



# City of Sunnyvale

## Notice and Agenda - Final Heritage Preservation Commission

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Wednesday, February 6, 2019

7:00 PM

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

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### **CALL TO ORDER**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the 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 commissioners to take action on an item not listed on the agenda. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary. Individuals are limited to one appearance during this section.*

### **CONSENT CALENDAR**

[19-0193](#)

Approve the Draft Heritage Preservation Commission Meeting Minutes  
of January 9, 2019

### **PUBLIC HEARINGS/GENERAL BUSINESS**

[19-0046](#)**Proposed Project:**

**LANDMARK ALTERATION PERMIT** to allow new color scheme for the building for Fuego Grill and Sports Bar.

**Location:** 163 S Murphy Avenue (APN: 209-06-010)

**File #:** 2018-8002

**Zoning:** Downtown Specific Plan (DSP) Block 2

**Applicant / Owner:** Fuego Grill (applicant) / Ante Bilic Trustee (owner)

**Environmental Review:** Categorical Exemption Class 1

**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES****NON-AGENDA ITEMS & COMMENTS****-Commissioner Comments****INFORMATION ONLY REPORTS/ITEMS****ADJOURNMENT***Notice to the Public:*

*Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and at the meeting location on the evening of the board or commission meeting, pursuant to Government Code §54957.5.*

*Agenda information is available by contacting Joey Mariano at (408) 730-7486. Agendas and associated reports are also available on the City's website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.*

*Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Joey Mariano at (408) 730-7486. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.160 (b) (1))*



# City of Sunnyvale

## Agenda Item

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**19-0193**

**Agenda Date:** 2/6/2019

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**SUBJECT**

Approve the Draft Heritage Preservation Commission Meeting Minutes of January 9, 2019

**RECOMMENDATION**

Approve the Draft Heritage Preservation Commission Meeting Minutes of January 9, 2019, as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft Heritage Preservation Commission

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Wednesday, January 9, 2019

7:00 PM

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

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### **CALL TO ORDER**

Chair Hopkins called the meeting to order.

### **SALUTE TO THE FLAG**

Chair Hopkins led the salute to the flag.

### **ROLL CALL**

**Present:** 6 - Chair Dawn Hopkins  
Vice Chair Dixie Larsen  
Commissioner Mike Michitaka  
Commissioner Kenneth Valenzuela  
Commissioner David Wu  
Commissioner Shanna Gaudenti  
**Absent:** 1 - Commissioner Steve Caroompas

### **ORAL COMMUNICATIONS**

None

### **CONSENT CALENDAR**

**1.A.**     [19-0033](#)     Approve the Draft Heritage Preservation Commission Meeting Minutes of December 5, 2018

Commissioner Michitaka motioned and Commissioner Valenzuela seconded to approve the Draft Heritage Preservation Commission Meeting Minutes of December 5, 2018, as submitted.

**Yes:** 4 - Commissioner Michitaka  
Commissioner Valenzuela  
Commissioner Wu  
Commissioner Gaudenti

**No:** 0

**Absent:** 1 - Commissioner Caroompas

**Abstain:** 2 - Chair Hopkins  
Vice Chair Larsen

## **PUBLIC HEARINGS/GENERAL BUSINESS**

### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None

#### **2.      [19-0028](#)      Selection and Ranking of Potential Study Issues**

Commissioners voted on the following study issues in the following priority order as follows:

- 1) CDD 18-02 Update and Review the Heritage Resources Inventory
- 2) CDD 16-14 Exploring Options for Establishment of a Plaque Program for Heritage Resources
- 3) CDD 19-05 Update the Heritage Resource Inventory to include potential resources associated with technological innovation
- 4) CDD 19-04 Update to the Historical Context Statement to include historical contributions made by Asian Americans and other minority groups
- 5) CDD 19-06 Programs to encourage visitation to Heritage and Landmark Resources

## **NON-AGENDA ITEMS & COMMENTS**

### **-Commissioner Comments**

Commissioner Hopkins asked staff to send mailers to Eichler home owners to seek their interest in the possibility of a study issue to list their homes on the Heritage Resource Inventory. Mr. Kuchenig replied that this would be added as a discussion item on a future agenda.

