



# City of Sunnyvale

## Meeting Minutes - Revised Planning Commission

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Monday, February 11, 2019

7:00 PM

Council Chambers, City Hall, 456 W. Olive  
Ave., Sunnyvale, CA 94086

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

### **STUDY SESSION CANCELLED**

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

#### **CALL TO ORDER**

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

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

Chair Howard led the salute to the flag.

#### **ROLL CALL**

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

Chair Howard stated that video of the meeting would not be streamed or recorded due to technical difficulties.

#### **ORAL COMMUNICATIONS**

#### **CONSENT CALENDAR**

Commissioner Howe moved and Commissioner Simons seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

**Yes: 6 -** Commissioner Weiss  
Chair Howard  
Commissioner Howe  
Vice Chair Simons  
Commissioner Rheume  
Commissioner Harrison

**No: 0**

**Abstained: 1 -** Commissioner Olevson

**1. A**     [19-0197](#)     Approve Planning Commission Meeting Minutes of January 28, 2019

**PUBLIC HEARINGS/GENERAL BUSINESS**

**2.**       [18-0984](#)     **Proposed Project:**     Related applications on a 16.82-acre site:  
                                  **SPECIAL DEVELOPMENT PERMIT:** Demolish seven existing industrial buildings, two commercial buildings, and construct a new mixed-use project. Project consists of a three-to-five-story apartment/commercial building with a wrapped seven-level parking structure (including one underground level); two two-to-seven-story condominium buildings above podium parking structures; and 20 two-to-three-story townhome buildings with individual garages.  
                                  Residential: 741 total units (412 rental /329 ownership) at a density of 44 du/ac.  
                                  Commercial: 1,500 sq. ft. on the ground floor of the apartment building.  
                                  Publicly-Accessible, Privately-Owned Open Space: 2.3 acres  
                                  **VESTING TENTATIVE MAP:** Create two lots for condominium purposes (and associated common areas) and one lot for the apartments/commercial space.  
**Location:** 1155-1175 Aster Avenue (APNs: 213-01-032; 213-01-033; 213-01-034)  
**File #:** 2018-7513  
**Applicant / Owner:** Olympic Residential Group / JJ & W LLC  
**Environmental Review:** No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Lawrence Station Area Plan (LSAP) Program Environmental Impact Report (EIR).  
**Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Senior Planner George Schroeder presented the staff report.

Commissioner Howe confirmed with staff that the distance between the Caltrain station and the café is approximately 300 feet. Commissioner Howe asked staff if it is possible to switch the café location of the proposed project's plaza so the café is more visible to Caltrain users.

Commissioner Weiss asked the location of the nearest fire station to the proposed project and Senior Planner Schroeder stated that the nearest fire station is in Santa Clara on Corvin Drive. Commissioner Weiss asked staff if the Department of Public Safety reviewed the proposed project due to its high density. Assistant Director Andrew Miner stated that every proposed project is reviewed by every relevant department and the Department of Public Safety reviewed the original Environmental Impact Report (EIR) and is part of the Community Development Department's Project Review Committee. Commissioner Olevson stated that Sunnyvale's Fire Station 2 is at the corner of Wolfe Road and Arques Avenue.

Commissioner Weiss asked staff how the parking garage's underground level would be protected in case of a flood. Senior Planner Schroeder stated that the applicant can address the issue.

Commissioner Weiss asked staff if the 41 surface parking spaces are designated for guests of the entire proposed project. Senior Planner Schroeder stated the 41 surface parking spaces are designated for guests of the entire proposed project.

Commissioner Weiss asked if it is possible the applicant could provide Caltrain passes to residents to manage traffic congestion. Senior Planner Schroeder stated that the proposed project meets the Transportation Demand Management plan requirements and that requiring specific actions as part of the plan is not a part of the TDM requirements.

Commissioner Rheume asked staff if it is possible to maximize the number of units by adding an additional story on top of the condominiums. Assistant Director Miner stated that the project has evolved to achieve a balance of low and high density.

