



# City of Sunnyvale

## Meeting Minutes - Draft Planning Commission

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Monday, September 23, 2019

6:30 PM

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

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**Special Meeting - Study Session - 6:30 PM | Public Hearing - 7:00 PM**

### **6:30 PM STUDY SESSION**

#### **1 Call to Order in the West Conference Room**

#### **2 Roll Call**

#### **3 Study Session**

##### **A. [19-0837](#)**

**Proposed Project:** Related applications on a 2.3-acre site:

**USE PERMIT** to redevelop a 2.3-acre property with PF Zoning Designation. Demolish two existing religious institution buildings (Trinity United Methodist Church) totaling 13,833 square feet and construct a new two-to-three-story, residential care facility for elderly. The project consists of 90 units including 50 assisted living units and 40 memory care units, with 120 beds, above a level of underground parking, totaling 78,019 square feet and 77% floor area ratio (FAR).

**Location:** 581-583 E. Fremont Avenue (APNs: 211-31-018 and 211-31-019)

**File #:** 2019-7214

**Zoning:** Public Facility (PF)

**Applicant / Owner:** Sunrise Senior Living (applicant) / St Johns Evangelical Lutheran and Trinity United Methodist Church (owner)

**Environmental Review:** A Class 32 In-fill Development Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions

**Project Planner:** Shila Bagley, 408-730-7456,  
sbagley@sunnyvale.ca.gov

#### **4 Public Comment on Study Session Agenda Items**

#### **5 Adjourn Study Session**

### **7:00 PM 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:** 6 - Chair Daniel Howard  
Commissioner Sue Harrison  
Commissioner Ken Olevson  
Commissioner Ken Rheaume  
Vice Chair David Simons  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner John Howe

Commissioner Howe's absence is excused.

**ORAL COMMUNICATIONS**

Vani Verma, Sunnyvale resident, presented images and stated that approving proposed projects over 45% Floor Area Ratio is resulting in larger homes incompatible with existing neighborhoods and that the Commission can influence policy to prevent this.

**CONSENT CALENDAR**

MOTION: Commissioner Harrison moved and Chair Howard seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Commissioner Howe

**Abstained:** 1 - Commissioner Weiss

**1.A**      [19-0980](#)      Approve Planning Commission Meeting Minutes of September 9, 2019

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2.**      [19-0942](#)      **Proposed Project:**  
                                 **DESIGN REVIEW:** To allow a 587 square feet first-floor addition and 616 square feet second-floor addition to an existing two-story single-family home, resulting in 3,544 square feet (3,150 square feet living area and 394 square feet garage) and 58.9% Floor Area Ratio (FAR).  
                                 **Location:** 1031 Daisy Court (APN: 213-15-003)  
                                 **File #:** 2019-7479  
                                 **Zoning:** R-0  
                                 **Applicant / Owner:** Phan Architects (applicant) / Gautam V and Aparna G Kelkar Trustee (owner)  
                                 **Environmental Review:** A Class 1 Categorical Exemption relieves this project from the CEQA provisions.  
                                 **Project Planner:** Aastha Vashist, 408-730-7458, avashist@sunnyvale.ca.gov

Principal Planner Noren Caliva-Lepe presented the staff report.

Chair Howard opened the Public Hearing.

Aparna Kelkar, homeowner, presented images and information about the proposed project.

Commissioner Harrison confirmed with Ms. Kelkar that her family needs a larger home to live more comfortably.

Commissioner Weiss confirmed with Ms. Kelkar and Phoi Phan, applicant representing Phan Architects, that the wood burning fireplace would be replaced with a gas burning fireplace. Commissioner Weiss stated that the garage and porch are not consistent with Prairie style architecture. Mr. Phan responded that the proposed project's eaves, horizontal banding, and stone veneer are Prairie features but that horizontal elements applied to the garage made it look disproportionate to the rest of the house. He added that they decided not to enlarge the porch to avoid adding to the front yard's hardscape. Commissioner Weiss asked if there are enough mature Cypress trees on the left side of the house to protect the neighbor's privacy. Mr. Phan stated that the trees are of various sizes but are mature and

dense enough that they block light on that side of the house.

