



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

December 10, 2008

SUBJECT: **2008-1145:** Application for related proposals located at **450 E. Washington Avenue** (near S. Bayview Avenue) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 209-04-021) NC;

Motion **Use Permit** to allow an approximately 537 square foot accessory utility building (garage and storage) in the rear yard;

Motion **Variance** to allow a side yard setback of 1' 10" where a 4' minimum is required, rear yard setback of 1' 10" where 10' minimum is required, and rear yard encroachment of 38% where 25% maximum is required.

REPORT IN BRIEF

Existing Site Conditions Single-family Home

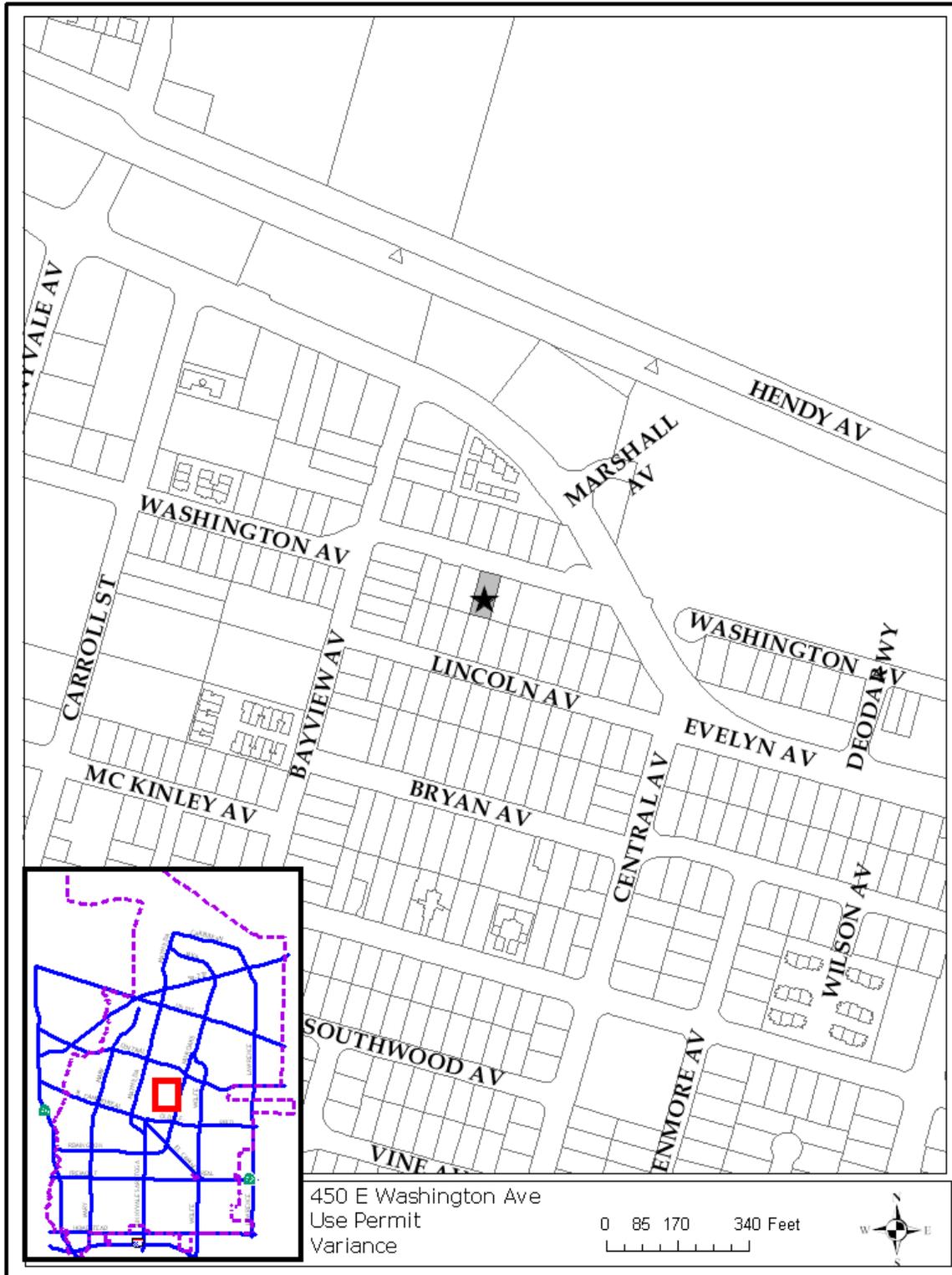
Surrounding Land Uses

| | |
|-------|--------------------|
| North | Vacant Lot |
| South | Single-family Home |
| East | Single-family Home |
| West | Single-family Home |

