



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, August 27, 2018

6:30 PM

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

Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing 7 PM

6:30 P.M. STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

A. [18-0741](#)

Proposed Project:

PEERY PARK PLAN REVIEW PERMIT and VESTING

TENTATIVE MAP: to redevelop industrial property into 118 multi-family units, including 96 townhome condominiums and 22 duets within the Peery Park Specific Plan.

Location: 740 San Aleso Avenue (APN's: 204-01-006; 204-01-007; 204-01-015; 204-01-016; 204-02-005)

File #: 2016-7962

Zoning: PPSP/NT

Applicant / Owner: CalAtlantic Homes/CalAtlantic Group Inc

Project Planner: Margaret Netto, (408) 730-7628,
mnetto@sunnyvale.ca.gov

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:01 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

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

Status of absence; Commissioner Weiss's absence is excused.

ORAL COMMUNICATIONS

Maryann Welch thanked the City for always being helpful, respectful and following through on her requests. Ms. Welch asked the City to fix the sidewalks along North Murphy Avenue and trim the trees.

CONSENT CALENDAR

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

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

No: 0

Absent: 1 - Commissioner Weiss

1. A [18-0746](#) Approve Planning Commission Meeting Minutes of August 13, 2018

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0739](#) **Proposed Project: DESIGN REVIEW** to allow Verizon wireless telecommunications facility on a replacement utility pole in the public right-of-way on the north side of W. McKinley Avenue at the southwest corner of Washington Park.

Correction: The project was advertised as a Use Permit but staff is processing it as a Design Review in accordance with Sunnyvale Municipal Code 19.54.160.

Location: in the public right-of-way on the north side of W. McKinley Avenue near the southwest corner of Washington Park.

File #: 2018-7409

Zoning: PF (Public Facility)

Applicant: Verizon Wireless C/O The CBR Group

Owner: City of Sunnyvale right-of-way

Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that includes installation of small new equipment and facilities in small structures (CEQA Guidelines Section 15303).

Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Associate Planner Teresa Zarrin presented the staff report.

Vice Chair Simons asked staff if transmitters can be placed above a powered section of a utility pole. Assistant Director Miner provided the specific requirements and explained the City standards.

Commissioner Harrison asked staff about installing the wireless telecommunications facility on a light pole in the park, as suggested by a member of the public. Assistant Director Miner advised that Verizon has the right to use utility poles in the public right-of-way and that the City cannot require installation at another location. Assistant Director Miner stated that staff worked with Verizon to mitigate any impact on Washington Park and the surrounding neighborhood.

Commissioner Howe clarified with Assistant Director Miner that the utility pole is owned by the Northern California Joint Pole Association.

Chair Howard opened the Public Hearing.

Mark Peters, representing the CBR group and Verizon Wireless (Verizon), presented images and information about the proposed project.

William Hammett, representing Hammett & Edison Inc., presented information about the proposed project.

Vice Chair Simons asked the applicant about the available quadrants on the utility

pole. Mr. Peters provided information about the quadrant requirements and the available climbing space.

Commissioner Rheaume asked the applicant about their preference for light poles or utility poles. Mr. Peters provided details about the different uses of the two types of poles.

Chair Howard asked the applicant about the elimination of the battery backup. Mr. Peters advised that the battery backup is meant to provide service during emergencies but that it would violate the City's noise ordinance.

Assistant Director Miner noted that this item is required to be heard by Planning Commission because it is within 300 feet of a public park and stated that this item can be appealed to the City Council.

Tao Feng discussed his concerns with the lack of radio frequency (RF) emission data pertaining to the effects on the second stories of the adjacent homes, aesthetic impacts and neighborhood compatibility of the proposed project.

Mr. Hammett presented additional information about the proposed project.

Commissioner Harrison clarified with Mr. Peters that the data analysis completed by Mr. Hammett was not part of the original submission package but that it can be provided to the City.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion for Alternative 1 – Approve the Design Review based on the Findings in Attachment 2 and the Conditions of Approval in Attachment 3.

Commissioner Howe commented that the applicant has the right to implement wireless telecommunications facilities in the public right-of-way and that this item is being heard by the Planning Commission because the utility pole is within 300 feet of a public park.

Commissioner Harrison stated that she can make the findings for the Design Review and that the utility pole's placement meets the location and safety requirements.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson noted that the City does not have the authority to determine radiation levels but that the proposed project meets the City's criteria. Commissioner Olevson commented that the proposed project appears safe and well designed.

Chair Howard stated that he will be supporting the motion for the reasons cited by Commissioner Howe, Commissioner Harrison and Commissioner Olevson.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Weiss

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

3. [18-0731](#)

Proposed Project:

TENTATIVE MAP to subdivide existing one 8,147 sq. ft. lot to two lots.

