

PLANNING COMMISSION MEETING OF JUNE 22, 2009

2008-0399 - Sand Hill Property Company [Applicant] Downtown Sunnyvale North LLC [Owner]: Application for related proposals located at **401 Town & Country** (near W Washington Ave) in a DSP-1a (Downtown Specific Plan-Subdistrict 1a) Zoning District. (APN: 209-07-014); SB

- **Special Development Permit** to allow a mixed-use development comprising two buildings in Blocks A and B of the 'Town and Country Village' project area (located between Capella and W. Washington Ave.) with 280 residential units and approximately 35,000 sq. ft. of retail/commercial uses and preliminary approval of up to 13,378 sq. ft. of retail and 127 dwelling units in Blocks C and D.
- **Tentative Map** subdivide a 4.61-acre of land, bordered by Aries Way, Washington Avenue, Frances Street and approximately 150 feet north of the center line of Capella Way, into 4 lots for condominium purposes for a maximum of 407 residential units and retail uses.

Surachita Bose, Associate Planner, presented the staff report. She discussed the staff recommendation. She provided a clarification to page 5 of the staff report, regarding parking, on the project data table, and said that the total number of "Standard Spaces" proposed should be 371 and not 429, and said under the "Required/Permitted" column of Standard Spaces there is no minimum requirement. She said that overall the project as conditioned meets the purpose and intent of the Downtown Specific Plan (DSP) and staff recommends approval subject to the conditions in Attachment B.

Comm. Klein discussed with staff on-street parking counts and asked staff how a developer can remove City parking on a street and take up more of the block. **Trudi Ryan**, Planning officer, explained that the areas along Capella Way are a combination of parking spaces that are part of the public right-of-way and some that are not, adding that the parking for this proposal is consistent with the DSP vision for Capella Way. **Comm. Klein** asked staff to clarify what decisions the Commission would be making a recommendation on. **Comm. Klein** discussed a condition regarding the sidewalk minimum being 8 feet wide in some places with staff explaining these sections were previously existing and are not required to be changed. **Comm. Klein** discussed with staff the parking calculations for the residential areas.

Comm. Travis expressed his concerns about parking including that the residential portion of the project could take the on-street parking for retail, and that there is a deficiency in parking, though improved from the current situation. Ms. Ryan addressed the concerns including the encouragement to use more mass transit.

Comm. Sulser discussed parking with staff including the City's philosophy on renting parking spaces. Staff agreed that this project is a departure from previous projects due to the location being in the middle of downtown across the street from a Caltrain station. Ms. Bose said the idea is to have mechanisms in place to encourage the use of public transit and to discourage car ownership. Comm. Sulser and staff discussed that these features would be most successful in the downtown area rather than other parts of Sunnyvale, and that there would be a parking management plan.

Comm. Hungerford discussed with staff the pedestrians perspective of the street view. Comm. Hungerford expressed concern about the architecture with staff confirming that the proposal has the general framework of the architectural style and that the Commission could include in the conditions the areas they would like made more interesting. Comm. Hungerford discussed with staff Taaffe Street and that it is more of a zone of transition from the primarily retail area on Washington.

Vice Chair Chang discussed with staff the amount of visitor parking inside the building, the percentage of parking spaces reserved for guest use only, and that there is a clubhouse in each building for the residents.

Chair Rowe discussed with staff that the code does not allow tandem parking stalls to be counted toward the required parking. Chair Rowe discussed with staff that page 15 of the report and the conditions of approval include certain design features required by staff and that the architecture would come back to the Planning Commission for review. Ms. Ryan said that the Commission could suggest guidance to the applicant in the conditions for architectural enhancements that are desired before the applicant returns to public hearing. Chair Rowe discussed with staff the conditions regarding rooftop features, balconies, and other levels of detailing.

Chair Rowe opened the public hearing.

Kelly Snider, applicant with Sand Hill Property Company, provided a PowerPoint presentation discussing the project. She acknowledged the Commission's questions about parking and the architecture. She clarified that Block C is being considered this evening for a Tentative Map and no application is pending for design at this time. She said that they would like some flexibility in the menu of options provided by staff and do not expect to incorporate all the bullet points. Ms. Snider said that in particular they would be addressing three elements, the corner elements, the roofline, and the townhouses individuality. She introduced **Rob Steinberg**, President of Steinberg Architects, to address the three elements. Mr. Steinberg described the architecture and views of the project from different locations on site. He also discussed the high-quality materials intended to be

used, how the project would be viewed by a pedestrian, and the different buildings and features proposed, for both retail and residential. He said much thought has been put into the design and said he appreciates the efforts of staff and the City's design consultant. He said they are proud of what they are presenting tonight and look forward to continuing to work with staff to refine the details.

