



# City of Sunnyvale

## Meeting Minutes - Draft Planning Commission

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Monday, December 10, 2018

6:30 PM

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

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**Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing 7 PM**

### **6:30 P.M. STUDY SESSION**

**Call to Order in the West Conference Room**

**Roll Call**

**Study Session**

**A.      [18-1086](#)**

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** to demolish two existing one-story residential units and construct two new two-story detached single family homes and associated improvements. Each home results in a gross floor area of 2,281 square feet (1,863 square feet of living area and 418 square feet garage) and 58% FAR on a 4,074-square foot lot.

**TENTATIVE MAP:** to subdivide an existing 8,147 sq. ft. lot to two lots.

**Location:** 421 East Washington Avenue (APN's: 209-04-034)

**File #:** 2017-8019

**Zoning:** R-2/PD

**Applicant / Owner:** LADC Consulting Inc. / Silver Maple Investments LLC

**Project Planner:** Cynthia Hom, (408) 730-7411,  
chom@sunnyvale.ca.gov

**Public Comment on Study Session Agenda Items**

**Adjourn Study Session**

### **7 P.M. PLANNING COMMISSION MEETING**

### **CALL TO ORDER**

Chair Howard called the meeting to order at 7:04 PM in the Council Chambers.

### **SALUTE TO THE FLAG**

Chair Howard led the salute to the flag.

### **ROLL CALL**

**Present:** 7 - Commissioner Carol Weiss  
Chair Daniel Howard  
Commissioner John Howe  
Commissioner Ken Olevson  
Vice Chair David Simons  
Commissioner Ken Rheaume  
Commissioner Sue Harrison

### **ORAL COMMUNICATIONS**

### **CONSENT CALENDAR**

Vice Chair Simons requested to vote separately on the consent calendar items and to move the consent calendar vote to the end of the public hearing. There were no objections from Planning Commissioners.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

2.      [18-0988](#)      **Proposed Project**  
                                 **PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL  
IMPACT REPORT** for the Corn Palace residential project on an  
8.8-acre site consisting of 58 single-family homes and a 2-acre  
public park. The proposed project requires a Tentative  
Subdivision Map for 60 lots (58 homes, one private street and a  
public park), and a Special Development Permit to construct the  
single-family homes.  
**Location:** 1142 Dahlia Avenue (APN: 213-12-001)  
**File #:** 2017-7451  
**Zoning:** R-1.5/PD  
**Applicant:** Trumark Homes  
**Project Planner:** Shétal Divatia, (408) 730-7637,  
sdivatia@sunnyvale.ca.gov

Senior Planner Shetal Divatia presented the staff report. Kristen Stoner, representing Ascent Environmental, Inc., presented images and information about the proposed project.

Chair Howard opened the Public Hearing.

John Cordes, speaking on his own behalf, requested the implementation of solar panels and easier access for bicyclists between the proposed project and Lawrence Expressway.

Commissioner Harrison asked staff about the number of proposed housing units and commented on the study session feedback provided to the applicant. Senior Planner Divatia explained that the zoning could accommodate a higher number of housing units but that the applicant has proposed 58 units. Commissioner Harrison confirmed with Senior Planner Divatia that a different Environmental Impact Report (EIR) would be required if the project significantly changed.

Vice Chair Simons asked staff if the subject EIR could accommodate minor changes to the proposed project such as for pedestrian and bicycle access. Assistant Director Andrew Miner advised that the EIR analysis should be consistent if the number of housing units does not change and stated that any potential resulting traffic impacts would have to be analyzed.

Commissioner Weiss commented that the proposed project is in a seismically active area subject to liquefaction and requested the completion of an additional geotechnical feasibility study.

Commissioner Weiss asked staff about inclusion in the EIR of the proposed project's potential impact on migratory and wintering birds. Ms. Stoner stated that this information was included but that it will be reviewed for the final EIR and clarified if possible.

Commissioner Rheaume asked staff how many additional housing units would trigger the need for an additional EIR. Assistant Director Miner stated that staff cannot say with certainty the different impacts associated with adding or changing units. Commissioner Rheaume confirmed with Assistant Director Miner that the proposed project will present 58 units when it comes before the Planning Commission.

Senior Planner Divatia stated that 61 housing units would be the maximum based on the existing site zoning. Commissioner Harrison asked staff if the EIR could accommodate 61 units. Assistant Director Miner stated that staff cannot say with certainty what impact that change would have without conducting an analysis.

