



# City of Sunnyvale

## Meeting Minutes - Draft Planning Commission

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Monday, December 14, 2020

7:00 PM

Telepresence Meeting: City Web Stream |  
Comcast Channel 15

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

### TELECONFERENCE NOTICE

#### **STUDY SESSION CANCELED**

#### **7:00 PM PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

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

#### **ROLL CALL**

**Present:** 7 - Chair Daniel Howard  
Vice Chair David Simons  
Commissioner Sue Harrison  
Commissioner John Howe  
Commissioner Ken Olevson  
Commissioner Ken Rheaume  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

#### **CONSENT CALENDAR**

Vice Chair Simons requested to defer consideration of Agenda Item 1.B to the end of the Public Hearing.

MOTION: Commissioner Howe moved and Vice Chair Simons seconded the motion to approve Agenda Items 1.A, 1.C and 1.D and defer consideration of Agenda Item 1.B to the end of the Public Hearing.

The motion carried by the following vote:

**Yes:** 7 - Chair Howard  
Vice Chair Simons  
Commissioner Harrison  
Commissioner Howe  
Commissioner Olevson  
Commissioner Rheaume  
Commissioner Weiss

**No:** 0

**1.A**     [20-1012](#)     Approve Planning Commission Meeting Minutes of November 23, 2020

**1.C**     [20-1003](#)     **CONTINUED FROM OCTOBER 26, 2020**  
**APPLICATION WITHDRAWN**

**Proposed Project:** Related application on a 5,617 square foot site:  
**DESIGN REVIEW** to allow a 197 square foot first floor addition and 864 square foot second floor addition (1,061 square foot total) to an existing one-story single-family home, resulting in 2,818 square feet (2,434 square foot living and 384 square foot garage) and 50% floor area ratio.

**Location:** 1235 Pecos Way (APN:104-27-009)

**File #:** 2019-7599

**Zoning:** Low Density Residential (R-0)

**Applicant / Owner:** Dennis Schafer (applicant) / Kevin and Jeanna Lurie (owner)

**Environmental Review:** Projects which are disapproved are exempt from California Environmental Quality Act (CEQA) (CEQA Section 15270).

**Project Planner:** Cindy Hom, (408) 730-7411,  
Chom@sunnyvale.ca.gov

**1.D**     [20-1011](#)     **REQUEST FOR CONTINUANCE TO JANUARY 11, 2021**

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** to allow a 12-story mixed use development on Subblock 3 South in Block 18 of the DSP adjacent to Redwood Square with 479 units and approximately 30,000 square feet of ground floor retail/restaurant space and below grade parking.

**VESTING TENTATIVE MAP:** to allow modifications to lot line locations and the creation

**Location:** 200 S. Taaffe Street (APNs: 209-35-023 & 022)

**File #:** 2020-7262

**Zoning:** DSP (Downtown Specific Plan)/Block 18

**General Plan:** Downtown Specific Plan

**Applicant / Owner:** STC Ventures LLC (applicant and owner)

**Environmental Review:** No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Downtown Specific Plan Program Environmental Impact Report (EIR)(State Clearinghouse #2018052020).

**Project Planner:** Shaunn Mendrin, (408) 730-7431,  
smendrin@sunnyvale.ca.gov

## **PUBLIC HEARINGS/GENERAL BUSINESS**

2.      [20-1002](#)      **Proposed Project:**      Related applications on a 0.58-acre site:  
                                 **SPECIAL DEVELOPMENT PERMIT:** to allow demolition of two existing single-family homes and construction of 16 two to three-story townhomes, and  
                                 **TENTATIVE MAP:** to create one common lot and 16 condominiums.  
**Location:** 220 and 228 Carroll Street (APNs: 209-10-051, 209-10-052)  
**File #:** 2019-7233  
**Zoning:** DSP- 6  
**Applicant / Owner:** Samir Sharma (applicant) / 220 Carroll LLC (owner)  
**Environmental Review:** A Class 32 Exemption relieves this project from California Environmental Quality Act provisions.  
**Project Planner:** Aastha Vashist, (408) 730-7458,  
avashist@sunnyvale.ca.gov

Associate Planner Aastha Vashist shared the staff report with a slide presentation. She announced corrections to the staff report to label the rear setback as a concession under the State Density Bonus Law in Attachment 2, Project Data Table; correct PS-1(a) in Attachment 4, Recommended Conditions of Approval, to note that a one-foot-wide strip of grasscrete should be provided on both sides of the central driveway; and correct PS-2 in Attachment 4 to read that the final exterior building materials and color scheme are subject to review and approval by the Director of Community Development. She also noted communication staff received from a member of the public after the staff report published.

