



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, May 16, 2016

7:00 PM

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

SPECIAL PLANNING COMMISSION MEETING

7 P.M. SPECIAL 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: 7 - Chair Russell Melton
Vice Chair Sue Harrison
Commissioner Ken Olevson
Commissioner Larry Klein
Commissioner Ken Rheaume
Commissioner David Simons
Commissioner Carol Weiss

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

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

The motion carried by the following vote:

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

No: 0

1.A [16-0477](#) Approve Planning Commission Meeting Minutes of May 9, 2016

PUBLIC HEARINGS/GENERAL BUSINESS

2 [16-0481](#) **File #:** 2016-7031
Location: 1169 Sesame Drive (APN: 202-07-041)
Zoning: R-1 (Low Density Residential)
Proposed Project: Appeal of a decision by the Director of Community Development approving a:
 DESIGN REVIEW: To allow construction of a new two-story home with an attached garage and basement, resulting in a total floor area of 3,600 square feet (3,200 square feet living area and 400 square feet garage) and a Floor Area Ratio of 32%; and a 6-foot tall fence (5 feet from ground and 6 feet from top of curb) within the front yard, set back approximately 20 feet from the front property line.
Applicant / Owner: Vitaly Eliashberg
Environmental Review: Class I Categorical Exemption
Project Planner: Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

Principal Planner Gerri Caruso presented the staff report.

Commissioner Simons discussed with Principal Planner Caruso the options that were considered for the large second story window and whether obscure glass was considered to enhance privacy.

Commissioner Rheaume confirmed with Principal Planner Caruso that there are no deviations requested for this project and that the Planning Commission decision would be final.

Commissioner Klein disclosed that he met with the applicant and several of the neighbors, and confirmed with Principal Planner Caruso that the discussion in the staff report regarding unsent notices of an ensuing comment period were in reference to another project in the neighborhood. Commissioner Klein inquired

about staff's opinion on the proposal for three rooftop decks and how they would affect privacy, and confirmed with Principal Planner Caruso that the uncovered decks and unfinished basement are excluded from the Floor Area Ratio (FAR) calculation.

Chair Melton opened the Public Hearing.

Appellant John Sullivan provided information about his appeal of the project.

Appellant Erik Peterson provided information about his appeal of the project.

Vice Chair Harrison and Mr. Peterson discussed the traditional materials and details he believes are not reflected in the design of the home.

Commissioner Simons and Mr. Peterson discussed the architectural feature Mr. Peterson believes conflicts with a horizontal design emphasis.

Commissioner Olevson confirmed with Mr. Peterson that he would consider the design more traditional if the external decks and front eave were removed.

Applicant Vitaly Eliashberg provided information about the proposed project.

Commissioner Weiss disclosed that she visited the site and discussed with the applicant project objectives and privacy issues with second story decks.

Vice Chair Harrison discussed with Mr. Ayers and Mr. Eliashberg what the front door will look like, and discussed with Mr. Eliashberg why the proposed design includes decks on the front of the building rather than large windows.

Commissioner Klein confirmed with Mr. Eliashberg and Mr. Ayers the height of the railings and proposed planters.

Commissioner Olevson confirmed with Mr. Eliashberg and Mr. Ayers which window he would like restored on the west elevation.

Commissioner Simons confirmed with Mr. Eliashberg that he is amenable to replacing any onsite trees if they fail due to construction.

Philippe Cailloux, a nearby neighbor, discussed the privacy issues the design would create.

Joe Ragey, an adjacent neighbor, said the design of the home meets guidelines and addresses privacy concerns, and suggested that the Eichler guidelines be rewritten to prevent further confusion.

Elisabeth Merkel, a nearby neighbor, said the design is beautiful but that it does not fit in the neighborhood.

Mark Kliss said the design of the home is incompatible with the neighborhood.

Beverly Grindstaff said a new two-story home ruins the experience of living in an adjacent Eichler home and that privacy is also a matter of sound.

Kyle Krasilnikov, Sunnyvale resident, spoke in support of the proposed project.

Vice Chair Harrison confirmed with Mr. Krasilnikov that he lives several streets away from the subject site.

Howard Gaines, an adjacent neighbor, said all of his initial privacy concerns were addressed and that he supports the project.

Carolyn Gaines Driscoll said initial privacy concerns have been addressed.

Stephen Meier said noticing for this project should have included an expanded radius and all Sunnyvale Eichler home owners. He asked for consistency in the decision making process and noted that privacy is also a matter of sound.

Teresa Marshall, a nearby neighbor, said preserving the neighborhood, current lines of sight and certain design features of Eichler homes should be taken into consideration.

