



# CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

January 27, 2010

**File Number:** 2009-0927

**Permit Type:** Use Permit

**Location:** 677 Torrington Drive (near Hollenbeck Ave.) (APN: 202-09-012)

**Applicant/Owner:**

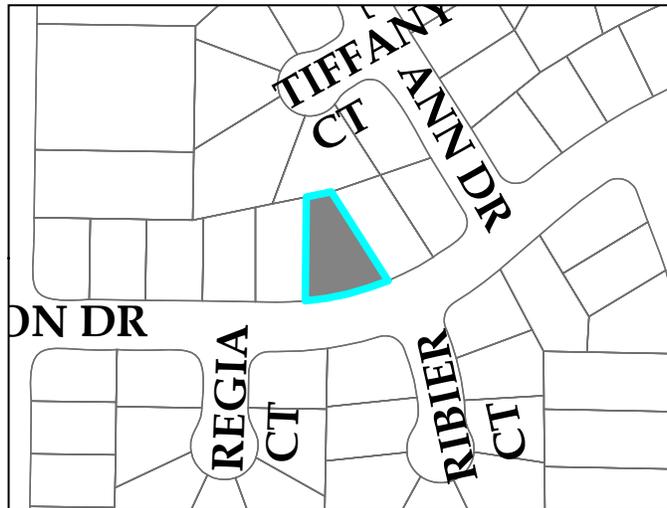
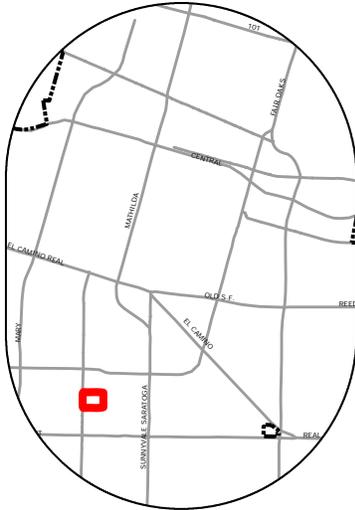
**Staff Contact:** Mariya Hodge, Associate Planner, (408) 730-7659

**Project Description:** To allow a 110 square-foot, 9'3" tall shed in the front yard.

**Reason for Permit:** A Use Permit is required for accessory structures located in the front yard.

**Issues:** Aesthetics, neighborhood compatibility

**Recommendation:** Approve with Conditions



500

Feet

**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Residential Low-Density	Same
Zoning District:	R-1 (Low-Density Residential)	Same
Lot size:	9,287 sq. ft.	Same
Floor area (shed):	137 sq. ft.	110 sq. ft.
Height (shed):	9'3"	Same
Front setback (shed):	Approx. 30'	Same
Side setback (shed):	3'2"	6'

<b>Previous Planning Projects related to Subject Application</b>	<b>No</b>
<b>Neighborhood Preservation Complaints:</b> In October of 2009, the City's Neighborhood Preservation Division received a complaint about a large structure located in the front yard at the subject property. The reporting party believed the structure to be an accessory living unit. Neighborhood Preservation investigated and found no evidence of habitation in the structure, but issued a compliance letter informing the property owner of the requirement to meet setbacks and obtain Planning permits.	<b>Yes</b>
<b>Deviations from Standard Zoning Requirements</b>	<b>No</b>

**Proposed Design:** The existing structure is a 137 square foot shed located between the front of the home and the street. The shed is constructed of vertical wood siding with two windows and a sliding-glass entry door (see Attachment C – Photographs). The existing shed does not meet the required side setback of 6 feet for the R-1 Zoning District, therefore the applicant is proposing to reduce the size of the shed to remove the portion located in the setback. The resulting shed will be approximately 110 square feet.

**Landscaping and fences:** Although the shed is located between the face of the building and the street, it is not readily visible from the street. There is an existing 6-foot tall wood fence located along the 20-foot front setback line. Tall landscaping is located both in front of and behind the fence, including several large trees and numerous small trees. Fencing and tall landscaping also appear to screen the shed from adjacent properties.

**Neighborhood Compatibility:** The existing shed is not readily visible from the street or adjacent properties. As a result, it does not have a detrimental impact on the streetscape and is compatible with the neighborhood. Staff recommends Condition of Approval #4 requiring the existing fencing and landscaping to be

maintained as screening. A new Use Permit would be required if the fencing or landscaping is removed or modified.

**Public Contact:** Seven notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practice. Staff received phone calls from two neighbors. Both neighbors stated that they do not object to the existing shed because it is sufficiently screened from view by fences and landscaping.

**Environmental Determination:** A Class 3 Categorical Exemption (accessory structures) relieves this project from CEQA provisions.

## **FINDINGS**

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In order to approve the Use Permit the following findings must be made:

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

**Staff is able to make the required finding. The design of the shed is compatible with the home and with City design guidelines. As proposed, the shed meets all setbacks and Zoning requirements.**

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 the orderly development of, or the existing uses being made of, adjacent properties.

