

EXCERPT



## City of Sunnyvale

### Meeting Minutes - Final 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.