



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, April 24, 2017

6:00 PM

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

Special Meeting - Study Session - 6:00 PM | Special Meeting - Public Hearing 7 PM

6 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

- A. [17-0481](#) Planning Commissioner Training: Further Discussion of Public Interest
and Planning Commission's Discretion

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 at 7:07 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Harrison led the salute to the flag.

ROLL CALL

ORAL COMMUNICATIONS

Lloyd Yoshida asked for details about the requested deviations for the proposed project at 1008 E. El Camino Real. Chair Harrison advised that this project will not be heard during tonight's public hearing and recommended contacting the City's project planner.

CONSENT CALENDAR

Chair Harrison requested to pull item 1.A, the Planning Commission Minutes of

April 10, 2017, from the Consent Calendar.

Commissioner Howe moved and Vice Chair Rheaume seconded the motion to approve the Consent Calendar, excluding item 1.A.

The motion carried by the following vote:

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

No: 0

1. A [17-0459](#) Approve Planning Commission Meeting Minutes of April 10, 2017

Commissioner Howe moved and Commissioner Howard seconded the motion to approve item 1.A.

The motion carried by the following vote:

Yes: 5 - Vice Chair Rheaume
Commissioner Howard
Commissioner Howe
Commissioner Olevson
Commissioner Simons

No: 0

Abstained: 2 - Chair Harrison
Commissioner Weiss

1. B [17-0468](#) Approve the 2017 Planning Commission Annual Work Plan

1. C [17-0496](#) **File #:** 2016-7293
Location: 1008 E. El Camino Real (APN 313-03-011) and 1314-1320 Poplar Ave. (APN 313-03-013)
Proposed Project:
REZONE: Introduction of an Ordinance to rezone the property at 1314-1320 Poplar Ave. (APN 313-03-013) from R-1/ECR (Low Density Residential/Precise Plan for El Camino Real) to C-2/ECR (Highway Business Commercial/Precise Plan for El Camino Real); and
SPECIAL DEVELOPMENT PERMIT: Construct 108 residential

units (rental apartment complex) on a 2.05-acre site, where 20% of units will be affordable to very low income households. The complex will consist of one five-story building facing El Camino Real (four stories above ground floor amenities and parking plus one underground level of parking) and one three-story building facing Poplar Ave. The project includes deviation requests from the required minimum distance between buildings on the same lot, maximum building height, minimum parking spaces and maximum lot coverage. The project site comprises a closed mobile home park (Conversion Impact Report certified and closure approved in January 2016) and a duplex property.

VESTING TENTATIVE PARCEL MAP: Combine two lots into one lot.

Applicant / Owner: St. Anton Communities / Sunnyvale Park LLC; Alhambra Apartments LP

Environmental Review: Mitigated Negative Declaration

Project Planner: Rosemarie Zulueta, (408) 730-7437, rzulueta@sunnyvale.ca.gov

Applicant requests continuance to June 12, 2017.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [17-0340](#)

File #: 2016-7779

Location: 635 Toyon Avenue (APN:213-10-028)

Zoning: R-0

Proposed Project: Design Review to allow a new second-story addition of 1,584 square feet to an existing one-story single-family home resulting in a 3,285-square foot home (2,613 square feet living area, 251 square feet of covered balcony, and 421 square foot garage) at 53.4% Floor Area Ratio (FAR). Existing unpermitted carport in the rear will be removed and the unpermitted garage conversion to living area will be reverted.

Variance from SMC 19.34.045 and 19.34.080 to allow reduced second story front (19 feet six inches where 25 feet is required) and side yard (5 feet 6 inches where 7 feet is required) setbacks.

Applicant / Owner: Future Vision Remodeling / Abhay Gangadharan

Environmental Review: Categorical Exemption, Class 1, Section 15301.

Project Planner: Shetal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Senior Planner Shetal Divatia presented the staff report.

Commissioner Weiss commented that the applicant cited multiple court cases as being relevant for the proposed project and asked for staff comments. Senior

Assistant City Attorney Rebecca Moon advised that information would be provided later during the public hearing.

