



City of Sunnyvale

Meeting Minutes

Planning Commission

Tuesday, May 28, 2024

6:00 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

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

6 P.M. STUDY SESSION

Call to Order

Vice Chair Iglesias called the meeting to order at 6:00 PM.

Roll Call

Present: 5 - Chair Martin Pyne
Vice Chair Nathan Iglesias
Commissioner Galen Kim Davis
Commissioner Michael Serrone
Commissioner Neela Shukla
Absent: 2 - Commissioner Daniel Howard
Commissioner John Howe

The absences of Commissioner Howe and Commissioner Howard are excused.

Study Session

A. 24-0646

Proposed Project: Site and architectural modifications to the previously-approved Applied Materials R&D Building, including a minor shift in the building footprint, a 1,425 square foot increase, exterior façade and material changes, and reprogramming the rear central utility plant and service yard.

Location: 974 East Arques Avenue (APNs: 205-36-006, -007 and -008); 928-930 East Arques Avenue (APN: 205-35-017); 222, 230 and 242 Commercial Street (APNs: 205-35-006, 007 and 008, respectively) and 930 East California Street (APN 205-35-003).

File #: PLNG-2023-0134

Zoning: M-S

Applicant / Owner: Applied Materials (Applicant/Owner)

Environmental Review: An addendum to the Arques Specific Plan EIR and the Land Use and Transportation Element (LUTE) Update EIR has been prepared pursuant to CEQA Guidelines Sections 15162 and 15164.

Project Planner: Cindy Hom, Associate Planner (408) 730-7411, chom@sunnyvale.ca.gov

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

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

SALUTE TO THE FLAG

Chair Pyne led the salute to the flag.

ROLL CALL

Present: 5 - Chair Martin Pyne
Vice Chair Nathan Iglesias
Commissioner Galen Kim Davis
Commissioner Michael Serrone
Commissioner Neela Shukla
Absent: 2 - Commissioner Daniel Howard
Commissioner John Howe

The absences of Commissioner Howe and Commissioner Howard are excused.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

There were no public speakers for this agenda item.

MOTION: Vice Chair Iglesias moved and Commissioner Davis seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 5 - Chair Pyne
Vice Chair Iglesias
Commissioner Davis
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 2 - Commissioner Howard
Commissioner Howe

1. 24-0667 Approve Planning Commission Meeting Minutes of April 22, 2024

Approve Planning Commission Meeting Minutes of April 22, 2024 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2. 24-0596 Forward a recommendation to City Council to Amend the Climate Action Playbook, Adopt Game Plan 2028, and Adopt a Negative Declaration for the Climate Action Playbook Update/Game Plan 2028 and CEQA GHG Emissions Thresholds

Regulatory Programs Division Manager Melody Tovar presented the staff report with a slide presentation.

Commissioner Serrone confirmed with Regulatory Programs Division Manager Tovar that the proposed updates to the Climate Action Playbook and Game Plan 2028 include broader language regarding approaches to natural gas regulation.

Commissioner Serrone questioned whether the City has considered outlawing nitrous oxide. Regulatory Programs Division Manager Tovar responded that consideration has been given to energy performance and indoor air quality approaches and that staff is working closely with Silicon Valley Clean Energy to learn about practices implemented by other cities.

Commissioner Serrone confirmed with Regulatory Programs Division Manager Tovar that if the amended Climate Action Playbook and Game Plan 2028 are not adopted, impacts to the greenhouse gas emissions are uncertain.

Commissioner Serrone inquired about whether consideration has been given to vehicle miles traveled (VMT) due to the removal of retail from concentrated areas. Kelsey Bennett, from Rincon Consultants, explained that VMT will be assessed at the project level.

At Commissioner Serrone's request, Regulatory Programs Division Manager Tovar and Environmental Programs Manager Madeline Khair explained the discrepancy in the data for one-time costs covering consultant services, advertising and material costs found in the staff report and the Draft Climate Action Playbook Update and Game Plan 2028.

