



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**January 14, 2009**

**SUBJECT:** **2008-1212:** Application for a The property is located at **421 E. Washington Avenue** (near S. Bayview Ave) in an R-2/PD (Low Medium Density Residential/Planned Development) Zoning District.

Motion Special Development Permit to allow a 280 square foot detached garage in the rear of the property with a side setback of 3' where 4' is required and a rear setback of 5' where 10' is required.

**REPORT IN BRIEF**

**Existing Site Conditions** Duplex

**Surrounding Land Uses**

North Single-family home

South Apartment complex

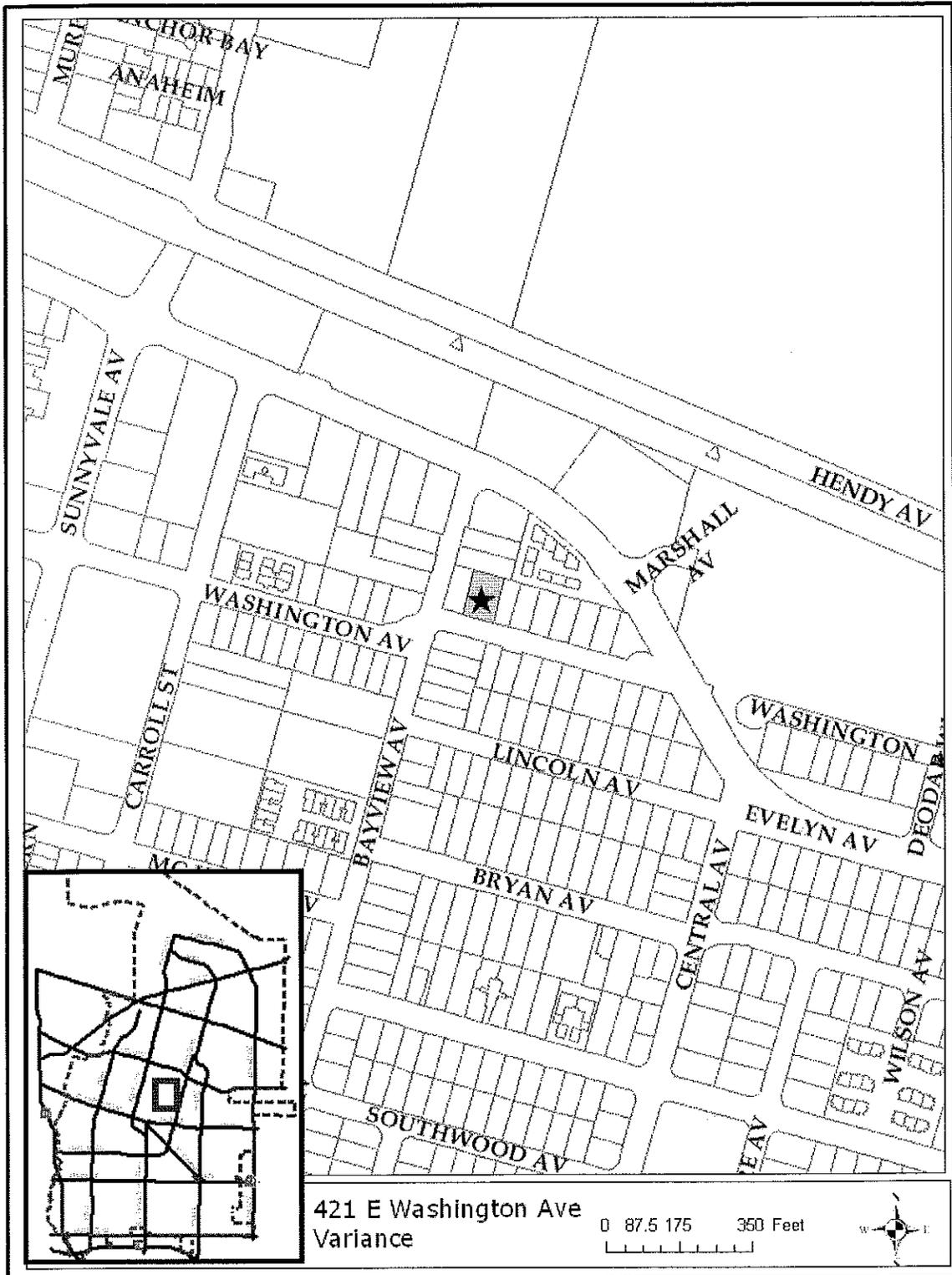
East Single-family home

West Duplex

**Issues** Setbacks and compatibility with neighborhood

**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**

	<b>EXISTING</b>	<b>PROPOSED</b>	<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>	8,150	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	2,501 (Unit 417: 1,296 Unit 421: 1,205)	2,616 (Unit 417: Same (Unit 421: 1,320)	3,667 max.
<b>Lot Coverage (%)</b>	30.7%	32.1%	45% max.
<b>No. of Buildings On-Site</b>	2	Same	---
<b>Building Height (ft.)</b>	Duplex: 16' Detached Garage: 10'	Duplex: Same Detached Garage: 11'	Duplex: 30' max Detached Garage: 15' max.
<b>Setbacks (Detached Garage for Unit #421)</b>			
<b>Front</b>	91'	87'	20' min.
<b>Left Side</b>	62'	58'	7' min.
<b>Right Side</b>	3'	Same	4' min.
<b>Rear</b>	5'	Same	10' min.
<b>Rear Yard Encroachment</b>	10%	14%	25% max.
<b>Landscaping (sq. ft.) (Overall)</b>			
<b>Total Landscaping</b>	4,303	4,208	1,700 min.
<b>Landscaping/Unit</b>	Unit 417: 2,586 Unit 421: 1,717	Unit 417: Same Unit 421: 1,622	850 min.
<b>Usable Open Space/Unit</b>	Unit 417: 1,707 Unit 421: 1,317	Unit 417: Same Unit 421: 1,222	400 min.
<b>Parking/Circulation (Overall)</b>			
<b>Total Spaces</b>	4 (2/unit)	Same	4 min. (2/unit)
<b>Covered Spaces</b>	2 (1/unit)	Same	2 min. (1/unit)
<b>Driveway Width</b>	9'-10"	Same*	10' min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

\*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**

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### **Description of Proposed Project**

The existing duplex includes an attached carport for Unit #417 and a detached garage (accessory utility building) for Unit #421, which is located towards the back of the property. The existing 165 square foot detached garage was legally-built with substandard rear and right side yard setbacks, and does not meet the City's minimum size requirements for one-covered parking space.

The applicant proposes to demolish the existing detached garage and replace it with a new 280 square foot detached garage, which will meet the City's minimum parking requirements and provide additional storage area. No modifications are proposed to the main duplex structure. The garage new structure will be in the same location and will be 115 square feet larger than the existing.

The structure will extend along the existing nonconforming setback lines; therefore, the following deficiencies are requested:

- Rear yard setback of 5 feet, where 10 feet minimum is required; and
- Right side yard setback of 3 feet, where 4 feet minimum is required.

Setback deficiencies can be considered through a Special Development Permit for properties located within a Planned Development Combining District, which are reviewed on a case-by-case basis and assess unique conditions about the existing property.

### **Background**

**Previous Actions on the Site:** The existing duplex and detached garage were constructed in 1953 but are not considered a Heritage Resource. There are no previous planning applications related to this site.

### **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.

**Special Development Permit:**

**Detailed Description of Use:** The proposed structure will provide one covered parking space and additional storage area. In order to meet the City's parking requirements, the structure must be maintained at all times so as to allow parking of one vehicle and to meet the minimum interior clearance dimensions of 8'-6" feet in width by 18 feet in depth. 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 duplex is single-story and faces the street frontage. Unit 417 is located on the left side, and contains 2 bedrooms, 1 bathroom and an attached one-car carport. This unit is attached to Unit 421, which is located on the right side with an associated 165 square foot detached one-car garage in the rear yard. The detached garage was originally built with a substandard rear yard and right side yard setbacks.

The applicant proposes to demolish the existing detached garage and replace it with a 280 square foot garage and additional storage space. No modifications are proposed to the main duplex structure. The new structure will be 115 square feet larger than the existing, and will extend along the legal nonconforming rear and right side yard setback lines. Therefore, the applicant requests deficiencies for the following development standards:

- Rear yard setback of 5' where 10' minimum is required, and
- Right side yard setback of 3' where 4' minimum is required.

