



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, June 14, 2021

7:00 PM

Telepresence Meeting: City Web Stream |
Comcast Channel 15 | AT&T Channel 99

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

TELECONFERENCE NOTICE

6:00 P.M. STUDY SESSION CANCELED

7:00 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Pursuant to Section 3 of Executive Order N-29-20 (March 17, 2020) and Section 42 of Executive Order N-08-21 (June 11, 2021), issued by Governor Newsom, the meeting was conducted telephonically.

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

ROLL CALL

Present: 7 - Chair Daniel Howard
Vice Chair David Simons
Commissioner Sue Harrison
Commissioner John Howe
Commissioner Ken Olevson
Commissioner Ken Rheume
Commissioner Carol Weiss

ORAL COMMUNICATIONS

Nathan Inglesias, resident of Sunnyvale, stated a concern about the City process and his proposed accessory dwelling unit (ADU) project. Mr. Inglesias stated that he is seeking guidance from the Planning Commission on how to formally appeal.

Chair Howard asked Mr. Inglesias if he submitted to the Planning Division in May 2020 or May 2021. Mr. Inglesias responded that he submitted in May 2020. Chair Howard stated his opinion to Mr. Inglesias that if he had a presentation to present to the Planning Commission in the future, the Commission would be open to having a Public Hearing.

Assistant Director Andrew Miner stated that during the Public Comment of the public hearing there are generally no discussion items. Assistant Director Miner also stated that staff can guide Mr. Inglesias on how to formally appeal.

CONSENT CALENDAR

- 1. [21-0625](#) Approve Planning Commission Meeting Minutes of May 24, 2021

MOTION: Commission Weiss moved and Chair Howard seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 4 - Chair Howard
 Commissioner Harrison
 Commissioner Olevson
 Commissioner Weiss

No: 0

Abstained: 3 - Vice Chair Simons
 Commissioner Howe
 Commissioner Rheaume

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. [21-0628](#) **Proposed Project:** Related applications on a 1.5-acre site:
USE PERMIT to allow the construction of two new six-story hotel buildings totaling 274 hotel rooms, underground garage with mechanized parking, parking adjustment to allow valet parking, and installation of related site improvements.
TENTATIVE MAP to allow a lot merger and subdivision for condominium purposes.
Location: 247 and 295 Commercial St (APNs: 205-34-006 and 205-34-013)
File #: 2020-7478
Zoning: Manufacturing and Services (M-S)
Applicant / Owner: DOA Development (applicant) / Stepan Family Trust (property owner of 247 Commercial Street) and Huy Tu Trustee & Et Al (property owner of 295 Commercial Street)
Environmental Review: Class 32 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.
Project Planner: Cindy Hom, (408) 730-7411, Chom@sunnyvale.ca.gov

Assistant Director Miner stated that staff recommends continuing the discussion for Agenda Item 2 to a later date due to a letter that was received on the item. Assistant Director Miner also recommended that the Planning Commission allow the applicant and public to speak.

Chair Howard opened the Public Hearing.

There was no applicant presentation for this agenda item.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Vice Chair Simons moved and Commissioner Weiss seconded the motion to continue the discussion on the Public Hearing Agenda Item 2 to Monday, August 9, 2021.

The motion carried by the following vote:

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

No: 0

3. [21-0631](#) Recommendation to City Council to Introduce an Ordinance Amending Chapter 19.67 (Below Market Rate Ownership Housing) of the Sunnyvale Municipal Code to Modify the Inclusionary Housing Program.

Housing Officer Jenny Carloni presented the staff presentation.

Commissioner Harrison asked Housing Officer Carloni general questions regarding the below market rate (BMR) rental and ownership program.

Commissioner Weiss asked staff if a BMR unit is converted from an apartment to a condominium will there be financial help available to keep the unit conversion preservation program. Housing Officer Carloni responded that the City has a first-time home-owner loan program. Commissioner Weiss asked if a BMR

ownership remains in the BMR buyer program if the house becomes foreclosed. Affordable Housing Manager Ernie DeFrenchi responded that if a BMR home goes into foreclosure housing restrictions do not survive foreclosure. Housing Manager DeFrenchi also stated that if the City receives a letter stating that a home is going to be foreclosed upon, the City works with the lender and the homeowner to negotiate a forbearance agreement or the City would help to facilitate a resell to that home to a new BMR owner.

