



# City of Sunnyvale

## Meeting Minutes - Revised Planning Commission

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Monday, December 5, 2016

7:00 PM

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

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

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

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

#### **CALL TO ORDER**

Chair Harrison called the meeting to order at 7:02 PM in the 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 John Howe  
Commissioner Russ Melton  
Commissioner David Simons  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner Ken Olevson

Status of absence; Commissioner's Olevson absence is excused.

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

None.

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

2. [16-1080](#) **FILE #:** 2016-7944  
**Location:** 225 S. Taaffe Street (Block 18 of Downtown Specific Plan)

bounded by Mathilda, Washington, Sunnyvale and Iowa Avenues)

**Proposed Project:** Adopt the Tenant Design Guidelines for storefront design, commercial signage and tenant improvements for retail uses within the Sunnyvale Town Center project

**Applicant/Owner:** STC Venture LLC (applicant/owner)

**Environmental Review:** No additional environmental review is necessary; the adoption of the proposed Tenant Design Guidelines is within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA Guidelines Section 15168(c)(2) and is categorically exempt pursuant to CEQA Guidelines Section 15305.

**Staff Contact:** Hanson Hom, (408) 730-7450,  
hhom@sunnyvale.ca.gov

Assistant City Manager Hanson Hom presented the staff report.

Commissioner Weiss clarified with Assistant City Manager Hom that Macy's and Target are part of Block 18 but not owned by STC Venture LLC, therefore the Tenant Design Guidelines do not apply to those properties. Commissioner Weiss confirmed with Assistant City Manager Hom that signs and displays used by Macy's and Target must comply with the Downtown Specific Plan Design Guidelines, as well as sign code and zoning code requirements.

Commissioner Weiss commented that the Tenant Design Guidelines prohibit advertisements for products, services, sales or promotions and asked staff how businesses would advertise sales or new products. Assistant City Manager Hom advised that temporary advertisements for promotional sales are allowed, with maximum use limited to 25% of the window space, and sign code provisions apply.

Commissioner Weiss clarified with Assistant City Manager Hom that the requirement for public restrooms is determined by the building code and the landlord's specific requirements.

Commissioner Weiss asked Assistant City Manager Hom about pedestrian only streets and it was determined this is better suited as a future discussion. Assistant City Manager Hom commented that streets would likely be temporarily closed for future downtown events.

Vice Chair Rheaume commented that South Murphy Avenue would include a variety of retail uses with an emphasis on relating architectural design to the historic character of South Murphy Avenue. Vice Chair Rheaume asked staff to explain how the guidelines would apply to future buildings along the new section of South Murphy Avenue. Assistant City Manager Hom advised the intent is not for new retail fronts to replicate the historic character of South Murphy Avenue but that

their signage should be respectful of the Murphy Avenue corridor. Assistant City Manager Hom noted that the Downtown Specific Plan outlines adherence to signage guidelines.

Vice Chair Rheaume clarified with Assistant City Manager Hom that the goal is to respect the historical character in the scale and detail of future modern buildings.

Vice Chair Rheaume asked staff what the entertainment district would include in addition to the movie theatre. Assistant City Manager Hom advised that building T proposes a ground floor grocery store and that adjacent restaurants or stores would be pertinent to entertainment or the grocery store.

Commissioner Howe asked staff to advise if the process and cost of sign approvals would differ for tenants in this district. Assistant City Manager Hom stated the hope is to streamline sign review because the Tenant Design Guidelines provide additional context. Assistant City Manager Hom advised individual signs have to be reviewed by staff but approval of a Master Sign Program eliminates the need for individual sign permits. Commissioner Howe confirmed with Planning Officer Andrew Miner that once a Master Sign Program is approved there are no separate fees for future proposed signs.

Commissioner Simons commented on the different levels of quality for window graphics and asked for staff comments on regulation of the quality and duration of these window graphics. Assistant City Manager Hom advised the Tenant Design Guidelines don't regulate window graphics but that the City has guidelines on temporary signage and the property owner would have oversight to ensure quality.

Commissioner Simons and Assistant City Manager Hom discussed the difficulty of defining thresholds for window graphic quality and enforcement. Planning Officer Miner advised that window signs less than 25% of the total window area are exempt from permitting and can't be denied based on artistic quality. Commissioner Simons noted it is concerning because it could lead to situations with poor quality window graphics.

Commissioner Simons confirmed with Assistant City Manager Hom that Condition of Approval A17.3 mandates all awnings are to be replaced at a minimum of five years. Commissioner Simons requested an update that regardless of tenant occupancy, if an awning looks degraded it needs to be replaced. Assistant City Manager Hom confirmed this modification.

Commissioner Simons commented on the potential need to block off additional

storefront space during special events and asked for staff comments. Assistant City Manager Hom advised there is a process in place to block off sidewalks for seating and that an encroachment permit is required to close the public portion of the right of way. Assistant City Manager Hom clarified that this applies uniformly to special events or short term business usage.

