



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, August 24, 2015

7:00 PM

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

7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM

- 1 [15-0792](#) **File #:** 2015-7400
Location: 1184 N Mathilda Ave. (APN: 110-25-042, -045, -054, -055)
Zoning: MP-TOD (Moffett Park - Transit Oriented Development)
Zoning District
Proposed Project:
 SPECIAL DEVELOPMENT PERMIT to allow the addition of a
 248,259 square foot, five-story office/research and
 development building over a three-level parking structure,
 including one level of underground basement parking. The
 project preserves two office buildings that were built in 2001,
 and includes reconfiguration of existing surface parking lot
 onsite.
Applicant / Owner: FSP-Sunnyvale Office Park LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Margaret Netto, (408) 730-7628,
 mnetto@sunnyvale.ca.gov
- 2 [15-0793](#) **File #:** 2014-7633
Location: 861 E. El Camino Real (APN: 211-16-021)
Zoning: C2/ECR (Highway Business- Precise Plan for El Camino
Real) Zoning District
Proposed Project:
 SPECIAL DEVELOPMENT PERMIT to redevelop a site to
 allow a 166-room hotel (Hampton Inn).
Applicant / Owner: Myhre Group Architects
Environmental Review: Mitigated Negative Declaration
Staff Contact: Margaret Netto, (408) 730-7628,
 mnetto@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: 5 - Chair Russell Melton
Vice Chair Sue Harrison
Commissioner Ken Olevson
Commissioner Ken Rheaume
Commissioner David Simons
Absent: 1 - Commissioner Larry Klein

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

None.

CONSENT CALENDAR

1.A [15-0791](#) Approval of the Draft Minutes of the Planning Commission Meeting of August 10, 2015

Comm. Simons pulled the minutes from the Consent Calendar and noted that Comm. Olevson is still listed as Vice Chair when Comm. Harrison should be.

Vice Chair Harrison moved to approve the draft minutes as amended.

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

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

No: 0

Absent: 1 - Commissioner Klein

Abstained: 1 - Commissioner Simons

PUBLIC HEARINGS/GENERAL BUSINESS

2 [15-0570](#) **File #:** 2015-7259
Location: 423 E. Maude Ave. (APN: 204-21-006)
Zoning: R-3 (Medium Density Residential)
Proposed Project: Related applications on a 0.59-acre site:
 DESIGN REVIEW to allow 11 townhouse units;
 VESTING TENTATIVE MAP to subdivide one lot into 11 lots plus one common lot, and
 VARIANCE to allow an average front yard setback along Maude Ave. of 18 feet 10 inches, where 20 feet average is required.
Applicant / Owners: Classic Communities / Robert Alonso Trustee
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.

Vice Chair Harrison confirmed with Ms. Caliva-Lepe that there is street parking on Morse and Maude Avenues, and discussed trash staging and how trash trucks gain access to containers.

Comm. Rheaume confirmed with Ms. Caliva-Lepe that on-street parking spaces would increase with the reduction of driveways serving the site from four to one. Comm. Rheaume also confirmed with Ms. Caliva-Lepe that the area behind lots eight through 11 are entries into the units and a common open space adjacent to the property line.

Comm. Olevson verified with Ms. Caliva-Lepe that staff would have review authority over any future proposed interior changes that could impact exterior elements such as parking. Comm. Olevson also confirmed with Ms. Caliva-Lepe that the Department of Public Works has determined that there is sufficient, existing sewer capacity.

Comm. Simons verified with Ms. Caliva-Lepe that the proposed roofing material is concrete "S" tile and is currently shown in the submitted plans.

Chair Melton confirmed with Ms. Caliva-Lepe that the zoning for the property is R-3, Medium Density Residential, and that the application conforms with this zoning designation. In response to Chair Melton's inquiry, Ms. Caliva-Lepe explained the purpose of the General Plan policy that requires multi-family developments be built to 75 percent of the maximum density prescribed by the zoning.

Chair Melton opened the public hearing.

Jim Pollart, with Classic Communities, and Teressa Oehrlein with Bassenian Lagoni Architects, gave a presentation on the proposed project.

