



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 27, 2008

SUBJECT: **2008-0009:** Application located at **275 West Arbor Avenue** (near Pine Ave.) in an R-0 (Low Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.46.060 to allow one covered parking space, where two covered parking spaces are required to allow an addition resulting in a home exceeding 1,800 square feet.

REPORT IN BRIEF

Existing Site Conditions Single-Family Residence

Surrounding Land Uses

North

South Single-Family Residence

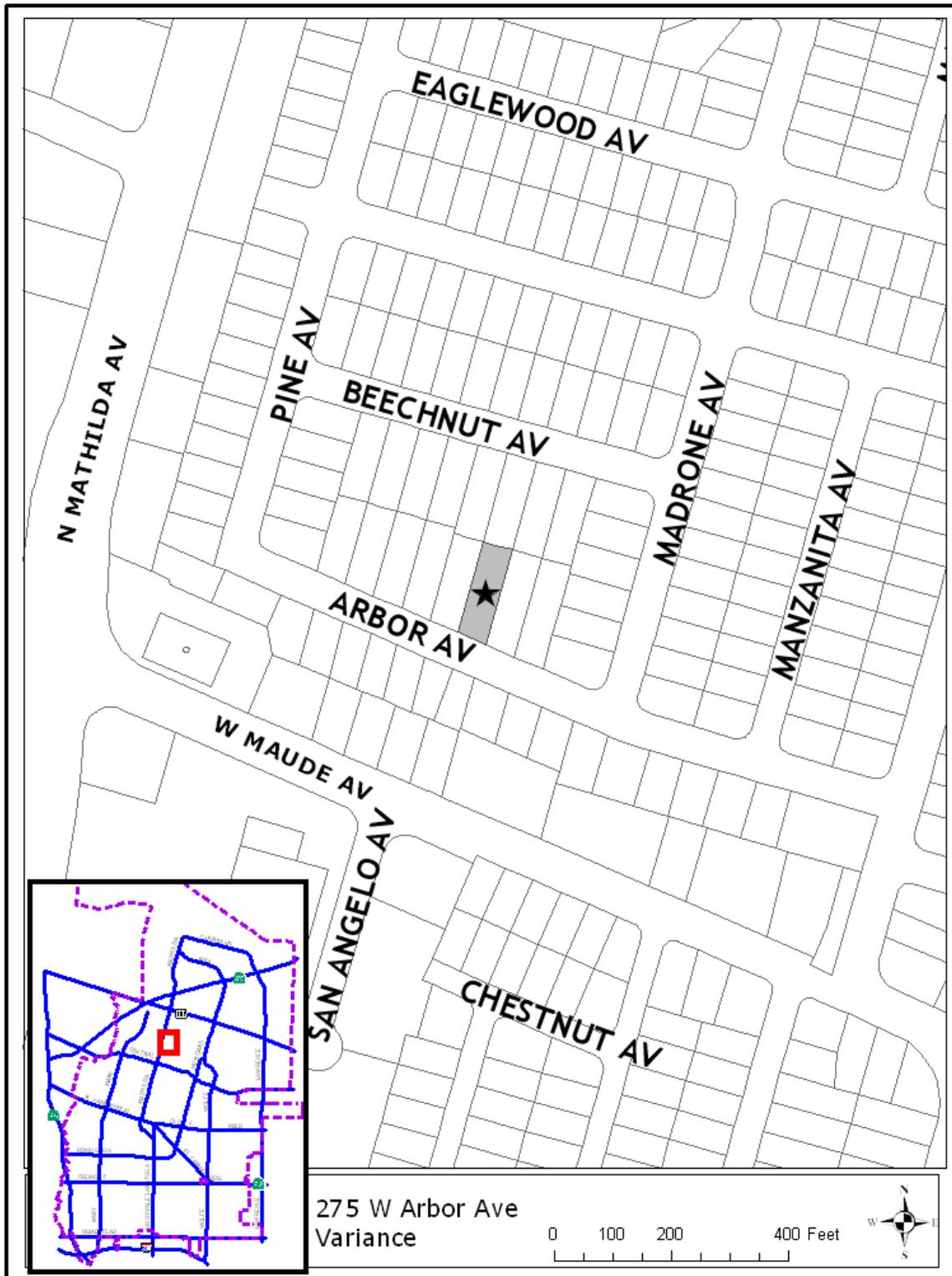
East Single-Family Residence

West Single-Family Residence

Issues Parking

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	8,422	Same	6,000 min.
Gross Floor Area (s.f.)	1,763 (1,477 habitable, 286 garage)	2,015 (1,729 habitable, 286 garage)	3,790 max.
Lot Coverage (%)	20.9%	23.9%	45% max.
Building Height (ft.)	11'	Same	30' max.
No. of Stories	1	Same	2 max.
Setbacks (Facing Property)			
Front	23'	Same	20' min.
Left Side	6'	Same	6' min.
Right Side	6' (12' combined)	Same	6' min. (12' combined)
Rear	77'	70'	20' min.
Parking			
Total Spaces	3	Same	4 min.
Covered Spaces	1	Same	2 min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The project includes a 252 square foot addition to an existing bedroom to add a bathroom and a walk-in closet. The addition would result in a 2,015 square foot home, with three bedrooms and two bathrooms. The existing home contains a one-car garage and two uncovered parking space on the driveway, for a total of three parking spaces.

Sunnyvale Municipal Code (SMC) section 19.46.060 (4) requires that additions to homes that exceed 1,800 square feet of gross floor area, or have four or more bedrooms, must provide two covered parking spaces. The proposed addition

triggers this requirement; therefore, the applicant requests a Variance from this requirement.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2005-0212	Removal of two trees	Staff/Approved	3/28/2005
1995-0021	Design Review for a 432 square foot kitchen and family room addition	Staff/Approved	1/18/1995

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include land use limitations, including Variances.