Commissioner Simons asked staff to comment on the likelihood of an encroachment permit being issued. Assistant City Manager Hom advised that before approval of an encroachment permit any proposal to use a portion of the public right of way would have to be approved by the property owner, who is responsible for maintaining the public right of way.

Chair Harrison opened the public hearing.

Applicant Deke Hunter, representing STC Venture LLC, presented information about the proposed project.

Philip D'Agostino, Senior Associate with SGPA Architecture and Planning, presented images and information about the proposed project and commented that window graphics are intended to be permanent signage and temporary signage pertains to banners.

Chair Harrison closed the public hearing.

MOTION: Commissioner Simons moved and Commissioner Howe seconded the motion for Alternatives 1 and 3 – Find that the adoption of the proposed Tenant Design Guidelines is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, and none of the exceptions to the exemptions specified in CEQA Guidelines Section 15300.2 have occurred, and that no additional environmental review is necessary as the proposed amendments are within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA Guidelines Section 15168(c)(2); approve the Sunnyvale Town Center Tenant Design Guidelines with modifications - to clarify that the awning will be replaced regardless of tenant occupancy.

Commissioner Simons commented that potential concerns over the final look and feel of a project are mitigated because the owner will be directly involved in maintaining the property.

Planning Officer Miner confirmed that Commissioner Simons' motion is Alternatives

1 and 3 with the awning modification.

Chair Harrison commented that the project was well done, that she can make the findings and will be supporting the motion.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Commissioner Olevson

Planning Officer Miner stated this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

3.        [16-1115](#)        **FILE #:** 2016-7968  
**Location:** 150 E. McKinley Avenue and 330 S. Murphy Avenue;  
APNs: 209-35-014 and 209-35-015 (Block 5 of the Sunnyvale Town Center project bounded by McKinley, Sunnyvale, Iowa and Murphy Avenues)  
**Proposed Project:**  
              **SPECIAL DEVELOPMENT PERMIT** to modify the architectural design plans for the two-story cinema/retail building ("Building T") and the adjacent public parking garage ("Penney's Parking Structure") of the Sunnyvale Town Center project from the original plans approved on August 13, 2007 (SDP 2007-0516).  
**Applicant/Owner:** STC Venture LLC (applicant/owner)  
**Environmental Review:** No additional environmental review is necessary; the proposed architectural modifications to Building T and the Penney's Structure are within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA Guidelines Section 15168(c)(2).  
**Staff Contact:** Hanson Hom, (408) 730-7450,  
hhom@sunnyvale.ca.gov

Assistant City Manager Hom presented the staff report.

Vice Chair Rheume commented that a landscape median would be added to Sunnyvale Avenue and asked for staff comments on how this will impact access to

the movie theatre traffic and truck traffic. Assistant City Manager Hom explained that trucks would travel southbound on Sunnyvale Avenue and back into the loading dock. Assistant City Manager Hom commented that the median has not been designed yet and the Department of Public Works may shorten the median to allow a left turn into the garage driveway.

Commissioner Howe confirmed with Assistant City Manager Hom that the current proposal is for ten screens with 1,800 seats and that a minimum number of screens was not designated in the staff report.

Commissioner Weiss commented that the loading dock is in a prominent location and asked staff if there was a discussion to move it underground to decrease noise. Assistant City Manager Hom advised there was a staff discussion regarding this element and that the zoning code requirement ensures operational hours of 7 AM – 10 PM. Assistant City Manager Hom explained the Conditions of Approval contains measures to ensure the wall is high enough and adequately buffered to mitigate noise.

Commissioner Weiss stated concern over the aesthetic of the loading dock, since this is a main approach to downtown Sunnyvale. Assistant City Manager Hom advised there will be a decorative element along the wall of the parking garage and suggested an additional wall could be added behind the landscaping to provide additional screening.

Commissioner Weiss confirmed with Assistant City Manager Hom that the parcel of land marked for future development (T1) is owned by STC Venture LLC. Assistant City Manager Hom advised that approval for block five includes townhomes along Iowa Avenue, which are intended to screen off the parking structure. Assistant City Manager Hom stated that the future development of this parcel is unknown but staff's recommendation is to enhance garage elevations along both frontages.

Chair Harrison confirmed with Assistant City Manager Hom that Penney's Parking Structure (currently owned by the successor agency for the City) has a maintenance easement agreement which requires the tenant to maintain Penney's Parking Structure and continue the operation as a public parking structure.

Chair Harrison asked for staff comments on how the garage would encourage movie patrons to use levels three and four for parking and if there is direct access into the movie theatre. Assistant City Manager Hom advised it will be addressed through programming and signage.

