



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, June 13, 2016

7:00 PM

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

7 P.M. STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

A Update of Lawrence Station Area Plan

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

8 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Melton called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Chair Melton led the salute to the flag.

ROLL CALL

Present: 5 - Chair Russell Melton
Vice Chair Sue Harrison
Commissioner Ken Olevson
Commissioner Larry Klein
Commissioner Ken Rheaume

Absent: 2 - Commissioner David Simons
Commissioner Carol Weiss

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1.A [16-0528](#) Approve Planning Commission Meeting Minutes of May 23, 2016

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

The motion carried by the following vote:

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

No: 0

Absent: 2 - Commissioner Simons
 Commissioner Weiss

PUBLIC HEARINGS/GENERAL BUSINESS

2 [16-0517](#) **File #:** 2015-8138
Location: 1271 Lawrence Station Road (APN: 110-15-044,
110-15-045, 110-15-072)
Zoning: High Density Residential/Office (R5) with Mixed Use (MU)
Combining District
Proposed Project:
 SPECIAL DEVELOPMENT PERMIT: to allow a child care
 center for up to 84 students to occupy a vacant 4,894 square
 foot ground floor retail space in a mixed-use
 residential/commercial building and convert an existing
 concrete plaza area into a 3,208 square foot outdoor play area
 with a decorative fence.
Applicant / Owner: Tulip Kids, Inc. / Essex Portfolio LP
Environmental Review: Mitigated Negative Declaration
Project Planner: Cindy Hom, (408) 730-7411,
 chom@sunnyvale.ca.gov

Assistant Planner Cindy Hom presented the staff report.

Commissioner Klein confirmed with Assistant Planner Hom the location of the trash enclosure and route for the trash trucks, and discussed the proposed conversion of the concrete plaza to the outdoor play area. Commissioner Klein and staff discussed the adequacy of the number of parking spaces currently provided and proposed for future use and the impact on the project of air quality issues caused

by the proximity to Highway 237.

Vice Chair Harrison verified with Assistant Planner Hom the material and height of the proposed wall, and confirmed that the missing text of COA BP-16 is regarding incorporating the parking circulation plan into parent packets for designated drop-off operations. Vice Chair Harrison discussed with Planning Officer Miner noise and air quality concerns from the original residential project approval and how the current proposal relates to the school project reviewed by the Commission on Weddell Drive.

Commissioner Olevson confirmed with Assistant Planner Hom that the parking ratio applies only to the proposed project and that there would be six parking spaces beyond those required of the retail site. Commissioner Olevson confirmed that the Planning Commission could add a COA to require the applicant to maintain the plexiglass panels, and discussed with Planning Officer Miner whether placing a child-centered business here would limit business options in the surrounding area.

Chair Melton confirmed with Assistant Planner Hom that the site of the proposed project is currently a shell, and discussed with Planning Officer Miner the availability of and opportunity for childcare close to businesses and residences in the area.

Commissioner Klein discussed with Planning Officer Miner the mitigation measures in the Mitigated Negative Declaration.

Chair Melton opened the Public Hearing.

Vice Chair Harrison verified with Applicant Naval Mohta that soft padding would be placed over the concrete in the proposed play yard.

Chair Melton closed the Public Hearing.

Commissioner Olevson confirmed with Assistant Planner Hom that there is a less than significant impact on item 10 on the CEQA checklist.

Commissioner Klein discussed with Assistant Planner Hom the appropriate language for COA BP-16.

Commissioner Klein moved and Commissioner Olevson seconded the motion for Alternative 2: Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration and approve the Special Development Permit with

the recommended findings in Attachment 3 and modified condition:

1) Add to BP-16 that the permittee shall provide a copy of the parking circulation plan to all parents to provide adequate disclosure on the drop-off and pick-up operations.

Commissioner Klein said he was able to make the findings, and that this is a good use of the space to try vitalizing retail in this building. He noted that the site is at 98 percent capacity for residential and zero for retail, and that while he is hesitant about using the majority of parking spaces meant for retail for a child care center, creating a usable play area outside and finishing the inside may bring more people onsite thus bringing in another retail use. He said he is pleased that a Sunnyvale business running other sites is expanding to another local site nearby residents may need. He said he is hesitant about the air quality and noise, but he is hoping the closed fence area will mitigate those issues in the long run and protect the safety of the children.

Commissioner Olevson said he is supporting the motion and sees this use as a current need in Sunnyvale and this location as ideal to support several current businesses. He said he can make each of the findings to adopt the Mitigated Negative Declaration and approve the Special Development Permit.

Commissioner Rheume said he is supporting the motion and can make the findings. He said there is a strong need for child care in Sunnyvale and this is a good place as it is close to businesses. He said he had initial concerns about the air quality of the outside play area and that hopefully this project can help spur additional retail in the building.

