



City of Sunnyvale

Meeting Minutes Planning Commission

Monday, September 27, 2021

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15 | AT&T Channel 99

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

TELECONFERENCE NOTICE

STUDY SESSION CANCELED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020), Section 42 of Executive Order N-08-21 (June 11, 2021) and Executive Order N-15-21 (September 20, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

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

ROLL CALL

Present: 6 - Chair Daniel Howard
Vice Chair Martin Pyne
Commissioner Sue Harrison
Commissioner John Howe
Commissioner Ken Rheaume
Commissioner Carol Weiss

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Commissioner Harrison asked staff if the Meeting Minutes of September 13, 2021 may be revised so that the seventh paragraph on page nine reads as follows:
“Commissioner Harrison stated that she is in support of the motion and finds that maintaining the height of the garage roof rather than lowering it is detrimental to the proposed project’s overall architecture.”

MOTION: Commissioner Harrison moved and Commissioner Howe seconded the motion to approve the Consent Calendar with the following revisions to the minutes:

1.) Note that the seventh paragraph on page nine should read as follows:
 “Commissioner Harrison stated that she is in support of the motion and finds that maintaining the height of the garage roof rather than lowering it is detrimental to the proposed project’s overall architecture.”

The motion carried by the following vote:

- Yes:** 6 - Chair Howard
- Vice Chair Pyne
- Commissioner Harrison
- Commissioner Howe
- Commissioner Rheume
- Commissioner Weiss

No: 0

1. [21-0923](#) Approve Planning Commission Meeting Minutes of September 13, 2021

PUBLIC HEARINGS/GENERAL BUSINESS

2. [21-0811](#) **Proposed Project:**
 - SPECIAL DEVELOPMENT PERMIT:** to allow a six-story office building with 153,000 square feet and ground floor retail space with 12,735 square feet, 88,915 square feet of parking and 1,019 square feet of service area, and one level of below grade parking.
 - Location:** 300 South Mathilda Avenue (APN: 209-34-019)
 - File #:** 2019-7923
 - Zoning:** DSP (Downtown Specific Plan)/Block 18
 - Applicant / Owner:** STC Venture LLC (applicant and owner)
 - Environmental Review:** No additional review required as pursuant to CEQA Guidelines Section 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:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Vice Chair Pyne inquired about whether the change made to Recommended Condition of Approval GC-18 affects how the Planning Commission will consider the proposed project either tonight or in the future. Senior Assistant City Attorney Rebecca Moon confirmed that it does not.

Associate Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Rheume initiated a discussion with Associate Planner Vashist concerning pedestrian access to the Makerspace as well as the placement of the proposed project's main entrance on Aries Way. Associate Planner Vashist asserted that the main entrance on Aries way grants access to the proposed project's third, fourth, fifth, and sixth floors since the first and second floors of the proposed project serve as underground parking. She also stated that the proposed project's main entrance is located on Aries Way to prevent disruption to the high-volume traffic on Mathilda Avenue or conflict with the planned retail space on McKinley Avenue.

Since it was unclear to Commissioner Rheume what the ramp access to the underground parking will look like, Josh Rupert, Developer at Hunter Properties Inc., assured him that he will be sharing a rendering of that area during his presentation later that evening.

Commissioner Harrison recalled text in the staff report which states that, "Staff has included a condition of approval to comply with Live Oak and Associates review and to work with staff on the treatment options for the transparent corners of the proposed building." Principal Planner Shaunn Mendrin confirmed that this refers to condition of approval BP-6 and described potential treatment options.

Commissioner Harrison questioned the use of subjective words such as "shall" in Attachment 3, and Assistant Director Andrew Miner explained that the rules of Objective Design Guidelines do not apply to office- and industrial-type projects.

When prompted by Commissioner Howe, Associate Planner Vashist confirmed that the staff report, proposed project, and Memo comply with a Development Agreement that was recently approved by the City Council. Assistant Director Miner clarified that if the Planning Commission approves the proposed project, the City Council will consider the approval of converting Booker Avenue from a two-way street to a one-way street.

Vice Chair Pyne asked whether the Reach Codes that were recently adopted apply to the proposed project. Principal Planner Mendrin explained that this project went into effect prior to the adoption of the Reach Codes, so the Reach Codes do not apply.

Chair Howard opened the Public Hearing.

Mr. Rupert and Jeremy Steiner, Architect at Gensler Architecture, presented the project including additional images and information.

