



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, January 25, 2016

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. [16-0104](#) File #: 2016-7032
 Location: Citywide
 Project Description: Update the Water-Efficient Landscaping
 Regulations in Title 19 (Zoning) per the State of California
 Governor's Executive Order B-29-15
 Staff Contact: Rosemarie Zulueta, (408) 730-7437,
 rzulueta@sunnyvale.ca.gov

2. [16-0116](#) Training Session: Review Current Standards for Solar
 Shading
 Staff Contact: Andrew Miner, (408) 730-7707,
 aminer@sunnyvale.ca.gov

3. **Public Comment on Study Session Agenda Items**

4. **Comments from the Chair**

5. **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: 7 - Chair Russell Melton
Vice Chair Sue Harrison
Commissioner Ken Olevson
Commissioner Larry Klein
Commissioner Ken Rheaume
Commissioner David Simons
Commissioner Carol Weiss

PRESENTATION

None.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

- 1.A.** [16-0098](#) Draft Minutes of the Planning Commission Meeting of January 11, 2016

1.B. [16-0115](#)

File #: 2015-7151

Proposed Project: Ordinance Modifications to Amend Titles 3 (Revenue and Finance) and 19 (Zoning) of the Sunnyvale Municipal Code related to the Transportation Impact Fee and Housing Impact Fees in conjunction with the Evaluate the Timing of Park Dedication In-lieu Fee Calculation and Payment Study Issue.

Environmental Review: No environmental review is required for this project.

Project Planner: Amber El-Hajj, (408) 730-2723,
ael-hajj@sunnyvale.ca.gov

RECOMMENDATION

Staff recommends continuance of this application to the Planning Commission hearing of February 22, 2016. The project is tentatively scheduled for City Council on March 15, 2016. Re-notification of the revised Planning Commission hearing date is not required because the date is being continued to a date certain. The City Council hearing date will be advertised and noticed as required.

Commissioner Klein moved to approve the Consent Calendar. Commissioner Simons seconded.

The motion carried by the following vote:

Yes: 7 - Chair Melton
 Vice Chair Harrison
 Commissioner Olevson
 Commissioner Klein
 Commissioner Rheaume
 Commissioner Simons
 Commissioner Weiss

No: 0

PUBLIC HEARINGS/GENERAL BUSINESS

2. [15-1086](#) File #: 2014-7990
Location: 1500 Partridge Avenue (APN: 313-24-031)
Zoning: PF (Public Facility)
Proposed Project:
USE PERMIT: to allow a private school (Stratford School) at
the former Raynor Activity Center
Applicant / Owner: Stratford School (applicant) / City of
Sunnyvale (owner)
Environmental Review: Environmental Impact Report
Project Planner: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Chair Melton recused himself from this item.

Vice Chair Harrison asked staff to summarize the proposal for the public.

Andrew Miner, Planning Officer summarized the background of the property, noting that the Use Permit is for the school use. He noted that the certification of the Environmental Impact Report (EIR) is also part of this proposal.

Rebecca Moon, Senior Assistant City Attorney explained that the City Council approved the Purchase and Sale Agreement contingent on completion of environmental review under CEQA. If the Planning Commission determines, based on that environmental review, that the project should not be approved, then the sale will not occur.

Momoko Ishijima presented the report. She clarified that there are no parking easements on the north side of parking lot on Dunford Ave. She noted that the Condition of Approval AT 6 prohibits the use of the loud speaker, however an exception will be added to allow the use of the loudspeaker for public safety emergencies, such as a shelter in place situation.

Comm. Olevson asked staff to clarify the size of the basketball court. He also asked staff to correct the resolution to refer to the Planning Commission, and not the City Council. He also asked for clarity about the hazardous materials stated in the report.

Ms. Ishijima mentioned that the Environmental Impact Report addresses hazardous material.

Comm. Olevson asked about the drop-off lanes, and he stated that he is concerned about the children's pedestrian safety. Ms. Ishijima clarified that the

plans show two lanes that merge into one where eight vehicles are cued at the drop off location along the curb.

Comm. Simons discussed bicycle parking. Ms. Ishijima said that the Traffic Impact Analysis (TIA) recommended 30 bicycle parking spaces and the applicant is offering 34 bicycle spaces. Comm. Simons said that some schools have a higher bicycle usage and asked if the TIA specifies where the students are bicycling from.

Franziska Church, Transportation Planner at Fehr & Peers, said that the bicycle parking recommendations were based on the City's requirements. Comm. Simons asked if it would be a problem to add more bicycle parking due to demand. Ms. Church said no.