Vice Chair Rheame stated that pages 23 and 24 of Attachment 6 depict different architectural styles and asked staff if these homes followed the design guidelines and if the applicants had requested variances. Senior Planner Divatia advised that those applicants had not requested any variances.

Commissioner Simons asked if the staff requested project changes had been completed by the applicant. Senior Planner Divatia advised that the drawings were modified but that the bulk of the design remained the same.

Chair Harrison commented that page 6 of Attachment 6 shows several projects with allowed setback variances and asked staff about the approval dates and information on those circumstances. Senior Planner Divatia stated that the project at 1366 South Wolfe Road was approved in 2014 and that this home reverted an existing carport to add required parking spaces. Senior Planner Divatia advised that the right of way is wider on South Wolfe Road and so while the front setback was at 16 feet the visual impact was at 23 feet. Senior Planner Divatia stated that the project at 462 East McKinley Avenue was approved in 2016 and that the addition stayed within the existing 15-foot setback which is legal but non-conforming. Senior Planner Divatia commented that these were approvals specific to these unique circumstances and not relevant to the proposed project. Chair Harrison asked for information about 1222 Susan Way and Senior Planner Divatia advised staff would research this instance. Planning Officer Andrew Miner commented that the proposed second story to first story ratio is 93% but that the desired ratio is 35% per the Design Guidelines. Planning Officer Miner commented that if the ratio were reduced it would eliminate the need for a variance.

Senior Assistant City Attorney Moon returned to Commissioner Weiss's earlier question and advised that in her opinion the court cases cited by the applicant do not compel the Planning Commission to grant the variance.

Chair Harrison opened the Public Hearing.

Dr. Sartaj Chanchal presented images and information about the proposed project.

Commissioner Simons commented that grandfathering usually refers to an already developed property that does not meet current regulations. Commissioner Simons noted that the Toll Brothers project has a Planned Development (PD) zoning which does not match the applicant's zoning.

Commissioner Weiss confirmed with Dr. Chanchal that the proposed project plans were shown to their neighbors. Dr. Chanchal stated that 14 neighbors from 12 homes signed a letter of support with no one in opposition.

Commissioner Weiss commented that window film can be peeled off and asked the applicant about that choice. Dr. Chanchal advised that they are open to opaque glass if that is the Planning Commission's recommendation and that window film was chosen to enhance the elegance of the design.

Commissioner Weiss stated that the plans don't show a location for the furnace and asked the applicant to clarify the location. Dr. Chanchal advised that the contractor can provide this information.

Commissioner Howard asked the applicant if they considered removing the pool to reduce the lot constraints. Dr. Chanchal advised that the construction of the pool was costly, that removing it is not financially feasible and that it still would not be enough space to meet their needs.

Vice Chair Rheume thanked the applicant for her presentation. Vice Chair Rheume stated that the R0-PD zoning, despite being adjacent to her home, is different than the R0 zoning for the proposed project. Dr. Chanchal cited Municipal Code 19.34.045, stating that no PD can have a second story at a setback of less than 25 feet but that the Toll Brothers project was never granted a deviation.

Vice Chair Rheume commented that page A3.0 shows two full glass stories at the back of the property and that the size of the second story exceeds the Design Guidelines. Vice Chair Rheume stated three concerns – that the balcony goes throughout the second story, that the proposed second story to first story ratio greatly exceeds the 35% Design Guidelines ratio and that there are privacy concerns with the second story windows. Dr. Chanchal stated that the balcony is adaptive to the overall design and that there would be no impacts to the neighbors. Dr. Chanchal commented that they are open to changing their design to opaque glass. Dr. Chanchal stated that Toll Brothers referenced properties with R0 zoning for their Floor Area Ratio (FAR). Vice Chair Rheume commented that reference was for the FAR but that their project did adhere to the Design Guidelines.

Mr. Hewins stated an objection regarding the five-foot projection of the proposed project which could impact visibility when backing out of the adjacent driveway. Chair Harrison clarified with Mr. Hewins that his reference is to the first floor and that he has no issue with the side setbacks.

