



City of Sunnyvale

Meeting Minutes

Planning Commission

Monday, June 27, 2022

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

STUDY SESSION CANCELED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Pursuant to Government Code Subdivision 54953(e), the meeting was conducted telephonically; pursuant to state law, the City Council made the necessary findings by adopting Resolution No. 1089-21, reaffirmed on June 21, 2022.

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

ROLL CALL

Present: 7 - Chair Daniel Howard
Vice Chair Martin Pyne
Commissioner Sue Harrison
Commissioner John Howe
Commissioner Nathan Iglesias
Commissioner Ken Rheaume
Commissioner Carol Weiss

PRESENTATION

1. 22-0690 PRESENTATION - Recognition of Service

City of Sunnyvale Mayor Larry Klein gave a recognition of service presentation for Commissioner Rheaume and Commissioner Harrison who each served two terms on the Planning Commission.

The Planning Commissioners and Planning Officer Shaunn Mendrin shared their gratitude for contributions made by Commissioner Rheaume and Commissioner Harrison during their terms.

Commissioner Rheaume and Commissioner Harrison stated their appreciation for

City staff and their fellow Planning Commissioners.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

MOTION: Commissioner Weiss moved and Vice Chair Pyne seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Vice Chair Pyne
Commissioner Harrison
Commissioner Rheaume
Commissioner Weiss

No: 0

Abstained: 2 - Commissioner Howe
Commissioner Iglesias

2. [22-0687](#) Approve Planning Commission Meeting Minutes of June 20, 2022

PUBLIC HEARINGS/GENERAL BUSINESS

3. [22-0693](#) **CHANGE OF HEARING DATE TO JULY 11, 2022**

Proposed Project: Related applications on a 1.25-acre site:
DEVELOPMENT AGREEMENT (DA): Introduction of an Ordinance Approving and Adopting of a DA between the City of Sunnyvale and Gary Thon-Lon Hon and Nichole Ying Lin Hon, as trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.
SPECIAL DEVELOPMENT PERMIT (SDP): to demolish the existing buildings and construct a new 125,128 square foot four (4) story office building with two (2) levels of underground parking.
Location: 480 & 490 S. Mathilda Avenue and 355 W. Olive Avenue (APNs:209-28-008 & 052)
File #: 2021-7281 (DA) & 2021-7280 (SDP)
Zoning: DSP Block 13
Applicant: Daniel Minkoff, Minkoff Group
Owners: Gary Thon-Lon Hon and Nichole Ying Lin Hon, as Trustees of the Hon Family Trust and Edward H. Leone Jr. LLC.
Environmental Review: A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act

provisions and City Guidelines.

Project Planner: Shaunn Mendrin, (408) 730-7431,
smendrin@sunnyvale.ca.gov

Chair Howard confirmed with Planning Officer Mendrin that discussion on Public Hearing Agenda Item 3 will need to be continued to the Planning Commission meeting on July 11, 2022.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Weiss seconded the motion to continue the discussion on Public Hearing Agenda Item 3 to Monday, July 11, 2022.

The motion carried by the following vote:

Yes: 7 - Chair Howard
Vice Chair Pyne
Commissioner Harrison
Commissioner Howe
Commissioner Iglesias
Commissioner Rheaume
Commissioner Weiss

No: 0

4. 22-0686 Proposed Project:

DESIGN REVIEW: construct a one-story addition and a new second story totaling 952 square feet to an existing single-family home, resulting in 3,013 square feet (2,621 square feet living area and 392 square feet garage) and 50.7% floor area ratio (FAR).

Location: 909 W. Cardinal Dr (APN: 198-11-022)

File #: 2021-7779

Zoning: R-0 (Low Density Residential)

Applicant / Owner: Chapman Design Associates (applicant)/
Shung-Neng and Judy Chen Lee (owners)

Environmental Review: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions.

Project Planner: Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report with a slide presentation.

Commissioner Weiss confirmed with Associate Planner Cha that there will be no tree removal as part of the proposed project.