Manuel Pineda, Director of Public Works, discussed bicycle parking, noting that the project expects students going to the school will reside in Sunnyvale.

Comm. Simons asked Ms. Church if she has seen carpool arrangements from corporations for the employees who have children that attend the same school. Ms. Church said that she assumes that Transportation Demand Management plans prepared for businesses such as Apple promote ride sharing.

Comm. Rheume discussed the EIR and the significant and unavoidable impacts. He noted alternatives two and three would result in environmental impacts, and asked if these alternatives would be considered significant and unavoidable.

Florentina Craciun, EIR consultant from Michael Baker Associates, clarified the impacts from alternatives two and three in the report. She explained that the impacts for alternative two remains significant and unavoidable; however, it is 20% less. She said that alternative three provides information that traffic patterns are different than a traditional school, which draws students from a larger community and offers school times for adults in the evening.

Comm. Rheume asked if staff has knowledge of other private schools that have similar significant and unavoidable traffic impacts. Mr. Miner said no.

Comm. Klein discussed traffic calming issues. He asked staff to clarify the traffic calming options.

Carol Shariat, Principal Transportation Engineer Planner, said that they received a traffic calming petition from the Birdland Neighborhood. Staff completed traffic data collection in September 2015, and based on traffic calming policies, the criteria did

not require additional traffic calming measures.

Comm. Klein further asked staff if the applicant could provide additional traffic calming measures, and asked if it was common for staff to require conditions to provide extra traffic calming measures.

Mr. Pineda discussed the traffic engineer's process in providing a traffic study. He also noted that the City is providing additional improvements as part of the Safe Routes to School Program.

Comm. Klein asked staff if a reduced occupancy could be conditioned and increase the occupancy in the future. Mr. Miner replied that 416 is the reduced occupancy, which is 20% less than the maximum requested occupancy.

Comm. Weiss asked if trip distances could be added to the traffic mitigation formula rather than rely solely on level of service analysis.

Mr. Pineda replied that the City is working with the Valley Transportation Authority (VTA) to determine how to incorporate the vehicles miles traveled (VMT) analysis will be applied. He said that they are not applying VTA this to this project, rather, they are using the current CEQA policy requirements.

Comm. Weiss asked who would be responsible for the maintenance of the school and adjacent sports fields. Mr. Pineda replied that the City is maintaining the field and the school is responsible for the basketball court maintenance.

Comm. Weiss asked what the cost is to maintain the field. Mr. Pineda said he did not have the information available.

Comm. Weiss asked if any consideration was given to drop off points from shopping centers and vanpooling to the school site. Mr. Pineda said no.

Vice Chair Harrison asked if the engineering study would be completed when the school is open. Ms. Shariat said yes, and staff would be taking pedestrian and vehicle volume counts within two years of completion. She noted pedestrian volume counts, vehicle volume counts, speed limits, vehicle gaps between crossings, and bicycle pedestrian volume counts. Vice Chair Harrison asked if the counts include the cumulative traffic, and not just for the school. Ms. Shariat said yes.

Vice Chair Harrison asked if the applicant is paying for the engineering study and

Ms. Shariat noted that there will be an estimated set cost, and the applicant will be paying these costs to install the traffic mitigations, but it does not include maintenance.

Vice Chair opened the public hearing.

Clay Stringham, Stratford School, gave a presentation of their proposal. He noted the neighborhood meetings they have conducted, and discussed the schools background. He noted several ways they will contribute to the community and neighborhood. He spoke of other upgrades they are applying to the school site, including traffic mitigation measures. He further discussed the site plans.

Comm. Rheume asked the applicant to clarify the demographics of their other nearby school sites, specifically how many Sunnyvale residents attend their other schools in Sunnyvale. Mr. Stringham discussed the school demographics of their other nearby campuses. Comm. Rheume asked about public access to the school and sports fields. Mr. Stringham replied that the school buildings would be fenced and not available to the public, but that the north parking lot, field, and basketball court would be made accessible to the public.

Comm. Klein asked the applicant about the student departure process. Mr. Stringham discussed traffic control.

Comm. Weiss noted that the applicant encourages bicycling to school. She asked why there are only 34 bike spaces for 400 plus students. Mr. Stringham committed to add as many bicycle parking spaces as needed. He noted their participation in the Rideshare Program, where parents could communicate with each other to coordinate carpooling.

Comm. Weiss asked about the basketball courts operating times and when it would be open to public use. Mr. Stringham discussed their school year calendar and that the school operates a 10 month program. He said that the school day ends at 5:30 p.m.