Chair Howard commented that an alternative EIR scenario could examine a build out to the maximum density as allowed by the zoning. Senior Assistant City Attorney Rebecca Moon explained that the intention of EIR alternatives is to reduce the environmental impacts of a proposed project. Chair Howard discussed increased density in relation to EIR alternatives with Assistant Director Miner. Senior Assistant City Attorney Moon noted that all comments and questions raised during the public hearing will be addressed in the final EIR.

Richard Mehlinger, speaking on his own behalf, commented on the proposed project's proximity to bus routes and the Lawrence Caltrain station and noted his concern regarding the proposed density. Mr. Mehlinger commented on the number of units that could be developed using the state density bonus and requested that the Planning Commission examine a higher density as part of the EIR review.

Chair Howard closed the Public Hearing. No action was required nor taken.

3. [18-0887](#)

**Proposed Project:**

**PEERY PARK SPECIFIC PLAN CONDITIONAL USE**

**PERMIT:** to consider a high school for 400 students (Summit School). The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

**File #:** 2017-7986

**Location:** 824 San Aleso Avenue (APN: 204-02-006)

**Applicant / Owner:** Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)

**Environmental Review:** The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

**Project Planner:** Momoko Ishijima, (408) 730-7532, [mishijima@sunnyvale.ca.gov](mailto:mishijima@sunnyvale.ca.gov)

Associate Planner Momoko Ishijima presented the staff report.

Commissioner Harrison asked staff about study issues related to Citywide parking minimums. Assistant Director Andrew Miner advised that a study was completed regarding maximum parking requirements and that currently there is a study issue regarding parking minimums that has not yet been ranked.

Commissioner Rheume discussed the mechanical parking lift with Assistant Director Miner. Assistant Director Miner stated that there are not currently any outdoor free standing mechanical parking lifts in the City. Commissioner Rheume noted his concern about approving this first instance given the adjacent single-family homes.

Commissioner Rheume commented that 100 parking spots are required per City code but that the Summit Public School Parking Study states that only 52 parking spots are needed. Commissioner Rheume asked staff about the difference between this school and other City schools. Assistant Director Miner advised that staff evaluated the proposed project based on City code, as they would any other high school in the city, and that staff recommended denial because the project did not meet the parking standard.

Vice Chair Simons clarified with Assistant Director Miner that the zoning code contains the noise requirements that would apply to the operations of the automated mechanical parking.

Vice Chair Simons commented on previous project requirements to stop invasive species from propagating to adjacent properties and asked staff about implementing these requirements. Associate Planner Ishijima explained that the applicant's intent was to select a fast-growing species for screening. Assistant Director Miner advised that the Planning Commission can ask the applicant if they considered other options.

Vice Chair Simons asked staff about the inclusion of pervious materials to Condition of Approval (COA) BP-13 to achieve the stormwater management plan requirements. Assistant Director Miner stated that the applicant can choose how they meet those requirements.

Vice Chair Simons discussed the potential to add a COA to require that the exterior changes as described in the staff report will match the proposed site plans with Assistant Director Miner.

Chair Howard asked staff for the Fremont High School parking ratio. Associate Planner Ishijima stated that school district high schools do not fall under the City's jurisdiction and that staff does not have this information. Chair Howard presented his findings regarding two parking ratio estimates for City high schools. Chair Howard asked staff why a public high school has not been built in north Sunnyvale.

Assistant Director Miner stated that school districts make the decisions on where and when high schools should be constructed.

Commissioner Howe confirmed with Assistant Director Miner that King's Academy High School was required to obtain a use permit. Commissioner Howe asked staff about the parking ratio for King's Academy. Associate Planner Ishijima stated that no variance was requested so they met the parking requirements as dictated by City code at that time.

Chair Howard provided an estimate for King's Academy parking ratio. Chair Howard commented that it appears that a charter high school is held to a higher standard than a school district high school due to City requirements. Chair Howard commented on urban development patterns and the associated placement of school facilities.

Chair Howard discussed required finding 1e. and asked staff about a future potential increase in bus service. Assistant Director Miner stated that what could happen can't be relied upon to make a finding and that there are other more applicable findings that the Planning Commission could make.

Chair Howard commented on the applicant's required Traffic Impact fee and fair share contribution and asked staff about the allocation of these fees. Lillian Tsang, Principal Transportation Engineer, provided information about the use of these fees for City improvements and Valley Transportation Authority (VTA) infrastructure improvements.

