



# City of Sunnyvale

## Meeting Minutes - Draft Planning Commission

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Monday, March 13, 2017

7:00 PM

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

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**Study Session Cancelled | Special Meeting - Public Hearing 7 PM**

### **6 P.M. STUDY SESSION CANCELLED**

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

#### **CALL TO ORDER**

Chair Harrison called the meeting to order at 7:00 PM in the Council Chambers.

#### **SALUTE TO THE FLAG**

Chair Harrison led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Chair Sue Harrison  
Vice Chair Ken Rheaume  
Commissioner Daniel Howard  
Commissioner John Howe  
Commissioner Ken Olevson  
Commissioner David Simons  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

None.

#### **PUBLIC HEARINGS/GENERAL BUSINESS**

2.      [17-0053](#)      **File #:** 2015-8059  
                                 **Location:** 669-673 Old San Francisco Road (APNs: 209-17-050 & 051)  
                                 **Zoning:** R-0 (Low Density Residential)  
                                 **Proposed Project:**

**Rezone** from R-0 to R-3/PD,  
**Special Development Permit** for the construction of six three-story attached townhouse units, and  
**Vesting Tentative Map** to subdivide two lots into six townhouse lots and one common lot.

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

**Environmental Review:** Mitigated Negative Declaration

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

Senior Planner Ryan Kuchenig presented the staff report.

Commissioner Howe confirmed with Senior Planner Kuchenig that of the multiple R-3 properties on page three of Attachment 9, only the proposed project would have an R-3/PD designation. Planning Officer Miner later clarified that the map in the staff report is incorrect and that the two R-3-zoned properties near the subject property are also zoned R-3/PD.

Commissioner Howe asked staff to define spot zoning. Senior Planner Kuchenig advised that spot zoning occurs when there is a request to zone a property to a dissimilar zone compared to the surrounding properties. Senior Planner Kuchenig stated that staff wouldn't consider the proposed project to be spot zoning. Planning Officer Andrew Miner commented that the base zoning determines if a project's zoning is consistent with the neighborhood, which in this case is R-3.

Commissioner Howe confirmed with Planning Officer Miner that the Public Facility (PF) seen on page three of Attachment 9 is a school. Planning Officer Miner stated that the R-3 apartment complex directly adjacent to the PF would need R-3/PD zoning if it were being developed today.

Commissioner Weiss commented that making left hand turns to and from Old San Francisco Road is already very difficult and asked staff how this will be addressed with additional cars. Senior Planner Kuchenig stated that this proposal was routed to the Department of Public Works Transportation and Traffic Division to review the expected impact but that based on the number of units there was no concern regarding these left-hand turns and a more comprehensive analysis was not required. Commissioner Weiss confirmed with Senior Planner Kuchenig that the expected impact is based on the use and the number of bedrooms per unit.

Commissioner Weiss stated that each unit has a two-car garage and asked staff if there was an allowance for two additional cars to be parked in the front driveway. Senior Planner Kuchenig advised that two covered spaces are allotted for each unit, along with four guest spaces, which meets the zoning code requirement. Commissioner Weiss clarified with Senior Planner Kuchenig that there is a

Condition of Approval (COA) which designates that guest parking is reserved for guests only. Planning Officer Miner stated that residents cannot use guest parking as their permanent parking.

Commissioner Weiss asked staff about the possibility of using a carport for the guest parking to minimize the potential impact on the Pebble Creek Condominiums. Senior Planner Kuchenig stated that this potentially could conflict with the setbacks and that there isn't a requirement for additional covered parking.

Commissioner Weiss confirmed with Senior Planner Kuchenig that the 10% roof shading on the adjacent buildings as noted in the solar study meets the code requirement. Senior Planner Kuchenig commented that the applicant had to lower the roof form to conform to this 10%.

Commissioner Simons noted that the proposed project has gone through two Study Sessions and that the applicant made several changes based on the City's input. Commissioner Simons commented that the number of units was reduced but that the size of the units has increased to four bedrooms, which reduces the parking requirement. Senior Planner Kuchenig stated that the applicant had to add a parking space because of the increased bedroom count. Senior Planner Kuchenig clarified that the bedroom count dictates the number of guest spaces so two covered parking spaces per unit dictates that there are four required guest parking spaces. Commissioner Simons noted a concern for neighborhood parking impacts due to larger bedroom sizes.

Commissioner Simons commented that the Recommended Findings cite Policy LT-3.2, which encourages ownership opportunities in the City but that Policy LT-3.2 has not been used when the housing is for rental units. Commissioner Simons stated that land use should have similar findings regardless if the housing is rentals or homes. Planning Officer Miner stated that this project provides for the possibility of home ownership and meets the requirement for Policy LT-3.2. Planning Officer Miner advised that the City doesn't have a policy for rentals, which is why Policy LT-3.2 wouldn't be applicable.

Chair Harrison asked staff to explain the reason that a project would need a Planned Development (PD) designation. Senior Planner Kuchenig advised that usually a PD designation is requested for sites that have unique characteristics which make it difficult to implement a multi-family development. Senior Planner Kuchenig advised that the zoning code is considered with every PD to help determine what is appropriate for a site.

Chair Harrison asked for clarification on Planning Officer Miner's earlier comment that a site would require a PD if it were being developed today. Senior Planner Kuchenig stated that to meet the zoning code sometimes the layout isn't ideal in the neighborhood context but that a PD designation can be used as a tool to mitigate those effects. Planning Officer Miner commented that an example of a PD use allows townhouses to be joined so you don't have setbacks between them, which maximizes the number of housing units per the zoning, while meeting as many requirements as possible.