Comm. Weiss asked about student statistics, how many students are English learners, disabled, etc. She also asked how the school handles children with special needs and if the school has an entrance exam.

Sherry Adams, founder of Stratford School, discussed entrance exam requirements and curriculum.

Comm. Simons asked about bicycle parking requirements and corral parking. Mr. Stringham noted that they will provide additional bicycle parking spaces if needed, and he said that they do not have an issue with an additional condition to address that concern.

Comm. Simons then asked about ride sharing and the traffic impacts, and asked what the applicant plans to do regarding ridesharing. Mr. Stringham said that parents are encouraged during student orientation to ride share. He noted that they do not have data of where parents work.

Comm. Simons asked what the benefits that a private school brings to the neighborhood as it states in the report. Mr. Stringham said that a private school will benefit the neighborhood by offering a good education and add value to the homes in the neighborhood.

Vice Chair Harrison asked about the three elementary feeder schools and requests from Sunnyvale parents for a Stratford middle school. Mr. Stringham mentioned their elementary campuses in Washington Park, DeAnza, and Pomeroy.

Mary Sullivan said that she raised four sons in Raynor Park neighborhood area and that she is part of the Raynor Park Neighborhood Association. She asked the Commissioners to not approve the project, noting compatibility with the surrounding uses. She said that the site was intended for a public school for the neighborhood, and not for a private school that will add to the current traffic problems.

Wee Lee Lin, resident of Birdland, noted that the Traffic Impact Analysis in the Draft EIR is invalid, stating that the consultants of the EIR did not include car counts. She noted that if the school gets approved by the Commission, it should be restricted to students who live in the Birdland Neighborhood only in order to avoid more traffic problems.

Henry Alexander III, noted his concern for traffic safety, noting current traffic problems from Wolfe and Homestead Road. He called for a new EIR study after the Apple campus is finalized. He then noted that the Wolfe Road recycled water project was not considered in the EIR, and that this would add to the traffic in the neighborhood. He further stated that a private school schedule is different from the public school schedule, and that students in the neighborhood will not be able to use the park when they are out of school since the private school is in session.

Denise DeLange, spoke about the history of Raynor Park and the Activity Center and spoke against the proposal.

Carol Colao, lives on Quail Ave, noted she supported neighbors that spoke against the project and opposes the project.

Sanjoy Silva, neighborhood resident, lives directly across the school site and spoke in opposition to the proposal.

Sudhekaram Ram, Sunnyvale resident for 22 years, is a parent of Stratford School students, would like to see a middle school nearby. He is in favor of the proposal because there is a need for middle schools.

Bryan Gleeson, noted that the principles involved in this project is money, and the use of a this site as a private school is not appropriate for the neighborhood. He spoke in opposition to the project.

Preeti Sharma, noted that hundreds of the students will be driven to the school and said that she is aware of six other schools within a two mile radius around the neighborhood. She opposed the project.

Daniel Bremond, 20 year resident, noted that the traffic problems have been exaggerated. He encourages the Commission to certify the EIR and approve the Use Permit.

Mary Rinki, Birdland Resident on Lochinvar, is concerned with traffic. She noted developments in Cupertino will add to the traffic issues and spoke in opposition to the Use Permit.

Preeti Ray, lives in Birdland and has been a resident of Sunnyvale for 20 years. She raised three boys who chose to walk or bike to their public school. She noted that this neighborhood is within the Santa Clara Unified School District, and that Santa Clara is in need for another school. She noted that the feeder schools that are mentioned in the report are referring to their own private schools, and not to the local public schools. She further noted that the benefits of the residents in the neighborhood should be taken in account and be prioritized from private industry.

Comm. Simons clarified the speaker's comments and asked staff if Santa Clara Unified School District was offered the site.

Kent Steffens, Assistant City Manager, noted that the school districts were notified prior to the public regarding the sale of the property and that they did not show any interest in purchasing the property.

Vice Chair Harrison closed the public hearing.

Mr. Stringham summarized their proposal, and clarified speaker comments and questions. He said that they follow the public school schedule. He also spoke about the difference a private school would offer as opposed to a public school, noting that the driveway would not be added if it were a public school.

Ms. Adams noted that Stratford School values the neighborhood and considers their schools as a part of the neighborhood. She noted that they have no intentions of taking the park away from the neighborhood, noting that they promote sharing.

Becky Turner, Principal of the Santa Clara Stratford middle school, spoke about how they manage traffic. She noted that a quarter of their incoming 6th grade students are from the neighborhood elementary schools.

Mr. Stringham said that traffic issues are common concerns when opening a new school, and noted that Stratford staff had reached out to their other schools and found no complaints regarding traffic for their other schools.