Commissioner Howard asked Mr. Hewins if he would have signed the letter of support and Mr. Hewins stated probably not.

Dr. Chanchal stated that their project would not extend the first floor by five feet.

Chair Harrison closed the Public Hearing.

Commissioner Howe stated that the Toll Brother homes shown in the applicant's presentation had straight walls without any deviation and asked staff about the second story setback. Planning Officer Miner stated that those homes met the setback standards and didn't require a variance or deviation. Commissioner Howe commented on the City's history regarding straight walls. Planning Officer Miner advised that if the first story is at the same setback distance as the second story then you could have a straight wall and in this instance, design criteria would be used to minimize the effect. Commissioner Howe confirmed with Planning Officer Miner that the Toll Brother homes were approved in 2011.

Chair Harrison commented that the applicant stated that the front setback of the second story of the Toll Brothers homes is at 19 feet when current setback requires 25 feet and asked for staff comments. Planning Officer Miner stated that an average setback is instituted and that the average setback must meet the standard. Chair Harrison confirmed with Planning Officer Miner that the Toll Brother homes meets the average setback of 20 feet.

Chair Harrison confirmed with Planning Officer Miner that the current Single Family Home Design Technique Guidelines were implemented in 2003.

Chair Harrison confirmed with Planning Officer Miner that the minimum setback is 25 feet for the second floor and 7 feet for the side setback. Chair Harrison confirmed with Planning Officer Miner that if the setback was 7 feet for the first and second floors it would not require a variance but would be examined from a design review.

Chair Harrison stated that the applicant wouldn't have to change the 19 foot 6-inch front setback. Planning Officer Miner confirmed, advising that it is legal non-conforming and can be maintained but not expanded. Chair Harrison confirmed with Planning Officer Miner that the proposed second story needs to meet the current standards.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the

motion for Alternative 1 – Deny the Design Review and Variance.

Commissioner Howe commented that page one of Attachment 3 shows the recommended findings for the variance. Commissioner Howe stated that the proposed project does not have exceptional or extraordinary circumstances, that the setback is detrimental to the public welfare and that approving the variance would be granting the applicant special privileges. Commissioner Howe stated that the proposed second story to first story ratio of 93% is a design issue, as is the two stories of glass.

Commissioner Olevson stated that without any breakup of the appearance of the home it is incompatible and out of character with the neighborhood. Commissioner Olevson advised that there is a clear difference in the approach of planned developments as compared to single family homes. Commissioner Olevson commented that while the Planning Commission tends to support residents who want to improve their homes, in this case the land use is not compatible with City Council policies and the neighborhood design.

Commissioner Simons stated that he will be supporting the motion. Commissioner Simons stated that there are design issues with the proposed project, including the scale of the second story and the use of French doors instead of a designated front door. Commissioner Simons commented that clerestory windows are usually required on second story rear and side projections for privacy issues. Commissioner Simons stated that he can't make the findings for the variance.

Commissioner Weiss stated that she will be supporting the motion. Commissioner Weiss commented that the proposed project violates the basic design principles and is not compatible with the immediate neighborhood. Commissioner Weiss stated that she has issues with the box style and massing of the proposed project. Commissioner Weiss commented that she hopes that the applicant will find a way to work with City staff so that a better designed project can move forward.

The motion carried by the following vote:

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

No: 0

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. [17-0252](#) Tentative Map applications, for condominium purposes, for Ranchero Mobile Estates and Thunderbird Mobile Estates (mobilehome parks) to convert the ownership structure from rental mobilehome park to resident-owned mobilehome park in accordance with Government Code Section 66427.5.

File #: 2015-7707

Location: 900 Henderson Avenue (APN:213-38-008) Ranchero Mobilehome Park

Proposed Project: Tentative Map for a subdivision of 112 mobilehome spaces for condominium purposes.

File #: 2015-7706

Location: 954 Henderson Avenue (APN: 213-38-005) Thunderbird Mobilehome park

Proposed Project: Tentative Map for a subdivision of 166 mobilehome spaces for condominium purposes.

