

ATTACHMENT 8



Cynthia Hom <chom@sunnyvale.ca.gov>

File #: 2015-7686 Sunnyvale HHG Hotel Development1 message

Pravin Kurundodi <pravink@gmail.com>

Mon, Jul 11, 2016 at 4:22 PM

To: chom@sunnyvale.ca.gov

Hi Cindy,

We were at City Hall this morning (Jul 11), to review plans for the hotel construction at 830, E El Camino Real. We have a few concerns/ questions regarding this matter.

1) In the section that shows the rendering of the hotel from Van Dyck Dr, (neighborhood context images), there are no pictures from Van Dyck Dr. proper. All pics are from the perspective of Van Dyck Court and corner. There are no images appropriate for these addresses 1202/1203/1208/1209 Van Dyck Dr.. The visual impact from these addresses is the maximum. We most certainly would like to see this rendering, given the looming nature of this building. Could this be arranged?

2) The lack of tall trees on the side of the development site that backs the properties 1202/1208 van dyck dr, is extremely disconcerting, given how exposed these addresses are to the entire back side ie the long side of the hotel. Could the builders be made to plant mature trees, so that the concrete structure is not as visually invasive to us? There are many tall narrow species of trees that are not as wide, which could fit the space, and keep us happy too.

3) What are the next steps for this project? ie assuming it gets planning approval, does it go to the council for approval? How long does this process take? How long after approval does the project usually begin? How long does a project of this nature take to build/complete?

Thank you!

Regards,

Pravin



Cynthia Hom <chom@sunnyvale.ca.gov>

Hotel for Former Crazy Buffet Site

1 message

Lucinda Wong <wongstuff@gmail.com>
To: chom@sunnyvale.ca.gov

Sat, Jul 9, 2016 at 10:31 AM

I am a homeowner in the area where a hotel is proposed for the old Crazy Buffet site. I own and live in one of the townhouses just behind Golfland. As such, I am very invested in what happens in my neighborhood. I am disappointed to hear that a four story hotel is planned for the old Crazy Buffet site. Such a development is not going to fit in with the character of the neighborhood. Currently there are no buildings taller than three stories in the immediate area. This includes four hotels (Corporate Inn, Maple Tree Inn, Friendship Inn, and The Wild Palms), none of which are over three stories tall. I would hope that you would agree that such a tall hotel would not be a good fit for this neighborhood. While I would most prefer no hotel at all, I would at least hope that the developer would be asked to modify plans so that the building will be in line with other buildings in the area and will not adversely impact the ambiance of the area.

Respectfully,
Lucinda Trice



Cynthia Hom <chom@sunnyvale.ca.gov>

RE: File # 2015-7686

1 message

indy lee <kilinger2001@hotmail.com>
To: Cynthia Hom <chom@sunnyvale.ca.gov>

Fri, Jul 15, 2016 at 4:09 PM

Cynthia,
Thank you for your prompt response. Are you sure that the set back distance is 75'? Also, what is the variance and special permit about?
I believe 4-story hotel right next to single family houses is too much. Is there any neighborhood impact mitigation plan? I am speaking to my neighbors to discuss the issue, so I will forward your email to everyone, so that you do not get same questions again.
once again thank you for your help,
Indy

From: chom@sunnyvale.ca.gov
Date: Fri, 15 Jul 2016 14:46:32 -0700
Subject: Re: File # 2015-7686
To: kilinger2001@hotmail.com

Hi Indy,

Thank you for your email. Below are the response to your questions.

1. What is current zoning of the site? The zoning for this property is C2 (Highway Business)
2. What is the height limit in the current zone? The max height limit is 75-feet maximum height.
3. Is a hotel permitted in the zone? Hotels are permitted with a use permit.
4. Do you have a general plan of the building? Especially the height of the building? Yes, the plans are available for public review. They can be viewed anytime during normal business hours between 8am to 5pm, Monday thru Friday at the permit center. The planning commission staff report and attachment such as the project plans and associated reports will be available online by next Friday.
5. What is the set back from the private house borders? The project maintains the required 75' distance from the property lines that abut single family homes.

Please let me know if you would like to further discuss.

Regards,

CINDY HOM

Assistant Planner I Community Development Department
City of Sunnyvale I 456 W. Olive Ave. I Sunnyvale, CA 94086
Phone: (408) 730-7411 I Email: chom@sunnyvale.ca.gov

On Thu, Jul 14, 2016 at 1:11 PM, indy lee <kilinger2001@hotmail.com> wrote:

Cynthia,

Hi. Please let me introduce myself. My name is Indy Lee, a resident at 1208 Van Dyck Dr. Sunnyvale. My house is located right next to the 'Crazy Buffet' site. According to the Planning Commission Hearing notice, a 4-story hotel is proposed to build on the site. Because my house is right next to the site, I am very concern about this project and I would like find more about the project to understand the facts. Can you please help me to get some informations?

