



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, September 26, 2016

6:30 PM

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

Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing 7 PM

6:30 P.M. SPECIAL MEETING (Study Session)

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

Overview of Single-Story Combining District Process

4 Public Comment on Study Session Agenda Items

5 Adjourn Study Session

7 P.M. SPECIAL PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Harrison called the meeting to order in Council Chambers.

SALUTE TO THE FLAG

Chair Harrison led the salute to the flag.

ROLL CALL

Present: 6 - Chair Sue Harrison
Vice Chair Ken Rheaume
Commissioner Russell Melton
Commissioner Ken Olevson
Commissioner David Simons
Commissioner Carol Weiss

ORAL COMMUNICATIONS

Mei-Ling Stefan, Sunnyvale resident, said Single-Story Combining Districts (SSCD) create win-win situations for the City and homeowners and provide clarity for

remodels. She said people whose needs cannot be satisfied by a single-story home will choose other housing options and noted that not all extended families want two-story houses. She said SSCDs can be removed the same way as they are created and that it is a democratic process.

CONSENT CALENDAR

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

The motion carried by the following vote:

Yes: 6 - Chair Harrison
Vice Chair Rheume
Commissioner Melton
Commissioner Olevson
Commissioner Simons
Commissioner Weiss

No: 0

- 1.A** [16-0925](#) Approve Planning Commission Meeting Minutes of September 12, 2016
- 1.B** [16-0829](#) **File #:** 2016-7621
Location: 791 Durshire Way (APN: 309-29-057)
Zoning: R-0 (Low Density Residential)
Proposed Project:
 USE PERMIT: to allow a large family child care home within 300 feet of another large family child care home.
Applicant / Owner: Li Liu (applicant / owner)
Environmental Review: Class 1 Categorical Exemption, Existing Facilities
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

MOTION: Commissioner Simons moved and Commissioner Melton seconded the motion to consider the standing item before the Public Hearing.

Commissioner Simons said he is uncertain about the length of time each item on the agenda will take, that speakers on the Study Issue item may not want to wait throughout the Public Hearing to speak and that his motion is a logical way of

handling this issue.

The motion carried by the following vote:

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

No: 1 - Chair Harrison

Planning Officer Andrew Miner noted which potential Study Issues for 2017 have been sponsored by the Planning Commission and described the process for suggesting and sponsoring additional Study Issues.

Commissioner Simons and Planning Officer Miner discussed the process for deferring the Exploration of Creating Usable Open Space over Portions of Central Expressway Study Issue, and Planning Officer Miner noted that this study would not be handled by the Community Development Department.

Commissioner Melton said this is a creative idea by former Planning Commissioner Larry Klein.

Chair Harrison opened the Public Hearing.

No speakers.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Melton moved and Vice Chair Rheume seconded the motion to sponsor the Study Issue: Exploration of Creating Usable Open Space over Portions of Central Expressway.

The motion carried by the following vote:

Yes: 5 - Chair Harrison
Vice Chair Rheume
Commissioner Melton
Commissioner Olevson
Commissioner Simons

No: 1 - Commissioner Weiss

Planning Officer Miner discussed how the Evaluation of the Residential Single Story Combining District (SSCD) Process potential Study Issue for 2017 came about and he and Chair Harrison further discussed the Study Issue process.

Chair Harrison opened the Public Hearing.

Eran Dor, Sunnyvale resident, said there are many holes in the current SSCD process and suggested waiting for the completion of the study before proceeding with new applications.

Suzanne Shea, Sunnyvale resident, said a supermajority threshold is appropriate for SSCD applications and that if the threshold were increased one would find that the recent applications would still have passed. She said reaching the threshold can still be challenging and raising it too high would mean potentially never achieving it.

Patrick Shea, Sunnyvale resident, discussed a previous SSCD application and said he is interested in what can be done to streamline the process.

Mike Serrone, Sunnyvale resident, said if the Eichler Design Guidelines had more force of law we may not have seen as many SSCD applications, that he is concerned about the public benefit finding and urged proceeding with SSCD applications while the study is conducted.

Chair Harrison and Planning Officer Miner discussed the rule of law with regard to Eichler Design Guidelines.

Martin Griffiths, Sunnyvale resident, said misinformation has been spread about the process, especially with regard to coercion among neighbors. He said the 55 percent threshold may be too low, and that the rights of Eichler homeowners to privacy and to enjoy one's property are impacted by second story additions.