Vice Chair Rheume asked staff to comment on future development of the T1 parcel. Assistant City Manager Hom explained that the 2007 plans allowed for construction of three story townhomes along Iowa Avenue in order to screen off the parking structure. Assistant City Manager Hom advised that this future development is currently uncertain but per the Conditions of Approval the construction fence is required to be removed or repainted by the property owner.

Chair Harrison opened the public hearing.

Applicant Deke Hunter, representing STC Venture LLC, presented information about the proposed project. Mr. Hunter advised that entering the garage from Murphy deposits you at the main level and entering the garage from Sunnyvale Avenue deposits you on the second level – the ramp is accessible from either entrance to access other levels. Mr. Hunter stated one hour parking is promoted at the main and lower levels and signage directs you to the upper levels for long term parking.

Glenn Wood, Associate Principal with SGPA Architecture and Planning, presented images and information about the proposed project.

Commissioner Weiss asked if it's commercially feasible to have two auditoriums each with only 49 seats. Mr. Wood advised it is feasible because the direction of luxury cinema is moving towards different size auditoriums in order to show a variety of films.

Commissioner Weiss commented that the kitchen takes up a lot of space and asked if it will also contain a restaurant. Mr. Wood stated there is a high likelihood of a restaurant and bar on the mezzanine level and whether these amenities are open to the public depends on the theatre operator.

Commissioner Simons confirmed with Mr. Hunter that their plan is to tear down the temporary wall along Iowa Avenue and landscape that area and ensure the previous plan is still a good fit before building housing. Commissioner Simons commented that if the landscaping intent is temporary it would be prudent to implement ground cover instead of planting trees and Mr. Hunter confirmed.

Commissioner Simons commented that the previous intent of wrapping the housing around the parking structure was to improve the look and feel of Sunnyvale Avenue and Iowa Avenue and asked Mr. Hunter to explain the current intent. Mr. Hunter advised there are three wallpaper structures along Iowa Avenue (F1, N1 and T1) – F1 is behind the block one garage and is connected to the parking structure while

N1 and T1 will soften the impact of the back of the garages.

Commissioner Simons commented that there didn't appear to be any parking capability for T1 and Assistant City Manager Hom advised the intent is for integrated access into the T1 area and Mr. Hunter stated for now the goal is to landscape while future residential housing is evaluated.

Commissioner Simons stated that there is a need to designate parking now for future housing. Mr. Wood commented that it is possible to implement a 24 foot wide drive aisle. Mr. Hunter commented that there is no decision made about what to do with the residential area, but they aren't precluding it. Commissioner Simons stated it's problematic to move forward with Penney's parking if it is not connected to future housing.

Commissioner Simons commented that most service areas behind buildings are dead zones and asked Mr. Hunter if they would use high quality surfaces and architectural elements within service area N1. Mr. Wood showed the elevation and an additional visualization looking down Sunnyvale Avenue to the Northwest. Mr. Wood explained the use of alternating green walls and metal louvers and advised there is a white element that steps the corner massing down.

Commissioner Simons commented that the Conditions of Approval should clarify that aesthetic improvements should match Sunnyvale Avenue.

Vice Chair Rheume confirmed with Mr. Hunter that the grocery store is the sole occupant of the first floor, with the main entrance in the parking garage and a secondary entrance at the corner of McKinley Avenue and Murphy Avenue.

Vice Chair Rheume asked staff why an entrance wasn't located at the corner of West McKinley Avenue and Sunnyvale Avenue. Mr. Hunter explained that grocery stores usually aggregate two openings and in this instance the opening closest to parking was the more critical component. Vice Chair Rheume noted that the lack of additional entrances isn't pedestrian friendly and asked for the applicant's comments on this design. Mr. Wood explained that while entrances on all four corners is ideal, you have to maintain control points with the doors and that signage, windows, awnings and lighting were incorporated to offset the lack of additional entrances.

Vice Chair Rheume asked for the applicant's comments on the color palette for buildings D, E and F, commenting that these colors appear very dark. Mr. Wood advised they are using some of the same forms and materials as the Target



building and that the white highlights provide a contrast. Mr. Wood noted by placing white highlights and warm details at the bottom you purposefully understate the larger upper part of the building.

Commissioner Howe confirmed with Assistant City Manager Hom that the Environmental Impact Report from June of 2003 referenced on page five of the staff report does include traffic generation.

Commissioner Howe confirmed with Assistant City Manager Hom that traffic generation may differ based on the number of theatre screens. Assistant City Manager Hom explained that from an environmental standpoint the current impacts are not more significant than previous assumptions since the current proposal houses 1,800 seats and the original proposal housed 2,950 seats.

Commissioner Howe asked staff if the original project proposal contained a restaurant. Assistant City Manager Hom advised the proposal would have mainly evaluated the Downtown Specific Plan parameters and that range of available retail uses.