1. What is current zoning of the site?
2. What is the height limit in the current zone?
3. Is a hotel permitted in the zone?
4. Do you have a general plan of the building? Especially the height of the building?
5. What is the set back from the private house borders?

If any of my question is outside of your responsibility, please forgive me. Obviously this is the first time that I am dealing with this kind of problem, so I am tring to find a way here. I would greatly prereciate it if you help me in anyways.

thanks,
Indy



Cynthia Hom <chom@sunnyvale.ca.gov>

File # 2015-7686

1 message

indy lee <kilinger2001@hotmail.com>

Thu, Jul 14, 2016 at 1:11 PM

To: "chom@sunnyvale.ca.gov" <chom@sunnyvale.ca.gov>

Cynthia,

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1. What is current zoning of the site?
2. What is the height limit in the current zone?
3. Is a hotel permitted in the zone?
4. Do you have a general plan of the building? Especially the height of the building?
5. What is the set back from the private house borders?

If any of my question is outside of your responsibility, please forgive me. Obviously this is the first time that I am dealing with this kind of problem, so I am tring to find a way here. I would greatly prereciate it if you help me in anyways.

thanks,
Indy

LAW OFFICES OF
STEVEN D. HOFFMAN
563 SOUTH MURPHY AVENUE
SUNNYVALE, CALIFORNIA 94086

TELEPHONE
(408) 252-5900

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(408) 900-8225

August 3, 2016

City of Sunnyvale
Planning Commission
Russell Melton, Chair
c/o Cynthia Hom
P.O. Box 3707
Sunnyvale, CA 94088-3707

e-mail: chom@sunnyvale.ca.gov

RE: File# 2015-7686
Address: 830 East El Camino Real, Sunnyvale (APN: 211-25-046)
Project: Hilton Homewood Gardens

Dear Mr. Melton and fellow Planning Commission members,

This office represents In Dong "Indy" and Sandra Lee, the homeowner at 1208 Van Dyck Drive, Sunnyvale, CA 94087. Mr. Lee will be significantly and negatively impacted by the proposed project, as well as other residential neighbors residing on Van Dyck Drive and Van Dyck Court. I have met with some of those neighbors including Deborah Coblentz, who resides at 809-811 Van Dyck Court and Robert & Stephanie Blatt who reside at 815-817 Van Dyck Court. They will be submitting their own argument in connection with this proposed development.

My clients will be adversely impacted as a result of the proposed 4-story hotel structure and the proposed driveway/roadway, which will significantly affect their view, limit their light and increase the traffic and noise and degrade their privacy all of which will adversely impact their quiet use and enjoyment of their property. The potential impact of this proposed 131 unit hotel with 105 parking spaces, goes far beyond that recognized by the Mitigated Negative Declaration which were limited to "Noise and Shading impacts" in the Notice of Public Hearing.

Required Grounds for Variance: Pursuant to the Sunnyvale Municipal Code, (including, without limitation, §18.20.080 (d)), all three findings must be made in order for a variance to be granted:

- (1) That there are special circumstances or conditions affecting such property;
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right; and
- (3) That the granting of the variance **will not be materially detrimental to the public welfare or injurious to other property** in or adjacent to the applicant's property.

In addition,

(e) In granting such variances, the planning commission or director of community development shall designate such **conditions therewith as will, in its or his or her opinion, secure substantially the objective of the regulations to which the variances are granted, as to light, air, and the public health, safety, convenience and general welfare.**

FACTS:

My client owns a single-family residence. From the common boundary wall in the backyard to the proposed building is approximately 81' 3 1/4" at the closest point to the single family residence boundary wall. From the common boundary wall to the edge of the roadway is 7' 6 1/8" at the closest point.

From the common boundary to the multi-tenant structures, the proposed building 38' 6 1/4" while the edge of the proposed roadway is only 5' feet away.

The applicant is seeking a variance because the planned building is so tall that it will cast a shadow over the residential buildings in excess of 10% which is the limit under §19.56.020 of the Sunnyvale Municipal Code which provides in pertinent part:

19.56.020. Solar energy systems—Impairment of solar access by structures.

(a) **No building permit shall be issued** for any construction, the effect of which when completed would be to interfere with solar access to the rooftop of any structure ... on nearby property. Solar access means the absence of shadows blocking or reducing exposure to the sun to an extent greater than ten percent daily during the hours between nine a.m. to three p.m., Pacific Standard Time, throughout any solar cycle. Nothing contained herein shall require modification to any structure, the shade pattern of which would impair solar access to rooftops or active solar collectors established later in time. *(emphasis added)*

Close Proximity of Roadway: On the applicant's side of the fence, the roadway is shown as starting what appears to be a mere 7' 6 1/8" from the common boundary with the single family property. The roadway then continues for a width of 26'. The total distance from the common wall of the duplex property to the hotel structure appears to be as little as 38' 6 1/4". On the other portions of the common boundary with the multi-family units (duplexes), there is only 5' distance from the common wall to the planned driveway/roadway which provide a route to numerous vehicles traveling to the 123 space underground garage and the 8 space surface parking. Also immediately adjacent to the roadway is an area planned for loading and trash pickup all of which will create additional traffic and noise.