Variance

Site Layout: The original home was 1,331 square feet in size and was constructed at the minimum 6-foot side yard setbacks. A 432 square foot addition was built in 1995, which resulted in a 1,763 square foot home. The addition included a new kitchen and family room, converting the original kitchen into a dining room. The dining room was too small to accommodate the dining furniture, so this room has been used to store furniture while a portion of the living room is used for dining. The dining room is open to the living room and hallway, and allows access into the kitchen and family room. The home also includes three bedrooms, one bathroom and a one-car garage.

The proposed project includes the expansion of one of the bedrooms towards the back of the property in order to accommodate a walk-in closet and a full bathroom. The proposed addition is 252 square feet, and would result in a 2,015 square foot home. The home would retain the same number of bedrooms (Attachment C, Site and Architectural Plans).

Lot Area and Width: The existing 8,422 square foot lot is 2,422 square feet larger than the 6,000 square foot minimum required in the R-0 Zoning district. The existing 52-foot lot width is 5 feet less than the 57 feet minimum required in the R-0 Zoning district. However, substandard lot widths are not uncommon for this stretch of W. Arbor Avenue, between Pine and Madrone Avenue (Attachment E, Assessor's Parcel Map).

Neighboring Properties: This tract of homes along W. Arbor Avenue was constructed with one-car garages, which has remained a common characteristic of this neighborhood. There are at least two homes that are over 1,800 square feet along this stretch of W. Arbor Avenue with one-car garages. One of these homes is 245 W. Arbor Avenue, to which an addition to a bedroom was constructed in 1976, resulting in a 2,027 square foot home. A second home is located at 295 W. Arbor Avenue, to which a dining room addition was constructed in 1999, resulting in a 1,856 square foot home. These two additions were approved prior to the code requirement to upgrade parking; therefore, they were permitted to retain one-car garages. There have been no approved Variances for parking deficiencies in this neighborhood. The table below shows property information for this stretch of W. Arbor Avenue.

Neighboring Properties (s.f.):

Address	Lot Size	Living	Garage	Gross Floor	Bedrooms
245 W. Arbor Ave.	9,145	1,749	278	2,027	3
265 W. Arbor Ave.	8,784	1,321	278	1,599	3
*275 W. Arbor Ave.	8,422	1,729	286	2,015	3
285 W. Arbor Ave.	8,060	1,373	278	1,651	3
295 W. Arbor Ave.	7,857	1,581	278	1,856	3
299 W. Arbor Ave.	7,857	1,347	278	1,625	3
301 W. Arbor Ave.	7,496	1,300	284	1,584	3
209 W. Arbor Ave.	7,134	1,132	284	1,416	3

**Proposed Project*

Architecture: The existing home consists of a mix of stucco and concrete block exterior wall siding, and tar and gravel roofing. The proposed addition would match the existing wall, roof materials, and roof pitch. One new full-sized window is proposed along the rear elevation of the addition, which will match the existing windows. An additional two high sill windows are proposed along the right side elevation of the addition. No exterior modifications are proposed to the remaining home.

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

Single Family Home Design Techniques	Comments
3.5 Relate roofs to those on nearby homes.	The proposed addition matches the existing roof design of the home and is consistent with other roofs in the neighborhood.

Single Family Home Design Techniques	Comments
<i>3.7 Use materials that are compatible with the neighborhood.</i>	The proposed siding is consistent with the siding of the existing home and is in keeping with the neighborhood.
<i>3.8 Match window types and proportions to those in the neighborhood.</i>	All new windows are designed to match the existing windows on the home.

Landscaping: There are no landscaping requirements for properties located in an R-0 Zoning district, and no significant-sized trees are proposed for removal as part of this project.

Parking/Circulation: The one covered parking space is located in a 278 square foot one-car garage, with two additional uncovered parking spaces on the driveway. The existing paving is less than 50% of the required front yard.

Sunnyvale Municipal Code (SMC) section 19.46.060 (4) requires that additions to homes that exceed 1,800 square feet of gross floor area or have four or more bedrooms require two covered parking spaces. The proposed home would result in three bedrooms, but would exceed 1,800 square feet. Therefore, the proposed addition triggers this requirement to provide one additional covered parking space. A two-car garage is required to be at least 400 square feet in size, with an interior clearance of at least 17 feet wide and 18 feet deep.

Alternatives: Due to the width of the lot and the configuration of the home with the minimum side yard setbacks, there is not space available to add a two-car garage without encroaching into the living area of the existing home. Staff believes, however, that an additional covered parking space can be provided by expanding the existing garage. The existing garage has an interior width of approximately 13 feet and depth of 20 feet. However, the interior width clearance is less than 10 feet due to existing appliances along the right side of the garage. These appliances can be relocated towards the back of the garage, and the garage can be expanded by approximately 6 feet to the right.

This alternative would meet the two-covered parking requirement; however, it would reduce the living area by approximately 114 square feet and would include modifications to the existing floor plan. As the existing wall along the right side of the garage is load-bearing, structural modifications would also be required for the wall systems and roof design.

Compliance with Development Standards/Guidelines: The proposed project meets most of the development standards of the R-0 Zoning district, with the exception of the minimum parking requirements. The requested Variance would allow the property owners to maintain the existing one-car garage, where two covered parking spaces are required per SMC 19.46.060. In addition, the proposed addition meets the Single Family Home Design Techniques, as it has been designed to match the existing home.

Expected Impact on the Surroundings: The proposed addition would not have adverse privacy or visual impacts to the neighbors. The project meets or exceeds minimum setback requirements and would not be visible from the street frontage.

