



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**March 26, 2008**

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**SUBJECT:**           **2008-0102 – Russell W. Thompson** [Applicant] **Thompson Russell W and Tiffany** [Owner]: Application for a property located at **866 East Evelyn Avenue** (near S. Wolfe Rd.) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District.

Motion               **Special Development Permit** to allow conversion of an existing duplex into two condominiums.

Motion               **Parcel Map** to subdivide one lot into two condominium units with shared common areas.

**REPORT IN BRIEF**

**Existing Site Conditions**           Duplex

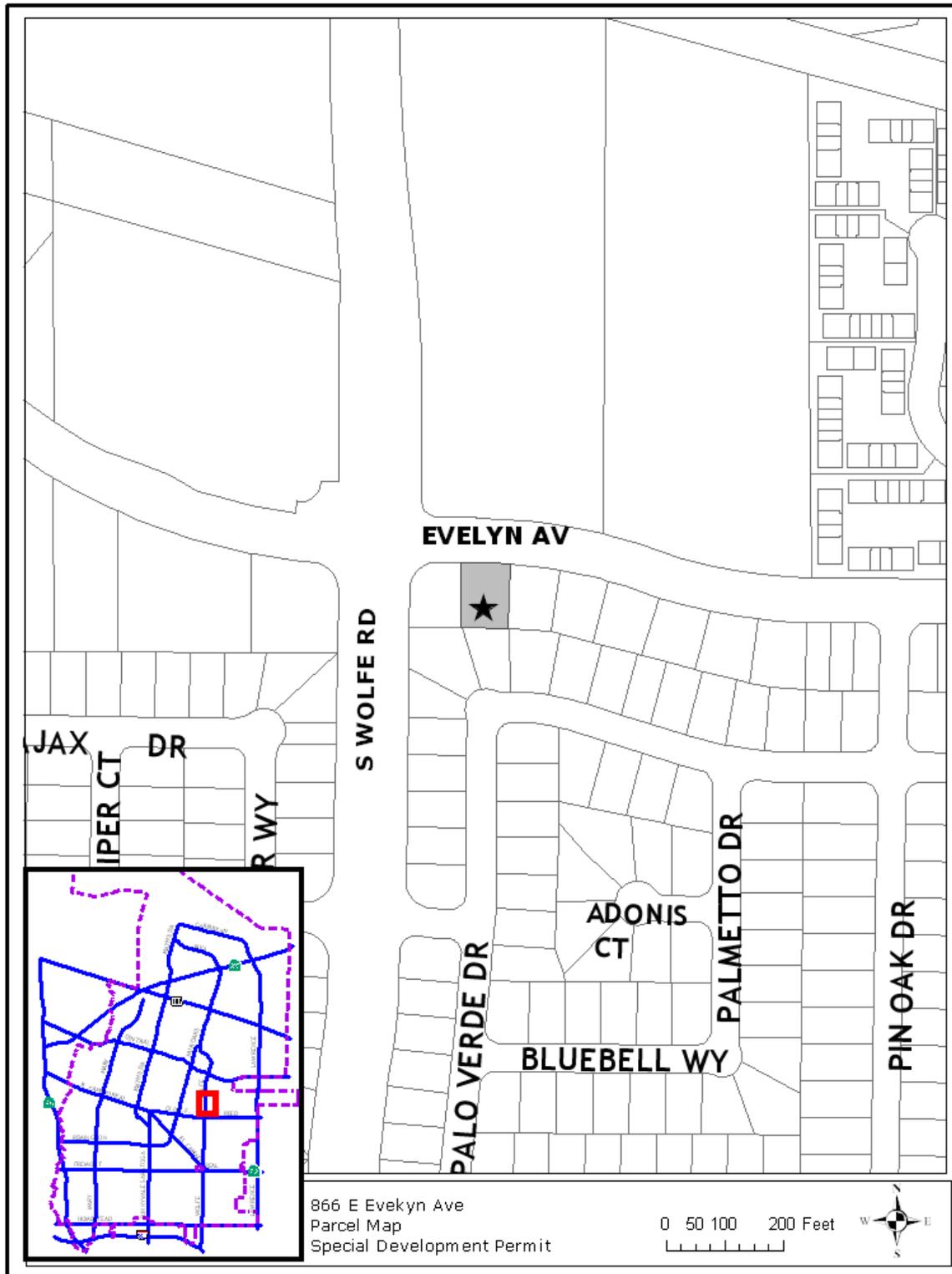
**Surrounding Land Uses**

North	Site Transitioning from Industrial to Residential
South	Single Family Home
East	Duplex
West	Duplex

