



City of Sunnyvale

Meeting Minutes Zoning Administrator Hearing

Wednesday, October 16, 2024

3:00 PM

Teleconference: City Web Stream

Public Participation

Accessibility/Americans with Disabilities Act (ADA) Notice

CALL TO ORDER

George Schroeder, Zoning Administrator, called the meeting to order at 3:00 p.m.

PUBLIC HEARINGS

Proposed Project: Related applications on a 7,975-square foot lot:
USE PERMIT to legalize an existing 6-foot 10-inch-tall front yard fence;
and

VARIANCE to legalize an existing 72 square feet detached arbor structure that is 8-foot 6-inch-tall with a 13-foot 5-inch front setback where 20 feet minimum is required, in the front yard of a single-family property.

Location: 1137 South Bernardo Avenue (APN: 202-39-037)

File #: PLNG-2024-0439

Zoning: R-1 (Low Density Residential)

Applicant / Owner: Stanley Mansfield (applicant and owner)

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

Mr. Schroeder inquired with Mary Jeyaprakash, Project Planner, if there were any additions to the staff report or comments.

Ms. Jeyaprakash had no additions or updates to the staff report.

Mr. Schroeder inquired if the applicant had any updates.

Stan Mansfield, applicant, gave a brief presentation on the overview of the project. Mr. Mansfield shared the history of the front yard fence and arbor structure being destroyed by weather. He stated he was not aware when building the structure that

the height requirements were measured from the curb elevation. Mr. Mansfield believed he did his best to comply with the requirements for the arbor structure, but the City had changed its code after the structure was built.

Mr. Schroeder inquired with Mr. Mansfield about his plan to obtain a Building permit to legalize the structure.

Mr. Mansfield stated he would obtain the Building permit if needed. He inquired if the permit was needed because of the height of the fence.

Mr. Schroeder confirmed the permit was needed because the height of the arbor was 7-feet tall.

Mr. Schroeder opened the hearing to public comments.

No members of the public wished to speak on this item.

Mr. Schroeder closed the hearing to public comments.

Mr. Mansfield inquired if the Building permit was required for both the fence and arbor structure.

Ms. Jeyaprakash stated the Building permit was required for the arbor structure as it is taller than 7-feet. She noted that there is no Building permit requirement for the fence because it is lower than 7-feet tall.

ACTION: Alternative 2 - Approve the Use Permit and Variance with modification to BP-1 to apply for building permits within 60 days of this decision. The applicant shall work to obtain a Building permit within 180 days of the building permit submittal. The Director of Community Development may allow an extension of up to 30 days if substantial progress is made.

Proposed Project: Related applications on an 8,769-square-foot site:
USE PERMIT to allow conversion of an existing building into multiple ownership units.

TENTATIVE PARCEL MAP to allow conversion of an existing duplex into two condominium units with a common lot.

Location: 363 and 365 East Iowa Avenue (APN: 209-24-070)

File #: PLNG-2024-0001

Zoning: R-2 (Low Medium Density Residential)

Applicant / Owner: Speed Construction and Development Inc

(applicant) / Countrywide LLC (owner)

Environmental Review: A Class 15 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Shila Bagley, 408-730-7418, sbagley@sunnyvale.ca.gov

Mr. Schroeder inquired with Shila Bagley, Project Planner, if there were any additions to the staff report or comments.

Ms. Bagley gave a brief presentation on the overview of the project. She noted that Attachment 7 was added to the staff report which contained revised Conditions of Approval:

GC-10. TENANT PROTECTION:

The Developer shall adhere to the following requirements:

- i. The developer shall provide each existing tenant with an irrevocable, nontransferable, preemptive right to purchase the lot or unit they currently occupy, or a right of exclusive occupancy for the same, at a price not exceeding the price offered to the general public for such lot or unit. This right shall remain irrevocable for a period of ninety days following the commencement of sales or the issuance of the final public report by the Real Estate Commissioner, unless declined in writing by the tenant.
- ii. The developer shall extend the tenancy of all existing lease or rental agreements for a minimum period of ninety days following the commencement of sales or the issuance of the final public report by the Real Estate Commissioner.
- iii. The developer shall allow any tenant to terminate their lease or rental agreement without penalty after the filing of an application for conversion to community housing, provided that the tenant notifies the developer in writing at least thirty days prior to termination.
- iv. The developer shall fully assume expenses for temporary relocation, including all moving costs and the securing and payment for comparable replacement housing within the community, for any tenant who has not entered into a contract to purchase their unit or lot and who is displaced

temporarily for necessary repairs to a unit in connection with the conversion.

v. The rent of existing tenants shall not be increased during their remaining period of residency from the date of application for conversion, beyond the housing segment of the annual cost of living increase published for the San Francisco Bay Area Consumer Price Index.

BP-8. COMPLIANCE WITH ENERGY CONSERVATION STANDARDS:

Developer shall demonstrate that residential buildings conform to energy conservation standards promulgated in Title 24, Part 6, Article 1, California Code of Regulations, or its successor.

