



City of Sunnyvale

Notice and Agenda

Planning Commission

Monday, September 12, 2022

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15 | AT&T Channel 99

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

Meeting Online Link: <https://sunnyvale-ca-gov.zoom.us/j/91827390357>

Special Teleconference Notice

Because of the COVID-19 emergency and the health orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Planning Commission will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed August 30, 2022).

Public Participation

- *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (*9 on a telephone):*

Meeting Online Link: <https://sunnyvale-ca-gov.zoom.us/j/91827390357>

*Meeting call-in telephone number: 833-548-0276 | Meeting ID: 918 2739 0357
(*9 to request to speak | *6 to unmute/mute)*

- *Watch the Planning Commission meeting at <http://youtube.com/SunnyvaleMeetings> or on television over Comcast Channel 15, AT&T Channel 99*
- *Submit written comments to the Planning Commission no later than 4 hours prior to the meeting start to planningcommission@sunnyvale.ca.gov or by mail to: Sunnyvale Planning Division, 456 W. Olive Avenue, Sunnyvale, CA 94086-3707*
- *Review recordings of this meeting and past meetings at <https://sunnyvaleca.legistar.com/calendar.aspx> or <http://youtube.com/SunnyvaleMeetings>*

Accessibility/Americans with Disability Act (ADA) Notice

Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or for other special assistance; please contact the City at least 48 hours prior to enable the City to make reasonable arrangements to ensure accessibility to this meeting. The Planning Division may be reached at 408-730-7440 or at planning@sunnyvale.ca.gov (28 CFR 35.160 (b) (1)).

STUDY SESSION CANCELED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Call to Order via teleconference.

ROLL CALL

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the Planning Commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Planning Commission to take action on an item not listed on the agenda. If you wish to address the Planning Commission, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.

1. [22-0827](#) Approve Planning Commission Meeting Minutes of July 25, 2022

Recommendation: Approve Planning Commission Meeting Minutes of July 25, 2022 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearing/general business item, please refer to

notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 5 minutes for closing comments.

2. [22-0905](#) **REQUEST FOR CONTINUANCE TO SEPTEMBER 26, 2022**
 Consider a Tenant Protection and Right to Lease Ordinance (Study Issue)

Recommendation: Continue to the Planning Commission hearing date of September 26, 2022.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

ADJOURNMENT

Notice to the Public:

Any agenda related writings or documents on this agenda distributed to members of the Planning Commission are available by contacting the Planning Division at 408-730-7440 or planning@sunnyvale.ca.gov. Agendas and associated reports are also available at sunnyvaleca.legistar.com/calendar.aspx 72 hours before the meeting.

*Planning a presentation for a Planning Commission meeting?
To help you prepare and deliver your public comments, please review the "Making Public Comments During City Council or Planning Commission Meetings" document available on the City website.*

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing.

PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.



City of Sunnyvale

Agenda Item 1

22-0827

Agenda Date: 9/12/2022

SUBJECT

Approve Planning Commission Meeting Minutes of July 25, 2022

RECOMMENDATION

Approve Planning Commission Meeting Minutes of July 25, 2022 as submitted.



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, July 25, 2022

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15 | AT&T Channel 99

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

STUDY SESSION CANCELED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on July 12, 2022.

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

ROLL CALL

Present: 7 - Chair Martin Pyne
Vice Chair Nathan Iglesias
Commissioner Daniel Howard
Commissioner John Howe
Commissioner Michael Serrone
Commissioner Neela Shukla
Commissioner Carol Weiss

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

MOTION: Commissioner Howe moved and Commissioner Weiss seconded the motion to approve the Consent Calendar with the following revision to the minutes:

1.) Note that the second paragraph on page eight pertaining to Agenda Item 3 should read as follows: "As directed by the Planning Commission, the approved second floor frosted windows shall remain on the east and west side elevations. Proposed modifications to the windows with respect to enlargement, new windows,

or removal of frosted glazing shall be subject to an additional planning permit with review at a Zoning Administrator hearing, Planning Commission meeting, or City Council meeting. Additionally, any future proposals for second floor balcony(ies) and/or patio(s) shall be subject to an additional planning permit with review at a Zoning Administrator hearing, Planning Commission meeting, or City Council meeting. [Planning Commission]"

The motion carried by the following vote:

Yes: 7 - Chair Pyne
Vice Chair Iglesias
Commissioner Howard
Commissioner Howe
Commissioner Serrone
Commissioner Shukla
Commissioner Weiss

No: 0

1. [22-0763](#) Approve Planning Commission Meeting Minutes of July 11, 2022

PUBLIC HEARINGS/GENERAL BUSINESS

2. [22-0701](#) **Proposed Project:**
APPEAL of a decision by the Director of Community Development denying a **DESIGN REVIEW** for a 494-square-foot first-floor addition to an existing one-story single-family residence, resulting in 2,103 square feet gross floor area (1,524-square-foot living area, 287-square-foot garage, 204-square-foot covered patio and 88-square-foot shed) and 36.7% Floor Area Ratio (FAR).
Location: 416 Wilson Avenue (APN: 209-21-050)
File #: 2022-7025
Zoning: R-0
Applicant / Appellant / Owner: W.H. Yang (applicant/appellant) / Bohan Zheng and Shuai Wang (owner)
Environmental Review: Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) 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 Howe confirmed with Senior Planner Vashist that the proposed

project would be approved by staff if the plate height is reduced to nine feet.

Vice Chair Iglesias discussed City guidelines for eave heights with Senior Planner Vashist. Senior Planner Vashist explained that a lower height along the roof edges allows the roof to maintain comparability with neighboring homes.

Vice Chair Iglesias and Senior Planner Vashist discussed the goal of minimizing visual bulk with regard to different roof styles. Vice Chair Iglesias stated that, in his opinion, a flat roof is more consistent with the neighboring roof styles.

At Commissioner Howard's request, Senior Planner Vashist defined what is meant by the term plate height.

Chair Pyne opened the Public Hearing.

Bohan Zheng and Shuai Wang (applicants and homeowners of the property at 416 Wilson Avenue) presented the project including additional images and information.

Commissioner Weiss noted that the proposed project's floor plans indicate the inclusion of two dining rooms. Mr. Zheng and Ms. Wang explained that they would like to create a formal dining room since, currently, their home only has a small dining area.

Commissioner Weiss confirmed with the applicants that they plan to install solar panels on their roof at a later date.

Commissioner Weiss confirmed with the applicants that a cost analysis was done between their preferred roof design and a shed roof. Results from this analysis revealed that their preferred roof design is more cost effective.

Vice Chair Iglesias confirmed that the applicants did not complete an actual measurement of the roof height of the property to the left of theirs. Instead, this measurement was a visual estimation.

Vice Chair Iglesias confirmed with the applicants that the photos of homes under construction which were included in their presentation were photos of neighboring homes taken the week prior to the Planning Commission meeting. The applicants informed Vice Chair Iglesias that the addresses of those homes are 445 Wilson Avenue and 436 Wilson Avenue.

At Commissioner Howard's request, Principal Planner George Schroeder explained guidelines for plate heights and the reasoning behind them.

Commissioner Shukla confirmed with Principal Planner Schroeder that a difference in plate heights between adjacent homes is generally visually noticeable.

Commissioner Howe reflected on objective guidelines in the 2003 Single Family Home Design Techniques.

Stephen Meir, Sunnyvale resident, commented that the proposed project design is beautiful and urged the Planning Commissioners to approve the proposed project. He also asked that the Planning Commissioners remain consistent in their decisions as he referenced a previous project that was appealed and later approved by the Planning Commission.

Mr. Zheng, Ms. Wang, and WeiHong Yang (the applicants' architect) presented the project including additional images and information.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Weiss moved and Vice Chair Iglesias seconded the motion to approve Alternative 2 - Grant the appeal and approve the Design Review with the recommended conditions in Attachment 4.

Commissioner Weiss complimented the proposed project's modern design and stated that it is not significantly different from other homes within the surrounding neighborhood. She also commented that a flat roof will allow for easier installation of solar panels at a later date.

Vice Chair Iglesias voiced his support of the motion and provided his reasons why.

Commissioner Howard stated that he is not in support of the motion and explained his concerns with the Single Family Home Design Techniques.

Commissioner Howe revealed that he is in support of a nine-foot plate height, but not a ten-foot plate height.

Commissioner Serrone expressed that he is in support of the motion since the

proposed project's design is consistent with the existing design.

Commissioner Shukla advised that, in following the Single Family Design Techniques, she is not in support of the motion.

