



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, October 12, 2020

7:00 PM

Telepresence Meeting: City Web Stream |  
Comcast Channel 15

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

### TELECONFERENCE NOTICE

#### **STUDY SESSION CANCELED**

#### **7:00 PM PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Chair Howard called the meeting to order at 7:00 PM via teleconference.

#### **ROLL CALL**

**Present:** 7 - Chair Daniel Howard  
Vice Chair David Simons  
Commissioner Sue Harrison  
Commissioner John Howe  
Commissioner Ken Olevson  
Commissioner Ken Rheaume  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

#### **CONSENT CALENDAR**

Commissioner Howe confirmed with Assistant Director Andrew Miner that the October 26, 2020 agenda is not excessively full.

MOTION: Commissioner Howe moved and Chair Howard seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 5 - Chair Howard  
Vice Chair Simons  
Commissioner Howe  
Commissioner Olevson  
Commissioner Rheume

**No:** 0

**Abstained:** 2 - Commissioner Harrison  
Commissioner Weiss

Commissioner Weiss and Commissioner Harrison abstained for Agenda Item 1.A only.

**1.A**     [20-0878](#)     Approve Planning Commission Meeting Minutes of September 28, 2020

**1.B**     [20-0880](#)     **REQUEST FOR CONTINUANCE TO OCTOBER 26, 2020**  
**Proposed Project:** General Plan Amendment Initiation request to consider amending the General Plan designation from Commercial to Low Density Residential for the northwest portion of the site.  
**Location:** 1689 S. Wolfe Road (APN: 309-51-028)  
**File #:** 2020-7436  
**Zoning:** C-1 (Neighborhood Business)/PD (Planned Development)  
**General Plan:** Commercial  
**Applicant / Owner:** PSR Development Inc. (applicant and owner)  
**Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).  
**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

## **PUBLIC HEARINGS/GENERAL BUSINESS**

**2.**     [20-0877](#)     **Proposed Project:**     Related applications on a 0.3-acre site:  
                                 **SPECIAL DEVELOPMENT PERMIT:** to demolish the existing buildings and construct a new 141,333 square foot seven (7) story office building with four (4) levels of underground parking, an adjustment to the required parking.  
                                 **TENTATIVE PARCEL MAP:** to make adjustments to the existing parcel boundary, street easement dedication and vacation and new utility and architectural easements.  
**Location:** 100 Altair Way (APN:209-07-007)  
**File #:** 2016-7438  
**Zoning:** DSP Block 1

**Applicant / Owner:** Daniel Minkoff, Minkoff Group (applicant/owner)

**Environmental Review:** No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Downtown Specific Plan Program Environmental Impact Report (EIR)(State Clearinghouse #2018052020).

**Project Planner:** Shaunn Mendrin, (408) 730-7431,  
smendrin@sunnyvale.ca.gov

Principal Planner Shaunn Mendrin shared the staff report with a slide presentation.

Commissioner Weiss asked if the glass guardrail on the roof would meet the Bird Safe Building Design Guidelines. Daniel Minkoff, representing applicant The Minkoff Group, responded that the guardrail glass would be fritted as recommended by their bird safe consultant.

Commissioner Howe asked if the proposed project meets the spirit and general letter of the Development Agreement and what decision body will have final review of the proposed project. Principal Planner Mendrin stated that the Commission will make the final decision unless the proposed project is appealed or the City Council decides to review it. He added that the proposed project's design and intent has been clear and consistent from conception and throughout discussions regarding the Development Agreement and outreach for the Downtown Specific Plan (DSP) Amendment.

Commissioner Olevson suggested that Attachment 2, Project Data Table be revised so that the compact parking spaces line indicates that it is an adjustment to Sunnyvale Municipal Code parking requirements and that Recommended Condition of Approval PS-1 be revised to read that the final exterior building materials and color schemes are subject to the review and approval of the Director of Community Development. Commissioner Olevson asked why the developer would be required to help improve intersections as far away as five miles from the property. Principal Planner Mendrin and Assistant Director Andrew Miner stated that those particular recommended conditions of approval are mitigation measures that came directly from the DSP Environmental Impact Report. Commissioner Olevson confirmed with Principal Planner Mendrin that the Transportation Demand Management (TDM) Program can be modified if, for example, a tenant happened to operate outside of normal business hours and that there are methods for determining if the existing Program remains adequate. Commissioner Olevson asked if ACE's valet parking analysis and recommendations have been validated as he believes parking garage users would experience significantly longer wait times for valet attendants. Chrissy Mancini Nichols with Walker Consultants stated that she and her firm found the

study accurate and the proposed valet system adequate to provide a high level of service for users, noting ACE's proposed use of technology and staggered parking to reduce wait times. Assistant Director Miner clarified that the City hired Walker Consultants to review the applicant's TDM Program.