Staff explored options with the applicant to meet development requirements, including either increasing the rear and right side yard setbacks, or constructing a side-loaded garage on the left side of the rear yard. Both options will result in inadequate back-up and circulation for vehicles on-site, and will not be an effective use of the rear yard. Therefore, staff finds that the options for siting the proposed structure to meet development requirements are limited, due to the location of the existing duplex and driveway.

*Compatibility with Neighborhood Pattern:* The predominant pattern in the neighborhood includes 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 and a building footprint drawing in Attachment E, 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 setback deficiencies have also been approved. The most recent was approved on December, 10 2008 for the property located at 450 Washington Avenue (2008-1145), which is across the street from the subject property. The project included a 524 square foot detached two-car garage with 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 bungalow and traditional-style homes. The existing home is considered bungalow, with a prominent front porch, front-facing gable, wood siding and composition shingle roofing (Attachment F, Staff's Site Photos).

The proposed structure will utilize the same exterior materials as the home, and with similar roof peak and eaves. Staff recommends that the proposed structure be painted to match the color of the existing home. As substandard setbacks are proposed, staff further recommends that the eaves may not overhang or drain onto the adjacent properties. As conditioned, staff finds that the proposed architectural design will be compatible with the existing home and neighborhood character (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
3.10.A. Detached garages and other accessory structures should incorporate roof pitches and overhangs that match the main house.	The proposed structure is consistent with the roof pitch and overhangs of the existing home.
3.10.B. Accessory structures should use the same wall, roof and trim materials as the main structure.	The proposed structure will match the exterior materials as the existing home, with wood siding and composition shingle roofing.

**Landscaping:** As proposed, the project provides more than 4,000 square feet of total landscaping area where 1,700 square feet (or 850 square feet per unit) is the minimum required in the R-2 Zoning district. Additionally, both units exceed the 400 square feet minimum amount of useable open space within the

private rear yard areas of each unit. Unit #417 has more than 2,500 square feet of usable open space, which will not be modified. Unit #421 will have more than 1,000 square feet of usable open space (reduction of 115 square feet). Therefore, the project meets and exceeds the minimum landscaping requirements. No trees are proposed for removal as part of this project.

**Parking/Circulation:** An existing one-car carport and uncovered driveway parking space is provided for Unit #417, for a total of two on-site parking spaces. No modifications are proposed to the existing carport or driveway parking spaces for this unit.

The proposed 280 square foot structure will provide one covered parking space for Unit #421, and the existing uncovered driveway parking space will be maintained for a total of two on-site parking spaces. The structure exceeds the minimum 200 square foot requirement for a one-car garage, and exceeds the minimum clearance dimensions of 8'-6" wide by 18 feet deep. In total, the proposed project will result in a total of four parking spaces for both units, where four minimum parking spaces are required. Therefore, the proposed project meets the City's parking requirements.

*Driveway Surface:* The existing driveway is made of pervious materials (compacted dirt and gravel) and is not considered to be a stabilized permanent surface, per Sunnyvale Municipal Code section 19.46.120. The existing front yard is substantially paved with impervious surface. Therefore, staff recommends that the applicant modify the driveway to include Hollywood strips, in which the tracks for the car are separated by strips of green lawn (Attachment B, Recommended Conditions of Approval). This driveway design will help keep the amount of impervious surface within the required front yard below 50%, and is a typical driveway design for homes that were constructed in the 1950's.

*Circulation:* The existing site was developed with a driveway width of 9'-10" for Unit #421. 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 new garage and existing home overlap minimally for 3'-6", in which the back-up distance is 21'. The remaining driveway is unobstructed. Therefore, the City's Traffic Engineer found the back-up distance and on-site circulation to be sufficient.

**Compliance with Development Standards/Guidelines:** The proposed project is consistent with the development standards of the R-2 Zoning District with regards to lot coverage, parking and landscaping. However, due to the unique conditions of the lot, a Special Development Permit is required for the following standards in order to accommodate the new structure:

- Rear yard setback of 5’ where 10’ minimum is required, and
- Right side yard setback of 3’ where 4’ minimum is required.

