



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, July 11, 2016

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

7 P.M. STUDY SESSION

1 Call to Order in the Council Chambers

2 Roll Call

3 Study Session

- A** [16-0697](#) **File #:** 2014-7373
Location: 871 E. Fremont Ave. (Butcher Property)
Zoning: R-3/ECR (Medium Density Residential/Precise Plan for El Camino Real)
Proposed Project:
 Overview of the status of the Butcher's Corner project and conceptual project revisions.
Applicant / Owner: De Anza Properties
Project Planner: Noren Caliva-Lepe, (408) 730-7659,
 ncaliva-lepe@sunnyvale.ca.gov

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

8 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Melton called the meeting to order in the Council Chambers.

SALUTE TO THE FLAG

Chair Melton led the salute to the flag.

ROLL CALL

- Present:** 6 - Chair Russell Melton
 Vice Chair Sue Harrison
 Commissioner Larry Klein
 Commissioner Ken Olevson
 Commissioner Ken Rheaume
 Commissioner Carol Weiss
- Absent:** 1 - Commissioner David Simons

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

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

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Simons

1.A [16-0696](#) Approve Planning Commission Meeting Minutes of June 27, 2016

PUBLIC HEARINGS/GENERAL BUSINESS

2 [16-0560](#) **File #:** 2016-7234
Location: 657-661 Vanderbilt Drive (APNs 202-07-001 through 202-07-002), 1188-1197 East Vanderbilt Court (202-07-003 through 202-07-008), 1190-1199 West Vanderbilt Court (202-07-009 through 202-07-014), 1176-1198 Hollenbeck (202-07-015 through 202-07-021), 1156-1168 Regia (202-07-22 through 202-07-028), 1154 -1170 Ribier (202-07-029 through 202-07-036), 662 Torrington (202-07-037) 1153-1193 Sesame (202-07-038 through 202-07-045)
Zoning: R-1
Proposed Project: Introduction of Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Applicant / Owner: John Sullivan (plus multiple owners)

Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

Project Planner: Gerri Caruso (408) 730-7591,
gcaruso@sunnyvale.ca.gov

Planning Officer Andrew Miner presented the staff report.

Commissioner Olevson verified with Planning Officer Miner that there have been no objections from homeowners who may have been constrained by approval of the combining district.

Commissioner Rheume confirmed with Planning Officer Miner that if an addition to an existing two-story home brings the Floor Area Ratio (FAR) above 45 percent, the project would need to be considered by the Planning Commission for approval. Planning Officer Miner added that if a single-story home has a proposed FAR beyond 45 percent it would also go beyond 45 percent lot coverage which would require a Variance.

Commissioner Weiss confirmed with Planning Officer Miner that if half or more of a proposed basement is below ground it would not count toward FAR.

Commissioner Klein and Planning Officer Miner discussed the process of creating a flag lot on a subject property and confirmed that any home on a flag lot or accessory living unit would need to comply with the same requirements of the single story combining district.

Chair Melton opened the Public Hearing.

Applicant Donald Buck provided information about the single-story combining district application.

Stephen Meier, co-sponsor of the petition, suggested as a process improvement having access to the names of spouses on deeds of trust provided by the County.

Joe Ragey, co-sponsor of the petition, provided background information about the process of gathering support for the application.

Commissioner Klein further discussed the approval process with Mr. Ragey.

Maria Hamilton, Sunnyvale resident, spoke in support of the application.

Eran Dor, Sunnyvale resident, spoke in opposition to the application.

Applicant Donald Buck discussed how remodeling Eichler homes with original-looking Eichler features allows the home to adapt to and enhance the community.

Chair Melton closed the Public Hearing.

MOTION: Commissioner Klein moved and Commissioner Olevson seconded the motion for Alternatives:

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Section 15305 and 15061b) (3); and,
2. Introduce an Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Klein said this application is about neighbors getting together to preserve their quality of life and that it helps protect the community and its specific vision for this block. He said he understands the concerns about restricting homeowners who want to build additions, but that they will still be able to add onto their homes, just not in the form of a second story. He said the R-1/S zoning designation is not only for Eichler homes and there is a process for citizens to preserve their privacy, vision, and community. He applauded the applicants for being proactive and not waiting until the first or second two-story home is built in their neighborhood to apply for the combining district. He added that he was able to make the findings that the neighbors followed the process, got the required signatures and paid the fees.

Commissioner Olevson said he supports the motion and that he approaches any recommendation to City Council that will change the property rights for existing owners with great caution. He said he is impressed by the near unanimity for the application and by the current owners' willingness to restrict themselves to maintain a lifestyle they find important. He said while the overlay would limit future growth in terms of height and building size, the current owners say it is what they want and that there are ways to increase living space without building up. He said with the support of 87 percent of the neighbors and taking at face value the comments of

those who did not sign the petition he can support the motion.

Vice Chair Harrison said that although she completely agrees with all of the points made by Mr. Dor, the applicants followed the process and she will support the motion.

Commissioner Weiss said she is impressed by the neighbors gathering together to discuss the combining district, which will preserve the sense of a very special neighborhood in terms of architecture and heritage.

Chair Melton commended the applicants who are implementing a policy tool that exists in in the Municipal Code, and that a finding that should be made is that the application is deemed to be in the public interest. He said this is a broad finding and he looks at whether the benefits outweigh the negatives, of which there are not many on this application. He said several things could change the equation on another application, including if there was substantially more opposition to an overlay within the contemplated district, if there was no broad commonality of architecture or if there was overreach in terms of geography, none of which he sees on this application, so he is supporting the motion.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Simons

- 3** [16-0376](#) Forward a recommendation to the City Council to Introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code related to the Solar Access Requirements Study Issue (2016-7279), and Find that the Action is Exempt from CEQA.