Chair Harrison asked staff if the R-3 site adjacent to Ironwood Terrace would require a PD if developed today. Planning Officer Miner stated that the adjacent site would require a PD but that the adjacent R-0 single family homes wouldn't require a PD. Planning Officer Miner explained that a PD is only used in instances where multiple ownerships or rental units are combined, because there are setbacks that can't be met with a common building.

Chair Harrison opened the Public Hearing.

Applicant Jeff Guinta, representing Innovative Concepts, presented information about the proposed project. Mr. Guinta returned to Commissioner Weiss's earlier question about the solar study and advised that the building had to be raised to meet the driveway slope requirements, which lowered the roof pitch to just under 10%.

Commissioner Olevson thanked Mr. Guinta for the changes made based on Planning Commissioner comments. Commissioner Olevson stated that the rendering shows that all the driveway facing windows have faux shutters on each side but only one street facing window has faux shutters. Commissioner Olevson asked Mr. Guinta why this was not applied uniformly to all windows. Mr. Guinta advised that the goal was to make it look a little different and not overwhelm the building with shutters.

Commissioner Weiss asked the applicant to explain the design of the common space. Mr. Guinta stated that the open space would have two parts, one hardscaped and one landscaped. Commissioner Weiss confirmed with Mr. Guinta that the hardscaping and decorative paving is pervious enough to meet the storm water requirements.

Commissioner Weiss confirmed with Mr. Guinta that the driveway has decorative balconies but that the side balconies are usable.

Commissioner Weiss asked Mr. Guinta to explain how they will achieve at least 80 points to meet green building standards. Mr. Guinta stated that the completed analysis was given to staff by their green building consultant.

Commissioner Weiss stated an understanding that one reason the garage is underground is due to the flood plains. Mr. Guinta stated it was undergrounded only to reduce the building height. Mr. Guinta advised that the prepared elevation certificate anticipates a flood level of 1 foot 5-inches and that the elevation of garage floor below the adjacent grade is 2 feet 9-inches.

Commissioner Simons asked Mr. Guinta if they considered ornamental window framing instead of faux shutters. Mr. Guinta stated that they could do this and would probably prefer to use a faux stone. Commissioner Simons noted his appreciation.

Planning Officer Miner clarified that the property adjacent to Ironwood Terrace is zoned R-3/PD but that the PD doesn't appear on the map due to how the map was prepared. Planning Officer Miner noted three additional properties on page three of Attachment 9 that also have a PD designation. Planning Officer Miner reiterated that the PD is not part of the base zoning district, which is what dictates densities.

Cecelia Morrison, President of the Homeowners Association for Pebble Creek Condominiums, discussed her concerns with the negative impact on resell values, parking issues and safety due to increased traffic. Ms. Morrison thanked Commissioner Weiss for her traffic concerns.

Maria Hamilton, Sunnyvale resident, discussed her concerns with traffic, the proposed project's compatibility with the neighborhood, increased noise pollution, trees, and a need for affordable housing.

Applicant George Nejat thanked Chair Harrison and the Planning Commissioners. Mr. Nejat stated that every eight units requires one below market rate unit but that based on the recommendations of the Planning Department and Planning Commissioners the proposed project was reduced to six units. Mr. Nejat commented that they have spoken and collaborated with Ms. Morrison and Ms. Hamilton. Mr. Nejat stated that they have done everything they could to meet all needs, are open-minded and appreciate the Planning Commission's consideration and approval.

Chair Harrison closed the Public Hearing.

Commissioner Howard clarified with Senior Planner Kuchenig that the Ironwood Terrace site is on the low end of R-3 and wouldn't meet the City policy of 75% use of the density but just exceeds what an R-2 designation would allow.

Commissioner Howard noted that the creek is labeled as R-0 and asked staff about the history of the lot. Senior Planner Kuchenig stated he couldn't speak to that zoning but that the Pebble Creek development was approved in 1983 and went through many iterations.

Commissioner Howard confirmed with Senior Planner Kuchenig that at R-3 the maximum allowance is eight units. Planning Officer Miner commented that six units meets the City policy of 75% use of the maximum density allowance.

Chair Harrison asked for staff's comments on the trees, noting that there was discussion and mediation on this subject. Senior Planner Kuchenig stated that after the Study Session additional trees were incorporated into the COA and that the current landscape plan reflects several months of mediation. Chair Harrison confirmed with Senior Planner Kuchenig that this mediation included the City's arborist, applicant's consulting arborist, owner of the proposed project and members of the Pebble Creek Condominiums Homeowners Association.

Commissioner Howard confirmed with Senior Planner Kuchenig that this proposed project has larger units and a higher density compared to the Pebble Creek Condominiums.

MOTION: Commissioner Simons moved and Commissioner Olevson seconded the motion for Alternative 2 – Make the findings required by CEQA in Attachment 4, adopt the Negative Declaration; introduce the ordinance in Attachment 9 to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051) from R-3 to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with modified findings or conditions –

1. Add a COA that specific arch details should be squared off as outlined on the latest plans;
2. Staff will work with the developer to remove the window shutters and select a window molding, which may utilize a faux stone material; and,
3. Modify COA PS-1b to indicate that staff will work with the developer to ensure appropriate placement and selection of native, large species trees.

Commissioner Olevson clarified with Commissioner Simons that the window molding will be applied consistently to all windows in the proposed project.

Commissioner Simons commented that the developer followed through on the recommendations of the Planning Commission and that perhaps in the future the discussion should focus on total square footage instead of the number of units. Commissioner Simons commended the applicant for being responsive to suggestions made during the Study Sessions. Commissioner Simons stated that he can make the findings and thanked Commissioner Olevson for commenting on the inconsistency of the window shutters.

