



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Tuesday, May 29, 2018

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

Study Session Cancelled | Special Meeting - Public Hearing 7 PM

STUDY SESSION CANCELLED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Vice Chair Weiss called the meeting to order at 7:01 PM in the Council Chambers.

SALUTE TO THE FLAG

Vice Chair Weiss led the salute to the flag.

ROLL CALL

Present: 5 - Vice Chair Carol Weiss
Commissioner Sue Harrison
Commissioner Daniel Howard
Commissioner John Howe
Commissioner Ken Olevson

Absent: 2 - Chair Ken Rheaume
Commissioner David Simons

Status of absence; Chair Rheaume's absence is excused.

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

ORAL COMMUNICATIONS

CONSENT CALENDAR

Commissioner Howe moved and Commissioner Howard seconded the motion to approve the Consent Calendar, and complimented staff on the quality of the

Planning Commission hearing minutes.

The motion carried by the following vote:

Yes: 5 - Vice Chair Weiss
Commissioner Harrison
Commissioner Howard
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 2 - Chair Rheume
Commissioner Simons

1. A [18-0519](#) Approve Planning Commission Meeting Minutes of May 14, 2018

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0350](#) **Proposed Project:**
Public Comments on the Draft Program Environmental Impact Report for the Civic Center Modernization Master Plan Project
Location: City of Sunnyvale Civic Center Complex
File #: 2018-7219
Applicant: City of Sunnyvale
Project Planner: Momoko Ishijima, (408)730-7532, mishijima@sunnyvale.ca.gov

Associate Planner Momoko Ishijima presented the staff report.

Vice Chair Weiss opened the Public Hearing.

John Cordes, speaking as a resident, requested additional information regarding the impact on stormwater and suggested improvements for permeable surfaces and rainwater capture.

Mei-Ling Stefan, Sunnyvale resident, requested that the demolition and construction waste be taken to Zanker Recycling in San Jose. Ms. Stefan asked for information about removal of the onsite fill station, emergency evacuation from underground parking garages and traffic analysis for All America Way.

Vice Chair Weiss closed the Public Hearing.

Assistant Director Andrew Miner stated that comments can be provided until June 7th, 2018.

3. [18-0506](#)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT: To modify the architectural design and site layout of 94 homes (75 flats and 19 townhomes) previously approved as part of the Sunnyvale Town Center project (CityLine).

Location: 333 W. Iowa Ave., 221 W. Iowa Ave., 379 S. Sunnyvale Ave. (APNs: 209-34-020, 209-35-024, 209-35-013)

File #: 2017-7527

Zoning: DSP (Downtown Specific Plan) Block 18

Applicant / Owner: STC Venture, LLC

Environmental Review: No additional environmental review is necessary; the proposed architectural modifications are within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA Guidelines Section 15168(c) (2).

Project Planner: Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

Senior Planner Noren Caliva-Lepe presented the staff report.

Commissioner Howard asked staff about the designation of townhomes for the N-1 and T-1 parcels. Senior Planner Caliva-Lepe stated that the Downtown Specific Plan (DSP) generally outlines the development for Downtown but that the Master Special Development Permit includes townhomes for those two parcels.

Commissioner Howard asked staff if parking is required to be attached to the development. Senior Planner Caliva-Lepe stated that the assigned parking spaces will be developed on the parcels and the unassigned guest spaces will be selected from public parking. Senior Planner Caliva-Lepe noted that this meets the Conditions of Approval (COA) and general parking requirements.

Commissioner Howard asked staff if the Penney's Parking Garage could be used for assigned parking for the T-1 parcel. Senior Planner Caliva-Lepe provided information about the reserved garage parking spaces for the T-1 and N-1 parcels and advised that staff would have to analyze this potential use.

Vice Chair Weiss opened the Public Hearing.

Dave Hopkins, representing the Sares Regis Group, presented images and

information about the proposed project.

Lily Ciammaichella, representing KTG Architects, presented images and information about the proposed project.

Chek Tang, representing Studio T-SQ., Inc., presented images and information about the proposed project.

Commissioner Howe asked the applicant about the changes in landscaping and quality of materials based on the study session comments. Mr. Hopkins provided examples of these changes.

Commissioner Olevson asked the applicant about the addition of two units to F-1 despite the reduction in roof height. Mr. Hopkins advised that a variety of unit types make this possible.

Commissioner Olevson commented on the reduction to one driveway for N-1 and asked the applicant about potential issues with one shared entrance. Mr. Hopkins advised that only eight homes will share that driveway and that the reduction will respect Target's operations.

Commissioner Olevson asked if residents will compete with shoppers for parking in the public lot. Mr. Hopkins advised that only portions of the guest parking will be within the public parking lot and that the assigned resident parking will be developed on the parcels.

Commissioner Olevson asked about the distribution of the 11 Below Market Rate (BMR) units. Mr. Hopkins stated that the BMR units will be evenly dispersed throughout all three buildings.

