



# City of Sunnyvale

## Meeting Minutes

### Zoning Administrator Hearing

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Wednesday, May 10, 2017

3:00 PM

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

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#### **CALL TO ORDER**

Gerri Caruso, Principal Planner, called the meeting to order at 3:02 p.m.

#### **PUBLIC HEARINGS**

**File #:** 2016-7440

**Location:** 593 Central Avenue (APN 209-32-040)

**Applicant / Owner:** Helio School (applicant) / Roman Catholic Welfare Corporation of San Jose (owner)

**Proposed Project:**

**USE PERMIT:** to allow installation of a new 960 square foot modular multi-purpose building and associated site improvements to the Helio School Facility.

**Reason for Permit:** A Use Permit is required for modifications to the educational facility.

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

**Issues:** Parking

**Recommendation:** Approve with conditions

Ms. Caruso inquired with Cindy Hom, project planner, if there were any updates to the staff report.

Ms. Hom stated a revision to condition of approval AT-1. The hours of operation should state as limited to 7:30 a.m. to 6:30 p.m. Staff has not received any comments from the public through email or phone.

Ms. Caruso opened the hearing to the applicant.

Hamid Hekmat, project architect, stated the scope of the project was to add a break room and library for the school.

Ms. Caruso inquired if the applicants have read the conditions of approval.

Cindy McLeod, applicant, requested further clarification on the hours of operation change.

Ms. Caruso clarified the original hours in the report limited the school to 2 hours, thus a correction to the hours of operation was needed.

Ms. McLeod inquired if the hours were applicable to the school.

Ms. Caruso stated the hours applied to the modular building. If the building will be used for extracurricular hours, she will consider the modification during the hearing.

Ms. McLeod stated that she does not foresee the use of the building as often as a main building for such activities, but requested to change the hours of operation from 7 a.m to 7 p.m. Ms. Caruso accepted the request.

Ms. Caruso opened the hearing to the public.

Art Coppel, neighbor, stated that he shares a property line with St. Martin's school. He requested to see the plans. Mr. Coppel lives across from Ellis Elementary school where two modular building have been built and air conditioning units have been installed without much input from neighbors. His main concerns are the addition of another air conditioner would add more noise in the vicinity and the possibility of increased traffic due to the Galileo summer camp hosted at St. Martin's. Depending on where the building is situated, there could be more activity near the property line.

Ms. Hom proceeded to show Mr. Coppel the project plans.

Ms. Coppel stated that while the distance of the buildings is 90 feet from the property line, he is unsure how noise could be reduced by the distance. Ms. Coppel inquired where the air conditioner would be installed and what height is the building.

Samah Nasser, project architect, stated the height should be around 12 feet.

Ms. Coppel inquired about the dimensions of the modular.

Ms. Nasser stated the dimensions of the building are 40 by 25 feet. Ms. Hom stated there will be one outdoor air conditioner.

Ms. Caruso inquired which side the air conditioner would be installed. Ms. Hom stated the machine would be installed on the eastern side, facing Central Avenue.

Ms. Caruso stated the city has a noise standard that has to be met at the property line and the applicant will be subject to that standard.

Mr. Coppel stated he looked into it and while the cutoff at 75 decibels, he stated he could still hear it in his house.

Ms. Caruso stated the standards in a residential zone would be applicable to all neighbors whether they are residents or a school. Ms. Caruso inquired if there were any more questions.

Tynna Jones, neighbor, stated she will look at the plans later as she had missed the beginning of the hearing.

Ms. Hom proceeded to review the access points for the school. Ms. Jones inquired about where the building would be located to which Ms. Hom stated the building would be located off the second driveway on Central Avenue.

Ms. Caruso confirmed with Mr. Coppel the use of the permit would be for a library, and not a classroom.

Ms. Caruso closed the hearing to the public and inquired if the applicant wanted to address any of the concerns that were brought up.

Mr. Hekmat stated he would meet the city standards concerning noise. At this location, there are many trees between the building and the property line and trees do a good job at filtering but there are no guarantee they could reduce the decibel level to what is comfortable for the neighbors. It would be hard to tell what the noise level would be at the property line and suggested a condition to do a measurement of the noise at the property line after installment and address the noise levels thereafter.

Ms. McLeod stated that the school does its most to reduce the air conditioning noise by shading the classrooms when they can. Galileo camp will no longer be at the school site and a small camp will be hosted instead, which will reduce noise levels.

Mr. Coppel stated Galileo's website stated they would be at St. Martin's however Ms. McLeod confirmed the camp would not be at hosted at the school.

Mr. Coppel suggested noise abatement material should be considered for noise

abatement.

Ms. Caruso closed the public hearing.