Comm. Hungerford discussed the streetscape view with Mr. Steinberg and agreed there are things that can be done to make them more interesting.

Comm. Klein discussed with Mr. Steinberg the offsets of the J.P. Morgan building, the 20-foot sidewalks, changes in setbacks, and that the Aires Way corner is very prominent. Mr. Steinberg agreed and said they would continue to address this issue. Comm. Klein asked about residents moving in and said there does not seem to be a place for moving vans or service elevators. Ms. Snider said there are residential elevators and move-ins would be staged with fine detailed property management, adding that the adjacent project in downtown would have the same issues. Comm. Klein discussed with Ms. Snider the aesthetics and location of the parking gates, considering pedestrians and vehicles, discussing possible gate solutions.

Comm. Sulser expressed his concerns about the architecture and the character of Washington Avenue, saying that the architecture seems similar to Mathilda Avenue with the buildings flipped in design, with some variation in colors and detail work. Mr. Steinberg encouraged Comm. Sulser to look at the architecture from the pedestrian scale and the retail can be customized one story. He explained details and features that make the buildings similar and also different.

Chair Rowe confirmed with Mr. Steinberg that the "high levels of architectural detail for pedestrian interest" mentioned on page of 8 of the report are many of the features that have been discussed this evening. Chair Rowe commented that she has a problem with the look of the garage door, and discussed security gates with staff. Mr. Steinberg commented that there is a conflict between the pedestrian experience and safety experience and the need to be careful balancing these two items. Chair Rowe discussed the proposed sculpture, sidewalks that are taken up with benches or trees, material treatments on the exterior, awnings and replacement, and that the developer would work with staff and consultants to determine the correct choices for designs to refine the architecture. Ms. Ryan said that the staff recommendations in the conditions are a menu and that the applicant's comments are consistent with what staff is recommending.

Comm. Klein discussed traffic issues with staff.

Dr. Gary Gold, a longtime optometrist in the downtown area, expressed his concern about the deficit parking in the area, adding that this area is not a mass transit friendly environment yet. He said this is an opportunity to make the parking right. He commented that construction in the area also affects deficit parking and it hurt the merchants. He said it is the duty of government to facilitate infrastructure and that should be the goal here by providing adequate parking.

Joel Wyrick, Executive Director of the Sunnyvale Downtown Association (SDA) said that Sand Hill has been sensitive to many of the downtown's issues and the only issue he has with this project is the parking deficit. He said Sunnyvale has this opportunity to rebuild the downtown and having adequate parking can give Sunnyvale an edge over other downtowns making it a desired destination point.

Anne Dugan, resident and business owner in the downtown area and a member of the SDA, said she agrees with Dr. Gold, and that her patients have said they only come to Sunnyvale to see her, and not to shop, due to the difficult parking situation. She said we need our downtown parking and this is the opportunity to do it right. She said she hopes this becomes a mass transit area, but said we are not there yet and we need a realistic parking plan.

Joe Antuzzi, owner of il postale Restaurant, Chairman of the SDA and Chairman of the Downtown Specific Plan committee when it was created, said we cannot allow the parking deficiency. He said he supports mass transit, but we are not going to force people out of their cars. He discussed parking for apartments and that the rules should be followed. He said he thinks the project is great, that the project would take years to build, and this is the chance to not under-park downtown.

Andy Kasik, a downtown property owner, said he developed one of the first mixed-use buildings in downtown, 30 years ago. He requested this proposal be tabled until there are plans for the whole block, as he is concerned about Building D, adjacent to his property. He discussed concerns about drainage, solar access, garbage, and parking. He said there is the ability to supply adequate parking.

Comm. Sulser asked Mr. Kasik to discuss the parking ratio for his mixed-use development. He said he has 20 units and 20 parking spaces with parking overflow into the parking district which he pays for. He said residents in the units have two cars.

Nick Gera, a business owners and member of SDA, said that most everyone in the downtown area is in favor of the project except for the parking. He asked about a contingency plan if parking is not working and asked about parking ratios

in other cities where parking is working. He said we need to do a good job on this project.

Ms. Snider addressed parking issues brought up by the public providing parking ratios and standards in different developments of Sunnyvale.

