

3. [20-0763](#) **Proposed Project: Peery Park Plan Review Permit** to construct two five-story office/R&D buildings totaling 391,131 square feet in floor area and 100% floor area ratio (FAR), and a six-level parking structure.
Location: 888 Ross Drive (APNs: 110-07-035, 036)
File #: 2019-7860
Zoning: Peery Park Specific Plan/Innovation Edge (PPSP/IE)
Applicant / Owner: Perry Hariri / STP Property LLC
Environmental Review: The project is exempt from CEQA review pursuant to CEQA Guidelines Section 15168 (c)(2) and Public Resources Code Section 21094 (c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigations are required.
Project Planner: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

Senior Planner Margaret Netto shared the staff report with a slide presentation. She added that Recommended Condition of Approval PS-2 in Attachment 4 should be removed as the applicant has updated the parking count on Level 6 of the parking structure and the CEQA Checklist in Attachment 6 should be revised to reflect the updated parking count of 1,260 and the updated heritage tree removal count of 58.

Commissioner Weiss asked the status of the Peery Park shuttle program. Assistant Director Andrew Miner stated that the program is anticipated to begin in late 2021 or early 2022, which is when staff believes there will be enough development and

people might begin returning to the workplace. He added that there have been legal issues to work through with Valley Transportation Authority (VTA) and the City Manager has authorized funds for marketing the program.

Vice Chair Simons stated his disappointment that the staff report did not include the images that he requested at the Study Session that should have incorporated the future Mary Avenue overcrossing. He stated that the images could have depicted a generic structure using the known bridge specifications and that it is unacceptable as without the images, the Commissioners will not have a proper understanding of the proposed project's design and how the structure would impact it. Assistant Director Miner asked Vice Chair Simons what he wants to determine from the images. Vice Chair Simons responded that he wants to see how the proposed project looks with the bridge above it and mentioned questions he has about the proposed project that involve the bridge. Assistant Director Miner answered the design is unknown at this point and staff does not know if there will be pedestrian access connecting the bridge and the property, whether there will more than one vehicle access point to the proposed project, and that the applicant has agreed to an easement on the property for one of the bridge's support beams. Vice Chair Simons asked if any land has been allocated to allow employees to travel to and from the bridge. Assistant Director Miner stated that any allocation would be difficult since the bridge has not been designed. Vice Chair Simons restated that the bridge would significantly impact the proposed project's design and the views in the area.

Commissioner Howe asked how the images that Vice Chair Simons requested could be provided. Assistant Director Miner replied that the architect can more appropriately respond and asked how the images would be helpful. Vice Chair Simons stated that the images would help determine the architectural context of the proposed project and how the design works with the bridge. Commissioner Howe asked the applicant to address the requested images at the beginning of their presentation.

Chair Howard opened the Public Hearing.

Perry Hariri with Miramar Capital and Wright Sherman, Architect with WRNS Studio, shared images and information about the proposed project.

Commissioner Weiss asked the applicant how many parking spaces would be equipped with electric vehicle charging stations. Mr. Sherman responded that more than five percent of the total parking spaces would have charging stations and they

plan to configure their electrical service to support the installation of more over time. Commissioner Weiss confirmed with Mr. Sherman that the shuttle pick-up and drop-off area would also be intended for ride sharing vehicles. Commissioner Weiss asked if the surface parking or area near it could support food trucks. Mr. Sherman answered that food trucks would most likely continue to operate in the turnaround area just outside the property line and could also operate with enough room in the planned loop road on the site.

Vice Chair Simons named potential solar shading and research and development view restrictions from the bridge as reasons for requesting the Mary Avenue overcrossing images. Mr. Hariri responded that it is unfair to ask them to create a design for the conceptual City-owned bridge and that they should not be required to do so because it is outside the proposed project's scope. Vice Chair Simons replied that the bridge in the images could have been a generic structure representing the space that it would occupy, adding that he was clear about requesting the images at the Study Session. Mr. Hariri responded that the overcrossing bridge would be approximately 150 feet away from their closest building and the bridge would not block solar panels on the roof because it is taller than a future bridge. Mr. Hariri also stated they do not plan to require that the building's interior not be viewed from the bridge. Vice Chair Simons asked how bicycles would travel west of the proposed project. Mr. Sherman responded that traveling east is the only option and the western connection could possibly improve if the bridge is built. Vice Chair Simons also asked the applicant if they are interested in connecting to the light rail station and if they would be willing to work with the relevant jurisdictions on pedestrian access to the bridge. Mr. Sherman and Mr. Hariri stated that they would welcome a connection but can only work within their property line and cannot comment on or take any action on anything that involves the conceptual bridge. Senior Assistant City Attorney Rebecca Moon stated that it would be difficult to create any enforceable condition about a future overcrossing since there is no approved design at this point. Chair Howard added that there is a significant-sized part of the property located next to the area dedicated to the support beam that could be used for this type of access in the future. Assistant Director Miner suggested that Vice Chair Simons direct the applicant and staff to work together at the time the bridge is designed to explore pedestrian access between the bridge and property. Vice Chair Simons confirmed with Mr. Sherman that the buildings would be taller than the overpass and not obstruct it and the bridge would not affect the solar panels as they would be located on the garage on the other end of the property. Vice Chair Simons asked the applicant how they plan to use the passive open space areas considering the site's high noise levels. Mr. Sherman stated that the tall buildings would help

mitigate the sound level and there would be a few pockets on the site that would shield some of the sound. Vice Chair Simons stated that he would have liked to have seen the buildings surrounding the open space.