The design of the new structure is compatible with the existing bungalow-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 right 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. As the structure will not be used for habitable purposes, staff does not anticipate that there will be significant privacy impacts to the neighbors.

**Fiscal Impact**

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

**Public Contact**

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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"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 18 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 Web site</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>• Posted on the City of Sunnyvale's Web site</li> </ul>

## **Conclusion**

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

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

## **Alternatives**

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1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny Special Development Permit.

## **Recommendation**

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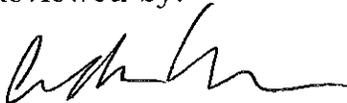
Alternative 1.

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. Applicant's Justifications
- E. Applicant's Photos/Building Footprint Drawings
- F. Staff's Site Photos

**Recommended Findings – Special Development Permit**

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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 the minimum required on-site parking and additional 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 will be designed to match the materials and colors of the existing home.

**Recommended Conditions of Approval – Special Development**

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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. The Special Development Permit 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.
- 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. The Conditions of Approval shall be reproduced on a page of the plans submitted for a building permit for this project.
- D. 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.
- E. 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.
- F. No portions of the accessory utility building may overhang or drain onto the adjacent property.
- G. The accessory utility building shall be maintained at all times so as to allow parking of one vehicle and to meet the minimum interior clearance dimensions of 8 feet 6 inches in width by 18 feet in depth.

**2. DESIGN**

- A. The accessory utility building shall utilize the same materials and colors to match the main dwelling.
- B. The applicant shall modify the driveway to include Hollywood strips, in which the tracks for the car are separated by strips of green lawn, subject to review and approval by the Director of Community Development.

# **Attachment C**



# **Attachment D**



# USE PERMIT/SPECIAL DEVELOPMENT JUSTIFICATIONS

ATTACHMENT D  
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 ...