Chair Harrison confirmed with Senior Assistant City Attorney Rebecca Moon that there is no general Constitutional right to sunlight, but that Cities enact zoning laws to protect sunlight and privacy.

Chair Harrison discussed with Planning Officer Miner recommended and required features of second story additions used to protect neighbors' privacy.

Alik Eliashberg, Sunnyvale resident, encouraged sponsoring this Study Issue and said we should have a moratorium on future SSCD applications. He said the study

should include a review of SSCD compatibility with the General Plan, the fiscal impact on the City and the impact on the vibrancy of a neighborhood.

Bertrand Chevalier, Sunnyvale resident, said the current process is a democratic one and has been working well.

Lena Govberg, Sunnyvale resident, said SSCDs restrict the housing stock, drive communities apart and impact property values.

Chair Harrison closed the Public Hearing.

Commissioner Weiss said since the inception of the SSCD process there is longitudinal data available for a study, and because of the housing crisis and many Eichler homes being 60 years old and likely need repair it would be remiss of us to not push this to be a Study Issue.

MOTION: Commissioner Melton moved and Vice Chair Rheame seconded the motion to sponsor the Study Issue: Evaluation of the Residential Single Story Combining District Process with the following additions:

- 1) To have the City review the merit of the required public interest finding to evaluate whether there is a more effective finding to make; and,
- 2) To have City staff look at opportunities to streamline the process.

Commissioner Melton noted that only City Council can approve a moratorium on SSCD applications.

FRIENDLY AMENDMENT: Vice Chair Rheame offered a friendly amendment to also include a consideration by staff of a limitation on how broad single story overlays can spread throughout the city. Commissioner Melton accepted.

Commissioner Melton thanked the public for coming out to speak, and said the Study Issue process is very long and this is the early part in the process. He said we now have a large number of SSCD applications stress testing the process and that residents are raising legitimate questions. He noted that in the original documents provided by staff it was predicted that the implementation of the Municipal Code on SSCDs may cause dissent or friction within the overlay areas, which is what we are seeing now. He said the reason he wants to have the study done is to look for opportunities to streamline the process and to review for effectiveness the public interest finding. He said he would like to see the public interest finding removed from applications in the City and he suspects that if someone polled Council and the Planning Commission to define public interest you

would get very different answers, which is concerning. He said the definition is so vague and instead of having a sober deliberation by public officials on the finding it turns into randomized opinions. He said the public interest finding makes it possible for a public official to conclude that they will find 100 percent of applications in or not in the public interest and that is a problem with due process.

Vice Chair Rheame said he can see both sides of the argument and that it is obvious we need to take a look at it. He said he added the Friendly Amendment to look at where overlays would be capped, that this is about SSCDs throughout the City not just Eichlers, and that it would be in the City's best interest to understand the definition of public interest.

Commissioner Simons commended Commissioner Melton for his motion, but said the addition makes him oppose the motion. He said there is no problem with original three overlays that have been in the City for years, that after the process was done we went through long recession and now during a boom time people want to have more prominent homes. He said he is concerned with reviewing different aspects of the process, but that he would be supportive of reviewing the threshold percentage and developing a means of communicating information to citizens. He said he appreciates those Planning Commissioners who are interested in more housing, but he does not think granny units will be built. He said he does not see a review of this as useful unless we are planning on getting rid of SSCDs and that this is a solution looking for problem. He said he is concerned with where many of the concerns brought up during outreach originates from and that he encourages consideration of alternatives.

FRIENDLY AMENDMENT: Chair Harrison offered a friendly amendment to include in the study impacts of SSCDs on property values and maintenance with the evaluation based on factual data made on standardized appraisal criteria. Commissioner Melton and Vice Chair Rheame accepted.

Chair Harrison said she is supporting the motion, that it is hard to make the finding on public interest without data and that this is a legal process based on legal facts. She said every other finding we make is whether it meets the policy exactly and without data she cannot see how anyone can make this finding so it is important to do the Study Issue.

The motion carried by the following vote:

- Yes: 5 -** Chair Harrison
Vice Chair Rheaume
Commissioner Melton
Commissioner Olevson
Commissioner Weiss
- No: 1 -** Commissioner Simons

Commissioner Weiss said we need to look at what other cities are doing to try to provide more housing for people at below market rates, that the 12.5 percent was set in 1980 and needs to be updated. She noted that developers love to build here and she does not see that if the percentage was increased to perhaps 15 percent it would prevent developers from starting projects here. She said an increase would open up opportunities for people who currently cannot afford to live here, would cut long commutes and establish more diverse communities. She said she would like to see what our surrounding cities are doing to address this issue and discussed with Planning Officer Miner why consultant costs are expected.

