

**PLANNING COMMISSION MINUTES OF OCTOBER 13, 2008**

**2008-0637 – Downtown Sunnyvale Mixed Use, LLC.** [Applicant/Owner]: Application located at **2502 Town Center Lane** in the DSP-18 (Downtown Specific Plan Block 18) Zoning District. (APN: 209-34-009, 010, 015, 016, 017, 018 and 209-35-001, 005, 007, 010, 011, 012) SL

- **Resolution to Consider** a General Plan Amendment to Block 18 of the Downtown Specific Plan to allow an increase in the number of stories from five to six (no height increase).
- **Resolution to Consider** a General Plan Amendment to Block 18 of the Downtown Specific Plan to allow an increase in the allowed sign area and type.
- **Introduction of an Ordinance to Amend** Title 19.28.090, 19.28.100(c), and 19.28.130 of the Sunnyvale Municipal Code in accordance with the Specific Plan Amendment.
- **Special Development Permit** for: **a)** review of architecture for Block 6 (between Sunnyvale Ave, Washington Ave, Murphy Ave, and McKinley Ave); **b)** to modify condition of approval G11.d.3 to exclude designated outdoor dining from the 90,000 square foot restaurant limitation; and **c)** to modify condition of approval G11.d to remove the 425 seat limitation for any one auditorium in the cinema.

**Steve Lynch**, Senior Planner, presented the staff report. He said staff is recommending approval of the project subject to the conditions.

**Comm. Klein** referred to Attachment F, the parking evaluation, and asked staff if this is the first parking evaluation done for the Town Center project. Mr. Lynch said that there has been an entire series of parking evaluations and anytime the project has a significant change, staff requests a new mixed-use parking study to ensure that the site has the available parking to accommodate that use. Comm. Klein and staff further discussed parking for the project. Comm. Klein asked about the outdoor seating and staff's recommendation about whether it should or should not be included in the 90,000 square foot restaurant cap. Mr. Lynch discussed that staff is seeing that the project can accommodate a little bit more restaurant use, and staff does not want to count the outdoor dining toward the 90,000 square feet and as a result lose outdoor dining. Mr. Lynch said the developer will probably keep the 90,000 square feet as internally oriented restaurants. Comm. Klein said he is confused as he thought Redwood Square would have outdoor dining as seating. Mr. Lynch said that the unenclosed food court has always been exempted from the 90,000 square feet. ~~and further discussed restaurant square footage with Comm. Klein.~~ Comm. Klein confirmed with Mr. Lynch that there were locations in Redwood Square that were already reserved for restaurants with exterior seating

(e.g. balcony).They further discussed restaurant square footage and staff's recommendation to exempt all exterior restaurant seating.

**Comm. McKenna** commented that she thinks that many of the items included in the report are excellent recommendations, i.e. materials, design, etc. She said she has concern with the blade projecting signs and asked when these signs were added to the displays. Mr. Lynch said that these were a part of the plans when the project was present to the Commission in Study Session, acknowledging that there was a lot of information provided in that session. Comm. McKenna said that the blade signs remind her of bill boards and she would be especially concerned if they were lit as this would be like light noise that adds nothing redeeming to the project. Mr. Lynch said that blade signs are currently allowed and used on Murphy Avenue, said due to the height of the buildings the blade signs proposed would have an increase in the size, and further discussed with Comm. McKenna blade signs on Murphy Avenue. **Hanson Hom**, Director of Community Development, said a lot of downtown districts allow blade signs, which are pedestrian oriented adding that the blade signs could be addressed in the master sign program for the project. Comm. McKenna continued to discuss with staff her concern regarding the blade signs.

**Comm. Hungerford** further discussed blade signs with staff. Comm. Hungerford referred to page 7 of the report regarding potential features and one feature is that all buildings should have bulkheads on storefronts, asking staff to define what a bulkhead is. Mr. Lynch said that a bulkhead is a raised base of the building two or three feet high, and is typically tiled. Comm. Hungerford confirmed with staff that transitom windows are a series of windows along the entire retail frontage that allow light and air that are above the front door and below the roofline. Comm. Hungerford confirmed with staff that these are recommendations for the new Murphy Avenue to help blend with the old Murphy Avenue.

