



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, February 27, 2017

6:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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

### 6 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

A. [17-0256](#)

**File #:** 2016-7898

**Location:** 830 E. El Camino Real (APN: 211-25-046)

**Zoning:** C2-ECR

**Proposed Project:** Related applications on a 2.56-acre site:

**SPECIAL DEVELOPMENT PERMIT AND ENVIRONMENTAL ASSESSMENT:** to allow demolition of an existing single story restaurant (Crazy Buffet) and construction a new 127-unit, four-story hotel with underground parking garage and associated site improvements.

**Applicant / Owner:** Sunnyvale HHG Hotel Development, LP

**Environmental Review:** Mitigated/Negative Declaration

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

B. [17-0255](#)

**File #:** 2015-8059

**Location:** 669-673 Old San Francisco Road (APNs: 209-17-050 & 051)

**Zoning:** R-0 (Low Density Residential)

**Proposed Project:**

**REZONE** from R-0 to R-3/PD,

**SPECIAL DEVELOPMENT PERMIT** for the construction of six three-story attached townhouse units, and

**VESTING TENTATIVE MAP** to subdivide two lots into six townhouse lots and one common lot.

**Applicant / Owner:** Innovative Concepts / George Nejat

**Environmental Review:** Mitigated Negative Declaration

**Project Planner:** Ryan Kuchenig, (408) 730-7431,  
rkuchenig@sunnyvale.ca.gov

**Public Comment on Study Session Agenda Items**

**Adjourn Study Session**

**7 P.M. PLANNING COMMISSION MEETING**

**CALL TO ORDER**

Chair Harrison called the meeting to order at 7:01 PM in the Council Chambers.

**SALUTE TO THE FLAG**

Chair Harrison led the salute to the flag.

**ROLL CALL**

- Present:** 5 - Chair Sue Harrison  
Vice Chair Ken Rheaume  
Commissioner John Howe  
Commissioner Ken Olevson  
Commissioner David Simons
- Absent:** 1 - Commissioner Carol Weiss

Status of absence; Commissioner Weiss's absence is excused.

**ORAL COMMUNICATIONS**

None.

**CONSENT CALENDAR**

Commissioner Howe moved and Commissioner Simons seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

- Yes:** 5 - Chair Harrison  
Vice Chair Rheaume  
Commissioner Howe  
Commissioner Olevson  
Commissioner Simons
- No:** 0
- Absent:** 1 - Commissioner Weiss

**1. A**     [17-0213](#)     Approve Planning Commission Meeting Minutes of January 23, 2017  
Approve Planning Commission Meeting Minutes of January 23, 2017 as submitted.

**1. B**     [17-0127](#)     **File #:** 2016-7977  
**Location:** 813 Ladis Court (APN: 213-22-054)  
**Zoning:** R-0 Low Density Residential  
**Proposed Project:**  
      **DESIGN REVIEW:** To allow a 109 square foot addition and 52 square foot front porch entry to a previously approved two-story home resulting in 4,099 square feet and 39% FAR (Floor Area ratio).  
**Applicant / Owner:** LPMD Architects (applicant) / Otto Lee (owner)  
**Environmental Review:** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.  
**Project Planner:** Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

*Due to lack of a quorum of the Planning Commission on February 13, 2017, this item was rescheduled to the Planning Commission hearing of February 27th, 2017.*

Recommend Alternative 1 to approve the Design Review based on the Finding in Attachment 4 and with the recommended Conditions in Attachment 5.

**1. C**     [17-0248](#)     Requested continuation to March 6, 2017 regarding a recommendation to the City Council to adopt an Ordinance to Amend Section 19.38.040 and Section 19.12.130 (“L”) of Chapter 19.12 (Definition), of the Sunnyvale Municipal Code related to Individual Lockable Storage Requirements for Multi-Family Housing Study Issue (2016-1128), and Find that the Action is Exempt from CEQA.

Staff recommends this item be continued to the Planning Commission hearing on March 6, 2017 to better balance the agenda.

**1. D**     [17-0249](#)     Requested continuation to March 6, 2017 regarding a **PEERY PARK PLAN REVIEW PERMIT** to construct a 207,620-square foot, four-story corporate/research and development (R&D) office building and a 7-level, partially underground parking structure with attached ground floor retail of up to 4,000 square feet on a 4.4-acre site located at 520 Almanor Avenue (APNs 165-43-016, -017 and -018) resulting in a total of 110% FAR.

Staff recommends this item be continued to the Planning Commission hearing on March 6, 2017 to better balance the agenda.