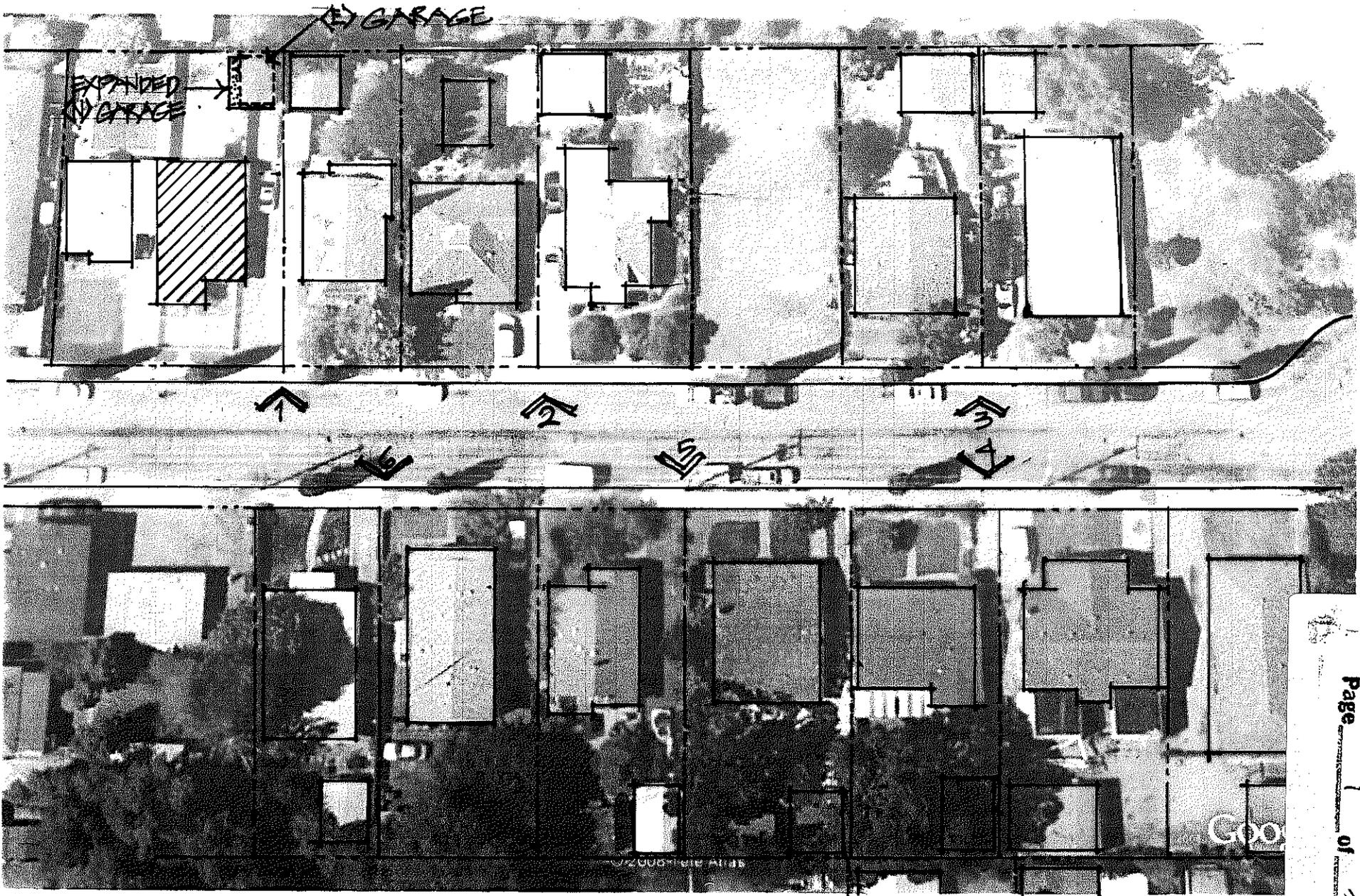
OR

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 ...

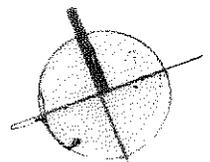
The proposed new one car garage will fit into the neighborhood very well. It will be replacing an existing (poor condition) one-car garage. It will be located in the same location as the existing, which will match 80-90% of all garages in this