



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
March 26, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086**

**6:45 PM – EARLY START TIME
Study Session – West Conference Room**

- 1. File #:** 2011-7829
Location: 411-425 North Fair Oaks Avenue and 599 East Taylor Avenue (APN: 204-38-046 and 204-38-047)
Proposed Project: Rezone from R-3 to R-3/PD, Special Development Permit to construct eight townhome units and a Vesting Tentative Map to create eight townhouse lots and one common lot.
Applicant/Owner: Sanjeev Acharya / Silicon Valley Builders, LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Diana O'Dell, (408) 730-7257
dodell@ci.sunnyvale.ca.us
Notes: (25 minutes)
- 2. File #:** 2012-7070
Location: 505 N. Mathilda Ave. (APN: 165-42-006)
Subject:
 - Design Review to allow the redevelopment of a 14.2 acre site with an approximately 616,426 square foot R&D campus consisting of two six-story buildings, one four-story building, and a five-story parking garage.
 - Rezone for multiple properties from MS-55% and MS-70% to MS-100% Floor Area Ratio.**Applicant/Owner:** JP Napoli Companies / Sequoia M & M LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Ryan Kuchenig, (408) 730-7431
rkuchenig@ci.sunnyvale.ca.us
Notes: Tentative (30 minutes)
- 3. Public Comment on** (5 minutes)
Study Session Agenda
Items
- 4. 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 Bo Chang; Commissioner Maria Dohadwala; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Members Absent: Commissioner Arcadi Kolchak (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; Diana Perkins, Permit Center Coordinator; and Recording Secretary, Debbie Gorman.

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 March 12, 2012.

ACTIONS: Vice Chair Larsson moved to approve the consent calendar. Comm. Chang seconded. Motion carried 6-0, with Comm. Kolchak absent.
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PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2012-7074
Location: 1123 Lochinvar Ave. (APN: 313-33-017)
Proposed Project: Design Review for a 646 square foot addition to an existing two-story home resulting in approximately 55% floor area ratio.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Noren Caliva, 408-730-7637
ncaliva@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report.

Chair Hendricks opened the public hearing.

Lloyd Dickson, applicant, said his family has lived in this home for a long time and would like to expand their home. He explained the design of the project, which he said his neighbor to the right helped him plan. He noted that the addition is barely visible from front of the house.

Chair Hendricks asked staff about the addition of the second fireplace. Ms. Ryan said there are building code requirements, however there is no restriction on adding a second fireplace. The applicant commented that it would be a gas fireplace. Chair Hendricks confirmed with the applicant that the current construction at the home, the addition of a bay window, is separate from this application.

Chair Hendricks closed the public hearing.

Comm. Travis moved for Alternative 1; to approve the Design Review with the attached conditions in Attachment B. Comm. Chang seconded the motion.

Comm. Travis said he was able to make the findings, that this is a straightforward project with not much change, and that he hopes the homeowners enjoy the addition.

Comm. Chang said he was able to make the findings to approve the project subject to the conditions and said he thinks the homeowners will enjoy the new family room.

Chair Hendricks said he would be supporting the motion, as he was able to make the findings.

ACTION: Comm. Travis made a motion on 2012-7074 to approve the Design Review with the attached conditions in Attachment B. Comm. Chang seconded. Motion carried 6-0, with Comm. Kolchak absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 10, 2012.

3. **File #:** 2012-7059
Location: 722 Hibernia Ct. (APN: 309-33-055)
Proposed Project: Design Review to allow the construction of a new two story home with a floor area ratio of 50% (approximately 3,052 square feet of floor area).
Environmental Review: Categorically Exempt Class 3
Staff Contact: Shaunn Mendrin, 408-730-7429
smendrin@ci.sunnyvale.ca.us

Trudi Ryan, Planning Officer, presented the staff report.