**1. E**     [17-0098](#)     Amend the Action Taken on the Planning Commission Meeting

Minutes of December 5, 2016 to Correct a Clerical Error

Amend the action taken on the Planning Commission Minutes of December 5, 2016.

## **PUBLIC HEARINGS/GENERAL BUSINESS**

2. [17-0143](#)

**File #:** 2016-7384

**Location:** 1092 Rembrandt Drive (APN:211-29-010)

**Zoning:** R-0

**Proposed Project:**

**DESIGN REVIEW:** To allow an addition of 1,129 square feet (276 s.f. at first floor and a new 853 s.f. second story) to an existing 2,129 square foot one-story single family home resulting in a total of a 3,258-square foot two-story home (2,782 s.f. living area, 443 s.f. garage and 33 s.f. front porch) resulting in 54% FAR (Floor Area Ratio).

**Applicant / Owner:** GP Residential Designs / Madhusudan Kashyap

**Environmental Review:** A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions include construction or conversion of new small structures that includes one single-family residence (CEQA Section 15303).

**Project Planner:** Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

*Due to lack of a quorum of the Planning Commission on February 13, 2017, this item was rescheduled to the Planning Commission hearing of February 27th, 2017.*

Principal Planner Gerri Caruso presented the staff report.

Commissioner Olevson confirmed with Principal Planner Caruso that the proposed project meets all zoning requirements and that projects which exceed the 45% Floor Area Ratio (FAR) trigger a review by the Planning Commission.

Commissioner Simons asked staff if the ceramic stonework at the base could wrap around to the back fence. Principal Planner Caruso Gerri stated that this was not incorporated as a Condition of Approval (COA) but could be added by the Planning Commission.

Vice Chair Rheaume confirmed with Principal Planner Caruso that there were no requested variances or deviations for the proposed project.

Commissioner Olevson noted that COA PS-1b states that the driveway to the garage shall meet the minimum dimension of 17 feet and asked staff if the driveway

currently meets that requirement. Principal Planner Caruso stated that the project meets the 20-foot setback which means the driveway meets that requirement.

Chair Harrison asked staff to explain the difference between a deviation and variance and advise what triggers a review by the Planning Commission. Principal Planner Caruso advised that deviations are only used with Special Development Permits (SDP's) and that a variance is a request for an exception to a code requirement. Principal Planner Caruso noted that the Planning Commission would have to make specialized findings for a variance. Principal Planner Caruso explained that the 45% FAR is a threshold where if a project is under 45% FAR then review is conducted at staff level, but if a project exceeds 45% FAR then it must be reviewed by the Planning Commission. Principal Planner Caruso noted this doesn't mean a project can't exceed 45% FAR.

Chair Harrison asked for staff comments on the standard fees that an applicant would pay and how this relates to pay for Planning Commissioners. Principal Planner Caruso advised that an applicant pays a fee of several hundred dollars to have their project considered and that the Planning Commission is not a paid body.

Chair Harrison asked staff how the Design Guidelines address different styles. Principal Planner Caruso stated that the Design Guidelines don't dictate one style but give different techniques to utilize. Principal Planner Caruso advised that each specific neighborhood setting is considered when determining an appropriate style for a project.

Chair Harrison opened the Public Hearing.

Applicant Madhusudan Kashyap presented images and information about the proposed project.

Commissioner Simons asked the applicant if they would be agreeable if the Planning Commission added a requirement that the stonework at the base go back to the side fences and Mr. Kashyap agreed.

Commissioner Simons asked if the garage would have frosted glass and Mr. Kashyap advised there are no windows in the garage door.

Commissioner Simons commented that the section of roof near the entryway is complicated due to the Valleys and this indicates there may be some future roofing issues.

Architect Guillermo Prado noted that the stonework would wrap around three feet and Commissioner Simons asked if the fence started at the end of that three-foot distance. Mr. Kashyap advised the fence was a couple of feet from the front wall. Commissioner Simons confirmed with Mr. Prado and Mr. Kashyap that a COA could be added to have the stonework go back to the fence.

Mr. Prado noted that to keep the existing roof towards the front of the garage it's necessary to have a Valley.

Commissioner Simons confirmed with Mr. Prado that the rest of the exterior molding would be changed to painted foam.

Mr. Kashyap noted that the driveway does meet the requirements per Commissioner Olevson's earlier question.

Hinkmond Wong, Sunnyvale resident, discussed his concerns with privacy due to the proposed project and noted there is a difference in street elevations between Rembrandt Drive and Robbia Drive.

