



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2009

SUBJECT: **2008-1239** – Application for related proposals located at **1330 Los Arboles Avenue** (near W Fremont Ave) in an R-1 (Low Density Residential) Zoning District.

Motion **Variance** from Sunnyvale Municipal Code section 19.46.130 to allow a 9'9" wide one-way driveway where 10' is required for a new detached garage in the rear yard.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

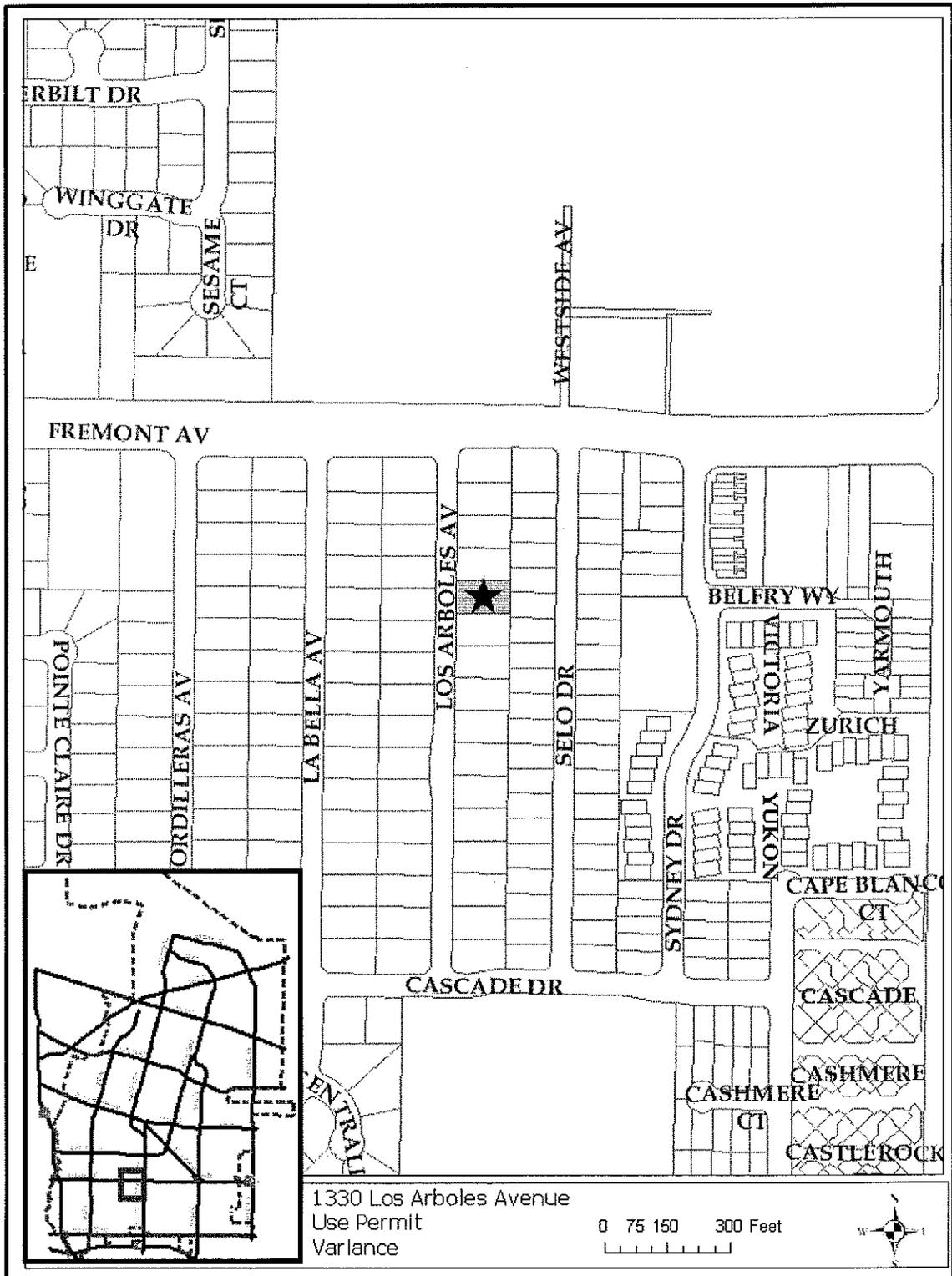
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Drive Aisle Width, Setbacks