Commissioner Serrone spoke in support of qualifying the Playbook for California Environmental Quality Act (CEQA) streamlining purposes.

Commissioner Davis confirmed with Regulatory Programs Division Manager Tovar that the Bicycle and Pedestrian Advisory Commission and Sustainability Commission forwarded the staff recommendation for this agenda item to the City Council.

Commissioner Davis shared the same sentiments as Commissioner Serrone regarding CEQA streamlining.

Commissioner Davis confirmed with Regulatory Programs Division Manager Tovar that the state's carbon neutrality target is absolute rather than per capita.

Commissioner Davis and Regulatory Programs Division Manager Tovar discussed challenges involved with meeting the 2030 target to reduce emissions 56% below 1990 levels. They also discussed the 2045 goal to reduce VMT by 30%.

At Vice Chair Iglesias' request, Regulatory Programs Division Manager Tovar explained how VMT is measured.

Vice Chair Iglesias asked about ways to accomplish VMT reduction goals. Regulatory Programs Division Manager Tovar answered that such factors as vehicle type, distance traveled, availability of electric vehicle infrastructure, and development of communities that support alternative modes of transportation must be considered.

Vice Chair Iglesias and Regulatory Programs Division Manager Tovar discussed community engagement and response thus far.

Vice Chair Iglesias inquired about housing costs associated with building environmentally friendly residential developments. Regulatory Programs Division

Manager Tovar shared that research shows it is more cost effective to build environmentally friendly residential developments than to retrofit existing developments at a later time.

Commissioner Shukla noted that the City does not currently have an inventory of its trees. Regulatory Programs Division Manager Tovar stated that this is being addressed by an ongoing Study Issue.

Commissioner Shukla questioned whether it is possible to achieve the 2030 target for reduced landfilled garbage. Director of Environmental Services Ramana Chinnakotla confirmed this possibility and explained strategies for achieving this target.

Chair Pyne offered comments on Moves 3.F and 3.C. He inquired about expanding microtransit services in areas beyond Peery Park and areas that are not undergoing redevelopment. Planning Officer Shaunn Mendrin explained why these services are being considered for areas undergoing redevelopment.

Chair Pyne asked whether the staff recommendation includes a recommendation for the City Council to adopt the revised draft resolution in Attachment 11. Chair Pyne also noted that Rebecca Moon's title on this draft resolution must be updated to reflect her new title of City Attorney.

Chair Pyne opened the Public Hearing.

Scott McClellan questioned whether a work from home policy may be enforced at the City level to aid in reducing emissions due to VMT. Regulatory Programs Division Manager Tovar answered that while this strategy has been considered and is practiced by the City for its own employees, there is no policy in place to require local employers to enforce a work from home policy. Mr. McClellan spoke in support of the proposed Climate Action Playbook and expressed his hope that the City's climate goals may be met.

Stephen Meier encouraged the Planning Commissioners to consider reducing parking minimums, enforcing solar canopies for parking lots, increasing densities, and requiring secure bicycle parking to meet our climate goals.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Shukla moved and Commissioner Davis seconded the motion to recommend that the City Council Adopt a Resolution (as shown in Attachment 11) to Amend the Climate Action Playbook, Adopt Game Plan 2028 and California Environmental Quality Act Greenhouse Gas Emissions Thresholds, and Adopt a Negative Declaration for the Climate Action Playbook Update/Game Plan 2028 and California Environmental Quality Act Greenhouse Gas Emissions Thresholds.

Commissioner Shukla spoke in overall support of the motion and the proposed Climate Action Playbook.

Commissioner Davis voiced his support of the proposed Climate Action Playbook.

Chair Pyne noted that Moves 3.B, 3.C, and 3.F focus on reducing VMT by improving transit services within the City. He added that there is a current Study Issue that will evaluate the reduction of our required parking minimum. Chair Pyne also spoke in support of the motion.

The motion carried by the following vote:

Yes: 5 - Chair Pyne
Vice Chair Iglesias
Commissioner Davis
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 2 - Commissioner Howard
Commissioner Howe

This recommendation will be forwarded to the City Council for consideration at the June 25, 2024 meeting.

