



# City of Sunnyvale

## Meeting Minutes

### Planning Commission

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Monday, November 23, 2015

7:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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#### **7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM**

- 1      [15-1034](#)      **File #:** 2015-7810  
**Location:** 1111 Karlstad Dr. (APN: 110-14-199)  
**Proposed Project:**  
              **SPECIAL DEVELOPMENT PERMIT** to develop 18 three-story townhomes in the Tasman Crossing Industrial to Residential area. Project includes demolition of the existing industrial building, site improvements and a  
              **VESTING TENTATIVE MAP** to subdivide the existing lot into 18 lots and 3 common lots.  
**Applicant / Owner:** St. Anton Communities / Anton Karlstad LLC  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Rosemarie Zulueta, (408) 730-7437, rzulueta@sunnyvale.ca.gov
- 2      [15-1035](#)      **File #:** 2015-7539  
**Location:** 845 W Maude Ave. (APN: 165-41-001)  
**Proposed Project:** Consideration of an application for a 1.66-acre site:  
              **USE PERMIT** to allow construction of a 39,233 square foot four-story office/R&D building resulting in approximately 55% Floor Area Ratio.  
**Applicant / Owner:** Peery-Arrillaga / Wizardly Holdings LLC  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

#### **3 Public Comments on Study Session Agenda Items**

#### **4 Comments from the Chair**

#### **5 Adjourn Study Session**

#### **8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS**

*Comm. K approved. VC seconded. 6-0.*

**CALL TO ORDER**

Chair Melton called the meeting to order at 8:00 p.m.

**SALUTE TO THE FLAG**

Chair Melton led the salute to the flag.

**ROLL CALL**

Chair Melton called the meeting to order at 8:00 p.m.

**Present:** 6 - Chair Russell Melton  
Vice Chair Sue Harrison  
Commissioner Ken Olevson  
Commissioner Larry Klein  
Commissioner Ken Rheaume  
Commissioner David Simons

**ORAL COMMUNICATIONS**

None.

**CONSENT CALENDAR**

**1.A**      [15-1033](#)      Approval of the Draft Minutes of the Planning Commission Meeting of November 9, 2015

Comm. Klein moved to approve the draft minutes. Vice Chair Harrison seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Harrison  
Commissioner Olevson  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No:** 0

**PUBLIC HEARINGS/GENERAL BUSINESS****2 Select and Rank Potential 2016 Study Issues**

Andrew Miner noted that the Commission will rank the proposed study issues. They will either defer, delete, or rank the proposed issues. He said that this item is open for public comment and the actual rankings will be continued at the West Conference Room after the public hearing.

Deborah Marks spoke in favor of Study Issue CDD 16-12 and encouraged the Planning Commission to rank the item. She has read the revised study issue and stated her disappointment that staff recommends deferral of the study, that some items in the study issue could be implemented without the study issue and is happy that staff would want to implement these measures. She noted that increased development are reducing the existing trees which impact the City. Protecting the urban forest is important, and adding tree shading in parking lots can help reduce impacts of climate change. She noted the goal for the Urban Forest Management Plan.

Comm. Simons asked Ms. Marks if she is referring to parking lot coverage percentages for new construction and existing developments, which is now 15% coverage in 15 years. Ms. Marks responded yes, it should apply to current and new development.

Dave Scholls, noted the strategic plan of the Urban Forest Management Plan recommends increasing tree canopies. He noted that the rezoning of land to office, retail, and high density residential use should be addressed to meet these goals by increasing the tree canopies. He hopes the study issue will move forward.

Chair Melton closed the public comment period on this item and stated the rankings will be continued at the end of this agenda at the West Conference Room.

- 3**      [15-1039](#)      **File #:** 2015-7937  
**Location:** 1222 Susan Way (APN: 198-13-071)  
**Zoning:** R-0 Low Density Residential  
**Proposed Project:**  
    **Design Review:** Design Review to allow a 611 square foot addition for a proposed garage and dining room to an existing 2,176 square foot, two-story home, totaling 2,787 square feet and resulting in a 48% Floor Area Ratio.  
**Applicant / Owner:** Qian Pietila  
**Environmental Review:** Categorically Exempt Class 1  
**Project Planner:** Jonathan Caldito, (408) 730-7452, Jcaldito@sunnyvale.ca.gov

Mr. Miner presented the staff report.

