



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, November 14, 2016

6:00 PM

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

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**Special Meeting - Study Session - 6 PM | Special Meeting - Public Hearing 7 PM**

### **6 P.M. STUDY SESSION**

#### **Call to Order in the Council Chambers**

#### **Roll Call**

#### **Study Session**

- A.**      [16-1068](#)      File #: 2015-8126  
Locations: 684 W. Maude Ave. (APN:165-28-014 165-28-015  
165-28-016 165-30-001 165-30-011 165-30-012)  
Zoning: PPSP/SP  
Proposed Project: Three 4-story office buildings (175,000 to  
197,000 sq. ft. each), one 5-story parking structure (1 level  
below grade) and one 6-story parking structure. Project  
includes retaining one existing 58,189 sq. ft. building. Total  
project is approximately 626,262 sq. ft. and located in Peery  
Park.  
Environmental Review: Complies with PPSP Program EIR  
Applicant / Owner: Simeon Commercial Properties/Ks 684  
Maude Llc  
Project Planner: Ryan Kuchenig, (408) 730-7431,  
rkuchenig@sunnyvale.ca.gov
- B.**      [16-1067](#)      File #: 2015-7879  
Location:      981-987 Almanor Avenue (APN: 165-40-004)  
765/767 N. Mary Avenue (APN: 165-40-007)  
755/757 N. Mary Avenue (APN: 165-40-008)  
749/751 N. Mary Avenue (APN: 165-40-009)  
950 Benecia Avenue (APN: 165-40-012)  
615/617 N. Mary Avenue (APN: 165-40-015)

570/959 Maude Court (APN: 165-40-017)  
573/575 Maude Court (APN: 165-40-020)  
580/585 Maude Court (APN: 165-40-021)  
610-614 N. Mary Avenue (APN: 165-41-003)  
650 N. Mary Avenue (165-41-004)  
740/750 N. Mary Avenue (APN 165-41-005)  
760 N. Mary Avenue (APN 165-41-006)  
990 Almanor Avenue (APN 165-41-007)  
781-785 Palomar Avenue (APN 165-41-008)  
775-779 Palomar Avenue (APN 165-41-009)  
733/735 Palomar Avenue (APN 165-41-010)  
675/677 Palomar Avenue (APN 165-41-011)  
615/617 Palomar Avenue (APN 165-41-012)  
844 Del Rey Avenue (APN 165-41-013)  
845 Del Rey Avenue/610 Palomar Avenue (APN 165-41-014)  
720-726 Palomar Avenue (APN 165-41-015)  
750/752 Palomar Avenue (APN 165-41-016)  
760-766 Palomar Avenue (APN 165-41-017)  
776 Palomar Avenue (APN 165-41-018)  
678 Almanor Avenue/788-790 Palomar Avenue (APN 165-41-019)  
670 Almanor Avenue (APN 165-41-020)  
595 N. Pastoria Avenue (APN 165-41-031)  
Zoning: PPSP-IE (610-614/615-617/650/740-760/749-767 N. Mary Avenue, 570-575 Maude Court, 990 Almanor Avenue, 615-785 Palomar Ave, 844 Del Rey Avenue); PPSP-IEAC (981-987 Almanor Avenue); PPSP-MIC (720-790 Palomar Avenue, 670-678 Almanor Avenue)

Proposed Project:      Related applications on a 49.55-acre site:  
DEVELOPMENT AGREEMENT: Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and Irvine Company  
PEERY PARK PLAN REVIEW PERMIT: to allow the demolition of 28 existing office and industrial buildings totaling 768,665 sq. ft. and the construction of nine three-story and three four-story office buildings totaling 1,471,400 sq. ft.; a one-story and two, two-story amenity buildings totaling 40,000 sq. ft.; a four-level, a five-level, and two six-level above-grade parking

structures; a private connector street with public vehicular and pedestrian access; and site and offsite improvements

TENTATIVE MAP: to allow 28 existing parcels to be merged into eight parcels, including the abandonment of Maude Court

Applicant / Owner: Irvine Company

Environmental Review: Addendum to Environmental Impact Report (Peery Park)

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

### **Public Comment on Study Session Agenda Items**

### **Adjourn Study Session**

### **7 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:** 7 - Chair Sue Harrison  
Vice Chair Ken Rheaume  
Commissioner John Howe  
Commissioner Russell Melton  
Commissioner Ken Olevson  
Commissioner David Simons  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

Maria Hamilton, Sunnyvale resident, said focusing only on jobs and housing when considering projects places a heavy toll on the City's infrastructure, roads and the public transportation system and ignores quality of life issues. She said all of these issues should be considered together.

