



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, July 23, 2018

6:00 PM

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

Special Meeting - Study Session - 6:00 PM | Special Meeting - Public Hearing 7 PM

6 P.M. STUDY SESSION

Call to Order in the West Conference Room

Roll Call

Study Session

- A. [18-0664](#) **Proposed Project:**
SPECIAL DEVELOPMENT PERMIT: to develop five new single family homes on a 0.80-acre lot.
TENTATIVE MAP: to subdivide a 0.80-acre lot into five lots.
Location: 18771 E Homestead Road (APN: 313-41-070)
File #: 2017-7816
Zoning: R-0/PD
Applicant / Owner: Dutchints Development LLC/18771 Homestead Road LLC
Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov
- B. [18-0649](#) **Project Description:** Consideration of Usable Open Space in Required Front Yards (Study Issue)
Locations: Citywide
File #: 2018-7191
Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Public Comment on Study Session Agenda Items

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Howard called the meeting to order at 7:00 PM in the Council Chambers.

SALUTE TO THE FLAG

Chair Howard led the salute to the flag.

ROLL CALL

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

ORAL COMMUNICATIONS

Maria Hamilton, Sunnyvale resident, discussed her concerns with the proposed CityLine buildings.

Commissioner Howe thanked Commissioner Rheaume and Commissioner Weiss for their excellent work and professionalism over the past fiscal year as Chair and Vice Chair.

CONSENT CALENDAR

Commissioner Howe moved and Commissioner Olevson seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

Yes: 5 - Chair Howard
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Rheaume

No: 0

Abstained: 2 - Commissioner Weiss
Commissioner Harrison

1.A [18-0666](#) Approve Planning Commission Meeting Minutes of July 9, 2018

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0602](#) **Proposed Project:** **DESIGN REVIEW** to allow a new two-story, single-family home resulting in 5,480 square feet (3,957 square feet living area, 825 square feet garage, and a 698 square feet attached ADU) and (59%) floor area ratio. The FAR without the ADU is 51%. Existing home to be demolished.
- Location:** 1441 Norman Drive (APN: 313-14-041)
- File #:** 2018-7190
- Zoning:** R-1 (Low Density Residential)
- Applicant / Owner:** Team2 Architecture + Design, Shilpa Pathare (applicant) / Nirmal Sharma Trustee & et al (owner)
- Environmental Review:** A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions. Class 3(a) Categorical Exemptions includes construction of one-single family residence in a residential zone.
- Project Planner:** Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Associate Planner Teresa Zarrin presented the staff report.

Commissioner Weiss asked staff about the rationale for a two-story Accessory Dwelling Unit (ADU). Associate Planner Zarrin stated that staff does not know the applicant's rationale but that the proposed ADU does not exceed the 700-square foot maximum and is not required to be one story.

Chair Howard opened the Public Hearing.

Shilpa Pathare, representing Team2 Architecture and Design, presented information about the proposed project.

Vice Chair Simons discussed a potential architectural change to the proposed project's north side with Ms. Pathare. Assistant Director Andrew Miner advised that staff can work with the applicant to determine the feasibility of this change.

Vice Chair Simons discussed the potential to add white caps to the base of the front entryway pillars with Ms. Pathare. Vice Chair Simons confirmed with Ms. Pathare that the entryway ceiling will be flat.

Commissioner Rheume confirmed with Ms. Pathare that the second-floor windows will be double hung and the first-floor windows will have a fixed panel and casement.

Commissioner Rheaume asked the applicant about the separation of the garage and the ADU entryway. Ms. Pathare advised that a wall could be installed between the tandem and single-car parking.

Commissioner Harrison asked the applicant about the two connected bedrooms. Ms. Pathare advised that the second bedroom could be for a future au pair and currently could be used as a den.

Commissioner Harrison discussed changing the first floor ten-foot plate height with Ms. Pathare.

Commissioner Harrison asked the applicant if they tried to stay under a 50% Floor Area Ratio (FAR). Ms. Pathare provided information about the cost of housing, the applicant's needs and the resulting final product. Commissioner Harrison noted that the project proposes seven bedrooms, including the ADU.

Nirmal Sharma, applicant, presented additional information about the proposed project.

