



# City of Sunnyvale

## Meeting Minutes

### Planning Commission

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Monday, May 22, 2023

7:00 PM

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

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

#### **STUDY SESSION CANCELED**

#### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Chair Pyne called the meeting to order at 7:01 PM.

#### **SALUTE TO THE FLAG**

Chair Pyne led the salute to the flag.

#### **ROLL CALL**

- Present:** 4 - Chair Martin Pyne  
Commissioner Daniel Howard  
Commissioner John Howe  
Commissioner Neela Shukla
- Absent:** 3 - Vice Chair Nathan Iglesias  
Commissioner Michael Serrone  
Commissioner Carol Weiss

The absences of Vice Chair Iglesias, Commissioner Serrone, and Commissioner Weiss are excused.

#### **ORAL COMMUNICATIONS**

Albert Lustre, field representative for Carpenters Local 405, advocated for the hiring of general contractors who promote apprenticeship programs, local hiring, healthcare, and livable wages for their construction workers.

#### **CONSENT CALENDAR**

There were no public speakers for this agenda item.

MOTION: Commissioner Howe moved and Commissioner Howard seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 4 - Chair Pyne  
Commissioner Howard  
Commissioner Howe  
Commissioner Shukla

**No:** 0

**Absent:** 3 - Vice Chair Iglesias  
Commissioner Serrone  
Commissioner Weiss

This decision, as it applies to Agenda Item 1.B, is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, June 6, 2023.

**1.A**     [23-0594](#)     Approve Planning Commission Meeting Minutes of May 8, 2023

Approve Planning Commission Meeting Minutes of May 8, 2023 as submitted.

**1.B**     [23-0596](#)     **Proposed Project:**

**DESIGN REVIEW:** Construct a first-story addition of 300 square feet to an existing two-story single-family home, resulting in 2,852 square feet (2,447 square feet living area and 407 square feet garage) and 48% floor area ratio (FAR).

**Location:** 156 Connemara Way (APN: 309-24-003)

**File #:** 2022-7556

**Zoning:** R-0 (Low Density Residential)

**Applicant / Owner:** Ramchandra "Ram" Naik / Naik Ramchandra and Patwardhan Jaee

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

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

Alternative 1: Approve the Design Review based on the Findings in Attachment 3 and subject to the Conditions of Approval in Attachment 4.

**PUBLIC HEARINGS/GENERAL BUSINESS****2.        [23-0627](#)        REQUEST FOR CONTINUANCE TO JUNE 12, 2023****Proposed Project:**

Forward a Recommendation to the City Council to take the following Actions:

- a. Adopt a Resolution to establish Citywide Objective Design Standards for Multi-Family Residential and Mixed-Use Developments;
- b. Repeal the Mixed-Use Development Tool Kit and the High Density Residential Design Guidelines;
- c. Rename the Citywide Design Guidelines to Non-Residential Design Guidelines;
- d. Direct the Director of Community Development to administratively update other adopted design guidelines to be aligned with the new Objective Design Standards;
- e. Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 19.37.020; and,
- f. Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3).

Planning Officer Mendrin advised that staff requests the continuation of this agenda item to the June 12, 2023 Planning Commission meeting.

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howard moved and Commissioner Shukla seconded the motion to continue the discussion on Public Hearing Agenda Item 2 to Monday, June 12, 2023.

The motion carried by the following vote:

**Yes: 4 -**    Chair Pyne  
                 Commissioner Howard  
                 Commissioner Howe  
                 Commissioner Shukla

**No: 0**

**Absent:** 3 - Vice Chair Iglesias  
Commissioner Serrone  
Commissioner Weiss

The Commissioners agreed by general consent to consider Agenda Item 4 before Agenda Item 3.

4. [23-0590](#) **Proposed Project:** Related applications on a 0.85-acre site:  
**SPECIAL DEVELOPMENT PERMIT:** to allow construction of 18 three-story condominium units and the retention of one single-family house (156 Crescent Avenue); and,  
**TENTATIVE MAP:** to create one lot and 19 condominium units.  
**Location:** 148 and 156 Crescent Avenue (APNs: 211-35-008 and 211-35-009)  
**File #:** 2021-7826  
**Zoning:** R3/PD - Medium Density Residential / Planned Development  
**Applicant / Owner:** Samir Sharma (applicant) / Crescent Avenue LLC (owner)  
**Environmental Review:** A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act (CEQA) provisions.  
**Project Planner:** Momo Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Senior Planner Momo Ishijima presented the staff report with a slide presentation.

Commissioner Howe confirmed with Senior Planner Ishijima that the Resource Alteration Permit approved by the Heritage Preservation Commission (HPC) involved a condition of approval to include a historical plaque for the proposed project. The location and content of the plaque will be determined by the Director of Community Development.