#### **CONSENT CALENDAR**

Commissioner Howe pulled the draft minutes from the Consent Calendar, and clarified with Planning Officer Andrew Miner the motion made on item 2 of the

previous agenda. Commissioner Howe also noted that page 10 of the minutes shows Commissioner Olevson as the maker and seconder of a motion and should be corrected to show Commissioner Howe as the seconder of that motion.

MOTION: Commissioner Howe moved and Commissioner Melton seconded the motion to approve the draft minutes as amended.

The motion carried by the following vote:

**Yes:** 6 - Vice Chair Rheume  
Commissioner Howe  
Commissioner Melton  
Commissioner Olevson  
Commissioner Simons  
Commissioner Weiss

**No:** 0

**Abstained:** 1 - Chair Harrison

1. A     [16-1069](#)     Approve Planning Commission Meeting Minutes of November 7, 2016
- C. Howe - on page 8 of the draft minutes - staff was requested to put out information about a buffer to council. These options should be delineated in the minutes. The PC does not note which one to approve. From Andy - not his memory of the action. Review of the discussion from the last PC meeting. C. Howe - on page 10 - clerk to correct the commissioners mentioned (one mentioned twice).*

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

2.        [15-0604](#)        Forward Recommendations related to the LAWRENCE STATION AREA PLAN AND ENVIRONMENTAL IMPACT REPORT (2013-7653) to the City Council to:
1. Adopt a Resolution to:
    - Certify the EIR; Make the Findings Required by the California Environmental Quality Act; Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
    - Adopt the Water Supply Assessment

- Amend the General Plan to Create the Lawrence Station Area Plan General Plan Designation; and Update the General Plan Map to Reflect the Lawrence Station Area Plan Area;
  - Adopt the Lawrence Station Area Plan, with Modifications;
  - Adopt the Lawrence Station Area Plan Incentives and Development Cap Administrative Regulations.
2. Introduce an ordinance to:
- Add Chapter 19.35 (Lawrence Station Area Plan District) to Title 19 (Zoning) to the Sunnyvale Municipal Code;
  - Amend the Precise Zoning Plan Zoning Districts Map to add the Lawrence Station Area Plan District and Rezone the Parcels in the Lawrence Station Area Plan Area to Lawrence Station Area Plan (LSAP) District; and
  - Amend Sunnyvale Municipal Code Table 19.54.080 (Telecommunications Facilities Permits), Section 19.16.020 (Zoning Districts - Creation), and Section 19.90.010 (Special Development Permits) to Implement the Lawrence Station Area Specific Plan

Planning Officer Andrew Miner presented the staff report.

Commissioner Olevson discussed with Planning Officer Miner the authority of the Planning Commission and City Council to review the established temporary caps on development types.

Commissioner Weiss discussed with Planning Officer Miner and Director of Public Works Manuel Pineda whether CalTrain will provide improved transit options as a result of the passage of Measure B.

Commissioner Melton discussed with Planning Officer Miner why the property at 1122 Aster was not included in the General Plan Amendment (GPA) and Rezone, and confirmed that the concerns discussed in a letter from Costco regarding a document showing a bisected building had been addressed. Commissioner Melton also confirmed with Planning Officer Miner the baseline densities of residential and commercial properties within specific distances from the CalTrain station.

Chair Harrison confirmed with Planning Officer Miner that changes in Citywide parking standards would not automatically change the parking standards of Lawrence Station.

Chair Harrison opened the Public Hearing.