Commissioner Howe stated an opinion that staff should consider specifying a minimum number of screens to stay within the scope of the original Environmental Impact Report.

Chair Harrison asked the applicant what enforcement exists for parking time limits. Mr. Hunter advised enforcement would exist through policing and communication with residents and clients.

Devang Bhuva, Sunnyvale resident, discussed his concerns with residential parking and traffic impacts on Iowa Avenue.

Charles Keeler, Sunnyvale resident, discussed his concerns with traffic impacts on Sunnyvale Avenue and Mathilda Avenue.

Chair Harrison commented that in 2017 6% of total parking must be allocated for non-residential electric car charging in retail or commercial parking lots and asked the applicant if they would object to 10%. Mr. Wood stated they are committed to 6% and are open to exploring an additional 4% on another parking level. Chair Harrison closed the public hearing.

Vice Chair Rheaume commented that there are 924 parking spaces in Penney's Parking Structure and asked for staff comments on parking adequacy. Assistant

City Manager Hom explained that a shared parking analysis was conducted, which concluded this parking will accommodate the mixed use project scope.

Assistant City Manager Hom mentioned that the applicant is working with the Department of Public Works to analyze traffic calming measures, such as the median installation and traffic signal modifications.

Vice Chair Rheaume confirmed with Assistant City Manager Hom that the parking analysis was included in the 2007 project proposal. Assistant City Manager Hom advised the current proposal is assumed to have a lessened traffic impact due to reduction in the theatre's seating capacity.

Vice Chair Rheaume confirmed with Assistant City Manager Hom that neighborhoods within the City can apply for permit parking, as long as residents are comfortable implementing a permit parking system.

Commissioner Simons noted there have been four potential changes in the Conditions of Approval and asked for staff comments on increasing the percentage of electric car charging spaces. Assistant City Manager Hom stated this could be introduced as a condition in the Special Development Permit application.

Commissioner Simons suggested staff investigate the minimum number of screens that would not trigger an Environmental Impact Report exemption. Assistant City Manager Hom advised they can look at the previous assumption but that the 2003 Environmental Impact Report analysis most likely pertained to the Downtown Specific Plan. Commissioner Simons and Assistant City Manager Hom agreed as an alternative that staff work with the developer to determine the appropriate minimum numbers of screens in order to minimize traffic impacts.

Commissioner Simons confirmed with Assistant City Manager Hom that additional language can be added to the Conditions of Approval that relate to aesthetic improvements for the service area, including landscape, surfaces and architectural elements.

Commissioner Simons stated a concern about parking for the proposed housing and requested staff work with the applicant to designate an appropriate location for residential parking. Assistant City Manager Hom confirmed staff can review the floor plans and that access may have been through Penney's garage. Planning Officer Miner commented that the project will be coming back to the Planning Commission for review. Assistant City Manager Hom advised staff will research the original site plan and provide an informational memo to the Planning Commission outlining the parking as proposed in 2007.

MOTION: Commissioner Simons moved and Commissioner Howe seconded the motion for Alternatives 1 and 3 – Find that the proposed architectural modifications to Building T and the adjacent Penney's Parking Structure of the Sunnyvale Town Center project do not require additional environmental review under the California Environmental Quality Act (CEQA) for the reasons stated in the staff report as the proposed modifications are within the scope of the previous environmental analysis for the Downtown Program Improvement Update, pursuant to CEQA Guidelines Section 15168(c)(2); approve Site Development Permit 2016-7968 with modifications:

1. Total of 10% electric charging spots with distribution of the additional 4% to be determined as appropriate;
2. Determine a minimum number of screens that is appropriate to minimize the impact of traffic; and,
3. Require aesthetic improvements for the service area on Sunnyvale Avenue including landscape, surfaces and architectural elements to avoid a dead zone.

Commissioner Simons added a fourth modification for staff to designate T1 parking, determine townhouse access from the street and confirm that no street trees will be removed. Commissioner Simons discussed this fourth modification with Assistant City Manager Hom agreed to omit it since it's not a Condition of Approval. Assistant City Manager Hom confirmed staff will complete research to present to the Planning Commission.

Commissioner Howe commented that this project falls within the scope of the previous approval and that the modifications do not require any additional CEQA.

FRIENDLY AMENDMENT: Vice Chair Rheaume offered a friendly amendment to elaborate in the Conditions of Approval on the removal of the temporary construction fence and also add temporary landscaping in the setback area along Iowa Avenue.

Assistant City Manager Hom advised that Condition of Approval A32 1g states the removal of the temporary construction fence and this will be updated to include temporary landscaping. Commissioner Simons and Commissioner Howe accepted.

Chair Harrison noted that she will be supporting the motion, likes the tall cinema sign and that the project is reminiscent of the Murphy Avenue time period.