Chair Hendricks referred to page 4 of the report and asked staff if the Planning Commission needs to consider solar access and windows on the east side with the assumption that a home will be built there. Ms. Ryan said the solar access regulations say you cannot prohibit access to an existing roof. Ms. Ryan said, regarding the windows, that some of the windows have to be a sufficient size for light, air and egress.

Chair Hendricks opened the public hearing.

No applicant was present.

Manjula Jayaraman, the neighbor to the west side of the proposed project, said she wants to make sure there are no privacy issues with the windows facing her house particularly with the master bedroom and bathroom on the second floor of the project.

Ms. Ryan said the speaker is correct, that there is a master bedroom and bathroom on the second floor facing her house, and that the windows proposed on the west side of the house are smaller.

Comm. Chang asked if the bathroom windows are glazed for privacy. Ms. Ryan said the windows are small enough and situated to reduce visibility. Ms. Ryan said she thinks the location of the windows was reviewed to make sure they are not directly across from the neighbor's windows. Comm. Chang asked if the bathroom windows are coated to make it difficult to see through them. Ms. Ryan said a condition could be added requiring the windows be opaque.

Chair Hendricks closed the public hearing.

Comm. Dohadwala discussed with staff the roof plan, commenting that the roof has many different pitches. Staff said the roof plan is probably the result of the design attempting to meet the stepping back of the walls rather than the City design techniques, which suggest simpler roof forms.

Chair Hendricks commented that that house wall is 20 feet from the edge of sidewalk and the driveway is not very deep. Ms. Ryan said the house needs to be 20 feet back from property line. Ms. Ryan discussed the general requirements and said the driveway and the house are

within the requirements. Chair Hendricks discussed the plate height. Ms. Ryan said that the planner spoke with the applicant about the plate height in the garage and they are okay with the nine foot plate height requirement.

Comm. Dohadwala asked staff further about the plate heights with staff confirming that the higher plate heights are consistent with the other properties nearby. Ms. Ryan said that the higher plate heights have been a recent trend and are common.

Comm. Chang moved for Alternative 2, to approve the Design Review with modified conditions: that the windows on the west side are offset from the windows of the neighbor's master bedroom windows; and that the bathroom windows on the west side are obscured for privacy. Vice Chair Larsson seconded the motion.

Comm. Chang said with the modified conditions he is looking forward to seeing this project completed. He said he wishes the applicant were present to discuss the plate heights, and that the plate height of the garage would be kept at nine feet.

Vice Chair Larsson said he was able to make the findings and that the project meets the design standards. He said the house is compatible with, and will be a good addition to the neighborhood.

Chair Hendricks said he could make the findings and thinks the project is compatible with the neighborhood.

ACTION: Comm. Chang made a motion on 2012-7059 to approve the Design Review with modified conditions: that the windows on the west side are offset from the windows of the neighbor's master bedroom windows; and that the bathroom windows on the west side are obscured for privacy. Vice Chair Larsson seconded. Motion carried 6-0, with Comm. Kolchak absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 10, 2012.

4. **File #:** 2012-7019
Location: City-Wide
Proposed Policy Update: Update to Green Building Program (Residential and Public Buildings)
Environmental Review: Previous Negative Declaration
Staff Contact: Andrew Miner, (408) 730-7707
aminer@ci.sunnyvale.ca.us

Andrew Miner, Principal Planner, presented the staff report and introduced **Diana Perkins**, Permit Center Coordinator, and co-preparer of the report. Mr. Miner said the Sustainability Commission considered the report on March 19, 2012 and the minutes from the meeting are provided this evening. He said City Council would be considering this project at their April 24, 2012 meeting. Mr. Miner referred to Attachment B, page 3 under the City of Sunnyvale (proposed) Single-Family and Multi-Family "New" columns. He said that the BIG (Build It Green) points would be changed from 70 points to 80 points.

