



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, February 9, 2015

6:30 PM

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

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### **6:30 P.M. SPECIAL START TIME - PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM**

- 1      [15-0137](#)      East Sunnyvale Sense of Place Plan  
                         **Staff Contact:** Ryan Kuchenig, (408) 730-7431,  
                         rkuchenig@sunnyvale.ca.gov
  
- 2      [15-0192](#)      Overview of Draft Toolkit for Mixed-use Development  
                         **Staff Contact:** Andrew Miner, (408) 730-7707,  
                         aminer@sunnyvale.ca.gov

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

#### **4 Comments from the Chair**

#### **5 Adjourn Study Session**

### **8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS**

#### **CALL TO ORDER**

Chair Melton called the meeting to order at 8:00 p.m.

#### **SALUTE TO THE FLAG**

Chair Melton led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Chair Russell Melton  
                 Vice Chair Ken Olevson  
                 Commissioner Ralph Durham  
                 Commissioner Sue Harrison  
                 Commissioner Larry Klein  
                 Commissioner Ken Rheaume  
                 Commissioner David Simons

**PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

- 1.A**      [15-0171](#)      Approval of the Draft Minutes of the Planning Commission Meeting of January 26, 2015

Comm. Durham noted that his comment on page 8 of the draft minutes should say that he had confirmed with Mr. Hom that if the two parcels are combined it could be considered for the MP-TOD designation. Trudi Ryan, Planning Officer, said we would listen to the tape and make the appropriate changes.

Comm. Durham moved to approve Consent Calendar as amended. Comm. Harrison seconded. The motion carried by the following vote:

**Yes:** 6 -    Chair Melton  
                 Vice Chair Olevson  
                 Commissioner Durham  
                 Commissioner Harrison  
                 Commissioner Rheaume  
                 Commissioner Simons

**No:** 0

**Abstained:** 1 -    Commissioner Klein

**PUBLIC HEARINGS/GENERAL BUSINESS**

2

[15-0179](#)**File #:** 2014-7942**Location:** 798 Lois Avenue (APN: 198-27-022)**Zoning:** R0 (Low Density Residential) Zoning District**Proposed Project:**

**DESIGN REVIEW:** to allow the demolition of an existing single-story, single-family residence and the construction of a new two-story, single-family residence with a floor area of 3,109 square feet (2,509 square feet living area and 600 square feet garage) for a total floor area ratio of 49.3%. The project includes a Tree Removal Permit for a protected tree in the rear of the property previously removed without a permit.

**Applicant / Owners:** Ali's Construction (applicant) / Joshiah H. Wortham and Song Chen (owners)

**Environmental Review:** Categorically Exempt Class 3

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

**Note:** *Application withdrawn. No action required.*

Trudi Ryan, Planning Officer, explained that the application has been withdrawn and no action is required. She said a new application for a single-story home has recently been submitted, and that staff will keep in touch with interested neighbors.

Chair Melton closed this public hearing item.

- 3      [15-0175](#)      **File #:** 2014-8058  
**Location:** 1243 Tucson Avenue (APN: 104-19-100)  
**Zoning:** R-0 (Low-Density Residential)  
**Proposed Project:** Use Permit to allow a large family child care home within 300 feet of another large family child care home.  
**Applicant / Owner:** Ying Liang (applicant) / Hui Li (owner)  
**Environmental Review:** Class 1 Categorical Exemption  
**Project Planner:** Timothy Maier, (408) 730-7257, tmaier@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, presented the staff report.

Chair Melton and Ms. Ryan discussed what factors the Planning Commission should consider when making a decision on this application, including what the zoning code allows and what issues arise when multiple Large Family Child Care Homes (LFCCH) are within 300 feet of one another.

Comm. Klein confirmed with Ms. Ryan the number of children a LFCCH designation allows and what the applicant is requesting, and clarified the distinction between a LFCCH and Small Family Child Care Home (SFCCH). Comm. Klein also verified the number of children requested by the applicant and noted the discrepancy in the staff report.

Comm. Rheume confirmed with Ms. Ryan that the applicant would have to meet the space requirements of Community Care Licensing (CCL) to receive a license and Ms. Ryan suggested asking the applicant about how much space is required to be provided. Comm. Rheume discussed with Ms. Ryan other considerations for making a decision on the application.