Issues Setbacks, rear yard encroachment and vehicular circulation

Environmental Status A Class 3 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.) | 5,400 | Same | 8,000 min. |
| Gross Floor Area (s.f.) | 1,220 | 1,544 | 2,430 max. |
| Lot Coverage (%) | 22.6% | 28.6% | 45% max. |
| No. of Buildings On-Site | 2 | Same | --- |
| Distance Between Buildings | 35' | 22' | 10' min. |
| Building Height (ft.) | House: 16'-5" Accessory Utility Building: 14' | House: Same Accessory Utility Building: 14' | House: 30' max Accessory Utility Building: 15' max. |
| Setbacks (Accessory Utility Building) | | | |
| Front | 95' | 80' | 20' min. |
| ★ Left Side | 25' | 1'-10" | 4' min. |
| Right Side | 5' | 27'-4" | 7' min. |
| ★ Rear | 2' | 1'-10" | 10' min. |
| ★ Rear Yard Encroachment | 20% | 38% | 25% max. |
| Parking/Circulation | | | |
| Total Spaces | 2 | 3* | 2 min. |
| Covered Spaces | 1 | 2* | 1 min. |
| Driveway Width | 8'-9" | Same** | 10' min. |

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

*If a future addition results in four or more bedrooms or 1,800 square feet or greater in gross floor area, a total of 3 parking spaces will be required (two covered and one uncovered). The proposed project will meet the future parking requirement, which is contained in Sunnyvale Municipal Code Section 19.46.060.

**The existing driveway width does not meet the current requirement. However, the existing lot was developed with this substandard driveway and is considered legal, nonconforming; therefore, it is not considered a deviation.

ANALYSIS

Description of Proposed Project

The applicant proposes to construct a new 524 square foot accessory utility building in the left corner of the rear yard, which will be used as two covered parking spaces and additional storage space (non-habitable). One uncovered parking space will be provided on the existing driveway, for a total of three on-site parking spaces. The proposed structure would replace an existing 200 square foot detached one-car garage that is currently located in the right corner of the rear yard. Due to the proposed gross floor area of the existing home and new accessory utility building, only one covered and one uncovered parking space is required; therefore, the proposed project will exceed the minimum current parking requirements. However, a Variance is required from the following development standards:

- Side yard setback of 1'-10", where 4' minimum is required;
- Rear yard setback of 1'-10", where 10' minimum is required; and
- Rear yard encroachment of 38%, where 25% maximum is allowed.

In addition, a Use Permit is required as the accessory utility building exceeds 450 square feet in size. No modifications to the existing home are proposed at this time.

Background

Previous Actions on the Site: The existing home was constructed in 1910 but is not considered a Heritage Resource. There are no previous planning applications related to this site, with the exception of a tree removal permit that was granted in 2005 to remove two trees in the front yard.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include construction of small structures, such as accessory utility buildings.

Use Permit/Variance:

Detailed Description of Use: The applicant submitted a letter describing the proposed use of the structure for two covered parking spaces and storage area (Attachment D, Letter from the Applicant).

Per Sunnyvale Municipal Code Section 19.40.020, no heating or air-conditioning apparatus is permitted in the structure. Additionally, a deed restriction will be required to ensure that the structure is not used for habitable purposes (Attachment B, Recommended Conditions of Approval).

Site Layout: The existing home is single-story and faces the street frontage. An existing detached one-car garage is located in the right corner of the rear yard and currently gains access by a driveway that is located along the left property line. The garage is accessed by a side-loaded garage door. The existing detached garage was built with a legal nonconforming rear yard setback of 2' and side yard setback of 5', and is fairly poor condition. The existing garage and areas needed for circulation occupy most of the required rear yard and limits the use of the private yard. As such, the existing detached garage is not placed in an ideal location on the lot.

The proposed project includes the demolition of the existing detached garage and construction of a new 524 square foot two-car garage with additional storage space. The applicant states that 450 square feet of the structure will be available for covered parking, while 74 square feet will be used for storage. As room for storage is limited within the existing home, staff finds that the requested size is not excessive.

The new garage will better align with the existing driveway and curb cut. Options for siting the structure to meet development requirements are limited, due to the location of the existing home, substandard lot size and narrow lot width. Therefore, the applicant proposes the following deviations in order to accommodate the new structure:

- Side yard setback of 1'-10", where 4' minimum is required;
- Rear yard setback of 1'-10", where 10' minimum is required; and
- Rear yard encroachment of 38%, where 25% maximum is allowed.

Compatibility with Neighborhood Pattern: The predominant patterns in the neighborhood include substandard lot sizes and widths, single-story homes that are situated towards the front of the properties and detached garages located in the rear yards. The proposed project will be consistent with the existing neighborhood pattern. The applicant submitted photos in Attachment F, which demonstrates that the proposed site layout is compatible with other homes found in the neighborhood.

In addition, many existing homes and accessory structures in this neighborhood have been built with substandard setbacks. Many of these substandard setbacks were part of the original development of this neighborhood in the early 1900's. However, due to already established precedent, more recent Variances have also been approved. The most recent

Variance was approved in 2004 for the property located at 441 E. Washington Avenue, which is across the street from the subject property. The project included a 400 square foot detached two-car garage with similar deviations for side and rear yard setbacks, and rear yard encroachment.

Staff finds that the proposed site layout is compatible with the existing neighborhood pattern. Staff further finds that the requested deviations are consistent with established precedent in the neighborhood.

Easements: Staff consulted with the Department of Public Works and confirmed that there are no known existing easements on the subject property.

Architecture: The neighborhood contains predominately craftsman and traditional-style homes. The existing home is considered craftsman, with a prominent front porch, side-facing gable, horizontal wood siding and composition shingle roofing. Decorative wood brackets provide additional ornamentation to the home.

