



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**August 27, 2008**

---

**SUBJECT:**           **2008-0802:** Application located at **1291 Brookings Lane** (near Belleville Wy.) in an R-1 (Low Density Residential) Zoning District. (APN: 320-29-050)

Motion               **Variance** from Sunnyvale Municipal Code Section 19.46.060 to allow interior modifications to the floor plan of an existing home which would result in less than the required two covered parking spaces.

**REPORT IN BRIEF**

**Existing Site Conditions**           Single Family Home

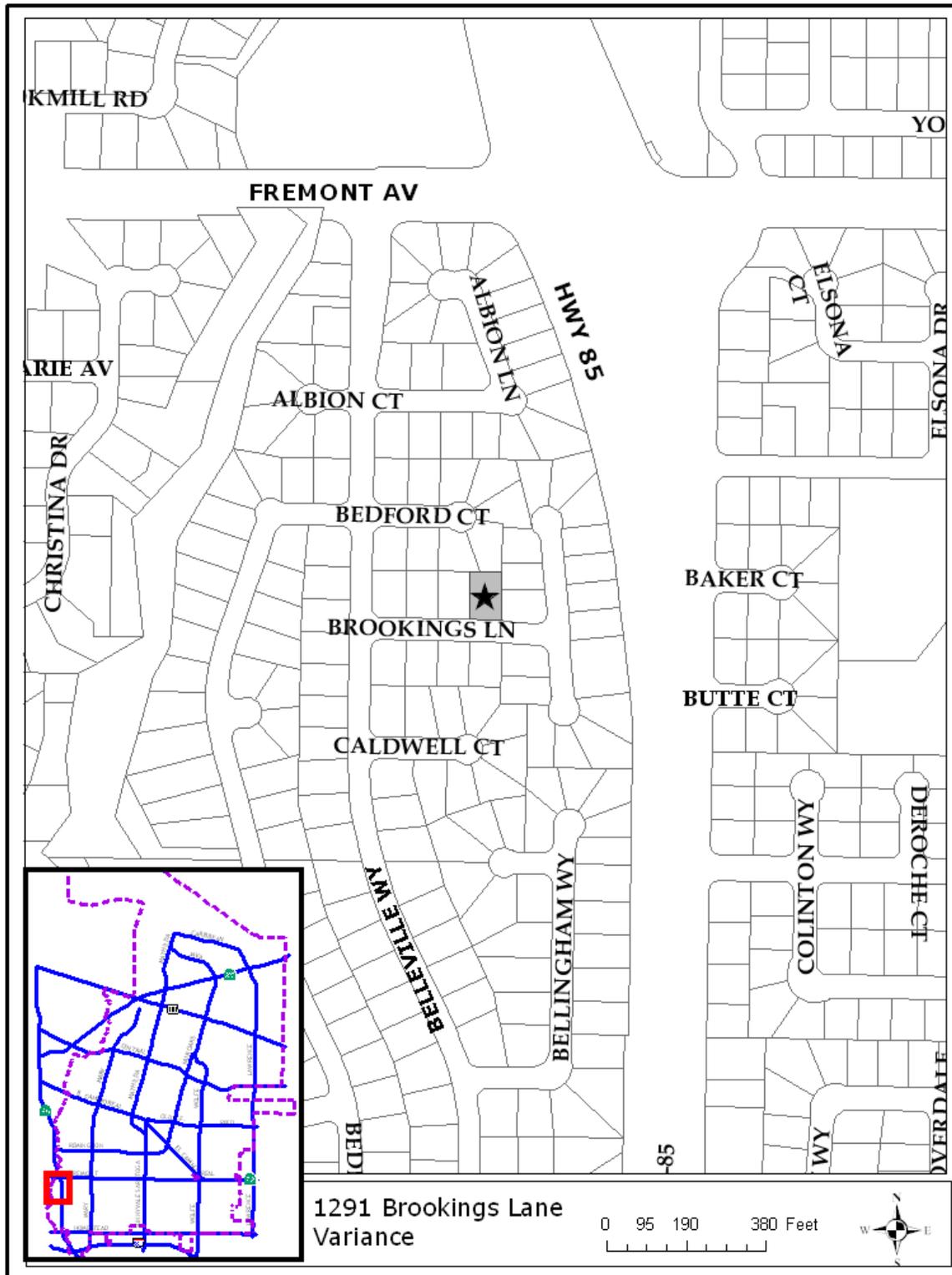
**Surrounding Land Uses**

North	Single Family Home
South	Single Family Home
East	Single Family Home
West	Single Family Home

**Issues**                               Garage Dimensions

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

**Staff Recommendation**           Denial



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Density	Same	Residential Low Density
<b>Zoning District</b>	R-1	Same	R-1
<b>Lot Size (s.f.)</b>	8,003	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	Approx. 2,915	Same	No max. (4,050 without P.C. review)
<b>Lot Coverage (%)</b>	21%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	36%	Same	No max
<b>No. of Units</b>	1	Same	1
<b>No. of Stories</b>	2	2	2 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front</b>	20' 8"	Same	20' min. / 25' min.
<b>Left Side</b>	10	Same	6' min. (15' total)
★ <b>Right Side</b>	5	Same	6' min. (15' total)
<b>Rear</b>	35'	Same	20' min. (10' permitted with 25% encroachment)
<b>Parking</b>			
★ <b>Total Spaces</b>	4	3	4 min.
★ <b>Covered Spaces</b>	2	1	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