Commissioner Valenzuela asked about the status of ongoing study issues from this Commission.

## **INFORMATION ONLY REPORTS/ITEMS**

None.

**ADJOURNMENT**

Chair Hopkins adjourned the meeting at 7:36 p.m.



# City of Sunnyvale

## Agenda Item

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19-0046

Agenda Date: 2/6/2019

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

##### **Proposed Project:**

**LANDMARK ALTERATION PERMIT** to allow new color scheme for the building for Fuego Grill and Sports Bar.

**Location:** 163 S Murphy Avenue (APN: 209-06-010)

**File #:** 2018-8002

**Zoning:** Downtown Specific Plan (DSP) Block 2

**Applicant / Owner:** Fuego Grill (applicant) / Ante Bilic Trustee (owner)

**Environmental Review:** Categorical Exemption Class 1

**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

#### REPORT IN BRIEF

**General Plan:** Transit Mixed-Use

**Existing Site Conditions:** Restaurant

##### **Surrounding Land Uses**

**North:** Bar

**South:** Bar/Night Club

**East:** Surface Parking Lot

**West:** Restaurant

**Issues:** Consistency with Murphy Avenue Design Guidelines

**Staff Recommendation:** Approve the Landmark Alteration Permit with the recommended Conditions of Approval in Attachment 3.

#### PROJECT DESCRIPTION

The proposed project is to allow modifications to the exterior colors of the existing commercial building at 140 South Murphy Avenue, located within the Murphy Station Heritage Landmark District and the Downtown Specific Plan (Block 2). The existing building is a two-story building and is currently occupied by Fuego Grill and Sport Bar restaurant. The primary building entry faces South Murphy Avenue and the City-owned surface parking lot is located towards the rear of the building facing South Sunnyvale Avenue.

Sunnyvale Municipal Code Section 19.96.090 requires a Landmark Alteration Permit for substantial exterior modifications to buildings within a Local Landmark District, such as changes to exterior colors or materials. Minor modifications that are consistent with regulations and design guidelines, such as signs and awning replacement, can be approved through a staff-level permit..

#### BACKGROUND

##### **Previous Actions on the Site**

Since the approval of the Special Development Permit (SDP) to construct the two-story restaurant

building, numerous building permits were submitted and have been finalized to improve the interior space. In addition to the original SDP from 1989, two different outdoor seating permits related to the previous tenants (Tarragon) and numerous sign permits were approved for this property. The most recently-approved staff-level permit (2018-7680) included two permanent wall signs and minor modifications to existing awnings.

There have been a few Neighborhood Preservation cases associated with the new business Fuego Grill and Sports Bar, related to temporary signs and smoking, but all cases have been remedied and closed.

### **Existing Policies**

General Plan Goals and Policies: The applicable goals and policies from the Community Character Chapter of the General Plan along with analysis are included as recommended findings in Attachment 2.

Applicable Design Guidelines: The City's Design Guidelines provide recommendations for site layout, architecture, and design. The project is subject to the Murphy Avenue Design Guidelines, which is currently being updated and is expected to be adopted in the summer of 2019. The following design policy from the current Murphy Avenue Design Guidelines is applicable to the project:

- Colors: Every effort should be made to coordinate all the colors which make up a building's façade, including awnings and signage.

### **ENVIRONMENTAL REVIEW**

A Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include minor additions to an existing facility (CEQA Section 15301).

### **DISCUSSION**

The proposed project includes modifications on the exterior color scheme of the two-story restaurant building. The existing colors are dusty pink with brown accents on the building trims. The proposed colors are light grey with dark grey accent. As shown in the proposed elevations (Attachment 4), the proposed colors contrast well with the previously approved fabric awning and signs, which includes red, white, and black colors.