**Issues**                               Site upgrades

**Environmental Status**           A Class 15 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approval with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b> (866 + 868 Evelyn)	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Medium Density	Same	Residential Low Medium Density
<b>Zoning District</b>	R-2/PD	Same	R-2/PD
<b>Lot Size (s.f.)</b>	8,500	2 condo units + common area	8,000 min.
<b>Lot Coverage (%)</b>	39%	Same	40% max.
<b>Floor Area Ratio (FAR)</b>	39%	Same	45% max. without PC review
<b>No. of Units</b>	2	Same	2 max.
<b>Unit Sizes (s.f.)</b>	1,150 + 1,090	Same	N/A
<b>Building Height (ft.)</b>	18'	Same	30' max.
<b>No. of Stories</b>	1	Same	2 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front</b>	22'6"	Same	20' min.
<b>Left Side</b>	8'6"	Same	12' min. combined (4' on one side)
<b>Right Side</b>	5'6"	Same	12' min. combined (4' on one side)
<b>Rear</b>	17'6"	Same	20' min. (10' with 25% encroachment)
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	2,840	Same	1,700 min.
<b>Landscaping/Unit</b>	1,420	Same	850 min.
<b>Usable Open Space/Unit</b>	2,300	Same	500 min.
<b>Parking</b>			
<b>Total Spaces</b>	8	Same	4 min.
<b>Covered Spaces</b>	4	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

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### **Description of Proposed Project**

The proposed project is for a Parcel Map to subdivide an existing duplex into two air-space condominium units with one common area. No new lots or development are being proposed by this project. The subject lot is zoned R-2/PD and according to SMC Section 19.90.010, a Special Development Permit (SDP) is required for any development or use where the underlying zoning district is combined with a Planned Development (PD) zone. Partial interior and exterior upgrades to the building including separate washer/dryer facilities, equipment, exterior paint and landscaping have already been completed at the site with required building permits. Additional upgrades will require separate building permits.

In November 2008, the applicant had applied for a Parcel Map and SDP to subdivide the subject property into two separate lots. The project was approved by the Administrative Hearing Officer on November 28, 2007 with a requirement for two one-hour rated walls at the proposed common property line, with a parapet or required wrap back at the roofline. Due to cost issues associated with putting in two one-hour rated walls, the applicant has now applied for a condominium map which would only require a one-hour rated wall between the separate units. The one-hour wall is a typical building requirement and should be an existing condition. The condominium map would create two separate units on one common lot.

### **Background**

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

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2007-1159	Parcel Map to subdivide one lot into two lots and SDP to allow conversion of a duplex to two condominiums	Approved	11/28/2007

### **Environmental Review**

A Class 15 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 15 Categorical Exemptions include the division of property in urbanized areas zoned for residential use into four or fewer parcels.

**Special Development Permit**

**Site Layout:** The layout of the lot consists of a two-unit residential building sharing a common wall located at the center of the property. Two driveways lead up to separate two-car garages for the units. The two individually owned units, as proposed, would share the common areas on the lot in the front, sides and rear of the building.

**Architecture:** The architecture of the duplex structure is typical for structures along the street. The building maintains a stucco facade and composition roof material. No improvements to the architecture are proposed at this time, other than painting the facade. Interior modifications were proposed with the previous PM/SDP application (2007-1159) and have been completed with required building permits.

**Landscaping:** Although the site meets the overall amount of landscaping required for a R-2 Zoning District, the existing landscaping on site has been poorly maintained. A preliminary landscape plan has been submitted by the applicant. No significant trees are proposed to be removed from the site. During a recent site visit, staff noticed that in addition to the driveways in front of the two garages, there is an area at the far left corner of the site that is covered with asphalt and used for RV parking. SMC Section 19.46.140 requires that parking area shall not cover more than fifty percent of any required front yard area. Staff has included a condition of approval requiring that the existing asphalt area at the far left corner of the site be removed and a detailed landscaping plan be provide showing the proposed location, size and species of shrubs, grasses and trees prior to applying for building permits. The applicant has indicated willingness to remove the asphalt parking currently used for RV storage. In addition, a condition of approval has been included to require further clean up weeds and overgrowth of vegetation on the site.

