



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, April 26, 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

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
Vice Chair David Simons
Commissioner Sue Harrison
Commissioner John Howe
Commissioner Ken Olevson
Commissioner Ken Rheaume
Absent: 1 - Commissioner Carol Weiss

Commissioner Weiss's absence is excused.

ORAL COMMUNICATIONS

Richard Mehlinger, Chair of Livable Sunnyvale listed the items for the upcoming meeting that include the Memorandum of Understanding for mobile home parks, the proposed affordable housing development on Sonora Court, legislative endorsements, housing impact fees, and board elections.

CONSENT CALENDAR

1. [21-0524](#) Approve Planning Commission Meeting Minutes of April 12, 2021

MOTION: Commission Howe moved and Chair Howard seconded the motion to

approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Weiss

Abstained: 1 - Vice Chair Simons

PUBLIC HEARINGS/GENERAL BUSINESS

2. [21-0522](#) **Proposed Project:** Related applications on a 3,864-square foot site:
 SPECIAL DEVELOPMENT PERMIT: to construct a single-story addition of 524 square feet to an existing two-story single-family home, resulting in 2,551 square feet (2,092 square feet living area, 21 square feet front porch, and 438 square feet garage) and 65% floor area ratio (FAR).
Location: 878 W. McKinley Ave (APN: 165-46-058)
File #: 2020-7591
Zoning: R-1.7 (Low Medium Density Residential)/PD (Planned Development)
Applicant / Owner: Arch & Land Development Inc. (applicant) / Tie Zeng and Xiaojie Qiu (owner)
Environmental Review: Categorical Exemption Class 1 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 PowerPoint slide presentation.

Commissioner Howe asked if comments were received from any members of the public. Associate Planner Cha confirmed she received a comment asking about the project status.

Commissioner Rheaume asked what the applicant's options are for Accessory Dwelling Units (ADUs) on the site. Associate Planner Cha stated what the applicant can do for attached and detached ADUs and how lot coverage and FAR are affected.

Principal Planner Noren Caliva-Lepe stated a junior ADU is one that is converted from an existing space and that an addition to a house is not a junior ADU. Principal Planner Caliva-Lepe also mentioned a streamlined, detached ADU up to 800 square feet is permitted by right and would not count towards lot coverage and FAR.

Vice Chair Simons asked if there are setback requirements for ADUs. Principal Planner Caliva-Lepe stated a streamlined, detached ADU would require a four-foot rear yard setback and a four-foot side yard setback and it could be 16 feet in height. Vice Chair Simons asked about the setback separation for ADUs to the main house. Principal Planner Caliva-Lepe confirmed that there is a five-foot setback separation.

Principal Planner Caliva-Lepe summarized the applicant's options for ADUs and stated that staff would review overall lot coverage and FAR for a non-streamlined ADU and if an addition is proposed to the main house.

Chair Howard confirmed that an attached ADU with an addition to the house would be subject to the lot coverage limitation.

Commissioner Rheume asked staff about options for an attached ADU and confirmed that setback requirements would apply. Chair Howard asked if the project would require a Planning permit if it were to exceed the lot coverage. Principal Planner Caliva-Lepe disclosed that the state laws allow some guarantees for streamlined ADUs. City Attorney Rebecca Moon provided further information on ADU state laws.

Commissioner Rheume commented that the applicant has more opportunity to build more square footage through an ADU. Commissioner Rheume expressed his concern on what options are economically viable for both the applicant and the City.

Commissioner Harrison asked if the applicant were doing an addition to accommodate an ADU, the lot coverage rules would still apply, meaning, they could not exceed the 40% lot coverage. Principal Planner Caliva-Lepe confirmed the State law says the City cannot prohibit an 800 square foot ADU, regardless of lot coverage. Commissioner Harrison asked if they could add an 800 square foot ADU but could not add an addition 800 square foot ADU. Principal Planner Caliva-Lepe confirmed that it would restrict the property owner from adding onto their main house.

Chair Howard opened the Public Hearing.

Property Owner Xiaojie Qiu presented images and information about the proposed project.

