



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

November 12, 2008

SUBJECT: **2008-1088:** Application for a property located at **788 East Ahwanee Avenue** (near San Junipero Dr.) in an R-2 (Low-Medium Density Residential) Zoning District.

Motion Use Permit to allow a new 165 square foot trellis and 6' fence in the front yard between the house and street.

REPORT IN BRIEF

Existing Site Conditions Residential duplex

Surrounding Land Uses

North E Ahwanee Ave & US-101

South Residential duplex

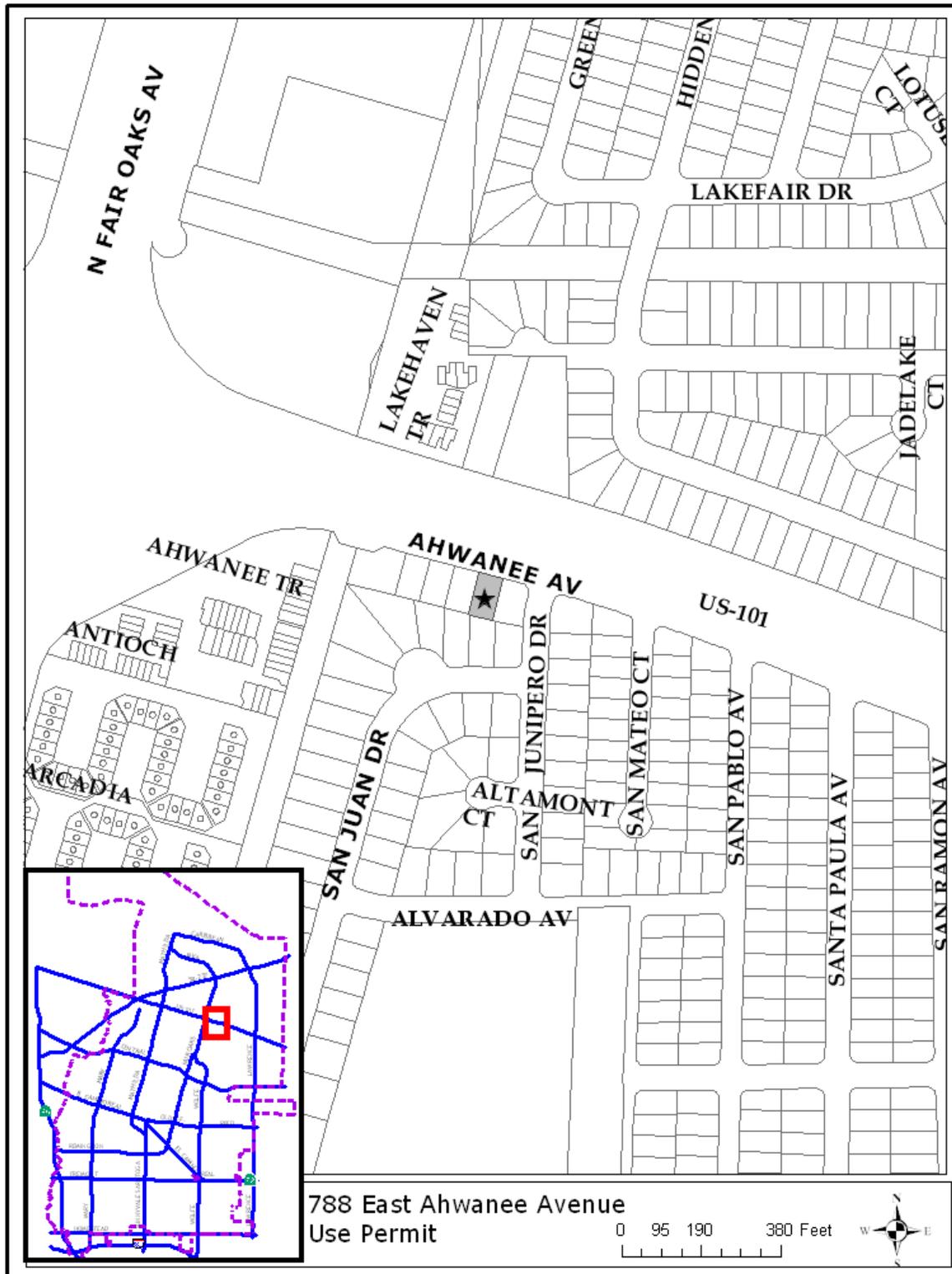
East Residential duplex

West Vacant/Pedestrian foot bridge

Issues Visual compatibility

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	Low-Medium Density Residential	Same	N/A
Zoning District	R-2	Same	N/A
Lot Size (s.f.)	6,300	Same	8,000 min.
Gross Floor Area (s.f.)	1,536	Same	N/A
Lot Coverage (%)	24.4%	Same	45% max.
Floor Area Ratio (FAR)	24.4%	Same	55% max. without PC review
No. of Units	2	Same	2 max.
Trellis Height (ft.)	--	10'3"	15' max.
No. of Stories	1	1	2 max.
Setbacks (Facing Property)			
Front	20' (to house and front yard fence)	20' (to house and front yard fence) 22'6" to trellis	20' min.
Left Side	6'5" to house 20' to garage*	Same	4' min., 12' total
Right Side	6' to house 20' to garage*	6' to house 4' to trellis post	4' min., 12' total
Rear	13'6" (allowed rear yard encroachment for existing addition to residence.)	Same	20' min.
Between trellis and house	--	5'	5'



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

* Measured at side corresponding to the location of the proposed trellis.

ANALYSIS**Description of Proposed Project**

The applicant is requesting a use permit to allow a 165 square foot trellis in the front yard of the property (Attachments C and D, photos and site plans). This section of the front yard is screened by the residential structure to the east and

south, a 5' side yard fence to the west, and a 6' high front yard fence to the north. Both the front yard fence and the proposed trellis structure do not intrude into the front yard setback area. The proposed trellis is proposed to be 10'3" in height, 10'6" wide and 15' long, and located 5' from the house (the minimum distance required for an open-sided accessory structure greater than 120 square feet), 4' from the side fence, and 2'6" from the front fence. The roof of the trellis is less than 50% covered, so does not count towards the total lot coverage. Also under consideration for approval is the existing 6' front yard fence, which appears to have no Planning-related permit, but has been in existence for many years.

A use permit is required for any accessory structure located in the front yard. All accessory structures larger than 120 square feet must meet all zoning district standards such as setbacks and lot coverage, which the proposed structure does. Normally, front yard fences up to 6' in height only require a Miscellaneous Plan Permit, but in this case the fence can be considered under this Use Permit process.