Commissioner Weiss probed about the proposed project's measures in place for fire suppression. Mr. Steiner mentioned that the proposed project, which will include a sprinkler system and meets the qualifications of the most fire-resistant construction type, is fully compliant with all Building codes and is subject to a safety review conducted by the City and its Fire Marshal. Mr. Rupert added that the City's Fire Prevention Department will review the proposed project in more detail during the Building permit process and assured her that, from his professional experience, the proposed project's fire lines support the required pound per square inch (PSI) and will not require a separate fire pump.

Commissioner Weiss advised against the incorporation of liquidambar trees in the proposed project's landscaping due to those trees' invasive root system and their tendency to destruct sidewalks. Mr. Rupert acknowledged her concern and stated that, with the approval of the City Arborist, alternative tree species may be used.

Commissioner Howe requested confirmation regarding whether the proposed project adheres to the Development Agreement adopted by the City Council. Mr. Rupert confirmed that this is true, and he added that only the conversion of Booker Avenue from a two-way street into a one-way street will need to be considered by the City Council if the proposed project is approved by the Planning Commission.

Vice Chair Pyne inquired about the inclusion of electric vehicle (EV) charging access in the proposed project's parking structure. In response, Mr. Steiner stated that 10 percent of the proposed project's parking structure is reserved for standard EV charging, Level 2 EV charging, and charging for American with Disabilities Act (ADA) EV vans. Mr. Rupert added that there are 32 EV chargers available in the proposed project's parking structure.

Commissioner Harrison asked the applicants to indicate where, on the proposed project's landscape plan, she may find the oak tree. Gary Laymon, Landscape Architect at The Guzzardo Partnership, Inc., answered that the oak tree is located to the left of the proposed project's driveway entrance on Iowa Avenue.

Commissioner Weiss probed about the height of ladders on the City's fire trucks. Fire Marshal Vincent Anderson stated that the ladders in question extend to approximately 90 feet in height and can reach the fifth or sixth floor of a multi-story building. Beyond that height, he said that stairwells are relied upon as they are constructed with fire resistance in mind.

Neela, resident of Sunnyvale, suggested that the proposed project's art wall and Makerspace be reconfigured to create more connections to the retail space on McKinley Avenue.

Mike Johnson, Executive Director of the Sunnyvale Downtown Association (SDA), spoke on behalf of himself and the SDA Board of Directors when he expressed support of the proposed project in part because its retail space will attract visitors and because its office space will create employment opportunities.

Dawn Maher, CEO of the Sunnyvale Silicon Valley Chamber of Commerce, spoke on behalf of herself and the Board of Directors when she shared her support and enthusiasm for the proposed project due to its ability to maintain the historical elements of the City's downtown while simultaneously integrating business and community. In her opinion, she views the proposed project as a great benefit to the City and its downtown.

Robert Ruiz, resident of Sunnyvale, mentioned that he is in support of the proposed project and appreciates the location of the main lobby. Not only this, but, in his opinion, positioning the retail space on McKinley Avenue creates a livelier scene to walk through during the evening. Lastly, Mr. Ruiz asked about the general process for selecting art to be incorporated in proposed projects.

Regarding the art selection process, Chair Howard advised Mr. Ruiz that the City's Arts Commission is involved in the public art selection process and recruits interested residents to fill vacant positions on the Commission.

Deke Hunter, Developer at Hunter Properties Inc., responded to Neela's comments by providing a detailed explanation of the proposed project's art walls and Makerspace and the purpose of each. Mr. Rupert elaborated upon Mr. Hunter's comments.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion to approve Alternative 1 – 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 as pursuant to the California Environmental Quality Act Guidelines Section 15168(c)(2) and (4) and approve the Special Development Permit based on clarification in the staff report and revised Findings and revised Conditions of Approval in Attachments 3 and 4 respectively.

Commissioner Howe voiced his support of the proposed project because of its open balconies, art walls, landscaping, and consideration for the privacy of neighboring buildings.

Commissioner Harrison echoed Commissioner Howe’s comments, commended the applicants for proposed project’s architecture and traffic flow, and spoke in favor of the motion.

Commissioner Rheume expressed his support of the motion, thanked the applicants for changes made to the proposed project’s original design, and revealed his preference for the main entrance being placed elsewhere.

Commissioner Weiss confirmed her support of the motion since she admires multiple components of the proposed project’s architecture including its varied façades, art walls, wrap-around decks, and Makerspace. She also noted the applicants’ responsiveness to suggestions made.

Vice Chair Pyne stated that he is in support of the motion, agreed with the remarks made by previous Commissioners, and recognized the applicants’ dedication to environmental responsiveness, effort to include trees where feasible, willingness to utilize a native tree species that is root friendly, and consideration of pedestrian-friendly walkways to the retail space, Makerspace, and downtown.

