



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, March 22, 2021

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15 | AT&T Channel 99

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

TELECONFERENCE NOTICE

6:00 PM STUDY SESSION CANCELED

7:00 PM PLANNING COMMISSION MEETING

CALL TO ORDER

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

ROLL CALL

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

ORAL COMMUNICATIONS

Zachary Kaufman stated his concern that the "Missing Middle" proposed study issue for 2022 discussed at the March 8, 2021 meeting was for the most part a discussion on eliminating single-family zoning districts which was not clear from the agenda.

CONSENT CALENDAR

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

The motion carried by the following vote:

Yes: 7 - Chair Howard
Vice Chair Simons
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Rheume
Commissioner Weiss

No: 0

1.A [21-0422](#) Approve Planning Commission Meeting Minutes of March 8, 2021

1.B [21-0434](#) **CHANGE OF HEARING DATE TO MARCH 29, 2021**
Proposed Project:
SPECIAL DEVELOPMENT PERMIT to allow two seven-story office buildings with approximately 499,800 square feet and ground floor retail space with approximately 50,900 square feet of retail, 22,105 square feet of flex space and 37,415 square feet of shared services and two levels of below grade parking, and
VESTING TENTATIVE MAP to allow modifications to lot line locations and the creation of commercial condominium spaces.
Location: 200 W. Washington Avenue (APNs: 209-35-023 & 022)
File #: 2020-7110
Zoning: DSP (Downtown Specific Plan)/Block 18
General Plan: Downtown Specific Plan
Applicant / Owner: STC Ventures LLC (applicant and owner)
Environmental Review: No additional review required as per CEQA Guidelines 15168(c)(2) and (4) - environmental impacts of the project are addressed in the Downtown Specific Plan Program Environmental Impact Report (EIR) (State Clearinghouse #2018052020).
Project Planner: Shaunn Mendrin, (408) 730-7431, smendrin@sunnyvale.ca.gov

1.C [21-0444](#) **REQUEST FOR CONTINUANCE TO APRIL 12, 2021**
Recommend that the City Council Introduce an Ordinance Making Minor Amendments to Chapters 19.18 (Residential Zoning Districts), 19.20 (Commercial Zoning Districts), and 19.79 (Accessory Dwelling Units) of the Sunnyvale Municipal Code and Amending Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code to Create a Procedure for Appealing Incompleteness Determinations, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA

PUBLIC HEARINGS/GENERAL BUSINESS

2. [21-0395](#)

Proposed Project:

APPEAL: of a decision by the Director of Community Development approving a Design Review (#2020-7166) for the construction of a 637-square foot second story and 135-square foot garage addition to an existing one-story single-family residence, for a total floor area of 2,550 square feet (including a 564-square foot garage) and 32.4% Floor Area Ratio (FAR).

Location: 970 Astoria Drive (APN: 320-25-017)

File #: 2021-7090

Zoning: R-1 (Low Density Residential)

Appellant / Applicant and Owner: Alexander Borjigin (appellant) / Barragan Builders (applicant) / Karmela Perll-Dobyns (owner)

Environmental Review: A Class 1 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 shared the staff report with a slide presentation.

Commissioner Harrison confirmed with Senior Planner Ishijima that the side 1 elevation is a solid wall and the balcony with glass railing is on the front of the proposed home facing the street.

Chair Howard opened the Public Hearing.

Alex Borjigin, appellant and 974 Astoria Drive homeowner, presented images and information about the appeal.

Commissioner Harrison asked Mr. Borjigin if he finds his neighbors particularly noisy. Mr. Borjigin answered that they are not noisy but that he is still interested in mitigating any potential noise that might come from the proposed second story balcony. Commissioner Harrison and Mr. Borjigin discussed awning windows that hinge at the top and open approximately 6 to 7 inches at the bottom and hopper windows that hinge at the bottom and can be problematic because they can allow rain in at the top when open.

