



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 16, 2008

SUBJECT: **2008-0638:** Application for a property located at **399 Lastreto Avenue** (at E. Taylor Ave.) in an R-2 (Low Medium Density Residential) Zoning District. (APN: 204-40-013) RZ

Motion Use Permit to allow an approximately 120 square foot accessory utility structure attached to an existing detached garage for a total of approximately 560 square feet.

REPORT IN BRIEF

Existing Site Conditions Two-story single-family home with detached garage

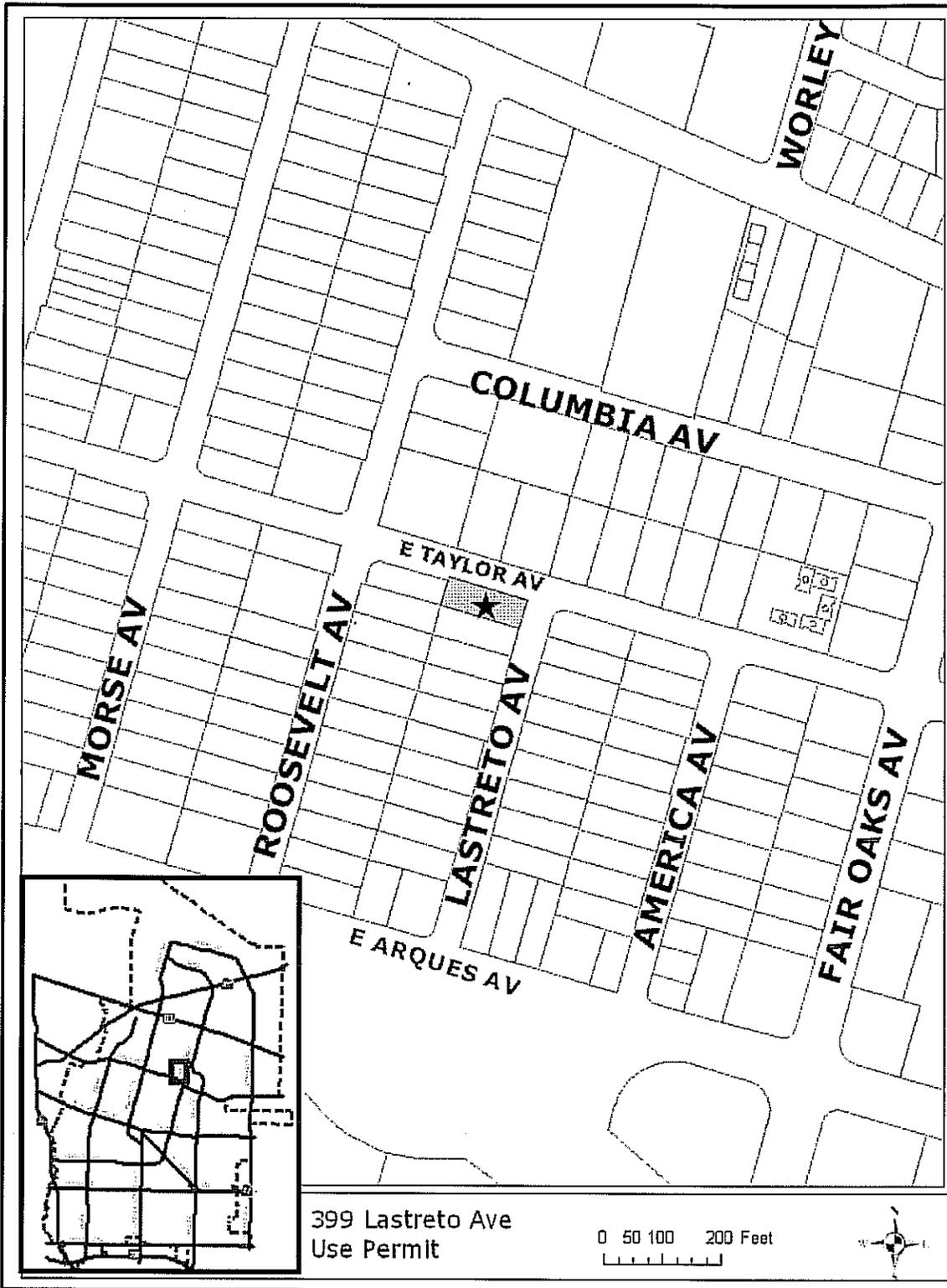
Surrounding Land Uses

- North Multi-family residential
- South Single-family home
- East Multi-family residential (duplex)
- West Multi-family residential (duplex)

