



**CITY OF SUNNYVALE REPORT
ZONING ADMINISTRATOR HEARING**

July 13, 2011

File Number: 2011-7351

Permit Type: Variance

Location: 1109 Lorne Way (near Swallow Dr.) (APN: 313-41-024)

Applicant/Owner: Jacqueline Brooks

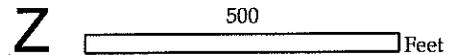
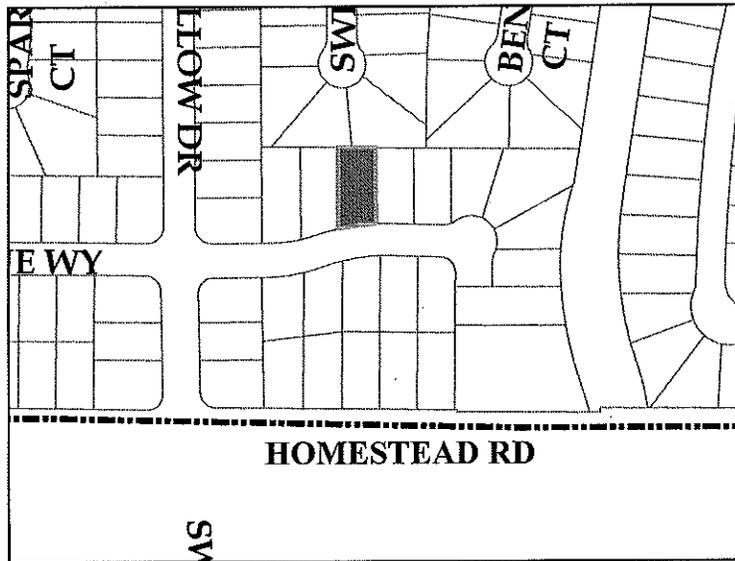
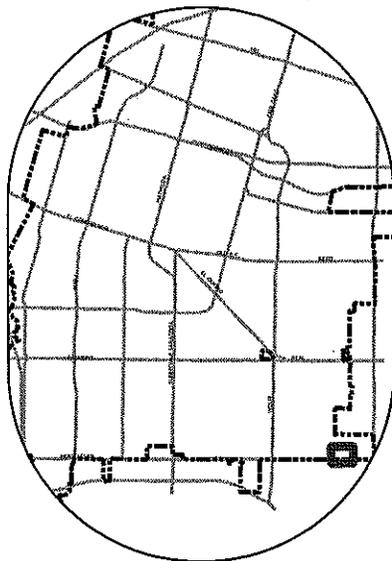
Staff Contact: Noren Caliva, Associate Planner, (408) 730-7637

Project Description: To allow an addition to a home with a 10'-6" combined side yard setback where 12' is required.

Reason for Permit: A Variance is required for substandard setbacks.

Issues: Variance Findings

Recommendation: Approve with Conditions



PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low Density	Same
Zoning District:	R-O	Same
Lot Size:	7,930	Same
Gross Floor Area:	2,543	2,570
Lot Coverage:	32%	32.4%
Parking:	4	Same
Left Side Yard Setback:	4'-6"	Same
Right Side Yard Setback:	6'	Same
Combined Side Yard Setback:	10'-6"	Same

Previous Planning Projects related to Subject Application A Variance application to add a new library/study room with a zero left side yard setback was submitted in 1978. In a staff report, staff expressed concerns regarding maintenance of the side yard and potential privacy impacts to the neighbor along the left side. Due to staff's recommendation to deny the project, the application was withdrawn. A staff-level permit was recently approved to build a 6-foot tall fence to enclose a portion of the front yard as a courtyard.	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements The addition will result in a combined side yard setback deficiency.	Yes

Site Layout: The existing home is located in an Eichler neighborhood, with similar-sized site layouts. The home is centered on the lot and has driveway access along the right side. Most of the rear yard is occupied by an existing swimming pool and mature trees.