Comm. Klein clarified the proposed lot coverage states 2,179 square feet on Project Data Table (Attachment 2), and came up with 38% lot coverage, where 40% lot coverage is permitted. He wanted to confirm that this is not a deviation. Mr. Miner concurred that the lot coverage is 38% and deviation is not required.

Comm. Rheaume asked staff if they are adding a covered parking space. Mr. Miner replied yes.

Vice Chair Harrison asked if the home was originally two-story. Mr. Miner replied that the second story was added in 1993.

Chair Melton opened the public hearing.

Qian Pietila, the project applicant, noted the garage was legally converted by the previous owner. She discussed the proposed changes with a slideshow, showing the proposed garage, addition in the rear, while meeting all setbacks.

Ms. Pietila mentioned that the home was built as a one-story in 1952, and the garage conversion was added in 1987.

Chair Melton closed the public hearing.

Comm. Rheaume moved Alternative 1 of the staff report; Approve the Design Review with Conditions of Approval in Attachment 4.

Comm. Klein seconded.

Comm. Rheaume noted that the maximum 45% Floor Area Ratio limit is why this proposal requires Planning Commission approval, and the proposal fits all the required setbacks.

Comm. Klein supports the motion, noting that the applicant is adding to the first floor only. He noted that adding a garage brings the home in conformance to the current parking requirements. He noted the plans show less impacts to the public right of view, adding the extra addition to the rear of the house.

Chair Melton mentioned that he can make the findings for approval.

MOTION: Comm. Rheaume moved Alternative 1; Approve the Design Review with Conditions of Approval in Attachment 4.

Comm. Klein seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Harrison  
Commissioner Olevson  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No:** 0

- 4**      [15-1020](#)      **File #:** 2015-7774  
**Location:** 849 Peach Avenue (APN: 201-15-008)  
**Zoning:** R0  
**Proposed Project:** Appeal by the applicant of a Decision by the Director of Community Development to deny a Design Review for an entry feature.  
**Applicant / Owner:** James Oh (applicant) / Jimmy Chang (owner)  
**Environmental Review:** A Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act provisions and City Guidelines.  
**Project Planner:** Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Mr. Miner presented the staff report, noting the construction has been completed pending a final approval from the Building Division. He said that staff could not approve the entry feature, which is taller than what the Single Family Design Guidelines allows.

Comm. Rheaume asked staff if this proposal is not in compliance. Mr. Miner said it was built not according to the approved plans.

Chair Melton asked staff how we got to the point to where we are today. Mr. Miner discussed the permit process, noting the final building permit did not get approval. Chair Melton asked if the applicant has further appeal rights, noting this was a staff level application, which was appealed to the Planning Commission. Chair Melton also asked about impacts without the final building permit. Mr. Miner further discussed the permit process.

Comm. Rheaume asked how the home is assessed for taxes by the Santa Clara County Assessor.

Mr. Miner noted that when the City approves a project, a plan set is recorded with the Santa Clara County Assessor. He noted that although a project may not get a final approval, it does not mean that the assessor does not have the opportunity to re-assess the property.

Vice Chair Harrison asked staff to clarify staff about the permit process, as her understanding is that a property owner does not get an occupancy permit until after an approved final inspection.

Mr. Miner further discussed the permit approval process. He noted that the Building Safety Division staff notes that the property could be occupied without a final approval, and that the building inspector believes that the home was occupied during the construction.

Chair Melton opened the public hearing.

Jimmy Chang, (project designer) representing the owner, Mr. James Oh, explained the history of the project, noting that the Design Review application was approved by staff and went through the 10-day appeal period. The applicant then applied for the building permits and started construction. He noted that the reason the roof is 1'10" higher than the approved height was due from a miscalculated measurement by the contractor. He noted that they received building inspection approvals up to the final inspection, which flagged the building inspector to the materials used on the front façade (stone veneer along the bottom of the home). He said that he notified the Planning Division regarding the change of design, which was the window above the door and the stone veneer facade. He said that the Planning Division responded regarding the height of the entry feature not being compatible with the neighborhood. Mr. Chang agreed that the roof height was higher than the rest of the homes on the street; however, he feels that it meets the Single Family Design Guidelines. He further noted that the design was the original design when it was approved by staff, except for the miscalculated height difference of 1'10" on the front entryway feature. He then noted that the height is in conformance in relation to pitch and gable.

