



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, November 25, 2019

6:00 PM

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

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

6:00 PM STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

A. [19-1208](#)

Proposed Project: Related applications on a 0.80-acre site:

REZONE: To extend PD Combining District boundary to include the Columbia Avenue parcels that provide a combined area of 0.64-acres.

SPECIAL DEVELOPMENT PERMIT: To allow demolition of existing residential structures and construction of 18-unit residential subdivision consisting of three story townhomes and associated site improvements. The project requests deviations from SMC 19.48.030, which requires a 26-foot distance between three-story buildings and SMC 19.38.030 (K) which requires recycling and solid waste enclosures shall be located within one hundred fifty feet from any dwelling unit.

VESTING TENTATIVE MAP: To create 18 residential lots and one common area lot.

Location: 475 N. Fair Oaks and 585 to 595 Columbia Ave.

File #: 2019-7415

Zoning: R-3-PD and R-3

Applicant / Owner: ADL 11 LLC (applicant) / Henry E Shepherd Trustee and Chung Tai Intl Chan Buddhist Assn (owner)

Environmental Review: Class 32 Categorical Exemption (Infill Development)

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

B. [19-1218](#)

Sea Level Rise Information Presented by the San Francisco Estuary Institute

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

7:00 PM PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:06 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

- Present:** 6 - Chair Daniel Howard
Commissioner John Howe
Commissioner Sue Harrison
Commissioner Ken Olevson
Commissioner Ken Rheaume
Vice Chair David Simons
- Absent:** 1 - Commissioner Carol Weiss

Commissioner Weiss's absence is excused.

ORAL COMMUNICATIONS

CONSENT CALENDAR

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

The motion carried by the following vote:

- Yes:** 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Olevson
Commissioner Rheaume
Vice Chair Simons

No: 0

Absent: 1 - Commissioner Weiss

1.A [19-1239](#) Approve Planning Commission Meeting Minutes of November 11, 2019

PUBLIC HEARINGS/GENERAL BUSINESS

2. [19-1067](#)

Proposed Project:

USE PERMIT: to allow lot area and lot width less than the minimum required.

DESIGN REVIEW: for two new two-story single family homes (2,034 square feet and 1,834 square feet) resulting in overall floor area ratio (FAR) of 53.2%.

TENTATIVE PARCEL MAP: to subdivide one lot into two lots.

Location: 505 E. McKinley Avenue (APN: 209-12-038)

File #: 2018-7946

Zoning: R-2

Applicant / Owner: 505 E. McKinley LLC (owner/applicant)

Environmental Review: A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report.

Commissioner Rheume asked staff to clarify what trees are planned for removal. Associate Planner Cha referenced the landscape plan in Attachment 6 and stated that the tree in front of Unit 2 would be removed, the tree in between the lot lines would be removed and replaced, two trees would remain, and two new trees are planned for along Central Avenue. Commissioner Rheume confirmed with Associate Planner Cha that a standard Condition of Approval would protect the large Redwood tree close to Unit 2 even though it is located on a different property.

Vice Chair Simons asked staff why the roof design uses multiple materials. Associate Planner Cha and Principal Planner Noren Caliva-Lepe stated that staff recommended the element because modern farmhouse architectural style incorporates various materials and cited the recent Corn Palace project as an example. Vice Chair Simons confirmed with Principal Planner Caliva-Lepe that a potential condition can address asphalt roofing specifications to ensure that the material provides more dimension and visual interest. He commented that the planned landscaping looks ornamental and flat and the second story appears disproportionately prominent. Principal Planner Caliva-Lepe answered that staff believes the wall mass is reduced with the smaller gables on the second story.

Commissioner Olevson stated his concern that one of the proposed lots would be less than 3,600 square feet. Principal Planner Caliva-Lepe stated that the overall site meets the density requirement of no more than one unit per 3,600 square feet and that individual lot sizes can vary with a Use Permit.

Chair Howard opened the Public Hearing.

Samir Sharma, representing applicant and owner 505 E. McKinley LLC, presented information about the proposed project.

Commissioner Rheaume confirmed with Mr. Sharma that the roofing material can be changed to all metal and that casement windows with divided lights and exterior grids can be used throughout. Mr. Sharma distributed an image of a garage door that closely resembles the one depicted in the renderings. Commissioner Rheaume stated that the proposed landscaping appears sparse and Mr. Sharma responded that they are open to suggestions for plantings in areas where they are not restricted.