Building Height: The proposed building height is four (4) stories totaling 58'-8 1/2" from top of curb to top of Parapet.

Submitted herewith are architectural models and a "Mass Study" prepared by Ray Viotti of Viotti Architects, 1300 Industrial Rd. Suite 14, San Carlos, CA 94070. The study clearly shows how massive the proposed project is as viewed from the properties of the residential neighbors. One neighbor is a single family residence, requiring 75' of setback, while the other

neighbors are considered multi-residential and only require 25' of setback. However, the truth of the matter is that all neighbors are equally impacted, whether they live in a duplex or a single family residence and all should be given the same buffer zone from any project of this size and dimension.

Privacy: The proposed 131 room hotel will house multiple hotel rooms with large picture windows facing the residences (4 rooms on each floor of the South end building for a total of 16 large windows) and the end of the building near the pool (consisting of another 4 rooms with 4 large windows). The height will certainly limit the residents' light and view. The windows will certainly impair the residents' privacy. The photos in the attached study depict a number of trees along the boundary which help to buffer the enormity of the proposed buildings. However, those trees will be much less effective in doing so come winter when they go dormant.

Proposed Removal of Existing Boundary Wall: The proposal is to remove the existing concrete wall on the rear of my clients' property (on the West side) and replace it with an 8' high Concrete Masonry Unit (CMU) screen wall. In addition, the proposal is to remove the existing 9' 8" concrete wall (which is shown as an 8' 6" wood wall on demolition plan in error) that runs along the 189.37' (on the South side) and replace it with an 8' high Concrete Masonry Unit (CMU) screen wall. The reduction in height of the wall will not only impact the residents' privacy but security, as well.

Proposed Location of HVAC Equipment: The plans call for exterior heaters and air conditioning units which will cause noise in both summer and winter and during the day and night. This noise will be a further invasion of residential neighbors' quiet use and enjoyment of their property.

Reduction in Value of Residential Properties: This project will clearly adversely impact the value of all neighboring residential properties due to the above factors.

RECOMMENDED MITIGATION MEASURES:

The following recommendations are made to mitigate the impact of the proposed project:

1) **Lower Building Height:** The hotel building is proposed at 4-stories high for all buildings, a total of 58'-8" high. The recommendation would be that the end tower building, containing 4 units on the planned south side of the structure and the building containing 1 king-studio on each floor on the east side of the project closest to the multi-family dwellings be reduced from 4-stories to 2-stories for a total of 35-37' (the second floor is 27'-8" but with roof screening on top would total approximately 35-37' high).

These planned 4-stories currently would have a view directly into the neighbor's windows, including their master bedroom windows and living areas at all locations. This would clearly result in an intrusion of their privacy and use and enjoyment of their properties.

See architectural study submitted herewith along with photographs

Should the commission need further evidence of the significant impact on the neighbors, it is requested that the applicant erect "story poles" to show the true height and dimensions of the proposed buildings. This will more easily verify the impact when viewed from the backyard of the residences.

2) **Eliminate Exterior HVAC Units:** These units should be on the interior of the units or on the roof not on the wall facing my clients' property.

3) **Move Roadway and Loading/Trash Pick-Up Area:** The current proposed plan calls for as little as 5' setback from the common wall to the roadway. This is hardly sufficient for a noise barrier of trees/shrubs between the proposed project and the neighboring residential property. The roadway will create noise due to the traffic servicing 8 parking spaces in the back of the project, 131 underground parking spaces, loading and trash removal. Since the roadway is not a through road, but leads to a turnaround, all car trips will need one for entering and one for exiting, causing double the traffic and noise. In addition, the close proximity of the loading and trash pick-up area, garage ramp and pool area, will all add to the noise impacting the neighbors.

The setbacks and roadway should be the same as for the single family residence instead of a mere 5' from the multi-family (duplex) properties. The setback should be 25' from all residences not just the single family residence.

The multi-tenant residential properties would be willing to accept a compromise in the set back to a total of at least 15 feet from the boundary to the roadway which would allow for the planting of additional rows of trees which would mitigate the noise (and impact of the buildings).

It is recommended that the loading/trash pick-up area be relocated to an area that is not directly opposite the residential units.

4) **Require Additional Setback from Multi-tenant Residential:** The hotel buildings should be located at least 40' from both the Single Family Residence and multi-residential property boundaries (currently 38' 6 1/4" and 36' 6" respectively). The near wall of the garage ramp is only 31' from the boundary wall. This buffer zone should be uniform and the applicant should be required to increase the distance of the building(s) and garage ramp from the multi-tenant property boundary to at least 40 feet.