The proposed structure will utilize the same exterior materials as the home, and is designed with craftsman-style features, such as wood brackets, gable end vents and wood trim. The structure is also designed with separated carriage-style doors that compliment the proposed architectural style. Therefore, staff finds that the proposed architectural design will be compatible with the existing home and neighborhood character.

The proposed roof pitch and eaves are similar to the existing home. As substandard setbacks are proposed, staff conditioned the project to ensure that eaves may not overhang or drain onto the adjacent properties (Attachment B, Recommended Conditions of Approval).

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

| Single Family Home Design Techniques (Architecture) | Comments |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <i>3.10.A. Detached garages and other accessory structures should incorporate roof pitches and overhangs that match the main house.</i> | The proposed structure is consistent with the roof pitch and overhangs of the existing home. |
| <i>3.10.B. Accessory structures should use the same wall, roof and trim materials as the main structure.</i> | The proposed structure will match the exterior materials as the existing home, with horizontal wood siding and composition shingle roofing. |

Landscaping: As proposed, the project provides more than 3,000 square feet of total landscaping area where 850 square feet is the minimum required in the R-2 Zoning district. Additionally, nearly 2,000 square feet of useable open space is provided in the private rear yard area, where 500 square feet is the minimum required. Therefore, the project meets and exceeds the minimum landscaping requirements.

No trees are proposed for removal as part of this project. There is an existing Monterey Pine tree in the rear yard that is “protected”, which is more than 38” in circumference as measured 4’-6” above the ground. As conditioned, the existing tree must be maintained by installing protective fencing during the duration of the demolition and construction of all accessory utility buildings (Attachment B, Recommended Conditions of Approval).

Parking/Circulation: Currently, there is a legal nonconforming one covered garage space and one uncovered space on the existing driveway, for a total of two spaces. Sunnyvale Municipal Code Section 19.46.060 requires two covered parking spaces if an addition would increase the total square footage of the home (including accessory utility buildings) to at least 1,800 square feet, or results in at least four bedrooms. The proposed project does not meet either of these criteria; therefore, one covered and one uncovered parking space is the minimum required, for a total of two spaces.

The applicant proposes to demolish the existing detached garage and provide two new garage spaces. As conditioned, the structure shall be maintained at all times so as to allow parking of two vehicles, and the minimum clearance dimensions of 17’ in width by 18 feet in depth must be kept unobstructed (Attachment B, Recommended Conditions of Approval). The existing uncovered driveway space will be retained. The proposed project will result in a total of three parking spaces. Therefore, the proposed project exceeds the current minimum parking requirements.

The site plan also shows the future location of a planned addition, which is not a part of this application. If the future addition results in four or more bedrooms or 1,800 square feet or greater in gross floor area, a total of 3 parking spaces will be required (two covered and one uncovered). Therefore, the proposed project will also meet the future parking requirement.

Circulation: The existing driveway is 8’-9” in width along 6’ of the total length due to an existing wall/window projection, and the remaining driveway is 10’-2” in width. The current requirement for a residential one-way driveway is 10’; therefore, the existing driveway is legal nonconforming. The applicant proposes to retain this existing driveway and curb cut. The Traffic Engineer did not have significant concerns regarding this legal nonconforming driveway width and pointed out several legal nonconforming driveways in this neighborhood.

The Traffic Engineer also reviewed the back-up distance and maneuverability of vehicles out of the proposed garage. The proposed project provides a 24' back-up distance; therefore, the Traffic Engineer found the back-up distance to be sufficient.

The plan shows a future addition which would result in a back-up distance of 22'. The applicant and property owner were advised that this may pose a concern regarding circulation in the future. The ramification of this determination is that, should the applicant proceed with the plans for the addition, the applicant/property owner must demonstrate that 22' provides adequate back-up distance or modify the addition to provide 24' of back-up. Alternatively, the applicant may remove 2' from the front of the garage space along the right side in order to provide 24' of back-up distance with the future addition.

As the addition is not part of this application and might not materialize, staff cannot consider the future circulation of the site in the recommendations. Therefore, staff finds that the current proposed project with a 24' back-up distance provides adequate on-site circulation.

Compliance with Development Standards/Guidelines: The proposed project is consistent with the development standards of the R-0 Zoning District with regards to lot coverage and height. However, due to the unique conditions of the lot, a Variance is required for the following standards in order to accommodate the new structure:

- Side yard setback of 1'-10", where 4' minimum is required;
- Rear yard setback of 1'-10", where 10' minimum is required; and
- Rear yard encroachment of 38%, where 25% maximum is allowed.

The design of the new structure is compatible with the existing craftsman-style home, as well as with other structures found in the neighborhood. Therefore, the proposed project meets the Single Family Home Design Techniques.

Expected Impact on the Surroundings: The proposed structure will be visible from the street frontage, but is in keeping with the design of the existing home. The most impacted would be the existing neighbors along the left and rear property lines; however the structure is not directly adjacent to habitable buildings on the other lots. Additionally, substandard setbacks for accessory structures are not uncommon in the neighborhood and are consistent with the existing neighborhood pattern. Therefore, staff finds that visual impacts will be minimal.

