



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, August 8, 2016

7:00 PM

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

7 P.M. STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

[16-0756](#)

File #: 2015-7576

Location: 1250 Lakeside Drive (APNs: 216-43-035 and -036)

Zoning: LSP

Proposed Project: Study Session for related applications on an 8.83-acre site:

SPECIFIC PLAN AMENDMENT: to the Lakeside Specific Plan to revise the land use configuration, increase the height allowance, and make other miscellaneous updates.

SPECIAL DEVELOPMENT PERMIT: for development of an existing vacant site with two new buildings and associated site improvements - a six-story, 263-room hotel with an attached 3,000 sq. ft. restaurant and an attached three-level above grade parking structure; and a five-story, 250-unit apartment building over a two-level, above-grade podium parking garage

PARCEL MAP: to create two lots for each land use.

Applicant / Owner: Sunnyvale Partners, Ltd (applicant) / Aircoa Equity Interests, Inc (owner)

[16-0782](#)

File #: 2016-7439

Location: 1122 Aster Ave. (APNs: 213-65-005 through -020)

Zoning: M-S/ITR/R-3

Proposed Project: Redevelopment of a 1.66-acre site into 34 three-story townhomes. Project includes a parking deviation and a Vesting Tentative Map to subdivide the site into 34 lots and one common lot.

Applicant / Owner: Classic Communities (applicant) / Franz And Kathaleen Mortensen Et Al (owner)

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

8 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Harrison called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Chair Harrison led the salute to the flag.

ROLL CALL

Present: 6 - Chair Sue Harrison
Vice Chair Ken Rheaume
Commissioner Russell Melton
Commissioner Larry Klein
Commissioner David Simons
Commissioner Carol Weiss
Absent: 1 - Commissioner Ken Olevson

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

MOTION: Commissioner Melton moved and Commissioner Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

1.A. [16-0791](#) Approve Planning Commission Meeting Minutes of July 25, 2016
Approve Planning Commission Meeting Minutes of July 25, 2016 as submitted.

1.B. [16-0773](#) **File #:** 2016-7085
 Location: 430 Vine Ave. (APN: 209-23-030)
 Zoning: R0 (Low Density Residential)
 Proposed Project:
 DESIGN REVIEW: To allow construction of a 544 sq. ft.
 accessory living unit in the rear of a property with an existing
 3,168 square foot single family residence resulting in 4,112 s. f.
 (3,712 square feet living area and 400 square feet garage) and
 (33.2%) floor area ratio.
 Applicant / Owner: LHC Design Inc. (applicant) / Russell Ewell

(owner)

Environmental Review: Class 3 Categorical Exemption for New Construction or Conversion of Small Structures

Project Planner: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

PUBLIC HEARINGS/GENERAL BUSINESS

2. [16-0798](#)

File #: 2015-7686

Location: 830 E. El Camino Real (APN: 211-25-046)

Zoning: Highway Business/ Precise Plan for El Camino Real (C-2/ECR)

Proposed Project: Related applications on a 1.49-acre site:

SPECIAL DEVELOPMENT PERMIT: To allow the demolition of an existing one-story vacant restaurant (previously Crazy Buffet) and construction of a new 131-room, four story hotel over one level of underground parking, including associated site improvements.

VARIANCE: To allow shading of an adjacent roof by more than 10%

Applicant / Owner: Sunnyvale HHG Hotel Development, LP (applicant)/ Tara Kumar Trustee (owner)

Environmental Review: Mitigated Negative Declaration

Assistant Planner Cindy Hom presented the staff report.

Planning Officer Andrew Miner added that Condition of Approval BP-4b regarding the Housing Mitigation Fee will be changed as the calculation did not take into account the credit for existing structures.

