



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, July 25, 2016

7:00 PM

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

7 P.M. STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

[16-0768](#)

Lawrence Station Area Plan - Overview of the Incentive Zoning
Program

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

8 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

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

SALUTE TO THE FLAG

Chair Harrison led the salute to the flag.

ROLL CALL

Present: 6 - Chair Sue Harrison
Vice Chair Ken Rheume
Commissioner Russell Melton
Commissioner Larry Klein
Commissioner Ken Olevson
Commissioner Carol Weiss

Absent: 1 - Commissioner David Simons

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

MOTION: Commissioner Melton moved and Commissioner Klein seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Simons

- 1.A** **16-0770** Approve Planning Commission Meeting Minutes of July 11, 2016
- 1.B** [16-0675](#) File #: 2015-7686
Location: 830 E. El Camino Real (APN: 211-25-046)
Zoning: Highway Business/ Precise Plan for El Camino Real (C-2/ECR)
Proposed Project: Related applications on a 1.49-acre site:
SPECIAL DEVELOPMENT PERMIT: To allow the demolition of an existing one-story restaurant (previously Crazy Buffet) and construct a new 131-room, four story hotel over one level of underground parking, including associated site improvements.
VARIANCE: to reduce solar access to adjacent structures.
Applicant /Owner: Sunnyvale HHG Hotel Development, LP (applicant)/ Tara Kumar Trustee (owner)
Environmental Review: Mitigated Negative Declaration
Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

Continue the item to the Planning Commission meeting of August 8, 2016.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2** [16-0708](#) **File #:** 2015-8135
Location: 523 Carroll Street (APN: 209-31- 007)
Zoning: R-0
Proposed Project:

DESIGN REVIEW: For a new two-story single-family home of 3,157 square feet (2,755 square foot living area and 402 square foot garage) and 49.9 percent Floor Area Ratio (FAR). The existing 1,704 square foot one-story single-family home and detached garage will be demolished.

Applicant / Owner: SC Design Group (applicant) / Wei Man Vivien Cheung (owner)

Environmental Review: Categorical Class 3 Exemption for construction of small structures that include a single-family residence.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Vice Chair Rheaume recused himself from this item due to the proximity of real property he owns to the subject site.

Assistant Planner Aastha Vashist presented the staff report.

Commissioner Klein confirmed with Assistant Planner Vashist that the City arborist did not determine the Douglas Fir tree in front of the property had any structural issues, and confirmed that reducing the second-to-first floor ratio to 35 percent would lessen the impact on solar shading to the adjacent property.

Commissioner Weiss verified with staff that the Willow tree near near the sidewalk is a City tree and will be protected, and confirmed with Principal Planner Gerri Caruso that any landscaping that exceeds requirements will be subject to the Water Efficient Landscaping Ordinance. Planning Officer Andrew Miner added that single family home projects do not require a minimum landscaping diagram.

Commissioner Olevson commented on the Douglas Fir appearing taller than described in the report, and confirmed with staff that reducing the second-to-first floor ratio to 35 percent is a Condition of Approval.

Commissioner Melton discussed with Principal Planner Caruso how the Single Family Home Design Techniques addresses second story massing. Planning Officer Miner added that the design of the home can still be changed to meet all of the design criteria recommended by staff.

Chair Harrison opened the Public Hearing.

Georgiy Novitsky, with SC Design Group, provided additional information about the proposed project.

Deborah Marks, a member of Sunnyvale Urban Forest Advocates, recommended preserving the onsite tree that is proposed for removal.

Josh Martin, neighbor immediately adjacent to the subject site, discussed his concerns with removing the onsite trees, the proposed house shading his home and the design being incompatible with the neighborhood.

Commissioner Melton verified with Mr. Martin the location of his home in relation to the subject site. Mr. Martin added that he likes the style of the current fence and that he would prefer the location of the air conditioning unit away from his bedroom window.

Siva Subramanian, a nearby neighbor, said decreasing the amount of space between houses would change the character of the neighborhood.

Mr. Novitsky noted that only the property to the north of the subject property would be impacted with regard to solar shading.

Chair Harrison closed the Public Hearing.

Commissioner Melton clarified with Assistant Planner Vashist that the zoning of this property is R-0 and that it is not in a heritage district.

Commissioner Klein and Planning Officer Miner discussed whether Planning Commission approval of the project with the staff recommendations would require a redesign of the home, and confirmed that such a redesign within the Design Guidelines is feasible.

Chair Harrison confirmed with Planning Officer Miner the Alternatives for approval of the project, that the Planning Commission could continue the item and that if the applicant achieved staff's recommendations the project may be approved at a staff level. Chair Harrison discussed with Principal Planner Caruso the type of glass required for second story windows needed for egress.

