



City of Sunnyvale

Meeting Minutes

Planning Commission

Monday, August 14, 2023

7:00 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting: Study Session - Canceled | Public Hearing - 7:00 PM

STUDY SESSION CANCELED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Pyne called the meeting to order at 7:00 PM.

SALUTE TO THE FLAG

Chair Pyne led the salute to the flag.

ROLL CALL

Present: 5 - Chair Martin Pyne
Commissioner Galen Kim Davis
Commissioner John Howe
Commissioner Michael Serrone
Commissioner Neela Shukla

Absent: 2 - Vice Chair Nathan Iglesias
Commissioner Daniel Howard

The absences of Vice Chair Iglesias and Commissioner Howard are excused.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

There were no public speakers for this agenda item.

MOTION: Commissioner Howe moved and Commissioner Shukla seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 5 - Chair Pyne
Commissioner Davis
Commissioner Howe
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 2 - Vice Chair Iglesias
Commissioner Howard

1. [23-0772](#) Approve Planning Commission Meeting Minutes of July 24, 2023

Approve Planning Commission Meeting Minutes of July 24, 2023 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [23-0629](#) **Proposed Project:** Related applications on a 6.13-acre site:
USE PERMIT: to allow a mixed-use development including 114 condominium units and 35,393 square feet office space within 16 two- to three-story buildings.
TENTATIVE MAP: to create 114 condominium units and a 1.2-acre lot for an office development.
Location: 877 West Fremont Avenue (APN: 202-23-007)
File #: 2021-7922
Zoning: Office (O)
Applicant / Owner: Kamangar Consulting (applicant) / Silver Lake Foothill, LLC. (owner)
Environmental Review: The project qualifies for a streamlined CEQA process for infill development, pursuant to Public Resources Code Section 21094.5 along with its implementing regulations (Section 15183.3 and Appendices M and N of the State CEQA Guidelines) (infill streamlining provisions).

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

Senior Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Serrone disclosed that he previously met with the project applicant, residents, and at least one current tenant of the existing project site prior to the meeting.

Commissioner Serrone received clarification from Planning Officer Shaunn Mendrin

regarding the restrictions posed by Senate Bill 330 (SB 330). Planning Officer Mendrin explained that the proposed project must comply with design standards and guidelines that were in place at the time that the preliminary application for the proposed project was received. He added that the Planning Commission may not require anything that is not objective.

Commissioner Serrone confirmed with Planning Officer Mendrin that the requested state density bonus waivers for development standards do not involve the reduction of housing units for the proposed project.

Commissioner Serrone and Senior Planner Vashist discussed incentives available to the developer when meeting certain Green Building Program goals. In this case, Senior Planner Vashist explained that an increase of 10 feet in the proposed project's office building height is allowable since the building achieved LEED Gold Level with its proposed use of all-electric appliances.

Commissioner Serrone questioned whether the distance between buildings on the proposed project site may be reduced. Senior Planner Vashist answered that they may be reduced, but this distance must comply with Fire and Building codes.

Commissioner Serrone confirmed with Senior Planner Vashist that setbacks are measured from the property line behind the sidewalk to the building's supporting wall or column.

Commissioner Serrone confirmed with Senior Planner Vashist that the final Transportation Demand Management (TDM) plan for the proposed project is provided at the building permit stage.

Commissioner Howe confirmed with Senior Planner Vashist that the Planning Commission may not approve a motion to increase the required setbacks on the north and east sides of the proposed project. Senior Planner Vashist explained that the proposed setbacks comply with objective standards, and they exceed the minimum setback requirements already.

Commissioner Howe confirmed with Senior Planner Vashist that any alterations to the windows that are approved as part of the proposed project's plan set are subject to staff approval. These alterations must be in conformance with what is approved.

Commissioner Shukla and Senior Planner Vashist discussed the maximum height requirement that the proposed project's office building must abide by since it is in

an office zoning district with a General Plan land use designation of Village Mixed-Use (VMU).

