



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, June 22, 2020

6:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15

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

SPECIAL TELECONFERENCE NOTICE

6:00 PM STUDY SESSION

Call to Order

Roll Call

Study Session

A. [20-0435](#)

Proposed Project: Related applications on a 32.4-acre site:

SPECIAL DEVELOPMENT PERMIT: Redevelop three industrial properties. Demolish two existing industrial/office/R&D buildings and three accessory structures and construct two new three-story office/R&D/manufacturing buildings totaling 1.211 million square feet (including 113,000 square feet of R&D basement space, 17,000 square feet of manufacturing basement space, and 13,000 square feet of office basement space); an 11,000 square foot freestanding amenity building; and two central utility plants totaling 19,000 square feet for a total combined floor area ratio (FAR) of 78%. The project also includes a five-level, above ground parking structure.

VESTING TENTATIVE PARCEL MAP: to merge four parcels into two parcels.

Location: 932 Kifer Road (APN: 205-49-005); 950 Kifer Road (APN: 205-49-012); and 945-955 Kifer Road (APNs: 205-40-002 and 205-40-001)

File #: 2019-7557

Zoning: M-3 (932 and 950 Kifer Road) and M-S (945-955 Kifer Road)

Applicant / Owner: Foster + Partners (applicant) / Intuitive Inc. (owner)

Environmental Review: Subsequent Environmental Impact Report (Lawrence Station Area Plan)

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

Public Comment on Study Session Agenda Items**Adjourn Study Session****7:00 PM PLANNING COMMISSION MEETING****CALL TO ORDER**

Vice Chair Simons called the meeting to order at 7:23 PM via teleconference.

ROLL CALL

Present: 6 - Vice Chair David Simons
Commissioner Sue Harrison
Commissioner John Howe
Commissioner Ken Olevson
Commissioner Ken Rheaume
Commissioner Carol Weiss

Absent: 1 - Chair Daniel Howard

Chair Howard's absence is excused.

PRESENTATION

1. [20-0033](#) PRESENTATION - Recognition of Service

Mayor Larry Klein appreciated the Commissioners' service and important work and congratulated Chair Howard and Commissioner Howe's reappointments for another term.

CONSENT CALENDAR

Recording Secretary Bonnie Filipovic read the following written comments recently received via email:

Regarding Agenda Item 2.A, Mary Brunkhorst urged the Commissioners to delay any action until the community can meet to discuss the proposed changes.

Regarding Agenda Item 2.A, Mei-Ling Stefan voiced concerns about removing trees, building expansion and diesel generators and advocated for employees to telecommute.

Commissioner Howe requested to pull Agenda Item 2.A from the Consent Calendar for discussion. Vice Chair Simons accepted.

2.B [20-0504](#)**Proposed Project:**

DESIGN REVIEW: to allow a first story addition of 110 square feet to an existing two-story single-family home resulting in 2,941 square feet (2,519 square feet living area and 422 square feet garage) and 47% floor area ratio.

Location: 442 Palo Verde Dr (APN: 213-03-030)

File #: 2020-7129

Zoning: Low Density Residential (R-0)

Applicant / Owner: Dennis Hayes & Associates (applicant) /
Bernadette Tapella (owner)

Environmental Review: A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

MOTION: Commissioner Howe moved and Commissioner Rheaume seconded the motion for Alternative 1 - Approve the Design Review with the Conditions of Approval in Attachment 4.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Chair Howard

2.A [20-0524](#)

Forward Recommendations to City Council to Approve Changes to the Civic Center Modernization Project as Described in the Addendum to the Civic Center Environmental Impact Report

Assistant City Engineer Allison Boyer presented the staff report.

Commissioner Howe complimented Assistant City Engineer Boyer on her staff report and stated that he took the item off the Consent Calendar to allow for additional public comments. He stated that it is understandable that changes might be needed since the project's inception and that the changes are minor and better addressed now.

