



City of Sunnyvale

Meeting Minutes

Zoning Administrator Hearing

Wednesday, March 13, 2019

3:00 PM

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

CALL TO ORDER

Ms. Caliva-Lepe, Zoning Administrator, called the meeting to order at 3:00 p.m.

PUBLIC HEARINGS

File #: 2018-7737

Location: 898 E Evelyn (APN: 213-03-007)

Applicant / Owner: JTN Construction Inc. (applicant) / Jun Xiong And Xuedi Gao Et Al (owner)

Proposed Project:

TENTATIVE PARCEL MAP to subdivide an existing duplex into two condominiums with a common lot.

SPECIAL DEVELOPMENT PERMIT to allow a 263 square foot first floor addition, resulting in 3,878 square feet and 40.7 percent Floor Area Ratio (FAR).

Reason for Permit: A Tentative Parcel Map is required for the subdivision of a lot into four or fewer lots. A Special Development Permit (SDP) is required for additions within the Planned Development (PD) combining zoning district.

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Design compatibility

Recommendation: Approve with conditions

Ms. Caliva-Lepe inquired if Aastha Vashist, project planner, had any comments or changes to the staff report.

Ms. Vashist stated she received a letter after the finalization of the staff from a neighbor about two protected trees along the rear property line. The letter stated the neighbor's concern with the maintenance of both trees, which are leaning on the fence and encroaching his property.

Ms. Caliva-Lepe opened the hearing to the applicant.

Thomas Nguyen, applicant, stated he is from the architect and engineering

contracting firm hired to represent the property owner. Mr. Nguyen stated he had a chance to speak with the owner this morning regarding the protected trees and inquired if they could be removed if they are protected.

Ms. Vashist stated a Tree Removal Permit is necessary for their removal.

Ms. Caliva-Lepe opened the hearing to the public.

Jie Yu, neighbor, stated one of the trees is leaning into the fence and inquired what would be the best solution to fix the issue. The second tree that concerns him is an avocado tree that has extended its branches into his yard. During windy and rainy days, debris fills his yard. His gardener has tried to trim the branches but it was too high. His gardener stated the tree should be maintained by the owner.

Mr. Yu stated he had several other inquiries about the project:

If the parcel will be split, will it be sold to different owners in the future?

After splitting, will the R2 zoning minimum lot size requirements be met?

Will the water pipelines, meters, gas pipelines, and sewer lines be split in two as well? If so, have the appropriate authorities reviewed the new layout for any potential hazards?

Mr. Yu stated he had gone over the project plans from City Hall and inquired if there is the potential of a fire hazard with the new addition.

Mr. Yu inquired if this new addition could bring any public or community benefit to the neighboring area. Would there be any disadvantages to the community?

Mr. Yu stated his wife looked over the architectural plans and noticed that it didn't include all the protected trees. This conflicts with the arborist's site plan. If there are conflicts, the plans should be revised.

Seeing no other members of the public who wanted to speak, Mrs. Caliva-Lepe closed the hearing to the public.

Mr. Nguyen responded to Mr. Yu's concerns:

The owner has hired an arborist to review what the best solution should be regarding the trees.

The lot size requirement is met.

The room addition meets the minimum setbacks.

The public benefit of the project would be an increase in tax revenue.

Ms. Caliva-Lepe inquired with the applicant to summarize the proposed modification to the utilities.

Mr. Nguyen stated the utilities will be split at the source at the front of the property, with two separate meters for each lot. The project has been reviewed by the Public Works department for this intended purpose.

Ms. Vashist stated the arborist report is more detailed than the site plan, however staff has referred to the arborist's report with regard to the trees.

Ms. Caliva-Lepe stated the typical protected tree is 12 inches in diameter and inquired with Mrs. Vashist if the arborist's report is the true representation of the existing trees. Mrs. Vashist confirmed that is the case and that based on the report, none of the trees were proposed for removal except for the pine tree, which is declining in health.

Ms. Caliva-Lepe inquired about Mr. Yu's setback and fire hazard question. The project proposes a 20 foot setback, which complies with the zoning setback.

Ms. Vashist stated there is an existing porch, which the applicant plans to enclose to convert it into a bedroom. The applicant does meet all the requirements setbacks, since Fire Prevention staff have reviewed the application and will review the plans again at the building permit stage. The property also has a large garage, so the addition of the room does not impact the parking requirements.

Ms. Caliva-Lepe proceeded to respond to Mr. Yu's questions.

The project is not adding additional units, but is an addition to the rear of the property and complies with setback requirements. This type of project does not warrant any public or community benefit that the city would see in larger projects.

The project would go through the typical building permit process, where building and fire codes would be assessed.

The setback of over 20 feet is typical, and she does not see any red flags as to why the addition on its own, could trigger a fire hazard.

The utilities separated into two is a standard requirement and the Public Works department goes through the standard review process for the placement of the utility lines.

The maintenance of trees is an issue between neighbors. The city cannot force one side to maintain trees versus the other since this is an issue that should be resolved among neighbors. While Mr. Yu wanted to bring the issue to the hearing, the City cannot require for the trees to be removed. There is a process through the Tree Removal Permit to consider removal of the trees by the owner. It is in the owner's best interest to find the best solution with their arborist to either remove or maintain the trees.

Ms. Caliva-Lepe closed the public hearing.

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

ADJOURNMENT

Ms. Caliva-Lepe adjourned the hearing at 3:22 p.m.