



City of Sunnyvale

Notice and Agenda - Final Heritage Preservation Commission

Wednesday, February 3, 2016

7:00 PM

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

Meeting to be held only if necessary

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

PRESENTATION

ORAL COMMUNICATIONS

This category provides an opportunity for members of the public to address the commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow commissioners to take action on an item not listed on the agenda. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary. Individuals are limited to one appearance during this section.

CONSENT CALENDAR

- 1.A. [16-0148](#) Draft Minutes of the Heritage Preservation Commission
Meeting of December 2, 2015

- 1.B. Review of the Code of Ethics

PUBLIC HEARINGS/GENERAL BUSINESS

2. [16-0130](#) File #: 2015-8046
 Location: 175 North Sunnyvale Avenue (APN: 204-49-007)
 Applicant / Owner: Robert Devaney
 Proposed Project:
 RESOURCE ALTERATION PERMIT to allow a 275 square
 foot addition to a heritage resource. The total proposed floor
 area is 2,107 square feet (30 percent Floor Area Ratio).
 Reason for Permit: A Resource Alteration Permit is required to
 allow changes to the exterior appearance of a heritage
 resource through alteration, construction and demolition.
 Project Planner: Aastha Vashist, (408) 730-7458,
 avashist@sunnyvale.ca.gov
 Issues: Changes to Historic Resource
 Recommendation: Approve with conditions

Recommendation: Alternative 1. Approve the Resource Alteration Permit with
recommended Conditions in Attachment 4.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

INFORMATION ONLY REPORTS/ITEMS

3. Potential Recap of the 2016 City Council Study/Budget Issues Workshop

ADJOURNMENT*Notice to the Public:*

Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and at the meeting location on the evening of the board or commission meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting Joey Mariano at (408) 730-7486. Agendas and associated reports are also available on the City's web site at <http://sunnyvale.ca.gov> or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Joey Mariano at (408) 730-7486. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II)



City of Sunnyvale

Meeting Minutes Heritage Preservation Commission

Wednesday, December 2, 2015

7:00 PM

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

CALL TO ORDER

SALUTE TO THE FLAG

Chair Squellati lead the Salute to the Flag.

ROLL CALL

Chair Squellati announced Comm. Valenzuela's excused absence.

Present: 6 - Chair David Squellati
Vice Chair Dale Mouritsen
Commissioner Hannalore Dietrich
Commissioner Dawn Hopkins
Commissioner Dixie Larsen
Commissioner Mike Michitaka
Absent: 1 - Commissioner Kenneth Valenzuela

ORAL COMMUNICATIONS

Comm. Michitaka asked what constituted a major application.

Amber El Hajj, Senior Planner, explained the difference between major and minor applications in relation to the Heritage Preservation Commission and provided a few examples.

CONSENT CALENDAR

None.

1.A [15-1087](#) Draft Minutes of the Heritage Preservation Commission Meeting of November 4, 2015

Commissioners asked staff to make some minor modifications/corrections to the minutes.

Comm. Michitaka motioned to approve the Draft Minutes of November 4, 2015. Vice Chair Mouritsen seconded.

Motion carried 6-0-1 with Comm. Valenzuela absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [15-1070](#) **File #:** 2015-7702
 Location: 155 S. Murphy Avenue (APN: 209-06-009)
 Applicant / Owner: Hoolala USA / Nick Gera
 Proposed Project:
 LANDMARK ALTERATION PERMIT to allow exterior
 modifications including repainting the facade of an existing
 commercial building in the Local Landmark District
 Reason for Permit: A Landmark Alteration Permit is required for
 exterior modifications to buildings in the Murphy Station Heritage
 Landmark District.
 Project Planner: Aastha Vashist, (408) 730-7458,
 avashist@sunnyvale.ca.gov
 Issues: Consistency with Murphy Avenue Design Guidelines
 Recommendation: Approve with conditions

Aastha Vashist, Project Planner, presented the report.

Amber El Hajj, Senior Planner noted that this item is an open case with the Neighborhood Preservation Division and the proposed changes have already been made to the building, but were not approved by the City.

Comm. Larsen asked if the awnings were part of this proposal. Ms. El Hajj responded that the awning had already been approved with a staff level permit and were not part of the project in front of the Heritage Preservation Commission.

Comm. Dietrich asked about staff's recommendation to paint the railing on the second level of the building. Ms. Vashist responded that staff recommends painting the railing on the second level red to match the red color on the first level.

Comm. Larsen asked if the Murphy Avenue Design Guidelines discuss specific colors, such as, a muted yellow. Staff replied that the Design Guidelines discuss using muted colors on Murphy Avenue but that other buildings on Murphy have used brighter colors in recent years.

Chair Squellati opened the public hearing.

Nathan Yi, store coordinator representing the business owner, discussed the owner's background. He noted that the business is a chain from South

Korea and talked about the concept of Hoolala Chicken. He said it was never their intent to make changes to the building without approval, and that they did not know that the façade changes to the outside of the building needed approval from the City. He said that the yellow color is intended to make the customer feel happy, and is a typical color associated with their restaurants in South Korea.

Comm. Mouritsen asked if staff was recommending approval for the existing design. Ms. Vashist responded yes, with a few added conditions.

Comm. Michitaka stated that he does not believe the colors work with other buildings along that side of Murphy Avenue but, understands that the yellow and red are corporate colors.

Chair Squellati noted that he visited the site and felt that the yellow and red was too bright. He also stated that he thought the restaurant colors would fit better in the future town center area.

James Shibley, member of the public, received notice of this public hearing as he lives nearby. He said that he doesn't think the yellow is too bright. He feels that the colors are acceptable, and noticed that this is the only building on Murphy Avenue with columns. He also said he thinks the second level railing would look fine painted red or black.

Comm. Michitaka mentioned the brightness of the yellow and Comm. Mouritsen asked the applicant if this yellow is the corporate color. Mr. Yi responded that their restaurants in South Korea actually use an even brighter yellow but they felt this yellow was muted enough for their Sunnyvale restaurant. He also mentioned that everything is brighter in South Korea.

Mr. Yi thanked the Commission for their consideration and reiterated that the applicant was not aware that the color needed approval from this Commission when they painted the building.

Chair Squellati closed the public hearing.

Comm. Larsen said that she thinks the colors are a little too bright and that they effect the look of Historic Murphy Avenue. She feels that the proposed colors deviate from the Murphy Avenue Design Guidelines.

Commissioners discussed and reviewed the colors in the front and the back of the restaurant. Ms. El Hajj clarified that this proposal does not include the awnings, and

if the Commission does not approve this proposal, the applicant has an option to revert to the original colors in lieu of applying any modifications made by the Commission.

Commissioners further discussed the proposal.

Comm. Dietrich moved Alternative 1: Approve the Landmark Alteration Permit with recommended Conditions in Attachment 6.

Comm. Dietrich noted the proposal may not adhere to the Murphy Avenue Design Guidelines, but it is better than the previous façade.

Comm. Mouritsen seconded.

Comm. Dietrich clarified the Conditions of Approval in Attachment 6, which includes the railing to be painted red.

MOTION: Comm. Dietrich moved Alternative 1: Approve the Landmark Alteration Permit with recommended Conditions in Attachment 6.

Motion failed 2-4-1 with Comm. Valenzuela absent.

Comm. Hopkins moved Alternative 2; Approve the Landmark Alteration Permit with modifications, adding a condition to change the proposed red color to the railing to black.

Comm. Mouritsen seconded.

Chair Squellati noted that he would not support the motion because he does not feel that it is in keeping with Historic Murphy Avenue.

Comm. Larsen stated that she would not be able to approve this unless there are additional modifications, like changes to the colors.

The Commissioners discussed the Murphy Avenue Design Guidelines and other possible modifications to the proposal to get an approval.

MOTION: Comm. Hopkins moved Alternative 2; Approve the Landmark Alteration Permit with modifications, adding a condition to change the proposed red color to the railing to black.

Motion fails 3-3-1 with Comm. Valenzuela absent.

Comm. Mouritsen noted that he could not see how changing the color scheme from the current proposal would make it adhere to the guidelines.

Comm. Larsen asked staff if there was a color palette on the guidelines. Ms. El Hajj read the guideline pertaining to the types of recommended colors in the Murphy Avenue Design Guidelines.

Commissioners discussed modifications that they thought would fit with the applicant's business model and that would adhere to the Murphy Avenue Design Guidelines.

FINAL MOTION:

Comm. Hopkins moved for Alternative 2; Approve the Landmark Alteration Permit with modifications, to change the red railing to a black railing, changing the red door frames to a gray color that would be worked out with staff.

Comm. Mouritsen seconded.

Motion carried 5-1-1 with Comm. Valenzuela absent.

Yes: 5 - Vice Chair Mouritsen
Commissioner Dietrich
Commissioner Hopkins
Commissioner Larsen
Commissioner Michitaka

No: 1 - Chair Squellati

Absent: 1 - Commissioner Valenzuela

3. [15-1085](#) Heritage Preservation Commission Master Work Plan (2016)

Chair Squellati clarified that all meeting are regular meetings. Ms. El-Hajj noted that a meeting would only be considered a special meeting if its not on the work plan.

Motion carried 6-0-1 with Comm. Valenzuela absent.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS & COMMENTS**-Commissioner Comments**

None.

INFORMATION ONLY REPORTS/ITEMS

Ms. El-Hajj noted that there will not be a meeting in January since there are no items, and the next meeting will be on February 3, 2016.

ADJOURNMENT

Chair Squellati adjourned the meeting at 8:25 pm.



City of Sunnyvale

2015 Code of Ethics and Conduct for Elected and Appointed Officials

"Conduct is three-fourths of our life and its largest concern."

-- Matthew Arnold

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For ease of reference in the Code of Ethics and Conduct, the term "member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

Policy Purpose

The Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale City Council, boards and commissions.
2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.
4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

For ease of reference in the Code of Ethics and Conduct, the term "member" refers to any member of the Sunnyvale City Council or the City's boards and commissions established by the City Charter, City Ordinance or Council policy.

5. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. Communication. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

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Councilmembers and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.

14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the Sunnyvale City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Sunnyvale. It reflects the work of a Council Policy and Protocol Subcommittee that was charged with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The Subcommittee also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

1. Elected and Appointed Officials' Conduct with One Another

"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."

-- William Butler Yeats

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Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

1(a). In Public Meetings

Use formal titles

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches

Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception. During a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the

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board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

1(b). In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

In private, board and commission members may communicate at any time and on any subject with the City Council, and may express to Council individual viewpoints and opinions.

2. Elected and Appointed Officials' Conduct with City Staff

"Never let a problem become an excuse."

-- Robert Schuller

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Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Member questions/inquiries to City staff

1. General. Council and board/commission communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
2. Routine Requests for Information and Inquiries. Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The city manager does not need to be advised of such contacts.
3. Non-Routine Requests for Readily Available Information. Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?").
4. Non-Routine Requests Requiring Special Effort. Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the city manager, or to the city attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The city manager (or city attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the city manager, the city attorney as appropriate and affected department directors.
5. Meeting Requests. Any member request for a meeting with staff must be directed to the city manager or city attorney, as appropriate.
6. Public Safety Restrictions. Under certain circumstances, requests for information regarding operations or personnel of the Department of Public Safety may be legally restricted. Applicable statutes include: The Peace Officers' Procedural Bill of Rights (California Government Code

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Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.

Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the city manager through private correspondence or conversation. Comments about staff in the office of the city attorney should be made directly to the city attorney. Appointed officials should make their comments regarding staff to the city manager or the Mayor.

Do not get involved in administrative functions

Elected and appointed officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale City Charter, Section 807, also contains information about the prohibition of Council interference in administrative functions.

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized under the City's policies governing volunteers. (Council Policy 7.2.19, Boards and Commissions.)

Limit requests for staff support

Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other arrangements. Mail addressed to the Mayor is reviewed first by the city manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the city manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

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Do not solicit political support from staff

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

3. Elected and Appointed Officials' Conduct with the Public

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."

-- Francis Bacon

3(a). In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

Be fair and equitable in allocating public hearing time to individual speakers.

"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me."

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should not be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?"). Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed ten. If many speakers are anticipated, the chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

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Give the appearance of active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing may cast doubt on a member's ability to conduct a fair review of the issue. Members' personal opinions or inclinations about upcoming votes should be revealed with this in mind. This is particularly important when officials are serving in a quasi-judicial capacity.

Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

No personal attacks of any kind, under any circumstance

Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings

The city attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

3(b). In Unofficial Settings

Make no promises on behalf of the Council, board/commission or City

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other members

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

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Remember that despite its impressive population figures, Sunnyvale is a small town at heart. Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

4. Council Conduct with Other Public Agencies

*"Always do right. This will gratify some people and astonish the rest."
-- Mark Twain*

Be clear about representing the City or personal interests

When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

City letterhead should not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

5. Council Conduct with Boards and Commissions

*"We rarely find that people have good sense unless they agree with us."
--Francois, Duc de La Rochefoucauld*

The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a board or commission meeting, be careful to only express personal opinions

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be

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clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with board and commission members to questions of clarification

It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.

Remember that boards and commissions serve the community, not individual Councilmembers

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all citizens serving on boards and commissions.

Keep political support away from public forums

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6. Conduct with the Media

"Keep them well fed and never let them know that all you've got is a chair and a whip."

-- Lion Tamer School

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

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The Mayor is the official spokesperson for the City on City positions.

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS

*"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry;
for whatever a man's actions are, such must be his spirit."*

-- Demosthenes

Model of Excellence

City Councilmembers, Board and Commission Members, and Council appointees who do not sign the Model of Excellence (Appendix A) shall be ineligible for intergovernmental assignments or Council subcommittees.

Ethics Training for Local Officials

City Councilmembers, Board and Commission Members, and Council appointees who are out of compliance with State- or City-mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council sub-committees, and may be subject to sanctions.

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Inappropriate Staff Behavior

Councilmembers should refer to the city manager any City staff or to the city attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

Councilmembers Behavior and Conduct

Compliance and Enforcement. The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to

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intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

Board and Commission Members Behavior and Conduct

Counseling, verbal reprimands and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on board and commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the city attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the city manager or city attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the city manager and/or the city attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the

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investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Mayor and/or the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

Under the City Charter, the City Council also may remove members of boards and commissions from office. A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a Council, board or commission decision.

D. PRINCIPLES OF PROPER CONDUCT

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals ... respect for the validity of different opinions ... respect for the democratic process ... respect for the community that we serve.

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E. CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

F. GLOSSARY OF TERMS

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

G. IMPLEMENTATION

As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to

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board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

(Adopted: RTC 08-113 (4/8/08), Update: RTC 09-036 (2/3/09); Updated: RTC 09-047 (2/24/09); Approved with no changes: RTC 10-078 (3/23/10); Approved with no changes: RTC 11-058 (3/29/11); Approved with no changes: RTC 12-067 (3/20/2012); Updated: RTC 13-060 (3/19/13); Approved with no changes: RTC 14-0211 (3/18/14); Updated: RTC 15-0050 (3/24/15)

Lead Department: Office of the City Manager

APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Sunnyvale City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Sunnyvale City Council or of a Sunnyvale board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials adopted by the City and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Sunnyvale;
- Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Sunnyvale Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

City Council Seat #____

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City of Sunnyvale

Agenda Item

16-0130

Agenda Date: 2/3/2016

REPORT TO THE HERITAGE PRESERVATION COMMISSION

File #: 2015-8046

Location: 175 North Sunnyvale Avenue (APN: 204-49-007)

Applicant / Owner: Robert Devaney

Proposed Project:

RESOURCE ALTERATION PERMIT to allow a 275 square foot addition to a heritage resource. The total proposed floor area is 2,107 square feet (30 percent Floor Area Ratio).

Reason for Permit: A Resource Alteration Permit is required to allow changes to the exterior appearance of a heritage resource through alteration, construction and demolition.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Changes to Historic Resource

Recommendation: Approve with conditions

PROJECT DESCRIPTION

The proposed project is a 275 square-foot addition located in the rear of an existing single-family home. The single-family home is located in the 100 block of North Sunnyvale Avenue, the streetscape of which is a part of the Sunnyvale Heritage Resource Inventory. The City of Sunnyvale Municipal Code (SMC) requires review of any project that proposes construction, demolition, relocation, or material change to any historic resource. The applicant proposes to demolish 127 square feet of the existing residence to accommodate the proposed addition. See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

Previous Planning Projects related to Subject Application:	No
Neighborhood Preservation Complaint	No
Deviations from Standard Zoning Requirements	No

Background

The project site is located mid-block on the west side of North Sunnyvale Avenue between West California Avenue and East Hendy Avenue. The surrounding uses are single-family residences to the north, and south. A mortuary is located across the street towards the east and apartments are located towards the west of the property.

