



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**January 30, 2008**

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**SUBJECT:**           **2007-1287:** Application located at **514 Cottage Grove Terrace** (near Yukon Dr.) in an R-2/PD (Low-Medium Density Residential) Zoning District. APN: 323-47-020);

Motion               Special Development Permit to allow an accessory utility building (arbor) with zero rear yard setback at a single-family residence.

**REPORT IN BRIEF**

**Existing Site Conditions**           Single-Family Residential

**Surrounding Land Uses**

North               Single-Family Residential

South               Single-Family Residential

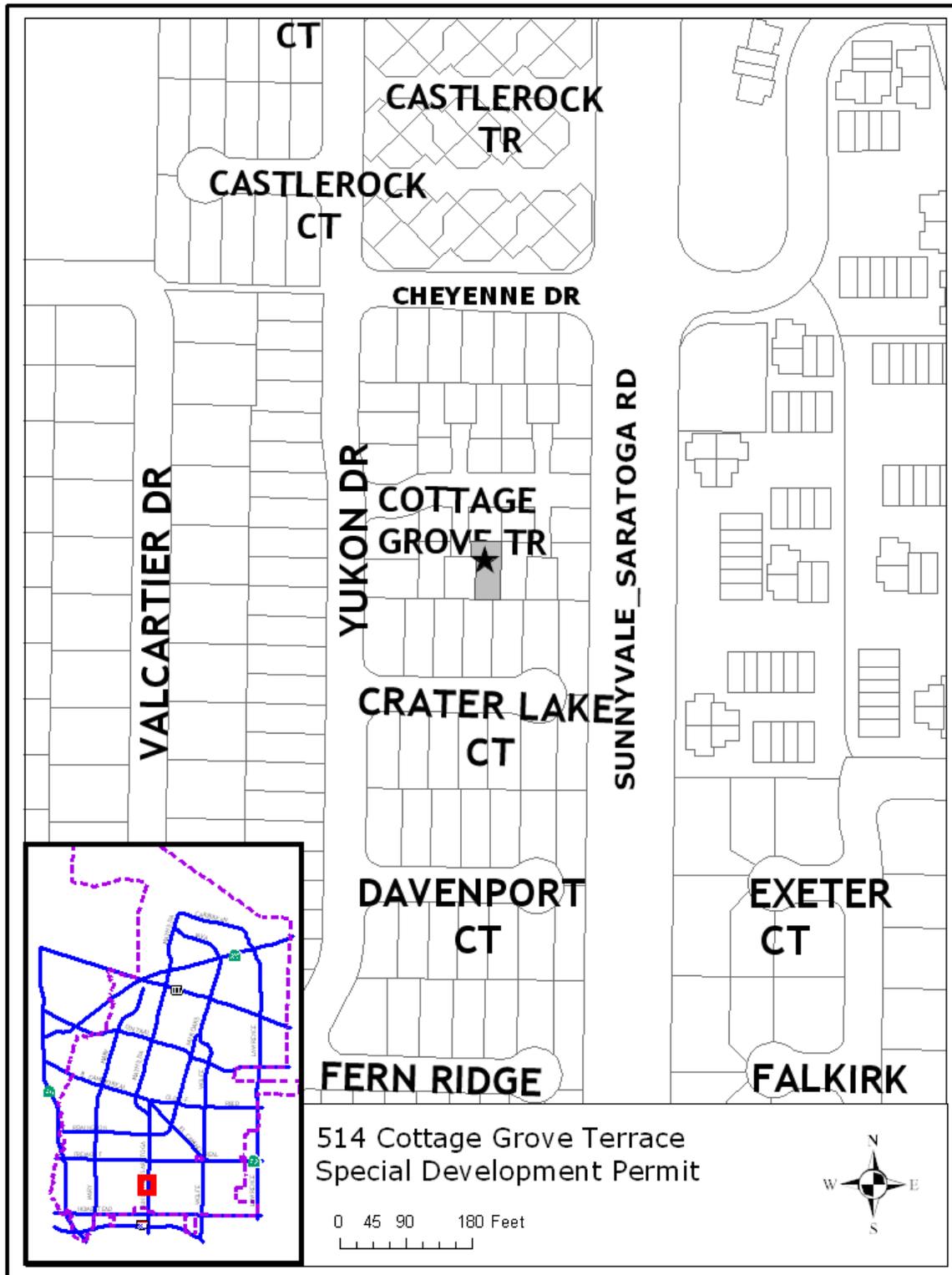
East                Single-Family Residential