Chair Pyne, like Commissioner Shukla, advised that the existing Single Family Design Techniques does not allow for a ten-foot plate height, so he is unable to support the motion. He shared his hope that the updated Single Family Home Design Techniques will allow for more flexibility.

Commissioner Howard noted that, according to the Eichler Design Guidelines, low-roof plate heights are characteristic of Eichler homes.

The motion failed by the following vote:

Yes: 3 - Vice Chair Iglesias
Commissioner Serrone
Commissioner Weiss

No: 4 - Chair Pyne
Commissioner Howard
Commissioner Howe
Commissioner Shukla

MOTION: Commissioner Howe moved and Commissioner Howard seconded the motion to approve Alternative 3 - Grant the appeal and approve the Design Review with a modified condition.

1.) Note that Recommended Condition of Approval PS-1 must be added and should read as follows:

"PS-1. REQUIRED REVISIONS TO PROJECT PLANS:

The plans shall be revised to address comments from the Planning Commission including the following:

a) Reduce the plate height for the proposed addition to nine feet."

Commissioner Howard thanked Commissioner Howe for creating the motion he intended to make.

Commissioner Serrone confirmed with Chair Pyne that the motion involves a nine-foot flat roof for the proposed project.

The motion carried by the following vote:

Yes: 5 - Chair Pyne
Vice Chair Iglesias
Commissioner Howard
Commissioner Howe
Commissioner Shukla

No: 2 - Commissioner Serrone
Commissioner Weiss

This decision is final.

3. [22-0614](#) **Proposed Project:** Related applications on a 1.25-acre site:
DEVELOPMENT AGREEMENT (DA): Introduction of an Ordinance Approving and Adopting of a DA between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.
SPECIAL DEVELOPMENT PERMIT (SDP): to demolish the existing buildings and construct a new 125,128 square foot four (4) story office building with two (2) levels of underground parking.
Location: 480 & 490 S. Mathilda Avenue and 355 W. Olive Avenue (APNs:209-28-008 & 052)
File #: 2021-7281 (DA) & 2021-7280 (SDP)
Zoning: DSP Block 13
Applicant: Daniel Minkoff, Minkoff Group
Owners: Gary Thon-Lon Hon and Nichole Ying Lin Hon, as Trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.
Environmental Review: A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City CEQA Guidelines.
Project Planner: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov

Planning Officer Shaunn Mendrin presented the staff report with a slide presentation.

At Commissioner Howard's request, Planning Officer Mendrin provided an explanation on Article 4.2.2 of the Draft Ordinance and Development Agreement (DA).

Commissioner Howe asked about the line of sight from the rooftop terrace on the proposed project's fourth floor to the residential buildings. Planning Officer Mendrin responded that the line of sight should be minimal due to the proposed project's setback from the east property line, and he added that the applicant's presentation may provide additional information on this topic.

Commissioner Weiss discussed with Planning Officer Mendrin why more trees will not be planted to replace the trees that will be removed from the proposed project site. Commissioner Weiss emphasized the importance of including more trees on the ground level of the proposed project site to provide adequate shading and prevent urban hotspots. Planning Officer Mendrin advised that the Planning Commission may include a condition of approval which will involve City staff's collaboration with the applicant to explore the addition of more trees on the proposed project site.

At Commissioner Weiss' request, Community Development Department (CDD) Director Trudi Ryan explained the Community Benefit Fund contribution described in the DA and how these funds might be allocated.

Commissioner Serrone disclosed that he met with the developer of the proposed project prior this meeting.

Commissioner Serrone, like Commissioner Howe, shared his concerns regarding the line of sight from the proposed project's fourth-floor rooftop terrace. He proposed the inclusion of greenery to serve as a privacy screen for neighboring residential buildings.

Commissioner Serrone confirmed with Planning Officer Mendrin that no olive trees will be planted on the proposed project site. Instead, variations of oak trees will be planted to replace the trees removed from the proposed project site.

Commissioner Serrone commented that the improvements made to the bicycle lanes on Mathilda Avenue should be extended down to Washington Avenue.

Commissioner Serrone confirmed with Planning Officer Mendrin that, on the building side of Olive Avenue, street parking will not be permitted. Robert Eckols, City traffic consultant, added that the reduction of driveways on Olive Avenue will ensure the safety of pedestrians and bicyclists.

Commissioner Serrone confirmed with CDD Director Ryan that the City does not offer specific incentives for the proposed project's use of mass timber. CDD Director Ryan added that there are specific benefits to using mass timber, including a reduced carbon footprint, and stated that the applicant is aiming to achieve WELL certification.