The 1,832 square foot residence is a single story vernacular residence constructed in 1915. The existing garage is 322 square feet in area. The structure is located within the boundaries of a recorded historical resource on the City's Heritage Resource Inventory, identified as a collection of existing homes in the 100 block of Sunnyvale Avenue. However, the property is not listed in the

California Register of Historic Resources (CRHR), or National Register of Historic Places (NRHP) (See Attachment 3, Historic Evaluation Report). Executives from the canneries, Hendy Iron Works, and other industries built their homes along North Sunnyvale Avenue, close to their businesses. Bungalow and Colonial Revival architecture are predominant styles along the block. However, a majority of the properties within the 100 block of North Sunnyvale Avenue have been demolished and are no longer a part of the City's Heritage Resource Inventory. Residential infill developments have replaced most of the original properties and only a section of the mid-block remains intact. For example, the City Council approved the development of 10 new townhomes at 127 North Sunnyvale in 2004 (Project number 2004-0257). Similarly, the single-family home at 199 North Sunnyvale Avenue was determined to have no historical significance and was removed from the City Heritage Resource Inventory by the Heritage Preservation Commission in 2005. Although the original home was not demolished, a design review allowing additions and modifications to the existing residence was approved by the Planning Staff in 2013. Single-family homes that are still a part of the Heritage Resource Inventory include 185, 183, 175, 167, 161 and 155 North Sunnyvale Avenue.

Architecture

The existing home is a single-story structure with a detached garage. The house has a cross-gabled roof surfaced with wooden shingles and narrow and boxed eaves. The front façade has a narrow secondary gable, adjacent to the covered porch. The porch is enclosed by a low wall and supported by sets of wooden posts. The building façade along the driveway to the detached garage has a bay window. The structure is surfaced by wooden shingles and has double hung windows. The two-door garage has a front gable roof and narrow wooden siding. See Attachment 6, Site and Architectural Plans.

The proposed addition would extend 10 feet from the rear facade of the existing home and contain 275 square feet gross floor area including a new bedroom, bathroom, laundry area and porch. The pitch of the addition would match that of the existing home, with the southerly roof plane serving as a continuation of the existing roof.

Also, exterior modifications are proposed to existing building facades that include the addition of basement windows, repainting of the building façade, replacement of the existing metal railing with wooden railing on the front façade, replacement of wood sash windows with double hung vinyl insert windows and replacement of roofing material on portions of front and side façade. The proposed overall color scheme includes green tones for the wall siding materials, white for the trim and red for the door (See Attachment 6, Site and Architectural Plans). The proposed modifications and building materials are compatible with the character of the existing building and adjacent buildings.

The applicant has expressed interest in maintaining the historical value and appearance of the property, intending to propose a design sensitive to that of the existing home while adding floor space to improve livability. The material and style of the proposed rear elevation will match the existing residence. Similar to the front elevation, the rear addition will have a gable roof and a narrow secondary gable over the proposed bedroom. Although the addition utilizes the distinctive details and features of the existing front portion of the property such as, patio enclosed with low walls, wood railing, wood columns and wood fascia, the proposed addition is distinguishable from the main structure of the home by simplified design that references, but does not copy the historic front facade. The proposed addition is a harmonious addition to the existing building that is traditional in style, yet sufficiently restrained in design to distinguish it from the existing historic building facade.

The proposed project supports the following U.S. Department of Interior's Standards for Rehabilitation of historic structures or landmarks. The Department of Interior defines rehabilitation as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Design Standards

- 1. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*
- 2. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Neighborhood Compatibility

The 100 block of North Sunnyvale Avenue has Bungalow and Colonial Revival style homes with detached garages located in the rear of the properties. No substantial changes are proposed to the front façade along the North Sunnyvale Avenue. The proposed modifications to the front facade include repainting, replacement of the existing metal railing with wooden railing on the front façade, replacement of wood sash windows with vinyl insert windows and modifications to roofing material on portions of front and side façade. The applicant proposes to utilize high-quality material for exterior modification that will complement the architectural style found in the existing residence and within the existing neighborhood.

The addition is proposed to be located at the rear of the existing home. It is not expected to have detrimental visual or privacy impacts to the surrounding properties, as the design is compatible with the existing residence and the addition is one story and located at approximately 69 feet setback from the rear property line.

Parking

The existing one-car, two-door garage is located in the rear of the property with a rear setback of approximately 30 feet and a side setback of 3 inches from the nearest property line. The common site layout of the properties in the neighborhood is the location of detached garages in the back of the property with a driveway along the side property line. The current Municipal Code requirement for parking for a single family residence is two covered parking spaces and two uncovered parking spaces. The proposed addition to the residence does not trigger an upgrade of the one-car garage to a two-car garage because the resulting residence would be less than 1,800 square feet and less than four bedrooms. The applicant does not propose any modification to the existing garage as part of this application.

Public Contact

171 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper

and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination

A Categorical Exemption Class 3 (minor alterations to existing structure) relieves this project from CEQA provisions.

ALTERNATIVES

1. Approve the Resource Alteration Permit, with recommended Conditions in Attachment 4.
2. Approve the Resource Alteration Permit with modifications.
3. Deny the Resource Alteration Permit.

RECOMMENDATION

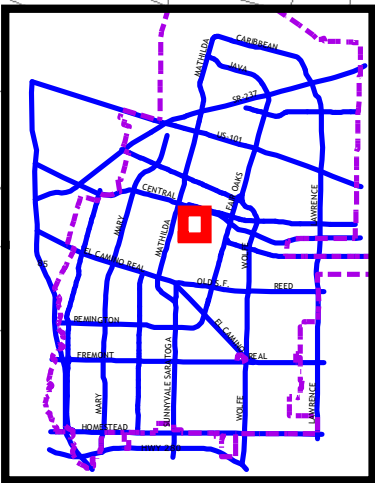
Alternative 1. Approve the Resource Alteration Permit with recommended Conditions in Attachment 4.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Gerri Caruso, Principal Planner

ATTACHMENTS

1. Vicinity and Noticing Maps
2. Project Data Table
3. Recommended Findings
4. Standard Requirements and Recommended Conditions of Approval
5. Historic Evaluation Report
6. Site and Architectural Plans
7. Site Photographs



2015-8046
 175 N. Sunnyvale Avenue (APN: 204-49-007)
 RESOURCE ALTERATION PERMIT
 300-foot Vicinity Map

0 65 130 260 Feet



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Medium Density	Same	--
Zoning District	R-2	Same	--
Lot Size (s.f.)	7,020 s.f.	Same	---
Gross Floor Area (s.f.)	1,832 s.f. (includes 1,510 s.f. Single Family Home and 322 s.f. garage)	Addition of 275 s.f. and demolish 127 s.f. = Total 2,107 s.f. (Floor Area 1,785 s.f., excluding garage)	By Resource Alteration Permit
Lot Coverage (%)	27.4% (1,928 s.f.)	31.3% (2,203 s.f.)	45% max.
Building Height (ft.)	19'-8"	19'-8"	30' max.
No. of Stories	1	1	2 max.
Setbacks (Residence)			
Front (ft.)	40'-8"	Same	20' min.
Left Side (ft.)	4'-10"	Same	4'-0"
Right Side (ft.)	6'-8"	Same	Combined Side Setback 10'-0"
Rear (ft.)	85'-11"	68'-11"	20'-0"

RECOMMENDED FINDINGS

Landmark Alteration Permit

Community Character Chapter - Heritage Preservation

Policy CC-5.2: Enhance the visual character of the city by preserving diverse as well as harmonious architectural styles and design preferences, which reflect various phases of the City's history and cultural traditions of past and present residents.

1. The proposed project will be consistent with the purposes of the Heritage Preservation Ordinance. *(Finding Met)*

The proposed modifications to the single-family residence, as conditioned, are consistent with City ordinances and the U.S. Department of Interior's Standards for Rehabilitation. The proposal, as conditioned, provides an opportunity to add living area and make exterior modifications. The exterior alterations to the building façade and proposed addition do not reduce the distinguishing characteristics of this historic resource. The proposed modifications, as conditioned, respect the historic character of the block as a whole.

2. The proposal will not be detrimental to the significant historical features of the building. *(Finding Met)*

The single-family home is located in the 100 block of North Sunnyvale Avenue, the streetscape of which is a part of the Sunnyvale Heritage Resource Inventory. However, the property is not listed in the California Register of Historic Resources (CRHR), or National Register of Historic Places (NRHP) (See Attachment 5, Historic Evaluation Report). The additions are proposed to be located at the rear of the existing home. The proposed addition to the existing residence is not expected to have a detrimental visual or privacy impacts to the surrounding properties, as the design is compatible with the existing residence and the additions are located at approximately 69 feet setback from the rear property line.

The proposed modifications to the front facade include repainting, replacement of the existing metal railing with wooden railing on the front façade, replacement of wood sash windows with vinyl insert windows and modifications to roofing material on portions of front and side façade. The applicant proposes to utilize high-quality material for exterior modification that will complement the architectural style found in the existing residence and within the existing neighborhood. The proposed exterior modifications will enhance the appearance of the existing façades and restore the building to an attractive condition. These modifications will not have a negative impact on the character of the property or the overall heritage resource.

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
Heritage Preservation Commission hearing February 3, 2016**

**Planning Application 2015-8046
175 North Sunnyvale Avenue**

Resource Alteration Permit to allow a 275 square foot addition to a heritage resource. The total proposed floor area is 2,107 square feet (30 percent Floor Area Ratio). The single-family home is located in the 100 block of North Sunnyvale Avenue, the streetscape of which is a part of the Sunnyvale Heritage Resource Inventory. The City of Sunnyvale Municipal Code (SMC) requires review of any project that proposes construction, demolition, relocation, or material change to any historic resource.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

GC-4. NOTICE OF FEES PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.

PS-1. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-2. WINDOWS REVIEW:

Final proposed double-hung vinyl windows are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. LANDSCAPE BUFFER:

Install and maintain a (HEIGHT: 6 or 8) foot solid (wood fence/decorative masonry wall), along the (FENCE DIRECTION) property lines(s), measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

BP-5. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-6. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:

OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.

OR 2.2: Construction equipment must be maintained per manufacturer's specifications.

OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:

- a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
- b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
- c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
- d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]

DC-4. DUST CONTROL:

At all times, the Bay Area Air Quality Management District's CEQA Guidelines and "Basic Construction Mitigation Measures Recommended for All Proposed Projects", shall be implemented. [COA] [PLANNING]

Archaeological Resource Management

*Robert R. Cartier, Ph.D.
496 North 5th Street
San Jose, CA 95112
Telephone (408) 295-1373
Fax (408) 286-2040
email: armcartier@netscape.net*

Mr. Robert Devaney
PO Box 390044
Mountain View, CA 94039

December 2, 2015

RE: HISTORIC EVALUATION OF THE PROPERTY AT 175 NORTH SUNNYVALE
AVENUE IN THE CITY OF SUNNYVALE

Dear Mr. Devaney,

As per your request our firm is submitting the enclosed historical evaluation of the property at 175 North Sunnyvale Avenue in the City of Sunnyvale. Based upon the requirements of the City of Sunnyvale, a methodology was designed which included the following services:

- a visual description of the structures including general appearance, condition, and architectural style
- exterior photography of the structure to generate description
- documentation of property ownership history
- State Historic Resources Evaluation forms (DPR) 523 for the structure

As a result of this investigation, it was determined that the property at 175 North Sunnyvale Avenue is not currently listed in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP). Based upon the results of this investigation, it was determined that the property at does not appear to be eligible for listing in either of these registers. The structure is located within an historic resource on the City of Sunnyvale Heritage Resource Inventory. Although the structure does not appear to be individually eligible for listing in this register, the structure is chronologically and stylistically compatible with the historic elements of this resource, and should be viewed as contributing to the historic character of the block as a whole.

The proposed project calls for the demolition of the existing garage and replacement with a garage in a matching style on the same footprint (maintaining the feeling of the original streetscape) as well as an addition to the rear of the home. These proposed changes do not

appear to significantly impact the historic integrity of the residence, and no further recommendations are being made.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Cartier', with a stylized flourish at the end.

Robert Cartier, Ph.D.
Principal Investigator

RC/dj

State of California - The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____ Other Listings _____ Review Code _____	Reviewer _____ Date _____
---	--	------------------------------

Page 1 of 13Resource Name or # 175 N. Sunnyvale Avenue

P1. Other Identifier: _____

P2. Location: _____ Not for Publication ☒ Unrestricted *a. County Santa Clara
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Mt. View, CA Date: 2012 T : R : 1/4 of 1/4 of Sec : BM

c. Address: 175 N. Sunnyvale Avenue City: Sunnyvale Zip: 94086

d. UTM: _____

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

APN: 204-49-007

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The structure at 175 North Sunnyvale Avenue is a single story vernacular residence in fair condition. The roof is cross-gabled, and surfaced with wooden shingles. The eaves are narrow and boxed, with enclosed rafters on the original portions or the residence. Exposed rafters can be seen on portions of the rear addition. The exterior walls are surfaced with horizontal wooden siding. The front façade features a narrow secondary gable above a small bay, adjacent to which is the porch, enclosed by a low wall and supported by sets of wooden posts. Fenestration throughout the majority of the residence is wooden framed, in a double-hung sash configuration.

*P3b. Resource Attributes: HP02 Single Family Res.

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object District ☐ Element of District ☐ Site ☐ Other

P5a. Photo or drawing (Photo required for buildings, structures, objects.)



P5b. Description of Photo: (View, date, accession #)
View of the front façade of 175 N. Sunnyvale Avenue

*P6. Date Constructed/Age and Sources

Historic ☒ Prehistoric ☐ Both ☐

Constructed 1915

*P7. Owner and Address:

Mr. Robert Devaney
PO Box 390044
Mt. View, CA 94039

*P8. Recorded by:

Robert Cartier
Archaeological Resource Management
496 North 5th Street
San Jose, CA 95112

*P9. Date Recorded: 12/2/15

*P10. Survey Type: Intensive

*P11. Report Citation: (Cite Survey Report and other sources, or enter "none.")

None

* Attachments: ☐ None ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record
☐ Photographic Record ☐ Other (List): _____

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATIONPrimary # _____
HRI # _____**BUILDING, STRUCTURE, AND OBJECT RECORD**Page 2 of 13

*NRHP Status Code _____

*Resource Name or # (Assigned by recorder) 175 North Sunnyvale AvenueB1. Historic Name: 175 N. Sunnyvale AvenueB2. Common Name: 175 N. Sunnyvale AvenueB3. Original Use: ResidentialB4. Present Use: Residential*B5. Architectural Style: Vernacular

*B6. Construction History: (Construction date, alterations, and date of alterations)

Based upon visual evaluation and available documentation, the structure at 175 North Sunnyvale Avenue was constructed in 1915. Since that time modifications have been made to the structure including additions to the rear of the home, likely completed in the mid-20 century, and reroofing.

*B7. Moved? x No Yes Unknown Date: Original Location:

*B8. Related Features:

Also present on the property is a small two door garage. This structure appears to have been constructed after the original residence, but appears to date from the early 20th century. The roof is front gabled and the exterior walls are surfaced with narrow wooden siding.

B9a. Architect: unknownb. Builder: unknown*B10. Significance: Theme architecture and shelterArea Sunnyvale, CAPeriod of Significance Inter-WarProperty Type Private ResidentialApplicable Criteria N/A

The land that became Sunnyvale was originally the *Rancho Pastorio de las Borregas*, granted to Francisco Estrada in 1842. In 1850, Martin Murphy, Sr. acquired approximately 5000 acres of the Rancho and renamed it Bayview Ranch. The Irish immigrant and his family had been in the wagon train party led by Elisha Stevens that crossed the Sierras in 1844, two years before the infamous journey of the Donner Party which followed the same route.

In 1864, the Central Railroad's line between San Francisco and San Jose crossed Murphy's property, and he was granted the right to establish the "Murphy's Station" and "Lawrence Station" stops. The community of Encinal, which would be renamed Sunnyvale in 1901 and become incorporated in 1912, grew around this railroad line. W. E. Crossman, who became a major landowner and developer in Encinal in 1898, described Sunnyvale as the "City of Destiny," and promoted the city as an industrial center.

