



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, May 22, 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 7:00 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Harrison led the salute to the flag.

ROLL CALL

Present: 7 - Chair Sue Harrison
Vice Chair Ken Rheume
Commissioner Daniel Howard
Commissioner John Howe
Commissioner Ken Olevson
Commissioner David Simons
Commissioner Carol Weiss

ORAL COMMUNICATIONS

CONSENT CALENDAR

Commissioner Howe 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 Howard
Commissioner Howe
Commissioner Simons
Commissioner Weiss

No: 0

Abstained: 1 - Commissioner Olevson

1. A [17-0566](#) Approve Planning Commission Meeting Minutes of May 8, 2017

PUBLIC HEARINGS/GENERAL BUSINESS

2. [17-0431](#) **File #:** 2017-7095
Location: 1103-1129 Royal Ann Court (APNs:202-10-022 through 202-10-035), 1104-1125 North Sage Court (APNs:202-10-011 through 202-10-021), 1104-1136 Hollenbeck avenue (APNs:202-10-038 through 202-10-044), 602-696 West Remington Drive (APNs:202-10-045 through 202-10-063), 611-699 Sheraton Drive (APNs:202-10-002 through 202-10-005, 202-10-036 and 202-10-037), 1115-1123 Smyrna Court (APNs:202-10-006 through 202-10-010) and 1103 Spinosa Drive (APN: 202-10-001).
Zoning: R-1
Proposed Project: Introduce an Ordinance to **REZONE** 63 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Applicant / Owner: Howard Mueller (plus multiple owners)
Environmental Review: The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).
Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Assistant Planner Aastha Vashist presented the staff report.

Commissioner Weiss confirmed with Assistant Planner Vashist that staff did not have additional information about the two residents in opposition to the proposed application.

Commissioner Weiss noted that 48 of 63 homeowners signed in support of the application and asked staff to explain the 82.5% calculation. Assistant Planner Vashist advised that 52 of 63 homeowners signed the original application and confirmed that staff received 51 surveys.

Commissioner Howard commented on the rezoning impact section of the staff report and asked staff if the general impact on the City, such as housing, was analyzed. Planning Officer Andrew Miner stated that there wouldn't be a direct

impact on housing units and noted that the building heights would be limited.

Chair Harrison commented on the background of the single-story overlay as it relates to the public interest. Planning Officer Miner stated that the City Council decided that single story combining districts (SSCD's) are in the public interest when the ordinance was adopted to allow SSCD's. Planning Officer Miner noted that there is no separate SSCD policy and that the Planning Commission reviews each specific application to determine if it meets the public interest finding.

Commissioner Howard confirmed with Planning Officer Miner that Accessory Dwelling Units (ADU's) count towards regional housing quotas. Planning Officer Miner stated that SSCD's do not affect ADU's because ADU's are based on a minimum lot size. Commissioner Howard asked if the height restriction would make it more difficult to incorporate an ADU and Planning Officer Miner advised that there are multiple ways to create an ADU.

Commissioner Howard asked Planning Officer Miner if carports can be converted to living space using the Eichler Design Guidelines provided there are two covered parking spaces which are required. Planning Officer explained that changes to an Eichler home subject to the Eichler Design Guidelines must be consistent with those policies. Commissioner Howard asked about typical expansions for homes within a SSCD and Planning Officer Miner advised that homes usually expand into the backyard.

Chair Harrison presented information about the purpose of the residential SSCD and the public interest as found by the City Council.

Commissioner Simons commented on the smallest lot in the application and confirmed with staff that any home under 45% Floor to Area Ratio (FAR) wouldn't necessarily come before the Planning Commission. Commissioner Simons confirmed with staff that the Planning Commission would review a proposed project that exceeds 3,600 square feet floor area and that a basement counts towards a floor area limit only if less than half of the basement is above ground.

Chair Harrison opened the Public Hearing.

Howard Mueller presented images and information about the proposed project.

Chair Harrison asked Mr. Mueller for additional information about the two residents who opposed the application. Mr. Mueller advised that one resident was generally against all zoning restrictions.

Baerbel Schuhmacher, Sunnyvale resident, spoke in support of the proposed project.