SPECIAL DEVELOPMENT PERMIT to demolish two existing one-story residential units and construct two new two-story detached single family homes and associated improvements. Each home results in a gross floor area of 2,420 square feet (2,002 square feet of living area and 418 square feet garage) and 60% FAR on a 4,074-square foot lot.

Location: 417 and 421 E Washington Ave. (APN: 209-04-034)

File #: 2017-8019

Zoning: R-2/PD

Applicant / Owner: LADC Consulting Inc. / Silver Maple Investments LLC

Environmental Review: Categorically exempt from further environmental review pursuant to Class 3, Section 15303 of the California Environmental Quality Act (CEQA).

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

Principal Planner Gerri Caruso presented the staff report.

Vice Chair Simons asked staff if there was a discussion regarding an alternative layout. Principal Planner Caruso advised that the applicant can speak to the development of the current layout.

Vice Chair Simons asked staff if there was a discussion about placing the bulk of the second story towards the back of the site. Principal Planner Caruso advised that higher sill windows were implemented to mitigate privacy concerns.

Commissioner Rheume stated his concern regarding the front elevation, protrusion of the garages, and the tunnel effect created between the homes. Commissioner Rheume noted that the Design Guidelines require the garages to be compatible with the neighborhood and that homes in the neighborhood primarily have garages in the back. Commissioner Rheume asked staff if tandem parking is a possibility. Principal Planner Caruso stated that tandem parking was discussed with the applicant but that they did not want to pursue that option. Assistant Director Miner stated that the site would meet the criteria for tandem parking.

Commissioner Rheume noted his concern regarding inconsistencies between the materials in the site plans and material boards, as well as the quality of the materials.

Commissioner Harrison asked staff if Condition of Approval (COA) BP-20 to underground utilities is standard for a subdivision. Assistant Director Miner advised that only the service drop must be undergrounded.

Commissioner Olevson commented on the site's R-2 zoning with a Planned Development (PD) overlay and stated his concern that the proposed project is stretching the zoning code to obtain an outcome. Principal Planner Caruso stated that staff considers this an acceptable use of the Special Development Permit (SDP) and that the policy was created for the development of small lots. Commissioner Olevson stated that the proposed project will create two non-conforming lots. Principal Planner Caruso explained that the lots will not be non-conforming if approved under an SDP.

Chair Howard opened the Public Hearing.

Jennie Lee, applicant and owner, presented information about the proposed project.

Commissioner Rheume asked Ms. Lee why she did not want to pursue a tandem garage. Ms. Lee stated an opinion that it is an inconvenient design for access but that she could explore the possibility. Commissioner Rheume asked Ms. Lee about the inconsistencies in the depicted materials. Ms. Lee provided information about the recent design changes and stated that the renderings may be outdated.

Vice Chair Simons noted his concern regarding the garage's impact on the proposed project's aesthetic and commented on garage orientations in the neighborhood. Ms. Lee provided information about current and previous design configurations.

Timothy Yu discussed his concerns with privacy, the two-story design and the potential loss of light due to shading from the proposed project.

Mitchell Diamond, Sunnyvale resident, discussed his concerns with Floor Area Ratio (FAR), neighborhood compatibility and use of the SDP for the proposed project.

Laura Sharpless discussed her concerns with FAR, aesthetic impact of the garages and neighborhood compatibility for the proposed project.

Commissioner Rheume confirmed with Ms. Sharpless that her project achieved 44.8% FAR.

Qing Li, representing LADC Consulting Inc., presented additional information about the proposed project.

Ms. Lee presented additional information about the proposed project.

Commissioner Harrison discussed reducing the first-floor plate height to eight feet with Ms. Lee.

Commissioner Harrison clarified the final design for the garage doors with Ms. Lee. Commissioner Harrison confirmed with Ms. Lee that they will work with staff to match the railing ornamentation to the overall architectural style.

Chair Howard closed the Public Hearing.

Commissioner Rheume discussed the potential for this item to be continued and return to a study session and future public hearing with Assistant Director Miner. Senior Assistant City Attorney Rebecca Moon provided information about the different options for the applicant.

Chair Howard confirmed with Principal Planner Caruso that a front porch does not count towards the FAR.

Commissioner Olevson asked staff about continuing this item to a date certain. Assistant Director Miner provided information about continuing to a date uncertain and the need to obtain the applicant's input.

Commissioner Howe asked staff about implications for the applicant as it relates to the Permit Streamlining Act. Senior Assistant City Attorney Moon stated that the applicant would need to request a continuance at the hearing and subsequently provide this request in writing.

Chair Howard reopened the Public Hearing for the limited purpose of discussing the possibility of a continuance with the applicant.

