



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, January 13, 2020

6:00 PM

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

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

6:00 PM STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

A. [20-0160](#)

Proposed Project:

MOFFETT PARK MAJOR DESIGN REVIEW PERMIT: To allow the demolition of existing buildings and the redevelopment of four (4) parcels, including the construction of a new 5-story, 182,500 sq. ft. building (1265 Borregas Avenue), a lot line adjustment between 1265 Borregas Avenue and 160 Gibraltar Court, and construction of open space and surface parking (1190 and 1196 Borregas Avenue) serving 1265 Borregas Avenue. Phase 2 will include the demolition of the building at 160 Gibraltar Court and the construction of sports fields.

Location: 160 Gibraltar Court, 1265 Borregas Avenue, 1196 Borregas Avenue and 1190 Borregas Avenue. (APNs: 110-35-005, 110-35-006, 110-34-007, and 110-34-008)

File #: 2019-7507

Zoning: MP-T and MP-I

Applicant / Owner: Google LLC (applicant and owner)

Project Planner: Momoko Ishijima, 408-730-7532,
mishijima@sunnyvale.ca.gov

B. [20-0212](#)

Proposed Project: Related applications on a 0.72-acre site (two lots):

SPECIAL DEVELOPMENT PERMIT: to allow 24 condominium dwelling units in two, 4-story buildings including requests to deviate from setback and useable open space requirements. Existing structures to be demolished.

TENTATIVE MAP: to merge the two lots and create 24 condominiums.

Location: 210, 214 W. Ahwanee Avenue (APNs: 204-03-002,

204-03-003)

File #: 2018-7006

Zoning: R-4/PD

Applicant / Owner: Tapti LLC (applicant and owner)

Project Planner: Shetal Divatia, 408-730-7637,
sdivatia@sunnyvale.ca.gov

Public Comment on Study Session Agenda Items

Adjourn Study Session

7:00 PM PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:10 PM.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

Present: 6 - Chair Daniel Howard
Commissioner John Howe
Commissioner Sue Harrison
Commissioner Ken Olevson
Commissioner Ken Rheaume
Commissioner Carol Weiss

Absent: 1 - Vice Chair David Simons

Chair Howard noted that Vice Chair Simons's absence is excused.

ORAL COMMUNICATIONS

CONSENT CALENDAR

MOTION: Commissioner Howe moved and Commissioner Weiss seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Olevson
Commissioner Rheaume
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

- 1.A** [20-0214](#) Approve Planning Commission Meeting Minutes of December 9, 2019
- 1.B** [20-0215](#) Approve Planning Commission Meeting Minutes of December 16, 2019

PUBLIC HEARINGS/GENERAL BUSINESS

- 2.** [20-0161](#) **Proposed Project:** Appeal of a decision by the Director of Community Development to approve a Design Review (DR) for a Verizon wireless telecommunications facility on a replacement PG&E pole in the right-of-way of Richelieu Place near 574 Fort Laramie Drive. The associated ground equipment is 36' north of the replacement pole.
Location: PG&E pole in the right-of-way of Richelieu Place near 574 Fort Laramie Drive
File #: 2019-7756
Zoning: R-1
Applicant / Owner: Verizon Wireless C/O The CBR Group/ Right-of Way
Appellant: Chong Wang, property owner of 576 Endicott Drive
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

Commissioner Howe recused himself due to a conflict of interest.

Associate Planner Teresa Zarrin presented the staff report.

Chair Howard opened the Public Hearing.

Chong Wang, appellant, presented images and information about the proposed project.

Cady Cadiz, representing The CBR Group on behalf of applicant Verizon Wireless, presented images and information about the proposed project.

Mr. Wang presented additional information about the proposed project.

Commissioner Weiss asked staff about the content of the notice the affected residents and property owners received. Associate Planner Zarrin stated that the notices inform recipients about proposed project but are not meant to be exhaustive and interested parties can contact staff for more details using the contact information listed on the notices. Commissioner Weiss asked if the Sunnyvale Municipal Code (SMC) distinguishes between wireless telecommunications facilities on public and private properties. Senior Assistant City Attorney Rebecca Moon explained that the City distinguishes between right-of-way and non-right-of-way proposed projects. She further explained that there is a general section of the SMC that addresses wireless telecommunications facilities on private and public property in the non- right-of-way and that Section 160 specifically addresses those in the right-of-way. Assistant Director Andrew Miner added that the proposed project's original approval is valid as it is based on Section 160.