Commissioner Howe clarified with Ms. Schuhmacher that she was part of the SSCD which was the second district in the Fairbrae neighborhood.

Stephen Meier, Sunnyvale resident, spoke in support of the proposed project, noting that the SSCD would preserve the neighborhood character.

Darienne Stewart, Sunnyvale resident, spoke in support of the proposed project, noting that the character of the Eichler neighborhood should be preserved.

Nick Steinmeier, Sunnyvale resident, spoke in support of the proposed project.

Howard Mueller presented additional information about the proposed project.

Commissioner Howard asked Mr. Mueller if the residents would consider pursuing a more formal heritage preservation designation in the future. Mr. Mueller advised that the Eichler Design Guidelines and SSCD requirements together shape the continuity of the City's communities and that the requirements for heritage designations can be onerous. Mr. Steinmeier advised that their organizing committee focused on only discussing the SSCD designation with residents.

Commissioner Howard asked Mr. Mueller if he had concerns regarding the City's code as it relates to privacy and second story developments. Mr. Mueller stated an opinion that SSCD's remove privacy concerns and noted he wasn't aware of any privacy concerns once an SSCD is implemented.

Commissioner Howard asked Mr. Mueller for his comments if a homeowner in a SSCD needed extra space and only had the option to build up. Mr. Mueller commented that a homeowner could build out to the 45% FAR and that with an appropriate lot size an ADU can be created.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion to recommend Alternatives 1 and 2 to the City Council –

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061 (b)(3)

2. Introduce an Ordinance (Attachment 6) to Rezone 63 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Commissioner Howe stated that this proposed SSCD will complete the SSCD designations in the area and that it's homogenous to the neighborhood.

Commissioner Howe commented that these are all single-family homes, that there is overwhelming community support, and that the City Council has stated that SSCD's are in the public interest.

Commissioner Olevson stated that he will be supporting the motion and commented that the Planning Commission doesn't receive many applications that don't request any variations. Commissioner Olevson stated that the City Council has set a policy and that this application meets all the requirements.

Vice Chair Rheume stated that he respectfully will not be supporting the motion. Vice Chair Rheume thanked staff for their presentation and the applicant for their thorough review and submission. Vice Chair Rheume noted that he cannot make the findings that this application is in the best interest of the public.

Commissioner Simons stated an opinion that single story overlays are very beneficial for neighborhoods to continue the look and character long term. Commissioner Simons noted that privacy concerns are also pertinent to non-Eichler neighborhoods. Commissioner Simons commented on his concern for stable, protected neighborhoods and stated that he will be supporting the motion.

Commissioner Howard stated an opinion that this is the best SSCD application he has seen and commented on the policy set forth by the City Council. Commissioner Howard stated his inclination to support the motion and complete the SSCD Fairbrae area but noted that the City is amidst a worsening housing crisis. Commissioner Howard commented on the jobs to housing ratio of the Land Use and Transportation Element (LUTE) and that commercial growth is outpacing housing growth. Commissioner Howard stated that ADU's have been implemented in part to help the housing shortage. Commissioner Howard provided job and housing growth statistics for Santa Clara and San Mateo Counties. Commissioner Howard stated that theoretically the restrictions of an SSCD should not reduce housing opportunities but that he must give priority to the housing crisis.

Commissioner Weiss stated an opinion that the values expressed tonight are not unique to Eichler homeowners and that all homeowners in the City have the same desires for a stable neighborhood and privacy. Commissioner Weiss stated that the

Design Guidelines mitigate many resident concerns. Commissioner Weiss commented that this is the 12th SSCD application before the Planning Commission and that continuing this pattern will not encourage a diverse, welcoming and open City. Commissioner Weiss noted that she will be supporting the motion with great reluctance, as the applicant met the requirements and followed procedure.

Chair Harrison stated that she will be supporting the motion and that this application on a microlevel has the least deviations of all the SSCD applications. Chair Harrison stated that it is homogenous and that there is only a small amount of dissent. Chair Harrison noted her support of Commissioner Howard's discussion about the need for housing and a lack of flexibility for providing housing while creating SSCD's. Chair Harrison noted a shared concern with Commissioner Weiss's statement about the overall impact on the City. Chair Harrison stated that based on the City Attorney's judgment, the adoption of the SSCD ordinance set a policy which defines SSCD's as in the public interest and that policy needs to guide her decision.