Commissioner Shukla inquired about who will access and operate the proposed project's bicycle repair shop. Senior Planner Vashist responded that while this facility is intended for on-site users, the applicants may provide more information on this facility later during the meeting.

Commissioner Shukla confirmed with Senior Planner Vashist that the proposed project does not include any fabric awnings. Senior Planner Vashist explained that Recommended Condition of Approval AT-6 is a generic condition that is included for mixed-use developments or nonresidential projects.

Commissioner Shukla asked about the grading that will be modified for the proposed project site to prevent flooding or overflow to neighboring properties. Senior Planner Vashist provided some details on this matter and stated that the applicant team may be able to provide further clarification at a later time.

At Commissioner Davis' request, Senior Planner Vashist provided clarification on the three different General Plan/zoning designations that the proposed project is subject to (VMU, Office, and R-3). She also explained why the applicant requested a waiver for the office building's increased height even though the requested height follows the height specified for Village Centers in the General Plan with the VMU land use designation.

Commissioner Davis confirmed with Senior Planner Vashist that although the proposed project will include two separate lots, these lots will be integrated and will not function independently. Senior Planner Vashist added that the homeowner's association (HOA) will consider the shared parking spaces for both lots.

Commissioner Davis confirmed with Senior Planner Vashist that the proposed project's central open space will be private and may only be accessed by residents and visitors. However, Senior Planner Vashist added that the proposed project's corner plaza and gathering space will both be publicly accessible.

Commissioner Davis confirmed with Senior Planner Vashist that the Citywide guidelines do not specify materials to be used for the proposed project's parking lot.

At Commissioner Davis' request, Senior Planner Vashist verified that the proposed project's sidewalk width is 10 feet. Principal Planner George Schroeder added that

the sidewalks will be 10 feet wide, consisting of a four-foot tree well planting buffer and a path of travel six feet in width.

Commissioner Davis asked whether the proposed project's impacts upon the privacy of neighboring residential developments was studied. Senior Planner Vashist answered that while no such study was conducted, measures were taken to safeguard the privacy of neighbors. These include increasing the setbacks of the proposed project along the property lines abutting existing residential developments.

At Chair Pyne's request, Senior Planner Vashist provided additional information regarding the applicant's request to modify the signal at South Mary Avenue and West Fremont Avenue based on the safety improvements identified in the Sunnyvale Vision Zero Plan. Chair Pyne also confirmed with Principal Planner Schroeder that although the proposed project is not responsible for upgrading the signal, the City still plans to upgrade it at a later time.

Chair Pyne confirmed with Planning Officer Mendrin that the Planning Commission may impose new conditions of approval for the proposed project if the applicant agrees with the proposed conditions. Planning Officer Mendrin added that the Commission's approval or denial of the proposed project must be based upon the recommended findings provided by City staff.

Commissioner Shukla asked what options the applicant may have if the Planning Commission does not approve the proposed project. Senior Planner Vashist and Senior Assistant City Attorney Rebecca Moon confirmed that the builder's remedy would not apply in this instance since it requires the inclusion of 20% affordable housing units. Senior Planner Vashist added that the applicant may appeal any decision made by the Planning Commission to the City Council.

Commissioner Davis confirmed with Senior Assistant City Attorney Moon that the applicant may choose to withdraw their application for the proposed project and submit a new application that involves the proposed project's inclusion of 20% affordable housing units before the adoption of the Housing Element for the builder's remedy to apply.

Chair Pyne opened the Public Hearing.

Katia Kamangar, applicant representative, presented additional information about the proposed project.

Commissioner Davis confirmed with Ms. Kamangar that the cost of articulations and modifications to facade surfaces is approximately two hundred dollars per square foot or more.

At Commissioner Davis' request, Ms. Kamangar explained why the proposed project includes 114 housing units when 120 units are permitted by the Density Bonus Law.

At Commissioner Serrone's request, Ms. Kamangar provided reasons for modifying the proposed project site's grading.