West                Single-Family Residential

**Issues**               Setbacks

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approval



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Low-Medium Density Residential	Same	Low-Medium Density Residential
<b>Zoning District</b>	R-2/PD	Same	R-2/PD
<b>Lot Size (s.f.)</b>	2,811	Same	2,811 Per original SDP
<b>Gross Floor Area (s.f.)</b>	2,191	Same	2,191 Per original SDP
<b>Lot Coverage (%)</b>	39%	Same	40% max.
<b>Floor Area Ratio (%)</b>	78%	Same	78% Per original SDP
<b>Accessory Utility Building Height (ft.)</b>	N/A	9'	9' max. Per SDP
<b>Setbacks of Accessory Utility Building</b>			
<b>Left Side</b>	N/A	7'	7' min.
<b>Right Side</b>	N/A	14'	5' min.
<b>Rear</b>	N/A	0	7'-6" min. With height of 9'
<b>Distance to Residence</b>	N/A	16'-4"	5' min.
<b>Parking</b>			
<b>Total Spaces</b>	4	Same	4 min.
<b>Covered Spaces</b>	2	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The project originated as a Neighborhood Preservation complaint, in which a new 48 square foot accessory utility building (arbor) was under construction without appropriate permits. The arbor is 7'-4" tall and was built within a 1'-6" tall planting bed, resulting in a total height of 9'. The arbor is located against the rear property line, adjacent to an existing 10'-11" tall concrete wall. The subject property is located within a PD (Planned Development). A Special Development Permit is required as the arbor is located at a zero lot line.

## **Background**

The subject property is located within a tract of 25 homes that were approved in 2004 (2004-0505). As part of the approved conditions of approval for the development, specific deviations were allowed from the R-2 Zoning district standards. These deviations included lot size, lot width, lot coverage, setbacks for individual lots and garage sizes. These homes were also approved with FARs greater than 45%.

The subject property was approved with 39% lot coverage and 78% FAR, while all setbacks meet the R-2 standards. No significant permits or alterations have been approved since the original construction.

## **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor alterations to existing facilities.

## **Special Development Permit**

**Use:** The Sunnyvale Municipal Code uses the term “accessory utility building” to describe several types of structures other than the main house, such as garages, workshops, gazebos and storage sheds. These uses are incidental to the use of the main house, and are not “designed for, devoted to, or intended for human occupancy.” The applicant proposes to use the accessory utility building as an arbor, which is a common decorative landscaping element.

**Site Layout:** The project includes a recently constructed 7'-4" tall arbor built on top of a 1'-6" planting bed, for a total height of 9' (Attachment C, Site and Architectural Plans). The arbor is approximately 48 square feet in area. Surrounding properties include additional two-story homes, including Bahl Patio Homes to the rear of the subject property.

**Setbacks:** The arbor is located 7' from the left property line and 14' from the right side property line. In addition, the arbor is located more than 16' from the main home, where 5' minimum is required. Therefore, the side yard setbacks and distance to the main home meet and exceed those required in the R-2 Zoning district.

The arbor was built against the rear property line, adjacent to a 10'-11" tall concrete wall that was built as part of the development. At this location, the arbor is almost 2' shorter than the existing concrete wall. The City's policy regarding rear yard setbacks for accessory utility buildings is that “for each foot in height over 6'-6" there should be an additional 3' setback from the rear

property line.” With a 9’ tall gazebo structure, a minimum rear yard setback of approximately 7’-6” would be required. At the proposed setback, the maximum height would be 6’-6”. Therefore, the proposed structure is inconsistent with this policy.

