

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

The Planning Commission recessed.

The Planning Commission reconvened with all Commissioners present.

- 3** [16-0184](#) File #: 2015-7399
Location: 777 Sunnyvale-Saratoga Road (APN: 201-36-002)
Zoning: C-2/ECR
Proposed Project: Appeal of a decision by the Zoning Administrator to conditionally allow a:
SPECIAL DEVELOPMENT PERMIT to allow an approximately 11,600 square foot new commercial building (grocery store) on an existing commercial site. The project replaces a portion (approx. 7,599 s.f.) of the Orchard Supply Hardware building and storage area.
Appellant / Applicant / Owner: Michael Howland / Ware Malcomb (applicant) / Mardit Properties, LP (owner)
Environmental Review: Mitigated Negative Declaration
Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Project Planner Ryan Kuchenig presented the staff report and noted a correction regarding a mitigation measure which was included in the initial study but not described in the Conditions of Approval. Kuchenig stated mitigation measure MM CULT-3 described in Attachment 8, page 35 of 90, can be added as Condition of Approval BP 21-3 under Historic and Prehistoric Resources. Project Planner Kuchenig and Planning Officer Miner provided additional information and responded to Commissioner questions.

Vice Chair Harrison inquired about the difference between the original zoning administrator recommendation regarding north/south traffic and the current

recommendation.

Commissioner Simons inquired about the proposed parking lot tree shading.

Commissioner Olevson inquired about Condition of Approval PS-2 regarding materials and color scheme, and requested it be changed from Planning Commission to Director of Community Development. In reference to Attachment 8, page 79, regarding pedestrian friendly access, Commissioner Olevson inquired if there is any information to support the statement that the location is easily accessed by pedestrians.

Commissioner Klein asked questions regarding the driveway on the north side of the building, the recent modifications made to the Orchard Supply Hardware building, and pedestrian access. Commissioner Klein confirmed that lockable storage would not be available for pickup of goods. Commissioner Klein requested more information regarding Condition of Approval BP-15-G on page 8 of 21 regarding lighting.

Commissioner Weiss inquired if the non-landscaped area would be pervious and about the LEED Silver status.

Chair Melton inquired about landscaping, parking lot tree shading and building separation. In reference to page 6 of 7 of the staff report, Chair Melton inquired about trip counts.

Michael Mowry, Kimley-Horn, provided information regarding peak trip counts.

Chair Melton inquired about the Mitigated Negative Declaration, page 51 of 90, Section IX, item "a."

Vice Chair Harrison inquired if there is any precedent for having one parcel considered as two projects with regard to landscaping and tree shading.

Chair Melton opened the public hearing.

Drew Johnson, Oppidan, developer, provided information regarding the project.

Roger Bernstein, Oppidan, developer, provided information regarding the project and addressed items noted in a letter from the appellant, and answered Commissioner questions.

Cecily Barklay, land use attorney working with Oppidan, clarified information presented earlier regarding trip counts.

Craig Siqueland, Vice President of Stores, Orchard Supply Hardware, provided information regarding Orchard Supply Hardware and spoke in support of the project.

Commissioner Simons inquired about tree shading.

Commissioner Weiss inquired about patrons leaving their engines on while they are waiting for their packages and traffic flow.

Vice Chair Harrison requested a breakdown of the shading and landscaping for the site.

Planning Officer Miner referred to the project data section in Attachment 5, page 1 of 12.

Vice Chair Harrison inquired if the developer would be amenable to increasing the visual permeability of the glass facing the parking lot.

Commissioner Klein inquired about pedestrian flow along the parking spaces and landscaping.

Anthony Bartoli, Architect, provided information regarding pedestrian access.

Commissioner Klein inquired about the timing of deliveries to the building.

Chair Melton inquired of Craig Siqueland, Vice President of Stores, Orchard Supply Hardware as to how they would manage a potential increase in landscaping and tree shading.

James Cortez, union representative for employees at Safeway, expressed concerns regarding market share potentially being taken away from Safeway and other grocery stores in the area and the impact to workers at those sites.

Letresa Perkins spoke in support of comments by Mr. Cortez and expressed concerns that there are already a number of grocery stores in the area, and regarding potential noise and air pollution due to idling cars.

Roger Bernstein, Oppidan, provided closing comments.

Drew Johnson, Oppidan, confirmed for Vice Chair Harrison that grocery products would be sold at the store.

Commissioner Klein referred to Condition of Approval AT-1, page 20 of 21, and clarified standard hours of operation, pick up hours and delivery hours.

Chair Melton closed the public hearing.

Commissioner Rheume inquired as to why Orchard Supply Hardware was not required to fulfill the landscape requirements for that side of the property, and inquired about parking lot shading.

Commissioner Klein inquired about standard hours of operation for markets.

Commissioner Simons inquired about the project data table.

Vice Chair Harrison inquired about landscaping as it relates to a potential loss of parking spaces.

Commissioner Simons inquired about the use of pervious pavers toward landscaping.