An approval of the Variance could have a detrimental impact on the immediate neighborhood if sufficient on-site parking is not provided. Although the number of bedrooms would be maintained, additional living area could potentially result in other residents living in a home. The proposed reduction in parking may result in added vehicles parking on the street, which may negatively impact surrounding properties. If the Variance is approved, precedent could be set and there could be an increase in Variance requests in the neighborhood.

Fiscal Impact

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

Public Contact

At the time of the staff report, staff did not receive any comments from the neighbors.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 12 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Applicant's Justification and Appeal: The applicant submitted a justification letter and contends the following (Attachment D, Letter from the Applicant):

1. The following existing physical hardships include:
 - The lot width is substandard.
 - The foundation is concrete slab and the walls are load-bearing concrete block, which would require extensive modifications to accommodate an additional covered parking space that would be cost-prohibitive.
 - Alternatives to provide two-covered parking spaces would include reducing existing living area and modifications to the floor plan and landscaping.
2. The addition will not affect the existing neighborhood.
3. There are existing homes in the neighborhood with the same amenities as requested (3 bedrooms, 2 bathrooms and a one-car garage). The project would allow the property owner to enjoy the same privileges as the other homes in the neighborhood.

Discussion: The following is staff's discussion of the required findings:

1. The first required finding for approving a Variance is that the property or use involves a unique or exceptional circumstance. The existing 8,422 square foot lot is 2,422 square feet larger than the 6,000 square foot minimum required in the R-0 Zoning district. The existing 52-foot lot width is 5 feet less than the 57 feet minimum required in the R-0 Zoning district. However, there are several lots along this stretch of W. Arbor Avenue with similar lot widths (Attachment F, Assessor's Parcel Map). Therefore, substandard lot widths are not uncommon for properties located in the immediate vicinity.

Although the original construction of the home limits options available for the homeowners to provide two covered on-site parking spaces, staff believes that there are feasible alternatives. Therefore, staff cannot make the first finding regarding exceptional or extraordinary circumstances or conditions that apply to this property.

2. The second required finding is that the granting of a Variance will not be detrimental to adjoining properties and uses. Staff believes that the project will not have an adverse privacy or visual impacts to the neighborhood. However, an approval of the Variance could have a detrimental impact on the immediate neighborhood if sufficient on-site parking is not provided. Although the number of bedrooms would be maintained, additional living area could potentially result in other

residents living in a home. The proposed reduction in parking may result in added vehicles parking on the street, which may negatively impact surrounding properties. If the Variance is approved, precedent could be set and there could be an increase in Variance requests in the neighborhood. As a result, staff cannot make the finding that this project will not be detrimental to adjoining properties and uses.

3. The third required finding for a Variance is that granting a Variance meets the intent of the zoning ordinance and does not grant special privileges to the proposed use or site. Although there are other homes in the neighborhood that are greater than 1,800 square feet size and have one-car garages, these additions were approved under prior code requirements. Additionally, staff was not able to find any Variances granted for reduced parking in the immediate neighborhood. Therefore, staff cannot make this third finding.

Findings and General Plan Goals: Staff is recommending denial for this project because the Variance Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

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

Alternatives

1. Deny requested Variance.
2. Approve the application with attached conditions.
3. Approve the application with modified conditions.

Recommendation

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. Assessor's Parcel Map

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. (*Finding not met.*)

The existing 8,422 square foot lot is 2,422 square feet larger than the 6,000 square foot minimum required in the R-0 Zoning district. Although the existing 52-foot lot width is 5 feet less than the 57 feet minimum required in the R-0 Zoning district, there are several lots along this stretch of W. Arbor Avenue with similar lot widths (Attachment F, Assessor's Parcel Map). Therefore, substandard lot widths are not uncommon for properties located in the immediate vicinity. In addition, staff believes that the existing one-car garage can be modified to provide one additional covered parking space.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. (*Finding not met.*)

Staff believes that the proposed reduction in parking may result in additional vehicle parking on the street, which may negatively impact surrounding properties. If the Variance is approved, precedent could be set and there could be an increase in Variance requests in the neighborhood.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. (*Finding not met.*)

Although there are other homes in the neighborhood that are greater than 1,800 square feet size and have one-car garages, these additions were approved under prior code requirements. Additionally, staff was not able to find any Variances granted for reduced parking in the immediate neighborhood.

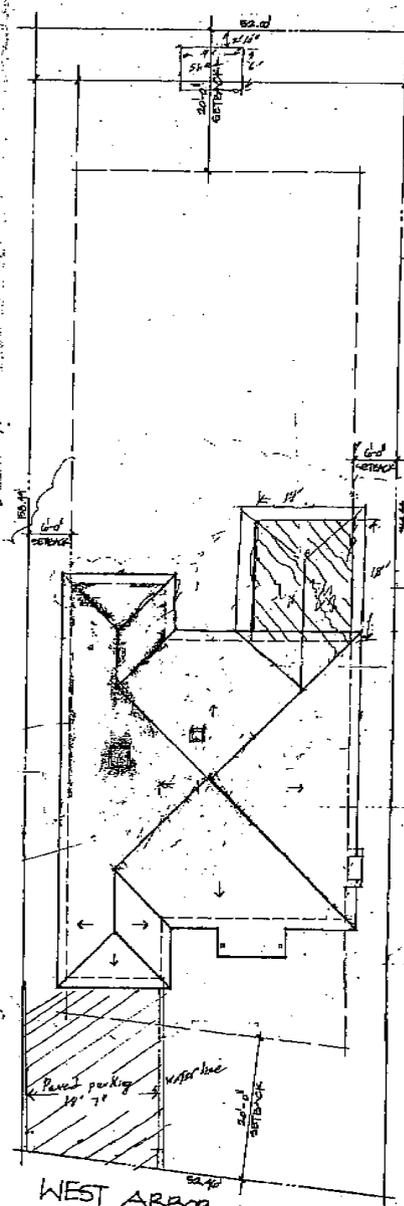
Recommended Conditions of Approval if the Variance is Granted:

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

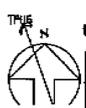
- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.
- E. All exterior wall and roof materials shall match existing.