**Comm. Klein** referred to Attachment B, condition A32.2 and A32.4 confirming with staff that these two conditions are exactly the same. Comm. Klein referred to page 10 of the report under Parking Structure, which says that the first floor green screens will contribute to a seamless retail/downtown pedestrian experience, asking staff to explain what the green screens are. Mr. Lynch showed an example on one of the displays and said that the green screens are a type of foliage on a trellis or other structure that focuses on visually blocking parts of the garage at the pedestrian level. Comm. Klein and staff further discussed features of the parking garage with staff stating that the decorative features are to enhance the façade and are not intended to cover up the elevation of the parking garage.

**Chair Rowe** discussed with staff the reddish color of a portion of a building on the site plans with staff explaining that color is more of a burnt orange shade. Chair

Rowe discussed with staff the Murphy Avenue architecture and asked how a specific portion of the proposed architecture compares to Murphy Avenue. Mr. Lynch discussed the eclectic architectural mix found on Murphy and some of the features that are being proposed. Chair Rowe referred to Attachment B, page 1 that states the windows should be recessed, not flush mounted, which emphasizes a flat appearance. Chair Rowe discussed with staff that the plans provided show windows with a flat appearance, with Mr. Lynch adding that typically staff would have the architect submit revised plans showing the recessed windows.

**Chair Rowe opened the public hearing.**

**Ken Rodrigues**, one of the architects for the project, introduced **Dave Schmitz**, **Jeff Warmoth**, representing Sand Hill Company, the owner, and **Kirk Ellis** who is the architect working on the hotel. Mr. Rodrigues provided an overview of what has been done on the project since the study session. He said three dimensional views have now been provided to help provide a better perspective. He said based on Planning Commission comments and City Council comments many months ago that they realized that this block had not been fully “baked” and needed more work. He said they previously did not have the design fully completed and now they have worked this block much more than the other five blocks. He said the corner being discussed tonight is key to the project. He said they have broken down the building mass in keeping with what is happening with the rest of the project. He explained the details of the block and described the materials to be used, adding that there is more exposure to glass. He said the pool area will provide an exercise opportunity and would be a landscape feature at night. He discussed other elements of the corner and said Mr. Schmitz would talk about the retail component and the parking garage. Mr. Schmitz said that they have worked with the planning staff regarding the retail scale and the parking structure. He said the basic concepts they paid attention to were the scale on Murphy Avenue and the addition of more historical architecture. Mr. Schmitz said they incorporated more of a contemporary Art Deco and Art Moderne motif. Mr. Rodrigues said the team is available to answer questions.

**Comm. Hungerford** said that he was surprised to see in the hotel plans references to louvers in front of Air Conditioning (AC) units and asked the applicant to comment. Mr. Rodrigues said the louver feature started on Block 1 and 2 as there were some louvered designs on those parking structures and they thought it would be good to pick up some of these details throughout the project. Mr. Ellis said they were trying to come up with consistency in the design and that the appearance is a continuous window frame with the AC units with the louvered design which provides an integral system aesthetically. Comm. Hungerford asked if there would be individual AC units for each room rather than central air. Mr. Ellis

said yes with Mr. Rodrigues explaining the value and details of the appearance. Mr. Warmoth said the individual control system on the AC units provide a better guest experience and that the units would not be heard from the street. Comm. Hungerford asked what an environmental graphic panel is. Mr. Rodrigues offered an explanation of the environmental graphic panel versus the blade signs. He said that blade signs are typically turned at 90 degrees to the building themselves so pedestrians, as they are walking or driving down the street, can view the sign. He said the environmental graphics panel is a unique sign that might change in terms of the message, can be art and the hotel has requested these panels. Mr. Rodrigues said that they would work with staff to further explore what these panels might be used for and whether they would be lit at night. **Trudi Ryan**, Planning Officer, said staff had similar questions about what these signs and graphic displays might be used for and referred to Attachment B, page 1, condition A30.6, which says that the signs and displays must be reviewed under a separate master sign permit application. Comm. Hungerford asked the applicant about the view from the upper story hotel rooms overlooking the parking garage and asked if there would be landscaping or possibly solar panels as discussed at the September 22, 2008 Planning Commission meeting. Mr. Rodrigues said that they do have a very nice landscape feature. He said they do have a condition of approval to explore solar panel use for Blocks 1 and 2 and they would take the same work they are doing for the other blocks and transfer it over to this block for potential addition in the future. Mr. Ellis added that there is a deck that connects to the parking garage that is a second floor entrance into the lobby and there is landscape relief in this deck area. He said there would be some rooms that overlook the parking lot and there are ways that the views can be mitigated.