The proposed structure will not be used for habitable purposes and no doors or windows are proposed along the side or rear elevations of the structure.

Therefore, staff does not anticipate that there will be significant privacy impacts to the neighbors.

Fiscal Impact

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

Public Contact

Staff did not receive comments from the neighbors at the time of the staff report.

| Notice of Public Hearing | Staff Report | Agenda |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 15 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 and Variance. Recommended Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Approve the Variance and Use Permit with the attached conditions.
2. Approve the Variance and Use Permit with modified conditions.
3. Deny the Variance and Use Permit.

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. Applicant's Justifications
- F. Applicant's Photos

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*).

The proposed structure provides additional on-site parking and storage space for the property owners, and has been designed to be compatible with the development pattern and architectural styles found in the existing 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 (*Finding Met*).

The proposed structure will not result in significant visual or privacy impacts to the surrounding properties, as the structure will be located at a significant distance from adjacent habitable areas. Additionally, the structure utilizes high quality materials that compliment the style of the existing home on the lot.

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 Met*).

The subject lot is approximately 2,600 square feet smaller than other homes found within the standard R-2 Zoning District, and the existing lot width is 26 feet smaller than the minimum required. The substandard lot size and width, as well as necessary back-up distance, limit the applicant's ability to site the structure in a location that would meet setback requirements. Staff further finds that rear yard encroachment is acceptable because it is similar to other properties in the area and usable open space and landscaping requirements are 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*).

The predominant patterns in the neighborhood include substandard lot sizes and widths, single-story homes that are situated towards the front of the properties and detached garages located in the rear yards. The proposed project respects this existing neighborhood pattern, and is consistent with the character of the neighborhood. Additionally, the proposed structure will not result in significant visual or privacy impacts to the surrounding properties, as the structure will be located at a significant distance from adjacent habitable areas.

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 Met*).

Many existing homes and accessory structures in this neighborhood have been built with substandard setbacks, and were part of the original development of this neighborhood in the early 1900's. Additionally, recent Variances have also been approved in the neighborhood, including setback deviations that were approved for a garage located at 441 E. Washington Avenue in 2004. An approval of the project will be consistent with established precedent for the neighborhood.

Recommended Conditions of Approval - Use Permit and Variance

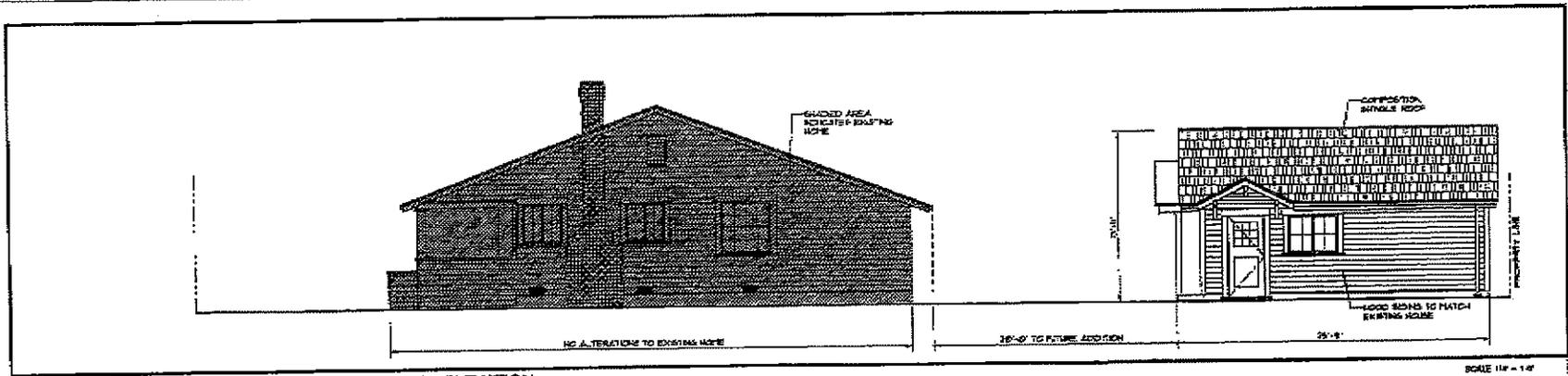
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

