



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 11, 2009

SUBJECT: **2009-0085:** Application for a property located at **340 South Bayview Avenue** (near Southwood Ave. & E. McKinley Ave.) in an R-0 (Low Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code Section 19.34.030 to allow a 4' rear yard setback where 10' is required for a new detached 320 square foot one-car garage.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

North Single Family Residential

South Single Family Residential

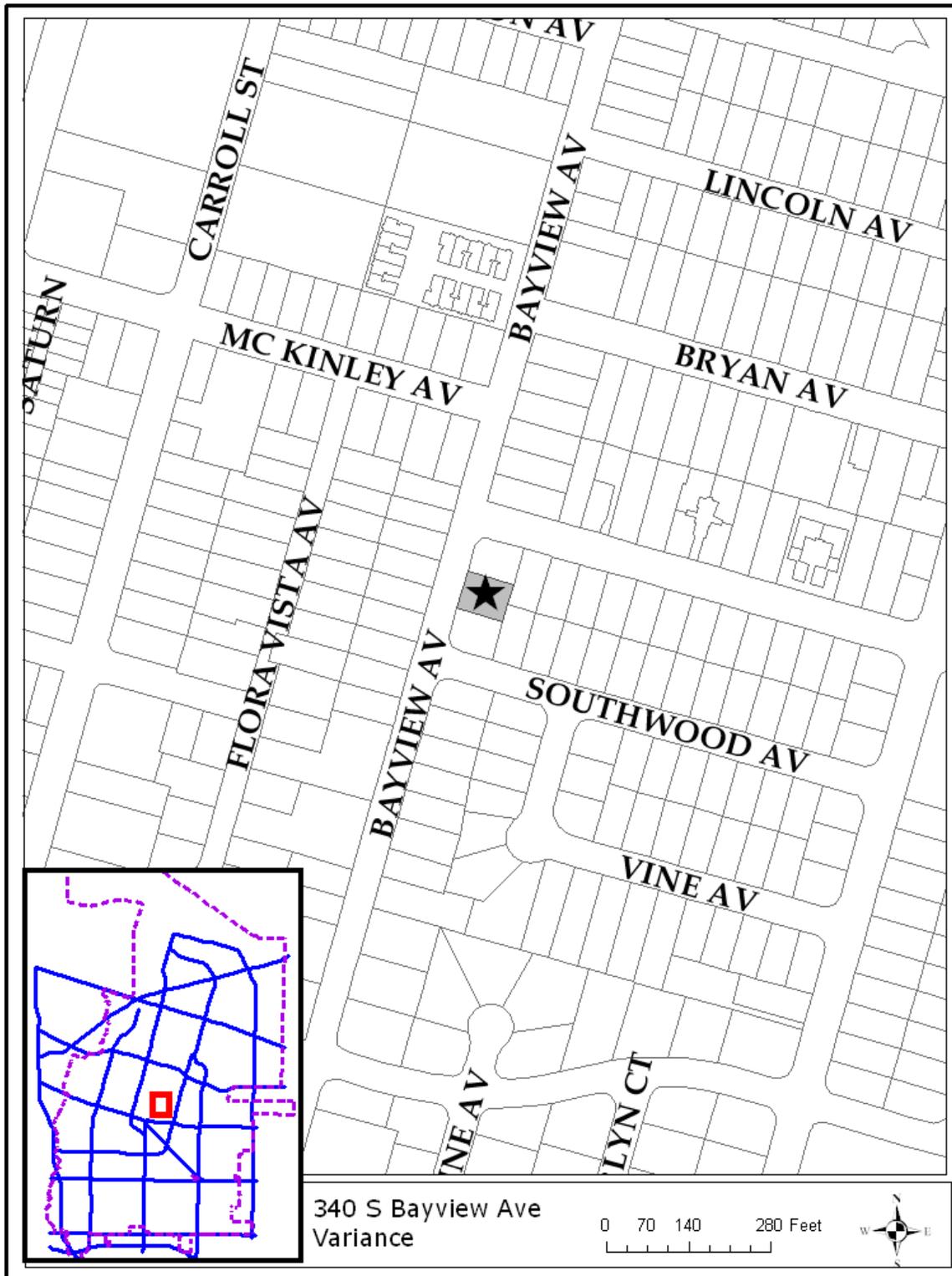
East Single Family Residential

West Single Family Residential

Issues 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-0	Same	R-0
Lot Size (s.f.)	5,346	Same	6,000 min.
Gross Floor Area (s.f.)	1,199 (inc. existing detached garage)	1,299 (incl. proposed detached garage)	No max.
Lot Coverage (%)	22.4%	24.3%	45% max.
Floor Area Ratio (FAR)	22.4%	24.3%	45% max. without PC review
No. of Buildings On-Site	2	2	---
Distance Between Buildings	10' 4"		min.
Building Height (ft.)	16' 10"	Same	
Garage Height	10' 4"	11' 3"	15' max.
No. of Stories	1	1	2 max.
Setbacks (Facing Property)			
Front	15'	Same	20' min.
Left Side	23' 3' (existing detached garage)	23' 4' - (proposed detached garage)	4' min. (12' combined)
Right Side	10' 52' (existing detached garage)	10' 42' (proposed detached garage)	8' min. (12' combined)
Rear	33' (1' - 2')	33' (4')	20' min. (10' min with max. 25% encroachment)
Parking			
Total Spaces	2	2	4 min.
Covered Spaces	1	1	2 min.
Aisle Width (ft.)	23'	23'	10' min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed project is for the construction of a new detached garage on a single family property. An existing garage will be demolished. The proposed structure is positioned 4' from the side and 4' from the rear property line. A Variance application is required for accessory structures greater than 120 s.f. that are located closer than 10' from the rear property line.

Background

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

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include zoning setback Variances.

Variance

