



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, March 9, 2015

7:00 PM

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

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### **7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM**

- 1      [15-0288](#)      **File #:** 2014-7985  
**Location:** 1050-1060 Helen Avenue (APNs: 213-35-009, -010)  
**Zoning:** C-2/ECR (Commercial Highway Business / Precise Plan for El Camino Real)  
**Proposed Project:** related applications on a 0.59-acre site:  
                         **SPECIAL DEVELOPMENT PERMIT** to construct 7 two-story homes (3 duets and 1 detached home); and  
                         **VESTING TENTATIVE MAP** to subdivide 2 lots into 8 lots, including 7 ownership lots and one common lot.  
**Applicant / Owners:** Fred Azarm (applicant) / FMA Development LLC,  
D'Ambrosio Brothers Investments Company (owners)  
**Environmental Review:** Mitigated Negative Declaration  
**Project Planner:** Timothy Maier, (408) 730-7257,  
tmaier@sunnyvale.ca.gov

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

#### **3 Comments from the Chair**

#### **4 Adjourn Study Session**

### **8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS**

#### **CALL TO ORDER**

Chair Melton called the meeting to order at 8:00 p.m.

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

Chair Melton led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Chair Russell Melton  
Vice Chair Ken Olevson  
Commissioner Ralph Durham  
Commissioner Sue Harrison  
Commissioner Larry Klein  
Commissioner Ken Rheaume  
Commissioner David Simons

**PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

**1.A**      [15-0286](#)      Approval of the Draft Minutes of the Planning Commission  
Meeting of February 23, 2015

Comm. Durham moved to approve the draft minutes. Vice Chair Olevson seconded.

**Yes:** 6 - Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume

**No:** 0

**Abstained:** 1 - Commissioner Simons

**PUBLIC HEARINGS/GENERAL BUSINESS**

**2**      [15-0240](#)**File #:** 2015-7063**Location:** 1268 Townsend Terrace (APN: 202-37-025)**Zoning:** R-1.5/PD (Low Medium Density Residential / Planned Development) Zoning District**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** for a first and second floor addition of 152 square feet to an existing two-story, single-family residence resulting in a building size of 2,368.5 square feet and 54.9% floor area ratio (FAR). The project also includes the expansion of the front porch.

**Applicant / Owner:** Flanders Bay Company (applicant) / Tyson Leistiko (owner)

**Environmental Review:** Categorically Exempt Class 1

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

Momoko Ishijima, Associate Planner, presented the staff report.

Comm. Harrison confirmed with Ms. Ishijima that nearby homes with similar floor area ratios (FAR) had added square feet by filling the living room vaulted ceiling area and with an amendment to the original Special Development Permit (SDP). Comm. Harrison also confirmed with Ms. Ishijima that no other properties have front porches extended into the setback as with this proposed project.

Comm. Simons discussed with Trudi Ryan, Planning Officer, the frequency with which modifications have been made to homes within a Planned Development, and confirmed that through a SDP, intrusions into the setback are considered a deviation and do not require a Variance.

Vice Chair Olevson confirmed with Ms. Ishijima that the requested deviation for the front setback is for six inches, that a FAR above 45 percent for two-story homes must come before the Planning Commission, and that the 51.4 percent FAR of this home is legal nonconforming.

Comm. Rheume confirmed with Ms. Ryan that each Planned Development has its own set of conditions and plans, and that expansion requires a SDP, and, if it passes the FAR threshold, is required to come to the Planning Commission for review.

Comm. Klein verified with Ms. Ishijima that staff did not discuss reducing the porch by six inches to meet the zoning code, and discussed expansion of second stories into originally designed porch storage.

Chair Melton opened the public hearing.

Tyson Leistiko, the property owner, and Patrick Flanders, project architect with Flanders Bay Company, gave a presentation on the proposed project.

Comm. Harrison verified with Mr. Leistiko that the proposed extension of the porch would make it aligned with the porches of surrounding homes.