Background

The applicant originally began construction on a very large front yard accessory structure without the required permits. A complaint was made to Neighborhood Preservation on August 26, 2008. After being contacted by a Neighborhood Preservation Specialist, the applicant came in to apply for a permit on October 8, 2008. The trellis structure they are now proposing is much smaller, shorter, and not intended to have a full roof, which are all changes from the original unpermitted structure. The Use Permit process will also be used to consider the existing 6' front yard fence.

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

File Number	Brief Description	Hearing/Decision	Date
2005-0751	Design Review for a 408 square foot addition to each half of the duplex in the rear yard	Approved	08/05/05

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 additions to existing facilities.

Use Permit

Site Layout: The subject site contains a duplex. The proposed trellis is located in the front yard of the western half of the duplex. To the west is a vacant lot; to the east is the other half of the duplex. The front yard fence that would screen the proposed trellis structure is 6' in height.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
City-wide Design Guidelines Accessory Utility Buildings D1: <i>Accessory buildings must comply with the requirements of Section 19.40 of the Sunnyvale Municipal Code.</i>	Proposed trellis structure complies with SMC. Staff has discussed the height of the structure with the applicant and all parties agree that the trellis should actually be no taller than 8' to be better screened by the existing fence.

Architecture: Staff has determined that the architecture and design of the fence and accessory building are compatible with the surrounding neighborhood and enhance the visual appeal of the subject property.

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

Design Policy or Guideline (Architecture)	Comments
Sunnyvale Single Family Home Design Techniques 3.10 Accessory Structures B: <i>Accessory structures should use the same wall, roof and trim materials as the main structure.</i>	The proposed structure will match the style or colors of the existing residence. Staff has discussed the design with the applicant and all parties agree that it will match the residence.

Landscaping: The proposed project will have no effect on the landscaping of the site.

Compliance with Development Standards/Guidelines: The proposed project complies with current development standards. No further improvements are required at this time.