Comm. Rheaume confirmed with Ms. Oehrlein the color of the windows.

Vice Chair Harrison discussed with Scott Schork, with BKF Engineers, how cars would turn around on the site, and discussed with Mr. Pollart the anticipated sales price of each townhome.

Comm. Simons verified with Ms. Oehrlein that the 35 foot building height limit and eight foot plate levels in each home would not allow the rounded window features, and Comm. Simons commented on how City restrictions could have an impact on architectural detail. He confirmed with Ms. Oehrlein that a nine foot plate height would have allowed larger windows and arched openings.

Chair Melton discussed with Ms. Oehrlein and Mr. Pollart the rationale behind proposing four bedrooms rather than three.

Constance Cook-Turner, a Sunnyvale resident, suggested further evaluation of project impacts before approving the proposed project.

Jody Tidwell, a Sunnyvale resident, suggested changing the minimum number of units required and planting larger trees on the site.

Jim Pollart addressed the concerns of the members of the public.

Chair Melton closed the public hearing.

Comm. Rheaume confirmed with Ms. Caliva-Lepe that the two heritage trees in the corner of the lot would be preserved, and confirmed that the applicant is responsible for redoing the sidewalk and curb ramp. In response to Comm. Rheaume's inquiry, Ms. Caliva-Lepe displayed the zoning map to indicate where the R-3 zoning is located on Maude and Morse Avenues and explained the R-0 zoning designation.

Vice Chair Harrison confirmed with Trudi Ryan, Planning Officer, that Transportation and Traffic Division staff make determinations regarding traffic flow out of a driveway, and confirmed with Ms. Caliva-Lepe the density of the subject site and the lot to its west. Vice Chair Harrison also discussed the length of time the properties on Maude Avenue have been zoned R-3 with Ms. Ryan.

Comm. Simons discussed with Ms. Ryan modifying the Conditions of Approval (COA) to ensure all of the architectural details shown in the drawings would be included during construction, and Ms. Ryan suggested modifying COA GC-1 to specify those inclusions.

Chair Melton discussed with staff the process of rezoning of a parcel.

Comm. Rheaume moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Design Review, Vesting Tentative Map, and Variance with a modified condition to plant 24-inch box trees in the park strip.

Comm. Simons seconded, and offered a friendly amendment to add to COA GC-1 that all architectural details, such as ironwork, tile, brackets, boxes etc., as seen in the project rendering, will be included in the construction of the project.

Comm. Rheaume accepted, and said he appreciates the applicant's proposal and the neighbors' concerns for their neighborhood. He said he can make the findings for the project and the Variance, and thanked the applicant for listening to Planning Commission concerns at the study session regarding the garbage. He said moving the building a foot toward Maude to accommodate the project and adding a sidewalk is a win-win situation, that this is a very nice design and nice addition to the neighborhood and he likes how the applicant broke the building up so there is not a long strip of three-story buildings. He said this is a high quality design that promotes ownership, he thanked the applicant for investing in the City, and noted that there is a lot of traffic in Sunnyvale and not enough places for people to live.

Comm. Simons said he greatly appreciates the changes to the project since the study session which address many of the issues he initially had, and that it would be nice if the nine foot height beyond the City's restrictions was allowed, not for the neighborhood but for the design of the architecture. He said most people who object to tall buildings are not actually objecting to their heights, but to the construction of tall, ugly buildings in their neighborhoods. He said buildings with better architecture tend to receive a pass from people, especially if they have high quality architectural details that improve the neighborhood. He said he is comfortable with the one and a half foot Variance for the building because the Planning Commission itself asked for access to the side of the building for pedestrians so they do not have to come around the building to get out to the Morse side. He said pedestrian access is very desirable, that this is not a perfect rectangular lot but one with a lot of geometric uniqueness to it, and that there is no large line of Variance to the setback. He said what has been added is desirable,

looks nicer and the pedestrian flow is better. He added that the building looks better than it did at its initial conception and he can make the findings.