Commissioner Rheaume asked Mr. Phan about the casement window color and the thickness of the stone veneer. Mr. Phan responded that the casement window would be a sandstone color and that the stone veneer would be 1.5 to 2 inches in thickness which complements the proposed project's proportions. Commissioner Rheaume commented that larger homes usually look better with thicker stone veneers.

Vice Chair Simons confirmed with Mr. Phan that the casement window color is named sandstone but appears gray and that they would be receptive to a requirement for the color to be consistent with the other exterior colors. Vice Chair Simons asked Mr. Phan if there would be window mouldings and Mr. Phan answered that the windows would be recessed 2.5 inches without moulding. Vice Chair Simons stated that the Commission may require staff to review the thickness of the stone veneer to improve its durability and ensure it is in proportion to the proposed project. Vice Chair Simons asked staff if it is possible to require the replacement of any Cypress trees that are found to be in poor health. Principal Planner Caliva-Lepe stated that staff can inspect the site prior to the final inspection to assess the health of the existing trees and determine if any replacements are needed.

Colleen Yamada, Sunnyvale resident, spoke in support of her neighbors' proposed project.

Mr. Phan presented additional images and information about the proposed project.

Vice Chair Simons confirmed with Mr. Phan that they would be amenable to a requirement specifying that the window exteriors, stone veneer, and garage door are complimentary in color. Vice Chair Simons commented that he likes that the garage door would be painted a darker shade so that it is not such a focal point. He also confirmed with Mr. Phan that it is possible for the stone veneer to a minimum of 3 inches in thickness.

Chair Howard closed the Public Hearing.

Commissioner Harrison confirmed with Principal Planner Caliva-Lepe that staff has already reviewed the proposed project for proper window height and any necessary opacity.

Commissioner Olevson asked staff if the Commission must review the proposed project's final exterior building materials and color scheme according to Condition of Approval PS-2. Principal Planner Caliva-Lepe stated that PS-2 should be revised to read that staff will review those final elements.

MOTION: Vice Chair Simons moved and Commissioner Weiss seconded the motion for Alternative 2 - Approve the Design Review with the following modified conditions:

1. Staff must conduct an inspection to review the health of the Cypress trees along the left property line, prior to final inspection of the addition. If trees are in poor health, replacement screening trees must be planted prior to occupancy;
2. All exterior colors must be compatible and in the same color range;
3. Stone veneer must be a minimum of 3 inches in thickness; and
4. Modify Condition of Approval PS-2 to note that staff has the final approval, not Planning Commission, for the final exterior building materials and color scheme.

Vice Chair Simons stated that he can make the findings and will support the motion, that the color ranges presented are unique, that the proposed project looks nice, and that it is slightly larger than the homes in the surrounding neighborhood. He added that the proposed project follows the single family home design guidelines and commented that residents are modifying their existing homes to fit their needs because of the current cost of housing.

Commissioner Weiss stated that she appreciates that there are no deviations requested, the proposed project meets the single family home design guidelines, the homeowners formally reached out to the neighbors to inform them and seek their input, the proposed project would be compatible with the neighborhood, and that the setback design of the first floor is nicely done without looking overwhelming. She added that she will support the motion.

Commissioner Rheaume stated that he can make the findings and will support the motion. Commissioner Rheaume stated that he appreciates that there are no deviations requested, most of the addition would be concealed from the street, the Prairie architectural style softens the garage's roof line, and that upgrading the windows enhances the quality of the proposed project. He added that he supports homeowners' decisions to modify their properties because of the current housing market.

Commissioner Harrison stated that she will support the motion. She noted that all the work dedicated to the proposed project is evident and thanked the applicant and homeowner for proposing an 8-foot plate height for both stories because together with the sloped roof and extended eaves, they minimize the mass and bulk of the house.

Commissioner Olevson stated that he will support the motion and can make the findings. He also recognized that there are no deviations requested, the proposed project would be compatible with the neighborhood from a street view, and the homeowners' outreach to the neighbors is laudable.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Commissioner Howe

Principal Planner Caliva-Lepe stated that this decision is final unless appealed or called up for review by the City Council within 15 days.