5) **Increase Proposed Height of Cement Wall or Leave Existing Wall:** The current wall on the common boundary is 9'8" high from the applicant side and 8'10" from the residential side. The difference is due the grade differential between the properties. When Brian Flanigan of Nexgen (Walgreen's Developer) developed Walgreens, the City approved the plan and required a 10' wall be built. The cement wall that was built was only 9'8".

The applicant is requesting that the existing wood (sic) wall be removed and a new CMU screen wall be installed its place at a height of 8'. This is approximately 2' lower than the current cement wall height. The residential neighbors request that the existing cement wall not be removed or that the applicant be required to construct a new cement wall of at least the same

height as the existing wall if not the full 10' that the City previously required, since the new project is much larger than the existing **project**.

- 6) **Trees:** Several recommendations will help buffer the project from the residences. 1)
a) Increase size and density of trees. 36" boxes are appropriate. Trees should be in double or triple rows to be effective, not a single row as planned.
b) Require trees to be planted prior to construction of buildings so they will be somewhat established by the time the project is completed.
- 7) **Compensation for Reduction in Value of Residential Property:** Due to the significant impact of this project, even with the mitigation measures recommended above, all residential property owners bordering the project are entitled to compensation. Otherwise, approval of this project would be tantamount to a taking of property without just compensation in violation of the 5th Amendment to the Constitution.¹

Staff Report: The Staff Report was not available for comment prior to this submission.

Mitigated Negative Declaration- Protested: This letter will serve to protest the Mitigated Negative Declaration as it fails to adequately consider issues relating to the impact of the proposed project. Those issues include, without limitation, obstruction of light and view of the neighbors, shading of Property, the increased traffic and noise and significant invasion of privacy, reduced security, adverse effect on the quiet use and enjoyment by the surrounding

¹ (The Fifth Amendment prohibits the [federal government](#) from taking property for public use without "just compensation," which American courts have interpreted in the usual case to mean "[fair market value](#)".) This prohibition is deemed [incorporated](#) in the Due Process Clause of the Fourteenth Amendment (which bars state governments from depriving people of their property without due process of law.)

[Zoning laws](#) are the classic example; see [Hadacheck v. Sebastian](#), 239 U.S. 394 (1915) (prohibition of brickyard operations within certain neighborhoods); [Village of Euclid, Ohio v. Ambler Realty Co.](#), 272 U.S. 365 (1926) (prohibition of industrial use); [Gorrie v. Fox](#), 274 U.S. 603, 608 (1927) (requirement that portions of parcels be left unbuilt); [Welch v. Swasey](#), 214 U.S. 91 (1909) (height restriction), which have been viewed as permissible governmental action even when prohibiting the most beneficial use of the property.

However, zoning restrictions may deny an owner *any* economically viable use of his land. Governmental land-use regulation that deny the property owner any economically viable use are deemed a taking of the affected property. See, e.g., [Lucas v. South Carolina Coastal Council](#), 505 U.S. 1003 (1992), [First English Evangelical Lutheran Church v. County of Los Angeles](#) (1987). The general approach to this question was summed up in [Agins v. City of Tiburon](#), 447 U.S. 255 (1980) which states that the application of land-use regulations to a particular piece of property is a taking only "if the ordinance does not substantially advance legitimate state interests ... or denies an owner economically viable use of his land." However, in [Lingle v. Chevron](#), 544 U.S. 528 (2005), the Supreme Court overruled the "substantially advance" criterion of a taking.

In recent years, the concept of regulatory taking has been used more loosely—outside the constitutional sense—by property rights groups, extending to include regulations that reduce property values by lesser amounts. [Ballot initiatives](#) based on this interpretation (such as Oregon's [Measure 37](#)) have been advanced in at least seven states in the years 2000 to 2006. All these states are in the American west.

property owners and the reduction in value of their properties resulting from the proposed project. There is an absence of measures undertaken by the applicant to mitigate these effects.

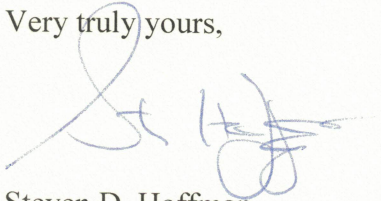
Conclusion: In order for the requested variance (for noise and shading) to be granted, the commission needs to find that the property requires special circumstances. There are no special circumstances that would require a 4-story hotel bordering this residential neighborhood as requested.

In addition, in order to grant the variance, certain findings must be made to specifically protect the neighboring property owners and their rights with respect to light, air, public safety and general welfare. This project does not afford the neighbors such protection and should not be granted without the requested mitigating measures at a minimum. Such measures should be required as a condition to any approval.

Finally, §19.56.020 of the Sunnyvale Municipal Code mandates that “**No building permit shall be issued**” under the circumstances where the residences ability to access solar are limited as would be the case here. Accordingly, it is submitted that the code section is not discretionary and that the Planning Commission does not have the authority to grant the requested variance.