Don Tran, representing the Silicon Valley Leadership Group, spoke in support of a balanced Lawrence Station Area Plan (LSAP) and a residential emphasis Alternative.

Larry Yamaoka, owner of three properties within the LSAP, requested the Planning Commission investigate his three properties along Willow and Reed for their residential feasibility and said they would be an ideal site for a mixed use project.

Commissioner Melton confirmed with Mr. Yamaoka that the current use of his properties includes warehouses and auto repair facilities. Commissioner Melton verified with Planning Officer Miner that Mr. Yamaoka's properties are zoned Industrial and Service/Industrial-to-Residential (MS/ITR).

Chair Harrison confirmed with Planning Officer Miner that Mr. Yamaoka's request would require a revision to the LSAP, and they discussed the reason his property was not considered for residential by staff.

Commissioner Melton verified with Planning Officer Miner the changes to the General Plan and zoning designations of Mr. Yamaoka's properties under the LSAP, and confirmed that they are recommended for Office and Retail (O-R), which disallows residential.

Vice Chair Rheume referred to drawing 2.0-1.2.3 in the Final Environmental Impact Report (EIR) that depicts Mr. Yamaoka's properties and discussed with Planning Officer Miner which property would be affected by the contemplated road expansion.

Nancy Wallace and Matt Morey, owners of property on Aster Avenue, spoke in support of the LSAP.

Adina Levin, with Friends of CalTrain, spoke in support of a residential emphasis Alternative that would not prevent Intuitive Surgical from expansion, suggested clarification of the parking requirements in the LSAP and encouraged a request to CalTrain for a higher level of service.

Ray Crump, Sunnyvale resident, spoke in support of the LSAP.

John Cordes, member of the Bicycle and Pedestian Advisory Commission speaking on his own behalf, spoke in support of the plan, particularly the development caps.

Chair Harrison closed the Public Hearing.

Commissioner Simons discussed with Planning Officer Miner whether it is feasible for businesses to work with the City of Santa Clara to coordinate on a Transportation Demand Management program.

Commissioner Weiss and Planning Officer Miner discussed whether the open space within a business park counts toward the total open space required per citizen living in residences in this area.

MOTION: Commissioner Melton moved to recommend to the City Council Alternatives 1 and 2:

1. Adopt a Resolution (Attachment 4 of this report) to:
  - a. Certify the EIR; Make the Findings Required by the California Environmental Quality Act; and Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
  - b. Adopt the Water Supply Assessment;
  - c. Amend the General Plan to Create the Lawrence Station Area Plan General Plan Designation and Update the General Plan Map to Reflect the Lawrence Station Plan Area;
  - d. Adopt the Lawrence Station Area Plan, with Modifications (Attachment 7 of this report);
  - e. Adopt the Lawrence Station Area Plan Incentives and Development Cap Administrative Regulations.
2. Introduce an ordinance (Attachment 5 of this report) to:
  - a. Add Chapter 19.35 (Lawrence Station Area Plan District) to Title 19 (Zoning) to the Sunnyvale Municipal Code;
  - b. Amend the Precise Zoning Plan Zoning Districts Map to add the Lawrence Station Area Plan District and Rezone the Parcels in the Lawrence Station Area Plan Area to Lawrence Station Area Plan (LSAP) District; and
  - c. Amend Sunnyvale Municipal Code Table 19.54.080 (Telecommunications Facilities Permits), Section 19.16.020 (Zoning Districts - Creation); and Section 19.90.010 (Special Development Permits) to Implement the Lawrence Station Area Specific Plan.

FRIENDLY AMENDMENT: Commissioner Simons seconded and offered the

following friendly amendments: a recommendation to include the LSAP Parking Plan in any City Plan; and, that City staff consider utilization of Santa Clara's TDM resources by business and residential groups to count toward any mitigation.