area. Most garages are detached located in the rear of the property giving the neighborhood a more pedestrian feel. We think this project will maintain the same character. The new garage will not affect adjacent properties or even the neighborhood.

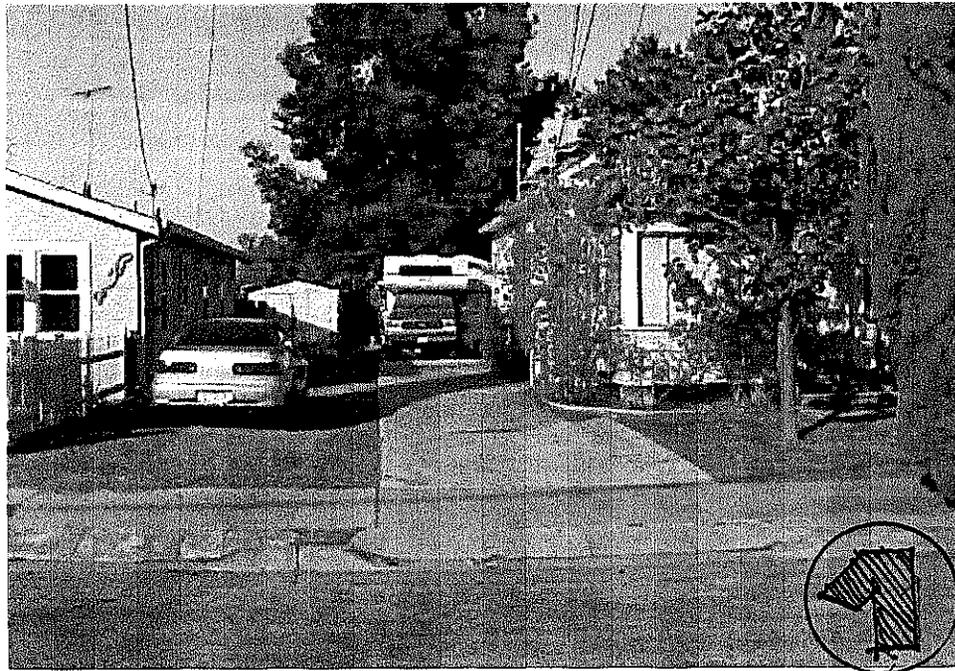
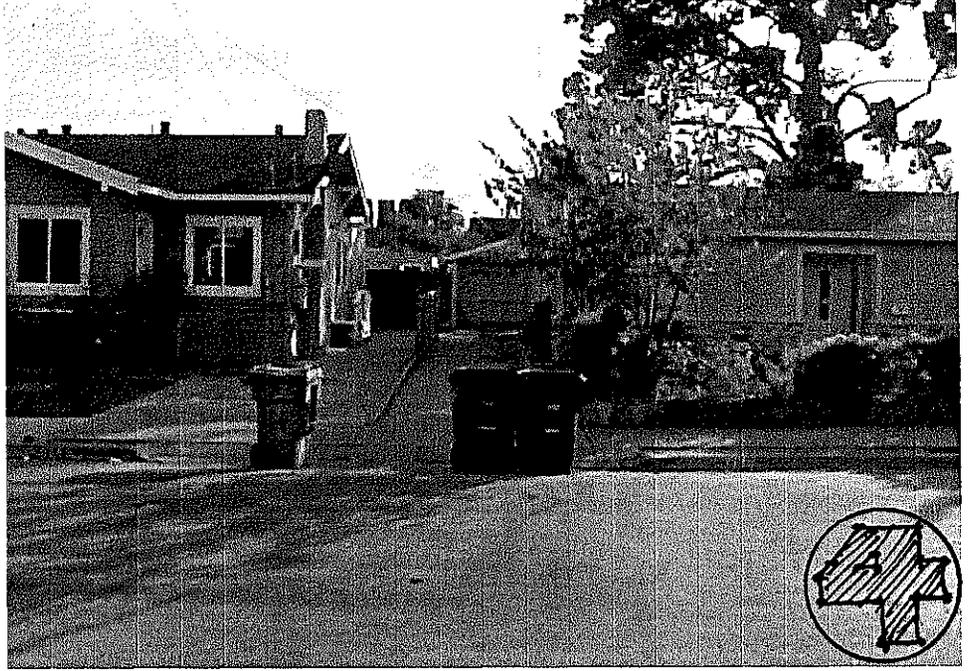
If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