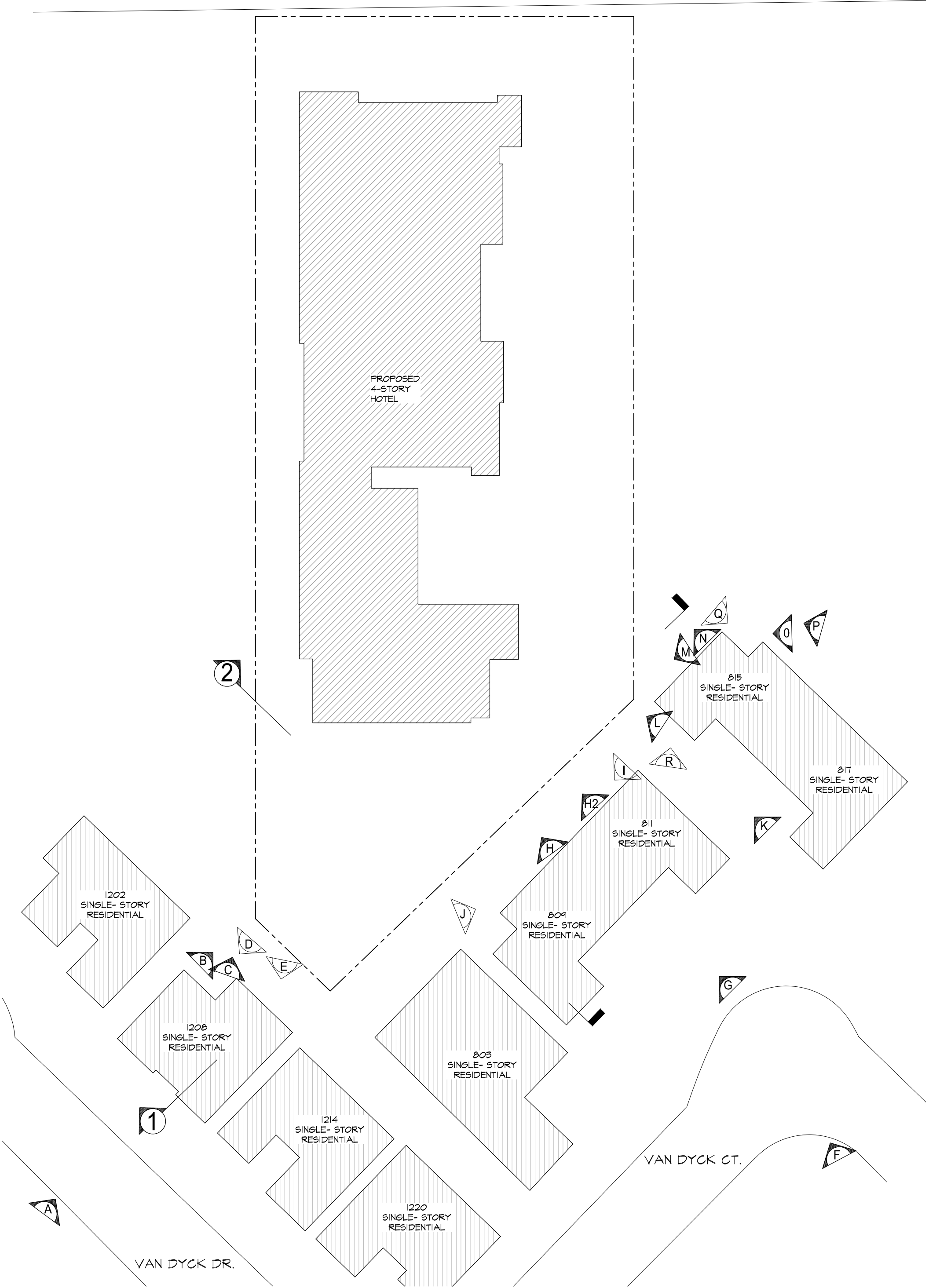
Thank you for your consideration regarding this matter.