Environmental Review: If the Planning Commission denies the Tentative Map, the action would be exempt under the California Environmental Quality Act ("CEQA") as pursuant to CEQA Guidelines Section 15270 CEQA does not apply to a project that a public agency rejects or disapproves. If the Planning Commission approves the Tentative Map, the action is exempt from CEQA review under CEQA Guidelines Sections 15061(b)(3) and 15301(k). The project proposes to subdivide existing mobilehome parks into a common interest development, but no other changes are proposed. Accordingly, there will be no physical change, no change in use and no change to the intensity of the use as part of the ownership structure changes resulting from this subdivision map. Therefore, no further environmental review is required.

Applicant / Owner: Sid Goldstein/Alex MacDonell

Project Planner: Gerri Caruso, (408) 730-7591,
gcaruso@sunnyvale.ca.gov

Principal Planner Gerri Caruso presented the staff report.

Commissioner Simons confirmed with Principal Planner Caruso that this situation is unique for the City because the property owner owns both the land and the structures.

Commissioner Simons asked if staff considered requiring the applicant to send a registered letter based survey and then postponing the Planning Commission decision until the survey was conducted. Principal Planner Caruso stated that the applicant used a separate firm to conduct a survey and collect those results. Principal Planner Caruso advised that staff received copies of the surveys and confirmation that letters were sent to all residents.

Commissioner Howard confirmed with Principal Planner Caruso that staff objections are because the results of both the 2015 and 2017 surveys do not demonstrate support of a majority of the park's homeowners.

Chair Harrison opened the Public Hearing.

Thomas Casparian, representing Alex MacDonell, presented information about the proposed project.

Commissioner Weiss asked what improvements would take place if the proposed project was not approved. Mr. Casparian advised that the current schedule of park maintenance would stay the same and that the owner does not intend to add these improvements unless the project is approved.

Commissioner Weiss commented that three different terms are used in the Government Code which are existing tenants, residents and park homeowners. Mr. Casparian stated that the survey must be taken of all residents and that a later amendment granted local agency discretion to disapprove if there isn't a majority. Commissioner Weiss stated that the survey is required and that a strong response is essential. Mr. Casparian commented that all residents must be surveyed and that this instance is unusual because the residents do not own their mobile homes.

Commissioner Weiss commented that Mr. Casparian's use of "overwhelming in favor" to describe the survey response rates seems inaccurate, given the response rates of 20% and 29%. Mr. Casparian provided information about response rates and advised that the applicant did their best to engage residents with multiple meetings and mailings.

Vice Chair Rheume thanked Mr. Casparian for his presentation. Vice Chair Rheume commented that when the properties are sold the residents won't have to move out and asked if there is a time limit. Mr. Casparian advised that there is no imminent plan to go to the Bureau of Real Estate with a final map and that the owner has pledged two years before starting that process. Mr. Casparian stated

that under state law the residents are entitled to stay and continue renting or buy their lot but cannot be evicted if they don't want to buy.

Jacqueline Gratke, Sunnyvale resident, spoke in support of the proposed project and commented that this project would give elderly residents an opportunity to have permanence in the Bay area in a nice neighborhood that they could afford.

Santana Fabian, Sunnyvale resident, spoke in support of the proposed project.

Magda Esquivel, Sunnyvale resident, spoke in support of the proposed project.

Commissioner Weiss asked Ms. Esquivel why she supports the project. Ms. Esquivel advised that she would like to have a better park to live in through the pledged improvements.

Brian Crites, Sunnyvale resident, spoke in support of the proposed project. Mr. Crites commented that road improvements are needed due to potholes and that perhaps this could be financed if the project is approved.

Commissioner Howard asked Mr. Crites about his interest in the potential opportunity to buy and Mr. Crites advised that it is not financially feasible for him to buy. Mr. Crites asked if he wasn't interested in buying the property or condo if he would be forced out, should someone else want to buy his lot.

Maria Vasquez, Sunnyvale resident, spoke in support of the proposed project because of the potential improvements to the mobilehome parks.

Alejandro Sosa, Sunnyvale resident, spoke in support of the proposed project, citing that it would be beneficial for all residents.