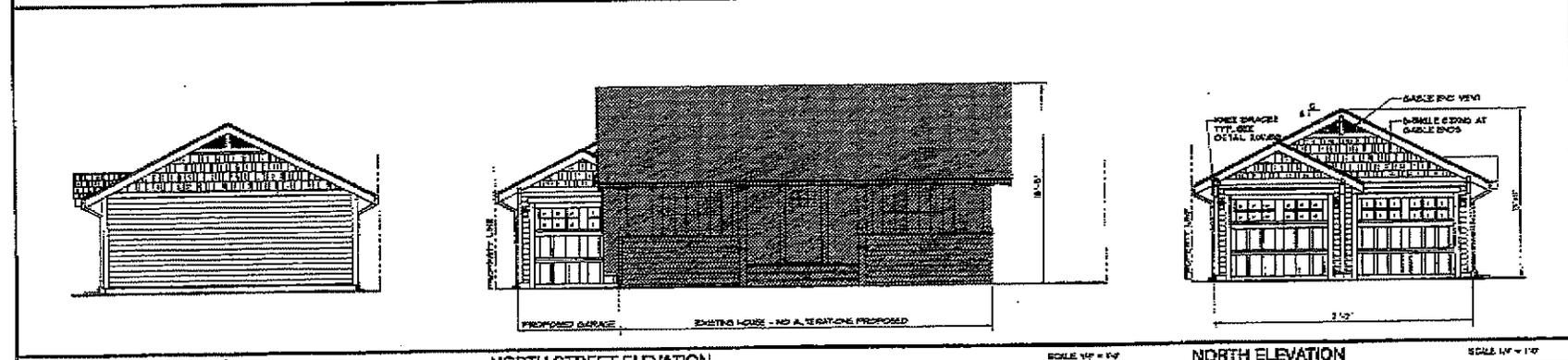
- A. The Variance is valid only in conjunction with the approved Use Permit.
- B. The Use Permit and Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- C. 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.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a building permit for this project.
- E. A deed restriction shall be recorded prior to issuance of final building permits, to ensure that the accessory utility building will not be used for habitable purposes.
- F. Except for pump, filtration or related mechanical equipment for a pool, or spa, no natural gas-fueled or electrical heating or air-conditioning apparatus, pump or other mechanical equipment may be installed in the accessory utility building.
- G. No portions of the accessory utility building may overhang or drain onto the adjacent property.
- H. The existing Monterey Pine tree in the rear yard shall be maintained by installing protective fencing during the duration of any demolition or construction on-site. Protective fencing details shall be incorporated on the site plan for demolition and building permits.
- I. All existing accessory utility buildings in the rear yard shall be demolished prior to construction of the approved accessory utility building.

- J. The accessory utility building shall be maintained at all times so as to allow parking of two vehicles and to meet the minimum interior clearance dimensions of 17 feet in width by 18 feet in depth.



WEST ELEVATION

SCALE 1/4" = 1'-0"



SOUTH ELEVATION

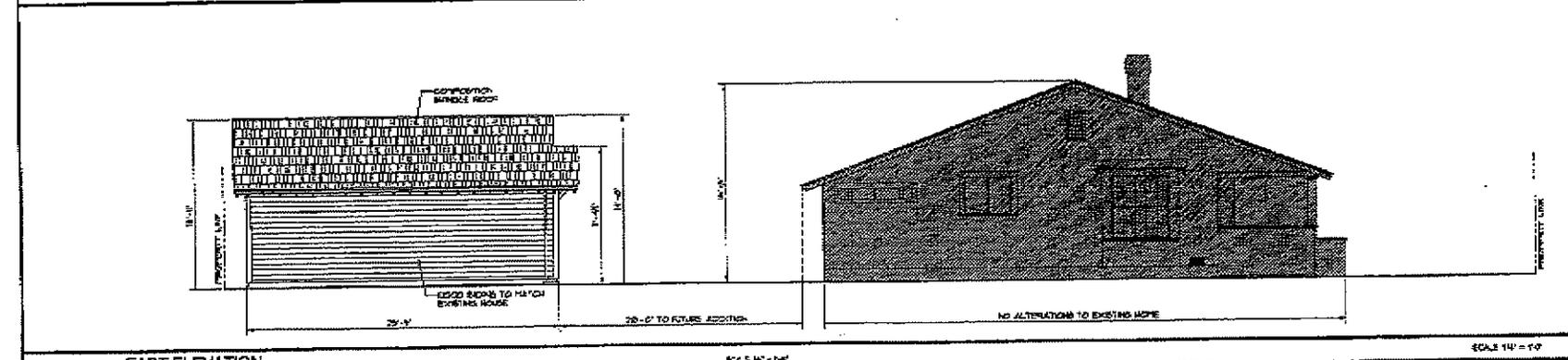
SCALE 1/4" = 1'-0"

NORTH STREET ELEVATION

SCALE 1/4" = 1'-0"

NORTH ELEVATION

SCALE 1/4" = 1'-0"



EAST ELEVATION

SCALE 1/4" = 1'-0"

SCALE 1/4" = 1'-0"

Leopold Vandansayndo, A.I.A.
 1. 650-224-8852
Leopold Design
 578 Bush Street, Mountain View, CA 94041



NEW GARAGE FOR
JAMES DEL VECCHIO
 460 E. WASHINGTON AVE., SUNNYVALE, CA

PLANNING

DATE: _____ DRAWN BY: _____
 DATE: _____ DESIGNED BY: _____
 DATE: _____

CHECK NO. _____
A2.00
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ATTACHMENT C
 Page 2 of 2

November 9, 2008

Subject: **450 E. Washington Ave. – Variance**

Dear Noren Caliva,

The following request is submitted on behalf of the owners of the property at 450 E. Washington Avenue.

Bay window projection:

The current physical configuration of the home and the driveway are such that a bay window reduces the driveway width of 10'-0" to a width of 8'-9" for approximately 6'-0" in length. The strict compliance of this continuous width would require the removal of the bay window. This would serve as an economic and physical hardship for the property owner. The owner has had no difficulties parking either of their cars in the rear yard area past the bay window, please refer to the attached photos. The removal of the bay window would affect the charming character of the existing craftsman style home and would also reduce the dining room area.