Commissioner Shukla confirmed with Senior Planner Ishijima that the property located at 156 Crescent Avenue is currently unoccupied and will be sold as a condominium unit after it undergoes interior and exterior improvements. Commissioner Shukla and Senior Planner Ishijima also discussed the results of the solar study conducted for the proposed project, and Commissioner Shukla shared concerns regarding the shading that the property located at 156 Crescent Avenue will be subject to. Commissioner Shukla asked whether the results of this study may be included along with the history of the property that will be available for public review.

Chair Pyne cautioned against the use of a QR code on the plaque since it will be routed to a URL that may change over time. He also confirmed with Senior Planner Ishijima that the Planning Commission may approve a motion that will include a condition to revise the invalid link in Recommended Condition of Approval BP-17 found in Attachment 4.

Chair Pyne noted that the GreenPoint Rated Checklist in Attachment 13 states that the proposed project has not yet met the recommended minimum requirements to achieve a Whole Building label. Senior Planner Ishijima advised that he may discuss this matter further with the applicant, and she added that this Checklist will be finalized at a later time.

Chair Pyne opened the Public Hearing.

Samir Sharma, applicant, presented additional information about the proposed project.

Alison Inafuku, Sunnyvale resident, stated that she did not receive a notice for the community outreach meeting that was conducted for the proposed project in December 2022. She also expressed her concerns about how the proposed project's location on a narrow, congested street will have negative impacts upon parking and street pace for garbage bins. While she praised the proposed project for increasing housing opportunity in the City, she urged the Commissioners to carefully consider the concerns she raised.

Commissioner Howe confirmed with Senior Planner Ishijima that notices for the community outreach meeting held in December 2022 and the Planning Commission meeting of May 22, 2023 were mailed to residents within 1,000 feet of the proposed project. She added that notices for the Heritage Preservation Commission meeting on May 3, 2023 were mailed to residents within 300 feet of the proposed project.

Bao Wen Wang, Sunnyvale resident, stated that the proposed project's increased height will block sunlight and the view from his home.

Lisa Prather, Sunnyvale resident, highlighted the negative effects that the proposed project will have upon existing parking and traffic issues on Crescent Avenue and adjacent streets. She added that this might pose as a safety risk for children who will play on those streets or sidewalks. Lastly, she inquired about whether parking

and traffic studies were conducted for the proposed project.

Mr. Sharma presented additional information about the proposed project.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Shukla seconded the motion to approve Alternative 2 – Approve the Special Development Permit and Tentative Map with the recommended findings in Attachment 3 and with a modified condition.

The modified condition is stated below:

1.) Note that Recommended Condition of Approval BP-17 should read as follows: “GREEN BUILDING: The plans submitted for building permits shall demonstrate the project achieves a minimum 90 points on the Green Point Rated checklist. Please refer to the following website:

<https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/green-building> [COA] [PLANNING/BUILDING]”

Commissioner Howe stated that the zoning designation for the proposed project site permits the development of the proposed project. He added that the proposed project will provide ownership opportunities and Below Market Rate (BMR) units, and it meets City requirements.

Commissioner Shukla spoke in overall support of the motion, commented that the use of public transportation or bicycles will mitigate traffic and parking issues on streets adjacent to the proposed project site, and commended the proposed project for maintaining consistency with the look and feel of the existing neighborhood.

Commissioner Howard voiced his support of the motion due to the increased housing opportunity and BMR units the proposed project will provide. He also addressed and sympathized with concerns raised by members of the public pertaining to the proposed project.

Chair Pyne confirmed his support of the motion, thanked the applicant for incorporating feedback from the Planning Commission into the proposed project’s final design, and noted that the zoning designation of the proposed project site allows for the proposed project to be developed there.

The motion carried by the following vote:

**Yes:** 4 - Chair Pyne  
Commissioner Howard  
Commissioner Howe  
Commissioner Shukla

**No:** 0

**Absent:** 3 - Vice Chair Iglesias  
Commissioner Serrone  
Commissioner Weiss

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, June 6, 2023.

3. [23-0580](#) **Proposed Project:** Appeal of a decision by the Zoning Administrator denying a **VARIANCE** to legalize an existing 189 square foot detached accessory structure in the rear yard of a single-family property with a ten-inch side setback where four feet minimum is required, and a seven-foot rear yard setback where ten feet minimum is required.  
**Location:** 424 Bryan Avenue (APN: 209-11-034)  
**File #:** PLNG-2022-7714  
**Zoning:** R-2 (Low Medium Density Residential)  
**Applicant / Owner:** Wayne Lin (applicant/appellant)/Thomas Moser (owner)  
**Environmental Review:** Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.  
**Project Planner:** Drew Taplin, (408) 730-7407, dtaplin@sunnyvale.ca.gov

Associate Planner Drew Taplin presented the staff report with a slide presentation.

At Commissioner Howe's request, Associate Planner Taplin explained that pools require a building permit and must comply with setback requirements. Commissioner Howe confirmed that Associate Planner Taplin reviewed only building permits pertaining to the existing accessory structure on the proposed project site and not the pool.

Commissioner Howard confirmed with Associate Planner Taplin that since it is uncertain whether the existing accessory structure is legally permitted, a Variance is required to legalize it with non-conforming side yard and rear yard setbacks.