Chair Harrison asked Mr. Sosa if he would they want to buy his home and lot. Mr. Sosa stated that it is not financially feasible but that he would want to continue to rent.

Leticia Priego, Sunnyvale resident, spoke in support of the proposed project.

Commissioner Howard asked Ms. Priego if there is any concern about rents increasing after the sale. Ms. Priego stated that this is a concern but that rents are increasing anyway.

Carolina Esquivel, Sunnyvale resident, spoke in support of the proposed project.

Chair Harrison confirmed with Ms. Esquivel that she would be interested in buying her unit and property.

Juan Fuentes spoke in support of the proposed project. Mr. Fuentes stated a concern that the improvements wouldn't be completed and that the rents could be raised. Mr. Fuentes stated a concern that he would be evicted because someone else wants to buy his property.

Octavio Martinez, Sunnyvale resident, spoke in support of the proposed project.

Chair Harrison asked Mr. Martinez for his comments on the opportunity to buy. Mr. Martinez stated he wouldn't be able to afford to buy, that renting is feasible and that this neighborhood is inexpensive when compared to the rest of the City.

Ken Archambault, Sunnyvale resident, spoke in support of the proposed project, noting that he would be interested in buying some City property.

Commissioner Howard confirmed with Mr. Archambault that he didn't have any information about the potential sale price.

Mr. Casparian presented additional information about the proposed project.

Commissioner Howard asked for an estimated price range for purchasing a unit. Mr. Casparian advised that he did not have this information but provided details about the future process. Mr. Casparian addressed Mr. Crites's concern by explaining that no one can buy a unit out from under a resident who is renting at the time of the conversion. Commissioner Howard asked about the current rent range but Mr. Casparian advised that he did not have this information.

Commissioner Simons thanked Mr. Casparian and asked what would happen to the shared space and roads if the park is converted to condominium ownership. Mr. Casparian provided information about that process, noting that as units are sold the common areas would be owned in fractional increments.

Commissioner Weiss asked about the current leasing arrangements. Mr. Casparian advised that he wasn't sure but that it may be a standard one year lease and then month to month renting.

Commissioner Weiss asked how the number of purchased condominiums would impact the finances slated for the park improvements. Mr. Casparian advised that

the pledged park improvements are tied to the project's approval but are not contingent upon the lot sales. Commissioner Weiss asked if the roads would be included in the improvements. Mr. Casparian stated that this improvement was not pledged and that the owner would need to analyze this option.

Commissioner Weiss commented that there would be first time homebuyers with language barriers and asked if there would be assistance for renters who wish to purchase. Mr. Casparian stated that based on his experience owners want to encourage sales and so assistance would likely be provided. Mr. Casparian commented that there are also state funds and assistance for low to moderate income residents. Commissioner Weiss advised that she was referring to the paperwork involved in the ownership process. Mr. Casparian stated that it would be in the park owner's interest to provide that support.

Housing Officer Suzanne Ise advised that the City works with local agencies that offer homebuyer counseling and if the owner allows an agency into the park they could setup outreach meetings to offer services. Housing Officer Ise advised that there could be a fee for the agency to provide that service, depending on the volume of interested residents.

Commissioner Howe confirmed with Mr. Casparian that the park owner has pledged three park improvements and that these could be conditioned in the Planning Commission's approval. Senior Assistant City Attorney Rebecca Moon stated that under the Subdivision Map Act the Planning Commission's ability to add conditions to the tentative map is limited to matters of health and safety. Mr. Casparian advised that it is a guaranteed pledge that the owner would complete these improvements.

Commissioner Howe asked staff if potholes are considered a health and safety issue. Senior Assistant City Attorney Moon advised it could be if the applicant stipulates that but noted her concern about putting conditions on the tentative map that aren't legally authorized.

Commissioner Howe stated an opinion that issues with roads are a safety issue and asked Mr. Casparian how this problem, as well as other health and safety issues, would be addressed before the creation of a Homeowners Association (HOA). Mr. Casparian stated that there would not be any changes in the current maintenance schedule and repairs except for the three pledged improvements.