Vice Chair Iglesias also disclosed that he met with the developer of the proposed project prior to this meeting.

Vice Chair Iglesias suggested that the City consider requiring the use of story poles to better inform residents of upcoming proposed projects. CDD Director Ryan explained why story poles are not required by the City and advised that applicants are instead encouraged to produce renderings of the proposed project from various angles or provide drone views from various locations on the proposed project site.

Commissioner Shukla stated that, in her opinion, it would be great if a portion of the Community Benefit Fund contribution could be allocated to residents impacted by the proposed project. She also suggested that the public be granted access to the proposed project's fourth-floor rooftop terrace after business hours.

Chair Pyne confirmed with CDD Director Ryan that, to her knowledge, story poles have not been in use within the City.

Chair Pyne asked about the length of time it would take for the greenery along the east property line to grow to provide adequate landscape screening. Planning Officer Mendrin answered that the applicant or his landscape architect might be better able to address this question.

Chair Pyne inquired about whether a protected left turn on Olive Avenue has ever been considered. Planning Officer Mendrin and Mr. Eckols explained considerations that have been made for this left turn lane and other potential traffic impacts.

Chair Pyne opened the Public Hearing.

Daniel Minkoff, President of The Minkoff Group, responded to comments and questions posed by the Planning Commissioners. He also presented the project including additional images and information.

Commissioner Weiss expressed concerns about pedestrian safety from vehicular traffic at the Olive Avenue garage. She asked whether any kind of warning system will be implemented to alert pedestrians of oncoming vehicles. Mr. Minkoff assured her that the reduction of driveways on Olive Avenue will increase pedestrian safety. Planning Officer Mendrin advised Commissioner Weiss that the Planning Commission may include a condition of approval which will involve the proposed project's inclusion of safety elements that will address pedestrian safety at the garage in question.

Commissioner Weiss asked whether it is possible to schedule trash pickup at the proposed project site to prevent disturbance of neighboring residents. Mr. Minkoff provided examples of efforts being made to achieve this goal.

David Snow, Sunnyvale resident, expressed his concerns with the proposed project. These included City staff's approach to the California Environmental Quality Act (CEQA) and the proposed project's lack of transportation impact studies, mitigation measures for disturbance to neighboring residents by trash collection, and information on its landscape architecture plans.

Ari Feinsmith, team leader of Bike Sunnyvale, shared his gratitude that the developer considered his team's feedback regarding the proposed project. He spoke in support of the proposed project and provided his reasons why.

Apurva, Sunnyvale resident, raised concerns about the proposed project's impact on traffic from Mathilda Avenue to Olive Avenue. In particular, he questioned the safety of bicyclists in light of increased vehicles on these streets.

Olaf Hirsch, Sunnyvale resident, stressed that the proposed project will negatively impact adjacent neighbors and the value of their property. He also commented that a decrease in the proposed project's size will allow for the addition of more trees on the proposed project site.

Andy Maloney shared his concerns with the DA, including its potential to set a precedent for increased allowable square footage. In particular, he questioned how this increase was permitted by the City. Mr. Maloney also expressed the negative impact that the proposed project will have upon residents and the amount of available parking on Taaffe Street, Frances Street, and Murphy Avenue.

Greg and Kristi Chiocco, Sunnyvale residents, voiced their opposition to the

proposed project. Mr. Chiocco called attention to the two petitions signed by nearly three hundred individuals in opposition to the proposed project. He stated that the Special Development Permit (SDP) does not meet certain requirements and stressed that the proposed project site is intended for smaller-scale developments. Mr. Chiocco added that the proposed project will negatively affect adjacent neighbors' quality of life and traffic on Olive Avenue. Regarding the latter, he questioned whether a traffic study was conducted. In his opinion, he commented that the privacy screening offered by the landscape plan is insufficient to adequately safeguard neighboring residents' privacy. Lastly, Mr. Chiocco referred to the Community Benefit Fund contribution as somewhat of a bribe, and Ms. Chiocco commented that the proposed project's design is not aesthetically pleasing.

Sharlene Liu, Sunnyvale resident and member of Bike Sunnyvale, spoke in favor of the proposed project. Specifically, she commended its inclusion of secure bicycle parking spaces and showers for those who bike to work. She commented that the proposed project will decrease vehicular traffic and promote improved mental health for those who bike to work.