MOTION: Commissioner Rheume moved and Commissioner Simons seconded the motion to approve Alternative 3: Make the findings required by CEQA in Attachment 3, Adopt the Mitigated Negative Declaration and deny the Appeal and uphold the decision of the Zoning Administrator to approve the Special Development Permit with modified conditions: ask the applicant to meet the minimum requirements of total landscaping of 45,477 square feet and a parking lot tree shading of 50%, as stated in Attachment 2 to the report, page 1 of 1; and Alternative B for Condition of Approval PS-3.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to withdraw the color and materials requirement; that it be done at an administrative level, and that some of the landscape space be used to define the safest pedestrian throughways throughout the site.

Commissioner Rheume accepted the friendly amendment.

FRIENDLY AMENDMENT: Commissioner Klein offered a friendly amendment to add the third part to BP-21 related to the mitigation measure, and add pedestrian flow from the southern parking spaces to the storefront.

Commissioner Rheume accepted the friendly amendment.

Commissioner Klein spoke in support of the motion. Klein expressed some concern about the hours of operation and stated he hopes the applicant will use signage to educate patrons.

Planning Officer Miner clarified that adding 19,000 square feet of landscaping will reduce the onsite parking which may cause it to be deficient, and a deviation may be required.

Commissioner Olevson spoke in support of the motion.

Commissioner Weiss spoke in support of the motion.

Vice Chair Harrison stated she is unable to support the motion without further information as to how the additional landscaping square footage would impact parking.

FRIENDLY AMENDMENT: Chair Melton offered a friendly amendment to revise the landscape requirements to a minimum of 33,000 square feet and parking lot tree shading of 30%.

Commissioner Rheume declined to accept the friendly amendment.

Planning Officer Miner clarified that adding the additional landscaping would remove approximately 111 parking spaces.

Commissioner Rheume confirmed with Planning Officer Miner that the proposed project is currently 18 parking spaces above the minimum requirement.

AMENDMENT: Chair Melton moved to revise the landscape requirements to a minimum of 33,000 square feet and parking lot tree shading of 30%.

The motion to amend died due to lack of second.

Chair Melton stated he can make the findings on everything but the landscaping and parking lot tree shading and he would not support the motion.

Commissioner Simons stated that part of his motion was that landscape requirements could be made up by pervious throughway walkways throughout the project.

Commissioner Olevson stated he could no longer support the motion due to the loss of parking spaces.

Commissioner Klein stated he could no longer support the motion due to the loss of parking spaces.

MOTION WITHDRAWN: Following discussion, Commissioner Rheaume withdrew his motion.

MOTION: Vice Chair Harrison moved and Commissioner Simons seconded the motion to approve Alternative 2: Make the findings required by CEQA in Attachment 3, Adopt the Mitigated Negative Declaration and deny the Appeal and uphold the decision of the Zoning Administrator to approve the Special Development Permit with recommended Conditions in Attachment 4 (including Alternative B in C.O.A. PS-3); and add a condition of approval for a designated pedestrian walkway from the parking lot area to the entrance of the building; increase the landscape percentage as much as possible and maintain the minimum parking requirement by removing 18 spaces; add a third section to part of BP 21 for Cultural Resources; and state it is not the Planning Commission but the Director of Community Development who makes a change in PS-2.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to change the allocation from landscaping to the maximum amount of tree shading. Vice Chair Harrison accepted the friendly amendment and further clarified the intent to maximize to the greatest extent possible the tree shading and the landscaping, with the emphasis on tree shading.

FRIENDLY AMENDMENT: Commissioner Klein offered a friendly amendment to add pedestrian flow from the southern parking lot and the pedestrian walkways. Vice Chair Harrison and Commissioner Simons accepted the friendly amendment.

Commissioner Rheaume requested staff clarify the use of Grasscrete in the future.

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

Planning Officer Miner stated the Planning Commission decision is final unless

appealed or called up by the City Council within 15 calendar days.

- 4 [15-0393](#) Forward a recommendation to the City Council to adopt an Ordinance 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 (2015-7151).

Senior Planner Amber Blizinski presented the staff report and answered Commissioner questions.

Commissioner Klein referred to Option A, page 6 of 9, and inquired about fee calculations for phased large scale projects.

Commissioner Simons inquired about assessing fees based on the progress of the project.

Chair Melton opened the public hearing.

No speakers.

Chair Melton closed the public hearing.

MOTION: Commissioner Klein moved and Vice Chair Harrison seconded the motion Alternative 1: Forward a recommendation to the City Council to adopt an Ordinance to Amend Titles 3 (Revenue and Finance) and 19 (Zoning) related to the Transportation Impact Fee and Housing Impact Fees to calculate fees at the time of building permit submittal.

The motion carried by the following vote:

Yes: 7 - Chair Melton
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 Commissioner Rheaume
 Commissioner Simons
 Commissioner Weiss

No: 0

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Commissioner Olevson proposed a study issue to change the agenda process and procedure to a 10-day advance publication rather than the current 3-4 day advance publication, and provided written materials.