Commissioner Rheume asked staff if there is permit parking along Aster Avenue and Senior Planner Schroeder stated that there is currently no permit parking and none has been proposed. Assistant Director Miner added that staff has discussed with the Department of Public Works the option of adding on-street parking but that the goal of protecting trees and providing sidewalks and bike lanes makes parking difficult on narrow Aster Avenue. Commissioner Rheume confirmed with staff that

parking is currently not allowed on Aster Avenue.

Commissioner Rheume asked staff if the bottlebrush trees and cedar trees along Aster Avenue would be preserved. Senior Planner Schroeder stated that only the cedar trees would be preserved.

Commissioner Rheume asked staff if there is a way for the City to ensure that protected trees are not removed during construction. Assistant Director Miner stated that all protected trees must be fenced off before grading and that the City monitors construction as best as possible and issues penalties when projects are in violation. Assistant Director Miner added that a recent project that had removed protected trees had begun grading without first cordoning off the protected trees.

Commissioner Rheume asked staff if it is possible to screen the utility equipment on the proposed project. Senior Planner Schroeder answered that some of the equipment can be painted to blend in with the landscaping or can be screened by shrubs or fencing. Assistant Director Miner suggested that a COA could be added to require the equipment screened to the maximum extent, as feasible.

Commissioner Simons commented on the landscape plan. Commissioner Simons asked staff if the parking garage's metal screening would be the proposed project's art. Senior Planner Schroeder stated that the art is more of a screening feature for the parking garage decks and a visual entrance to Lawrence Station. Assistant Director Miner stated that public art is not required for this project as it is mostly residential. Commissioner Simons stressed his concern that the appropriate building materials should be used to achieve the minimalist warehouse architectural style. Commissioner Simons passed around a picture of an old foundry building in New York City and stated his opinion that it well represented materials that would work well with this proposed project. Senior Planner Schroeder stated that the proposed project is required to submit a final materials board to ensure that the materials are of the same quality as proposed in the final design plans. Assistant Director Miner passed around material boards to the Commissioners provided by the applicant.

Chair Howard asked staff to review the allotted number of bicycle parking stalls, what the requirement is for a bike lane painted green, and stated his expectation that Caltrain review the availability of trains if Lawrence Station ridership increases. Assistant Director Miner stated that the purpose of the Lawrence Station Area Plan is to increase ridership at the station and that staff will continue to pursue the effort as ridership grows.

Chair Howard stated that he intends to ask the applicant if residents and non-residents can use the same on-site parking spots during the day.

Senior Transportation Engineer Ralph Garcia stated that green bike lanes are designed at conflict points, usually where cars need to merge into the bike lane to make a right turn. He stated that they provide better awareness to drivers of bicyclists. Chair Howard asked staff if green pavement near the proposed project's driveways are possible. Senior Transportation Engineer Garcia stated that the City considers the issue when there is high traffic, but there are maintenance costs and the that City does not typically implement them in residential areas with few turns.

Chair Howard opened the Public Hearing.

Dan Deibel, representing Olympic Residential Group, introduced Chek Tang and Paul Lettieri to present the proposed project.

Mr. Tang, representing Studio T Square, and Mr. Lettieri, representing The Guzzardo Partnership, presented images and information about the proposed project.

Commissioner Weiss asked the applicant how storm water management plan is accomplished for the parking garage's underground level. Mr. Deibel responded that the underground level is equipped with a pump that would activate in case of a flood.

Commissioner Weiss asked the applicant if it is possible to provide Caltrain passes to residents. Mr. Deibel responded that it is possible to include that in the proposed project's TDM plan for residents who would want passes. Commissioner Weiss thanked the applicant for their consideration of the Planning Commission's comments and suggestions provided at the study session.

Commissioner Weiss asked the applicant to reconsider planting redbud trees as they do not grow well in every part of Sunnyvale.

Commissioner Weiss asked the applicant if the banners on the outside of the proposed project are permanent and asked what they would be made of. Mr. Deibel stated that the banners would announce one's arrival to the district, are made of durable fabric, and would be periodically replaced and updated.

Commissioner Weiss discussed the possibility of providing additional affordable housing units in the project. Mr. Deibel stated that they studied adding more affordable housing units but also concentrated their efforts on developing the community open space.

Commissioner Harrison commented that she is pleased that bicycles would be allowed to travel through the central promenade of the proposed project.