Commissioner Olevson stated that he will be supporting the motion and can make the findings necessary to recommend approval of the Negative Declaration, Special Development Permit and Vesting Tentative Map. Commissioner Olevson commented that the applicant did a great job repositioning the buildings and that the two minor deviations should be approved so that this project can move forward.

Commissioner Howe stated that he will not be supporting the motion and that forcing this project into the area does not make it compatible with the neighborhood.

Commissioner Weiss stated that she cannot support the motion but could if it was an R-2 designation. Commissioner Weiss commented that with four bedroom units it's possible to have multiple drivers, which is a trend in condos and apartments in the City, and that there is an underestimation of the impact of cars. Commissioner Weiss stated that the lack of screening and trees in front means a greater disturbance to the sense of place. Commissioner Weiss stated she cannot make the findings and will not be supporting the motion.

Vice Chair Rheume stated he will be supporting the motion and can make the findings. Vice Chair Rheume noted an appreciation that the applicant listened to the feedback of the Planning Commission. Vice Chair Rheume commented that he originally had concerns about the depth of the driveway, curb appeal for pedestrians and issues with neighbors behind the property but that these concerns have been addressed. Vice Chair Rheume noted there was concern with the size of eight and seven units but that this is not spot zoning and it is an appropriate project for the site.

Chair Harrison stated that she will be supporting the motion. Chair Harrison commented that one finding, if made, which would deny the Tentative Map is if the site is not physically suitable for the proposed type of development. Chair Harrison stated that there is nothing about the site that makes it physically unsuitable for the area, especially considering that the surrounding neighborhood sites have an R-3

base zoning.

The motion carried by the following vote:

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

**No:** 2 - Commissioner Howe  
Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on April 25.

3.        [17-0113](#)        **File #:** 2016-7753  
**Proposed Project:** Introduction of Ordinance to **REZONE** 29 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)  
**Location:** 1457-1493 Firebird Way (APNs: 309-14-035 through 309-14-044 and 309-27-050 through 309-27-055), 1459-1495 Flamingo Way (309-14-045 through 309-14-047 and 309-27-044 through 309-27-049) and 677-691 Dunholme Way (APNs: 309-14-048 through 309-14-051).  
**Zoning:** R-0  
**Applicant / Owner:** Susann Luschas (plus multiple owners)  
**Environmental Review:** The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).  
**Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Planning Officer Andrew Miner presented the staff report.

Commissioner Weiss asked if staff had attempted to follow up with the nine residents who did not reply to staff's polling letter. Planning Officer Miner stated that the polling letter is a departmental policy and is not part of the required findings, which show almost 69% participation. Planning Officer Miner advised that follow up was not conducted as the letter is meant to give residents the option to respond.



Commissioner Weiss asked if those nine residents responded to the applicant and commented that there could be a potential language barrier. Planning Officer Miner stated that the code requirement is 55% participation, which the applicant meets, and that staff's goal is to ensure the public is aware of the project and give them an additional chance to voice their opinion.

Commissioner Weiss stated that 17 of 29 property owners support the project, which is 59% participation. Planning Officer Miner stated that the code requirement is 55% participation and that the applicant is required to submit a list showing how many residents support the project, which was 20 of 29. Planning Officer Miner commented that responses to staff's letter show 17 of 29 in support of the project, and reiterated that staff's letter gives the public another opportunity for their input.

Commissioner Weiss commented that the northern boundary on Firebird Way starts mid-block, excluding 11 houses on that block. Planning Officer Miner advised that discretion can be used to determine a contiguous block and that it's not standard to require inclusion of the entire street. Planning Officer Miner stated that the northern boundary is adjacent to other properties, is not a natural feature or street, and that the Planning Commission could recommend to include all of Firebird Way. Planning Officer Miner advised that staff felt it's a logical location for the northern boundary, especially given the single-story nature of all the homes.

Commissioner Howe confirmed with Planning Officer Miner that page two of Attachment 2 shows one non-Eichler single-story residence. Commissioner Howe commented that page 3 of Attachment 4 shows the same residence and asked if the owner supported the application. Commissioner Howe noted that the applicant would answer this question.

Commissioner Howard asked staff if the Eichler Design Guidelines applied to the adjacent non-Eichler at the northern end of Firebird Way. Planning Officer Miner stated the Eichler Design Guidelines would not apply in the same way since the properties are non-Eichlers but that the context of the Eichler Design Guidelines should be used to respect the privacy of the adjacent properties.

Vice Chair Rheaume asked staff if they knew what responses were received, if any, from the property owners on Firebird Way where the boundary stops mid-block. Planning Officer Miner advised that the applicant can answer this question and provide background on the northern boundary.

Commissioner Simons confirmed with Planning Officer Miner that the 45% Floor Area Ratio (FAR) requirement applies to the non-Eichler home on the smallest lot,

should the owner want to update their home. Commissioner Simons commented that this smallest lot is 2,754 square feet, which is more than double the size of most homes in the neighborhood, and should assuage any concern regarding development rights.

Chair Harrison asked staff if the non-Eichler home would be held to the Eichler Design Guidelines. Planning Officer Miner stated staff would research and advise later during the public hearing for this item.

Chair Harrison clarified with Planning Officer Miner that the house on the smallest lot would have to come before the Planning Commission if they proposed to exceed the 45% FAR, and that if the proposed project was approved they would not be able to build a second story.

Chair Harrison asked staff if they knew the reasons for the two objections in response to staff's polling letter and Planning Officer Miner advised that staff did not have that information.