Yulun Li asked about the size of the walk-in closet on the second floor of the proposed project. Ms. Pathare advised that it is a standard size for a walk-in closet in a new home.

Chair Howard closed the Public Hearing.

Commissioner Weiss commented on the average FAR for the Raynor Park neighborhood and stated an opinion that the FAR of the proposed project would push the boundary. Associate Planner Zarrin stated that staff felt the proposed project's design minimized the mass. Assistant Director Miner stated that staff would not have supported the project if the architecture was imposing but that it feels appropriate for the neighborhood as designed.

MOTION: Commissioner Harrison moved and Commissioner Howe seconded the motion for Alternative 3 – Deny the Design Review and provide direction to staff and the applicant where changes should be made – the proposed project should be redesigned to be in the vicinity of 50% FAR.

Commissioner Harrison noted that a large lot can support a large house and that the architecture minimizes the scale and bulk. Commissioner Harrison stated an opinion

that a precedence should not be set for almost 60% FAR on a 9,300-square foot lot and that it is not the intent of R-1 zoning.

Commissioner Howe stated that he can support the ADU and a larger house, but that the proposed project is too big for the neighborhood and is not in keeping with the neighborhood's character.

Commissioner Rheume stated that he will not be supporting the motion and can make the findings. Commissioner Rheume noted that the quality design reduces the massing and that it would fit in the neighborhood. Commissioner Rheume noted his concern in using arbitrary numbers that don't provide guidance. Commissioner Rheume stated that homes are selling for three million dollars and that it is an imposition to restrict what owners can build on their lots. Commissioner Rheume stated that the proposed project does not request any deviations.

Commissioner Weiss stated that she will be supporting the motion and cannot make the findings. Commissioner Weiss commented that new development must respect the scale of the neighbors and not overwhelm nearby homes. Commissioner Weiss noted that the proposed project has lovely architecture but would overwhelm the neighborhood.

Commissioner Olevson stated that he will be supporting the motion and that the proposed home is too big. Commissioner Olevson noted his appreciation for the lack of requested deviations. Commissioner Olevson stated an opinion that the proposed project does not fit with the neighborhood.

Vice Chair Simons stated that the proposed project has a quality design. Vice Chair Simons noted the size difference between new homes and the proposed project. Vice Chair Simons stated that the same square footage could be accomplished with the addition of a finished basement. Vice Chair Simons commented on options to keep the scale of the proposed project in line with the neighborhood and stated that he will be supporting the motion.

Chair Howard stated that he will not be supporting the motion. Chair Howard noted the size of the proposed project but stated that it meets the code requirements and does not request any deviations. Chair Howard commented on the cost of land, the quality design and that this design could be the future of the community. Chair Howard stated that no adjacent neighbors have provided comments in opposition to the proposed project.

The motion carried by the following vote:

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

No: 2 - Chair Howard
Commissioner Rheaume

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

3. [18-0623](#) **Proposed Project:** DESIGN REVIEW to allow a 498-square foot second-story addition to an existing 2,465-square foot two-story single-family home resulting in 2,963 square feet (2,603 square feet living area plus 360-square foot garage) and 58.6% FAR. Project includes removing a shed in the rear yard and in the side yard to meet the 40% lot coverage requirement.
Location: 863 San Pablo Ave. (APN: 205-04-040)
File #: 2017-7797
Zoning: R0
Applicant / Owner: Megan Miner Design (applicant) / Gursharanjit (Jit) Jagait
Environmental Review: A Class 1 (e) (1) Categorical Exemption relieves this project from the California Environmental Quality Act provisions. Class 1 (e) (1) Categorical Exemptions, Section 15301(e) include additions to existing structures resulting in no more than a 50% increase in floor area.
Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

Associate Planner Teresa Zarrin presented the staff report.

Commissioner Weiss asked staff to clarify the potential to waive Condition of Approval (COA) PS-2. Associate Planner Zarrin explained that COA PS-2 can be waived if the applicant waits a year to obtain the building permit for this proposed addition.

Chair Howard opened the Public Hearing.

Megan Miner, representing Megan Miner Design, presented information about the proposed project.