Eddie Leone, current owner of Eddie's Quilting Bee, discussed the positive impact that the reduction of driveways on Olive Avenue will have upon traffic and stated that the proposed project will benefit both the City and the community. He acknowledged that the proposed project site is intended for commercial use and that the proposed project will generate more job opportunities. For these reasons, and the fact that the proposed project meets the goals of the City's Downtown Specific Plan (DSP) and possesses an aesthetically pleasing design, Mr. Leone spoke in favor of the proposed project.

Dawn Maher, speaking on behalf of the Sunnyvale Chamber of Commerce, spoke in support of the proposed project's DA and SDP. Her comments centered on the proposed project's ability to enhance the community as it meets the City's sustainability and Climate Action Plan goals.

Paul King, Sunnyvale resident, voiced his concerns regarding the proposed project. He called into question the discussion on the proposed project's stepdown on the east side and its height, and he shared his hopes that community feedback would be taken into greater account.

Heather Nielsen acknowledged that the proposed project will result in increased traffic on Olive Avenue and stressed the consideration of placing the garage

entrance at an alternate location. If not, she suggested that the setback for the garage be extended to accommodate a line of vehicles entering the garage. Lastly, she questioned the number of parking spaces offered by the proposed project and whether it will be sufficient to support the number of individuals who will work from its offices.

Bill Weaver, Sunnyvale resident, called attention to the large size of the proposed project and the increased traffic that will result on Olive Avenue and Mathilda Avenue if the proposed project is approved. He proposed an increase in privacy screening offered by the proposed project and suggested that the setbacks of the proposed project be increased as well. He also stated that he liked the architecture of the building.

Chuck Fraleigh encouraged the Planning Commissioners to approve the proposed project. He stated that, in his opinion, it will be a great addition to the City's downtown area, and he recognized the benefits it will offer to cyclists (i.e., secure bicycle parking and elevator access). Lastly, he noted that the proposed project's sustainable elements, such as its implementation of mass timber and electric vehicle (EV) charging, should be encouraged among all City developments.

Victor Kasik, owner of property across from the proposed project site, shared his concerns regarding the proposed project. These included the garage on Olive Avenue facing his property and violation of his tenants' privacy. Mr. Kasik stated that the developer has agreed to assist with costs for mitigating these concerns.

Ranjith Jayaram, Sunnyvale resident, urged the Planning Commission to consider a traffic and parking impact study to address the potential increase in traffic and decrease in available street parking that may result because of the proposed project's approval. He also noted that the proposed project's architecture is not consistent with the architecture of surrounding homes in the Heritage District.

Charlie Strouss spoke in favor of the proposed project and highlighted its architecture, sustainable elements, and the developer's pursuit of WELL certification. He also stressed the importance of an on-site office environment to prevent a decrease in available street parking.

Laurel, Sunnyvale resident, emphasized the importance of the proposed project's inclusion of adequate pedestrian-safe sidewalks, ideally surrounded by trees on both sides. She stated that such trees would provide ample screening and a nice

view. Lastly, she urged staff to consider safety guidelines to protect pedestrians from oncoming vehicles entering or exiting the garage on Olive Avenue.

Sonal Gupta, Sunnyvale resident, made known her concerns regarding increased traffic on Olive Avenue due to the proposed project's approval. She advised that a traffic study should be conducted and suggested that the garage and trash collection entrance to the proposed project should not be placed on Olive Avenue for this reason. Lastly, she echoed comments made by a previous member of the public regarding the Community Benefit Fund contribution appearing as somewhat of a bribe.

Art Kennedy commented on the proposed project's transparent windows, sustainable elements, forward-looking design, and rooftop amenities. He also disagreed with comments made regarding increased traffic since work shifts are generally staggered, and people arrive to and leave work at varying times.

Melinda Hamilton, former Sunnyvale mayor and councilmember, applauded the proposed project's design and acknowledged its positive qualities. At the same time, she sympathized with concerns raised by surrounding neighbors of the proposed project. She added that the Community Benefit Fund contribution should directly benefit the neighborhood and stated that, in her opinion, the proposed project should not move forward at the proposed project site due to the permitted density on that site.

