

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. Rheume 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. Rheume 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. Rheaume 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 Rheaume

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