



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, June 10, 2019

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 - 7:30 PM

6:00 PM STUDY SESSION

1 Call to Order in the West Conference Room

2 Roll Call

3 Study Session

- A. [19-0631](#) **Proposed Project:** Related applications on a 5.47-acre lot;
USE PERMIT: to demolish a 130-unit apartment complex (The Landmark) and construct 117 condominium units (net loss of 13 units);
TENTATIVE MAP: to subdivide one lot into 19 parcels.
Location: 925 South Wolfe Road (APN: 211-14-034)
File #: 2019-7142
Zoning: R3 - Medium Density Residential
Applicant / Owner: SummerHill Homes
Environmental Review: Mitigated Negative Declaration
Project Planner: Momoko Ishijima, 408-730-7532,
mishijima@sunnyvale.ca.gov
- B. [19-0632](#) **Proposed Project:** Three story office building totaling 69,102 square feet with underground parking. Related to the proposed Downtown Specific Plan Amendments and EIR.
Location: 111 W. Evelyn Avenue (APN: 209-06-083)
File #: 2017-8047
Zoning: DSP (Downtown Specific Plan)
Applicant / Owner: Giurland, Inc
Environmental Review: Environmental Impact Report
Project Planner: Michelle King, 408-730-7463,
mking@sunnyvale.ca.gov
David Hogan, 408-730-7440, dhogan@sunnyvale.ca.gov
- C. [19-0633](#) Study Issue Process Overview

4 Public Comment on Study Session Agenda Items**5 Adjourn Study Session****7:30 PM PLANNING COMMISSION MEETING****CALL TO ORDER**

Chair Howard called the meeting to order at 7:52 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

Richard Mehlinger encouraged the Commission to recommend a study issue to the City Council about prohibiting net losses in housing units for proposed projects that replace multi-family housing and recognizing that resident displacement has a public health and safety impact.

Sue Serrone emphasized the importance of a no net loss policy for housing to combat homelessness, displacement, and climate change.

Maria Hamilton, Sunnyvale resident, spoke in opposition to the proposed project at 925 S. Wolfe Road because it would displace residents of the current apartment complex, not convert the existing rental units into affordable condominiums with a rent-to-own option, and provide less housing units.

CONSENT CALENDAR

Vice Chair Simons moved and Commissioner Howe seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

1.A [19-0597](#) Approve Planning Commission Meeting Minutes of April 8, 2019

1.B [19-0598](#) Approve Planning Commission Meeting Minutes of May 13, 2019

PUBLIC HEARINGS/GENERAL BUSINESS

2. [19-0543](#)

Proposed Project:

DESIGN REVIEW: To demolish an existing home and construct a new two-story single-family home, resulting in 5,672 square feet (5,182 square feet living area and 490 square feet garage) and 45% floor area ratio (FAR).

Location: 1019 Edmonds Court (APN: 320-12-008)

File #: 2019-7191

Zoning: R-1 (Low Density Residential)

Applicant / Owner: Bekom Design, Inc. (applicant) / Hila and Alon Matas (owner)

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

Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report.

Commissioner Olevson confirmed with Associate Planner Cha that Condition of Approval PS-1 can be changed so that the Community Development Department Director reviews the final exterior building materials and color scheme prior to a building permit submittal.

Commissioner Howe asked staff about the sizes of the frosted and non-frosted portions of the window that faces neighbors on one side of the proposed project. Associate Planner Cha stated that the window would be frosted up to 6 feet as

measured from the floor and the remaining foot at the top of the window would not be frosted.

Chair Howard opened the Public Hearing.

Alon Matas, homeowner, presented images and information about the proposed project.

Jose Rivero, engineer representing Beyond Efficiency, presented additional images and information about the proposed project.

Commissioner Harrison confirmed with Mr. Rivero that he measures energy exchange in air changes per hour.

Vice Chair Simons commented that heat recovery ventilators are rare in Sunnyvale and asked Mr. Rivero if he frequently installs them as part of his projects. Mr. Rivero stated that they are more common now as outdoor and indoor air quality are becoming more important.