Commissioner Klein confirmed with staff that all trees proposed for removal are on the subject property and that the applicant intends to remove the existing fence that separates the subject property from the property to the south, while staff is recommending it be retained. Commissioner Klein clarified the building height with Planning Officer Miner, who added that additional height is allowed for projections, and they discussed the applicant asking for this deviation, which is allowed via a Special Development Permit. Commissioner Klein confirmed with Assistant Planner Hom that staff added a Condition of Approval for a decorative roof cornice to address the flatness of the roofline.

Commissioner Weiss confirmed with Planning Officer Miner that a Condition of Approval could be added to reduce service and delivery times, and that staff has received a preliminary application to redevelop the property to the southeast of the subject property into a small retail center. Commissioner Weiss also confirmed with Planning Officer Miner that the owner of the property where Panda Express is a

tenant has not provided any input on the proposed solar shading of their property.

Commissioner Melton verified with Planning Officer Miner that the brunt of the impact of solar shading would be on the Panda Express building and not to the residential properties to the south, and confirmed that staff cannot make the solar Variance finding because shading is proposed beyond ten percent. Commissioner Melton confirmed with Planning Officer Miner that Alternative 1 approves the Special Development Permit and denies the solar Variance, which would require the project to be redesigned to reduce solar shading to ten percent or less, and that the redesign would be considered by staff. Commissioner Melton confirmed with Planning Officer Miner that the project data table should show a star next to building height as it is beyond the requirement, and that the rendering in Attachment 8 of 1208 Van Dyke Drive was provided by a neighbor's consultant. Commissioner Melton also confirmed that the neighbor was in attendance to speak and said he would like to discuss the origins of the rendering with him.

Commissioner Simons confirmed with Planning Officer Miner that what appears to be a concrete pad portion of the driveway is the proposed trash enclosure, and they discussed the Planning Commission recommendation to City Council on solar access analyses that will be considered tomorrow night.

Chair Harrison verified with Planning Officer Miner that the heating and ventilation system would be placed on the roof of the building, and discussed a recent project approved by Council that would be the most applicable case regarding solar shading. Chair Harrison discussed with Assistant Planner Hom the Conditions of Approval for revised architectural elevations, and confirmed that staff has asked the applicant to modify the roofline to mitigate shading of the adjacent building. Planning Officer Miner added that staff has also suggested that if a redesign is necessary to meet the ten percent solar access requirements, that the design remove some bulk from the rear of the building. Chair Harrison verified with Senior Assistant City Attorney Rebecca Moon that an Ordinance regarding a right to light and air for adjacent properties provided in a neighbor's letter would not apply to this project because it is part of Title 18, the Subdivision Code.

Chair Harrison opened the Public Hearing.

Applicant Scot McGil and Ryan Danks, with Rowan, Williams, Davies and Irwin, provided additional information about the proposed project.

Commissioner Simons discussed with Mr. Danks the solar shading analysis and whether the average of 8.2 percent loss of solar energy for the Panda Express

building is greater due to the reduced efficiency of all connected solar units.

Commissioner Melton and Mr. Danks discussed a potential redesign of the project and Mr. Danks said it would likely include removing mass from the portion of the hotel closest to Panda Express. Commissioner Melton and Mr. McGil contrasted the rendering provided by the applicant with that provided by the neighbor.

Chair Harrison verified with Mr. McGil that trash and delivery trucks would come to the hotel between 10 a.m. and 3 p.m., that shuttle services would be provided and that eight electric car charging stations are proposed. Chair Harrison also confirmed with Mr. McGil that there would be minimal shading on the building to the southeast and no shading to any residential properties.

Commissioner Weiss confirmed with Mr. McGil that the porte cochere does not go over the sidewalk which would be 15 feet wide, and discussed what community benefits this project would provide.

Vice Chair Rheume discussed with Mr. McGil removing guest rooms from the top floor to reduce the height of the building and avoid a Variance request, and discussed potentially moving the pool to the rear of the property, which Mr. McGil said staff and neighbors were opposed to so as to avoid having recreational activity near residential properties.