See Continuation Sheet, Page 4

B11. Additional Resource Attributes: (List attributes and codes) N/A

*B12. References:

See Continuation Sheet, Page 7

B13. Remarks:

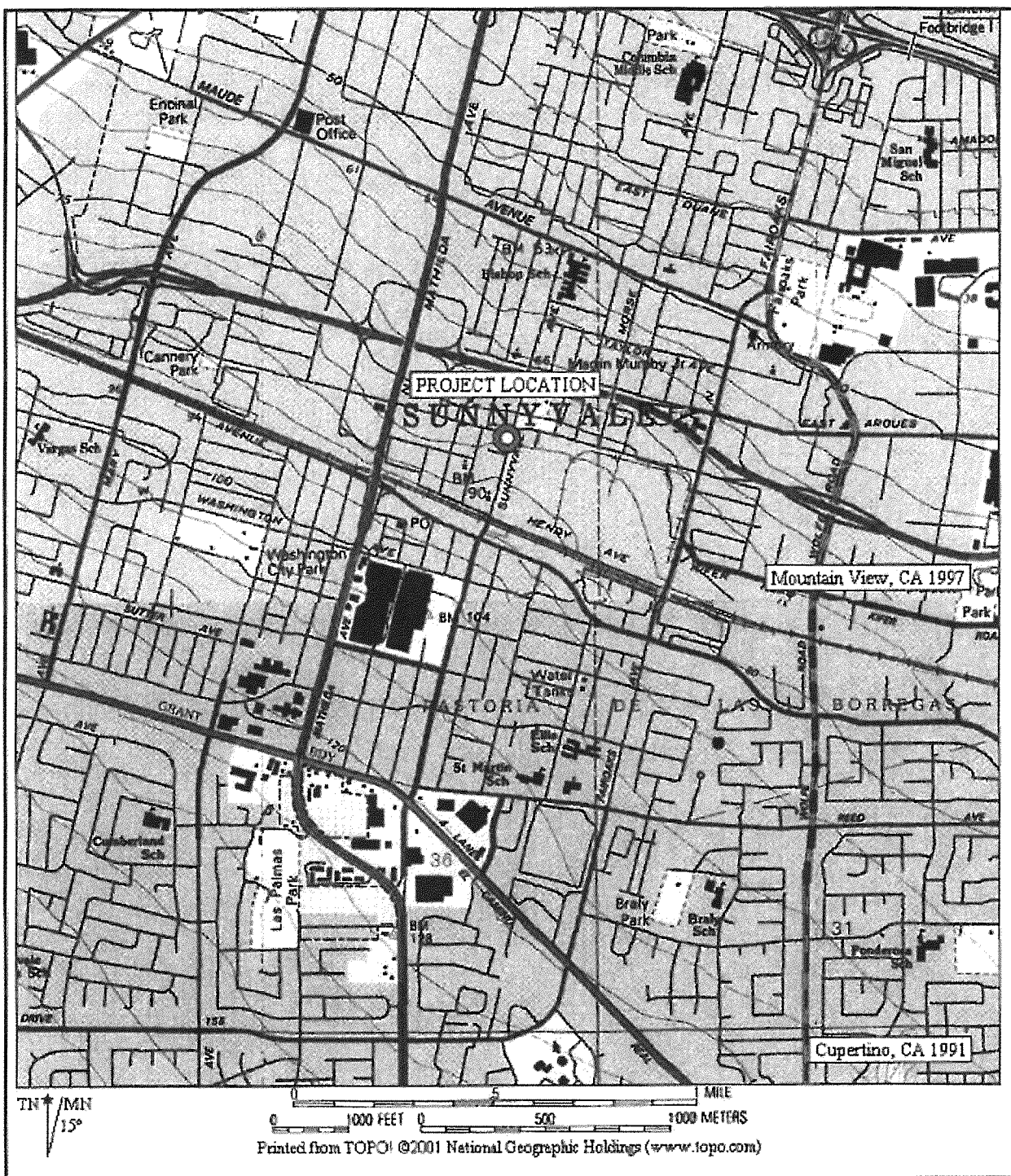
*B14. Evaluator: Robert R. Cartier*Date of Evaluation: 12/2/15

(This space reserved for official comments.)

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 13 Resource Name or # (Assigned by recorder): 175 North Sunnyvale Avenue
*Map Name: Mountain View, CA *Scale: 7.5 Minute *Date of Map: 1997



State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEETPrimary # _____
HRI # _____
Trinomial _____Page 4 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
*Recorded by Archaeological Resource Management Date 12/2/2015 Continuation ☒ Update

Continued from B10:

The property which now contains the structure at 175 North Sunnyvale Avenue made up a portion of Murphy's lands. In 1892 a portion of these lands were divided as part of the Murphy Partition, with the subject parcel being a portion of Lot 2 (Book G of Maps, page 74-75). The property consists of the southern half of Lot 8 in Block 2 of the Diana Park Tract, subdivided in 1906, part of Crossman's Addition to the City of Sunnyvale (Book L of Maps, Page 50). By 1915 when the residence was built, the property was owned by Gertrude and Matthew Bodem. The Bodem's owned the property until February 21, 1938, when it was sold to Merton E. and Mary E. Dimick (Book 710, Page 22). The following year the property was sold again, and granted to John J. and Annie Mattera on November 8, 1939 (Book 954, Page 397). The Mattera's owned the property until January 21, 1942, when it was sold to Joseph and Diana Braga (Book 1072, Page 498). It is likely during the Braga's ownership of the home that the existing rear additions were made to the residence. Joseph and Diana Braga would own the property together until Joseph's death on May 29, 1975 (Book B753, Page 503). Diana retained ownership of the property until July 25, 1997, when it was sold to Terry M. and Paul E. Appling (Assessor's Doc#13790221).

By 1999 the property was listed under only Terry Appling's name (Assessor's Doc#14861230). On September 3, 2010 the home was transferred to the current owner, Robert C. Devaney (Assessor's Doc#20855480).

California Register of Historic Resources Criteria

A cultural resource is considered "significant" if it qualifies as eligible for listing in the California Register of Historic Resources (CRHR). Properties that are eligible for listing in the CRHR must meet one or more of the following criteria:

1. Association with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Association with the lives of persons important to local, California, or national history;
3. Embodying the distinctive characteristics of a type, period, region, or method of construction, or representing the work of a master, or possessing high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

A property may be automatically listed in the CRHR if it is formally determined eligible for the National Register of Historic Places. Properties that are formally determined eligible for the NRHP are those that are designated as such through one of the federal preservation programs administered by the California Office of Historic Preservation (i.e., the National Register, Tax Certification, and Section 106 review of federal undertakings). The CRHR interprets the integrity of a cultural resource based upon its physical authenticity. An historic cultural resource must retain its historic character or appearance and thus be recognizable as an historic resource. Integrity is evaluated by examining the subject's location, design, setting, materials, workmanship, feeling, and association. If the subject has retained these qualities, it may be said to have integrity. It is possible that a cultural resource may not retain sufficient integrity to be listed in the National Register of Historic Places yet still be eligible for listing in the CRHR. If a cultural resource retains the potential to convey significant historical/scientific data, it may be said to retain sufficient integrity for potential listing in the CRHR.

The residence at 175 North Sunnyvale Avenue is not currently listed on the California Register of Historical Resources. In addition the structure does not appear to be potentially eligible for listing in this register. The home is not associated with any known significant historical events thus it does not appear to qualify as potentially eligible under criterion 1. No historically significant persons appear to have been associated with the property, thus it does not appear to qualify as potentially eligible under criterion 2. It is not a good example of any architectural style, and thus does not appear to be eligible under criterion 3. In addition, the home does not appear to have the potential to yield significant historical information, and thus does not appear eligible under criterion 4.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary # _____

HRI # _____

Trinomial _____

CONTINUATION SHEETPage 5 of 13

*Resource Name or # (Assigned by recorder)

175 North Sunnyvale Avenue*Recorded by Archaeological Resource ManagementDate 12/2/2015Continuation ☒ Update*National Register Criteria*

The National Register of Historic Places was first established in 1966, with major revisions in 1976. The register is set forth in 36 CFR 60 which establishes the responsibilities of the State Historic Preservation Officers (SHPO), standards for their staffs and review boards, and describes the statewide survey and planning process for historic preservation. Within this regulation guidelines are set forth concerning the National Register of Historic Places (36 CFR 60.6). In addition, further regulations are found in 36 CFR 63-66, 800, and Bulletin 15 which define procedures for determination of eligibility, identification of historic properties, recovery, reporting, and protection procedures. The National Register of Historic Places was established to recognize resources associated with the accomplishments of all peoples who have contributed to the country's history and heritage. Guidelines were designed for Federal and State agencies in nominating cultural resources to the National Register. These guidelines are based upon integrity and significance of the resource. Integrity applies to specific items such as location, design, setting, materials, workmanship, feeling, and association. Quality of significance in American history, architecture, archaeology, engineering and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet at least one of the following criteria:

- A. That are associated with events that have made a significant contribution to broad patterns of our history;
- B. That are associated with the lives of persons significant in our past;
- C. That embody distinctive characteristics of type, period, or method of construction, or that represent the work of master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- D. That have yielded, or are likely to yield, information important in prehistory or history.

Integrity is defined in Bulletin 15: How to Apply the National Register Criteria for Evaluation, (U.S. Department of the Interior, National Park Service 1982) as:

the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period. If a property retains the physical characteristics it possessed in the past then it has the capacity to convey association with historical patterns or persons, architectural or engineering design and technology, or information about a culture or peoples.

There are also seven aspects of integrity which are used. These aspects are:

- | | |
|--------------|----------------|
| 1. location | 5. workmanship |
| 2. design | 6. feeling |
| 3. setting | 7. association |
| 4. materials | |

The Residence at 175 North Sunnyvale Avenue is not currently listed on the National Register of Historic Places. In addition, the property does not appear to be potentially eligible for listing in this register. The home is not associated with significant historic events or persons, thus it does not appear to be potentially eligible for listing under criteria A or B. The structure is not a good example of any architectural style, and thus does not appear eligible for inclusion under criterion C. The property does not appear to be likely to yield information important in prehistory or history, thus it does not appear to qualify as potentially eligible under criterion D.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 8 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
*Recorded by Archaeological Resource Management Date 12/2/2015 Continuation x Update

The City of Sunnyvale's Heritage Resource Inventory

Chapter 19.96 regarding the City of Sunnyvale's Heritage Preservation outlines the guidelines for evaluating and nominating historic resources as follows: "Any improvement, building, portion of buildings, structures, signs, features, sites, scenic areas, views, vistas, places, areas, landscapes, trees, or other natural objects or objects of scientific, aesthetic, educational, political, social, cultural, architectural, or historical significance can be designated a heritage resource by the city council and any area within the city may be designated a heritage resource district by the city council pursuant to provisions of this chapter if it meets the Criteria of the National Register of Historic Places, or one or more of the following:

- (a) It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
- (b) It is identified with persons or events significant in local, state, or national history;
- (c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
- (d) It is representative of the work of a notable builder, designer, or architect;
- (e) It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically or by plan or physical development;
- (f) It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the city of Sunnyvale;
- (g) It embodies elements of architectural design, detail, materials, or craftsmanship that represents a significant structural or architectural achievement or innovation;
- (h) It is similar to other distinctive properties, sites, areas, or objects based on a historic, cultural, or architectural motif;
- (i) It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
- (j) It is one of the few remaining examples in the city, region, state, or nation possessing distinguishing characteristics of an architectural or historic type or specimen;
- (k) With respect to a local landmark, it is significant in that the resource materially benefits the historical character of a neighborhood or area, or the resource in its location represents an established and familiar visual feature of the community;
- (l) With respect to a local landmark district, a collective high integrity of the district is essential to the sustained value of the separate individual resources;
- (m) With respect to a designated landmark and designated landmark district, the heritage resource shall meet Criteria of the National Register of Historic Places, which are incorporated by reference into this chapter." (Taken from Chapter 19.96.050 of the Guidelines for Heritage Preservation.)

The property at 175 Sunnyvale Avenue is not currently individually listed on the City of Sunnyvale's Heritage Resource Inventory. In addition it does not appear to be potentially eligible for individual listing in this inventory under any of the criteria listed above.

However, the structure is located within the boundaries of a recorded historic resource on the Heritage Resource Inventory, identified as the 100 block of Sunnyvale Avenue. Although not individually eligible for listing, the structure is chronologically and stylistically compatible with the historic elements of this resource, and should be viewed as contributing to the historic character of the block as a whole.

State of California - The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # _____ HRI # _____ Trinomial _____
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Page 7 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
 *Recorded by Archaeological Resource Management Date 12/2/2015 Continuation ☐ Update ☒

Continued from B12:

- Assessor's Office, County of Santa Clara
 2015 Record search of assessed value and associated taxes for the property at 175 North Sunnyvale Avenue.
- Calloway, S. and E. Cromley
 1996 *The Elements of Style: A Practical Encyclopedia of Interior Architectural Details from 1485 to the Present, Revised Edition.* Simon & Schuster, New York.
- Douglas, J.
 1993 *Historical Footnotes of Santa Clara Valley.* San Jose Historical Museum Association, San Jose.
- Hoover, M. et al
 1966 *Historic Spots in California.* Stanford University Press, Stanford California.
- McAlester, V. and L. McAlester
 1997 *A Field Guide to American Houses.* Alfred A. Knopf, New York.
- Payne, S.
 1987 *Santa Clara County: Harvest of Change.* Windsor Publications, Northridge, California.
- Recorder's Office, County of Santa Clara
 2015 Record search of recorded information for the property at 175 North Sunnyvale Avenue.
- Sawyer, E.
 1922 *History of Santa Clara County, California.* Historical Record Company, Los Angeles.
- Seavey, K. L.
 1988 *Images: Sunnyvale's Heritage Resources.* Composite Arts, Sunnyvale, California.
- Thompson & West
 1876 *Historical Atlas of Santa-Clara County, California.* Thompson & West, San Francisco.
- US Department of the Interior
 1990 *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*
- US Department of the Interior
 1982 *Bulletin 15 - "How to Apply the National Register Criteria for Evaluation."*
- Whiffen, M.
 1992 *American Architecture since 1780, Revised Edition.* The MIT Press, Cambridge, MA.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 8 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
*Recorded by Archaeological Resource Management Date 12/2/2015 Continuation ☒ Update



Photo 1: View of the front façade of the residence.



Photo 2: View of the front porch of the residence.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 9 of 13

*Resource Name or # (Assigned by recorder)

175 North Sunnyvale Avenue

*Recorded by Archaeological Resource Management

Date 12/2/2015

Continuation ☒ Update



Photo 3: View of the main gable on the front façade.

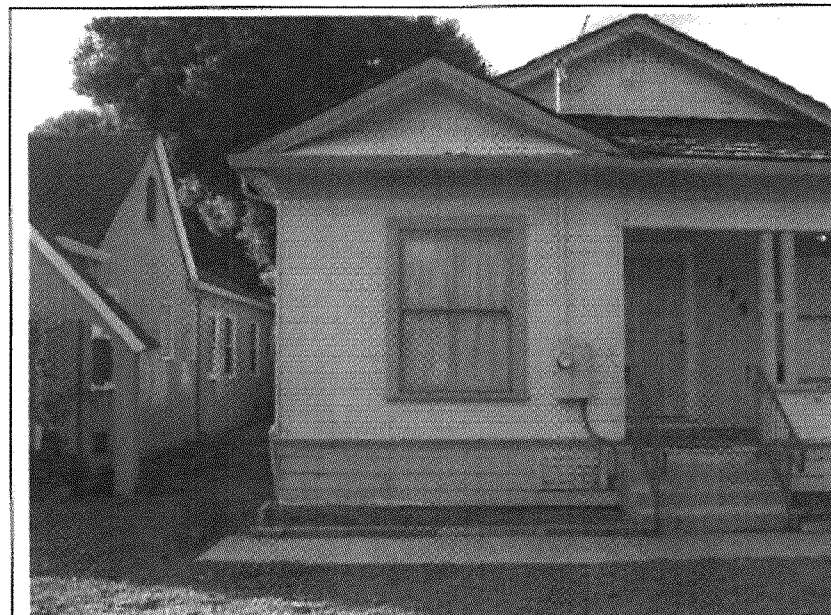


Photo 4: View of the bay on the southern side of the front façade.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 10 of 13

*Resource Name or # (Assigned by recorder)

175 North Sunnyvale Avenue

*Recorded by Archaeological Resource Management

Date 12/2/2015

Continuation ☒ Update



Photo 5: Oblique view of the residence from the southeast.