Commissioner Harrison asked staff how the federal government regulates wireless telecommunications facilities. Assistant Director Miner stated that the City is involved in the design process but that the federal government does not allow it to dictate location, set radiofrequency emissions standards, or determine necessity, adding that carriers are typically aiming to meet wireless capacity demands.

Chair Howard appreciated Mr. Wang's critique of the code's clarity and the notice's comprehensiveness but explained that the Commission is limited to decisions on design only.

Mr. Wang stated his concern about the ambiguity of those particular SMC sections.

Assistant Director Miner stated that staff strives to provide notices that are as informative as possible and that staff would be happy to meet with Mr. Wang to better understand how the noticing can be improved.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Olevson moved and Commissioner Harrison seconded the

motion for Alternative 1 – Deny the appeal and affirm the Director of Community Development's determination to approve the DR, subject to Conditions of Approval in the original DR #2019-7756 approval. (See Attachment 1 - DR Approval with COAs and SDRs).

Commissioner Olevson stated that he supports the motion because the proposed project is consistent with federal regulations and the City's design guidelines for wireless telecommunications facilities. He acknowledged that the applicant has addressed the immediate neighbors' concerns by relocating the equipment farther away from the pole so that the nearby owner can reconfigure his property. He urged the Commissioners to support the motion to deny the appeal.

Commissioner Harrison stated that the Commission can only deny proposed wireless telecommunications facilities if they do not meet very specific design criteria and the appeal does not challenge any design-related aspects. She added that the Commission can therefore not deny the proposed project and that she will deny the appeal and uphold staff's original decision to approve it.

Commissioner Weiss commented that she will support the motion and believes that the proposed project meets the City's design criteria and the federal government's standards for radiofrequency emissions. She encouraged Mr. Wang to explore programs that would provide art for the utility equipment to mitigate his concerns about graffiti.

Chair Howard stated his intention to support the motion because the proposed project meets all applicable requirements and thanked Mr. Wang for drawing attention to a part of the noticing process that can be improved. He restated the motion.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Commissioner Harrison
Commissioner Olevson
Commissioner Rheume
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

Recused: 1 - Commissioner Howe

Assistant Director Miner stated that this decision is final and the project is formally approved.

3. [20-0159](#)

Proposed Project:

DESIGN REVIEW: To allow a new one-story, single-family residence and a detached Accessory Dwelling Unit (ADU) with a garage resulting in a total floor area of 5,229 square feet (3,648 square feet living area, 435 square feet garage, 699 square feet ADU, and 447 square feet ADU garage) and 39.6% floor area ratio (FAR). The project also involves the removal of 12 protected trees.

Location: 805 Gary Avenue (APN: 211-11-013)

File #: 2018-7796

Zoning: R-1 (Low Density Residential)

Applicant / Owner: JCO, Inc. (applicant) / Bryan Huh Et Al (owner)

Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Momoko Ishijima, 408-730-7532,
mishijima@sunnyvale.ca.gov

Senior Planner Momoko Ishijima presented the staff report.

Commissioner Howe asked staff how many Oak trees are on the property and how many of those the City arborist recommends saving. Senior Planner Ishijima responded that the City arborist recommends saving all 3 Oak trees on the property.

The Commissioners examined materials samples provided for the proposed project.

Commissioner Rheume asked staff why the garage attached to the Accessory Dwelling Unit (ADU) does not count towards the overall square footage of the ADU. Senior Planner Ishijima and Senior Assistant City Attorney Rebecca Moon stated that the ADU must be allowed because the living area is under 700 square feet, but there is discretionary authority to approve or deny the garage. Senior Assistant City Attorney Moon explained that with the new state legislation, the proposed project must be considered separately from the ADU because the ADU is automatically approved. Commissioner Rheume stated his concern that the main dwelling unit would have such a large number of bedrooms and would not look like a single-family home. He confirmed with Senior Assistant City Attorney Moon that the property owner can rent out all the rooms in the main dwelling unit and that no ADUs approved after January 1, 2020 can be used as short-term rentals for 30 days

or less. Assistant Director Andrew Miner added that the proposed project is only required to have 2 covered parking spaces so the Commission can take discretionary action on the additional 2 that are proposed to be attached to the ADU. Commissioner Rheame confirmed with Senior Planner Ishijima that Recommended Condition of Approval EP-5 will be corrected to indicate that the proposed project is not required to install a sidewalk.