Commissioner Weiss thanked Assistant City Engineer Boyer and asked where the Civic Center building would be expanded. Assistant City Engineer Boyer stated that the building would expand by 10% with all floors expanding west. Commissioner Weiss asked if the design considers the possible continued need for social distancing and telecommuting. Assistant City Engineer Boyer responded that staff has not made any permanent decisions about how to respond to the pandemic with the design but has explored precautions such as higher cubicle walls, adding that there will likely be a need for staff to return to work. Commissioner Weiss asked if the emergency generators can be solar powered. Assistant City Engineer Boyer stated that the Emergency Operations Center and Civic Center buildings require diesel generators but that solar powered back-up batteries would run before the diesel generators are required.

Commissioner Olevson asked about the proposed project's schedule, stating his concern for the rising cost to taxpayers if the completion is delayed. Assistant City Engineer Boyer answered that the proposed project has been delayed a couple of months, with staff soliciting bids at the end of 2020, construction starting at the end of 2020 or beginning of 2021 and completion taking place by the end of 2022, as consistent with the Civic Center Master Plan timeline.

Commissioner Harrison asked how staff determined the 10% Civic Center building expansion. Assistant City Engineer Boyer stated that the city grew more than the 2015 staffing plan in the Master Plan predicted, so staff re-evaluated the potential for staff growth based on more recent information.

Vice Chair Simons opened the Public Hearing.

There were no public speakers for this agenda item.

Vice Chair Simons closed the Public Hearing.

Vice Chair Simons stated his concern for the proposed project's funding due to the pandemic and commented that it would be prudent for the design to incorporate the need for extra space between staff members. Vice Chair Simons confirmed with Assistant Director Andrew Miner that staff does not anticipate for the proposed project to return to the Commission again before the final review. Vice Chair Simons stated that it would be advisable to review the buildings' air treatment process as people might be concerned about the issue long term.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion for the Recommendation - Recommend City Council Approve Changes to the Civic Center Modernization Project as Described in the Addendum to the Civic Center Environmental Impact Report.

Commissioner Howe remarked that staff has thoughtfully designed the proposed project and that it would be an asset to the City, adding that the suggested changes are only minor modifications and are appropriate.

Commissioner Harrison agreed with Commissioner Howe's comments.

Vice Chair Simons stated that he will support the motion and acknowledged concerns about how the pandemic might change the construction. He recommended that staff review the buildings' air treatment process which could be impactful.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Chair Howard

Assistant City Engineer Boyer stated that this recommendation will be forwarded to the City Council for consideration at the July 14, 2020 meeting.

ORAL COMMUNICATIONS

PUBLIC HEARINGS/GENERAL BUSINESS

3. [20-0353](#) **Proposed Project:** Related applications on a 0.82-acre site:
 REZONE: Introduce an Ordinance to extend the PD Combining District boundary to include the 585 and 595 Columbia Avenue parcels.
 SPECIAL DEVELOPMENT PERMIT: To allow demolition of existing residential structures and construction of 18-unit

residential subdivision consisting of three-story townhomes with associated site improvements and deviations from minimum rear setback, maximum distance between main buildings and maximum distance to a trash enclosure, and

VESTING TENTATIVE MAP: To create 18 residential lots and one common area lot.

Location: 475 N. Fair Oaks and 585 & 595 Columbia Ave.

File #: 2019-7415

Zoning: R-3/PD and R-3

Applicant / Owner: ADL 11 LLC (applicant) / Henry E Shepherd Trustee and Chung Tai Intl Chan Buddhist Assn (owner)

Environmental Review: Class 32 Categorical Exemption (Infill Development)

Project Planner: Cindy Hom, 408-730-7411, chom@sunnyvale.ca.gov

Principal Planner Shaunn Mendrin presented the staff report and noted minor modifications to the Recommended Conditions of Approval for trees and solid waste.

Assistant Director Andrew Miner added that the City Council will consider the proposed project because it involves a rezone to extend the Planned Development Combining District boundary to include the Columbia Avenue parcels.

Commissioner Weiss asked staff how the eastern side of the property with stamped concrete would be used. Associate Planner Cindy Hom stated that the concrete is decorative paving only. Commissioner Weiss stated her concern for the beautiful tree at the corner of North Fair Oaks and Columbia avenues and asked if it would remain. Associate Planner Hom stated that it is planned for removal. Commissioner Weiss asked about the railing material and Associate Planner Hom responded that it would be made of either wrought iron or steel. Commissioner Weiss confirmed with Associate Planner Hom that every unit would have a roof deck, the noise study conducted demonstrated that the air conditioning units on each deck would comply with noise standards, and there would be no private yards but private usable open space on the roof deck and a small common gathering space on the ground level.