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

The proposal is for a Variance from Sunnyvale Municipal Code 19.46.060(a)(5) to enable interior modifications to a single family home that would result in less than the required two covered parking spaces. The applicant/owner's

Revised 9/27/07

intent is to enable an accessible bathroom adjacent to an existing bedroom. The bathroom would be constructed within a portion of the existing garage. Additional interior changes are planned for the master bedroom and bathroom on the second floor. The exterior changes would be limited to a new door located on the first story adjacent to the proposed bathroom.

### **Background**

**Previous Actions on the Site:** 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. Class 1 Categorical Exemptions include interior modifications to existing facilities.

### **Variance**

**Site Layout:** The project site is a mid-block lot on Brookings Lane near the intersection of Belleville Way. The home is positioned such that the garage is side loading; which is not uncommon for this neighborhood. There are no proposed modifications to the existing layout of the home other than interior changes previously described in the "Description of the Project." The home was built with a five foot setback along the right side which does not meet the required minimum setback regulations of six feet. The proposal would not increase the non-conformity of this existing condition.

**Parking/Circulation:** The site currently meets the requirement for two covered and two uncovered parking spaces as specified by Sunnyvale Municipal Code. The proposed interior modifications would reduce the covered parking to one space as the required 17' x 18' dimension would no longer be met. The 468 square foot garage would be reduced to 375 square feet (400 square feet required). The layout of the driveway enables additional parking area; however, this area can only be considered by Code as parking for two vehicles, as tandem parking is only allowed for the two spaces positioned directly behind the garage. The garage is built only 8 inches from the minimum 20 foot front setback and beyond the minimum side yard setback, therefore additional garage area could not be added in two directions. A possible consideration would be to convert the existing laundry room and closet to the bathroom area and place the laundry facilities in the garage (beyond the required dimensional area).

**Compliance with Development Standards/Guidelines:** The site would comply with all development standards for properties in the R-1 Zoning District

with the exception of an existing 5 foot setback along the right side (min. 6 feet required) and the required covered parking for two vehicles.

**Expected Impact on the Surroundings:** The proposed project would result in the loss of one garage space. A possible visual impact would be that an additional car would be parked in front of the home rather than shielded from public view as originally intended by the two car garage. No exterior changes are proposed. If approved, it is possible that a precedent could be set for enabling insufficient covered parking for similar requests.

### **Fiscal Impact**

---

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

### **Public Contact**

---

Staff has not received any written comments from the public regarding this proposal.

<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>• 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:** Approval of the Variance would allow for the reduction in covered parking for the site. Staff finds that a redesign of the internal floor plan is feasible to accommodate the need for an accessible bathroom without the need for reduced parking area. The applicant has provided justifications for the Variance in Attachment D. The applicant notes the need for an additional ADA compliant bathroom with direct access to the existing first floor bedroom and the desire to keep an existing bathroom available for guests.

The bathroom could be located partially within the existing laundry room area adjacent to the bedroom. Relocation of the laundry facilities to the garage could be accommodated while proving the need dimensional area for parking. Also as noted in the "Parking" section of the report, additional garage area

could be added to make up for the loss of area needed for the currently proposed location of the bathroom. This option would result in a visual impact to the front of the home with the added garage area. Another internal modification option exists including reconfiguring the new bathroom into a portion of the living room while some additional bedroom area could be compensated within a smaller portion of the garage (less than what is currently proposed). These alternatives would likely incur additional construction and design costs to the owner.

**Findings and General Plan Goals:** Staff is recommending denial for this project because the 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 the Variance.
2. Approve the Variance with the attached conditions.
3. Approve the Variance with modified conditions.

**Recommendation**

---

Alternative 1.

Prepared by:  
**Ryan M. Kuchenig**  
Project Planner

Reviewed by:  
**Gerri Caruso**  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Variance Justifications from the Applicant

**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*) Staff finds that project site is not unique to the surrounding area. The lot meets all Zoning Standards for the R-1 Zoning district and although the floor plan layout is different than adjacent homes, it is similar to others found in the neighborhood. Staff finds that options exist that would allow requirements to be met.
  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 Met*). Approval of the Variance would not have any visual impact to the immediate area or negatively affect the surrounding 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*) The proposed modification would enable less covered parking than what is required with adjacent property owners. Additionally, granting of the Variance could set a precedent for approving similar requests when alternatives exist that meets Code standards.
- 
-

**Recommended Conditions of Approval – Variance**

---

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 for compliance or minor of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. The Variance Permit for the use shall expire if the use is discontinued for a period of one year or more
- B. The Variance 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 and approved prior to the expiration date.
- C. The project shall be in conformance with the plans approved at the Administrative Hearing. Minor changes may be approved by the Director of Community Development; major changes require approval at a Administrative Hearing.
- D. Obtain building permits.