



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

March 30, 2011

File Number: 2011-7081

Permit Type: Use Permit

Location: 851 Muender Ave. (near Sunset Ave.) (APN: 165-16-022)

Applicant/Owner: Diony T Bugay / Jerry and Maria Nieto

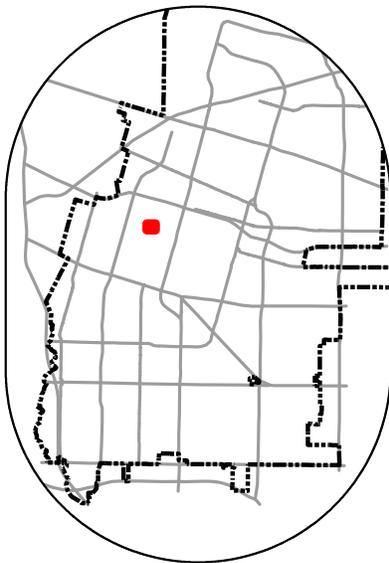
Staff Contact: Steve Lynch, Senior Planner, (408) 730-2723

Project Description: To allow a new 782 square foot garage in the rear and side yard, with a height of 15' 3".

Reason for Permit: A Use Permit is required for accessory structures greater than 450 square feet and taller than 15 feet in height.

Issues: Neighborhood compatibility.

Recommendation: Approve with Conditions.



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Medium Density	Same
Zoning District:	R-2	Same
Total Sq. Ft. on Site:	712	1,494
Lot Size:	6,500	Same
FAR	11%	22%
Parking:	2 uncovered	2 covered and 2 uncovered

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Background: The subject property is located on Muender Avenue and contains a single-family home located near the front of the site. The site currently has no garage or other type of covered parking. The property is surrounded by residential uses on three sides, and a commercial use (C-4 zone) to the north.

Use Description: The proposal includes a 578 square foot detached two-car garage and 204 square workshop. The garage and workshop total 782 square feet. The detached structure will be designed to compliment the residence, with stucco siding and composition shingles. A new driveway leading to the rear yard area will also be constructed as part of the project. See Attachment B (Site and Architectural Plans) for more details.

No trees will be removed as part of this project.

Public Contact: Eight notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

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

FINDINGS

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.

The proposed detached garage is located within the rear yard and provides the required parking for the existing home where there currently is none. The

addition of two covered parking spaces will make the property legal conforming to current parking requirements. The location of the structure minimizes potential impacts to the surrounding properties.

Staff was able to make the findings as the design meets the guidelines described above.

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.

The project is expected to have minimal impacts on surrounding properties.

ALTERNATIVES:

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

RECOMMENDATION

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

Reviewed by:



Shaunn Mendrin

Senior Planner

Prepared By: Steve Lynch, Senior Planner

Attachments:

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

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
March 30, 2011**

Planning Application 2011-7870

851 Muender Avenue

Use Permit for new garage and workshop

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE
APPROVED PROJECT.**

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. USE EXPIRATION:

The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION (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. [SDR] (PLANNING)

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. TREE PROTECTION:

Building permit plans shall include tree protection locations and specifications of the protection fencing. [COA] [PLANNING]

BP-3. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

DC: THE FOLLOWING SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