Chair Harrison opened the Public Hearing.

Susann Luschas presented images and information about the proposed project. Ms. Luschas advised that the northern boundary is a legal tract boundary and part of the code. Ms. Luschas commented that all three homes along the tract boundary donated and signed the application. Ms. Luschas stated that the whole block would have been a greater undertaking and was not feasible, noted that residents of those excluded homes did reach out to her and wanted to participate. Ms. Luschas advised that the cottage house was purchased by a family to prevent a tear down and build of a second-story home. Ms. Luschas cited an example with the recently approved Coventry Kingfisher Single Story Combining District (SSCD) and the ensuing privacy issue. Ms. Luschas explained the effect on home values using a comparative analysis of home sales between SSCD and non-SSCD areas.

Commissioner Howard stated an appreciation of Ms. Luschas's passion and attention to detail and asked if the cottage house is habitable. Ms. Luschas explained that it is habitable and that after the original owner passed away her family put it up for sale, which is when it was purchased to prevent the rebuild and now the current owner's parents are living there.

Commissioner Howard asked the applicant if they considered applying for a Heritage Preservation District and Ms. Luschas advised they did not.

Commissioner Weiss asked the applicant about the northern boundary along Firebird Way. Ms. Luschas explained that you must go door to door to truly engage residents and that due to this volume of work it's necessary to draw the smallest possible boundary.

Commissioner Weiss asked the applicant to explain the reasons for opposition to the proposed project. Ms. Luschas explained the reasons, which included uncertainty, no given reason, not wanting their name on the application, no response, concern about payment and the potential desire for a second-story.

Vice Chair Rheaume thanked Ms. Luschas for her efforts and confirmed with Ms. Luschas that the assessment of the homes as being in poor condition or uninhabitable was her opinion and not an official assessment.

Chair Harrison asked if the neighborhood was bound by the Eichler Design Guidelines. Planning Officer Miner advised that all the homes are subject to the Eichler Design Guidelines except for the home noted on page two of Attachment 2. Planning Officer Miner reiterated that if the proposed project is approved the non-Eichler single-story would not be allowed to build a second story.

Chair Harrison asked the applicant if the example of the two-story home she presented was built under the Eichler Design Guidelines. Ms. Luschas stated that the home was not originally an Eichler home but a two-story farm house whose owner later modified the bedroom windows. Chair Harrison confirmed with Ms. Luschas that the property's address is 835 Dartshire Way.

Chair Harrison stated that the properties in the proposed project, except for the cottage, are already subject to the Eichler Design Guidelines and asked Ms. Luschas if the main concern is privacy. Ms. Luschas stated there are multiple reasons on the application, including privacy, historical value and preservation of architecture. Ms. Luschas stated that the Eichler Design Guidelines are not enforced.

Chair Harrison asked the applicant if the reason the Eichler Design Guidelines aren't sufficient is due to the lack of enforcement. Ms. Luschas confirmed and advised the Eichler Design Guidelines allow a two-story home to be built, which effects the view, exposure to sunlight and property value of any adjacent property.

Ms. Luschas continued her presentation of the comparative analysis of home sales, noting no discernable differences between home sales in the remaining examples. Ms. Luschas stated an opinion that there was no historical evidence that SSCD's

reduce home value or expansions/additions in the City.

Chair Harrison asked the applicant about the data related to additions. Ms. Luschas explained that if SSCD's were restricting home size than you would expect on average that homes outside the SSCD would be bigger, which is not supported by the data.

Chair Harrison closed the Public Hearing.

Commissioner Howard asked if the property on 835 Dartshire Way triggered a staff review for the proposed window modification. Associate Planner George Schroeder advised that a Design Review was completed last year for this property, that notice was provided to the neighbors and that obscured glass windows were installed to mitigate privacy concerns. Planning Officer Miner commented that this property is not included in the Eichler Design Guidelines.

Commissioner Howard asked staff about the claim that the Eichler Design Guidelines are not enforced. Planning Officer Miner stated that the Eichler Design Guidelines are enforced and the only new recent Eichler home did have an issue, so staff worked with the applicant to better meet the Eichler Design Guidelines. Planning Officer Miner stated that this will likely be an issue for any change moving forward that involves an Eichler home.

Commissioner Howard asked staff about the study issue for Single-Story Overlay Districts and if there will be a revision to ensure privacy standards in the future. Planning Officer Miner advised that likely this study issue won't be pursued this year due to the current study issue rankings. Planning Officer Miner explained that there is interpretation involved with privacy issues as related to the Eichler Design Guidelines and that any action staff takes is appealable to the Planning Commission.

Chair Harrison commented that the Planning Commission hasn't seen this percentage of rental properties or properties in poor conditions with the other SSCD projects. Chair Harrison stated that if a neighborhood is in decline it may be eligible for a Community Development Block Grant (CDBG) designation and asked for staff comments about the state of the properties in the proposed project. Planning Officer Miner gave examples of CDBG neighborhoods in the City and advised that the property values of this neighborhood may not identify it as a target for CDBG designation. Planning Officer Miner stated that this is not criteria used for a rezone of a SSCD.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion for Alternatives 1 and 2 – Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); Introduce an Ordinance (Attachment 6 of this report) to Rezone 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Howe stated that residents want to protect their neighborhoods and privacy and should be allowed to do so. Commissioner Howe stated that the application has an overwhelming number of votes in support of the proposed project.

Commissioner Olevson stated that he can make the findings and that the applicant has done a fine job of obtaining consensus from the neighbors. Commissioner Olevson commented that usually he has high concerns about an owner being able to build on their lot but in this case the project meets all the criteria and policy goals set forth by the City Council, so he will be supporting the motion.