Environmental Status A Class 5 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 Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	9,887	Same	min.
Gross Floor Area (s.f.)	2,823	3,223	No max.
Lot Coverage (%)	28.5%	32.5%	40% max.
Floor Area Ratio (FAR)	28.5%	32.5%	45% max. without PC review
No. of Buildings On-Site	1	2	---
Distance Between Buildings	N/A	24' 6"	10' min.
Proposed Garage Height (ft.)	N/A	13'	15' max.
No. of Stories	1	1	2 max.
Setbacks (Facing Property)			
Front	Approx. 34' 4"	Same	20' min.
Left Side	9' 9"	6' to garage 9'9" to home	6' min. (15' combined)
Right Side	10' 10"	Approx. 51 6" to garage 10' 10" to home	9' min. (15' combined)
Rear	Approx. 28' 7"	10' to garage (13% encroachment)	20' min. (10' min with max. 25% encroachment)
Parking			
Total Spaces	2	4	4 min.
Covered Spaces	0	2	2 min.
Aisle Width (ft.)	N/A	9' 9"	10' min



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposal is for a 400 s.f. detached garage located in the rear yard which meets the required rear yard setback of 10' and allowable 25% encroachment (13%). The Variance request is for the reduced drive aisle width. Along the north side of the existing home, a fireplace projects to 9'9" from the side property line.

Background

Previous Actions on the Site: There are no previous planning actions related to this site.

A building permit was issued in 1988 for a 642 square foot addition which appears to have legalized a garage conversion at the front of the home.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class #5 Categorical Exemptions include Variances that do not result in the creation of a new parcel.

Variance

Site Layout: The layout of the site is typical of other homes in the neighborhood. The site currently does not contain a garage. A driveway currently lies within the north side of the front yard. As stated in the "Background", the original garage was converted in the past. The proposed detached garage in the rear yard would enable the site to meet the requirement for covered parking. To access the new garage, the project proposal is to allow a drive aisle along the side of the home. Per Municipal Code this area is required to be 10'; however, at certain portion this distance is not met.

Architecture: The existing home, like many others in the neighborhood was constructed in 1950. The architecture of the new detached building would match the existing home in terms of design with similar roof slope and materials used. (See Site and Architectural Plans in Attachment #3.)

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

Single Family Home Design Guidelines (Architecture)	Comments
<i>3.10.A. Detached garages and other accessory structures should incorporate roof pitches and overhangs that matches the main house.</i>	The proposed garage 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 structure will utilize similar exterior materials as the existing home, with horizontal wood siding and composition shingle roofing.

Landscaping: The site meets landscaping standards for single family homes located within the R-0 Zoning District. The project would result in the displacement of landscaping within the side and rear yard. There are no tree removals proposed in conjunction with this permit. Two trees in the rear yard are hoped to be maintained beyond the new paved surface areas.

Parking/Circulation: The site currently does not maintain covered parking on-site. The proposal would allow covered parking requirements with the construction of the two-car garage. Driveway spaces for approximately two cars are provided at the front of the site.

In consultation with the Traffic Division, the application was modified from previous plans to ensure adequate access is possible for a functional two-car garage. The current plan allows for the 20' x 20' garage to be placed 10 feet from the rear and 6' from the side property line. Approximately 24'6" back-up distance is allowed between the structure and the home. Additional paving as shown on the revised site plans provides adequate turn-around area for the new garage. The Traffic Division has determined that the proposed drive aisle can be supported with specific measures put into place. Staff has included Condition of Approval #1G to require either reflective tape or bollards to be placed on or adjacent to the portions of the home within the drive aisle (chimney & gas meter).

The proposed site placement for the drive aisle is based primarily on the limitations for locating the new garage. A new garage could not be located on the left side of the property due to the existing layout of the home and required setbacks for the new structure. A drive aisle along the left side of the home to access the current placement of the proposed garage would require extensive

paving and require a less than ideal turning area. The current paved area in front of the previously converted bonus room allows this area to remain for uncovered spaces and the extension of paving along this side with specific safety measures put in place, as conditioned, is more logical.