A historical evaluation was prepared by Antony Kirk on January 7, 2019 (see Attachment 6) to assess the impact of the color change to the overall Landmark District. As stated in the report, the façades of neighboring properties on Murphy Avenue have multiple colors ranging from the cool, dark colors of Metro City to the bright pink and beige of Tumeric restaurant. Other neighboring properties have yellow and orange-red (Paul & Harvey), and another has forest green with light brown and beige trim (K Tea Cafe). The proposed light grey and dark grey combination adds to the eclectic colors of the Murphy Avenue, and are compatible with the District.

### **FISCAL IMPACT**

No fiscal impacts other than normal fees and taxes are expected.

### **PUBLIC CONTACT**

As of the date of staff report preparation, staff has received no comments from the neighbors.

### **Notice of Public Hearing:**



- Published in the Sun newspaper
- Posted on the site
- 132 notices mailed to property owners and residents within 300 feet of the project site

**Staff Report:**

- Posted on the City's website
- Provided at the Reference Section of the City's Public Library

**Agenda:**

- Posted on the City's website
- Posted on the City's official notice bulletin board

**ALTERNATIVES**

1. Approve the Landmark Alteration Permit with the recommended Conditions of Approval in Attachment 3.
2. Approve the Landmark Alteration Permit with modifications.
3. Deny the Landmark Alteration Permit.

**STAFF RECOMMENDATION**

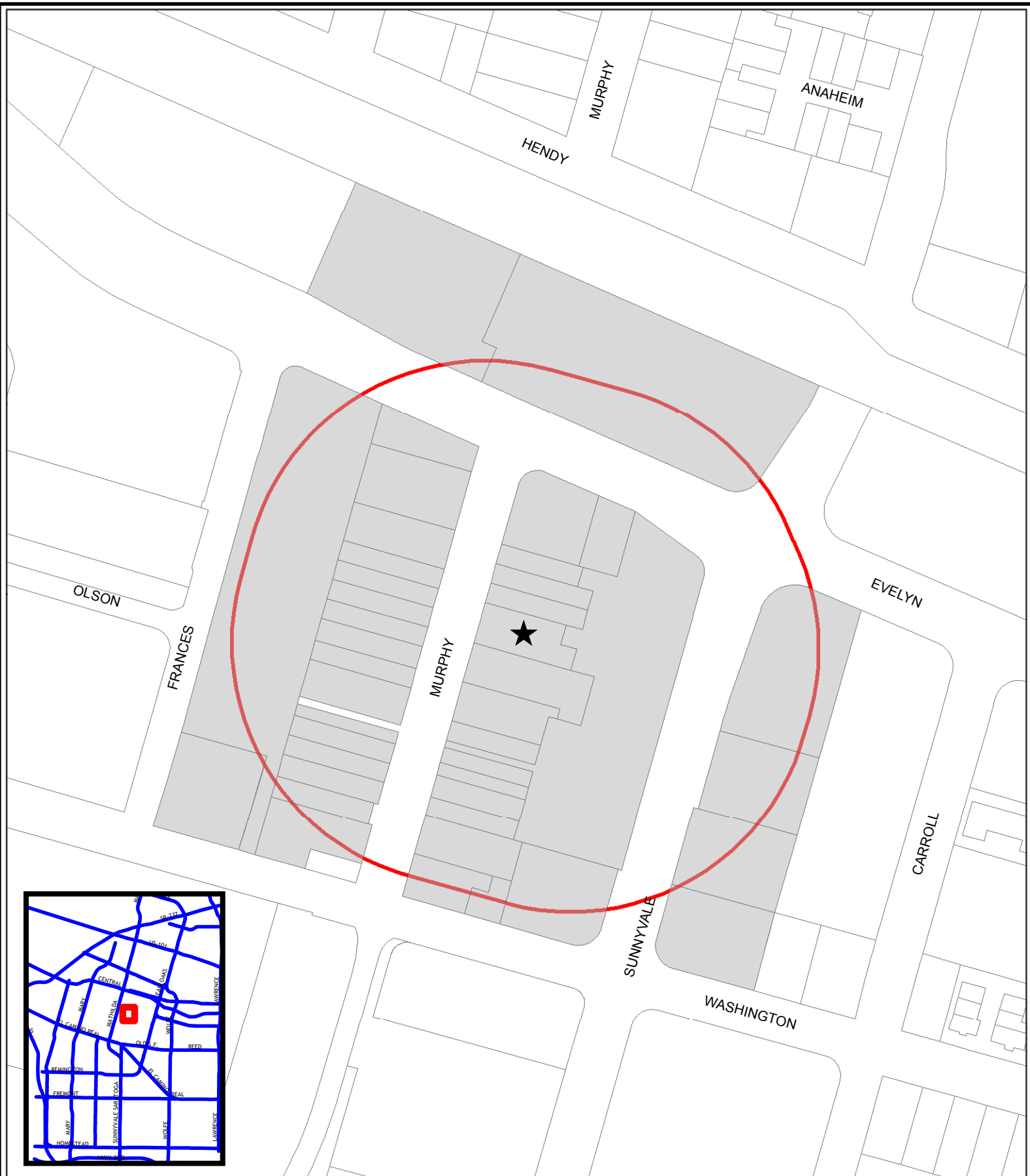
Alternative 1: Approve the Landmark Alteration Permit with the recommended Conditions of Approval in Attachment 3.