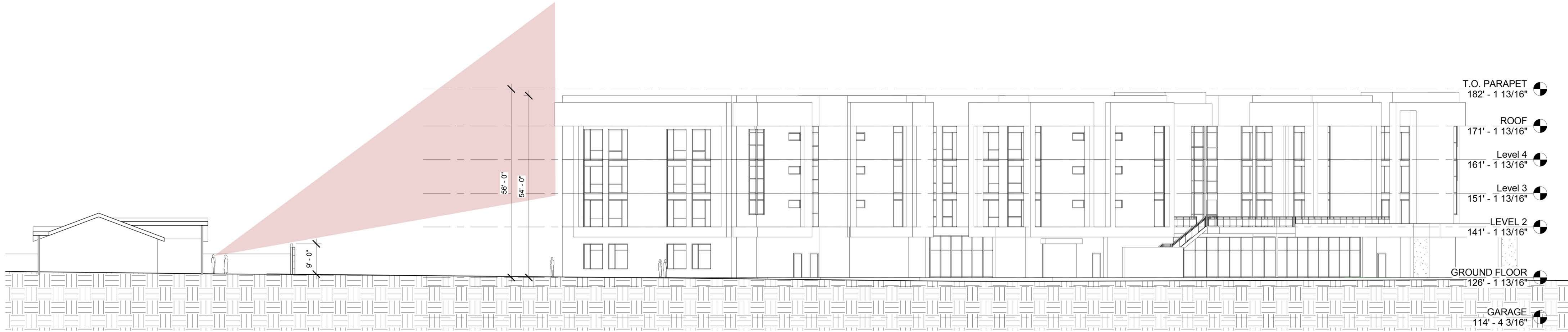
Very truly yours,



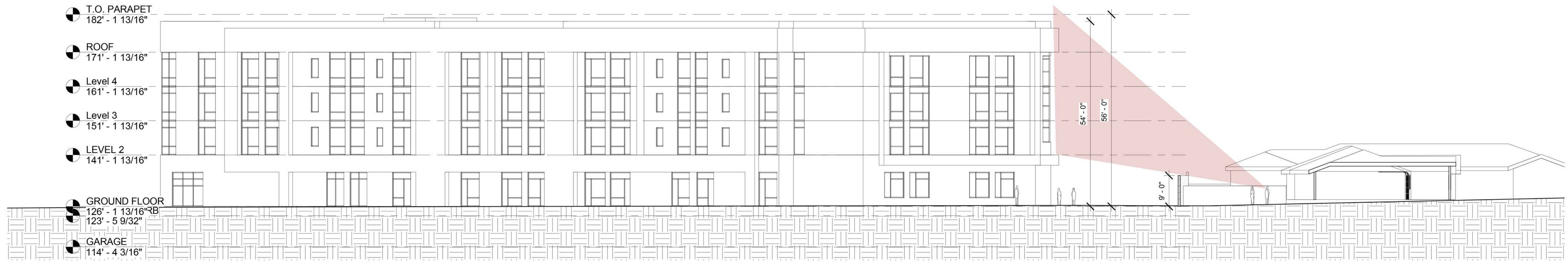
Steven D. Hoffman
SDH: sjy
CC:CL

EL CAMINO REAL





② Section 1
1/16" = 1'-0"



① Section 2
1/16" = 1'-0"

VIEW 'A'
1208 VAN DYCK DR.





VIEW 'B'
1208 VAN DYCK DR.



VIEW 'C'
1208 VAN DYCK DR.



VIEW 'D'
1208 VAN DYCK DR.

VIEW 'E'
1208 VAN DYCK DR.





VIEW 'F'
809/811 VAN DYCK CT.



VIEW 'G'
809/811 VAN DYCK CT.



VIEW 'H'
809 VAN DYCK CT.

VIEW 'H2'
811 VAN DYCK CT.

VIEW 'I'
811 VAN DYCK CT.



VIEW 'J'
809 VAN DYCK CT.



VIEW 'K'
817 VAN DYCK CT.





VIEW 'L'
815 VAN DYCK CT.



VIEW 'M'
815 VAN DYCK DR.



VIEW 'N'
815 VAN DYCK DR.



VIEW 'O'
815 VAN DYCK CT.



VIEW 'P'
815 VAN DYCK DR.

VIEW 'Q'
815 VAN DYCK CT.





VIEW 'R'
815 VAN DYCK CT.

ROBERT & STEPHANIE BLATT

190 LOMA ROAD
SAN CARLOS, CALIFORNIA 94070
TELEPHONE (650) 593-6632

August 3, 2016

City of Sunnyvale Planning Commission
Russell Melton, Planning Chair Person
P. O. Box 3707
Sunnyvale, CA 94088-3707

Re: File 2015-7686
830 E. El Camino Real, Sunnyvale
APN 211-25-046
Hilton Homewood Gardens Project

Dear Mr. Melton and Planning Commission Members:

We are the owners of a duplex located at 815-817 Van Dyck Court (APN 211-26-082-00) which borders on the south-east corner of the proposed project property. The proposed project for a four story hotel referenced above will have a very significant and adverse impact on our quiet use and enjoyment of our property as well as a reduction in the value thereof. Although zoned for multi-residence, the duplexes on Van Dyck Court are really attached single family homes. The common connections in ours for example are only the garages and pantries. We purchased the property in 1975 from the Butcher Trust and have enjoyed the views of the hills and surrounding area as well as our privacy and lack of noise ever since, despite developments in the surrounding parcels since that time. This monstrous project will deprive us of that.

We have reviewed information furnished to us by your staff person, Cynthia Hom, who was most helpful in providing documents and explaining them to us. Some of my comments below are based on the information she provided.