The proposed 27 square foot addition will extend a portion of the left side of the home by almost 2 feet and will line up with the existing wall of the home. The addition will maintain the existing left side yard setback of 4 feet 6 inches and the combined side yard setback of 10 feet 6 inches. The existing home is considered to be legal nonconforming with regard to the combined side yard setback, as the Sunnyvale Municipal Code (SMC) requires 12 feet combined for the R-0 Zoning District. The proposed addition will increase the nonconformity.

Floor Plan: The existing home has a typical Eichler floor plan with an atrium at the center with living areas around it. There are 4 existing bedrooms and 2.5 bathrooms. The proposed addition will expand the existing master bedroom and bathroom by 27 square feet.

Architecture: The Eichler-style home is located in the Fairpark Addition neighborhood. Primary exterior materials include vertical wood and glass siding and asphalt shingle roofing. The proposed addition will be located underneath the existing roof eave along the left side of the home, and will be minimally visible from the street frontage. New wall colors and materials will match the existing home. No additional exterior modifications are proposed to the remaining home.

Parking: The site provides two covered garage and two uncovered driveway spaces, which meets the minimum parking requirement.

Public Contact: 18 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 1 (minor single-family home additions) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Variance the following findings must be made:

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.)**

Although the subject property size and shape is not unique to the neighborhood or the R-0 Zoning District, the existing home was built with a substandard combined side yard setback. Constructing the addition to meet the required combined side yard setback or locating the addition to the rear would involve significant reorganization of the existing floor plan, especially to accommodate the master bathroom addition. The proposed floor plan does not include over-scaled spaces, is tucked underneath the existing eave and roof, and provides a more functional space for the property owners.

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.)**

The proposed single-story addition respects the character, size and bulk of homes in the neighborhood. Exterior colors and materials will match the existing home and will maintain the Eichler-style architecture. Due to the location of the addition and existing fences, the addition will be

minimally visible from the street frontage. Impacts to the left side elevation are also minimal, as the addition will continue the line of the existing wall and requires no additional roof area.

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.)**

Approval of the Variance will not grant special privileges not enjoyed by other surrounding property owners, or within the same zoning district. Several of the Eichler homes in the neighborhood were also originally constructed with similar nonconforming combined side yard setbacks.

ALTERNATIVES:

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

RECOMMENDATION

Alternative 1. Approve the Variance with recommended Conditions in Attachment A.

Reviewed by:



Shaunn Mendrin
Senior Planner

Prepared By: Noren Caliva, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Applicant's Variance Justifications
- D. Photosimulation

**ATTACHMENT A
RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JULY 13, 2011**

Planning Application 2011-7351

1109 Lorne Way

To allow an addition to a home with a 10'-6" combined side yard setback where
12' is required.

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 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. PERMIT EXPIRATION:

The permit 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. [SDR] [PLANNING]

GC-3. TITLE 25:

Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

GC-4. TREES:

No protected trees are approved for removal as part of this project. [SDR] [PLANNING]

BP: THE FOLLOWING CONDITIONS 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. 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]

BP-3. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. EXTERIOR COLORS AND MATERIALS:

All new exterior colors and materials shall match the existing home. [COA] [PLANNING]

BP-5. BEST MANAGEMENT PRACTICES:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best

management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

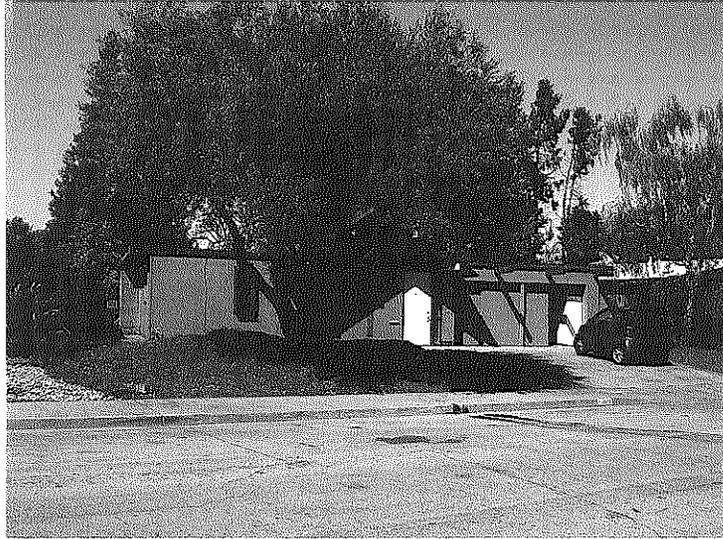
- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