Comm. Durham asked how the second of the three bedrooms in the home will be used, and Ms. Ryan said she is unsure of how the applicant uses the personal space and said the CCL would ensure the applicant meets the minimum requirements.

Vice Chair Olevson verified with Ms. Ryan that this lot is legal nonconforming, and that the technicality that brought this item to the Planning Commission is that the whole parcel is considered within the 300 foot radius rather than the single unit in which another LFCCH operates. Ms. Ryan added that the actual unit is 700 feet from the subject property.

Chair Melton discussed with Ms. Ryan the outcome of a potential Condition of Approval (COA) that would not allow patrons to turn left into the driveway of the subject property.

Vice Chair Olevson asked if the alleged violations at the site have been resolved, to which Ms. Ryan responded that she will check and get back to the Commission with the information.

Chair Melton opened the public hearing.

With Wei Li Yu, Fire Protection Engineer with the City of Sunnyvale translating for the applicant, Ying Liang discussed her reasons for wanting to expand her family day care.

Comm. Klein confirmed with Ms. Liang that she has been running her SFCCH for one year, and that none of the children she currently cares for are her own.

Lorne Boden, a nearby Sunnyvale resident, discussed his opposition to the application.

Jimmy Oyenuga, a nearby Sunnyvale resident, discussed his opposition to the application.

Ms. Liang addressed the neighbors' concerns regarding traffic.

Comm. Simons confirmed with Ms. Liang that one bedroom in the home is for her use and the other two are for the children's use, and confirmed that there are four parking spaces in the driveway and on the street that are always open.

Chair Melton closed the public hearing.

Comm. Klein discussed with Ms. Ryan the contacts neighbors can use if issues arise, and the importance of communicating concerns with neighbors.

Comm. Simons confirmed with Ms. Ryan that the property is both a home and business requiring a license, and discussed whether the implementation of time limited parking in front of the home is a possibility.

Comm. Klein moved Alternative 1 to approve the Use Permit with the conditions in Attachment 4.

Vice Chair Olevson seconded.

Comm. Klein said he was able to make the findings and that the applicant has been

running a SFCC for over a year and has not had any issues. He said he understands the neighbors' concerns, but that if the other LFCCH that is in the area had been in a single family home as opposed to an apartment complex this would not have come in front of the Commission and would have been approved by City staff. He said that LFCCH is approximately 700 feet away from this proposed LFCCH so a technicality really brought it before the Commission tonight, but that he hopes the neighbors work with the applicant and staff to raise the issues they may have. He said the applicant has made commitments to work with parents to ensure that this operationally does not affect the neighborhood, whether or not that is by having a time frame allotted to each parent so that only two cars are arriving at any given time. He said there are ways of working around so that they will always find a parking spot onsite without parking on the street. He said during his site visit he saw that the parking has an ebb and flow but that there are a lot of cars on the street which contributes to any issue of running a LFCCH. He added that this is an approved use at this location, that both small and large family day cares are critical to the education of our children and that the applicant is making a commitment to grow her business because she has been successful in running it thus far.

Vice Chair Olevson said he will be supporting the motion because it meets all of the City's criteria, and that although there is a LFCCH technically inside the prescribed radius, it is more of a technicality because of the type of residence in that parcel of land. He said he does want to recognize receipt from area residents a four page petition asking that we reject this application. He said that while he appreciates the neighbors' concerns, most of the decision making has been taken away from the City of Sunnyvale and State law severely restricts the reasons we have for not approving this. He said the issues of traffic and noise are not part of those reasons, and with the state approving a license and the facility meeting the City's requirements, he will be supporting the motion. He added that we strongly encourage neighbors to resolve issues among themselves, but that they do have Conditions of Approval to rely on to address these issues.

Comm. Rheume said he will be supporting the motion because it meets all of the City policy criteria, specifically LT4.14 which supports the provision for a full spectrum of public and quasi-public services, which states daycare centers. He noted that if the property was an extra foot away we would not be having this conversation, and that technically the physical building where the other LFCCH is located is twice as far away than the code requires. He added that he commends the neighbors for stating their concerns about traffic and noise, but that the Commission is here to adhere to City policy, and that the applicant does meet all of the City criteria.

Comm. Simons said he will be voting against this application, and that it may be technically an accident that this is coming before us, but that the Commission is here for reviewing particular issues and if it was possible to do this from the dais tonight he would suggest putting a limit on at least one parking spot in front of the business for 15 minutes. He said that would guarantee some frontage spot where customers could pick up and drop off children, and would reduce the frequency of conflicts with people double parking in the street. He said as far as meeting all of the findings, whether they be enumerated to exclude traffic, they do talk about a community benefit and that by reserving a space we would be keeping people from double parking and it would be a much improved application.