SITE DATA	
SITE AREA	8422 SF
GD FLOOR AREA	1477 SF
GD GARAGE	286 SF
TOTAL (GD)	1763 SF
ADDITION	252 SF
TOTAL AREA	2015 SF
MAX COVERAGE ALLOWED	40%
COVERAGE	23.7%

HELANDER RESIDENCE
 275 West Arbor Avenue
 Sunnyvale, California

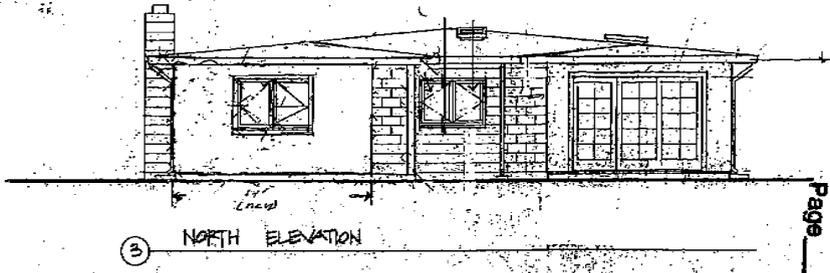
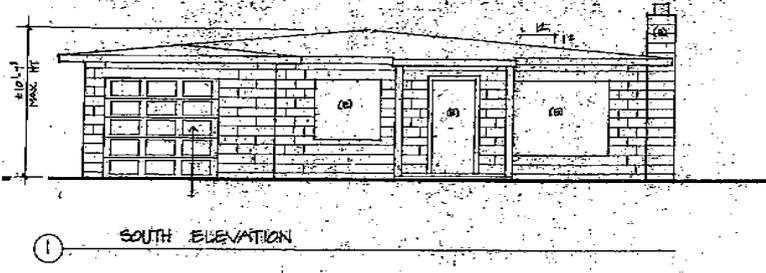
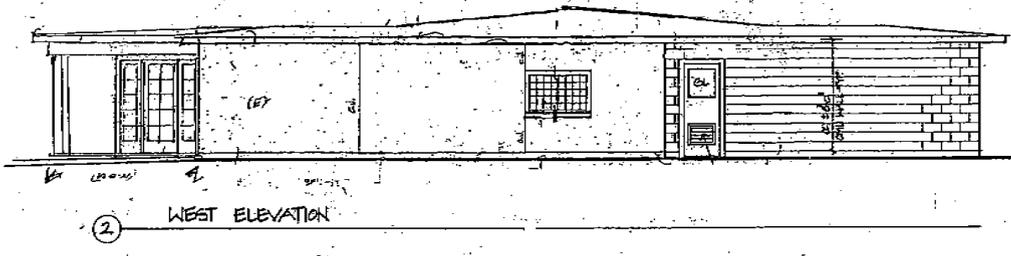
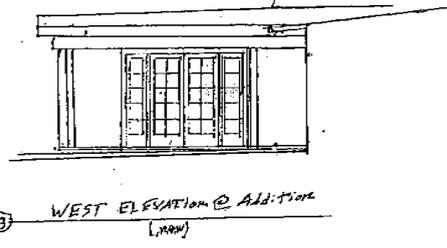
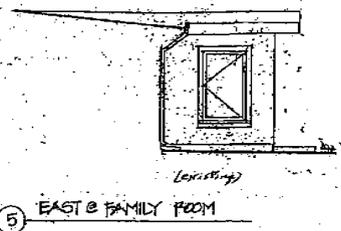
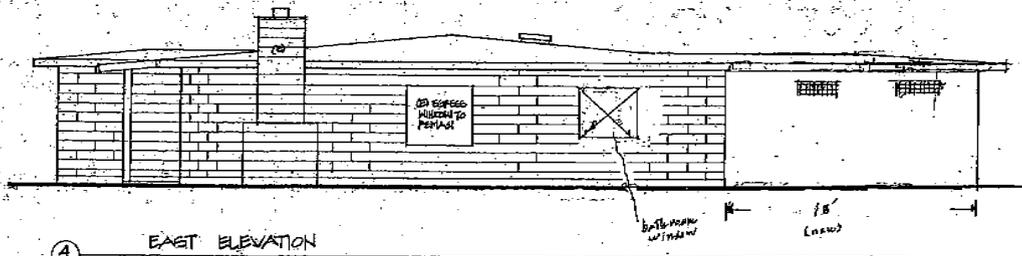
WEST ARBOR AVENUE
 SITE PLAN