Comm. Simons asked about the change in window design from a rectangular window to an arch window. He asked the applicant if they added the arched window since they had the extra space. Mr. Chang responded that the entry feature did not change from what was approved, except for the height. Comm. Simons asked if the applicant checked what the Planning Commission has done in the past in situations like this. Mr. Chang responded that he immediately notified the project planner of the change in height when he was aware of the design change, and that the project planner wanted them to lower the entry feature.

Comm. Rheume noted that the applicant constructed the home not according to the approved plans, noting the height of the entryway and window above the front

door. He stated that it is difficult for him to grant the appeal since they deviated from what was approved.

Mr. Chang responded that once he received building permits, the contractor took over the project. He noted that the project contractor was not as experienced and that he was only made aware when the final building inspection was not approved.

Vice Chair Harrison clarified the eave point of the entry feature is two feet higher than the addition and asked if the addition is in the front or rear of the home. Mr. Chang replied the design guidelines state that the eave of the entry feature height should be no more than 24-inches higher than the single story eave line. He noted that the addition is located adjacent to the entry feature in the front of the home.

Chair Melton asked about the design of the entry feature. Mr. Chang responded that he took the opportunity to design an entry feature with an Asian influence for the owners, who are Korean. Chair Melton then asked if the new window on top of the entry door is part of a second story. Mr. Chang replied no, that there is no plan for a second floor.

Jeff Martin, neighbor and a general contractor, noted that he likes the design but it does not fit in with the homes in the neighborhood. He noted that everyone should follow the rules, and if they built it not according to what was approved, then they should correct the problem.

John Cordes, neighbor next door, stated that the home does stand out architecturally in a positive way, and further noted that if everyone follows the guidelines then all the homes in Sunnyvale would look the same. He said that Sunnyvale should update their Single Family Design Guidelines to allow owners to be able to design their homes with more options.

Comm. Simons commended the speaker, and that he would like to discuss the need for architectural diversity further with Mr. Cordes and discussing possibilities in changing the design guidelines to fit more uniqueness.

Mr. Cordes noted that the home does not encroach the neighbor's privacy.

Mr. Chang made a final statement that they are not trying to hide anything and they are admitting their mistake. The owners are asking for the extra one-foot 10-inch height and hopes the Commission understand the owners appeal to staff's decision.

Chair Melton closed the public hearing.

Comm. Rheume clarified the project data table on attachment two. He asked staff what the allowable height limit is for the entry feature, based on staff's recommendation. Mr. Miner responded 14'6".

Comm. Comm. Simons moved Alternative 1; Deny the Appeal and uphold the Design Review subject to recommended Conditions of Approval.

Comm. Rheume seconded.

Comm. Simons noted that he does not understand how the applicant claims that the height was a mistake. He noted that the extra window below the eave shows that they were aware of the height, further stating they should adhere to the Single-Family Design Guidelines.

Comm. Rheume likes the original approval of the home and agreed with Mr. Cordes regarding architectural diversity. He noted that the motion is about what was approved, and what was built. He noted that the design seems planned, noting the extra window in the entryway.

Comm. Olevson noted his support to the motion, that the owner initially agreed to staff's approval, and then adding construction that was not approved. He noted Mr. Martin's comment stating, "If you do it wrong you fix it." He sees no justifications to allow the change and hopes the owner fixes the project according to the approved plans.

Comm. Klein noted his support to the motion, understanding the applicant's representative trying to rationalize what occurred. From a height standpoint, one of the bigger issues is that the roof of the entry was lower than the peak of the garage, and the massing is much greater. He noted that the original plan gave variety as it was approved, stating that there is flexibility in the design guidelines. He noted that the entryway would still look attractive in a smaller scale. He was able to make the findings from staff.

