



# City of Sunnyvale

## Meeting Minutes

### Zoning Administrator Hearing

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Wednesday, October 16, 2019

3:00 PM

West Conference Room, City Hall, 456 W.  
Olive Ave., Sunnyvale, CA 94086

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#### **CALL TO ORDER**

Michelle King, Zoning Administrator, called the meeting to order at 3:02 p.m.

#### **PUBLIC HEARINGS**

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to construct a 99-square foot first and second floor addition, and convert 275 square feet of existing atrium and portion of porch areas to living area, of an existing two-story single-family home. The project includes a request for deviation to encroach into the required front yard setback.

**Location:** 1227 Townsend Terrace (APN: 202-37-009)

**File #:** 2019-7554

**Zoning:** R-1.5/PD

**Applicant / Owner:** Christopher Tripoli / Christopher Lyon

**Environmental Review:** A Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

**Project Planner:** Shetal Divatia, 408-730-7637,  
sdivatia@sunnyvale.ca.gov

**Recommendation:** Approve the Special Development Permit subject to Recommended Conditions of Approval.

Ms. King inquired with Shetal Divatia, project planner, if there were any comments or changes to the staff report.

Ms. Divatia stated there were no changes or comments to the staff report.

Ms. King opened the hearing to the applicants.

As the applicants had no comments, Ms. King opened the hearing to members of the public.

As there were no members of the public who wanted to speak on this project, Ms. King closed the public hearing.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

***CONTINUED FROM SEPTEMBER 25, 2019***

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT:** to allow a childcare center providing preschool and after school care for 120 children within an existing 6,920 square foot building.

**Location:** 755 S. Bernardo Avenue (APN:198-16-006)

**File #:** 2019-7502

**Zoning:** C-2/PD

**Applicant / Owner:** JY International Education LLC (applicant)/ Atul S and Kusum A Sheth Trustee (owner)

**Environmental Review:** The Class 1, 3, and 32 Categorical Exemptions relieve this project from the requirements of CEQA.

**Project Planner:** Cindy Hom, 408-730-7411, chom@sunnyvale.ca.gov

Ms. King inquired with Cindy Hom, project planner, if there were any changes or comments to the staff report.

Ms. Hom stated staff was able to locate the ordinance for the parking requirement for the church that has provided a public comment that reflects ordinance 324 requires churches provide parking area equal to the area occupied by the main building there parking for the church became non-conforming prior to the 1963 addition to the church. Secondly, staff has received additional comments from Daniel Kim, Allen Yu, Pei Yao, and two sets of petitions in support of the project.

Ms. King inquired if the applicant would like to speak and seeing they had no comments, Ms. King opened the hearing to the public.

Lei Qin, parent, commented that he works remotely at home and has two daughters, one of whom is attending the afterschool program at the church. The younger daughter is in a daycare in a far place, so the addition of the daycare center would be the most convenient for him and most neighbors in need of a daycare.

James Ohannesian, speaking on behalf of the First Orthodox Presbyterian Church, stated he searched for documents in 2003 and found six pages regarding approval of the building and the 1963 addition of 3700 square feet of parking. Ever since then, the church has been using the parking facility. In 1963 the city issued a building permit with the following condition having been met as proof that off-street parking meets ordinance requirements and will remain available to the church. This parking requirement was met by a letter submitted to the city on April 20th, 1956

from the original owner of 755 S. Bernardo, The Cherry Chase Shopping Center. Mr. Ohannesian submitted the paperwork to the Zoning Administrator.

Jiang Li, parent, stated she has a daughter who attend JY International Education classes. The school has gained the trust of the community and the kids are happy. Parents fully support the growth of the school.

Atul Sheth, owner of 755 S. Bernardo Ave., stated the lease documents does not show any proof of claim to the use the lot. The documents submitted are not official and a document by the city stated they could not find any document related to any claim on the property. Since he left his practice, the place has been sitting vacant and he does not think it is anyone's business to develop his property. At this time there have been a large number of people who voiced their opinion about having a school in the area but beside the need of the community, we cannot unconditionally allow anyone to use the property because of prior claim written by somebody else. Mr. Sheth stated he would appeal the approval decision. As a good neighbor, Mr. Sheth has allowed the church to use the property on Sundays on a month to month basis but there is no legal right by anyone else to use the property at any time.

Bin Ni, parent, stated he supported the growth of the school since enrollment has been limited.