Photo 6: Oblique view along the northern façade.

State of California - The Resources Agency	Primary #	_____
DEPARTMENT OF PARKS AND RECREATION	HRI #	_____
CONTINUATION SHEET	Trinomial	_____

Page 11 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
*Recorded by Archaeological Resource Management Date 12/2/2015 Continuation ☒ Update



Photo 7: View of the central bay on the northern façade.



Photo 8: View of the rear portion of the northern façade, note rear addition.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 12 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
*Recorded by Archaeological Resource Management Date 12/2/2015 Continuation ☒ Update

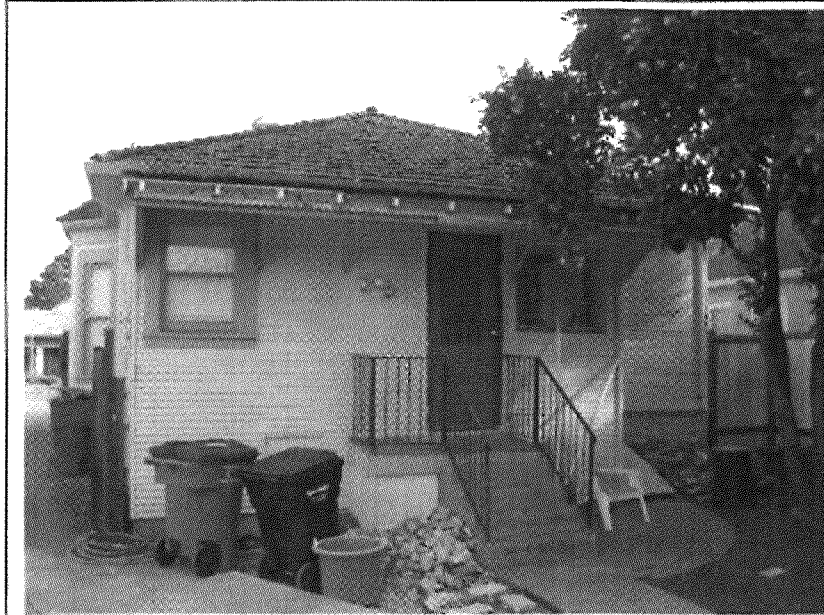


Photo 9: View of the rear façade showing existing rear addition.



Photo 10: View along the southern façade of the residence.

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 13 of 13 *Resource Name or # (Assigned by recorder) 175 North Sunnyvale Avenue
*Recorded by Archaeological Resource Management Date 12/2/2015 Continuation ☐ Update ☐

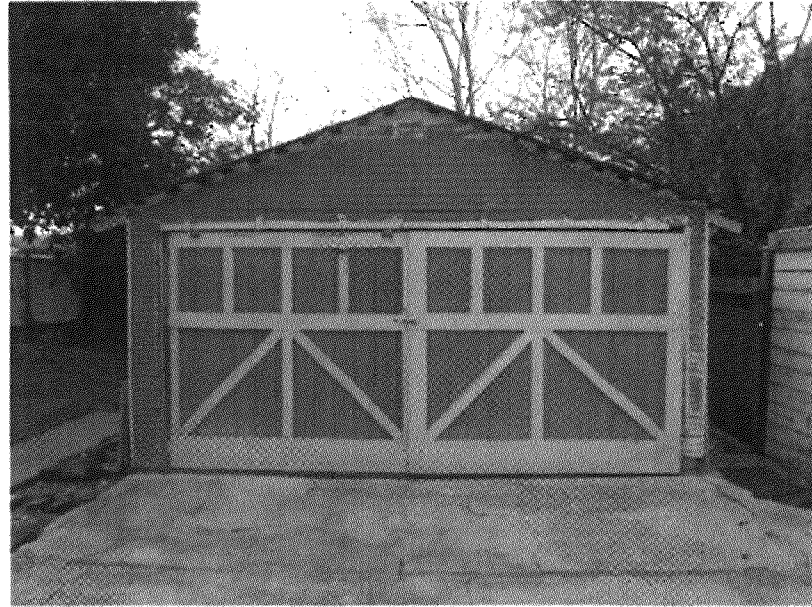


Photo 11: View of the front façade of the detached garage.



Photo 12: Side view of the detached garage.

175 N. Sunnyvale, CA 94086s



Site Plan

Scale: 1" = 10'-0"



Data

A.P.N. 204-49-007

Code 2013 CRC, 2013 CEC, 2013 CPC, 2013 CMC,
2013 CA Green Building & Energy Code
(as amended by the state of California and
local jurisdiction)

Occupancy R-3

Construction Type VB

Sprinklers No

Zoning R-2

Stories 1 + partial basement

Site Area 7,020 s.f

Lot Summary Table

Floor Area Ratio			
Existing F.A.R.	=	$\frac{\text{Floor Area}}{\text{Site Area}} = \frac{1,832 \times 100}{7,020}$	= 26.1%
Proposed F.A.R.	=	$\frac{\text{Floor Area}}{\text{Site Area}} = \frac{2,026 \times 100}{7,020}$	= 28.9%

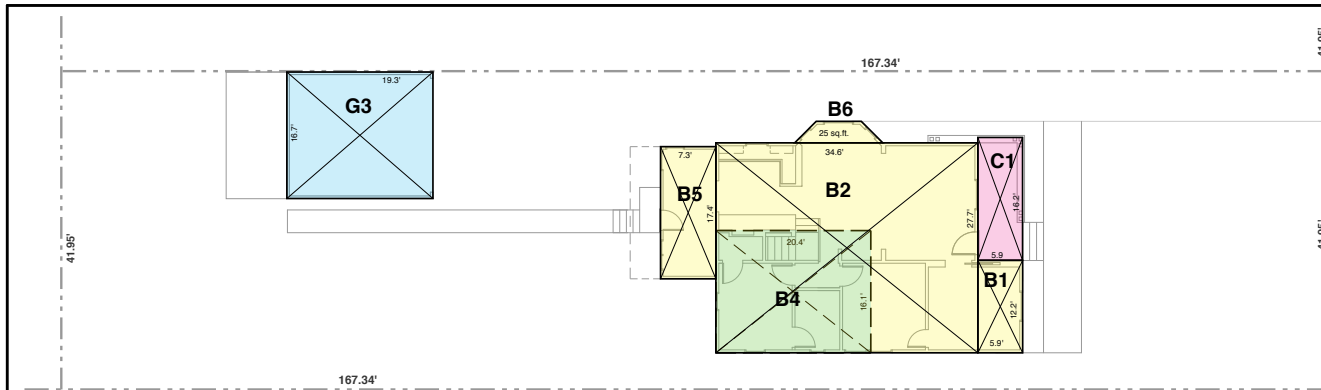
-	Planning Resubmittal	01-21-16
-	Planning Resubmittal	01-06-16
-	Planning Review	12-1-15
No.	Revision	Date

Title, Data & Site Plan

Scale:
1/8" = 1'-0"

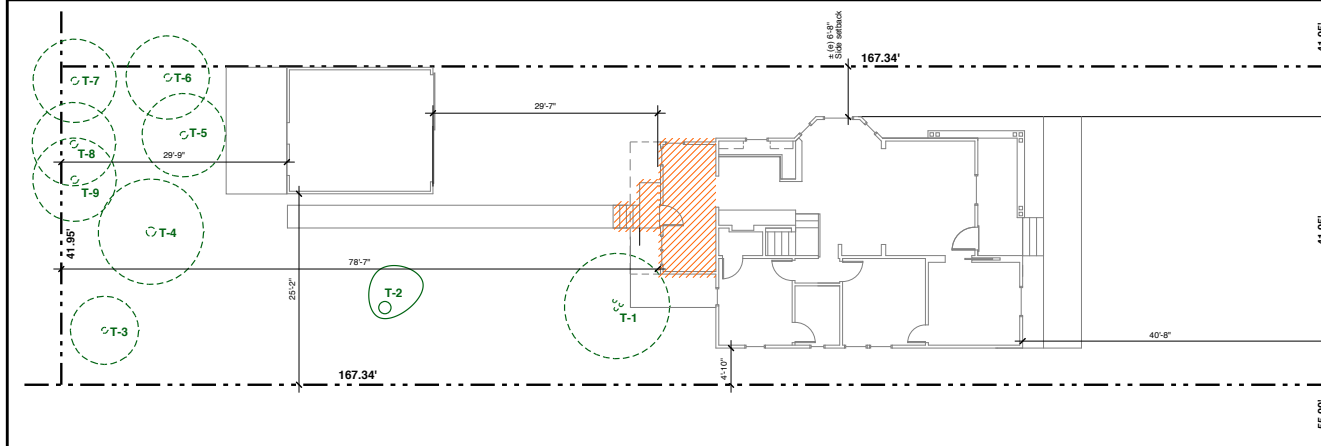
0.1

File: Devaney House/A0 Devaney Data



Existing Floor Area Diagram

1



Existing Tree Schedule

Mark	Size	Common Name	Remarks
(d) T-1	6", 6", 7"	Orange	Demolish - conflict w/ (n) construction
T-2	6"	Mulberry	To remain
(d) T-3	7"	Magnolia	Demolish - very poor condition
(d) T-4	7"	Hachiya Persimmon	Demolish - conflict w/ (n) construction
(d) T-5	6"	Tree of Heaven	Demolish - poor species
(d) T-6	6"	Tree of Heaven	Demolish - poor species
(d) T-7	6"	Tree of Heaven	Demolish - poor species
(d) T-8	6"	Tree of Heaven	Demolish - poor species
(d) T-9	6"	Tree of Heaven	Demolish - poor species

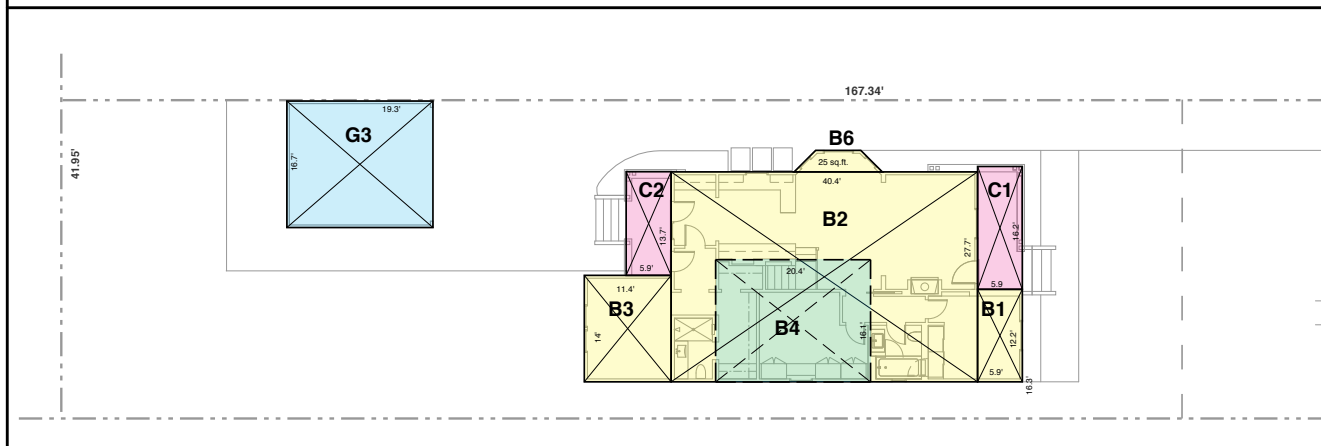
Legend



Area of construction to be removed.

Demolition Site Plan

2



Proposed Floor Area Diagram

3

FLOOR AREA CALCULATIONS
PROPOSED CONSTRUCTION

01-06-16

Main House		
Conditioned Space		
B1	5.9' x 12.2'	71.98 SF
B2	40.4' x 27.7'	1119.08 SF
B3	11.4' x 14'	159.6 SF
B6	irregular shape	25 s.f.
		1,376 SF
B4 (basement) 20.4' x 16.1'		
		328.44 SF
Porches		
C1	5.9' x 16.2'	95.58 SF
C2	5.9' x 13.7'	80.83 SF
Total porches		176.41 SF
Garage		
G3	19.3' x 16.7'	322.3 SF

Existing Site Plan
& Floor Area Diagrams

Scale:
1/8" = 1'-0"

0.2

File: Devaney House/AO Devaney Data

Devaney House
175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

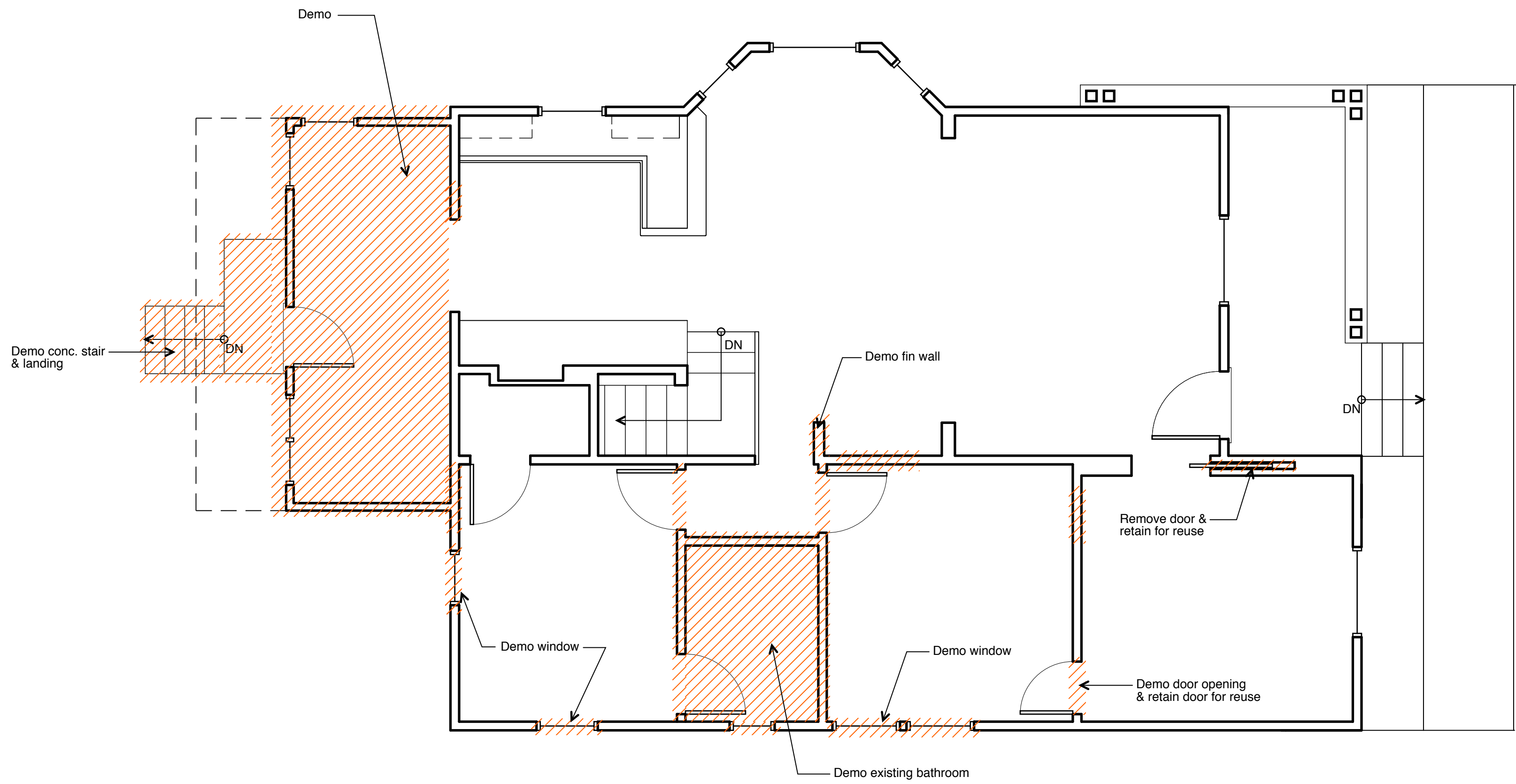
House Addition

- Demolition Plan Notes:**
1. All dimensions shown are existing and approximate. Verify all dimensions in field.
 2. Retain all existing doors for possible reuse.