Expected Impact on the Surroundings: No significant negative impact on surrounding properties is expected as a result of this project. There will be a minor visual impact on the character of the neighborhood because the structure will be partially visible above the fence, but it will match the existing

residence so the effect will not be significant. The 6' front yard fence will not have a significant impact since it has already been in existence for years.

Fiscal Impact

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

Public Contact

No members of the public have contacted staff in regards to this project.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 6 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 Web site • 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 • Posted on the City of Sunnyvale's Web site

Conclusion

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

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

Alternatives

1. Approve the Use Permit subject to the conditions listed in Attachment 2.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Erin Haley

Project Planner

Reviewed by:

Andrew Miner

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Photos of the site
- D. Site and Architectural Plans

Recommended Findings - Use Permit

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

Land Use and Transportation Element

Policy N1.1: - *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

Action Statement N1.1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will not negatively impact the adjacent properties. A trellis no greater than 8' in height would be well-screened because that side of the property is adjacent to a vacant lot. The 6' front yard fence matches many others already in existence in the neighborhood.

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 the proposed trellis structure and fence are positive architectural features that enhance the existing environment of the property and will not detract from the public welfare or interests of the surrounding property owners.

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. Execute a Use Permit document prior to issuance of the building permit.
- 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. 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 by staff level by the Director of Community Development.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- E. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. 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 and is approved by the Director of Community Development.
- G. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.

2. OBTAIN OTHER REQUIRED PERMITS

- A. Obtain all required building permits.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Reduce overall height of the trellis to a maximum of 8'.

- B. Colors and materials to match the existing main residential structure.
- C. Roof shall be less than 50% solid covering.





105'5" PROPERTY LINE

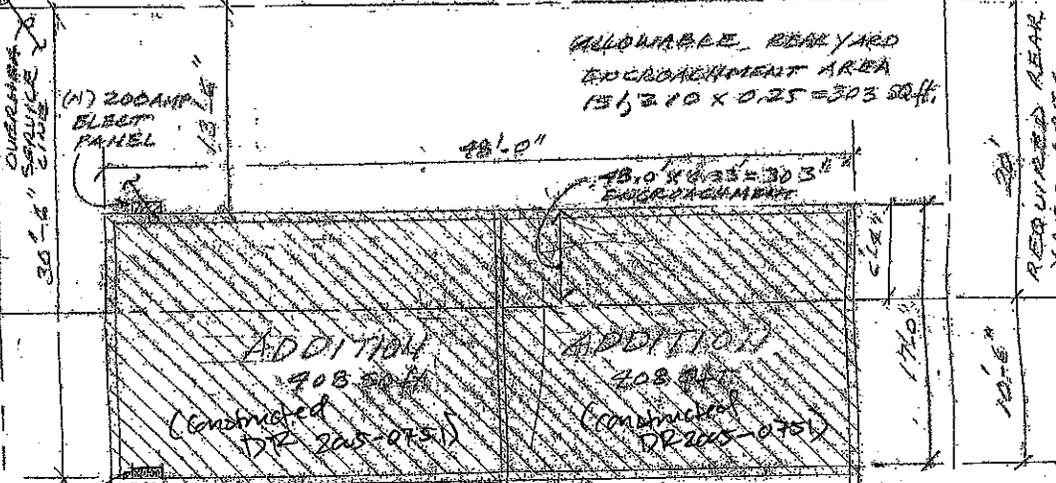
ALLOWABLE REAR YARD
ENCROACHMENT AREA
 $156'2.10 \times 0.25 = 393 \text{ sq. ft.}$

REQUIRED REAR
YARD AREA
1,220 sq. ft.

(N) 200 AMP
ELECTRICAL
PANEL

28'-0"