Chair Howard stated that the Environmental Impact Report (EIR) indicates substantial impacts to greenhouse gas emissions and asked staff if reducing parking would reduce the number of trips and thus reduce greenhouse gas emissions. Assistant Director Miner stated that a reduction in parking can't guarantee a reduction in trips and that parking should be consistent with City code and land use. Chair Howard noted his appreciation of the parking lot management plan and the staff recommended residential parking permit study.

Chair Howard confirmed with Assistant Director Miner that the COA do not require a closed campus and that the applicant would make that decision.

Chair Howard opened the Public Hearing.

Kevin Bock, representing Summit Public Schools, presented images and information about the proposed project.

Commissioner Weiss asked the applicant about the geographic distribution of potential students. Mr. Bock explained that approximately 40% of potential students would be Sunnyvale residents and that the proportion should increase based on their research of Summit School sites. Mr. Bock provided additional information to Commissioner Weiss about the geographical location of their students and advised that they have not considered a central school bus service.

Commissioner Weiss asked the applicant about their physical education facilities. Mr. Bock explained that their program does not include physical education and that they rent facilities for their afterschool sports programs. Commissioner Weiss clarified specifics about the outdoor area with Mr. Bock.

Commissioner Harrison confirmed with Mr. Bock that they would begin the school year with 400 students. Mr. Bock provided information about the parking permit requirements to Commissioner Harrison. Mr. Bock noted that there are preferences for students who live further away and that the parking permits are tied to the school year.

Commissioner Harrison confirmed with Mr. Bock that they plan to purchase the building.

Commissioner Harrison asked the applicant to describe the process they used to develop the Summit School Parking Study. Elizabeth Chau, representing Kimley Horn, provided information about the site surveys conducted during the peak AM and PM periods during a typical school week at Summit Public Schools. Ms. Chau clarified that there was no differentiation between staff and student parking. Commissioner Harrison confirmed with Ms. Chau that the schools were alerted about the upcoming parking study.

Commissioner Rheume asked the applicant how they determined that only half of the required City parking is needed. Ms. Chau commented on Summit Denali's transportation policy that encourages carpool, biking and alternative modes of transportation, which reduces the number of utilized vehicles. Ms. Chau outlined the differences between public and private school traffic and parking needs.

Commissioner Rheume asked the applicant about the number of teachers and

their use of the mechanical parking lift. Mr. Bock stated that there will be 25 teachers and an assignment plan for the lift. Commissioner Rheaume asked the applicant about enforcement of the offsite parking restrictions. Mr. Bock explained that they would investigate any complaints and that the faculty posted during pickup and drop-off can visually identify parking non-compliance. Commissioner Rheaume clarified with Mr. Bock that their current location at the St. Cyprian school site is not a viable long-term option.

Vice Chair Simons confirmed with Mr. Bock that they are amenable to add a COA that the look and feel of the building will match the site plan depictions.

Vice Chair Simons asked the applicant about additional texture besides stucco to enhance the flat walls. Mr. Bock advised that the architectural team can study possible modifications.

Vice Chair Simons asked the applicant about requiring containers for the planted bamboo or considering a less invasive species. Mr. Bock stated that they would consider an alternative species.

Commissioner Olevson asked the applicant if they have approached the City Council to request a change to City parking requirements. Mr. Bock stated that they have not and that their understanding is that the findings can be made for an adjustment to the parking requirements. Commissioner Olevson noted that it would be difficult to approve a parking adjustment of this requested magnitude.

Commissioner Olevson commented on his compliance concerns given Summit School's previous operations at another site that did not meet City code. Mr. Bock stated that they have worked hard to meet every COA and recommendation made by the City, Planning Commission, City Council and Planning staff for that site and that they are currently meeting those requirements.

Commissioner Harrison asked the applicant if staff or parents were informed in advance about the Kimley Horn parking study. Mr. Bock stated that only the school leadership teams were notified.

Commissioner Harrison asked the applicant about the adequacy of the allotted soil for the trees proposed to be planted in the parking lot. Gayatri Medury, representing Artik Art & Architecture, advised that the amount of allotted soil should be adequate.



Chair Howard asked the applicant about the number of proposed parking spaces given the suggested Kimley Horn parking ratio of .13 and how else parking spaces could be utilized. Mr. Bock explained that they worked closely with City staff to maximize the parking but that they could repurpose those parking spaces for outdoor activity use.