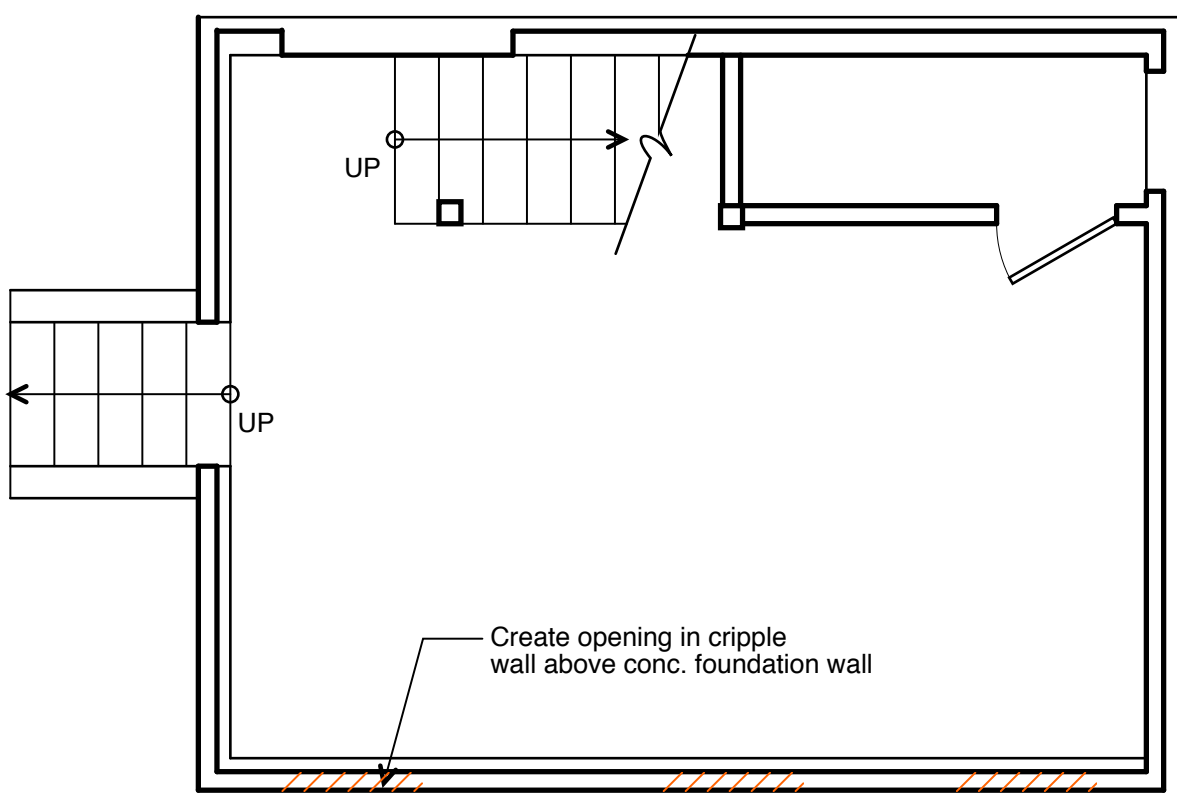
Legend:

(e) Stud wall

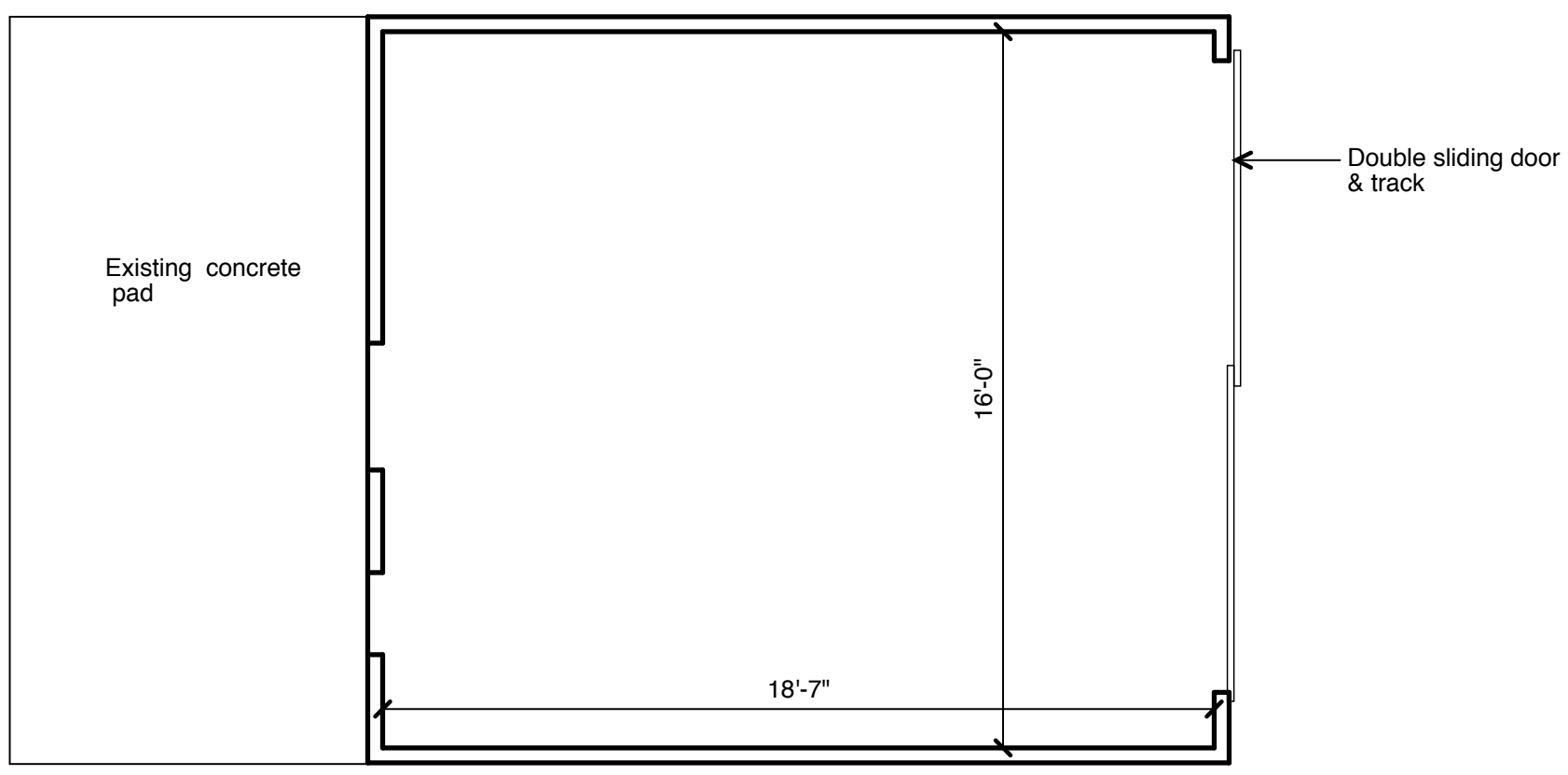
Demo



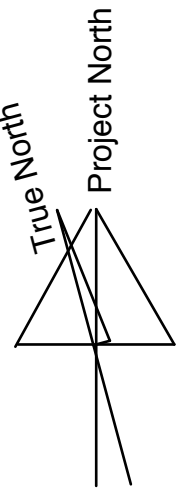
Existing First Floor Plan 1



Existing Basement 2



Existing Garage 3



-	Planning Resubmittal	01-21-16
-	Planning Resubmittal	01-06-16
-	Planning Submittal	12-1-15
No.	Revision	Date

Existing / Demolition Plans

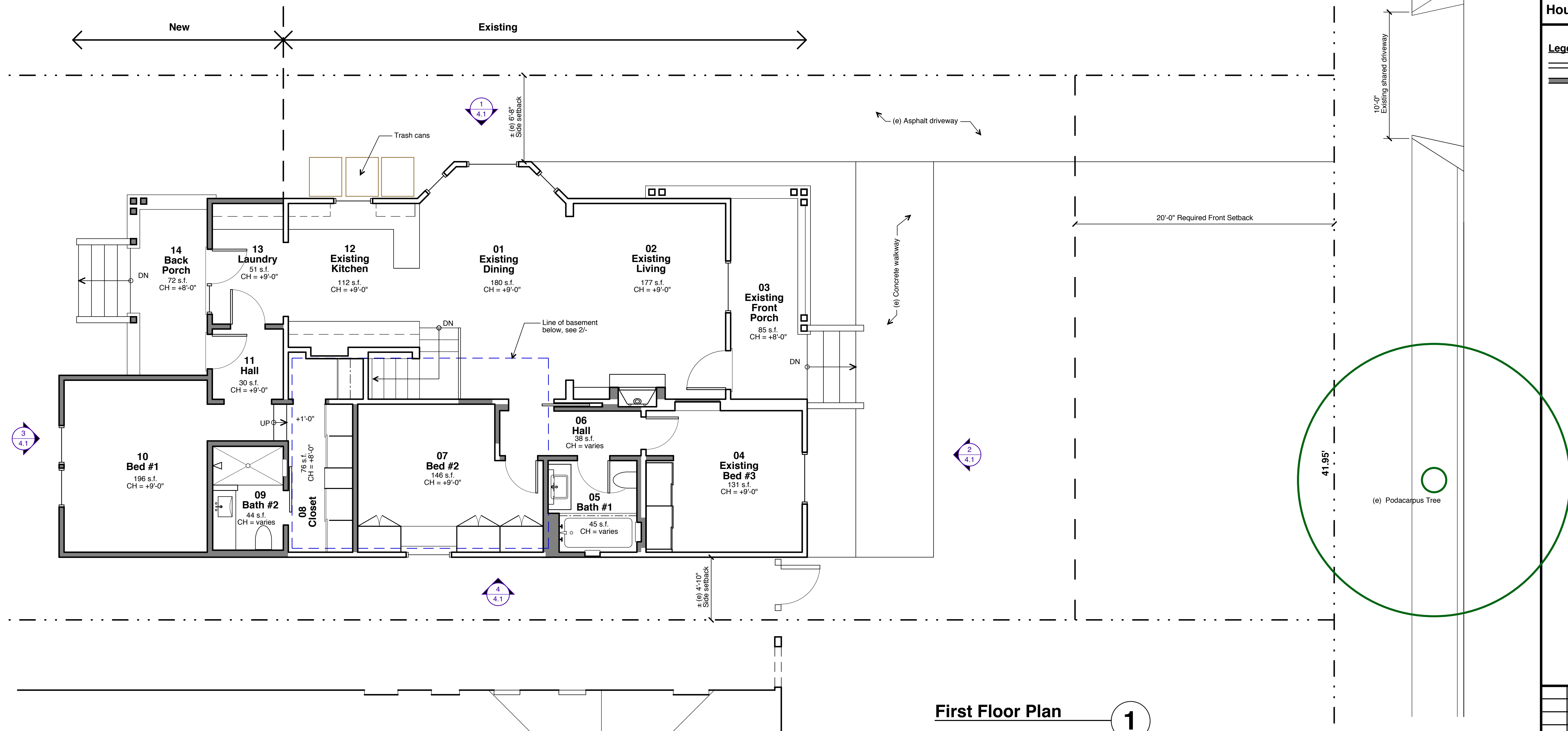
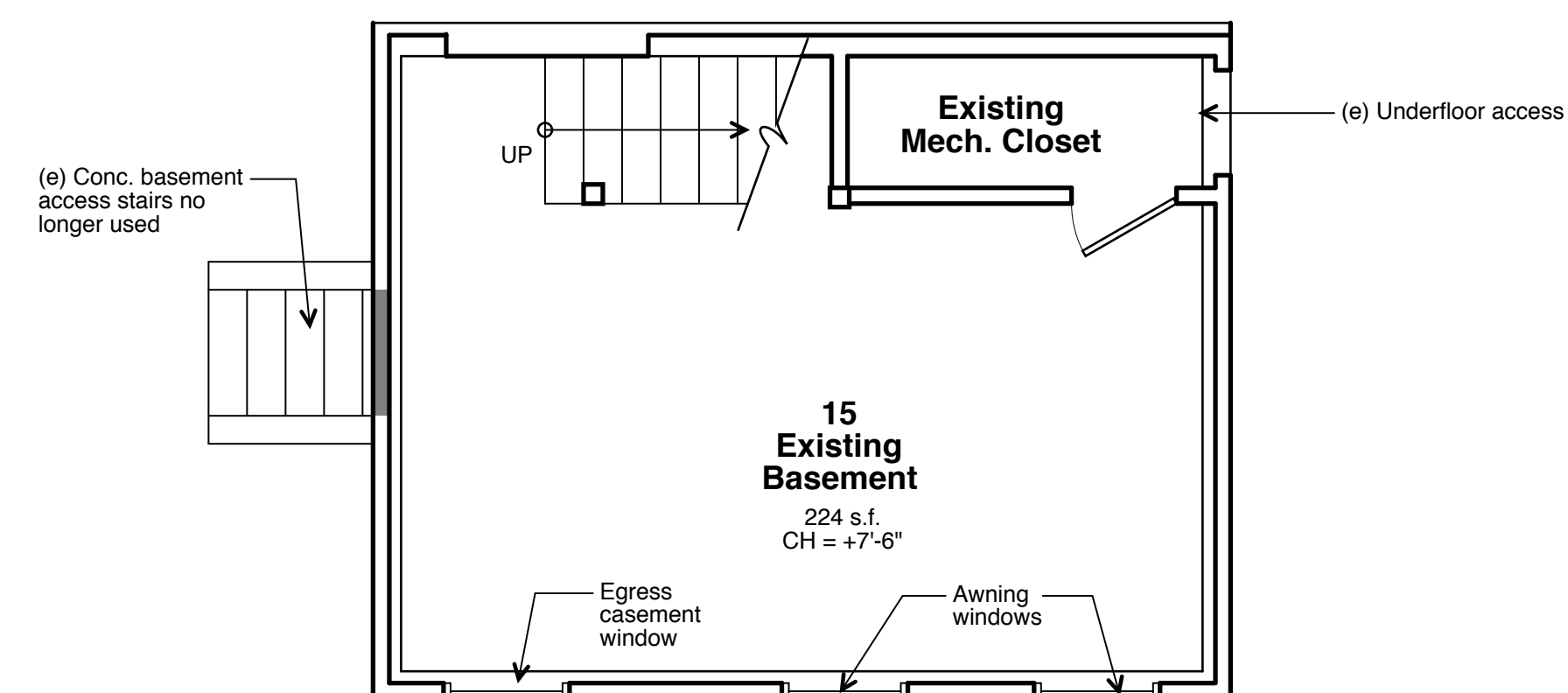
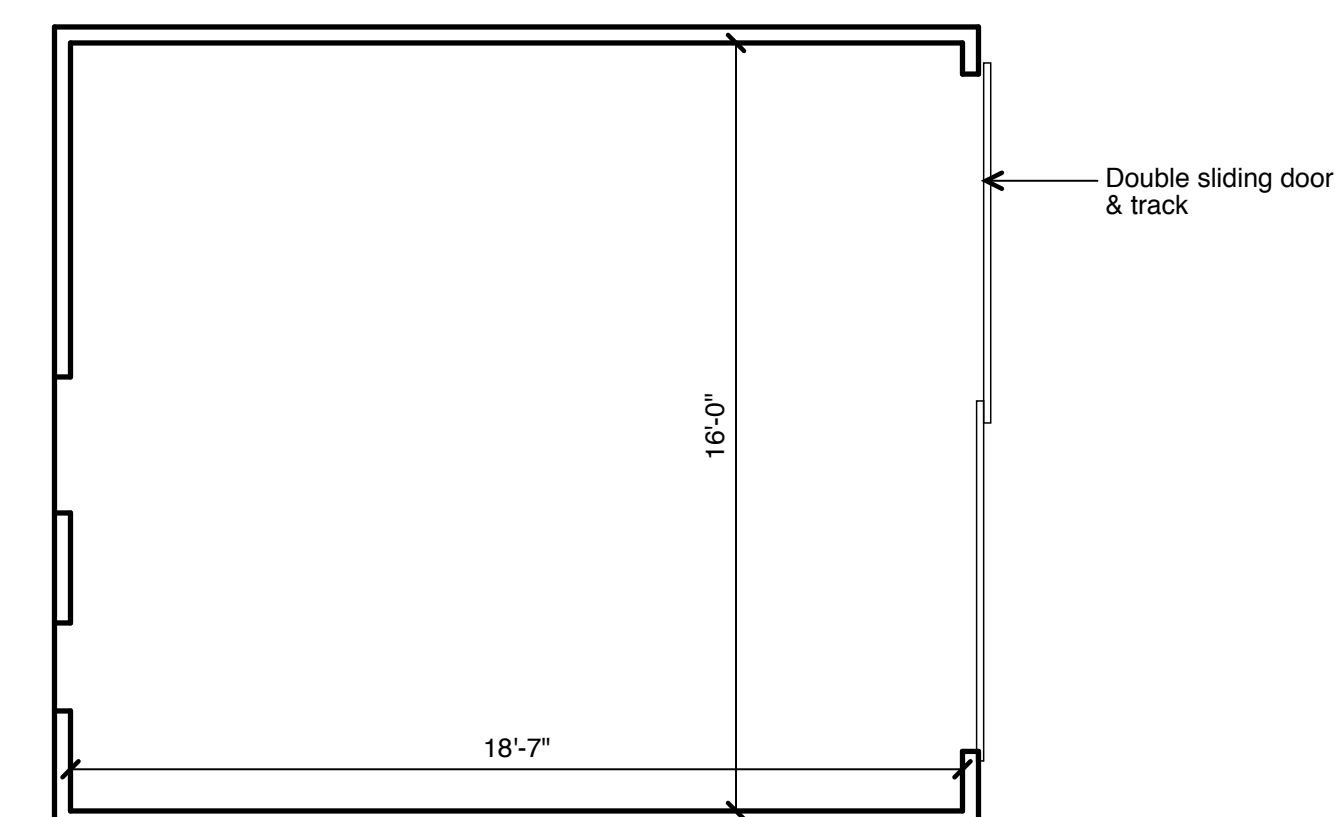
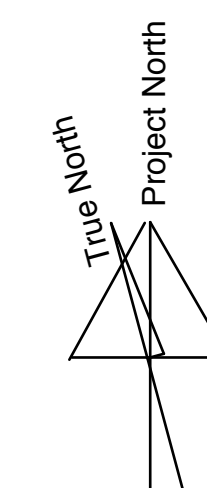
Scale:
1/4" = 1'-0"

