



# City of Sunnyvale

## Meeting Minutes

### Planning Commission

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Monday, August 23, 2021

7:00 PM

Telepresence Meeting: City Web Stream |  
Comcast Channel 15 | AT&T Channel 99

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

#### TELECONFERENCE NOTICE

#### **STUDY SESSION CANCELED**

#### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

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

#### **ROLL CALL**

**Present:** 5 - Chair Daniel Howard  
Vice Chair Martin Pyne  
Commissioner Sue Harrison  
Commissioner Ken Rheaume  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner John Howe

Commissioner Howe's absence is excused.

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

MOTION: Vice Chair Pyne moved and Commissioner Rheaume seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 4 - Chair Howard  
Vice Chair Pyne  
Commissioner Harrison  
Commissioner Rheume

**No:** 0

**Absent:** 1 - Commissioner Howe

**Abstained:** 1 - Commissioner Weiss

1. [21-0823](#) Approve Planning Commission Meeting Minutes of August 9, 2021
2. [21-0844](#) **Proposed Project:** Related applications on a 0.14-acre site:  
**DESIGN REVIEW** to allow a single-story addition of 498 square feet to an existing two-story home, resulting in 2,977 square feet (2,513 square feet living space and 464 square feet garage) and 49.6% floor area ratio (FAR).  
**Location:** 693 W. Remington Drive (APN: 201-30-040)  
**File #:** 2021-7169  
**Zoning:** R-0  
**Applicant / Owner:** CAGE Design Build (applicant) / Cole and Jessica N Lodge (owner)  
**Environmental Review:** A Class 1 Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.  
**Project Planner:** Kelly Cha, Associate Planner,  
kcha@sunnyvale.ca.gov

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

3. [21-0642](#) **Proposed Project:**  
Forward recommendations related to the Lawrence Station Area Plan (LSAP) to the City Council to:
  1. **Adopt a Resolution to:**
    - a. Certify the Subsequent Environmental Impact Report;
    - b. Make the findings required by the California Environmental Quality Act;
    - c. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
    - d. Adopt the Water Supply Assessment;
    - e. Amend the Lawrence Station Area Plan;
    - f. Amend the General Plan and update the General Plan Map;
    - g. Adopt the LSAP Sense of Place Plan;
    - h. Amend the LSAP Development Incentives Program.
  2. **Adopt a Resolution to:**

- a. Amend Resolution No. 1060-21 (Master Fee Schedule) to add the LSAP Plan Fee, LSAP Sense of Place Fee, LSAP Residential Wastewater Fee, and LSAP Transportation Impact Fee.

**3. Introduce an Ordinance to:**

- a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts-Creation), Chapter 19.35 (Lawrence Station Area Plan Specific Plan District), and make related changes to the SMC to implement the amended LSAP;
- b. Amend the Precise Zoning Plan Districts Map and re-zone parcels within the LSAP district;
- c. Add Chapter 3.52 (LSAP Transportation Impact Fee) to Title 3.50 (Revenue and Finance).

**Location:**

**Existing Plan:** Lawrence Station Area

**Proposed Boundary Expansion Sites:** 932 Kifer Road (APN 205-49-005), 950 Kifer Road (APN 205-49-012), 945 Kifer Road (APN 205-40-002), and 955 Kifer Road (APN 205-40-001)

**File nos.:**

2017-7082 (Lawrence Station Area Plan Amendment)  
2018-7714 (Sense of Place Plan)  
2018-7723 (General Plan Amendment/Rezoning for Boundary Expansion Sites)

**Zoning:**

**LSAP** - Various designations of Flexible Mixed-Use I (MXD-I), Flexible Mixed-Use II (MXD-II), Flexible Mixed-Use III (MXD-III), LSAP Industrial and Service (M-S/LSAP), Office/Retail (O-R), and High Density Residential and Office (R-5)

**Proposed Boundary Expansion Sites** - General Industrial (M-3) [932 and 950 Kifer Road] and Industrial and Service (M-S) [945 and 955 Kifer Road]

**Applicants:** City of Sunnyvale (file #'s 2017-7082 and 2018-7714) and Intuitive Surgical, Inc. (file # 2018-7723)

**Environmental Review** (SCH # 2019012022): Adopt a resolution to make findings required by CEQA, certify the Subsequent Environmental Impact Report (SEIR), and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

**Project Planner:** George Schroeder, 408-730-7443, gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder presented the staff report with a slide presentation.