Commissioner Melton said he can make the findings for the EIR and thanked former Planning Commissioner Brandon Sulser for proposing the original study issue that has evolved into this plan. He also thanked Councilmember Gustav Larsson and Mike Kim, who were on the Citizens Advisory Group (CAG) and thanked Planning Officer Miner for his skillful shepherding of this complicated project. He said he appreciates that parcels closest to CalTrain have a higher level of density and that as you move further from the station the baseline density decreases, and that there is a list of community benefits that an applicant can apply for to increase residential or commercial densities. He said the primary community benefit the CAG focused on was a loop road, which we are near achieving, that he appreciates affordable housing has been added as an incentive and that the benefits table is flexible enough to incentivize the right type of development. He noted that this plan was all about access to a CalTrain station in an underdeveloped area and we are going to increase that access with the new loops, bike paths and roads. He said this is an exciting project and he is looking forward to the Sense of Place plan. Commissioner Melton said he appreciates that the trees on Sonora Court will be protected and that we will be achieving more housing where people work that is near transit. He said to Mr. Yamaoka that not a lot of time was given to consider his request, and that from a land use perspective, office and retail is the most appropriate zoning of his parcels. He added that it has been a pleasure to have been involved in the development of this plan.

Commissioner Simons said there have been many discussions about conflicts between greater density, traffic congestion, the cost of housing and reducing single occupancy vehicle travel and that a plan like this is the most appropriate place for increasing density next to a train station. He said improved bus transportation and providing more housing in this area would lower single occupancy vehicle travel, and he is hoping more consideration is given to emphasizing connection of a neighborhood that is split by the train crossing, whether that be by extra flyovers or a new underpass. He said the time to look at that is when there will be any track work done or with the electrification project and that it could potentially be moved up as a priority as opportunities for capital improvement projects occur because it will be cheaper to do it then. He said he hopes in the future the City will move faster on these types opportunities and financially support them.



Commissioner Olevson said he is supporting the motion and can make the findings required to certify the EIR. He said it is in the public interest to modify the General Plan with the LSAP and modify the zoning, and that there are many active businesses here already and he is glad to see planning around those now. He said he is not sure that filling up the area with residential around the train station will make the train more productive but he is willing to give all of the hard work on this project a try. He said this plan has been much more timely than the Peery Park Specific Plan which was mostly built out by the time the plan was approved and he is looking forward to seeing how this plan develops.

Commissioner Weiss said the plan is a realistic approach to attempt to correct the imbalance between jobs and housing, which should lower greenhouse gas emissions as we move forward with implementing the Climate Action Plan (CAP). She said along with provisions for housing and affordable housing, she hopes we will include housing for low- and very low-income families as well. She said the plan is not spot zoning and is a holistic approach which she hopes will be a template for how future large projects will be guided. She said she appreciates all the work that staff and the advisory groups put into this plan, that she can make the findings for the EIR and supports this plan.

Chair Harrison said she supports the motion, that she was an original member of the LSAP CAG and it was very interesting to have the original 17 very diverse people all 100 percent in support of the idea of flexible mixed use throughout the whole development of the plan. She said it is innovative with the concept of flexible mixed use and the table of community benefits, and she thanked staff for the format in which the plan was presented.

The motion carried by the following vote:

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

**No: 0**

3.      [16-0966](#)      File #: 2016-7439  
   Location: 1122 Aster Ave. (APNs: 213-01-014 and 213-65-001)

through 213-65-10)

Zoning: M-S/ITR/R-3/PD (Industrial and Service/Industrial to Residential/Medium Density Residential/Planned Development  
Proposed Project: Related applications on a 1.66-acre site:

SPECIAL DEVELOPMENT PERMIT: To allow demolition of existing buildings and construction of 34 three-story townhomes and associated site improvements;

VESTING TENTATIVE MAP to subdivide the site into 34 townhome lots and one common area lot.

Applicant / Owner: Classic Communities / Franz and Kathaleen Mortensen et al (multiple owners)

Environmental Review: Mitigated Negative Declaration

Assistant Planner Cindy Hom presented the staff report, and noted that the report incorrectly stated that staff recommended Building 5 have the enhanced brick veneer around the door and the height of it extended to the height of the 1st floor wall plate, which is recommended only for Building 3.