Site Layout: The property is located between two corner lots along South Bayview Avenue. The 979 s.f. home is positioned towards the center of the lot, slightly closer to the south end of the lot. The home maintains legal non-conforming front yard setbacks with 15' where 20' is required. An existing smaller one-car garage, which is located 1'-2' from the rear property line and 3' from the side property line, will be demolished. The lot width of the property is above the minimum standard (66' where 57' is required) and beyond what is commonly found for properties in the surrounding neighborhood; however, the lot depth is considerably less than many nearby properties (81.6' instead of 100'), although it is similar to adjacent corner lot properties.

The neighborhood is made up of predominantly single family properties that contain detached one-car garages that do not meet setback requirements. Many of the structures were legally built at the time of the original homes. An aerial photo of the property and surrounding neighborhood can be found in Attachment D.

Architecture: The existing home was built in 1943. The proposed garage structure will be similarly designed in terms of form and appearance. Similar materials will also be utilized to match the home.

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 match the main house.</i>	The proposed garage is consistent with the main home and roof pitch and overhangs 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. There are no tree removals proposed in conjunction with this permit.

Parking/Circulation: The site contains a detached one-car garage at the rear of the site and an uncovered parking space within a driveway at the side. The property is considered legal non-conforming in terms of parking required for single family properties. The proposal is for a new detached one-car garage at a similar location although setback further from the property lines. Staff consulted with the applicant to consider a two-car garage at this location, but it was not desired at this time. Ample space exists for possible expansion of the parking area in the future. The site also provides adequate maneuvering area for two cars in front of the structure. Since the expansion does not result in greater than 1,800 square feet of floor area of the site or a fourth bedroom, a second covered space is not required for the site.

The following Guidelines were considered in analysis of the project parking and circulation.

Single Family Home Design Guidelines (Parking)	Comments
<i>3.2.A. Accommodate garages in locations similar to the pattern common in the neighborhood (e.g., toward the rear of the parcel or at the side of the house).</i>	Similar to the pattern of the neighborhood, the proposed garage is located at the rear corner of the lot.