MOTION: Commissioner Melton moved and Commissioner Olevson seconded the motion for Alternative 4: Continue this item to a date uncertain.

Commissioner Melton thanked the applicant for the willingness to add capital into the community via rebuilding the house, and thanked the members of the public for speaking. He said the reason he made the motion to continue the project is because he is uncomfortable with denying and with approving it, even with the staff recommendation. He said he would like to see the applicant keep working on the project with the following specifications: preserve the tree, reduce the

second-to-first floor ratio to 35 percent, to see no request for a solar Variance and to move the massing of the second story to the center of the house. He noted that if the applicant reduced the second story it would bring the Floor Area Ratio to 45.2 percent and would only require staff approval.

Commissioner Olevson said he is surprised to see the project because many things do not meet the City's criteria, such as removing the tree, the solar shading and the massing of the second story. He said if the project is approved the outcome of the design would be unknown. He said he would have equally supported a motion to deny the project, but that continuing it may make it easier for the applicant to come up with something that meets the criteria. He said he appreciates the applicant's desire for a certain size house but that it just does not fit as it is currently designed.

Commissioner Klein said he is supporting the motion but was leading towards denying the project. He said we are writing away certain fees that staff would have collected because staff will be redoing the work on what is essentially a new project. He noted that garages at the front of the property in this neighborhood are allowed by code and that although they may change the character of the neighborhood, the Planning Commission cannot deny them. He said there are Design Guidelines in place to prevent massing especially when looking at a two-story home next to a one-story home, and that asking for such large massing makes this design inappropriate for the neighborhood. He said staff listed the critical conditions, including reduced massing, protecting the tree and having no solar Variance request, and that privacy issues will be reevaluated by staff.

Commissioner Weiss said she will not be supporting the motion and would have supported denying the application. She said there are many things wrong with this project, that she sees it as replacing a small home with an outsized home and that the plan calls for a home that is 5.5 percent larger than the home in the neighborhood with the greatest Floor Area Ratio. She said she cannot make any findings, specifically that the home respects the scale, bulk and character of the homes in the adjacent neighborhood.

Chair Harrison said she is supporting the motion and wants to give the applicant the opportunity to work on the project and meet the Design Guidelines.

The motion carried by the following vote:

Yes: 3 - Commissioner Melton
Chair Harrison
Commissioner Olevson

No: 2 - Commissioner Klein
Commissioner Weiss

Absent: 1 - Commissioner Simons

Recused: 1 - Vice Chair Rheume

3 [16-0745](#)

File #: 2016-7240

Location: 1094 Lily Avenue (APN: 213-29-049)

Zoning: R0

Proposed Project:

DESIGN REVIEW: To allow construction of a new 5,812 square foot, two-story single-family home (4,874sq. ft. living area; 597 sq. ft. garage; 456 sq. ft. of front & rear yard porches) at 49.6% FAR. The proposal also includes a 1,219 square foot basement. The existing house will be demolished.

Applicant / Owner: Perspectives Design, Inc. / Surjit Singh Bedi
Trustee & Et Al

Environmental Review: A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions include construction or conversion of new small structures that includes one single-family residence (CEQA Section 15303).

Project Planner: Shétal Divatia, (408) 730-7637,
sdivatia@sunnyvale.ca.gov

Principal Planner Gerri Caruso presented the staff report.

Vice Chair Rheume confirmed with Principal Planner Caruso that there is no policy requiring additional parking for a house of this size, and discussed the recommendation for modifying the rotunda. Vice Chair Rheume verified with Principal Planner Caruso that the applicant is not asking for any deviations.

Commissioner Weiss confirmed with staff that the basement is proposed to be finished and would not be visible from the street, and confirmed that pools are not figured into water use calculations. Commissioner Weiss also confirmed with Principal Planner Caruso that windows with higher sills will address privacy issues.

Commissioner Olevson discussed with Principal Planner Caruso the changes staff is recommending to the rotunda feature.

Chair Harrison verified with Principal Planner Caruso that there are no homes in Sunnyvale that are at or around 5,812 square feet proposed in the application.

Chair Harrison opened the Public Hearing.

Applicant Surjit Bedi provided additional information about the proposed project, and Project Architect Seema Mittal discussed the proposed architecture.

Vice Chair Rheame discussed with Ms. Mittal how the rotunda how would be impacted if it is squared rather than rounded.

Commissioner Weiss confirmed with Ms. Mittal that if the project is approved all Conditions of Approval would be carried out.

Chair Harrison confirmed with Ms. Mittal and Mr. Bedi that they would prefer changing the setback distances rather than decreasing the plate heights in order to minimize the dwarfing of the house to the west.

Chair Harrison closed the Public Hearing.

Vice Chair Rheame discussed with Principal Planner Caruso why staff is recommending the modification to the rotunda.