Richard Mehlinger, Livable Sunnyvale Chair, speaking on his own behalf, spoke in overall support of the project for reasons including facilitating intergenerational living and aging in place and quality of life. Mr. Mehlinger commented that it would be unwise to deny the application.

Coleen Hausler, resident of Sunnyvale, spoke in overall opposition of the proposed project. Ms. Hausler discussed her concerns on building beyond the FAR limit.

Recording Secretary Joey Mariano and Chair Howard stated the Zoom Conference call information for members of the public to re-join the meeting.

Wendy Tan, resident of Sunnyvale and neighbor of the applicant, spoke in overall support of the project. Ms. Tan commented on the importance of additions for extended families and with the cost of living in the Bay Area increasing.

Chair Howard closed the Public Hearing.

Commissioner Rheume asked staff if the applicant could build an attached ADU and an addition for the remaining portion. City Attorney Moon responded that an ADU must be a dwelling unit, which includes a kitchen, an external entrance, and a fire-rated wall. Principal Planner Caliva-Lepe confirmed that the ADU would need a fire-rated wall and that staff would evaluate the overall lot coverage and FAR due to the addition to the main house.

MOTION: Commissioner Rheume moved to approve Alternative 2 - Approve the Special Development Permit, as requested by the applicant with 45% lot coverage and 65% FAR, with the conditions in Attachment 4 (excluding Condition PS-1 to reduce lot coverage).

The motion failed for lack of a second.

MOTION: Commissioner Harrison moved and Commissioner Olevson seconded the motion to approve Alternative 1 - Approve the Special Development Permit with the

conditions in Attachment 4 to reduce the size of the project to 40% lot coverage and 60% FAR.

Commissioner Harrison stated that she understands the applicant's need for the addition, however, the Planning Commission has a duty to uphold the City guidelines and not give preferential treatment, unless the lot is unique or there is a physical hardship.

Commissioner Olevson stated he agrees with Commission Harrison's assessment that there is nothing unique about the lot and does not warrant special consideration. Commissioner Olevson stated that he is supporting the motion to comply with the lot coverage limitation or not do the project.

Chair Howard spoke in overall support of the motion. Chair Howard stated that the City has development standards and part of the Planning Commissions duty is to be consistent in applying the development standards and deviate when the Planning Commission has good reasons to do so. Chair Howard stated if anyone would like to alter the City standards, he would highly encourage them to be a part of the planning process and request that the City study changing the standards. Chair Howard stated he appreciated the comment that was brought up about affordability regarding a smaller home on small lots.

Vice Chair Simons spoke in overall opposition of the motion. Vice Chairs Simons commented the cheapest way to have accessibility for two-story houses is by adding an elevator. Vice Chair Simons also expressed his other concern with the loss of backyard space. Vice Chair Simons also stated the ADU is one of the most expensive ways to add square footage to a house because of the fixed cost.

Commissioner Rheume spoke in overall opposition of the motion. Commissioner Rheume stated he understands what is being proposed and he agrees with Commissioner Harrison and Commissioner Olevson that there is nothing unique about this property location. Commissioner Rheume agreed with Chair Howard's proposals for policy changes. Commissioner Rheume also agreed with Mr. Mehlinger's comment that denying the applicant's project would be unwise.

The motion carried by the following vote:

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

No: 2 - Vice Chair Simons
Commissioner Rheume

Absent: 1 - Commissioner Weiss

Principal Planner Noren Caliva-Lepe stated the decision is final unless appealed or called up for review by the City Council within 15 calendar days.

3. [21-0365](#) Recommend a Land Use Option for the Development of Proposed Amendments to the Moffett Park Specific Plan and Analysis in the Environmental Impact Report (EIR).

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

Principal Planner Michelle King presented the staff report with a slide presentation.

Chair Howard opened the Public Hearing.