Hugo Robleto, a nearby Sunnyvale resident, discussed his opposition to the proposed project. Comm. Harrison discussed with Mr. Robleto his belief that the applicant did not follow the rules for approval with regard to the homeowners association's (HOA) Covenants, Conditions and Restrictions (CC&R), and that other homeowners were unaware of the project.

Jenifer Damewood, a nearby Sunnyvale resident, discussed her support of the proposed project. Comm. Harrison confirmed with Ms. Damewood that 15 people attended the HOA meeting regarding this project and that they were notified of the meeting by letter.

Denise Dito, a nearby Sunnyvale resident, discussed her support of the proposed project.

Steve Howard, a nearby Sunnyvale resident, discussed his support of the proposed project.

Anthony Dito, a nearby Sunnyvale resident, discussed his support of the proposed project.

Mr. Flanders and Mr. Leistiko addressed several neighbor concerns, and further discussed the project plans.

Chair Melton closed the public hearing.

Comm. Rheume confirmed with Ms. Ryan that HOA rules and regulations are not subject to review or enforcement by City staff or the Planning Commission.

Comm. Simons discussed with Ms. Ryan examples of significant modifications to the original SDP that would warrant a review by the Planning Commission or City staff.

Comm. Klein and Ms. Ryan further discussed the front setback deviation.

Vice Chair Olevson moved Alternative 1 to approve the Special Development Permit with the conditions in Attachment 4 of the staff report.

Comm. Rheaume seconded.

Vice Chair Olevson said he supports the project because it meets the General Plan as the City Council has approved it, is consistent with the neighborhood and will add and enhance the neighborhood as folks add to their homes and continually upgrade. He added that this is a nice project that will visually enhance the entrance to this neighborhood.

Comm. Rheaume said he will be supporting the motion, that the project fits nicely within the neighborhood and that he can make the findings. He said the Planned Development combining district allows site design flexibility, and that allowing six inches into the setback for a porch that will not be any closer to the street than surrounding neighbors is common sense. He said the project will enhance the neighborhood, is the first house seen coming into the development and that he likes the character and craftsman quality of the project. He said he is glad that the added detail to the garage and front doors will make them pop and will enhance the whole neighborhood. He added that it is nice to see neighbors here standing up for others, that this is a nice neighborhood and that it is good to see people invest in their neighborhood and stay in Sunnyvale.

Comm. Klein said he will be supporting the motion and is able to make the findings. He said quality changes are being proposed in a quality neighborhood, and he is glad to see neighbors who are happy and proud of their neighborhood. He said this is an innovative use of space and the area above a porch is often unused and he commends the applicant for looking closely at the details of the plans and providing photos of the front. He noted that the setback was the only deviation and issue for him, which is already encroached upon by similar homes so the applicant would not be receiving a special privilege. He said he hopes those in the community can reach out to one another and get past this, and that the applicant is trying to do a quality project, which, as an entranceway into this area, will be a good addition. He noted that it is not the commission's purveyance to get into what is happening in the HOA, but that the applicant did bring it up at an HOA meeting, which is the closest thing to an architectural review committee. He added that he commends the applicant for trying to make the best possible change to add space to the home with minimal affects to the neighborhood, and that it is a good overall use of storage for adding on to the home.

Comm. Simons said he will be supporting the motion, that there are a lot of homeowners from this development here and that his decision is not based on personalities. He said however loved or hated anyone is, the next week they can move away and have the exact opposite person living next door, and that this issue is about the use. He said the biggest concern of the project, regardless of what the improvements are, is that they will be different from the minimal architectural design elements on the rest of the buildings. He recommends the HOA put time into acting like an architectural review committee and add a lot of the design elements, including those seen tonight, to make things consistent going into the future so you do not have a hodge podge of individual elements. He said he had a slight problem with the setback but hearing that other homes were going to be aligned took that concern away and he did not notice it on the site visit.