Chair Howard stated that only the proposed project should be evaluated and not the homeowners themselves.

Commissioner Howe asked if the second story side window is required to be an

awning window with obscured glass according to the Recommended Conditions of Approval. Senior Planner Ishijima and Principal Planner Noren Caliva-Lepe responded that the obscured glass is already part of the proposed project and the applicant has offered to install an operable awning window in response to the appeal.

Commissioner Weiss asked Mr. Borjigin if his home was of a similar design and layout to the applicant's home before it was remodeled and asked when he discovered that noise from the neighbors might be an issue given the shape of his newly remodeled home. Mr. Borjigin answered that he remodeled his home to include a new garage and convert his existing garage to living space, keeping the first story form and the front door facing the street. He added that the noise and privacy concerns are only issues with the proposed second story and are not currently problematic. Commissioner Weiss and Mr. Borjigin discussed taller fencing and denser, taller landscaping as options to help mitigate Mr. Borjigin's concerns about noise and privacy.

Commissioner Rheume asked Senior Assistant City Attorney Rebecca Moon about Mr. Borjigin's concerns about potential noise. Senior Assistant City Attorney Moon stated that complying with the City's noise ordinance would be a lawful use of one's property and noise is an appropriate design consideration if it is reasonable and consistent with other projects approved in the area.

Commissioner Harrison asked about the difference in sound transmission between a stucco railing and a glass railing, both of the same height. Assistant Director Andrew Miner stated there would be no significant difference in sound transmission between any solid materials and that it would be difficult for voices to exceed the maximum decibels in the noise ordinance.

Vice Chair Simons stated that Mr. Borjigin can mitigate his privacy and noise concerns to some degree with privacy screening and recommended planting three Italian Cypress trees along his fence as they grow tall and quickly. Mr. Borjigin stated that he has limited space for new plantings and thanked Vice Chair Simons for the suggestion.

Commissioner Rheume confirmed with Senior Planner Ishijima that the second story balcony would be made of glass and is part of the project that staff has already approved.

Karmela Perll-Dobyns, 970 Astoria Drive homeowner, and Dan Fritschen representing applicant Barragan Builders, presented images and information about the project.

Commissioner Olevson confirmed with Mr. Fritschen that the solid wall on the south elevation extends up to the roof line.

Commissioner Weiss asked about the intended use of the room that leads to the balcony and how many people could fit on the balcony. Mr. Fritschen responded that the family room is immediately adjacent to the balcony and that only two to three people could fit comfortably on it at one time given the dimensions. Mr. Fritschen added that the balcony is a design feature, provides a nicer aesthetic than a blank wall and allows the homeowners the chance to enjoy the outdoors.

Ms. Perll-Dobyns declined the opportunity to present additional information about the project.

Mr. Borjigin presented additional information about the appeal.

Chair Howard closed the Public Hearing.

Commissioner Olevson confirmed with Senior Planner Ishijima that Recommended Condition of Approval BP-5 requires the homeowner to coordinate privacy planting on the property with the adjacent neighbor.

Chair Howard asked staff what happens if the homeowner and the neighbors cannot reach an agreement on the landscaping plan. Senior Planner Ishijima and Assistant Director Miner stated that BP-5 is more of a recommendation for the homeowner and neighbors to work together to develop the landscaping plan so that the project can proceed in the event that they cannot reach an agreement.

MOTION: Commissioner Rheume moved and Vice Chair Simons seconded the motion to approve Alternative 1 - Deny the Appeal and approve the Design Review with the recommended Conditions of Approval in Attachment 4.

Commissioner Rheume stated that he can make all the findings and that the applicant has worked hard to get the project approved and has adequately addressed Mr. Borjigin's noise concerns. He stressed that the glass balcony railing should remain as part of the project's original approval and urged the

Commissioners to support the motion.