Vice Chair Harrison asked to clarify the use of the park on the north side of the site. Mr. Stringham replied that they have no intention to gate off the north side of the park.

Vice Chair Harrison then asked about the traffic mitigation they are proposing and how they would handle traffic if the drop off area is full and spills over to the public street. Mr. Stringham replied that they always have proper mitigation, and he spoke about parking queues. Ms. Turner, noted that they have a constant flow of traffic, noting quick drop off times and staggered start times between grades. Vice Chair Harrison asked to clarify the staggered start times. Mr. Stringham said that parents have staggered times to drop off their children and a ten-minute window to drop off kids.

Comm. Rheume asked staff if the Apple Campus project was taken into consideration in preparing the EIR, in addition to other nearby future developments. Ms. Shariat, noted that the Apple Campus was included in the traffic study.

Mr. Pineda noted that staff looks at multiple scenarios, existing scenarios, background scenarios, and a cumulative scenario. He then noted that staff also looks at the growth factor. He noted that the Apple Campus was considered.

Ms. Church discussed traffic studies and scenarios. She re iterated the different types of scenarios that were applied to the traffic study, noting 60 projects were considered in the background scenario and 39 in the cumulative scenario. She assured that the Apple Campus was included in the traffic study.

Comm. Klein asked about the Final Draft EIR, whether it included nearby developments. He noted a large number of schools in the general location. He asked staff about the cumulative effect. Mr. Pineda replied that the traffic report includes school peak hour traffic counts. Comm. Klein asked if they reached out to other schools to determine if they are changing their occupancies. Mr. Pineda said no, and said that their counts include all the current traffic in the area.

Mr. Miner noted that staff received comments from the school districts, and they did not note the need for any additional students.

MOTION:

Comm. Simons moved Alternative 1; Adopt a resolution certifying the Environmental Impact Report, make the findings required by CEQA and adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program in Attachment 6 and 7. Comm. Olevson seconded.

Comm. Simons noted that although the EIR is not perfect, it was completed and provided the review necessary for the project, noting that it covers reasonable options.

Comm. Olevson supports the motion, noting the EIR process is to provide information for the decision maker. He noted that their decision is regarding if the EIR process was done properly.

Comm. Klein will support the motion. Noting that the EIR is a process, and from a CEQA standpoint, he noted that the EIR was done accordingly. He had similar issues regarding the traffic study, and said that staff has followed the appropriate steps for the EIR.

Motion carried by the following vote:

Yes: 5 - Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheaume
Commissioner Simons

No: 1 - Commissioner Weiss

Recused: 1 - Chair Melton

MOTION:

Comm. Simons moved the Use Permit Action Alternative 2; Approve the Use Permit with modified conditions; to accommodate 100 bicycles and 50 bicycle stands in the bicycle corral, 2) Require a 35% Transportation Demand Management trip reduction, 3) to not chain off the public/parking area.

The motion failed for a lack of a second:

MOTION:

Comm. Rheume moved Alternative 3; Deny the Use Permit. Comm. Weiss seconded.

Comm. Rheume noted the difficulty to approve the project with significant and unavoidable traffic impacts, stating his concern with the traffic from the major arteries through the neighborhood. He noted that there will likely be hundreds of students not within the neighborhood attending the school, which will add to the traffic.

Comm. Weiss said she cannot make the findings, noting several goals and policies that do not match. She noted that this is a private school and not a public school. She noted that the public school system is losing money and restricting the use of the park to the public is not a good idea. She noted that this does not encourage the use of open space and if the City's goal is to build the community, she does not see this with this proposal.

Comm. Simons said he will support the motion, noting his previous motion was an attempt to minimize the traffic significantly. He noted that a reason to support the project is that the City has a 20 year budget planning process, and if the property gets dilapidated, it needs to be sold.

Comm. Klein said he will support the motion. He noted issues with the EIR, the restricted use of the park, and that 400 students is a large number. He noted that if the project moves forward, he hopes that staff monitors the traffic to make it as safe as possible. He said that he knows that the applicant wants to be a good neighbor, but the total effects of the projects needs to be considered for the neighborhood.

Comm. Olevson said he will not support the motion. He noted that Sunnyvale parents are asking for more schools, that the City initially offered the property to the public school districts. He said that it is an appropriate use of a former public school that a private school has stepped in and offered to provide a school on a school site.

Vice Chair Harrison said he will not support the motion, and said that a school is the proper use for the buildings. She said that she is convinced by the applicant and staff that they will apply the proper mitigations.

