



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, July 8, 2019

6:30 PM

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

Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing - 7:00 PM

6:30 PM STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

A. [19-0726](#)

Proposed Project:

USE PERMIT to demolish two existing church buildings (Trinity United Methodist Church and St Johns Evangelical Lutheran Church) and construct a new 78,019 square foot, two- and three-story assisted living facility for up to 120 residents, above one level of underground parking.

Location: 581-583 E Fremont Avenue (APNs: 211-31-018 and 211-31-019)

File #: 2019-7214

Zoning: Public Facility (PF)

Applicant / Owner: Sunrise Senior Living (applicant) / St Johns Evangelical Lutheran and Trinity United Methodist Church (owner)

Environmental Review: A Class 32 In-fill Development Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Shila Behzadiaria, 408-730-7456,
sbehzadiaria@sunnyvale.ca.gov

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

7:00 PM PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:05 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

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

ORAL COMMUNICATIONS**CONSENT CALENDAR**

Commissioner Howe moved and Commissioner Harrison seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

1.A [19-0731](#) Approve Planning Commission Meeting Minutes of June 24, 2019

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [19-0509](#) **Proposed Project:** To consider a Public Engagement Plan that allows for a preparation of a Village Center Precise Plan for four properties totaling 7.81 acres.
Location: Street 102-166 E. Fremont Ave. (APNs: 309-01-002, 006, and 009) and 1300 Sunnyvale Saratoga Rd (APN: 309-01-007)
File #: 2018-7632
Zoning: Neighborhood Business with a Planned Development Combining District (C-1-PD)

Applicant / Owner: True Life Companies /Fremont Corners, Inc Et Al, Gahrahmat Family Lpii LP, Au Energy LLC (owner)

Environmental Review: Exempt from further environmental review pursuant to CEQA Guidelines Section 15262 (feasibility and planning studies) and Section 15061(b)(3) (common sense exemption).

Project Planner: Cindy Hom, (408) 730-7411, Chom@sunnyvale.ca.gov

Commissioner Howe recused himself due to the proximity of his property to 102-166 E. Fremont Avenue.

Assistant Director Andrew Miner stated that the Public Engagement Plan (PEP) is the City's effort to seek input from the community before developing a Village Center Precise Plan. He also stated that it will most likely take longer to achieve the Village Center Precise Plan partially because of the time to do expanded public outreach.

Associate Planner Cindy Hom presented the staff report.

Commissioner Harrison asked if the properties north of E. Fremont Avenue would be included in the PEP. Assistant Director Miner stated that the property owners were not prepared to move forward with the first phase of the PEP and Commissioner Harrison encouraged staff to incorporate the entire village center into every phase of the plan. Commissioner Harrison stated that she prefers that the village center be evaluated using objective measures to ensure compatibility with potential future legislation. Assistant Director Miner responded that staff would identify objective criteria that also meet the goal of neighborhood compatibility. She confirmed with Assistant Director Miner that the Commission is to review the method of the PEP as presented that fosters community input and transparency.

Commissioner Rheume stated his preference for more objectivity for the PEP and more structure in its timeline. Assistant Director Miner outlined the PEP timeline and stated that staff can review the timeline for refinement and preciseness and overall objectivity. He added that if City Council approves the PEP, staff would ultimately determine if the applicant meets the goals of the PEP.

Commissioner Weiss stated that it would be helpful to have the PEP include target dates to ensure achieved deliverables and that the plan not repeat itself from the beginning with Phase 2. Assistant Director Miner stated that the plan's timeline also depends on the applicant, that staff expects the plan to evolve by Phase 2, and that the properties north of E. Fremont Avenue will be incorporated into the program if ready by Phase 1. Commissioner Weiss stressed the importance of working with

Santa Clara Valley Transportation Authority (VTA) to support the success of the plan. Assistant Director Miner agreed and added that a Traffic Impact Analysis (TIAs) would be done if needed and proposed projects in the area would be considered.

Vice Chair Simons asked if it would be possible to incorporate all four corners of the Fremont Corners Village Center into the PEP. Assistant Director Miner responded that it could be problematic to seek the community's feedback for parts of the center where redevelopment is not currently planned. Vice Chair Simons asked if it is typically market forces that impact the speed of a developer-driven community outreach process. Assistant Director Miner stated that, in addition to timing for the outreach meeting, time is also taken for staff review of projects, environmental review and other studies.

Commissioner Olevson stated that the entire village center should be included in the PEP since so much time and effort would be invested in it and encouraged staff to revise the PEP as such.

Chair Howard confirmed with Assistant Director Miner that it would take approximately 1.5 years for a proposed project to reach the planning entitlement phase.

Chair Howard asked if it is possible for the PEP to take less than six months. Assistant Director Miner stated that six-month timeframe for the PEP is an estimate and that it might be completed sooner and that it is possible that the environmental review timing could be shortened.