Compliance with Development Standards/Guidelines: The site meets most development standards; however, parking requirements and setbacks for the

garage are not met. The existing home also does not meet the required 20' front yard setback. An increase to the covered parking is not required, as there is no increase in floor area proposed beyond 1,800 square feet or a fourth bedroom does not result. Rear yard setbacks are still not met with the current proposal but have been increased from current conditions. The proposed garage would enable side yard setbacks to be met which are currently not with the existing structure.

Expected Impact on the Surroundings: Staff finds that the proposed garage structure will be an improvement over current conditions. The greater neighborhood area is mostly comprised of a similar site layout for single family properties and the proposal would not create a unique situation. The visual impacts should be minimal as existing detached garage structures are positioned in close proximity on immediately adjacent properties.

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

Alternative 1: Approve the Variance with the attached conditions.

Prepared by:

Ryan M. Kuchenig

Project Planner

Reviewed by:

Steve Lynch

Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Aerial Photo of Property and Surrounding Neighborhood
- E. Project Description and Justifications Provided by the Applicant
- F. Photo of the Front Elevation

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)*

Staff was able to make the finding is made because this is conditions is part of a common neighborhood pattern that contains detached garages within the back yard. This particular site is further limited due to a much more shallow lot depth than most nearby R-0 zoned properties.

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)*

Staff finds that the granting of the Variance is not detrimental as the proposed location is similarly positioned to structures that lie in the rear yard on adjacent properties. This condition shields the view of the new garage from habitable areas of such properties. Staff also finds that the newly designed structure will be a significant improvement over current conditions. Conditions of approval require that the proposed structure be maintained and utilized for covered parking.

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.

Staff finds that granting the Variance will enable the property owner to retain a similar privilege as the surrounding neighborhood by locating parking area away from the public view from the street.

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:

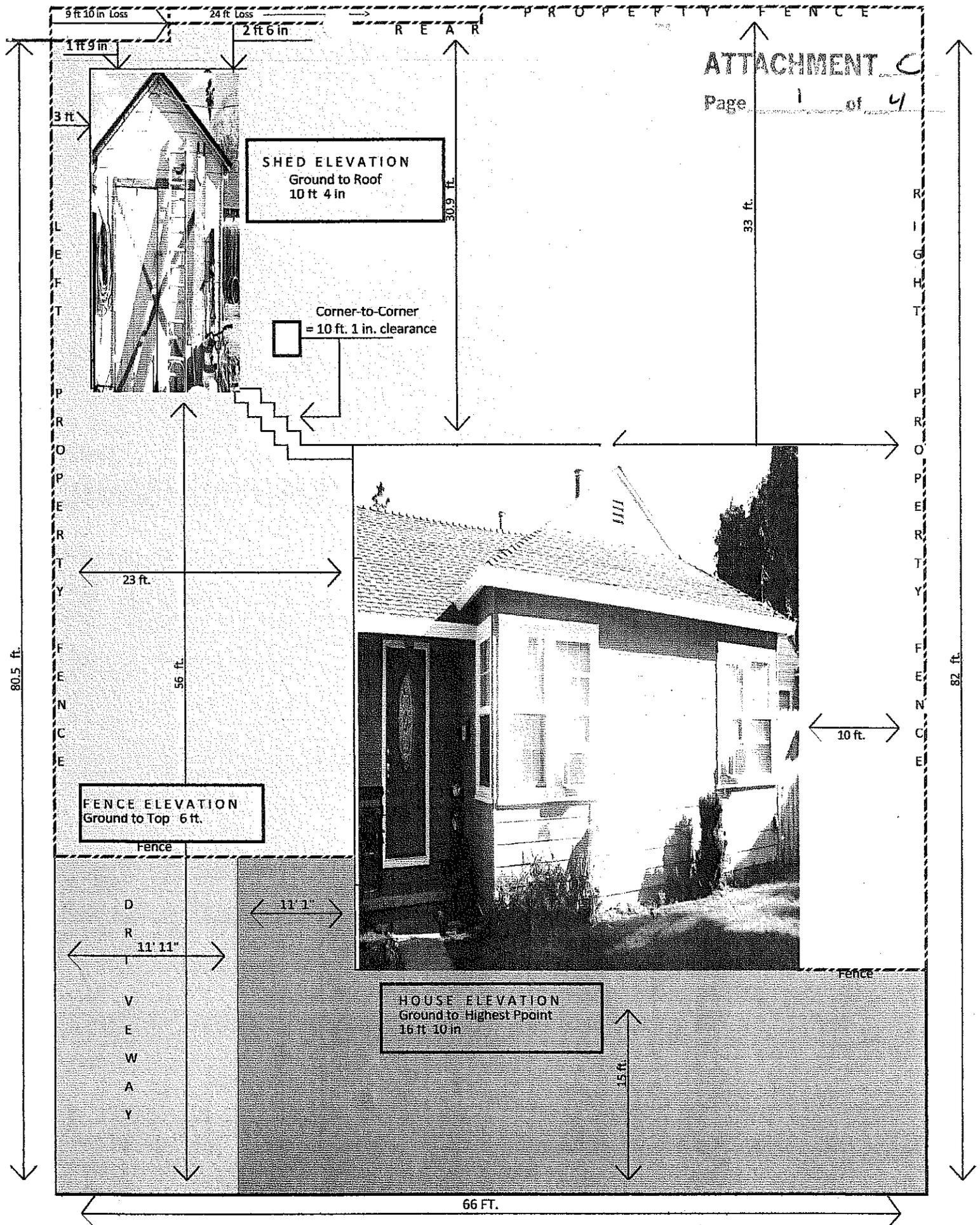
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