**Staff is able to make the required finding. The project is not expected to have a detrimental impact on the streetscape or surrounding properties, as the shed is screened by landscaping and fences and is not readily visible from the street or adjacent sites. Condition of Approval #4 requires the existing fencing and landscaping to be maintained.**

## **ALTERNATIVES:**

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1. Approve the Use Permit with recommended Conditions in Attachment A.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

## **RECOMMENDATION**

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Alternative 1. Approve the Use Permit with recommended Conditions in Attachment A.

Reviewed by:

**Shaunn Mendrin**

Senior Planner

Prepared By: Mariya Hodge, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Site Photographs

## **Standard Requirements**

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The following is a list of standard requirements. This list is intended to assist the applicant and public in understanding basic related requirements, and is not intended as an exhaustive list. These requirements cannot be waived or modified.

- A. **Permit Expiration:** The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- B. **Permit Lapse if not Exercised (Ordinance 2895-09):** The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- C. **Building Permits:** Obtain Building Permits for the accessory structure including any interior improvements if required by the Building Safety Division.
- D. **Accessory Utility Building:** Accessory Utility Buildings are not habitable structures and may not be intended for or used for human habitation.

## **Recommended Conditions of Approval**

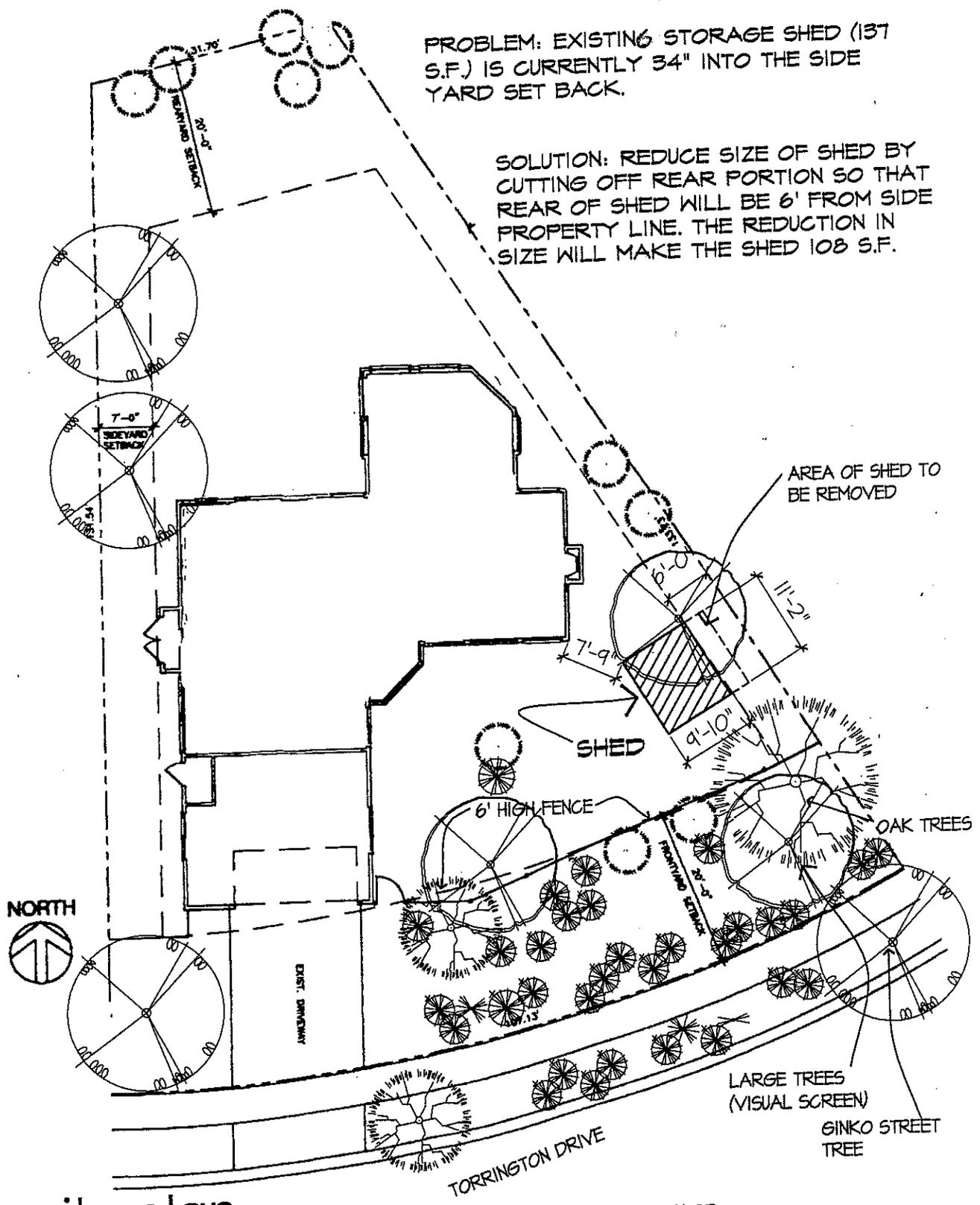
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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