Commissioner Howard asked for the applicant's comments regarding the appropriateness of the townhome style in a transit adjacent mixed use development. Mr. Hopkins stated that the townhomes are a new housing type for Downtown and provided information regarding parking, the site's history and the possibility for future ownership.

Vice Chair Weiss asked if the existing fire hydrants will be sufficient for the F-1 units. Senior Planner Caliva-Lepe advised that COA P-19 specifies the installation of a new fire hydrant on Aries Way.

Mr. Hopkins provided information about apartment access and junior apartments to Vice Chair Weiss.

John Cordes, speaking as a resident, spoke in support of the proposed project. Mr. Cordes requested consideration for plaza benches, rooftop solar panels and vertical color changes along the facades.

Mr. Hopkins presented additional information about the proposed project.

Vice Chair Weiss closed the Public Hearing.

Commissioner Howard asked staff about driveway restrictions. Senior Planner Caliva-Lepe stated that the driveway restrictions are related to the proposed project's design and site access.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion for Alternatives 1 and 2 – Alternative 1: Find that the proposed modifications do not require additional environmental review the California Environmental Quality Act (CEQA) for the reasons stated in the staff report as the proposed modifications are within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA Guidelines Section 15168(c)(2); and Alternative 2: Approve the Special Development Permit with the attached findings in Attachment 3 and recommended conditions of approval in Attachment 4.

Commissioner Howe stated that the architectural modifications made based on the comments at the Planning Commission study session will be a great improvement to the project.

Commissioner Harrison stated that the project as currently proposed has significantly improved. Commissioner Harrison commented that the planned access has improved safety for pedestrians and vehicles. Commissioner Harrison noted her appreciation of the repeating cornice and trellis elements, the second level mid-block plaza in F-1, the variety of unit types and the angled staircases.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson commented that the project has evolved and that the changes have softened the transition between the proposed project and the existing neighborhood. Commissioner Olevson stated his appreciation of the plaza area and

the setbacks. Commissioner Olevson stated that he can make the findings.

Commissioner Howard stated that he will not be supporting the motion but noted his appreciation of the F-1 building. Commissioner Howard stated an opinion that a townhouse project is not the best use given the proximity to transit. Commissioner Howard commented on available parking in Downtown and stated an opinion that a one car parking garage on Iowa Avenue would be appropriate. Commissioner Howard noted his preference of a craftsman style for the T-1 building.

Vice Chair Weiss stated an opinion that this is a high quality project. Vice Chair Weiss noted her appreciation of the reduction in the visual mass, variety in the building lines and facades, consideration for the existing neighborhood, building entries, balconies, front landscaping, inclusion of the stoops and the mid-block plaza. Vice Chair Weiss commented that the proposed project has a pedestrian friendly nature. Vice Chair Weiss stated that she can make the findings.

The motion carried by the following vote:

Yes: 4 - Vice Chair Weiss
Commissioner Harrison
Commissioner Howe
Commissioner Olevson

No: 1 - Commissioner Howard

Absent: 2 - Chair Rheaume
Commissioner Simons

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

4. [18-0363](#) **Proposed Project:** Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for two Live Oak trees in the backyard.
 Location: 173 Waverly Street (APN: 165-15-035)
 File #: 2018-7206
 Zoning: R-2 (Low-Medium Density Residential)
 Applicant / Owner: Sandra Sullivan (applicant)(owner)
 Environmental Review: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
 Project Planner: Shila Behzadiaria, (408) 730-7456,

sbehzadiaria@sunnyvale.ca.gov

Assistant Planner Shila Behzadiaria presented the staff report.

Commissioner Howe confirmed with Assistant Planner Behzadiaria that the City Arborist made the determination and recommendation regarding retention or removal of the trees.

Commissioner Olevson asked staff if the adjacent duplex property was built too close to the fence line or was non-conforming at the time of construction. Assistant Director Andrew Miner stated that the oak trees existed prior to both properties and that the existing roots were likely removed in 1982 prior to the construction of the duplex.

Commissioner Harrison asked staff how an individual would convey to the City that a tree damaged their property. Assistant Director Miner stated that an arborist and potentially an engineer would inspect to determine any damage.

Commissioner Harrison asked staff how the City Arborist determined that the trees were established in 1942. Assistant Director Miner provided information about growth patterns in relation to tree height.

Vice Chair Weiss opened the Public Hearing.

Sandra Sullivan, appellant, presented information about the proposed project.

Commissioner Harrison asked the appellant if her neighbor provided proof of damage. Ms. Sullivan advised that she received a letter outlining the damage to the concrete.

Chwan-Fang Lee, owner of the adjacent duplex, discussed her concerns with the trees pushing the fence and causing damage to their foundation. Ms. Lee provided photos showing the purported damage.