Commissioner Melton verified with Assistant Planner Hom that the staff recommended wrapped porch feature would introduce a deviation on setback requirements.

Commissioner Howe clarified with Assistant Planner Hom that the project is within the Sunnyvale and Fremont High School Districts boundaries.

Vice Chair Rheaume confirmed with Assistant Planner Hom that the wrapped porch feature is part of the recommendation of staff, and discussed the parking requirements of the project. He also discussed with staff the reason behind recommending removal of the English Tudor style, and Vice Chair Rheaume commented on the style adding needed variety to the City.

Commissioner Weiss commented on the the English Tudor style providing differentiation from adjacent projects and suggested the applicant devise other styles that may work well with English Tudor. She clarified with Assistant Planner Hom the location of the building for which staff is recommending the wrapped porch feature, and discussed with staff the reason for recommending it. Commissioner Weiss confirmed with staff that the 20-foot distance between buildings 5 and 6 is sufficient and needs no deviation request, and confirmed that the Below Market Rate (BMR) units remain in effect for 30 years and, upon sale, would restart another 30 years.

Commissioner Simons commented on liking the English Tudor design and multifamily developments having small ornamental trees that remain smaller than the buildings in the future. He discussed with Assistant Planner Hom the feasibility of planting larger species trees on the site, particularly between the buildings.

Chair Harrison confirmed with staff that there will be a connection along the western edge of the property to the El Camino Creek Channel Trail, and confirmed that the applicant submitted a checklist demonstrating their compliance with the Residential Transportation Demand Management (TDM) plan.

Chair Harrison opened the Public Hearing.

Adam Kates, with Classic Communities, provided additional information about the proposed project.

Commissioner Weiss discussed with Mr. Kates the location and size of the proposed common open space, and discussed whether the addition of playground equipment is feasible. They also discussed whether special protection of the channel from construction debris is needed, and confirmed that the applicant is amenable to using permeable decorative paving material in pedestrian areas.

Commissioner Simons confirmed with Mr. Kates that he is amenable to the staff recommendation for enhanced brick veneer around the door and its extended height to the 1st floor wall plate on Building 3, and discussed with Scott Short, with BKF Engineers, whether it is feasible to use pervious concrete asphalt for the driveways. Commissioner Simons also confirmed with Mr. Kates that he is amenable to putting in taller trees.

Commissioner Olevson confirmed with Mr. Kates that, aside from the English Tudor style, the applicant has no problem with the list of required revisions to the project plans recommended by staff.

Vice Chair Rheame discussed with Mr. Kates what common area amenities Classic Communities has built for other projects and confirmed that barbecue facilities are commonly used. They confirmed that if the wrap around porch was not approved the front door would still face Aster Avenue, and Vice Chair Rheame discussed with Theresa Oehrlein, with Bassenian and Lagoni Architects, the thought behind using four different architectural styles.

Scott Satterthwaite, Evelyn Avenue resident, discussed his concerns with traffic and the lack of sidewalks on Aster Avenue.

Mr. Kates said the project will include a sidewalk that meets up with adjacent properties, and provided final comments regarding the project.

Chair Harrison closed the Public Hearing.

MOTION: Vice Chair Rheume moved Alternative 2: Adopt the Mitigated Negative Declaration and approve the Special Development Permit with deviations for setback and distance between buildings and Vesting Tentative Map based on the findings in Attachment 3 and with modified conditions:

- 1) Include the stone veneer changes staff noted;
- 2) Keep the four distinctive designs, specifically the English Tudor;
- 3) Allow the setback deviation for a wrapped porch on the side street elevation; and,
- 4) Applicant and staff work on the percentage of trees that shall be native trees that grow above 45 feet.

FRIENDLY AMENDMENT: Commissioner Simons seconded and offered a friendly amendment to include additional options for pervious materials and pedestrian treatments, and that larger trees are to be considered for separation of the buildings on the interior and the east edge of the site. This will meet intended screening between border sections of the lots as well as between buildings. Vice Chair Rheume accepted.