- 1. **Execute Permit Document:** Execute a Use Permit document prior to issuance of a Building permit, or if no Building permit is required, within 30 days after the final approval action.
- 2. **Project Conformance:** The 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 shall require approval at a public hearing.
- 3. **Conditions of Approval on Plans:** The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- 4. **Landscaping and fences:** The existing fencing and landscaping on the site shall be maintained as screening for the accessory structure. If the fencing or landscaping is removed or modified, a new Use Permit for the accessory structure shall be required to re-evaluate its neighborhood compatibility.

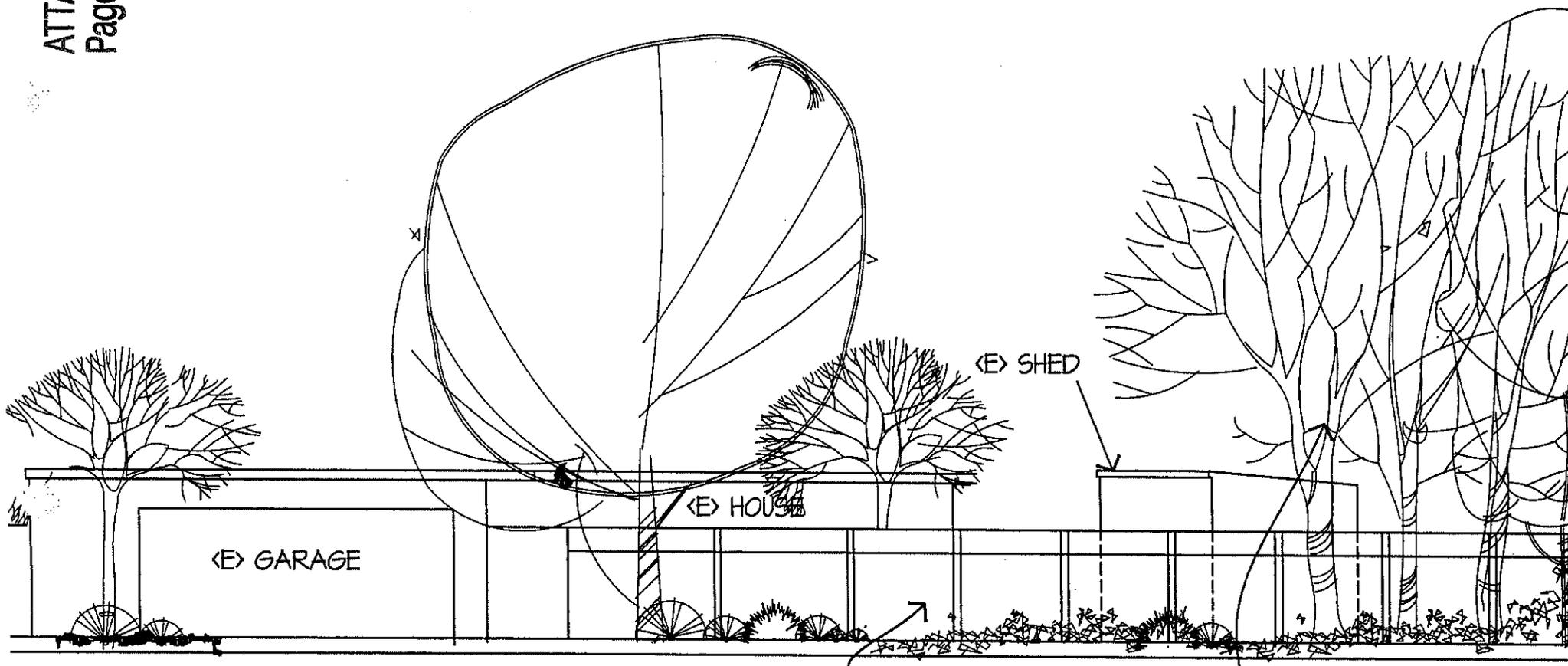
PROBLEM: EXISTING STORAGE SHED (137 S.F.) IS CURRENTLY 34" INTO THE SIDE YARD SET BACK.

SOLUTION: REDUCE SIZE OF SHED BY CUTTING OFF REAR PORTION SO THAT REAR OF SHED WILL BE 6' FROM SIDE PROPERTY LINE. THE REDUCTION IN SIZE WILL MAKE THE SHED 108 S.F.



site plan

671 TORRINGTON DR



street elevation

1/8"=1'-0"

6' HIGH FENCE, (TYP. FOR COURTYARD EICHLERS)

LARGE OAK TREES (VISUAL SCREEN)