Commissioner Weiss asked Mr. Matas if they have considered alternatives to bamboo as the privacy screening in the backyard, because it can be invasive and hard to control. Revital Kaufman-Meron, architect representing Bekom Designs, stated that the landscape architect considers bamboo non-invasive and that they were interested in the fast-growing, dense nature of it but are open to alternatives.

Tatjin Teo, Sunnyvale resident, spoke in opposition to the proposed project with concerns about construction and the addition of the large second story in a predominantly single story neighborhood.

Gail Hoben, Sunnyvale resident, stated that it is possible for a home to meet one's needs while staying in the spirit of the neighborhood and that her and her neighbors' privacy will be affected by the proposed project.

Ani Vaidya, Sunnyvale resident, spoke in opposition to the proposed project due to its large size and addition of a second story. He stated that the Commissioners should consider the character of the neighborhood when making their decision on the proposed project.

Vani Verma, Sunnyvale resident, stated that she is concerned with the large size of

the proposed project that is not compatible with the surrounding neighborhood. She added that she believes the proposed project would encourage others to build similarly and encouraged the Commissioners to consider the neighbors' concerns.

Bill Wathen, Sunnyvale resident, spoke in opposition to the proposed project and stated that it does not adequately address the motion passed by the Commission on February 11, 2019 with direction on size, privacy, and garage location.

David Bratman, Sunnyvale resident, stated that as the City is a leader in environmental consciousness, the Commission should encourage more environmentally friendly construction such as the proposed project.

Norman Dhom, Sunnyvale resident, spoke in opposition to the proposed project, due to the light it would block, privacy issues created by the second story balcony, and its large size. He added that the proposed project would set an unwanted precedent for the neighborhood.

Colleen D'Amour, Sunnyvale resident, stated her opposition to the proposed project because it would disrupt the neighborhood's peace and privacy and be incompatible with existing homes because of its large size and second story. She also stated that the construction would create traffic congestion and be dangerous for neighborhood children walking to school.

Vice Chair Simons asked Ms. D'Amour if the neighborhood has considered applying for a single-story overlay zoning regulation to prevent any future two story homes from being built. Ms. D'Amour stated her interest, and that she would consult with her neighbors.

Kristina Irwin, Sunnyvale resident, spoke in opposition to the proposed project's imposing garage location, second story balcony that would create privacy and noise issues, privacy screening that would block light for the rear neighbors, and the large footprint the house would create.

Jack Liu, Sunnyvale resident, stated that the proposed project is out of character with the existing neighborhood and added that the second floor and balcony would create privacy and noise issues for the surrounding neighbors.

May Liu, Sunnyvale resident, stated that the proposed project's size is inconsiderate to the neighbors, consideration being a value she has frequently experienced in her

neighborhood.

Yonsun Chou, Sunnyvale resident, stated his concern with the proposed project's potential for noise and hindered emergency vehicle access due to parking congestion.

Andrea Tsang, Sunnyvale resident, stated her concerns for the neighbors' loss of light, their loss of privacy given the second story balcony, bamboo overgrowth, and the negative environmental impact of demolition and construction. She urged the Commission to deny the proposed project.

Denise Tsang, Sunnyvale resident, stated that she anticipates a lot of noise from the proposed project even after construction that would negatively affect her health. She added that she does not want the proposed project to use bamboo as a privacy screening.

Vice Chair Simons stated that Pittosporum is a green hedge that grows quickly but would need to be trimmed on both sides of a property to keep its shape. He confirmed with Ms. Tsang that her gardener could do the trimming if needed.

Timothy Tsang, Sunnyvale resident, spoke in opposition to the proposed project with concerns about noise generated from the second story balcony traveling and the neighbors' loss of light due to the planned size.

Gil Salman, Sunnyvale resident, stated his recognition of the applicant's efforts to address the Commission's direction and the neighbors' concerns and stated that most of the proposed project's size cannot be seen from the street. He added his belief that a property owner should be able to change a home in any way if the plans meet City codes.

Commissioner Weiss confirmed with Mr. Salman that he lives on Edmonds Way.