Commissioner Howe questioned whether the stone veneer on the proposed project's front façade extends to the fence line. Associate Planner Cha stated that it should run against the fence line, but the Planning Commissioners may suggest the inclusion of a Recommended Condition of Approval that ensures it will.

Commissioner Iglesias confirmed with Associate Planner Cha that the applicant prefers the alternate design for the proposed project that includes two additional gables on the second floor. Associate Planner Cha added that while this preferred design does not violate any City codes, it is not compatible with the City's design guidelines pertaining to the second floor of single-family homes.

Commissioner Iglesias confirmed with Associate Planner Cha that the update to the City's Single Family Home Design Techniques document will impact new single-family homes, but not existing ones that will only be remodeled.

Chair Howard confirmed with Associate Planner Cha that the applicant's alternative design for the proposed project includes additions to the front and back of the existing property. Chair Howard stated that he liked the gables on the proposed project's second floor and noted that the roof pitches of the proposed project are inconsistent. Associate Planner Cha advised that while the City prefers consistency among all of the roof pitches, the Planning Commissioners may approve a design that includes inconsistent roof pitches.

Commissioner Iglesias noted that staff's opinion that the applicant's preferred design is overly complicated is insufficient to deny it completely. In response, Principal Planner Noren Caliva-Lepe explained that staff considers the context of a neighborhood when determining whether to approve an applicant's design. In this case, the proposed project exists within a neighborhood that consists predominantly of single-story homes with simple gable roofs. She added that a design for the proposed project which will include side gables to minimize the number of front gables would be more consistent with the neighborhood context it is in.

Commissioner Rheaume discussed the roof pitches present in the proposed project's existing and alternative designs.

Commissioner Weiss noted that another two-story home in the same neighborhood as the proposed project has a design identical to staff's recommended design for the proposed project. She wondered whether this might be why the applicant's preferred design renders the proposed project more distinctive.

At Commissioner Harrison's request, Associate Planner Cha clarified that the City's current Single-Family Home Design Techniques encourages consistency between the proposed projects' design and the predominant design found in their neighborhood's context.

When Vice Chair Pyne asked about the roof pitches of other homes present within the proposed project's neighborhood, Associate Planner Cha explained that upon staff's review of homes on the same and opposite sides of the block from the proposed project, no roof pitch steeper than 4:12 was found. She also reiterated that the Planning Commissioners may suggest the inclusion of a Recommended Condition of Approval that allows for the proposed project to possess a steeper roof pitch.

Commissioner Howe asked whether residents near the proposed project were notified of the applicant's alternative design. Associate Planner Cha stated that they were not since the alternative design was not significantly different from staff's recommended design.

Associate Planner Cha advised the Planning Commissioners that staff received a letter from the public that was neither in favor of staff's recommended design nor the applicant's alternative design. Commissioner Weiss responded that since this letter references the alternative design, this design must have been made public.

Principal Planner Caliva-Lepe stated that this design was included with the packets provided to the Planning Commissioners as well as uploaded for the public to view online. Associate Planner Cha also mentioned that the applicant team, property owner, and architect shared the alternative design with surrounding neighbors.

Chair Howard opened the Public Hearing.

Walter Chapman, Designer at Chapman Design Associates, presented the project including additional images and information.

Fred Lee, homeowner, thanked the Planning Commissioners for their review of the

proposed project.

Commissioner Howe confirmed with Mr. Lee that he spoke to neighbors to the left, right, and across the street from the proposed project and presented them with staff's recommended design as well as his preferred design for the proposed project.

At Commissioner Harrison's request, Mr. Chapman provided additional information on a previous project he completed which included roofs with a 6:12 pitch.

Commissioner Harrison confirmed with Associate Planner Cha that the objective guidelines for single-family homes does not apply to the proposed project since the proposed project is an addition to an existing single-family home rather than the construction of a new single-family home.