Commissioner Weiss confirmed with Associate Planner Vashist that the site is designated for residential use. Commissioner Weiss asked for an explanation of the Impervious Surface Calculation worksheet referenced in BP-14 of Attachment 4. Principal Planner Noren Caliva-Lepe responded that the worksheet calculates how much storm water must be treated on site and there is no maximum or minimum amount of impervious material required.

Vice Chair Simons confirmed with Assistant Director Andrew Miner that slide five of

the staff presentation does not include a rendering of the Redwood tree located behind the existing 220 Carroll Street property. Vice Chair Simons asked staff if there is an issue with the use of garage doors that have a crisper-looking molding style. Assistant Director Miner suggested asking the applicant if they are amenable to incorporating the style into the proposed project.

Commissioner Rheume confirmed with Associate Planner Vashist that a trash truck turnaround is no longer required in front of Building C and more landscaping has been added in its place and that trees are planned for the park strip and for the property in front of each building. Commissioner Rheume asked about the growth rate and maximum height of the Victorian Box trees with concern for the adjacent single-family homes' privacy. Associate Planner Vashist stated that Victorian Box trees are considered screening trees, grow to a maximum height of 40 feet and have a moderate to fast growth rate. Commissioner Rheume also confirmed with Associate Planner Vashist that obscured glass is not required for the windows on Building B that face the adjacent office building. Commissioner Rheume stated that he prefers divided light windows with brown trim as depicted in the renderings and agreed with staff's suggestion to soften the central driveway with a one-foot-wide strip of grasscrete on both sides.

Chair Howard opened the Public Hearing.

Samir Sharma, applicant and owner representing 220 Carroll LLC, presented information about the proposed project with a slide presentation.

Commissioner Harrison asked the applicant if they believe the on-site Redwood tree would survive well during and after construction. Greg Lewis, Landscape Architect, responded that the applicant team's Arborist report did not express concern for the tree and the raised deck around the tree is designed to protect its roots.

Commissioner Harrison also asked the applicant about the feasibility of growing grass in a one-foot-wide grasscrete strip. Mr. Lewis and Peter Carlino, Civil Engineer znb4everrepresenting Lea and Braze Engineering, Inc., stated they disagree with that Recommended Condition of Approval because they believe grass would not grow in that small area. Mr. Sharma added that a 26-foot-wide horizontal surface is required for fire road access and confirmed for Commissioner Harrison that the proposed project meets the clearance requirement as designed.

Commissioner Harrison asked the applicant to discuss possible options to reduce the central driveway's massing of pavers. Mr. Lewis suggested artificial turf, a different type paver, or gravel, and Mr. Carlino suggested a different type paver

which would provide a different aesthetic and meet the fire road access requirements.

Commissioner Weiss asked the applicant if the assigned parking spaces are pre-wired for electric vehicle charging and what security system would be used to access the covered unassigned parking spaces. Mr. Sharma responded that all the garages would be pre-wired and that the unassigned parking could be freely accessed without the use of a security system. Commissioner Weiss confirmed with Mr. Sharma that the trash and recycling area shares a wall with Unit 3's garage storage area and that it is only one story. Commissioner Weiss asked why the non-functional chimneys would be equipped with metal arrestors on the towers. Chad Nguyen, Project Architect, responded that the metal arrestors would also be non-functional and just for decorative purposes.

Vice Chair Simons asked the applicant what material would be used for the planters outside the individual units. Mr. Nguyen responded that they would be made of pre-cast concrete in one piece. Vice Chair Simons confirmed with Mr. Nguyen that they are amenable to exploring different types of obscured glass other than frosted glass for a more interesting aesthetic for the privacy windows and are open to using garage doors that have sharper molding and appear less plastic-like. Vice Chair Simons and Mr. Carlino discussed paver options for the one-foot-wide strip along the central driveway that would meet the requirements for storm water management and fire road access and Vice Chair Simons confirmed with Mr. Sharma that they are open to using a different color and/or sized paver for that area instead of grasscrete. For the two trees at the front of the proposed project, Vice Chair Simons asked the applicant if they are agreeable to a height, shade, and deciduous requirement. Mr. Lewis stated that the planned Ginkgo trees are large and deciduous. Vice Chair Simons stated that Ginkgo trees often bend in the wind and are short-lived and that he is interested in the longevity of all trees throughout the city.