You have received a letter from the law offices of Steven D. Hoffman dated Aug. 3, 2016 regarding the impact of the proposed project on the surrounding residences and his recommended mitigation measures. Rather than waist your valuable time reiterating the contents thereof, I will just say I wish to incorporate his letter herein as we are in complete agreement with its contents. I only wish to point out a few important things pertinent to our particular property which we would like you to consider. Please see the attached Exhibit A for pictures of our duplex and an architect's rendering of how the proposed hotel project will look.

- 1) **Building Height Invades Privacy of Adjoining Residential Property:** The plans show a building height of over 58' from ground level with windows overlooking our duplex on the southeast corner of the project as well as residences on the south and southwest portions of the project. The setback along the multi-family residences is only 38 ½ feet (a little more than the distance a football team must go for a "first down") on the southeast corner of the project and a bit more where the project adjoins single-family dwellings. This four story building will look directly down on our master bedroom window (6' from the property line) as well as living quarter windows depriving us of our privacy and quiet enjoyment of our property. **I am requesting that the king-studio units on the southeast corner of the project and the four units on the south of the project be limited to two stories which would allow more privacy to the residences as well as allowing for more light to reach these private residences.**
- 2) **Setback Requirements for Multi-Residences Need to be Increased:** Cinthia Hom informed me that the setback requirement for multi-residence property is 38.5' and approximately 75' for single-family residential property. **Because the duplexes on Van Dyck Court are really single-family attached residences, the setback**

requirements for those duplexes should be the same as for the single-family residences. The increased setback would help assure privacy, less noise, and more sunlight in the event the duplex owners wish to install solar panes.

- 3) **HVAC Units:** I understand these units will be on the walls facing the residences. **As pointed out in the attorney's letter, they should be on the interior or roof as far away as possible from the residences to mitigate the noise factor.** This can be an especially large problem at night when people are attempting to sleep.
- 4) **Roadway, Trash Pick-Up Area, Loading Area and Landscaping:** The roadway is a dead-end requiring service vehicles to turn around to exit the hotel; thus causing a doubling of traffic. It is also the point of entrance and exit from the parking facilities. At points the roadway is a mere 5' from the residences (it is only 5' from our 6' side yard where the 815 master bedroom window is located). **The setback of the roadway should be at least 25' to buffer noise. This would allow for additional plantings of trees and other vegetation in multiple rows along the property boundaries to help with the noise and privacy issues. In addition, the trash pick-up area and loading area should be relocated away from the residential units.** The current plans put them just outside our master bedroom window and one can only imagine the noise of garbage truck pick-up as well as delivery vehicles with back-up alert horns going off.
- 5) **10' Wall Between Residences and the Project:** A number of years ago when the property between the residences and the proposed project was being developed (Best Buy, Crazy Buffet, Pet Smart, etc), after many negotiations with the Planning Department and City by the owners of the adjacent residences, the City required the developer to put in a 10' concrete wall as a noise buffer and for privacy of the residents. This wall still exists and Cynthia Hom has informed me that the plans call for it to be demolished and a new 8' wall erected in its place. There is approximately a one foot grade differential between our duplex (duplex being higher) and the proposed project. If the developer erects an 8' wall it would only be 7' on our side which would allow people to see right into the master bedroom and other living quarters. **The existing wall needs to be left in tact or a new 10' concrete wall should be required.** Replacing the existing wall would be quite ugly as the present wall extends from our duplex to the single-family residences and is uniform in its design.
- 6) **Granting of a Variance:** The attorney's letter points out that the granting of a variance is unjustified. I agree as it is injurious to our property.

In summary this proposed project is not suitable adjacent to the existing residential properties. For years we have not had to worry about excessive noise and people peering into our bedroom and living quarters as well as our back yard patio where time is spent on hot summer days. Hopefully this letter will convince you that this project needs to be scaled back as the present proposal deprives us of privacy, the quiet use and enjoyment of our property, and clearly will result in a reduction in its value without due compensation.

I might add that you or your staff are welcome to contact me if you care to drop by and get a first hand visualization of the effect this will have on our property.

Thank you for considering my comments.

Yours truly,



ROBERT D. BLATT

Email contact: RDBlattCPA@comcast.net

Exhibit A

VARIOUS PHOTOS DEPICTING HOW THE PROPOSED HOTEL WILL INTRUDE ON THE 815 AND 817 VAN DYCK COURT PROPERTY (4 VIEWS K – N)

VIEW K – Taken from 817 side of duplex showing 815 residence living room (there is another window on the left partially facing the hotel complex).



VIEW L – Taken from 815 living room window. Tree goes dormant during fall/winter. 815 bedroom window is to the right of the picture in the side yard 6’ walkway.



VIEW M – View of 815 living room window which would partially face the hotel project off to the left. Gate just to the left of the building corner leads to side yard walkway where master bedroom window is located.