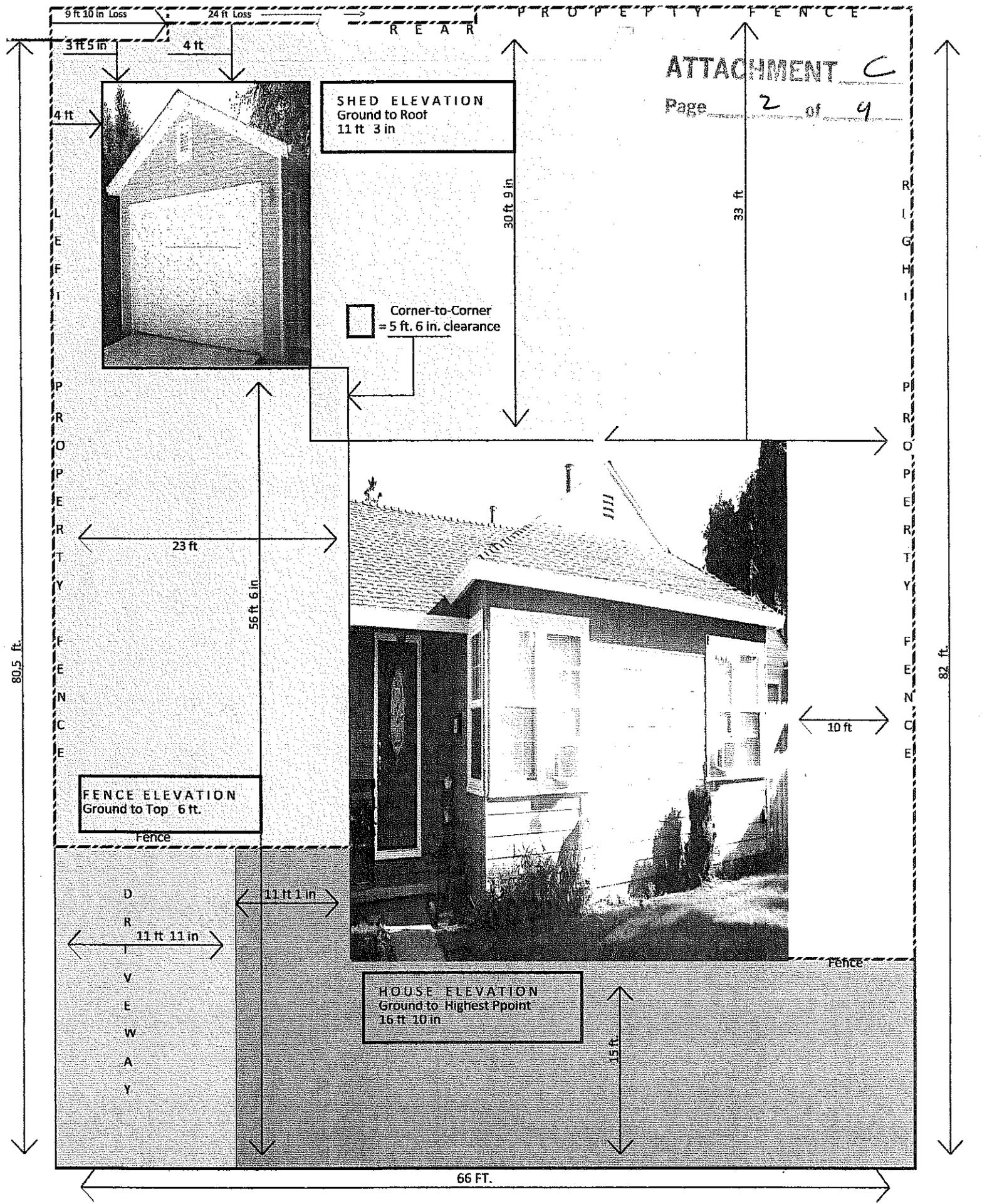
- A. The Variance shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development
- B. 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 one vehicle and to meet the minimum interior clearance dimensions of 8 feet, 6 inches 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.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