The motion carried by the following vote:

**Yes:** 6 - Chair Harrison  
Vice Chair Rheaume  
Commissioner Howe  
Commissioner Melton  
Commissioner Simons  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Olevson

4. [16-1079](#) **File #:** 2013-7609  
**Locations:** 615, 629, 689, 691 N. Mathilda Ave., 525, 535, 555 Del Rey Ave., 650 Vaqueros Ave. (APNs: 165-43-014, -023 through -029)
- Zoning:** PPSP/IEF  
**Proposed Project:** **PEERY PARK PLAN REVIEW** to redevelop 8 parcels by combining the site into one 7.5-acre site and construct two new 4-story office R&D buildings with a total of 330,668 s.f. (includes 13,988 s.f. amenities area) resulting in 100% FAR, and serviced by a new 5-level parking garage. The project is located in the Peery Park Specific Plan area.  
**Applicant / Owner:** Sequoia Del Ray LLC. / Sequoia Del Ray LLC  
**Environmental Review:** The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2), (3) and (4). The project is within the scope of the Peery Park Specific Plan Program EIR. The environmental impacts associated with the proposed development are adequately addressed and analyzed in the Peery Park Specific Plan Program EIR and/or can be substantially mitigated with the imposition of uniformly applied development policies and standards.  
**Project Planner:** Shetal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Senior Planner Shetal Divatia presented the staff report.

Commissioner Melton commented that in regards to over the air TV signals it seems that the available recommendations provide conflicting information. Commissioner Melton noted that the City Manager put forth a treatise on TV signals earlier this year and that a study issue was brought up, but not seconded, during the last City Council meeting. Planning Officer Miner advised that the City Manager had put forth documentation about this issue which included staff research and it concluded that many different factors can affect over the air TV signals. Planning Officer Miner commented that the City doesn't have a policy for this issue and the project meets the intent of the Peery Park Specific Plan.

Commissioner Weiss stated there was an inconsistency in the parking numbers since the variance proposed 966 parking spaces but page 15 in Attachment 5 indicates 1,018 parking spaces. Senior Planner Divatia confirmed that 966 parking spaces is correct and Attachment 5 will be updated.

Commissioner Weiss confirmed with Senior Planner Divatia and Planning Officer Miner that BP 21 of Attachment 4 is a boilerplate condition and it would be fine to remove this section.

Commissioner Weiss commented that the HOA on pages 28 and 29 is also a boilerplate condition and that it may not be accurate to use boilerplate conditions. Planning Officer Miner responded that the goal is to define all the potential control uses of the property and this doesn't necessarily make it inaccurate.

Commissioner Weiss asked staff if Table 7.16-2 in Attachment 5 was part of the county study for 2040. Principal Transportation Engineer/Planner Carol Shariat advised that "existing" refers to the initial count for the Peery Park Specific Plan and "plus project" refers to adding the Mathilda Commons project to the existing volumes. Principal Transportation Engineer/Planner Shariat confirmed that this data is current.

Commissioner Howe clarified with Senior Planner Divatia the square footage outlined in sheet 7.4 of the site plan.

Planning Officer Miner commented that the area along the terrace between the street and parking garage will be maintained for people to congregate and it will be publicly accessible.

Chair Harrison opened the public hearing.

Applicant Pete Larko, representing Sequoia Del Ray LLC, presented information about the proposed project.

Architect Craig Almeleh, representing ARC TEC, presented images and information about the proposed project.

Commissioner Weiss commented that she likes the use of the aluminum composite panels and asked Mr. Almeleh if the amenities floors were all outside. Mr. Almeleh explained that there is both indoor and outdoor space on level three and level five has amenities behind the stairwell.

Commissioner Weiss discussed with Mr. Almeleh the materials used for the balconies and guardrails and confirmed that the area is intended for maintenance, not assembly.

Commissioner Simons asked Landscape Architect Paul Lettieri about the majority of types of trees that would be planted in the front and their adult heights. Mr. Lettieri advised that the two major street trees will be Circus Rejudiana trees, growing 60-80 feet, and Pistache trees that will have moderate heights.

Commissioner Simons commented that large significant trees in front would integrate with an urban forest look and feel and asked Mr. Lettieri if he would consider estate sized tree surrounding the building. Mr. Lettieri advised the street trees are city mandated but there is flexibility with the remaining trees.

Chair Harrison clarified with Mr. Almeleh that the buses are intended to transport employees between buildings in adjacent cities and would likely only be available for internal employee use, not adjacent companies. Chair Harrison clarified with Planning Officer Miner that this shuttle is not anticipated to be a stop for the Peery Park Rides shuttle service.

Ken Kunishige, Sunnyvale resident, discussed his concerns with television reception.

Commissioner Melton commented that subsequent speakers, if possible, should address how the required findings are met or not met with regards to over the air TV signals.

Cathryn Floyd, Sunnyvale resident, discussed her concerns with traffic and the impact on Mathilda Avenue.

