



City of Sunnyvale

Meeting Minutes

Zoning Administrator Hearing

Wednesday, October 14, 2015

3:00 PM

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

CALL TO ORDER

Andrew Miner, Principal Planner, called the meeting to order at 3:00 p.m.

PUBLIC HEARINGS

1

File #: 2015-7615

Location: 1221 Crossman Avenue (APN: 110-34-025)

Proposed Project:

PARCEL MAP to subdivide one parcel into three parcels for two buildings and one common area (Moffett Gateway project).

Applicant/ Owner: Jay Paul Co./ 441 MPD Campus LLC

Environmental Review: Not a "project" as defined by CEQA and is therefore exempt from CEQA requirements.

Staff Contact: Shétal Divatia, 408-730-7637,
sdivatia@sunnyvale.ca.gov

Note: *This item has been continued to the Zoning Administrator hearing of Wednesday, November 11, 2015.*

This item was continued to Wednesday November 11, 2015.

2

File #: 2015-7705

Location: 1175 Elko Drive (APN: 104-32-048)

Applicant / Owner: Energy Stars Constructions (applicant) / IDEC Corp. (owner)

Proposed Project:

VARIANCE to allow six wind turbines located between the face of building and street.

Reason for Permit: A Variance is required to allow wind energy systems located between the face of building and street (SMC 19.56.080 (g))

Project Planner: Shétal Divatia, (408) 730-7637,
sdivatia@sunnyvale.ca.gov

Issues: View from the street

Recommendation: Approve with Conditions

NOTE: *This item was continued from the Zoning Administrator hearing of September 30, 2015.*

Ms. Shetal Divatia, Senior Planner, presented the staff report.

Mr. Miner clarified with Ms. Divatia the height and configuration of the wind turbines.

Mr. Miner opened the public hearing.

Grant Gluck, applicant, stated that he had read the staff report and conditions of approval. Mr. Gluck stated that the location of the turbines was requested by the property owner.

Mr. Miner clarified with Mr. Gluck the reason for the placement location of the turbines and if other locations had been considered. Mr. Gluck stated that the placement was chosen for aesthetics and was the least impactful of the locations considered. Mr. Miner clarified with Mr. Gluck the table, umbrella and turbine configuration. Mr. Gluck stated that the current trees would be removed and the turbines put in their place. Mr. Miner asked if the softscape would remain intact or if the area would be paved over. Mr. Gluck stated he was unsure. Mr. Miner and Mr. Gluck discussed the environmental and energy impact to this site. Mr. Miner discussed his concern for bird safe design guidelines. Mr. Miner discussed with Mr. Gluck the history of these turbines and if they had had similar situations and concerns in the past. Mr. Gluck stated that this has previously been a non-issue. Mr. Miner clarified with Mr. Gluck that the turbines were not lit and could be painted any color. Mr. Gluck discussed with Mr. Miner that the green area had been converted to low water landscape.

Mr. Miner closed the public hearing.

Mr. Miner stated he would like to consider the bird safe issue a little more. He directed staff and Mr. Gluck to ask the owners if they would consider other locations for the turbines. Mr. Gluck stated he would look to see if a manufacturers report on the subject had been compiled. Mr. Miner directed staff and Mr. Gluck to ask if the eating area might be moved and if any landscaping would be considered to soften the impact.

ACTION: This item was taken under advisement to Tuesday October 20, 2015. Staff was directed to do some further research into bird safe guidelines to see if they are being met or if there are possible options.

Addendum: October 26, 2015

Mr. Miner reviewed the Sunnyvale's bird-safe guidelines and made some additions and modifications to the PS section of the conditions of approval. He stated that the windturbines should be painted Forest Green or a similar color prior to submittal of building permit. Mr. Miner stated that the existing outdoor furniture in the immediate vicinity of the project shall be removed to address the bird-safe guidelines.

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

3

File #: 2015-7770

Location: 1023 Lochness Ct. (APN: 313-35-030)

Applicant / Owner: American Remodelers Inc., Ryan Houston
(applicant) /Rajiv Kadaba (owner)

Proposed Project:

USE PERMIT to demolish an existing unpermitted 104 sq. ft. addition, legalize an existing unpermitted 17 sq. ft., and add a 73 sq. ft. bathroom to a permitted 448 sq. ft. accessory structure resulting in a 538 sq. ft. habitable accessory structure, which is 88 sq. ft. larger than the 450 sq. ft. allowed without a Use Permit. The existing house (unchanged) and accessory structure will total 2,697 sq. ft., resulting in 28.8% FAR.

Reason for Permit: A Use Permit is required in R-0 zoning districts for accessory structures that exceed 450 sq. ft.

Project Planner: Teresa Zarrin, (408) 730-7429,
tzarrin@sunnyvale.ca.gov

Issues: Setbacks, accessory structure size and height, compliance with Chapter 19.76 - short-term rental of residential property

Recommendation: Approve with conditions

Ms. Teresa Zarrin, project planner, presented the staff report. Ms. Zarrin noted that the City Council had recently passed an ordinance that allowed short term rental of residential property that goes into effect at the end of the month.