Commissioner Harrison asked staff to confirm that there are concessions that can be granted if an applicant provides a certain number of affordable housing units. Assistant Director Miner stated that the applicant must meet the City requirements for the number of affordable housing units, but it is applicant's choice whether to take advantage of the State housing concessions allowances.

Commissioner Rheume thanked the applicant for the changes they made to the proposed project since the study session and asked about other projects with privately owned parks with public access. Mr. Diebel cited the dog park in Santa Clara at San Antonio Center as an example. Assistant Director Miner stated that there is publicly available private open space as part of the project at 1250 Lakeside Drive as well as in Peery Park and that the City is encouraging this aspect of proposed projects.

Commissioner Rheume asked the applicant if taller trees are possible to complement the taller buildings. Mr. Lettieri stated that there are large scale trees planned for the proposed project and added that the landscape plan incorporates trees that grow well and require less water. Mr. Lettieri added that they are happy to address any specific landscaping concerns.

Commissioner Rheume stated that the materials that would be used are important and asked the applicant if the proposed project would use divided light windows. Mr. Tang answered that the windows would not include steel and would only look like divided light windows. Mr. Tang added that they can provide a mock up for staff of the proposed material details.

Commissioner Simons confirmed with the applicant that they plan to execute the parking garage screen art element into the proposed. Commissioner Simons stated support for this aspect of the design.

Commissioner Simons asked the applicant if it is possible for them to switch the

locations of the café and the leasing office. Mr. Deibel stated café was intentional in order to draw in the existing neighborhood but that it is possible to switch the locations of them as they are comparable in square footage and height.

Commissioner Simons stated his concern that the significant trees planned for the proposed project would not last the life span of the construction and asked the applicant if it is possible to incorporate native trees that would grow above 50 feet to 80 feet over time on the eastern side of the proposed project. Mr. Lettieri stated that it would be constraining for them if required to use only native trees and cited redwood trees that are not possible to use because of the volume of water they demand. Mr. Lettieri confirmed that they have 56 sycamore trees planned for the proposed project and that they are open to considering different varieties. Commissioner Simons confirmed with the applicant that they are comfortable with a condition that includes a height requirement and an encouragement to include more native species.

Commissioner Howe also thanked the applicant for the changes made to the proposed project since the study session. Commissioner Howe asked the applicant about the goals of the cafe. Mr. Deibel stated that the café would serve residents and the public coffee and pastries in the morning, food such as salads at lunch time, and convert into a tavern feel in the evening. Commissioner Howe stated that the café is a significant amenity and would be better placed closer to the Caltrain station. Commissioner Howe asked the applicant how long it would take to determine if the café location is a success and Mr. Deibel stated that it would take approximately 90 days. Commissioner Howe urged the applicant to consider relocating the café closer to the Caltrain station.

Chair Howard confirmed with Assistant Director Miner the applicant did not take advantage of concessions as part of the State Density Bonus Program.

Sue Serrone, Sunnyvale resident and Sunnyvale Sustainable and Affordable Living Coalition member, spoke in support of the proposed project and the affordable housing that it would provide. She stated that the applicant should take advantage of programs that would allow them to provide more affordable housing.

Richard Beer, Sunnyvale resident, stated that the proposed project would create traffic congestion and parking issues and expressed his concern for children getting to school.

Richard Mehlinger, Sunnyvale resident, spoke in support of the proposed project and stated that he wished it had more affordable housing and incentivized residents to not own cars. He proposed the idea of a micro café near the Caltrain entrance.

Mike Serrone, Sunnyvale resident and member of Livable Sunnyvale, stated that he likes the location, high density and affordable housing aspects of the proposed project.

Ray Crump, Sunnyvale resident, stated his concern that Lawrence Station is not a major Caltrain stop and that additional traffic at the Willow Avenue and Reed Avenue intersection would affect the surrounding area.

George Olson, Sunnyvale resident, spoke in opposition to the proposed project's high density, height, and location.

Garrett Wessel spoke in support of the proposed project's use of union labor and its high density that promotes sustainability.

John Zervas, representing the Northern California District Council of Laborers Laborers Local 270, stated the union's support of the proposed project and urged the Commissioners to support the proposed project.