Francis Schmidt, Sunnyvale resident, discussed his concerns with traffic, storm drainage, the environmental impact of adding a four story building, and utility gas venting.

Jim Quaderer, Sunnyvale resident and SNAIL TV Reception Committee Chair, discussed his concerns with television reception.

Chiaki Quaderer, Sunnyvale resident, discussed her concerns with blinds, visible signage and the need for a policy regarding over the air TV signals.

Ann Davis, Sunnyvale resident, discussed her concerns with window reflections,

enforcement of window shades, visible signage, and mitigation of construction.

Diane Gleason, SNAIL representative, discussed her concerns with window reflections, the visual impact of four story buildings, and over the air TV signals.

John Cordes, member of the Bicycle and Pedestrian Advisory Commission, discussed his concerns with visible signage, and over the air TV signals.

Mr. Larko commented that one speaker in the public hearing stated that sometimes the over the air signals work and sometimes they don't, so it would be arbitrary to speculate on the project's impact. Mr. Larko stated they are amenable to implementing blinds on the third floor and prohibiting visible signage on the skyline. Chair Harrison closed the public hearing.

Commissioner Simons asked staff if repeaters had been evaluated as a solution for the potential loss in over the air TV signals. Planning Officer Miner advised that an engineer in the field had been consulted on this option, who advised repeaters can actually cause more problems.

Commissioner Simons confirmed with Planning Officer Miner that the applicant stated they would not implement rooftop signage. Planning Officer Miner explained that sign code stipulates that signs can't be lit between 10 PM – 7 AM within 150 feet of residential property but the closest property is 220 feet in this project. Planning Officer Miner commented that the applicant would still be required to provide technology to minimize lighting and glare.

Vice Chair Rheaume confirmed with Planning Officer Miner that city street trees would be chosen from the available palette, including the city street tree choice for the median.

Commissioner Melton confirmed with Planning Officer Miner that the decision of the Planning Commission tonight is final unless appealed.

Commissioner Melton asked for staff comments on storm drainage and natural gas venting issues raised by Mr. Schmidt. Planning Officer Miner advised that natural gas venting is not within the City of Sunnyvale's jurisdiction and that one finding in the EIR is that the project reduces impervious surfaces so the runoff is comparatively reduced.

Chair Harrison confirmed with Planning Officer Miner that sewer pipe diameters will increase as defined in the Peery Park Specific Plan but there are no anticipated

changes to storm drain infrastructure.

Chair Harrison asked Planning Officer Miner to give a synopsis of what measures in Peery Park Specific Plan will help mitigate traffic. Planning Officer Miner advised that the Environmental Impact Report (EIR) was compiled for the entire area plan and all proposed projects are compared to ascertain if any impacts were not addressed or are greater than what was addressed in the Peery Park Specific Plan EIR. Planning Officer Miner stated that for this project no additional impacts were determined and no impacts were greater than in the Peery Park Specific Plan EIR. Planning Officer Miner explained that there are standard requirements for a 30% trip reduction through a Traffic Demand Management (TDM) program and that the Peery Park Rides will create a new shuttle service for Peery Park, residential areas and the CalTrain station to help mitigate traffic. Planning Officer Miner stated the goal is to have a standard route during peak transit hours and on call service at other times.

Chair Harrison confirmed with Planning Officer Miner that the applicant will pay over \$5 million in fees, with a traffic fair share contribution of \$450,000 and traffic mitigation of \$251,000.

Chair Harrison asked staff if light reflection was included in bird safe designs. Planning Officer Miner advised that light reflection is a key component in bird safety guidelines and trees should be planted 15 feet away from the buildings to allow safe space for birds.

Chair Harrison asked for staff comments on reflections into the neighborhood due to the morning sun. Planning Officer Miner stated that the building includes solid structures and non-reflective materials to break up the building's reflective quality.

MOTION: Vice Chair Rheume moved and Commissioner Howe seconded the motion for Alternative 2 - make the required Findings to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan Environmental Impact Report (PPSP - EIR) and no additional environmental review is required; and approve the Peery Park Plan Review Permit subject to PPSP Mitigation Monitoring and Reporting Program in Attachment 6 and modified conditions of approval as noted by the Planning Commission:

1. The applicant provides blinds for the 3rd and 4th floors;
2. No corporate signage be used above the second floor; and,
3. Staff works with the Department of Public Works to consider using evergreen height trees in the median and the East side of Mathilda Avenue to block light and



reflection to the SNAIL neighborhood.

Vice Chair Rheume commented that this is a good project with a unique design, he appreciates the applicant's collaboration with staff and the neighbors and is glad they chose not to build to six stories.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment for the landscaping on site – that excluding the mandated city tree selection, estate sized genetic trees be included into the landscape plans surrounding the project edge for privacy/urban forest issues/Sunnyvale character with a preference for appropriate natives. Vice Chair Rheume and Commissioner Howe accepted.