Commissioner Howard commented that the City Council may approve a zoning amendment upon finding that it is deemed to be in the public interest. Commissioner Howard stated that there is a housing crisis for young people in the City, which is an ever-present burden that can prevent home ownership. Commissioner Howard stated that if a family wanted to expand their home to relocate their aging parents, that would make an apartment available in the City, which is in the public interest. Commissioner Howard stated an opinion that preservation trumps the housing crisis and that the Eichler homes are magnificent and speak to the history of California. Commissioner Howard noted that appendix B of the Eichler Design Guidelines outlines that Eichler homes in a Heritage Resource District receive more consideration and encouraged Eichler owners to consider this designation. Commissioner Howard commented that he spoke with Eichler owners in a SSCD and they felt that the SSCD was good enough. Commissioner Howard stated an opinion that the SSCD's are undermining preservation and providing an incentive to tear down and rebuild, due to the height limitations. Commissioner Howard noted that the City is trying to respect the concerns of residents and use the Eichler Design Guidelines but also should encourage heritage preservation. Commissioner Howard commented that properties in the Green Meadow Neighborhood in Palo Alto have a higher value because they obtained national landmark registration. Commissioner Howard stated a concern that SSCD's are potentially undermining historic preservation efforts and stated he would support the motion if the Planning Commission recommended to City Council that SSCD's should have a future limit, to give residents an opportunity to consider historic preservation or landmark status.

Vice Chair Rheume commented that he will not be supporting the motion and stated an opinion that this project is not in the best interest of the community. Vice Chair Rheume stated an opinion that this is not a continuous block due to the exclusion of part of Firebird Way. Vice Chair Rheume noted an agreement of Commissioner Howard's statement that the SSCD's are undermining the desire for Eichler preservation. Vice Chair Rheume noted an appreciation of the applicant's efforts. Vice Chair Rheume stated that based on the data presented by Ms. Luscha it appears that the neighborhood is trending toward rental and a single-story overlay would only help precipitate this change. Vice Chair Rheume stated an appreciation of the applicant's work to determine if the SSCD's impacted home values but that the findings were inconclusive due to insufficient data.

Commissioner Simons commented that only through serious effort can you engage residents and complimented the applicant for her efforts. Commissioner Simons noted that the data rich, metrics oriented PowerPoint presentation by the applicant was useful and unusual. Commissioner Simons advised that the reason the single-story overlay was created is because Eichler homes didn't meet the age criteria for heritage designation. Commissioner Simons commented that single-story overlay protected the privacy of Eichler neighborhoods but also any neighborhood that met the criteria. Commissioner Simons stated that the project does have a contiguous block along Firebird Way, which is appropriate given the development layout, and that other developments in the City have architectural changes within a given block. Commissioner Simons stated he can make the findings and will be supporting the project. Commissioner Simons noted that there is concern for development and housing limitations but commented that most City homes can double in size without a public hearing, which should mitigate this concern.

Commissioner Weiss acknowledged the work that went into the applicant's presentation and thanked the applicant. Commissioner Weiss stated she is not comfortable in supporting the motion because the site doesn't represent a contiguous area, there isn't strong community support and there are a large percentage of rentals in the site. Commissioner Weiss stated an opinion that the whole process of single-story overlays should be reexamined and that she cannot support the motion.

Chair Harrison commented that she will not be supporting the motion and can't find that it's in the public interest considering the existing guidelines. Chair Harrison stated an appreciation of the applicant's data and presentation. Chair Harrison commented that in her Planning Commission experience the privacy issues to a

rear yard are very strongly considered and that the Eichler Design Guidelines help enforce this privacy. Chair Harrison stated support of Commissioner Howard's comments on the value of preserving Eichler homes but noted that the single-story overlay is redundant and more restrictive in a way that doesn't benefit the whole of the public.

The motion failed by the following vote:

- Yes: 3 -** Commissioner Howe  
Commissioner Olevson  
Commissioner Simons
- No: 4 -** Chair Harrison  
Vice Chair Rheaume  
Commissioner Howard  
Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on April 25.

Commissioner Olevson asked for a point of order and commented that all the Planning Commission has done is to not make a recommendation. Senior Assistant City Attorney Rebecca Moon confirmed that the Planning Commission needs to take another vote to reach an affirmative decision.

Commissioner Simons clarified with Senior Assistant City Attorney Moon that it's more appropriate to make a recommendation to take an action on the application. Planning Officer Miner advised that the Planning Commission could make a motion for Alternative 4, which is to deny the rezone.

MOTION: Commissioner Howard moved and Vice Chair Rheaume seconded the motion for Alternative 4 - Deny the rezone.

Commissioner Howard stated he encourages the City to embrace preservation.

Commissioner Simons recommended that the applicant have more community members present at the public hearing. Commissioner Simons stated that historically the Planning Commission has missed the justification for the single-story overlay and that he respectfully disagrees with the motion.

Commissioner Howard stated he encourages the petitioner and any other applicant considering a SSCD to also consider a Heritage Preservation District.

Vice Chair Rheume clarified that voting yes on this motion means recommending to the City Council to deny the application.

The motion carried by the following vote:

- Yes:** 4 - Chair Harrison  
Vice Chair Rheume  
Commissioner Howard  
Commissioner Weiss
- No:** 3 - Commissioner Howe  
Commissioner Olevson  
Commissioner Simons

Planning Officer Miner advised that this item goes to the City Council on April 25.