Linda Davis, Sunnyvale resident, voiced her support for the proposed project and its affordable housing options. Ms. Davis stated her interest in Sunnyvale enacting a rental inclusionary requirement.

Olivia Navarro, Sunnyvale resident, stated her appreciation for the proposed project and its affordable housing, proximity to public transportation, and availability of open space.

Ruben Navarro, representing his father and his father's labor union, stated his support of the proposed project's affordable housing.

Jim Pollard, Senior Vice President of Classic Communities, spoke in support of the proposed project's affordable housing and use of open space, high quality building materials, and union labor.

Commissioner Howe asked Mr. Pollard the approximate sales prices of the townhomes that Classics Communities is offering across the street from the



proposed. Mr. Pollard answered that the townhomes are selling for approximately \$1.4 million and \$1.550 million.

Commissioner Howe asked staff what the process is if the café and plaza were to change locations after the project is approved. Assistant Director Miner stated that the applicant would need to submit a Miscellaneous Plan Permit application. Commissioner Howe and Assistant Director Miner confirmed that the applicant would most likely need more than 90 days to determine if a possible new location for the café would be successful and that the applicant may be subject to new building codes as time passes. Commissioner Howe confirmed with the applicant and Senior Planner Schroeder that a 150-square foot kiosk is possible off of the plaza.

Chair Howard closed the Public Hearing.

Commissioner Howe asked staff if a traffic light was considered at the Willow Avenue and Reed Avenue intersection. Senior Transportation Engineer Garcia stated that the Department of Public Works decided against it due to an anticipated lack of coordination between that City-operated intersection and the County-operated traffic signal at Lawrence Expressway and Reed Avenue. Assistant Director Miner stated that Senior Planner Schroeder is working on the Lawrence Station Area Sense of Place Plan and updating the LSAP to improve Lawrence Expressway's pedestrian friendliness.

MOTION: Commissioner Howe moved and Commissioner Simons seconded the motion for Alternative 2 - Make the required Findings to approve the CEQA determination that the environmental impacts of the project are addressed in the LSAP EIR and no additional environmental review is required; approve the Special Development Permit with Sunnyvale Municipal Code (SMC) deviations for building height and distance between main buildings, and Vesting Tentative Map subject to the recommended conditions of approval and LSAP Mitigation Monitoring and Reporting Program (MMRP) in Attachment 4 and modified conditions of approval as required by the Planning Commission –

1. Specify that an on-site kiosk of approximately 150 square feet that serves goods intended for, but not limited to, Caltrain users will be provided close to the Lawrence Station Caltrain stop;
2. Specify that the utility equipment will be screened;
3. Specify that bicycles will be allowed to travel through the central promenade of the proposed project;

4. Specify that at least 24 estate sized trees should be of a species that can reach over 75 feet tall will be planted throughout the proposed project; and,
5. Specify that the redbud trees will be replaced with a different type of tree.

Commissioner Simons recommended that the applicant consider using Catalina fernleaf ironwood trees.

Commissioner Howe stated his opinion that he likes the proposed project, its location, and the diverse housing options that it contributes to the community.

Commissioner Simons stated that he will support the motion and thanked the neighborhood for their input. Commissioner Simons commented that he likes that the proposed project provides ownership opportunities, believes that taller trees would provide better screening for the neighborhood, and that the artwork screening on the parking garage makes the proposed project a nice element along the train tracks.

Commissioner Rheume stated that he can make the findings and intends to support the motion. Commissioner Rheume added that the City recently approved higher density housing as part of the LSAP and that he is generally in favor of higher density proposed projects. He stated that he values the proposed project's open space park, its use of union labor, and its variations in height and design. He also commented on the importance of understanding the younger generation's housing needs and thanked Senior Planner Schroeder for his hard work on the proposed project.

Commissioner Olevson stated that he will support the motion and commented on his affinity for the proposed project's design, the open space park, and that he believes the applicant has met the City Council's requirements. He also stated that he appreciates the applicant's willingness to make modifications to the proposed project based on the Planning Commission's previous recommendations.

Commissioner Harrison stated that she can make the findings and will support the motion and that she likes the building materials used and the amount of housing and parking provided. She commented that she will allow the deviation in height requested because of the substantial open space provided.