Commissioner Simons commented that the applicant has promised three improvements not attached to the tentative map and asked about the feasibility of

providing agency support for residents interested in purchasing their home. Mr. Casparian stated that it would be in the park owner's interest to do so as it relates to selling lots but reiterated that there is no immediate intent to move forward on selling lots. Planning Officer Miner advised that the Planning Commission can't condition the tentative map but that the applicant's improvements can potentially aid the Planning Commission in making the findings to approve the tentative map.

Commissioner Howard asked staff about the status of the mobilehome parks rent stabilization study issue. Housing Officer Ise stated that this study issue was deferred and ultimately incorporated in the housing strategy study issue, which was ranked and approved by the City Council. Housing Officer Ise advised that staff is waiting for budget approval before preparing the study issue. Housing Officer Ise advised that the mobilehome issue and a comprehensive overview of affordable housing strategies for the City would be studied.

Commissioner Howard confirmed with Housing Officer Ise that if the proposed project is approved then the potential rent stabilization would not apply to those mobilehome parks. Senior Assistant City Attorney Moon confirmed, stating that the parks would not be subject to rent control because they would be owner occupied after the condominium conversion. Mr. Casparian clarified with Housing Officer Ise that at least one lot would have to be sold to exempt the mobilehome parks from future rent control. Mr. Casparian provided information about state law and rent control in situations when residents own their homes but not their lots.

Commissioner Howard asked staff about national and local indexes as it relates to section 8 and low income housing. Housing Officer Ise advised that two main indexes are used, the federal Housing and Urban Development (HUD) limits for standardized income levels and the California system which applies local knowledge to the federal limits and manages state funded programs. Housing Officer Ise provided details about income brackets in these two indexes.

Chair Harrison commented that page six of the staff report states that the key issue is whether the survey has demonstrated a majority of support and if the City finds that the surveys do not demonstrate a majority of support it may disapprove the project. Senior Assistant City Attorney Moon confirmed that this language is correct, noting that the Planning Commission has the discretion to grant the application even if there isn't a majority of support.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Olevson moved and Commissioner Simons seconded the

motion for Alternative 1 – Find the project to be exempt from CEQA pursuant to CEQA Guideline Sections 15061 (b)(3) and 15301 (k), make the recommended findings in Attachment 5 of this report and approve the Tentative Map with Conditions of Approval in Attachment 6 of this report.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to condition the road improvements as a safety issue as part of the tentative map.

Commissioner Olevson commented that conditioning the tentative map is outside of the purview of the Planning Commission and noted concern about the wording. Senior Assistant City Attorney Moon stated that with tentative maps conditions can be imposed if they are related to health and safety issues but that there is limited code enforcement authority of what occurs within the mobilehome park. Commissioner Simons confirmed with Senior Assistant City Attorney Moon that this condition would have enforcement issues and that review is limited to the requirements of the Subdivision Map Act. Commissioner Simons withdrew the friendly amendment.

Commissioner Olevson stated that this is a unique situation in California and noted his appreciation that the owner is trying to change the landscape of the mobilehome parks and give residents the opportunity to own their property. Commissioner Olevson noted that the owner has carried the burden of completing the survey and has received a reasonable response. Commissioner Olevson commented that over a 25% response rate is a good quantity response, that the applicant has met the burden required by the statute and that the application should be approved.

Commissioner Simons stated a belief that the applicant has met the requirements and noted his request that the applicant follow through on the three pledged improvements, as well as the road issues. Commissioner Simons commented that per staff's recommendation county agencies, such as Project Sentinel, should help facilitate homebuying support for the residents. Commissioner Simons stated that the applicant met the process as described by the state and that any concern regarding a change in housing designation is not under consideration in the application process. Commissioner Simons commented on the applicant's statements regarding a City Council election and noted that applications have come before the Planning Commission with impressive response rates of 70 - 90%.

Commissioner Howard commented that with the possibility of future mobilehome park rent stabilization it should be considered that the property owner is trying to circumvent this possibility, but noted that it doesn't appear to be the motivation for

this project. Commissioner Howard stated that the owner has raised capital to complete the park improvements, that the residents seem to have a good relationship with the owner and that this project will give the residents the opportunity to own property in the City. Commissioner Howard stated that he will be supporting the motion.