Comm. Chang asked staff whether CALGreen would be updating their guidelines in the next 18 months. Ms. Perkins explained that the Building Codes are revised and adopted on a triennial basis with the next scheduled effective date being January 1, 2014; however updates are provided on a regular basis between the triennial adoptions. Comm. Chang discussed with staff the recommended raising of the BIG points for incentives from 80 to 110 points. Comm. Chang discussed with staff the recommendation for raising the standard for new construction of Public Facilities to LEED (Leadership in Energy and Environmental Design) Silver and encouraging LEED Gold.

Vice Chair Larsson confirmed with staff that the Council would next review the green building tables in October 2013. Vice Chair Larsson discussed with staff a suggested home performance audit for residential remodels over a certain threshold. Vice Chair Larsson commented if the audit is not feasible right now that it could be added later with staff confirming that changes will be done in incremental steps in future updates.

Comm. Sulser discussed with staff the diversity in types of public buildings and the recommendation of raising the standard on public facilities to LEED Silver. Staff commented that the recommendations for public facilities at least meet the same standards as non-public buildings. Staff said that ultimately Public Works would need to provide input on different types of public buildings in regards to meeting different levels of LEED standards.

Chair Hendricks discussed with staff the public facilities recommendation raising the standard to LEED Silver and the possibility of raising the standard to LEED Gold. **Trudi Ryan**, Planning Officer, said possibly a higher standard could be required, with a provision available to a lessor standard, if reasonable hardship could be demonstrated.

Comm. Dohadwala commented that she has some knowledge of LEED and that some public facilities will have challenges that will make it difficult to meet the standards. She also commented about the point rating system saying that for example, if 110 points are required that the earlier points are easier to achieve and the later points are progressively harder to

attain. Comm. Dohadwala discussed with staff about the differences between CALGreen versus BIG and how the Building Department enforces or reviews the requirements including plan checks, inspections, and outside raters. Comm. Dohadwala referred to page 5 of the report and discussed with staff voluntary incentives and reviews including Planning Commission review. Staff said the incentives have not changed with the staff recommendations.

Vice Chair Larsson clarified with staff lot coverage versus FAR (Floor Area Ratio) in regards to the table on page 5 of the report.

Chair Hendricks commented that he thinks success on this subject, is buildings becoming more efficient with less consumption of natural resources, with the objective of being good environmental stewardship. Chair Hendricks discussed with staff the information about Electric Car Chargers in New Residential Construction. Chair Hendricks said the requirement seems like a small number.

Chair Hendricks opened the public hearing and closed the public hearing, as there were no speakers.

Comm. Travis commented that he was a little disappointed when read the report. He said that after the Joint Study Session with the Sustainability Commission he felt like the City was going to run a marathon and then we only ran about 15 feet. He said the he thinks the recommendation on residential projects is too low and that we should take the BIG level to 90 points. He said with our public buildings that we should raise the standard to aiming for LEED Gold and make an exception if we cannot attain Gold. He said he thinks we need to upgrade these standards to a higher standard.

Vice Chair Larsson commented that one thing he has learned about designing versus verifying is that sometimes designing has to be aimed 30 points higher than the requirement, as points may be lost during the verifying stage.

Comm. Dohadwala commented that before she read the report she was bothered by trying to achieve a level without a certification. She said reading the report has helpful as she now understands that the Building Division reviews and has some degree of enforcement. She said she agrees with Comm. Travis that we should aim higher for the LEED Gold and we should be stepping up the BIG more.

Chair Hendricks commented that we are talking about designing and achieving. He said he thinks we are here to achieve. He said we are trying to encourage and educate and it would be nice if the verification cost would only happened when the incentive plays into it. He said the important thing is the doing and not to get hung up on the verifications.

Comm. Dohadwala provided an additional comment for the next step, referring to page 10, where it says "zoning and building code requirements are applied to areas being altered." She said possibly, like ADA (Americans with Disabilities Act) requirements, green building upgrades not in part of the scope of work could be used to enhance energy efficiency with a percentage of the construction costs being applied to green building.