Commissioner Weiss stated her opinion that she likes the variety and style of the architecture, the location, the cafe, the use of union labor, and the community feel of

the proposed project. She stated she can make the findings and will support the motion.

Chair Howard stated his opinion that he believes the project is good overall but he will not support the motion because he cannot not make the findings with respect to the buildings' distances from each other.

Assistant Director Miner stated that the Commissioners should review the submitted changes to the Recommended COA's.

The motion carried by the following vote:

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

- No:** 1 - Chair Howard

This action is final unless appealed to, or called up for review by the City Council within 15 days.

- 3. [19-0173](#) **Proposed Project:** Related applications on a 0.29-acre site:  
**DESIGN REVIEW:** to allow demolition of the existing home and construct a new two-story single-family home resulting in 5,667 square feet (5,173 square feet living area and 494 square feet garage) and 47.6% floor area ratio (FAR). Project includes a new pool and spa.  
**Location:** 1019 Edmonds Court (APN: 320-12-008)  
**File #:** 2018-7655  
**Zoning:** Low Density Residential (R-1)  
**Applicant / Owner:** Bekom Design, Inc. (applicant) / Alon Matas and Hila Matas-Magen (owner)  
**Environmental Review:** A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemption includes construction of one single-family residence in a residential zoning district.  
**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report.

Commissioner Simons confirmed with staff that the stone wrapping extends past the fencing and appears on the elevations and that there is no lighting requirement for the front entrance.

Commissioner Rheume confirmed with staff the location of the entrance to the Accessory Dwelling Unit (ADU) and whether ADU's must have a kitchen. Commissioner Rheume stated that the unit does appear to him to be a true ADU.

Commissioner Harrison confirmed with staff that internal doors connecting main dwelling units and ADU's are allowed if the doors connecting the two are fire rated and self-closing. Commissioner Harrison also confirmed with staff that an ADU kitchen consists of at least a sink, a refrigerator, and either a stovetop or oven. Commissioner Harrison stated that she does not see these aspects on the proposed design plans.

Commissioner Weiss confirmed with staff that the wet bar is part of the main dwelling unit and stated that the ADU design plans do not include cooking facilities. Associate Planner Cha stated that staff can work with the applicant to incorporate those elements into the design plans. Commissioner Weiss asked staff if there are privacy concerns with the location of the second story balcony. Commissioner Weiss also confirmed with staff that the second story balcony railing is open.

Commissioner Olevson asked staff if an additional parking spot is required with the addition of the ADU. Associated Planner Cha stated that the applicant is not required to provide an additional parking spot because the proposed project would be within a half mile of a bus stop.

Commissioner Olevson asked staff to comment on the compatibility of the home with the rest of the neighborhood. Associate Planner Cha stated that the zoning code allows homes in that area to have a second story, that the proposed project reduces the square footage of the second story to 35% maximum per the single-family home design guidelines, and that the architectural style is similar to other homes in the neighborhood. Principal Planner Gerri Caruso added that most of the proposed project's square footage is on the ground floor.

Chair Howard confirmed with staff that the requirement to add an additional parking spot is if the proposed project is within a half mile of a public transit stop and the location of the entrance to the ADU is an exterior stairway from the backyard.

Chair Howard opened the Public Hearing.

Hila Matas-Magen, the homeowner applicant, and Revital Kaufman-Meron, representing BeKom Designs, presented images and information about the project.

Commissioner Harrison confirmed with Ms. Kaufman-Meron that the design plans include a small refrigerator under the counter, a sink, and a microwave oven for the ADU. Commissioner Harrison stated that the ADU must have a stovetop and an oven to be considered an ADU and Ms. Kaufman-Meron answered that they are open to revising the design plans to expand the kitchen equipment.

Commissioner Simons commented that the applicant should be aware of the poor soil quality of the homes in that neighborhood and that it would be wise to improve the quality of the soil at the time of the construction.