Commissioner Rheaume confirmed with Ms. Miner that the trim for the proposed addition will match the existing trim and that the goal is to match the existing trim throughout the home.

Commissioner Olevson noted his concern that a phased development approach could be utilized to avoid fire safety requirements. Ms. Miner stated that the applicant is completing the work himself and that phased work is becoming increasingly common due to current costs.

Gursharanjit Jagait, owner, provided additional information about the proposed project.

Commissioner Howe confirmed with Mr. Jagait that he would install fire sprinklers if required. Assistant Director Miner advised that it is not within the purview of the Planning Commission to increase requirements beyond the Fire and Building Codes. Senior Assistant City Attorney Rebecca Moon provided information about vested rights for applicants once a permit is granted.

Commissioner Harrison discussed the planned use for the proposed bedrooms with Mr. Jagait.

Commissioner Weiss asked staff about a motion which encourages the applicant to add fire sprinklers. Assistant Director Miner commented that there won't be a way to enforce that recommendation.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion for Alternative 2 – Approve the Design Review with modified conditions –

1. All new window trim shall match the existing window trim;
2. The applicant is required to meet the Fire Code and the Planning Commission encourages the installation of fire sprinklers throughout the proposed project.

Commissioner Howe stated an opinion that the proposed project will fit with the neighborhood and that the applicant is expanding his home to support his family.

Commissioner Howe stated that he can make the findings.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson commented that the proposed project's attractive design will fit with the existing neighborhood. Commissioner Olevson noted that the applicant has adequately explained their phased development approach. Commissioner Olevson commented that the project has a quality design that meets City requirements.

Commissioner Weiss stated that she will be supporting the motion and can make the findings. Commissioner Weiss noted her appreciation of the addition's setback and the clever design for the addition's integration. Commissioner Weiss commented that the proposed project will fit with the neighborhood.

The motion carried by the following vote:

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

No: 0

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

4. [18-0645](#)

Proposed Project:

DESIGN REVIEW to demolish an existing single-story, single-family residence and construct a new two-story, single-family residence resulting in 3,849.3 square feet of floor area (3,443.5 square feet living area and 405.8 square feet garage) and 42.8% floor area ratio (FAR). The project also proposes to remove the existing pool and construct a 647-square foot basement and a 512-square foot attached Accessory Dwelling Unit on the first floor.

Location: 982 Yorktown Drive (APN: 202-24-002)

File #: 2018-7197

Zoning: R-1 (Low Density Residential)

Applicant / Owner: LELDesign / Spencer Shiou Pen Tsai and Chih Lan

Kung Trustee

Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include construction of one-single family residence in a residential zoning district (CEQA Section 15303).

Project Planner: Momoko Ishijima, (408) 730-7532,
mishijima@sunnyvale.ca.gov

Associate Planner Momoko Ishijima presented the staff report.

Commissioner Harrison confirmed with Associate Planner Ishijima that the proposed project's total square footage excludes the basement.

Commissioner Rheume asked staff about the entrance to the Accessory Dwelling Unit (ADU) and potential visibility impacts. Associate Planner Ishijima identified the sliding glass door as the entrance and provided information about the original design and modifications made based on staff's feedback to the applicant. Assistant Director Miner noted that the ADU entrance is not along the same plane as the main home's front door.

Commissioner Rheume clarified the parking requirements and planned elimination of the fifth parking space with Associate Planner Ishijima. Associate Planner Ishijima explained that no more than 50% of the front setback area can be paved. Commissioner Rheume asked staff about removal of the fifth parking space through the Conditions of Approval (COA). Assistant Director Miner advised that the Planning Commission can discuss this with the applicant.

Commissioner Olevson asked staff about the potential creation of multiple ADU's. Associate Planner Ishijima advised that the applicant made modifications based on this feedback from staff. Commissioner Olevson confirmed with Associate Planner Ishijima that only one ADU is allowed on a lot that meets the requirements.

Vice Chair Simons confirmed with Associate Planner Ishijima that Planning Commission could require a similar alternative for the sliding glass door.

Commissioner Weiss asked about the security of a sliding door as opposed to a solid door. Associate Planner Ishijima advised that the applicant can provide this information.

Chair Howard opened the Public Hearing.

