



# City of Sunnyvale

## Meeting Minutes

### Planning Commission

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Monday, November 28, 2022

7:00 PM

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

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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**

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 November 1, 2022.

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

#### **ROLL CALL**

**Present:** 6 - Chair Martin Pyne  
Vice Chair Nathan Iglesias  
Commissioner John Howe  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Carol Weiss

**Absent:** 1 - Commissioner Daniel Howard

Although visibly in attendance, Commissioner Weiss was unable to confirm her presence verbally due to technical difficulties.

Commissioner Howard's absence is excused.

#### **ORAL COMMUNICATIONS**

None.

#### **CONSENT CALENDAR**

1. [22-1106](#) Approve Planning Commission Meeting Minutes of November 14, 2022

There were no public speakers for this agenda item.

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

The motion carried by the following vote:

**Yes:** 5 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla

**No:** 0

**Absent:** 1 - Commissioner Howard

**Abstained:** 1 - Commissioner Weiss

Commissioner Weiss was unable to confirm her vote verbally due to technical difficulties. Vice Chair Iglesias advised Commissioner Weiss to join the meeting by calling in instead of participating via Zoom. Chair Pyne provided the call-in telephone number and meeting ID. Commissioner Howe added that Commissioner Weiss' vote may also be recorded later in the meeting once she is able to speak.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

2. [22-0994](#) Forward a Recommendation to the City Council to Adopt an Ordinance to Amend Chapter 19.50 of Title 19 of the Sunnyvale Municipal Code to Allow Modifications of Legal Non-Conforming Single-Family and Two-Family Dwelling Uses in Non-Residential Zoning Districts (Study Issue 21-01) and Find that the Action is Exempt from the California Environmental Quality Act Pursuant to Guidelines Section 15061(b)(3) (Planning File Number 2022-7591)

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

Chair Pyne asked why the parcels on 216 East Arbor Avenue and 1388 Bremerton Drive were not considered for potential rezoning since they are both adjacent to residential zoning districts. Associate Planner Taplin shed some light on the process of rezoning parcels. Principal Planner Amber Blizinski added that since both parcels

are considered within the context of the Village Center and allow for a higher density than residentially zoned parcels, state law would not allow the City to downzone them to a less dense residential zoning district.

Commissioner Serrone confirmed with Principal Planner Blizinski that properties on commercially zoned parcels that will be rezoned residential will lose the ability to designate their property for commercial use. Principal Planner Blizinski added that requests for commercial use on these parcels are less likely to arise because they are privately owned.

Commissioner Weiss confirmed with Associate Planner Taplin that the amendment to Chapter 19.50 of Title 19 of the Sunnyvale Municipal Code (SMC) will apply to the affected parcels rather than the owners of those parcels. Commissioner Weiss received clarification from Principal Planner Blizinski about how this amendment will not result in rezoning parcels or altering their land use designation. Instead, it will allow for the expansion of legal non-conforming single-family or two-family dwellings.

Commissioner Shukla asked whether the amendment of SMC Chapter 19.50 of Title 19 would restrict property owners from developing according to the zoning they are bound by. Associate Planner Taplin explained that this amendment would allow property owners of legal non-conforming single-family or two-family dwellings to expand as well as operate according to their parcel's zoning designation. However, he added that if such parcels were rezoned for residential use, they would not be able to operate commercially.

At Commissioner Shukla's request, Associate Planner Taplin explained how certain parcels were selected for the study issue.

At Chair Pyne's request, Associate Planner Taplin described that the outreach conducted for this study issue involved notice by mail and legal ad publication.

Chair Pyne opened the Public Hearing.

Wesley Yu, Sunnyvale resident, spoke in overall support of amending SMC Chapter 19.50 of Title 19 since this will allow for the expansion of his own property and support the needs of his growing family. He also added that, in his opinion, adjacent parcels to his own would not be feasible for commercial or industrial use due to their small size.

Chair Pyne closed the Public Hearing.

MOTION: Chair Pyne moved and Commissioner Weiss seconded the motion to approve Alternative 1 – Forward a Recommendation to the City Council to introduce an Ordinance (Attachment 3 to the Report) to amend Chapter 19.50 (Nonconforming Buildings and Uses) of Title 19 (Zoning) of the SMC to allow modifications of legal non-conforming single-family and two-family dwelling uses in non-residential zoning districts and find that the project is exempt from the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15061(b) (3).

Chair Pyne stated that amending SMC Chapter 19.50 of Title 19 will prove beneficial for affected property owners and improve the ordinance itself.

Commissioner Weiss spoke in favor of the motion and expressed her hope that it will be ranked highly as a study issue so that it may be explored further.

The motion carried by the following vote:

**Yes:** 6 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howard

This recommendation will be forwarded to the City Council for consideration at the December 13, 2022 meeting.