Commissioner Olevson confirmed with Mr. Sharma and Mr. Carlino that the units are condominium ownership but would be constructed like traditional townhomes in architectural style.

Commissioner Rheume asked Mr. Lewis's opinion of the Redwood tree's protection and health during and after construction. Mr. Lewis stated that he designed a supplemental water system for the tree underneath the deck and that he believes the tree would not be affected but deferred to the analysis in the Arborist

report that addresses the tree's state during and after construction.

No members of the public spoke and the applicant chose not to share any additional information about the proposed project.

Chair Howard closed the Public Hearing.

Commissioner Rheume confirmed with Associate Planner Vashist that the applicant references the report their Arborist completed. Commissioner Rheume asked about the City Arborist's opinion out of concern for the tree's protection during and after construction. Principal Planner Caliva-Lepe added that the applicant would need to submit a tree protection plan during the building review phase that staff and the City Arborist would review.

Vice Chair Simons asked staff if it is possible to explore garage doors with sharper molding. Mr. Sharma stated that the style works for the applicant team.

Commissioner Olevson added that the preliminary tree protection plan is outlined on page four of the applicant's Arborist report in Attachment 8. Assistant Director Miner assured the Commissioners that all measures would be taken to ensure the tree's protection and the tree protection plan would be modified if the City Arborist found it necessary.

MOTION: Commissioner Rheume moved and Commissioner Olevson seconded the motion for Alternative 2 - Make the required Findings to approve the CEQA determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 as noted in Attachment 5 to the report, and approve the Special Development Permit and Vesting Tentative Map subject to the findings in Attachment 3 to the report and modified Conditions of Approval.

The modified Conditions of Approval are as follows:

1. Specify that the windows must have brown trim and divided light consistent with the renderings the applicant submitted.
2. Direct staff and the applicant to work together to explore paver color, size, and placement possibilities and select the best option to break up the paver massing of the central driveway.

3. Label the rear setback as a concession under the State Density Bonus Law in Attachment 2, Project Data Table.
4. Revise PS-2 in Attachment 4, Recommended Conditions of Approval, to read as follows:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

Commissioner Rheume stated that it is a good proposed project and the design has evolved to better blend in with the neighborhood. He appreciated that part of Building A was modified to two stories so that the building height is staggered and the building massing is not as imposing from the streetscape. He complimented the applicant on the proposed project's quality and consistent Spanish architectural style and stated his pleasure with the efforts to save the Redwood tree that he believes would be an asset to the residents and the neighborhood. He urged the Commissioners to support the motion.

Commissioner Olevson agreed with Commissioner Rheume and the California Environmental Quality Act determination and stated he can support the Special Development Permit, Tentative Map and Conditions of Approval as modified. He recommended the other Commissioners support the proposed project.

Commissioner Harrison thanked the applicant for agreeing to use a different size and/or color paver for the sides of the central driveway which would avoid grasscrete maintenance issues and provide a visual reduction of the paver massing. She also applauded the applicant's efforts to save the Redwood tree and appreciated the development's ownership and below market rate opportunities. She stated that she can make the findings for the Tentative Map and expressed her opinion that solid, opaque glass is more appropriate for the architectural style than other types of obscured glass. She further remarked that she will support the proposed project.

FRIENDLY AMENDMENT: Vice Chair Simons proposed a friendly amendment to include these additional modified Conditions of Approval:

1. Specify that the planters next to the units' front doors must be made of pre-cast

concrete as the applicant described during the Public Hearing.

2. Specify that the garage doors must have a crisp molding style instead of a plastic-looking style.
3. Specify that smaller-sized pavers must be used along both edges of the central driveway.
4. Direct the applicant and staff to work together to select a window glass treatment appropriate for the development's architectural style for the windows where privacy issues are of concern. Frosted glass is an option if determined appropriate.

Commissioner Rheume and Commissioner Olevson accepted the friendly amendment.

