



City of Sunnyvale

Excerpt Meeting Minutes - Final Planning Commission

Monday, February 10, 2025

7:00 PM

Online and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086

No Study Session | Public Hearing - 7:00 PM

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Iglesias called the meeting to order at 7:00 PM.

ROLL CALL

Present: 7 - Chair Nathan Iglesias
Vice Chair Galen Kim Davis
Commissioner Chris Figone
Commissioner Martin Pyne
Commissioner Michael Serrone
Commissioner Neela Shukla
Commissioner Ilan Sigura

PUBLIC HEARINGS/GENERAL BUSINESS

3. [25-0107](#) Recommend to City Council:
Proposed Project: Introduce an Ordinance to:
Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to
recent State Legislation on Accessory Dwelling Units (ADUs).
File #: PLNG-2024-0544
Environmental Review: The action is exempt pursuant to Public
Resources Code Section 21080.17 and California Environmental Quality
Act (CEQA) Guidelines Section 15061(b)(3) and 15268.
Project Planner: Aastha Vashist, (408) 730-7458,
avashist@sunnyvale.ca.gov

Senior Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Pyne asked about how the City's tree provisions will apply to Accessory Dwelling Units (ADUs) created pursuant to Government Code section 66323. Senior Planner Vashist responded that while tree provisions serve as a standard condition of approval for ADUs, staff may consult with the California

Department of Housing and Community Development (HCD) to verify. She also explained that HCD will only review the City's proposed ordinance upon its adoption by City Council. Senior Assistant City Attorney Sandra Lee added that staff may consult with HCD to determine whether the City's tree replacement standards are considered a development or design standard or a standard condition of approval. Principal Planner George Schroeder also provided context for the inclusion of tree replacement provisions in the proposed ordinance.

Commissioner Pyne noted that Government Code section 66323 (b) does not appear to limit the City's ability to impose standards on local heritage resources.

Commissioner Serrone commented that, in his opinion, ADUs alone will not make a meaningful impact on our affordable housing crisis, but they allow property owners to make improvements on their property.

Commissioner Serrone, regarding Assembly Bill 2533, asked who determines whether unpermitted ADUs constructed before January 1, 2020 pose a threat to the health and safety of the public or occupants of the structure. Senior Planner Aastha Vashist explained that California Health and Safety Code section 17920.3 defines a substandard building and that local agencies must cite which substandard conditions would result in denial of an application for these unpermitted ADUs.

Commissioner Serrone confirmed with Principal Planner Schroeder that property owners decide whether their ADUs will share a power source or water and sewer lines with the main house.

Commissioner Serrone shared that, in his opinion, it is unworkable to have separate owners for the ADU and the main house.

Commissioner Sigura shared his knowledge of ADUs and the requirements they are subject to.

Commissioner Sigura confirmed with Senior Planner Aastha Vashist that while streamlined ADUs are not subject to the City's design requirements, they must still comply with fire and building codes.

Commissioner Sigura confirmed with Senior Planner Aastha Vashist that the proposed ordinance permits up to three ADUs – detached, conversion, and junior ADUs.

Commissioner Sigura proposed that the City follow a process to legalize ADUs and ensure that they undergo an inspection to comply with applicable codes. Senior Planner Aastha Vashist answered that Assembly Bill 2533 addresses the standards that ADUs are subject to and that homeowners may obtain a confidential third party code inspection to conform to those standards.

At Vice Chair Davis' request, Senior Planner Vashist explained how the square footage requirements for ADUs and JADUs were derived.

Vice Chair Davis and Senior Planner Vashist discussed the applicable requirements for both streamlined and non-streamlined ADUs. He also confirmed with Senior Planner Vashist that ADUs exceeding 800 square feet are ministerial and would not require Planning Commission review.

Commissioner Figone and Senior Planner Vashist discussed tree removal provisions where proposed ADUs are concerned. They also discussed the number of ADUs permitted for single- and multi-family homes.

Commissioner Figone asked whether ADUs are subject to Americans with Disability Act (ADA) accessibility requirements. Senior Planner Vashist responded that additional research is required to determine whether ADUs are subject to ADA-accessibility requirements.

Commissioner Figone confirmed with Senior Planner Vashist that, for ADUs built atop a garage, only the square footage of the living space is considered and not that of the garage.

Commissioner Shukla shared her knowledge and background regarding Heritage trees and tree provisions that apply to ADUs. She also confirmed with Senior Planner Vashist that the City of San Jose is the only city within the state which permits the separate sale of ADUs.

At Commissioner Shukla's request, Senior Planner Vashist elaborated on the parking requirements and front, side, and rear setback requirements for streamlined and non-streamlined ADUs.

Chair Iglesias offered some thoughts on the complexities of the ADU permitting process.

Chair Iglesias opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Iglesias closed the Public Hearing.

MOTION: Commissioner Sigura moved and Commissioner Shukla seconded the motion to recommend Alternative 1 to the City Council:

Introduce the Ordinance (Attachment 2) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code on Accessory Dwelling Units and find that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Codes Sections 21080.17 and CEQA Guidelines Sections 15061(b)(3) and 15268.

Commissioner Sigura spoke in support of the motion since it will allow for the creation of more affordable housing opportunities within the City.

Commissioner Shukla voiced her support of the motion and explained the benefits of ADUs in the City.

Commissioner Figone stated that while he is in support of the motion, he has reservations about it.

Vice Chair Davis expressed his support of the motion, commended staff for streamlining the proposed ordinance, and spoke of the benefits that ADUs offer.

Chair Iglesias confirmed his support of the motion and elaborated on his own personal experience with owner-occupied ADUs.

The motion carried by the following vote:

Yes: 7 - Chair Iglesias
Vice Chair Davis
Commissioner Figone
Commissioner Pyne
Commissioner Serrone
Commissioner Shukla
Commissioner Sigura

No: 0

This recommendation will be forwarded to the City Council for consideration at the March 25, 2025 meeting.