Commissioner Weiss requested clarification on whether recent state legislation

permits maximum housing capacity and referenced information on the fifth slide of the staff presentation. Senior Planner Schroeder explained that the City is unable to enforce a maximum housing capacity, and the number of units were studied from an environmental review standpoint. Assistant Director Andrew Miner and Senior Planner Schroeder both confirmed that an increase in density within developments is permitted as long as certain incentives, such as community benefits and housing affordability, are offered.

Commissioner Rheume asked whether the proposed plan update will preserve existing redwoods such as those on Sonora Court. Senior Planner Schroeder stated that chapter six of the amended Lawrence Area Station Plan (LSAP) discusses the guidelines and policies for public improvements and tree preservation. He also mentioned that some sidewalks will be created behind the trees on Sonora Court to avoid impacting the mature trees there.

Vice Chair Pyne asked whether the language in the Lawrence Area Station Plan (LSAP) pertaining to the preservation of trees is sufficient to satisfy state laws. Senior Planner Schroeder assured him that requirements for preserving trees are evaluated according to arborist reports and the removal of trees is assessed on a per-project basis.

Vice Chair Pyne questioned whether the plan amendments will impact the project in progress on 1178 Sonora Court. Senior Planner Schroeder confirmed that the project located at 1178 Sonora Court is expected to be deemed complete prior to adoption of the plan updates.

Vice Chair Pyne asked whether adoption of the LSAP and its aim to rezone the Lawrence Station Area for commercial use will impact the residential project that is currently underway at 1202 Kifer Road. Senior Planner Schroeder stated that staff informed the applicant of their option to file a SB 330 preliminary application prior to adoption of the plan updates, which would allow them to proceed with a residential project regardless of whether the Lawrence Station Area Plan is adopted.

Commissioner Harrison and Senior Planner Schroeder discussed the method for reading the table listed on page 14 of the staff report.

Commissioner Harrison inquired about why residential uses on the Costco site would be prohibited under the plan update. Assistant Director Miner explained that nonresidential zoning proposed under the plan update would preserve the existing

use, so the City cannot require residential on that site. There is also a concern under recent changes in state law that opportunities for residential development elsewhere in the Lawrence Station area would be diminished.

Commissioner Harrison explored the possibility of property owners and developers taking advantage of density incentives by building part of The Loop Road and providing public open spaces. According to Senior Planner Schroeder, there are minimum requirements in place to ensure that easements are provided for public access if a property is within the path of the Loop Road. Higher incentive points are awarded for the construction of these improvements. He stated that property owners and developers who are subject to these requirements benefit since these roads may be used for other purposes such as emergency vehicle access.

Commissioner Harrison probed whether the City has areas in mind that may be designated as public open space. Senior Planner Schroeder stated that opportunities for public open space are always considered and noted that the area east of Lawrence Expressway is one such example. He also noted that the City has two LSAP projects that include open space areas.

Chair Howard asked whether staff had a response to the letter sent by PS Business Parks, Inc. (PSBP). Senior Planner Schroeder acknowledged that the site owned by PS Business Parks, Inc. (1310-1380 Kifer Road) is in the path of many of the proposed improvements within the LSAP. He also countered that in spite of this, these roads may be used for other purposes such as emergency vehicle access, there are plenty of density incentives available, and the site's land area may allow for the most units in the plan area.

Chair Howard opened the Public Hearing.

Dick Scott, Divisional Vice President of PS Business Parks, Inc. (PSBP), stated that the proposed plan update involves a 60-foot-wide Loop Road that will intersect their site, restrict their flexibility, and negatively impact the number of units they may provide. Instead, Mr. Scott suggested that this road instead be placed to the west of their site to alleviate the burden that the proposed project will have on their site. Bradley Karvasek, a colleague of Mr. Scott's, urged the Planning Commission to consider moving the Loop Road to the west, rather than through the center, of their site.