Comm. Travis moved for **Alternative 2** to recommend to **City Council** to modify and adopt the attached resolution and, if needed, direct staff to evaluate the potential increase costs and return with a budget modification. The modifications are: to change the minimum standard for new public facility projects to meet **LEED (Leadership in Energy and Environmental Design) Gold**, unless infeasible; and that the allowance of three **Build It Green** points if a minimum of 3% of parking spaces in new residential construction are equipped with **Electric Car Charger** equipment, should round up to the next whole number, if a partial number. **Vice Chair Larsson** seconded the motion.

Comm. Travis said he has grand ideas of where we should be going with green building, however he is good with letting the recommendation stay where it is and to build on it. He said he thinks we should set a higher standard for ourselves with public facilities.

Vice Chair Larsson said he thinks this is a good step forward in a many step process. He said with the 80 points it still puts Sunnyvale towards the front of leading the pack. He said if we are too far out in front, it might be confusing for builders. He said we want to balance taking initiative with something feasible and beneficial for the community. He said there were many details in the report. He said he agrees with **Comm. Travis** that setting a high standard is appropriate and the City wants to be a leader in this area.

Comm. Chang discussed with staff how many 5000 square foot public buildings currently exist. Staff said the recommendations and requirements would only affect new construction and larger remodels. **Comm. Chang** said he would be supporting the motion. He said we want to move forward making our buildings more efficient including the public facilities and need to take this first step. He said in 18 months we will have data to evaluate how the requirements are working.

Comm. Dohadwala said she would be supporting the motion. She said we want to have a green sustainable city, being good stewards, and taking small steps at a time. She said there is a learning curve to become sustainable and green. She said she likes what we are doing and looks forward to seeing what more can be done.

Comm. Sulser said he would be supporting the motion. He said these are reasonable next steps in the process. He said he is glad the Planning Commission is recommending **LEED Gold** for public facilities as Sunnyvale has many buildings to be replaced. He said there are more and more white collar office buildings being built, and in the future we need to look at a more aggressive approach for our public facilities.

Chair Hendricks said he would be supporting the motion, though he is resisting offering a **Friendly Amendment** regarding public facilities. He said he hopes the real intent is not the 5000 square feet, but whether the building makes sense as a substantial asset. **Chair Hendricks** said that when we review this issue again in 18 months, he hopes we are going to increase the numbers, based on more quantifiable data. He said he supports continuing to raise the bar and appreciates **Comm. Travis'** motion to require **LEED Gold**. He said he thinks it will cost more money, however the long-term should be a return on the investments.

ACTION: Comm. Travis made a motion on 2012-7019 for Alternative 2 to recommend to City Council to modify and adopt the attached resolution and, if needed, direct staff to evaluate the potential increase costs and return with a budget modification. The modifications are: to change the minimum standard for new public facility projects to meet LEED (Leadership in Energy and Environmental Design) Gold, unless infeasible; and that the allowance of three Build It Green points if a minimum of 3% of parking spaces in new residential construction are equipped with Electric Car Charger equipment, should round up to the next whole number, if a partial number. Vice Chair Larsson seconded. Motion carried 6-0, with Comm. Kolchak absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on April 24, 2012.

5. Standing Item: Potential Study Issues

Comm. Chang discussed a potential open space study issue. Ms. Ryan said the paperwork for both the open space study issue and the bicycle parking study issue discussed at a previous meeting would be provided at the April 9, 2012 Planning Commission meeting for review.

No new items were added.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Dohadwala said she attended the 2012 Planners Institute in San Jose last week and appreciated getting to attend this training.

Comm. Sulser said he also attended confirming with staff that time would be set aside in a Study Session to discuss the Planners Institute.

- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, discussed opportunities for Land Use and Transportation Element and Climate Action Plan outreach meetings and Planning related items considered by City Council at their March 20, 2012 meeting.

Other Staff Oral Report

Kathryn Berry, Senior Assistant City Attorney, announced that City Attorney David Kahn is retiring after seven years with the City of Sunnyvale.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned 9:31 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer