



City of Sunnyvale

Meeting Minutes - Draft Planning Commission

Monday, April 12, 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

Meeting Online Link: <https://sunnyvale-ca-gov.zoom.us/j/91827390357>

TELECONFERENCE NOTICE

STUDY SESSION CANCELED

7:00 PM PLANNING COMMISSION MEETING

CALL TO ORDER

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

ROLL CALL

Present: 6 - Chair Daniel Howard
Commissioner Sue Harrison
Commissioner John Howe
Commissioner Ken Olevson
Commissioner Ken Rheaume
Commissioner Carol Weiss

Absent: 1 - Vice Chair David Simons

Vice Chair Simons's absence is excused.

ORAL COMMUNICATIONS

CONSENT CALENDAR

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion to approve Agenda Items 1.A and 1.B.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Rheaume
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

1.B [21-0482](#) Approve Planning Commission Meeting Minutes of March 29, 2021

Chair Howard opened the Public Hearing.

Zachary Kaufman requested the Commissioners pull Agenda Item 1.A for reconsideration.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion to pull Agenda Item 1.A from the Consent Calendar for reconsideration at Zachary Kaufman's request.

The Commissioners agreed by general consent to reconsider Agenda Item 1.A.

Zachary Kaufman requested that the March 22, 2021 minutes for Oral Communications be revised to more accurately reflect his comment and read as follows:

Zachary Kaufman stated his concern that the "Missing Middle" proposed study issue for 2022 discussed at the March 8, 2021 meeting was for the most part a discussion on eliminating single-family zoning districts which was not clear from the agenda.

Chair Howard closed the Public Hearing.

MOTION: Chair Howard moved and Commissioner Howe seconded the motion to revise Agenda Item 1.A so the March 22, 2021 minutes for Oral Communications read as follows:

Zachary Kaufman stated his concern that the "Missing Middle" proposed study

issue for 2022 discussed at the March 8, 2021 meeting was for the most part a discussion on eliminating single-family zoning districts which was not clear from the agenda.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Rheume
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

1.A [21-0481](#) Approve Planning Commission Meeting Minutes of March 22, 2021

Commissioner Rheume recused himself due to a financial conflict of interest.

MOTION: Commissioner Howe moved and Chair Howard seconded the motion to approve Agenda Item 1.C.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

Recused: 1 - Commissioner Rheume

1.C [21-0479](#)

Proposed Project:

RELEASE OF COVENANT Grant a Petition by Google LLC to Release a Covenant of Easement Affecting -1383 Borregas Avenue and 140-146 Caribbean Drive.

Location: 1383 Borregas Ave. (APN: 110-26-027); and
140-146 Caribbean Dr. (APN:110-26-029)

File #: 2021-7105

Zoning: MP-TOD (1383 Borregas Ave.) & MP-I (140-146 Caribbean

Dr.)

General Plan: Moffett Park Specific Plan

Applicant / Owner: Google LLC (applicant and owner)

Environmental Review: The environmental impacts of the project were addressed in the Google Caribbean Campus Transportation Environmental Impact Report (TEIR)(State Clearinghouse #2007052121) and no further environmental review is required per CEQA Guidelines 15162.

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

PUBLIC HEARINGS/GENERAL BUSINESS

2. [21-0464](#) **Proposed Project:** Related applications on a 0.21-acre site:
 DESIGN REVIEW to demolish an existing home and construct a new two-story single-family home, resulting in 4,678 square feet (4,232 square feet living area and 446 square feet garage) and 51% floor area ratio (FAR). The project also includes a 607 square foot attached accessory dwelling unit (ADU) on the first floor of the home, which is not added to the FAR.
Location: 1371 Navarro Dr. (APN: 313-12-035)
File #: 2020-7792
Zoning: Low Density Residential (R-1)
Applicant / Owner: Anant and Vedavati Kale (applicant) / (owner)
Environmental Review: A Class 3 relieves this project from California Environmental Quality Act (CEQA) provisions.
Project Planner: Cindy Hom, (408) 730-7411, Chom@sunnyvale.ca.gov

Associate Planner Cindy Hom presented the staff report with a slide presentation. She noted that page four of the staff report should be corrected to read that the largest existing home on the block is 4,514 square feet.

Commissioner Weiss confirmed with Associate Planner Hom that the Scope of Work on page A0.1 in Attachment 5 should read that three trees would be removed and one tree would be preserved.

Commissioner Harrison confirmed with Associate Planner Hom that the fourth paragraph on page four of the staff report should read that the proposed project would not be out of character with the neighborhood. She also confirmed with Associate Planner Hom that the proposed first-floor rear setback of 16-feet 11.5-inches is an encroachment allowance because the addition would not cover more than 25% of the required rear yard area. Commissioner Harrison asked why staff believes a taller plate height is appropriate for the proposed project. Associate

Planner Hom answered that the second-floor wall plate height must be a minimum of 9 feet to accommodate the elevator that would be installed.

Commissioner Rheume expressed concern about the amount of hardscape proposed and asked about the front yard hardscape limit. Associate Planner Hom responded that the proposed project does not exceed the 50% front yard hardscape limit. Commissioner Rheume asked what material is proposed for the walkways and Associate Planner Hom stated that pavers would be used. Commissioner Rheume confirmed with Associate Planner Hom that it is possible to increase the sizes of the Coast Live Oak trees proposed for the front of the property to 36-inch box size to break up the mass of the home from the streetscape. Commissioner Rheume voiced his concern that the proposed fiber cement panels might fade over time and become less attractive looking like other projects that have used the same material and asked staff to comment. Assistant Director Andrew Miner and Principal Planner Shaunn Mendrin discussed conditions that have been applied in the past requiring commercial developments to replace canvas awnings after a certain amount of time. Principal Planner Mendrin commented that the Commissioners can propose a natural material instead such as wood that would still fade but provide a more natural look. Assistant Director Miner stated that conditions of approval for single-family homes typically do not include maintenance requirements and suggested that Commissioner Rheume ask the architect to provide more information about an alternative material or the durability of the fiber cement panels.

Commissioner Olevson clarified with Associate Planner Hom that page four of the staff report should read that the largest existing home on the block is 4,514 square feet. Commissioner Olevson asked if the tree sizes listed in Table 1 on page three of the staff report are measured in circumference or diameter and asked for confirmation on the size of a protected tree. Principal Planner Mendrin responded that a protected tree measures 38 inches or greater in circumference and Associate Planner Hom answered that Table 1 should read "Tree Diameter" instead of "Tree Size" and confirmed that the three trees proposed for removal qualify as protected. Commissioner Olevson stated the importance of updating the staff report to reflect the correct information. Assistant Director Miner stated that staff strive for error-free reports and explained that staff do not make corrections to staff reports after they have published, adding that the meeting recording and minutes serve as documentation for any needed report updates.

Chair Howard opened the Public Hearing.

Archana Jain, Architect, presented an image and information about the proposed project.

Commissioner Rheume thanked Ms. Jain for her comments on the durability of the fiber cement panels and for agreeing to a possible condition of approval requiring 36-inch box sizes for the Coast Live Oak trees in the front of the home.

Commissioner Rheume asked Ms. Jain what type of pavers would be used for the driveway and walkways. Ms. Jain stated that Calstone pavers would be used throughout the proposed project and no cement would be used, adding that the walkways would be 6-feet wide as required by the Fire Department.

Commissioner Weiss asked Ms. Jain about the proposed project's energy efficiency and specifically asked about the use of a heat pump water heater. Ms. Jain responded that the proposed project would follow the City's Green Building Program requirements, would have net zero energy consumption and would use as many green products as possible to reduce the impact to the environment during construction and occupation. Ms. Jain added that a heat pump water heater would be used. Assistant Director Miner stated that the proposed project is subject to the new Reach Codes which would require it to be all-electric construction.

Anant Kale, property owner and applicant, provided information about the proposed project.

Jennifer Zhou, 1371 Navarro Drive neighbor, stated that she is rebuilding her home and asked if she can continue using a gas stove. Assistant Director Miner stated that new homes must be all electric and suggested she contact Associate Planner Hom for more information.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion to approve Alternative 2 - Approve the Design Review with the following corrections and condition:

- 1.) Note that the Scope of Work on page A0.1 in Attachment 5 should read that three trees would be removed and one tree would be preserved.
- 2.) Note the modified Condition of Approval that the new trees planted in front of the home must be 36-inch box size or larger and Coast Live Oak trees.

3.) Note that page four of the staff report should read that the largest existing home on the block is 4,514 square feet.

4.) Note that Table 1 on page three of the staff report should read "Tree Diameter" instead of "Tree Size".

5.) Note that the fourth paragraph on page four of the staff report should read as follows: "The proposed new two-story home would not be out of character with the neighborhood considering the adjacent homes on all sides are two-story homes."

Commissioner Howe stated that the proposed project would be an improvement to the existing property and appreciated the corrections made to the staff report. He wished the applicant well and hoped that the proposed project can be constructed quickly.

Commissioner Rheume stated that he will support the motion and agreed with Commissioner Howe's comments. He noted that the proposed project would be a significant improvement to the current home on the site and added that he can make the findings.

Commissioner Olevson stated that he will support the motion and can make all the findings. He stated that the proposed project would dramatically improve the immediate neighborhood and that he looks forward to the constructed home if the proposed project is approved.

Commissioner Weiss stated that she will support the motion and noted her appreciation for the modern ranch design; the choice of materials; and the open, light and airy design that maintains respect for the neighbors' privacy and the overall architecture of the neighborhood. She recognized that the proposed project is compatible with the Sunnyvale Municipal Code and requests no deviations and stated that she can make all the findings. She added that the proposed project would improve the current site.

Chair Howard stated his support for the motion. He noted that the proposed project is nice and appreciated the Commissioners' collaborative effort in their points of clarification and their modifications to the proposed project.

The motion carried by the following vote:

Yes: 6 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Rheume
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

Assistant Director Miner stated that this decision is final unless appealed or called up for review by the City Council within 15 days.

3. [21-0380](#) Recommend that the City Council Introduce an Ordinance Making Minor Amendments to Chapters 19.18 (Residential Zoning Districts), 19.20 (Commercial Zoning Districts), and 19.79 (Accessory Dwelling Units) of the Sunnyvale Municipal Code and Amending Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code to Create a Procedure for Appealing Incompleteness Determinations, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA

Commissioner Rheume recused himself due to a conflict of interest.

Assistant Director Andrew Miner presented the staff report.

Commissioner Harrison asked staff to explain the change being proposed for residential proposed projects on village center properties. Assistant Director Miner clarified that residential developments on village center properties would be subject to R-3 zoning district residential standards, the standards which are most closely related to the 18 dwelling units per acre density allowed for village centers. Commissioner Harrison confirmed with Assistant Director Miner that the ordinance does not propose rezoning village centers. Commissioner Harrison asked how accessory dwelling units would be built in multi-family dwelling structures when the interior non-livable space would most often be required storage areas or parking garages shared by tenants. Senior Assistant City Attorney Rebecca Moon stated that existing State law allows multi-family accessory dwelling units in interior non-livable spaces and that section of the proposed ordinance only seeks to align the language with State law to specify that every multi-family property can have at

least one accessory dwelling unit. Senior Assistant City Attorney Moon stated that State law requires the accessory dwelling units to be within the multi-family dwelling structure and that accessory dwelling units in underground parking structures would probably not be attractive to developers because they would not meet building code standards and would decrease parking availability. Assistant Director Miner added that most Covenants, Conditions and Restrictions prohibit converting non-livable space into accessory dwelling units. Commissioner Harrison confirmed with Senior Assistant City Attorney Moon that the State legislature's intention is to allow accessory dwelling units in multi-family parking garages.

Chair Howard asked if multi-family storage areas must be maintained at a certain size per unit which would prevent converting some or part of them to accessory dwelling units. Senior Assistant City Attorney Moon stated that the City does not have any discretion to prevent the conversion of multi-family storage areas to accessory dwelling units and can only enforce building codes standards for habitable dwelling units.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Olevson seconded the motion to approve Alternative 1 - Introduce an Ordinance to Amend Certain Sections of Chapter 19.18, 19.20, 19.79, and 19.98 of Title 19 (Zoning) of the Sunnyvale Municipal Code, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA.

Commissioner Olevson commented that the proposed ordinance's frequent reference to State law helps clarify the reasons for the recommended changes.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

Recused: 1 - Commissioner Rheaume

Assistant Director Miner stated this recommendation will be forwarded to the City Council for consideration at the May 4, 2021 meeting.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

4. [21-0480](#) Planning Commission Proposed Study Issues, Calendar Year: 2022

Commissioner Harrison confirmed with Assistant Director Miner that the Housing Officer is scheduled to present information on the Housing Strategy as it relates to the Safe Parking or Limited Stay Camper Parking proposed study issue for 2022 at the June 14, 2021 meeting.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Chair Howard commented that his company as well as other smaller technology companies are seeking higher quality, smaller spaces closer to the commercial core and public transportation which he finds convenient as a worker. He stated his belief that the office projects approved and under construction in downtown close to transit will be highly desirable post pandemic.

-Staff Comments

Assistant Director Andrew Miner reported that the same Moffett Park Specific Plan Study Session presentation and the Commissioners' comments were shared with the City Council at the March 30, 2021 meeting. He noted that staff received conflicting feedback from Commissioners and Councilmembers that staff will work to reconcile and added that staff will present formal recommendations for the Moffett Park Specific Plan preferred land use alternatives at the April 26, 2021 meeting. Assistant Director Miner stated that Commissioner Olevson's term ends June 30,

2021 and that the City Clerk's office is accepting Board and Commission applications until 5:00 PM on April 30, 2021. Assistant Director Miner announced this meeting as Bonnie Filipovic's last meeting as Planning Commission Recording Secretary. The Commissioners complimented Recording Secretary Filipovic on her professionalism and a job well done.

ADJOURNMENT

Chair Howard adjourned the meeting at 8:16 PM.