Comm. Olevson said we have been reminded several times by Comm. Klein that granting a Variance should be a rare event and that there should be a very specific justification for doing so. He stated that he will be supporting the motion and sees the applicant has taken a project that met all City criteria and improved it at the instigation of the Planning Commission by adding pedestrian walkways and a much more accessible trash elimination process by collecting it in one area. He noted that to do so the applicant has moved the building, which is not an inconsequential task when planning a major project. He said by moving the buildings the setback is only off by a foot and a half on a few corners of the building and is not crowding the street or pedestrian areas, and the project has been enhanced because of that. He said he can make the findings that the project meets Citywide Design Guidelines, that the Variance is not detrimental to the area and does not grant any special privilege to the applicant. He said the negative findings for the Vesting Tentative Map are not present, and that this project meets all the criteria that the City has established for allowing it to proceed.

Vice Chair Harrison said she will be supporting the motion, and that due to the very intense housing crisis we have in our City and the region, she is happy this project meets the minimum density requirements. She said she is also happy that it meets the minimum requirements for landscaping per unit by more than two times, which is an unusual situation. She said she can make all the findings and appreciates the changes in the architecture.

Chair Melton said he can make findings and will be supporting the motion. He said a lot of policies are at play with this application that have been set by the City Council, and that one job of the Planning Commission is to enforce the policies of the City. He said he appreciates that this is an ownership project adding nice housing stock to the City and that he likes that we will have a nice capital injection into the City and this neighborhood. He noted that the first conceptualization of the project had property owners wheeling their trash carts a long way to put them on the curbside, that he is comfortable with the minor Variance to alleviate that potential condition, and that the applicant has done a good job of working it out. He noted that this site has been zoned R-3 for a long time, and that while he hears what the members of the public are saying, we have a density policy in place requiring a minimum number of units that have to be built. He said with the current housing crunch it would be stretch for him to go below the 75 percent requirement, and he appreciates that the applicant is hitting that number. He said he also likes that these are four bedroom townhomes as many residents come to the Planning

Commission talking about their growing families, which is becoming a general trend as more multi-generational families are living under one roof. He asked Ms. Ryan to send word to the Transportation and Traffic Division to look at the Maude and Morse Avenues intersection to see if anything needs to be done to increase safety there.

MOTION: Comm. Rheaume moved Alternative 2 to adopt the Mitigated Negative Declaration and approve the Design Review, Vesting Tentative Map, and Variance with modified conditions:

- 1) Plant 24-inch box trees in the park strip; and,
- 2) Add to Condition of Approval GC-1 that all architectural details, such as ironwork, tile, brackets, boxes etc., as seen in the project rendering, will be included in the construction of the project.

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

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

No: 0

Absent: 1 - Commissioner Klein

- 3** [15-0391](#) Introduce an Ordinance to Amend various sections of the Sunnyvale Municipal Code Title 19 (Zoning) Related to Child Care Facilities (CDD 15-11); Approve Guidelines for Commercial Child Care; and Finding of CEQA Exemption Pursuant to CEQA Guideline 15061(b) (3). (Planning File: 2015-7149) (Continued from July 13, 2015)

Andrew Miner, Principal Planner, presented the staff report.

Comm. Simons discussed with Mr. Miner the requirements for child care facilities in residential areas, and Mr. Miner said this Ordinance is related to commercial child care facilities.

Vice Chair Harrison confirmed with Mr. Miner that the term "slots" in the report indicates a child who can be serviced in a care facility, and that there are 271 facilities that can together accommodate 8,204 slots. Trudi Ryan, Planning Officer, added that the slots equal the number of children the facilities are licensed to care for, but that not all businesses take in that many children. Vice Chair Harrison and Mr. Miner discussed how child care facilities will be considered for commercially zoned properties on El Camino Real with the upcoming update of the Precise Plan for El Camino Real, and as part of the proposed neighborhood villages discussed in the update of the Land Use and Transportation Element (LUTE). Vice Chair Harrison confirmed with staff that there are currently no business sponsored child care centers and discussed the types of businesses that have interest in having larger centers in closer proximity to or on their sites.