Motion carried by the following vote:

Yes: 4 - Commissioner Klein
Commissioner Rheaume
Commissioner Simons
Commissioner Weiss

No: 2 - Vice Chair Harrison
Commissioner Olevson

Recused: 1 - Chair Melton

3. [16-0093](#) File #: 2015-7960
Location: 882 W. McKinley Ave. (APN: 165-46-057)
Zoning: R-1.7/PD (Low Medium Density Residential / Planned Development) Zoning District
Proposed Project:
SPECIAL DEVELOPMENT PERMIT: for a first floor addition of 280 square feet to the rear of the existing two-story, single-family home resulting in a building size of 2,425 square feet including a 415 square foot garage and a floor area ratio (FAR) of 60.35%.
Applicant / Owner: Rong Chang USA Corporation (applicant) / King and Lynn Wu (owner)
Environmental Review: Categorical Exempt Class 1
Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov <<mailto:tzarrin@sunnyvale.ca.gov>>

Andrew Miner, Principal Planner, presented the staff report.

Vice Chair Harrison, asked staff if the addition created privacy concerns. Mr. Miner noted that the proposal meets the minimum setbacks in the side and rear, and that the addition is located in the rear of the property.

Comm. Olevson noted the condition of approval for a new water meter, and he asked what prompted this requirement. Mr. Miner confirmed the new water meter would be radio readable where the existing meter is not. Comm. Olevson then asked about a previous condition of approval to a similar proposal on 867 Markham Terrace, to add a deed restriction to not allow rental use to the room addition. He asked staff why that condition is not included in this proposal. Mr. Miner noted that the design does not present the same concern for future rental use of the addition, and said that the Commission may add the condition if they feel the need to.

Comm. Olevson said he clarified justifications and asked if attachment 5 is adequate. Mr. Miner clarified concerns and referred to the recommended findings of attachment 3.

Comm. Weiss asked staff how many people currently live in the home. Mr. Miner noted that the City cannot define or limit how many people live in a home, and that the information is not necessary in considering the proposal.

Chair Melton opened the public hearing.

Lynn Wu, owner of the home spoke about their proposal.

Joyce Wang, applicant, spoke for the owners and noted that they are in compliance with staff's recommendations.

Comm. Weiss asked if they have considered adding a stair lift to allow easier access to the second story and about the nook.

Ms. Wang clarified the design, and noted that the existing nook will be converted as part of the bedroom and a new nook is part of the proposal.

Uthar Hansen, neighbor, asked the Commission to reconsider the proposal and that the similar previous proposals in the development had special considerations. He also suggested the window placement to be reevaluated if the project is approved.

Comm. Simons noted to the speaker that the original development required a Special Development Permit as the floor area ratio exceeded the standards.

James O'Brien, resident on 877 Markham Terrace, said that his home includes an addition. He noted that the comparisons noted on the report should not be considered to be similar proposals. He said that the floor area ratios do not address neighborhood compatibility, and that this proposal will have a total of five bedrooms.

Ms. Wu spoke in favor of their proposal, noting her need for a bedroom and bathroom downstairs to accommodate her health concerns. She said she couldn't afford to move to another home.

Vice Chair Harrison asked if they were open to not having a window in the left side (east side) and a deed restriction to restrict the room from being a rental unit. Ms. Wu noted that she would like a window because it does not encroach privacy; however, she is okay if the Commission chooses to remove or relocate the window. She noted that she does not intend to rent the room.

Chair Melton closed the public hearing.

MOTION:

Comm. Rheume moved Alternative 2: Approve the Special Development Permit with modified conditions; the applicant cannot use the addition as a rental unit.

Comm. Olevson seconded.

Comm. Rheaume discussed the R1.7/PD zoning district. He noted a special study regarding floor area ratios in the zoning district are addressed in this study issue. He noted no privacy issues and no modifications to the front of the home.

Comm. Olevson said he supports the motion and appreciates the public comments regarding the increases in floor area ratios. He noted the minimal impacts and that he can make the findings for the Special Development Permit as it meets the City's General Plan and is compatible with the neighborhood.

Comm. Klein said he will not be in support of the motion, stating his previous concerns from similar projects regarding the R1.7/PD zoning district. He said previous proposals should not give precedence to other homes in the development and these additions change the original planned development.

Comm. Simons spoke about the precedence, and said that, in the past, the City approved "monster" homes and did not set precedence to similar proposals. He noted that the homes in the development were maximized during the initial design. He then noted concern with the Planning Commission being stringent with Design Guidelines and yet the Commission is allowing zoning extensions in other neighborhoods. He said he will not support the motion.