18'-0" $33' = 303 \text{ sq. ft.}$
ENCROACHMENT



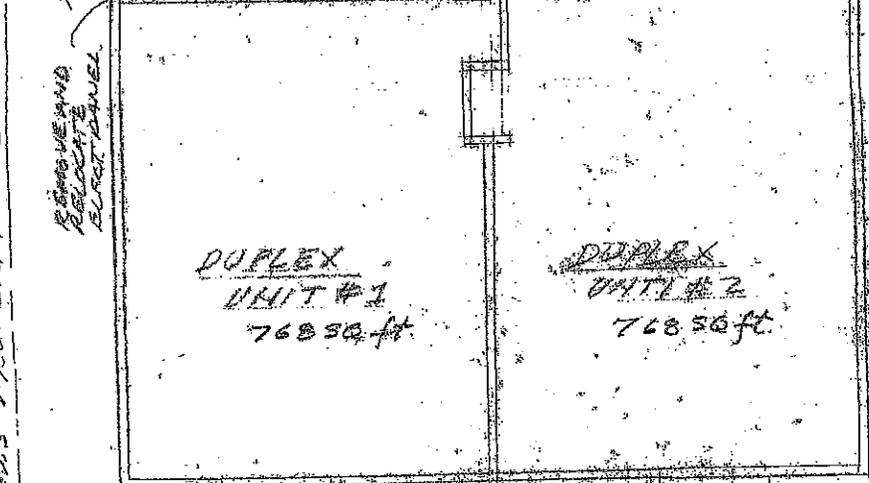
ADDITION
208 sq. ft.
(constructed
177-205-075)

ADDITION
208 sq. ft.
(constructed
177-205-075)

REMOVING AND
RELOCATING
ELECTRICAL PANEL

DUPLEX
UNIT #1
768 sq. ft.

DUPLEX
UNIT #2
768 sq. ft.

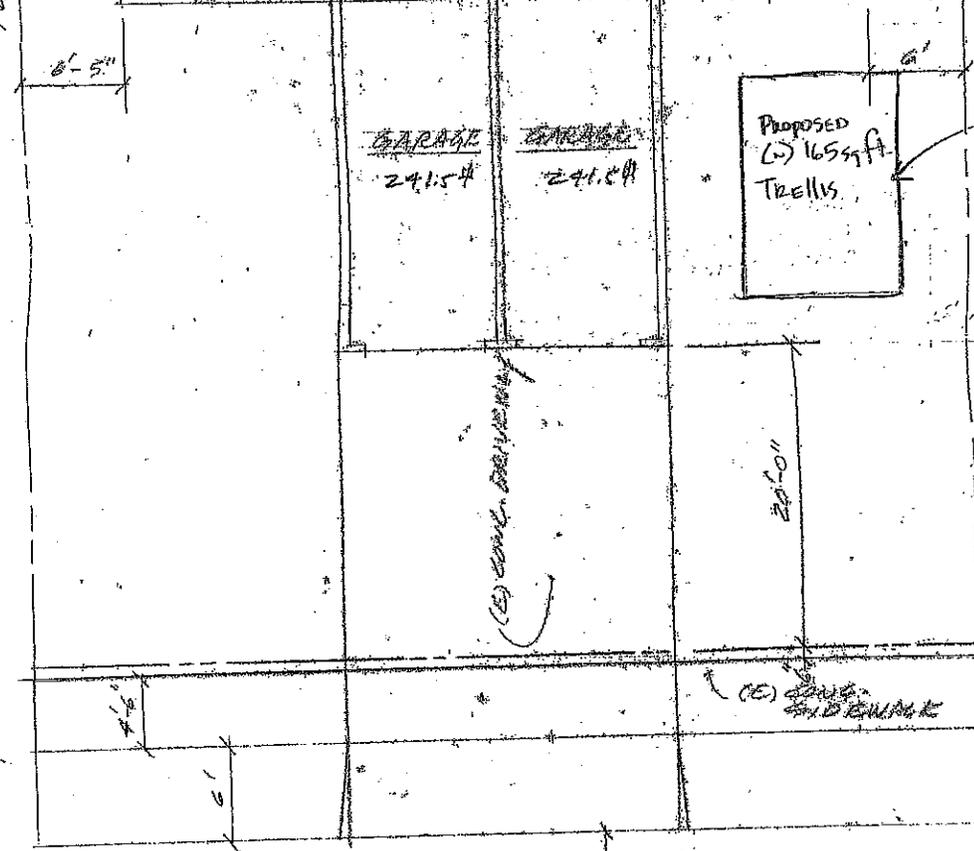


GARAGE
241.5 ft

GARAGE
241.5 ft

Proposed
(L) 165 sq. ft.
TRELLIS

SEE Attached
plan for make
Detailed Setback
Measurements



Scale 1/8" = 1'

SITE PLAN