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 ATTACHMENT C

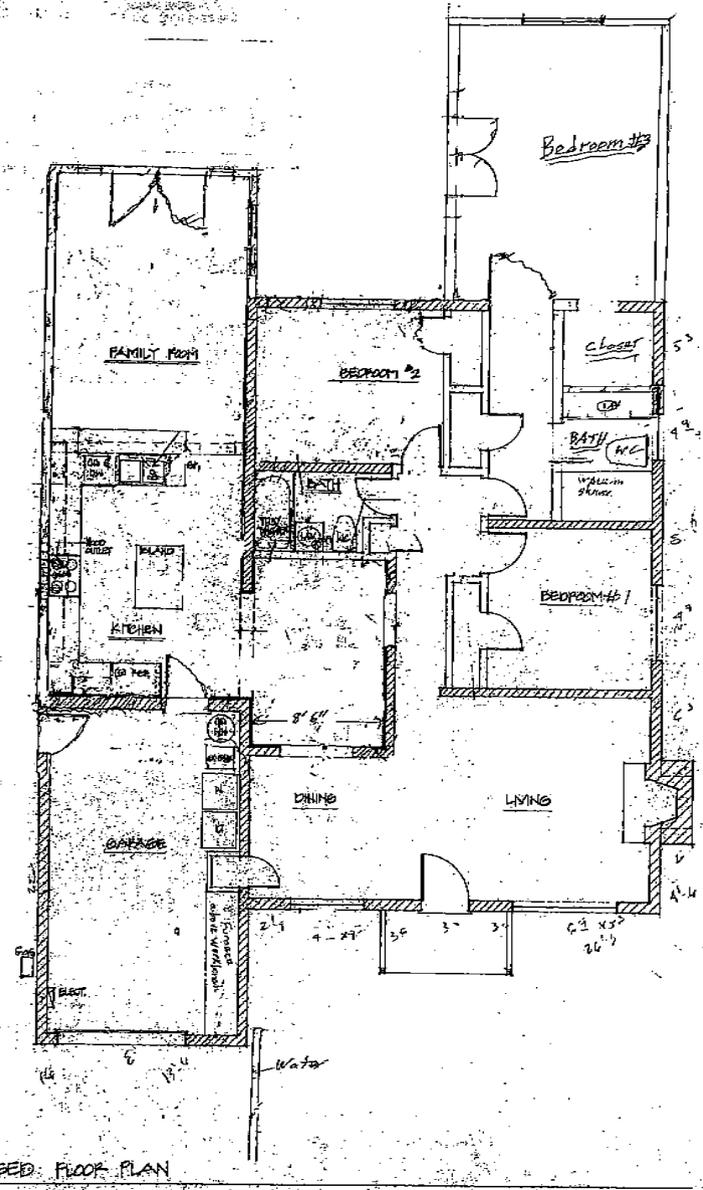
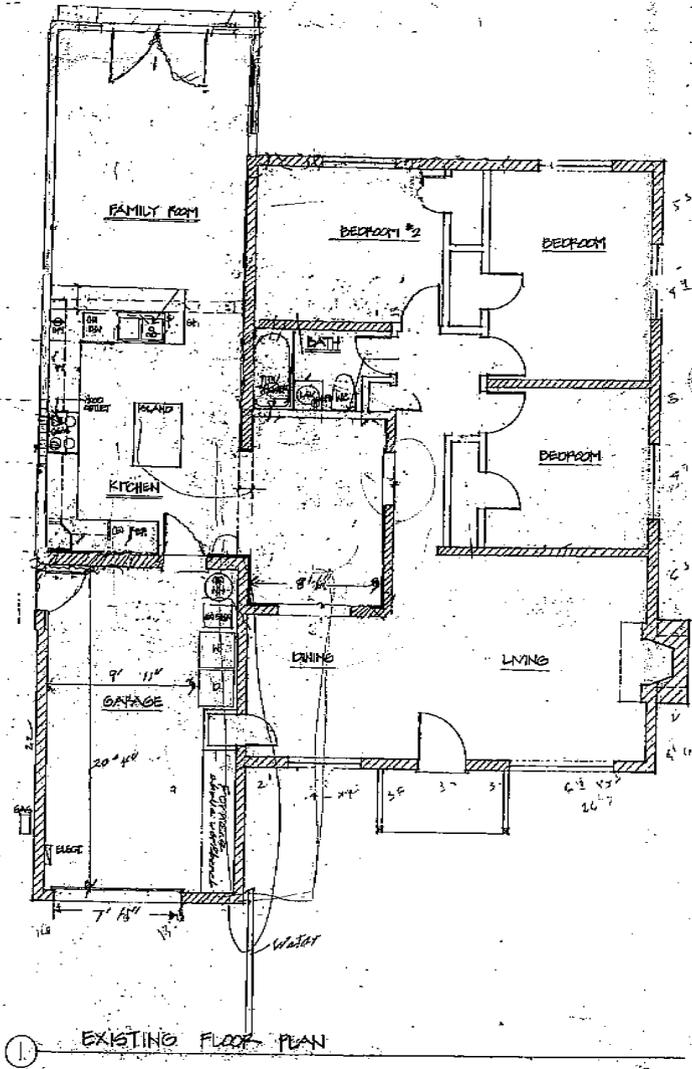
Scale 1/8" = 1'

A1



HELANDER RESIDENCE
 275 West Arbor Avenue
 Sunnyvale, California

Scale: 1/4" = 1'-0"
 HELANDER
 ARCHITECTS
 144



Page 3 of 3

ATTACHMENT C

Altered 11/1/2007 by Helander

Date:	12/1/07
Scale:	1/8" = 1'
Drawn by:	JMP
Checked by:	HELANDER
Sheet:	AS
Of:	3

HELANDER RESIDENCE
275 West Arbor Avenue

Helander Residence – 275 W. Arbor Avenue

Variance Request

According to Sunnyvale Municipal code section 19.46.060, enacted in 2003, additions causing a residence to exceed 1800 sq ft (including garage) require two covered and two uncovered parking spaces.

I wish to apply for a variance to this ordinance. My home (zone R 0) is currently 1763 square feet (1477 Assessor's Floor Area + 286 garage) with a one-car garage and two uncovered parking spaces. I wish to add 252 square feet to the floor area of my home for a total of 2015 square feet and retain the current parking configuration of one covered and two uncovered parking spaces. The primary purpose of the addition is a second bathroom with a walk-in shower.

The Neighborhood – Arbor and Walnut Courts

My home is a tract home built in 1952. The tract, called Arbor Court Unit No. 3, (Assessor's Tract No. 993), covers several blocks – from the north side of West Arbor Avenue to the north side of West Duane Avenue. (See Exhibit A.) [There is also a tract (Assessor's Tract 803) called Arbor Court Unit No. 2 which covers the same blocks.]