Commissioner Harrison asked whether Mr. Chapman found the City's design guidelines to be both objective and understandable. Mr. Chapman assured her that they were.

When Commissioner Weiss inquired about whether the existing solar panels will remain if the proposed project alters the existing roofs, Mr. Chapman answered that the homeowner intends to keep them.

When prompted by Commissioner Weiss, Mr. Chapman explained why the proposed project is adding a second floor rather than extending into the existing front yard or back yard.

Commissioner Weiss confirmed with Mr. Chapman that the colored rendering of the proposed project is what he expects the completed project to look like.

Vice Chair Pyne confirmed with Mr. Chapman that he was unable to identify any homes in the vicinity of the proposed project with a 6:12 roof pitch. Mr. Chapman added that the difference between a 4:12 roof pitch and a 6:12 roof pitch is, in his opinion, not discernable to the naked eye.

Vice Chair Pyne advised the other Commissioners of an action that the Planning Commission took pertaining to the roof on a project that was proposed in 2018 for the property located at 902 West Cardinal Avenue.

Chair Howard asked Mr. Lee whether any documentation was provided to the Planning Commission regarding support from his neighbors for the proposed project. Mr. Lee answered that this was provided to Associate Planner Cha. Principal Planner Caliva-Lepe later confirmed that these letters of support were forwarded to the Planning Commissioners and uploaded online for members of the public to view during the Planning Commission meeting.

“O”, Sunnyvale resident, expressed her concerns about the proposed project’s large, eye-catching roofs and the fact that she did not receive much information on the proposed project’s alternative design. For these reasons, she stated that she is neither in favor of staff’s recommended design nor the applicant’s preferred design for the proposed project.

Ginger Wolnik, Sunnyvale resident, also stated that she did not receive much information on the proposed project’s alternative design, but she commented that she did find it to be the prettier of the two designs. She also mentioned that while she is not opposed to the proposed project, she does have concerns about the construction noise that will occur when work on the proposed project is underway.

Commissioner Harrison confirmed with Mr. Chapman that the bulk of structural engineering will be done internally to preserve 62.5 percent of the proposed project’s exterior walls. Since this percentage falls below the criteria to deem the proposed project a new construction, the proposed project is not subject to objective design guidelines.

Associate Planner Cha presented the letters of support that the applicant received for the proposed project’s alternative design.

Commissioner Weiss noted that there is often a Recommended Condition of Approval prohibiting the use of jack hammers and instead substituting them with electric or hybrid equipment. Principal Planner Caliva-Lepe answered that the use of jack hammers on single-family projects is atypical, but the Planning Commission may suggest the inclusion of a Recommended Condition of Approval that will prohibit the use of jack hammers on the proposed project.

Ms. Wolnik added to her earlier statement by sharing her experience with a different project that was completed near her residence. She recalled the noise and vibration that resulted from the project and noted that in addition to removing the foundation, the sewer lines of that project were replaced as well.

Vice Chair Pyne informed the Planning Commissioners that while the Conditions of Approval (COA) for the project at 902 West Cardinal Avenue included the installation of the sanitary sewer cleanout on the front property line, the proposed project's COAs do not include such a condition.

Mr. Lee invited his neighbors to contact him during construction of the proposed project to share their concerns with him. He also assured them that no work will be done on the proposed project's sewer lines.

Judy Lee, homeowner, thanked everyone for their time and their consideration of the proposed project.

Chair Howard closed the Public Hearing.

At Commissioner Howe's request, Planning Officer Mendrin provided guidance on creating a motion.

MOTION: Commissioner Rheaume moved and Commissioner Weiss seconded the motion to approve Alternative 2 - Approve the Design Review with modified conditions.

The modified conditions are as follows:

- 1.) Approve the applicant's alternate design for the proposed project.
- 2.) Prohibit the use of jack hammers unless necessary.
- 3.) Ensure that the stone veneer on the proposed project's front façade shall extend to the fence line.

Commissioner Rheaume praised the proposed project's alternative design for its timeless quality and originality. He urged his fellow Commissioners to support the motion.