Compliance with Development Standards/Guidelines: As stated in the report, parking requirements are not currently met for the site. The proposed garage would enable this requirement to be met; however a less than standard drive aisle would result along a portion of the side yard. Conditions of Approval require specific safety measures, as recommended from the Traffic Division, to be implemented to ensure sufficient functionality.

Expected Impact on the Surroundings: The proposed structure will be slightly visible from the street, as a portion of the structure projects 3' to 4' towards the side yard behind the home. The new garage will be mostly visible for residential neighbors directly to the north and east; however, an existing accessory building and vegetation on neighboring properties will limit this impact. Existing vegetation along the side property fence also further screens the side yard that will be used for the drive aisle. Staff does not expect any significant impacts as a result of this project.

Fiscal Impact

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

Public Contact

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

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 12 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 Variance. Recommended Findings and General Plan Goals are located in Attachment A.

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

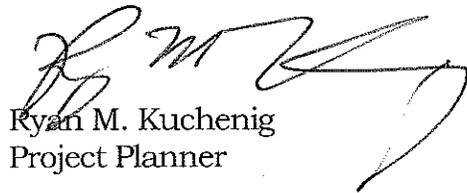
Alternatives

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

Recommendation

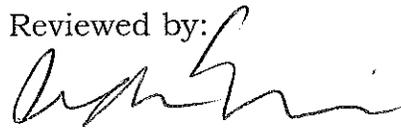
Recommend Alternative 1.

Prepared by:



Ryan M. Kuchenig
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans

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 current layout of the home limits the possible locations for a new garage and drive aisle location as discussed in the report. The proposed location utilizes a portion of a pre-existing driveway and the majority of the drive aisle exceeds the minimum width required for a one-way access.

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*).

Granting of the Variance will not be detrimental to the surrounding area as the layout is compatible and similar to neighboring properties with detached garages; some of which appear to contain legal non-conforming setbacks.

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*).

The Variance will enable conformance to parking requirements with the most feasible layout of the site under current conditions. The proposal would not result in neighborhood incompatibility in terms of site layout as many homes in the surrounding neighborhood contain detached garages located in the rear yard with access drives along the side yard.

Recommended Conditions of Approval - Use Permit & 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:

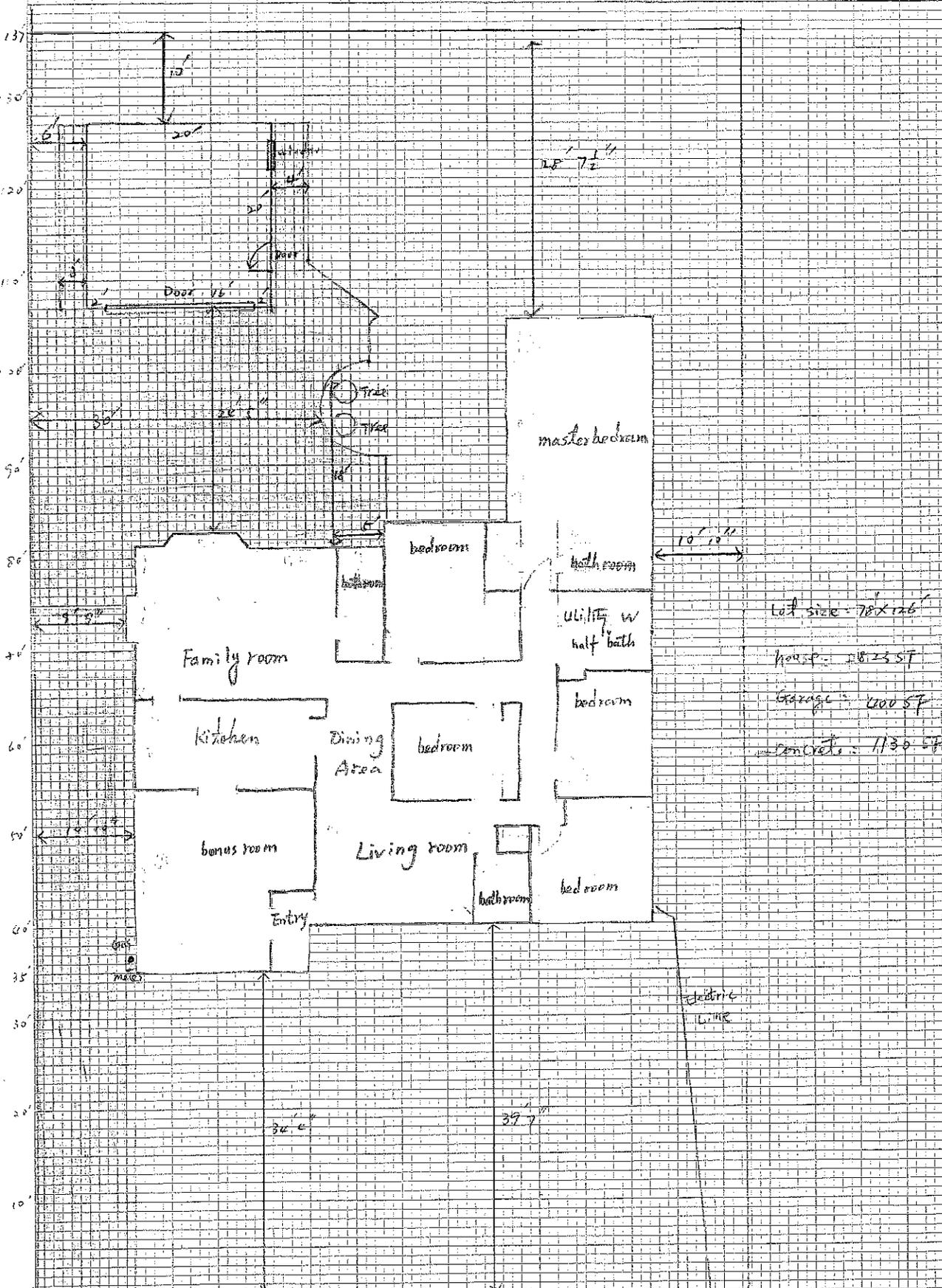
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance 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
- B. 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.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The proposed garage 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.
- E. Obtain necessary permits or demolish any existing accessory utility buildings in the rear yard demolished prior to construction of the approved accessory utility building.
- F. No 'significant' trees shall be removed as a result of this project without having first obtained a separate tree removal permit.
- G. Reflective tape or reflective bollards shall be placed along the projecting portions (chimney and gas meter) of the home along the north (left) side of the home.