Commissioner Harrison asked staff about the cleanup activity at the Navy site and what it is comparable to other contaminated site cleanup efforts in Sunnyvale. Principal Planner King responded it does not appear to be comparable to cleanup in the downtown and that it is a more contaminated site. Principal Planner King stated she will clarify that the Navy is doing the public outreach. Assistant Director, Andrew Miner disclosed to the Planning Commission that the City is not responsible for the cleanup, but it is the responsibility of the property owner. Commissioner Harrison asked staff if the area that is studied is only East of Mathilda Avenue then the Planning Commission does not need to address the cleanup site in the Environmental Impact Report (EIR). Principal Planner King responded that the EIR will identify areas that are contaminated within the plan area, but the plume from that site does not go East of Mathilda Avenue.

Commissioner Howe asked if the Mary Avenue over-crossing EIR is complete. Principal Planner King responded that the City is working closely with the Mary Avenue Department of Public Works team to cover all aspects of Mary Avenue for the environmental review. Commissioner Howe asked Principal Planner King what

the difference would be if the Planning Commission were to approve all the study issues and make the decisions later versus excluding some of them and not having them in the detailed EIR. Principal Planner King stated that it would change the way the City models' traffic and the way the City thinks about services and infrastructure. Principal Planner King responded that the Planning Commission could include all study issues and then remove them based off the results in the environmental review. Assistant Director Miner commented that it is important to make specifications now, such as location and numbers so that the environmental report and draft plan has enough detail. Assistant Director Miner also commented that it is always better to have one prime alternative than a variety of alternatives in an environmental report. Commissioner Howe asked if Lockheed Martin will be speaking. Principal Planner King confirmed that they will speaking as a Member of the Public on the agenda item.

Vice Chair Simons asked if the Planning Commission's recommendation should include changing the land-use. Principal Planner King confirmed it should. Vice Chair Simons asked if historic and estimated subsidence could be added to the recommendation. Principal Planner King responded that the City is studying subsidence. Vice Chair Simons asked if the City could analyze a bike and pedestrian crossing for the EIR for Moffett Park. Principal Planner King responded that consultant team Nelson Nyggard is studying options for people to get in and out of Moffett Park such as bike and pedestrian bridges. Vice Chair Simons asked if bike and pedestrian crossing should be in the EIR. Principal Planner King commented that it does not need to be in the EIR at this point and that there will be other opportunities to discuss within the next six months.

Commissioner Olevson stated that he appreciated the City's massive work for answering some of the questions. Commissioner Olevson stated his concerns regarding providing open space for future residents.

Chair Howard stated an opinion that the Planning process would be more complicated if the City had to study all housing options West of Mathilda. Assistant Director Miner agreed with Chair Howard's opinion due to the time and effort that it takes to prepare a detailed EIR. Chair Howard asked Principal Planner King what the potential flooding hazards throughout the site are. Principal Planner King responded that flooding risk is greater closer to the shoreline and end of the channels.

Assistant Director Miner commented that the proposed project is a City project with

no specific applicant.

Chair Howard opened the Public Hearing.

Richard Mehlinger, Chair of Livable Sunnyvale, discussed the principles Livable Sunnyvale adopted for the Moffett Park Specific Plan and that they will be supporting the staff recommendation.

Janette D'Elia, Chief Operating Officer (COO) of Jay Paul Company, discussed the importance of residential use on the West of Mathilda and asks the City to include the property owned by Jay Paul Company in the study (previous hotel site).

Kerry Haywood, on behalf of Moffett Park Business Group (MPBG), commented that MPBG vision aligns with the City's eco-innovation district concept and discussed the overall support on staff's recommendation.

Coleen Hausler, Sunnyvale resident and member of Livable Sunnyvale, discussed the overall support of mixed-use in Moffett Park and the importance of housing.

John Lucas, Vice President of Global Real Estate for Juniper Networks, discussed the overall support of the staff's recommendation Alternative 1 because it is consistent with how Juniper's property is already zoned and for industrial development, and does not include residential uses at their property.

Mike Serrone, Member of Livable Sunnyvale, thanked Principal Planner King for her excellent presentation and spoke in overall support of staff recommendation Alternative 1.

Jeff Holzman, Real Estate Development District Director for Google in Sunnyvale, discussed the overall support of the City's eco-innovation district and eagerness to see Moffett Park progress.

Tom Green, Director of Real Estate for Lockheed Martin, discussed the importance of residential use West of Mathilda and the potential for residential use on their campus.