Chair Harrison clarified with Mr. Wong that his property is diagonally adjacent to the proposed project.

Chair Harrison commented that the minimum rear required setback feet is 20 feet and that this project will be 31 feet 1-inch at the second story. Mr. Wong advised there is still concern due to the height differential and that the bulk of the addition will be towards the back of the property.

Mr. Prado advised that only two windows face the rear and the sides have high windows to mitigate privacy concerns.

Commissioner Howe asked staff to highlight items in the COA which ensure the privacy of the neighbors, specifically those behind the property. Principal Planner Caruso commented that COA PS-1 states that all second story windows not required for egress purposes will have a higher sill to minimize the privacy impact of neighboring properties.

Commissioner Howe asked staff if they have visited the property and Principal Planner Caruso explained that she is not the project planner and had not conducted a visit. Commissioner Howe asked staff if they knew of a six-and-a-half-foot difference between the street elevations. Principal Planner Caruso stated this was unknown and Planning Officer Andrew Miner stated this

couldn't be determined from Google Earth images.

Commissioner Simons asked staff if there was discussion about requiring any separation trees in the backyard for the view lines. Principal Planner Caruso advised this was not part of the discussion with the project planner. Planning Officer Miner noted that this project has a substantial setback and that while separation trees are not typically required, this could be added by the Planning Commission.

Chair Harrison closed the Public Hearing.

**MOTION:** Commissioner Olevson and Commissioner Rheume seconded the motion for Alternative 1 - approve the Design Review subject to recommended conditions of approval in Attachment 4.

Commissioner Olevson stated that there are always privacy concerns with a new or larger home but with this project the applicant has done a fine job meeting the City's requirements and as such the project should be approved.

Vice Chair Rheume stated that the applicant isn't asking for any variations and has followed all the guidelines. Vice Chair Rheume commented that the second story has been nicely integrated into the first story. Vice Chair Rheume reiterated that the 45% FAR is a trigger for Planning Commission review and doesn't mean that the applicant is asking for more than they're entitled to.

**FRIENDLY AMENDMENT:** Commissioner Simons offered a friendly amendment that the stonework wrap around to meet the side fences. Commissioner Olevson and Commissioner Rheume accepted.

Commissioner Simons commented that this project is more integrated and looks almost as if it were designed for today. Commissioner Simons noted that the guidelines were incorporated to minimize privacy issues. Commissioner Simons stated that he can make the findings and will be supporting the motion.

Chair Harrison stated that there are no requested variances and that the project meets the Single-Family Design Guidelines. Chair Harrison stated that she can make the findings and will be supporting the motion.

The motion carried by the following vote:

**Yes:** 5 - Chair Harrison  
 Vice Chair Rheaume  
 Commissioner Howe  
 Commissioner Olevson  
 Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Weiss

Planning Officer Miner stated this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

- 3. [17-0058](#) **File #:** 2016-7685  
**Location:** 484 East Duane Avenue (APN: 204-15-015)  
**Zoning:** R-0  
**Proposed Project:** APPEAL by the applicant of the Zoning Administrator's decision to deny a Variance for 5 feet 8-inch fence where a maximum 3 feet 6-inch high fence is allowed within the corner and driveway vision triangle areas.  
**Applicant / Owner:** Treeium Inc (applicant) / Ernst and Lucy Mahnel (owner)  
**Environmental Review:** A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA). Class 3 Categorical Exemptions includes construction of new accessory structures including fences (CEQA Section 15303 (e)).  
**Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Planning Officer Andrew Miner presented the staff report.

Commissioner Howe confirmed with Principal Planner Caruso that the fence is located within both the driveway and corner vision triangles.

Vice Chair Rheaume noted that on page two of the Zoning Administrator Hearing Minutes (Attachment 5) it is noted that the vision was not blocked. Principal Planner Caruso advised that while she personally felt the vision was not blocked, staff relied on the Department of Public Works Transportation and Traffic Division's recommendation, who determined it did violate the corner vision triangle. Vice Chair Rheaume confirmed with Principal Planner Caruso that the driveway vision triangle hadn't been tested by staff.

Commissioner Olevson asked staff what the height is for the solid part of the fence. Planning Officer Miner asked to continue with questions and that staff would provide this information later during this item. Commissioner Olevson questioned if the fence would be conforming if the height was lowered to the smaller portion.

Chair Harrison opened the Public Hearing.

Applicant Yani Dov, representing Treeium Inc., presented information about the proposed project.