Issues Setbacks and visual impact

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

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Medium Density	Same	Residential Low Medium Density
Zoning District	R-2	Same	R-2
Lot Size (s.f.)	7,000	Same	8,000 min.
Gross Floor Area (s.f.)	2,180	2,300	3,150 max. (45%)
Lot Coverage (%)	22.6%	24.3%	40% max.
Floor Area Ratio (FAR)	31.1%	32.8%	45% max. without PC review
No. of Buildings On- Site	2	2	N/A
Building Height of accessory utility building (ft.)	10	10	15 max.
No. of Stories	2	2	max.
Setbacks of Detached Garage in Rear Yard (Facing Property)			
Left Side	10'	4'	4' min.
Right Side	15'	15'	9' min.
Rear	41'	41'	10' for accessory utility building unless granted discretionary approval
Parking			
Total Spaces	4	4	4 min.
Covered Spaces	2	2	2 min.

ANALYSIS**Description of Proposed Project**

This application is a result of an anonymous complaint made to the Neighborhood Preservation Division in June 2008. Staff was notified that an accessory structure was being constructed in the rear yard without permits.

The proposed structure is a patio cover that is attached to the south wall of the existing detached garage. The detached garage and the attached covered patio are considered one accessory utility building. Sunnyvale Municipal Code (SMC) requires that an accessory utility building greater than 450 square feet be approved through the Use Permit process. Because the addition of the attached patio cover increases the overall size of the accessory utility building to over 450 square feet, a Use Permit is required.

As built, the structure is approximately two feet from the south (left side facing property) property line and does not meet the required minimum side yard setback of four feet. However, the applicant proposes to modify the structure to meet the minimum required side yard setback of four feet. The existing detached garage is 440 square feet and the proposed structure would cover an area of 120 square feet. The resulting area of the patio cover and detached garage would be 560 square feet.

Background

Previous Actions on the Site: The home was built in 1946. There are no previous planning applications related to this site.

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 or additions to existing homes.

Use Permit

Site Layout/Design: The project site is a corner property that is bound by Lastreto Avenue on the west side and by E. Taylor Avenue. The two-story house faces Lastreto Avenue while the detached two-car garage is situated behind the home and faces E. Taylor Avenue (see Attachment C). The proposed patio cover would be attached to the south wall (back side) of the garage and would face the adjacent property to the south.

The proposed structure would consist of a wooden frame and composite roof shingles. It would not project above the existing garage, which is 10 feet in height, and would slope down to nine feet. As built, the setback of the structure from the south (side) property line ranges from one foot three inches to two feet. If the project is approved, the applicant has agreed to modify the structure to meet the minimum required side yard setback of four feet for the R-2 Zoning District.

SMC §19.40.020 prohibits any accessory utility building, regardless of size or location, from draining onto adjacent property. To address this requirement, the applicant proposes to install a rain gutter and downspout that would route water to existing landscaping.

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

Single Family Home Design Techniques	Comments
<p>3.10 <i>Relate the design of accessory structures to those of the main structure.</i></p> <p>3.10.A <i>Detached garages and other accessory structures should incorporate roof pitches and overhangs that match the main house.</i></p>	<p>The existing garage, to which the patio cover would be attached, consists of a flat roof. The patio cover would slope down from 10 feet to 9 feet. Although the roof of the patio cover would not match the existing roof of the detached garage exactly, the slope is minimal and helps reduce visual impact to the adjacent property. The patio cover would be screened from the public street by the existing structures and landscaping on the property, so visual impact is minimal.</p>

Landscaping: The site meets landscaping and useable open space standards for the R-2 Zoning District.

Parking/Circulation: The site meets parking standards for single-family homes with two covered garage spaces and two uncovered driveway spaces. The project scope does not include conversion of the garage into living area.

Compliance with Development Standards/Guidelines: The proposed project would comply with the required development standards and guidelines if modified according to recommendations made by staff.