Ray Johnson made the following statement to the Planning Commission: "To me, one of the main functions of a Planning Commission is to see that each development complies with the City regulations and standards. It would also make sense for the Commission to add conditions for approval, such as insisting story poles be installed prior to further consideration of this application, so everyone can view the enormous detrimental effect this overbuilding mistake will have in this location before we have to endure it for the next forty to a hundred years. So, I hereby ask the Commission to make the installation of story poles a condition of approval. The project before you fails to meet the DSP guidelines in many ways. Therefore, I would also like to take the opportunity to point out that the City's attempted use of a DA in this instance to avoid compliance with the Zoning Ordinance coupled with a phantom community benefit is nothing more than an attempt to buy approval of this project, which otherwise could not be approved upon any legitimate basis. In addition, the use of a DA in this manner was not the intent the legislature had in mind when they adopted Government Code Section 65865,

and its current use for the Minkoff Project leaves the City open to legal challenges in the court. I would also suggest you review my February 25, 2022 letter to the Commission to refresh my concerns about this egregious overbuild. In that letter, I pointed out how their structure exceeds the maximum number of square feet allowed by over 160% and the allowable height limit by over 35%. Therefore, why is that excess being deemed acceptable? Why is this project being allowed to skirt the General or Specific Plan Amendment process? Why is the City ignoring guidelines in the recently revised DSP with respect to the Minkoff project? Therefore, with that in mind, as you deliberate on this application tonight, it's not the night to leave your conscience, common sense, and your sense of responsibility to the residents of Sunnyvale at the door. They should be kept by your side to help you conclude that this developer's request, along with the Negative Declaration, should be denied until this proposal is within the limits set forth in the DSP."

Rick Logsdon, Sunnyvale resident, recognized the pros and cons of the proposed project. While it is a green project that offers transit benefits, it is also too big and will negatively impact parking and traffic in the surrounding area. In his opinion, until those cons are addressed, the proposed project should not be approved. Lastly, Mr. Logsdon also summarized comments made by speakers before him.

Kristian Hayward expressed his support of the proposed project and stated that developments like this are creating opportunities for people to live and work in the same area without having to commute. He also recognized that the proposed project is in alignment with City's plan for the proposed project site and that the applicant took community feedback into consideration.

Martin Kasik, a member of the public who indicated a desire to speak, was unable to do so due to technical difficulties on their end.

Mr. Minkoff presented the project including additional images and information.

Chair Pyne closed the Public Hearing.

Commissioner Howe and Planning Officer Mendrin discussed the traffic analysis completed for the proposed project, considering the site's current use and its projected use. Mr. Eckols explained that Vehicle Miles Traveled (VMT) was assessed, but the proposed project received an exemption due to its proximity to transit such as the Caltrain station. He added that results from the assessment revealed that the proposed project will not generate sufficient additional VMT to be

considered an issue. Mr. Eckols elaborated that other pieces of the CEQA analysis were studied, including safety emergency access.

At Commissioner Howe's request, Mr. Eckols provided examples of safety features that could be implemented at the Olive Avenue garage to protect pedestrians from oncoming vehicles. Planning Officer Mendrin added that a mechanical arm at the garage entrance and exit will assist with traffic regulation as well. While there is no existing condition of approval that addresses this topic, Planning Officer Mendrin advised that the Planning Commission may create one.

Commissioner Howard commented that the discussion regarding the safety features to be implemented at the garage driveway on Olive Avenue allowed him to better understand the driveway's safety overall.

Commissioner Howe offered conditions of approval to be included in the motion for Public Hearing Agenda Item 3.

Chair Pyne confirmed with CDD Director Ryan that the Planning Commission may make recommendations to the City Council regarding uses of the Community Benefit Fund contribution.

MOTION: Commissioner Howard moved and Commissioner Howe seconded the motion to approve Alternative 2 - Approve the DA and the Special Development Permit with Modifications

- a) Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report).
- b) Recommend that the City Council Introduce of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC (Attachment 2 to the Report) with modifications.
- c) Make the required Findings to adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program in accordance with CEQA, and approve the Special Development Permit based on Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5 subject to modified Conditions of Approval with modifications.

