Officer. Chair Melton mentioned that he attended the Silicon Valley Asian-Pacific American Democratic Club Gala and congratulated Margaret Okuzumi, a member of the Sunnyvale Bicycle and Pedestrian Advisory Commission, for winning the award for activist of the year. Chair Melton disclosed that he met individually with the applicant for the hotel project on Wolfe and El Camino that was considered at the Planning Commission meeting two weeks ago and the proprietor of Golfland to implore each to communicate with each other on the project.

-Staff Comments

Ms. Ryan discussed recent and upcoming Planning-related City Council items, and the recruitment for various Planning positions.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

With no further business Chair Melton adjourned the Planning Commission meeting at 11:44 p.m.