



City of Sunnyvale

Meeting Minutes

Planning Commission

Monday, February 13, 2023

7:00 PM

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

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 February 7, 2023.

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

ROLL CALL

Present: 6 - Chair Martin Pyne
Vice Chair Nathan Iglesias
Commissioner Daniel Howard
Commissioner Michael Serrone
Commissioner Neela Shukla
Commissioner Carol Weiss
Absent: 1 - Commissioner John Howe

Commissioner Howe's absence is excused.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

There were no public speakers for these agenda items.

MOTION: Commissioner Weiss moved and Commissioner Howard seconded the

motion to approve the Consent Calendar.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Howe

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, February 28, 2023.

1.A [23-0329](#) Approve Planning Commission Meeting Minutes of February 6, 2023

1.B [23-0317](#) **Proposed Project:** Related applications on a 9,633 square foot site:
 DESIGN REVIEW: Construct a detached 504 square foot arbor structure with solar panel roof cover in the rear yard of an existing two-story single-family home, resulting in 4,214 square feet (3,163 square feet living area, 504 square foot arbor structure, 100 square foot shed structure, and 447 square foot garage) and 43.7% FAR.
 USE PERMIT: For the total area of all accessory structures to exceed 450 square feet.
Location: 1372 Cordilleras Avenue (APN: 323-08-053)
File #: 2022-7566
Zoning: R-1
Applicant / Owner: Raul and Kristen Etkin (applicant/owner)
Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.
Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

PUBLIC HEARINGS/GENERAL BUSINESS

2. [23-0148](#) Forward a Recommendation to City Council to Adopt a Resolution to: Abolish the Board of Building Code Appeals; Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 19.39 (Green Building Regulations) and Various Sections of Title 16 (Buildings and Construction) Related to the Board of Building Code Appeals and to

Update the Title of the Person Charged with the Administration and Enforcement of Specified Building Codes; and Find that These Actions are Exempt from the California Environmental Quality Act (CEQA) Under CEQA Guidelines Section 15378(b)(5)

City Clerk David Carnahan presented the staff report.

Chair Pyne confirmed with City Clerk Carnahan that, according to state law, appeals of Building Code decisions are heard by a local appeals board. If none exists, the governing body of the City, in this case the City Council, will serve as the local appeals board. City Clerk Carnahan added that all other appeals of Title 19 of the Sunnyvale Municipal Code (SMC) will be heard by the Planning Commission.

Vice Chair Iglesias clarified with City Clerk Carnahan that the only difference between Alternatives 1 and 2 is that Alternative 2 also includes any modifications recommended by the Planning Commission.

Commissioner Howard commented that the Planning Commission might consider approving Alternative 2 with the modification that the Planning Commission may or may not serve as the local appeals board in place of the City Council.

Chair Pyne opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

Commissioner Shukla discussed with City Clerk Carnahan why the Board of Building Code Appeals is being dissolved and replaced by the City Council as the City's local appeals board.

MOTION: Commissioner Weiss moved and Commissioner Howard seconded the motion to approve Alternative 1 – Recommend that City Council: Adopt a Resolution to Abolish the Board of Building Code Appeals (Attachment 8 to the Report); Introduce an Ordinance to Amend Sunnyvale Municipal Code Chapter 19.39 (Green Building Regulations) and Various Sections of Title 16 (Buildings and Construction) Related to the Board of Building Code Appeals and to update the title of the person charged with the administration and enforcement of specified building codes (Attachment 7 to the Report); and Find that these Actions are Exempt from the California Environmental Quality Act (CEQA) Under CEQA Guidelines Section 15378(b)(5).

Commissioner Weiss stated that Building Code appeals are rare and we should recognize the City Council's willingness to hear and resolve them in the rare instances they arise moving forward.

Commissioner Howard noted that the Board of Building Code Appeals has not met to consider an appeal in well over 20 years.

Chair Pyne spoke in overall support of the motion.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Howe

This recommendation will be forwarded to the City Council for consideration at the March 21, 2023 meeting.

3. [23-0139](#) **Proposed Project:** Forward Recommendations to the City Council for: **PEERY PARK PLAN REVIEW** to allow a modification to the Community Benefits Program for an approved office development (Planning File No. 2015-8110).
Location: 675 Almanor Avenue (APN:165-44-006 and 165-44-012)
File #: 2022-7673
Zoning: PPSP-IEAC (Peery Park Specific Plan / Innovation Edge-Activity Center Overlay)
Applicant / Owner: Dollinger Properties (applicant) / Almanor Ventures LLC (owner)
Environmental Review: The project is exempt from additional California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15301 (existing facilities).
Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Senior Planner Shétal Divatia presented the staff report with a slide presentation.

Commissioner Weiss confirmed with Senior Planner Divatia and Principal Planner Noren Caliva-Lepe that a portion of the Community Benefits funds may be allocated toward the Peery Park Rides Program.

Vice Chair Iglesias discussed with Principal Planner Caliva-Lepe how the Community Benefits Program allows the developer to achieve the target Floor Area Ratio (FAR) for the proposed project by selecting Community Benefits points of their choice, even if these points do not involve retail.

Vice Chair Iglesias confirmed with Senior Planner Divatia that there are currently no tenants occupying the proposed project site.

Vice Chair Iglesias confirmed with Senior Planner Divatia that staff has not received any feedback from neighboring property owners or tenants about the proposed loss of retail.