Chair Howard spoke in overall favor of the motion.

The motion carried by the following vote:

Yes: 6 - Chair Howard
 Vice Chair Pyne
 Commissioner Harrison
 Commissioner Howe
 Commissioner Rheaume
 Commissioner Weiss

No: 0

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, October 12, 2021.

- 3. [21-0884](#) **Proposed Project:** Related applications on a 1.5-acre site:
USE PERMIT to allow the construction of two new six-story hotel buildings totaling 274 hotel rooms, underground garage with mechanized parking, parking adjustment to allow valet parking, and installation of related site improvements.
TENTATIVE MAP to allow a lot merger and subdivision for condominium purposes.
Location: 247 and 295 Commercial St (APNs: 205-34-006 and 205-34-013)
File #: 2020-7478
Zoning: Manufacturing and Services (M-S)
Applicant / Owner: DOA Development (applicant) / Stepan Family Trust (property owner of 247 Commercial Street) and Huy Tu Trustee & Et Al (property owner of 295 Commercial Street)
Environmental Review: The project is consistent with the Land Use and Transportation Element (LUTE) of the City’s General Plan and no additional environmental review is required pursuant to CEQA Guidelines Section 15183 and Public Resources Code Section 21083.3.
Project Planner: Cindy Hom, (408) 730-7411, Chom@sunnyvale.ca.gov
Project Planner: Cindy Hom, (408) 730-7411, Chom@sunnyvale.ca.gov

Principal Planner Mendrin presented the staff report with a slide presentation.

Commissioner Harrison, upon studying the fencing plan, questioned whether there is fencing on the west side of the proposed project and, if so, whether it allows for pedestrian access to the Apple campus. Principal Planner Mendrin advised that the applicant would be required to get a pedestrian access easement at that site on the Apple campus to allow for pedestrian access.

Vice Chair Pyne asked whether the proposed project is not directly abutting the City parking lot but rather the property over by one. Associate Planner Cindy Hom stated that it is not.

Commissioner Weiss inquired about the tentative parcel map for condominium purposes on page TM-1.0 and the pages that follow it in Attachment 7. Associate Planner Hom, along with Assistant Director Miner, explained that the property line is being reconfigured in such a way that each hotel building will have a designated parcel and a common area lot will be created to include a driveway and landscaping area. Senior Assistant City Attorney Moon advised that the term "condominium" may also apply to non-residential buildings with businesses.

Chair Howard opened the Public Hearing.

Eric Price, Architect at Lowney Architecture, presented the project including additional images and information.

Commissioner Weiss and Mr. Price discussed the reasoning behind the placement of ADA rooms away from the elevator in the select service plan (found on page A1.S2 of Attachment 8) versus their placement closer to the elevator in the extended stay plan (found on page AS.E2 of Attachment 8). Mr. Price revealed that he is open to exploring the possibility of shifting ADA rooms so that they are in closer proximity to the elevators in subsequent phases of the proposed project.

Commissioner Weiss expressed concern about indoor toxic air contaminants in the proposed project's parking structure, considering that contaminants may be present because of the site's previous uses. Mr. Price advised that a carbon monoxide monitoring system would be utilized throughout the entirety of the parking level and that a vapor mitigation system would be installed, if required. Associate Planner Hom further explained that a different agency will be conducting the oversight to determine soil characterization and whether any remediation is needed. She continued by revealing that, based on the results of studies already conducted, there is no indication that any soil or vapor mitigation is necessary.

Commissioner Howe questioned who the proposed project's target potential clients are. The applicant, Brianna Robertson, answered that the various major companies surrounding the proposed project site are the proposed project's target clients. These companies include Applied Materials, Apple, and Fortinet. She added that

transient tourist traffic is expected as well.

Commissioner Howe asked about placement of ADA rooms within the hotels, and Ms. Robertson reiterated Mr. Price's comments concerning the topic.

Chair Howard proposed that the applicant work with Apple to create pedestrian access to the west of the proposed project.

Neela, resident of Sunnyvale, applauded the applicant for taking a risk with the proposed project's design and the materials it will use, stated that she is unsure of whether pedestrian access may be permitted to the west of the proposed project since there is an existing easement there, and asked whether valet parking will be offered to customers who will visit the restaurants within the proposed project since parking space is limited.

Stephen Meier commended Commissioner Weiss for her comments pertaining to air quality and highlighted the importance of the topic.

