



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, January 9, 2017

7:00 PM

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

Study Session Cancelled| Special Meeting - Public Hearing 7 PM

6 P.M. STUDY SESSION CANCELLED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Harrison called the meeting to order at 7:01 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Harrison led the salute to the flag.

ROLL CALL

Present: 6 - Chair Sue Harrison
Commissioner John Howe
Commissioner Russ Melton
Commissioner Ken Olevson
Commissioner David Simons
Commissioner Carol Weiss

Absent: 1 - Vice Chair Ken Rheume

Status of absence; Vice Chair Rheume's absence is excused.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

1. A [16-1114](#) Approve Planning Commission Meeting Minutes of December 5, 2016
1. B [16-1169](#) Approve Planning Commission Meeting Minutes of December 12, 2016

Commissioner Melton moved and Commissioner Howe seconded the motion to

approve the Consent Calendar. The motion carried by the following vote:

Yes: 5 - Chair Harrison
Commissioner Howe
Commissioner Melton
Commissioner Simons
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Rheaume

Abstained: 1 - Commissioner Olevson

PUBLIC HEARINGS/GENERAL BUSINESS

2. [16-1116](#) **File #:** 2016-7824
Location: 726 Carolina Avenue (APN: 204-08-004)
Zoning: R0
Proposed Project:
 DESIGN REVIEW: for a 110 sq. ft. second floor loft within a previously approved, 3,070 sq. ft. two-story single-family home, for a total of 3,180 sq. ft. and 50% FAR. Project includes a new second floor front balcony.
Applicant / Owner: Philip Goldworth
Environmental Review: Categorical Exemption, Class 1, Section 15301
Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

Commissioner Howe noted a conflict of interest due to property ownership within 500 feet of the applicant's property and recused himself.

Associate Planner George Schroeder presented the staff report.

Commissioner Weiss confirmed with Associate Planner Schroeder that the privacy screen could be built with an opaque material and that the final decision is pending project approval by the Planning Commission.

Commissioner Weiss confirmed with Associate Planner Schroeder that balcony will be functional.

Commissioner Olevson confirmed with Associate Planner Schroeder that all the original Conditions of Approval (COA) still apply.

Commissioner Olevson commented that in the original COA all service drops had to be underground and confirmed with Associate Planner Schroeder that this

usually includes electrical and telephone.

Commissioner Melton stated that the original project approval was in 2004 and asked staff about the project timeline. Associate Planner Schroeder stated the Building Division is working with the applicant, that several extensions have been granted and that the permit is valid as long as an inspection takes place within six months.

Commissioner Weiss asked if the north facing side windows are clerestory windows and Associate Planner Schroeder advised they are standard size windows.

Chair Harrison confirmed with Associate Planner Schroeder that the applicant disagrees with the five foot balcony height.

Chair Harrison confirmed with Associate Planner Schroeder that the front railing is decorative.

Commissioner Simons asked staff if there was a discussion over the use of opaque materials. Associate Planner Schroeder stated that the materials have not been finalized but the goal is to match the balcony railing materials. Commissioner Simons commented that use of a semi-opaque glass material with surrounding wrought iron could make it more decorative. Associate Planner Schroeder stated that only preliminary discussions have taken place and that any direction on preferred materials is welcomed.

Chair Harrison opened the Public Hearing.

Applicant Philip Goldworth presented an image, a letter from a neighbor, and information about the proposed project. Mr. Goldworth noted that the original plan included a basement but they ran into water issues and later resubmitted in 2007.

Commissioner Olevson asked the applicant why the permits and design approval were not completed prior to the build. Mr. Goldworth advised this was a mistake and that they added the balcony to take advantage of the existing space but did not realize they had exceeded the Floor Area Ratio (FAR). Commissioner Olevson commented that having built it first without approval was concerning.

Commissioner Olevson commented that all service drops will be underground per the original COA but that the power is not underground at this time. Mr. Goldworth confirmed and noted that there are no underground services on Carolina Avenue.

Commissioner Olevson stated that applicants have to comply with COA or obtain approval to make modifications.

Associate Planner Schroeder stated that undergrounding may have been required in 2004 but is not a current requirement for single family homes. Commissioner Olevson commented that regardless of the previous requirement this is a violation of the original COA. Mr. Goldworth stated he was unaware that this was a requirement and that undergrounding would have been difficult.

Commissioner Simons commented that in the past, undergrounding occurred regardless of the street undergrounding services and asked staff when the change in requirements took place. Principal Planner Gerri Caruso noted that it has changed since 2004 when single family homes were required to underground along the street but that it does still apply as a condition on this property.

Commissioner Melton commented that COA GC-2 states that the permit is good for two years from the date of approval and that the applicant can request extensions through the Director of the Community Development Department. Commissioner Melton asked the applicant what shorter time frame would be feasible to give more finality to the project timeline. Mr. Goldworth advised the goal is to complete the work within the next six months but that certain factors are out of his control. Commissioner Melton confirmed with Mr. Goldworth that financial resources are in place and that a majority of the delay was due to a shortage of available skilled contractors.

Commissioner Olevson commented that COA GC-5 for this application would mean conforming to the previous COA and asked the applicant about the underground requirement. Mr. Goldworth stated that if necessary they would comply but that no other houses on the street are undergrounded. Commissioner Olevson noted that the reason to underground is to conform to the agreement with the City.