*Lot Coverage and FAR:* The proposed gazebo would not increase the total floor area on site, as the roof is less than 50% solid. The approved lot coverage for the site is 39% and the approved FAR is 78%.

**Architecture:** The home was designed and built in 2005 to be architecturally complementary to the surrounding modern (Bahl Patio home) styles. The architecture is influenced by Eichler designs, with low roof pitches, exposed rafters, vertical wood siding and long narrow window shapes. The arbor contains four wood posts with a roof that is made of a wood trellis, while the planting bed is made of natural stone. The design of the arbor is complimentary to the design of the home.

*Visibility from Adjacent Properties:* The arbor is not visible from the street frontage or an adjacent property to the rear, as the arbor is almost 2’ shorter than the existing concrete wall against the rear property line. The arbor is visible to the neighbors along the side property lines. The arbor is approximately 3’ taller than the existing 6’ tall fences along the side property lines.

The following Guidelines were considered in the analysis of the project architecture.

<b>Single Family Home Design Techniques (Architecture)</b>	<b>Comments</b>
<i>3.10 Relate the design of accessory structures to those of the main residence.</i>	The arbor is made of wood and the planting bed is made of natural stone, which are complimentary to the design of the home.

**Landscaping:** The site complies with landscaping requirements for structures located within the required rear yard. The arbor covers approximately 6.4% of the required rear yard area, where 25% is the maximum permitted. No landscaping or trees were removed as part of the construction of the gazebo.

**Compliance with Development Standards/Guidelines:** The proposed project is consistent with the development standards, including side yard setbacks, lot coverage and FAR, of the R-2 Zoning district and the originally approved PD Combining district.

The proposed project is inconsistent with the City’s policy regarding rear yard setbacks for accessory utility buildings, which requires that “for each foot in

height over 6'-6" there should be an additional 3' setback from the rear property line." However, the arbor abuts a concrete wall in the rear yard that is almost 2' taller than the arbor.

**Expected Impact on the Surroundings:** The arbor is not visible from the street frontage or from the property to the rear. The most visually impacted are the neighbors along the side yards, as the arbor is approximately 3' taller than the existing wood fences along the side property lines. However, the arbor is only 48 square feet in area, and is a common decorative landscaping element that is not used as a recreational area. Therefore, there are no privacy impacts and the visual impacts to the neighbors are minimal.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

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The applicant submitted a letter from the Sunnyvale Manor Homeowners Association approving the arbor (Attachment E). In addition, letters of support was submitted by the adjacent neighbors along the side yards of the subject property (Attachment F).

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Posted on the site</li> <li>• 7 notices mailed to property owners and residents adjacent to the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

### **Conclusion**

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**Applicant's Justification:** The applicant's letter states the following (Attachment D, Letter from the Applicant):

1. The arbor is an architectural feature of the garden and is not intended to provide any shade or shelter for the backyard.
2. The homeowners association and adjacent neighbor support the project.

**Staff Discussion:** Although the arbor is inconsistent with the City's policy regarding rear yard setbacks of accessory utility buildings, staff believes that

the project meets the intent of the policy of reducing visual and privacy impacts to neighbors. The arbor abuts a concrete wall that is almost 2' taller, and is not visible from the adjacent property to the rear. In addition, the arbor is not visible from the street frontage. The most impacted neighbors are along the side property lines. However, the arbor is minimal in size and is a common architectural landscaping feature that will not be used as recreational space.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Recommended Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Recommended Conditions of Approval are located in Attachment B.

### **Alternatives**

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1. Approve the Special Development Permit with attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

**Recommendation**

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Alternative 1.

Prepared by:

**Noren Caliva**

Project Planner

Reviewed by:

**Andrew Miner**

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Letter from the Homeowners Association
- F. Letter from Adjacent Neighbors
- G. Site Photos

**Findings – Special Development Permit**

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Goals and Policies that relate to this project are:

**Land Use and Transportation Element**

**Policy N1.4** – *Preserve and enhance the high quality character of residential neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale (*Finding Met*).