Comm. Weiss said she thinks a Variance should be an exception to the rule. She said she looked at previous variances, and noticed that applicants are asking for higher floor area ratios. She said she will not support the motion.

Vice Chair Harrison said she felt conflicted about the proposal; the Commission has previously approved other proposals, and noted that this proposal will be a five bedroom home if approved. She noted her concern for parking and said she will not support the motion.

Chair Melton noted his support of the motion.

Motion fails by the following vote:

Yes: 3 - Chair Melton
Commissioner Olevson
Commissioner Rheaume

No: 4 - Vice Chair Harrison
Commissioner Klein
Commissioner Simons
Commissioner Weiss

FINAL MOTION:

Comm. Simons moved Alternative 3; Deny the Special Development Permit and provide direction to staff and the applicant where changes should be made. Comm. Klein seconded.

Comm. Simons noted that the proposal is not consistent with the goals.

Comm. Rheume said he will not support the motion. He said the applicant is asking for a similar proposal as other recently approved projects and asked the Commission to consider a reduced floor area ratio. He noted a proposed study issue that addresses this concern, and the Planning Commission ignored the study, and now they are looking at this issue.

Comm. Klein said he will support the motion. He said that there are other options that the applicant may be able to do within the current design.

Chair Melton said he will not support the motion and noted that the planned development was built in 1994 and a lot has changed since then. He noted that if the original intention for the development was not to make additions, then a deed restriction should have been applied at the time of the original construction.

Motion carried by the following vote:

Yes: 4 - Vice Chair Harrison
Commissioner Klein
Commissioner Simons
Commissioner Weiss

No: 3 - Chair Melton
Commissioner Olevson
Commissioner Rheume

4. [15-0987](#) File #: 2015-7772
Location: 460 Persian Drive (APN: 110-29-028)
Zoning: R-4/PD (High Density Residential/Planned Development)
Proposed Project:
SPECIAL DEVELOPMENT PERMIT: to demolish a 24,014 sq. ft. one-story commercial building and construct a four-story, 66-unit affordable rental apartment building (65 low-income units and one on-site manager's residence), including a ground-level podium parking garage and associated site improvements.
Applicant / Owner: MidPen Housing Corporation (applicant) / MP Edwina Benner Associates, L.P. (owner)
Environmental Review: Mitigated Negative Declaration
Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

MOTION:

Comm. Simons moved to continue Agenda Item 4 to February 8, 2016. Comm. Rheame seconded.

Motion Fails by the following vote:

- Yes:** 2 - Commissioner Rheame
Commissioner Simons
- No:** 5 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Weiss

George Schroeder, Associate Planner, presented the report and noted the letters from members of the public that came in after the report was completed.

Comm. Klein asked staff how many section 8 housing units are in Sunnyvale. Mr. Schroeder responded that there are 5 projects in the City totaling 374 units that are classified as Section 8 housing.

Comm. Klein asked if the applicant is amendable to offering Eco Passes for the residents. Mr. Schroeder responded that the applicant is initially including a three year Eco Pass and the applicant may be able to clarify.

Comm. Klein asked staff to clarify "CBC", as stated in the report. Mr. Schroeder clarified that CBC stands for the "California Building Code". Comm. Klein then asked why there are only three ADA parking spaces. Mr. Schroeder said that he believes the applicant is proposing the minimum according to the CBC and that additional ADA spaces could be required, however it would take up other standard spaces. Comm. Klein then asked about the number of variances. He asked if the balcony is only on the left side. Comm. Klein asked if staff was in agreement with the shorter setback due to the adjacent condominium driveway and asked to clarify the emergency access. Mr. Schroeder clarified the setbacks and easements. He said the easement on the east side is for PG&E, and the west side of the property has an emergency access easement.

Comm. Weiss asked about noise mitigation, asking if the City could work with Caltrans. Mr. Schroeder mentioned that the City and the applicant reached out to Caltrans and said that they did not want agree to extend the sound wall. He said that the applicant may have more information.

Comm. Olevson asked staff to clarify where the uncovered parking spaces are located. Mr. Schroeder clarified that the spaces in the southeast corner are proposed for additional parking. Comm. Olevson, and asked staff to provide their suggestions whether the spaces should be removed to allow more maneuverability. Comm. Olevson then asked about the tree and gate conditions of approval. Mr. Schroeder replied that the conditions were added since these details were not yet finalized, and there was a mutual agreement with staff and the applicant to add the conditions given the applicant's desired timeline. Comm. Olevson asked staff about the suggestion to add a roof over the upper level pedestrian bridge. Mr. Schroeder noted that the consulting architect recommended adding a roof cover to provide protection to the residents. Comm. Olevson then discussed the parking utilization surveys, and asked why staff accepts reduced parking spaces based on the survey. Mr. Schroeder clarified the surveys, noting that this proposal is providing

more parking than other similar projects.