Vice Chair Simons asked about the proposed project's number of stories. Principal Planner Mendrin and Assistant Director Miner responded that the building is three stories with stair enclosures above the third story that lead to the roof deck. Vice Chair Simons confirmed with Associate Planner Hom that all the window mullions and moldings would be the same color and that the Commission can require that as a Condition of Approval. Vice Chair Simons also confirmed with Associate Planner Hom that the Commission can require trees that provide more shade and match the

building heights. Vice Chair Simons asked if staff believes that the tree at the corner of North Fair Oaks and Columbia avenues must be removed. Associate Planner Hom responded that staff can review the area.

Commissioner Rheaume stated his interest in the tree at North Fair Oaks and Columbia avenues remaining in place.

Commissioner Harrison noted that trash truck access to the site appears very tight and asked staff to comment. Associate Planner Hom agreed that the access is tight and noted that staff and the applicant determined the proposed plan requires deviations to work and multiple alternative site plan configurations have been considered.

Vice Chair Simons opened the Public Hearing.

Rob Dowling, Project Manager representing Aron Developers, presented images and information about the proposed project.

Commissioner Weiss asked if staff performed vision triangle measurements for the tree at North Fair Oaks and Columbia avenues. Mr. Dowling stated that there is a 40 x 40 vision triangle at that corner and Associate Plan Hom stated that it appears from the plans that the tree needs to be removed because it would conflict with utility undergrounding. Commission Weiss commented that she would like a definitive answer about why the tree needs to be removed and asked about possible Below Market Rate (BMR) units. Associate Planner Hom stated that the applicant's provision is 2 BMR units with a plan to pay an in-lieu fee for the fractional unit, which meets the requirements of SB 330 and the requirement to provide BMR units at the rate of 12.5% of the total units. Commissioner Weiss confirmed with Mr. Dowling that the railing consists of steel and the railing and decks would not consist of any wood.

Commissioner Harrison asked the applicant what species the tall trees are in the renderings and if they are to scale and to explain cement board. Mr. Dowling stated that cement board is made of cement with grains that replicate wood and it can be different colors and is more durable and easier to maintain than wood. Greg Lewis, Landscape Architect, stated that on the proposed site the ten trees along Columbia Avenue are Ginkgo Fairmont trees that grow 50-75 feet tall, the Chinese Pistache trees between units grow to 30-35 feet tall and also serve as shading for the parking areas, tree 2T would remain, and two Crepe Myrtle trees are planned for each side

of the small patio area. Mr. Lewis further remarked that the paving on the eastern side of the property is planned to be a small common area patio with benches and the tree at the southwest corner of the site cannot be saved because of the location of the irrigation water backflow preventer.

Commissioner Rheaume confirmed with Mr. Dowling that all the windows would be a dark bronze color and that Aron Developers is the developer and builder and the company plans to take ownership of the three addresses on a different timeline separate from the entitlement process.

Vice Chair Simons confirmed with Mr. Dowling that the moldings around the garage and entryway doors would also be dark bronze.

Mr. Dowling added that they can work with their arborist to try to preserve the tree at the corner of North Fair Oaks and Columbia avenues if they are able to and the tree is healthy.

Vice Chair Simons closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Rheaume seconded the motion for Alternative 2 - Recommend that the City Council make the findings the CEQA determination that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15332 as noted in Attachment 6 to the report, Introduce an ordinance (Attachment 7 to the report) to Rezone part of the site to include the Planning Development combining district, approve the Rezone, and approve the Special Development Permit and Vesting Tentative Map subject to the findings in Attachment 4 to the report and the modified Conditions of Approval as follows:

1. Specify that the dark bronze color be used for all the window moldings and mullions instead of an almond color.

Commissioner Harrison thanked the applicant for considering the Commission's comments from the Study Session and appreciated the BMR units, the drone views and videos in the applicant's presentation. She stated she accepts the deviations for the building distances and trash enclosure and the added height to accommodate the stairwells that lead to the roof decks. She added that the proposed project looks great and she appreciates the homeownership opportunities considering the Commission reviews many apartment building projects.