Vice Chair Harrison confirmed with Ms. Marshall that she lives two homes north of the subject site.

Francois Cornillon discussed his concern with the design not meeting the Eichler Design Guidelines.

Tristan Lawrence, a nearby neighbor, said the design is not an Eichler style building and that if the project is approved, he suggests changing the angled roof line on the left side of the building.

Peter Anning, a nearby neighbor, said he is concerned that the Eichler Design

Guidelines are being ignored.

Edwin Aiken, a nearby neighbor, said the design does not respect the scale, bulk and character of homes in the neighborhood or the neighborhood itself. He also suggested an expanded noticing radius.

Walter Huber discussed his concern with the design changing the character of the neighborhood.

Sophia Ostoya, a nearby neighbor, said the neighborhood is predominantly one-story and should remain so.

Gregory Kosinovsky, Cupertino resident, spoke in support of the proposed project.

Mike Shklovski, Sunnyvale resident, spoke in support of the proposed project.

Leon Goldgeisser, Los Gatos resident, said the design combines the Eichler spirit with new construction standards and would be a good addition to the neighborhood.

Valentin Ossman, an adjacent neighbor, said the house is designed to meet the Eichler Design Guidelines, but that he does not want to see a plain wall when he looks across the street.

Liliya Lyandres spoke in support of the proposed project.

Vice Chair Harrison confirmed with Ms. Lyandres that she is a Sunnyvale resident, but does not live near the subject property.

Matt Cossoul, a nearby neighbor, congratulated the applicants on a nice design, but said Eichler homes and neighborhoods need to be protected.

Appellant John Sullivan provided additional information about his appeal of the proposed project and suggested modifications to the design.

Commissioner Rheume confirmed with Mr. Sullivan that there are trees in his backyard.

Appellant Erik Peterson suggested modifications to the design and said the house as planned is too big.

Applicant Lena Govberg provided additional information about the proposed project.

Chair Melton closed the Public Hearing.

Commissioner Rheume discussed with Planning Officer Miner why the rear window was conditioned to be removed rather than frosted.

Vice Chair Harrison confirmed with Planning Officer Miner that an illustration presented by one appellant with single story homes adjacent to one another and two-story homes adjacent to one another is an illustration and not a rule.

Commissioner Klein confirmed with Planning Officer Miner that the plate height and roof lines meet City standards.

Commissioner Olevson discussed with Planning Officer Miner whether any consideration was given to obstructing the view from the rear window that was required to be reduced.

Chair Melton and Planning Officer Miner discussed the hierarchy of the City's General Plan, Zoning Code, specific and precise plans and guidelines, and which are legally binding on the Planning Commission. Planning Officer Miner explained which policies and guidelines apply to the subject area. Chair Melton confirmed with Planning Officer Miner that the Municipal Code sets standards for maximum noise levels, and confirmed the noticing distance for the project.

MOTION: Commissioner Rheume moved and Commissioner Simons seconded the motion for Alternative 2: Deny the Appeal and approve the Design Review with modified conditions:

- 1) To maintain the rear window and have the applicant work with staff on using smoked glass to provide privacy; and,
- 2) Once construction is complete reevaluate the landscaping to ensure privacy.

Commissioner Rheume thanked the members of the public for coming out to speak, and noted that the applicant is not asking for any deviations. He said the design meets the General Plan and that he can make the findings that there are no requested deviations and no setback issues. He said he understands people prefer to not have a second story but that the only way to ensure that is with a single story overlay, which is now being pursued but will happen after this project. He said the design of the home is beautiful and he commends the applicants for pursuing a design that satisfies them and their neighbors. He said if all rear windows are

removed that side of the home will look like a bunker and that there needs to be negotiation. He noted that several neighbors said the privacy issues have been addressed, and he believes having a glazed rear window and landscaping will meet the privacy needs of the neighbors.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to the modification that any tree replacements be large species native trees that are appropriate for the plant zone. Commissioner Rheume accepted.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to consider for the rear window distorted clear or other opaque options. Commissioner Rheume accepted.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment that if at the end of construction there are any obvious privacy issues determined by staff, landscaping be modified to meet privacy requirements. Commissioner Rheume accepted.

Commissioner Simons said he can make the findings, and that although the design is not an Eichler it works within the design guidelines, and that one cannot build a new Eichler in Sunnyvale because it would not meet energy requirements. He said this design is friendly and inviting and is an appropriate design for the neighborhood, and that most of the controversy is regarding the design not being an exact Eichler. He said the privacy issues of the original home are being mitigated, this design is an improvement and he applauds the applicant for taking extra steps. He said guidelines are used to apply to neighborhood designs but they are not zoning requirements, and that this neighborhood is like any other R-0 or R-1 zoned neighborhood.

