



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
February 6, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

1. **File #:** 2011-7073
Location: City-wide
Subject: Determine Appropriate Locations for Day Care Centers Study
Staff Contact: Surachita Bose, (408) 730-7443
sbose@ci.sunnyvale.ca.us
Notes: (45 minutes)
2. **Public Comment on** (5 minutes)
Study Session Agenda
Items
3. **Comments** from the Chair (5 minutes)

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Hendricks presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Glenn Hendricks; Vice Chair Gustav Larsson; Commissioner Maria Dohadwala; Commissioner Bo Chang; Commissioner Arcadi Kolchak; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; and Recording Secretary, Joey Mariano.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

CONSENT CALENDAR

1.A. APPROVAL OF MINUTES of January 23, 2012.

ACTIONS: Vice Chair Larsson moved to approve the consent calendar. Comm. Chang seconded. Motion carried 6-0, with Comm. Travis abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2011-7854
Location: 1363 Norman Drive (APN: 313-12-008)
Proposed Project: Design Review for a new 3,633 square foot two-story home and a new 699 square foot single-story accessory living unit resulting in approximately 48% Floor Area Ratio.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Mariya Hodge, 408-730-7659,
mhodge@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report. She said since the report was completed staff was contacted by a neighbor expressing concern about the accessory living unit.

Comm. Chang discussed with staff the balcony in the back of the house confirming it meets the code requirements, specifically height and privacy requirements. Comm. Chang discussed with staff the 20-year deed restriction to be placed on the property requiring that the homeowner live in either the main home or the accessory living unit.

Vice Chair Larsson discussed with staff the enforcement of the 20-year deed restriction. **Kathryn Berry**, Senior Assistant City Attorney, said the City recently had a case requiring enforcement of this restriction and that the Neighborhood Preservation Division would handle this type of matter on a complaint basis. Vice Chair Larsson discussed with staff the windows located in the tub area of the Master Bathroom #1.

Chair Hendricks discussed with staff the condition requiring the shifting of the home design to preserve the mature Sycamore tree and the effects on the driveway and parking. Chair Hendricks said there are no curbs, gutters, or sidewalks in the neighborhood with Ms. Ryan explaining that when this neighborhood was annexed to Sunnyvale, part of the annexation agreement was that the City would not require the installation of curbs, gutters and sidewalks, however they are allowed. Chair Hendricks confirmed with staff that the deed restriction is for, and stays with, the land. Chair Hendricks discussed with staff concerns from the public about renting the accessory living unit and possibly too many tenants negatively impacting parking and traffic.

Vice Chair Larsson discussed with staff the plate height on the tower element, as related to other homes in the neighborhood. Ms. Ryan discussed some of the history of design guidelines for single-family homes.

Ms. Ryan further discussed the windows located in the tub area of the Master Bathroom #1.

Chair Hendricks opened the public hearing.

Garland Chan, applicant, discussed the design of the house. He said they are planning to live in the house and not rent it out as they have several generations of family members living together. He said he is fine with the conditions except: PS-1.a, asking to keep the plate height of the curved tower elements as proposed at 14 feet; and PS.1.f, asking to remove the tree so they can keep the driveway as proposed. He said keeping the proposed driveway would allow them to park all their cars on their property. He asked that the Planning Commission approve the project minus the two conditions mentioned. **Joyce Lin**, architect for the project, said she designed this home with a compact footprint, the second story has minimal impact on the neighbors, and discussed the windows and light, the shadow study, the flow of space, and the plate height of the curved tower element.

Comm. Chang asked about the line-of-site to the neighbor's house from the balcony. Ms. Lin said the balcony set back is at least 50 feet from the property line making privacy not an issue.

Comm. Kolchak asked the applicant how many cars they have. Mr. Chan said five.

Chair Hendricks confirmed with the Ms. Lin that the minimum garage size could be met as required in PS-1.e. Ms. Ryan said the garage size is already very close to the requirement.

Comm. Travis asked the applicant if the tree removal were allowed, is there a proposal for a replacement tree. Ms. Lin said they propose a 24-inch box tree be planted to the right side away from the foundation of the building.

M.K. Lai, a neighbor, expressed his desire for the tree in the proposed driveway area to be preserved. He said he enjoys the trees in Sunnyvale and this tree could not be replaced. He said he appreciates that the City put the preservation of the tree in the conditions.

Ms. Lin said she loves the tree, however the concern is the placement of the house, and the existing tree is close to the foundation. She said the tree would be replaced with a 24-inch box tree.

Chair Hendricks closed the public hearing.

Comm. Dohadwala discussed the plate height condition with staff.

Vice Chair Larsson asked staff how far a tree should be planted from the foundation of the house. Staff said there is not a specific distance as there are many factors to consider.

Comm. Dohadwala moved for **Alternative 2, to approve the Design Review application with modified conditions: to delete condition PS-1.a regarding the plate height of the curved tower element located on the right side of the front façade. Comm. Sulser seconded.**

Comm. Dohadwala said there is a good reason for this house to be large and good reasoning from the architect for the extra plate height in the living room.

Comm. Sulser said he likes the design of the home and reducing the plate height does not add to the aesthetic, so he likes what Comm. Dohadwala has proposed.

Vice Chair Larsson said he would be supporting the motion. He said the neighborhood has other homes with taller, formal living rooms, and he does not think the plate height proposed is out of character with other homes in the neighborhood. He said he thinks the house is appealing. He said he thinks allowing the proposed plate height is a reasonable compromise, to not allowing the tree removal. He said he wants to preserve the tree.

Comm. Chang said he could make the findings. He said he can support the proposed plate height, and he wants to preserve the tree.

Comm. Kolchak said he would be supporting the motion, and that he shares the same sentiments as his fellow commissioners, to allow the proposed plate height and save the tree.

Comm. Travis said he would be supporting the motion and that he agrees that the proposed plate height of 14 feet looks better than if the plate height were reduced. He said he is torn on the tree removal and would like to let the homeowner build the home the way they want to, however the tree seems established and he would like to keep the tree.

Chair Hendricks said he would be supporting the motion and thanked the neighbor for providing his input. He said he could make the findings as there are already larger homes in the neighborhood. He said he could allow the tree removal, however he does not think there is enough support from Commission. He wished the applicant good luck on project.

ACTION: Comm. Dohadwala made a motion on 2011-7854 to approve the Design Review application with modified conditions: to delete condition PS-1.a regarding the plate height of the curved tower element located on the right side of the front façade. Comm. Sulser seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 21, 2012.

6. Standing Item: Potential Study Issues

No potential Study Issues for 2013 were proposed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, discussed items considered by City Council at the January 31, 2012 meeting and items to be considered at the February 7, 2012 meeting. Ms. Ryan discussed the City Council Study Issue Workshop that occurred on February 3, 2012 and the items related to Planning.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned 8:51 p.m.
Respectfully submitted,

Trudi Ryan
Planning Officer