Chair Howard confirmed with Mr. Salman that he bought and renovated his current home seven years ago.

Tal Hart, Sunnyvale resident, stated that homeowners should not have to worry about their neighbors' opinions of their proposed projects if the plans meet City codes. He stressed the importance of codes to eliminate excessive discourse from neighbors who inevitably have concerns.

Avi Urban, Sunnyvale resident, spoke in support of the proposed project, stating that it is unfair that the neighbors can impede the applicant's proposed project if it meets City codes. He urged the Commission to approve the proposed project.

Thi Ngo, Sunnyvale resident, spoke in opposition to the proposed project because the second floor would directly face their backyard and kitchen window blocking light and not protecting their privacy.

Alon Matas, homeowner, presented additional information about the proposed project.

Commissioner Weiss asked Mr. Matas to describe for the neighbors how his family intends to use the second floor balcony. Mr. Matas answered that the balcony is an extension of the game room and explained that it would be used in the same way as any other balcony but would not be used for entertaining as there are more appropriate entertaining spaces throughout the proposed project.

Chair Howard asked Mr. Matas how much he paid for the existing property and how much he pays in property taxes. Mr. Matas responded that his family paid \$2.45 million for the property and that property taxes are over \$30k. He added that the approval process has cost his family a lot of time and money, but that they have worked hard to make compromises to address their neighbors' concerns.

Chair Howard closed the Public Hearing.

Commissioner Harrison confirmed with Senior Assistant City Attorney Rebecca Moon that the effects of light and air on a property pertain to solar shading on rooves. Senior Assistant City Attorney Moon added that the City has setback and other regulations that protect the space, light, and air around properties.

MOTION: Commissioner Rheume moved for Alternative 2 - Approve the Design Review with the following modified conditions:

1. Modify Condition of Approval PS-1 to specify that the Community Development Department Director review the final exterior building materials and color scheme prior to submittal of a building permit.

FRIENDLY AMENDMENT: Commissioner Harrison offered a friendly amendment to

specify that staff work with the applicant to determine an alternative landscaping material to bamboo. Commissioner Rheume accepted the friendly amendment.

MOTION: Commissioner Olevson seconded the original motion and friendly amendment.

Commissioner Rheume stated that he can make the findings and will support the proposed project. He stated that the applicant has met all City requirements and has adequately addressed the neighbors' reasonable concerns, adding that the proposed project would be a good, compatible addition to the neighborhood and noting that the original design did not fit with the neighborhood. He encouraged the interested neighbors to pursue a single story overlay if desired.

Commissioner Olevson stated that he can make the findings and will support the motion because the applicant has met all the City's requirements and has taken steps to address the neighbors' concerns regarding non-zoning issues.

Vice Chair Simons stated that he can make the findings and that it can be expected that a homeowner would build a large home on a large lot, particularly in today's housing market. He stated that the proposed project meets all the City's requirements and that he appreciates the revisions the applicant has presented throughout the process, resulting in a better-looking house that blends more with the neighborhood. He added that he will support the motion.

Commissioner Harrison stated that she will support the motion and that there is no reason to deny the proposed project because it meets all the City's requirements. She specified for example that the current design with the garage set farther back better respects the immediate neighbors and that the previous issues with the Accessory Dwelling Unit are no longer of concern since the applicant is no longer pursuing it.

Commissioner Weiss stated that the Commission has considered the neighbors' concerns, but that it must ultimately decide based on whether the proposed project meets all City requirements. She stated her appreciation for the applicant's revisions, the lack of deviations requested, and the energy efficiency goals, adding that the proposed project meets the single-family home design guidelines and that she will therefore support the motion.

Chair Howard stated that he appreciates the neighbors' remarks and commented

that he understands how the neighbors who have lived in their homes a long time may have developed an unofficial neighborhood standard, but recognized that it is difficult for homeowners entering the Sunnyvale housing market under these conditions. He noted that the applicant has met all City requirements and has engaged in good faith with the neighbors to address their concerns and that he therefore cannot deny the proposed project.

Chair Howard summarized the motion.