Comm. Durham thanked the public for coming to the meeting to speak and said it is a very important decision for the homeowner and neighborhood. He said he likes the project, that the front will add more visual interest to the approach into the neighborhood and will provide more usable porch space. He said he is impressed to see what the addition of 100 plus square feet will do to the liveability of the downstairs of the property and the extra storage in the second floor master bedroom suite. He added that overall this is a good design and that he will be supporting the motion.

Comm. Harrison said she will be supporting the motion and can make the findings, specifically that it preserves and enhances the high quality character of the residential neighborhood. She said she hopes the neighbors can resume good feelings about one another.

Chair Melton said he will be supporting the motion and can make the findings. He added that the applicant and architect have done a great job and looks forward to the project coming to fruition.

MOTION: Vice Chair Olevson moved Alternative 1 to approve the Special Development Permit with the conditions in Attachment 4 of the staff report.

Comm. Rheume seconded. The motion carried by the following vote:

**Yes: 7 -** Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No: 0**

**3**      [15-0289](#)**File #:** 2014-7624**Location:** 1026 Lois Avenue (APN: 198-34-011)**Zoning:** R-0**Proposed Project:**

**DESIGN REVIEW** to allow construction of a new two-story home with a total floor area of 2,993 square feet (2,566 square feet living area and a 427-square foot garage) resulting in 49.8% floor area ratio (FAR).

**Applicant / Owner:** BO Design (applicant) / Haiyan Gong (owner)**Environmental Review:** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.**Project Planner:** Shétal Divatia, (408) 730-7637, [sdivatia@sunnyvale.ca.gov](mailto:sdivatia@sunnyvale.ca.gov)

Shetal Divatia, Senior Planner, presented the staff report.

Comm. Rheume and Trudi Ryan, Planning Officer, discussed the maximum floor area ratio (FAR) allowed on the site and confirmed that a proposed FAR above 45 percent requires Planning Commission review. Comm. Rheume and Ms. Divatia discussed the onsite trees proposed for removal.

Vice Chair Olevson verified with Ms. Divatia that since the previous denial of this application, the applicant has redesigned the project in an attempt to address the concerns discussed, but still wanted to pursue getting the proposed FAR of 49.8 percent.

Chair Melton and Ms. Divatia discussed the plate heights for the first and second stories, and Chair Melton suggested thinking about the appropriate language for a potential Condition of Approval (COA) that would require the edge of the eave of the roof of the first floor to match the height of neighboring houses.

Comm. Simons discussed with Ms. Divatia potentially using pervious material for the driveway.

Chair Melton opened the public hearing.

Frank Gong, the project applicant, addressed the Commissioners' questions and gave a presentation on the proposed project.

Comm. Rheume discussed with Mr. Gong the plan to remove the trees in the backyard.



Comm. Harrison confirmed with Mr. Gong that he is amenable to planting two 36-inch box trees on the site and to using pervious paving.

Sheila Smith, a nearby Sunnyvale resident, discussed her opposition to the proposed project.

Annie Shiau, a nearby Sunnyvale resident, discussed her opposition to the proposed project.

Lorraine Nishihara, a nearby Sunnyvale resident, discussed her opposition to the proposed project.

Mark Pool, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

Aava Mokhber, an adjacent neighbor, discussed her opposition to the proposed project.

Iztok Marjanovic, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

Ganesan Venkataraman, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

David Klebanov, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

Mr. Gong addressed several of the neighbors' concerns.

Chair Melton closed the public hearing.

In response to an earlier inquiry, Ms. Ryan suggested options for aligning the eave line of the proposed home with neighboring homes, and noted that existing homes may have been built on slabs closer to ground level and that this home is proposing a higher foundation.

Comm. Harrison discussed with Ms. Ryan the length of time the design guidelines have been in place regarding recommendations such as the ratio of second to first story, lot coverage and second floor additions.