Expected Impact on the Surroundings: The proposed patio cover would be located at the south wall of the detached garage and behind the two-story home, so visual impact to the public streets would be minimal. The proposed structure does not project above the roof of the garage and is further screened from public view by tall trees and other vegetation in the front yard of the subject property. The structure would have the most visual impact to the neighbor to the south. However, if the project is approved, it would be required to meet the minimum side yard setback of four feet and the structure has been designed so that the portion that is closest to the neighbor is lower in height than the existing garage.

Fiscal Impact

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

Public Contact

Staff received a letter in support of the project (see Attachment D) from Allen K. Chiu, whose home is located adjacent to the subject property on the south side (389 Lastreto Avenue). Staff was also contacted by Dee Sanchez, neighbor, who wanted clarification of the project scope. Mrs. Sanchez was concerned that the project would be to build an addition to the garage and that the garage would be converted into living area. Staff clarified that the project was to build a patio cover attached to the garage only.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 45 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

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use 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 Use Permit with the attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

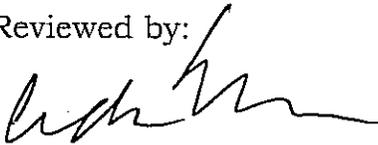
Alternative 1.

Prepared by:



Rosemarie Zulueta
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letters from Other Interested Parties

Recommended Findings - Use Permit

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 with conditions.)*

Staff finds that the proposed covered patio is compatible with the existing home and is residential in character. As built, the structure currently does not meet the required minimum side yard setback of 4 feet for the R-2 Zoning District. Staff has included a condition of approval to require the structure to meet the required setback if approved.

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 with conditions.)*

The adjacent property to the south of the project site would be most impacted by the structure. The project would be required to meet the required minimum side setback of 4 feet for the R-2 Zoning District if approved. The wooden patio cover is compatible with the materials of the existing home and is residential in character. The proposed structure would not be readily visible from the public street as it would be located behind the main home and behind the detached garage at the southwest side of the property. The structure would be further screened from Lastreto Avenue by existing landscaping.

Recommended Conditions of Approval - Use Permit

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.

