



City of Sunnyvale

Meeting Minutes

Planning Commission

Monday, April 10, 2023

5:30 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting: Study Session - 5:30 PM | Public Hearing - 7:00 PM

5:30 P.M. STUDY SESSION

Call to Order

Vice Chair Iglesias called the meeting to order at 5:30 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

Study Session

A. [23-0469](#) **Proposed Project:** Related applications on a 0.40-acre site:
 SPECIAL DEVELOPMENT PERMIT: to demolish an existing
 single-family home and construct eight condominium units within a
 three-story building.
 TENTATIVE MAP: to create eight condominiums.
Location: 444 Old San Francisco Road (APN: 211-01-031)
File #: 2020-7112
Zoning: R-4/PD (High Density Residential/Planned Development)
Applicant/Owner: S V Wzredwood Capital LLC (applicant and owner)
Environmental Review: A Class 32 Exemption relieves this project
from California Environmental Quality Act provisions.
Project Planner: Aastha Vashist, (408) 730-7458,
avashist@sunnyvale.ca.gov

B. [23-0497](#) **Proposed Project:** Related applications on a 0.85-acre site:
 SPECIAL DEVELOPMENT PERMIT: for the construction of 18

three-story condominium units and the retention of one single-family house (156 Crescent Avenue);

RESOURCE ALTERATION PERMIT: for the demolition of one single-family house (148 Crescent Avenue) designated as a Heritage Resource; and

TENTATIVE PARCEL MAP: to create one lot and 19 condominium units.

Location: 148 and 156 Crescent Avenue (APNs: 211-35-008 and 211-35-009)

File #: 2021-7265 and 2021-7826

Zoning: R-3/PD (Medium Density Residential / Planned Development)

Applicant / Owner: Samir Sharma (applicant) / Crescent Avenue LLC (owner)

Environmental Review: Class 32 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Momo Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

Adjourn Study Session

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Pyne called the meeting to order at 7:40 PM.

SALUTE TO THE FLAG

Chair Pyne led the salute to the flag.

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

Andrea Wald spoke of the detrimental effects that artificial turf has on the environment and our health due to the large amount of water required to produce them and the toxic chemicals that they leach. She shared her hope that the City may ban the use of this material in residential developments and on sports fields.

Chris Martinez, union carpenter for Local 405, asked that consideration be given to labor standards for construction workers. These standards include higher wages, local hiring, apprenticeship programs, and healthcare benefits.

CONSENT CALENDAR

There were no public speakers for this agenda item.

Commissioner Howard confirmed with Administrative Aide Guia Sharma that the minutes for the Planning Commission meeting of March 27, 2023 are considered final upon approval by the Planning Commission as a Consent Calendar item.

MOTION: Commissioner Howe moved and Commissioner Howard seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

Yes: 6 - Chair Pyne
Commissioner Howard
Commissioner Howe
Commissioner Serrone
Commissioner Shukla
Commissioner Weiss

No: 0

Abstained: 1 - Vice Chair Iglesias

1. [23-0495](#) Approve Planning Commission Meeting Minutes of March 27, 2023
Approve Planning Commission Meeting Minutes of March 27, 2023 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [23-0485](#) Forward a Recommendation to the City Council to Introduce an Ordinance to Add Chapter 19.71 of Title 19 of the Sunnyvale Municipal Code Creating a Residential Tenant Protections Programs (Study Issue)

Affordable Housing Manager Ernie Defrenchi presented the staff report.

Commissioner Weiss confirmed with Affordable Housing Manager Defrenchi and Senior Assistant City Attorney Rebecca Moon that the proposed ordinance will go into effect by early to mid-June 2023 if it is approved by City Council.

Commissioner Weiss suggested that relocation expenses for no-fault evictions should be dependent on the length of a tenant's residency. She also voiced her opinion that perhaps these expenses should apply only to larger companies rather than smaller units, or duplexes, triplexes, and fourplexes in which the landlord also resides. Affordable Housing Manager Defrenchi responded that according to state law, landlords are exempt from providing tenant protections in the form of relocation if the tenant they are evicting is within the first twelve months of their lease. He added that this requirement does not apply to duplexes, including owner-occupied duplexes, or Accessory Dwelling Units (ADU).

Commissioner Serrone confirmed with Affordable Housing Manager Defrenchi that the proposed ordinance will apply to all developments regardless of how long they have had their certificate of occupancy.

Commissioner Serrone discussed with Affordable Housing Manager Defrenchi the amount of time in which a landlord must return a tenant's deposit in the event of a no-fault just cause eviction.