Vice Chair Simons confirmed with Associate Planner Cha that the image of the garage door distributed corresponds to style SY-SW-8L-3CR-GL in Attachment 8. He commented that the landscaping plan lacks trees, that he is less concerned with the prominent second-story façade if a motion passes that requires the roofs to be all metal, and confirmed with Mr. Sharma that they are amenable to a condition that specifies asphalt type if the roofing materials remain as proposed.

Commissioner Harrison confirmed with Mr. Sharma that a black metal roof meets Cool Roof specifications.

Chair Howard confirmed with Mr. Sharma that not visible in the renderings are two new trees along Central Avenue, one new tree in between the driveways, and one existing tree in front of Unit 1, all in the park strip.

Commissioner Howe and Chair Howard announced that the material boards are available for the public to view.

Richard Mehlinger, Chair of the Bicycle and Pedestrian Advisory Commission speaking on his own behalf, urged the Commission to consider changes to the zoning code so that R-2 zoning is more conducive to multi-family housing.

Vice Chair Simons confirmed with Mr. Sharma they are agreeable to adding color to the concrete in the front yards if required.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Rheume moved and Vice Chair Simons seconded the motion for Alternative 2 - Approve the Use Permit, Design Review, and the Tentative Parcel Map with the following modified conditions of approval:

1. The roofing material must all be metal;
2. All windows must be installed as shown in the renderings and material samples, including casement windows with divided lights, exterior grids and colored trims; and
3. Applicant must work with staff to consider colored concrete in the front yards.

FRIENDLY AMENDMENT: Vice Chair Simons offered a friendly amendment to specify that the trees to be added according to the landscaping plan must be native, large at maturity, and provide long-term shade. Commissioner Rheume accepted the friendly amendment.

FRIENDLY AMENDMENT: Chair Howard offered a friendly amendment to specify that the motion include the Recommended Conditions of Approval in Attachment 4. Vice Chair Simons and Commissioner Rheume accepted the friendly amendment.

Commissioner Rheume thanked staff and the applicant for their work on the proposed project. He stated that it is a nice, quality design that would be a valuable addition to the neighborhood and that he is pleased that it provides more housing nearby transit and promotes home ownership, urging the Commissioners to support the motion.

Vice Chair Simons thanked the applicant for providing the material boards because it helped him more easily determine the suitability of the materials for the proposed project. He stated that the property would enhance the area and that he prefers more landscaping to positively contribute to the neighborhood. He commented that he will support the motion and believes that the proposed conditions would be useful improvements to the property.

Commissioner Olevson stated that he can make the findings and cannot find a reason not to support the proposed project, adding that he believes it would be

attractive when completed and that he will support the motion.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Olevson
Commissioner Rheaume
Vice Chair Simons

No: 0

Absent: 1 - Commissioner Weiss

Principal Planner Caliva-Lepe stated that this action is final unless appealed or called up for review by the City Council within 15 days.

3. [19-1076](#) Forward a Recommendation to the City Council to adopt an Urgency Interim Ordinance and to Introduce an Ordinance Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units and Find that the Action is Exempt from the California Environmental Quality Act

Principal Planner Amber Blizinski presented the staff report.

Senior Assistant City Attorney Rebecca Moon clarified a recent change to the proposed ordinance explaining that if the City has a compliant Accessory Dwelling Unit (ADU) ordinance then it is not subject to automatic permit approvals after 60 days.

Commissioner Harrison asked staff how the proposed ordinance is more restrictive than the State legislation. Principal Planner Blizinski and Senior Assistant City Attorney Moon responded that the ordinance proposes restricting ADUs to a maximum of 1,000 square feet, that the City is electing not to enact a portion of a State bill that may allow the separate sale of an ADU if built as an affordable unit under specific criteria, and that it is also preventing ADUs with building permit issuance on or after January 1, 2020 the ability to be used as short-term rentals. Commissioner Harrison confirmed with Principal Planner Blizinski that Junior Accessory Dwelling Units are not required to have fire-rated separation because they are not considered separate units under the Building and Fire Codes. She also confirmed with staff that the proposed ordinance tailors the State legislation to

Sunnyvale and that it might require revision later.

Commissioner Rheume asked for clarification on ADU owner-occupancy restrictions. Senior Assistant City Attorney Moon stated that there are no owner-occupancy restrictions for ADUs obtained before January 1, 2025 unless the State law changes.