Comm. Rheume moved Alternative 2 to approve the Design Review with modified Conditions of Approval:

- 1) To plant two 36 inch-box sized replacement trees on the site; and
- 2) Use pervious paving for the driveway.

Comm. Simons seconded, and offered friendly amendments to remove COA PS-2, to lower the eave line by one foot, and potentially lower the foundation of the first floor to bring it closer to, or at the same height as the neighboring eave lines.

Comm. Rheume accepted, and thanked the neighbors for being passionate about their neighborhood, and the applicant for speaking about what is important to him. He said some projects in your neighborhood can get personal, but that we have to go back to the guidelines that have been set and if the neighbors truly believe this should be a single story neighborhood then a single story overlay should be pursued to prevent second stories from being built there. He said he can make the findings, and that he believes this is a high quality project with quality materials and craftsmanship being used as stated in finding 2.2.6. He noted that the project does meet the setback requirements, the second story has been reduced to 35 percent of the first floor, the porch in the back has been removed and privacy issues have been addressed. He said this project will help the neighborhood, and he thinks it is great that the neighbors are looking out for the neighborhood, but that he does not think the second story is the bad guy here. He said making sure that a quality product is being put in the neighborhood is key, and he hopes the other Commissioners support the motion and he looks forward to seeing the outcome.

Comm. Simons noted that the second floor has been greatly reduced, and said monster homes in the past were two story houses that were straight up and down like a large vertical monolithic building, but that this project is now more like a layer cake, which means you cannot build certain styles of homes in Sunnyvale without requesting Variances. He said the biggest negative of this project is the loss of mature trees, which will change the character of the neighborhood, and that in the long term mature large species trees added to the front and back may provide some mediation of the loss that comes with a larger house. He added that what is attempted to be compromised over the years, and on which one former City Councilmember had a big influence, is allowing large houses to be built on smaller lots, and that the goal of this is having people invest in the City who want larger scale houses and are able to expand them. He noted that this is a 6,000 square foot lot with a large house being built on it, but it meets the design guidelines, and that people have referred to 45 percent as a limit, but that it really is a trigger for a public hearing. He added that he can make the findings, and recommended to the neighbors to seek a single story overlay if second stories are truly the issue.

Comm. Klein said he will be supporting the motion, and that ultimately this project goes back to the design guidelines. He said the applicant is not asking for any deviations from City laws, and that the guidelines were set to deal with second story issues and the massing of large single family homes that would be directly visible from all sides. He said these guidelines reduce the second story to 35 percent, and that when this project initially came to the Planning Commission in October one of the main reasons it was denied was that the applicant was asking for something beyond the design guidelines. He said the applicant has handled the privacy issues, the height of the building and massing of the second story, which were the main concerns, and that while he feels for a neighborhood in transition, the rules allow for a variety of homes. He said this applicant is asking for nothing more than would be allowed by anyone else in the neighborhood, and if 80 percent of the neighborhood supports a single-story overlay district, obtaining that is the next step. He added that we do not have a single-story overlay district in front of us, and that the application meets all the rules. He applauded Comm. Harrison's addition of a second tree and noted that there is a relatively large tree at the street. He said from a streetscape standpoint he likes the community and that a second story addition in this spot will not be that noticeable due to the number of trees, which will help the home fit in with the community.

Vice Chair Olevson said he will not be supporting the motion, and that the applicant has made a lot of changes to fit everything that is black and white, but that the guidelines also say to respect the scale, bulk and character of the adjacent neighborhood and he does not think it does. He said he is not opposed to second stories in neighborhoods as they are becoming more common, but that regarding the visual appearance of the proposed home when compared to adjacent homes, the plate heights are much higher and he cannot visualize that potentially bringing the first or second floor down will make it blend into the neighborhood. He added that this is a nice design and a good use of the space, but he cannot get over the requirement to fit in with the character of the neighborhood.