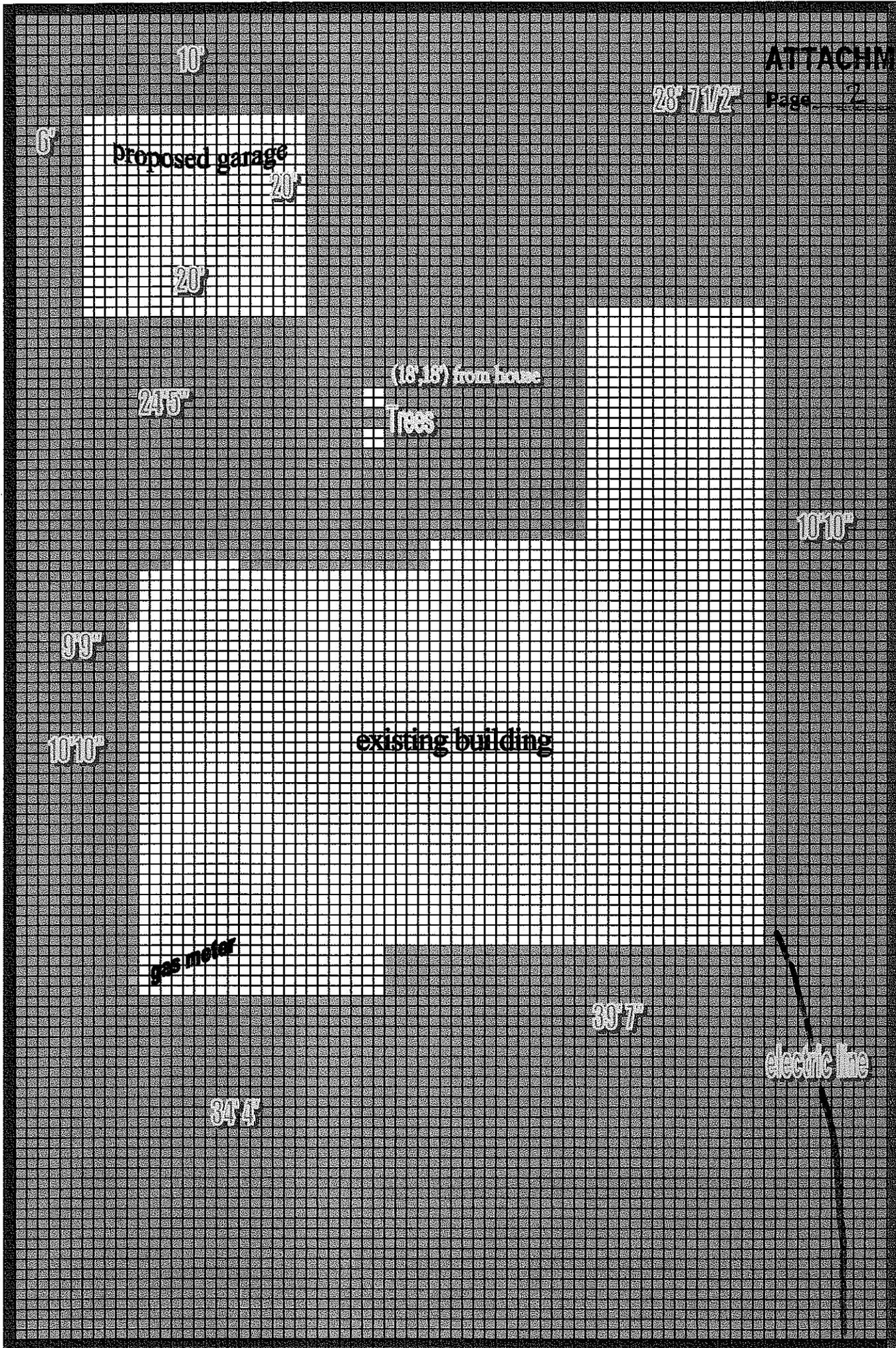
2. **DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. The garage shall match the existing home in terms of materials used and roof slope.