Commissioner Serrone confirmed with Senior Planner Vashist and Ms. Kamangar that the paving for the proposed project will be more permeable than the paving for the existing site.

Commissioner Serrone and Ms. Kamangar discussed how the walls or fences that will be built on the proposed project's north and east sides must be designed and built in a way that prevents damage to any tree or tree roots along those sides.

Commissioner Serrone asked why the central open space for the proposed project will be exclusively for residents when it was previously intended for public use. Ms. Kamangar responded that this decision was made because a public park is not an objective requirement for the proposed project and the City does not offer a park in-lieu fee credit for the inclusion of one. She added that the proposed project includes two public gathering spaces.

Commissioner Serrone confirmed with Principal Planner Schroeder that the City requires the garage for each residential unit to include one 120V outlet and one 240V outlet.

Commissioner Serrone noted that there are tenants on the proposed project site with active leases. Ms. Kamangar responded that early communication with property owners and tenant outreach meetings were conducted to keep everyone informed. She added that the creation of the new buildings around existing tenants as they remain in place is not a workable, safe solution.

Commissioner Howe confirmed with Ms. Kamangar that one- or two-story multi-family developments exist to the northeast of the proposed project site. At Commissioner Howe's request, Ms. Kamangar explained the measures that will be taken to protect the privacy of residents in those developments.

Commissioner Howe confirmed with Ms. Kamangar that the transit pass noted in the TDM plan will be funded by the builder before the HOA is in effect.

Commissioner Shukla confirmed with Ms. Kamangar that there will be a walkway between buildings 14 and 15 to allow for additional pedestrian connectivity to West Fremont Avenue. Ms. Kamangar added that this walkway will include landscaping, air conditioner condenser units, and utility meter boxes.

Commissioner Shukla shared her disappointment with removing public access to the proposed project's central open space.

Commissioner Shukla proposed the relocation of streetlights for the proposed project so that they are closer to the walkways and make public gathering spaces more inviting. Ms. Kamangar responded that while she must adhere to City requirements for streetlights, the bollard lights for the proposed project may be relocated to provide sufficient lighting and prevent spillage of light onto adjacent properties.

Commissioner Shukla suggested that a different bench be used for the VTA transit stop.

Commissioner Shukla commented that, in her opinion, the office building and the residential building for the proposed project are not aesthetically cohesive.

Chair Pyne commended the applicant's consideration of shading for the proposed project's parking lot to address urban heat island effects.

Chair Pyne confirmed with Ms. Kamangar that there will be 20 compact parking spaces in the proposed project's northeastern corner to include sizeable trees that will act as a solid landscape buffer in that corner.

Chair Pyne confirmed with Ms. Kamangar that the proposed project's residential development will not be a gated community.

Bruce Terris, Sunnyvale resident, thanked the Planning Commission and the applicant team for addressing residents' concerns and creating a design that minimizes impacts to adjacent properties. He shared his concerns regarding the modifications to the grading for the proposed project site and the height and design of the retaining wall on the northern side of the proposed project. In particular, a wall design that would result in the loss of his trees would prevent him from maintaining his privacy. He urged the Commission to adopt a recommendation that

would involve supervision of the proposed project by an arborist to minimize risk to these trees.

Sotirios Limotyrakis shared his concerns regarding the noise that will be generated cumulatively by the proposed project's air conditioning units.

Cathy Bechtel, Sunnyvale resident, expressed her concerns about the negative impacts that the proposed project will have upon the character of the City's Village Centers, rent for current tenants on the proposed project site, and traffic along Fremont Avenue and Mary Avenue. She asked the Planning Commission to consider these concerns as they apply to the proposed project and future Village Center developments.

Tracy Wingrove, Sunnyvale resident, noted the potential increase in traffic going to and from State Route 85 on Fremont Avenue especially since there is heavy bicycle traffic on this road.

Brian Lombard, Sunnyvale resident, voiced his concerns regarding the effects that the proposed project's high density and tall structures will have upon the traffic and character in the area by South Mary Avenue and West Fremont Avenue.