The motion carried by the following vote:

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

No: 2 - Vice Chair Rheume
Commissioner Howard

Planning Officer Miner advised that this item goes to the City Council on June 20.

3. [17-0349](#) **File #:** 2014-7659
 Location: 590 W. El Camino Real (APNs: 201-22-006)
 Zoning: C-2 (Highway Business Commercial/Precise Plan for El Camino Real)
 Proposed Project: Related applications on a 0.55-acre site:
 SPECIAL DEVELOPMENT PERMIT: to redevelop a vacated site with an existing 2,675-square foot commercial building to a five-story hotel with 85 guest rooms with underground parking.
 Applicant / Owner: Degan Development
 Environmental Review: Mitigated Negative Declaration
 Project Planner: Margaret Netto, (408) 730-1221, mnetto@sunnyvale.ca.gov

Project Planner Margaret Netto presented the staff report.

Commissioner Simons commented on the 15-foot setback zoning requirement and asked for staff comments. Project Planner Netto and Planning Officer Andrew Miner provided details about the proposed project's setback and clarified that the 19-foot 7-inch setback starts from the property line. Commissioner Simons noted his concern about a lack of space to implement appropriate landscaping and commented on the City's use of the lot line for setback calculations.

Commissioner Weiss commented that the staff report outlines 85 guest rooms but that the developer references 84 guest rooms. Project Planner Netto advised that staff counted the maid's room as a guest room since it could be converted.

Commissioner Weiss asked staff if the Planning Division will have oversight of the sign's illumination, specifically noting her concern regarding the level of brightness. Planning Officer Miner advised that the sign code will apply, which delineates the sign size and illumination, and that staff approval of a sign permit will be required.

Commissioner Weiss commented that there were no details provided about public art. Project Planner Netto advised that public art is not required based on the proposed project's lot size. Commissioner Weiss asked staff if public art could be included in the lobby to enhance the pedestrian experience.

Vice Chair Rheume asked for details on the setbacks for the adjacent Marriott Hotel and Chick-fil-A restaurant. Project Planner Netto advised that the Chick-fil-A restaurant has a 15-foot setback and the Marriott has a 12-foot setback.

Vice Chair Rheume asked staff why the proposed project doesn't have a front park strip. Planning Officer Miner stated that the plans don't show the park strip but that it could be added by the Planning Commission. Vice Chair Rheume confirmed with Planning Officer Miner that the proposed project's sidewalk width is greater than the sidewalk widths of the adjacent properties.

Vice Chair Rheume commented on aesthetic impact of the lack of front landscaping and the visibility of utilities. Planning Officer Miner advised that visible backflow preventers are required by fire code to be placed in the front. Vice Chair Rheume suggested that landscaping be added to provide a visual shield.

Commissioner Howard confirmed easement information with Project Planner Netto. Planning Officer Miner clarified that the easement for public access is being given to the City.

Commissioner Howard discussed the status of bike lanes in this area with Planning Officer Miner. Planning Officer Miner commented that an update is underway for the El Camino Precise Plan which addresses circulation and access.

Commissioner Howard asked about the timing of sidewalk widening and Planning Officer Miner stated that this will occur as properties develop. Planning Officer Miner clarified that the street line will remain the same but with a wider landscaped sidewalk, to make the area more pedestrian friendly.

Commissioner Howard asked staff if the proposed project is required to have two driveways and if there was any discussion of utilizing the side street. Planning Officer Miner stated that the applicant was unable to get an easement from the adjacent property owners but did obtain emergency access and a solid waste easement. Principal Transportation Engineer/Planner Carol Shariat stated that the proposed driveway was moved back as far as possible from the El Camino Real and Mathilda Avenue intersection and that one driveway is sufficient for the use.

Chair Harrison opened the Public Hearing.

Kamil Navai, representing Degan Development Inc., presented images and information about the proposed project.

Commissioner Weiss asked Mr. Navai about the location and hours of operation for the shuttle service. Mr. Navai advised that the shuttle will most likely go to the airports and that it would be an on-demand service. Commissioner Weiss asked the applicant how they will guarantee this service once the property is sold and Mr. Navai stated it would be a condition of operation during the sale.