Revised/ton

1/7/09





BUILDERS HELPER FORM



PLAT PLAN

Customer:	Date:	Invoice #
Home Phone:	Work Phone:	Pager/Cell:
Balance Due:		Initial
QUESTIONS FOR CUSTOMER		
Will customer or responsible individual be at site at time of delivery?	Yes	No
Length of carry from truck: FT Clear access to site?	Yes	No
Is there 18" (24" for Tall Barns) of clear workspace on all side of the building site?	Yes	No
Is site clean and level (see Site Leveling brochure for explanation)?	Yes	No
Customer will provide 110VAC, 20AMP electrical service within 100 feet of build site?	Yes	No
Building permits, fees and all related cost of site readiness are customer's responsibility?	Yes	No
Buyer understands that Building Permits and Engineering fees are non-refundable?	Yes	No
Does the pathway from the street to the building site contain any sharp turns or areas that are less than 3'w & 9'h?	Yes	No
I understand that any order with missing information (i.e. Will Call, Door, Window Placement, Paint or Shingle Color, Signatures, Down Payment, etc.) must be completed no later than 5 Working Days prior to the scheduled build date or construction of the building will be rescheduled to the next available open date?	Yes	No
Owner agrees to have site inspected and prepared against termites?	Yes	No
I understand that occasionally, due to weather, usually rain, my building build date may have to be rescheduled?	Yes	No
Customer will have balance due available to TUFF SHED builder at time of delivery.	Yes	No
Final Payment By (check one):	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Check
	<input type="checkbox"/> Cash	<input type="checkbox"/> Other

Building Features:

Reverse Views

Side 1, Side 2, Side 3, Side 4

Overhead View

Side 1, Side 2, Side 3, Side 4

For special instructions and directions to site, use track page.