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

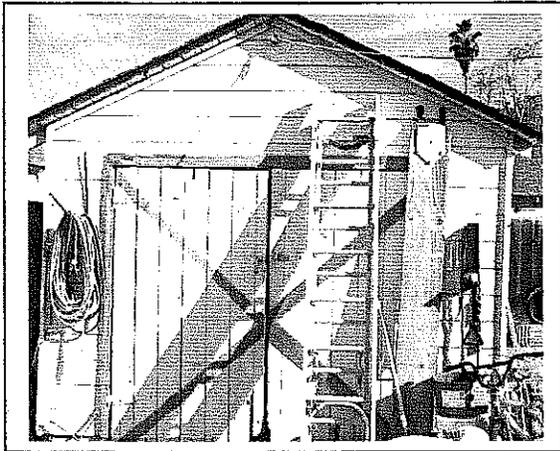


SIDEWALK
Elevation - Existing

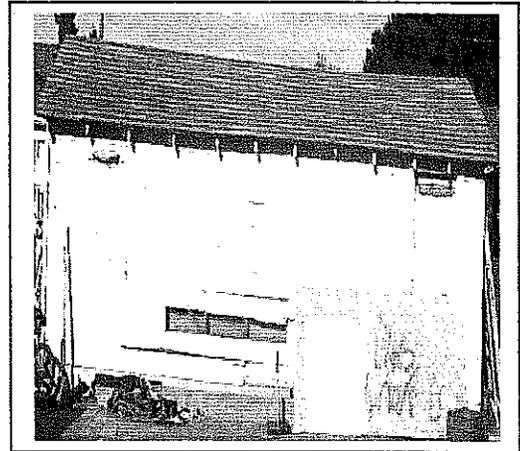


SIDEWALK

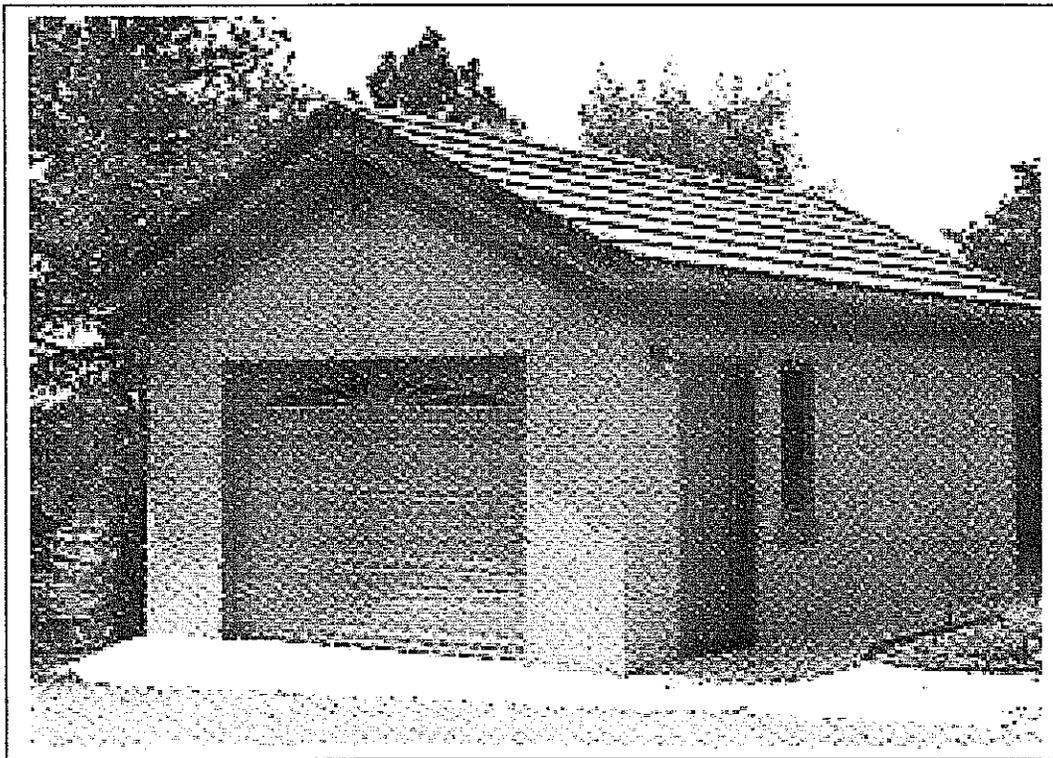
Elevation Proposed



Existing Shed (Front)



Existing Shed (Side)