Principal Planner Amber Blizinski presented the staff report.

Commissioner Klein discussed with Senior Assistant City Attorney Rebecca Moon solar access rights in California and legislation enacted by local governments to preserve access to sunlight. They also discussed whether economic loss resulting from a new project would make it appealable or would have to go through the court,

and whether recently considered solar Variance requests would have passed if solar access was calculated based on a full 365 day solar cycle. Commissioner Klein discussed with Principal Planner Blizinski the cost of conducting a solar analysis.

Commissioner Rheume confirmed with Principal Planner Blizinski that shading would be evaluated based on the percentage of neighboring rooftop shading, rather than site shading.

Commissioner Olevson clarified with staff whether the 365-day solar cycle analysis would include daylight savings time, and discussed why staff had no positive or negative examples of the other solar access options listed in Attachment 5.

Commissioner Weiss discussed with Principal Planner Blizinski the appropriateness of having different standards for low and low-medium density developments in comparison to high density developments.

Vice Chair Harrison confirmed with staff the process of putting language about solar shading requirements into the City's specific plans that are tailored to each area.

Chair Melton discussed with Principal Planner Blizinski the original intent of the Ordinance on solar access requirements, and discussed with staff how the staff recommendation aims to reduce solar Variance requests for properties to the south of a one-story building. Chair Melton also discussed with Planning Officer Miner what the findings would have looked like for a project such as the one proposed at the former SummerWinds site if the 1985 Ordinance was in place as intended, and discussed the result of recommending to City Council directing staff to conduct research on measuring solar access rights based on shading of the whole parcel.

Commissioner Klein clarified with Senior Assistant City Attorney Moon the purpose of solar easements, and discussed the feasibility of property owners being compensated to give up their solar rights.

Commissioner Olevson commented on the precedent of a property owner selling their rights.

Chair Melton opened the Public Hearing.

Zachary Kaufman, Sunnyvale resident, noted that the draft Ordinance refers to a "solar collector on an adjacent property," which he notes is singular and should be

plural.

Chair Melton closed the Public Hearing.

MOTION: Vice Chair Harrison moved and Commissioner Klein seconded the motion to recommend to City Council Alternative 1 to introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code that allows solar access to be calculated based on a full 365 day solar cycle.

Vice Chair Harrison said she has struggled with the Ordinance saying one thing while the general interpretation said another, and that the staff recommendation brings the two into line. She said the dominant thing is the basic regulation rather than the implementation measure, and that with the knowledge that we will be looking at solar access requirements within each specific plan, she can forward the motion and recommendation to City Council.

Commissioner Klein said he is supporting the motion with reservations, and that what has been crafted would will reduce a majority of the Variances requested and speed up the processes of staff and the Planning Commission. He said we are raising the Variance level and that the feedback that can be given to developers if they go through the first and second barriers and are still requesting more than ten percent shading is that the project will not be approved. He said we should be encouraging solar access, and that he was disappointed that the staff report did not capture the multiple items requested in the study issue.

Commissioner Olevson said that as much as he appreciates the report adding clarity and correcting what looked like a three-decades old mistake, he is abstaining from voting on this item because he did not receive all attachments of the report in time to fully vet and appreciate the City Attorney's memo and the information on other jurisdictions. He added that this is a good Ordinance to recommend to the City Council.

Chair Melton said he is supporting the motion and thanked staff for the research and City Attorney's memo supporting the overall document. He said this is the right recommendation for City Council, and that we are helping to reduce solar Variance requests for properties to the south of a one-story building. He said the Ordinance syncs up the reality of what we are trying to accomplish with its revised language.

The motion carried by the following vote:

Yes: 5 - Chair Melton
Vice Chair Harrison
Commissioner Klein
Commissioner Rheume
Commissioner Weiss

No: 0

Absent: 1 - Commissioner Simons

Abstained: 1 - Commissioner Olevson

4 [16-0702](#) **Selection of Chair**

Planning Officer Miner described the process of selecting a new chair and said the vote would be taken by hand.

Commissioner Klein nominated Vice Chair Harrison for Chair of the Planning Commission for 2016-2017.

Commissioner Harrison accepted.

The nomination resulted in a unanimous vote for Commissioner Harrison as Chair.

Chair Melton said it has been an honor and pleasure to serve as Chair of the Planning Commission and to work with City staff.

5 [16-0703](#) **Selection of Vice Chair**

Vice Chair Harrison nominated Commissioner Rheume for Vice Chair of the Planning Commission for 2016-2017.

Commissioner Rheume Harrison accepted.

The nomination resulted in a unanimous vote for Commissioner Rheume as Vice Chair.

6 [16-0704](#) **Selection of Seats**

Chair Melton noted that the order of the selection of seats would be determined by seniority.

Selection of seats resulted in the following arrangement (from left to right, facing the dais from the podium):

Commissioner Melton
Commissioner Olevson
Commissioner Klein
Commissioner Harrison
Commissioner Rheaume
Commissioner Simons
Commissioner Weiss

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Miner discussed recently heard and upcoming Planning-related City Council items, and said the upcoming Planning Commission agendas will be very busy and that staff will be requesting special meetings.

ADJOURNMENT

Chair Melton adjourned the meeting at 9:57 p.m.