A2.0

Devaney House
175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

House Addition**Legend:**

- (e) Stud wall
New Construction
CH Ceiling Height

**First Floor Plan****1****Existing Basement****2****Existing Garage****3**

No.	Revision	Date
-	Planning Resubmittal	01-21-16
-	Planning Resubmittal	01-06-16
-	Planning Submittal	12-1-15

Main House Floor Plan

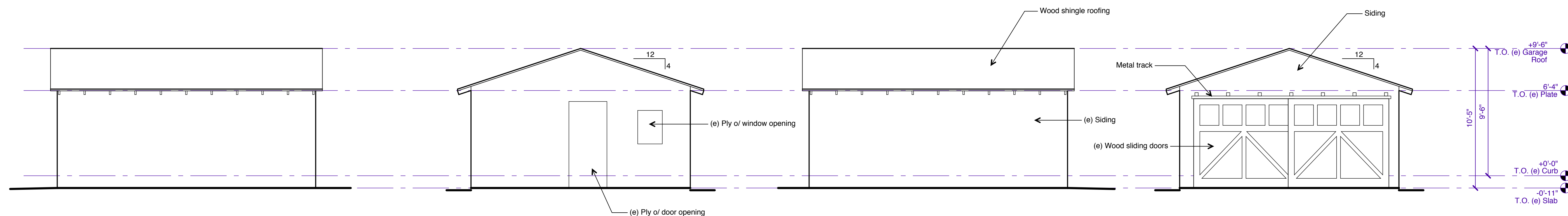
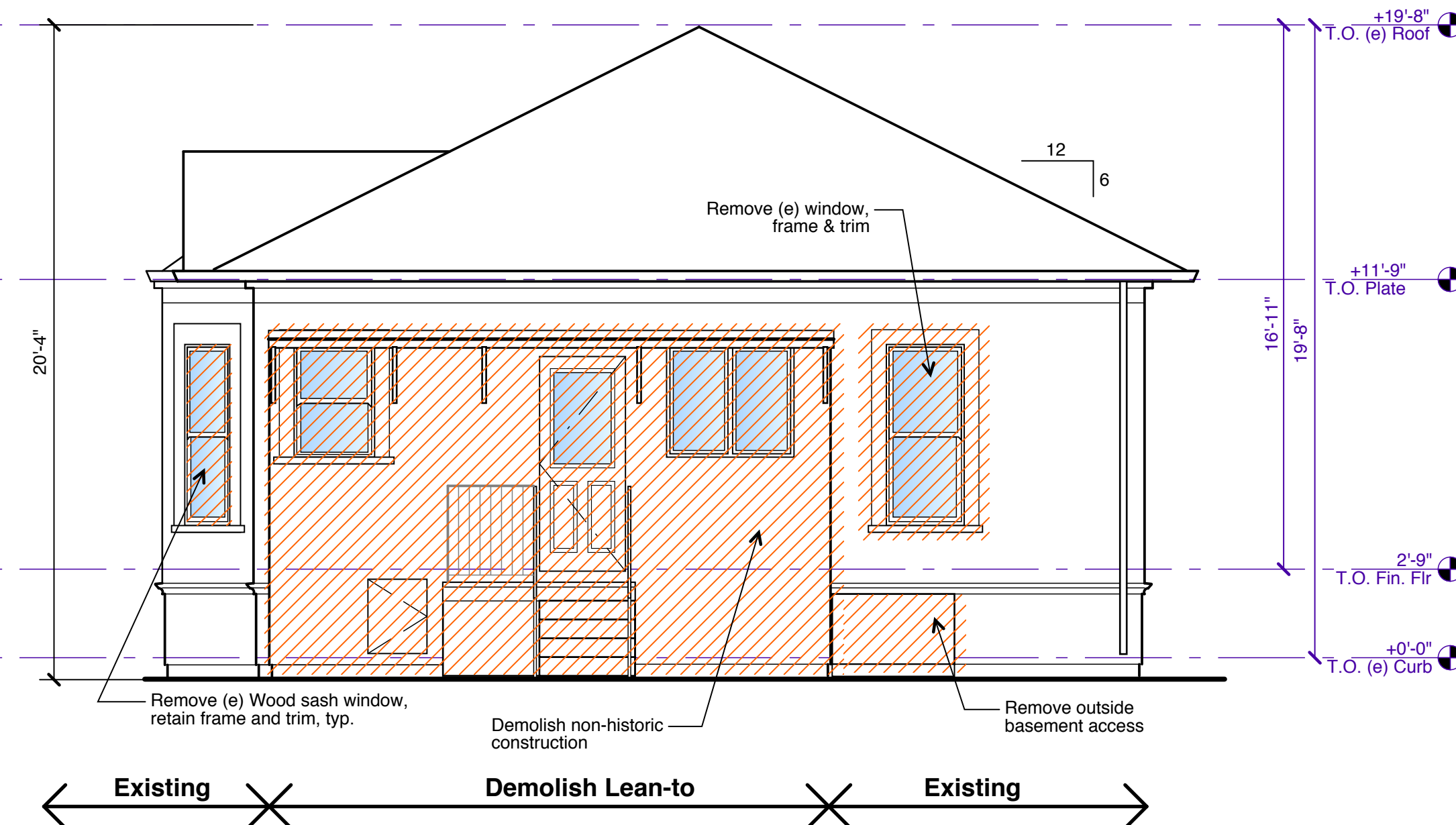
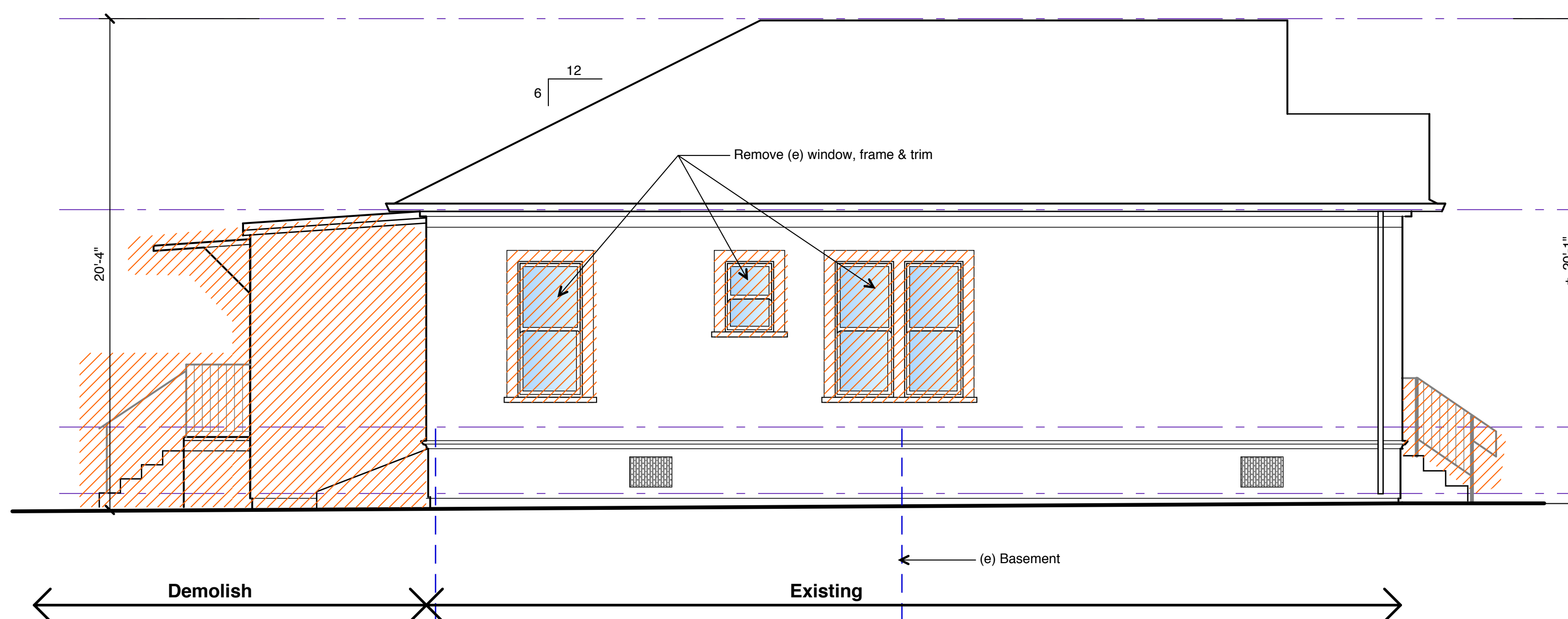
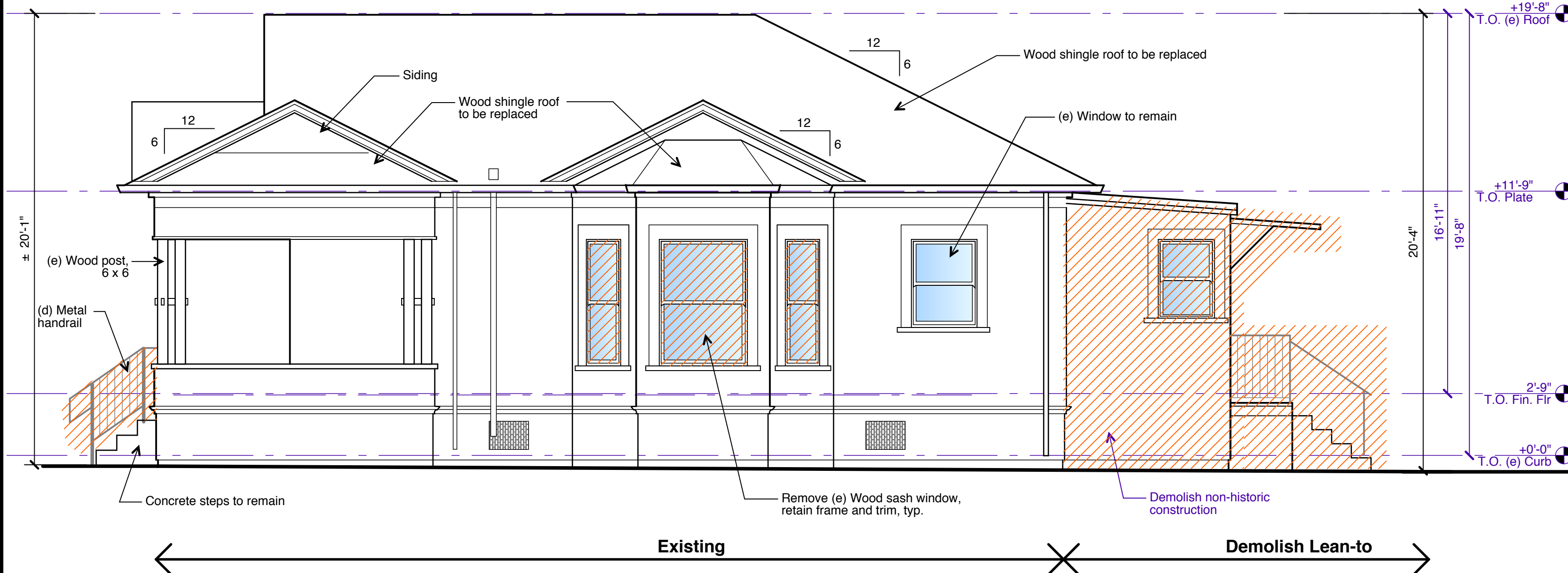
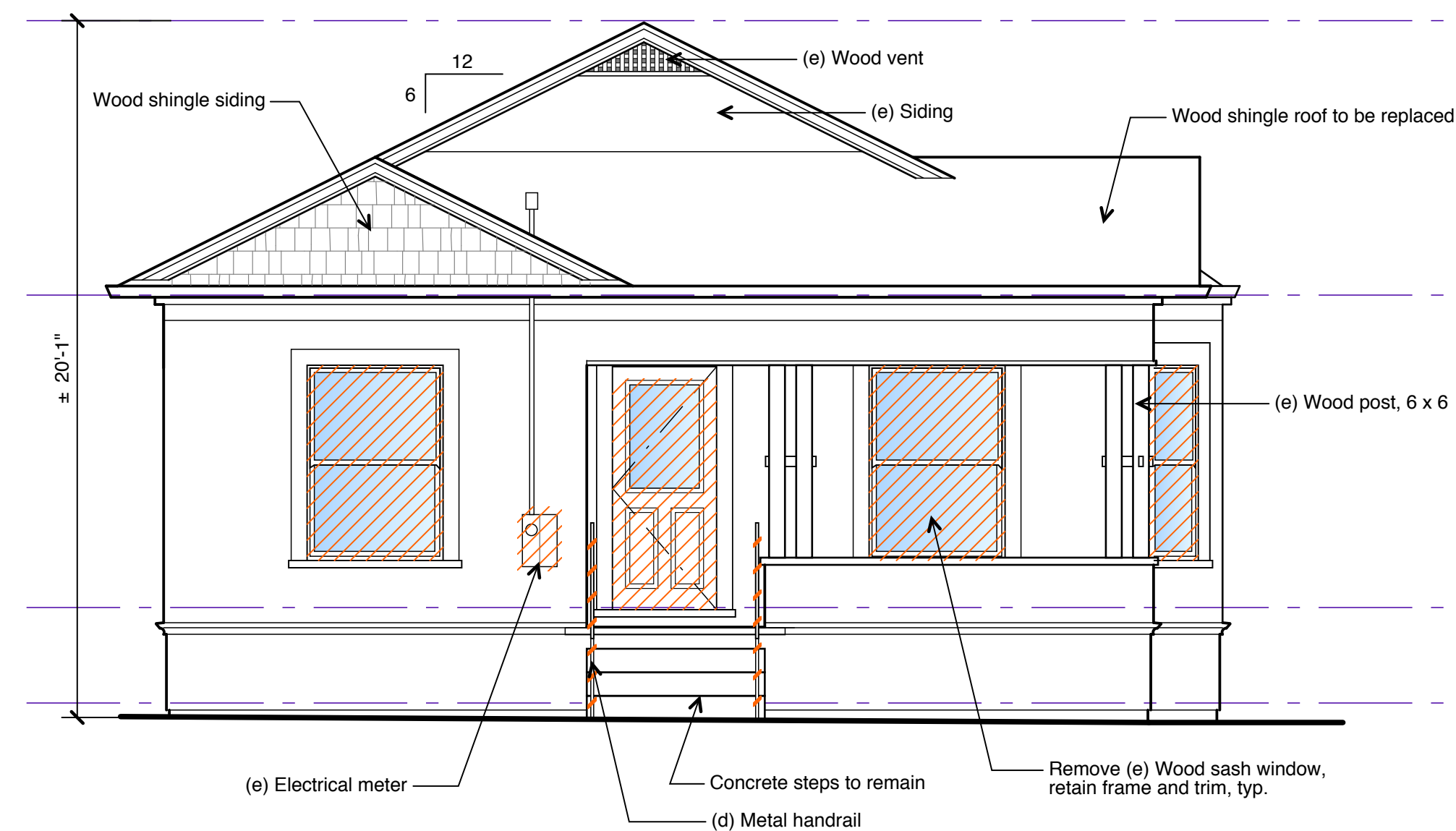
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A2.1a