Comm. Rheume and Mr. Miner discussed the reasoning behind not allowing commercial child care centers in industrial areas while proposing the allowance of business sponsored child care centers in industrial areas. Comm. Rheume confirmed with Mr. Miner that the permit process to open a business sponsored facility has a higher level of scrutiny and would require approval by the Planning Commission.

Comm. Olevson commented on the Ordinance simplifying the process for people doing business in Sunnyvale by allowing them to explore options for child care at or near their businesses.

Chair Melton noted the addition of the term "adult day care center" to the draft Ordinance, and discussed with Mr. Miner how commercial child care centers reach a maximum number of children per site. Ms. Ryan added that there may be other reasons staff feels a site is inappropriate for a child care center and that applying for a permit for a commercial child care center does not guarantee approval.

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

Vice Chair Harrison moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3);
- 2) Introduce an ordinance (Attachment 3) to amend Chapters 19.12, 19.18, 19.20, 19.22, 19.24, 19.29 and 19.98 of Title 19 of the Sunnyvale Municipal Code to: consolidate business-sponsored child care facilities into one category and remove the upper limit on the number of children allowed at these child care facilities; require a Use Permit (UP) for business-sponsored child care facilities in industrial zoning districts and a Special Development Permit (SDP) in the Moffett Park Specific Plan area; and require a Miscellaneous Plan Permit (MPP) for commercial child care facilities with 30 children or fewer in commercial, office and public facilities zoning districts (excludes residential districts); and,
- 3) Approve the Guidelines for Commercial Child Care Centers (Attachment 2).

Comm. Simons seconded.

Vice Chair Harrison said staff has looked into all of the various possibilities and explained the existing limits. She stated that this meets the City's guidelines with regard to the intent to provide child care in safe situations and she can make the findings.

Comm. Simons said he likes Comm. Olevson's interpretation that this is a very limited modification to our present child care Ordinance, that this is an area for potential growth for more child care and he will be supporting the motion.

Comm. Olevson said he will be supporting the motion, that the staff report has done a good job of identifying the need for child care in these areas and the motion to approve these changes addresses that need.

Comm. Rheume said he will be supporting the motion and thanked staff for putting together a good report. He said Comm. Olevson put it clearly to him that these changes are about making things simpler by allowing businesses to do what they need to run their business and that they are responsible for any liabilities if there are any such cases. He said this is a pretty straight forward and easy motion to support.

Chair Melton said he will be supporting the motion, that daycare and child care are important topics to Sunnyvale and an important policy we have. He said he

understands that Mr. Miner parachuted in on this project, which had been hanging around for a while, and that he has done a great job. He wished staff good luck as they bring this Ordinance to City Council for consideration.

MOTION: Vice Chair Harrison moved to recommend to City Council Alternatives:

- 1) Find that the project is exempt from CEQA under Guideline 15061(b)(3);
- 2) Introduce an ordinance (Attachment 3) to amend Chapters 19.12, 19.18, 19.20, 19.22, 19.24, 19.29 and 19.98 of Title 19 of the Sunnyvale Municipal Code to: consolidate business-sponsored child care facilities into one category and remove the upper limit on the number of children allowed at these child care facilities; require a Use Permit (UP) for business-sponsored child care facilities in industrial zoning districts and a Special Development Permit (SDP) in the Moffett Park Specific Plan area; and require a Miscellaneous Plan Permit (MPP) for commercial child care facilities with 30 children or fewer in commercial, office and public facilities zoning districts (excludes residential districts); and,
- 3) Approve the Guidelines for Commercial Child Care Centers (Attachment 2).

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

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

No: 0

Absent: 1 - Commissioner Klein

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Ms. Ryan reminded the Planning Commission of an upcoming workshop for Boards and Commissions regarding the Civic Center Modernization Project, and noted that City Council has not yet appointed a new Planning Commissioner. She also discussed Planning-related City Council items.

INFORMATION ONLY ITEMS

None.

ADJOURNMENT

With no further business Chair Melton adjourned the Planning Commission meeting at 9:35 p.m.