3.      [19-0970](#)      **Proposed Project:** Application for a 6.7-acre site:  
                         **USE PERMIT:** For construction of two additional five-story buildings totaling 403,340 square feet to an existing commercial storage site, resulting in a gross floor area of 576,396 at 195% Floor Area Ratio (FAR).  
                         **Location:** 1060 Stewart Drive (APN: 205-23-019)  
                         **File #:** 2017-7912  
                         **Zoning:** M-S (Industrial Service)  
                         **Applicant / Owner:** Lars Anderson and Assoc. Inc. / Public Storage Inc.  
                         **Environmental Review:** The project is consistent with the Land Use and Transportation Element (LUTE) of the City's General Plan and no additional environmental review is required pursuant to CEQA Guidelines Section 15183 and Public Resources Code Section 21083.3.  
                         **Project Planner:** Shétal Divatia, 408-730-7637,

sdivatia@sunnyvale.ca.gov

Senior Planner Shetal Divatia presented the staff report.

Assistant Director Andrew Miner stated that the starred item in Attachment 2 is not a deviation and that 50% Floor Area Ratio can be exceeded with a Use Permit.

Vice Chair Simons confirmed with Senior Planner Divatia that it is possible for the Commission to require that the landscaping plan include trees that are more drought tolerant. He commented that he does not believe that the proposed project's artwork should be considered as architectural improvements that the Commission previously requested.

Commissioner Weiss asked staff if the building at 1070 Stewart Drive is part of the proposed project. Assistant Director Miner stated that it is possible for different buildings on the same property to have different addresses. Commissioner Weiss stated that the walled windows on the first floor are foreboding. Assistant Director Miner asked Commissioner Weiss if she believes landscaping would soften the look of the window. Commissioner Weiss responded that she would prefer landscaping or false windows instead of the current walled windows.

Commissioner Olevson asked staff why the number of parking spaces proposed is not consistent with what the Sunnyvale Municipal Code (SMC) requires and is therefore not identified as a deviation. Assistant Director Miner stated that the SMC allows other standards to be used to establish parking requirements which would then not be considered a deviation. He added that staff determined the lower parking space requirement based on the property's use, low anticipated traffic, and a decrease in the paved areas. Commissioner Weiss asked staff why the Commission is considering Phase 2 of the proposed project if it might not be built. Assistant Director Miner stated that it might be part of a master plan for the property and added that the applicant's permit is vested for both buildings once the first building is constructed.

Commissioner Harrison confirmed with Senior Planner Divatia that staff has suggested that the applicant install a photovoltaic system and that the current plans do not include the system.

Commissioner Rheume confirmed with Assistant Director Miner that the trees overlaid on the plans are protected and belong to the property at 1 AMD Place. Commissioner Rheume stated that taller, more significant trees would be more

appropriate for the height of the buildings and to obscure the view from the nearby residential neighborhood.

Chair Howard opened the Public Hearing.

Bryan Miranda, Regional Vice President for Development with owner Public Storage, presented images and information about the proposed project.

Vice Chair Simons asked about the thickness of the insulated aluminum. Jonathan Thomas, representing Ware Malcomb, stated that the thickness would be specified during the building phase and would meet California Code of Regulations Title 20 requirements. Vice Chair Simons asked if darker colors, window treatments, or artwork are possible to improve the attractiveness of the first floor windows. Mr. Thomas responded that a darker color may make the windows appear open and evoke an unwelcoming feeling and added that the material board would help to understand the different color blocks. Mr. Miranda stated that it is possible to add images or continue elements from the tops of the buildings to the window insets. Vice Chair Simons confirmed with Mr. Thomas that each building would be constructed with a photovoltaic system.

Commissioner Rheume stated that he hopes for more landscaping to be added to the proposed project and that it is not necessary for it to look like an office or apartment building.

Commissioner Weiss asked Mr. Miranda what would take place during Phases 1 and 2. Mr. Miranda answered that during Phase 1 the lighthouse and the four buildings on the left when on Stewart Drive would be raised and then the 5-story building would be constructed along with the frontage improvements and landscaping, and if there is demand, the last building and its associated landscaping would be constructed during Phase 2. Commissioner Weiss asked if landscaping other than trees was considered for the large areas where concrete would be removed. Mr. Miranda stated that landscaping would be added to the area where parking would be reduced and that turf is planned for the areas near the fire access roads, adding that the landscaping and stormwater management would be significantly improved from the existing site.

Chair Howard asked Mr. Miranda how the site would benefit from a surplus of energy from the photovoltaic systems. Mr. Miranda stated that he is unsure how the system would work locally.



Chair Howard closed the Public Hearing.