Commissioner Howe stated that he will not be supporting the motion and noted an agreement with staff that the applicant failed to meet the requirements for the resident ownership conversion based on the surveys.

Commissioner Weiss stated that she will not be supporting the motion and would have felt more comfortable if there was balanced representation of the residents. Commissioner Weiss commented that the residents' presence is representative of the survey results, which should not be taken conclusively, and that she would have supported Alternative 2.

The motion carried by the following vote:

Yes: 5 - Chair Harrison
Vice Chair Rheume
Commissioner Howard
Commissioner Olevson
Commissioner Simons

No: 2 - Commissioner Howe
Commissioner Weiss

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.

4. [17-0423](#) **File #:** 2016-7898
 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: Special Development Permit: To allow demolition of an existing single story restaurant (formerly Crazy Buffet) and construction of a new 127-room, four-story hotel with underground parking garage and associated site improvements on a 1.49-acre parcel.
 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.

Vice Chair Rheume stated that the number of floors was reduced from four to three based on A108.2 and asked staff about the top floor. Assistant Planner Hom confirmed that there is a fourth floor which is stepped back and that there is no balcony.

Commissioner Olevson asked staff to confirm that there are no deviations in the current iteration of the proposed project. Assistant Planner Hom advised that there is a minor deviation with the landscape buffer, explaining that due to the hammerhead turnaround the proposed project does not meet the 20-foot requirement. Assistant Planner Hom stated that the applicant would provide grasscrete to visually meet this requirement. Commissioner Olevson confirmed with Assistant Planner Hom that this is a code requirement and is not related to privacy issues.

Commissioner Weiss asked staff to comment on page nine of the Conditions of Approval (COA) where it references a minimum LEED Gold level, noting that the project states LEED Silver level. Planning Officer Miner stated that it is an error and should state LEED Silver level.

Commissioner Weiss asked staff about the future of the bus shelter. Assistant Planner Hom advised that the Valley Transportation Authority (VTA) has reviewed the bus shelter, that it will be redesigned and will appear in the same location as shown on the plans.

Commissioner Weiss commented that the roof terrace is surrounded by rooms and asked for information about the composition of the windows. Assistant Planner Hom stated that the architect can speak to those details.

Commissioner Weiss stated that the front sidewalk has different widths and asked for clarification about those widths. Planning Officer Miner stated that page four of Attachment 6 shows that the sidewalk is 15-foot wide and provided details about the sidewalk. Assistant Planner Hom clarified that it is an 8-foot wide sidewalk with a 4-foot wide grate.

Commissioner Howe commented that Attachment 2 does not show any deviations. Assistant Planner Hom advised that the deviation is not included on Attachment 2 but is included on page ten of the staff report, in the landscaping section. Planning Officer Miner provided information from the staff report. Commissioner Howe confirmed with Planning Officer Miner regarding the reason for the requested

deviation.

Chair Harrison stated that page ten of the staff report lists the requirement for an 8-foot perimeter wall and noted that this conflicts with the requirement on page 40 of Attachment 5 to provide cross-parcel access. Chair Harrison asked staff if the fence would separate the proposed project from the adjacent commercial establishments. Planning Officer Miner clarified that the 8-foot perimeter wall is only for the residential areas.

Commissioner Simons noted that one issue on El Camino Real is landscape maintenance, citing pollarding as an issue. Commissioner Simons asked staff if the Planning Commission can add language to COA BP-7 to mitigate this potential issue. Planning Officer Miner confirmed.

Chair Harrison opened the Public Hearing.

Brian Spencer, representing Sunnyvale HHG Hotel Development, presented information about the proposed project.

Scott McGill, representing Awbrey Cook Rogers McGill Architects, presented images and information about the proposed project.

Commissioner Simons asked Bruce Hill, Landscape Architect, if the applicant would be amenable to a pollarding restriction in the proposed project. Mr. Hill stated that the street tree doesn't lend itself for pollarding and provided information about the applicant's tree selection. Commissioner Simons advised that this would pertain to all trees and confirmed with Mr. Hill that the applicant is amenable to a pollarding restriction as a stipulation in the COA.