The modified conditions are stated below:

- 1.) Note that The Minkoff Group must work with the City's Traffic and Transportation Division staff to ensure pedestrian safety at the proposed project's garage on Olive Avenue.
- 2.) Note that The Minkoff Group must work with City staff to add additional trees on the proposed project site.
- 3.) Add a new General Condition of Approval which will read as follows: "Downtown Transportation Management Agency (TMA): The project applicant and future tenants shall participate in the TMA for Downtown when it is formed. [Planning and Public Works]."
- 4.) Add a new Prior to Final Condition of Approval which will read as follows: "Transportation Demand Management (TDM) Program: The project applicant shall submit a final TDM for review and approval prior to occupancy of the new building. [Planning and Public Works]"

Commissioner Howard commented on the placement of the proposed project relative to transit and the proposed project's impacts on the surrounding residents. He also recognized the proposed project's design and the applicant's efforts to consider community feedback. Commissioner Howard shared his views that, overall, the proposed project will positively contribute to the community.

Commissioner Howe acknowledged the proposed project's ability to safeguard the privacy of neighboring residents. He also noted that the proposed project is compliant with the DSP.

Commissioner Serrone stated that he is in support of the motion due to the proposed project's environmental sustainability aspects and distinctive architectural design. He also addressed some concerns raised by the public, including concerns about the proposed project's height and traffic impacts and the Community Benefit Fund contribution.

Commissioner Weiss voiced that Sunnyvale needs to be viewed as a city and that the proposed project should be viewed in this context. She praised the materials used by the proposed project, the proposed project's design, and the developer's consideration of community concerns regarding privacy and setback. Lastly, she voiced her support of the motion.

Commissioner Shukla commented on the growing vibrancy of the City's downtown area due to retail and restaurants. She stated that the approval of the proposed project will lend to this vibrancy, and she proposed suggestions for improving the

pedestrian experience at the proposed project site. Lastly, she spoke in support of the motion.

Chair Pyne thanked those who attended the Planning Commission meeting and those who provided comments on the proposed project. He revealed that he is sensitive to concerns regarding increased traffic, and he is grateful for staff's traffic analysis and the applicant's efforts to consider community feedback. Additionally, he noted that the proposed project site is designated for commercial use, and this is something the proposed project achieves. He commented on the importance of the City Council allocating a portion of the Community Benefit Fund contribution for the surrounding neighborhood. Lastly, although he stated his support of the motion, he recognized the importance of taking residents' concerns into consideration.

The motion carried by the following vote:

Yes: 7 - Chair Pyne
Vice Chair Iglesias
Commissioner Howard
Commissioner Howe
Commissioner Serrone
Commissioner Shukla
Commissioner Weiss

No: 0

This recommendation will be forwarded to the City Council for consideration at the August 16, 2022 meeting.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howard advised Chair Pyne that he is doing a wonderful job as Chair of the Planning Commission.

-Staff Comments

Planning Officer Mendrin announced that on July 26, 2022, the City Council will continue the discussion on The Minkoff Group project to the City Council meeting

on Tuesday, August 16, 2022.

Planning Officer Mendrin reminded the Planning Commissioners that they are invited to attend the Muwékma Park grand opening on Wednesday, July 27, from 6 p.m. to 7 p.m.

Planning Officer Mendrin informed the Planning Commissioners that a training for the Chairs and Vice Chairs of the City's Boards and Commissions is scheduled to take place on Thursday, July 28, 2022 at 5:30 p.m.

Planning Officer Mendrin assured the Planning Commission that more information will be provided later regarding the dedicated left turn lane on Olive Avenue.

Chair Pyne confirmed with CDD Director Ryan that the appealed Fremont Corners project is scheduled to be reviewed at the City Council meeting on Tuesday, August 9, 2022.

ADJOURNMENT

Chair Pyne adjourned the meeting at 10:52 PM.



City of Sunnyvale

Agenda Item 2

22-0905

Agenda Date: 9/12/2022

REPORT TO PLANNING COMMISSION

SUBJECT

REQUEST FOR CONTINUANCE TO SEPTEMBER 26, 2022

Consider a Tenant Protection and Right to Lease Ordinance (Study Issue)

REPORT IN BRIEF

Informational: Due to the complexity of the ordinance, staff needed additional time to make further modifications to ensure clarity before bringing the item forward for review. Because the item has been publicly noticed, staff is requesting the continuance to a date certain.

PUBLIC CONTACT

Staff is recommending that the Planning Commission continue this item from their meeting of September 12, 2022, to the Planning Commission meeting of September 26, 2022. Staff is also requesting that the City Council item be continued from September 27, 2002, to October 11, 2022.

STAFF RECOMMENDATION

Continue to the Planning Commission hearing date of September 26, 2022.

Approved by: Ernie Defrenchi, Affordable Housing Manager