Chair Harrison opened the Public Hearing.
No speakers.
Chair Harrison closed the Public Hearing.

MOTION: Commissioner Weiss moved and Vice Chair Rheaume seconded the motion to sponsor the Study Issue: Consider Modifications to Increase the Below Market Rate Ownership Housing Requirement.

The motion carried by the following vote:

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

No: 0

Chair Harrison verified with Planning Officer Miner the other Study Issues that have been sponsored.

PUBLIC HEARINGS/GENERAL BUSINESS

2 [16-0784](#)

File #: 2016-7113

Location: 540 Rockport Drive (APN: 202-02-004)

Zoning: R1

Proposed Project:

DESIGN REVIEW: For a 738 sq. ft. one-story addition to an existing 3,055 sq. ft. one-story single-family home resulting in 3,793 sq. ft. (3,168 sq. ft. living area and 625 sq. ft. garage) and 41% Floor Area Ratio (FAR).

Applicant / Owner: John Barton (applicant) / Arvind and Bharti Goel (owner)

Environmental Review: Categorically Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1, Existing Facilities)

Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Planning Officer Andrew Miner presented the staff report.

Chair Harrison opened the Public Hearing.

Applicant John Barton provided additional information about the proposed project.

Commissioner Weiss confirmed with Mr. Barton that no trees are proposed for removal.

Commissioner Simons confirmed with Mr. Barton that the roof is proposed to be mission style.

Chair Harrison closed the Public Hearing.

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

Commissioner Melton said he is glad the homeowner is moving forward on this nice looking project and is adding capital to the neighborhood.

Vice Chair Rheume said he can make the findings, that he likes the design and that the setbacks are in line and no deviations are requested. He said an addition like this is the advantage of having a large lot and he thanked the applicant for investing in the community.

Commissioner Olevson said he can make the finding that the basic design

principles have been met and that no deviations or variations have been requested. He said the project is fairly simple to approve and that it has only come before the Planning Commission because of its size.

Chair Harrison said she supports the motion and likes the front treatment because it improves the look of the home.

The motion carried by the following vote:

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

No: 0

- 3** [16-0892](#) **File #:** 2016-7188
Location: 1454 Hampton Drive (APN: 313-13-021)
Zoning: R-0
Proposed Project: Appeal by the applicant of a decision by the Director of Community Development to deny a Design Review Permit application for a first-floor addition of 1,734 square feet to an existing one-story single-family residence, resulting in 2,856 square feet (2,347 square feet living area and 509 square feet garage) and 40.4 percent Floor Area Ratio (FAR). The project proposes a two-car tandem parking garage.
Applicant / Owner: MAC Design (applicant) / Timothy Vierra (owner)
Environmental Review: Categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301.
Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Commissioner Melton recused himself from consideration of this item due to his ownership of property within 500 feet of the subject property.

Assistant Planner Aastha Vashist presented the staff report.

Vice Chair Rheaume said if the front window is removed the character of the front of the home is lost and discussed with Planning Officer Andrew Miner the commonality in Sunnyvale of having a two-car garage at the front of the home. Vice Chair Rheaume confirmed with Planning Officer Miner the location of a potential two-car garage, and commented on the 50-90 percent of foundation slab removal

being a significant structural modification. Planning Officer Miner said with the changes proposed for the home it is feasible that a two-car garage could be constructed.

Commissioner Weiss commented on a two-car garage being physically infeasible and discussed with Planning Officer Miner the requirement of a two-car garage.

Commissioner Simons noted that a tandem garage would result in having three parking spaces onsite while a two-car garage would have four, and he confirmed Assistant Planner Vashist that the number of bedrooms was considered as part of the garage requirement.

Chair Harrison opened the Public Hearing.

Applicant Mollyanne Sherman, with MAC design, and owner Timothy Vierra provided additional information about the proposed project.

Commissioner Weiss discussed with Ms. Sherman whether consideration was given to disconnect the workshop from the garage.

Vice Chair Rheume discussed with Ms. Sherman how the front elevation of the home will be balanced if the denial is upheld.

Commissioner Simons discussed with Ms. Sherman whether she has seen the use of car lifts in residential projects.

