



# City of Sunnyvale

## Meeting Minutes

### Planning Commission

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Monday, November 14, 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:** 7 - Chair Martin Pyne  
Vice Chair Nathan Iglesias  
Commissioner Daniel Howard  
Commissioner John Howe  
Commissioner Michael Serrone  
Commissioner Neela Shukla  
Commissioner Carol Weiss

#### **ORAL COMMUNICATIONS**

None.

#### **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.

Planning Officer Shaunn Mendrin provided a brief explanation on the 2023 Planning Commission Annual Work Plan.

The motion carried by the following vote:

**Yes:** 7 - Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No:** 0

**1.A**     [22-1049](#)     Approve Planning Commission Meeting Minutes of October 24, 2022

Approve Planning Commission Meeting Minutes of October 24, 2022 as submitted.

**1.B**     [22-1048](#)     Approve the 2023 Planning Commission Annual Work Plan

Approve the 2023 Planning Commission Annual Work Plan as submitted.

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

**2.**       [22-1104](#)       **REQUEST FOR CONTINUANCE TO A DATE UNCERTAIN**

**Proposed Project:**     Adopt a Resolution for a:

**SPECIFIC PLAN AMENDMENT** to modify Block 20 of the Downtown Specific Plan to allow additional residential units and office square footage, and associated modifications to design guidelines and development standards; and

**GENERAL PLAN AMENDMENT** to reflect increases in Projected Build-out in the Land Use and Transportation Element (LUTE).

**Location:** 510 and 528 S. Mathilda Avenue (APNs:209-29-060 and 061), and 562 and 568 S. Mathilda Avenue (APNs:209-29-057 and 067)

**File #:** 2018-7585

**Zoning:** DSP (Block 20)

**Applicant / Owner:** Shawn Karimi, Karimi Shahriar Trustee, (applicant and owner 510 and 528 S. Mathilda Avenue, and Shawn Taheri, Sam Cloud Barn LLC (applicant and owner 562 and 568 S. Mathilda Avenue)

**Environmental Review:** Addendum to the Downtown Specific Plan Amendments Final Environmental Impact Report for the Block 20 Area Project.

**Project Planner:** Margaret Netto, (408) 730-1221,  
mnetto@sunnyvale.ca.gov

Planning Officer Mendrin stated that staff requests the continuance of this agenda

item to the Planning Commission meeting of December 12, 2022.

Commissioner Howe confirmed with Planning Officer Mendrin that the City Council is not working on a Development Agreement as part of the proposed project.

Chair Pyne opened the Public Hearing.

Weng Tam, field representative for Carpenters Local 405, requested that the developer for the proposed project uphold labor standards for prevailing wages, healthcare for construction workers and their families, and the like. He also stressed the importance of developers hiring locally to reduce traffic and greenhouse gas emissions.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howe moved and Vice Chair Iglesias seconded the motion to continue the discussion on Public Hearing Agenda Item 2 to a date specific on Monday, December 12, 2022.

The motion carried by the following vote:

**Yes: 7 -** Chair Pyne  
Vice Chair Iglesias  
Commissioner Howard  
Commissioner Howe  
Commissioner Serrone  
Commissioner Shukla  
Commissioner Weiss

**No: 0**

**3. [22-1031](#)**

**Proposed Project:**

**DESIGN REVIEW:** Construct a new two-story single-family home resulting in 2,528 square feet gross floor area (2,109 square feet living area and 419 square feet garage) and 45.4% Floor Area Ratio (FAR). The project also includes a new 790 square foot attached Accessory Dwelling Unit (ADU).

**Location:** 691 Toyon Avenue (APN: 213-10-038)

**File #:** 2022-7198

**Zoning:** R-0

**Applicant / Owner:** Michelle Miner Design (applicant) / Ankush and Vibha Gupta (owners)

**Environmental Review:** A Class 3 Categorical Exemption relieves this project from CEQA provisions.

**Project Planner:** Aastha Vashist, (408) 730-7458,  
avashist@sunnyvale.ca.gov

Senior Planner Aastha Vashist presented the staff report with a slide presentation.

Commissioner Weiss confirmed with Senior Planner Vashist that, although not depicted on the proposed project's plans, the proposed project's Accessory Dwelling Unit (ADU) will be required to have a separate entrance.

Commissioner Weiss questioned the square footage of the proposed project's ADU and Senior Planner Vashist responded that any square footage in excess of 800 square feet will be counted toward the floor area and floor area ratio of the proposed project. She added that additional clarification may be provided by the proposed project's applicant team.

At Commissioner Weiss' request, Senior Planner Vashist explained the way in which the proposed project may meet a second-to-first floor ratio maximum of 35 percent.

Vice Chair Iglesias confirmed with Principal Planner George Schroeder that the proposed project is subject to the Housing Accountability Act. As such, the proposed project may only be evaluated upon objective criteria. Planning Officer Mendrin also noted that some existing guidelines pertaining to single-family homes are objective and may be applied. One such objective pertains to the maximum of 35 percent for the second-to-first floor ratio.

Vice Chair Iglesias discussed with Senior Planner Vashist what is meant by the term "neighborhood" as it is defined by the City's Single Family Home Design Techniques and as it applies to the proposed project's neighborhood.

Chair Pyne received clarification from Senior Planner Vashist regarding a proposed project at 635 Toyon Avenue that was denied by the Planning Commission in 2017.

Chair Pyne opened the Public Hearing.

Michelle Miner, principal architect for the proposed project, presented the project including additional information.