Comm. Harrison confirmed with Ms. Ryan that the proposed height of the crawl space would be at least the minimum required by the Building Code. Comm. Harrison offered a friendly amendment that the two 36 inch-box sized replacement trees on the site be, at maturity, long-lived, large scale species trees that provide shade.

Comms. Rheaume and Simons accepted.

Comm. Harrison said she will be supporting the motion and can make the findings,

specifically in that it is keeping with design technique 3.4A for neighborhoods that are predominantly single story.

Comm. Durham thanked the public for speaking on behalf of their neighborhood, and said he was insulted by the initial reading of the proposed 49.8 percent FAR, but saw the proposed changes, including to the second floor look and feel with the living room size reduced, which probably accounted for all of the FAR change. He said the applicant has dropped the height of the living room which took away from the roofline, and brought the second story down to 35 percent. He said he wishes this were a slightly smaller structure, which will be double the average in the neighborhood without counting the other two 2-stories down the street which would likely not be approved today because of the way they were constructed. He added that many of the objections he had before have been countered with this redrawing, which is less intrusive, and he will be supporting the motion.

Chair Melton said he will be supporting the motion and can make the findings, and that when he got the staff report he pulled up the drawings from October and saw that the applicant has come a long way to get past a threshold of compatibility with the neighborhood, which is a finding he can make. He said the proposal last time was ostentatious and totally incompatible with the neighborhood. He said so many things have been ratcheted down like the different roof, the reduced number of multiple horizontal eave lines and the toned down bay window. He noted that these elements might have fit in a different Sunnyvale neighborhood, but not here. He noticed while walking down the street that there are two 2-story houses to the south on Lois Avenue which are examples of what not to do, and that there is no way those two projects would be approved today under the guidelines because the massing is in your face and the second story is right on the street. He stated he is now comfortable with the massing, and also noted design guideline 3.4A that discussed what to do if you want to be first person with a second story in a predominantly single story neighborhood. He said if you are the first you can exercise your right, which the applicant has, and that by math the FAR will almost always be higher than every other house in the neighborhood, and that is why we have these single-family home design guidelines. He added that he respects the view points of all the neighbors who came out to speak, that he appreciates their passion and hopes it can be funneled positively into the future.

MOTION: Comm. Rheume moved Alternative 2 to approve the Design Review with modified Conditions of Approval:

- 1) PS-1, plant two 36 inch-box sized replacement trees on the site that, at maturity, will be long-lived, large scale species trees;
- 2) Use pervious paving for the driveway;

- 3) Remove Condition of Approval PS-2; and
- 4) Lower the eave line approximately one foot, and potentially lower the foundation of the first floor to bring the eave line closer to or at the same line as the neighboring eave line.

Comm. Simons seconded. The motion carried by the following vote:

**Yes: 6 -** Chair Melton  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No: 1 -** Vice Chair Olevson

**4**      [15-0287](#)      **Standing Item:** Potential Study Issues for 2016

Comm. Rheaume requested information for a potential study issue on Floor Area Ratio and setbacks for single-family planned developments.

Comm. Simons said he learned at the Planning Commissioners Academy that a number of cities have made a consistent choice to paint antennas or towers "Disney green," making them less noticeable. He recommended exploring this technique as a consistent choice for future towers.

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

#### **-Commissioner Comments**

Comm. Simons inquired as to whether any Commissioner is interested in discussing the 2015 Planning Commissioners Academy, to which Chair Melton responded that he is interested and said he could wait two weeks to hear about it to allow the Commissioners to gather their thoughts.

#### **-Staff Comments**

Ms. Ryan discussed Planning related City Council items.

### **INFORMATION ONLY ITEMS**

Comm. Klein confirmed with Ms. Ryan that the public outreach meeting for the Lawrence Station Area Plan will be on March 10, 2015 from 6:30 - 8:00 p.m. in the West Conference Room at Sunnyvale City Hall.

**ADJOURNMENT**

With no further business Chair Melton adjourned the Planning Commission meeting at 10:24 p.m.