Commissioner Harrison asked the applicant if they considered relocating the building that would be closest to the bridge to the northeast to allow room for a potential pedestrian connection to the bridge. Mr. Sherman answered that there would be enough of a buffer space between the bridge and the nearest building and that the asphalt in that area would be a flexible space to use in a variety of ways if the connection is explored. Commissioner Harrison confirmed with Principal Planner Noren Caliva-Lepe that the proposed project would not affect the adjacent cold weather shelter at 999 Hamlin Court. Commissioner Harrison also asked if it is possible to relocate the 14 Redwood trees planned for removal to City properties throughout the city where Redwoods have died. Assistant Director Miner and Rich Sharp, Landscape Architect with Studio Five Design, stated it is not possible as the trees can only be transported upright for short distances.

Commissioner Olevson stated that page G-004 of Attachment 9 shows that Building B is located significantly far away from where the bridge would be and the building would be difficult to move because it is located next to the turnaround area. Mr. Sharp added that relocating it would damage some of the preserved Redwood trees on the site.

Mr. Hariri, Mr. Sherman, Mr. Sharp, and Raul Garduno, Architect with WRNS Studio, presented additional images and information about the proposed project.

Chair Howard asked if the existing Redwood trees could be transplanted to another location on the site if they had to be removed to allow space for the bridge's support beam. Mr. Sharp stated that they would have to look into it as it would most likely be difficult. Chair Howard stated that it is an issue for the applicant to consider for the future and hoped that the Department of Public Works would work to minimize tree loss.

Vice Chair Simons asked the applicant what material uses the lime green color and Mr. Sherman stated that the material is similar to acrylic. Vice Chair Simons stated that he likes bold statements but commented on how quickly colors and architecture fall out of popularity and that is helpful to be able to update these as trends change.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Weiss moved and Commissioner Harrison seconded the motion for Alternative 1 - Recommend that the City Council make the required Findings to approve the California Environmental Quality Act determination that the project is exempt from the California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15168 (c)(2) and Public Resources Code Section 21094 (c) as it is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required in Attachment 6 to the Report; make the Findings for the Peery Park Plan Review Permit and Sense of Place Fee in Attachment 4 to the Report; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 7 to the Report and recommended conditions of approval set forth in Attachment 5 to the Report.

Commissioner Weiss stated her appreciation for the proposed project's building asymmetry, materials, open space in front of the buildings that provides a campus feel, amenities, community gardens, forum between the buildings and varying building planes that provide visual interest, and the parking structure. She recognized that the applicant listened and responded to the Commissioners' comments from the Study Session and urged the Commissioners to support the motion.

Commissioner Harrison stated that she can make the findings with regard to the CEQA determination and the Peery Park Specific Plan. She commented that the parking structure is the most beautiful she has seen and has a lovely architectural composition.

FRIENDLY AMENDMENT: Commissioner Howe offered a friendly amendment to specify that Recommended Condition of Approval PS-2 in Attachment 4 be removed as the applicant has updated the parking count on Level 6 of the parking structure and that the CEQA Checklist in Attachment 6 be revised to reflect the updated parking count of 1,260 and the updated heritage tree removal count of 58, as stated during Senior Planner Netto's staff presentation. Commissioner Weiss and Commissioner Harrison accepted the friendly amendment.

Commissioner Howe stated that he likes the proposed project and commented that it is unfortunate that the images that Vice Chair Simons requested during the Study Session were not provided.

Commissioner Olevson commented that he will support the motion and thanked staff for diligently answering his questions about the proposed project prior to the hearing. He stated that it is a great proposed project that would improve this area of Sunnyvale and provide a modern feel to the city as viewed from the nearby freeways. He thanked the applicant team and commended them on an outstanding job, adding that it is easy decision for him to recommend the proposed project to the City Council.

Vice Chair Simons asked staff for recommendations on the best language to use to encourage the applicant to connect the proposed project to any future bridge, adding that it benefits the applicant to connect to the light rail station, the applicant would receive more Transportation Demand Management Program points, and that it is beneficial to coordinate projects to avoid issues in the future. He further remarked that approving the proposed project without a condition of this nature eliminates the possibility for the connection. Assistant Director Miner suggested language stating that the applicant must work with the City to determine if there is potential to create access between the future bridge and the proposed project. Senior Assistant City Attorney Moon stressed that it would be a voluntary condition and would only commit the applicant to working the City. She added that a condition that directs the applicant to work with staff in good faith does not bind the applicant considering there are so many unknowns about the bridge, but a hypothetical, opened-ended condition also does not accomplish his goal. She proposed recommending to the City Council to direct staff to explore pedestrian access at this location with the property owner at the time the bridge is designed. Vice Chair Simons stated that he will not support the proposed project because the non-sports use open areas would be too noisy to be functional; there is an absence of different bicycle connections, particularly one to the light rail station that could benefit residents and other properties; and because lack of coordination on pedestrian access to the bridge is a lost opportunity. He encouraged the applicant to consider the connection for the future.

Chair Howard stated that he will support the motion and appreciated Vice Chair Simons's concerns with ensuring the connection to the bridge and he hoped that it can be accomplished in the future, noting that the burden is on the City to work with the property owner to determine a solution. He added that the 523 VTA bus connects from Mathilda Avenue and Ross Drive to the downtown Sunnyvale Caltrain station. He added that he likes the architecture, the fact that it would be Leadership in Energy and Environmental Design Gold certified, and that he believes it would be an asset to Sunnyvale.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Weiss

No: 1 - Vice Chair Simons

Absent: 1 - Commissioner Rheaume

Assistant Director Miner stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, November 17, 2020 meeting.