3. [24-0640](#) **Proposed Project:** Appeal of a decision by the Zoning Administrator denying a **VARIANCE** to legalize an existing 112 square foot detached accessory structure in the rear yard of a single-family property with a two-foot, five-inch side setback where four-feet minimum is required, and a two-foot, two-inch rear yard setback where ten feet minimum is required.
Location: 160 South Pastoria Avenue (APN: 165-15-007)

File #: PLNG-2023-0642

Zoning: R-2 (Low Medium Density Residential)

Applicant / Owner: Scott McClellan (applicant) / Tracy and Scott McClellan (owner)

Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Robby Miller, 408-730-7429,
rmiller@sunnyvale.ca.gov

Associate Planner Robby Miller presented the staff report with a slide presentation.

At Commissioner Davis' request, Associate Planner Miller addressed the information presented in the attachment titled "Responses to Planning Commission Questions 20240528." Commissioner Davis confirmed with Principal Planner Julia Klein that unless a neighbor files a complaint and further research is conducted, it is uncertain whether the utility buildings noted in this attachment are compliant with Zoning ordinances. Principal Planner Klein added that detached structures that are under 120 square feet, less than 8 feet in height, and do not include utilities are not subject to a Planning permit. Commissioner Davis stated that for this reason, the City has no documentation of such structures.

Commissioner Serrone and Principal Planner Klein discussed the different fire codes that would apply depending on the height and square footage of an accessory structure and whether the structure includes utilities.

Commissioner Serrone confirmed with Principal Planner Klein that none of the Variances for accessory structures or Accessory Dwelling Units (ADUs) within 300 feet of the subject property were denied.

Commissioner Serrone confirmed with Associate Planner Miller that the subject structure received complaints from two residents, one of which lives near the subject property. Planning Officer Shaunn Mendrin added that since a formal complaint was filed with the City's Neighborhood Preservation division, the case must be resolved.

Vice Chair Iglesias questioned whether the subject structure was converted to an ADU since there are two addresses for the subject property on Google Maps. Principal Planner Klein responded that the information in Google Maps is inaccurate as the subject structure has not been converted to an ADU.

Commissioner Shukla questioned the possible outcomes whether the Planning

Commission grants the requested Variance for the subject structure. Principal Planner Klein explained that if the Variance is denied, the applicant would need to remove the subject structure, convert it to an ADU that meets City requirements, or appeal the Planning Commission's decision to the City Council. Principal Planner Klein stated that if the Variance is granted, the accessory structure would be subject to applicable building code and other life/safety requirements. Associate Planner Miller noted that the project plans show the relocation of the air conditioner unit.

Chair Pyne reiterated the applicable Alternatives that the Planning Commissioners may consider for this agenda item.

Chair Pyne confirmed with Planning Officer Mendrin that a simple majority is needed to carry the motion for this agenda item.

Chair Pyne opened the Public Hearing.

Scott McClellan, property owner and applicant, provided an oral presentation.

Commissioner Davis confirmed with Mr. McClellan that the power grid for the subject accessory structure is the same one that supplies power to the single-family house on the subject property.

Vice Chair Iglesias shared that he contacted and spoke to a representative of the company that built the subject structure and was told that the company is not responsible for ensuring that their products are compliant with City requirements. Vice Chair Iglesias asked the applicant to clarify the nature of his correspondence with the company. Mr. McClellan stated that he communicated with the company representatives, but he did not confirm permitting requirements with City staff. He added that if the Variance is granted, he will ensure that the subject structure complies with building and life/safety requirements. Vice Chair Iglesias expressed his concerns with setting a precedence through the granting of the Variance.

Commissioner Shukla stated that while she may empathize with the applicant's case, City requirements for the subject accessory structure must be met. Mr. McClellan responded that he believes the City's requirements for such structures are ambiguous and recommends the City take this opportunity to make it clear.

Commissioner Shukla encouraged the applicant to consider converting the subject structure to an ADU.

Chair Pyne opened the Public Hearing.