Commissioner Serrone asked whether notices pertaining to the proposed ordinance will be offered in languages other than English. Affordable Housing Manager Defrenchi answered that such notices will include verbiage in languages other than English which will advise the reader that the notice is important and will require interpretation by a translator.

Commissioner Serrone inquired about how many days' notice a landlord must provide a tenant they are evicting under the proposed ordinance.

Commissioner Serrone confirmed with Affordable Housing Manager Defrenchi that tenants may hire a lawyer and sue their landlord if they do not receive relocation assistance equal to two months of rent.

Commissioner Serrone and Affordable Housing Manager Defrenchi discussed feedback from the stakeholders' outreach meeting regarding the consideration of relocation assistance in the form of moving costs in the event a landlord or property owner can provide a "like unit" within a reasonable distance of the current property.

Commissioner Serrone and Commissioner Howard received clarification from Affordable Housing Manager Defrenchi regarding the applicability of tenant protections as stipulated by state law.

Vice Chair Iglesias shared his concerns regarding the negative impacts that the requirement to provide tenant protections would have upon homeowners who are not profiting significantly from their tenants' rent. Affordable Housing Manager Defrenchi responded that the Planning Commission may recommend that the relocation assistance required of applicable landlords and property owners may be equivalent to one month of rent rather than two. He added that the staff recommendation is in alignment with the requirements of neighboring jurisdictions.

Vice Chair Iglesias confirmed with Affordable Housing Manager Defrenchi that the event in which a tenant is displaced because of a landlord or property owner moving a relative into the property would be considered a no-fault just cause eviction. Affordable Housing Manager Defrenchi explained that protections for this type of eviction would apply regardless of how long a development has had a certificate of occupancy.

Commissioner Shukla proposed that the City should offer a web page or website that includes information on the proposed ordinance and lease documents that landlords may use containing verbiage associated with the proposed ordinance. Affordable Housing Manager Defrenchi stated that there is a plan in place to accommodate such a request, and he noted that community outreach meetings have been held to educate tenants, property owners, and residents about the proposed ordinance and what it entails.

Chair Pyne advocated for the comprehensibility of the proposed ordinance so that tenants may understand their rights. He asked whether the lease addendum containing information on the proposed ordinance will be made available in languages other than English. Affordable Housing Manager Defrenchi answered that while this may not be the case, the addendum will include verbiage in languages other than English which will advise the reader that the addendum is important and will require interpretation by a translator.

Vice Chair Iglesias confirmed with Affordable Housing Manager Defrenchi that the proposed ordinance would not affect tenants or landlords already in a lease.

Vice Chair Iglesias asked whether landlords might be incentivized to evict tenants prior to the completion of their twelve-month lease to avoid providing relocation assistance. Affordable Housing Manager Defrenchi answered that this is not a concern.

Chair Pyne opened the Public Hearing.

Janet Murdock, Sunnyvale resident and landlord, shared her concerns regarding the proposed ordinance and its requirement that twelve-month leases must be renewed indefinitely. She also detailed the negative impacts that this would have upon mom-and-pop fourplex owners such as herself.

Agnes Veith, Sunnyvale resident and Livable Sunnyvale Board member, emphasized the importance of providing tenant protections, commended staff on their efforts on the proposed ordinance, and urged the Planning Commission to authorize landlords to pay relocation assistance equal to two months of rent in the event of no-fault just cause evictions.

Chair Pyne closed the public hearing.

Commissioner Howard responded to earlier comments made by Vice Chair Iglesias. He also suggested that the lease addendum be made available in Spanish, if feasible. Lastly, he noted that the costs associated with relocation assistance would be proportional to the rent charged by landlords.

Commissioner Serrone asked whether a tenant and their landlord may agree to temporary relocation provisions that may contradict the relocation assistance required by the proposed ordinance. Affordable Housing Manager Defrenchi responded that this may be agreed upon as long as it is amenable to both parties.

Commissioner Serrone commented that it is worth considering different requirements depending on different property types or property owners. Affordable Housing Manager Defrenchi stated that the Planning Commission may make this recommendation if desired.

Commissioner Weiss proposed that the recommendations made by the Planning Commission exempt owner-occupied duplexes, triplexes, and fourplexes.

Vice Chair Iglesias spoke in agreement with comments made by Commissioner Serrone and Commissioner Weiss. He added that the proposed ordinance must consider the wide range of income levels across City residents.

Commissioner Shukla voiced her support of staff recommendations.

MOTION: Commissioner Howard moved and Commissioner Howe seconded the motion to approve Alternative 2 – Recommend that City Council: Introduce an Ordinance to add Chapter 19.71 (Residential Tenant Protections Ordinance) to Title 19 (“Zoning”) of the Sunnyvale Municipal Code creating a Residential Tenant Protections Programs with a modification.