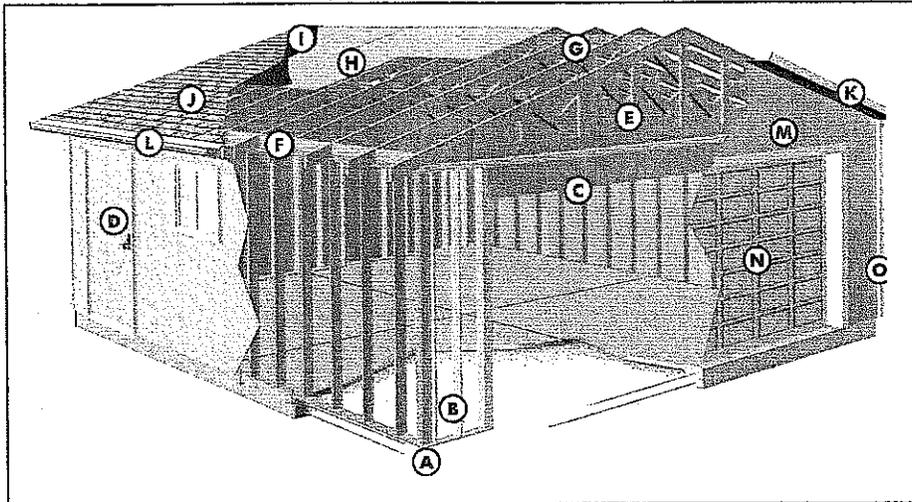


Proposed Shed (Front & Side)

Materials/Decorative Elements 4 4

Property Owner(s):
 Property Address:
 Zoning Type, Lot Size:
 Proposed Shed Size:

Jeff & Stacy Amaral
 340 S Bayview Avenue
 R-0 , 5386 sq. ft.
 16'x20' or 320 sq. ft.