The proposed arbor is a common architectural landscaping feature that is complimentary to the design of the existing home. The arbor is not intended to be used for recreation purposes.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties (*Finding Met*).

The proposed project meets the development standards in the R-2 Zoning district and the originally approved PD Combining district. In addition, the arbor meets the intent of the City's policy regarding rear yard setbacks for accessory utility buildings, as the arbor would result in no privacy impacts and minimal visual impacts to the adjacent neighbors.

**Recommended Conditions of Approval if the Special Development Permit is Granted:**

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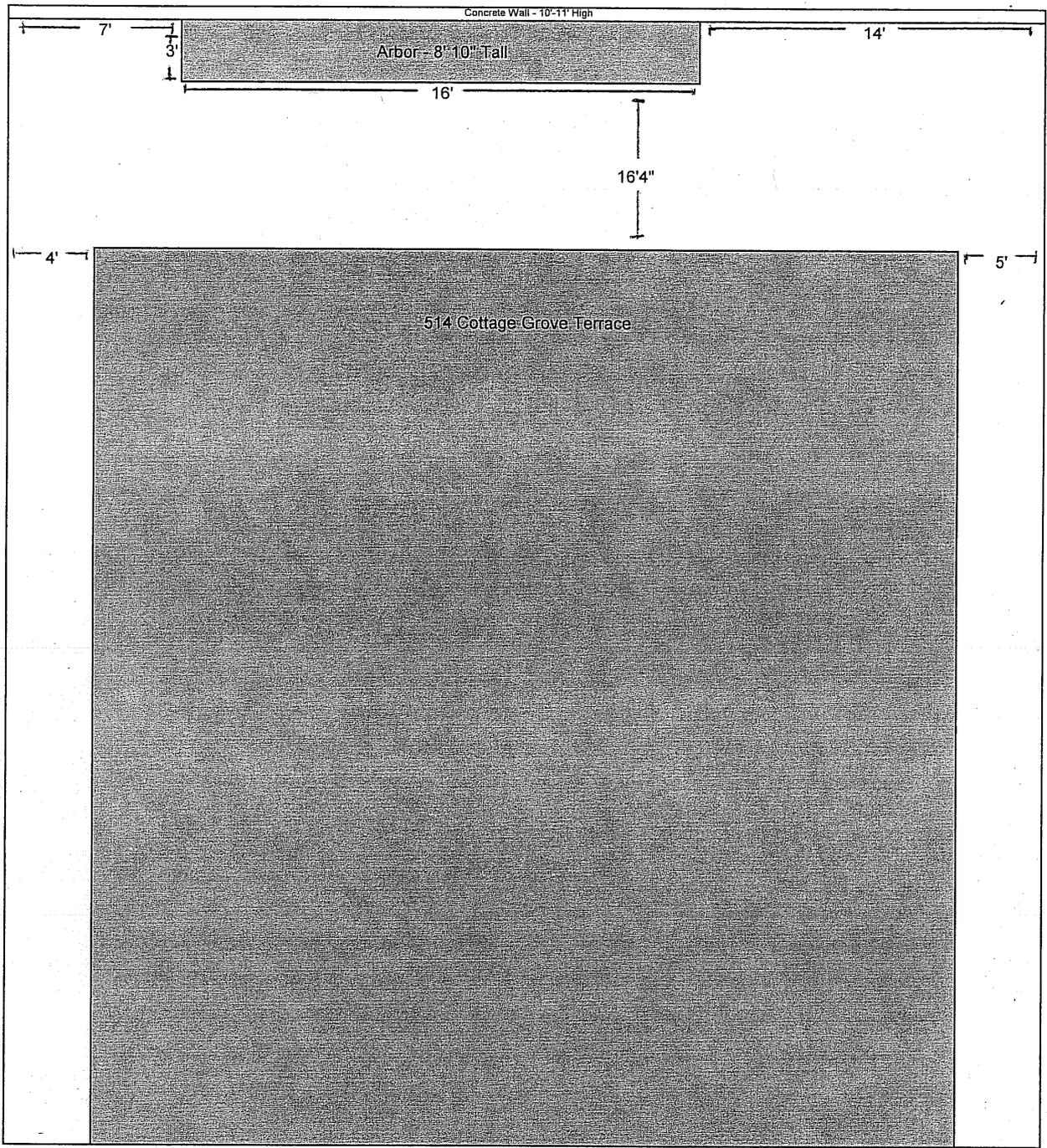
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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved at staff level by the Director of Community Development.
- C. The height of the gazebo structure shall be no more than 9 feet.