MOTION: Commissioner Melton moved Alternative 1: Approve the Design Review subject to recommended Conditions of Approval in Attachment 4.

The motion failed for lack of a second.

MOTION: Vice Chair Rheame moved Alternative 2: Approve the Design Review subject to modified Conditions of Approval:

1) To allow the rotunda feature as proposed.

The motion failed for lack of a second.

MOTION: Commissioner Klein moved and Vice Chair Rheame seconded the motion for Alternative 2: Approve the Design Review subject to modified Conditions of Approval:

1) To remove Condition of Approval PS-1c to allow the circular rotunda feature as proposed.

Commissioner Klein said this is a unique project with the size of the lot being the biggest issue, and that the Design Guidelines direct how this house fits into the neighborhood in relation to nearby homes. He said he can make the finding that the design does fit as there are large homes in the neighborhood, and said that because the property is so large it can have a large house on it. He noted that no

Variances are being requested and the project would easily fit into the community as landscaping is added. He said the rotunda is a common feature with this type of architecture, that it is setback from the lot line and meets front yard setback requirements. He said most of what we see are squares, corners and boxes, that rounded features add character to neighborhoods, and that this neighborhood is eclectic and in transition. He said he was able to make the findings and support the majority of the staff recommendation, and that allowing the rotunda to remain will be a positive thing for a family who wants to invest in the City and their dream home.

Vice Chair Rheume said he can make the findings and commended the applicants for the design of the home. He said the size of the home does not appear any larger than the 3,000 square foot homes in the adjacent neighborhood and that it blends in. He said the benefit of having a big lot is that you get to build a big house on it, and that the rotunda will add a distinct and interesting feature that will be of value to the neighborhood. He said he was concerned with the relation of the size of the home to parking but that the home will have only five bedrooms and the amount of cars it will bring will be similar to the amount of the nearby 3,000 square foot homes.

Commissioner Olevson said he is supporting the motion, and that this neighborhood is in transition as demonstrated by large homes to the left of the subject site and smaller homes to the right. He said large lots allow property owners to build large homes as long as they are compatible with the existing neighborhood, and for those neighbors with homes on smaller lots this is not a one-to-one relationship. He said the large lot and interesting design will add to the neighborhood as it continues its maturation and redevelopment.

Commissioner Melton said he is not supporting the motion because he cannot make the findings, specifically with the inclusion of the rotunda, because the project does not respect the character of homes in the neighborhood. He thanked the applicants for a good project, but said he is hung up on the rotunda. He said there are eclectic neighborhoods in Sunnyvale like Raynor Park where the rotunda feature may work, and that this neighborhood is not eclectic, but a neighborhood in transition. He said on the plus side no Variances are requested and it is a nice looking project.

Commissioner Weiss said she is not supporting the motion, and that the house is right on the edge of the transition of the neighborhood. She said the design is pushing the envelope too much and that she agrees with the staff recommendations.

Chair Harrison said she is supporting the motion, and that the only finding in question is whether the design of the home respects the immediate neighbors. She said she would have preferred lowered plate heights to reduce the bulk for the neighbors to the west rather than switching the setbacks.

The motion carried by the following vote:

Yes: 4 - Chair Harrison
Commissioner Klein
Commissioner Olevson
Vice Chair Rheaume

No: 2 - Commissioner Melton
Commissioner Weiss

Absent: 1 - Commissioner Simons

4 [16-0742](#)

File #: 2016-7388

Location: 1339 Norman Dr. (APN: 313-12-002)

Zoning: R-1 (Low Density Residential)

Proposed Project:

DESIGN REVIEW: To allow a 707 square foot one-story addition to an existing single-family home, resulting in 4,133 square feet (3,143 square foot living area; 171 front porch; 112 square foot balcony; 707 square foot garage and utility room) and 42.6% Floor Area Ratio (FAR). Project also includes the conversion of an existing two-car garage into habitable space and removal of a protected tree.

Applicant / Owner: George and Sue Harrison

Environmental Review: Class I Categorical Exemption

Project Planner: Noren Caliva-Lepe, (408) 730-7659,
ncaliva-lepe@sunnyvale.ca.gov

Chair Harrison recused herself because she is the applicant for this project and Vice Chair Rheaume led the public hearing for this item.

Planning Officer Andrew Miner presented the staff report.

Commissioner Melton thanked staff for updating the recommended findings to include the proposed tree removal, and noted that although the applicant is the current Chair of the Planning Commission, the applicant was treated by staff as any other applicant would be. Comm. Melton also mentioned that the color coded renderings on the dais were provided by, and would be discussed with the applicant.

Commissioner Olevson verified with staff that since publication of the staff report a finding was added regarding the tree removal.