Materials

- | | |
|---|---|
| <ul style="list-style-type: none"> A ▶ 2" x 4" Pressure Treated Bottom Wall Plate B ▶ 2" x 4" Dried Studs on 16" Centers C ▶ Structurally Engineered Overhead Garage Door Header D ▶ 3'0" x 6'8" Steel Service Door E ▶ 2" x 4" Gable End Wall Studs F ▶ 2" x 4" Truss Shear Blocks G ▶ TPI Certified Trusses w/Steel Joint Plates H ▶ 1/2" Plywood Roof Decking w/ 'H' Clips | <ul style="list-style-type: none"> I ▶ 15# Roofing Felt Paper J ▶ Owens-Corning® Classic Shingles with a 20-Year Limited Warranty K ▶ Baked Enamel Metal Drip Edge Perimeter L ▶ 12" Overhang on Sidewalls M ▶ Premium Plywood Duratemp® Siding with a 30-Year Limited Warranty N ▶ Up to a 16' x 7' Sectional Overhead Garage Door O ▶ Pre-Primed Foretrim® Trim & Fascia Boards |
|---|---|

Structure	Wood
*Construction Method	Tuft Shed, Prebuilt w/Assembly
Base	Concrete
Door, Roll-Up Canister	Steel
Door, Service Door	Steel
Roof, Owens Corning Shingles	Asphalt w/Fiberglass Mat

Decorative Elements

Vent, Octagonal, White	Metal
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Color Scheme

Building Exterior, same used in Phase 1 for home	Sautéed Mushroom. #D21-4
Building Trim, same used in Phase 1 for home	Delicate White. #D40-1
Owens Corning Shingles (Roof), matches those used in Phase 1 for home	Asian Red

340 S. Bayview Ave



Scope of Work Statement

Type of Proposal:	Setback Variance
Property Owner(s):	Jeff & Stacy Amaral
Property Address:	340 S Bayview Avenue
Zoning Type, Lot Size:	R-0 , 5386 sq. ft.
Proposed Shed Size:	16'x20' or 320 sq. ft.
Proposed Shed FAR:	0.0594

Purposed Lot Improvements

The Amaral's have developed an investment strategy to enhance the real estate value of their property with land improvements that incorporate newer eco-friendly technologies. The work will be implemented in various stages.

- Phase 1 – Dwelling (primary structure)
- Phase 2 – Shed (secondary structure)
- Phase 3 – Landscaping

Phase 1 of their property enhancement strategy targeted the primary structure (house) and was necessary to address normal wear-n-tear issues, included a complete replacement of the roof, minor structural repairs to the building for deterioration caused by wood rot/termites, and exterior painting of the building. Phase 1 has been successfully completed.

Phase 2 (current phase) of their property enhancement strategy targets the secondary structure – the shed (garage). The Amaral's are requesting a Setback Variance that will allow them to demolish the existing shed (garage) and replace with a newer, more spacious unit. The reasons for this action are twofold:

- A. It is necessary to address structural damage (deterioration caused by wood rot/termites) and normal wear-and-tear.
- B. Make better use of the space allotted for the shed (garage) within the property as a whole.

Phase 3 (final phase) of their property enhancement strategy will target the unused portions of the property with landscaping. Their goal is to bring vitality to the lot with new sod and vegetation (ground covering), while addressing environmental concerns. To do this, the Amaral's will incorporate into the work plan a greenhouse approved sprinkler system where none currently exists, ensure that drought-resistant plants are factored into their vegetation (ground covering) selections, and deciduous trees will be used and selected for their shade producing value which reduces energy cost as well as dependence on fossil fuel for heating/cooling needs.

Community Impact/Concerns

Land development and/or land improvements is a complex process and raises multiple concern to both the City and local Residents.

- Does the proposed secondary structure (shed) compliment and match the primary structure (house)?