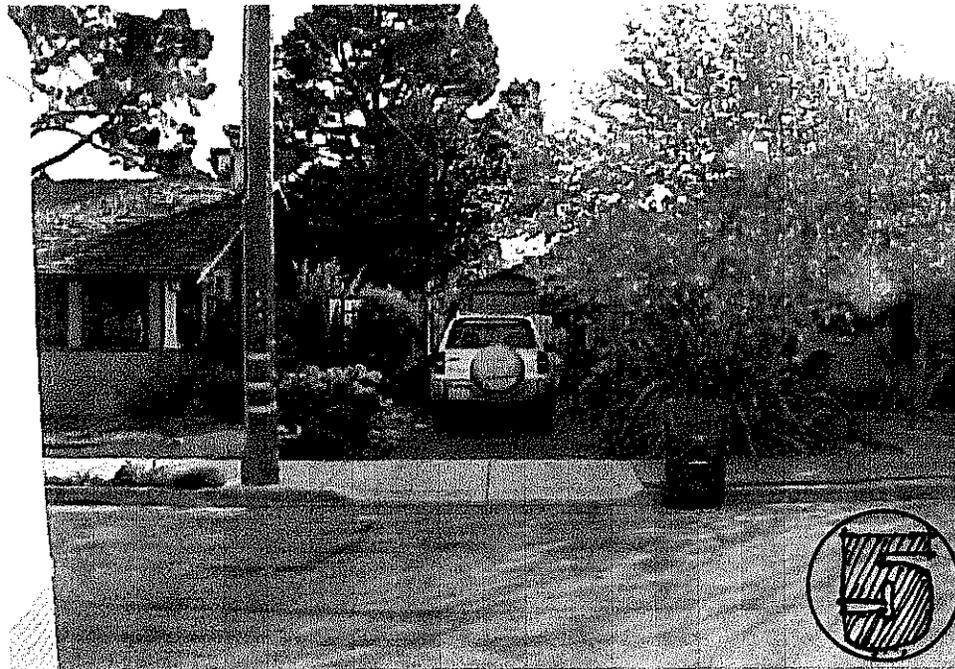
# **Attachment E**



vicinity plan







# **Attachment F**

**SITE PHOTOS 12/22/08  
421 E. WASHINGTON AVE.**