Prepared by: Kelly Cha, Associate Planner

Reviewed by: Noren Caliva-Lepe, Senior Planner

**ATTACHMENTS**

1. Vicinity and Noticing Map
2. Recommended Findings
3. Recommended Conditions of Approval
4. Architectural Plans
5. Applicant's Project Description Letter
6. Historical Evaluation Report prepared by Anthony Kirk



2018-8002  
 140 S Murphy Ave (APN: 209-06-081)  
 Landmark Alteration Permit  
 300-ft Area Map

0 50 100 200 Feet



## RECOMMENDED FINDINGS

### Landmark Alteration Permit

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#### Community Character Chapter – Heritage Preservation

Policy CC-5.2: Enhance the visual character of the city by preserving diverse as well as harmonious architectural styles and design preferences, which reflect various phases of the City's history and cultural traditions of past and present residents.

1. The proposed project will be consistent with the purposes of the Heritage Preservation Ordinance. **Finding Met.**

The proposed project is consistent with applicable sections of the Sunnyvale Municipal Code and the Murphy Avenue Design Guidelines. The light grey and dark grey combination proposed for the building contrasts well with the previously approved fabric signs and awnings, which includes red, white, and black colors. The proposed color scheme adds to the eclectic colors of the Murphy Avenue and therefore respect the character of the Murphy Station Heritage Landmark District.

2. The proposal will not be detrimental to the significant historical features of the building. **Finding Met.**

The proposed color scheme for the building is compatible with Murphy Avenue. The project is limited to changes in the paint color, and all character-defining features of the building will be unchanged. A historic evaluation report evaluated the color change and found the new colors to be consistent with the Landmark District and Murphy Avenue Design Guidelines. Therefore, the proposal will not be detrimental to the significant historical features of the building.