Stephanie Blatt, a neighbor adjacent to the subject site, discussed her opposition to the proposed project.

Robert Blatt, a neighbor adjacent to the subject site, discussed his opposition to the proposed project.

Steve Hoffman, legal representative of homeowners near the subject site, discussed reasons supporting denial of the project.

Commissioner Melton confirmed with Mr. Hoffman that he did not have a conversation with his clients and the nearby neighbors regarding the applicant's property rights.

Commissioner Simons discussed with Mr. Hoffman whether a row of larger species trees between properties would address privacy issues.

Deborah Coblentz, a nearby neighbor, discussed her opposition to the proposed project.

Commissioner Melton confirmed with Ms. Coblentz how long she has owned her property and that she wants to see the subject property improved, and discussed her ideal vision for what the property would look like.

Pravin K., a nearby neighbor, discussed his opposition to the current project design.

Mr. McGil discussed changes to the design that may address the neighbors' concerns.

Commissioner Simons verified with Mr. McGil that the aforementioned 15 foot sidewalk includes the frontage and through spaces and the gutter, and that the sidewalk itself would be 13 feet wide.

Chair Harrison confirmed with Mr. McGil that he held a public meeting and discussed the types of comments received, and confirmed that he is prepared to comply with the architectural changes in the Conditions of Approval. Chair Harrison discussed with Mr. McGil the reasons for the thin porte cochere and the recessed edge on the roofline. Chair Harrison discussed with Bruce Hill, landscape architect, whether the protected palm trees would be relocated, and discussed with Mr. McGil whether guests of the hotel would be able to see into the adjacent residential yards.

Chair Harrison closed the Public Hearing.

Commissioner Melton discussed with Planning Officer Miner whether there are recommended findings for the landscape buffer or height deviation.

Commissioner Klein and Planning Officer Miner discussed the issue of neighbors' privacy and the changes made to the hotel design to address those concerns.

Senior Assistant City Attorney Moon clarified with Chair Harrison the Subdivision Code.

MOTION: Commissioner Simons moved Alternative 2: Adopt the Mitigated Negative Declaration, approve the Special Development Permit with modified conditions, and deny the solar Variance if beyond ten percent shading:

- 1) Modify Condition of Approval BP-4 to reflect the credit for the existing structure, reducing the estimated Housing Mitigation Fee to \$593,263.00.
- 2) To reduce or move the rear windows and make them non-functional.
- 3) Any concrete paved surface connected to the adjoining pavers shall be textured

and colored.

- 4) The developer shall use native tree species appropriate for this plant zone.
- 5) Remove the small trees in the rear of the property and replace them with tall, non-deciduous trees that will provide privacy.
- 6) Allow the developer to remove the three protected palm trees.
- 7) Should the redesign of the building be a substantial change due to a denial of a Variance beyond ten percent shading, the project will come back to the Planning Commission for review.

The motion failed for lack of a second.

MOTION: Commissioner Klein moved and Commissioner Melton seconded the motion for Alternative 4: Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Variance.

Commissioner Klein said he understands the previous motion aimed to move the project forward and correct several issues, but that he is not able to make findings because of the solar Variance request. He said the rule of how a solar study is conducted is in flux and will be resolved at tomorrow night's City Council meeting, and that there will still be a request to bring the project into compliance with a year long study. He said there are multiple Conditions of Approval for the architectural changes that will dramatically change the look of the site and it is important to see what it will look like. He applauded the applicant for changing the setbacks from El Camino Real and from the rear of the property but he still worries about massing and privacy issues. He said he understands that the property is zoned commercial but without knowing the tree selection and onsite screening it is difficult to say what the ultimate impact of the project will be. He said it would have been useful for making the findings to see a diagram showing the view of the residential properties from the hotel rooms, and that because there is a remaining question of privacy he does not think it is in the best interest to move the project forward at this time. He noted that the delivery hours is a simple fix and said the applicant has done more than their fair share in order to create a turn around buffer, to create a green building and provide shuttle service, but he is hoping the applicant can continue to work with staff on the many changes needed before the final vision of the project.