Assistant Director Miner advised that the project, whether approved or denied, can be appealed within 15 days to the City Council. Assistant Director Miner provided information to Ms. Lee about the continuance process and summarized the concerns as presented by the Planning Commissioners – that the proposed project is leading with the garage, overwhelming the street, the need for a living area to be street-facing, the potential for tandem parking, the need for consistent use of quality materials and to mitigate privacy concerns for the adjacent neighbor.

Commissioner Rheume confirmed with Assistant Director Miner that a future study session would be appropriate if this item is continued.

Commissioner Harrison requested that the proposed project's bulk, including the first-floor plate height, be addressed. Chair Howard requested that the proposed project's FAR be reduced closer to 45%.

Chair Howard asked Ms. Lee about her interest in requesting a continuance. Senior Assistant City Attorney Moon and Assistant Director Miner provided information to Ms. Lee, Chair Howard and Commissioner Harrison regarding the options, associated fees and potential time frames.

Ms. Lee stated that she would like to request a continuance for the proposed project to address the concerns as presented by the Planning Commissioners.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Rheume seconded the motion to continue this item to a date uncertain, as requested by the applicant, and to schedule a future study session once the project has been revised.

Commissioner Rheume stated that this item is being continued because the garages as designed do not meet the Design Guidelines and are not compatible with the neighborhood. Commissioner Rheume commented on the tunnel effect between the two homes and the lack of street facing windows. Commissioner Rheume noted his appreciation of the applicant's due diligence to make this project work. Commissioner Rheume commented on the advantage of the site's proximity to Downtown and the desired focus on a pedestrian friendly feel for the neighborhood. Commissioner Rheume stated that the design inconsistencies also need to be addressed.

Vice Chair Simons recommended that the garages be framed in white to diminish their prominent nature. Vice Chair Simons stated an opinion that windows on the side of the garages would help integrate the garage. Vice Chair Simons recommended flipping the homes to eliminate the tunnel effect and to achieve consistency in architecture and quality of materials. Vice Chair Simons commented on the current garage design not meeting the neighborhood look and feel.

Commissioner Olevson stated that he will be supporting the motion for the continuance. Commissioner Olevson noted his initial objection to the subdivision and stated an opinion that a duet would preserve the street view and allow for the requested density, without changing the zoning. Commissioner Olevson encouraged the applicant to consider a duet as an alternative design that would minimize the proposed project's bulk and meet City requirements.

Chair Howard stated that he will be supporting the motion. Chair Howard commented on the walkability of the project site and its adjacency to transit services and amenities. Chair Howard stated that a more appropriate design will be more harmonious with the neighborhood. Chair Howard noted that as addressed by the public, the FAR for the proposed project would be an outlier in the neighborhood

and that the Design Guidelines need to be met.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Weiss

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

4. [18-0685](#) **Proposed Project: PEERY PARK PLAN REVIEW PERMIT and VESTING TENTATIVE MAP:** To redevelop an existing office/industrial site into a residential development consisting of 65 units (18 duets and 47 townhomes).
Location: 370 San Aleso Avenue (APNs: 204-01-005)
File #: 2018-7315
Applicant/Owner: Toll Brothers
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: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

Project Planner Margaret Netto presented the staff report.

Commissioner Howe confirmed with Project Planner Netto that an eight-foot masonry wall will be implemented as a buffer between the proposed project and adjacent residences. Commissioner Howe confirmed with Project Planner Netto that the previously approved wall was also eight feet tall.

Commissioner Howe asked staff how traffic and projects in the pipeline were accounted for with this project. Assistant Director Miner stated that the Peery Park Specific Plan (PPSP) anticipated residential uses for this area and that this project

was compared to the PPSP Environmental Impact Report (EIR), which determined that there would be no significant changes based on the findings of the PPSP EIR.

Commissioner Olevson asked staff about the removal of one dwelling unit to eliminate the front setback deviation. Assistant Director Miner clarified that the average deviation is 11 inches and that likely the design can be modified to make up that difference without removing a unit.

Commissioner Olevson commented on the delay in posting site plans online and asked for staff comments. Senior Assistant City Attorney Rebecca Moon advised that this did not violate the Brown Act as the agenda was properly noticed.

Commissioner Rheaume commented on the need for pictures of the balconies and windows and asked staff about the window trim. Project Planner Netto stated that the applicant can speak to these items.

Commissioner Rheaume asked staff why only six of 111 trees will be saved. Assistant Director Miner provided information about the City Arborist's recommendation and difficulties based on the site layout. Assistant Director Miner stated that staff is open to a request for the relocation of additional trees.