Additional garage area:

The owner is a general contractor and has requested additional storage area to be located in the new proposed garage structure. This area will serve to store his tools and equipment. The area allocated to the parking 2 cars is approximately 450 sf. The additional area that has been requested in the variance application is only 74 sf which would bring the total garage area to 524 sf.

Sincerely,



Leopold Vandeneeynde, Architect



VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application.

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance. Please provide us information on how your project meets all of the following criteria.

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.

THE STRICT COMPLIANCE WITH THE REAR YARD SETBACK AND SIDE YARD SETBACK WOULD PRECLUDE AN EFFECTIVE DETACHED GARAGE DESIGN SOLUTION IMPROVING LIVABILITY, OPERATIONAL EFFICIENCY, AND APPEARANCE DUE TO THE PHYSICAL CIRCUMSTANCES OF THE NARROW 50 FOOT LOT WIDTH.

AND

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.

THE STRICT COMPLIANCE WITH THE REAR YARD AND SIDE YARD SETBACKS WOULD DEPRIVE THE APPLICANT OF PRIVILEGES ENJOYED BY OWNERS OF SIMILAR ZONED PROPERTY. A MAJORITY OF THE LOTS ON E. WASHINGTON AVE. ARE EXTREMELY NARROW WITH SIDE YARD DRIVEWAY ACCESS AND DETACHED GARAGES LOCATED TOWARDS THE REAR PROPERTY LINES.

AND

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.

THE VARIANCE, IF GRANTED, WILL NOT ADVERSELY AFFECT THE CHARACTER, LIVABILITY, OR APPROPRIATE DEVELOPMENT OF ABUTTING PROPERTIES OF THE SURROUNDING AREA, AND WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR CONTRARY ADOPTED PLANS OR DEVELOPMENT POLICY. THE VARIANCE WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPROSED ON SIMILARLY ZONED PROPERTIES.

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





457 E. WASHINGTON AVE.



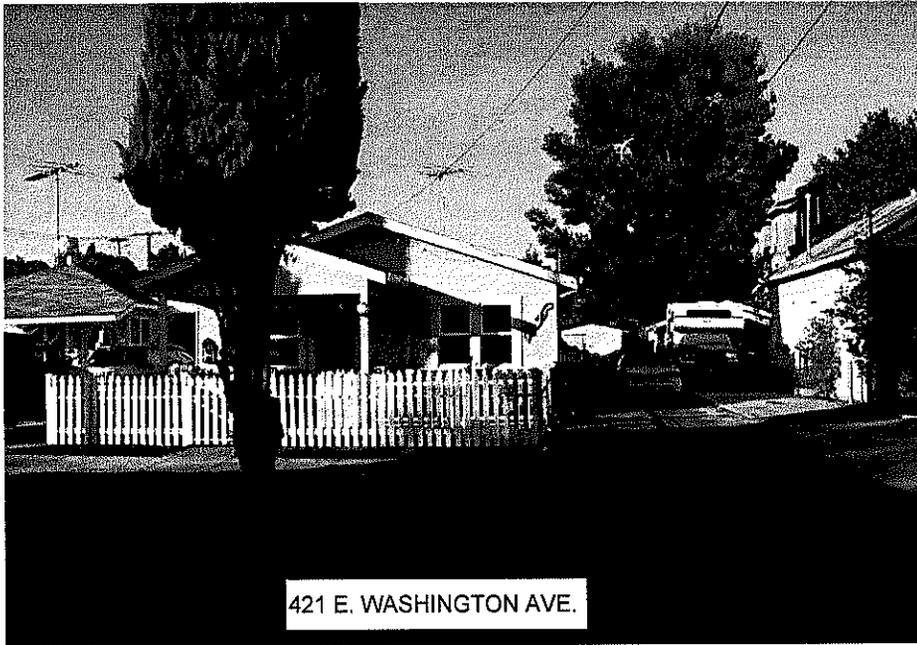
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456 E. WASHINGTON AVE.