All the homes in Arbor Court Units No. 2 and 3 were originally constructed of reinforced concrete block on concrete slab. The walls are load-bearing. The original homes had 3 bedrooms, 1 full bath, a kitchen, a living room, a dining area, and a 1-car attached garage with water heater, laundry hook-up, and some storage space along the wall next to the house. The driveway was 1-car wide.

All the Arbor Court lots are 52 feet wide, but their depth varies. In my block the depths vary (between 140 and 177 feet) because the block is not rectangular. (The lots in the block bounded by West Duane and West Beechnut are 112 feet deep. The lots on the north side of West Duane are 100 feet deep.)

Also, in 1952, a second developer built wood frame/foundation tract homes, called Walnut Court. These homes originally had 1 full bath and a half bath. Except for the corner homes, the homes in this tract were also on 52-foot lots and had a 1-car garage with laundry hook-up and storage. A notable difference is that the Walnut Court garage is deeper than the Arbor Court garage, allowing for alteration of the half bath to a full bath without changing the footprint of the home on the lot.

West Arbor – North Side

There are 9 homes in my block on the north side of West Arbor: 6 Arbor Court homes and 3 Walnut Court homes (see Table 1 below). All of the homes had additions made prior to 2003. Typically, the Arbor Court additions included a family room and a second bathroom. Some owners enlarged and extended the bedrooms into the backyard. Many of the driveways have been widened to accommodate 2 cars.

Table 1 - Comparison of Homes on North Side of West Arbor

Address	Const. Type	Lot width	Baths	Garage size	Driveway capacity	Assessor's Floor Area	Est. Garage Sq ft	Est. Total sq ft
245 W. Arbor	C	52 ft	2	1	2	1749	286	2035
265 W. Arbor	C	52 ft	2	1	1	1519	286	1805
275 W. Arbor	C	52 ft	1	1	2	1477	286	1763
285 W. Arbor	C	52 ft	2	1	2	1373@	286	1909*
295 W. Arbor	C	52 ft	2	1	2	1581	286	1867
299 W. Arbor	C	52 ft	1	1	2	1347	286	1633
301 W. Arbor	W	52 ft	2	1	2	1300		?
309 W. Arbor	W	52 ft	1 1/2	1	1	1132		?
333 W. Arbor	W	94 ft	1 1/2	2	2	1174		?

C = concrete block on concrete slab; W= wood frame/fundation
 @ Does not include lanai (c. 250 sq ft) (est: 20*12.5)
 * With lanai

I believe that the square footage of four of these homes now exceeds 1800 square feet.

Please note that none of the homes on 52-ft wide lots has a 2-car garage.

My home: 275 West Arbor Avenue

Current Configuration

In 1977, when I bought my home (Parcel Number 204-28-033-00), it had the original configuration of 3 bedrooms, 1 full bath, a living room, dining area, and kitchen. The driveway had been widened to 18.75 ft to accommodate 2 cars.

In 1995 I added 432 square feet for a new kitchen and family room. The Assessor lists the floor area as 1477. Assuming the garage is 286 square feet, the total area of the home is 1763 square feet.

My lot is narrow (52 ft), but deep (165.44 ft on east, 158.49 ft on west). My home is 40 ft wide with 6 ft clearance on either side. The home set back is 25 ft at garage corner. The home, including the 1-car garage, currently covers 1772 sq ft, which is 21% of the 8422 sq ft lot. (Please see accompanying blueprints and the photos in Exhibits B1 – B3.)

Proposed Configuration

I wish to make the addition of 252 square feet to my home. The addition would give me a second bathroom with a walk-in shower (and larger master bedroom). It would cause my home to exceed the 1800 sq ft limit.

Variance Justification

1. "Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district."

- a. The width of my lot is 52 ft, which I believe is substandard: 57 ft being the standard. Half of the homes on my block with 52-ft lots and 2 baths exceed 1800 sq ft and have a 1-car garage. (See Table 1 above.)
- b. The foundation of my home is concrete slab. Except for the addition of the kitchen and family room made in 1995, the walls are load-bearing CONCRETE BLOCK. Thus, possible alterations to achieve a two-car garage, described below, are nontrivial and, frankly, would be prohibitively expensive. The potential three options to create a two-car garage are: widen the current garage, put the garage in the backyard, and move the garage forward into the 20-foot setback area.
 - (i) The effect of widening my current garage would be to:
 - essentially eliminate the dining area by decreasing the floor area,
 - decrease the floor area of the home by as much as at least 86 square feet (6 by 14),

Because the house slab is 4-5 inches higher than the garage floor, to construct a two-car garage would require the following:

- Sawing through and demolishing part of the existing foundation, and pouring a new foundation footing for the home.
- Removing/moving load-bearing wall between garage and home
- Pouring new garage slab and slab footing; building new garage
- Reconfiguring the roof
- Removing the internal load-bearing wall between the hallway and the dining area and substituting some other load-bearing capacity (add footings?)
- Relocating the water line into the house (and moving the water meter?)
- Relocating the furnace, water heater, laundry facilities (and sewer?) in the garage
- Landscaping, including removing a tree and part of a fence
- Widening the driveway

(ii) To put the garage in the backyard would require destroying not only my current 1-car garage with the laundry facilities, but also my kitchen/ family room

and my landscaped backyard (see Exhibit B-4), which cost me, respectively, \$100,000 and \$25,000. (Question: Where would the uncovered parking be?)

Result: In either case (i) or (ii), my home's living area would be smaller, and its value considerably less compared to my neighbors' homes. (Both a dining area and a kitchen are required features of a home.)

(iii) By moving the garage forward into the 20-ft setback, the two uncovered parking spaces would be lost. (And my next-door neighbors would object.)