Commissioner Harrison asked how the Community Benefit funds collected might be used. Assistant Director Miner and Senior Assistant City Attorney Rebecca Moon stated that the use has not yet been determined and the funds can be used at the City Manager's discretion in any part of the city.

Commissioner Rheume confirmed with Principal Planner Mendrin that the proposed project would be seven stories, one story taller than the office building across the street from the proposed development. Commissioner Rheume stated that he will ask the applicant for examples of successful living walls in the area and how they intend to maintain theirs. Assistant Director Miner stated that the living wall part of the first Moffett Towers project is a great example of one that was well designed and has been beautifully maintained.

Vice Chair Simons asked how the louvers along the east side of the building would move throughout the day and stated the importance of an unobstructed view of the park from the east from inside the building. Assistant Director Miner and Principal Planner Mendrin clarified that the louvers are stationary. Vice Chair Simons asked about the ramp grade near the Americans with Disabilities Act (ADA) parking spaces to ensure that those using the parking spaces would be able to maneuver about the parking garage. Principal Planner Mendrin responded that the ADA parking spaces would be located on a parking level adjacent to a hallway that leads directly to the elevator lobby. Vice Chair Simons commented that living walls are difficult to maintain and asked if there is a recommended condition of approval that requires it to be maintained. Assistant Director Miner stated that it is possible to add a condition of approval specifying the living wall's appearance and required maintenance. Vice Chair Simons asked how different TDM Programs work together and if TDM Program consultants coordinate when providing recommendations for different developments in the same area. Principal Planner Mendrin stated that City Council approved the downtown parking study prepared by Walker Consultants that recommended the formation of a transportation management agency that would coordinate the different TDM Programs for downtown developments. Vice Chair Simons confirmed with Principal Planner Mendrin that this development would eventually participate in the transportation management agency when it is formed which is required with Recommended Condition of Approval GC-9.

Chair Howard opened the Public Hearing.

Mr. Minkoff; Rob Zirkle, Principal with Brick; and Rene Bihan, Principal with SWA Group, shared information about the proposed project with a slide presentation.

Commissioner Weiss asked how the office building would help enliven Plaza del Sol, particularly after business hours and on the weekend. Mr. Zirkle answered that the building would house 600 to 900 employees which would increase foot traffic in the park, support nearby retail, and see people moving through the park by way of the directional pedestrian paving. Mr. Bihan responded that the strong interior and exterior design relationship and increased safety, foot traffic, and pedestrian destinations would contribute to the park's vitality, adding that the building would mostly likely be active in the evenings and the park could become a neighborhood amenity on the weekends. Commissioner Weiss confirmed with Mr. Zirkle that the underground parking garage entry and exit ramp would be designed to the highest safety level to protect drivers traveling in and out of the garage. Commissioner Weiss also asked if in the event of a power loss, the emergency generator would power the elevators and ensure that the valet system would continue to operate. Mr. Zirkle responded that the emergency generator would run all the fire and life safety systems including the elevators and that there would be no physical barriers created in the event of an emergency that would prevent cars from exiting the parking garage.

Commissioner Howe confirmed with Commissioner Olevson his previously suggested revisions to the Project Data Table in Attachment 2 and Recommended Condition of Approval PS-1. Commissioner Howe confirmed with Assistant Director Miner the possibility of a condition of approval that specifies the expectations for the living wall's appearance and required maintenance. Commissioner Howe then asked the applicant about any issues if the Commission were to make the three items conditions of approval. Mr. Minkoff stated that they would be amenable and added that they have experience successfully installing and maintaining living walls.

Commissioner Harrison asked how the inset windows on the south façade provide privacy. Mr. Zirkle explained that the windows are small because the building is built to the property line, no more than five percent of that facade can be glass, the windows are inset three feet with a beveled edge on one side, and are placed randomly along that facade. He added that they would work with the neighboring properties to ensure that their privacy issues are addressed.

Vice Chair Simons asked the applicant to confirm if the type and number of tenants determine when the lobby would be lit and open. Mr. Minkoff stated that the lobby is intended to be adaptable based on needs, the building would have an operable window and door system at the corner of Taaffe Street and Altair Way that could close to provide added security, and that the lobby amenities have not yet been determined. Vice Chair Simons asked if the lobby would be open and accessible for anyone on Plaza del Sol needing to call for help late at night. Mr. Minkoff answered that they are open to working with the City to locate an emergency call feature near the building if the City installs a security system for Plaza del Sol. Vice Chair Simons confirmed with Mr. Zirkle that the louvers on the eastern and western facades would be fixed in place. Mr. Zirkle discussed the louvers' specifications and the park view from the interior of the building on the eastern side. Vice Chair Simons asked if the glass fiber reinforced wall panels would look like concrete. Mr. Zirkle explained that the material is an upgrade from concrete in that there can be variation in color, tone, and materiality which makes it appear like granite if looking at it up close and smoother when viewing it from farther away. Vice Chair Simons stated that the southern facade reminds him of Brutalist architecture and noted his concern that it appears stark, adding that other modern buildings with uniform concrete looks have added texture and tiles for more visual interest. Mr. Zirkle responded that only the southern elevation, 15-20% of the entire surface area of the building, would consist of the concrete-like material.