Vice Chair Simons suggested an additional modification so that the two trees at the front of the proposed project on Carroll Street be a minimum height of 45 feet at maturity, native, deciduous and long living. Commissioner Olevson stated his opinion that staff should determine the most appropriate trees for the location. Assistant Director Miner stated that residential projects must follow the City's objective standards and he and Vice Chair Simons agreed that his comments are better suited as a recommendation. Vice Chair Simons stated that the City's landscaping guidelines are insufficient, cities with higher landscaping standards are the cities where people want to live, revisions to the landscaping requirements are needed now and cannot wait until the upcoming study is completed, and he is unhappy with seeing poor landscaping in the city. He added that he will not support the proposed project.

Commissioner Weiss appreciated the proposed project's latest design which in her opinion is now more compatible with the neighborhood and noted its respect for the surrounding neighbors. She also appreciated the homeownership opportunities, great location, proximity to transit and downtown, and the applicant's modifications based on the Commissioners' Study Session suggestions. She further remarked that she can make all the findings and will support the motion.

Chair Howard stated that he will support the motion. He recognized the applicant's efforts to provide more housing on a challenging lot adjacent to a commercial office building and single-family homes. He noted that he particularly likes the Redwood tree in the middle of the development because it ties the buildings together and



softens the overall look of the proposed project.

The motion carried by the following vote:

**Yes:** 6 - Chair Howard  
Commissioner Harrison  
Commissioner Howe  
Commissioner Olevson  
Commissioner Rheaume  
Commissioner Weiss

**No:** 1 - Vice Chair Simons

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

**1.B**      [20-1013](#)      Annual Review of the Code of Ethics and Conduct for Elected and Appointed Officials

Vice Chair Simons discussed in detail his opinion on issues with the 2020 Code of Ethics and Conduct for Elected and Appointed Officials such as staff conduct not being addressed; resident-made decisions causing conflicts with the Code; the Code's inability to prevent individuals or minority groups from Boards, Commissions, or City Council from influencing particular processes; and the Code not addressing how members can accomplish goals within the established processes. He gave specific, detailed examples of issues with the Code.

Commissioner Harrison asked how often the Code of Ethics is reviewed and about the most appropriate method for recommending the Code be updated. Senior Assistant City Attorney Rebecca Moon stated that the Code is updated on an as-needed basis and explained how the City Council can direct the Office of the City Manager to update it with input from the Office of the City Attorney, suggesting that any Commissioners' recommendations for updating it be stated during the public hearing.

Senior Assistant City Attorney Moon and Assistant Director Andrew Miner suggested Vice Chair Simons summarize his comments for City Council's consideration of any recommendations. Senior Assistant City Attorney Moon added that Vice Chair Simons can speak at the City Council meeting as a member of the public when the City Council considers adopting the 2020 Code. Vice Chair Simons stated that the Code should be reviewed for improvement and to better determine

the intent of it.

Chair Howard restated that Commissioners can make recommendations during the public hearing, at the Joint Meeting of City Council with Board and Commission Chairs and Vice Chairs and at the meeting when the City Council considers adopting the 2020 Code.

Commissioner Harrison discussed with Senior Assistant City Attorney Moon that the City Council must initiate the process to direct staff to update the Code and the Commissioners can make recommendations to the City Council with a motion.

MOTION: Vice Chair Simons moved and Commissioner Harrison seconded the motion to accept the 2020 Code of Ethics and Conduct for Elected and Appointed Officials and recommend to the City Council a formal review of the policy document, a process which would include involvement from members of different Boards and Commissions.

The motion carried by the following vote:

**Yes: 7 -** Chair Howard  
Vice Chair Simons  
Commissioner Harrison  
Commissioner Howe  
Commissioner Olevson  
Commissioner Rheaume  
Commissioner Weiss

**No: 0**

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

#### **NON-AGENDA ITEMS AND COMMENTS**

##### **-Commissioner Comments**

Chair Howard shared that he learned that as sea levels rise, the salt water will push the fresh water up to the surface along with pollutants, which has implications in the coming decades for north Sunnyvale.

##### **-Staff Comments**

Assistant Director Andrew Miner stated that on December 1, 2020 the City Council approved ordinance updates to allow wireless telecommunication facilities on

City-owned poles without the requirement for a separate Planning permit for facilities subject to an executed Master Lease Agreement. He added that staff received positive feedback from the City Council at the November 30, 2020 Moffett Park Specific Plan Sea Level Rise and Climate Change Public Workshop and encouraged Commissioners who did not attend to watch the recording. He further remarked that the next workshop on transportation and infrastructure will be held in the same format on February 1, 2020.

### **ADJOURNMENT**

Chair Howard adjourned the meeting at 9:15 PM.