VIEW N – View of 815 6' side walkway looking away from proposed hotel project showing master bedroom window and entrance to back yard patio. Shrubby does not extend to obscure the hotel project and some goes dormant during fall and winter. The proposed project will look into this window from the left depriving us of privacy. Note that the wall is of lesser height here.



August 5, 2016

City of Sunnyvale

Planning Commission
Russell Melton, Chair
c/o Cynthia Hom
456 W. Olive Ave.
Sunnyvale, CA 94088-3707

e-mail: chom@sunnyvale.gov

RE: File# 2015-7686
Address: 830 East El Camino Real, Sunnyvale (APN: 211-25-046)
Project: Hilton Homewood Gardens

Dear Mr. Melton and fellow Planning Commission members,

My name is Deborah Coblentz and own the property located at 809-811 Van Dyck Court in Sunnyvale, CA 94087 (APN 211-26-083). I have reviewed the plans on file for the proposed project located at 830 East Camino Real and want to inform the Planning Commission that the proposed 4-story hotel project will adversely impact me and others in the Sunny Arts neighborhood. I want it to go on record that I oppose the plan as it is presented in the Final Design Review dated 27 May 2016 and feel the "Noise and Shading Impact" study in the Mitigated Negative Declaration for Hilton Homewood Suites Hotel Project report on file did not take the residents' interests into consideration.

A letter from the law offices of Steven D. Hoffman dated August 3, 2016 was sent to you. It describes the impact this proposed project will have on the residents of Van Dyck Drive and Van Dyck Court and provides mitigation measures. I am in agreement with the content and would like to include the attorneys' arguments into mine but will add additional comments relevant to my property in this letter.

1). Building Height and Invasion of Privacy: When I saw the plans for the proposed 4-story structure, I was stunned to see how intrusive the hotel will be to the neighborhood. A 4-story hotel is not consistent with what is in the surrounding location and will look out of place. The excessive height of the building will reduce the amount of sunlight, restrict views from the back yards, and eliminate any privacy. My one-story residence is significantly dwarfed by the 4-story structure. The picture in Exhibit A, View F, clearly shows this in the view from the front of the house. The numerous large windows of the proposed hotel look directly into the backyards, kitchens, den, and bedroom windows. This can be seen in Exhibit A, Views H, I, and J. My tenants and I enjoy entertaining in our homes and feel this is a total invasion of privacy and degradation of the quiet use and enjoyment of the property. **My recommendation would be to scale back the four units on the south side and the one unit on the east side that face the residences from 4-stories to 2-stories. This will help to minimize the invasion of privacy impact for the residential properties and allow more sunlight for the residences.**

2). Noise Concerns: The increased noise from the hotel traffic, outdoor recreational facilities, and the constant hum of the exterior HVAC units will also have a negative impact on the residents. Of particular concern are the noise and vibration levels during the demolition and construction phase of the project. The noise mitigation plans are detailed in the Impact Study but no mention of what will be done if they are unable to meet current standards in the Sunnyvale Municipal Code. **My recommendation is consistent with the attorneys' which is to relocate the HVAC units to inside or on the roof, as far away from the residential properties.**

3). Removal of the Existing Rear Wall: The proposed hotel plan is to remove the existing 9' 8" concrete wall and replace it with an 8' CMU screen wall. This would result in even less privacy and security for the residents who reside adjacent to the project. In addition, the residents would have no security during the demolition and construction phase of the project. The proposed CMU screen design wall would not act as a sound barrier to dampen the noise from El Camino Real and the hotel driveway located near the fence line. **The recommendation is to keep the existing 9' 8" wall or replace it with a concrete wall that has a minimum of 10'.**

4). Roadway Setback and Loading/Trash Pick-up Area: The 5" set-back from the common wall described in the plan does not provide enough of a barrier for noise for the residential properties. The dead-end driveway makes it necessary for service vehicles to make multiple trips resulting in additional noise to the adjoining residents. **The recommendation is that the setbacks and roadway should be should be at least 15' from the boundary wall to the roadway and additional trees be planted to buffer noise.**

5). Additional Setback for Multi-tenant Residential: The requirement for the multi-tenant residents is a mere 38.5' and 75' for the single-family properties. **My feeling is that the buffer zones should be consistent for the residential properties whether single- or multi-tenant in order minimize the noise impact to the residents.**

6). Granting of a Variance (for noise and shading): This argument is detailed the attorneys' letter. I agree with the attorney that it is not justified.

Conclusion: The proposed 4-story hotel project as described in the plan will have a negative impact on the neighboring residential properties. It will significantly disrupt our views, limit the sunlight, increase the traffic and noise and degrade our privacy all of which will adversely impact the quiet use and enjoyment of our properties. In addition, the size of the proposed project will negatively affect our property values and reduce the rental desirability for the multi-residential properties. Please take into consideration our recommendations and concerns for this project.

I appreciate your consideration regarding this matter. Feel free to contact my directly if you want any additional information.

Yours truly,

Deborah Coblentz