Kat Wortham, Member of Silicon Valley Leadership Group (SVLG) and Sunnyvale resident, commented that SVLG is in support of staff recommendation for mixed-use residential east of Mathilda and are looking forward to seeing the eco-innovative

district thrive.

Gita Dev, Representative of the CR Club, listed concerns before an EIR can be studied, including resilience and flooding, ecology, and infrastructure. Ms. Dev also thanked Principal Planner King for the presentation.

Ken Rodrigues, owner of Kenneth Rodrigues Partners, spoke in support of housing West of Mathilda and commented that a good place to study is at the north side of the Lockheed Martin Way east of and adjacent to Lockheed's campus, which Lockheed calls "Lockheed Martin Site #2."

Eileen McLaughlin discussed her interest in ground water and how the City will be mitigating areas where water is closer to the surface in the Moffett Park. Ms. Laughlin also commented on the importance of infrastructure needs.

Chair Howard closed the Public Hearing.

Commissioner Harrison asked staff if they are looking for a motion or solely feedback from the Planning Commission. Assistant Director Miner confirmed that staff is looking for a formal recommendation to forward to City Council. Commissioner Harrison asked if the Planning Commission reviews a commercial property based off the land-use rather than the particular property owner's proposed project. Mr. Miner stated the purpose of the agenda item is to recommend amendments to the general plan and the land-use designation for all the property in Moffett Park to discuss at City Council. Commissioner Harrison asked staff how the Planning Commission would review a section of a parcel on Lockheed Martin's site that was not identified in the staff report. Principal Planner King responded that it is possible to make a motion by calling the site "Lockheed Martin Site #2".

Commissioner Howe and Commissioner Olevson asked if the Planning Commission can develop a motion that addresses each property separately. Chair Howard agreed with Commissioner Howe's and Commissioner Olevson's recommendation.

Vice Chair Simons commented that when the land-use is changed it would impact the surrounding land-uses. Vice Chair Simons also stated his concern regarding less industrial use in the City and the poor connectivity across Mathilda Avenue. Vice Chair Simons asked Chair Howard how the Planning Commission is going to make the motion. Chair Howard stated that the motions would be broken up into sections.

Chair Howard stated his opinion on what type of land-use should be at which location in Moffett Park.

MOTION: Commissioner Howe moved and Vice Chair Simons seconded the motion for Alternative 1 - Recommend to City Council Land Use Option of: Office/R+D/Industrial of (an additional 10 million square feet over existing and approved) with Mixed-Use Residential east of Mathilda (up to 18,500 housing units and 500,000 square feet of commercial/retail).

Commissioner Howe commented that the East and West side of Mathilda should be reviewed carefully when considering the land-use and connectivity amongst other things. Commissioner Howe asked staff if the Planning Commission will see the EIR before it goes out to comment.

Vice Chair Simons stated that the Planning Commissioners can make modifications to the base motion.

Commissioner Harrison stated that she will be supporting the motion but would like to make modifications after the Planning Commission votes on the motion.

Assistant Director Miner confirmed that the Planning Commission will have input on the EIR during the Public Comment period. Commissioner Howe asked if an update on agenda item 3 will come back to the Planning Commission before it goes out to the Public. Assistant Director Miner stated that the agenda item will be discussed in future meetings but the EIR will be available for the Planning Commission when it goes out for the Public Comment.

Commissioner Olevson stated he will be supporting the motion and that he appreciates the staff and public speakers for the information and feedback.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Vice Chair Simons
Commissioner Harrison
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 1 - Commissioner Weiss

Recused: 1 - Commissioner Rheaume

MOTION: Commissioner Harrison moved, and Commissioner Howe seconded the motion to recommend including the Jay Paul-owned property in the study.

Commissioner Harrison commented that the Jay Paul-owned property is set up in a way that could easily transform into residential use.

Vice Chair Simons asked staff if it will be the same amount of housing regardless if the Planning Commission choose east or west of North Mathilda. Assistant Director Miner and Principal Planner King confirmed that it is still the same amount of housing. Vice Chair Simons stated that he does not see value in changing the use to residential use. Principal Planner King commented that added housing to the west of North Mathilda will give better locations for housing.