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RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
FEBRUARY 6, 2019

Planning Application 2018-8002  
140 S Murphy Avenue  
Modification to the exterior colors of the existing commercial building

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.
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GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to

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the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

**GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:**

The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)

**GC-4. INDEMNITY:**

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

**GC-5. NOTICE OF FEES PROTEST:**

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

<p><b>BP:</b> THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).</p>
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**BP-1. CONDITIONS OF APPROVAL:**

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

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**BP-2. RESPONSE TO CONDITIONS OF APPROVAL:**

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

**BP-3. BLUEPRINT FOR A CLEAN BAY:**

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

**BP-4. BEST MANAGEMENT PRACTICES - STORMWATER:**

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - ii) Dumpster drips from covered trash and food compactor enclosures.
  - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
  - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

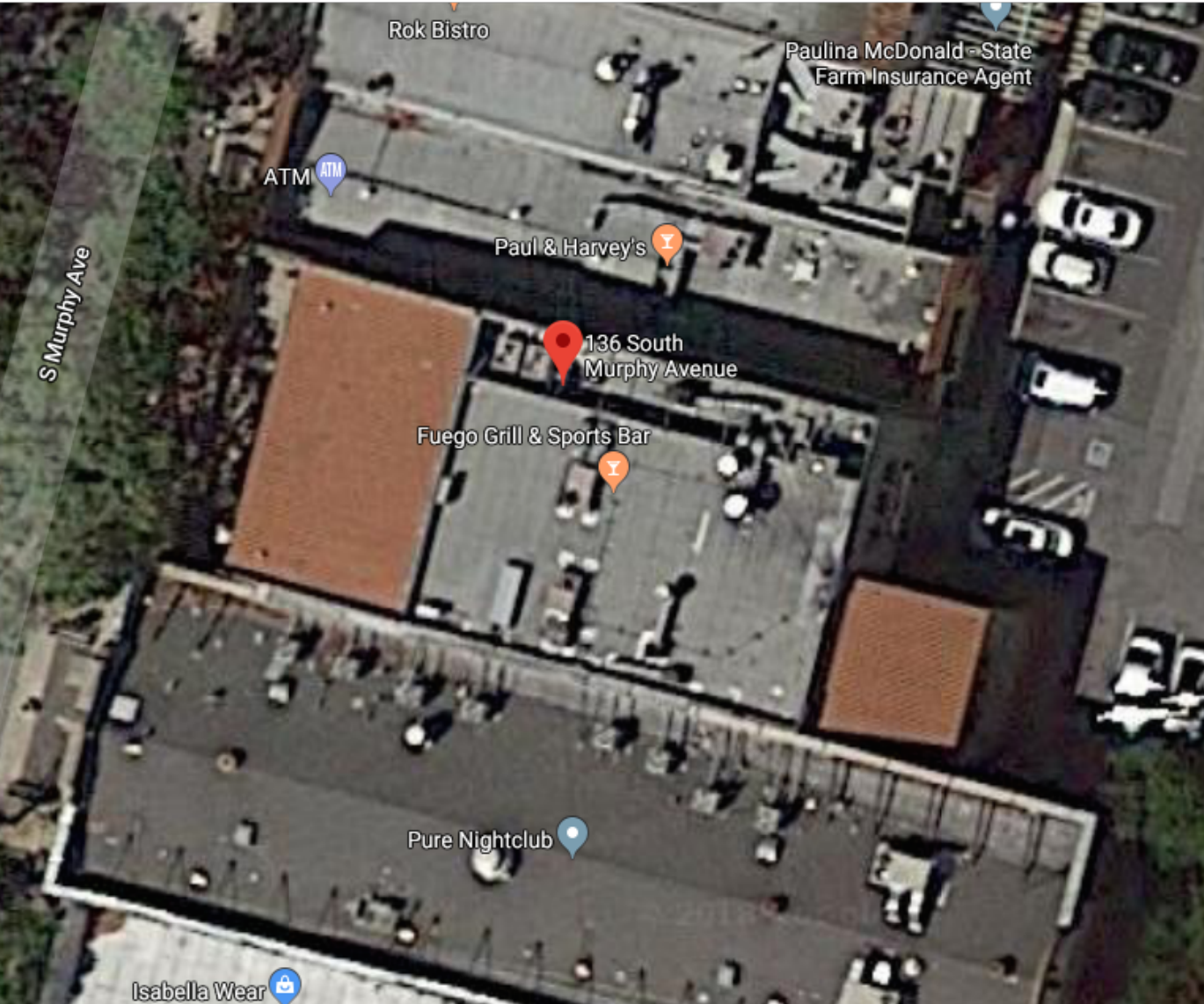




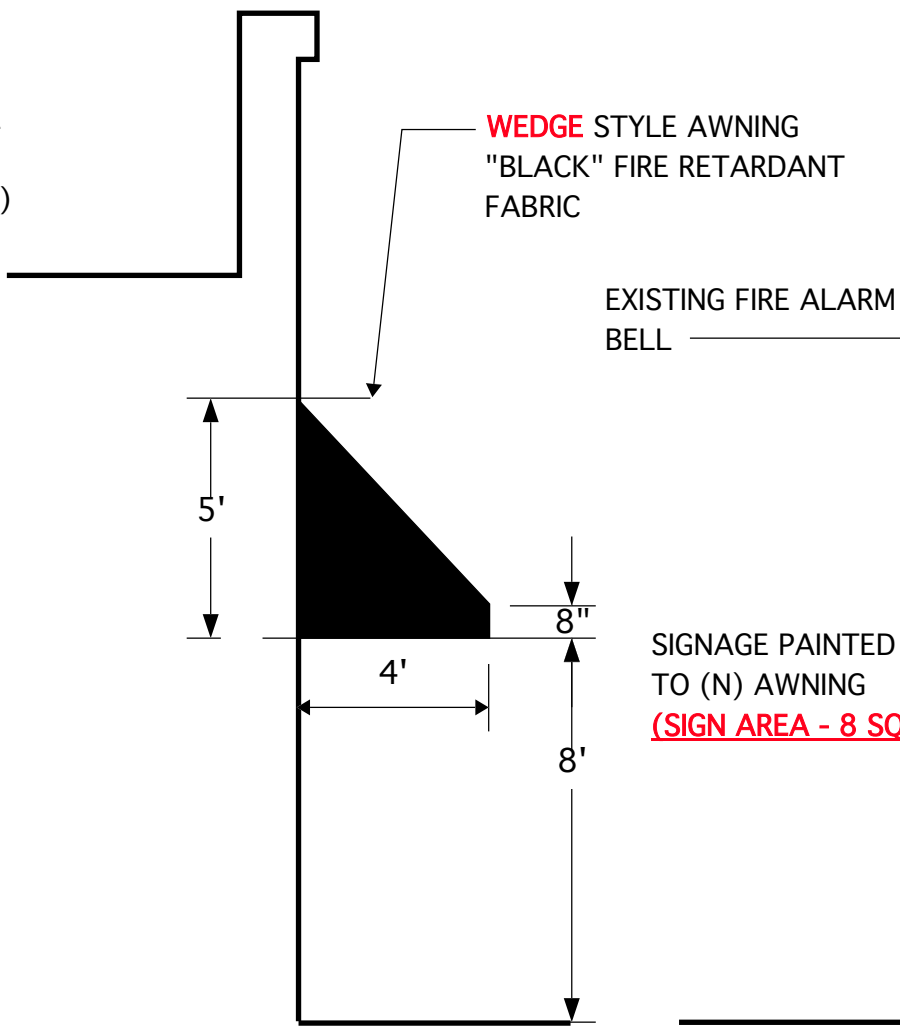
PHOTO OF (E) MURPHY AVENUE EXTERIOR ELEVATION  
NO SCALE:



PHOTO OF (E) REAR PARKING LOT EXTERIOR ELEVATION  
NO SCALE:



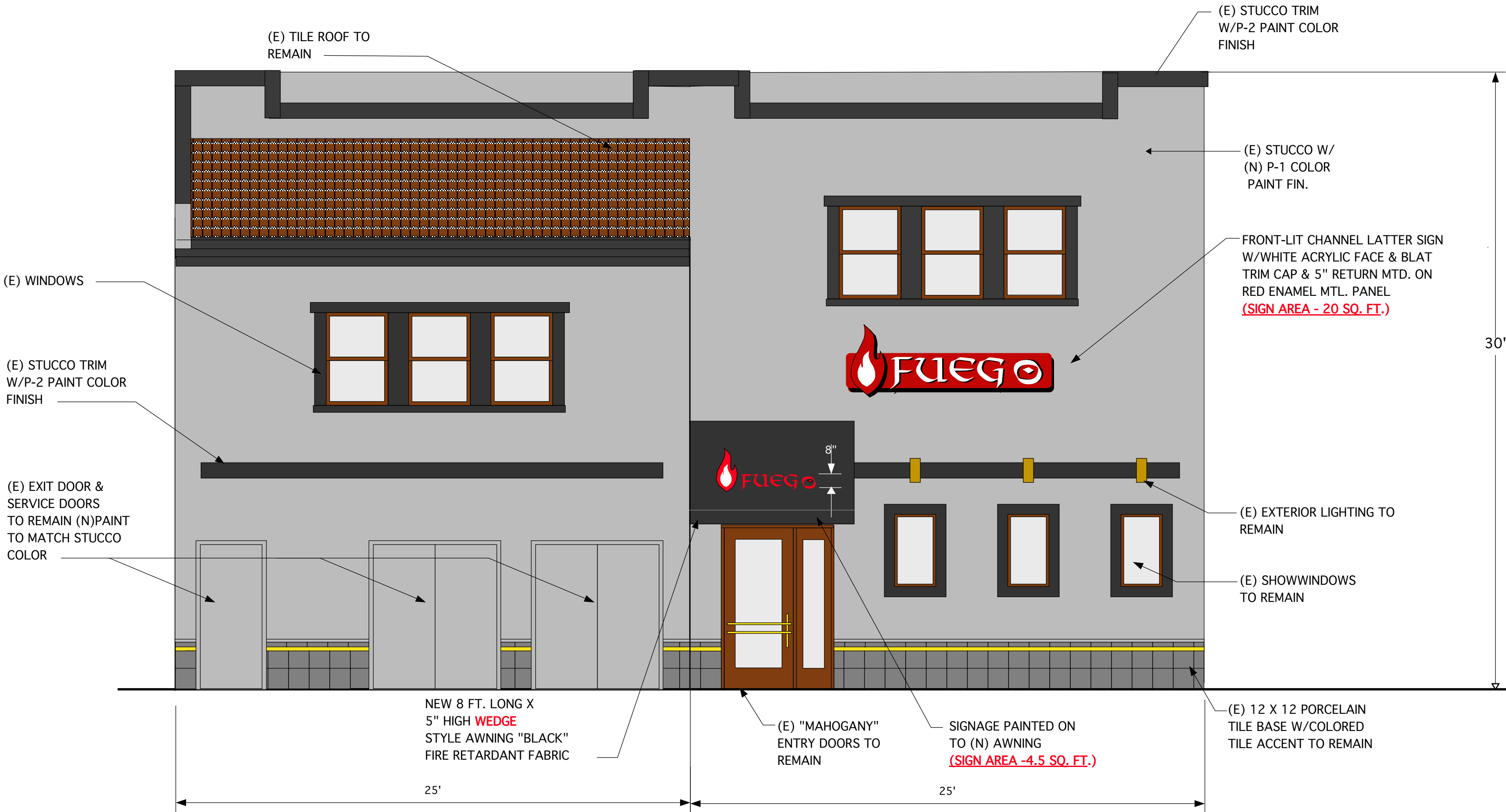
AERIAL SITE PLAN  
NO SCALE:



SIDE ELEVATION OF AWNING  
SCALE: 1/4" = 1'-0"



MURPHY AVENUE EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"



REAR PARKING LOT EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"