Chair Howard commented that he hopes for that future PEPs are not drawn out so that they discourage developers, that he agrees with staff that it is more practical for the PEP to address the properties that will actually be developed in the near future, and disclosed that he met with the applicant's representative regarding the PEP. Assistant Director Miner stated that the City supports the need for more housing but that staff is constrained by the volume and scale of projects that it balances. Chair Howard clarified that he is interested in striking the middle ground between gathering the community's input and encouraging development with an appropriate timeframe for the PEP. Assistant Director Miner stated that by limiting the PEP to the identified portion of the village center, it remains a mostly developer-led process that would inevitably move quicker.

Chair Howard opened the Public Hearing.

Leah Beniston, applicant representing The True Life Companies, presented images and information about the proposed plan.

Milo Trauss, applicant representing The True Life Companies, presented images and information about the proposed plan.

Assistant Director Miner added that the PEP will proceed with the previously identified properties but will include the village center properties north of the subject site in the outreach portion of the PEP, but the Precise Plan for the area may not include those properties if they aren't prepared to join the effort at the time it is launched.

Mike Serrone, representing Livable Sunnyvale, spoke in support of the PEP and its early outreach efforts, the proposed development's housing provisions, and the importance of including the entire village center in the PEP.

Vice Chair Simons asked Mr. Serrone if he believes the amount of housing would change if the PEP were to include the properties on every corner. Mr. Serrone stated it is possible it would impact every aspect of development.

Kathleen Wortham, resident of Sunnyvale, spoke in the support of the PEP and the homebuying opportunity the resulting development would provide her and encouraged the Commission to approve the PEP.

Sam Liu spoke in support of the PEP and added suggestions for improving it and proposed that a California Environmental Quality Act review be conducted during the PEP process.

Joanne Lo, resident of Sunnyvale, spoke in support of the PEP and expressed her interest in the PEP's completion in one to two years.

David Pomeroy spoke about the benefits of village centers, encouraged Sunnyvale residents to patronize them, and encourage staff and the Commission to expedite the PEP process for the community's immediate benefit.

Glenn Hendricks, City Councilmember speaking on his own behalf, explained that the PEP is a product of his experience with community members expressing their interest in providing input on a proposed project at the outset.

Vice Chair Simons asked Councilmember Hendricks to provide his feedback on expanding the PEP to include the entire village center. Councilmember Hendricks stated that he supports staff's suggestion to keep the focus on the previously identified properties but gather feedback on their entire village center. Councilmember Hendricks added that every property in Sunnyvale is unique and it is possible that if needed, the City Council may provide feedback to staff that modifies the PEP.

Ms. Beniston presented additional information about the proposed plan.

Commissioner Harrison confirmed with Ms. Beniston that she and her firm have experience performing community outreach with other government organizations and asking the community tradeoff analysis questions, for example.

Chair Howard closed the Public Hearing.

MOTION: Vice Chair Simons moved and Commission Olevson seconded the motion for Alternative 2 – Recommend that City Council Approve the Public Engagement Program with the following modifications and find that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15262 (feasibility and planning studies) and Section 15061(b)(3) (common sense exemption).

1. Specify that the community input include all possible parts of the village center;
2. Specify that community input is sought on a shade plan related to the pedestrian plan; and
3. Specify that at least one of the community outreach meetings is Planning Commission facilitated.

Vice Chair Simons stated that a Planning Commission-led community outreach meeting was useful in developing the Downtown Specific Plan and that he wants community input on shade and pedestrian plans to ensure that they are not missed.

Chair Howard confirmed with Vice Chair Simons that he envisions the Planning Commission-led outreach meeting to involve just the neighborhood and be limited to comments only to just the Planning Commission.

Commissioner Olevson stated that he views the PEP as a process improvement for collecting input before a proposed project is formalized. He commented that he hopes staff incorporates the development ideas that have been proposed so far for

the identified properties to be included in the PEP and that the PEP is a method to collectively invest in the City long term, and encouraged the Commissioners to support the motion.

Chair Howard summarized the motion.

Commissioner Harrison stated that she will support the motion and stated that she believes that the community feedback gathered should not be used if it is outdated once a part of the village center not identified in the PEP is ready to proceed with re-development. She added that she is pleased to consider the first village center PEP.

Chair Howard asked staff asked shade and pedestrian plans fit within the scope of the PEP. Assistant Director Miner stated that staff would review it to determine how it can be incorporated. Vice Chair Simons clarified that he only seeks public input on shade and pedestrian plans.