Vice Chair Harrison said she is supporting the motion, and has read the Eichler Design Guidelines and the only point she cannot make is about simplicity. She said simple had to be changed because other guidelines requiring privacy, and that this design has many similar characteristics with other homes on the street. She said she can make every finding that the project meets Sunnyvale's guidelines and Zoning Code and that there are no Variances.

Commissioner Olevson said he is supporting the motion and can make the findings. He said he recognizes that Eichler, as a type of living, is somewhat unique to California, and the applicant has met all of Sunnyvale's requirements. He said he is persuaded by the fact that when the Eichler Design Guidelines were set up the committee doing so specifically did not disallow second story homes, and he is

persuaded by the use of the word "avoided" rather than "cannot" in the guidelines, meaning there was some discretion based on the circumstances of a particular home. He said the applicants have not asked for Variances and have done a great job of outreach to the neighbors, and while the applicants did not get 100 percent support they have done a great job trying to accommodate the neighborhood.

Commissioner Klein said he is supporting the motion, and had some of the same concerns as the neighbors regarding privacy and architectural features. He said he was shocked by the proposal of three decks which he has never seen for a home in an area zoned R-0. He noted that he was serving on the Planning Commission when the Eichler Design Guidelines were put together and even then there were mixed feelings about how homes should be designed and would fit into the neighborhood. He said the big difference between "avoid" versus "prohibits" is that it gives applicants some flexibility. He noted that with Eichlers there will always be privacy issues and the applicant has worked hard to alleviate them in the design, and that with the modification to reevaluate privacy he feels more comfortable that those issues with adjoining properties will be resolved. He applauded the applicant for building a basement, and said a single story overlay is more restrictive than a heritage district and is a good process for this neighborhood. He noted that many neighbors spoke in support of and in opposition to this project, and that it is good to see people who love their community giving their input. He said because the project meets the guidelines and no Variances are requested approving the project is the way to go.

Commissioner Weiss said she carefully read and considered the points that were raised, and said one has to balance individual home owners' property rights with those of neighbors and the neighborhood. She noted that one appeal letter quotes from the Eichler Design Guidelines regarding the use of the guidelines for general assistance in the design of a second floor addition to Eichler homes, and thus the guidelines are not de jure requirements. She said the project complies with the Sunnyvale Municipal Code which allows two-story homes in this neighborhood, and that the proposed project will provide neighbors with more privacy than they currently have. She said the project will not be a monster house, but a welcoming home and that the applicants have made every effort to respect the basic qualities of Eichler designs. She said she cannot make the findings to support the appeal but can make the findings to support the motion and wished the applicant good fortune.

Chair Melton said he is supporting the motion, and thanked the members of the public for coming out and showing their passion for their neighborhood. He said it is the job of the Planning Commission to implement the policy of Sunnyvale and that

sometimes there is tension between policies. He noted that home owners have the right to build a second story home in this neighborhood until an overlay district is in place. He said he can make the findings and that the privacy issues have been or will be addressed after the project is completed. He said he cannot find language in the Municipal Code or design guidelines that prevent taking down an Eichler home or putting in its place an Eichler home and that the Planning Commission cannot make up policy regardless of how well intentioned it is. He said his job is to determine whether the design of the home fits into the neighborhood, and that while there is a difference of opinion, he believes it does. He said he is glad to see the neighborhood moving forward with the single story overlay district.

The motion carried by the following vote:

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

No: 0

Planning Officer Miner noted that the decision of the Planning Commission is final and there is no further appeal option.

- 3** [16-0457](#) **File #:** 2015-8009
Location: 319 W Duane Avenue (APN: 204-26-011)
Zoning: R0
Proposed Project:
 DESIGN REVIEW: To allow a 1,039 square foot addition (413 sq. ft. at first floor and 626 sq. ft. for a new second floor addition) resulting in a total of 2,549 sq. ft. (2,149 sq. ft. living space, 400 sq. ft. garage) residence at 49% Floor Area Ratio (FAR).
Applicant / Owner: Hammerschmidt Construction / Nora Grasham
Environmental Review: Categorical Exemption Class 3 (a) that includes construction of single family residence in a residential zone.
Project Planner: Shétal Divatia, Planner, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Principal Planner Gerri Caruso presented the staff report.

Vice Chair Harrison confirmed with Principal Planner Caruso that staff has not recommended changes to the project and that the Building Division would review floor plans and make changes, such as to the garage door that opens directly into a

bedroom.