Commissioner Simons noted he will support the project and hoped in the future a determination would be made as to how to handle the interference with over the air TV signals.

FRIENDLY AMENDMENT: Commissioner Weiss offered a friendly amendment to request staff facilitate continuing discussions between the developer/tenants and neighborhood residents to ameliorate the situation of OTA TV as it may develop.

Vice Chair Rheume asked for staff comments on the friendly amendment. Planning Officer Miner commented that there was discussion in March 2015 over these signals and while the City participated and continues to cooperate with the Federal Communications Commission (FCC), the City Manager's direction is for the City to provide support but not take a leadership role.

Commissioner Weiss noted concern that residents may hesitate to approach the developer and asked staff if the City could serve as a liaison. Planning Officer Miner advised the City could play a role but doesn't have the authority to do so and the discussion should involve just the two parties. Planning Officer Miner confirmed that Senior Planner Divatia is the point person for residential contact.

Vice Chair Rheume respectfully declined the friendly amendment.

Commissioner Melton commented that he loves the design and parcel aggregation and will be supporting the motion. Commissioner Melton thanked the neighbors and stated he appreciates the applicant's response to Planning Commissioner comments during the study session. Commissioner Melton noted he can make the findings and advised residents to review and pursue Recommended Finding 6 for the over the air TV signals issue. Commissioner Melton advised residents to contact City Council for potential study issues. Commissioner Melton commented

on the progress that will be made in the neighborhood from mitigation measures such as the shuttle service.

Chair Harrison commented that she will support the motion, appreciates the building design, shuttle service and mitigation of the reflective quality of the building. Chair Harrison noted that the applicant will pay more to be part of the Peery Park Specific Plan and as such has chosen to contribute to the neighborhood.

The motion carried by the following vote:

**Yes:** 6 - Chair Harrison  
Vice Chair Rheaume  
Commissioner Howe  
Commissioner Melton  
Commissioner Simons  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Olevson

5. [16-1117](#) **File #:** 2016-7127  
**Location:** 760 E El Camino Real (APN: 211-25-044)  
**Zoning:** C-2/ECR  
**Proposed Project:** Appeal of decision by the Director of Community Development approving a Miscellaneous Plan Permit for architectural, lighting, landscaping, and parking lot modifications for New Seasons Market within an existing commercial retail site.  
**Appellant/Applicant/Owner:** Protect Our Sunnyvale/LRS Architects/Ramco IL, Inc.  
**Environmental Review:** Categorically Exempt Class 1  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

Senior Planner Ryan Kuchenig presented the staff report.

Commissioner Melton confirmed with Senior Planner Kuchenig that the decision of the Planning Commission is final.

Commissioner Melton confirmed with Senior Planner Kuchenig that the signage shown in the plans is subject to a sign permit review, which is appealable to the Planning Commission.

Commissioner Melton asked staff to explain why reconfiguration of the main entrance to the north side was infeasible and how this conclusion was reached.

Senior Planner Kuchenig stated it would have required a redevelopment due to the fire lane, which is beyond the project's scope, and that the main entrance was moved to the corner as a compromise with community input. Planning Officer Miner advised that a row or more of parking would be required to be removed in order to shift the fire lane towards El Camino Real, which goes beyond reuse of the existing building.

Commissioner Melton confirmed with Senior Planner Kuchenig that the Special Development Permit (SDP) was approved in 2004 by the City Council and that the Planning Commission's role is to review the appeal of the Miscellaneous Plan Permit (MPP), not the SDP.

Commissioner Melton confirmed with Senior Planner Kuchenig that the City Council made the finding in 2004 that the project would not impair the orderly development or existing uses of adjacent properties. Commissioner Melton confirmed with Senior Planner Kuchenig the Planning Commission is bounded not to take any action that would increase impairment of the orderly development or existing uses of adjacent properties.

Commissioner Weiss asked staff if the El Camino Real Precise Plan would take precedence as it relates to increasing the attractiveness and accessibility for pedestrian access, considering the project's parking proximity to the sidewalk. Planning Officer Miner advised that most of the project's improvements were internal and that you have to weigh the project's scope against additional improvements. Senior Assistant City Attorney Rebecca Moon commented that the grocery store is allowed by the zoning, that the project is similar to a design review and the reason for the MPP is due to the minor exterior changes. Senior Assistant City Attorney Moon noted it may not be within the Planning Commission's purview to ask for changes beyond what the applicant's request.

Commissioner Weiss confirmed with Senior Planner Kuchenig that the shopping cart locations are towards the front on the East side and also within the parking lot. Senior Planner Kuchenig advised the shopping cart locations are 80 feet from the residences.

Commissioner Weiss confirmed with Senior Planner Kuchenig that the Planning Commission could modify the Conditions of Approval in order to limit delivery hours.