Chair Melton noted Attachment 6 of the report, and asked if the State completed their final pending review of groundwater and soil quality and asked for the result. Mr. Schroeder replied yes, and their response said that there is no additional mitigations required, however they offered a suggestion to add a vapor barrier underneath the common areas of the building. Chair Melton asked about the informal pathway. Mr. Schroeder noted that it would be a sidewalk. Chair Melton then asked about the architecture of the folding wall, which was discussed at the study session. Mr. Schroeder replied that the folded wall was initially imposing, with small openings. He said the applicant proposed a wall with more windows to allow more light to the building and soften the design, noting an addition of an open store front window system on the ground floor.

Chair Melton opened the public hearing.

Matt Lewis, MidPen Housing Corporation, working with David Baker Architects, provided a background of their company and stated that they have 95 properties in Northern California. He presented their proposal and is named after Edwinna Benner, the first female mayor of Sunnyvale and California, to honor her significance in Sunnyvale history.

Vice Chair Harrison asked about the terms of the 33 Eco Pass vouchers that will be provided for the residents, as stated in the report. Mr. Lewis responded that the vouchers are for a specific type of mixed units and the term depends if they acquire funding from a community housing grant, and that the grant covers three years at a time. Vice Chair asked if they were open to reconsider the landscaping to make it more kid friendly.

Comm. Weiss asked if there is playground space available for younger children, such as a tot lot. Mr. Lewis stated that the play areas are designed for children 2-5 and 5-12 year olds.

Daniel Simons, architect suggested that boulders are there to serve as something aesthetically pleasing and function as something for the kids to climb. He noted that they are willing to work with staff if it was a concern.

Comm. Weiss asked about elevators and security features. Mr. Simons affirmed that there are elevators and gates. Comm. Weiss asked if the building would have occupancy before completion of the project. Mr. Simons said yes, the project will be built in phases. Mr. Lewis noted that electronic key FOBs and cameras would be

used for added security. Comm. Weiss further asked if a plaque would be displayed on the site to honor Edwinna Baker. Mr. Lewis said yes, a historical marker would be displayed.

Comm. Klein asked about the parking in the southeast corner of the project. Mr. Lewis said that 3 spaces are needed for the building staff.

Tomio Hayase Izu, behalf of the Greenbelt Alliance, noted their endorsement with the proposal. He said the development will provide healthy living and environmental and quality of life benefits. He spoke in favor of the proposal.

Jan Stokley, Housing Choices Coalition supports the proposal. She said the project helps people with developmental disabilities (autism, epilepsy, down syndrome, and other varieties of intellectual and social disability.). She noted that there are 859 people in Sunnyvale with developmental disabilities and about 250 of the 859 people are adults in Sunnyvale who live with aging parents. She noted the need for 200 additional affordable housing spaces in order for them to live within the community. She said that services for people with these disabilities are provided through the California Department of Developmental Services, however, the cost for housing are not provided. She hopes that the Commission will approve the project as it offers a housing need for people with developmental disabilities.

Amit Lagu, appreciates affordable housing but noted concerns with the quality of life in the area. He noted the lack of parking and grocery stores. He noted that the VTA light rail does not connect to a grocery store, so he is unsure how the residents of the project will easily access a grocery store if they depend on the light rail for transportation. Comm. Weiss reported that a grocery store (Grocery Outlet) will be in the previous grocery store location (Fresh and Easy) on the north east corner of Fair Oaks Avenue and Tasman Drive in the third quarter of this year.

Stan Hendryx, noted his support to the project. He noted that the proposal is high quality housing for affordable housing. He noted concern regarding the need of a sidewalk on Fair Oaks Way to the transit center. He further noted the lack of retail in the area. Comm. Simons asked staff to clarify the possibility of a sidewalk.

Rajesh Goyal, noted that more building is occurring in the City and noted concerns with parking, traffic, and the lack of retail. He is opposed to the proposal.

Sherry McClure, longtime residents of Sunnyvale. She noted that she has a son who is developmentally disabled. She said that he is proud to have learned to live independently, as he works in Sunnyvale but has to live in San Jose. She

expressed the need for transit oriented affordable housing for developmental disabled people in the City. She asked the Commission to approve the proposal.