Commissioner Simons confirmed with Yani Dov that the fence was built without a permit. Commissioner Simons stated that there are restrictions for the location of fences and that in this instance, additional height may not give extra safety since the posts are already wide. Commissioner Simons stated that this doesn't meet the requirements for a variance and this corner lot is similar to almost every other corner lot.

Planning Officer Miner returned to Commissioner Olevson's earlier question and advised that the solid structure is roughly three feet in height, with a maximum height at 5 feet 8-inches and the posts are two feet wide, though they shouldn't be more than 12 inches to be considered an open fence. Planning Officer Miner noted the concern is the two-foot-wide posts and the greater height throughout, since 4 feet 6-inches is the maximum height allowed for an open fence.

Cathi Switzer, Sunnyvale resident, spoke in opposition of granting a variance for the project and noted that this is an unusual intersection because of the curvature of Duane Avenue.

Chair Harrison closed the Public Hearing.

Vice Chair Rheaume asked for staff comments on variance requirements, noting that Duane Avenue does not have a complete perpendicular block and curves into the owner's property. Planning Officer Miner advised that staff defers to the Department of Public Works Transportation and Traffic Division, who does not recommend this variance because of concern for the vision triangle. Senior Assistant City Attorney Rebecca Moon commented that one of the findings for granting a variance is that it won't be injurious to public welfare or property – if a variance conflicts with a safety requirement then you can't make the finding.

Commissioner Simons asked staff to explain what changes would occur should the Planning Commission accept staff's recommendation. Planning Officer Miner advised that the towers would have to be reduced in height, though the height of the brick portion would remain and clarified that the whole fence is not in conflict with the ordinance.

Commissioner Howe commented that on page two of the staff report it is noted that open fences are exempt from vision triangle requirements and asked staff if the solid portion at 3 feet 1 inch meets the requirement of an open fence. Planning Officer Miner advised that once the fence height exceeds 3 feet 6-inches then it must be an open fence and the existing posts make this a solid fence.

Chair Harrison confirmed with Planning Officer Miner that if the height of the posts were reduced to 3 feet 6-inches then it would meet the vision triangle requirements. Planning Officer Miner clarified that the posts can exist within ten feet of the driveway.

MOTION: Commissioner Howe and Commissioner Simons seconded the motion for Alternative 1 – find that the action is exempt from CEQA pursuant to CEQA Guidelines 15303, deny the appeal and deny the Variance.

Commissioner Howe stated that this project doesn't have exceptional circumstances and he can't make the finding that the variance wouldn't impact public welfare and safety. Commissioner Howe stated that the variance should be denied and the decision of the Zoning Administrator upheld.

Commissioner Simons commented that the safety issue could be met by reducing the post height which should still mitigate the owner's concerns about protecting their home from approaching cars. Commissioner Simons noted he will be supporting the motion.

Commissioner Olevson stated that he will be supporting the motion and empathizes with the applicant's concern for safety. Commissioner Olevson noted there are alternatives to the as built condition that will meet City requirements and provide safety for the applicant. Commissioner Olevson commented that hopefully the applicant returns with a permit application that meets City requirements.

Vice Chair Rheume stated that he will be supporting the motion and that there are ways to achieve privacy and security for the appellant with slight modifications. Vice Chair Rheume commented that before building it is important to determine what is permitted and allowed.

The motion carried by the following vote:

**Yes:** 5 - Chair Harrison  
 Vice Chair Rheaume  
 Commissioner Howe  
 Commissioner Olevson  
 Commissioner Simons

**No:** 0

**Absent:** 1 - Commissioner Weiss

Planning Officer Miner stated this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

- 4. [17-0144](#) **File #:** 2015-7807  
**Location:** 345 Carroll Street (APN: 209-25-016)  
**Zoning:** DSP 8b  
**Proposed Project:**  
**DESIGN REVIEW:** To allow construction of a new 4,188 square foot, two-story single-family home (2,207 sq. ft. first level; 1,418 sq. ft. second level; 424 sq. ft. garage; 139 sq. ft. covered front porch) resulting in 52.2% FAR. The proposal also includes a 2,240-square foot basement. The existing house will be demolished and existing detached Accessory Structure (1,100 s.f.) that contains an Accessory Dwelling Unit (700 s.f.) and a two-car garage (400 s.f.) will continue to remain.  
**Applicant / Owner:** Jenny Kwong / Jenny Kwong  
**Environmental Review:** **Environmental Review:** A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions include construction or conversion of new small structures that includes one single-family residence (CEQA Section 15303).  
**Project Planner:** Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

*Due to lack of a quorum of the Planning Commission on February 13, 2017, this item was rescheduled to the Planning Commission hearing of February 27, 2017.*

Principal Planner Gerri Caruso presented the staff report.