Chair Melton will be supporting the motion, thanking the public speakers. He noted that his hometown is Palo Alto, where there are many diverse home styles. He then noted that there might be more appropriate areas in Sunnyvale that allows more diverse architecture, such as the neighborhood within Wolfe Road and El Camino Real. He noted that this is about neighborhood preservation and deviations from what was approved by staff, noting that they cannot set a precedence to what may



occur in the future. He admired the design aside from the entryway, stating it would not fit the design guidelines.

Mr. Miner noted to the Commission that their decision to this is final, and there are no other appeal options.

MOTION: Comm. Comm. Simons moved Alternative 1; Deny the Appeal and uphold the Design Review subject to recommended Conditions of Approval.

Comm. Rheame seconded. The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Harrison  
Commissioner Olevson  
Commissioner Klein  
Commissioner Rheame  
Commissioner Simons

**No:** 0

- 5      [15-0974](#)      **File #:** 2015-7459  
**Location:** 1235 Bordeaux Drive (APN: 110-25-044)  
**Zoning:** MP-TOD  
**Proposed Project:**      Related applications on a 3.08-acre site:  
                                 **MAJOR MOFFETT PARK SPECIAL DEVELOPMENT**  
                                 **PERMIT:** To demolish an existing 41,832 sq. ft. one-story industrial building and construct two new hotels on the same site - 8-story, 200-room upscale lifestyle hotel (planned to be an AC Hotel) and 8-story, 150-room extended stay hotel (planned to be a Courtyard Marriott Hotel) with a detached three-and-a-half level, above-grade parking structure.  
**Applicant / Owner:** T2 Development  
**Environmental Review:** Mitigated Negative Declaration  
**Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

George Schroeder, Associate Planner, presented the staff report.

Comm. Simons asked staff if the class 2 bicycle parking is secured. Mr. Schroeder responded in the affirmative, that there is 16 bicycle racks and 14 class 1 locker stalls.

Comm. Simons discussed if the strawberry trees are street trees are interior trees or street trees. Mr. Schroeder clarified.

Comm. Klein asked about the Condition of Approval PS-4 on page 4 of Attachment 4 regarding street and sidewalk lighting. Mr. Schroeder responded that this Condition of Approval (COA) is a new standard from the Department of Public Works. It encourages safety and energy savings. Comm. Klein responded that if staff could provide updates this of the newer standard conditions. Comm. Klein discussed the parking structure and asked to clarify the rooftop color and design. Mr. Schroeder responded that the intent is to dress up the rooftop to make it more aesthetically pleasing and to soften the look of the pavement. Mr. Schroeder noted that there is a general condition regarding the materials for the paving units. Comm. Klein also asked whether the corner tower feature applies to all the four corners. Mr. Schroeder responded that the tower is only proposed to the northeast corner, closest to the intersection.

Vice Chair Harrison asked about the location of bench seating. Mr. Schroeder noted the locations and affirmed that the additional bench seating is along Java Drive.

Comm. Olevson noted the traffic impacts on Mathilda intersections on HWY 237 and Moffett Park Drive. He noted that traffic impact fees are being collected and asked staff when the repairs will start. He noted his concern about current and future projects adding to the current traffic conditions. Mr. Miner responded that the Department of Public Works is working with VTA, Caltrans, Light rail, and state highways on making plans to address traffic mitigation. He will update this Commission at a future study session with the Public Works Department.

Chair Melton noted that a study session to address these issues would be great.

Chair Melton opened the public hearing.

Greg LeBon, Designer, along with Rashik Patel, Vice President, of T-2 Development, gave a presentation on the proposed project.

Mr. Patel discussed their proposed traffic mitigation, such as a shuttle and public transportation. He also noted that they are paying traffic mitigation fees. He noted that A Transportation Demand Management (TDM) program would be in place to address traffic.

Comm. Simons noted that some items they addressed during their presentation is not on the conditions of approval, such as the 16 extra bike spaces. He confirmed if they were comfortable in adding this to the conditions. He then asked about the decorative painting on the roof. Mr. LeBon responded that the material is sprayed

on and will increase the life of the deck as well as give it an aesthetic look. He then asked the applicant regarding an agreement about modifying the roofing panels to screen the equipment. Mr. LeBon stated that they did not intend to not include screening to the roof equipment, and agreed to include the screening from staff's recommendation. Comm. Simons commended them about their landscaping plan.