Amanda Montez, on behalf of Silicon Valley Leadership Group, is in support for the Edwinna Benner proposal.

Bob DeRosier asked how Sunnyvale compares with surrounding cities regarding affordable housing. He spoke about the lack of retail and traffic issues. He further noted that the façade design initially incorporated an “Institutional” look, but the revision proposed this evening has addressed that concern.

Jean Long, Planner at TransForm, spoke in favor of the proposal. She said that her organization promotes healthy and affordable communities and commutes for people regardless of income levels. She noted that Benner Plaza has satisfied the requirements for Conditional Greenship Certification from TransForm, with 98% affordable housing near VTA light rail stations.

Sergei Panmalev, with his mother-in-law Ms. Padakshik, are nearby residents of the Traditions development, spoke in opposition to the project, stated concerns with traffic, parking, and a lack of retail.

Mr. Lewis, applicant, said that an additional ADA space may be feasible. He addressed concerns with the easement access for emergency vehicles. He further stated that they contacted Caltrans regarding the sound wall, and the Valley Transportation Authority replied that the sound wall is currently not scheduled for upgrading. He then spoke about the proposed sidewalks, and that they are working with the City to add sidewalks to the Borregas bicycle and pedestrian bridge.

Chair Melton closed the public hearing.

Comm. Klein asked staff if they could provide comment regarding affordable housing in the City. Mr. Miner discussed the City's Affordable Housing Program.

MOTION:

Comm. Klein moved Alternative 2; Adopt the Mitigated Negative Declaration and approve the Special Development Permit with associated concessions and deviations with modified conditions; 1) add an additional ADA parking spaces to four total spaces. Comm. Simons seconded.

Comm. Klein said he could make the findings and noted the need for affordable

housing. He noted his membership with Sunnyvale's Historical Society and appreciates the honor to Edwinna Benner.

Comm. Simons asked for a friendly amendment; include a placard to commemorate Edwina Benner, require that at least 1/3 of the site trees be encouraged to be native species, and encourage City staff to coordinate with the Valley Transportation Authority to prioritize the continuation of the SR 237 sound wall along the project's freeway frontage. Comm. Klein agreed with the friendly amendment.

Comm. Olevson noted his support to the motion, as he could make the findings that it meets the goals of the City's General Plan. He thanked the applicant for providing a project with high quality design low income housing.

Vice Chair Harrison requested a friendly amendment, to add that during the staff review for landscaping, consideration shall be given to making the site landscaping and play equipment more approachable and easily accessed by residents. Comm. Klein and Comm. Simons agreed.

Chair Melton said he supported the motion.

FINAL MOTION:

Comm. Klein moved Alternative 2; Adopt the Mitigated Negative Declaration and approve the Special Development Permit with concessions for lot coverage, useable open space, and total auto parking spaces under State Density Bonus Law; and deviations for front and side yard setbacks and landscaping per unit with modified conditions; 1) add an additional ADA parking space to four total onsite spaces, 2) include a placard to commemorate Edwina Benner, 3) at least 1/3 of the site trees are encouraged to be native species, 4) encourage City staff to coordinate with the Valley Transportation Authority to prioritize the continuation of the SR 237 sound wall along the project's freeway frontage, and 5) during the staff review for landscaping, consideration shall be given to making the site landscaping and play equipment more approachable, where it can be easily accessed by residents. Comm. Simons seconded.

Motion carried by the following vote:

Yes: 7 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheaume
Commissioner Simons
Commissioner Weiss

No: 0

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

5. [16-0138](#) Planning Commission
Potential Study Issue for 2017

Title: Evaluation of the Special Development Process as it
Relates to Residential Planned Developments

MOTION:

Comm. Simons moved to have this item prepared as a study issue paper. Vice
Chair Harrison seconded.

Motion carried by the following vote:

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

No: 0

Abstained: 1 - Commissioner Rheaume

Title: Increase Availability of Electric Vehicle Charging Stations in Private and
Public Parking Facilities

MOTION:

Comm. Klein moved to have this item prepared as a study issue paper. Vice Chair
Harrison seconded.

Motion carried by the following vote:

Yes: 7 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheaume
Commissioner Simons
Commissioner Weiss

No: 0

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Chair Melton asked if the Commissioners support him speaking to the City Council as Planning Commission Chair regarding the solar access study issue, during the City Council Budget/Study Issue Workshop.

-Staff Comments

Mr. Miner noted that the City Council Budget/Study Issue Workshop is this Friday.

INFORMATION ONLY ITEMS

ADJOURNMENT

Chair Melton adjourned the meeting at 1:27 a.m.