Vice Chair Simons commented that he supports denying the appeal and recognized that some of Mr. Borjigin's requests were already accommodated as part of the previously approved project. He stated that he does not believe the additional modifications requested in the appeal would make a significant difference in mitigating Mr. Borjigin's concerns and that he is concerned with how those modifications would affect the home's appearance. He added that the shape of the home and the lot should be consistent with those of the neighbors' and that relocating the balcony to the front of the home markedly improved any issues with the project. He further added that some trees such as Italian Cypresses grow as quickly as three feet per year and can provide adequate privacy screening in a short amount of time.

Commissioner Weiss stated that she will support the motion. She recognized that the applicant responded to the neighbors' concerns and modified the original design plans accordingly. She noted that the original application requested no deviations and met all the required findings.

FRIENDLY AMENDMENT: Commissioner Howe suggested a friendly amendment to direct staff in making the final determination on a landscaping plan to provide privacy according to Recommended Condition of Approval BP-5 if the applicant and neighbors cannot agree on the plan. Commissioner Rheaume and Vice Chair Simons accepted the friendly amendment.

Commissioner Harrison stated that she will support the motion.

Commissioner Olevson stated his support for the motion. He commented that the project meets all the City's design standards and code requirements and the applicant and homeowner have done their best to address Mr. Borjigin's concerns. He stated that he believes there is adequate room along the homeowner's side of the fence to plant fast-growing trees for privacy screening so the appellant does not have to plant them and added that he is pleased to support the project given the homeowner's responsibility for developing a landscaping plan that satisfies the neighbors.

Chair Howard commented that he will support the motion. He stated that the project's high sill window is only intended to provide the homeowner with ventilation and a bit of light in the bedroom and that the view that the glass balcony would

provide sounds nice. He appreciated the appellant's concerns and stated that he believes the homeowner and appellant can arrive at an appropriate, mutually agreeable landscaping solution.

The motion carried by the following vote:

Yes: 7 - Chair Howard
Vice Chair Simons
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Rheaume
Commissioner Weiss

No: 0

Assistant Director Miner stated that this decision is final.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

3. [21-0421](#) Planning Commission Proposed Study Issues, Calendar Year: 2022

Commissioner Harrison asked if the working title "Missing Middle", the proposed study issue for calendar year 2022 that was discussed at the March 8, 2021 meeting, is appropriate for the scope of the study as it was discussed at that meeting. Senior Assistant City Attorney Rebecca Moon and Assistant Director Andrew Miner stated that in their opinions the title was broad enough to cover the discussion that took place. Assistant Director Miner emphasized that it is just a working title, no decision was made, and the purpose of the conversation was to discuss all the different ways the Commission might want to address the concept which he believes all fit under the title.

Chair Howard suggested replacing it with a different title for members of the public who are not familiar with the missing middle concept or might find it ambiguous. Assistant Director Miner agreed with Chair Howard and stated that staff will be clearer in the future.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

Assistant Director Andrew Miner stated that the proposed CityLine office building at 200 W. Washington Avenue continued at this meeting was due to a noticing error and is scheduled for consideration at the Special Meeting on March 29, 2021. Assistant Director Miner also noted that the proposed ordinance amendment also continued at this meeting will be considered April 12, 2021 to allow staff more time to complete the internal analysis. Assistant Director Miner announced that the Special Meeting on March 29, 2021 will consist of a Study Session on land use concepts for the Moffett Park Specific Plan from 6:00 PM to 8:00 PM with the Public Hearing beginning at 8:00 PM. He added that the same Moffett Park Specific Plan Study Session presentation will take place with the City Council the next day on March 30, 2021.

Commissioner Howe asked for a timeline for the CityLine proposed project at 200 W. Washington Avenue. Assistant Director Miner stated that CityLine hopes to demolish the Macy's building this calendar year and complete the parking garage before the next winter. Commissioner Howe requested more details on the timeline at the March 29, 2021 meeting.

ADJOURNMENT

Chair Howard adjourned the meeting at 8:13 PM.