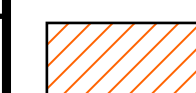
Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

House Addition



Legend:



-	Planning Resubmittal	01-21-16
-	Planning Resubmittal	01-06-16
-	Planning Submittal	12-1-15
No.	Revision	Date

Existing / Demo Exterior Elevations

Scale:
1/4" = 1'-0"

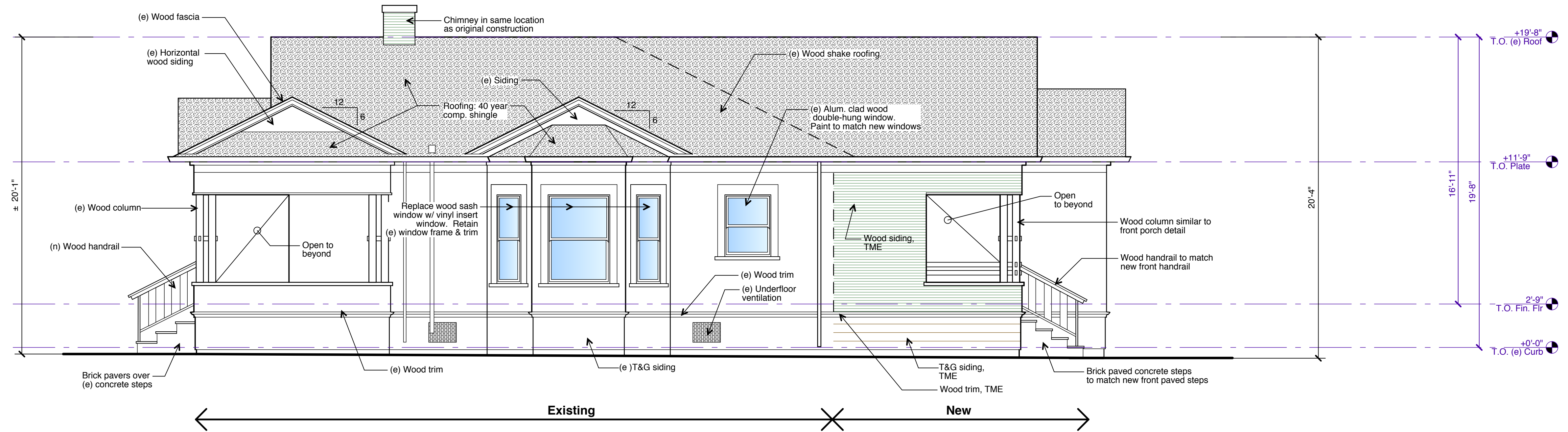
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4

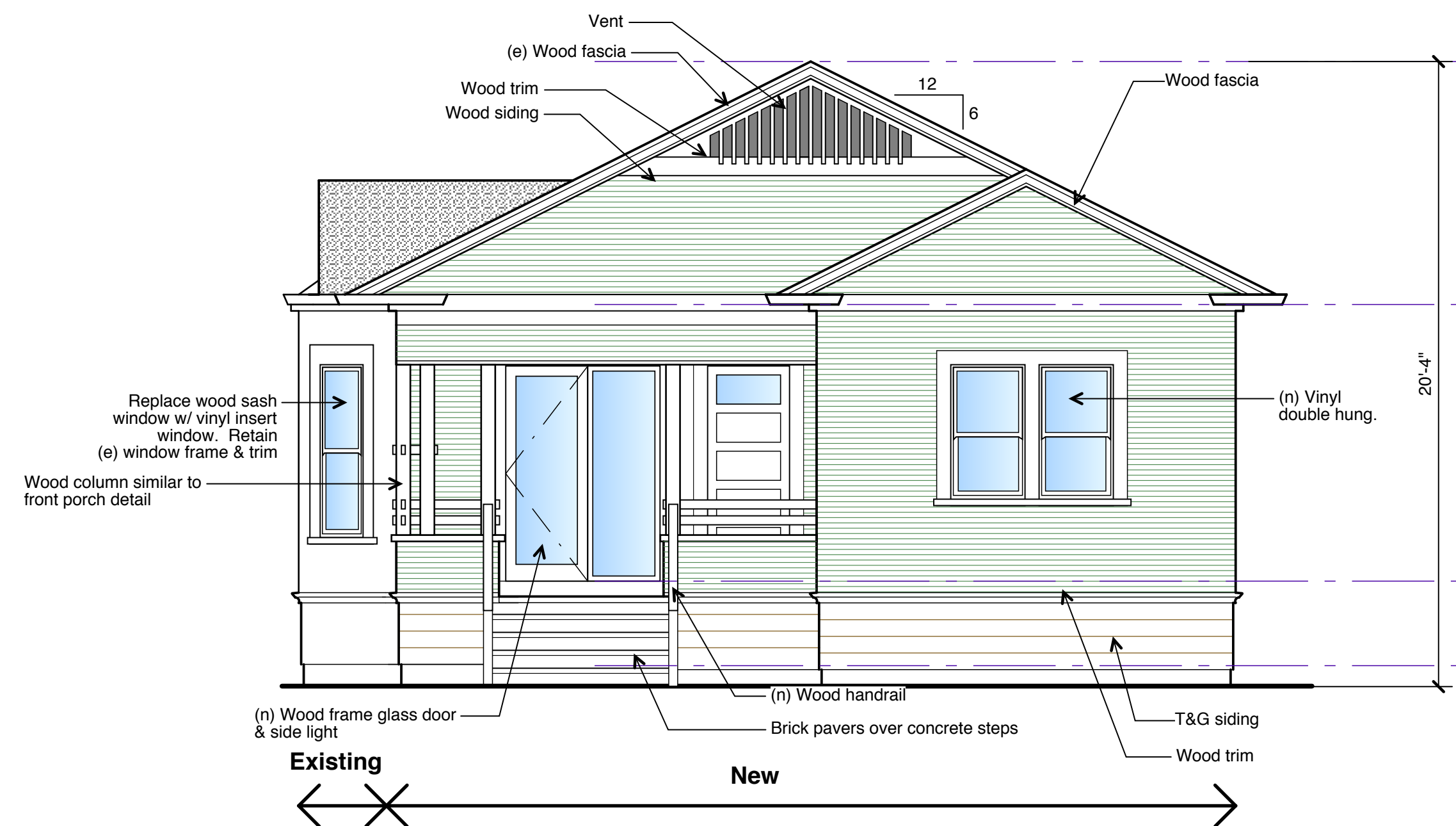
Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

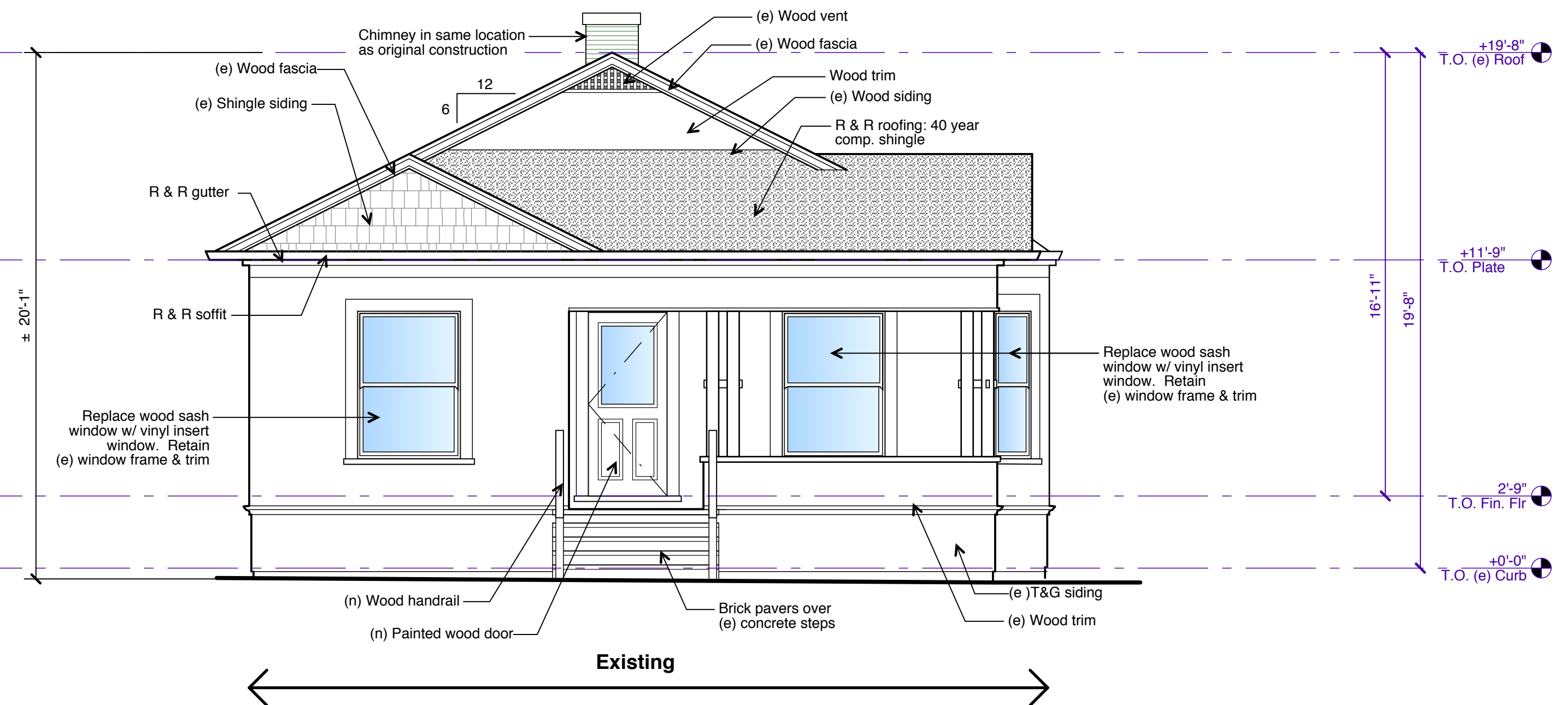
House Addition



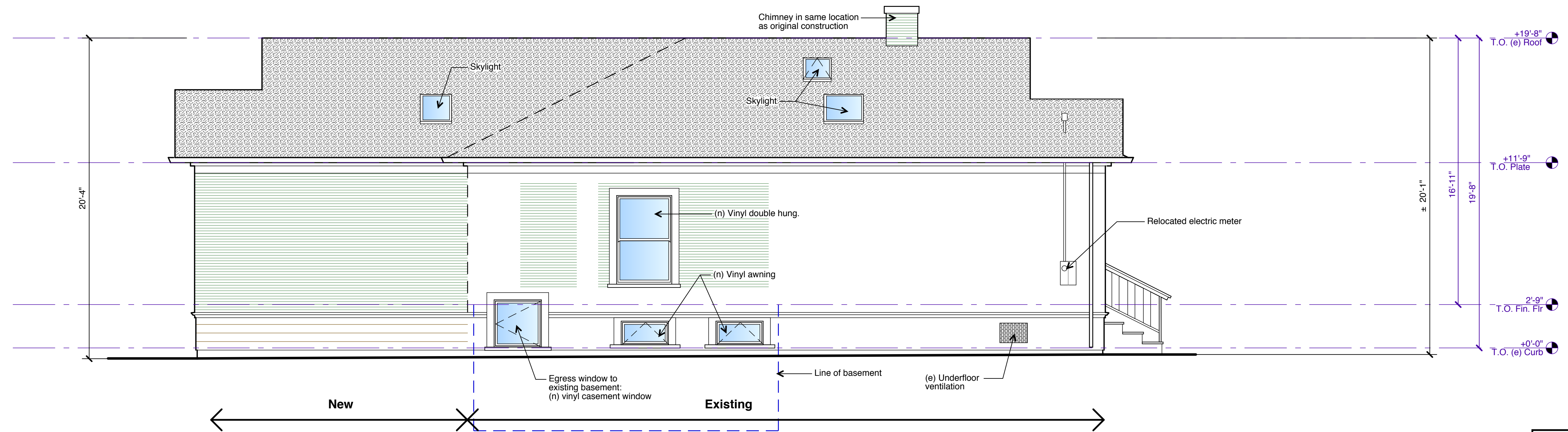
1



3



2



4

Exterior Elevations

Scale:
1/4" = 1'-0"

A4.1

-	Planning Resubmittal	01-21-16
-	Planning Resubmittal	01-06-16
-	Planning Submittal	12-1-15

No.	Revision	Date
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RESIDENTIAL PROJECT DATA

Applicant should refer to the Sunnyvale Municipal Code for current requirements.

Devaney Residential Addition

175 N. Sunnyvale Ave, Sunnyvale, 94086

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
<input type="checkbox"/> General Plan Category			
<input type="checkbox"/> Zoning District	R-2	R-2	R-2
<input type="checkbox"/> Lot Size (sq. ft.)	7,020 s.f.	7,020 s.f.	5,000 s.f. min.
<input type="checkbox"/> Gross Floor Area (sq. ft.)	1,832	2,026	3,600 s.f. max.
<input type="checkbox"/> Lot Coverage (%)	21.4%	24.2%	45 % max.
<input type="checkbox"/> Number of Units	1	1	2 max.
<input type="checkbox"/> Density (units/acre)			max.
<input type="checkbox"/> Meets 75% min?			max.
<input type="checkbox"/> Bedrooms / Unit	3	3	max.
<input type="checkbox"/> Unit Sizes (sq. ft.)	1,510 s.f.	1,704 s.f.	
<input type="checkbox"/> Lockable Storage / Unit (cu. ft.)	322 s.f.	322 s.f.	max.
<input type="checkbox"/> Number of Buildings On-Site	2	2	
<input type="checkbox"/> Distance Between Buildings	29'-7"	25'-1"	5'-0" min.
<input type="checkbox"/> Building Height (ft.)	± 20'-1"	± 20'-1"	30'-0" max.
<input type="checkbox"/> No. of Stories	1 + basement	1 + basement	2 max.
<input type="checkbox"/> Front Setbacks (1 st Story/2 nd Story)	40'-8"	40'-8"	20'-0" min.
<input type="checkbox"/> Left Side Setbacks(1 st Story/2 nd Story facing property)	4'-10"	4'-10"	4'-10" min.
<input type="checkbox"/> Right Side Setbacks(1 st Story/2 nd Story facing property)	6'-8"	6'-8"	5'-2" min.
<input type="checkbox"/> Rear Setback	78'-7"	68'-11"	20'-0" min.
<input type="checkbox"/> Landscaping (total sq. ft.)	3,613 s.f.	3,470 s.f.	min.
<input type="checkbox"/> Landscaping (sq. ft./unit)	3.613 s.f.	3,470 s.f.	
<input type="checkbox"/> Useable Open Space (sq. ft./unit)	2,840 s.f.	2,697 s.f.	15 ft. min.
<input type="checkbox"/> Parking Lot Area Shading (%)			50% min. in 15 yrs.
<input type="checkbox"/> Water Conserving Plants (%)			70% min.
<input type="checkbox"/> Total No. of Parking Spaces	3	3	3 min.
<input type="checkbox"/> Standards			min.
<input type="checkbox"/> Compacts / % of total			max.
<input type="checkbox"/> Accessible Spaces			min.
<input type="checkbox"/> Covered Spaces	2	2	2 min.
<input type="checkbox"/> Aisle Width (ft.)			
<input type="checkbox"/> Bicycle Parking			
<input type="checkbox"/> Impervious Surface Area (sq. ft.)	3,407	3,550 s.f.	
<input type="checkbox"/> Impervious Surface (%)	48.5%	50.6%	

One-Stop Permit Center - City Hall - 456 W. Olive Avenue - (408) 730-7444

Planners and Building Division staff are available 8:00 a.m. to noon and 1:00 to 5:00 p.m.