Chair Howard stated that he received a notice in the mail but that his property is not within the noticing radius. Senior Assistant City Attorney Moon advised Chair Howard that based on the Fair Political Practices Commission (FPCC) rules he should recuse himself if a reasonable person would believe that the proposed project would affect his property values. Chair Howard stated an opinion that the proposed project would not impact his property values.

Chair Howard opened the Public Hearing.

Alli Sweeney, representing Toll Brothers, presented images and information about the proposed project.

Debra Falese, representing Woodley Architectural Group Inc., presented images and information about the proposed project.

Vice Chair Simons discussed potential textural changes with Ms. Falese. Vice Chair Simons confirmed with Ms. Falese that full, style specific gutters will be implemented.

Vice Chair Simons requested the use of native, large species trees as appropriate for the site. Shari Van Dorn, representing Van Dorn Abed Landscape Architects Inc., confirmed that they will use native trees as feasible.

Commissioner Rheume stated that he met with the applicant. Commissioner Rheume asked the applicant about a final determination for the window trim. Ms. Falese advised that they will use a wood grain trim for the wooden window areas. Commissioner Rheume confirmed the window colors and the use of external grids for the windows with Ms. Falese.

Sharon McKnight spoke in support of the proposed project and cited issues with vacant buildings along San Aleso Avenue. Ms. McKnight discussed her concerns regarding the existing pine trees and requested the removal of the two parking spaces adjacent to the single-family homes.

Valerie Soares spoke in support of the proposed project and noted her appreciation of the Toll Brothers responding to neighborhood concerns. Ms. Soares stated her support for Ms. McKnight's request regarding the removal of two parking spaces.

Michael Sims, Sunnyvale resident, requested consistency for the masonry wall as his property adjoins the proposed project and another development.

Maryann Welch discussed her concerns with water, traffic, affordability and Homeowners Association issues for the proposed project.

Barry Boole, Sunnyvale resident, requested at least a ten-foot wall and suggested replacement of the existing pine trees with Italian Cypress trees.

Matthew Weaver, Sunnyvale resident, seconded Mr. Boole's comments and requested at least a ten-foot fence for privacy.

Commissioner Howe confirmed with Ms. Sweeney that the existing pine trees will be removed and that the replacement trees have not yet been specified.

Commissioner Rheume asked the applicant about retaining additional protected trees. David Hamilton, representing Mighty Tree Movers, provided background about the potential to save additional trees and advised that potentially one or two additional redwoods could be replanted.

Commissioner Harrison asked the applicant about the level of change to the sewer and stormwater systems. Eddie Sieu, representing Ruggeri-Jensen-Azar, advised that the sewer utilities are the deepest at six feet.

Mr. Hamilton provided details to Commissioner Harrison about the tree relocation process.

Chair Howard closed the Public Hearing.

MOTION: Vice Chair Simons moved and Commissioner Rheume seconded the motion for Alternative 2 – Alternative 1 with modified Conditions of Approval –

1. Staff will review the transplantation of two or more additional redwoods then proposed in good condition;
2. The applicant will coordinate the materials and height of the back fence with the adjacent project to ensure consistency along neighboring properties;
3. The applicant will implement a sound wall quality fence near the two parking spots adjacent to the adjoining single family homes;
4. Use of native large species trees will be maximized as appropriate for placement on site;
5. The external gutters will architecturally match the corresponding designs; and,
6. Colosseum Travertine in color Roman will replace the Country Beige French Limestone and consideration will be given to replace the French White with a tile that has more variability, if an appropriate size is available.

Vice Chair Simons complimented the applicant for incorporating the study session comments into the proposed project's design. Vice Chair Simons stated an opinion that this project will be a good addition to the City and the neighborhood.

Commissioner Rheume stated that he can make the findings and thanked staff and the applicant for updating the project based on study session feedback.

Commissioner Rheume commented on the quality of the materials and his appreciation for the material boards. Commissioner Rheume stated his desire to save more trees. Commissioner Rheume noted his agreement with the neighbors that Toll Brothers seem to be a good group.

Commissioner Howe clarified the motion with Vice Chair Simons. Commissioner Howe stated that he will be supporting the motion and can make the findings.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Weiss

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Harrison commented that one of the homes is currently being renovated for the proposed project at 932 Eleanor Way and 1358 Hampton Drive.

-Staff Comments

Assistant Director Miner stated that the proposed project at 932 Eleanor Way and 1358 Hampton Drive will be considered by the City Council on August 28, 2018. Assistant Director Miner provided information about approval by the City Council of the proposed projects at 814 Coolidge Avenue and the General Plan Amendment Initiation to amend the Lawrence Station Area Plan (LSAP). Assistant Director Miner commented that a Principal Planner has been hired to complete the update of the Moffett Park Specific Plan (MPSP).

ADJOURNMENT

Chair Howard adjourned the meeting at 10:20 PM.