Comm. Sulser asked if adding another level of parking is feasible with Ms. Snider explaining that it is not feasible due to building codes and the number of levels with wood frame. Ms. Snider clarified that the two different parking issues are the retail deficiency and the proposed residential parking.

Comm. Hungerford discussed digging down a level to add parking with Ms. Snider saying it is, technically possible, and not feasible from a cost perspective.

Chair Rowe closed the public hearing.

Comm. Klein discussed with staff parking ratios from Block 18 in the Downtown mixed-use area.

Comm. Sulser discussed with staff the parking district, how surrounding businesses and residential units pay towards maintenance, and that any development with a deficiency of parking pays toward the parking district maintenance. Ms. Ryan said this project would be part of the parking district for the retail component.

Comm. Hungerford clarified the parking deficiency with staff.

Comm. Sulser moved for Alternative 1 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions. The motion failed for lack of a second.

Comm. Klein asked staff what the options are, other than denying the application, if he thinks there is not enough information in front of him to make a decision. Ms. Ryan commented the Commission could continue the application with a request for additional information and that the Commission may wish to reopen the public hearing to discuss the continuance with the applicant. Comm. Klein said that this project will have to come back to the Planning Commission for consideration of the architecture and that tonight the Commission is making a decision on portions of this project, including the parking impacts. He said he is worried that the Commission is trying to approve something without adequate information on the project. He said some of the problems with the project can be fixed, including the street parking and the interior parking, however not tonight. Ms. Ryan said that the Commission should look at the plan and determine if it is consistent with the DSP.

Ms. Ryan said the amount of parking for the residential can be modified if Commission decides it needs to be modified discussing the options.

Chuck Hungerford discussed with staff how the relative parking shortages for residential versus retail is analyzed with staff referring to the parking analysis in Table 7 on page 14 of the report.

Comm. Klein discussed the square footage of retail and what is allowed by the DSP.

Vice Chair Chang asked staff if the Commission could work on the parking issues at the next meeting. Ms. Ryan said that she thinks that the parking needs to be considered tonight.

Chair Rowe discussed with staff how the public could be kept from using the guest parking spaces with staff saying the parking would be administered by the property management company.

Comm. Klein moved for Alternative 4, to deny the Special Development Permit and Tentative Map application. Comm. Travis seconded the motion.

Comm. Klein said that with hesitancy he denies this application and that the issues with parking are the basic problem here. He said he is concerned about the impact on neighborhood, whether the parking numbers are correct, the loss of street parking, and the ongoing deficiencies in residential parking. He said he is happy the applicant is trying to look at alternative transportation. He said he thinks the parking issues will cause problems, the architecture is not complete, and that the Planning Commission is seeing this application too soon. He said that he still has questions on traffic flow and pedestrian traffic flow, adding that bike parking for the residential would need to be added to the conditions. He said he agrees with Comm. Sulser that the architecture of the buildings is too similar. Comm. Klein said he thinks there are a multitude of problems, the affects of the project are too great, and some issues could be mediated.

Comm. Travis said he likes this project and thinks this would be a nice addition to the downtown once some of the major hurdles are addressed, specifically the parking deficiency in retail and residential. He said he is concerned about the sidewalk widths in certain places and feels this project came to the Commission too soon.

Comm. Hungerford said he would be supporting the motion. He encouraged the applicant to come back to the Commission with architectural changes as follow-up

to the discussion this evening, and with some additional parking. He said he does not know how much additional parking, however some is needed.

Comm. Sulser said he made the original motion to approve the project which masks his ambivalence about this project. He said he is not as concerned as his colleagues about the parking as there is a parking management plan and the applicant would have to be a part of a parking district. He said he is concerned about what the Commission was asked to approve tonight in terms of the design and architecture and for that reason he will probably be supporting the motion.

Vice Chair Chang said he would be supporting the motion, not whole-heartedly, however there is too much additional information still needed, both parking and architecture. He encouraged the applicant to continue to work with staff and that next time around should have a better result.

Chair Rowe said she would be supporting the motion. She said the mass transit access is not fully available at this time so cars will be a problem, that she is concerned that the sidewalks are too narrow in some places, that the architecture is too angular, and that she has the same concerns as her fellow commissioners with the parking.

ACTION: Comm. Klein made a motion on 2008-0399 to deny the Special Development Permit and Tentative Map application. Comm. Travis seconded. Motion carried 6-0, with Comm. McKenna absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 7, 2009.