Commissioner Olevson discussed with staff why COA PS-1, which would not allow an accessory living unit, was added, and Planning Officer Miner explained that there is concern about the floor plan design and the potential for the addition to be converted to a second unit in the future.

Commissioner Rheaume confirmed with Principal Planner Caruso that the previously converted garage is required to be reconverted to a garage at project completion.

Commissioner Weiss confirmed with staff the length the proposed addition would extend into the backyard.

Commissioner Klein discussed with Principal Planner Caruso whether staff had issues with the six foot front fence.

In response to Commissioner Weiss' earlier question, Planning Officer Andrew Miner said the rear yard would be reduced by 600 square feet.

Commissioner Rheaume discussed with Planning Officer Miner why staff felt the proposed second story addition still meets the guidelines despite being flush with the rear of the first story.

Chair Melton opened the Public Hearing.

Applicant John Hammerschmidt and property owner Brett Lynnes provided information about the proposed project.

Commissioner Simons discussed with Mr. Hammerschmidt why the access to the garage is from one of the bedrooms.

Mr. Lynnes further explained why he chose to put the door to the garage in the bedroom.

Chair Melton closed the Public Hearing.

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

Commissioner Klein said he can make the findings and that this is a good design. He noted that this is a smaller lot and the applicant had to deal with certain restrictions that include a shading requirement and the low roof of the property to the east. He said he is happy the project stayed within the design guidelines and that the applicant did not ask for Variances. He said adding the appropriate parking that was previously removed and meeting the City code lessens the effect on the neighborhood. He said a goal of the code is trying to make neighborhoods seem more inviting and his biggest concern was the front yard fence creating a walled effect. He said staff will determine in the future whether that fence fits in the neighborhood.

Vice Chair Harrison said she understands that this is a small property and appreciates that the applicant has stayed below the 35 percent second to first floor ratio in a neighborhood that is primarily single story. She said she does not think it is unreasonable because of the lot size.

Commissioner Olevson said he is supporting the motion and can make the findings. He said the applicant has made a good compromise locating the back wall to avoid shading issues with the neighbor, and that the facade will be attractive from all directions.

Commissioner Simons said he has seen many modifications that result in odd layouts, and that he cannot make the findings due to home orientation and entry patterns. He said while the applicant has done a great job meeting the goals for additions and he does not have a solution for this home, he cautions against creating an entry and flow that is odd.

Chair Melton said he supports the motion and can make the findings. He expressed gratitude to the applicant for adhering to the guidelines for the second to first floor ratio and said he appreciates that no Variances or deviations are requested. He added that he appreciates that the applicant is making a capital injection into the neighborhood.

The motion carried by the following vote:

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

No: 1 - Commissioner Simons

Planning Officer Miner announced that this decision is final unless appealed to, or called up for review by the City Council within 15 days.

- 4** [16-0462](#) **File #:** 2015-8094
Location: 1029 Inverness Way (APN: 313-24-018)
Zoning: R-0 Low Density Residential
Proposed Project: Design Review for a first and second-story addition of 1,549 square feet to an existing one-story, single-family home with a total of 3,291 square feet (2,805 square feet living area and 486 square feet garage) resulting in a 46.5% Floor Area Ratio (FAR).
Applicant / Owner: Orchard Home Design/ Mark and Linda Gentry
Environmental Review: Categorically Exempt Class 3
Project Planner: Jonathan Caldito, (408) 730-7452, Jcaldito@sunnyvale.ca.gov

Principal Planner Gerri Caruso presented the staff report.

Commissioner Rheaume confirmed with Principal Planner Caruso that staff recommended continuing rather than denying the project so the Planning Commission could review significant changes made to the design, such as a reduction of the proposed second story. Commissioner Rheaume also confirmed with Principal Planner Caruso that the applicant is not requesting any deviations. Commissioner Rheaume commented on requiring a reduction in FAR to meet the Single Family Design Techniques and potentially ruining a project design.

Commissioner Olevson discussed with staff the differences between Alternatives 1 and 2, and confirmed that if the applicant reduces the FAR the application would be completed at staff level. Commissioner Olevson also confirmed that a fee is associated with application denial and appeal of a Planning Commission decision by the applicant.

Commissioner Klein confirmed with Principal Planner Caruso that staff found the the proposed first story plate height compatible, and that Condition of Approval (COA) PS-1B to provide a grading plan was added to ensure appropriate project height.