Chair Howard appreciated the different aesthetics that the contrasting facades provide and asked if it is possible to modify the angle of the louvers to maximize the park view while maintaining the building's energy efficiency. Mr. Zirkle stated that they can explore a different angle but noted that it may be difficult to achieve without reducing the depth of the louvers to ensure a strong connection to the mullions which might then reduce the building's energy efficiency. Chair Howard confirmed with Assistant Director Miner that without a condition of approval, the Commission could direct staff and the applicant to work together to explore a different angle for the louvers with staff's final approval.

Michael Johnson, Executive Director of the Sunnyvale Downtown Association and Business Improvement District, spoke in support of the proposed project.

Mr. Zirkle presented additional images and information about the proposed project.

Chair Howard closed the Public Hearing.

Vice Chair Simons confirmed with Assistant Director Miner that staff would work with other City departments to determine the best placement for a security mechanism, such as a pole with an emergency call light/button. Vice Chair Simons and Assistant Director Miner discussed language for a possible condition that would secure the living wall's installation and maintenance and agreed that any major changes to the property after it's built, such as drastic alterations on the pedestrian level, could return to the Commission for review. Vice Chair Simons added that the proposed 18-inch louvers do not obstruct an eastern park view from the interior of the building as much as he had expected. Assistant Director Miner asked Vice Chair Simons about his and the Commission's interest in a possible condition that requires an open look and feel to the lobby as depicted in the renderings. Vice Chair Simons commented that he would like to discuss minimum lobby hours with the Commission.

Chair Howard opened the Public Hearing for the applicant to respond to the idea of minimum lobby hours.

Mr. Minkoff responded that the building would be adaptable, and it is their intention to keep the lobby open as much as possible, but minimum lobby hours would be a burdensome requirement without knowing the tenants and their security needs.

Commissioner Harrison asked staff if installing security systems such as poles with an emergency call light/button is a standard requirement that can be asked of applicants with office building developments. Assistant Director Miner responded that it is not a standard requirement. Senior Assistant City Attorney Moon discussed the minimum lobby hours issue and Mr. Minkoff added that the approved Development Agreement does not require any public improvements in the building's interior and the Public Art would only be on the building's exterior.

Commissioner Harrison restated her question about the Commission's authority to require an applicant to install a security mechanism. Vice Chair Simons stated that the security equipment is important as Plaza del Sol could become a safety issue without it. He added that the other nearby office buildings do not have security notification equipment because they were built before the park. Mr. Minkoff stated that he is open to the opportunity to work with the City to locate part of a security network near the building. Senior Assistant City Attorney Moon stated that issues outside of land use, architecture, and design elements are subject to debate as they are not normally issues the Commission considers.

Assistant Director Miner clarified that the possible condition could address the look and feel of the lobby to ensure it is consistent with the renderings and explained that the intention is not to guarantee public access to the building. Mr. Minkoff stated that they are amenable to a condition that requires the installation and maintenance of clear glass in the lobby windows to allow the ground floor lobby to be visible from the outside.

Commissioner Olevson stated his belief that deviating from the approved Development Agreement and requiring the applicant to be responsible for the public's safety in the surrounding area would be straying outside of the Commission's purview. He stated his preference that the Commission focus on the structure itself and entrust staff to present any major changes to the Commission if any arise after a decision is made.

Vice Chair Simons agreed that any requirements should be limited to the building's footprint and voiced support for an emergency call light/button located on the outside of the building.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Rheaume seconded the motion for Alternative 2 - Make the required Findings required to approve the CEQA determination that the project is consistent with the Downtown Specific Plan's Program Environmental Impact Report and no additional environmental review is required, and approve the Special Development Permit and Tentative Parcel Map based on Findings in Attachment 3 and Recommended Conditions of Approval in Attachment 4 subject to modified Conditions of Approval.

The modifications are as follows:

1. Label the compact parking spaces line of the Project Data Table, Attachment 2 as an adjustment to Sunnyvale Municipal Code parking requirements.
2. Revise Attachment 4, Recommended Condition of Approval PS-1 to read as follows:

Exterior Materials Review:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building



permit. [COA] [PLANNING]

3. Add the following language to Attachment 4, Recommended Condition of Approval GC-1:

The living wall along Altair Way and in the lobby must be installed and maintained in accordance with the approved plans presented to the Planning Commission on October 12, 2020.