Spencer Shiou Pen Tsai, owner, presented information about the proposed project.

Commissioner Weiss asked the applicant how they will provide security with the sliding door. Mr. Tsai stated that they were trying to save space and would be amenable to a more secure door.

Vice Chair Simons noted the availability of more secure sliding glass doors and other options. Vice Chair Simons confirmed with Mr. Tsai that he wants to implement a higher level of security for the ADU door.

Commissioner Rheume confirmed with Mr. Tsai that his intention is to remove the fifth parking spot. Commissioner Rheume noted his appreciation of Mr. Tsai's explanation for the proposed project's design in regards to the potential for multiple ADU's. Commissioner Rheume confirmed with Leo Li, representing LEL Design, that the proposed project will have casement windows.

Mr. Tsai presented additional information about the proposed project.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Rheume moved and Commissioner Howe seconded the motion for Alternative 1 – Approve the Design Review with the conditions in Attachment 4.

FRIENDLY AMENDMENT: Commissioner Howe offered a friendly amendment to specify that staff will work with the applicant regarding security for the sliding door, with staff to have the final authority. Commissioner Rheume accepted the friendly amendment.

FRIENDLY AMENDMENT: Commissioner Howe offered a friendly amendment to remove the fifth parking space. Commissioner Rheume accepted the friendly amendment.

Commissioner Rheume stated that he can make the findings and that the proposed project does not request any deviations. Commissioner Rheume noted his initial skepticism that the project could have multiple ADU's but stated that the design makes sense. Commissioner Rheume stated that this is a good quality design and that he will be supporting the motion.

Commissioner Howe stated that he can make the findings and that this will be a good project.

Commissioner Olevson stated that he will be supporting the motion and that the proposed project will be compatible with the neighborhood. Commissioner Olevson commented that the pie shaped lot should mitigate privacy concerns and that neighbors have not presented any concerns. Commissioner Olevson noted that his concern regarding multiple ADU's was adequately addressed by the applicant. Commissioner Olevson stated that he can make the findings.

Commissioner Harrison noted her concern regarding multiple ADU's but stated that nothing in the Code prevents this arrangement. Commissioner Harrison noted her appreciation for the nine-foot first floor plate height, the separated ADU and that second story to first story ratio exceeds the guidelines. Commissioner Harrison complimented the proposed project's architecture.

Commissioner Weiss stated that she will be supporting the motion. Commissioner Weiss noted that the architecture is intriguing and that the proposed project will fit well based on the site's location. Commissioner Weiss stated that the project placement and massing is appropriate and that it will be an improvement to the existing home.

Vice Chair Simons stated that the house is appropriate for the site and that he will be supporting the motion. Vice Chair Simons commented that he does not like the large number of small rooms but that it works in the situation and for the neighborhood. Vice Chair Simons complimented the project's contemporary look and suggested the use of French doors or sliding glass doors with adequate security.

Chair Howard stated that he will be supporting the motion and that the project has a beautiful design. Chair Howard commented that the project fits well with City standards. Chair Howard noted that families are trying to build homes to accommodate generations and that it's important to be mindful of this dynamic in conjunction with current economic pressure.

Assistant Director Miner noted that there is limited on-street parking in front of the proposed project and asked for clarification regarding removal of the fifth parking spot. Commissioner Rheume stated that his intention was to minimize the aesthetic impact of that fifth parking spot.

FRIENDLY AMENDMENT: Commissioner Simons offered a friendly amendment to remove the third uncovered parking space in front of the home entrance and at the applicant's discretion, widen the driveway using pervious materials to allow for a third uncovered parking space. Commissioner Rheume and Commissioner Howe accepted the friendly amendment.

MODIFIED MOTION: Commissioner Rheume moved and Commissioner Howe seconded the motion for Alternative 2 – Approve the Design Review with modified conditions –

1. Staff will work with the applicant regarding security for the sliding door, with staff to have the final authority;
2. Remove the third uncovered parking space in front of the home entrance and at the applicant's discretion, widen the driveway using pervious materials to allow for a third uncovered parking space.