Marc Pegolotti, Sunnyvale resident, emphasized that the fence that will be built along his property line on the northern portion of the proposed project may result in damages to his backyard infrastructure. He requested another review of the fence design for this reason.

Rama Penumarti, Sunnyvale resident, stated that the reduced side setback on Mary Avenue limits sidewalk space. He added that if the other Village Centers were to be developed similarly, the nature of the street and surrounding area will change dramatically. Lastly, he questioned the negative impacts that the proposed project will have upon traffic and local schools and whether any mitigation measures are in place to address these impacts.

Tina Kobetsky, Sunnyvale resident, stated that, in her opinion, the proposed project is not consistent with the surrounding neighborhood and the City as a whole. She also questioned how traffic will be affected by the proposed project and future developments on the other Village Centers. Lastly, she stressed the importance of supporting small businesses since such businesses will not be able to afford rent in new developments.

Elaine Lea-Chou, Sunnyvale resident, echoed previous concerns shared regarding

the negative impact that the proposed project will have on traffic.

Louis Mirante, Vice President of Public Policy at the Bay Area Council, spoke in support of the proposed project and noted that it has the unanimous support of the Project Endorsement Subcommittee. This is because it provides low-income and affordable homeownership opportunities, it is transit-oriented, and it is in a walkable location. He urged the Planning Commission's support of the proposed project.

Carol Weiss, Sunnyvale resident, discussed the importance of a cohesive appearance and use among all Village Center developments; the location of trash enclosures near accessible units; the use of reflective surfaces on the proposed project's parking lot; and the distinction between affordable housing and below-market rate (BMR) housing. She added that the initial concept for the Village Centers is different from the proposed project, and she shared her hope that the Planning Commission will consider concerns raised by the public.

Sherry L. shared her concerns regarding the impacts that City developments have upon traffic congestion, infrastructure, water usage, and quality of life for its residents. She questioned whether the proposed project's residential units will be desirable and priced appropriately. She echoed concerns previously raised including the grading for the proposed project site, the proposed height of the developments, and noise within the development. She urged the City to prioritize the quality of life of its residents and the cohesiveness of its developments.

Ann Yadlowsky, Sunnyvale resident, spoke in support of the proposed project and the high-density area it will yield. She also questioned how the proposed office building compares to the existing office building in terms of square footage and occupancy and whether the new office building will include a secure bicycle locker. Lastly, she voiced her concerns about the distance of trash enclosures to the buildings and suggested that some of the compact parking spaces be converted to full-size spaces instead.

Coleen Hausler, Sunnyvale resident, voiced her support of the proposed project and its ability to provide much-needed housing. She also applauded the proposed project for meeting City requirements.

Nitya Peumans, Sunnyvale resident, noted the traffic and environmental impacts that the proposed project will have. She also stated that the decreased space between buildings on the proposed project site will set a precedent for future housing developments to be as congested.

Commissioner Davis confirmed Senior Planner Vashist that all driveways on the proposed project site will open into the interior of the property except for one driveway access on South Mary Avenue. She added that a new one will be added on Fremont Avenue.

Mr. Sudeep, representing his wife Dr. Lakshmy Sudeep (current tenant at the existing project site), stated that Dr. Sudeep's lease expires in December 2026. Since the property owners are not providing relocation assistance to tenants, tenants are subject to a termination fee if they exit their leases prematurely, and there is no safe solution to build the proposed project while current tenants are in place, he urged the Commissioners to ensure that construction of the proposed project does not begin until all tenant leases have expired.

Ms. Kamangar presented additional information about the proposed project.

At Commissioner Howe's request, Ms. Kamangar explained how the construction of the fence on the northern side of the proposed project will consider concerns of the fence line neighbors.

Commissioner Howe discussed with Ms. Kamangar and City staff how the proposed project will meet the City's noise ordinance.