Commissioner Olevson asked about construction restrictions for the proposed project. Assistant Director Miner stated that the restrictions are in the Sunnyvale Municipal Code (SMC) and therefore not typically listed in the Recommended Conditions of Approval. Senior Assistant City Attorney Moon stated that construction hours are sometimes referenced in the Recommended Conditions of Approval in conjunction with proposed projects that require California Environmental Quality Act mitigation measures or an Environmental Impact Report. Commissioner Olevson confirmed with Senior Planner Ishijima that vinyl would be used for the window casings and with Assistant Director Miner that a total of twelve trees are planned to remain and that this is the first proposed project with an ADU that the Commission has reviewed since new state legislation became effective January 1, 2020.

Commissioner Weiss stated her concern that there is graffiti on the green mesh fence surrounding the property. Senior Planner Ishijima stated that the fence is intended to better protect the property and the construction materials stored on site and Assistant Director Miner added that staff will contact the Neighborhood Preservation Unit to facilitate the removal of the graffiti. Commissioner Weiss confirmed with Senior Planner Ishijima that the garage door protrudes slightly farther than the front door. Commissioner Weiss asked if it is possible for the porch to extend farther out to give it more prominence and Assistant Director Miner responded that the Commission can require the modification as long as the setbacks are still met.

Commissioner Harrison asked staff how the ADU can be modified with respect to current state legislation. Senior Planner Ishijima answered that if the proposed project is approved, the ADU could increase in size to 750 square feet without a Planning Division review or increase in size to 1,000 square feet which would require a Planning Division staff level review.

Chair Howard asked staff to clarify the Commission's role in reviewing the ADU and attached garage. Assistant Director Miner stated that the ADU is ministerial but that the Commission can either approve, deny, or modify the main dwelling unit and the

garage attached to the ADU is not a requirement for the ADU. Chair Howard noted that Eucalyptus Tree 10 in the City arborist report is in good health and is where the ADU's garage would be located.

Chair Howard opened the Public Hearing.

Bryan Huh, applicant, presented information about the proposed project.

Commissioner Rheume asked Mr. Huh why he plans to build 2 covered parking spaces more than what is required for the proposed project. Mr. Huh stated that he was advised to build covered parking and that the additional spaces will help accommodate the number of cars his family owns. He added that the ADU design may change to 2 bedrooms with a 1 car garage. Commissioner Rheume confirmed with Mr. Huh that there would also be a paved area in between the main dwelling unit and the ADU and asked Mr. Huh why he needs the additional uncovered parking in the backyard. Mr. Huh responded that he might not use the paved area for parking but that he might rent some bedrooms which would result in more cars on the property.

Commissioner Weiss confirmed with Mr. Huh that he is amenable to modifying the front entrance so that it extends out at least as far as the garage door.

Maria Hamilton, Sunnyvale resident, stated that Tree 10 should be retained because it is in good condition and that it can be pruned to make it safer.

Zachary Kaufman stated that the staff report calls the setbacks generous even though some of them meet exactly the minimum requirement.

Mr. Huh presented additional information about the proposed project.

Commissioner Harrison confirmed with Mr. Huh that he intends to change the shape of the ADU, enlarge the living area and reduce the attached garage to 1 covered parking space once the overall proposed project is approved. Commissioner Harrison asked staff to comment on Mr. Huh changing the ADU design once the proposed project is approved. Senior Planner Ishijima explained that Mr. Huh chose not to pursue a later hearing date to present an updated ADU design because the new state law allows him to change his design later without the need for discretionary approval.