Commissioner Olevson commented on being troubled by the argument that it is too expensive to meet Sunnyvale codes and discussed with Ms. Sherman whether consideration was given to moving the bedrooms around to meet light and other requirements.

Chair Harrison discussed with Ms. Sherman whether the project started with a design that did not have a tandem garage, and discussed how the proposed project reduces significant structural impacts.

Vice Chair Rheume discussed with Ms. Sherman how a new conventional two-car garage impacts the existing home square footage and confirmed that a tandem garage being placed on new foundation.

Commissioner Weiss verified with Mr. Vierra that the family has three cars, one of which would always be parked in the driveway if a tandem garage is approved.

Alik Eliashberg, Sunnyvale resident, said this neighborhood needs investment and he is glad to see families improving it. He said a detached garage in the rear removes backyard space and creates safety issues and that if you touch walls code issues arise and costs increase.

Mr. Vierra and Samantha Vierra provided additional comments about the proposed project.

Chair Harrison closed the Public Hearing.

Chair Harrison noted that the proposed plan retains 25 percent of the walls and discussed with Assistant Planner Vashist what percentage of the structure would be retained when comparing both plans. Assistant Planner Vashist noted that the Building Division concluded that there would be no significant structural change between doing a tandem versus two-car garage.

MOTION: Vice Chair Rheume moved and Commissioner Weiss seconded the motion for Alternative 2: Grant the appeal and approve the Design Review with the recommended conditions in Attachment 4.

Vice Chair Rheume said the applicant will already be making significant structural changes and he does not see how anything can be further moved to the right. He said that would take away the character of the house and place parking out of balance with the two car garage sticking out close to the street and a small window and small door. He said the Design Guidelines recommend avoiding that type of design and that he can make the findings to approve the appeal.

Commissioner Weiss said this plan is the most practical. She said the plan will preserve and improve the character of the neighborhood and sense of place, and that it is important to play up the welcoming front entrance of house rather than the garage which takes up an overwhelming percentage of the front facade. She said the applicant has made a good faith effort to come up with a reasonable alternative considering all of the limitations of the site.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to add two off street exterior parking spaces at the front of the house that would duplicate the other parking design. Vice Chair Rheume and Commissioner Weiss accepted.

Commissioner Simons said the most significant issue is maintaining the look and

feel of the front house and maintaining its historical character, which is not within the Planning Commission's purview. He said we do have to consider whether it is a financial hardship for this particular design versus others, and that the proposed project will require spending extra money, especially to put in the material for parking in the front. He said he is interested in the discussion about how much will be changed, and he would like to keep the look and feel of the house but that is not an issue to be considered.

Commissioner Olevson said he is not supporting the motion and cannot make the findings. He said he sympathizes with trying to keep a family home looking as it was and with maintaining the character of the neighborhood, but that because there will be such extensive structural changes he does not think it would be a hardship to add a side by side garage. He said he does not think enough exploration has been done to keep the living room in the front, which would address the light issues.

Chair Harrison said she is not supporting the motion and cannot make the finding that there would be too much structural change to construct the two car garage. She said based on the new walls added to the design there would be less structural change with a two car garage rather than a one car garage, and that she cannot make that finding which is actually the only issue.

The motion failed by the following vote:

Yes: 2 - Vice Chair Rheaume
Commissioner Weiss

No: 3 - Chair Harrison
Commissioner Olevson
Commissioner Simons

Recused: 1 - Commissioner Melton

Planning Officer Miner said the appeal has been denied and the action is final.

Chair Harrison confirmed with Planning Officer Miner that the applicant needs to return with a design that includes a two-car garage.

Commissioner Melton returned to the Council Chambers.

4 [16-0921](#) **File #:** 2016-7706
 Location: 217 Moffett Park Dr. (APN: 110-34-006)
 Zoning: MP-I

Proposed Project: Architectural review of a 5,000 square foot office building (previously approved) as part of a larger redevelopment project at 215 Moffett Park Drive.

Applicant / Owner: ArcTec, Inc. / Moffett Park Drive Owner LLC

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

Planning Officer Andrew Miner presented the staff report and noted that it should show that 13 trees are proposed to be planted and that Condition of Approval (COA) BP-10 should list the Housing Mitigation Fee as \$48,700.