Commissioner Weiss confirmed with Mr. Navai that guests will check in via access through the garage entrance.

Commissioner Weiss commented on the use of Tristania Conferta and asked the applicant if these are deciduous trees. Project Planner Netto advised that these are evergreen trees.

Vice Chair Rheaume asked Mr. Navai if they would be amenable to the use of native evergreen Incense Cedar trees and to adding a park strip between the street and sidewalk. Mr. Navai agreed to both conditions.

Commissioner Simons asked Mr. Navai if they would be amenable to including four trees in the front planting strip and Mr. Navai had no issue if it was architecturally feasible. Commissioner Simons stated that it may need special engineering fill and

commented that it would compensate for the moderate sized City trees.

Commissioner Simons asked about the housing of electrical and other utilities. Ryan Hansen, representing Carlson, Barbee and Gibson, Inc., provided information on the location of the various utilities, confirming that only the backflow preventers and fire hydrants would be aboveground.

Commissioner Simons asked staff if there was discussion about a second study session since this project has not come before the Planning Commissioners in two years. Planning Officer Miner commented that the applicant incorporated all the feedback from the Planning Commissioners and staff didn't feel it was necessary.

Commissioner Howard confirmed with Mr. Navai that based on the room design it would be feasible in the future to convert the hotel rooms into efficiency apartments.

Commissioner Howard confirmed with Mr. Navai that they did not have any plans to convert parking in the future in regards to the potential for autonomous cars.

Commissioner Weiss asked Mr. Navai if they would be amenable to provide public art within the hotel that is visible to the public and Mr. Navai was open to the suggestion. Senior Assistant City Attorney Rebecca Moon advised that the ordinance has specific parameters requiring public art and that the proposed project did not meet those thresholds. Commissioner Weiss referenced 19.52.020 of the zoning code, noting that public art can be deemed in the public interest.

Commissioner Howard discussed with Mr. Navai the potential for filling in the driveway in the future and repurposing that space for commercial use.

Planning Officer Miner returned to the public art discussion and stated that the rest of the ordinance would take effect, such as approval by the Arts Commission. Senior Assistant City Attorney Moon advised that using the ordinance based on the public interest hasn't been done before and it may take staff time to make valuation determinations.

Chair Harrison confirmed with Planning Officer Miner that the species of City trees is already determined.

Todd Kalbfeld, Landscape Architect, commented on the potential of adding four trees in the front of the patio, stating that there is underground parking near the sidewalk and that trees may not grow as high as expected. Commissioner Simons

clarified with Mr. Kalbfeld about the location of the parking and commented that the trees would be planted between the sidewalk and the front.

Chair Harrison closed the Public Hearing.

Commissioner Howard asked staff to summarize the discussion about use of the side driveway for the proposed project. Planning Officer Miner stated that the applicant would have discussed this access with the adjoining property owner and that there are various reasons to deny an easement. Senior Assistant City Attorney Moon clarified that imminent domain must be used for public use, not private use.

MOTION: Vice Chair Rheume moved and Commissioner Simons seconded the motion for Alternative 2 – Make the required Findings to adopt the Mitigated/Negative Declaration and approve the Special Development Permit subject to modified conditions of approval –

1. Modify the landscaping plan to include a park strip that faces El Camino Real
2. Replace the applicant's tree selection with Incense Cedar trees on the south side of the property, between the proposed project and the townhouses

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to require that the applicant install public art onsite instead of paying an in-lieu fee.

Senior Assistant City Attorney Moon clarified that the ordinance related to public art specifies that the developer can choose to contribute to the public arts fund in-lieu of installing art. Commissioner Simons recommended that the public art should be integrated with the building as an enhancement. Senior Assistant City Attorney Moon advised that if there is a requirement for public art then the Arts Commission would be the deciding body and all the ordinance provisions would apply.

Vice Chair Rheume declined the friendly amendment.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment that four native genetic estate sized trees be planted in front of the proposed project and noted that these trees may require special planting.