Commissioner Weiss discussed with Principal Planner Gerri Caruso how, as stated in the staff report, the project design maintains the existing form of the house and positively adds to the streetscape of the neighborhood.

Vice Chair Rheume confirmed with Planning Officer Miner that the two proposed offices and bathroom above the garage could not legally be converted into two accessory units and that the Planning Commission could require a deed restriction. Vice Chair Rheume also verified with Planning Officer Miner that the garage and unit above could not be converted into one accessory living unit as they are limited by the code to 700 square feet and one bedroom.

Commissioner Melton clarified that he asked for the addition of the finding regarding the tree removal and wanted to see the second best alternative for the sewer line that would result in the protected tree not being removed. He said he would like to hear the applicant explain why that is not feasible and see if staff concurs.

Commissioner Klein verified with Planning Officer Miner that the accessory living unit is an approved unit with a deed restriction.

Vice Chair Rheume opened the Public Hearing.

Applicant Sue Harrison provided additional information about the property and proposed project.

Commissioner Melton clarified with Ms. Harrison the meaning of the renderings provided to the Commission on the dais.

Maria Hamilton, a Sunnyvale resident, discussed her concern with removing a protected tree.

Deborah Marks, a member of Sunnyvale Urban Forest Advocates, suggested looking for a new way to address any sewer issue to save the protected tree.

Ms. Harrison said running the sewer line through another route would prevent water usage in the garage and would require the removal of three fruit trees.

Commissioner Klein confirmed with Ms. Harrison that she is amenable to planting a

larger replacement tree.

Vice Chair Rheaume closed the Public Hearing.

Commissioner Klein discussed with staff the commonality of the use of sewage ejection pumps for new projects, and confirmed with Planning Officer Miner that staff can make the findings for the removal of the protected tree.

MOTION: Commissioner Melton moved and Commissioner Olevson seconded the motion for Alternative 1: Approve the Design Review with the recommended conditions in Attachment 4.

Commissioner Melton thanked the applicant for bringing forth the application and thanked the members of the public whose defense of trees is laudable. He said he can make the Design Review findings and the finding regarding tree removal which talks about the applicant's reasonable use or enjoyment of the property. He said the applicant has done a great job coming up with every feasible and plausible alternative to move or replace the sewer line with a pump. He said this alternative makes the most sense and that while it is regrettable that a protected tree will be removed, new trees will be put in. He added that when reviewing this applicant he took personalities out of a decision and treated the proposed project like every other application.

Commissioner Olevson noted that the Planning Commission receives many applications for projects with families having to recombine and plan ahead, and in this case it has already happened. He said he regrets that a tree will be removed but that this is the proper way to proceed for the long term use of the property.

Commissioner Klein said he is supporting the motion and commended the applicant for working with an old home as opposed to tearing it down to rebuild. He said he is happy to see a 1937 home that has been saved and slowly added to to meet the needs of its residents. He said he has not seen the sewage ejection system before and understands the possible issues, and that he is hoping that having a new gravity fed sewage line will solve many of the problems. He added that he still worries about removing the tree but that it makes sense.

FRIENDLY AMENDMENT: Commissioner Klein offered a friendly amendment to require two 36-inch box trees, and to have the applicant and staff work together on the tree species and location.

Commissioner Melton confirmed with Planning Officer Miner that requiring an

increase in tree size is within the purview of the Planning Commission, and Planning Officer Miner added that in his discussion with the City arborist larger trees require the use of cranes and if they are placed near utility lines PG&E will cut the tree to accommodate them.

Commissioner Klein removed the increase in size of tree from his friendly amendment and requested keeping the amendment for the applicant to work with staff on the species and location.

Commissioners Melton and Olevson accepted the friendly amendment.

Commissioner Klein said he is hoping we can get the largest tree species as possible as the applicant is trying to find the right location for them on the property. He said he always commends an applicant for replacing trees along the way as opposed to letting them die and he is hoping the applicant will continue adding that community benefit.

Commissioner Weiss said she is supporting the motion and believes the applicant made due diligence in trying to solve this problem with the least amount of disturbance to trees and neighbors. She said there are constraints on site but not many alternatives.

Vice Chair Rheume said he is supporting the motion, thanked the applicant for her due diligence in trying to figure out a solution for the sewer line and said a gravity fed line is key. He commended the members of the public for their support of trees, and said saving the tree in this case does not make sense.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Simons

Recused: 1 - Chair Harrison

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Commissioner Weiss confirmed with Planning Officer Miner that decreasing the minimum lot size for accessory living units will be reviewed during implementation of

the Housing Element.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Miner noted that the City Council continued the Solar Analysis study issue to August 9.

ADJOURNMENT

Chair Harrison adjourned the meeting at 10:15 p.m.