



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, November 27, 2017

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 PM

6:30 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

A. [17-1045](#)

File #: 2017-7567

Location: 160 Persian Drive (APN: 110-11-088)

Zoning: Neighborhood Business with Planned Development Combining
District (C-1-PD)

Proposed Project: Related applications on a 1.2-acre site:

SPECIAL DEVELOPMENT PERMIT: to allow demolition of
existing buildings and construction of 18 three-story townhomes
and associated site improvements. The project also request
deviations to exceed the number of building stories and reduce
the building to building setback from 26-feet to 24-feet.

TENTATIVE MAP: to subdivide the site into 18 residential lots
and three common area lots.

Applicant / Owner: Summerhill Homes (applicant) / G & K Enterprises,
LLC and Fallenleaf Enterprises, LLC (owner)

Environmental Review: Mitigated/Negative Declaration

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

Public Comment on Study Session Agenda Items

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Rheame called the meeting to order at 7:08 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Rheaume led the salute to the flag.

ROLL CALL

Present: 5 - Chair Ken Rheaume
Vice Chair Carol Weiss
Commissioner Daniel Howard
Commissioner John Howe
Commissioner David Simons
Absent: 2 - Commissioner Sue Harrison
Commissioner Ken Olevson

Status of absence; Commissioner Harrison's absence is excused.

Status of absence; Commissioner Olevson's absence is excused.

ORAL COMMUNICATIONS**CONSENT CALENDAR**

Commissioner Howe moved and Vice Chair Weiss seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

Yes: 5 - Chair Rheaume
Vice Chair Weiss
Commissioner Howard
Commissioner Howe
Commissioner Simons

No: 0

Absent: 2 - Commissioner Harrison
Commissioner Olevson

1. A [17-1105](#) Approve Planning Commission Meeting Minutes of November 13, 2017

1. B [17-1121](#) REQUEST FOR CONTINUANCE TO DECEMBER 11, 2017
File #: 2016-7573
Location: 623-625 N. Pastoria Avenue (APNs:165-41-029 & 165-41-030)
Proposed Project: Related applications on a 1.35-acre site on N. Pastoria Avenue:
PEERY PARK PLAN REVIEW PERMIT to construct a 52,755-square foot, three-story corporate/research and

development (R&D) office building and a 1-level underground parking structure resulting in a total of 89% FAR. The project includes a restaurant on the first floor.

TENTATIVE MAP to merge two parcels into one parcel.

Applicant / Owner: Arc Tec, Inc. / George And Josefa Yagmourian Trustee

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

Project Planner: Ryan Kuchenig (408) 730-7431,
rkuchenig@sunnyvale.ca.gov

1. C [17-1144](#)

REQUEST FOR CONTINUANCE TO JANUARY 8, 2018

File #: 2017-7395

Location: 485 E. Mc Kinley Avenue (APN:209-11-047)

Zoning: R-2/PD

Proposed Project: Related applications for a 7,500-square foot (0.17 acre) site:

TENTATIVE MAP: to subdivide one parcel into two lots;

DESIGN REVIEW: To allow construction of two new two-story, single-family homes (1,875 s.f. and 2,442 s.f.) resulting in an average 57.5 percent Floor Area Ratio (FAR) for the site.

Applicant / Owner: 487 E. Mc Kinley LLC (applicant and owner).

Environmental Review: Categorically Exempt Class 3 (15303 - New construction and conversion of small structures)

Project Planner: Shétal Divatia, (408) 730-7637,
sdivatia@sunnyvale.ca.gov

PUBLIC HEARINGS/GENERAL BUSINESS

2. [17-1063](#)

File #: 2017-7633

Location: 1010 Sunnyvale Saratoga Road (APN: 211-21-032)

Zoning: C-1/PD - Neighborhood Business / Planned Development

Proposed Project:

SPECIAL DEVELOPMENT PERMIT: to allow construction of a 18,600-square foot commercial building for a child care facility of up to 240 children.