Vice Chair Harrison commended the applicant for his complete application.

Chair Melton said he is supporting the motion and can make the findings.

The motion carried by the following vote:

Yes: 5 - Chair Melton
Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheume

No: 0

Absent: 2 - Commissioner Simons
Commissioner Weiss

- 3 [16-0565](#) **File #:** 2016-7174
Location: 1453 Yukon Drive (APN: 323-30-063)
Zoning: R-2/PD
Proposed Project: Related applications on a 3,861 square foot site:
 SPECIAL DEVELOPMENT PERMIT: to allow a 198 square
 foot second floor addition to an existing two story single-family
 residence resulting in the total floor area of 2,549 square feet
 with 66 percent Floor Area Ratio.
 VARIANCE: to reduce solar access to adjacent structure.
Applicant / Owner: Cornelia Haber (applicant) / Andrei and Pnina
 Simel (owner)
Environmental Review: Class 1 Categorical Exemption
Project Planner: Aastha Vashist, (408) 730-7458,
 avashist@sunnyvale.ca.gov

Assistant Planner Aastha Vashist presented the staff report.

Commissioner Rheume confirmed with Assistant Planner Vashist the FAR of the original home and that there is a window in the walk-in closet, and he discussed with Planning Officer Andrew Miner the reason behind staff's recommendation for approval.

Commissioner Olevson discussed with Planning Officer Miner why staff is recommending approval of the Variance for solar shading.

Vice Chair Harrison verified with Assistant Planner Vashist the location and purpose of a previous addition approved in 2003, and commented on the FAR data table not listing the proposed FAR. Vice Chair Harrison discussed with Planning Officer Miner potential limitations and staff interpretation of the current solar analysis requirement.

Commissioner Klein discussed with Planning Officer Miner whether staff is suggesting future solar analyses be prepared for Variance requests based on where a neighbor may put solar panels, and he confirmed with Assistant Planner Vashist that this is the first home in the area building an addition above the garage.

Chair Melton verified with Assistant Planner Vashist that the property as originally built is now legal-nonconforming in terms of solar shading, and discussed with staff FARs of homes larger than the proposed and a theoretical maximum residential FAR. Chair Melton verified the lot coverage percentage with Planning Officer Miner.

Chair Melton opened the Public Hearing.

Applicant Cornelia Haber provided information about the proposed project.

Commissioner Olevson verified with Ms. Haber that the homeowners have not discussed the solar issue with their neighbor.

Vice Chair Harrison confirmed with Ms. Haber that she conducted the solar study per the City's requirements but another study with additional times of the year would be difficult because she has no access to a program to complete the study.

The neighbor adjacent to the subject property said he is concerned with the solar Variance, the narrow space between the two homes, and that the addition may block air flow into his home.

Kevin Fox, a nearby neighbor, said there is a home within 300 feet of the subject property that is at 77 percent FAR and that there are homes with split level solar panels. He did not speak in support of or opposition to the project.

Applicant Cornelia Haber said the addition will not block air flow into the neighbor's home.

Chair Melton closed the Public Hearing.

Vice Chair Harrison discussed with Planning Officer Miner whether there are extraordinary circumstances of the property that meet the findings for the Variance.

MOTION: Vice Chair Harrison moved to continue the project to allow the applicant to demonstrate whether they do or do not shade the neighboring property more than the current percentage during the solar cycle so that a Variance is not necessary.

The motion failed for lack of a second.

MOTION: Commissioner Rheume moved and Chair Melton seconded the motion for Alternative 1: Approve the Special Development Permit and Variance with the conditions in Attachment 4.

Commissioner Rheume said he can make the findings for the application and Variance because of staff's comments on the uniqueness of the property. He said the property has a zero lot line and the overall size of the home on the lot restricts the homeowner from doing anything, and that the solar issue can be solved by the neighbor installing panels on the second story.

Commissioner Klein said he will not be supporting the motion, that he understands

the property was built before solar access laws were in place, and that approving the addition would only exacerbate the problem. He said the home has zero lot lines and is legal non-conforming in terms of current solar access rules and that increasing the shading without the adjoining property owner's input goes against these rules. He said the current partial shading of the neighbor's first story roof should not mean we do not care about further affecting it and he does not see reason enough to make the findings for the Variance. He said that while the changes are minimal or do not add to the lot coverage they do affect the nearby neighbor and the community.

Commissioner Olevson said he will not be supporting the motion and cannot make the finding that it does not limit the neighbor's solar access. He said the Commission is being asked to change the solar access policy while an ongoing study issue is evaluating how that policy should be changed, and that we have interpreted the impact of solar shading as based on a single day of the year with specified maximum shading. He noted that recently a Planning Commissioner questioned whether this is the correct interpretation of the policy and he is uncomfortable with changing it on the fly while the study is going on.

