



City of Sunnyvale

Meeting Minutes Zoning Administrator Hearing

Wednesday, June 10, 2020

3:00 PM

Telepresence Meeting: City Web Stream

Special Teleconference Notice

CALL TO ORDER

Michelle King, Zoning Administrator, called the meeting to order at 3:00 p.m.

PUBLIC HEARINGS

Proposed Project:

VARIANCE: to allow a 999-square foot attached Accessory Dwelling Unit (ADU) that covers more than 25% of the required rear yard. The project also includes a 522-square foot addition to the front of the existing single-family home, resulting in a total floor area of 3,562 square feet and 42% floor area ratio (FAR).

Location: 814 Selkirk Place (APN: 316-27-028)

File #: 2020-7207

Zoning: R0 - Low Density Residential

Applicant / Owner: Orchard Home Design (applicant) / Ralph Dalla Betta Trustee & Et Al (owner)

Environmental Review: Class 3 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Momoko Ishijima, 408-730-7532, mishijima@sunnyvale.ca.gov

Ms. King inquired with Momoko Ishijima, project planner, if there were any additions, comments or presentations to the staff report.

Ms. Ishijima stated that she had a presentation. Ms. Ishijima gave a basic overview of the project and the reasons for the proposed variance. She stated that there was a front addition for the project also, but was not part of the variance request. Ms. Ishijima stated that the staff was able to make the findings. She said staff could support the variance. Ms. Ishijima added that a clarification letter (attachment 8) was submitted by the applicant before the staff report was published. An updated site plan was included that showed a driveway on Selkirk that was not part of the original plan. She stated that if the driveway was added, it would have to be approved separately by the Public Works Department and an encroachment permit

would need to be filed. Ms. Ishijima stated she had received a request from the applicant for changes to the recommended Conditions of Approval. Concerning condition BP-5 Construction and Material Staging, Ms. Ishijima stated the words "if feasible" would be added for construction worker parking being managed on-site. For condition AT-1 Short Term Rental, Ms. Ishijima stated language was added saying short-term rental of the Accessory Dwelling Unit is prohibited to the extent prohibited under the state law or city ordinance. Lastly she stated that the fee concerning the Transportation Impact Fee (BP-6) is estimated to be \$1263.21.

Ms. King inquired if the applicant wished to ask questions or make a statement.

Kevin Ashe, Legal Council for applicant, stated he wished to make a presentation. Ms. King told him he had ten minutes.

Mr. Ashe made general introductions and expressed his gratitude to the planning staff. He thanked staff for the expediency of bringing the project to hearing at the soonest convenience during the COVID-19 situation. Mr. Ashe stated that his clients agreed with the staff report and city variance justifications. He stated that a Miscellaneous Plan Permit was submitted on 3/24/2020 and it continues to be his client's legal position that the city is required under the new state ADU laws to approve the project even without a variance hearing. Mr. Ashe said the statement was meant to preserve his client's administrative and legal rights. He stated that his client's felt that the project met all three of the city's variance justifications. Mr. Ashe stated that his clients had pursued alternatives for the project and explained why all proved unworkable. He said the granting of the variance would not be detrimental, but beneficial to the city. He stated again his appreciation of everyone's efforts.

Ms. King opened the hearing to public comment and asked if anyone wished to do so.

Joey Mariano, Senior Office Assistant, stated that a caller wished to comment.

MS. King stated that the caller would have three minutes to make a statement.

Eugene Volkland, resident, stated he has been a resident of fifty years on Killdeer Ct. He inquired about the re-designation of the side and back yards of the property and if the proper setbacks were being considered.

Ms. King asked Ms. Ishijima to respond.

Ms. Ishijima stated that the new state ADU law does not give the city control over setbacks for ADUs inside property lines. She stated that the setback requirements were four feet, but that for this project the setbacks were five feet eight inches with a jog to just over nine feet. Ms. Ishijima stated there was no formal designation change to the side and rear yard. She said they are as they always have been since the property was developed in the sixties.

Mr. Vokland inquired about the addition to the house that included a new separate entrance. He asked for clarification if this was an additional ADU or just an addition to the main house.

Ms. Ishijima stated that there would only be one ADU and that the addition to the main house was separate. She asked Dan Winkelbeck, architect, to speak on the new entrance to the house.

Mr. Winkelbeck stated that the new entrance was intended to provide a service corridor between the existing kitchen and to take garbage out. Additionally, he said it would provide an easier entrance into the house without having to walk around the garage to go in the front entrance.

Mr. Ashe stated that the addition is a master bedroom and under the definition of ADU cannot be considered one as it is not independent of the house and has no cooking or sanitation facilities.

Mr. Vokland stated that his questions and his point had been answered.

Ms. King asked if there were any other public comments.

Mr. Phillip Smith, resident, was patched in via phone by Mr. Mariano.

Mr. Smith stated he had a point of order concerning future Telepresence Meetings. He said the link to join the meeting sent out in the mailer to residents was incorrect. All the letters in the link were capitalized and the link was nonfunctional. He asked special care be taken that future letters sent out have functional links and information.

Ms. King thanked Mr. Smith for his input.

Rebecca Moon, Senior Assistant City Attorney, clarified with Ms. King that an alternative phone number was available on the agenda. Ms. King confirmed this.

Ms. King closed the public hearing.

ACTION: Approved subject to the findings and conditions of approval in Attachment 3 located in the staff report with modifications to BP-5, BP-6 and AT-1 requested by the applicant and acknowledged by staff.

ADJOURNMENT

Ms. King adjourned the hearing at 3:35 p.m.