Commissioner Weiss confirmed with Ms. Miner that the proposed project's appliances, including its tankless water heater, will all be electric rather than gas.

Vice Chair Iglesias received clarification from Ms. Miner on the solar shading analysis conducted for the proposed project.

Commissioner Howard confirmed with Ms. Miner that the applicant team is requesting that the conditions of approval PS-1a and PS-1b in Attachment 4 be waived. She added that the proposed project's bathroom windows will be obscured to prevent privacy concerns from being raised.

At Chair Pyne's request, Ms. Miner explained the reasoning behind the proposed project's inclusion of varying roof pitches.

Chair Pyne revealed that he emailed City staff earlier in the morning to request the second-to-first floor ratios of the neighboring Corn Palace and Toll Brothers developments.

A resident of 687 Toyon Avenue expressed his concerns regarding the proposed project's setbacks and the visual mass of its second floor.

Ms. Miner and Ankush Gupta, property owner, presented additional information about the proposed project.

Commissioner Shukla questioned whether various designs were considered to minimize the visual bulk of the proposed project's second floor. Ms. Miner responded that many iterations of the proposed project's design were considered, but the current design best meets both the property owners' needs and City guidelines.

Chair Pyne closed the Public Hearing.

Commissioner Howard shared his thoughts regarding the objective criteria that the proposed project is subject to.

MOTION: Commissioner Howe moved to approve Alternative 1 – Approve the Design Review with the Conditions of Approval in Attachment 4. He also proposed maintaining a five-foot setback for the existing garage and mandated that the windows that the applicant agreed to obscure would be made opaque.

The motion failed for lack of a second.

Chair Pyne expressed his concerns with discerning how the term “neighborhood” may be applied to the proposed project according to both objective standards and the guidelines outlined by the Single Family Home Design Techniques.

Commissioner Shukla shared Chair Pyne’s concerns. At Commissioner Shukla’s request, Principal Planner Schroeder provided additional information on the term “neighborhood” and where it is defined in the Single Family Home Design Techniques document.

Vice Chair Iglesias voiced his concerns that some individuals who received notice of the proposed project are not considered to be within the proposed project’s neighborhood according to the Single Family Home Design Techniques definition of the term “neighborhood.”

Commissioner Howard stated that, in light of the Single Family Home Design Techniques guidelines, condition of approval PS-1a in Attachment 4 should not apply to the proposed project.

Commissioner Serrone shared his concerns regarding the definition of the term “neighborhood” and the objective standard pertaining to the maximum second-to-first floor ratio.

Chair Pyne confirmed with Senior Planner Vashist that the setback requirements are the same for both R-0 developments and PD developments.

MOTION: Commissioner Howard moved and Chair Pyne seconded the motion to approve Alternative 2 – Approve the Design Review with modified conditions.

The modified conditions are stated below:

- 1.) Remove Recommended Condition of Approval PS-1a regarding the reduction of the second-to-first floor ratio maximum to 35 percent.
- 2.) Remove Recommended Condition of Approval PS-1b regarding the minimum sill height of the second floor windows on the north side yard.
- 3.) Recommended Condition of Approval PS-1a must be added and should read as follows: “Second floor windows on the north side yard shall be opaque.”
- 4.) Recommended Condition of Approval PS-1b must be added and should read as follows: “Maintain a minimum five-foot side yard setback from the existing garage

wall to the north side property line. [COA] [PLANNING]"

Commissioner Howard stated that while he is unable to make the findings that the neighborhood context of the proposed project is predominantly single-story, he does believe that the 53 percent second-to-first floor ratio proposed by the applicant for the proposed project matches the second-to-first floor ratio of the adjacent Toll Brothers developments.

At Principal Planner Schroeder's request, Commissioner Howe and Mr. Gupta elaborated upon the setbacks requested for the proposed project's garage.

Commissioner Serrone confirmed with Planning Officer Mendrin that the removal of the required maximum for the second-to-first floor ratio would mean that the applicant would be limited to the 53 percent second-to-first floor ratio maximum that was requested.

Chair Pyne expressed his broad agreement with Commissioner Howard regarding the proposed project's neighborhood context and applicable second-to-first floor ratio maximums when considering these from an objective standpoint.

The motion carried by the following vote:

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

**No:** 1 - Commissioner Howe

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, November 29, 2022.

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

None.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Commissioner Howard asked whether there will be an option for members of the public to attend Planning Commission meetings in-person and virtually beginning in December 2022 just as they will for City Council meetings at that time. Planning Officer Mendrin responded that there is currently no set date for this hybrid option to apply to Planning Commission meetings.

**-Staff Comments**

Planning Officer Mendrin announced that on November 28, 2022, the Planning Commission will consider the adoption of an urgency interim ordinance amending Titles 16 and 19 of the Sunnyvale Municipal Code. At the same meeting, the Planning Commission will consider the expansion or modifications for existing legal non-confirming single-family uses in non-residential zoning districts. Both of these items will be heard at the City Council meeting of December 13, 2022 as well.

Planning Officer Mendrin reminded the Planning Commissioners of a Tree Removal Permit that they considered at the January 24, 2022 Planning Commission meeting. He confirmed that the subject tree was saved and that the plumbing for the affected condominium development was addressed.

Chair Pyne asked whether the Housing Element would be reviewed at a December 2022 City Council meeting, and Planning Officer Mendrin stated that the California Department of Housing and Community Development's (HCD) comments on the Draft Housing Element are still being reviewed.

**ADJOURNMENT**

Chair Pyne adjourned the meeting at 8:30 PM.