Applicant / Owner: DPM Property Management Inc. / William A. Antonioli Trustee & Et Al

Environmental Review: Mitigated Negative Declaration

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

Associate Planner Momoko Ishijima presented the staff report.

Vice Chair Weiss confirmed the frontage measurements with Associate Planner Ishijima.

Vice Chair Weiss asked staff about the project's fate if the state licensing board does not grant a license. Planning Officer Andrew Miner advised that the applicant can provide information about that process.

Commissioner Simons asked staff if the proposed project is exempt from the public art requirement. Planning Officer Miner explained that the art requirement applies to projects with two or more acres.

Commissioner Simons asked staff if any exterior architectural changes were made after the study session. Associate Planner Ishijima advised that the applicant will address this during their presentation.

Commissioner Simons asked staff if Class IV bike lanes can be implemented at the intersection of Remington Drive and Sunnyvale Saratoga Road. Senior Transportation Engineer Ralph Garcia provided background information about this intersection and noted that there likely wouldn't be enough separation for bicyclists. Commissioner Simons stated an opinion that the proposed design will reduce safety for bicyclists and pedestrians. Senior Transportation Engineer Garcia stated that green striping can be used to improve bike lane visibility.

Commissioner Howard asked staff about pedestrian safety. Senior Transportation Engineer Garcia provided details about public and streetscape improvements that will enhance pedestrian safety.

Commissioner Howard stated an understanding that Transportation Impact Analyses (TIA's) in California are moving from utilizing Level of Service (LOS) to Vehicle Miles Traveled (VMT) and asked staff if VMT was considered for this TIA. Senior Transportation Engineer Garcia advised that the Santa Clara Valley Transportation Authority (VTA) as the lead agency for these studies is currently using LOS and that VMT was not analyzed. Planning Officer Miner explained that typically VMT analysis is only used for programs, such as the Lawrence Station Area Plan, and that no level of impact is identified with VMT. Commissioner Howard asked staff about the Planning Commission's discretion over the creation of the right-turn lane in the proposed project. Planning Officer Miner provided details about operational analysis and advised that the addition of the right-turn lane is to mitigate

traffic congestion.

Chair Rheume commented on the staggered staffing per the staff report and asked about the TIA assumptions. Franziska Church, representing Fehrs and Peers, advised that the assumptions are based on historical data and that parking demand rates develop from observations of land use.

Chair Rheume asked staff about the proposed removal of two trees for the driveway. Associate Planner Ishijima advised that the tree removals are required for the public improvements in addition to the driveway realignment and that 35 new trees will be planted. Planning Officer Miner stated that there is limited site space and that there is no alternative design which would retain the trees.

Chair Rheume stated an opinion that the proposed project is visually more akin to retail than education and asked if the materials shown in the site plan will be part of the design. Planning Officer Miner stated the applicant must commit to the examples shown in their site plan. Chair Rheume commented that the windows appear differently between sheets in the site plan and noted that this is misleading.

Chair Rheume opened the Public Hearing.

Derrick Larson, representing Dollinger Properties, presented images and information about the proposed project.

Dani Toole, representing Bright Horizons, presented images and information about the proposed project.

Commissioner Howe commented that the proposed project's use must attain the objectives and purposes of the General Plan and not be detrimental to the surrounding area. Commissioner Howe noted that potential incompatibility with surrounding uses could be leveraged if the Planning Commission felt that the proposed project would reduce safety.

Vice Chair Weiss asked the applicant if the new bus stop can be covered and include a bench. Mr. Larson confirmed that a bench will be included and that they can work with the VTA to cover the bus stop.

Vice Chair Weiss noted her concerns with the shading and size of the playground areas. Ms. Toole stated that there will be one shade structure per yard and

provided details about the combination of indoor and outdoor play space.