**Parking/Circulation:** The site provides a two car garage and two uncovered parking spaces for each of the units. No further improvement is necessary.

**Compliance with Development Standards/Guidelines:** The site complies with all development standards for the R-2 Zoning District. Staff has included Conditions of Approval that ensure that the proposed subdivision will comply with all Municipal Code requirements such as separate utilities and increased landscaping in the required front yard.

**Expected Impact on the Surroundings:** No visual impact is expected other than improvement to the existing landscaping and façade of the structure.

## **Tentative Map**

**Description of Tentative Map:** The application is to allow the subdivision of the duplex unit into two air-space condominium units with shared common areas on one lot. The units have existing access to and from Evelyn Avenue through separate driveways. A 10-foot public utility easement is provided along the frontage of the site.

Conditions of approval have been included to ensure that each unit provides separate utility service for all utilities including water, sewer and dry utilities. The utility plan submitted by the applicant indicates that the dry utilities including, gas, cable, electricity and phone will be shared between the units. A revised utility plan shall be required at the time of applying for building permits. A separate "Maintenance Agreement" will be developed that will result in shared usage and maintenance responsibilities of the common areas on the lot including rooftops.

## **Fiscal Impact**

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

## **Public Contact**

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 6 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**

### **Discussion:**

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

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

## **Alternatives**

1. Approve the Special Development Permit and the Parcel Map with attached conditions.
2. Approve the Special Development Permit and the Parcel Map with modified conditions.
3. Do not approve the Special Development Permit or the Parcel Map.

## **Recommendation**

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Staff recommends Alternative 1.

Prepared by:

**Surachita Bose**

Project Planner

Reviewed by:

**Andrew Miner**

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. SDP Justifications from the applicant
- E. Site Photographs

## **Recommended Findings - Special Development Permit**

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Goals and Policies that relate to this project are:

### ***Land Use and Transportation Element***

Policy C2.2 *Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project [*Finding Met*].

The proposed project increases the number of opportunities for home ownership in the City of Sunnyvale.

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*].

No visual impact is expected other than improvement to the existing landscaping and façade of the structure. The site complies with all development standards for the R-2 Zoning District.

## **Recommended Findings - Tentative Map**

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In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (B.1-8), and recommends approval of the Tentative Map.

**Recommended Conditions of Approval - Special Development Permit /Use Permit**

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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. The Parcel Map shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- C. Lot drainage shall be directed towards the public right-of-way and not across any property lines. Provide a grading plan that shows compliance with this requirement prior to recordation of the final map.
- D. As applicable, comply with the requirements contained in Sunnyvale Municipal Code and California Fire Code.
- E. All utilities including water, sewer and dry utilities shall be separate for the two units. A revised utility plan shall be submitted at the time of applying for building permits.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary Building Permits as required.

**3. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)**

- A. A Maintenance Agreement for upkeep and maintenance of the common area including rooftops shall be developed and provided to the City for review and approval. The Maintenance Agreement shall be recorded with the County and a copy of the recorded agreement shall be submitted to the Planning Division prior to the issuance of the Final Map.

**4. LANDSCAPING**

- A. Existing weeds and overgrowth shall be removed and existing landscaping shall be improved, maintained and kept in neat, clean, and healthful condition.
- B. No trees are allowed to be removed from the site.
- C. The existing asphalt area at the far left corner of the site be removed and replaced with landscaping.
- D. A detailed landscaping plan shall be provided to the Director of Community Development for review and approval prior to applying for building permits. The revised landscaping plan shall show the proposed location, size and species of shrubs, grasses and trees and % of landscaping in the required front yard.

**5. ON-SITE AMENITIES**

- A. Upgrade interior equipment, including individual hookups in each unit to accommodate washing machines and dryers.

**6. PARKING**

- A. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.

**7. RIGHT-OF-WAY IMPROVEMENTS**

- A. Obtain a Development Permit from the Department of Public Works for all public right-of-way improvements.
- B. Coordinate any public right-of-way improvements with the project currently under development across the street.