The motion carried by the following vote:

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

No: 0

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

5. [18-0488](#) **Proposed Project:** Rezone - Change the zoning from R-1 (Low Density Residential) to R-0 (Low Density Residential) for two lots.
File #: 2018-7309
Location: 932 Eleanor Way and 1358 Hampton Drive (APNs: 313-01-033, 313-01-034)
Zoning: R-1
Applicant / Owner: Cyrus Fakhari (applicant and owner)
Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines

Section 15061(b)(3).

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

Senior Planner Shetal Divatia presented the staff report.

Vice Chair Simons asked staff about future difficulty building on the proposed lots without variances. Senior Planner Divatia stated that it is possible to develop on those lots without variances. Assistant Director Andrew Miner noted that the corner lot would be the most difficult due to the two frontages.

Chair Howard opened the Public Hearing.

Cyrus Fakhari, applicant and owner, presented images and information about the proposed project.

Commissioner Rheume clarified with Mr. Fakhari that he owns both houses and is planning a future subdivision of the two lots into three lots, with one home per lot. Commissioner Rheume confirmed with Mr. Fakhari that his biggest concern is to stop the development of Accessory Dwelling Units (ADU's) and monster homes. Commissioner Rheume stated an opinion that financially it doesn't make sense to build one story homes. Commissioner Rheume confirmed with Assistant Director Miner that the minimum lot size is 6,000 sq. ft. for an R-0 zoned lot.

Commissioner Weiss clarified with Mr. Fakhari that he is remodeling the house at 932 Eleanor Way and living at 1358 Hampton Drive.

Assistant Director Miner provided clarification regarding the ADU lot size requirements.

Mary Sullivan discussed her concerns with the proposed project's impact on parking and its incompatibility with the neighborhood's character. Ms. Sullivan requested that the Planning Commission reject the rezoning request.

Chair Howard asked Ms. Sullivan for her comments about ADU's. Ms. Sullivan stated that small ADU's are fine if they are appropriately setback and conform with neighborhood aesthetics.

Henry Alexander III, Sunnyvale resident, discussed his concerns with the proposed project's impact on parking, safety and traffic.

Chair Howard confirmed with Mr. Alexander that he is in opposition to the proposed rezone. Chair Howard discussed parking implications at an increased zoning density with Mr. Alexander.

Mr. Fakhari presented additional information about the proposed project.

Chair Howard closed the Public Hearing.

Vice Chair Simons confirmed with Senior Planner Divatia that both lots must meet the zoning standards to complete a lot line adjustment at staff level. Vice Chair Simons clarified with Assistant Director Miner that land could not be transferred between lots to meet those zoning standards.

Chair Howard asked staff if a two story ADU would meet setback requirements. Assistant Director Miner advised that it would have to meet the 20-foot rear setback requirement.

MOTION: Commissioner Simons moved and Commissioner Harrison seconded the motion for Alternative 2 – Determine the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and deny the request to rezone the two parcels.

Vice Chair Simons commented on the juxtaposition of building three R-0 homes with three ADU's or two R-1 homes with two ADU's. Vice Chair Simons commented on his dislike of spot zoning and noted that this would be a rezone on the edge of a zoning district that has been fixed for a long time. Vice Chair Simons stated an opinion that it would be inappropriate to rezone.

Commissioner Harrison commented that California state policy encourages the development of ADU's. Commissioner Harrison stated that the City Council designated this area as R-1 in 1996 and that the City's vision is to encourage diversity among types of housing, including large lots. Commissioner Harrison commented that this would be spot zoning unless there was an overall evaluation of different lots adjacent to public transit.

The motion carried by the following vote:

- Yes: 6 -** Commissioner Weiss
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Rheaume
Commissioner Harrison
- No: 1 -** Chair Howard

Assistant Director Miner stated that this item goes to the City Council on August 28, 2018.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

Assistant Director Miner stated that the City Council denied the appeal of the proposed project at 617 East Evelyn Avenue. Assistant Director Miner stated that staff will present the design examples for the El Camino Real Specific Plan at the July 31st, 2018 City Council study session. Assistant Director Miner stated that the proposed project at 1230-90 Oakmead Parkway and the appeal for the proposed project at 814 Coolidge Avenue will be heard by the City Council on July 31, 2018.

ADJOURNMENT

Chair Howard adjourned the meeting at 9:52 PM.