Chair Melton said he will be supporting the motion, and thanked the applicant and the members of public. He noted that we have had quite a few members of this neighborhood share their thoughts with the Planning Commission, which he takes as a sign of a powerful neighborhood with an engaged community and that is a great thing. He said we are talking about an approved and important use for a LFCCH to the City and the State, which has taken action to memorialize in State law what municipalities can and cannot look at. He asked that the residents channel all of this positive energy and concern they have for their neighborhood and work together, which can be a great thing for their children, and that he is looking forward to the neighborhood growing and this turning into a positive and beneficial thing.

MOTION: Comm. Klein moved Alternative 1 to approve the Use Permit with the conditions in Attachment 4.

Vice Chair Olevson seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume

**No:** 1 - Commissioner Simons

- 4      [15-0174](#)      **File #:** 2014-7656  
**Location:** 701,717, 729 E. Evelyn Avenue (APNs: 209-01-009, 209-01-010, 209-01-011, 209-01-012, 209-01-029)  
**Zoning:** M-3/ITR/R-3/PD (General Industrial/Industrial-to-Residential/Medium Density Residential/Planned Development)  
**Proposed Project:**  
    **SPECIAL DEVELOPMENT PERMIT** to allow 204 townhomes;  
    **VESTING TENTATIVE MAP** to allow 44 lots and 204 condominium units; and  
    **VARIANCE** to allow concierge trash service.  
**Applicant / Owner:** DR Horton / JJ&W Co., Sunnyvale Welding & Fabrication Company, and William G Peterson Trustee & Et Al  
**Environmental Review:** Mitigated Negative Declaration  
**Project Planner:** Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

Noren Caliva-Lepe, Associate Planner, presented the staff report.

Comm. Harrison inquired about the timing of the community room construction along with the 75th dwelling unit, to which Ms. Caliva-Lepe responded that the question should be directed to the applicant.

Vice Chair Olevson and Trudi Ryan, Planning Officer, discussed the reasons the design of the building does not meet the building separation requirements, and discussed whether granting the application for a Variance would restrict other owners on Evelyn Avenue if they redevelop. Vice Chair Olevson confirmed with Ms. Ryan that this application is not setting new policy with the concierge trash service but that it is a pilot program. He confirmed with Ms. Caliva-Lepe that the vapor barrier is proposed as a precautionary measure. Ms. Caliva-Lepe added that any subsequent permits requesting concierge trash service would be subject to the same Variance findings.

Comm. Durham noted a typo on page five of the staff report regarding tandem parking spaces, and confirmed with Ms. Caliva-Lepe that these structures will be sprinklered. Comm. Durham also confirmed with Ms. Caliva-Lepe that if the concierge trash service does not work, the applicant would have to come back to the City to apply for modifications.

Comm. Klein and Ms. Ryan discussed the wording of the Condition of Approval (COA) regarding concierge trash service, and discussed with Ms. Caliva-Lepe the hours of operation for the trash compactor. Comm. Klein discussed with Ms. Caliva-Lepe enhanced pedestrian circulation for buildings 22 and 23.



Chair Melton asked what the minimum number of units would be if the calculation of land did not include the land that cannot be used due to the train setback and the easement under the powerlines, to which Ms. Caliva-Lepe said she would recalculate the number and provide an answer. Chair Melton verified with Ms. Caliva-Lepe that the applicant is trying to acquire the auto shop property, and that in attendance is the applicant's consultant who can answer environmental questions. Chair Melton and Ms. Caliva-Lepe discussed the most significant modifications that would ensue if concierge trash service does not work, and confirmed with Ms. Ryan that concierge trash service could be added as a potential study issue.

Chair Melton opened the public hearing.

Donald Babbit, Director of Forward Planning with D.R. Horton, gave a presentation on the proposed project.

Comm. Harrison and Mr. Babbit discussed the reasons for constructing the community building during a later than typical phase.

Vice Chair Olevson discussed with Timothy Costello, Senior Scientist with Tetra Tech, why the vapor barrier is proposed when it is not necessary.

Chair Melton and Mr. Costello discussed how a vapor barrier works and where vapors would go if one is in place.