Commissioner Simons asked the applicant how far the stone wrapping extends around the proposed project. Ms. Kaufman-Meron stated that it extends almost half way around the house on the east side, repeats at the back of the house, and passes the fencing on both sides of the house. Commissioner Simons provided an image to the Commissioners and the applicant and stated that it is an example of a front door that would match the garage design and provide a more welcoming front entrance. Commissioner Simons asked the applicant where the light fixture is for the front door on the design plans and Ms. Kaufman-Meron responded that the lighting would be linear and recessed.

Commissioner Weiss commented on the quality of the architectural design and asked the applicant about the proposed project's energy efficiency given the large square footage. Mrs. Matas-Magen stated that the proposed project would be insulated from below and from all sides and would have an air circulation system, electric appliances, solar panels for the pool and house, and use recycled rainwater. Commissioner Weiss confirmed with Ms. Kaufman-Meron that the second story bedroom egress window would be made of clear glass and Commissioner Weiss commented that she may request that it may be obscured glass.

Commissioner Weiss disclosed that she drove around the neighborhood, looked at the proposed project site, and spoke with the neighbors. Commissioner Weiss asked the applicant why the proposed project's garage has been moved from its current location. Ms. Kaufman-Meron stated that one of their earlier design plans

included a garage in the same location as the existing garage but that it resulted in bedroom windows facing the neighbor's property. Commissioner Weiss stated that the location of the garage in the design plans is unlike the general Sunnyvale pattern of side by side garages that create courtyards.

Commissioner Rheume confirmed with Ms. Kaufman-Meron and Mrs. Matas-Magen that a potential renter would access the ADU by going around the master bedroom and that it is possible to re-design the ADU to have a fully functioning kitchen.

Commissioner Harrison confirmed with the applicant that the proposed projects would earn 110 CalGreen points.

Richard Mehlinger, Sunnyvale resident, stated his opinion that the Planning Commission should explore more multi-family dwelling options to help mitigate the lack of housing in the area.

Chair Howard stated that all comments must be germane to the proposed project.

Kristina Irwin, Sunnyvale resident, stated her concerns about the location of the proposed garage, that the neighbor behind the proposed project would experience privacy issues with the location and size of the second story balcony, and that emergency vehicles would have difficulty accessing the ADU.

Tovin Thomas, Sunnyvale resident, stated that his front yard and the view from his front windows would be blocked by the location of the proposed project's garage. Mr. Thomas also stated that one of the proposed project's second story windows would look directly into his back yard and urged the applicant to consider the neighbors in their design.

Vani Verma, Sunnyvale resident, stated her concern that the proposed project's square footage is not comparable to the rest of the neighborhood and that the proposed project would spur other neighbors to build larger houses.

Ani Vaidya, Sunnyvale resident, stated his concern that the proposed project is not compatible with the rest of the neighborhood both in size and scale.

Bill Wathen, Sunnyvale resident, expressed his concern that there would be a direct line of sight between many areas in his home and the proposed project's second

story. Mr. Wathen also stated that the proposed project may create parking issues with the ADU and noise issues with the second story balcony.

Commissioner Simons commented to Mr. Wathen that the neighborhood may want to establish a single-story combining district since many neighbors are opposed to the proposed project's second story. Mr. Wathen responded that he hopes the Planning Commission will consider the feel and structure of the existing neighborhood.

Gail Hoben, Sunnyvale resident, read a letter from her neighbors, John and Colleen Damour, that outlined their concerns with lack of privacy, light, parking, and additional noise and construction hazards.

Jack Liu, Sunnyvale resident, stated his concern that the proposed project would create congestion, be out of character with the rest of the neighborhood in terms of size and design, and possibly turn into a short-term rental property.

Commissioner Rheume confirmed with Mr. Liu his address and that his home would look across and into the proposed project.

Thi Ngo, Sunnyvale resident, stated a concern about the loss of light and privacy due to the location of the second story balcony.

Commissioner Rheume confirmed with Ms. Ngo her address and that she rents at that location.

Tal Hart, Sunnyvale resident, stated that people should be allowed to build bigger homes and ADU's on their properties to better support their families and the offset the cost of living in Sunnyvale.

Alon Matas, the homeowner applicant, presented additional information about the proposed project.

Commissioner Rheume confirmed with Mr. Matas that the applicant is willing to provide screening at the back of the proposed project and on the side of the garage.