Commissioner Melton confirmed with Planning Officer Miner that the Planning Commission did make it a COA for the building to become a restaurant, and that staff is asking the Planning Commission to rescind that COA to change the building to an office. Commissioner Melton commented on his concern with waiving the original COA, and Planning Officer Miner said it is difficult to be in a position of holding hard to a condition without knowing if it is feasible and that he does not know the extent of effort the applicant went to to find a restaurant tenant. Senior Assistant City Attorney Rebecca Moon noted that a restaurant use is allowed by zoning, and Planning Officer Miner said both restaurant and office are allowed by zoning and the original application included a restaurant. Commissioner Melton discussed with Planning Officer Miner the difficulty of finding a restaurateur for this location.

Commissioner Simons discussed with Planning Officer Miner whether staff considered putting in sections of green wall to tie in with the building behind it, and Commissioner Simons commented on food and other services reducing single occupancy vehicle trips and said it would be odd to change this visible and accessible building to a lower intensity use of office.

Commissioner Weiss discussed with Planning Officer Miner whether consideration was given to a food court rather than a single restaurant. Commissioner Weiss said might be easier to attract smaller food businesses and that retail at that spot might be more desirable. She confirmed with staff that it is not within the Planning Commission's purview to require a restaurant and that the Commission is reviewing the architecture.

Vice Chair Rheume confirmed with staff that the zoning allows both a restaurant and office and he commented on a restaurant not making sense in this spot.

Chair Harrison discussed with Planning Officer Miner the extra parking spaces in the plan and confirmed that the extra space could be kept as landscaping if a

change in use requires additional spaces. Chair Harrison discussed with Planning Officer Miner how the applicant's provision of a bike lane changes what is required by the applicant.

Chair Harrison opened the Public Hearing.

Applicant Craig Almeleh, with ArcTec, Inc., provided additional information about the proposed project.

Commissioner Simons confirmed with Mr. Almeleh the interior height of the building and discussed whether the height could be raised.

Commissioner Olevson confirmed with Mr. Almeleh that the proposed design of the building is intended to allow multiple uses in the future. Property Owner David Wilbur with Four Corners discussed the original intended use of the building and the goal of bringing substantial architecture and completing the building along with others under construction at the site.

Commissioner Weiss discussed with Mr. Almeleh whether a vertical green wall is still being considered, and confirmed that the COA discussing plants for the vertical green wall is for screening the gas meters.

Chair Harrison said she did not realize that all parking spaces had been built, and discussed with Mr. Wilbur whether he would be amenable to using pots for landscaping in the parking area.

Commissioner Simons said he was expecting signage placement on the south side and discussed with Mr. Almeleh where signage would be placed and whether there was any discussion of alternatives on how the south side would be laid out in terms of design elements.

Planning Officer Miner noted that the landscaping was reduced because the sidewalk was widened, and clarified that it is not within the Planning Commission's purview to require a restaurant as there is nothing in the Design Review permit that talks about use.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Simons moved and Commissioner Olevson seconded the motion for Alternative 1: Make the Findings in Attachment 3, Approve the Major Moffett Park Design Review Permit subject to recommended conditions of approval

in Attachment 4.

Commissioner Simons said there may be an issue on the south side which may just be conceptual and will look different once constructed, and that he likes many elements of the project. He said the main goal of an accessory building is to reduce traffic and provide services and he hopes this project will achieve that goal.

Commissioner Olevson said he is supporting the motion and can make all the findings. He said the project meets all of the requirements for the Mitigated Negative Declaration and the criteria for a Moffett Park Design Review. He said Use Permits are a separate issue and that the design fits and complements what has already been done.

Chair Harrison said she supports the motion, likes the different architectural planes and how the screens are incorporated on roof and for the garbage.

Planning Officer Miner noted that the Conditions of Approval require the plans to be revised to add additional or modified architectural detail or elements to the side and rear elevations facing Borregas Avenue and Moffett Park Drive, and that it seems as though the Planning Commission is fine with the current architecture.

Commissioner Simons clarified that the architecture may be the same or slightly modified, but that his intention was that staff would continue to work with the applicant on these details.

Chair Harrison confirmed this intention with Commissioner Olevson.

The motion carried by the following vote:

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

No: 0

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Miner announced a ribbon cutting ceremony at the newest affordable housing development on October 5 at 620 East Maude, and said the cut-off for Planning Commission applications for the vacant seat was Friday and a new member will be appointed in November. He also discussed Planning-related City Council items and that he may ask for other special meetings to accommodate applications.

Senior Assistant City Attorney Moon announced that the Town Center sale has been closed.

ADJOURNMENT

Chair Harrison adjourned the meeting at 10:20 p.m.