

**CONSENT CALENDAR**

1. A [18-0588](#) Approve Planning Commission Meeting Minutes of June 11, 2018

Vice Chair Weiss moved and Commissioner Howard seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

**Yes:** 6 - Chair Rheume  
Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Olevson  
Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Howe

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. [18-0521](#) **Proposed Project:**  
**SPECIAL DEVELOPMENT PERMIT** to redevelop a commercial site (Denny's) into a five-story mixed-use building consisting of 4,860 square feet of restaurant floor area (Denny's) and 75 residential units (rental apartments) utilizing the State Density Bonus and City's Green Building Incentive for density bonus.  
**VESTING TENTATIVE MAP** to create 75 residential condominium units and 1 commercial condominium unit.  
**Location:** 311 South Mathilda Avenue (APN: 165-13-050)  
**File #:** 2017-7379  
**Zoning:** DSP15 - Downtown Specific Plan Block 15  
**Applicant / Owner:** Lane Partners (applicant) / C B Development 5no Five Inc (owner)  
**Environmental Review:** Mitigated Negative Declaration  
**Project Planner:** Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Associate Planner Momoko Ishijima presented the staff report.

Commissioner Harrison asked staff about the distribution of Below Market Rate (BMR) units by size and the retention of the BMR designation by unit. Associate Planner Ishijima advised that the BMR units are distributed between unit types and that staff will follow up regarding the BMR designations.

Commissioner Simons commented on the 15 foot first-floor plate height and

confirmed with Assistant Director Andrew Miner that currently there isn't a higher standard at this location.

Commissioner Olevson clarified with Associate Planner Ishijima that the proposed project is being developed as an apartment complex but that the Tentative Map would allow future conversion to condominiums. Commissioner Olevson asked staff about the permit requirements for a potential future conversion. Assistant Director Miner advised that a Use Permit could be required due to the Tentative Map but that the applicant would have to meet the Conditions of Approval (COA). Senior Assistant City Attorney Rebecca Moon advised that the BMR units may have to be retained as rental units.

Chair Rheume opened the Public Hearing.

Henry LiChi, representing Studio T Square, Inc., presented images and information about the proposed project.

Vice Chair Weiss confirmed with Mr. LiChi that Denny's currently owns the subject site and if the project is approved, would own the one commercial condominium unit and the associated parking garage. Vice Chair Weiss confirmed with Mr. Beritzhoff, representing Bay West Development, that Denny's could sell or lease the space if they cannot maintain their profitability.

Vice Chair Weiss confirmed with Mr. LiChi that they are amenable to using real turf instead of artificial.

Commissioner Simons asked the applicant about the first-floor plate height. Mr. Beritzhoff advised that 15 feet is standard for their mixed-use developments and that this height meets Denny's requirements.

Commissioner Simons discussed the potential for the Red Maple trees along S. Mathilda Avenue to block Denny's signage with Mr. LiChi.

Mr. LiChi advised that Denny's requested a 14 foot first floor plate height.

Commissioner Harrison confirmed with Mr. LiChi that the history of the six-foot jog in the property line is unknown and that the jog is not part of a street dedication.

Commissioner Harrison asked the applicant about the layout of the bedrooms on the

ground floor and the living space on the second floor. Mr. LiChi explained that this is due to Americans with Disabilities (ADA) requirements and provided details.

Assistant Director Miner returned to Commissioner Olevson's earlier question and advised that it is unclear if a conversion to condominiums would require a Use Permit but that the requirement would be delineated in the agreement with the applicant. Senior Assistant City Attorney Moon stated that staff is proposing an addition to the COA to state that the BMR agreement will provide for the legally required number of BMR units for sale in the event of a future conversion.

Chair Rheume confirmed with Assistant Director Miner that the applicant will be required to provide infrastructure improvements as outlined by the Downtown Specific Plan (DSP).

Uday Vallamsetty, Sunnyvale resident, discussed his concerns with height, balconies, solar impact and parking for the proposed project. Mr. Vallamsetty requested resident permit parking on Charles Street.

Jason Lopez, Sunnyvale resident, discussed his concerns with parking, safety, direct access to Charles Street and public access to the trash enclosure for the proposed project.

Judi Richards, Sunnyvale resident, discussed her concerns with height, parking, removal of the existing bus stop and setbacks for the proposed project.

Steve Caroompas, Sunnyvale resident, discussed his concerns with parking, safety, setbacks and deliveries for the proposed project. Mr. Caroompas requested resident permit parking on Charles Street.

Mr. Beritzhoff presented additional information about the proposed project.

Commissioner Harrison confirmed with Mr. Beritzhoff that they do not have any history on the six-foot jog in the current property line.

Commissioner Harrison confirmed with Mr. Beritzhoff they are amenable to a modified COA that requires them to work with the Department of Public Safety (DPS) on a design solution to prevent public access to the trash enclosure.

Commissioner Harrison discussed the project's design for ADA access with Mr.

LiChi.

Commissioner Olevson discussed the front plane of the proposed project along Charles Street with respect to the front plane of the other buildings on Charles Street with Mr. LiChi.

Chair Rheume clarified with Mr. LiChi that the proposed project will provide 48 commercial parking spaces and 82 residential parking spaces and that Denny's currently has 74 parking spaces. Assistant Director Miner stated that the residential parking will meet the code requirements and the commercial parking will exceed the minimum requirements.

Chair Rheume closed the Public Hearing.

Commissioner Howard confirmed with Associate Planner Ishijima that the property line in front of Denny's is six feet behind the rest of the property lines along Charles Street.

Commissioner Howard asked staff about the payment process for resident permit parking. Shahid Abbas, Transportation and Traffic Manager, provided information about the process to obtain residential permit parking and advised that residents pay a yearly fee.