**8. UNDERGROUND UTILITIES**

- A. All service drops and proposed utilities shall be undergrounded.

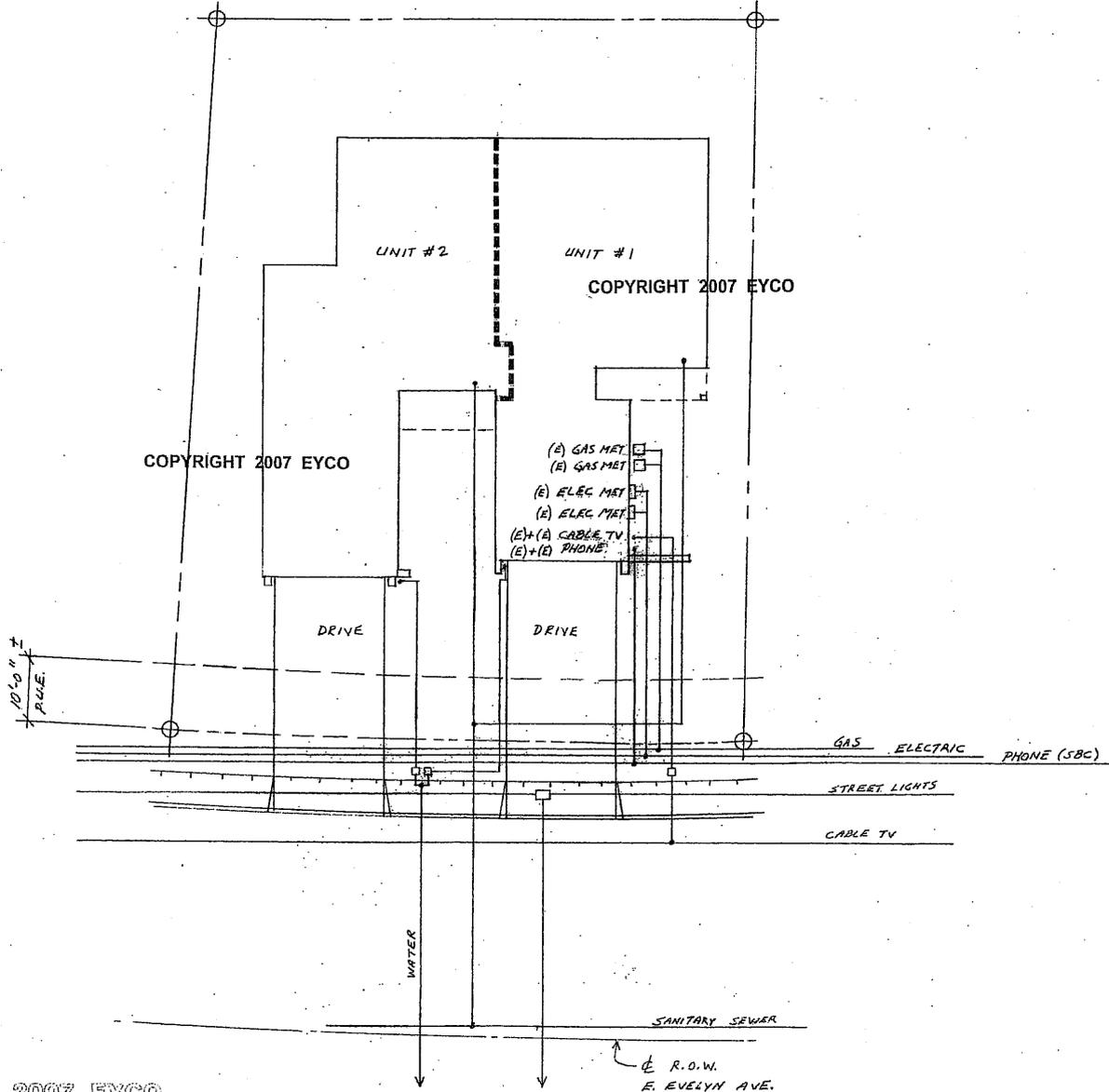
**9. PUBLIC WORKS**

- A. Recordation of a Parcel Map shall be required.
- B. Each unit should function independently in terms of utility service lines, unless otherwise provided in the CC&R's for shared usage and maintenance responsibilities.
- C. Any existing deficient public improvements shall be upgraded to current City standards, such as driveway approaches, upgrade existing water service from the main to the site, upgrade water meter to radio-read water meter, curb, gutter and sidewalk.