Chair Harrison opened the public hearing.

Appellant Jorge Moreno, representing Protect Our Sunnyvale LRS, discussed his concerns with traffic, sufficient parking, and impact of the delivery trucks.

Applicants Jerry Chevassus and Sarah Owens presented information about the proposed project.

Commissioner Simons asked the applicant if they had considered moving the deli seating towards the front. Scott Jackson, LRS Architect, advised they did examine that possibility but the existing fire lane took up the necessary space.

Commissioner Simons asked the applicant to explain why this site was chosen and Mr. Chevassus advised that they are branching out into more suburban markets and the best development is to reuse, rather than rebuild. Mr. Chevassus also noted that the size and demographics of the site were well suited to their business.

Commissioner Simons commented that the site has been landscaped for parking and asked for applicant comments on the selected trees, which may hide the signage. Mr. Jackson explained that the street and interior trees will screen the building and the signage will align with the drive access.

Commissioner Weiss confirmed with Ms. Owens that the store will have a green team which will focus on waste management and recycling.

Commissioner Weiss asked the applicant if they mainly hire full time or part time employees. Forrest Gonsiewski advised both but that the majority of staff will most likely be part time employees.

Commissioner Weiss asked the applicant if they would have union workers in their store. Senior Assistant City Attorney Moon stated this is beyond the scope of the project to inquire about labor practices.

Commissioner Melton confirmed with the applicant that the signage is neon and asked that they cooperate with staff during the sign review permit process, in order to accommodate any neighborhood concerns.

Commissioner Melton asked the applicant if they would be amenable to modifying the delivery hours. Mr. Gonsiewski advised there are different agreements based each store and Ms. Owens stated they could modify the hours as long as all deliveries can still be completed. Commissioner Melton confirmed with Ms. Owens that they would be willing to work with modified delivery hours of 8 AM – 8 PM. Planning Officer Miner commented that the applicant can apply for a MPP, should

they need the delivery window modified in the future.

Louise Miller, speaking on behalf of Josephine Gembald, discussed her concerns with noise, trees, light emitted from signage and electric chargers. Ms. Miller expressed appreciation for New Seasons Market's collaboration with residents.

Commissioner Simons asked for clarification on the tree issue and Ms. Miller advised trees have been removed without being replaced and that improved landscape maintenance is needed.

The Appellant discussed his concerns with allocation of parking, impact on traffic and truck deliveries.

Chair Harrison closed the public hearing.

Commissioner Howe noted that Attachment 4 references a "healthy condition with proper irrigation and fertilization" and asked staff if there was an irrigation plan associated with the original City Council approval. Senior Planner Kuchenig advised this is a new condition required for the MPP but that there was an original landscape plan.

Commissioner Howe asked staff how this permit changes the original condition. Senior Planner Kuchenig noted that the change adds support to the original condition and that additional language was added due to neighborhood concerns to ensure proper maintenance.

Commissioner Howe asked staff to explain the current condition of the buffer area. Senior Planner Kuchenig stated there are enforcement concerns with regards to landscaping and it will have to be brought up to proper maintenance.

MOTION: Commissioner Melton moved and Commissioner Simons seconded the motion for Alternative 2 – find that the action is exempt from CEQA pursuant to CEQA Guidelines 15301, deny the appeal, and approve the Miscellaneous Plan Permit with modifications - modify the delivery hours (GC-9) to 8 AM – 8 PM.

Commissioner Melton thanked the applicant for their interest in this site and asked they keep neighborhood concerns in mind as the project moves forward. Commissioner Melton commented that the Planning Commission's role is only to provide a design review of the exterior architecture and that the City is working to mitigate traffic congestion. Commissioner Melton stated he appreciates Commissioner Howe's comments on bolstering irrigation along the buffer area.

Commissioner Melton noted that he appreciates the elements that were incorporated in the style of the Libby's Water Tower.

Commissioner Simons commented he will be supporting the motion and appreciates that all issues were already addressed. Commissioner Simons advised staff that this parking lot uses genetically short trees which hide the retail space and that trees should be taller than the signage.

Commissioner Weiss stated it is important to improve sections of El Camino Real by following the El Camino Real Precise Plan and this store layout will not make the area more pedestrian friendly. Commissioner Weiss commented that she cannot make the findings and will not be supporting the motion.

Chair Harrison confirmed that Commissioner Melton's motion was for Alternative 2.

The motion carried by the following vote:

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

**No:** 1 - Commissioner Weiss

**Absent:** 1 - Commissioner Olevson

Planning Officer Miner stated this decision is final.

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

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

#### **-Commissioner Comments**

#### **-Staff Comments**

Planning Officer Miner commented that December 12th will be the final Planning Commission meeting for 2016.

### **ADJOURNMENT**

Chair Harrison adjourned the meeting at 11:38 PM.