The modification is stated below:

1.) If feasible, the lease addendum containing applicable information on the proposed ordinance must be made available to tenants in Spanish.

Commissioner Howard acknowledged that state law is what is informing the proposed ordinance and reiterated the importance of tenant protections when considering the better financial position that a property owner is in.

Affordable Housing Manager Defrenchi advised that the City may not require landlords to provide leases and lease addendums to their tenants in Spanish. Commissioner Howard responded that this modification be accommodated only if feasible.

Commissioner Howe noted that the proposed ordinance may negatively impact operators of smaller rental properties and inhibit others from becoming landlords.

FRIENDLY AMENDMENT: Commissioner Howe proposed a friendly amendment to specify that a tenant can agree to waive their right to relocation assistance, equal to two months of rent, in exchange for other accommodations provided by the property owner (e.g., storage for their household items, differential rental payment for temporary lodging, guarantee that the tenant may return to their unit under the same lease terms, etc.), and any such arrangement must be memorialized in a written agreement signed by the tenant and their property owner.

FORMAL AMENDMENT: Commissioner Weiss moved and Commissioner Serrone seconded the motion to exempt owner-occupied duplexes, triplexes, and fourplexes from the tenant protections requirements posed by the proposed ordinance.

Commissioner Weiss stated that there is a difference between property owners who live in the properties they rent out and large real estate investors. For this reason, she emphasized the importance of distinct requirements for tenant protections

offered by different property owners of various property types.

Commissioner Serrone spoke in agreement with comments made by Commissioner Weiss. He added that neighboring cities have a similar exemption in place already.

Commissioner Howard shared his concerns that such an exemption might further complicate the comprehensibility of the proposed ordinance especially among populations that do not speak English as a first language, if at all.

Chair Pyne voiced his agreement with concerns expressed by Commissioner Howard and stated he is not entirely in agreement with the categorization of neighboring cities.

The motion for the formal amendment failed by the following vote:

Yes: 2 - Commissioner Serrone
Commissioner Weiss

No: 5 - Chair Pyne
Vice Chair Iglesias
Commissioner Howard
Commissioner Howe
Commissioner Shukla

Chair Pyne summarized the original motion which is as follows:

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two months of rent, in exchange for other accommodations provided by the property owner (e.g., storage for their household items, differential rental payment for temporary lodging, guarantee that the tenant may return to their unit under the same lease terms, etc.), and any such arrangement must be memorialized in a written agreement signed by the tenant and their property owner.

Chair Pyne spoke in support of the motion and thanked staff for the hard work they invested in the proposed ordinance which provides both tenant protections and property owner rights.

The motion carried by the following vote:

Yes: 6 - Chair Pyne
Commissioner Howard
Commissioner Howe
Commissioner Serrone
Commissioner Shukla
Commissioner Weiss

No: 1 - Vice Chair Iglesias

This recommendation will be forwarded to the City Council for consideration at the April 25, 2023 meeting.

3. [23-0357](#) **Proposed Project:** Related applications on a 3,920 square-foot site:
DESIGN REVIEW: To allow construction of a 957 square-foot first and second-floor addition to an existing single-family home, resulting in 2,282 square feet living area (no covered parking) and 58.5% Floor Area Ratio (FAR), and
VARIANCE: To allow 28% rear yard encroachment, where 25% maximum is permitted.
Location: 404 S. Murphy Ave. (APN: 209-26-023)
File #: 2021-7829
Zoning: DSP-10 (Downtown Specific Plan Area Block 10)
Applicant / Owner: Bay Area Project Pro / Devang and Vina Bhuva
Environmental Review: A Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.
Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

Senior Planner Mary Jeyaprakash presented the staff report.

Commissioner Weiss confirmed with Senior Planner Jeyaprakash that while this house is part of the Downtown Specific Plan, it does not have any historic designation.

Chair Pyne opened the Public Hearing.

Vina and Devang Bhuvu (property owners) and Thanh Nguyen (Designer) presented information about the proposed project.

At Commissioner Serrone's request, Mr. Nguyen provided additional details on plans for the proposed project's basement.

Commissioner Serrone confirmed with Mr. Nguyen that, because of the proposed project's expansion of the existing property, the shed on the property will be removed.

Vice Chair Iglesias received clarification from Senior Planner Jeyaprakash about how the proposed project's side bay windows will not be removed since they are behind the required setback line.

Vice Chair Iglesias commented on the beautiful design of the proposed project and stated that he is in overall support of the proposed project.