Chair Howard opened the Public Hearing.

Mike Serrone spoke in overall support of the staff's recommendations. Mr. Serrone commented on the inclusionary housing policy for the City of Cupertino.

Chair Howard closed the Public Hearing.

Commissioner Harrison asked staff when did the City adopted the Palmer's effect. Housing Officer Carloni responded that the state adopted the Palmer's effect in 2017, however, the City of Sunnyvale adopted the Palmer's effect in 2019. Commissioner Harrison asked staff approximately how many rental projects has the City had since the Palmer's effect has been in place. Assistant Director Miner responded that there was the Irvine Company project which was 900 units and the Capstone Project which was 600 BMR units.

MOTION: Commissioner Weiss moved and Commissioner Harrison seconded the motion to approve Alternative 1: Introduce an ordinance to amend Chapter 19.67 ("Below Market Rate Ownership Housing ") of Title 19 ("Zoning") of the Sunnyvale Municipal Code to modify Inclusionary Below Market Rate Ownership Housing Requirements (Attachment 3 to the report).

Commissioner Weiss commented that the ordinance will provide more opportunity for developers in Sunnyvale and allow for more affordable ownership opportunities for the community.

Commissioner Harrison stated that homeowner opportunities for moderate income families are imperative for the community.

Chair Howard spoke in support of the motion and overall agreement with Commissioner Harrison and Commissioner Weiss' comments.

The motion carried by the following vote:

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

No: 0

4. [21-0627](#) Review Planning Program Budget and Fees for FY 2021/22

Assistant Director Miner gave a brief introduction about what was reviewed for the Planning Program Budget and Fees for the Fiscal Year (FY) 2021/2022.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

Commissioner Harrison commented on how it was interesting to see the increase and decrease of fees for the residential and non-residential projects during the FY 2020/2021. Assistant Director Miner agreed with Commissioner Harrison and he also shared that the FY 2020/2021 came with a big learning curve for staff as they adjusted to the electronic submittal process, but staff was able to adapt well. Commissioner Harrison complimented the City of Sunnyvale and staff on the turnaround time to submit for an electronic submittal.

Vice Chair Simons asked about the long-term budget and the variations year to year and a question about the Planning Commission. Vice Chair Simons wanted to confirm that the general funding budget was changed due to the unforeseen times during the FY 2020/2021. Assistant Director Miner responded that certain services may have been cut due to certain events not being able to take place during the FY 2020/2021 due to unforeseen times. Vice Chair Simons stated his opinion on the budget report. Assistant Director Miner stated that the Planning Division is based off Enterprise Funds, which is applicant funded. Assistant Director Miner also shared that there is a law that states a City cannot charge fees that are more than the valuation of the work. Vice Chair Simons asked about how the City can train Planning Commissioners based off the Sunnyvale Charter. Assistant Director Miner responded that it is an operating budget, so it is not in this cycle, but the City is able

to meet those training needs due to the decrease on travel expenses. Vice Chair Simons stated his opinion on how the City could fund more training for the Planning Division and the Planning Commissioners.

Commissioner Howe commented that he recommends the City Council approves the second year of the two-year cycle that the City Council approved last year.

Commissioner Olevson commented on the City Manager's letter regarding the funding from the Federal Government. Commissioner Olevson also wanted to confirm that the City Council will not increase permanent programs that will be on the City's budget after the Federal Government funding runs out. Commissioner Olevson stated his opinion that the presentation is easier to read through the Enterprise system.

Assistant Director Miner clarified that the Planning Commission could make a formal recommendation or solely provide comments to the City Council.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion to approve the staff recommendation on the Planning Program Budget for the Fiscal Year 2021/2022.

The motion carried by the following vote:

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

No: 0

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

5. [21-0650](#) Proposed Study Issue for 2022: Safe Parking or Limited Stay Camper Parking

Principal Planner Amber Blizinski introduced the proposed study issue and asked Housing Officer Carloni to explain the Safe Parking Housing Strategy to the Commission.