Chair Howard confirmed with Associate Planner Cha that the threshold for design review is 45% Floor Area Ratio and 3,600 square feet and that the proposed project exceeds both levels.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Weiss seconded the motion for Alternative 3 - Deny the Design Review and provide direction to staff and the applicant where changes should be made. The proposed project should be redesigned to –

1. Provide a direct route to and from the Accessory Dwelling Unit (ADU);
2. Provide cooking appliances and a layout that better align with the definition of an ADU;
3. Consider size compatibility with the rest of the neighborhood;
4. Address the view between neighbors and proposed project's second floor balcony and window; and
5. Relocate garage next to immediate neighbor's garage to maintain courtyard aesthetic.

Commissioner Howe stated his opinion that the proposed project should be re-designed to be more compatible in size with the rest of the neighborhood and better respect neighbor privacy, particularly with the second story balcony and window.

Commissioner Weiss stated her belief that the proposed project does not follow the City's single-family design guidelines in terms of its scale, size, garage location, and striking architectural style. She read parts of the single-family design guidelines that in her opinion have not been followed.

Commissioner Rheame stated that he does not intend to support the motion and that he cannot make the findings to deny the proposed project. He stated his opinion that the applicant has followed the design guidelines and has a right to build the proposed project on their property. He disclosed that he drove through the neighborhood and looked at the property.

Chair Howard asked the audience to maintain order and not speak out.

Commissioner Olevson stated his intention to support the motion. He stated his opinion that the applicant has met many of the design guidelines but that the look and feel of the proposed project is not compatible with the rest of the neighborhood.



Commissioner Simons stated that he intends to support the motion and stated his belief that the entrance and exit to the ADU should be redesigned for safety purposes, that the proposed location of the garage should be moved, and that landscaping should be added to the back and along the side of the proposed project to better protect the neighbors' privacy.

Commissioner Harrison stated her intention to support the motion to deny due to the ADU's lack of access to the street and lack of useable kitchen and living space. She also stated her opinion that the applicant has the right to build a large home on their lot.

Chair Howard clarified with Commissioner Howe the directions to staff for Alternative 3.

Commissioner Harrison stated that the ADU should conform to the legal standards of a separate dwelling unit.

Chair Howard restated the motion and the directions to staff.

Principal Planner Caruso asked the Commissioners if it is acceptable if the ADU is not a full ADU and does not conform to ADU standards. Commissioner Harrison stated that she would not have an objection to its current design if it were not identified as an ADU on the design plans.

Chair Howard stated that he will be supporting the motion. He stated his belief that neighborhoods evolve but that the ADU should more closely resemble the definition of an ADU on the design plans, particularly important if another family were to move into the home. He also stated his opinion that the garage should be located next to the neighbor's garage.

The motion carried by the following vote:

- Yes:** 6 - Commissioner Weiss  
Chair Howard  
Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Harrison
- No:** 1 - Commissioner Rheame

This action is final unless appealed to, or called up for review by the City Council within 15 days.

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

Commissioner Weiss stated that she would like to look into how to bring older ADU's up to current code standards. Commissioner Harrison stated that this particular study issue has been proposed before but that there was uncertainty about what code to apply to the older ADU's. Commissioner Weiss stated that this would be for homeowners who voluntarily wanted to bring their ADU's up to code.

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

#### **-Commissioner Comments**

Commissioner Rheaume stated that Principal Planner Caruso is retiring and thanked her for her service and wished her luck. Principal Planner Caruso thanked the Commission and stated that her last day is March 1, 2019 and that she has worked for the City for 27 years in a career that has spanned 33 years.

Commissioner Simons thanked Principal Planner Caruso for her service and mentioned the work she has done for the City's Eichler homes, its downtown history, and emphasized her vast knowledge of Sunnyvale architecture.

Principal Planner Caruso stated that this may be her last Planning Commission hearing.

#### **-Staff Comments**

Principal Planner Caruso informed the Commissioners that the City Council heard the Summit School proposed project appeal on January 29, 2019 and that the item was continued until April 23, 2019 to give the applicant and staff time to address the parking issues.

### **ADJOURNMENT**

Chair Howard adjourned the meeting at 11:26 PM.