Ms. Robertson addressed public comments by stating that they intend to have an active management system in place for vapor barriers and that, while they are open to creating pedestrian access to the west of the proposed project, the process for doing so would involve approval from Apple which has proven to be complicated and time consuming.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Chair Howard seconded the motion to approve Alternative 1 – Make the findings required to approve the California Environmental Quality Act (CEQA) determination that the project is exempt pursuant to CEQA Guidelines Section 15183 and Public Resources Code Section 21083.3 as noted in the checklist in Attachment 5 and approve the Use Permit and Tentative Map based on the Recommended Findings in Attachment 2, and Recommended Conditions of Approval in Attachment 4.

Commissioner Harrison mentioned that she finds the architecture of the proposed project to be amazing and in harmony with the surrounding buildings. In her opinion, she thinks that the proposed project is a needed amenity.

Chair Howard's comments mirrored that of Commissioner Harrison's.

Vice Chair Pyne acknowledged that, in light of potential expansion that will result from the Arques Specific Plan, the need for the proposed project will be greater with time.

Commissioner Weiss stated that the applicant worked well with the constraints of the proposed project site and expressed that she is favor of the green roof and varied color schemes that each hotel possesses. Not only will the proposed project generate revenue for the City, but, in her opinion, it will improve the appearance of the neighborhood entirely.

The motion carried by the following vote:

- Yes:** 5 - Chair Howard
 Vice Chair Pyne
 Commissioner Harrison
 Commissioner Rheaume
 Commissioner Weiss
- No:** 1 - Commissioner Howe

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, October 12, 2021.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

- 4. [21-0931](#) Proposed Study Issue for 2022: Missing Middle-Draft Paper for Commission Review

Principal Planner Amber Blizinski advised the Commissioners of their option to either defer or drop this study issue in light of the recent passing of SB 9. She advised that, in her opinion, this study issue item does not need to move forward and revealed her hopes that the Commissioners would vote to remove this study issue item from their list. She also explained the process that would result if this study issue item remained.

Commissioner Weiss proposed changing elements of this study issue, in particular revising Design Guidelines. Principal Planner Blizinski and Assistant Director Miner explained that work has already begun on modifying those guidelines.

Commissioner Weiss suggested reducing fees for those converting a property into a

duplex, triplex, etc. Principal Planner Blizinski stated that these projects will likely be charged fees similar to those charged for Single-Family Design Reviews or Miscellaneous Plan Permits, which are some of the lowest permit fees charged.

Vice Chair Pyne expressed his concern about the impact to this study issue if SB 9 is either put on hold via a referendum process or overturned by a constitutional amendment that may result from a November 2022 ballot measure. Principal Planner Blizinski assured him that this would likely not occur and reiterated that the Commissioners may either continue to sponsor this study issue or remove it.

On behalf of the Commissioners, Chair Howard announced that the Commissioners will defer the removal of this study issue until January. Assistant Director Miner reviewed next steps for this study issue.

5. [21-0932](#) Proposed Study Issue for 2022: Safe Parking-Draft Paper for Commission Review

None.

6. [21-0933](#) Proposed Study Issue for 2022: Aging in Place-Draft Paper for Commission Review

Chair Howard opened the Public Hearing for agenda items 4, 5, and 6.

Neela, resident of Sunnyvale, voiced her support of agenda item 6: Aging in Place as it is relevant to her own experiences and Sunnyvale as a whole.

Chair Howard closed the Public Hearing.

INFORMATION ONLY REPORTS/ITEMS

7. [21-0924](#) Planning Commission Proposed Study Issues, Calendar Year: 2022 (Information Only)

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Harrison stated that she attended a public meeting that centered on objective design standards. From her understanding, this entails converting subjective language to objective language rather than examining the City's Single-Family Design Guidelines in any other way. Assistant Director Miner advised that this is the initial step, but more will be done to rank projects objectively and

tools will be provided to review projects objectively. Principal Planner Blizinski added that the first outreach meeting will explore ways to improve guidelines and that there is ongoing discussion among staff about how guidelines that are working well may be more objective.

Vice Chair Pyne stated that the state's Planning Commission Handbook is currently being updated and will be completed in December.

-Staff Comments

Assistant Director Miner thanked Fire Marshal Anderson for his contribution to the hearing.

Assistant Director Miner announced that on September 28, 2021, the City Council will be considering the Applied Materials General Plan Initiation and the General Plan Initiation for 1313 South Wolfe Road.

ADJOURNMENT

Chair Howard adjourned the meeting at 9:57 PM.