Planning Officer Miner asked for clarification on the four genetic estate sized trees in front of the project. Commissioner Simons stated that the wells could be added at the very front to accommodate these trees. Planning Officer Miner advised the potential difficulty of adding these trees. Vice Chair Rheume asked if staff can work with the applicant to determine the possibility of adding four trees. Planning

Officer Miner stated that staff can try to maximize the number of trees and will work with the applicant to determine the best location.

FRIENDLY AMENDMENT: Commissioner Simons modified his second friendly amendment to state that staff will work with the applicant to maximize the number of trees planted in the proposed project's frontage and determine the best placement for these trees, including up to four trees as practicable.

Vice Chair Rheume accepted the friendly amendment.

Chair Harrison clarified with Vice Chair Rheume that the Incense Cedar trees would replace the applicant's tree selection.

Vice Chair Rheume thanked the applicant for making modifications to their application as originally suggested by the Planning Commission. Vice Chair Rheume noted his appreciation of the increased setback for the proposed project and design and stated that he can make the findings.

Commissioner Simons stated an opinion that a second study session would have been beneficial and that it is inappropriate to use the adjacent properties for baseline measurements. Commissioner Simons commented that the landscape can differentiate the architecture and improve the look and pedestrian experience. Commissioner Simons commented that the City street trees are moderate sized for the space and that the estate sized trees will greatly improve the landscaping.

Commissioner Howard stated that he will be supporting the project and noted his appreciation of Commissioner Simons' dedication to trees. Commissioner Howard noted that it would be beneficial to have an interactive experience in the location of the private driveway. Commissioner Howard thanked staff and the applicant.

Chair Harrison stated that she will be supporting the motion. Chair Harrison noted her appreciation of the changes to accommodate homeowner preferences and create an improved pedestrian experience.

The motion carried by the following vote:

Yes: 7 - Chair Harrison
Vice Chair Rheaume
Commissioner Howard
Commissioner Howe
Commissioner Olevson
Commissioner Simons
Commissioner Weiss

No: 0

Planning Officer Miner stated this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.

4. [17-0552](#) Review Planning Program Budget and Fees for FY 2017-18

Planning Officer Andrew Miner presented the staff report.

Commissioner Simons discussed the budget for sending commissioners to the Planning Academy and why it is limited to sending 3-4 commissioners versus all commissioners. Planning Officer Miner advised that the budget is based on the best estimate for cost, previous attendance, and conference location. Commissioner Simons suggested attendance at this type of training is required as part of the City's charter. Senior Assistant City Attorney Rebecca Moon advised that the charter does not mention the requirement, but stated there is City Council policy that Commissioners may attend educational training if funds are budgeted for the purpose. Planning Officer Miner noted that the Planning Commission can provide comments or make a recommendation to the City Council to increase funding for training so all members may attend.

Commissioner Olevson noted cost increases of 6% versus a 3% inflation rate, and asked why the costs have risen so much. Planning Officer Miner stated the increase is due to several factors, including salary increases, additional positions, and adding additional limited-term full time positions. Planning Officer Miner described that some of the additional budget is General Fund increases, but the majority are from Development Enterprise budget, which is funded by applicants.

MOTION: Commissioner Olevson moved and Commissioner Howe seconded the motion to recommend approval to the City Council of the proposed Planning Program budget for Fiscal Year 2017-2018, with a comment that additional consideration should be given to increase the budget for Planning Commissioner training at the League of California Cities Planning Commissioners Academy.

The motion carried by the following vote:

Yes: 7 - Chair Harrison
Vice Chair Rheaume
Commissioner Howard
Commissioner Howe
Commissioner Olevson
Commissioner Simons
Commissioner Weiss

No: 0

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Simons stated that at a public meeting with the City's Department of Public Safety El Camino Real was the only area identified as associated with fatalities. Commissioner Simons asked if staff would coordinate with the presenters to see if they could give a design oriented presentation to the Planning Commission to identify any potential design aspects that are contributing to these fatalities. Planning Officer Miner confirmed that staff will follow up on this request.

-Staff Comments

Planning Officer Miner commented that the St. Anton project on El Camino Real and Poplar Avenue will be continued as staff works with the applicant to improve the design. Planning Officer Miner stated that the proposed project will be heard by the Planning Commission on June 26th and by the City Council on July 25th.

ADJOURNMENT

Chair Harrison adjourned the meeting at 9:37 PM.