Vice Chair Rheume said he can make the findings and that the project will be a great improvement to the area. He said the project is a great opportunity to have housing within walking distance to the CalTrain station, and that he appreciates the applicant proposing architectural designs that are different from their previous projects in the City. He said we are trying to add variety to this neighborhood to make it more eclectic and interesting, and that he likes that the redwood trees in the back will be preserved to go along with the future trail. He thanked the applicant for investing in the community and adding more housing to the City.

Commissioner Simons said he can make the findings, and recalled the Bellmont Terrace project completed 25 years ago which had particular trees selected for placement between buildings and provided an urban forest look and separation and privacy for residents. He said with many recent projects selection of trees to

accomplish these features is rarely done and can be used to accommodate a variety of architectural styles and provide a pleasant environment. He added that diversity in architecture is nice and that this project will be a benefit to the City.

Commissioner Olevson said he supports the motion and can make the findings under the California Environmental Quality Act to support the Mitigated Negative Declaration. He said he supports the finding that the project is in the community interest and meets the General Plan for the Special Development Permit. He said he cannot make any findings for the Tentative Map that would deny the project.

Commissioner Weiss said this project fits in well with the neighborhood in terms of scale, color and architecture, and that she likes the fact that it allows for neighborhood use of the water channel in the future. She said she can make the findings and looks forward to it being built and inhabited.

Commissioner Melton said he can make the findings, that he likes the project and congratulated the applicant on parcel aggregation. He said he can only imagine all the different owners the applicant had to talk to and their different business goals. He said he likes the path on west edge of the property and that the applicant has respected the minimum and maximum densities prescribed by zoning. He said he typically does not like to see deviation requests but that all of the requests for this project are logical, and that he is looking forward to seeing the project come to fruition.

The motion carried by the following vote:

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

**No: 0**

4.      [16-0799](#)      File #: 2015-7576  
Location: 1250 Lakeside Drive (APNs: 216-43-035 and -036)  
Zoning: LSP  
Proposed Project: Related LAKESIDE SPECIFIC PLAN  
applications on an 8.83-acre site:

SPECIFIC PLAN AMENDMENT: 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

TENTATIVE PARCEL MAP: to subdivide the site into two - with a lot for each land use.

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

Environmental Review: Supplemental Environmental Impact Report

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

Associate Planner George Schroeder presented the staff report, and noted a change to the Conditions of Approval (COA) that would take the language regarding the lake access easement from GC-18 and carry it through to PN-2 and EP-3 for consistency.

Commissioner Howe discussed with Associate Planner Schroeder whether water and electricity would be metered separately for the residential portion of the project after construction completion, and verified with Planning Officer Andrew Miner that after a potential future condominium conversion gas, water and electricity would be separately metered.

Commissioner Weiss clarified with Associate Planner Schroeder why the project is exempt from paying in-lieu fees, and Commissioner Weiss said it is disappointing that the project would not contribute to remedying the affordable housing crisis. Commissioner Weiss confirmed with Associate Planner Schroeder that a further reduced development alternative that would eliminate a number of hotel rooms and apartments to reduce the significant and unavoidable impacts to several intersections was not considered a feasible alternative. Commissioner Weiss confirmed with Associate Planner Schroeder the locations of bicycle and vehicle parking, and that maintenance of the lake is shared by all property owners in the lake area.

Commissioner Simons verified with Associate Planner Schroeder that there is a COA requiring a master sign program, and commented on the lack of care and death of trees from a previous, incomplete project at this site. They also discussed whether consideration was given to the use of larger species trees on the site.

Commissioner Melton confirmed with Associate Planner Schroeder that the letter from Unite Here Local 19 was regarding expanding the shuttle service from the hotel to the airport, providing affordable housing onsite and a self-sufficient site for hotel workers to live in the residential units. They confirmed that the comments in the letter are directed more so at the project itself rather than the Environmental Impact Report (EIR).