John Cordes, resident, stated he liked the project and noted that the traffic plan will reduce traffic. He noted that the top floor of the parking garage should include a minimum of 50% coverage with either trees or solar panels. He asked if the applicant will include alternative transit options, like shuttles, "zip cars", pedestrian signs to light rail, and a bike share program.

Henry Pao, works in the area, likes the project; however, he mentioned a concern with increased traffic. He noted that it takes him 25 minutes to get through the Mathilda / Hwy 237 intersection at certain times of the day. He noted that he feels that there should not be any more new projects in the area until that intersection gets fixed.

Rashik Patel, thanked the Commission for taking this project under consideration. He noted that Moffett Park does not have a TDM program for hotels; however, they will be adding a bike share program for the customers of the hotel as well as a comprehensive sign program to public transportation.

Vice Chair Harrison asked Mr. Miner if there are requirements to add shading to the top floors of parking structures as part of the recently adopted Parking Structure Design Guidelines.

Mr. Miner noted there are no requirement to shade top floors.

Comm. Rheume moved Alternative 1 to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Special Development Permit with the conditions in Attachment 4.

Comm. Simons seconded.

Comm. Rheume noted that the Commission has seen a number of hotel projects and so far, this is his favorite one. He could make findings, noting that he likes the idea of locating hotels in the Moffett Park, which will reduce traffic and be close to the light rail system. He noted there are no deviations and this helps him support the proposal.

Comm. Simons asked the maker of the motion for additional conditions; to include 16 bike spaces as shown in plan, top of parking garage to include paving as shown in project plans and consideration of the use of high albedo materials, the roof equipment be screened from 360 degrees of the building, and to include setbacks on the upper floors. He noted his support to the project, mentioning that the ornamental trees are a plus to the project. He stated that he likes the architecture and will fit well in Moffett Park, stating his concern about the Class A offices looking the same. He could make the findings.

Comm. Klein said he will support the motion, commending the LEED Gold design, bicycles for the customers, adding retail, and being able to use the VTA Light Rail directly from San Jose Airport to get to the hotel. He is happy the developer responded to staff's comments regarding the roof screening. He could make the findings.

Comm. Olevson will be supporting the project, appreciating the developer's discussion during the study session. He noted that the location of a hotel close to light rail makes the project attractive.

Vice Chair Harrison would like to echo the commissioner's support comments. She especially appreciates the garage design and the full windows on the ground floor.

Chair Melton noted his support to the motion, noting that he likes the pool deck and other aspects of the project. He stated his understanding about the traffic concerns on Mathilda Avenue and Highway 237.

MOTION: Comm. Rheaume moved Alternative 1 to Adopt the Mitigated Negative Declaration and approve the Major Moffett Park Special Development Permit with the conditions in Attachment 4. Comm. Simons asked the maker of the motion to include additional conditions to his motion; to include 16 bike spaces as shown in plan, top of parking garage to include paving as shown in project plans and consolidation of the use of high albedo materials, the roof equipment be screened from 360 degrees of the building, and to include setbacks on the upper floors. The amendments were accepted.

Comm. Simons seconded. The motion carried by the following vote:

**Yes: 6 -** Chair Melton  
Vice Chair Harrison  
Commissioner Olevson  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No: 0**

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

**NON-AGENDA ITEMS AND COMMENTS**

None

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**-Commissioner Comments**

None.

**-Staff Comments**

Mr. Miner noted the November 10, 2015 City Council meeting adopted an ordinance regarding private security cameras considered by this Commisison. He also noted the 11-townhouse units on 423 East Maude Avene was approved and the Negative Declaration was adopted. Mr. Miner noted that the November 17, 2015 City Council appointed Carol Weiss, Planning Commissioner.

Mr. Miner also noted two new planners with the Planning Division and a new planner in the Housing Division and his new interim appointment as Planning Officer, with an interim Pricipal Planner announced.

**INFORMATION ONLY ITEMS**

None.

**ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM**

Chair Melton adjourned the meeting to the West Conference Room for Item 2., Selection and Ranking of the 2016 Study Issues, at 10:20 pm.

## **Selection and Ranking of Potential Study Issues for 2016**

### **4 ADJOURNMENT**

Chair Melton adjourned the meeting at 11:20 pm.