Cliff Bargar, a regular commuter to the Lawrence Station area, recognized how the

area has improved by transforming from industrial to urban over the years. While he spoke in favor of the proposed project, he offered a few suggestions. These included considering the impact of widened intersections and additional turn lanes on pedestrians and bicyclists; a Kifer Road diet complete with protected bike lanes; and the construction of sidewalks on existing public right-of-way.

Blake Reinhardt, Vice President of Construction for Intuitive Surgical, Inc., spoke in favor of the plan updates and requested the Planning Commission's approval of the LSAP and Environmental Impact Report.

Commissioner Harrison offered the possibility of a development incentive for consolidating parcels in the Lawrence/Willow/Reed subarea (MXD-IV zoning district) as a means for facilitating development. Assistant Director Miner advised that this recommendation may be made to City Council.

Commissioner Rheume sought staffs' response to the request made by representatives of PS Business Parks, Inc. (PSBP) to relocate the Loop Road to the west of their site rather than the center. Assistant Director Miner provided an overview of the Loop Road's proposed location and explained that its incorporation in the plan is incentive-based. Senior Planner Schroeder added that the Loop Road's alignment with Corvin Drive allows for a protected crossing and stated that there is flexibility for its placement on the site as long as it extends southward and aligns with the parcel adjacent to it since this will allow for extension in the future. He also pointed out that it is an easement rather than a dedication which will not negatively affect unit potential. Chair Howard and Assistant Director Miner reiterated these points in a subsequent conversation.

Chair Howard asked whether staff considered the possibility of a Kifer Road diet.

Chair Howard closed the Public Hearing.

Principal Transportation Engineer Lillian Tsang confirmed that, in the past, the City of Santa Clara, which partially shares Kifer Road with the City of Sunnyvale, expressed no interest in exploring a Kifer Road diet. As a result, the City is not proposing a road diet for Kifer Road.

Vice Chair Pyne questioned whether fully protected bike lanes on Kifer Road were considered. Principal Transportation Engineer Tsang responded that the right-of-way on Kifer Road poses limitations that inhibit the maintenance of two

lanes for travel in both directions as well as a median allowing turn lanes into various driveways.

MOTION: Commissioner Harrison moved and Commissioner Rheaume seconded the motion to approve Alternative 2 – Recommend the Actions in Alternative 1 with modifications provided the modifications are with the scope of the environmental review.

The modifications are as follows:

- 1.) Extend the availability of development incentives for consolidating parcels to the Lawrence/Willow/Reed subarea (MXD-IV zoning district); and
- 2.) City staff shall follow up with the City of Santa Clara to determine whether there is interest in a road diet on Kifer Road that would accommodate Class IV protected bicycle lanes.

Commissioner Harrison articulated that the staff recommendation is well thought out and shared her appreciation of staff's efforts to tie together the proposed plan update's many moving pieces.

Commissioner Rheaume commended Senior Planner Schroeder and staff involved with the proposed project and highlighted the proposed plan update's flexibility and holistic approach.

Vice Chair Pyne spoke in favor of the motion and thanked staff for a well-done plan.

Commissioner Weiss voiced her support of the motion and expressed that she is impressed with the proposed plan update's scope.

Chair Howard spoke in favor of the motion and praised staff's efforts to address concerns surrounding the proposed plan update.

The motion carried by the following vote:

**Yes:** 5 - Chair Howard  
Vice Chair Pyne  
Commissioner Harrison  
Commissioner Rheaume  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howe

These recommendations will be forwarded to the City Council for consideration at the September 14, 2021 meeting.