Li Ma, parent, stated her children attends to school and wished the school had opened earlier, which is very welcome by the community. Children are exposed to Chinese Culture, which is open to children of all backgrounds and it would be great if there is a chance to expand the school.

Ms. King closed the hearing to the public.

Ms. King inquired with Ms. Hom to read the staff report that address the previous parking use and the current parking use.

Ms. Hom stated the report discussed about the concerns raised by the church, found on page two of the staff report. According to city records, an addition by the church in 1963 eliminated parking on their property. A condition issued by the city showed that the church had to demonstrate that they secured parking off site for the use. The letters are contained in the staff report. Staff has concluded that the parking obligation falls on the church. Staff verified the church's title report and didn't come across any recorded easements for parking. The City Attorney

determined that the city could not preclude the property owner from developing the site.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

***CONTINUED FROM SEPTEMBER 25, 2019***

**Proposed Project:**

**SPECIAL DEVELOPMENT PERMIT** to demolish an existing industrial building and construct a mechanical facility that will provide heating and cooling services to nearby Google buildings. The site will be developed with two equipment storage buildings, four water storage tanks, and one 1,794 square foot building with a control room and office meeting space.

**Location:** 1390 Borregas Avenue (APN: 110-33-014)

**File #:** 2019-7071

**Zoning:** MP-I (Moffett Park Specific Plan - Industrial)

**Applicant / Owner:** Google LLC

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

**Project Planner:** Noren Caliva-Lepe, 408-730-7659,  
ncaliva-lepe@sunnyvale.ca.gov

Ms. King inquired with Noren Caliva-Lepe, project planner, if there were any changes or comments to the staff report.

Ms. Caliva-Lepe stated there were no changes or comments, however staff has received a supplemental letter from Adams Broadwell Joseph & Cardozo stating their comments have not been resolved as staffs analysis is still the same, thus they reserve the right to make additional comments or appeal the decision to the Planning Commission.

Ms. King invited the applicants to proceed with their presentation.

Andy Springer, applicant, introduced himself and his colleagues, Josh Peacock from ZGF Architects, and Emily Murray from Allen Matkins. Mr. Springer proceeded to go over the slides, including the location of the projects and improvements towards the site. Mr. Springer spoke about the mechanical and how it works and stated the facility is an opportunity to consolidate equipment and improve the use in operations. The features of the facility reduces carbon emissions as a result of going all electric compared to gas generated facilities. The strategies applied to this project aligns with the city's Climate Action Plan goals.

Josh Peacock proceeded to present the architectural features of the buildings and equipment. The buildings feature warm material palettes and expanses of glass to show the inner workings of the facility. The facility is designed to be welcoming and inviting, which will hopefully be a case study for other communities.

Ms. King opened the hearing to the public.

Kevin Dayton, representative for The Coalition for Fair Employment in Construction. This is an organization that has been around for twenty years that fights efforts of construction unions to coerce public and private agencies to put a project or labor agreement on their job. Unions hire firms such as Adams Broadwell Joseph & Cardozo to object to projects using the California Environmental Quality Act (CEQA) in the hopes that the developer surrenders and signs a project labor agreement or guarantee that the work on it will hire union workers. They have ulterior motives and are not about environmental protection. They are allowed by law to do this, they only thing to do is to expose and shame them. A website called [phonyuniontreehuggers.com](http://phonyuniontreehuggers.com) shows the hundreds of submissions by the law firm all over the state. Mr. Dayton wanted applicants and staff to be aware of what the law firm is doing, and to reject it. If staff or the applicant speaks to the law firm, ask them if they have any way of resolving this problem without a project labor agreement and if that is part of the environmental mitigation that they want.

Emily Murray, outside council for Google, stated she received the letter from Adams Broadwell before the hearing. The firm is not raising further substantive concerns or comments on CEQA. Allen Matkins has responded to the initial letter and supports city staffs response and believes all the concerns raised has been adequately, thoroughly, and completely addressed in the record and nothing further is raised by this letter necessitates a response. Allen Matkins' position is that not necessarily germane to the entitlements for the city at today's hearing or within the city's control to dictate the type of labor use on the project although the firm certainly understand the concern about CEQA abuses.

Seeing no other members of the public in attendance, Ms. King closed the hearing to the public.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

**ADJOURNMENT**

Ms. King adjourned the hearing at 3:29 p.m.