4. [17-0129](#) **Proposed Project:** Related General Plan Amendment and Rezoning applications:
- GENERAL PLAN AMENDMENT:** Proposed land use designation change from Industrial to: Residential Low-Medium Density (7-14 du/ac), Medium Density (14-27 du/ac), or High Density (27-45 du/ac); or Commercial Neighborhood Shopping for 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site.
- REZONE:** Introduction of an Ordinance to rezone 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site from Industrial and Service with a Planned Development combining district (M-S/PD) to Low-Medium (R-2/PD), Medium (R-3/PD), or High (R-4/PD) Density Residential with a Planned Development combining district; or Industrial and Service with a Planned Development combining district (M-S/PD) to Neighborhood Business with a Planned Development combining district (C-1/PD).
- File #:** 2016-7082
- Location:** 210, 214, and 220 W. Ahwanee Avenue (APNs: 204-03-003, 204-03-002, and 204-03-043).
- Current Zoning:** M-S/PD
- Applicant / Owner:** M Designs Architects/Tapti LLC - Kishore Polakala (210 W. Ahwanee Avenue), City of Sunnyvale/Multiple property owners (214 and 220 W. Ahwanee Avenue)
- Environmental Review:** Mitigated Negative Declaration
- Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov



Associate Planner George Schroeder presented the staff report.

Planning Officer Andrew Miner advised that per City Council policy, legislative items, especially those which involve the General Plan, are heard separately from the project to eliminate the potential of the project influencing the Commission's action.

Commissioner Simons stated that separating the rezone from the project makes sense but that usually a Planned Development (PD) designation asks for allowances, which makes it necessary to see the project to approve the PD. Planning Officer Miner stated that a PD zoning allows a project to be considered by not using the zoning standards traditionally. Planning Officer Miner stated that if you change the zoning to R-4 but omit the PD then you would have to approve a second rezone for the PD. Planning Officer Miner clarified that the PD doesn't establish anything until the project moves forward.

Commissioner Simons stated an understanding that a PD is an overlay but not a zoning change, so if an apartment complex has a PD zoning and wants an additional story it would automatically require review. Planning Officer Miner clarified that it's a combining district, not an overlay, and that it combines with the base zoning. Planning Officer Miner stated that the PD only grants an applicant the potential to file an application that has deviations. Commissioner Simons confirmed with Planning Officer Miner that a project that comes before the Planning Commission would include any deviations requested for the PD, a comparison of the project to the base zoning standards for R-4 and the project's justification.

Commissioner Howard commented that his property is 1.1 miles from the property site. Senior Assistant City Attorney Rebecca Moon advised it is difficult to comment without an analysis of the project's potential impact on Commissioner Howard's property values. Senior Assistant City Attorney Moon advised that the idea is to ask if a reasonably prudent person would believe that this project could affect Commissioner Howard's property values 1.1 miles away.

Chair Harrison opened the Public Hearing.

Applicant Malika Junaid, representing M Designs Architects, presented information about the proposed project.

Owner Kishore Polakala commented that the goal is to contribute to the quality of the neighborhood by exceeding the green point and parking requirements and having onsite Below Market Rate (BMR) units. Mr. Polakala stated that he is

dedicated to meeting the highest standards for all requirements.

Chair Harrison confirmed that Mr. Polakala was present at the outreach meeting and asked about comments from the neighbor at 214 W. Ahwanee Avenue. Mr. Polakala advised that the owner was concerned about privacy but that their property is already surrounded by high density and they are trying to collaborate. Chair Harrison confirmed with Mr. Polakala that the property he is proposing is the automobile facility, that the neighbor at 214 W. Ahwanee Avenue is a single-family home and that the owner at 220 W. Ahwanee Avenue supports the project.

Chair Harrison confirmed with Mr. Polakala that the automobile business is not currently operational.

Chair Harrison asked the applicant if he had approached the owner of 214 W. Ahwanee Avenue about buying the property. Mr. Polakala stated that he has attempted to reach them multiple times and are ready to work with them on multiple options, whether that is aggregation or a buyout.

Kelly Knight, Sunnyvale resident and owner of 214 W. Ahwanee Avenue, noted his concerns about additional high density zoning in the City and traffic congestion at his property.

Chair Harrison asked Mr. Knight if he personally disagreed with rezoning his property and Mr. Knight confirmed, citing that the proposed rezone has too much high density. Mr. Knight commented that the neighbors behind the property have single-story dwellings. Chair Harrison asked Mr. Knight if his request would be to keep the zoning as industrial. Mr. Knight advised not necessarily and that he had considered expansion but his offer wasn't accepted at that time. Mr. Knight stated that it's a difficult situation because if the site increases to high density then he must reevaluate what his property can provide his children in the future.

Jed McNeil, Sunnyvale resident, thanked all the Planning Commissioners. Mr. McNeil commented that while the petitioner's desire for additional housing should be respected, this proposed project should be zoned R-3 at the maximum since high density is not appropriate for this area.

Bonnie Lloyd, SNAIL member, noted her concerns with the proposed project's density and requested a maximum of R-2, advising that residential zoning is appropriate.

Joyce Hao, Sunnyvale resident, noted her concerns with the proposed project's

density and requested a maximum of R-3. Ms. Hao commented that she disagrees with the staff report which states that the proposed project would have no aesthetic impact.

Ms. Junaid stated that some of these concerns were presented by residents during the outreach meeting and that possibilities for the site were discussed based on the industrial zoning. Ms. Junaid advised that the homeowner located behind the property does support it and that the proposed project will have stories set away from the residential neighborhood. Ms. Junaid spoke to the benefits of the underground garage and unit storage spaces.