4. [21-0758](#) **Proposed Project:** Related applications on multiple sites totaling 32.4-acres:
- SPECIAL DEVELOPMENT PERMIT:** To demolish two existing industrial/office/R&D buildings and three accessory structures and construct two new three-story office/R&D/manufacturing buildings totaling 1,211,000 sq. ft. (including 148,000 sq. ft. of basement space) connected by a pedestrian bridge across Kifer Road; and construct an 11,000 sq. ft. freestanding amenity building for a total combined FAR of 77%. The project also includes a five-level, above ground parking structure with an attached 12,000 sq. ft. central utility plant.
  - VESTING TENTATIVE PARCEL MAP:** To merge four existing lots into two.
  - DEVELOPMENT AGREEMENT:** Introduction of an Ordinance Approving and Adopting a Development Agreement Between the City of Sunnyvale and Intuitive Surgical, Inc.
  - Location:** 932 Kifer Road (APN 205-49-005), 950 Kifer Road (APN 205-49-012), 945 Kifer Road (APN 205-40-002), 955 Kifer Road (APN 205-40-001)
  - File #:** 2019-7557
  - Zoning:** M-S (945/955 Kifer Road) and M-3 (932/950 Kifer Road)
  - Applicant / Owner:** Foster + Partners/Intuitive Surgical, Inc.
  - Environmental Review:** No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report (SEIR - State Clearinghouse No. 2019012022)
  - Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder presented the staff report with a slide presentation.

Vice Chair Pyne requested an explanation for why the revised Recommended Condition of Approval PF-2 excluded mention of gateway signage although it is still mentioned in the staff report. Senior Planner Schroeder advised that the gateway



signage will still be built by the proposed project, but it is no longer part of the Development Agreement that is referenced in PF-2. Director Trudi Ryan added that the applicant requested to complete the gateway signage and median improvements in lieu of paying the sense of place fee.

Vice Chair Pyne and Senior Planner Schroeder discussed the potential for future projects installing sidewalks to the west of the project site that would connect to the sidewalks that will be built by the proposed project.

Commissioner Harrison questioned how the median to be built on Kifer Road will be affected by the recommendation that will be made to City Council pertaining to the buffered bike lanes and Kifer Road diet that the City will collaborate with the City of Santa Clara on. Senior Planner Schroeder assured her that any modifications to the Kifer Road cross section will not affect the overall median since it has always been part of plans for the road diet.

Commissioner Weiss and Senior Planner Schroeder conversed about the proposed project's many security features. Among them are the eight-foot security fencing on both sides, driveway gates, and additional security measures that will control access to the building.

Commissioner Weiss inquired about the proposed project's solid waste disposal plan and whether it will address disposal of hazardous materials. Senior Planner Schroeder explained that this plan pertains to regular solid waste and recycling. Assistant Director Miner recommended that Commissioner Weiss follow up with the applicant for a more detailed explanation of the solid waste disposal plan.

Commissioner Rheume probed about whether the proposed project incorporates enclosures around utilities. Senior Planner Schroeder revealed that the proposed project's main transformers will be located within the building and that its many backflow preventers will be shielded from street view by landscape screening.

Applicants Blake Reinhardt and Blake Dobbin from Intuitive Surgical Inc. presented the project including additional images and information.

Commissioner Weiss followed up with the applicant regarding the proposed project's use of hazardous materials. Eric Morley, co-founder of The Morley Bros., confirmed that the proposed project will involve assembly of existing parts—all of which do not use hazardous materials.

Commissioner Weiss and Mr. Morley engaged in a discussion about whether the demolition of the existing property and construction of the proposed project will be done in phases. Mr. Morley voiced that while demolition will occur over the course of approximately 30 to 45 days, the construction of both the north and south sites of the proposed project are intended to be done simultaneously.

Vice Chair Pyne inquired about the placement of public art referenced in the staff report. Mr. Morley disclosed that while its placement is subject to the approval of the Arts Commission, this art is planned to be situated on Kifer Road at the parking garage.

Vice Chair Pyne asked Mr. Morley whether the same amount of parking spaces would have been built if not required by the code minimum. Mr. Morley revealed that they are open to repurposing or utilizing the parking garage to include more parking spaces than is required in the future.

Vice Chair Pyne and Mr. Morley conversed about what experience the shared-use path will offer to those passing through. Mr. Morley clarified that since Intuitive Surgical Inc. does not own the adjacent property where the path would continue (960 Kifer Road), they may only provide a recreation space that is lighted, landscaped, comfortable, convenient, and safe on the project site until the adjacent site redevelops.