The motion carried by the following vote:

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

No: 0

This action is final unless appealed or called up for review by the City Council within 15 days.

3. [19-0617](#) Review Planning Program Budget and Fees for FY 2019/20

Assistant Director Andrew Miner presented the staff report.

Vice Chair Simons stated that in the past the Planning Division budgeted specifically for inspections to make certain that applicants met requirements. Assistant Director Miner responded that the Planning Division still conducts inspections and that the costs to perform them are built into the application fees. Vice Chair Simons commented that the budget increase amount for inspections should be 25 percent higher to ensure that they are consistently performed and to confirm that applicants have met all requirements and Conditions of Approval, particularly for projects that the Commission reviews. Assistant Director Miner added that the Building Division conducts most of the inspections during a project's building phase at which time the inspectors often identify inconsistencies between the building drawings and the actual construction.

Commissioner Weiss stated that the proposed design review fee of \$400 for single family homes and duplexes not requiring a public hearing is notably higher than the current fiscal year fee of \$160. Assistant Director Miner stated that the cost of delivering this service is significantly greater than \$400 as determined by a recent fee study but that the goal is to make the process more affordable for these homeowners.

Commissioner Howe clarified with Assistant Director Miner that the Commissioners only need to provide comments on the proposed budget.

Chair Howard asked Assistant Director Miner about morale and turnover within the Planning Division. Assistant Director Miner stated that there is a large, complex workload but that morale is great, staff members are supportive of each other, and many have worked in the Planning Division for a long time.

Commissioner Harrison asked if development has slowed and noted that the Commission has not recently reviewed as many large proposed projects. Assistant Director Miner stated that revenue projections are still trending upward but that development is anticipated to eventually slow down. He added that he manages the agendas for time and that staff spends more time with applicants to ensure a smoother process and higher quality project.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Assistant Director Andrew Miner stated that some of the study issues that the Commissioners have expressed interest in will be reviewed as part of the City's updated Housing Strategy. He encouraged the Commission to follow the new study issue process so that staff can draft a summary scope and comments and agendize topics.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Harrison asked about the below market rate housing plans for the Corn Palace project. Assistant Director Andrew Miner stated that sometimes developers' plans change after they have received approval and can then pay a fee in lieu of providing affordable housing as per City code. He stated that the Corn Palace developer received the required approval from the City Council to provide the in lieu of fee instead. Commissioner Harrison added that she understands the disappointment with the promise of affordable housing not coming to fruition and Assistant Director Miner agreed, adding that the City Council has the final decision

making power in these instances.

Vice Chair Simons stated that it would be helpful for the Commission to have images of the property at 888 Ross Drive from the perspectives of 101 South and 237 East with the Mary Avenue Overcrossing visible since he believes the proposed project could be hidden by the bridge's buttress. Assistant Director Miner stated that staff will request these images from the applicant with the proposed project superimposed and commented that it might not be visible until one reaches the bridge but that the bridge would not shade it. Vice Chair Simons responded that the developer will most likely provide a support stand for the proposed project.

Chair Howard asked Vice Chair Simons if it is preferred to have a point of access to the bridge from that particular triangle.

Vice Chair Simons stated that the City does not have plans for connection of the John Christian Trail at this time.

Assistant Director Miner stated that staff has discussed with the applicant the challenge of building a connection from the bridge to the proposed property given the vertical distance between the two, but added that the proposed project is only in the environmental review process at this point.

-Staff Comments

Assistant Director Andrew Miner stated that the public hearing on next fiscal year's budget and the appointment of applicants to the Planning Commission will take place at the City Council meeting on June 11, 2019. Additionally, the ceremonial oath of office for the newly appointed Commission members will take place at the June 18, 2019 City Council meeting and the City is hosting a board and commission recognition event on June 20, 2019 for all board and commission members.

Assistant Director Miner briefly stated that staff has reviewed the existing landscaping at Bright Horizons at 1010 S. Wolfe Road and will work with the applicant on the changes to be made to the boulders in front of the building, adding that the topic will be placed on the next meeting's agenda.

ADJOURNMENT

Chair Howard adjourned the meeting at 10:08 PM.