Commissioner Howard confirmed with Assistant Director Miner that permit parking and traffic calming fees cannot be included as part of approval for the proposed project. Commissioner Howard asked staff about prioritizing permit parking for Charles Street. Transportation and Traffic Manager Abbas provided details about street qualifications for permit parking and different types of traffic calming measures.

Commissioner Harrison commented that the front face of the proposed project along Charles Street appears to be two feet closer to the center of the street than the adjacent building to the south. Assistant Director Miner advised that the existing homes predate the Downtown Specific Plan (DSP) but that this block will likely redevelop and that the proposal meets the block's current zoning standards.

Assistant Director Miner provided clarification regarding the ADA requirements and associated design layout to Commissioner Harrison.

Transportation and Traffic Manager Abbas provided information about minimum traffic volume thresholds, speed thresholds and curb ramps to Chair Rheume. Chair Rheume asked staff about prioritizing permit parking for Charles Street. Transportation and Traffic Manager Abbas provided information about pending applications and City policy. Assistant Director Miner advised that it will be in the applicant's best interest to work with the neighborhood to help them obtain permit parking.

Commissioner Howard confirmed with Transportation and Traffic Manager Abbas that he is not aware of any request submitted by the residents of Charles Street for the initiation of a traffic study.

Assistant Director Miner stated that there was a Traffic Impact Analysis (TIA) prepared for the proposed project and that the Planning Commission can direct staff to investigate the potential for a traffic study.

MOTION: Commissioner Simons moved and Commissioner Howard seconded the motion for Alternative 2 – Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration, and approve the Special Development Permit and Vesting Tentative Map with the recommended findings in Attachment 3 and modified conditions of approval in Attachment 4 –

1. Modify the COA as suggested by staff to outline the process for a potential future conversion to condominiums;
2. Modify the COA to specify the process for converting BMR rental units to BMR ownership units and include the legally required percentage of BMR units in each instance; and,
3. Modify the COA to indicate that no artificial turf will be allowed.

Commissioner Simons provided the following recommendations to staff:

1. Staff should review the first-floor ceiling height with consideration for an appropriate generic restaurant retail height and the potential use of the site by higher utility vehicles, understanding that a greater first-floor ceiling height will result in a greater overall building height;
2. Staff should review signage placement with the developer to ensure that it does not conflict with the required street trees;
3. Staff should review limiting public access to the trash enclosure on Charles Street;

4. Staff should review the placement of the Mathilda Avenue street trees and the potential addition of another tree on the south side of driveway; and,
5. Staff should consider the processes to initiate a traffic study and recommend to the applicant that they initiate a traffic study to place traffic calming measures on Charles Street.

Commissioner Simons commented on zoning transition conflicts in the City and that the parking permitting process should alleviate negative impacts on lower density residential areas. Commissioner Simons noted his concern that enough parking is developed for the proposed project and that the restaurant parking can accommodate utility trucks. Commissioner Simons stated that the first-floor height should be scaled as a functional retail space for future owners or lessees.

Commissioner Howard stated that he can make the findings. Commissioner Howard noted the traffic and parking concerns along Charles Street and the need for permit parking and traffic calming measures. Commissioner Howard stated his hope that the applicant will assist the neighborhood in applying for permit parking. Commissioner Howard stated his appreciation for this mixed-use development with BMR units and the retention of a less gentrified restaurant option. Commissioner Howard noted that balcony privacy screens are only required with the potential for side view privacy impacts. Commissioner Howard complimented Commissioner Simons for his motion.

Commissioner Olevson stated that he will be supporting the motion with clarification about the BMR conversion issues. Commissioner Olevson stated that he can make the findings for the Mitigated Negative Declaration and Special Development Permit. Commissioner Olevson commented on his appreciation of the concerns presented by the residents but stated that these issues are always present at the edge of the DSP. Commissioner Olevson stated that he could not make any of findings required to deny the Tentative Map.

Vice Chair Weiss stated her appreciation of the comments made by the Charles Street residents. Vice Chair Weiss stated her hope that the developer will work with the residents to resolve the issues. Vice Chair Weiss stated that she can make the findings and commended the step backs, second floor windows and corner plaza. Vice Chair Weiss stated that she will be supporting the motion.

Chair Rheume stated that he will be supporting the motion and can make the findings. Chair Rheume stated that the applicant has an opportunity to be a good

neighbor and that his hope is for the applicant to work with the residents of Charles Street.

The motion carried by the following vote:

**Yes: 6 -** Chair Rheume  
Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Olevson  
Commissioner Simons

**No: 0**

**Absent: 1 -** Commissioner Howe

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

3. [18-0547](#) **Proposed Project:** Related applications on a 9,200 square foot site:  
**TENTATIVE MAP:** to subdivide one parcel into two lots.  
**USE PERMIT:** to allow lot area and lot width less than the minimum required.  
**DESIGN REVIEW:** for two new two-story single family homes (2,414 square feet and 2,427 square foot gross floor area) resulting in an overall Floor Area Ratio (FAR) of 53.5 percent.  
**Location:** 305 Beemer Avenue (APN: 204-51-022)  
**File #:** 2017-7219  
**Zoning:** R-2  
**Applicant / Owner:** Beemer Development LLC (applicant) / Rachel Rodriguez Trustee & Et Al (owner)  
**Environmental Review:** Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include new construction of up to three single-family residences in urbanized area (CEQA Guidelines, Section 15303).  
**Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Assistant Planner Aastha Vashist presented the staff report.

Commissioner Simons confirmed with Assistant Planner Vashist that the Planning Commission can recommend to staff that the base of the pillars match between the homes. Commissioner Simons confirmed with Assistant Planner Vashist that the