Mr. Polakala advised that the project details show the amount of effort put into the proposed project and that higher quality materials were chosen, at a higher cost. Mr. Polakala stated that they have worked with the City on various studies and want to address any concerns. Mr. Polakala commented that they have given the owner of 214 W. Ahwanee Avenue several options for his property.

Commissioner Howard asked the applicant if there were additional costs incurred in the conversion from industrial to residential. Mr. Polakala stated that they had to complete studies for the entire block, not just their site. Commissioner Howard confirmed with Ms. Junaid that there is nothing hazardous that must be removed but that the site will need to be cleaned up.

Chair Harrison closed the Public Hearing.

Commissioner Howard asked staff if the adjacent R-4 properties which may appear like R-3 are built to R-4 specifications. Associate Planner Schroeder advised that the property at 126 W. Ahwanee Avenue is built to R-4 and that the property at San Aleso Ave is built to R-3 but zoned as R-4.

Commissioner Simons asked staff to confirm if there are usually site specific conditions attached to PD's. Planning Officer Miner advised that the project itself will require an environmental review. Commissioner Simons stated that there have been other requirements for PD's, such as landscaping and changes in ingress and egress. Planning Officer Miner stated that the Planning Commission can give staff direction and comments during the Study Session for this project. Planning Officer Miner advised that in this instance it may be helpful not to see the project because there are four different rezone options. Commissioner Simons stated that regardless of the rezone option, the Planning Commission should be able to make an additional recommendation. Senior Assistant City Attorney Rebecca Moon clarified that the COA apply to the project, not the zoning code, and that any

modification would need to wait until the project comes before the Planning Commission. Senior Assistant City Attorney Moon advised that the PD allows for customization of the project for the specific site but that conditions can't be applied to the zoning. Planning Officer Miner stated that the City first rezones a property to a PD and then the project applies for a Special Development Permit (SDP) which will contain the findings, COA's and standards that aren't included in the PD.

Commissioner Howard confirmed with Planning Officer Miner that the Planning Commission will have discretion over the project itself. Planning Officer Miner clarified that regardless of the PD designation the Planning Commission would have the same discretion.

Chair Harrison commented that an R-3 designation would allow up to three stories and asked staff to explain the difference in maximum units between R-3 and R-4. Associate Planner Schroeder advised that the maximum number of units for R-3 is 45 (75% at 33) and that the maximum number of units for R-4 is 68 (75% at 51). Chair Harrison confirmed with Associate Planner Schroeder that the height limit is three stories for R-3 and four stories for R-4.

MOTION: Commissioner Howard moved and Vice Chair Rheaume seconded the motion for Alternatives 1, 2 and 3 –

1. Make the findings required by CEQA in Attachment 3 and adopt the Mitigated Negative Declaration;
2. Adopt a resolution amending the General Plan land use designation from Industrial to Residential High Density (27-45 du/ac) for 210, 214, and 220 W. Ahwanee Avenue (Attachment4); and,
3. Make the finding that the zoning amendment (rezoning) is deemed to be in the public interest (Attachment 3) and introduce an Ordinance to rezone 210, 214, and 220 W. Ahwanee Avenue from M-S/PD to R-4/PD (Attachment 5).

Commissioner Howard noted an appreciation for the additional housing and stated that the Planning Commission will use discretion when the project comes before them, to ensure that R-4 fits the neighborhood. Commissioner Howard stated this is a good location for the site, since it's adjacent to Peery Park and transit options, which will help reduce traffic congestion. Commissioner Howard stated that the Planning Commission will be vigilant to ensure that the project addresses the concerns of the neighborhood.

Vice Chair Rheaume stated that he can make the findings and that it's great to add housing close to Moffett Park and Peery Park. Vice Chair Rheaume advised he is

concerned about the project's proximity to R-0 housing and will keep this in mind when the Planning Commission reviews the project plans. Vice Chair Rheame reiterated a comment that the four stories should be kept closer to W. Ahwanee Avenue.

Commissioner Olevson noted that he will be supporting the motion and appreciates that the project review is separated from the rezone. Commissioner Olevson stated that there are R-4 properties to the east and west, which means consistent zoning in this area of the City. Commissioner Olevson stated that this could support the Peery Park and Moffett Park areas because employees could be close to their work environment.

Commissioner Weiss stated that she will be supporting the motion, that the project site is in a good location and that the higher density allows for more units. Commissioner Weiss encouraged the Planning Commissioners to thoroughly review the project when it comes before the Planning Commission and remember the concerns of the neighborhood, especially those in the single-story homes.

Commissioner Simons stated he will not be supporting the motion, due to the severe difference in the bordering zoning. Commissioner Simons advised that if there were standards on how to mitigate substantial transitions in zoning, his opinion might change. Commissioner Simons stated that in previous projects building heights were stepped further back from single-family residences but in these instances the landscaping buffer was usually overlooked. Commissioner Simons advised that estate sized trees are required to mitigate this issue. Commissioner Simons stated an opinion that stepping back the building is not as effective as a bordering trees and sufficient landscaping space for the zoning transition. Commissioner Simons commented that hopefully in the future there will be agreed upon mitigation that is effective long term for these scenarios.

Chair Harrison stated that she will be supporting the motion and that staff's recommendation was well written and succinct, citing that the conversion of industrial to high-density residential on these sites is appropriate because the loss of industrial land would not be detrimental to General Plan goals, the sites are physically suitable for residential use, and the designation will be more compatible with the neighborhood. Chair Harrison noted that the site is suitable due to the proximity to public transportation and employment.