Vice Chair Olevson discussed with Mr. Babbit the issues with bringing in dirt to raise the elevation of the project.

Comm. Durham discussed with Mr. Babbit whether there would be extra fire protection along the narrow areas between the buildings and extra noise abatement along the railroad and along Wolfe Road.

Comm. Klein and Scott Brown, with American Trash Management, discussed trash collection for the site.

Chair Melton and Mr. Brown compared the resident experience inside the home with concierge trash service versus the use of trash enclosures.

Comm. Simons discussed with Philip vanderToolen, with vanderToolen and Associates, the size, life span and maintenance of the proposed trees for the site.

Comm. Simons discussed with Ms. Ryan providing for the applicant brochures from other agencies for landscape maintenance.

Vol Carter, the project architect, discussed the building separation of the proposed project.

Chair Melton closed the public hearing.

In response to Chair Melton's earlier inquiry, Ms. Caliva-Lepe said that excluding from the calculation the land that cannot be used, the minimum number of units required would be 183 and the maximum 244. Ms. Ryan added that the 75 per cent minimum would be applied to the whole property.

Comm. Harrison moved Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit, Variance and Vesting Tentative Map with the attached conditions.

Comm. Rheume seconded.

Comm. Harrison said many questions were asked during the study session and she appreciates the changes made to the materials. She said she had the opportunity to visit another site with concierge trash service during trash day and it is much better than on her street. She noted that she finds that the property has met all of the requirements it possibly can. She said she thinks the U-shaped buildings provide a sense of privacy and community and she does not find that the pinch points are anything other than what most townhouse developments have.

Comm. Rheume said he will be supporting the motion and can make the findings, and that all questions the Planning Commission had during the study session have been addressed. He said it is a good quality project and meets City policy, specifically that it encourages the development of ownership and housing, supports the transition of industrial to residential, and increases the housing variety. He said he would like concierge trash service to be available in his neighborhood, and that he is not as concerned and encourages this pilot program as it provides better services than those existing. He added that this is a good opportunity to bring the program to Sunnyvale.

Comm. Klein offered a friendly amendment to improve the pedestrian flow south from buildings 22 and 23 with street pavers and/or sidewalks connected to existing sidewalks.

Comms. Harrison and Rheame accepted.

Comm. Klein offered a friendly amendment to add Condition of Approval BP-8(h) to limit the hours of operation of the trash compactor to between 9:00 a.m. and 1:00 p.m.

Comms. Harrison and Rheame accepted.

Comm. Klein said he will be supporting the motion as he could make the two findings and thinks this is a good use of a difficult site with Caltrain to the north and the Wolfe Road overpass to the east. He said his biggest reservation about this project is the Variance, and that there have been multiple projects concerning the space between buildings, which could be further apart to provide additional, valuable open space. However, he made the findings, and complimented the project for providing concierge trash service as it alleviates issues seen in larger multi-family projects. He said that to a certain degree this project is incomplete, that the parcel with the body shop at 717 E. Evelyn Avenue would complete the overall project, and noted his concern with pedestrian flow. He added that the positives outweigh the negatives.

Vice Chair Olevson said he will be supporting the motion and can make both findings, noting that he was not in support of the Variance, until the hearing. He noted that the challenges of the parcel's shape along with issues with PG&E, it is in the best interest of the City to approve the Variance. He noted that he is pleased with the Tentative Map as it offers a well landscaped plan.

Comm. Durham said he will be supporting the motion, and that it is a good infill to replace an old industrial park on a difficult site with Caltrain nearby. He said the project is close to downtown, walkable to the Caltrain station and is an attractive project. He noted he does not like the Western Redbud tree, but could make all the findings and wished the project applicant luck. He added that he supports the use of concierge trash and recycle services.

Comm. Simons offered a friendly amendment to request feedback from the City Arborist for any potential problems with maintenance, and to amend the landscaping Conditions of Approval if needed.

Ms. Caliva-Lepe noted that Condition of Approval BP-17 requires a landscaping maintenance plan, and that an amendment could be added to have staff explore with the City Arborist an enhanced maintenance plan for the landscaping on the site.

Comms. Harrison and Rheaume accepted the amendment.

Comm. Simons noted that the concierge trash service is a good pilot program for this particular project, and that the amendment to enhance pedestrian access addressed his initial concern. He said that despite all the improvements, he was concerned with the Variance, and he agrees with past comments about limitations to the site. He added that the landscaping is fussy but will look nice, that he prefers landscaping that will be last a long time and that he will be supporting the motion.