Reply: Yes. For verification purposes, there are digital images of the primary structure and the proposed shed (see Submission Checklist)

- Is the proposed structure (shed) consistent in architectural style(s) to other properties in the surrounding neighborhood and will it blend well within the community as a whole?

Reply: Yes. In general, single story garages (especially prebuilt units) have a limited selection, which ensures a uniform appearance (see Materials/Decorative Elements)

- Will the proposed structure (shed) overwhelm their neighbors and/or obscure their view?

Reply: No. The existing shed was a single story unit and the replacement shed will be a single story unit. The size and style selected matches sheds (garage units) of the property owners located on all sides of the Amaral property line, as well as the surrounding neighborhood.

- **Does the proposed structure (shed) respect neighborhood home orientation and setback patterns?**

Reply: Yes. Home orientation and setback patterns were already addressed in prior years. The new shed will be placed in the exact same location as the existing shed to ensure that no deviation from the home orientation and setback pattern will occur.

VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application. One-Stop Permit Center - City Hall - 456 W. Olive Avenue - (408) 730-7444 Planners and Building Division staff are available 8:00 a.m. to noon and 1:00 to 5:00 p.m. www.SunnyvalePlanning.com / www.SunnyvaleBuilding.com Rev. 7/07 (white)

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.

Because of the overall lot size and how the property was developed by the original owner(s), strict enforcement of the current ordinance setbacks will have a negative impact on the Amaral's and denies them benefits enjoyed by other home owners in the vicinity. Current setback requirements will overpower the limited ground space between structures and prevent them from constructing a shed sufficient in size to meet their storage needs.

With the 16'x20' shed proposed, if forced to comply with the current ordinance setbacks, the Amaral's will lose 8 ft. of ground space which reduces the clearance between structures to a single 3 ft. wedge between walls and severely hinders their ability to performing simple property management tasks such as mowing the lawn(s). Under current guidelines, this restricted space is not adequate to maneuver bulky lawn equipment (mower) from the back yard area to the side & front yards respectively. Nor will it comfortably accommodate the flow of foot-traffic during large family/social gatherings (such as summer barbeques), where outdoor use of their backyard is needed.

Granting the Setback Variance corrects any potential harm the Amaral's would suffer, and allows them the same peaceful enjoyment of their property that other neighbors already enjoy.

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 requested Setback Variance is for construction of a detached secondary structure (shed) intended for use as a garage (no human occupancy). The existing shed is already much closer to the property line setback (3' side, & 1'9"/2'6" rear) than the mandated setback listed in the current ordinance of 4' side & 12' rear. If granted, the Setback Variance allows the new shed to be placed close to the exact same spot, with an improvement of a uniform setback distance of 4' side & 4' rear, and very little change from the current appearance of the property will be evident.

Given the age of the existing shed and the current state of disrepair, granting the Setback Variance will allow the Amaral's to install a new shed adequate to meet their storage needs, one that is more aesthetically pleasing to the eye, and will contribute greatly to the peaceful enjoyment of the neighborhood as a whole while increasing property values for the Amaral's and other homes in the immediate vicinity.

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.

Strict enforcement of the current ordinance will deny the Amaral's the same benefits that other property owners in their neighborhood presently enjoy.

An examination of the aerial photo printout (Parcel Map) and walkabout search of homes in the immediate vicinity was made to determine property owners who were granted setback variances, and who built sheds at a distance closer than the 12' rear setback. Below is an abbreviated list of findings:

- A. 310 S Bayview Avenue (shares the Amaral's left-side property line)
- B. 416 E McKinley Avenue (shares the Amaral's rear property line)
- C. 428 E McKinley Avenue
- D. 432 E McKinley Avenue

*See attached Parcel Map printout that validates shorter than 12 ft rear setbacks have been granted.

Approving the Setback Variance corrects any potential harm the Amaral's would suffer, and maintains a balance among home owners to ensure that no inequity exists.

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



Address **340 S Bayview Ave**
Sunnyvale, CA 94086

Save trees. Go green!
Download Google Maps on your phone at google.com/gmm