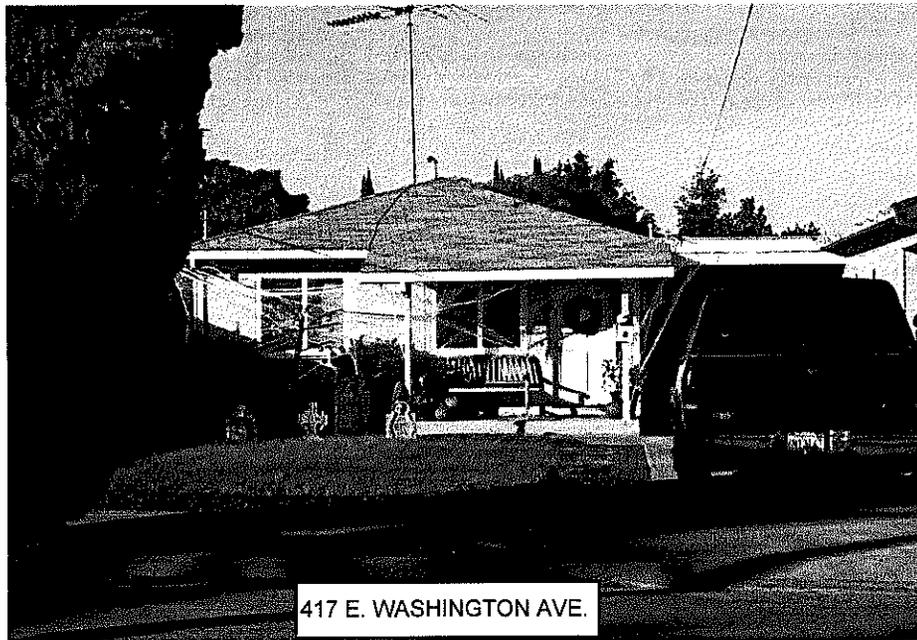
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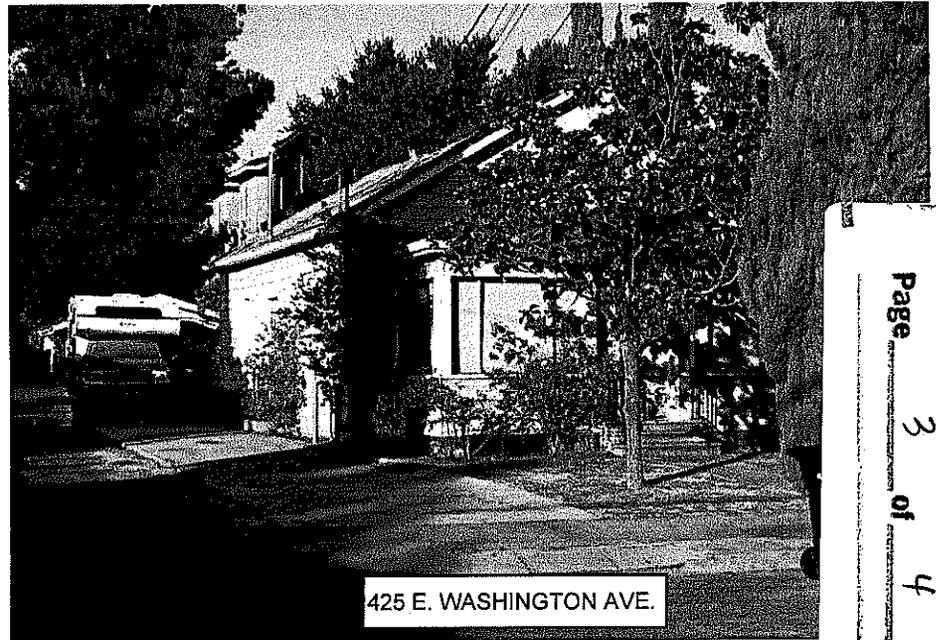
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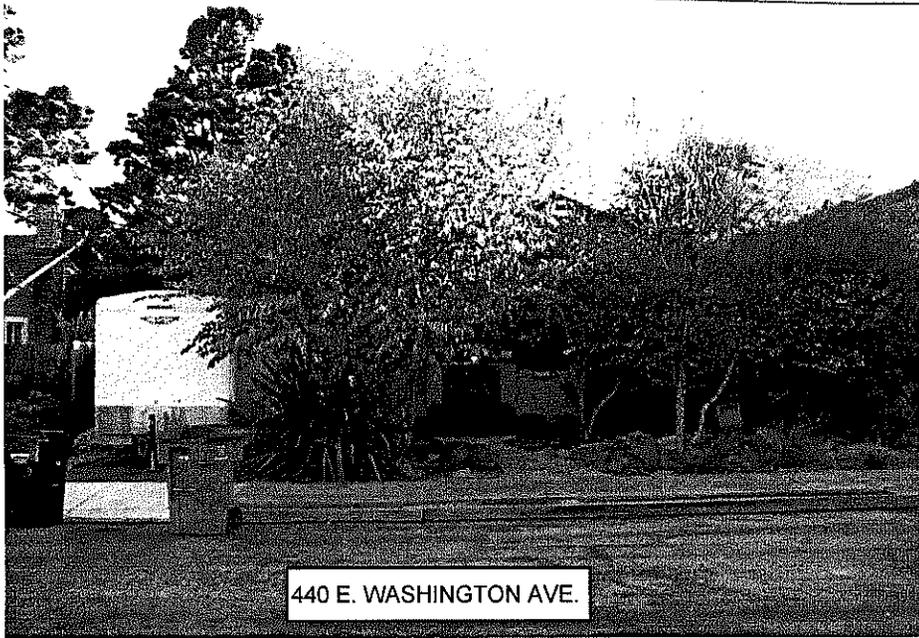
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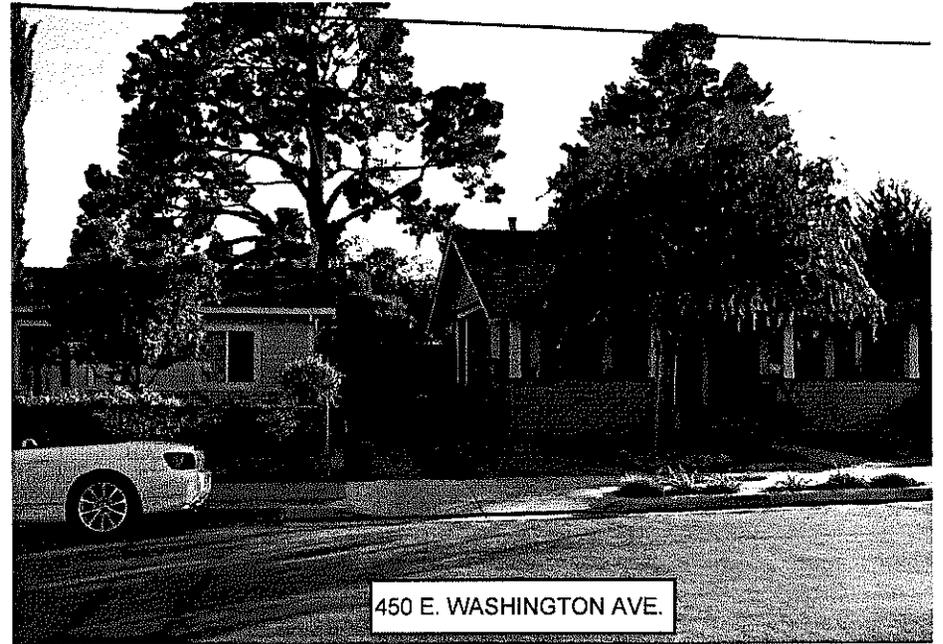