Mr. Miner discussed with Ms. Zarrin what the structure was originally approved for and if any additional utilities had been added at the time. Ms. Zarrin stated that it had been approved for a hobby shop and that no utility details were available. Mr. Miner clarified with Ms. Zarrin if she was aware of the shading structure in the setback on the right side of the house. Mr. Miner clarified with Ms. Zarrin that they did not have a floor plan of the house. Mr. Miner and Ms. Zarrin discussed the parking accommodations at the site.

Mr. Miner opened the public hearing.

Mr. Ryan Houston, applicant, stated he had read the staff the report and conditions

of approval. Mr. Houston stated that the owners were aware of the rules, restrictions and conditions of approval and were willing to comply. Mr. Houston stated the owners wanted minimal impact to the neighborhood.

Mr. Miner stated that the property had a history of violations and this project required close scrutiny to prevent future violations. Mr. Miner stated he was concerned about direct access to the unit via the street and that it is not being directly connected to the main house. Mr. Miner clarified with Mr. Houston the connection to the main house. Mr. Miner stated that the unit could be used as a short term rental, but the intention was meant to be a room rental and not a separate dwelling. Mr. Miner clarified with Mr. Houston that a gas line was present in the building and asked if there would be an issue if it needed to be removed. Mr. Houston stated that the gas was for the furnace, but removal would not be an issue. Mr. Miner stated concern that if there was gas there could be cooking, which was not allowed. Mr. Miner and Mr. Houston discussed if the 50 amp subpanel was needed. Mr. Houston stated he believed the amount of circuits required it. Mr. Miner clarified a down light outside the door with Mr. Houston. Mr. Miner clarified with Mr. Houston the patio cover and that it should be brought up to compliance of the four foot setback or be removed.

Mr. Miner opened the public hearing.

Ms. Kristin Brennan, next door neighbor, stated the use of the property had been misrepresented. Ms. Brennan stated she had observed the property being rented repeatedly and felt this was a safety issue for the neighborhood due to the presence of small children. She stated this was affecting the neighborhood quality of life. Ms. Brennan clarified that the outdoor surface light was disruptive being outside her bedroom window and generally on all night. Mr. Miner clarified with Ms. Brennan that she lived on the left of site. Mr. Miner clarified with Ms. Zarrin that there is no bathroom in the present structure and the addition is essentially the bathroom. Ms. Brennan discussed the presence of two entrances to the structure and two separate entrances to the proposed bathroom.

Roger Martin, neighbor, stated he had read the staff report. Mr. Martin stated he is a long time resident of the neighborhood and is self employed, working out of his home. He stated he has observed many transient tenants at the site recently. Mr. Martin stated that they have been mostly quiet thus far. Mr. Martin stated his concerns that they are essentially living across the street from a hotel. He questioned whether more precautions such as background checks, permits and business licenses needed to be considered. Mr. Martin stated his concerns about safety and neighborhood preservation. He stated that none of the neighbors are in

favor of this activity. Mr. Martin stated the project could lead to complaints and a lowering of the quality of life in the neighborhood. He stated that the project was in conflict with the Sunnyvale policy LT4.1 - preservation and enhancement of high quality character of the residential neighborhood. Mr. Miner clarified the purpose of the hearing was for a use permit and to make sure the project didn't become a second separate dwelling. He stated the intent was to make sure the structure functioned as if it were attached to the main house. He clarified the owners use of the space was their decision.

Mr. Miner clarified with Mr. Houston the number and purpose of doors into and out of the building and proposed bathroom. Mr. Houston stated that if called for, some doors for the bathroom might be eliminated. Mr. Miner and Mr. Huston discussed the owners intended use of the space. Mr. Huston stated if it was not used as a master bedroom it would likely be rented out.

Roy Kakinami, neighbor, stated his concerns about parking in the area. He stated with the influx of people, the area it had become very busy and parking was not sufficient. Mr. Kakinami stated the quality of the neighborhood was being degraded.

Ms. Brennen and Mr. Miner discussed the reason for the use permit and if it was necessary for the intended use.

Mr. Miner closed the public hearing.

Mr. Miner stated he wanted to visit the property and assess it first hand before making a decision. Mr. Miner stated the hearing scope was very narrow for what was being proposed and that there were other issues that could not be addressed. He stated the purpose was to minimize the impact of the building to the neighborhood from a land use perspective. Mr. Miner stated a deed restriction condition on the property would not allow future owners to use the building as a separate second dwelling.

ACTION: This item was taken under advisement to Wednesday October 28, 2015 to allow Mr. Miner and staff to visit the site and determine if codes are being met.

ADDENDUM: January 25, 2016

At the site visit several points were raised that needed addressing before the project could move forward. Additions were made to the conditions of approval with special emphasis on GC-2: No kitchen allowed in the accessory structure, GC-4: Accessory structures limited to 800ft maximum, GC-5: Comply with SMC

Chapter 19.76, short term rental of residential property, BP-4: Deed restriction to not allow to use the building as a second dwelling and BP-5: the removal of an unpermitted 10'7" high trellis on the east front side of the house.

ACTION: Project approved subject to the findings and final conditions of approval located in the staff report.

ADJOURNMENT

Mr. Miner adjourned the meeting at 4:05 p.m.