4. Specify that the applicant must work with the City in good faith if the City decides to explore installing a security system for Plaza del Sol, such as polls with an emergency call light/button.

5. Specify that staff and the applicant must work together to explore adjusting the angle of the louvers on the eastern façade to maximize the view of the park. Any change may be approved by the Director of Community Development.

6. Specify that clear glass must be installed in the lobby windows to allow the ground floor lobby to be visible from the outside.

Commissioner Howe commented that the proposed project meets the needs of the City and the developer as stated in the approved Development Agreement and should be approved because it is good and represents years of the applicant's hard work. He recognized that the applicant has addressed every issue the Commission has raised, appreciated them for creating visual interest on the south elevation, and stated that they have been cooperative in agreeing to maintain the living wall and install clear glass for the ground floor lobby. He added that the proposed project will be improved when enhancements are made to Plaza del Sol. He urged the Commissioners to support the motion.

Commissioner Rheume stated that he will support the motion and agreed with Commissioner Howe's remarks. He commented that the applicant has been responsive to the Commission's Study Session comments and the proposed project is beautiful, classy, and high quality, adding that the applicant designed the south elevation nicely such that it does not need any color. He stated that he can make the findings and that the proposed project will be a great addition to downtown, further remarking that he hopes the other Commissioners will also support the motion.

Vice Chair Simons stated his opinion that the south elevation is too gray and recommended a whiter shade that shows the flecks of glass to help the building appear more modern. He stated his support for the proposed project and said that its design strongly links it to Plaza del Sol. He remarked about concern for the safety of the hundreds of employees that would be working in the building, safety being an inherent issue for the proposed project given its location on the park. Vice Chair Simons stated his appreciation for the amount of effort spent to integrate the proposed project with the public spaces and added that he would like to see more green roofs in the future since roofs will become more important as projects become taller.

Commissioner Harrison confirmed with Commissioner Howe that the intent of the fourth proposed condition of approval is for the applicant to work with the City if the City explores installing a security system on Plaza del Sol, with a linked system possible for public and private property as Plaza del Sol and the proposed project are related by design. Commissioner Harrison stated that she will support the motion, appreciated the architecture, and commented that she agrees with Chair Howard's observation that every facet of the building tells a story with a different view. She also appreciated the living wall, roof garden, all electric construction, art gallery space, shade structures on the eastern and western elevations for energy efficiency, and the tabletop street design that integrates the proposed project with Plaza del Sol.

Commissioner Weiss stated her support for the motion and commented that the proposed project meets the relevant goals and policies of the DSP, is consistent with the General Plan, respects the privacy of the adjacent residential building, and is architecturally and aesthetically pleasing. She encouraged the Commissioners to support the motion.

Commissioner Olevson stated that he will support the motion and agreed with staff's recommended findings. He recognized that the applicant has been responsive to each concern that the Commission has voiced which has helped result in the long-term approved Development Agreement. He stated his enthusiastic support for the proposed project's design and his anticipation of seeing how Plaza del Sol has been transformed by it.

Chair Howard voiced his support for the motion and commended the Commission, staff, and the applicant for the meeting's successful collaboration. He cited the proposed condition that would ensure clear glass for the ground floor lobby as an

example of a great solution that everyone helped work out.

The motion carried by the following vote:

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

**No:** 0

Assistant Director Miner stated that this decision is final unless appealed or called up for review by the City Council by Tuesday, October 27, 2020.

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

Assistant Director Andrew Miner stated that staff will present Chair Howard's proposed study issue about deemphasizing dwelling units per acre to the Commission at the October 26, 2020 meeting.

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

##### **-Commissioner Comments**

Vice Chair Simons asked Assistant Director Andrew Miner if the City plans to modify the building code to help protect the city from major fire damage. Assistant Director Miner stated that he will research the issue and that it is possible that the next State Building Code cycle may reflect changes to that effect.

##### **-Staff Comments**

Assistant Director Andrew Miner stated that on September 29, 2020 staff presented a Study Session to the City Council on the Moffett Park Specific Plan Update that proposed three, two-hour public outreach meetings regarding the Update with a City Council Study Session immediately following each outreach meeting for the City Council to give feedback, adding that the Commission will be invited to the Study Session. He also stated that the City Council will consider the Draft 2020 Housing Strategy and Implementation Schedule at the October 13, 2020 meeting and the Reach Codes at the October 27, 2020 meeting.

**ADJOURNMENT**

Chair Howard adjourned the meeting at 9:22 PM.