Chair Melton noted that this is a great project that will add to the City's housing stock, and that he is happy with the modifications from the study session. Acknowledging that the motion is going to carry based on the previous Commissioners' comments, he said he will be pressing the No button. He explained that although some Commissioners were able to make the findings for the Variance for concierge trash service, he is not able to make the findings. He noted that a mini version of a full blown study issue just took place tonight, and he was not in favor of calling a 200-unit project a "Pilot Project." He said this is not his idea of a pilot project, and that while he could make the findings for the Special Development Permit and Tentative Map, he could not find for the Variance. He preferred not to see the friendly amendment regarding the City Arborist and the landscape plan.

MOTION: Adopt the Mitigated Negative Declaration and approve the Special Development Permit, Variance, and Vesting Tentative Map with modified conditions:

- 1) Improve the pedestrian flow south from buildings 22 and 23 with street pavers and/or sidewalks connected to existing sidewalks;
- 2) Add Condition of Approval BP-8(h) to limit the hours of operation of the trash compactor to between 9:00 a.m. and 1:00 p.m.; and
- 3) Add to Conditions of Approval BP-17 that staff explore with the City arborist an enhanced maintenance plan for the landscaping on the site and provide a list of the most frequent landscape problems for large lots.

Comm. Rheaume seconded. The motion carried by the following vote:

**Yes:** 6 - Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No:** 1 - Chair Melton

- 5      [14-1010](#)      Consideration of a Rental Housing Impact Fee for New Market-Rate Rental Housing Developments  
**Staff Contact:** Ernie Defrenchi, (408) 730-2784,  
edefrenchi@sunnyvale.ca.gov

Ernie Defrenchi, Affordable Housing Manager, presented the staff report.

Comm. Klein discussed with Suzanne Ise, Housing Officer, comparisons between Sunnyvale and other cities of their construction tax and total City fees, and discussed the percentage increase of the total City fees for rental properties at the different impact fee levels. Comm. Klein verified with Ms. Ise that developers would receive a 20 per cent State bonus if they provide 5 per cent very low income (VLI) units, and that the City would set the rates for those affordable units. Comm. Klein confirmed with Ms. Ise that the mix of studio, one and two bedroom affordable units would reflect the mix of the units of the property as a whole, and discussed adding information that compares Sunnyvale's and San Francisco's tax and fee to the report to Council.

Comm. Durham and Ms. Ise discussed whether the cost of the fee will be passed on to renters, and verified the definition of habitable square feet with staff. Comm. Durham and Ms. Ise also discussed the possibility of setting a fee that may drive development to cities with a lower fee.

Vice Chair Olevson commented on his concern with the philosophy of the entire study, and discussed with Ms. Ise how the subsidies generated from the proposed plan would be used. Vice Chair Olevson and Ms. Ise also discussed the assumption of the study that new households will patronize local businesses, and whether the study assumes that teenagers earn the same wages as their parents. Vice Chair Olevson confirmed with Ms. Ise that the government workers referenced in the study include those beyond municipal employees, and confirmed that information regarding where Sunnyvale would sit among the cities charging the highest fees if an increase is approved would be made available during the City Council study session.

Chair Melton opened the public hearing.

Annette Kirkham, with the Law Foundation of Silicon Valley, discussed her support of adopting the rental housing impact fee at the \$21 level.

Chair Melton confirmed with Ms. Kirkham that the 40 per cent of clients represented by the Law Foundation of Silicon Valley are homeowners and tenants in Sunnyvale.

Chair Melton closed the public hearing.

Comm. Klein confirmed with Mr. Defrenchi that Alternative 3 is meant to read \$21 rather than \$20 per square foot.

Comm. Rheume moved to recommend to City Council Alternatives:

1. Direct staff to prepare an ordinance authorizing a rental housing impact fee for new market-rate rental housing developments;
3. Direct staff to set the initial fee at \$21 per square foot for all new market-rate rental developments, adjusted annually as part of the City Fee Schedule;
5. Direct staff to include in the ordinance an option to allow developers to provide affordable units within a project instead of paying the impact fee, as well as other possible options such as providing off-site affordable units or dedicating land; and
6. Direct staff to return to the City Council within two years to reevaluate and possibly adjust the rental housing impact fee.