Commissioner Weiss noted that the proposed project complies with City standards and guidelines, possesses a welcoming entryway, and adds positively to the neighborhood. Like Commissioner Rheaume, she urged her fellow Commissioners to support the motion.

Commissioner Harrison spoke in favor of the motion since the proposed project is

not subject to the objective standards that newly constructed single-family homes are subject to.

Commissioner Howe voiced his support of the motion.

Vice Chair Pyne shared his support of the motion and recognized that the proposed project will be an improved addition to the existing neighborhood.

Commissioner Iglesias spoke in favor of the motion and acknowledged the applicant's ability to compromise to adhere to City guidelines. He also emphasized the importance of approving or denying proposed projects on their merits alone and refraining from being swayed by other factors (i.e., support or opposition from others, the fashion in which the applicant's team presents the proposed project, etc.).

Chair Howard revealed his support of the motion.

The motion carried by the following vote:

Yes: 7 - Chair Howard
Vice Chair Pyne
Commissioner Harrison
Commissioner Howe
Commissioner Iglesias
Commissioner Rheaume
Commissioner Weiss

No: 0

This decision is final unless appealed or called up for review by the City Council by Tuesday, July 12, 2022.

5. [22-0462](#) **Proposed Project:** Related applications on a 1.81-acre site:
Special Development Permit to redevelop a portion (westerly portion) of an existing shopping center (Fremont Corners) into a mixed-use Village Center with 3,384 square feet of commercial space and 35, four-story townhome-style condominiums with associated parking and site improvements including common public open space.
TENTATIVE MAP to subdivide the lot into five lots and 35 condominiums.

Location: 102 E. Fremont Ave. and 1310 S. Sunnyvale-Saratoga Rd.
(APN: 309-01-002)

File #: 2021-7161

Zoning: C-1/PD (Neighborhood Business / Planned Development)

Applicant / Owner: TTLC Sunnyvale FC, LLC / Fremont Corners, Inc Et Al

Environmental Review: Consistent with CEQA Section 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for In-fill Projects).

Project Planner: Shétal Divatia, (408) 730-7637,
sdivatia@sunnyvale.ca.gov

Commissioner Howe announced his recusal from Agenda Item 5 due to the proximity of his home to the proposed project.

Senior Planner Shétal Divatia presented the staff report with a slide presentation.

Commissioner Weiss asked where the fifth Americans with Disabilities Act (ADA) unit is located on the proposed project's architectural site plan. Senior Planner Divatia stated that the applicant will address her inquiry.

Chair Howard opened the Public Hearing.

Leah Beniston, Senior Vice President of The True Life Companies, presented the project including additional images and information.

Vice Chair Pyne confirmed with Ms. Beniston that she would like the Planning Commissioners to approve the Conditions of Approval outlined in Attachment 5 of the staff report.

Commissioner Weiss shared objective data provided by the City's Department of Public Safety regarding collisions and injuries due to the existing redundant driveways at the proposed project site. She urged for the elimination of one of the proposed project's driveways to minimize the number of incidents at those intersections and protect students going to and from Fremont High School.

Commissioner Iglesias requested clarification from the applicant regarding the impacts of the proposed project on the existing retail tenants if the proposed project were to be built around them, thus shielding them from view.

Commissioner Iglesias asked staff to provide data, if available, regarding the

turnover rate of commercial businesses that are not easily visible if situated behind surrounding larger residential properties. Commissioner Iglesias also shared his concern about the decreased survivability of such businesses and the impact that vacant commercial units could have upon crime rate.

Commissioner Harrison confirmed with staff and the applicant which northerly driveway along Sunnyvale-Saratoga Road is proposed to be removed according to Attachment 5.

Commissioner Rheaume confirmed with the applicant that the tenants with long-term leases on the proposed project site were not currently present to speak during the Planning Commission meeting.