Chair Howard stated that he will support the motion.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Olevson
Commissioner Rheaume
Commissioner Harrison
Commissioner Weiss
Vice Chair Simons

No: 0

Recused: 1 - Commissioner Howe

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

3. [19-0650](#) Proposed Project:

SPECIAL DEVELOPMENT PERMIT: To construct a second-story addition of 163 square feet to an existing two-story single-family home, resulting in 2,370 square feet (1,879 square feet living area and 491 square feet garage) and 49.5% floor area ratio (FAR).

Location: 1381 Sydney Drive (APN: 323-09-001)

File #: 2019-7133

Zoning: R-2/PD

Applicant / Owner: Klopf Architecture (applicant) / Owen Emry & Jocelyn Su (owner)

Environmental Review: A Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions

Project Planner: Shila Behzadiaria, (408) 730-7456,
sbehzadiaria@sunnyvale.ca.gov

Commissioner Howe recused himself due to the proximity of his property to the proposed project.

Associate Planner Shila Behzadiaria presented the staff report.

Commissioner Weiss asked if the sloped roof design over the garage is reasonable given that the home next to the proposed project has an angled roof over the garage. Assistant Director Andrew Miner stated that staff's goal is to maintain a continuity in design among all the nearby Bahl patio homes, of which all have flat roof garages.

Vice Chair Simons asked if staff considered requiring the second story to be more consistent with the other Bahl patio homes that have higher roof lines. Associate Planner Behzadiaria stated that the proposed design replicates other shed roofs within the Bahl patio development.

Commissioner Harrison confirmed with Assistant Director Miner that a proposed study issue that would limit changes to subdivision special development permits was not ranked and is not going forward now. She also confirmed with Associate Planner Behzadiaria that the applicant is not closing the open to below area to decrease the proposed Floor Area Ratio.

Commissioner Olevson confirmed with Associate Planner Behzadiaria that there have been no Neighborhood Preservation complaints for the property.

Commissioner Rheume asked if the applicant is proposing vaulted ceilings above the bedrooms on the first floor. Associate Planner Behzadiaria responded that the first-floor work involves replacing walls for a kitchen remodel and to create the second story bedroom. Commissioner Rheume commented that the proposed sloped roof over the garage as opposed to a flat roof would be a softer contrast to the second story and a better transition to the non-Bahl patio homes nearby.

Assistant Director Miner suggested the commission provide direction why the sloped roof design over the garage is acceptable for the entire Bahl patio development. Commissioner Rheume stated that this property is unique because of its location immediately adjacent to a non-Bahl patio home.

Chair Howard asked what the differences are between flat and sloped roofs. Assistant Director Miner stated that sloped roofs are better designed for runoff and that flat roofs can experience leakage. He added that many newer homes have flat roofs and that the Bahl patio design tends to contrast flat entryways with more vertical elements.

Chair Howard opened the Public Hearing.

Geoff Campen, representing Klop Architecture, applicant, presented images and information about the proposed project.

Vice Chair Simons commented that the second story roof may become problematic for water collection and asked Mr. Campen if it is possible to continue the peak of the roof to the wall of the second story. Mr. Campen stated that the water would be diverted and that they are open to considering the modification. He added that an area at the back of the home would be sloped just like the roof over the garage.

Commissioner Harrison asked Mr. Campen if they are able to meet the setback requirement by reducing the setback by 7 inches. Mr. Campen responded that some of the homes in the Bahl patio development are right on the setback and that the proposed design is better architecturally and structurally and less expensive.

Geni Sundquist, resident of Sunnyvale, spoke in support of the proposed project and the practicality of a sloped roof design.

Frank Layden, resident of Sunnyvale, spoke in support of the proposed project and its sloped roof design that in his opinion would improve the neighborhood.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Weiss moved and Commissioner Harrison seconded the motion for Alternative 2 - Approve the Special Development Permit subject to the following modified conditions of approval:

1. Specify that the sloped roof over the garage be approved as in the proposed design plans

Commissioner Weiss stated that the sloped roof over the garage fits in aesthetically with the neighborhood as it straddles the Bahl patio development and the non-Bahl patio homes nearby. She added that the two roof lines complement each other, the neighbors who spoke are in support of the proposed project, and the sloped roof is a structural improvement from the flat roof design. She encouraged the Commissioners to support the motion.

Commissioner Harrison stated that she agrees that the sloped roof design is appropriate given the transitional position of the proposed project between the flat roofs of the Bahl patio homes and the gabled roofs of the non-Bahl patio homes. She commented on her pleasure with hearing from neighbors who embrace change.

FRIENDLY AMENDMENT: Vice Chair Simons offered a friendly amendment to redesign the roof of the garage to be extended to meet the second story wall of the home. Commissioner Weiss and Commissioner Harrison accepted the friendly amendment.

Commissioner Rheume stated that he will support the motion and agrees with Commissioner Weiss. He commented that sometimes it is appropriate to examine whether an existing neighborhood can be improved upon when considering a proposed project.