**Comm. Sulser** ~~identified a certain projection on the hotel to the applicant and said he is concerned about the elevation asking for comment~~ asked the applicant to clarify the depth of the second level pop-out feature on the hotel because the depth seemed different on the scale model from the perspective drawing. Mr. Rodrigues said that the displays on the wall provide a good perspective of the projection, which he said sticks out about 30 feet, will be visible from the street and will be lit up at night. He said this is an entire wall of glass and will have a greenhouse feel. Mr. Rodrigues said in this same second story area is the pool atop of the retail building. Mr. Rodrigues said he is very excited about the design of this corner now. Comm. Sulser commented that he likes the Art Deco elements of the parking garage. Comm. Sulser said when he sees the elevations of the fifth level, if it comes to pass, that the fifth level seems to overpower some of the architectural elements and asked if there was anyway to mitigate this from being overpowered. Mr. Rodrigues said they want to be efficient if Macy's needs them to add the fifth level parking. He said the parking garage has the Art Moderne feel to it which makes it more of a building than a parking garage. Mr. Schmitz commented that for expediency sake they added a fifth level to the plans without

design modifications. He said if they actually have to build the level that they would take the time to work the design more. Mr. Rodrigues said if they do have to add the fifth level they could take the horizontal treatment and break the scale down a little. Comm. Sulser commented that the hotel is considered a modern form, but the materials do not look modern and asked Mr. Rodrigues if they were looking to build a modern building. Mr. Rodrigues said that he would call this a "modern historic blendo" style of building. He said it is historical in terms of proportion, scale and materials and very similar to the buildings on Murphy Avenue. He said behind and above the base the style is a little more modern in the textures. He said the edge of the building is all brick and the material will be historical. Comm. Sulser said that he is concerned about the material and the style being different and that his opinion is that it does not look like it has architectural consistency. Mr. Rodrigues explained the materials and said that the variety will make the project look like it has been built over time. Comm. Sulser commented to the applicants that they have done a good job on the project.

**Comm. Klein** commented that he likes the use of the brick. He says this is the first time he has seen brick wall canopies, and commented that the windows are to be recessed. He asked the applicant to comment about the brick canopies. Mr. Rodrigues said they added the canopies to add a shade and shadow line which can act very similar to recessing the hotel windows. Comm. Klein said that staff recommended recessed windows and said that a standard sill would be more traditional and continues the vision of Murphy Avenue. Comm. Klein asked about the architecture of the parking structure. Mr. Schmitz said that the corner element is a place holder for an ideal opportunity for something special and they just have not gotten to the details yet. Comm. Klein asked why the northeast corner was not given the same focus as the other corner element. Mr. Schmitz said they were not trying to match the corners, and that this is probably an opportunity that can be further explored. Comm. Klein said that he likes the Art Deco style, that he realizes there are architectural issues in trying to merge from Murphy Avenue to the modern architecture of the hotel, and said he still worries about the parking structure and what it will eventually look like.

**Comm. McKenna** commented that she likes the step back created on the corner and that she likes the lobby and pool affect. She said her two major concerns are the individual AC units with the louvers and the environmental graphic panels. She said the environmental graphic panels have the potential of being too busy and if there is lighting at night that could be distracting for nearby residents.

**Chair Rowe** commented that she likes the graphic art and said it could project art and could change. Chair Rowe said the other concern she has is with the towers that project high on the parking garages and said that they are too high and look like jagged teeth. She said her other concern is that she thinks the space between

the entrance to the hotel and the Grill House on the corner does not seem to fit with the rest of the architecture.

**Maria Pan**, a Sunnyvale resident, said she lives two blocks from the site. She said she has a concern about the amendment tonight that would allow an increase in stories from five to six. She said she tried to determine the height of the hotel room floors if the additional floor is allowed yet no additional height is being added to the building and her concern is that there may not be adequate space between the floors to allow hotel guests adequate quiet for rest. Comm. Klein referred to Attachment G, page 29 which indicates that the first floor is 22 feet, and the other stories are 10 feet tall floor to floor. She said she thinks that would be adequate for guests. Ms. Pan commented about the architecture of the hotel indicating that she feels a hotel should be a masterpiece, be more beautiful than the proposal, and asked if the hotel could be detached to stand alone from proposed attached retail and massive parking garage. She said that she thinks separating these uses would provide for greater security and safety for the hotel users. She commented she has some concern about the swimming pool being on top of the retail and said that over time she hopes the pool does not crack.