Vice Chair Weiss commented on her privacy and security concerns with the classroom windows. Ms. Toole advised that the goal is to maximize natural light in the classrooms. David Bower, representing Touchstone CRM, explained that the windows are typically non-operable, that roller shades can be installed and that the entire building is always locked. Vice Chair Weiss confirmed with Mr. Bower that roller shades will be implemented.

Vice Chair Weiss clarified details about the vertical boulders with Mr. Larson.

Commissioner Simons commented on the life span of landscape chosen for the site and the available variety of deciduous native trees. Mr. Larson provided information about the limiting factors for tree selection. Commissioner Simons confirmed with Mr. Larson that they would be agreeable to a recommendation requiring the City arborist to be involved in considering landscaping alternatives.

Commissioner Simons asked the applicant about the scale of the boulders. Planning Officer Miner commented that sheet L3.0 of the site plan provides the boulder sizes. Commissioner Simons confirmed with Mr. Larson that a Condition of Approval (COA) could be added to specify that the boulder detail from L3.0 be utilized for the site.

Chair Rheaume asked the applicant about the average student populations across facilities. Ms. Toole advised that student populations run between 180 – 220 children and that there are 35 centers in the Bay Area. Mr. Bower provided additional details about Bright Horizon facilities.

Arley Marley, Sunnyvale resident, discussed his concerns with traffic and the Azure Street and Remington Drive intersection.

Haydeé Bannon, Sunnyvale resident, discussed her concerns with traffic and the exclusion of the Ives Terrace homes from the TIA. Ms. Bannon stated her opposition to the proposed project unless it will improve traffic and consider the impact on all residents.

Suzanne Moshier, Sunnyvale resident, discussed her concerns with traffic.

Susanne Chan, Sunnyvale resident, discussed her concerns with traffic, placement

and ingress/egress for the proposed project.

Commissioner Howard asked Ms. Chan about specific changes she would make to the proposed project. Ms. Chan stated that there may not be an easy solution because of the distance from Azure Street to Sunnyvale Saratoga Road and that the site location is the issue, not the proposed child care facility.

Mitzi Schreck, Sunnyvale resident, discussed her concerns with traffic, adjacent apartment complexes and the Azure Street and Remington Drive intersection.

Trang Pham, Sunnyvale resident, spoke in support of the proposed project, especially for parents within walking distance. Ms. Pham asked that the Planning Commission consider traffic impacts but approve the proposed project.

Liehann Loots, Sunnyvale resident, spoke in support of the proposed project and noted that the new right-turn lane could help mitigate traffic.

Mr. Loots provided details about morning traffic at the intersection of Azure Street and Remington Drive to Commissioner Simons.

Brian Heath, representing Bright Horizons, presented additional information about the proposed project.

Mr. Bower presented additional information about the proposed project.

Chair Rheume closed the Public Hearing.

Vice Chair Weiss asked staff if the TIA analyzed implementing blinking crosswalks. Ms. Church advised that this was not analyzed because blinking crosswalks are not utilized at controlled pedestrian crossings. Ms. Church provided additional information about the intersection of Azure Street and Remington Drive.

Commissioner Simons asked staff if reduction to one through lane eastbound on Remington Drive would support the existing traffic volume. Ms. Church stated an opinion that one lane may be sufficient but that the existing left turn lanes from Sunnyvale Saratoga Road onto Remington Drive would be problematic. Commissioner Simons stated an opinion that reduction to one lane would provide shelter for pedestrians and cyclists and allow for the creation of a turn lane. Ms. Church provided information about the existing intersection design. Planning Officer

Miner commented that the TIA would have to be revised to determine the impact of these proposed changes. Planning Officer Miner noted that the addition of the right-turn lane as identified by the City will remove the traffic congestion and that to look further is beyond the scope of this project. Commissioner Simons asked staff to study the impact of the right turn lane on Remington eastbound and the potential impact of a single lane on Remington east of Sunnyvale-Saratoga Road as it relates to pedestrian and bicycle safety at the intersection.