Commissioner Harrison asked staff if the study issue could encompass studying a more permanent RV use similar to a mobile home park instead of an emergency/temporary use. Housing Officer Carloni responded that the strategy focuses on ending homelessness and would likely operate in a more temporary or emergency manner when necessary. Principal Planner Blizinski added that a more permanent RV parking use would be considered a different type of land-use and would require modifications to the Study Issue paper. Commissioner Harrison discussed with staff about a recreational land-use type and what type of permit would be required for that land use. Commissioner Harrison wanted to confirm that RV parking on a public street would be regulated by the Department of Public Works and Principal Planner Blizinski confirmed that it would.

Chair Howard commented on the City of Mountain View's use of street-parking and vacant Santa Clara Valley Transportation Authority (VTA) property and if the City of Sunnyvale could implement a parking strategy like Mountain View's. Housing Officer Carloni responded that the City has heard of success stories for other municipalities; however, these uses typically require some City funding which may not be available at this time. Chair Howard stated that he understands the housing strategy is Tier 3 strategy and that the Commission may want to sponsor the Study Issue too, so the Council sees it is a priority.

Commissioner Harrison asked staff if the temporary emergency shelter use was currently allowed on properties zoned for public facilities. Principal Planner Blizinski responded that it is not currently a use that is allowed on those sites, but would be studied as a part of the Safe Parking Housing Strategy

Assistant Director Miner asked Assistant City Attorney Rebecca Moon if the Planning Commission wanted to sponsor a study issue regarding short-term housing in a Public Facility (PF) zone would it open the door to other housing development projects being allowed in these zoning districts. Assistant City Attorney Moon responded that it might and is an issue that would require careful consideration and discussion.

Chair Howard commented on the proposal of safe parking at a PF and the option of a temporary use permit.

Commissioner Harrison shared information on RVs that are currently parked at a PF church.

Assistant Director commented on the City's involvement from a program standpoint while also considering the land-use standpoint.

Chair Howard asked staff if a temporary use permit can be considered for allowing a safe parking lot. Principal Planner Blizinski responded that the study issue would look at potential zoning districts where Safe Parking sites could be allowed. Principal Planner Blizinski commented that staff would likely create an ordinance on safe parking when the Housing Strategy or Study Issue moved forward. Chair Howard asked staff if commercial sites can be considered for safe parking sites. Housing Officer Carloni responded that the Housing Division has not had inquiries from landowners regarding using their properties for safe parking or longer-term RV parking, but that the Housing Strategy could begin sooner if a landowner expressed their interest to the City and was interested in funding such a use/study.

Chair Howard opened the Public Hearing.

Mike Serrone, member of Livable of Sunnyvale, spoke in overall support of the study issue. Mr. Serrone commented on other municipalities ability to create a safe parking site. Mr. Serrone stated that it is a growing problem in the bay area and the Housing Strategy should be considered as a higher priority.

Marie Bernard, Executive Director of Sunnyvale Community Services, spoke in overall support of the study issue. Ms. Bernard commented on the need for safe parking and shared information on homelessness in the City. Ms. Bernard also shared information on potential funding partners and organizations.

Chair Howard asked Ms. Bernard if she has a course of action on Housing Officer Carloni's response to moving the study issue from Tier 3 to top priority if there is a landowner who is interested. Ms. Bernard responded that Sunnyvale Community Services has information from other municipalities how they have implemented safe parking and that there is not a landowner the Sunnyvale Community Services knows of who would be interested at this time.

Chair Howard closed the Public Hearing.

Commissioner Howe suggested that the Planning Commission may want to vote on having the Chair represent the Planning Commission at a future City Council meeting to express the Planning Commission's passion and concern for safe parking.

Chair Howard asked Assistant City Attorney Moon if Commissioner Howe's recommendation is within the Brown Act. Assistant City Attorney Moon responded that if the Planning Commission would like to appoint a representative to speak at a City Council meeting then it would need to be an action on the agenda.

Commissioner Howe asked staff how a Planning Commissioner could add an item to the next agenda and Assistant City Attorney Moon responded that the council policy states that the Chair and the liaison can consult to add agenda items. Commissioner Howe stated that he encourages the Chair to have the discussion to add the study issue to the next meeting.

Vice Chair Simons commented that he believes it is in the bylaws that most of the commission can direct a study issue to a future agenda item. Assistant City Attorney Moon stated that she will confirm with Vice Chair Simons if that is an option.