Vice Chair Rheaume verified with Associate Planner Schroeder that the side-by-side driveway entrances are one way in and out of the property, and Vice Chair Rheaume commented on the need for more entrances to accommodate 250 residential units. Principal Transportation Engineer/Planner Carol Shariat and Franziska Church, with Fehr and Peers, said the traffic analysis of the driveways found no impacts to level of service and queueing. Vice Chair Rheaume discussed with Associate Planner Schroeder why several trees that are not close to buildings are proposed for removal.

Commissioner Howe verified with Associate Planner Schroeder that the entitlements for this project were granted by City Council in 2005, and confirmed with staff that this project is not subject to the housing mitigation fee because its application was deemed complete prior to the Ordinance requiring payment of the fee was adopted.

Chair Harrison discussed with Associate Planner Schroeder why the site is no longer considered within a flood zone.

Chair Harrison opened the Public Hearing.

Applicant Kurt Wittek, Jonathan Ward with NBBJ Architect, Jon Ennis with BDE Architects presented images and information about the proposed project.

Commissioner Weiss verified with Mr. Wittek that the modular units for the apartments would be produced in the US and those for the hotel manufactured in Poland, and that they would meet all environmental and safety standards. They discussed whether thought was given to having a convenience store for the residents.

Commissioner Simons commented on the selection of mostly ornamental trees for the site that may not live very long and Mr. Wittek said the applicant is open to comments regarding trees received by the City. Commissioner Simons confirmed with staff that wayfinding on pedestrian walkways, particularly at entrances and intersections would be included in the master sign program. Mr. Wittek added that the applicant is committed to continuing to work with the City to create the best level of landscaping and wayfinding.

Chair Harrison verified with Mr. Wittek that hotel employees are not excluded from using the shuttle service, and confirmed that the applicant is amenable to increasing the number of electric car charging stations.

Stephano Medina, with Unite Here Local 19, discussed concerns with the transportation impacts of the project which would be improved by the extension of shuttle program. He questioned how the project fits into Sunnyvale's wider plans for affordable housing and said the developer should pay a housing impact fee as the project will create low wage jobs in a city with a lack of affordable housing.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Simons moved and Commissioner Olevson seconded the motion to recommend to City Council Alternatives 1, 3 and 6:

- 1) Certify the Supplemental Environmental Impact Report, make the findings required by CEQA, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program;
- 3) Adopt a resolution amending the Lakeside Specific Plan (LSP) per the text amendments as contained in the Resolution in Attachment 11; and,
- 6) Approve the Special Development Permit and Tentative Parcel Map with modified conditions:
  - a. Include wayfinding for pedestrian walkways, entrances and intersections;
  - b. Include COA GC-18 language in PN-2 and EP-3; and,
  - c. Use a native tree palette, which includes a significant quantity of estate sized genetic species trees that are appropriate for the site.

Commissioner Simons said his main issue with the project is landscaping that stems from the previous project being derelict for so long and the landscaping dying and which requires a review and placement of appropriate local flora on the site. He said he can make the findings and noted that the staff recommendation to carry the



language of GC-18 is appropriate and had to do with usage of the park and when it will be closed to the public.

Commissioner Olevson said he likes this project and is concerned that we approve projects that bring many new residents into the City, and though a fee is paid for more park amenities we never get new parks. He said this project clearly adds usable open space for the public which is a great addition to the City. He said he likes the architecture and is interested in observing how modules are set on top of each other to create what looks like attractive buildings. He said he can make the findings for the Special Development Permit and the Tentative Map and he is looking forward to the project progressing.

Vice Chair Rheume said he can make the findings and that this is a nice project with an iconic design. He said this is an atypical hotel design which will be noticeable from the highway, and that such a quality design should have the right type of landscaping rather than small ornamental trees. He said he is glad that the project will add public open space and that it is a good addition to the neighborhood.

Commissioner Weiss said she finds it unfortunate that the developer escapes being required to pay in-lieu fees for housing and that all of the modules will not be manufactured in the US. She said she appreciates that the architecture is dynamic, that the project has an inside-outside feel and the reciprocal access for hotel guests and apartment residents. She said she also appreciates the airport shuttle which will hopefully reduce some of the traffic congestion and the commitment to building and running a high quality restaurant that will be open to the public.