Commissioner Howard noted his concern with the addition of the right-turn lane and asked staff if it can be contingent upon consistency with Vision Zero. Planning Officer Miner reiterated that the addition of the right-turn lane will alleviate traffic congestion and explained that it is consistent with the Climate Action Plan (CAP). Commissioner Howard stated an opinion that the right-turn lane could be dangerous for bicyclists and pedestrians and incentivize more people to drive. Planning Officer Miner advised that the pedestrian experience will be improved due to streetscape improvements. Commissioner Howard commented that this intersection is of concern based on the Vision Zero High Injury Network Map. Senior Transportation Engineer Garcia explained that there would be increased crossing time for pedestrians through signal timing changes and provided information about Vision Zero. Commissioner Howard requested that the evaluation of Class IV bike lanes be included as a COA. Planning Officer Miner stated that this could be added conditionally where appropriate.

Commissioner Howe confirmed with Planning Officer Miner that this item will not be heard by the City Council unless appealed or called up. Commissioner Howe stated an opinion that the City needs child care but that this proposed project will impact traffic and bicyclists and that the TIA may not adequately address the traffic concerns presented tonight. Planning Officer Miner stated that the approved TIA meets the City's Design Guidelines and includes the addition of a right-turn lane which is needed to alleviate traffic congestion. Planning Officer Miner asked Commissioner Howe about the perceived inadequacies of the TIA. Commissioner Howe commented on the lack of analysis of a flashing crosswalk. Planning Officer Miner stated that flashing crosswalks are not used at controlled intersections and that does not make the TIA inadequate. Commissioner Howe stated that one option is for the Planning Commission to approve the staff recommendation with modifications.

Chair Rheume asked for staff comments about the design change for the proposed project. Associate Planner Ishijima provided information about this change and

commented that the current design would allow future commercial redevelopment of the site.

MOTION: Commissioner Howe moved and Commissioner Simons seconded the motion for Alternative 2 – Adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions –

- a. Modify BP-10 to specify the use of engineered fill and selection of native large species deciduous trees as feasible, to be determined by the City arborist and applicant;
- b. Modify BP-10 to designate the minimum boulder size as outlined on sheet L 3.0 of the site plan;
- c. Add BP-24 to develop a pedestrian and bicycle safety plan that evaluates the potential for green striping bicycle lanes, Class IV bicycle lanes and reviews the safety impacts of the new right-turn lane;
- d. Modify BP-10 to specify the use of pervious materials for the parking lot and walkways;
- e. Modify EP-35 to specify that the bus stop be covered and include a bench, as feasible; and,
- f. Add AT-12 to require installation of roll down shades in all classroom windows.

Commissioner Simons proposed modifications a. through d. and Commissioner Howe accepted these modifications. Commissioner Weiss proposed modifications e. and f. and Commissioner Simons and Commissioner Howe accepted these modifications.

Commissioner Howard asked staff about adding a COA where the addition of the right-hand turn lane is contingent upon staff's determination of compatibility with Vision Zero. Officer Miner advised that staff could review the design again but that returning to the Planning Commission could be problematic. Senior Transportation Engineer Garcia clarified that Vision Zero will not be finalized until spring of 2018. Planning Officer Miner advised against using future policy to make current project determinations. Senior Assistant City Attorney Rebecca Moon advised that once the project is approved the applicant will have vested rights and that it would be problematic to stop project development. Commissioner Howard withdrew his proposed modification. Commissioner Howe confirmed with Planning Officer Miner that the status of Vision Zero will be presented to the Planning Commission in a future study session.

Commissioner Howe commented that this is a good project which is needed in the City and noted the applicant's efforts in implementing safety measures for the

children.

Commissioner Simons stated that he can make the findings with the modified COA. Commissioner Simons stated that the Planning Commission would have likely discussed the architecture further if there were not major transportation issues and noted the potential for the future conversion of the site. Commissioner Simons commented that separate from the project, improvements can be made in this area to improve safety. Commissioner Simons stated that this is a great project.