Chair Howard asked the applicant about the potential to have more students apply for parking permits than there are available parking spaces. Mr. Bock advised that they would utilize a lottery and that they have a robust carpooling system.

Chair Howard clarified with Mr. Bock that the nearest bus stop is approximately a third of a mile from the proposed project and not one mile.

Chair Howard commented on the parking study language regarding the use of alternative modes of transportation and asked the applicant about the specific statistics. Ms. Chau explained that they included qualitative observations based on the data counts. Chair Howard confirmed Kimley Horn's methodology used to calculate the parking ratio with Ms. Chau.

James Chen, Sunnyvale resident, spoke in support of the proposed project. Mr. Chen discussed the use of carpooling and alternative transportation and stated an opinion that the proposed project would not need the number of parking spaces required by City code.

Richard Mehlinger, speaking on his own behalf, spoke in support of the proposed project. Mr. Mehlinger commented on the applicant's plans to mitigate parking concerns, the underserved nature of north Sunnyvale and consideration for actions to facilitate bicycle and pedestrian transit in the adjacent neighborhoods.

Dwight Davis, Sunnyvale resident, spoke in opposition of the proposed project. Mr. Davis discussed his concerns with the proposed project's impact on traffic, parking and safety.

Ann Davis, Sunnyvale resident, spoke in opposition of the proposed project. Ms. Davis discussed her concerns with parking, screening, future seismic activity, the prior hazardous use at the site and the proposed project's impact on the adjacent two-story building.

Marius Evers, Sunnyvale resident, spoke in support of the proposed project and

stated an opinion that Summit Schools completes an unprecedented amount of outreach to promote carpooling.

Sue Johnson, Sunnyvale resident, spoke in support of the proposed project and commented on the lack of bicycle lanes along both sides of Borregas Avenue.

James Begole, Sunnyvale resident, spoke in support of the proposed project. Mr. Begole commented on the importance of alternative transportation and the transformation of the Summit Denali Weddell site.

Thomas Berry spoke in support of the proposed project and commented on the problem-solving skills that children develop who attend Summit Schools.

Michelle Cudzinovic, Sunnyvale resident, spoke in support of the proposed project. Ms. Cudzinovic commented on the importance of alternative transportation and how it improves quality of life.

Angela Hwang spoke in support of the proposed project and discussed the benefits of the personalized learning plans and flexibility that Summit Schools offers students.

Heather Chen, Sunnyvale resident, spoke in support of the proposed project. Ms. Chen commented on bicycling as alternative transportation and that the subject site is appropriate for a high school.

Tewfik Mourad spoke in opposition of the proposed project and discussed his concerns with the potential noise impacts.

Kevin Leal, Sunnyvale resident, spoke in support of the proposed project. Mr. Leal commented on the smooth coordination of pick up and drop offs as managed by faculty and parents and stated an opinion that it would be more appropriate to use an urban parking ratio.

Kimberly Leal, Sunnyvale resident, spoke in support of the proposed project. Ms. Leal commented on the unique nature of Summit Schools and stated an opinion that parking will not be an issue since many students do not drive.

Dalila Rojas spoke in support of the proposed project and discussed the use of alternative transportation as a means for school commutes.

Sharon McKnight discussed her concerns with the existing building structure, potential seismic hazards, lack of outdoor space, parking availability and traffic impacts.

Palmira Walker, Sunnyvale resident, spoke in opposition of the proposed project. Ms. Walker discussed her concerns with the proposed project's impact on traffic, the availability of bicycle lanes and the subject site's proximity to motels and hotels.

Valerie Soares discussed her concerns with the existing traffic, the proposed project's proximity to residential properties, and the availability of outdoor space for the students.

Nathan Yao spoke in support of the proposed project and commented on the benefits of the flexible learning plan offered by Summit Schools. Michael Yao spoke in support of the proposed project and commented on alternative transportation for commutes such as carpooling or bicycling. Catherine Liu spoke in support of the proposed project and commented on the need for a local school and the use of alternative transportation.

Don Breitbarth, Sunnyvale resident, discussed his concerns with access for emergency services, granting the requested variance and that consideration should be given to the staff recommendation.

Rocio Barrera, Sunnyvale resident, commented on the unaffordability of King's Academy and the positive impact that a school within walking distance would have on the north Sunnyvale community.