IMPORTANT CUSTOMER NOTICE

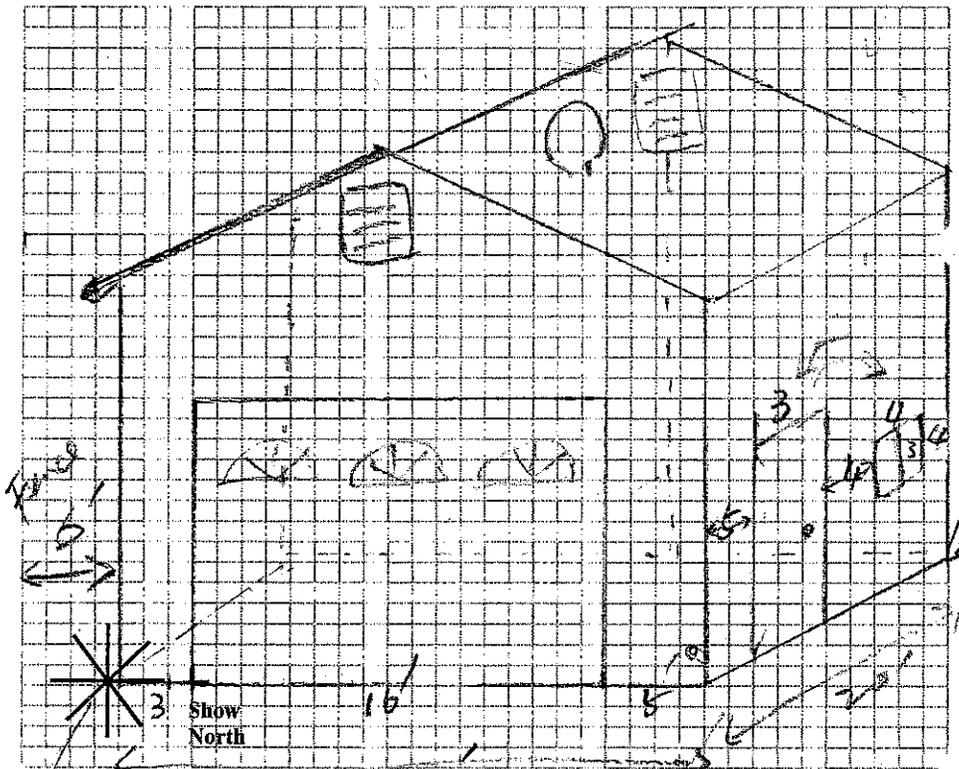
The sketches above represent TUFF SHED's understanding of where you wish to place your building's doors, windows, shelves, etc. Please review each of the drawings. If the sketches are accurate, approve them by signing your name below. We can make revisions to the placement of certain elements of your building at no charge as long as you notify us at least 5 business days prior to the date your building was scheduled to be built.

Customer Signature: _____ Date: _____

Thank you for choosing...



White Copy - TUFF SHED • Yellow Copy - Customer



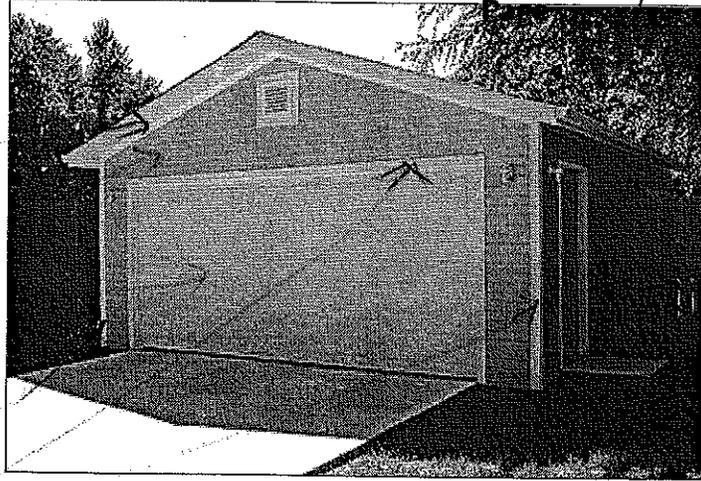
- DRAW LOT SHAPE
- SHOW HOUSE LOCATION ON LOT
- SHOW SHED PLACEMENT AND ROOF LINE
- SHOW DOOR LOCATION AND DIRECTION OF SWING
- INDICATE OPTIONS LOCATIONS AND INDICATE COLOR OF PAINT
- SHOW MEASUREMENTS FROM LOT LINE OR FENCE TO SHED
- SHOW GATES-TREES-OBSTACLES

- SHOW PATH FOR BUILDERS TO TAKE
- INDICATE LOCATION OF ELECTRICAL OUTLET
- OTHER INFORMATION FOR PRE-FABRIC BUILDERS

Page _____ of _____

ATTACHMENT C

ATTACHMENT 4 of 4



dark green

20' x 13'

ranch style

... existing building