Vice Chair Harrison said she will not be supporting the motion, and that if the applicant demonstrated that the project meets the actual regulations rather than the implementation policy, she would be interested in seeing it but without that information she could not make the findings to grant the Variance. She noted that the adjacent property is at 67 percent FAR because it is the smallest lot of those being compared which is not a precedent.

Chair Melton said he cannot make the findings for the solar Variance and is not supporting the motion. He said he seconded the motion to get the conversation flowing and that there may be something to continuing this item.

Commissioner Rheume withdrew the motion.

Chair Melton confirmed with Planning Officer Miner that the item could be continued to a date uncertain until a newly adopted solar access policy is in place and that the applicant would have to pay new fees if the application is denied.

MOTION: Commissioner Klein moved and Vice Chair Harrison seconded the motion for Alternative 3: Deny the Special Development Permit and Variance.

Commissioner Klein said he could not make the findings to approve the Variance, and that the solar study issue is still being evaluated by staff which indicates we are

not ready to approve increasing the solar Variance on this site. He said he understands that the applicant is trying to add onto their home to make it more usable, but that this planned development has certain restrictions that other sites do not, and there are homes with solar panels on two separate roof lines in Sunnyvale.

Commissioner Olevson said without input from the adjacent neighbor and with the little information he has, he supports denying the Special Development Permit and Variance.

Chair Melton said he supports the motion.

The motion carried by the following vote:

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

No: 0

Absent: 2 - Commissioner Simons
Commissioner Weiss

- 4** [16-0587](#) **File #:** 2016-7053
Location: 1483 Dartshire Court (APN: 309-11-076)
Zoning:
Proposed Project: Related applications on a 6,326-square foot site:
DESIGN REVIEW: To allow a 444 square feet first-floor addition to the existing two-story single family residence resulting in total 4,088 square feet floor area with 64.6 percent Floor Area Ratio.
Applicant / Owner: Sreenivas Vaddi (applicant) / Sreenivas and Himabindu Vaddi (owner)
Environmental Review: Class 1 Categorical Exemption
Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Chair Melton recused himself from consideration of this item due to his ownership of property located within 500 feet of the subject property.

Assistant Planner Aastha Vashist presented the staff report.

Vice Chair Harrison opened the Public Hearing.

Applicant Sreenivas Vaddi provided information about the proposed project.

Vice Chair Harrison closed the Public Hearing.

Commissioner Rheaume discussed with Planning Officer Andrew Miner the Condition of Approval requiring a deed restriction limiting the use of the addition as an accessory living unit, and confirmed with Assistant Planner Vashist that removal of the twice-counted interior ceiling height would reduce the FAR to 60.4 percent.

MOTION: Commissioner Klein moved and Commissioner Rheaume seconded the motion for Alternative 1: Approve the Design Review with the recommended conditions in Attachment 4.

Commissioner Klein said the subject property is in a cul de sac and is oddly shaped which allows adding onto the rear without common setback issues. He said he can make the findings and that the applicant creating space for his family is a good thing. He said so many homes in planned developments do not look at the full use of the downstairs when they are envisioned and that now we are seeing more issues of ADA compliance.

Commissioner Rheaume said he can make the findings, that no Variances are requested and that because of the size of the lot and the addition on the first floor there is no impact to the neighbors.

Commissioner Olevson said he is supporting the motion and can make the findings to support approval of the Design Review. He said this project supports Sunnyvale's desire to provide homes and housing and allows residents to modify homes so they can take care of their families.

The motion carried by the following vote:

Yes: 4 - Vice Chair Harrison
Commissioner Olevson
Commissioner Klein
Commissioner Rheaume

No: 0

Absent: 2 - Commissioner Simons
Commissioner Weiss

Recused: 1 - Chair Melton

and 110-25-55)

Zoning: Moffett Park Specific Plan Transit Oriented Development (MP-TOD)

Proposed Project: Related applications on a 19.31-acre site:
SPECIAL DEVELOPMENT PERMIT: to demolish a portion of the existing surface parking and construct a new 248,259 square foot, five story office building over three stories of parking with additional rooftop and underground parking and reconfiguration of the surface parking lots within the existing office campus.

Applicant / Owner: FSP-Sunnyvale Office Park, LLC (owner) / Jeffery Jacobsen, Commonwealth Partners (applicant)

Environmental Review: Mitigated Negative Declaration

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

Project Planner Margaret Netto presented the staff report.

Commissioner Klein verified with staff the number of parking floors and their location above or below ground and confirmed that the height of the proposed building does not exceed allowed height.