Vice Chair Simons asked staff if it is possible to add basements to ADUs, how close an ADU can be to the main dwelling unit, and if the maximum 16-foot height requirement includes solar panel height. Principal Planner Blizinski stated that ADU basements are allowed if they meet Building Code requirements, that ADUs can be placed against the main dwelling unit if they are properly fire-rated, and that solar panels are currently and will continue to be excluded from overall height requirements.

Commissioner Olevson expressed his concern that projects that propose converting a single-family home garage into an ADU would not require any additional parking. Assistant Director Andrew Miner stated that replacement parking would also not be required in that instance. Principal Planner Blizinski confirmed that parking losses are more likely for single-family housing but Covenants, Conditions, and Restrictions (CC&Rs) agreements and permitting requirements make parking losses less likely for multi-family housing. Assistant Director Miner, Principal Planner Blizinski, and Assistant City Attorney Moon discussed the possibilities for establishing parking requirements through Commission decisions, CC&Rs, and permit conditions.

Commissioner Harrison asked staff if the State legislation overrides the Building Code and why building and planning requirements are sometimes different. Principal Planner Blizinski and Senior Assistant City Attorney Moon stated that proposed projects with little to no setback distances are possible if they meet the Building Code's fire safety requirements. Assistant Director Miner added that staff strive to develop zoning standards that mirror building standards but that sometimes one changes and they are no longer consistent.

Chair Howard asked staff if projects that propose building an ADU on top of a garage are exempt from second story advanced setback requirements. Principal Planner Blizinski replied that that allowance is not contained in any of the State's most recently passed legislation. She added that the City has proposed prohibiting detached two-story ADUs mainly because the required setback distance is so small

but that ADUs are still allowed on the second level of a primary dwelling unit.

Chair Howard opened the Public Hearing.

Richard Mehlinger, Chair of the Bicycle and Pedestrian Advisory Commission speaking on his own behalf, complimented staff for simplifying the State legislation, stressed legalizing unpermitted ADUs, and expressed the importance of combating climate change by lowering vehicle use.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion for Alternative 1 – Find that the Action is Exempt from CEQA pursuant to Public Resource Code Section 15282(h) and does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) and Adopt an Urgency Interim Ordinance (Attachment 2 to the report) and Introduce an Ordinance (Attachment 3 to the report) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units.

Commissioner Howe specified that the motion should refer to the revised versions of Attachments 2 and 3 dated November 25, 2019.

Commissioner Howe congratulated staff on the report and noted the short length of time it took for staff to decipher the State legislation and improve upon it for Sunnyvale's benefit. He suggested that the Commission not add any amendments to the motion and keep it exactly as the staff recommendation.

Commissioner Harrison noted staff's amazing job on the staff report and the complicated nature of the requirements. She commented that it was interesting and encouraging for her to learn that there has been a significant increase in the number of ADU permits issued since the State passed major legislation in 2016.

Vice Chair Simons stated that he will support the motion.

Chair Howard also stated that he will support the motion and agreed with Mr. Mehlinger that society must transform transportation and the thinking on vehicle parking.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Olevson
Commissioner Rheaume
Vice Chair Simons

No: 0

Absent: 1 - Commissioner Weiss

Assistant Director Miner stated that this recommendation will be forwarded to the City Council for consideration at the Tuesday, December 10, 2019 meeting.

Assistant Director Miner thanked the Commission for the compliments and acknowledged Principal Planner Blizinski and Senior Assistant City Attorney Moon for their hard work.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

4. [19-1240](#) Planning Commission Proposed Study Issues, Calendar Year: 2020

Vice Chair Simons stated that he shared with staff a metric for evaluating tree shade versus water usage for potential consideration with the proposed study issue regarding developing landscape design guidelines for development projects. Assistant Director Andrew Miner stated that staff will review it.

Chair Howard opened the Public Hearing.

There were no public speakers for this item.

Chair Howard closed the Public Hearing.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

Assistant Director Andrew Miner stated that on November 12, 2019 the City Council adopted an ordinance to prohibit by-right residential uses in non-residential zones and reminded the Commission that the special meeting scheduled for December 16,

2019 will be dedicated to public input on the Draft Environmental Impact Reports for the Downtown Specific Plan Amendment and the proposed Google Caribbean Drive campus.

ADJOURNMENT

Chair Howard adjourned the meeting at 8:33 PM.