P-1 KELLY-MOORE  
4886 FOGGY DAY

P-2 KELLY-MOORE  
A79 LIGHTS OUT

# FUEGO

SPORTS BAR

PROJECT

(NEW PAINT COLORS)

140 S. MURPHY AVENUE

SUNNYVALE, CA

PROJECT NUMBER

2018.14.01

NO.	DATE	DESCRIPTION	BY
1.8.19		REVISE BODY PAINT COLOR TO FOGGY DAY	

CONSULTANTS

SEAL

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ARCHITECT  
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SHEET TITLE

NEW PAINT COLORS:

EXTERIOR ELEVATIONS,  
AERIAL SITE PLAN, PHOTOS

DRAWN BY  
M.J.W.

CHECKED BY  
M.J.W.

APPROVED BY

SCALE

AS NOTED

N

DATE

10.25.18

MARK J. WOODBURN

ARCHITECT

2625 ALCATRAZ  
SUITE 321  
BERKELEY, CA  
94705

510.843.0863  
mark@woodburnarch.com





**To Whom it May Concern:**

January 7<sup>th</sup>. 2019

We are requesting approval to paint the body of the formally Terragon Restaurant from a Dusty Rose to the new color Scheme that has been submitted along with Building elevations.

The Terragon restaurant had been in business for over 20 years when changing the name to Fuego Grill and Sports Bar new color would make guests looking for Fuego able to find it without thinking is Terragon.

Removing the Large logo also made the old paint stand out with blemishes that needed to be repaired and we are unable to find the old color match.

We plan to repair all holes left by logo and old awning, giving Fuego a more vibrant and dated color Scheme that will also make Murphy Ave easier on everyone eye.

Please call me if you have any questions

Sincerely,

*Leticia Jensen*

Leticia Jensen  
General Manager  
Fuego Grill and Sports Bar



*Anthony Kirk, Ph.D.  
420 Alberto Way, No. 13  
Los Gatos, CA 95032  
408-827-4959*

7 January 2019

Noren Caliva-Lepe  
Sunnyvale Planning and Building Department  
456 West Olive Avenue  
Sunnyvale, CA 94086

Dear Ms. Caliva-Lepe:

On Friday, 9 November of this year, I visited Sunnyvale and reviewed the colors that the owner of Fuego Grill & Sports Bar proposes to paint the façade of the building and inspected the colors of the adjoining buildings on South Murphy Avenue. South Murphy is a tree-shaded historical district with a collection of stores, offices, restaurants, and bars lining a one-block section of the street.

Fuego Grill & Sports Bar is located at 140 South Murphy Avenue, in the building formerly occupied by Tarragon Restaurant. It is currently painted a dusky pink, with brown accents. A light red canopy, or awning, protects the double entrance door and extends over the sidewalk. The immediate neighbors along the south side of this section of South Murphy include Rok, "A Stone-Age Fondue and Steakhouse," Paul & Harvey, an old-fashioned saloon, and Pure Nightclub, which provides entertainment and drinks in a former theater. On the north side of the street are located Metro City, a restaurant and bar, Turmeric, which serves Indian dishes, KTea, a Vietnamese café, Murphy's Law, an Irish pub and sports bar, and Taverna Bistro, which provides organic Mediterranean cuisine.

The façades of these restaurants and bars are enormously varied, ranging from the cool, dark colors of Metro City to the bright pink and beige of Turmeric. Paul & Harvey is yellow and orange-red, like mustard and ketchup, while Ktea is forest green, with light brown and beige trim. The Kelly Moore colors that Fuego proposes to use are Foggy Day, a light gray, which will cover most of the façade, and Lights Out, a light black or dark gray, which will be used as an accent color on the trim and will contrast handsomely with Rough Stone. The use of these colors, which are similar to those used across the street by Metro City, are consistent with the guidelines for the Murphy Station Heritage Landmark district and will contribute to the overall character of the street.

Sincerely yours,



Anthony Kirk, Ph.D.