Commissioner Melton said he is supporting the motion and applauded the applicant for the endurance through a number of public outreach meetings and study sessions to get here. He said he likes the architecture and can make the findings as required by CEQA to certify the Supplemental EIR. He also applauded Stephano Medina with Unite Here for bringing up important points regarding hotel workers and he is glad to hear a level of cooperation from the applicant with regard to employees using the shuttle. He said that while he may agree with asking the developer to pay the housing impact fee to avoid creating further strain on the affordable housing market, it is well beyond the jurisdiction of the Planning Commission to unilaterally impose a housing impact fee on the applicant. He added that he is looking forward to the project coming to fruition.

Commissioner Simons confirmed with staff that his motion covered each element of the action items.

FRIENDLY AMENDMENT: Chair Harrison offered a friendly amendment to increase the number of electric car charging stations to the capacity of the existing infrastructure for the residential portion of the project and to include employee transportation needs in the TDM and shuttle programs. Commissioner Simons accepted. Commissioner Olevson denied the former amendment and accepted the latter.

AMENDMENT: Chair Harrison moved and Commissioner Simons seconded the motion to amend the original motion to increase the number of electric car charging stations from 63 to not more than 90 if within the capacity of the existing infrastructure for the residential portion of the project, and to include employee transportation needs in the TDM and shuttle programs.

Chair Harrison said we recently had a meeting with regard to the Climate Action Plan (CAP) and an idea was floated that the City should further electrify our infrastructure. She said the only impediment to increased electric car use is a lack of car charging stations, and that this recommendation may help further CAP goals.

Commissioner Melton verified with Planning Officer Miner that this motion is within the purview of the Planning Commission, and they discussed the extent of the Planning Commission's authority over this issue. Commissioner Melton said he will be supporting motion and agrees that it is important but that if motions such as these are to continue into the future the best way to approach it may be or City Council to create new policy.

Commissioner Howe clarified the motion with Chair Harrison, and said he would support it.

Commissioner Olevson said he is not supporting the motion because we are now jumping into helping the owner of the property design the project, which he has to make money on and it is inappropriate for an unelected body to change it on the fly. He said we have a process, albeit a laborious one, to study issues and present those results to City Council and ask them to change or extend the policy. He said here we are saying we have the authority to change the rules, and he does not know if 90 units is adequate or overbearing. He said he is not sure any of us know beyond it being a great idea, which is to electrify all cars and is subsidized by

taxpayers, and he is not convinced that this body has the authority to implement this change.

The amendment motion carried by the following vote:

**Yes: 5 -** Chair Harrison  
Vice Chair Rheaume  
Commissioner Howe  
Commissioner Melton  
Commissioner Simons

**No: 2 -** Commissioner Olevson  
Commissioner Weiss

MOTION: Commissioner Simons moved and Commissioner Olevson seconded the motion to recommend to City Council Alternatives 1, 2 and 6:

- 1) Certify the Supplemental Environmental Impact Report, make the findings required by CEQA, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program;
- 3) Adopt a resolution amending the Lakeside Specific Plan (LSP) per the text amendments as contained in the Resolution in Attachment 11; and,
- 6) Approve the Special Development Permit and Tentative Parcel Map with modified conditions:
  - a. Include wayfinding for pedestrian walkways, entrances and intersections;
  - b. Include GC-18 language and carry it to PN-2 and EP-3;
  - c. Use a native tree palette, which includes a significant quantity of estate sized genetic species trees that are appropriate for the site;
  - d. Increase the number of electric car charging stations to the capacity of the existing infrastructure for the residential portion of the project; and,
  - e. Include employee transportation needs in the TDM and shuttle programs.

The motion carried by the following vote:

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

**No: 0**

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

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

None.

**-Staff Comments**

None.

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

Chair Harrison adjourned the meeting to the West Conference Room.

5.        [16-1078](#)        Selection and Ranking of Potential 2017 Study Issues

**ADJOURNMENT**