REVISED MOTION: Commissioner Harrison moved to recommend including the Jay Paul-owned property in the study and adjusting the total amount of potential housing units to 20,000 west of North Mathilda Avenue.

The motion failed for lack of a second.

MOTION: Commissioner Harrison moved and Commissioner Howe seconded the motion to recommend including the Jay Paul-owned property in the study.

The motion carried by the following vote:

Yes: 3 - Chair Howard
Commissioner Harrison
Commissioner Howe

No: 2 - Vice Chair Simons
Commissioner Olevson

Absent: 1 - Commissioner Weiss

Recused: 1 - Commissioner Rheaume

Chair Howard asked staff how they came up with 18,500 units and if the Planning Commission can propose a change in the number of units. Consultant Chris Sensenig responded that the number was calculated looking at east of North Mathilda. Assistant Director Miner commented that the units that may potentially be considered for the Jay Paul-owner property are not included in the 18,500 units. Assistant Director Miner stated the option of an alternative analysis.

MOTION: Commissioner Harrison moved and Commissioner Olevson seconded the motion to recommend including the Lockheed-owned property, described as "Site 2", as an additional housing site in the study.

Commissioner Harrison stated her opinion on the importance of having the east side of North Mathilda as a neighborhood and that it would be wrong to not consider Site 2 as a potential study issue.

Commissioner Olevson stated his opinion on the longevity of the land for Lockheed Martin and that the Planning Commission should consider the area for residential use.

Vice Chair Simons stated an observation regarding the long-term secure area of the Lockheed-owned property.

Chair Howard stated his opinion regarding the adaptability of security and will be supporting the motion.

The motion carried by the following vote:

Yes: 3 - Chair Howard
Commissioner Harrison
Commissioner Olevson

No: 2 - Vice Chair Simons
Commissioner Howe

Absent: 1 - Commissioner Weiss

Recused: 1 - Commissioner Rheaume

MOTION: Commissioner Harrison moved and Commissioner Howe seconded the motion to recommend including the Navy site in the study.

Commissioner Harrison stated her opinion on potentially using the site as a Activity Center and would be worth considering as a option.

Chair Howard stated his opinion that it would be worth considering as a potential option.

The motion failed by the following vote:

Yes: 2 - Chair Howard
Commissioner Harrison

No: 3 - Vice Chair Simons
Commissioner Howe
Commissioner Olevson

Absent: 1 - Commissioner Weiss

Recused: 1 - Commissioner Rheume

Chair Howard asked staff if staff has any suggestions to recommend to the City Council. Principal Planner King responded if the Planning Commission would consider the higher number of units' staff is recommending. Chair Howard stated that he does not see a reason to change the number of units at this time.

Vice Chair Simons asked staff to include a simple discussion on land subsidence in the EIR. Vice Chair Simons asked what other topics will be analyzed in the EIR. Principal Planner King confirmed that staff will add it in the narrative. Vice Chair Simons asked what other topics will be analyzed in the EIR. Principal Planner King responded that the policy topics Vice Chair Simons noted will not be in the EIR but will be discussed in future meetings and included in the draft plan. Vice Chair Simons asked about the connectivity of Moffett Park and when it will be in the EIR. Principal Planner King confirmed that it will be in the EIR alternative, the draft plan, and in future meetings. Vice Chair Simons asked if Moffett Park will be using Sunnyvale's sidewalk standards. Principal Planner King confirmed that Moffett Park will have its own set of standards while meeting the City's minimum.

Assistant Director Miner stated that these recommendations will be forwarded to the City Council for consideration at the May 25, 2021 meeting.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

4. [21-0525](#) Planning Commission Proposed Study Issues, Calendar Year: 2022

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

-Staff Comments

Assistant Director Miner stated the last day to apply for Planning Commission will be April 30, 2021 at 5pm (PST). Assistant Director Miner commented that Commissioner Olevson's last day is June 30, 2021.

ADJOURNMENT

Chair Howard adjourned the meeting at 10:31pm.