FRIENDLY AMENDMENT: Commissioner Rheume offered a friendly amendment to specify that the applicant and staff explore the possibility for the tree at the corner of North Fair Oaks and Columbia avenues to remain in place. Commissioner Harrison accepted the friendly amendment.

Commissioner Rheume stated that he will support the motion and thanked the applicant for considering the Commission's feedback from the Study Session and recognized the improvement in the proposed project as a result. He stated that he likes the modern architectural style and its consistent application throughout the design, particularly with the garage and front doors, and that the two front units on North Fair Oaks Avenue would create a nice curbside presence. He noted the eastern side of the property that appears unused and indicated that he will start to more closely examine these types of open spaces with bigger projects to determine how they can be of more use. He further remarked that the proposed project meets all the applicable requirements, he can make the findings, and that he hopes the Commissioners will also support the motion.

Commissioner Olevson stated that he will support the motion, can make the findings, and cannot find anything related to the vesting tentative map that would preclude the Commission from approving the proposed project. He commented that cement board is very durable and can be made any color but can become problematic if structure settling takes place because it is not flexible. He further remarked that it is a great proposed project that he is pleased to vote for.

Commissioner Weiss stated she will support the proposed project despite that it is the largest development in the immediate neighborhood, noting that it may lead to improvement of the surrounding area which consists of vacant, older structures. She repeated Mr. Lewis's statement that the eastern side of the property would be a patio with benches. She added that she can make the findings, the deviations are appropriate, and urged the Commissioners to also support the motion.

FRIENDLY AMENDMENT: Vice Chair Simons offered a friendly amendment to require that the dark bronze color also be applied to all the entryway and garage doors. He also requested the tree selection be modified to maximize the number of native species trees large a maturity appropriate for their placement on the site, in addition to staff's recommended condition for replacement trees requiring a minimum of 30 24-inch box trees or six trees to be upsized to 36-inch box size. Additionally, he proposed that staff and the applicant explore mitigating any problems caused by

undergrounding that might result in the removal of the tree at North Fair Oaks and Columbia avenues and that the tree be trimmed and not removed if there is a vision triangle issue. Commissioner Harrison and Commissioner Rheume accepted the friendly amendment.

Vice Chair Simons stated that he will support the motion and notices the design changes since the Study Session and thanked the applicant. He commented that he can make the findings and believes the proposed project would turn out nicely.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Chair Howard

Assistant Director Miner stated that this recommendation will be forwarded to the City Council for consideration at the July 28, 2020 meeting.

4. [20-0475](#) Forward a Recommendation to the City Council to Adopt a Resolution Establishing Vehicle Miles Traveled (VMT) as the Threshold of Significance for Analysis under the California Environmental Quality Act (CEQA), Adopt a Council Policy for Transportation Impact Analysis, and Find that the Action is Exempt from CEQA

Principal Planner Amber Blizinski and Transportation and Traffic Manager Dennis Ng presented the staff report.

Commissioner Harrison asked why Los Altos, San Jose and Mountain View chose different baselines. Vehicle Miles Traveled (VMT) Specialist Karen Mack answered that San Jose sought to encourage more job growth over residential development when it established its citywide residential baseline. Principal Planner Blizinski added that the recommended countywide baseline for Sunnyvale is more aligned with the goals of the City's General Plan and Climate Action Playbook which focuses on more residential growth as is evidenced when looking at the heat maps. Commissioner Harrison also asked how a project can promote multi-modal

transportation. Principal Planner Blizinski and Transportation and Traffic Manager Ng responded that it can be accomplished by actions such as completing bike lane connections, contributing towards bicycle and pedestrian infrastructure and working with the Santa Clara Valley Transportation Authority on transit improvements including adding and enhancing transit stops near the project.

Vice Chair Simons asked if unbundling parking is a cost to the City using the citywide baseline. Principal Planner Blizinski stated that the mitigation measures listed in the presentation's project examples are part of the estimation tool to demonstrate how VMT is reduced and that staff would choose appropriate mitigation measures for each individual project. VMT Specialist Mack clarified that unbundled parking is a cost to the residential renter or owner and not the City. Vice Chair Simons and Principal Planner Blizinski discussed how attitudes might have changed over time towards unbundled parking and that it might be a tool to consider with residential development as it has been shown to reduce VMT.