Commissioner Davis noted that the applicant is ceding some usable space to neighbors to ensure that the foundation for the northern fence does not encroach on neighboring land. He also proposed that additional consideration be given to the solid part of the fence design.

Commissioner Serrone asked how active tenant leases will be managed. Jordan Christensen, property owner, answered that the property owners are managing each lease on an individual basis and that the leases will be abided by since they are legally binding.

Chair Pyne confirmed with Senior Planner Vashist that if the planning permit for the proposed project is approved by the Planning Commission and not appealed, it will expire in two years unless it is exercised (construction of a building foundation or walls or the final tentative map is recorded). She added that a one-year extension of the permit may also be approved at staff-level.

Chair Pyne closed the Public Hearing.

At Chair Pyne's request, Planning Officer Mendrin provided an overview of the

Village Center Master Plan process.

At Chair Pyne's request, Senior Planner Vashist and Principal Planner Schroeder explained what is defined as a "moderate income household."

Commissioner Davis commended the applicants for engaging with the community and minimizing impacts to neighboring residents. He also noted that the Planning Commission has limited authority to deny housing applications due to state laws in effect.

Commissioner Shukla spoke in support of the proposed project and commended the applicant for collaborating with both City staff and neighboring residents to adapt a design that adheres to City requirements and also addresses concerns of neighbors.

Commissioner Serrone echoed comments made by Commissioner Davis regarding restrictions posed by state law upon housing applications and the applicant's efforts to take neighboring residents' concerns into account when developing the proposed project. He also suggested that the motion adopted by the Planning Commission should include a condition of approval that would involve the applicant consulting with fence line neighbors to create a mutually agreeable fence design.

MOTION: Commissioner Howe moved and Commissioner Serrone seconded the motion to approve Alternative 2 – Make the Findings to approve the California Environmental Quality Act (CEQA) determination that the project is categorically exempt from further environmental review pursuant to CEQA Section 15183.3 and Appendices M and N of the State CEQA Guidelines as noted in Attachment 5 and approve the Use Permit and Tentative Map subject to the findings in Attachment 3 and modified Conditions of Approval.

Note that Recommended Condition of Approval BP-14 must be modified to read as follows:

"BP-14. MINIMIZE IMPACTS TO NEIGHBORING TREES:

The project applicant shall implement the recommendations provided in the arborist report by Hortscience Bartlett Consulting dated February 2023 with respect to minimizing impacts to neighboring trees along the north and east sides. The applicant's Certified Arborist shall review the fence and retaining wall design, inspect the related construction activities, and ensure implementation of all the recommendations in the arborist report to minimize impacts on neighboring trees.

The City Arborist may also review and inspect the applicant's arborist findings and require additional measures. The project applicant shall also conduct two meetings with fence line neighbors to arrive at a consensus for the fence and retaining wall design. If a consensus is not reached, the fence and retaining wall design is subject to the approval of the Director of Community Development. [COA] [PLANNING]"

Commissioner Howe spoke in support of the proposed project, noted it is one of the best ones he has seen in his time as a Councilmember and as a Planning Commissioner, and he commended the applicant and neighbors for their collaboration on mutually agreeable elements for the proposed project.

Commissioner Davis voiced his support of the motion and emphasized the need for increased housing in the City. He also noted that the applicant's efforts to address concerns raised by neighbors went above and beyond what was required of them.

Commissioner Shukla advocated for the motion and the proposed project's design and inclusion of both residential units and office space.

Chair Pyne stated that he in support of the motion and highlighted the proposed project's quality design and ability to provide increased housing and homeownership opportunities. He added that Attachment 8 addresses concerns raised regarding the proposed project's impact on traffic. He also mentioned that he is glad that the proposed project site will support medical and dental use and that mitigation measures are in place to protect trees adjacent to the proposed project site. Lastly, he confirmed that he may make the findings to support the motion.

The motion carried by the following vote:

Yes: 5 - Chair Pyne
Commissioner Davis
Commissioner Howe
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 2 - Vice Chair Iglesias
Commissioner Howard

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, August 29, 2023.