**Mr. Rodrigues** responded to Ms. Pan's comments and confirmed the heights of the hotel from floor to floor. He said that they have actually broken the parking garage away from the hotel in couple of places. He said that the retail is still connected. Mr. Rodrigues addressed the pool on the roof by referring to another successful local project where a pool has been provided on the roof. Mr. Rodrigues said that they believe the architecture is outstanding and everyone has worked hard to provide good design. He commented that staff and the development team have taken many walk-throughs of Santana Row in San Jose and other projects, looking at materials, textures, what works and does not work, etc. He said they are really trying to make this project better than what they have observed and said he thinks in many ways it will be.

**Chair Rowe closed the public hearing.**

**Comm. McKenna moved with staff recommendation to recommend to City Council alternatives 1,3,6,9, and 12 which approve the following: 1. Specific Plan Amendment and Ordinance to allow an increase in the number of stories from five to six; and 3. Specific Plan Amendment and Ordinance to allow an increase in the allowed sign area and type; and 6. Special Development Permit for Block 6 architecture with the attached findings and conditions of approval; and 9. Special Development Permit to modify condition of approval G11.d.3 to exclude all designated outdoor dining from the 90,000 square foot restaurant limitation with the attached findings; and 12. Special Development Permit to modify condition of approval G11.d.2 to**

remove the 425 seat limitation for any one auditorium in the cinema with the attached findings. Comm. Klein seconded the motion. Comm. Klein offered a friendly amendment to add a condition that the applicant work with staff to redesign the brick canopies on the hotel to provide a more traditional look. Comm. Klein offered a friendly amendment to remove condition A32.4 as it is a duplicate. Comm. Klein offered a friendly amendment to add a condition to redesign the upper level of the northeast corner of the parking garage to have an appropriate design similar to the design of the northwest corner of the parking garage. The three friendly amendments offered by Comm. Klein were acceptable to the maker of the motion.

**Mr. Hom** commented that there was discussion about treating the fifth level differently and asked if this is something the Commission wanted to add. The Commission had no modification to this item. Comm. McKenna said that she wanted to make sure that the amendment and the ordinance that deal with the sign and type will come back to the Planning Commission for review. Ms. Ryan said yes, that the Commission would have opportunity to review and comment about these at a later date.

**Comm. Klein** commented that it has been a long path to complete the Block 6 architecture which is before the Commission tonight. He said he likes the look of the hotel, has some reservations about the parking structure although it is better than it has been. He said he shares some of the same concerns as Comm. McKenna regarding the environmental graphics panels and said he is glad the Commission will have a chance to further review this. He said as far as the other issues related to the project he has made his comments. He said in general a lot of progress has been made from the plans of several years ago. He said he is looking forward to when the project is completed, commenting that he also lives just several blocks away from the project. He said a lot of the details of the project are left in the hands of staff and the Director of Community Development, the Commission is only part of the machine that approves this project, and hopefully in the end this will be a good project.

**Vice Chair Chang** said he would be supporting this motion. He said it is exciting to see this final portion of the project. He talked about some of the challenges and said that the plans look really good and he is very excited to see this when it is finished.

**Chair Rowe** said she had a problem with some of the architecture, that she has commented about her dislike of the spikes on top of the parking structure, and she thinks some of the architecture does not flow like it could. She said she does like the plans proposed tonight a lot better than the previous version reviewed. She noted that the applicant has worked with staff, and encouraged them to continue

to work with staff as the refinements that have been made should make Sunnyvale citizens proud of this downtown. She said the project has a variety of color, texture, and size and encouraged the applicant to continue to work with staff on the architectural issues she has mentioned.

**ACTION: Comm. McKenna made a motion on 2008-0637 to recommend to City Council to approve the following with modifications: the Specific Plan Amendment and Ordinance to allow an increase in the number of stories from five to six; Specific Plan Amendment and Ordinance to allow an increase in the allowed sign area and type; Special Development Permit for Block 6 architecture with the modified findings and conditions of approval; Special Development Permit to modify condition of approval G11.d.3 to exclude all designated outdoor dining from the 90,000 square foot restaurant limitation with the attached findings; Special Development Permit to modify condition of approval G11.d.2 to remove the 425 seat limitation for any one auditorium in the cinema with the attached findings; to add a condition that the applicant work with staff to redesign the brick canopies on the hotel to provide a more traditional look; to remove condition A32.4 (duplicate); and to add a condition to redesign the upper level of the northeast corner of the parking garage to have an appropriate design similar to the design of the northwest corner of the parking garage. Comm. Klein seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the October 21, 2008 City Council meeting.**