Commissioner Simons discussed with Principal Planner Caruso how a reduction in FAR would impact the architecture and streetscape of the project, and he commented on avoiding designs that meet all recommendations but look odd. Commissioner Simons confirmed with Planning Officer Miner that staff is amenable to direction to consider architecture, and Planning Officer Miner reiterated that the Planning Commission could continue the project with direction to return with a design that works rather than trying to design it at the hearing.

Project Architect Dan Winklebleck and home owner Mark Gentry provided information about the proposed project.

Commissioner Weiss discussed with Mr. Gentry and Mr. Winklebleck why the design includes a family room on the second floor, and discussed removing square footage from the family room to decrease the FAR.

Commissioner Rheaume further discussed with Mr. Winklebleck how the design of the second floor would change if the applicant is required to remove 200 feet from the second floor.

Stephen Ma, an adjacent neighbor, discussed his concern with the size of the proposed home. Chair Melton confirmed with Mr. Ma that his home shares the rear fence with the subject site.

Andy Miller, a nearby neighbor, discussed his concern with the sight of the second story from his home and its appearance as a large wall.

Commissioner Weiss confirmed with Mr. Miller that there are no large trees in the side of the backyard that faces the subject site.

Chair Melton verified with Mr. Miller the location of his home and that he has no accessory unit in his backyard. Chair Melton also verified with Mr. Miller that his home is single story and that he has lived there since 1988.

Mr. Winklebleck and Mr. Gentry addressed the neighbors' concerns.

Commissioner Weiss discussed with Mr. Winklebleck whether consideration was given to expanding the first floor into the backyard.

Chair Melton closed the Public Hearing.

MOTION: Vice Chair Harrison moved and Commissioner Klein seconded the motion for Alternative 1: Continue the Design Review and directed staff and the applicant to maintain an eight foot first floor plate height or, in any way possible, reduce the bulk of the second story.

Vice Chair Harrison said she would like to see a reduction in the perceived bulk of the second story to first story ratio and the neighbors' perception of bulk when they see the first house in the general area with a proposed second story. She said the

motion gives the applicant the most flexibility to do what he thinks is best, bring down that perceived bulk and address the neighbors' concerns.

Commissioner Klein said he supports the motion, and said one of the main goals of the Design Techniques is to address issues that arise when a single story home is developed to add a second story. He said he was concerned with the proposed plate height and that the difference in heights and eaves on the right and left side of the house need to be reevaluated. He said extending the eave or changing the plate height would help alleviate the issue from the streetview, and added that choosing the staff recommendation will not cost the applicant a new set of fees.

Commissioner Olevson said he supports the motion and that he does not like designing from the dais. He said reducing the family room by 200 feet would make it a wide hallway, and that the right wall may be moved over and a beam put in place to make it a load bearing wall for the upper story. He said he likes the idea of the application receiving additional consideration and that he likes the options for the west and north walls being less barrier walls and more broken up in facade. He said the design looks nice and he is hoping the dimensional issues are resolved.

Commissioner Rheaume clarified the motion with Vice Chair Harrison, and said he is not supporting the motion because he cannot make finding 2.2.2 as the direction to staff does not respect the character of the subject home. He said the alteration of the house to meet a percentage in the guidelines is not effective, and that he does not agree with bringing down the plate height to eight feet. He added that the guidelines are inappropriate for the current market.

Commissioner Simons clarified the motion with Vice Chair Harrison and staff. Commissioner Simons said he supports the motion because there are a number of things that can be done by the applicant to add character and reduce bulk, and because the Planning Commission is not requiring a reduction of FAR. He said that it is important to be sensitive to how this home is developed as it is in a predominantly single story neighborhood, and expressed concern about making changes to designs that result in ugly buildings.

Chair Melton said he supports the motion, that the applicant is off to a good start and that the project needs a little bit more work. He said he appreciates the applicant's effort and would love to see the project return for review. He said in doing something to reduce the appearance of bulk, it is likely the applicant will bring the second to first floor ratio to below 35 percent, although the Planning Commission is not asking for a certain percentage. He said he does not have an opinion about the eight foot plate height which could be part of the solution, but that

he does have an opinion about avoiding the two story walls on the left side elevation which might also be a good part of the ultimate solution. He encouraged the applicant to continue to working with the neighbors on privacy issues.

The motion carried by the following vote:

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

No: 1 - Commissioner Rheaume

Planning Officer Miner said staff will work with the applicant on the design and that the project will be re-noticed.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Miner said on May 17 City Council will consider the application for the General Plan Amendment, Rezone and Use Permit applied for by Summit Denali School.

ADJOURNMENT

Chair Melton adjourned the meeting at 11:23 p.m.