Bryan Wenter, representing Miller Starr Regalia on behalf of Summit Schools, presented additional information about the proposed project.

Commissioner Olevson asked the applicant what special land use circumstance justifies granting the parking deviation. Mr. Wenter provided information about the two most likely findings that can be made, as well as the applicant's willingness to implement a Parking Management Plan, provide yearly notice about parking requirements that includes a designated contact person, and conduct an additional parking study one year after the start of the school's operations.

Commissioner Weiss asked staff about the completion of a solar study for the

proposed parking structure. Assistant Director Miner advised that this was not required since the proposed structure would not shade more than 10% of any neighboring roof.

Commissioner Weiss asked staff if the San Aleso residents could initiate the process for residential only parking permits. Assistant Director Miner stated that staff did not recommend this because it places the burden on the neighborhood but that it is a possibility.

Commissioner Weiss confirmed with Assistant Director Miner that the proposed project would have to meet all Building Code seismic requirements as well as standards for the mitigation of hazardous waste.

Commissioner Weiss asked staff about potential noise abatement for the adjacent property owner. Assistant Director Miner commented that the school program would not encourage outdoor noise but that it would be difficult to mitigate general noise and that the adjacent residents may be impacted.

Commissioner Harrison commented that per City staff the use of the subject site is appropriate for this area of the Peery Park Specific Plan (PPSP). Assistant Director Miner noted that this is the only location in the PPSP that can support a school. Commissioner Harrison confirmed with Assistant Director Miner that the proposed project is consistent with what was anticipated in the PPSP EIR and that there would be no greater impacts with a school than with other uses at the subject site.

Commissioner Harrison asked staff when the Sunnyvale school parking standards were implemented. Assistant Director Miner stated that this is unknown but that current conditions couldn't have been anticipated when those standards were adopted. Assistant Director Miner acknowledged that the applicant has offered solutions and ideas but that staff must review the proposed project as they would any other school, which requires meeting City code requirements. Commissioner Harrison confirmed with Assistant Director Miner that the proposed project appears to meet parking requirements in some other cities.

Commissioner Rheame asked staff about public school parking policies and how they are enforced. Assistant Director Miner stated that public schools have their own parking standards but that per City code each use must manage its own parking.

Commissioner Rheaume commented on City parking standards and that the Planning Commission must adhere to policy set by the City Council. Senior Assistant City Attorney Rebecca Moon stated that if the Planning Commission can make the findings then the code does allow for a parking adjustment.

Vice Chair Simons confirmed with Assistant Director Miner that if the Planning Commission supports the proposed project they would set a precedence for parking as a recommendation and that the decision is tied to the land use.

Chair Howard confirmed with Assistant Director Miner that if the parking adjustment is granted, those requirements would apply to any future site owners operating a school facility. Chair Howard asked staff what tools exist to enforce parking requirements. Assistant Director Miner stated that ultimately a revocation process would be the last resort if the COA were not met.

Commissioner Harrison confirmed with Assistant Director Miner that if the applicant suggested COA are implemented, they would apply to any future school operator at the site. Senior Assistant City Attorney Moon commented on the benefit of a one year review period and the possibility of revoking a Use Permit if necessary.

Vice Chair Simons asked staff if the review of the use permit would be one time or annually. Assistant Director Miner clarified that this was proposed as a one-time review.

Chair Howard commented on the required findings for an adjustment to the parking requirements and the different City parking standards. Chair Howard commented on his concerns regarding the lack of open space for the students and the concerns presented by residents about the parking structure.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Weiss seconded the motion for Alternative 2 – Alternative 1 with modified Conditions of Approval –

1. The Use Permit will be reviewed after one year to evaluate the adequacy of the applicant's parking management plan.
2. A Condition of Approval will be added that specifies that at the beginning of each calendar year the applicant will provide the neighborhood with a contact person for any parking issues.

Commissioner Harrison stated that she can make required finding 1b. for the adjusted parking requirements. Commissioner Harrison commented on information provided by members of public about alternative methods of transportation to school, including carpooling, biking and walking, and stated that no public speaker at the hearing have children who drive to school. Commissioner Harrison stated an opinion that it appears that a parking management plan is already in place. Commissioner Harrison stated that she can make required finding 1f. for the adjusted parking requirements and stated that the unusual characteristic is that Summit Schools emphasizes active and collaborative transportation solutions.