Commissioner Howard stated that he will be supporting the project and that child care facilities are needed in the City. Commissioner Howard noted his appreciation of the project's landscaping. Commissioner Howard stated an opinion that due to the staggered schedule and potential proximity of families the project will not likely have a detrimental effect on traffic. Commissioner Howard commented that existing traffic is problematic but that it is outside the scope of this item. Commissioner Howard noted his concern to engineer streets to make it easy for pedestrians and bicyclists and incentivize people to use alternative means of transportation.

Vice Chair Weiss stated her appreciation for this much-needed project and the experience of the Bright Horizons team. Vice Chair Weiss noted that traffic issues already exist but that they will not be appreciably worsened due to the project because of the staggered hours, families with multiple children and proximity of families to the project site. Vice Chair Weiss commented that this project will meet a critical City need and that she will be supporting the motion.

Chair Rheume stated that he can make the findings, will be supporting the motion and expressed the need for child care centers in the City.

The motion carried by the following vote:

Yes: 5 - Chair Rheume
Vice Chair Weiss
Commissioner Howard
Commissioner Howe
Commissioner Simons

No: 0

Absent: 2 - Commissioner Harrison
Commissioner Olevson

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

3. [17-1068](#) **File #:** 2017-7453
 Location: 1023 N. Fair Oaks Avenue (APN:110-14-169)
 Zoning: M-S/ITR/R-3/PD (Industrial and Service / Industrial to Residential/Medium Density Residential/Planned Development)
 Proposed Project: Related applications on a .81-acre site:
 SPECIAL DEVELOPMENT PERMIT: for the redevelopment of the site with 14 three-story townhomes, and
 VESTING TENTATIVE MAP: to subdivide one parcel into 14 townhouse lots plus a common lot.
 Applicant / Owner: Highland Partners Group Inc. / Robert Nino & Nancy Bushnell
 Environmental Review: Mitigated Negative Declaration
 Project Planner: Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Senior Planner Ryan Kuchenig presented the staff report.

Commissioner Weiss confirmed with Senior Planner Kuchenig that the project data table should list 18 as the maximum number of units.

Commissioner Simons commented that the third-floor driveway windows are minimal and asked for staff comments. Senior Planner Kuchenig explained which architectural details were added after staff reviewed the design. Planning Officer Miner stated that the cover sheet of the site plan shows the window depth. Commissioner Simons noted his concern with the peak vent area and commented that it could benefit from molding.

Commissioner Simons stated that with previous projects where the Planning Commission approved deviations granted for distance between buildings, an equivalent amount of space was added for design elements. Planning Officer Miner commented on the available and planned space with this site.

Commissioner Howe confirmed the location of the nine guest parking spaces with Senior Planner Kuchenig. Commissioner Howe noted that this is an improvement from the previous design.

Chair Rheume noted the discrepancies between sheets A114, A115 and A116 of the site plan and commented that the quality design depicted on A116 should be required. Planning Officer Miner advised that staff will examine these details and

hold the applicant to the depictions in A116.

Chair Rheume commented that the external dark-colored grids as shown on A115 should be required. Planning Officer Miner stated that this can be added as a Condition of Approval (COA).

Chair Rheume opened the Public Hearing.

Doug Ledebor, representing Highland Partners Group Inc., presented information about the proposed project.

Michael Stone, representing Bassenian Lagoni, presented images and information about the proposed project.

Commissioner Simons discussed the window trim colors with Mr. Stone.

Commissioner Simons asked Mr. Stone about alternatives for the ridge vents. Mr. Stone provided information about the development of this style and potential alternatives.

Commissioner Simons discussed the possibility of allocating 700 square feet for ornamental pavers as approximately the same amount of space that would be granted for the deviation for distance between buildings. Mr. Stone advised that the open space is maximized which does not leave much remaining space. Commissioner Simons clarified that it would be included in the driveway area.