Commissioner Harrison expressed her interest in having the safe parking study issue move forward.

MOTION: Commissioner Harrison moved and Chair Howard seconded the motion to add the study issue to the running list of 2022 proposed study issues.

The motion carried by the following vote:

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

No: 0

6. [21-0653](#) Proposed Study Issue for 2022: Village Centers Re: Aging in Place

Principal Planner Blizinski, Housing Officer Carloni, and Chief Building Official Suzanne Park gave the staff presentation with a PowerPoint slide and discussed the various Housing Strategies pertaining to aging in place and the building code requirements associated with the topic

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

Commissioner Harrison asked staff about the protecting at risk senior affordable senior housing. Housing Officer Carloni responded that this strategy is mainly regarding developments built by non-profit developer who build projects specifically for senior citizens; these developments have 55-year restrictions. Housing Officer Carloni then stated that the goal of this strategy would be to prioritize specific senior development that are considered “at-risk” and to negotiate with the developers to extend the life of the affordable housing development. Commissioner Harrison asked approximately how many units in the upcoming 10 years would be eligible, Housing Officer Carloni responded that there may be some eligible developments within the next 15 years. Housing Officer Carloni commented on another housing strategy which is to promote new age-friendly housing. Commissioner Harrison wanted to confirm that the City is working to create an inclusive new-age friendly housing. Housing Officer Carloni responded that the City has expressed their ideas to developers on inclusive new-age friendly housing, but it is still in the early stages for a development near Lawrence Station. Principal Planner Blizinski mentioned that the City is always working to promote ADUs and that the Planning Division has seen a significant increase in proposed ADUs recently.

Commissioner Weiss discussed her concerns on village centers and intergenerational housing. Assistant Director Miner commented that the City does not have aging in place requirements or incentives for village centers and that because of State law, the City may not be able to make these requests.

Vice Chair Simons asked Chief Building Official Park if there is a building code requirement specifically for grab bars. Chief Building Official Park responded that all new multi-family homes are required to meet all accessibility requirements including the backing of the grab bars. Vice Chair Simons expressed his concerns with the study issue process and asked staff if there is a way for the Planning Commission to be more involved. Assistant Director Miner clarified that the Planning Commission can respond to issues that the Commission has authority over.

Commissioner Harrison wanted to clarify that the age-friendly housing strategy for 2021/2022 is a narrowly focused strategy that will be discussed in the future. Housing Officer Carloni responded that it is narrow due to what the Housing

Division has control over for the proposed strategy. Housing Officer Carloni also commented that staff is looking to study a Citywide policy.

Chair Howard asked staff if there is any action that the Planning Commission needs to take on the proposed study issue. Assistant Director Miner responded that the Planning Commission can sponsor a study issue.

MOTION: Commissioner Weiss moved and Commissioner Howe seconded the motion to add the study issue to the running list of 2022 proposed study issues.

Commissioner Weiss stated her opinion that the proposed study issue will allow for discretion of objective standards and allow for Citywide policies.

Commissioner Howe stated his opinion that the proposed study issue is an important topic that should be discussed and that the study issue process for the City has changed and decreased in value throughout the years.

Vice Chair Simons stated that he will be supporting the motion and that he agrees with Commissioner Howe's comments regarding the study issue process and value. Vice Chair Simons commented on the importance of the study issue and hopes that it becomes a priority.

Commissioner Harrison stated she will be supporting the motion.

Chair Howard commented in overall support of the motion.

The motion carried by the following vote:

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

No: 0

INFORMATION ONLY REPORTS/ITEMS

7. [21-0624](#) Planning Commission Proposed Study Issues, Calendar Year: 2022
(Information Only)

NON-AGENDA ITEMS AND COMMENTS**-Commissioner Comments**

Chair Howard stated that he will contact Assistant Director Miner regarding adding the safe parking agenda item and expressing the Planning Commissioner's passion and concerns to City Council.

-Staff Comments

Assistant Director Miner stated that the City Council adopted an ordinance on Tuesday, May 25, 2021 regarding amendments to the zoning code on ADUs. Assistant Director Miner also stated that the City Council will be discussing the budget at the City Council Meeting Tuesday, June 15, 2021.

ADJOURNMENT

Chair Howard adjourned the meeting at 9:37pm.