Assistant Director Miner confirmed with Commissioner Harrison that a 1,000-foot notification for the neighbors is acceptable.

Commissioner Weiss stated that she can make the findings for the adjusted parking requirements and that the project is within the scope of the Peery Park Specific Plan (PPSP) EIR. Commissioner Weiss commented on the gap in educational services provided to north Sunnyvale. Commissioner Weiss stated that the parental involvement and commitment as demonstrated tonight is essential for the success of schools and students. Commissioner Weiss commented on the millennial trend of owning fewer cars and driving less and that this appears to be trending among high school students.

Commissioner Olevson stated that he will not be supporting the motion. Commissioner Olevson commented that making minor adjustments to the parking management plan would be appropriate but to rewrite the code to allow 70% of the required parking is inappropriate. Commissioner Olevson stated that the information provided regarding other cities was interesting but that the Planning Commission doesn't have the authority to change City code and that nothing in the land use makes this parcel unusual. Commissioner Olevson commented that Summit Denali is reputed to be a good neighbor and company but that doesn't change the land characteristics and thus there is no rationale to adjust the parking requirements.

Commissioner Rheume stated that he will not be supporting the motion. Commissioner Rheume commented on the importance of the Summit Denali mission and the need for a high school in north Sunnyvale but noted that the Planning Commission's authority solely pertains to land use and that they must adhere to City Council policies. Commissioner Rheume stated that he cannot make the findings that the subject site is so unique that it can only implement two-thirds of the City parking requirements.

FRIENDLY AMENDMENT: Vice Chair Simons offered a friendly amendment to specify that the landscaping for the parking structure will be of a height at or above that of the parking structure to provide adequate screening. Commissioner Harrison and Commissioner Weiss accepted the friendly amendment.

FRIENDLY AMENDMENT: Vice Chair Simons offered a friendly amendment to specify that the architectural details will match the graphics provided by the applicant and that texture will be added to the flat walls to provide architectural variation. Commissioner Harrison and Commissioner Weiss accepted the friendly amendment.

Vice Chair Simons stated that he will not be supporting the project. Vice Chair Simons commented that this is a land use decision and that historically there are public school traffic and parking problems. Vice Chair Simons stated that the applicable information is the use of the site and the parking requirements for a generic use. Vice Chair Simons commented on the different factors that do not support a high school in this location, such as the closure of Ferndale access to the neighborhood due to drug use and break ins. Vice Chair Simons stated that there are safety concerns for children who would access the school from Ahwanee Avenue. Vice Chair Simons stated an opinion that difficulties for schools have been caused by the City rezoning Public Facility lands and the school districts selling land. Vice Chair Simons stated his wish that the subject site could support Summit Denali if there was an increase in parking spaces, reinstatement of Ferndale access and if other issues were addressed.

Commissioner Howe stated an opinion that the project is not aligned with the General Plan objective to not impair the orderly development of or existing uses of adjacent properties. Commissioner Howe commented that the proposed project would be a significant intensification of the subject site that would have a large impact on the surrounding area. Commissioner Howe noted that the parcel was originally zoned Industrial and that this is a land use decision that will be tied permanently to the property. Commissioner Howe stated that he will not be supporting the motion.

Chair Howard stated that he will be supporting the motion. Chair Howard stated that he can make the findings that this is a desirable change in land use that will serve the community interest and can make the findings for the adjusted parking requirements because the parking management plan will be tied to the subject site.

Chair Howard suggested that the applicant advocate for a parking ratio that will meet their needs if this item is heard by the City Council.

The motion failed by the following vote:

- Yes: 3 -** Commissioner Weiss  
Chair Howard  
Commissioner Harrison
- No: 4 -** Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Rheame

MOTION: Vice Chair Simons moved and Commissioner Howe seconded the motion for Alternative 4 – Deny the Peery Park Specific Plan Conditional Use Permit and provide direction to staff and applicant on where changes should be made.

The motion carried by the following vote:

- Yes: 4 -** Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Rheame
- No: 3 -** Commissioner Weiss  
Chair Howard  
Commissioner Harrison

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

**4. [18-0993](#)**

**Proposed Project:**

**DESIGN REVIEW** Install one (1) new canister antenna mounted on a replacement pole with associated equipment between 7'0" and 18'0" A.G.L. on the pole. Within 300 ft. of a public park (Braly Park).

**Location:** On a replacement utility pole in the public right-of-way on the south side of Iris Ave. near 701 Jackpine Ct.