Commissioner Weiss asked Mr. McGill to provide details about the window treatments in the guest rooms located on the second-floor roof terrace. Mr. McGill advised that the windows will have a double insulated glaze to provide a quiet environment in the guest rooms. Commissioner Weiss asked about window transparency and Mr. McGill explained that there is a landscape buffer and blackout curtains provided for privacy.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Simons moved and Vice Chair Rheaume seconded the motion for Alternative 2 – Adopt the Mitigated Negative Declaration, approve the Special Development Permit with modified conditions –

1. Modify BP-7 to prohibit pollarding in the landscape plan.

Commissioner Simons thanked the applicant and noted his appreciation for the improved project, especially the landscape plan. Commissioner Simons commended the efforts of the applicant and staff to meet the concerns of the Planning Commission. Commissioner Simons stated his hope that the project will be a great success.

Vice Chair Rheume stated that he will be supporting the motion and can make the findings. Vice Chair Rheume thanked the applicant for addressing the Planning Commission comments on issues such as solar and privacy, for producing drone images and for the reduction to three stories adjacent to the residents. Vice Chair Rheume noted his appreciation for the inclusion of Incense Cedar trees, commenting that they mitigate privacy concerns, are drought tolerant and fast growing.

Commissioner Olevson stated that he will be supporting the motion, that he can make the findings that the project meets the CEQA requirements for the Mitigated Negative Declaration and can make the findings for the Special Development Permit. Commissioner Olevson stated that the proposed project meets the General Plan and would enhance the neighborhood. Commissioner Olevson stated an opinion that the project has dramatically improved and will enhance El Camino Real as defined by the El Camino Real Precise Plan.

Commissioner Weiss stated that she will be supporting the motion and can make the findings. Commissioner Weiss stated her appreciation of the applicant's responsiveness and cautioned the applicant to locate trees quickly. Commissioner Weiss commented that this project will be a great contribution to the El Camino Precise Plan.

Chair Harrison stated that she will be supporting the motion. Chair Harrison stated an appreciation that the solar shading issue was resolved and that the applicant produced drone studies to mitigate residents' privacy concerns.

The motion carried by the following vote:

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

No: 0

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.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Commissioner Simons proposed a study issue of sidewalk widths as it relates to appropriate widths for density and use. Commissioner Simons stated that the AASHTO Guide, California Caltrans Design Manual and VTA Pedestrian Guidelines should be referenced for the study. Planning Officer Miner stated that staff typically asks for a second interested Commissioner to produce a study issue paper. Commissioner Howe seconded the study issue.

Commissioner Weiss suggested an analysis and discussion of the City's solar ordinance in a future study session. Commissioner Weiss stated that the ordinance may need to include ground impact on gardens. Planning Officer Miner advised that a new set of policies for solar shading were adopted last year, which looked at the ground impact but recognized existing constraints. Chair Harrison took a vote for a refresher on solar issues. Commissioner Howe and Commissioner Weiss were in favor of the refresher. Planning Officer confirmed that staff will prepare a refresher for a future study session and will forward the solar report to all the Planning Commissioners.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howard stated that the Sunnyvale Sustainable and Affordable Living Coalition (SSLAC) and Sunnyvale Democrats will be meeting at 7 PM on Wednesday to have a panel discussion on the future of El Camino Real.

-Staff Comments

Planning Officer Miner advised that the General Plan and Rezone for the Ahwanee project was approved at the April 18th City Council meeting, noting that there was

guidance regarding the massing and the project's adjacency to single family homes. Planning Officer Miner advised that the City Council also approved the project at 675 Almanor Avenue. Planning Officer Miner stated that the second hearing for the Ahwanee project, the Firebird Single Story Combining District, the project at 669-673 Old San Francisco Road and the Simeon Peery Park Plan Review Permit will be heard at the April 25th City Council meeting.

ADJOURNMENT

Chair Harrison adjourned the meeting at 10:25 PM.