Vice Chair Harrison confirmed with Planning Officer Miner that the two safety officer positions proposed to be funded by the project are in addition to positions funded by previously considered projects, and discussed how the transfer of development rights would occur after the development reserve is exhausted. Vice Chair Harrison confirmed with Senior Assistant City Attorney Rebecca Moon that CEQA rules limit the mitigation for traffic resulting from a project to the TIA.

Planning Officer Miner announced that Principal Transportation Engineer Carol Shariat is in attendance to answer traffic questions.

Commissioner Olevson verified with Planning Officer Miner that the proposed project would be to the east of Mathilda and discussed why three addresses are associated with one site. Commissioner Olevson discussed with Project Planner Netto whether consideration was given to saving onsite trees by moving and replanting them, and he confirmed with Principal Transportation Engineer Shariat that monetary penalties are used by the City to enforce a TDM plan.

Commissioner Rheume confirmed with Principal Transportation Engineer Shariat that LOS F rated intersections at Mathilda and Moffett Park and Bordeaux and Moffett Park will have impacts reduced to less than significant levels after the Mathilda 237 interchange project is completed and that TIF fees from the proposed project would help implement the interchange project. Commissioner Rheume

inquired about the amount of development reserve at the nearby Juniper site and clarified how a transfer of development rights could occur. Commissioner Rheaume confirmed with Project Planner Netto the location and type of 60-70 inch box trees proposed for the site.

Commissioner Klein confirmed with Planning Officer Miner that the application will be considered by City Council for approval of an additional ten percent FAR via a community benefit element and discussed how community benefit elements are negotiated.

Chair Melton opened the Public Hearing.

Applicants Jeffrey Jacobsen and Steve Worthington provided information about the proposed project.

Commissioner Rheaume confirmed with staff that pedestrian safety improvements at the 5th and Mathilda Avenues intersection were not requested.

Chair Melton closed the Public Hearing.

Planning Officer Miner noted that the Commission could add a COA for pedestrian safety improvements at the 5th and Mathilda Avenues intersection.

MOTION: Commissioner Rheaume moved and Commissioner Klein seconded the motion to recommend to City Council Alternative 2: Make the required CEQA findings set forth in Attachment 3 and adopt the Mitigated Negative Declaration and approve the Major Moffett Park Special Development Permit with recommended findings in Attachment 3 and modified Conditions of Approval:

1) Evaluate measures for improving pedestrian safety at the Mathilda Avenue and 5th Avenue intersection.

Commissioner Rheaume said the project is close to transit and he appreciates that the applicant listened to the Commission's recommendations during the study session. He said he is glad that the applicant has proposed preserving trees and that 60-70 inch box trees are included in the plan.

Commissioner Klein said he can make the findings and that he appreciates that the project meets LEED gold certification, proposes the use of purple pipe, and the applicant's responsiveness to concerns about trees, incorporating art into the building and saving the urban forest. He said the community benefit of funding two new safety officers for fire station five is a long term benefit for the area, and that he

is happy that the project will have a roof top garden and one floor of underground parking.

Commissioner Olevson said he is supporting the motion and can make the findings for the Special Development Permit and Mitigated Negative Declaration. He said the project design is interesting and will be a visual improvement to the Moffett Park area.

Vice Chair Harrison said she is supporting the motion and appreciates the integrated art work, the green roof and purple pipe. She said the applicant is paying a substantial TIF fee to address additional traffic and she is happy with the added modification to ensure public transit is even more attractive and usable.

Chair Melton said he is supporting the motion and that this is a quality project with a nice community benefit. He said he appreciates that the project is close to transit, is proposed to have a roof top garden and is integrated with other buildings on the campus. He said he also appreciates the preservation and addition of trees and the basket weave architecture.

The motion carried by the following vote:

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

No: 0

Absent: 2 - Commissioner Simons
Commissioner Weiss

6 [16-0589](#) **Review Planning Program Budget and Fees for FY 2016-17**
NOTE: *This item was continued from the Planning Commission meeting of May 23, 2016.*

Planning Officer Andrew Miner said the Planning Commission can provide comments or feedback on the proposed budget for the Planning program.

Chair Melton confirmed with Planning Officer Miner that Commissioners can also provide verbal comments on the proposed budget during the City Council meeting of June 14, 2016.

Commissioner Olevson commented on the 1,760 hours typically budgeted for SEA employees being too small, to which Mr. Miner responded that the number takes

into account holidays, various types of leave and when staff positions are unfilled.

Chair Melton opened the Public Hearing.

No speakers.

Chair Melton closed the Public Hearing.

Commissioner Olevson moved and Vice Chair Harrison seconded the motion to recommend to City Council approval of the proposed Planning budget as presented.

The motion carried by the following vote:

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

No: 0

Absent: 2 - Commissioner Simons
Commissioner Weiss

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Miner discussed upcoming Planning-related City Council items.

ADJOURNMENT

Chair Melton adjourned the meeting at 10:32 p.m.