Planning Officer Miner commented on a correction to the staff report, noted by Commissioner Olevson via e-mail, which pertains to BP-4c, BP-4d and BP-4e. Planning Officer Miner advised that these conditions don't apply to residential projects and wouldn't be enforced when the applicant receives a permit, but that the Planning Commission can remove these conditions.

Commissioner Olevson asked why COA GC-4 prevents the applicant from

expanding the accessory unit. Principal Planner Caruso stated that this condition exists as a reminder that the accessory unit must be kept at 700 square feet or less.

Commissioner Olevson asked staff if the accessory living unit meets all current setback requirements and if it is non-conforming or legal non-conforming. Principal Planner Caruso stated most likely it is legal and meets the current requirements. Principal Planner Caruso explained that it follows the R-0 standard which allows as close as four feet to the side and ten feet to the rear, provided that it doesn't exceed 25% of the rear yard.

Vice Chair Rheame asked staff if there were any COA that ask the Planning Commission to remove the park strip and add trees. Principal Planner Caruso stated that it's the public right of way and normally the Department of Public Works (DPW) would include those conditions but as it's a single-family home, it may not have been routed to DPW. Vice Chair Rheame asked if this could be added as a COA and Principal Planner Caruso confirmed, noting that this addition would require approval from the DPW.

Commissioner Simons clarified with Principal Planner Caruso that the side door after the first window could be a logical place to stop the façade on the driveway side of the house.

Commissioner Simons commented that there are multiple design elements and asked if staff was describing the project as contemporary Mediterranean. Principal Planner Caruso noted that the forms are contemporary and the decorative elements are Spanish.

Chair Harrison opened the Public Hearing.

The applicant was present but not required to speak during the Public Hearing.

Chair Harrison closed the Public Hearing.

MOTION: Vice Chair Rheame and Commissioner Simons seconded the motion for Alternative 2 – make the Findings and approve the Design Review subject to modified Conditions of Approval –

1. Add street trees to the park strip to add a buffer between the street and house

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to

include that the lower brick façade meets the fence on the right-hand side and on the left-hand side goes back to the wooden door.

Vice Chair Rheume and Commissioner Simons discussed two scenarios - where the façade would have a natural ending on each side or both sides would match in length.

Vice Chair Rheume respectfully declined the friendly amendment.

Planning Officer Miner clarified that Commissioner Simons' goal was to have the siding end on the right side at a logical location with the fence and on the other side run further down the driveway due to the increased visibility. Principal Planner Caruso commented that in reviewing the right-side elevation east of the site plan, there is a small bathroom window in the middle of the right-side elevation that is an equivalent distance to the door on the left side.

**FRIENDLY AMENDMENT:** Commissioner Simons offered a friendly amendment to include that the lower brick façade meets the bathroom window on the right-hand side and on the left-hand side goes back to the wooden door. Vice Chair Rheume accepted.

Vice Chair Rheume noted that this project meets all setback requirements and it has been a pleasure working with staff on all the projects this evening. Vice Chair Rheume commented that the applicant gets to take advantage of their lot size and that it will be a nice addition to the neighborhood. Vice Chair Rheume thanked the applicant for investing in the community and stated he can make the findings.

Commissioner Simons stated that homes with wraparound architecture look nicer and it's a good time to approach this at the start of the project. Commissioner Simons commented that the project has interesting, contemporary architecture and that he will be supporting the motion.

The motion carried by the following vote:

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

**No: 0**

**Absent: 1 -** Commissioner Weiss

Planning Officer Miner stated this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

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

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

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

Commissioner Simons advised that he is a Caltrans representative for district four, which is the only Pedestrian Advisory Committee for the state of California. Commissioner Simons stated that the rules on roundabouts are being reviewed and should any Commissioner want to be involved, they can contact staff to get in touch.

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

Planning Officer Miner thanked Principal Planner Caruso for covering the past two Planning Commissioner meetings. Planning Officer Miner commented that City Council approved two Single Story Combining Districts on January 24th and that second hearings on other items have been heard.

Planning Officer Miner advised that March 6th is a special meeting for the Planning Commission but that additional special meetings are not anticipated.

Planning Officer Miner stated that next week interviews will take place for the Boards and Commissions and that hopefully the seventh member of the Planning Commission will be selected soon.

### **ADJOURNMENT**

Chair Harrison adjourned the meeting at 8:24 PM.