www.SunnyvalePlanning.com / www.SunnyvaleBuilding.com

Rev. 8/07 (yellow)

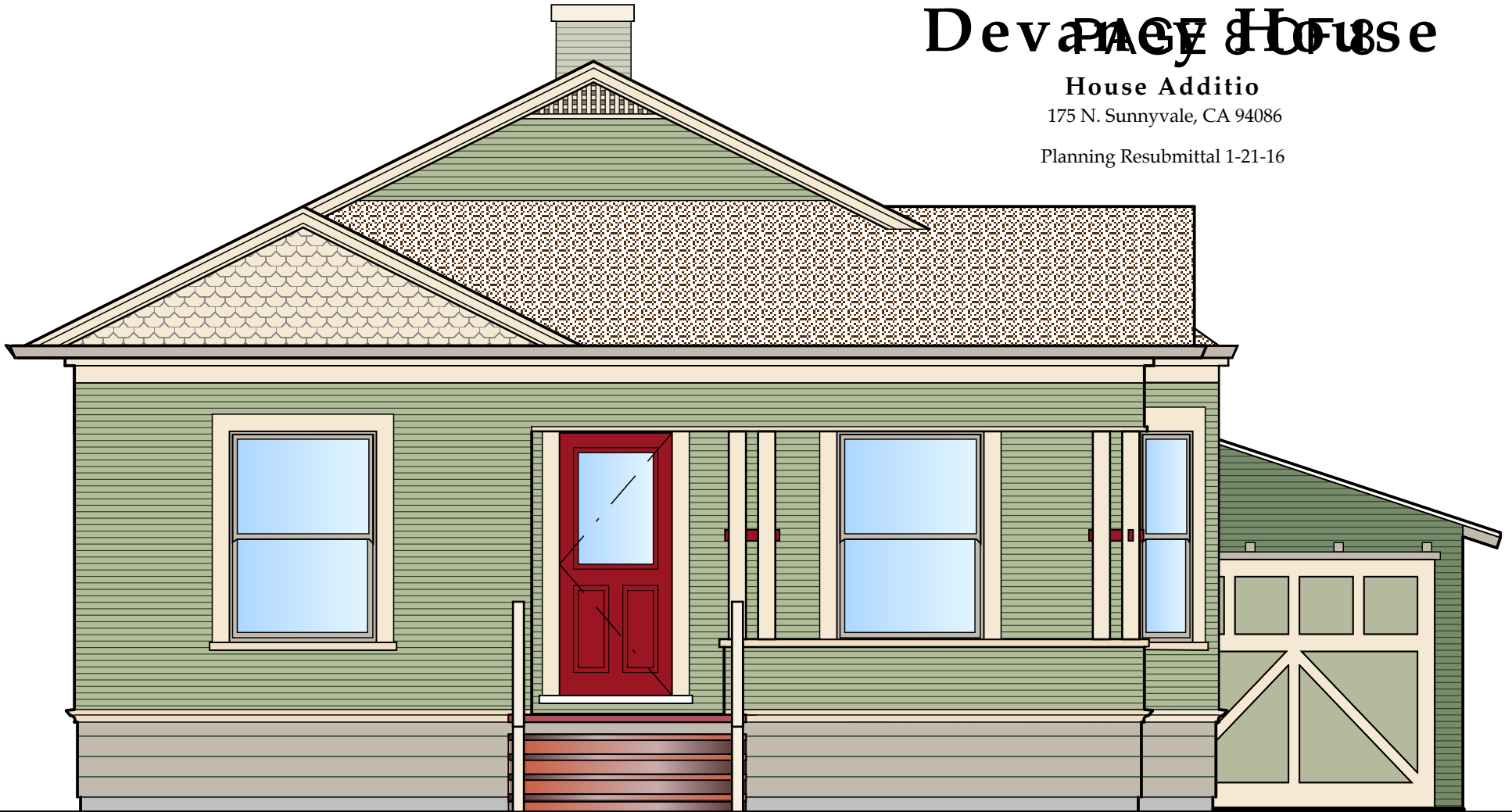
ATTACHMENT 6

Devaney House

House Additio

175 N. Sunnyvale, CA 94086

Planning Resubmittal 1-21-16



Main house wall

Trim

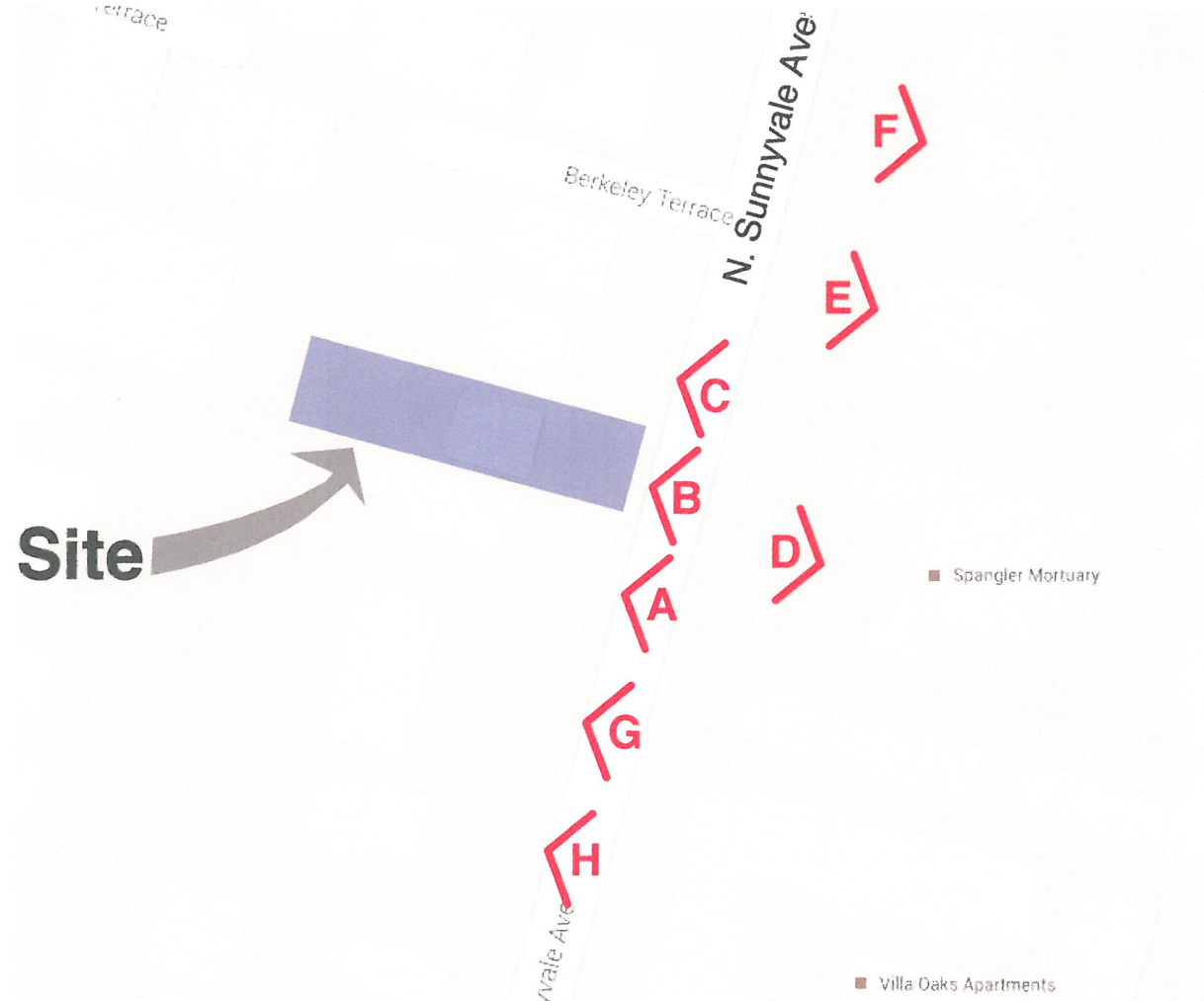
Foundation wall

Door

*Brick pathway
& steps*

Garage





Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

House Addition &
New Accessory Living Unit



167 North Sunnyvale Avenue

A

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

**House Addition &
New Accessory Living Unit**



175 North Sunnyvale Avenue

B

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

**House Addition &
New Accessory Living Unit**



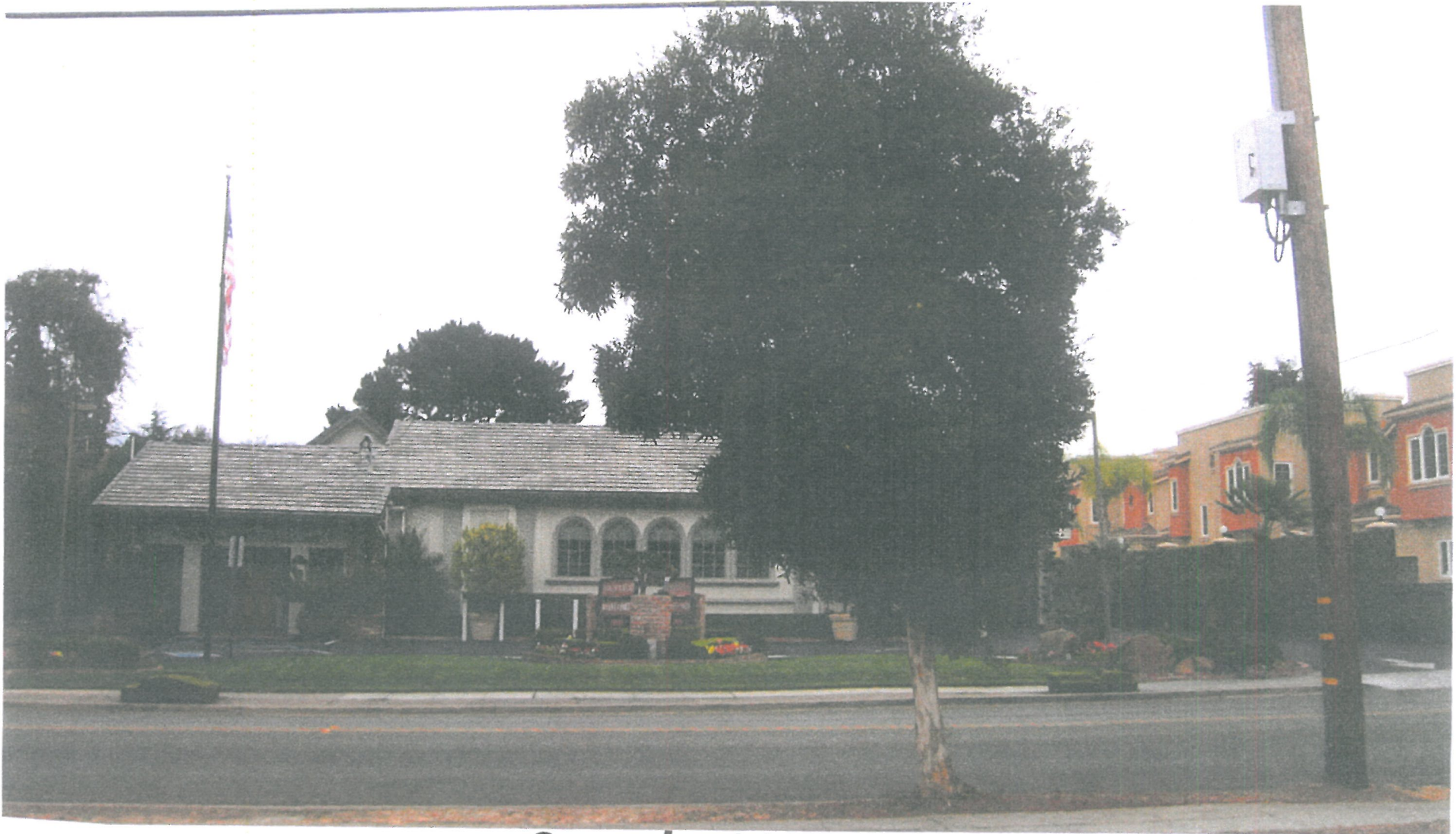
183 North Sunnyvale Avenue

C

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

**House Addition &
New Accessory Living Unit**



Spangler Mortuary
174 N Sunnyvale Ave, Sunnyvale, CA 94086

D

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

House Addition &
New Accessory Living Unit

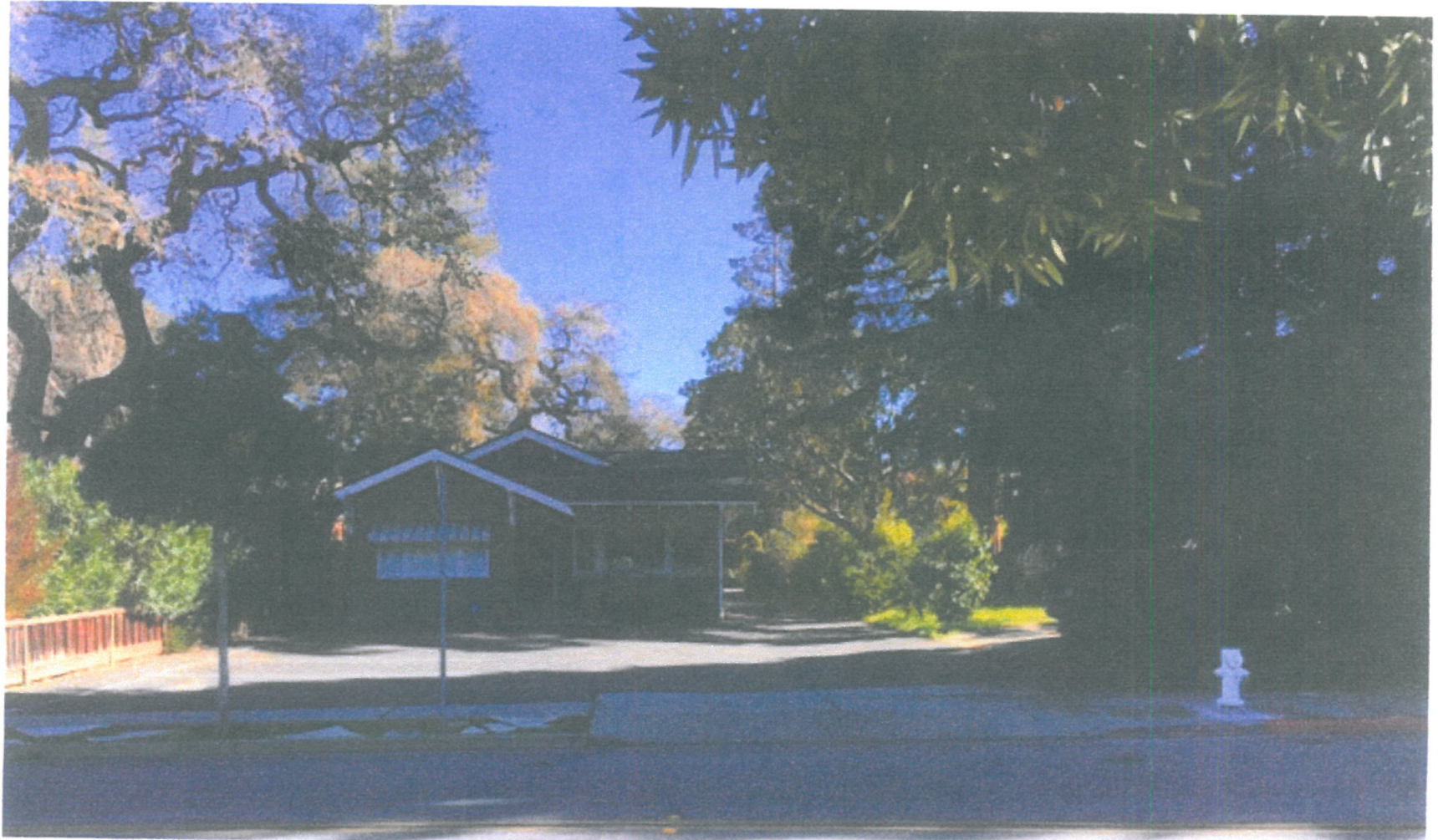


184 North Sunnyvale Avenue

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

**House Addition &
New Accessory Living Unit**



186 North Sunnyvale Avenue

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

House Addition &
New Accessory Living Unit



161 North Sunnyvale Avenue

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

House Addition &
New Accessory Living Unit



155 North Sunnyvale Avenue

Devaney House

175 N. Sunnyvale Avenue.
Sunnyvale, CA 94086

**House Addition &
New Accessory Living Unit**