Commissioner Serrone questioned whether the proposed project is considered within the scope of the Peery Park Specific Plan (PPSP) due to its lack of publicly accessible retail. Principal Planner Caliva-Lepe explained that the inclusion of retail is not a requirement of the PPSP but rather one of several options to achieve higher FAR. She added that recent market changes have influenced the viability of retail.

Commissioner Serrone emphasized the importance of retail for the City's tax base and expressed his concerns about the proposed project's lack of retail since its cafeteria will not be publicly accessible. When he questioned the proposed project's cafeteria size, Senior Planner Divatia responded that the applicant team may provide details on this during their presentation.

Commissioner Serrone asked whether the proposed project's cafeteria food will be subsidized and whether the sales tax will be based on non-subsidized costs.

At Commissioner Howard's request, Senior Planner Divatia explained the permitting process by which the property owner may convert the cafeteria to a publicly accessible restaurant at a later time.

Commissioner Howard confirmed with Senior Planner Divatia and Principal Planner Caliva-Lepe that, to their knowledge, there are currently no anticipated restaurant sites for the Peery Park area.

Commissioner Shukla asked whether any protocol exists to regulate the number of times a developer may modify a Community Benefits Program. Principal Planner Caliva-Lepe and Planning Officer Shaunn Mendrin responded that the PPSP does not include a limit.

Commissioner Howard confirmed with Principal Planner Caliva-Lepe that the developer's request to remove retail space and select alternative points to meet a new FAR goal would have been approved in 2017. However, she noted that the fee rate to do so has since increased.

Chair Pyne questioned whether the property immediately to the east of the proposed project site is anticipated to be redeveloped since it hinders walkability to the proposed project site from Mathilda Avenue. Principal Planner Caliva-Lepe and Planning Officer Mendrin confirmed that neither of them are aware of any plans to redevelop that property at this time.

Chair Pyne opened the Public Hearing.

Derrick Larson (Senior Development Manager), Po Popal (Director), and Erin Guzman (Director of Corporate Affairs) presented information about the proposed project.

Commissioner Howard confirmed with Mr. Larson that the open space easement that is currently on the proposed project site will not be altered by the proposed project.

Commissioner Serrone confirmed with Mr. Popal that the cafeteria food will be offered to employees at a small discount and that the sales tax will be on the subsidized value of the food. Commissioner Serrone also confirmed with Mr. Popal that the Hetch-Hetchy aqueduct is located behind the existing building on the proposed project site.

At Chair Pyne's request, Mr. Larson provided additional information on a retail project in Hayward that was failing to find tenants.

Chair Pyne confirmed with Mr. Larson that none of the easements on the proposed project site will impede sidewalk access.

There were no public speakers for this agenda item.

Chair Pyne closed the Public Hearing.

Commissioner Shukla voiced her support for staff's recommendation, Alternative 1, and stated that the proposed project will enhance the existing community.

Commissioner Serrone confirmed with Principal Planner Caliva-Lepe that the Community Benefits fees will go toward the Peery Park Community Benefits fund. She explained that these funds support the Peery Park Rides Program, civic center upgrades, and fire center upgrades.

Commissioner Howard acknowledged that in spite of the available designated areas for retail in the Peery Park area, there is currently a low demand for retail space among developers. He also stated that dining opportunities in Peery Park would be desirable if not now, then at a later time. Lastly, Commissioner Howard voiced his support of staff's recommendation.

MOTION: Vice Chair Iglesias moved and Commissioner Shukla seconded the motion to approve Alternative 1 – Recommend to the City Council: Approve the proposed amendment to the previously approved Peery Park Specific Plan Review Permit and associated Peery Park Specific Plan Community Benefits Program in Attachment 7 and find that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15301.

Vice Chair Iglesias spoke in support of the proposed project and mentioned that although he understands why the cafeteria will be exclusive to only Synopsis employees, he wishes it was accessible to the public as well.

Commissioner Shukla expressed her support for the proposed project and its inclusion of a cafeteria for Synopsis employees.

Chair Pyne voiced his support of the motion and, while he disclosed his concerns about the lack of retail in the Peery Park area, he added that the proposed project will be a good use of the area, particularly for Synopsis employees.

Commissioner Serrone mentioned that he is in support of the motion and commented on the decline in demand for retail within the City and the negative consequences this will have. Regarding the proposed project, he highlighted the

walkability of the cafeteria for Synopsis employees.

Commissioner Weiss stated she is in support of the motion and that she understands that the proposed project's cafeteria will be accessible to only Synopsis employees for security purposes. She also added that the building is pleasant to look at.

The motion carried by the following vote:

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

No: 0

Absent: 1 - Commissioner Howe

This recommendation will be forwarded to the City Council for consideration at the March 14, 2023 meeting.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howard wished everyone a happy Valentine's Day. He also noted that Agenda Item 2 was considered just before Valentine's Day, and it will be considered by the City Council just in time for St. Patrick's Day.

Commissioner Weiss thanked Planning Officer Shaunn Mendrin for sending the Planning Commissioners additional information on the Housing Element.

-Staff Comments

Planning Officer Mendrin announced that the study session of the City Council meeting on March 14, 2023 will focus on the Housing Element. He added that the Housing Element progress report will be provided at the City Council meeting of

March 21, 2023.

Planning Officer Mendrin provided clarification on the minutes for Agenda Item 2 of the January 23, 2023 Planning Commission meeting. In response to a question posed by Chair Pyne, Planning Officer Mendrin stated that staff is in the early stages of considering the revision of SMC Title 19 to include language on automobile showrooms.

ADJOURNMENT

Chair Pyne adjourned the meeting at 8:13 PM.