Chair Harrison asked staff what options are available should an applicant discover that a COA is difficult to complete. Principal Planner Caruso stated that in this case, the Planning Commission would have to release the applicant from the prior condition. Principal Planner Caruso reviewed the Sunnyvale Municipal Code 19.38.090 and noted that the change in undergrounding requirements took effect in 2006.

Chair Harrison confirmed with the applicant that the Planning Commission approved the project with the COA in 2004 and then the basement was deemed infeasible so building permits were resubmitted in 2007, but there was no new

Planning Commission hearing. Chair Harrison confirmed with Principal Planner Caruso that the underground service requirement changed during this time but since it is an original COA it still applies. Principal Planner Caruso commented that the design review wasn't modified and that it's within the Planning Commission's purview to release the applicant from the 2004 COA.

Chair Harrison closed the Public Hearing.

Commissioner Melton asked for staff comments on modification of COA GC-2 to reduce two years to one year and eliminate the option for extension. Principal Planner Caruso advised that the two year date from approval is part of the Municipal Code.

MOTION: Commissioner Melton moved and Commissioner Weiss seconded the motion for Alternative 2 - Approve the Design Review with modified conditions -

1. Eliminate COA PS-1a
2. Release the applicant from the obligation to underground utilities as per COA GC-5

Commissioner Melton thanked the applicant and noted that deviations from originally approved plans do occur. Commissioner Melton noted that the length of time is an important factor and while COA GC-2 won't be modified, hopefully the project quickly comes to fruition.

Commissioner Weiss commented that based on the windows and design, the five foot privacy screen won't add aesthetic value or protect privacy. Commissioner Weiss noted she likes the balcony on the front of the house, which appears neighborhood friendly and adds to the sense of community. Commissioner Weiss commented that if the entire street is modernized, undergrounding may be more relevant, but not at this time.

Commissioner Olevson noted he will not be supporting the motion as it's not in the public interest for applicants to violate the COA and then return to the Planning Commission. Commissioner Olevson commented that this project wasn't rushed and that the City won't benefit from overlooking this. Commissioner Olevson noted that undergrounding was previously required for property redevelopment and that the applicant willingly chose to not comply.

Commissioner Simons commented that he agreed with Commissioner Olevson and that the original intent of undergrounding was to reduce the visible wires, not

necessarily develop the remainder of the street. Commissioner Simons noted there are privacy screens that work well and that the property's side view may have privacy issues in the future. Commissioner Simons stated he would not be supporting the motion.

Chair Harrison stated she would be supporting the motion and that under normal circumstances there would be recommendations from the Planning Commission to the applicant, such as clerestory windows. Chair Harrison commented that her support is in part because the applicant voiced a request to be relieved of obligation from COA GC-5.

The motion carried by the following vote:

Yes: 3 - Chair Harrison
Commissioner Melton
Commissioner Weiss

No: 2 - Commissioner Olevson
Commissioner Simons

Absent: 1 - Vice Chair Rheume

Recused: 1 - Commissioner Howe

Principal Planner Caruso stated this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Melton commented that tonight is his final Planning Commission meeting and it's with immense gratitude that he has served as a Planning Commissioner for four and half years, partaking in about 110 public hearings. Commissioner Melton stated the Planning Commission's policy work continues to be front and center today. Commissioner Melton stated that the greatest accomplishment was the collaboration with current and past Planning Commissioners, including Glenn Hendricks, Gustav Larsson, Brandon Sulser, Bo

Chang, Maria Dohadwala, Arcadi Kolchak and Ralph Durham. Commissioner Melton noted that he is proud of the work completed to create the Lawrence Station Area Plan (LSAP) and looks forward to seeing it come to fruition. Commissioner Melton commented that regardless if the public and City Council agrees with the decisions of the Planning Commission, a legal and orderly process has always been followed, where all voices were heard.

Commissioner Howe congratulated Commissioner Melton and noted that a good route to the City Council is through the Planning Commission. Commissioner Howe thanked Commissioner Melton for his Planning Commission service and continued service through the City Council, noting that Commissioner Melton will make a very good City Councilmember.

Commissioner Olevson commented that he has enjoyed working with Commissioner Melton and learned a great deal from him as a Planning Commissioner and from his thoughtful presence. Commissioner Olevson stated that Commissioner Melton led the Planning Commission professionally through his demeanor and comments and will be of direct benefit to the City Council.

Chair Harrison commented that she has really enjoyed working with Commissioner Melton and looks forward to his continued service, high degree of communication and affinity for the public.

Commissioner Howe confirmed with Senior Assistant City Attorney Rebecca Moon that the Abstained vote entered on his behalf for this item should be changed to Recused. Commissioner Howe requested that this change be noted in the minutes.

-Staff Comments

Principal Planner Caruso advised that the City Council approved the Lakeside Specific Plan and Butcher's Corner on December 13th. Principal Planner Caruso commented that the January 10th City Council meeting is a special meeting to seat the new Councilmembers and for public comments on upcoming study issues.

Principal Planner Caruso thanked Commissioner Melton for his service on the Planning Commission, his work on the LSAP and leadership as the Chair of the Planning Commission. Principal Planner Caruso wished Commissioner Melton luck in his new position and stated that staff looks forward to working with him in his new capacity.

ADJOURNMENT

Chair Harrison adjourned the meeting at 7:48 PM.