Project Description and Justification for 514 Cottage Grove Terrace in Sunnyvale

Project Description

We have installed a wood arbor in the backyard of our home. The arbor's specifications are as follows:

8'10" High, 16' Wide and 3' Deep

The arbor is located 16' from the rear of the house, 7' from the right fence and 14' from the left fence and a 4" inches from the rear concrete wall

Project Justification

The arbor is intended to serve as an architectural feature for the garden and is not intended to provide any shade or shelter for the backyard. The design of the arbor is very similar in style to the arbors installed by the builders in the model homes less than 3 years ago. We have received approval from the Sunnyvale Manor Homeowner Association Board of Directors. A letter confirming this approval is attached to this application. I have also obtained letters from the adjoining neighbors indicating that they do not have any issue with the arbor as installed.

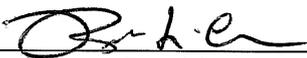
December 5, 2007

To Whom it May Concern,

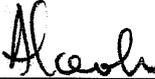
We, the board of directors for the Sunnyvale Manor Homeowner, hereby approve the arbor installed in the backyard of 514 Cottage Grove Terrace in Sunnyvale. The arbor in question met the following standards:

1. The arbor is an architectural feature of the backyard and is not intended to provide any form of shelter or shade.
2. The arbor does not substantially interfere with any adjoining neighbors' views or obstruct any natural sunlight from shining on a neighboring lot.

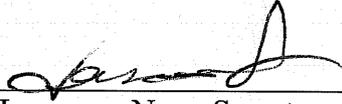
If you have any questions, please contact any of the board members via email.

  
\_\_\_\_\_  
Brian Chew, President  
[blchew@yahoo.com](mailto:blchew@yahoo.com)

12/5/07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Theodor Jacob, Treasurer  
[tiacob@yahoo.com](mailto:tiacob@yahoo.com)

12/5/2007  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Lawrence Naes, Secretary  
[lnaes@aol.com](mailto:lnaes@aol.com)

05 Dec 07  
\_\_\_\_\_  
Date

December 5, 2007

ATTACHMENT F  
Page 1 of 2

To Whom it May Concern,

As a neighbor of an adjoining lot to 514 Cottage Grove Terrace, I hereby acknowledge that I have no issue with the arbor currently installed in the backyard at 514 Cottage Grove Terrace.

If you have any questions, please contact me.

Sonal Parekh

Signature

12/5/2007

Date

Sonal Parekh

Name

508 Cottage Grove Terrace, Sunnyvale, CA 94087

Address

408-749-0085

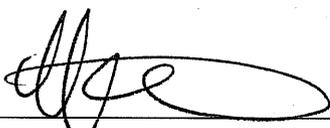
Contact Phone

December 5, 2007

To Whom it May Concern,

As a neighbor of an adjoining lot to 514 Cottage Grove Terrace, I hereby acknowledge that I have no issue with the arbor currently installed in the backyard at 514 Cottage Grove Terrace.

If you have any questions, please contact me.

  
\_\_\_\_\_  
Signature

12/5/07  
\_\_\_\_\_  
Date

Mitchell Lee  
\_\_\_\_\_  
Name

516 Cottage Grove Terrace  
\_\_\_\_\_  
Address

(408) 910-2233  
\_\_\_\_\_  
Contact Phone