- D. Obtain an encroachment permit from the Public Works Department/Engineering for all improvement in the public right-of-way.
- E. The developer is responsible for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation caused by the development.
- F. Expect all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
- G. Contact utility companies for their review/approval requirements and/or procedures.
- H. Remove and replace cracked, damaged, and lifted sidewalk, driveway, curb, and gutter along entire property frontage on Evelyn.
- I. Remove and replace cracked damaged, lifted and failing AC paving on Evelyn on property frontage on Evelyn to centerline.
- J. Replace any damaged striping on property frontage on Evelyn to centerline.
- K. A utility plan shall be submitted by the applicant showing existing and proposed sewer, storm drains, water mains and laterals on East Evelyn Avenue that serve the site.
- L. The developer is responsible for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vault relocations caused by the development.







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**UTILITY PLAN (SCHEM)**  
1" = 10'-0" ±±±

CDHV 5/12V

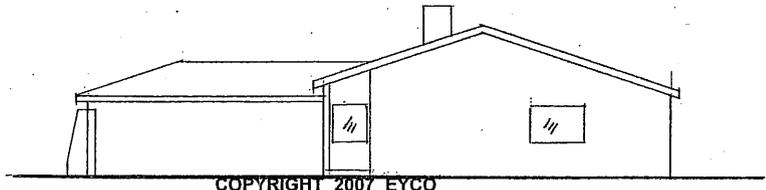
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ATTACHMENT  
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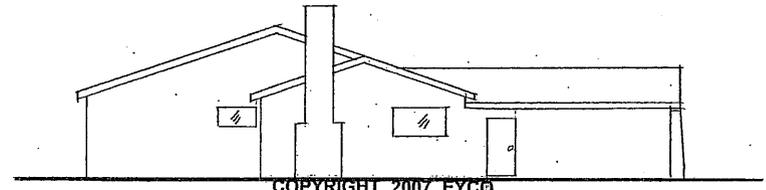






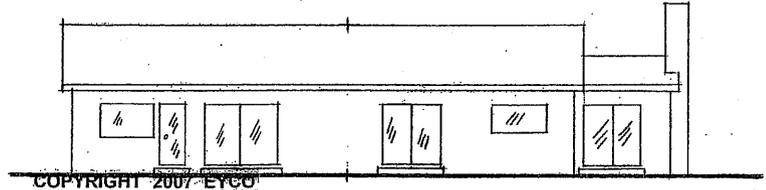
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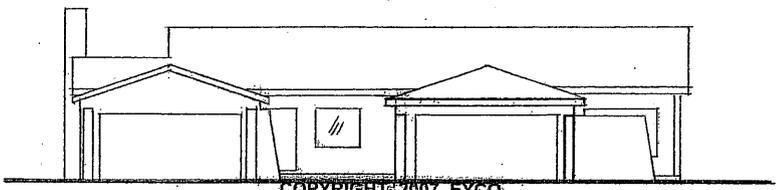
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APPROVED:

APPROVED:



ROOF SLOPE: 4:12 ± (E)

ROOF: COMPOSITION  
SHINGLES (E)

WALLS: STUCCO (E)

SEE NOTES @ SHEET #X  
1) "ELEVATIONS"

→ MATERIALS  
1) VERIFY ALL MATERIALS AND COLORS  
WITH OWNER (TYPICAL)

EXISTING ±  
ELEVATIONS ✓  
1/8" = 1'-0" ±

CDN

SFA2V





# USE PERMIT/SPECIAL DEVELOPMENT PERMIT ATTACHMENT D

## JUSTIFICATIONS

Page 1 of 1

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ...

*Converts A Duplex Property into 2 2 unit  
condominium.*

OR

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 as ...

*We Will Be Performing Major Interior  
Remodeling As well As upgrading The  
Exterior Landscaping. \**

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

*\* Note: some remodeling already permitted and under construction*



**FRONT**

**868 & 866 E. EVELYN AVE.**

ATTACHMENT 1  
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**GARAGE**

**866 E. EVELYN AVE.**

ATTACHMENT E  
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**PORCH**

**868 E. EVELYN AVE.**

ATTACHMENT  
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