ACTION: Approved subject to the findings and conditions of approval located in the staff report with the following modifications:

- 1) Correction to condition of approval AT-1 to change hours of operation from Monday through Friday, 7 a.m. to 7 p.m.
- 2) Once installed, a test of the air conditioner will be conducted at the property line. The applicant will explore sound attenuating screens around the air conditioner subject to the city's building code that will also meet the city's noise standard at the property line.

**File #:** 2014-7602

**Location:** 688 Morse Avenue (APNs: 204-16-055)

**Applicant / Owner:** Huijiang Jaing (applicant) / Santa Cruz Capital Llc (owner)

**Proposed Project:**

**TENTATIVE PARCEL MAP & USE PERMIT** to subdivide one lot into two lots and build two new two-story single-family homes totaling 2,877 s.f. each (including garage).

**VARIANCE** to allow a shared zero-lot line side yard setback.

**Project Planner:** Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

**Issues:** Site Layout, Tree Preservation

**Recommendation:** Deny the Use Permit, Tentative Parcel Map, and Variance. If the Zoning Administrator decides to approve the Use Permit, Tentative Parcel Map, and Variance, the recommended Conditions of Approval are included in the Attachment 3.

Ms. Caruso inquired with Ryan Kuchenig, project planner, if he had any comments.

Mr. Kuchenig stated he did not have any new comments, however stated the recommendation would be to deny the use permit, tentative map, and variance. Conditions of approval have been included in the report. If the Zoning Administrator can make the findings, staff noted that the applicant should take note of condition PS-1 which requires the second-story floor area of each home be reduced by at least 10 percent or more.

Ms. Caruso opened the hearing to the applicant and inquired if she has read the report and conditions of approval.

Huijiang Jiang, applicant, stated her architect could not attend the hearing and

understood the recommendations. Ms. Jiang inquired if there were any floor to area ratios for projects located within zone R3.

Ms. Caruso stated there are no FAR requirements listed in the zoning code, however the Planning Division refers to city design guidelines to work on something that is more compatible with the neighborhood.

Ms. Jiang stated her research showed a school located across the street with plenty of parking and has driven around the neighborhood and noted many townhouses and duplexes. She feels the design is fitting with the neighborhood. Initial designs had shadowing issues so the the living spaces were reduced. The homes were designed with efficiency and privacy in mind to make the best use of space.

Drew Nicholson, representative for Richard Harrow, project architect, proceeded to read a letter written by the architect. The letter documented the history of the project and asked to develop the homes to the maximum potential with the least conditions. What the city is asking the developer to do complicates the livability of the new lots without any justification other than preference.

Ms. Caruso stated she has received a letter from Mr. Kuchenig and will be part of the project file.

Ms. Caruso proceeded to open the meeting to the public.

Ray Crump and Lyman Huang, neighbors, had no comments but requested to see the plans.

Ms. Caruso closed the hearing to the public.

Ms. Caruso inquired with the applicant what her timeline for construction would be if the project is approved.

Ms. Jaing stated she wants to start as soon as possible as the lot was purchased 4 years ago.

Ms. Caruso stated it typically takes several months for plan check approval and to do a final map. She inquired if the applicant knows what her timeline would be for construction.

Ms. Jaing stated the maxumin amount of time would be 10 months for the two

houses.

Ms. Caruso stated if the project is approved, the procedure for the subdivision map recordation would take several months through the public works department and the applicant will need to submit construction drawings to be reviewed. Ms. Jaing stated it would take around 6 months.

Ms. Caruso stated construction would not start until after all reviews. Once construction starts, neighbors will be subject to construction from 8 to 10 months.

Mr. Huang, stated he had no objection to the construction. As he is right next to the project, he inquired what the hours would be.

Ms. Caruso stated the city limits the construction hours. For the applicant, construction is not allowed on Sundays, with the hours being 7 a.m. to 5 p.m. for standard construction.

Ms. Caruso closed the public hearing.

Ms. Caruso took the item under advisement. She stated she has visited the neighborhood have seen how visually eclectic it is. All the units are in different zoning districts with different goals for each property. The project is on a lot that allows for four units, however the applicant wants to create two. Ms. Caruso stated she reviews several factors for projects under consideration. The city will lose the potential for units that are badly needed. Compared to other single family homes in neighborhood, the applicant's proposed design is on the large side.

Ms. Jaing stated she has tried to build 4 units on the lot but there were shadow issues with neighbors. She has been frustrated with how long it has taken to get the project towards completion. If denied, the time and effort taken for the project will have been for naught. Ms. Jaing would prefer if the project be approved.

ACTION: As the Zoning Administrator could not make the findings, the project has been denied.

### **ADJOURNMENT**

Ms. Caruso adjourned the meeting at 3:33 p.m.