Commissioner Rheume questioned whether there is still cleanup of soil required on one of the properties and how long the process will take. Mr. Morley explained that the proposed project is subject to a remedial action plan to clean up and dispose of contaminated soil as per local, state, and federal requirements. He assured that this process will take place within the planned demolition phase of the existing property site.

Chair Howard opened the Public Hearing.

Cliff Bargar, an employee of Intuitive Surgical Inc., emphasized the beauty of the proposed project, congratulated the team responsible for its creation, and proposed the continuation of new sidewalks that will connect to Wolfe Road as a means for improving pedestrian experience.

Vincent Anderson, the City's Fire Marshal, advised that he is available for inquiries

pertaining to hazardous materials or fire protection.

Mr. Morley and Mr. Reinhardt thanked staff and Planning Commissioners for their support and efforts to move the Lawrence Station Area Plan and their proposed project forward. Mr. Reinhardt respectfully requested the approval of the Planning Commissioners for the proposed project.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Rheaume seconded the motion for Alternative 1 - Make the Determination required by Resolution No. 371-81 for a Development Agreement (Attachment 12 to the Report) and Recommend that the City Council approve Alternatives 2 and 3: 2) Make the required findings to approve the CEQA determination that the project is consistent with the Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Subsequent Environmental Impact Report and no additional environmental review is required and approve the Special Development Permit and Vesting Tentative Parcel Map based on findings in Attachment 3 to the report and Recommended Conditions of Approval in Attachment 6 to the report with staff's modified conditions as presented at the hearing; and 3) Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and Intuitive Surgical, Inc. (revised Attachment 2 to the report).

Commissioner Harrison spoke in favor of the motion due to the proposed project's coordination with the Lawrence Station Area Plan and subsequent Environmental Impact Report; ability to offer such benefits to the City as medians, water line extension and signage; well-done architecture (i.e., curved roofs and large overhangs); and optimization of existing vegetation.

Commissioner Rheaume voiced his support of the motion due to the proposed project's quality industrial design and preservation of existing trees. He also noted that he is impressed with the applicant for maintaining the City's assembly jobs.

Vice Chair Pyne asked staff when the development of the 960 Kifer Road parcel will occur. Assistant Director Miner confirmed that it is currently in use, so it is unknown at this time when development will take place. Vice Chair Pyne then stated he is pleased with the proposed project's architecture and is excited about the improvements it will contribute to the City (i.e., signage, median, sidewalks, shared-use path, and aesthetically pleasing parking garage). For these reasons, he

is in favor of the motion.

Commissioner Weiss revealed that she is in support of the motion since the proposed project meets all applicable requirements, goals and policies. She also voiced her appreciation for its attention to maintaining the existing tree canopy, improved pedestrian and bike circulation, architecture, and the number of community benefits it offers.

Chair Howard stated his support of the motion and his agreement with the sentiments of the other Planning Commissioners.

The motion carried by the following vote:

**Yes:** 5 - Chair Howard  
Vice Chair Pyne  
Commissioner Harrison  
Commissioner Rheaume  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howe

These recommendations will be forwarded to the City Council for consideration at the September 14, 2021 meeting.

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

**INFORMATION ONLY REPORTS/ITEMS**

5. [21-0824](#) Planning Commission Proposed Study Issues, Calendar Year: 2022  
(Information Only)

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Commissioner Weiss requested information pertaining to the closure of Target. Assistant Director Miner informed her that Target decided to close of its own accord due to issues related to fire protection, and he invited Fire Marshal Anderson to speak on the matter. Fire Marshal Anderson advised that Target's closure was not

initiated by the City and that research is being done to determine what prompted the closure.

**-Staff Comments**

Assistant Director Miner announced that a Brown Act and Parliamentary Procedure training is being offered to Planning Commissioners by the City Clerk and City Attorney's Office on August 24, 2021.

**ADJOURNMENT**

Chair Howard adjourned the meeting at 9:30 PM.