Chair Howard asked staff how the ADU garage would be affected if the ADU design is modified. Assistant Director Miner presented the option to remove the ADU garage from the proposed project to allow Mr. Huh to fine tune his ADU design and avoid the potential issue of the garage changing in size after this plan is approved. Chair Howard asked Mr. Huh if he is open to the Commission deciding on just the main dwelling unit. Mr. Huh stated that he is amenable to that possibility as long as he could build the main dwelling unit and the ADU at the same time as a cost saving measure. Assistant Director Miner clarified with Chair Howard that the Commission is not making any decision on the ADU and that there is no longer any parking requirements for ADUs. Chair Howard confirmed with Senior Planner Ishijima that Mr. Huh must submit a separate application for the ADU if he wants to change its design after he receives approval for this application.

Commissioner Rheume confirmed with Senior Planner Ishijima and Assistant Director Miner that an applicant can build up to a 750-square foot ADU without Planning Division approval and up to a one bedroom 800-square foot ADU or up to a two bedroom 1,000-square foot ADU with Planning Division staff approval.

Chair Howard confirmed with Assistant Director Miner that a carport is considered covered parking and that any covered built space whether open or closed counts as square footage and is factored into overall lot coverage. Chair Howard asked Assistant Director Miner if the new ADU state law encourages the use of public transportation. Assistant Director Miner stated that the elimination of the parking requirements for ADUs either incentivizes public transportation or makes it easier for applicants to build ADUs.

Mr. Huh stated that Tree 10 is dangerous because it appears that one of its limbs may fall and that multiple neighbors have informed him that they would like the tree removed.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Rheume moved and Commissioner Harrison seconded the motion for Alternative 1 – Approve the Design Review with the Conditions of Approval in Attachment 4.

Commissioner Rheume thanked staff for a thorough report and Mr. Huh for his presentation and frankness. He stated that the proposed project is a good design, that he is comfortable with it because it has been in process for 2 years, and

acknowledged the need for housing and Mr. Huh's entitlement to rent rooms if he chooses. He also stated that he agrees to the removal of Tree 10 as the 2 healthy native trees in the front yard would be retained and remarked that he is pleased that if there are a lot of cars on the property, that they would not be seen with the extra backyard parking provided. He thanked Mr. Huh for his hard work and urged the Commissioners to support the motion.

Commissioner Harrison stated that she recommends the proposed project for approval because it does not request any deviations and it meets all the necessary requirements. She added that she trusts staff to ensure that the ADU is built according to state law and City code.

Commissioner Olevson stated his initial concern for the proposed project but that Mr. Huh's earnest presentation about his family and his goals has convinced him that it should be approved. He further remarked that he will support the motion and that he trusts Mr. Huh to follow the necessary application and permitting process if he wishes to alter the configuration of the ADU or garage.

Assistant Director Miner asked Commissioner Rheume and Commissioner Harrison if they prefer for staff or the Commission to review the proposed project if Mr. Huh applies to enlarge the ADU and reduce the garage to one covered parking space. Commissioner Rheume and Commissioner Harrison answered that they are comfortable with staff approving the modification.

Chair Howard stated that he will support the motion and that he is pleased with the 1 story design and noted that while large, the main dwelling unit would be narrower with the larger side setbacks planned. He commented that he believes there is an excess of parking allotted for the ADU but that it is reasonable to allow. He also remarked that he understands Eucalyptus trees to have shallow roots and easily fall over and therefore he finds it acceptable for the proposed project to remove Tree 10 and plant a more species-appropriate tree instead.

Chair Howard summarized the motion.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Howe
Commissioner Harrison
Commissioner Olevson
Commissioner Rheaume
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

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. [20-0213](#) Planning Commission Proposed Study Issues, Calendar Year: 2020

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Chair Howard commented that he and his family are converting to an electric induction cooktop.

-Staff Comments

Assistant Director Miner stated that at the next meeting the Commission will rank study issues and staff will present a Study Session item with an overview of new state housing legislation. He stated that on January 7, 2020 staff gave an update on the Downtown Specific Plan to the City Council and on January 14, 2020 the City Council will consider an extension of the urgency ordinance adopted that made changes to Accessory Dwelling Units (ADU) in the Sunnyvale Municipal Code. He added that staff has fielded a large volume of inquiries regarding ADUs since the state law went into effect on January 1, 2020.

ADJOURNMENT

Chair Howard adjourned the meeting at 8:50 PM.