BP-10. PROPERTY CONDITION AND LIFE EXPECTANCY ASSESSMENT:

The applicant shall submit a property report prepared by a registered engineer or licensed qualified contractor. This report must detail the physical condition and estimated remaining useful life of various elements of the project proposed for conversion, including building foundations, roofs, walls, sound insulation, mechanical, electrical, and plumbing systems, onsite utilities, heating and air conditioning systems, and fire protection systems. The report should also include recommendations to ensure the continued useful life of these elements for a minimum of five years.

BP-11. STRUCTURAL PEST CONTROL REPORT REQUIREMENT:

The applicant shall submit a structural pest control report prepared within sixty days of the application date by a licensed structural pest control operator, in accordance with Sections 8516, et seq. of the California Business and Professions Code, or its successor section.

BP-12. BUILDING HISTORY REPORT REQUIREMENT:

The applicant shall provide a building history report that includes the date of construction for all elements of the project, as well as a statement regarding the current ownership of all improvements and the underlying land.

BP-13. Utility Distribution Systems and Appliance Standards:

a. Utility Distribution Requirements:

- i. Gas and electric services shall be separately metered and billed for each individual lot or unit.
- ii. In community housing projects where units are not vertically separated by floor/ceiling assemblies, water service shall also be separately metered and billed for each individual lot or unit, as well as for all common facilities, with the latter billed to the association.

b. Utility Safety Devices:

- i. Water shutoff valves shall be installed in accessible locations for all outlets.
- ii. Electric panels controlling the entire service to each unit shall be installed in accessible locations.

c. Vibration and Noise Mitigation: Domestic appliances identified by the Director of Community Development as sources or potential sources of vibration or noise shall be shock mounted, isolated from the floor and ceiling, or otherwise insulated in a manner approved by the Director to reduce vibration or noise transmission.

d. Appliance Warranty: All major appliances provided to individual lots or units shall be guaranteed to operate properly for a period of one year.

BP-14. Undergrounding of Utilities:

All existing and proposed on-site utilities, including communication service and distribution facilities, and electricity service drops, shall be placed underground, in a manner as prescribed under Chapter 19.38 of this code.

PM-1

- c. Any future modifications to site plans, architectural elevations, exterior materials, colors, or organizational documents must receive prior approval from the City of Sunnyvale.
- d. Individual hookups shall be provided in each unit to accommodate washing machines and dryers.

- e. The CC&Rs shall contain the following provisions:
- iii. The owners shall designate a project manager, either residing within the project or maintaining an office onsite, to represent the association. The project manager shall have full authority to enforce all provisions of the governing documents and ensure compliance with the rules and regulations of the development.
 - iv. unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but not including attached camper bodies and motor homes not exceeding eighteen feet in length, unless approved storage areas are provided is prohibited.
- f. The CC&Rs shall contain the following language:
- i. The project shall not impose any restrictions that limit the sale of units to families or individuals with children. Under no circumstances shall any discrimination against prospective buyers with children be allowed, unless it is demonstrated that the project, as designed and built, is not suitable for accommodating children.

PM-10. FINAL PUBLIC REPORT APPLICATION REQUIREMENT

The applicant shall provide a copy of the application submitted to the California Department of Real Estate for the issuance of a final public report for the proposed conversion, including all required attachments and exhibits as mandated by Section 11011 of the California Business and Professions Code, or its successor section.

PM-11. TENANT RELOCATION PLAN:

Prior to the approval of the final map, the applicant shall provide a tenant relocation plan, subject to review and approval by the Director of Community Development, in conformance with chapter 19.70 of the Sunnyvale Municipal Code.

PF-2. COMPLIANCE WITH ZONING STANDARDS FOR PATIO COVER AND FENCE:

The applicant shall remove the existing patio cover and replace the over-height fence at 365 East Iowa Avenue with a compliant fence not exceeding 3.5 feet in height in the front and reducible front yard

area, as these structures were installed without the required permits.

AT-5. BUYER PROTECTION:

The developer shall furnish each prospective purchaser of a lot or unit a true copy of each of the following documents:

- i. The use permit or special development permit as issued under the provisions of this chapter;
- ii. Property report;
- iii. Structural pest report;
- iv. Building history report;
- v. Statement of compliance issued by the Real Estate Department of the State of California, or its successor document relating to operating and maintenance funds during startup.

Mr. Schroeder inquired with the applicant if they had any updates or comments.

Jane Lin, applicant had no updates or comments.

Mr. Schroeder opened the hearing to public comments.

No members of the public wished to speak on this item.

Mr. Schroeder closed the hearing to public comments.

ACTION: Alternative 2 - Approve the Use Permit and Tentative Parcel Map with modified COAs:

Adding: GC-10 (Tenant Protection), BP-8 (Compliance with Energy Stds), BP-10 (Property Condition Report), BP-11 (Structural Pest Control Rpt), BP-12 (Building History Report), BP-13 (Utility Distribution Systems), BP-14 (Undergrounding of Utilities), PM-10 (Final Public Report), PM-11 (Tenant Relocation Plan), PF-12 (Patio Cover and Fence Removal), and AT-5 (Buyer Protection).

Modifying: PM-1.

ADJOURNMENT

Mr. Schroeder adjourned the hearing at 3:18 p.m.