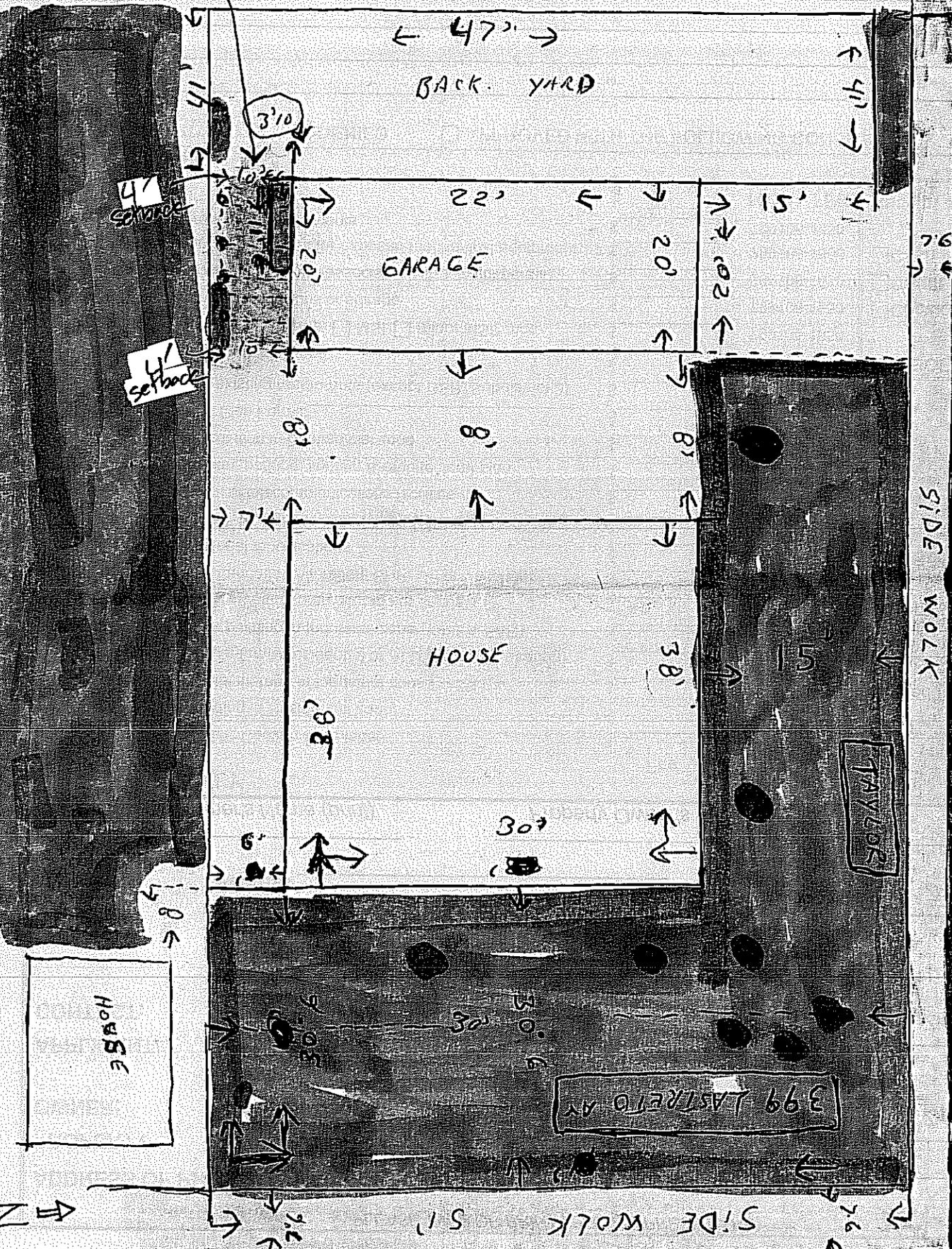
1. GENERAL CONDITIONS

- A. This approval is for a covered patio attached to the existing detached garage. 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 Conditions of Approval shall be reproduced on a page of the plans submitted for a building permit for this project.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Use Permit 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.
- E. The accessory utility structure (covered patio) shall meet all required setbacks of the R-2 Zoning District, and shall be 4 feet from the south (left side facing property) property line.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain building permits as required by the Building Safety Division.