Vice Chair Simons stated that he appreciates Commissioner Rheume's comment but supports the staff recommendation and therefore will not be supporting the motion.

Commissioner Olevson stated that he is comfortable supporting the motion because the applicant is amenable to the proposed changes and the design requirements have not drastically changed since the applicant purchased the home.

Chair Howard confirmed with Associate Planner Behzadiaria that the proposed second story meets the 7-foot side setback minimum because it is sloped but it would not meet the side setback requirement if walls were stacked on the first floor.

Chair Howard summarized the motion.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Olevson
Commissioner Rheaume
Commissioner Harrison
Commissioner Weiss
Vice Chair Simons

No: 0

Recused: 1 - Commissioner Howe

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

4. [19-0639](#) **Proposed Project:** Related applications on a 2.2-acre site:
 USE PERMIT: To allow a child care facility for up to 50 children
 within an existing church building.
Location: 521 East Weddell Drive (APN: 110-14-196)
File #: 2018-7797
Zoning: Public Facilities (P-F)
Applicant / Owner: Sunnyvale International Church
Environmental Review: Negative Declaration
Project Planner: Aastha Vashist, (408) 730-7458,
 avashist@sunnyvale.ca.gov

Assistant Director Andrew Miner presented the staff report.

Commissioner Harrison asked if the square footage and dimensions of the outdoor play area meet the state standards for fifty children. Assistant Director Miner stated that staff requires applicants ensure that they can meet the state requirements before applying.

Commissioner Olevson asked staff about the isolation room and if the number of child care employees mentioned in the staff report is appropriate for the number of children cared for at the facility. Assistant Director Miner stated that the applicant can provide more information about the isolation room and reiterated that applicants must meet the state requirements at the time of application.

Commissioner Rheaume asked if it is possible to add trees to the outdoor play area in place of the shade-creating structures. Assistant Director Miner stated that having only trees in the beginning would probably not meet the state's requirements for

shade because of their relatively small size. Commissioner Rheaume confirmed with Assistant Director Miner that the Commission can add trees to the proposed outdoor play area with a motion.

Chair Howard asked staff if the parking lot near the proposed project is for public use. Assistant Director Miner stated that the parking lot is owned by the San Francisco Public Utilities Commission (SFPUC) and that public parking is allowed but that the lot is not counted toward the proposed project's required parking.

Chair Howard opened the Public Hearing.

Senior Pastor Jorge Marsal, representing applicant Sunnyvale International Church, presented information about the proposed project.

Commissioner Harrison confirmed with Senior Pastor Marsal that the proposed outdoor play area meets all the state licensing requirements in terms of square footage and dimensions.

Commissioner Weiss asked for an explanation of the isolation room. Senior Pastor Marsal described the isolation room as an area dedicated for children who are sick or need a place for comfort. Commissioner Weiss asked about the security of the facility's front entrance. Senior Pastor Marsal stated that the front entrance is always locked, only staff members have keys, and that a receptionist must unlock the front entrance doors for non-staff members. He added that the facility is monitored by security cameras and that the entire perimeter of the building is locked. Commissioner Weiss confirmed with Senior Pastor Marsal that the program is open to any family regardless of background and that the curriculum is non-religious.

Senior Assistant City Attorney Rebecca Moon stated that the intended curriculum is not a relevant land use consideration.

Chair Howard asked Senior Pastor Marsal how the parking lot owned by the SFPUC is used. He responded that the church next to Sunnyvale International Church has a lease with the SFPUC to use the area for parking and that his church has never used the lot.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Howe seconded the motion for Alternative 1 - Adopt the Negative Declaration and approve the Use Permit with the Conditions of Approval in Attachment 4.

Commissioner Harrison stated that she can make the findings that a parking adjustment is justified given that the church and child care would operate at different times of day.

Commissioner Howe thanked the applicant for being a member of the community. He stated that he can make the findings and encouraged the Commissioners to support the motion.

Chair Howard stated that he has questions regarding the logistics of the child care and the outdoor play area that he relies on state requirements to address and that he will support the motion since the proposed project is acceptable from a land use perspective.

The motion carried by the following vote:

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

No: 0

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

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Harrison stated that at the Study Session on June 10, 2019 she tried to describe "facadism" as it relates to the proposed project at 111 W. Evelyn

Avenue. Assistant Director Andrew Miner stated that staff understood her remarks from the Study Session and are working with the applicant based on her comments.

-Staff Comments

Assistant Director Andrew Miner stated that on July 16, 2019 the City Council will consider Updates to the Design Criteria for Wireless Telecommunication Facilities in the Public Right-of-Way that the Commission heard on June 24, 2019.

ADJOURNMENT

Chair Howard adjourned the meeting at 9:43 PM.