Commissioner Shukla and Associate Planner Taplin discussed the Building and Planning requirements that accessory structures must adhere to depending upon their square footage and height.

Chair Pyne and Associate Planner Taplin discussed the factors that influenced the staff recommendation for the proposed project. Associate Planner Taplin explained that setback requirements, the history of approved Variances within the proposed project's neighborhood, and the structure type of the subject accessory structure were considered.

Chair Pyne noted that a Variance was requested for a second-story addition at 635 Toyon Avenue due to the existing shape of the property and the location of its pool. This request was denied unanimously at the Planning Commission meeting of April 24, 2017.

At Commissioner Howard's request, Associate Planner Taplin clarified the distinction between setback requirements for accessory structures and Accessory Dwelling Units (ADUs).

Chair Pyne opened the Public Hearing.

Wayne Lin (Architect) and Stacey and Thomas Moser (property owners) presented additional information about the proposed project.

Commissioner Howe confirmed with Mr. and Ms. Moser that their request for a Variance was denied at the Zoning Administrator hearing of March 1, 2023, because their proposed project did not meet Finding 1 outlined in Attachment 2.

Commissioner Howe confirmed Mr. and Ms. Moser's decision to continue Agenda Item 3 to the Planning Commission meeting of July 10, 2023, to allow the applicants the opportunity to prepare a presentation that will address the findings that their Variance request does not meet.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Shukla seconded the motion to continue the discussion on Public Hearing Agenda Item 3 to Monday, July 10, 2023, with conditions.



The conditions are stated below:

1.) Note that both staff and applicants must have the opportunity to present information on the proposed project at the Planning Commission meeting of July 10, 2023.

2.) Note that the staff report on the proposed project that will be presented at the Planning Commission meeting of July 10, 2023 must include a more holistic history of the proposed project site, such as the approval date of the pool.

Commissioner Howe stressed the importance of treating the applicants fairly.

Commissioner Shukla spoke in agreement with comments made by Commissioner Howe.

Commissioner Howard spoke in overall support of the motion and explained why.

Chair Pyne voiced his support of the motion and shared his desire to learn more about the history of the proposed project site, such as when its existing pool was approved, at the Planning Commission meeting of July 10, 2023.

The motion carried by the following vote:

**Yes: 4 -** Chair Pyne  
Commissioner Howard  
Commissioner Howe  
Commissioner Shukla

**No: 0**

**Absent: 3 -** Vice Chair Iglesias  
Commissioner Serrone  
Commissioner Weiss

5. [23-0564](#) Review Planning Program Budget and Fees for FY 2023-2024

Planning Officer Mendrin presented the staff report.

Chair Pyne confirmed with Planning Officer Mendrin that the budget's fee projections do not consider projects in the Moffett Park area since the Moffett Park Specific Plan (MPSP) has not yet been adopted.

Chair Pyne asked whether the budget's fee projections account for any fee structure changes that will take place once the Housing Element is adopted. Planning Officer Mendrin confirmed that while they do not, these fee changes (along with pending Planning fees) will be implemented after the adoption of the Housing Element.

Chair Pyne confirmed with Planning Officer Mendrin that Planning Commissioners may offer grammatical changes to the first and second volumes of the Recommended Budget for fiscal year 2023-2024.

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Howard seconded the motion to approve the Planning program budget and fees for fiscal year 2023-2024 and provide no additional comments.

The motion carried by the following vote:

**Yes:** 4 - Chair Pyne  
Commissioner Howard  
Commissioner Howe  
Commissioner Shukla

**No:** 0

**Absent:** 3 - Vice Chair Iglesias  
Commissioner Serrone  
Commissioner Weiss

Chair Pyne noted that Vice President Kamala Harris visited the City for commemorations pertaining to the Central Arques Specific Plan. He shared his excitement that projects reviewed by the Planning Commission have garnered federal attention due to their importance.

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

### **NON-AGENDA ITEMS AND COMMENTS**

#### **-Commissioner Comments**

Commissioner Howe confirmed with Senior Assistant City Attorney Rebecca Moon that when only four Planning Commissioners are present, four affirmative votes are required to approve ordinances, resolutions, and General Plan amendments. The approval of all other items requires a minimum of three affirmative votes.

#### **-Staff Comments**

Planning Officer Mendrin announced that the grand opening of the Civic Center will take place on September 23, 2023, and it will feature the State of the City event. He added that recipients of the 2023 Community Awards will be celebrated at this event.

Planning Officer Mendrin confirmed that there will be a quorum for the Planning Commission meeting of June 12, 2023.

Planning Officer Mendrin informed the Commissioners that the Citywide Objective Design standards for multi-family residential and mixed-use developments will be considered at the City Council meeting of June 27, 2023.

Planning Officer Mendrin stated that the MPSP and Final Environmental Impact Report (FEIR) will be reviewed by the City Council on July 11, 2023.

### **ADJOURNMENT**

Chair Pyne adjourned the meeting at 9:03 PM.