Chair Howard confirmed with Principal Transportation Engineer Lillian Tsang that closing the driveway on Sunnyvale-Saratoga Road versus the driveway on Fremont Avenue would yield similar results since keeping only two driveways would provide appropriate access to the site.

Ms. Beniston provided responses to the questions and comments previously made by Planning Commissioners.

Vice Chair Pyne recalled that one of the remaining businesses on the proposed project site is a laundromat. He questioned this business' ability to thrive when each of the residential units of the proposed project will include a washer and dryer. Ms. Beniston responded that she does not anticipate that tenant leaving since she does not expect this to hinder the tenant's business.

Vice Chair Pyne inquired about the tree species that would be included for the proposed project. Ms. Beniston responded that she will work with staff to select these tree species.

Commissioner Weiss confirmed with Ms. Beniston the location of the fifth ADA unit on the proposed project's architectural site plan. Ms. Beniston also stated that they will comply with ADA requirements of the Building Code.

Chair Howard echoed Vice Chair Pyne's concerns regarding the existing laundromat's ability to prosper when the proposed project will consist of units that already include a washer and dryer.

Barry, Sunnyvale resident, spoke in opposition to the proposed project in particular because of the added traffic it will yield along Sunnyvale-Saratoga Road.

Neela Shukla, Sunnyvale resident, spoke in overall support of the proposed project and the reduction of one driveway on the proposed project site to reduce traffic on Sunnyvale-Saratoga Road.

Bryan Wenter, Attorney at Law at Miller Starr Regalia, highlighted the definition of objective considering the Housing Accountability Act and considering the action that the Planning Commissioners would take on the proposed project.

Commissioner Harrison deliberated upon the established policy of the Village Centers with Ms. Beniston and Ms. Beniston provided an explanation of how, in her opinion, the proposed project meets the criteria of this policy.

Vice Chair Pyne discussed with Ms. Beniston why the number of residential units to be included in the proposed project was chosen in light of the Density Bonus Law.

Chair Howard closed the Public Hearing.

At Commissioner Harrison's request, Senior Planner Divatia explained how like-numbered Conditions of Approval in Attachments 4 and 5 correspond to one another. For instance, Recommended Condition of Approval GC-9 in Attachment 4 intends to replace Recommended Condition of Approval GC-9 in Attachment 5, and vice versa. Together, Senior Planner Divatia and Principal Planner Caliva-Lepe clarified the staff-recommended modifications to Attachments 4 and 10 that were also presented during the staff presentation. Ms. Beniston and Mr. Wenter provided a response to these recommended modifications.

Vice Chair Pyne engaged in a brief discussion with Pat Angell, Principal at Ascent Environmental, about the California Environmental Quality Act (CEQA) Checklist that he prepared. Principal Planner Caliva-Lepe added that the City's development standards dictate the percentage of shading for a parking lot to reduce the heat island effect.

MOTION: Commissioner Harrison moved and Vice Chair Pyne seconded the motion to approve Alternative 2 - Make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with CEQA Guidelines Section 15183 and 15183.3 (Projects Consistent with a

Community Plan, General Plan, or Zoning and Streamlining for Infill Projects) as noted in checklist (Attachment 6), approve the Special Development Permit and the Tentative Map subject to the Recommended Findings in Attachment 3 and subject to the Recommended Conditions of Approval in Attachment 5.

1.) Note that Recommended Condition of Approval PS-1 in Attachment 4 must replace Recommended Condition of Approval PS-1 in Attachment 5 so that this condition in Attachment 5 reads as follows:

“PS-1. REQUIRED REVISIONS/ADDITIONS TO PROJECT PLANS: The project plans (architectural, civil, landscaping, tentative map, etc.) must be revised to reflect staff's recommended site plan in Attachment 9 of the staff report, subject to review and approval by the Director of Community Development through a Miscellaneous Plan Permit:

- a) Modify site layout to eliminate the driveway facing Fremont Avenue and locate and commercial building closer to Fremont Avenue
- b) Modify parking layout to convert two compact parking spaces to four motorcycle parking spaces (dimension 4 feet by 8 feet).
- c) Submit a detailed landscaping plan with fast-growing, evergreen screening trees along the south property lines. Tree spacing must be at least every 20 feet and must consider the location of existing overhead lines along a portion of the south property to maximize privacy screening to adjacent neighbors.
- d) Provide a Transportation Demand Management Plan (TDM) for the residential project to meet City requirements.
- e) The applicant shall work with staff to select a cool roof design for all buildings with SRI (Solar Reflective Index) of 20 or greater.
- f) The applicant shall work with staff to include pre-wiring residential garages to allow at least 220-volt capability. [COA] [PLANNING]”

2.) Note that Recommended Condition of Approval BP-9 in Attachment 4, revised to reflect a correction noted in the staff report, must be included in Attachment 5 and should read as follows:

“FEES AND BONDS: The following fees and bonds shall be paid in full prior to issuance of building permit at the fee rate in effect on March 5, 2021.

- a) PARK IN-LIEU - Pay Park In-lieu fees estimated at \$1, 838, 667. 60, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR][PLANNING]”

Commissioner Harrison acknowledged that the proposed project will provide

needed housing and that the closure of one driveway will limit access to an intersection that has statistically high levels of collisions.

Vice Chair Pyne commented that, in his opinion, State Law is in opposition to the alternative site plan prepared by staff, although that is the site plan that he prefers. He also expressed gratitude to the applicant for the approval of closing one of the approved project's driveways.

Chair Howard spoke against the motion and stated that he is in support of staff's alternative proposal for the proposed project. He also highlighted his concerns with the proposed project, which includes the negative impact it will have on existing retail tenants.

Commissioner Rheaume expressed that he will not be supporting the motion and advised his preference for staff's alternative proposal for the proposed project. He also echoed concerns made by Chair Howard.

Commissioner Weiss shared that she is not in support of the motion and provided her reasons why. She also stated her support of staff's recommendations.

Commissioner Iglesias voiced that he is not in favor of the motion and explained why not.

The motion failed by the following vote:

Yes: 2 - Vice Chair Pyne
Commissioner Harrison

No: 4 - Chair Howard
Commissioner Iglesias
Commissioner Rheaume
Commissioner Weiss

Recused: 1 - Commissioner Howe

MOTION: Commissioner Rheaume moved and Chair Howard seconded the motion to approve Alternative 1 - Make the required Findings to approve the California Environmental Quality Act (CEQA) determination that the project is consistent with CEQA Guidelines Section 15183 and 15183.3 (Projects Consistent with a Community Plan, General Plan, or Zoning and Streamlining for Infill Projects) as

noted in checklist (Attachment 6), approve the Special Development Permit and the Tentative Map subject to the Recommended Findings in Attachment 3 and subject to the Recommended Conditions of Approval in Attachment 4.

1.) Note that Recommended Condition of Approval BP-9 must be revised and should read as follows:

"**FEES AND BONDS:** The following fees and bonds shall be paid in full prior to issuance of building permit at the fee rate in effect on March 5, 2021.

a) **PARK IN-LIEU** - Pay Park In-lieu fees estimated at \$1, 838, 667. 60, prior to approval of the Final Map or Parcel Map. (SMC 18.10). [SDR][PLANNING]"

Vice Chair Pyne noted that he is in support of the motion since staff's recommendation renders a significantly better proposed project, in his opinion. However, he also revealed his concern that this motion may not follow state housing laws.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Vice Chair Pyne
Commissioner Iglesias
Commissioner Rheaume
Commissioner Weiss

No: 1 - Commissioner Harrison

Recused: 1 - Commissioner Howe

This decision is final unless appealed or called up for review by the City Council by Tuesday, July 12, 2022.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

None.

-Staff Comments

Planning Officer Mendrin announced that on June 28, 2022, the City Council will consider actions related to the El Camino Real Specific Plan.

ADJOURNMENT

Chair Howard adjourned the meeting at 10:16 PM.