2. *"The granting of this Variance will not be detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district."*

The addition will not affect the public or any other property, improvements, or uses within the vicinity,

3. *"Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district."*

My home will have the same number of parking spaces: one covered and two uncovered spaces - and the same number as most of my neighbors (see Table 1 above).

It's my neighbors who are enjoying the privilege of a second bath and a 1-car garage (and in half the cases, homes of more than 1800 sq ft) that strict application of this ordinance would prevent me from enjoying. With only 1 full bath, my home is at a disadvantage compared to my neighbors' homes.

275 West Arbor Ave – South elevation



275 West Arbor Ave – North elevation



275 West Arbor Ave – East Elevation



Exhibit B-2

275 West Arbor Ave – West Elevation

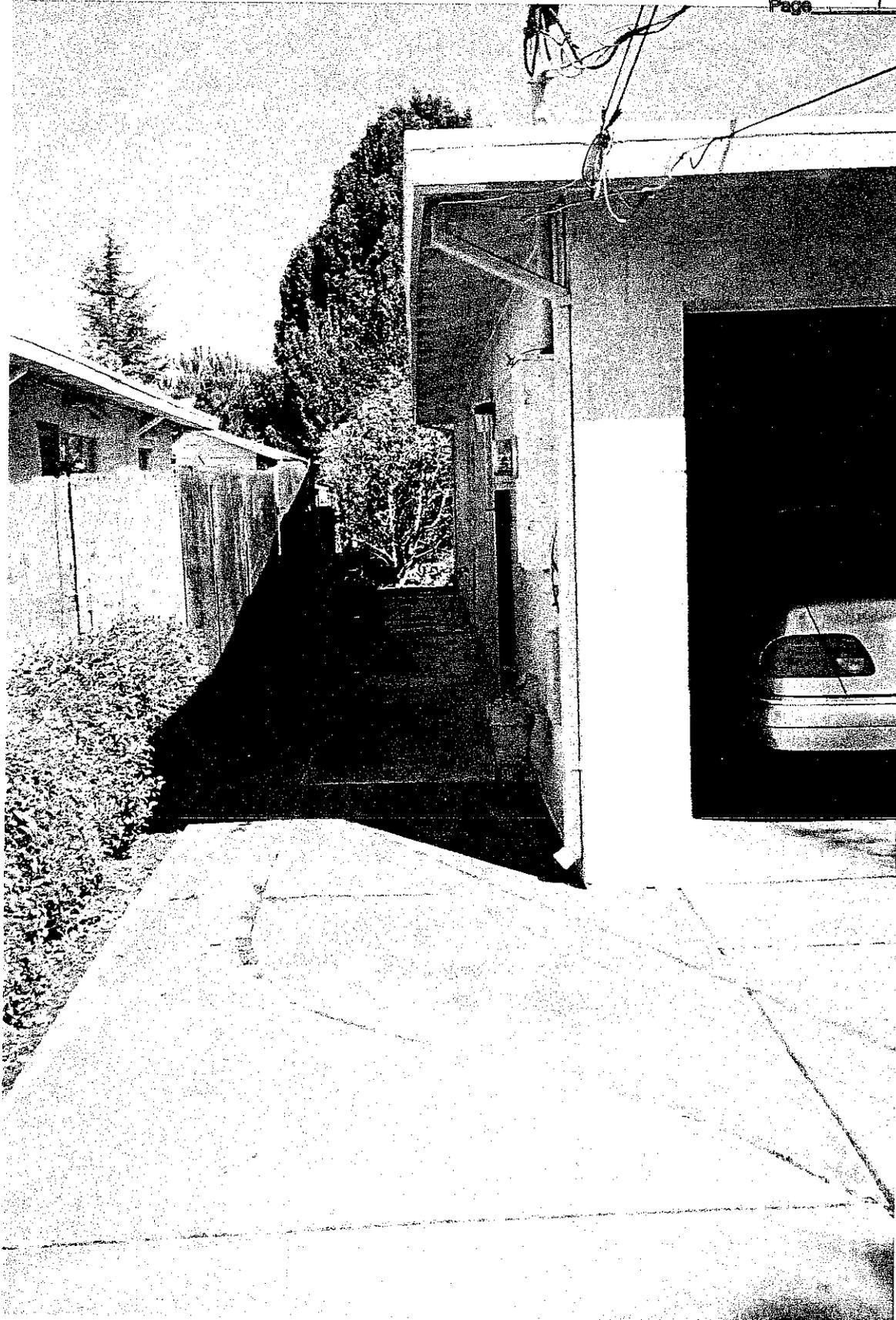
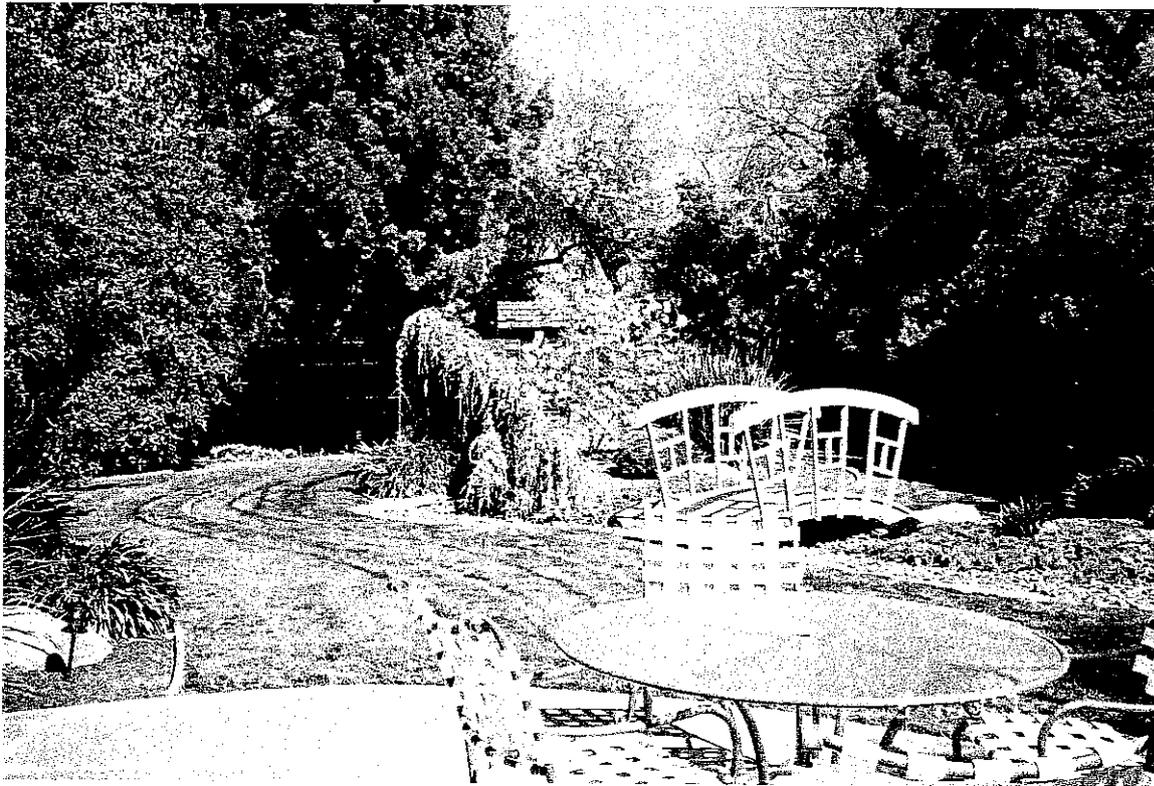