Stephen Meier spoke in support of the Variance and the subject accessory structure and explained why.

Mr. McClellan presented additional information to support his case.

Chair Pyne closed the Public Hearing.

Vice Chair Iglesias questioned whether the Planning Commission may approve the Variance for the subject accessory structure and provided additional comments on the matter.

Vice Chair Iglesias confirmed with Planning Officer Mendrin that if the Variance for the subject structure is granted, it would be difficult for the Planning Commission to deny Variance requests for similar structures moving forward. Principal Planner Klein emphasized the role of staff and Commissioners in following existing City requirements. Principal Planner Klein further clarified that regardless of whether there may be merit in reevaluating existing City requirements for accessory structures, the subject matter before the Commission is whether the findings can be made to support the requested Variance based upon existing City requirements.

Commissioner Serrone stated that the Planning Commission does not have the authority to grant the Variance since the accessory structure does not meet existing City requirements. Planning Officer Mendrin reminded the Planning Commissioners that they may propose a study issue to reevaluate applicable standards for accessory structures and make changes accordingly.

Commissioner Davis confirmed with Planning Officer Mendrin that in the event the Variance is denied, the applicant may appeal the Planning Commission's decision to the City Council within fifteen days.

Commissioner Davis spoke in favor of undergoing a study issue process to reevaluate existing City requirements for accessory structures. Until these code changes are implemented however, Commissioner Davis stated that the Variance may not be granted.

MOTION: Commissioner Davis moved and Commissioner Shukla seconded the

motion to approve Alternative 1 – Deny the appeal and uphold the Zoning Administrator's decision to deny the Variance for the accessory structure based on the Recommended Findings for Denial in Attachment 1.

Commissioner Shukla voiced her support of the motion and explained why.

Chair Pyne confirmed his support of the motion since not all Findings for the Variance have been met. He also expressed his support of a study issue process to reevaluate City policies for accessory structures.

Vice Chair Iglesias stated that he will be abstaining from voting and explained why.

The motion carried by the following vote:

Yes: 4 - Chair Pyne
Commissioner Davis
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 2 - Commissioner Howard
Commissioner Howe

Abstained: 1 - Vice Chair Iglesias

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Wednesday, June 12, 2024.

4. 24-0607 Review Planning Program Budget and Fees for FY 2024-2025

Planning Officer Shaunn Mendrin presented the staff report.

Chair Pyne and Planning Officer Mendrin discussed the actual, estimated, and target percentages for the number of staff decision planning permit applications that receive staff comments in fourteen or fewer calendar days. Planning Officer Mendrin explained that due to limited staffing, the high volume of permits received, and the integration of a new permitting system, the actual percentages have declined in recent fiscal years. Planning Officer Mendrin added that the recruitment of three new planners and the implementation of a streamlined review for such planning permit applications will assist with improving these percentages.

Commissioner Davis and Planning Officer Mendrin deliberated upon the long-term financial plan for the Low & Moderate Housing Fund. Commissioner Davis noted that while there is a decline in the reserve or fund balance in the years to come, this decline is not substantial.

Commissioner Davis confirmed that he has no objections to the Planning Program budget.

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

Commissioner Davis stated that the budget meets the anticipated demand for development and that it is responsible from a Planning Commissioner's perspective.

Chair Pyne expressed his concerns about the adoption of the City budget before the adoption of the Village Center Master Plan. Regardless, he commented that the Village Center Master Plan should be completed as soon as it can and is glad that the work is being done.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Vice Chair Iglesias provided feedback on the City's Legislative Public Meetings website.

-Staff Comments

Planning Officer Shaunn Mendrin announced that Planning Commission meetings will likely take place in the Council Chambers beginning June 24, 2024.

Planning Officer Mendrin informed the Planning Commissioners that VTA is conducting outreach for its Equitable Vehicle Miles Traveled (VMT) Mitigation Program. He added that additional details may be found at www.vta.org/equitablevmt.

ADJOURNMENT

Chair Pyne adjourned the meeting at 9:33 PM.