* OVERHEAD TO BE REDUCED TO MEET 4' SIDE SETBACK



ROAD

SIDE WALK

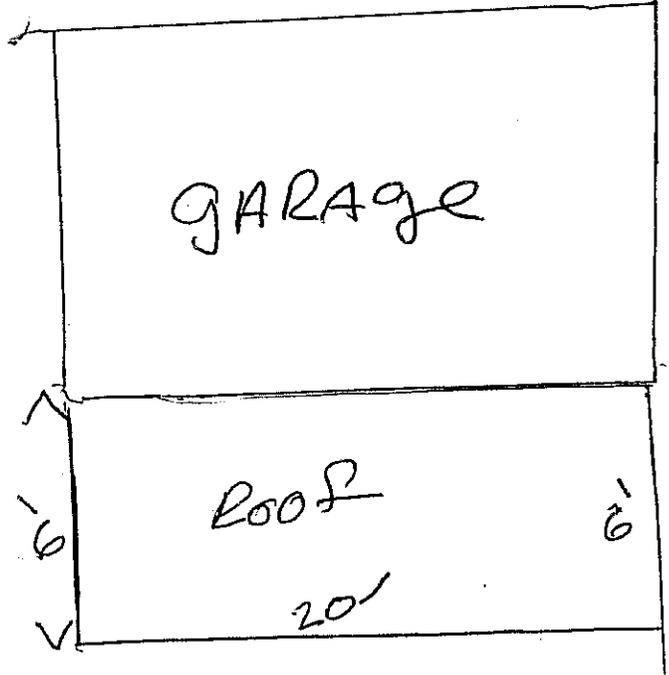
399 LASTRITO AV

SIDE WALK S1

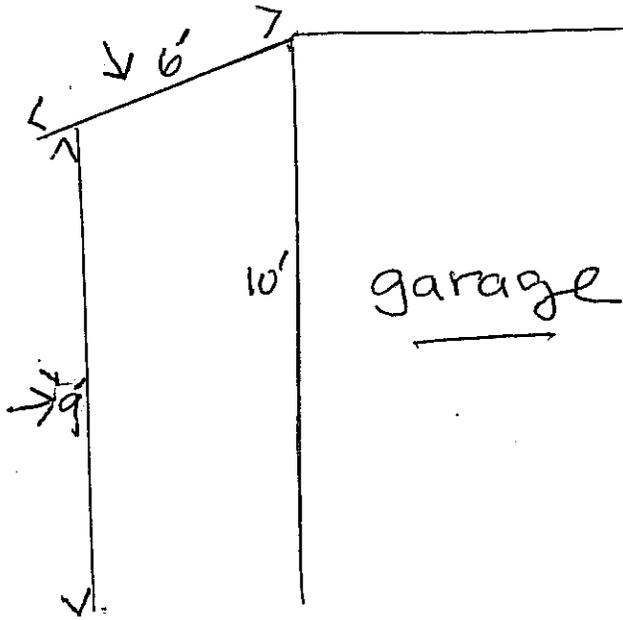
ROAD

N

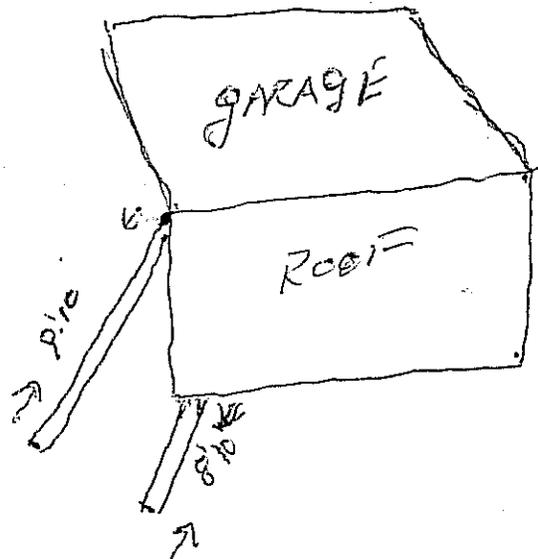
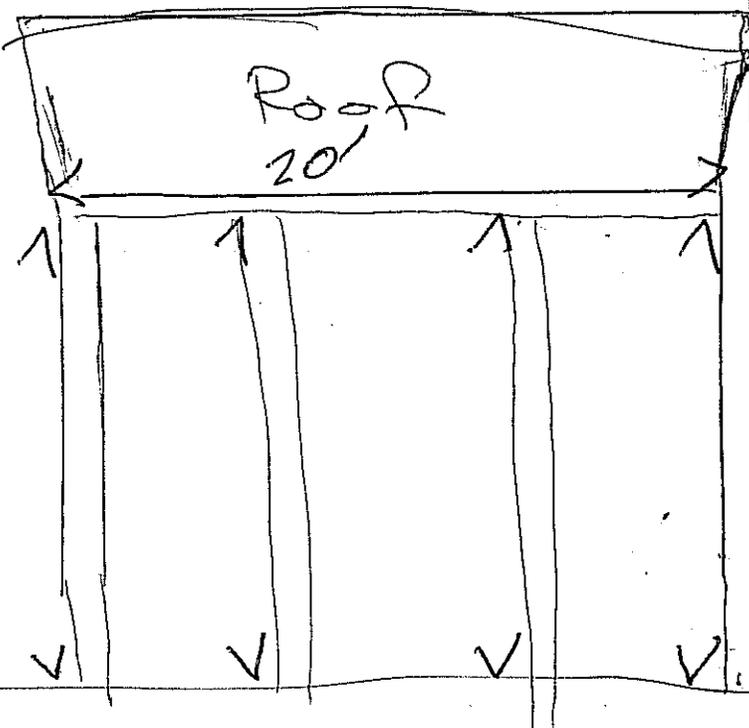
TOP VIEW



1. SIDE VIEW



Center VIEW



ATTACHMENT C

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07/02/2008





Allen K. Chiu
389 Lastreto Ave
Sunnyvale, CA 94085
650-208-5050 (Cellular)

ATTACHMENT D
RECEIVED
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JUN 18
PLANNING DIVISION

June 17, 2008

Chris Koelbel
Neighborhood Preservation Specialist
City of Sunnyvale
Community Development Department
408-730-7521
CKoelbel@ci.sunnyvale.ca.us

ATTACHMENT D
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RE: Compliant of Shed Construction

Dear Chris,

My neighbor, Mr. Sanchez, 399 Lastreto Ave, Sunnyvale, CA 94085 has received a courtesy notice from City of Sunnyvale regarding a complaint of construction of a shed in the back yard. I just want to bring to your attention that I didn't make any complaint on his shed even though we share the same fence. In fact, his shed does not affect us in any negative way.

Please contact me if you have any questions. Thank you for your time.

Sincerely,



Allen K. Chiu