Comm. Durham seconded.

Comm. Rheume said he struggles with additional fees, and that seeing that Mountain View and San Jose are proposing a \$17 per square foot fee, he questions whether a \$21 fee is too high, but feels the bar should be set high by Sunnyvale. He said developers are benefitting from all of these new rental units they are putting in place and we need some type of fees to help with low income units. He said this is a thorough report, and this is something we need to do and is the responsible thing to do.

Comm. Durham said that although this number looks large per unit and development, he seconded the motion because staff comments have comforted him, and that the alternative would be having people forced out of the area which creates more problems to get workers here. He said when you look at the costs salary-wise to live here he is not sure he could afford to buy the house he is in now, and that he wishes there was a way to build outward, which cannot happen with Sunnyvale as landlocked as it is and with the little amount of building in the Bay Area because of a variety of reasons that Sunnyvale has little control over.

Comm. Klein offered a friendly amendment to request staff provide more information to City Council on the construction tax percentage and total fees in comparison to other cities.

Comms. Rheume and Durham accepted.

Comm. Klein said he will be supporting the motion, and that this is one step toward trying to equalize the issue of housing in Sunnyvale and the Bay Area in general. He said we are trying to find a solution to provide lower income housing throughout the City and that this gives the City the option to collect more fees and the developer to make choices in order to provide this capability throughout the City. He said in one case we are collecting money and in another immediately providing lower income housing spread throughout the projects. Comm. Klein offered another friendly amendment to request staff provide more information to City Council on applying the same unit mix ratio to the affordable units.

Comms. Rheaume and Durham accepted.

Comm. Klein said that this amendment helps the breakdown of units within a different project, helps the developer decide what is more marketable and with the VLI units trying to mimic that mix, it allows a more equal basis for those units.

Vice Chair Olevson said he will not be supporting the motion, and that this philosophically looks like we are shifting to the City wanting more money and looking for someone to supply it. He said employers are already taxed for bringing in the workers and needing below market rate, and that there are too many assumptions unsupported in this study. He said that it seems that part of the philosophy is that everyone else is doing it so we should be able to get away with it too, and he does not think that justifies adding a cost to living in Sunnyvale. He added that at the end of the day this cost will be passed on to the people we are trying to encourage to live closer to work.

Comm. Simons said he will not be supporting the motion not because he does not believe in the philosophy of the study, but because he is much more supportive of \$26 per square foot.

Comm. Harrison said she will not be supporting the motion because she cannot see the rationale for going higher than Mountain View and San Jose, which are two very large cities, and that \$21 would be the highest in the immediate area. She said that while we need affordable housing, she struggles with the circular philosophy and having a higher fee than those of neighboring areas.

Chair Melton said he will be supporting the motion, and that while he is a person who believes in market forces of supply and demand, one thing he has learned early in his tenure as a Planning Commissioner is that sometimes there are some necessary societal overrides that need to be implemented by City Council or

Planning Commission to do right thing, of which affordable housing is one. He said the final decision will be up to City Council, and thanked staff for doing a great job.

MOTION: Comm. Rheaume moved to recommend to City Council Alternatives:

1. Direct staff to prepare an ordinance authorizing a rental housing impact fee for new market-rate rental housing developments;
3. Direct staff to set the initial fee at \$21 per square foot for all new market-rate rental developments, adjusted annually as part of the City Fee Schedule;
5. Direct staff to include in the ordinance an option to allow developers to provide affordable units within a project instead of paying the impact fee, as well as other possible options such as providing off-site affordable units or dedicating land; and
6. Direct staff to return to the City Council within two years to reevaluate and possibly adjust the rental housing impact fee.

With a request to include more information to City Council on the construction tax percentage and total fees in comparison to other cities, and to apply the same unit mix ratio to the affordable units.

Comm. Durham seconded. The motion carried by the following vote:

**Yes: 4 -** Chair Melton  
Commissioner Durham  
Commissioner Klein  
Commissioner Rheaume

**No: 3 -** Vice Chair Olevson  
Commissioner Harrison  
Commissioner Simons



- 6      [14-1107](#)      Introduction of an Ordinance to Amend Sunnyvale Municipal Code Chapters 19.28 (DSP) and 19.46 (Parking) to include Modifications based on the Tandem and Stacker Parking Study Issue (2014-7435); Finding of CEQA Exemption Pursuant to CEQA Guideline 15061 (b) (3)  
**Staff Contact:** Amber El-Hajj, (408) 730-2723, ael-hajj@sunnyvale.ca.gov

Amber El-Hajj, Senior Planner, presented the staff report.