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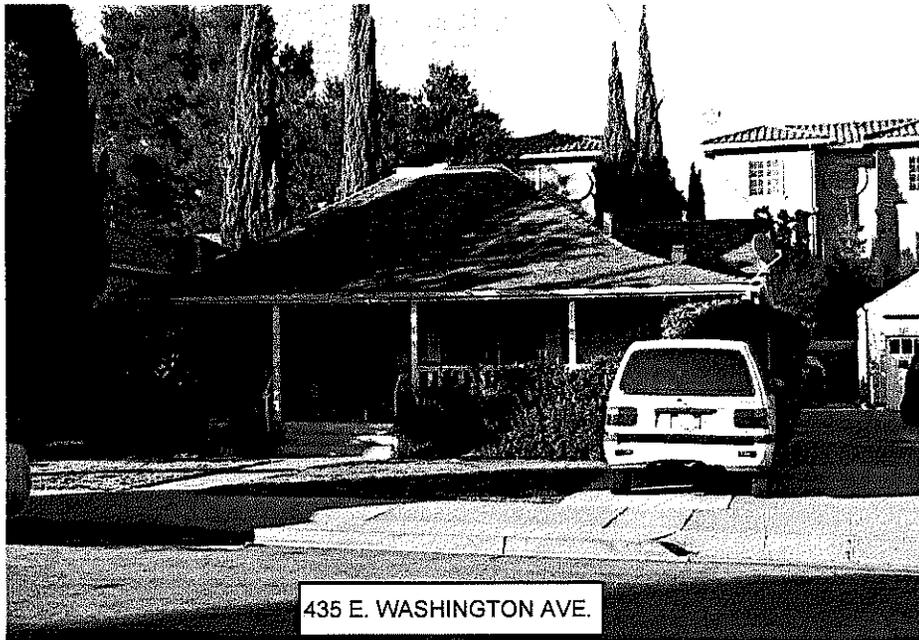
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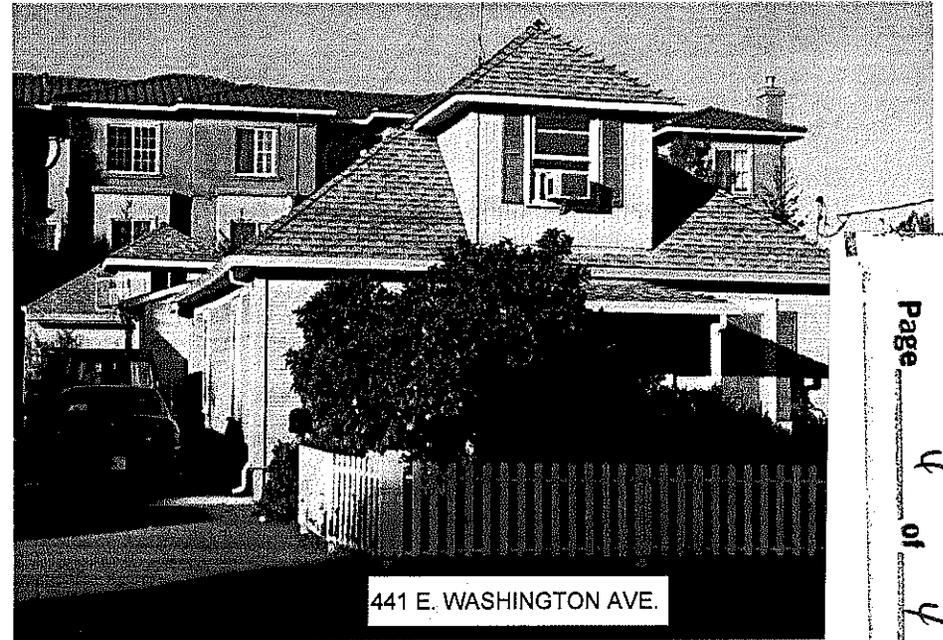
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