Commissioner Harrison asked Ms. Lee to provide details about the structural damage. Ms. Lee clarified that she was referring to the cracks in the sidewalk. Commissioner Harrison confirmed with Ms. Lee that a professional has not examined the damage. Commissioner Harrison confirmed with Ms. Lee that she owned the property when the front extension was completed but that a survey was not completed at that time to accurately determine the property line.

Ms. Sullivan presented additional information about the proposed project.

Commissioner Harrison commented that trees can add value to a property and confirmed with Ms. Sullivan that she has not inquired about the loss of property value if these trees are removed.

Vice Chair Weiss closed the Public Hearing.

Vice Chair Weiss asked staff if the possibility of a lawsuit can be negated if the appeal is denied. Senior Assistant City Attorney Rebecca Moon commented that the Planning Commission's decision would not impact the legal rights of the neighbors with respect to each other.

Assistant Planner Behzadiaria provided information about the tree replacement options as outlined in the Conditions of Approval (COA) to Vice Chair Weiss.

Commissioner Harrison commented that the walkway crack could be caused by many different factors. Commissioner Harrison asked staff about the reported difference in height between cement sections. Assistant Director Miner stated that staff did not observe any height difference.

Commissioner Howard asked staff if a court would take into consideration that Ms. Sullivan tried to remove the trees even if the City denies the appeal. Assistant City Attorney Moon explained that it would depend on the legal theory that was pursued.

Commissioner Harrison asked staff about property claims where an owner alleges that a neighbor has caused damage to their home. Assistant City Attorney Moon provided information about City owned trees damaging property. Commissioner Harrison confirmed with Assistant City Attorney Moon that typically any damage caused by City trees is to associated landscape or hardscape. Commissioner Harrison confirmed with Assistant City Attorney Moon that settling this type of issue can involve implementing tree root barriers or mitigating damage but that usually trees are not removed. Assistant City Attorney Moon provided information about Code section 19.94.060 regarding Tree Removal Permits.

MOTION: Commissioner Howard moved and Commissioner Olevson seconded the motion for Alternative 1 – Deny the appeal and uphold the decision of the Director of Community Development to deny the portion of the Tree Removal Permit related to

the two Oaks recommended to remain.

Commissioner Howard commented that tree roots can be blocked or trees trimmed to reduce the possibility of damaging the foundation. Commissioner Howard stated an opinion that Ms. Sullivan is being a good neighbor in trying to accommodate the owner of the duplex. Commissioner Howard stated that he cannot make the finding that the tree represents a potential hazard to people, structures or other trees without a professional review of the damage.

Commissioner Olevson stated that he will be supporting the motion because the sole technical report from the City Arborist shows that the two trees are in good health and the appellant has only provided commentary and pictures as evidence. Commissioner Olevson commented that the only tree to be removed is due to damage from tree trimming and that property owners can be personally liable for damaged trimmed trees.

Commissioner Harrison stated that she will be supporting the motion. Commissioner Harrison noted that there is no hard data to support granting the appeal. Commissioner Harrison stated that trees provide shade, cooling, help to clean the air and retain stormwater. Commissioner Harrison stated an opinion that the Planning Commission would not currently approve the existing duplex because it cannot hold stormwater onsite.

The motion carried by the following vote:

Yes: 5 - Vice Chair Weiss
Commissioner Harrison
Commissioner Howard
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 2 - Chair Rheaume
Commissioner Simons

Assistant Director Miner stated that this decision is final.

5. [18-0480](#) Review Planning Program Budget and Fees for FY 2018-19

Assistant Director Andrew Miner presented the staff report.

Commissioner Harrison asked staff how the Sense of Place fees are directed. Assistant Director Miner provided information about the Sense of Place programming and fair share contributions.

Commissioner Olevson asked staff about the blank line items on the Community Conditions Indicators chart. Assistant Director Miner advised that staff will review and follow up.

Vice Chair Weiss opened the Public Hearing.

Vice Chair Weiss closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion to recommend approval to the City Council of the proposed Planning Program budget for Fiscal Year 2018-2019.

Commissioner Howe stated that it will be interesting to see the future outcome of the budget in this updated format.

The motion carried by the following vote:

Yes: 5 - Vice Chair Weiss
Commissioner Harrison
Commissioner Howard
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 2 - Chair Rheaume
Commissioner Simons

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howe confirmed with Assistant Director Miner that Chair Rheaume and Commissioner Harrison have been reappointed to the Planning Commission.

Commissioner Howard provided information about a townhome development in

Mountain View.

Commissioner Harrison provided an update regarding Climate Action Plan 2.0.

Vice Chair Weiss requested that staff provide a map of planned wireless telecommunications facilities installations in the City. Assistant Director Miner advised that staff will provide this information to the Planning Commission.

-Staff Comments

Assistant Director Miner stated his appreciation that the Planning Commissioners were available to attend tonight's hearing on Tuesday due to the Memorial Day holiday.

ADJOURNMENT

Vice Chair Weiss adjourned the meeting at 8:59 PM.