**File #:** 2018-7871

**Zoning:** R-0

**Applicant:** Verizon Wireless C/O The CBR Group

**Owner:** City of Sunnyvale Right-of-Way



**Environmental Review:** Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that includes installation of small new equipment and facilities in small structures (CEQA Guidelines Section 15303).

**Project Planner:** Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Associate Planner Teresa Zarrin presented the staff report.

Chair Howard opened the Public Hearing.

Mark Peters, representing the CBR Group and Verizon Wireless (Verizon), presented images and information about the proposed project.

Rajat Mathur, representing Hammett and Edison, presented information about the proposed project.

Teague Soderman, Sunnyvale resident, spoke in opposition of the proposed project. Mr. Soderman discussed his concerns with the proposed project's impact on the value and aesthetics of his property, as well as the health implications of radiofrequency emissions.

Corrie Engelson, Sunnyvale resident, spoke in opposition of the proposed project. Ms. Engelson discussed her concerns with trimming the adjacent Cedar tree and asked the Planning Commission to consider an alternate site.

Mr. Peters and Mr. Mathur presented additional information regarding the proposed project.

Commissioner Rheume asked the applicant for information regarding an alternate site. Mr. Peters stated that this location is directly in front of a home and would not meet City guidelines. Mr. Peters provided information about an alternative design for the proposed project that would eliminate the need to trim the Cedar tree. Commissioner Rheume asked staff why the alternative site would not meet City guidelines. Assistant Director Miner advised that the preferred site has existing screening and does not affect any primary views.

Commissioner Harrison asked the applicant about the direction of the radiofrequency emissions. Mr. Mathur explained that at a height of 47 feet the directional is 360 degrees.

Chair Howard asked about the health of the Cedar tree that is proposed to be trimmed and if an arborist has examined it. Mr. Peters stated that an arborist has not conducted a review but that they would agree to add this as a Condition of Approval (COA). Assistant Director Miner provided information about the Cedar tree and advised that there is an alternative of using ground equipment. Chair Howard gathered public comments about this alternative. Mr. Peters provided information about the available distance between the pole, right-of-way and curb and stated that there should be sufficient space in the right-of-way to add a ground cabinet. Commissioner Rheame asked staff about the possibility of utilizing site five. Senior Assistant City Attorney Rebecca Moon stated that a new application would be required in addition to re-noticing for that site.

Chair Howard closed the Public Hearing.

**MOTION:** Commissioner Howe moved and Commissioner Olevson seconded the motion for Alternative 2 – Approve the Design Review with modified conditions – staff will work with the applicant and the adjacent property owner to develop an alternative for the placement of the equipment, with staff to make the final decision.

Commissioner Howe stated that the Planning Commission does not have much discretion for wireless telecommunication facilities and that this is as much flexibility as can be provided.

Commissioner Olevson commented that the state of California has preempted all almost decision making regarding wireless telecommunications facilities except for aesthetics, which this motion includes.

The motion carried by the following vote:

**Yes: 7 -** Commissioner Weiss  
Chair Howard  
Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Rheame  
Commissioner Harrison

**No: 0**

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

5.        [18-0852](#)        **Proposed Project:** Amend Sunnyvale Municipal Code Chapter 19.44 to add sign code provisions for theaters on the second floor.  
                         **Location:** Citywide  
                         **File #:** 2018-7131  
                         **Applicant / Owner:** STC Venture LLC  
                         **Environmental Review:** The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a).  
                         **Project Planner:** Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

Senior Planner Noren Caliva-Lepe presented the staff report.

Vice Chair Simons asked staff if the City considered allowing art as a part of a sign to be exempt from the sign code and eligible for the art in private space requirements. Senior Planner Caliva-Lepe stated that current public art requirements stipulate that the content cannot include any commercial signage. Vice Chair Simons commented on the removal of architectural detail from art within the City and the disconnect between signage and location. Senior Planner Caliva-Lepe stated that the Planning Commission could direct staff to explore the option of allowing sign area to include public art. Assistant Director Andrew Miner advised that this cannot be included with the proposed project but that the Planning Commission can recommend this change to City Council for future consideration. Senior Planner Caliva-Lepe commented that the current proposed change to the sign code could allow for greater creativity in regards to non-traditional signage options.

Commissioner Weiss asked staff if amending the sign code will allow for traditional movie theater fin signs. Senior Planner Caliva-Lepe stated that amending the sign code will give the flexibility to explore that option.