Vice Chair Simons asked staff if it is possible to approve only Phase 1 or create a time limitation between the end of the Phase 1 and the beginning of Phase 2. Senior Assistant City Attorney Rebecca Moon stated that the application is for both phases and that it would be the applicant's decision to limit the application to only one phase. She added that an applicant has a vested right to complete a project on its own timetable once a significant amount of money has been invested and once it has exercised some of the rights under the permit, but that the Conditions of Approval would still apply.

MOTION: Commissioner Harrison moved and Commissioner Rheaume seconded the motion for Alternative 2 - Make the required Findings to approve the CEQA determination that the project is consistent with the Land Use and Transportation Element (Land Use and Transportation Element) of the City's General Plan and that no additional environmental review is required as noted in the checklist in Attachment 4 and Approve the Use Permit based on the findings in Attachment 3, subject to the following modified Conditions of Approval:

1. Revise the tree selection to include trees larger in scale and more drought tolerant.

FRIENDLY AMENDMENT: Vice Chair Simons offered a friendly amendment to specify that estate-sized, native trees are planted, that staff is the final decision maker on colors and/or building materials that improve the look of the inset windows on the first floor, and that the thickness of the insulation material meets California Code of Regulations Title 20 requirements. Commissioner Harrison and Commissioner Rheaume accepted the friendly amendment.

Commissioner Harrison stated that she can make the findings regarding CEQA and that the architectural design improves the building. She added that she supports efforts to make the first floor walled windows look more like actual windows or any artistic additions to them separate from any public art requirements.

Commissioner Rheaume stated that he will support the motion and can make the findings. He thanked the applicant for the attention devoted to a storage use building and for the planned use of photovoltaic systems and other efficient elements.

Commissioner Olevson stated that he will support the motion and can make the findings and that this would be the best-looking Public Storage location.

Commissioner Weiss stated that she will support the motion, the proposed project is consistent with the LUTE, she can make the CEQA and Use Permit findings, the minimum setbacks are met or exceeded, and the proposed project meets a continuous community need.

Chair Howard stated he will support the motion and can make the findings.

The motion carried by the following vote:

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

**No: 0**

**Absent: 1 -** Commissioner Howe

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

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

**4. [19-0981](#) Planning Commission Proposed Study Issues, Calendar Year: 2020**

Vice Chair Simons stated that he submitted a study issue idea to staff regarding pending State legislation that would remove local zoning authority near high speed transportation.

Commissioner Weiss asked if the Housing and Human Services Commission is aware of her study issue idea to upgrade existing Accessory Dwelling Units to conform to current codes that the Planning Commission previously discussed. Assistant Director Andrew Miner stated that she must either attend a Housing and Human Services Commission meeting or email the Commission and request that the study issue idea be agendaized.

Assistant Director Miner stated that he will follow up with the deadline for submitting study issue ideas.

Chair Howard confirmed with Assistant Director Miner that the topic of tree chicanes on streets is within the purview of the Bicycle and Pedestrian Advisory Commission and should be forwarded to that body.

Senior Assistant City Attorney Rebecca Moon stated that the Commissioners must identify themselves as members of the public speaking on their own behalves if attending any other board or commission meeting.

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

#### **-Commissioner Comments**

#### **-Staff Comments**

Assistant Director Andrew Miner stated that pending State housing bills and decreased local authority over Accessory Dwelling Units were topics of discussion at the American Planning Association conference and that staff is writing code and building into the area plans language to secure certain authorities considering the pending State legislation. He added that the Inclusionary Rental Housing/In-Lieu Fee policy item that the Commission heard on September 9, 2019 will be heard at the City Council meeting on September 24, 2019.

Senior Assistant City Attorney Rebecca Moon stated that SB 330 involves requiring developers to help with resident displacement, fixing fees and requirements for preliminary applications, limiting public hearings, streamlining and shortening application review periods, and limiting a local jurisdiction's ability to establish development caps. The legislation would also prohibit enforcing non-objective design standards. She added that a Study Session is required to discuss the legislation in more detail.

Chair Howard confirmed with Assistant Director Miner that there are residential development caps in the Lawrence Station Area Plan, the Downtown Specific Plan, and that staff is considering it for the El Camino Real Corridor Specific Plan.

### **ADJOURNMENT**

Chair Howard adjourned the meeting at 8:59 PM.