Vice Chair Weiss confirmed with Mr. Stone that the decorative paving in the driveway will be permeable.

Vice Chair Weiss asked the applicant to explain the measures used to obtain 110 green points. Mr. Stone provided examples.

Vice Chair Weiss confirmed with Mr. Stone that the garages will be prewired for electric vehicles.

Vice Chair Weiss asked if the space designated as an office could be repurposed. Mr. Stone advised that it is a flexible space which can be used as an additional living space.

Chair Rheume confirmed with Mr. Stone that all the windows will be five foot deep.

Commissioner Simons asked the applicant about configuring the bathrooms for future installation of safety bars. Mr. Stone stated that additional blocking can be added.

Chair Rheume closed the Public Hearing.

MOTION: Commissioner Simons moved and Vice Chair Weiss seconded the motion for Alternative 2 – Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the recommended findings in Attachment 3 and modified conditions –

- a. Add PS-1 b) to specify installation of blocking in bathtub area walls to enable installation of safety bars;
- b. Add BP-32 to specify that all garages be pre-wired for electric vehicles;
- c. Add BP-9 g) to specify that 700 square feet of decorative paving be added to the driveway area;
- d. Add PS-1 c) to specify that the decorative vents be modified to include a mix of a three-tile and recessed tile design;
- e. Add PS-1 d) to specify the use of external and internal window grids and that the trim for the bay windows matches the exterior brown wood color;
- f. Add BP-9 h) to specify the use of pervious materials for the driveway and walkways, where feasible; and,
- g. Modify BP-9 c) to specify that large native species trees replace any protected trees that are approved for removal.

Commissioner Simons commented that he is impressed with this project and appreciates that the applicant acted on suggestions presented during the study session. Commissioner Simons stated that he can make the findings. Commissioner Simons stated an opinion that this will be a very nice project.

Vice Chair Weiss stated that she can make the findings and commented on the different design elements. Vice Chair Weiss stated an opinion that this will be a quality project. Vice Chair Weiss stated her appreciation that the developer will provide one below market rate unit. Vice Chair Weiss commented that the project will fit very well in the community.

Commissioner Howard clarified with Senior Planner Kuchenig that the motion

includes the modified COA.

Chair Rheume stated that he will be supporting the motion and can make the findings. Chair Rheume commended the applicant and staff for increasing the amount of open space and creating a nice entryway by reducing the number of units.

The motion carried by the following vote:

Yes: 5 - Chair Rheume
Vice Chair Weiss
Commissioner Howard
Commissioner Howe
Commissioner Simons

No: 0

Absent: 2 - Commissioner Harrison
Commissioner Olevson

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

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howard commented that he attended a luncheon at St. Cyprian regarding housing issues. Commissioner Howard advised that he learned about the frequency of housing deposit scams and asked for staff comments. Planning Officer Andrew Miner stated that residents should contact the Housing Division and can also contact Project Sentinel, which provides meditation services free of charge.

Vice Chair Weiss asked staff if the Planning Commission ever convenes with Planning Commissions from neighboring cities. Planning Officer Miner stated that he has not heard of such a meeting but that staff will research and update the Planning Commission.

Commissioner Simons stated his concern that the Lawrence Station apartments encountered an issue with installing separate utility meters for individual units and

that they plan to divide usage among all the renters. Commission Simons asked staff to determine if the Conditions of Approval mandated separate meters. Planning Officer Miner confirmed that staff will research and follow up.

-Staff Comments

Planning Officer Miner stated that the El Camino Real Plan Advisory Committee (ECRPAC) will meet on Tuesday, December 5th, 2017 at the Community Center. Planning Officer Miner provided additional details about the meeting content and the strategy moving forward.

ADJOURNMENT

Chair Rheaume adjourned the meeting at 10:30 PM.