Vice Chair Simons opened the Public Hearing.

There were no public speakers for this agenda item.

Vice Chair Simons closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Weiss seconded the motion for Alternative 1 - Forward a Recommendation to the City Council to Adopt a Resolution Establishing Vehicle Miles Traveled (VMT) as the Threshold of Significance for Analysis under the California Environmental Quality Act (CEQA), Adopt a Council Policy for Transportation Impact Analysis, and Find that the Action is Exempt from CEQA.

Commissioner Harrison commended staff for thoroughly evaluating the policy and thanked staff for clearly presenting the concept. She acknowledged the need to adopt VMT as the analysis tool, recognized the 15% threshold recommendation, understood the purpose of continuing to compare using the Level of Service model, and agreed with the decision to designate Sunnyvale as a countywide entity.

Commissioner Weiss agreed with Commissioner Harrison's comments and stated that the VMT model is attainable given the goals of the State, the City's Climate Action Playbook, and residential and commercial projects. She thanked staff for making the concept understandable.

Commissioner Olevson thanked staff for the work on the policy and stated that he will not support the motion. He commented that he believes the shift would take more authority away from the City and represents regional needs and not Sunnyvale's needs. He stated his intention to abstain from voting to avoid disparaging staff's work.

Vice Chair Simons stated that he will not support the motion. He remarked that the citywide baseline involves unbundling parking which lowers the cost of housing and reduces VMT and that he would be in favor of this option if it helps the City better plan.

The motion failed by the following vote:

Yes: 3 - Commissioner Howe
Commissioner Harrison
Commissioner Weiss

No: 1 - Vice Chair Simons

Absent: 1 - Chair Howard

Abstained: 2 - Commissioner Olevson
Commissioner Rheaume

Assistant Director Andrew Miner asked Vice Chair Simons if he is comfortable supporting the countywide baseline with a recommendation that unbundled parking is allowed as a mitigation measure for future residential projects. Vice Chair Simons responded that he views the citywide baseline for residential as more beneficial overall. Principal Planner Blizinski stated that using the citywide baseline makes it more difficult for residential development to be built as heavier mitigation requirements can place a heavier burden on residential developers. VMT Specialist Mack added that unbundling parking is a mitigation measure option included in the countywide baseline also and that it can be an effective mitigation measure anywhere in the city. Principal Planner Blizinski further remarked that it is possible to add a recommendation that the City Council consider allowing residential developers to propose unbundled parking as a part of future development applications.

The Commissioners agreed by general consensus to begin an Informal Consideration discussion period. They informally discussed the project among

themselves and with staff, and by general consensus agreed to end the Informal Consideration period.

MOTION: Vice Chair Simons moved and Commissioner Harrison seconded the motion for Alternative 2 - Adopt a Resolution Establishing Vehicle Miles Traveled (VMT) as the Threshold of Significance for Analysis under the California Environmental Quality Act (CEQA), Adopt a Council Policy for Transportation Impact Analysis with Modifications, and Find that the Action is Exempt from CEQA. The modification is as follows:

1. Recommend that the City Council consider allowing residential developers to propose unbundled parking as a part of future development projects as it has been shown to reduce VMT.

The motion carried by the following vote:

Yes: 4 - Commissioner Harrison
Commissioner Rheaume
Vice Chair Simons
Commissioner Weiss

No: 1 - Commissioner Howe

Absent: 1 - Chair Howard

Abstained: 1 - Commissioner Olevson

Assistant Director Miner stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, June 30, 2020 meeting.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howe confirmed with Vice Chair Simons and Assistant Director Andrew Miner that Chair Howard's absence is excused.

-Staff Comments

Assistant Director Andrew Miner stated that on June 23, 2020 the City Council will consider adopting a resolution confirming a local emergency order to allow outdoor

dining areas on private property which would not require a Use Permit. Assistant Director Miner added that at the same meeting the City Council will consider the adoption of the uncodified ordinance to authorize one-year permit extensions due to the pandemic. He congratulated Chair Howard and Commissioner Howe on their reappointments to the Commission for another term.

ADJOURNMENT

Vice Chair Simons adjourned the meeting at 10:03pm.