Commissioner Melton noted the property owner has rights and looked at the zoning to understand what is allowable when the property was purchased, and that nearby residential neighbors are supportive of the property being redeveloped if it is consistent with the current character of the neighborhood. He said he cannot make the findings to approve the solar Variance and that he is not comfortable approving the project without seeing the final design, and that he hopes the project will return

to the Planning Commission for review. He said he hopes the massing of the rear of the hotel is addressed and dealt with at the same time as the solar Variance to get closer to reaching goal LT-4 regarding quality neighborhoods and districts. He noted that Mr. Hoffman hired an architect to do graphical renderings of his home and found both those and the renderings from the applicant credible, and said he does not know how the two will be reconciled but that as the project moves forward he would like the residents and applicant seeing eye-to-eye on what this will look like from the neighborhood as a completed project.

Vice Chair Rheame said he supports the motion and cannot make the findings for the solar Variance. He said he still has issues with the bulkiness of the project at the rear and the privacy impacts of a four story building next to one story residential properties, that the impact of a commercial zone abutting a residential zone should be minimized and that the potential impact of the proposed project has not been minimized enough. He said he cannot approve this project without knowing what the design will look like after reducing the solar shading to less than ten percent, and noted the importance of the screening in the back, which is a key piece to understanding what the project will look like. He said it would be nice if the two abutting zones could come together in a nicer way to reach goal LT-4.

Commissioner Weiss said she is supporting the motion, that the project is conceptually good and the right kind for this site on El Camino Real but that it needs serious tweaking. She said she is not supporting the solar Variance and would like to see more attention given to the neighbors' concerns. She said improving one neighborhood should not deteriorate an adjoining one, and that this neighborhood could potentially be left to deal with the project's consequences for decades to come unless we take different steps today.

Chair Harrison said she is supporting the motion and cannot make the findings for the solar Variance with shading beyond ten percent. She said large trees in the back and the orientation of the usable rooms will mitigate privacy issues for the adjacent neighborhood, but that this not adequately demonstrated. She said when the project comes back she suggests providing views from fourth story rooms in the rear looking at properties to the southeast to assure that the project will not be unduly impinging on their privacy. She said regarding Condition of Approval PS-4 that she appreciates the minimalist architecture and the recessed roof cap, that the thin walls of the porte cochere are fine and that with all the trees on west side it is reasonable that the cladding only goes a quarter of the way down. She said with the varying landscape pieces on the east wall having an exposed rock face is also reasonable, that there should be a recognizable entry off of El Camino Real and she is looking forward to seeing the project again with the shading issue resolved.

Commissioner Simons said he is disappointed that this public hearing was held the day before City Council reviews the solar study issue and that this item should have been put onto next week's agenda. He said the difference between him and the other Planning Commissioners is whether you accept the development as a concept with modifications and then have another public hearing to review the architecture. He said sometimes neighbors request certain things that they would like to see in a project and sometimes it is very beneficial to be a neighbor to a hotel as opposed to another use with regard to sound levels. He said the building could be stepped down and pushed all the way up to the fence or further from the fence at four stories and that the main concern is the landscaping in the back, which should be a required priority that could have been done tonight. He said he understands the recommendation of the Planning Commission but thinks there are a couple things that could have been done better tonight that would have been useful for the applicant.

The motion carried by the following vote:

Yes: 5 - Chair Harrison
Vice Chair Rheume
Commissioner Melton
Commissioner Klein
Commissioner Weiss

No: 1 - Commissioner Simons

Absent: 1 - Commissioner Olevson

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Miner discussed upcoming Planning-related City Council items and announced upcoming joint study session with City Council. He also said next week's special Planning Commission meeting will begin at 7:00 p.m.

ADJOURNMENT

Chair Harrison adjourned the meeting at 9:55 p.m.