3. [22-1033](#) Forward a Recommendation to Adopt an Urgency Interim Ordinance and Introduce an Ordinance Amending Titles 16 (Buildings and Construction) and 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units, Parking Minimums, and Large Family Child Care Homes and Find that the Action is Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15061(b)(3), 15378(b)(5), Public Resources Codes Section

21080.17 and Health & Safety Code Section 1597.45(d) (Planning File Number 2022-7711).

Principal Planner Amber Blizinski presented the staff report with a slide presentation.

Commissioner Serrone and Principal Planner Blizinski discussed size requirements for accessory dwelling units (ADU) when considering the floor area ratio of single-family dwelling units. Principal Planner Blizinski also confirmed that second story detached ADUs are not permitted in the City if they cannot fit within the new height maximums.

Principal Planner Blizinski provided a brief explanation on proposed section G of Sunnyvale Municipal Code (SMC) 19.79.020, found on page 12 of Attachment 2, for Commissioner Serrone. She also clarified parking lot design requirements stipulated in SMC Chapter 19.46. Lastly, Principal Planner Blizinski confirmed that the map showing major transit stops is often updated to reflect changes that occur.

Commissioner Serrone questioned whether childcare services may be provided from an apartment. Principal Planner Blizinski responded that facilities that offer childcare services must follow fire and state licensing requirements and that apartments are often not likely to meet these requirements due to their layout. She also offered clarification on parking requirements for commercial childcare centers versus those for family day care centers that are operated from a home.

Commissioner Weiss confirmed with Principal Planner Blizinski that there are no staffing concerns for meeting ADU permit review requirements.

Commissioner Shukla asked whether the maximum height requirement for ADUs prohibits the development of two-story ADUs. Principal Planner Blizinski answered that if the ADU complies with City requirements for height, square footage, and the like, an ADU that is greater than one story may be allowed.

At Chair Pyne's request, Principal Planner Blizinski explained section B.3 of SMC Chapter 19.46.030.

Chair Pyne noted that a lot of exempted parking areas are located in the Moffett Park area and questioned whether this will impact the Moffett Park Specific Plan (MPSP). Principal Planner Blizinski advised that the Project Planner overseeing the MPSP, Michelle King, is aware of the new legislation and it is likely being

considered.

Chair Pyne confirmed with Principal Planner Blizinski that the Planning Commission will review AB 2011 and SB 6 and forward recommendations to the City Council at some point.

At Commissioner Shukla's request, Principal Planner Blizinski explained what is meant by "urgency interim ordinance," clarified why one is needed, and provided an overview of the process for adopting an ordinance.

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Weiss moved and Vice Chair Iglesias seconded the motion to forward to City Council recommended Alternatives 1, 2, and 3:

1. Actions pertaining to Accessory Dwelling Units

a) Adopt the Urgency Interim Ordinance (Attachment 2) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to New State Legislation on Accessory Dwelling Units.

b) Introduce the Ordinance (Attachment 3) Amending Titles 16 (Building and Construction) and 19 (Zoning) of the Sunnyvale Municipal Code related to New State Legislation on Accessory Dwelling Units.

c) Find that these actions are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15378(b)(5), Public Resources Codes Section 21080.17 and Health & Safety Code Section 1597.45(d).

2. Actions pertaining to Parking

a) Adopt the Urgency Interim Ordinance (Attachment 4) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to New State Legislation on Parking Minimums.

b) Introduce the Ordinance (Attachment 5) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to New State Legislation on Parking Minimums.

c) Find that these actions are exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15378(b)(5), Public Resources Codes Section 21080.17 and Health & Safety Code Section 1597.45(d).

3. Introduce the Ordinance (Attachment 6) Amending Title 19 (Zoning) related to Large Family Child Care Homes and find that the action is exempt from CEQA Act pursuant to CEQA Guidelines Sections 15061(b)(3), 15378(b)(5), Public Resources Codes Section 21080.17 and Health & Safety Code Section 1597.45(d).

Commissioner Weiss spoke in support of the motion since it will allow the City to be in compliance with state law and new state legislation. She commented that its approval will be good for the City and it will address concerns that have been recognized.

Vice Chair Iglesias voiced his support of the motion because its approval will protect the City's residents.

Chair Pyne stated that he is in favor of the motion since it will ensure that the City codes conform with state law. He also commended staff's work and efforts.

The motion carried by the following vote:

**Yes:** 6 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Howard

This recommendation will be forwarded to the City Council for consideration at the December 13, 2022 meeting.

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

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Commissioner Howe asked Commissioner Weiss whether she would like to voice

her vote on the Consent Calendar item since she was unable to do so due to technical difficulties. Commissioner Weiss stated that the item did not need to be reconsidered in order to include her vote.

**-Staff Comments**

Planning Officer Shaunn Mendrin announced that on November 29, 2022, the City Council will continue the discussion on the consideration of amendments to the Downtown Specific Plan for Block 20 to the City Council meeting of January 10, 2023.

**ADJOURNMENT**

Chair Pyne adjourned the meeting at 8:21 PM.