There were no public speakers for this agenda item.

Mr. and Ms. Bhuvu and Mr. Nguyen presented additional information about the proposed project.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Weiss moved and Vice Chair Iglesias seconded the motion to approve Alternative 1 – Approve the Design Review and Variance with the Recommended Conditions of Approval in Attachment 4.

Commissioner Weiss stated that findings for the Single-Family Home Design Techniques have been met and that the proposed project is aesthetically pleasing, will add to the neighborhood, and keeps the feel of the current house. She shared her hope that her fellow Commissioners will approve the motion.

Vice Chair Iglesias revealed that he is happy to support the proposed project, expressed his gratitude to staff for their explanations on the proposed project, and commented that Sunnyvale is fortunate to have Mr. and Ms. Bhuva as residents.

Commissioner Howard spoke in overall support of the proposed project due to staff's recommendations and since it has not received any objections from surrounding neighbors.

Commissioner Shukla agreed with comments made by Commissioners who spoke before her about the house being a good addition to the downtown area. She also thanked staff for their collaboration on the proposed project's great design.

Chair Pyne voiced his support of the motion, agreed that the proposed project will make a great addition to neighborhood, stated that he can make the findings to support the variance, and revealed that he looks forward to the proposed project's completion.

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

This decision is final unless appealed or called up for review by the City Council by 5:00 PM on Tuesday, April 25, 2023.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

4. [23-0488](#) Proposed Study Issue for 2024: Dark Sky Ordinance for Private Residences

Commissioner Weiss presented information about the proposed study issue.

Commissioner Shukla agreed that while the study issue should be considered within the context of single-family homes, it should also be expanded to include multi-family

homes.

Commissioner Howard spoke in support of the proposed study issue and inquired about the possibility of expanding the study so that it might encompass the City in its entirety.

Planning Officer Mendrin clarified that if the proposed study issue focuses specifically on private development as opposed to City streetlights, it may be incorporated into the Single-Family Home Design Techniques and Objective Design Standards. He added that they may also explore the Dark Sky Ordinance in the context of private development. Commissioner Weiss confirmed that this was her intention when she proposed the study issue.

Commissioner Serrone confirmed with Planning Officer Mendrin that a separate study issue will need to be proposed to and processed by the City's Department of Public Works for lighting in the public right-of-way.

Commissioner Shukla confirmed with Planning Officer Mendrin that the intent of the Objective Design Standards is to inhibit subjectivity and improve clarity of the standards for developers.

Chair Pyne advised that members of the Commission may make a proposition to a Councilmember to alter the scope of the study issue at a study issue workshop.

Chair Pyne opened the Public Hearing.

Dashiell Leeds, Conservation Organizer for the Sierra Club Loma Prieta Chapter, spoke in support of the proposed study issue. He also offered recommendations pertaining to the scope of the study issue and appropriate lighting temperature and types of lighting. Lastly, Mr. Leeds provided details on the detrimental effects that artificial light has upon all species in existence.

Rani Fischer, Sunnyvale resident and volunteer with the Environmental Action Committee at the Santa Clara Valley Audubon Society, voiced her support for the proposed study issue and its expansion to include all private developments within the City. She also proposed recommendations for permissible types of lighting and lighting temperature to protect public and environmental health, safeguard the aesthetic of darkness at night, and save energy.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howard moved and Commissioner Howe seconded the motion to sponsor the study issue to expand the Dark Sky Ordinance so that it is applicable to all private property and to include design standards in the Citywide Objective Design Standards and the Single-Family Design Standards.

Commissioner Howard spoke in favor of the proposed study issue and stated that the City Council may consider expanding its scope to include all City lighting.

Chair Pyne voiced his support of the motion and a darker sky in general since it is so impactful to public and environmental health.

Commissioner Howard shared his hope that future generations may experience a darker sky due in part to the Planning Commission's efforts.

Commissioner Shukla spoke of her support for the proposed study issue.

Commissioner Serrone stated that he is in support of the proposed study issue as it will conserve energy and preserve the health of humans and animals alike.

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

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howard thanked participants for their patience with the technical difficulties that occurred during the meeting. He also thanked staff for working hard to resolve the issues.

Vice Chair Iglesias commented that it was nice to meet nondigital versions of all in

attendance.

-Staff Comments

Planning Officer Mendrin echoed Commissioner Howard's remarks about staff's efforts to resolve technical difficulties that arose during the meeting.

Planning Officer Mendrin announced that the Moffett Park Specific Plan (MPSP) will be reviewed by the Planning Commission on April 24, 2023.

ADJOURNMENT

Chair Pyne adjourned the meeting at 10:04 PM.