The motion carried by the following vote:

- Yes:** 5 - Chair Harrison  
Vice Chair Rheaume  
Commissioner Howard  
Commissioner Olevson  
Commissioner Weiss
- No:** 2 - Commissioner Howe  
Commissioner Simons

Planning Officer Miner advised that this item goes to the City Council on April 11.

5. [17-0222](#) **Proposed Project: PEERY PARK PLAN REVIEW PERMIT** to allow a 150,651 square foot four-story office/R&D building and a detached six-level with partial underground parking structure, resulting in 100% FAR, in the Peery Park Specific Plan area. The project includes a 2,500 square foot retail space on the ground floor.  
**File #:** 2015-8110  
**Location:** 675 Almanor Ave. (APNs: 165-44-006 165-44-012)  
**Applicant / Owner:** Chang Architecture/Almanor Ventures LLC  
**Environmental Review:** The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.  
**Project Planner:** Momoko Ishijima, (408) 730-7532, [mishijima@sunnyvale.ca.gov](mailto:mishijima@sunnyvale.ca.gov)

Associate Planner Momoko Ishijima presented the staff report.

Commissioner Weiss confirmed with Associate Planner Ishijima that the surface parking on the San Francisco Public Utilities Commission (SFPUC) property does not count towards the project's required parking. Associate Planner Ishijima advised that through the permitting process the applicant has worked with the SFPUC to obtain a lease agreement. Commissioner Weiss asked staff about the terms of the lease agreement and Associate Planner Ishijima advised that the applicant will be able to give this information.

Chair Harrison opened the Public Hearing.

Applicant Derrick Larson, representing Dollinger Properties, presented images and information about the proposed project.

Clifford Chang, representing Chang Architecture, presented images and

information about the proposed project.

Commissioner Weiss asked the applicant about their lease agreement with SFPUC. Mr. Chang stated that the lease agreement is still in progress but that there is an easement with no expiration date that will allow parking at SFPUC's property.

Commissioner Weiss complimented Mr. Chang on the use of angles, colors and textures in the proposed project. Commissioner Weiss asked where to view the relationship of the garage to the main building in terms of the elevation and Mr. Chang provided a slide showing the garage rendering. Commissioner Weiss asked if the garage would be higher and Mr. Chang advised that the garage would be lower because the office building parking heights are 14 feet 6-inches with a 17 foot first floor and each parking level floor is 9 feet 6-inches, with one underground level.

Commissioner Simons confirmed with Mr. Chang that the west side of the parking garage is the only side without screening. Mr. Chang advised that they may provide screening on the west side. Commissioner Simons asked for details about the screening. Mr. Chang advised it will be compositional so it relates to the building and will use repetitive colored glass. Commissioner Simons advised that a future overpass may exist to the west side of the parking garage, which is why it may need screening. Mr. Chang stated that he wasn't aware of the future overpass and that they will address the west side accordingly. Commissioner Simons confirmed with Mr. Chang that he is amendable to adding this change as a COA.

Chair Harrison asked the applicant about the northern parcel not under lease and the designation for that associated parking. Mr. Larson advised that the northern parcel parking is connected to the property to the east, which is St. Jude's Medical Inc.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Simons moved and Commissioner Howe seconded the motion for Alternative 2 – Alternative 1 with modified Conditions of Approval -

1. Modify COA BP-27 to state "all sides"
2. Modify COA BP-10a to state that native, estate sized trees, as appropriate for the site will be chosen to provide screening

Commissioner Simons commented that the project has a fine contemporary design

and that he can make the findings for the site and design. Commissioner Simons noted his concern about a high-quality look and feel to the project, but stated that the plans look very good. Commissioner Simons stated some of the best projects utilize local landscaping with native trees.

Commissioner Howe stated that he can make the findings and that the two modifications to the COA will improve the project.

FRIENDLY AMENDMENT: Commissioner Howard offered a friendly amendment that the applicant not be obligated to screen the west side of the parking garage if staff determined it would not be visible from the overpass.

Commissioner Simons respectfully declined the friendly amendment, citing that the height and proximity of the overpass will make it visible to the west side of the parking garage.

Vice Chair Rheume stated that he will be supporting the motion, can make the findings and that the project is in line with the Peery Park Specific Plan (PPSP). Vice Chair Rheume commented that the project has a nice quality and unique design. Vice Chair Rheume thanked the applicant for preserving the trees and listening to Planning Commissioner comments during the Study Sessions. Vice Chair Rheume stated an appreciation for the retail and outdoor spaces.

Commissioner Olevson stated that he can make the findings that the project conforms to the Peery Park CEQA and is within the structure of the PPSP. Commissioner Olevson commented that there is an appropriate nexus between the Sense of Place and Water Infrastructure Fees and the amount being charged to the applicant. Commissioner Olevson commented that this is an attractive set of buildings where the parking structure compliments the main building.

Chair Harrison stated that she will be supporting the motion and noted an appreciation of the applicant's efforts towards community benefits, including the exercise area, public space, mature trees, unique architecture and their commitment to LEED gold.

The motion carried by the following vote:



**Yes: 7 -** Chair Harrison  
Vice Chair Rheaume  
Commissioner Howard  
Commissioner Howe  
Commissioner Olevson  
Commissioner Simons  
Commissioner Weiss

**No: 0**

Planning Officer Miner advised that this item goes to the City Council on April 11.

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

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

**-Staff Comments**

Planning Officer Miner commented that the new Planning Commissioner, Daniel Howard, was sworn in at the last City Council meeting. Planning Officer Miner advised that the City Council approved the Blue Bonnet Mobile Home Conversion Impact Report.

**ADJOURNMENT**

Chair Harrison adjourned the meeting at 10:48 PM.