Comm. Klein discussed with Ms. El-Hajj when in the study issues process changes are made to the ordinance, and compared with Sunnyvale other cities' requirements for tandem and mechanical parking. Comm. Klein discussed with Ms. El-Hajj types of tandem parking, and with Trudi Ryan, Planning Officer, the variations of designs for projects with different types of tandem parking. Comm. Klein and staff discussed the rationale behind the recommendation to allow tandem parking for 50% of units in multi-family dwellings, and Ms. Ryan added that the Commission can recommend a different number. Comm. Klein and staff discussed the reasoning behind making changes to sections of the zoning code that appear unrelated to the study issue. Comm. Klein clarified with Ms. El-Hajj the proposal to allow for tandem parking in single-family dwelling with less than two covered parking spaces.

Chair Melton opened the public hearing, and upon seeing no speakers for this item, closed the public hearing.

Comm. Simons moved to recommend to City Council Alternatives 1) to find that the project is exempt from CEQA under Guideline 15061(b)(3), and 3) to adopt an ordinance with the modification to allow only mechanical tandem parking for new development.

Comm. Klein seconded.

Comm. Simons said the justification for the modification is that we have had tandem parking for years with projects built in the '80s, and that while it is true that people with garages use them for storage, tandem parking spaces have a much higher rate of use as storage. He said there is a difference between mechanical parking solutions utilized for cars which is a good thing and will get cars off of the street, but that his concern is seeing older styles of tandem parking used for storage with cars remaining on the street.

Comm. Klein said he will be supporting the motion, and that he has issues with the

use of tandem versus mechanical lift parking, which is designated specifically for parking and to make it easier for developers to put in a tandem back-to-back parking spot. He said often people use it as storage instead of parking which is an issue because it could create projects that do not have adequate parking. He said if we have dedicated mechanical lift parking, whether dependent or independent, then we have created something that will be used as parking space, and that the use of tandem parking to alleviate existing non-conforming properties is an adequate use to bring into those into compliance. He said he worries about setting a precedence, especially at a rate of 50 per cent, when codifying tandem parking and then later trying to do something else to fix the issue within the development. He said we have had a large number of developers come through requesting tandem parking and pointing to other cities saying they give it to us and he worries that we may be codifying something of which we do not know the impact on new development in the City. He added that Comm. Simons' attempt to focus on a dedicated parking solution with only mechanical lift parking helps to resolve this issue, and he hopes that as this goes to City Council the report can emphasise which Cities are providing tandem in their code or not, because having us do it seems to cause an issue especially with setting the percentage so high.

Ms. Ryan clarified that it is mechanical lift parking that is not in the code, and Comm. Klein reiterated that providing the information in the report to Council will help.

Comm. Rheume said he is not sure he will be supporting the motion, and that he supports the tandem and stacker parking study issue, but that he is not convinced we need to go to with the modification excluding tandem parking. He said he agrees with staff regarding pushing the envelope to get away from this lifestyle of catering to our automobiles, and that his vision is to have tandem parking. He said he owns a townhouse with tandem parking and that it is what you do and that it does force you to get out of your vehicle more often. He said he does not see this preventing people from using the second space for storage, and that unless he can be convinced otherwise he will not be supporting the motion. He also thanked staff for a thorough analysis and said he is grateful that it proposes excluding garage square footage in calculating gross floor area, and that he likes the idea that other things are addressed when looking at the policy.

Comm. Harrison said she echoes Comm. Rheume's sentiments, and that there are some situations where we cannot foresee every possibility that tandem parking in new developments is better than nothing. She said she is curious about whether the exclusion will apply to accessory dwelling units required to have two covered and two uncovered parking spaces, and that sometimes you can only do tandem

uncovered spaces. Ms. Ryan explained that with accessory living units the main unit needs to have two covered and two uncovered and the accessory unit needs an additional space, covered or uncovered. Comm. Harrison said that in some situations where allowing tandem will be better than nothing, as lots and housing units gets smaller and hopefully people have fewer cars, in interim situations will be better, so she will not be supporting the motion with the modification.

Vice Chair Olevson said he will not be supporting the motion, and that he was ready to support Alternatives 1 and 2 as written because he believes the study and ordinance are well supported, but that adding a last minute modification because it seems like good idea is not the proper function of government. He said we should study first and from there make a decision.

