



# City of Sunnyvale

## Meeting Minutes

### Zoning Administrator Hearing

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Wednesday, September 14, 2016

3:00 PM

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

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#### **CALL TO ORDER**

Gerri Caruso, Principal Planner, called the meeting to order at 3 p.m.

#### **PUBLIC HEARINGS**

1

**File #:** 2016-7244

**Location:** 108 South Sunnyvale Avenue (APN: 209-05-039)

**Applicant / Owner:** Tacos Joya (applicant) / Ralph Accola Trustee & Et Al (owner)

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to allow a new restaurant within a shopping center in the Downtown Specific Plan (Block 3).

**Reason for Permit:** A Special Development Permit is required for restaurants and fast food restaurants with on sale beer and wine alcohol beverage service in the Block 3 of the Downtown Specific Plan area.

**Project Planner:** Aastha Vashist, (408) 730-7458, [avashist@sunnyvale.ca.gov](mailto:avashist@sunnyvale.ca.gov)

**Issues:** Trash enclosure

**Recommendation:** Approve with conditions

Ms. Caruso asked Aastha Vashist, project planner, if there were any additional comments.

Ms. Vashist stated a Special Development Permit has been required for the project as it is located within the Downtown Specific Plan, Block 3. The project is also located in the downtown parking district and the parking fee will be assessed based on the proposed use. A complaint was filed with the Neighborhood Preservation division due to onsite overflowing trash. A sight visit by the Public Works division found the existing trash enclosure as insufficient and inconsistent with design guidelines. Staff recommends requiring upgrade of the trash enclosure as part of the application. The applicant has been working with staff to finalize the layout and material with no parking and landscape to be removed. Staff was able to make the required finding and recommend approval of the project.

Ms. Caruso opened the hearing to the applicant.

Ms. Caruso inquired with applicant, Jose Cabrera, if he has read and understood the required conditions.

Mr. Cabrera stated he read and agreed with the staff findings. Mr. Cabrera stated progress was stalled due to collaboration issues with architects for the trash enclosure but has since been resolved.

Ms. Caruso closed the public hearing.

ACTION: Ms. Caruso approved the project subject to the findings and conditions of approval located in the staff report.

**2**

**File #:** 2016-7436

**Location:** 1212 Bordeaux Drive (APN: 110-25-040)

**Applicant / Owner:** Devcon Construction Inc. / M West Propco-1212

**Proposed Project:**

**Minor Moffett Park Design Review** to allow a new 100,091 square foot two-story office building with a partial mezzanine and a 50% Floor Area Ratio (FAR) on a 4.6 acre site within the Moffett Park Specific Plan (MPSP). The existing 79,091 sq. ft. one-story industrial building would be demolished.

**Reason for Permit:** A Minor Moffett Park Design Review is required for research and development office uses up to 50% FAR in the Moffett Park-Transit Oriented Development (MP-TOD) zoning district. A public hearing is required at the discretion of the City, since the project requires higher level environmental review.

**Project Planner:** Aastha Vashist, (408) 730-7458,  
avashist@sunnyvale.ca.gov

**Issues:** Parking

**Recommendation:** Approve with conditions

Ms. Caruso inquired with Ms. Vashist if there were any comments or updates.

Aastha Vashist, project planner, stated there were no comments from the public. The project proposes 200 parking spaces where a minimum of 300 are required. Per the zoning code, a parking adjustment can be granted if the applicant meets the required findings. The applicant has submitted a Transportation Demand Management plan, proposing a reduction of 20% trip reduction and a 30% reduction during peak hours. The site has a total of 29 trees where the applicant would remove 8 and plant 127 additional trees. The project complies with objectives and goals of the Moffett Park Specific plan and is consistent with design

guidelines. Staff recommends approval of the project.

Ms. Caruso inquired about the reduction of parking. George Schroeder, associate planner, stated the determination was subjective. As the project location is within walking distance of the lightrail station and the applicant has provided an aggressive TDM plan, staff felt the reduction was within reason.

Ms. Caruso inquired if the applicant has read the conditions as issued. The additional conditions that were passed out to the applicants include a requirement for a nesting bird survey. Ms. Caruso proposed the applicant fill out the survey on a voluntary basis. John Castagnoli, applicant, stated he is agreeable with the proposal.

Sean Gillin, applicant, inquired about additional conditions of approval from Public Works received via email as they are not specifically included in the conditions of approval documents.

Mr. Castagnoli inquired what steps should be taken should the applicant be unable to comply with the conditions of approval. Ms. Caruso stated any conditions of approval within the mitigated negative declaration as a CEQA mitigation must be met. Conditions of approval through the Public Works division depends on specific conditions. Many conditions are standard, which the division asks of all applicants on similar projects. If this is the case, the applicant and city staff can reopen the dialogue to see if Public Works will approve changes or not. Planning division conditions of approval that are subjective are allowed more flexibility depending on changes proposed.

Mr. Castagnoli inquired about Public Works' requirement of a retaining wall regarding the streetscape. The applicant stated his concerns about not being able to meet the requirement and whether alternatives could be permitted. Ms. Caruso stated the requirement was issued as a goal to save the trees and Public Works' motivation to bring sidewalks up to code. When the project reaches this stage, city staff will work with the applicant to resolve any issues.

Mr. Castagnoli inquired whether the second condition of narrowing the north driveway has been fully vetted with all city divisions. Ms. Caruso stated the conditions are acceptable because they would take place on site and not in the public vicinity, however clear instructions of how to use the driveways should be used.

Ms. Caruso inquired if the applicant was comfortable with the third parking

reduction request through the parking adjustment. The applicant stated he was confident the shuttle program and TDM submitted would work with the parking plan, based on previous designs. The applicant stated an additional study has shown a path could be made to meet the required total of 3.1 ratio, however will need to remove the olive trees. This option would require permission from the city should this plan be used in the future. Through the TDM plan, a result of a 20% trip reduction be in effect and during peak hours, a 30% reduction will be anticipated.

Ms. Caruso closed the public hearing.

ACTION: Approved subject to the findings and conditions of approval located in the staff report with the below modifications:

- 1) Inclusion of changes submitted by the Public Works division on September 14
- 2) Add condition BP-31 regarding the nesting bird survey

**ADJOURNMENT**

Ms. Caruso adjourned the meeting at 3:26 p.m.