Exhibit B-3

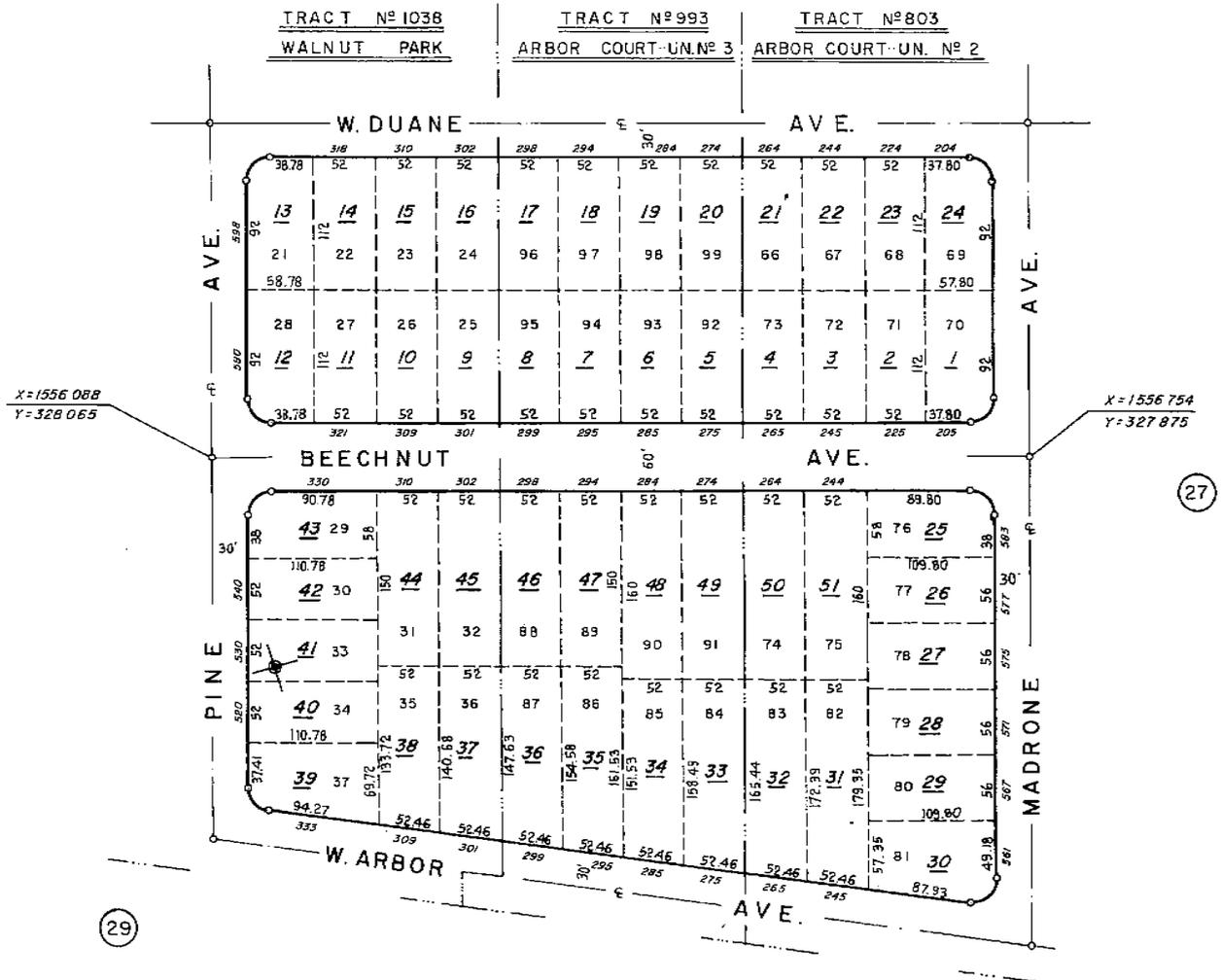
275 West Arbor Ave – Dining Area



275 West Arbor Ave – Backyard



(26)



(27)

(29)

Page 1 of 1
ATTACHMENT E