Comm. Durham said he will not be supporting the motion, and that the biggest issue is removing the option of in-line tandem parking. He said some developments might be better off with a lower level instead of increasing the height of the parking area, and that as much as he would like to have more cars off the street he still hates to force that other option out. He added that he understands how tandem parking works but does not think it is a good idea to limit it at this time.

Chair Melton said he will not be supporting the motion, and is on board with Alternatives 1 and 2.

Comm. Simons said he withdraws his motion, and that there is a major issue here and the options being excluded are world wide. He said if you want to reduce parking levels this does not really address that, and if you want to build housing units with less parking as an option you are still adding square footage to a building that costs money. He said if you are thinking of reducing parking by allowing different options of configuration, obviously the solution is reduced parking, perhaps requiring only one space or no parking within a quarter mile of transit. He said it is our job to make changes we see as appropriate, and that we do not have two meetings to discuss this in a public forum. He said normally we would review the proposal, make modifications, send it back to staff for them to come back and talk about the potential impacts and move on with the proposal.

Chair Melton and Rebecca Moon, Senior Assistant City Attorney, discussed the process of withdrawing a motion, and Chair Melton initiated the vote.

MOTION: Comm. Simons moved to recommend to City Council Alternatives 1) to find that the project is exempt from CEQA under Guideline 15061(b)(3), and 3) to adopt an ordinance with the modification to allow only mechanical tandem parking

for new development.

Comm. Klein seconded. The motion failed by the following vote:

- Yes:** 2 - Commissioner Klein  
Commissioner Simons
- No:** 5 - Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Rheaume

Comm. Rheume moved to recommend to City Council Alternatives 1) to find that the project is exempt from CEQA under Guideline 15061(b)(3), and 2) to introduce an ordinance to amend Chapters 19.28 and 19.46 of Title 19 of the Sunnyvale Municipal Code to allow tandem parking in existing single-family dwellings in certain circumstances, exclude garage square footage from gross floor area in Section 19.46.050(d), allow tandem parking for 50% of the units in multi-family dwellings and require unassigned parking consistent with other the 2-car garage provisions, allow independent and dependent mechanical lift parking in multi-family development, and consider tandem parking in multi-family developments within the DSP with review of a parking management plan.

Chair Melton seconded.

Comm. Rheume said that with multi-use villages where people are living and working, he imagines that people will park their cars for the whole week while they walk or bike to work, but they will still need access to their cars, and that we need to change our ways of having our cars run our lives. He added that the younger generations are more in tune to this and we need to start building our City around our next generation and not according to what we are used to.

Chair Melton said staff has done a great job, that he agrees with the conclusions of the report and with what Comm. Rheume has said, and that he supports the motion.

Comm. Klein offered a friendly amendment to consider allowing tandem parking for 25 per cent of the units in multi-family dwellings rather than the proposed 50 per cent because staff is making an estimate, and that once it is in the code it cannot be changed back. He added that this could be revisited at a later time.

Comm. Rheume and Chair Melton accepted.

FINAL MOTION: Comm. Rheume moved to recommend to City Council Alternatives:

1) to find that the project is exempt from CEQA under Guideline 15061(b)(3), and 3) to introduce an ordinance to amend Chapters 19.28 and 19.46 of Title 19 of the Sunnyvale Municipal Code to allow tandem parking in existing single-family dwellings in certain circumstances, exclude garage square footage from gross floor area in Section 19.46.050(d), allow tandem parking for 25% of the units in multi-family dwellings and require unassigned parking consistent with other the 2-car garage provisions, allow independent and dependent mechanical lift parking in multi-family development, and consider tandem parking in multi-family

developments within the DSP with review of a parking management plan.

Chair Melton seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Rheaume  
Commissioner Simons

**No:** 1 - Commissioner Klein

**7**      [15-0172](#)      **Standing Item:** Potential Study Issues for 2016

Chair Melton requested information for a potential study issue for concierge trash service.

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

##### **-Commissioner Comments**

None.

##### **-Staff Comments**

Ms. Ryan reminded the Commission of upcoming joint study sessions with City Council.

#### **INFORMATION ONLY ITEMS**

None.

#### **ADJOURNMENT**

With no further business, Chair Melton adjourned the Planning Commission meeting at 12:05 a.m.