Commissioner Weiss asked if the amendment will only apply to Downtown sub-block 5. Assistant Director Miner stated that the change would be limited for use by theaters on the second floor in a Regional Retail Business zone.

Commissioner Harrison commented on the potential increase of commercial area in Downtown or along El Camino Real and asked staff if there are other second-story entertainment uses where a sign code amendment might be appropriate. Senior Planner Caliva-Lepe commented on the unique signage needs of theaters and that this specific practice is consistent with requirements in other cities. Assistant

Director Miner commented that staff's intention was not to modify the sign code for all types of retail or commercial use and that theaters are often treated uniquely in city sign codes.

Commissioner Rheume asked staff about limitations at night for illuminated signs. Assistant Director Miner stated that the standards for signs that face residential areas will still apply. Senior Planner Caliva-Lepe advised that per City code wall signs on side or rear elevations within one hundred fifty feet from any residential zoning district may be illuminated only from 7 am to 10 pm. Commissioner Rheume confirmed with Senior Planner Caliva-Lepe that this will apply to second-story signage. Commissioner Rheume discussed potential signage visibility impacts with Assistant Director Miner.

Chair Howard opened the Public Hearing.

Josh Rupert, representing STC Venture LLC, presented images and information about the proposed project.

Richard Mehlinger, speaking on his own behalf, spoke in support of the proposed project and commented that it would be good to have a study issue that examines having more iconic signage throughout the City.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Rheume seconded the motion for Alternative 1 – Make the finding that the action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) and Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment 5 to this report).

The motion carried by the following vote:

**Yes: 7 -** Commissioner Weiss  
Chair Howard  
Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Rheume  
Commissioner Harrison

**No: 0**

Assistant Director Miner stated that this item goes to the City Council on January 29, 2019.

### **CONSENT CALENDAR**

**1. A**     [18-1042](#)     Approve the 2019 Planning Commission Annual Work Plan

Vice Chair Simons moved and Commissioner Howe seconded the motion to approve the 2019 Planning Commission Annual Work Plan with a recommendation to add the Planning Commissioners Academy and the Joint Meeting of City Council with Board and Commission Chairs and Vice Chairs.

The motion carried by the following vote:

**Yes: 7 -**    Commissioner Weiss  
                 Chair Howard  
                 Commissioner Howe  
                 Commissioner Olevson  
                 Vice Chair Simons  
                 Commissioner Rheaume  
                 Commissioner Harrison

**No: 0**

**1. B**     [18-1100](#)     Annual Review of the Code of Ethics and Conduct for Elected and Appointed Officials

Vice Chair Simons moved and Commissioner Howe seconded the motion to approve the Annual Review of the Code of Ethics and Conduct for Elected and Appointed Officials (Code of Ethics) with a recommendation to shorten the document to no more than three pages and include an addendum of errata.

Vice Chair Simons stated an opinion that the Code of Ethics is likely not being read due to the length. Vice Chair Simons asked for consideration to trim the content and concentrate on the mission. Vice Chair Simons commented on the extremity of the content of the Code of Ethics in other cities.

Commissioner Harrison asked staff about decisions made based on the merit and substance of a proposed project. Senior Assistant City Attorney Rebecca Moon advised that this is part of the Code of Ethics and stated that every application

should be heard solely on the merits of that application.

The motion carried by the following vote:

**Yes:** 7 - Commissioner Weiss  
Chair Howard  
Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Rheaume  
Commissioner Harrison

**No:** 0

### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

Vice Chair Simons suggested a study issue that examines signage options for cultural art in the City, either in commercial areas or within a broader context. Assistant Director Miner stated that staff will complete a write up to present at a future Planning Commission hearing.

### **NON-AGENDA ITEMS AND COMMENTS**

#### **-Commissioner Comments**

#### **-Staff Comments**

Assistant Director Miner stated that the Useable Open Space study issue was continued to the February 26, 2019 City Council hearing and that the City Council denied the General Plan Amendment Initiation for 400-840 W. California Avenue at the November 13, 2018 hearing, as recommended by staff. Assistant Director Miner stated that the Peery Park Plan Review Permit for 810-870 W. Maude Avenue and 470 Potrero Avenue was approved by the City Council at the December 4, 2018 hearing.

### **ADJOURNMENT**

Chair Howard adjourned the meeting at 11:49 PM.