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

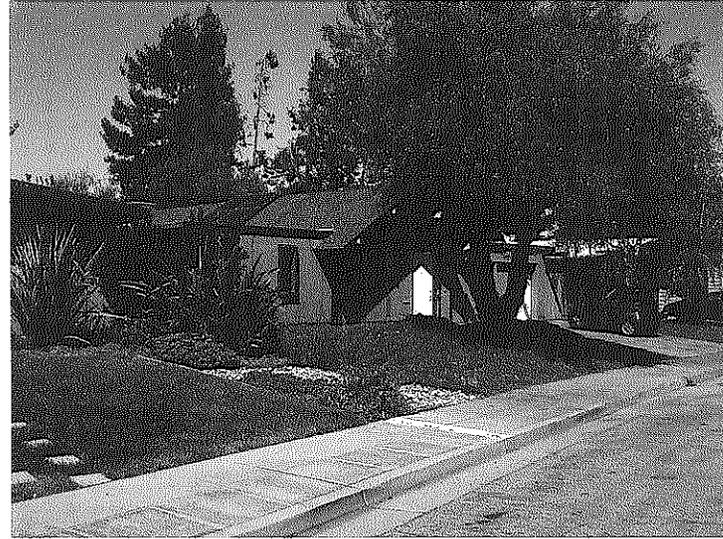
DC-1. BLUEPRINT FOR A CLEAN BAY:

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]

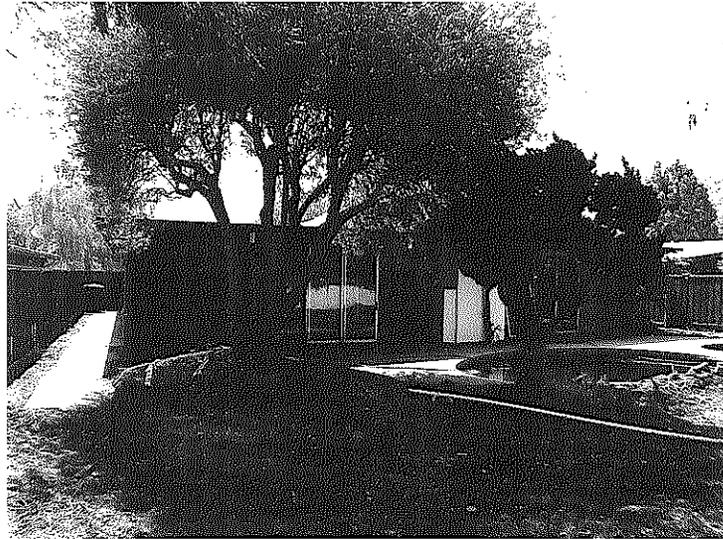
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PROJECT COMPANY: HALDENMARRIDGHS RESIDENCE - A10011 - A02



1 FROM LORNE
SCALE: 1:0.87



2 FROM LORNE
SCALE: 1:0.87



3 REAR OPPOSITE POOL
SCALE: 1:0.87



4 REAR FROM POOL
SCALE: 1:0.87

MODERN HOUSE

ARCHITECTURE & DESIGN
1385 Howard Ave.
Burlingame CA, 94010
P. 850.347.9900
C. 415.590.7281
modernhouse@mac.com
www.modernhousearchitects.com



Current Architect

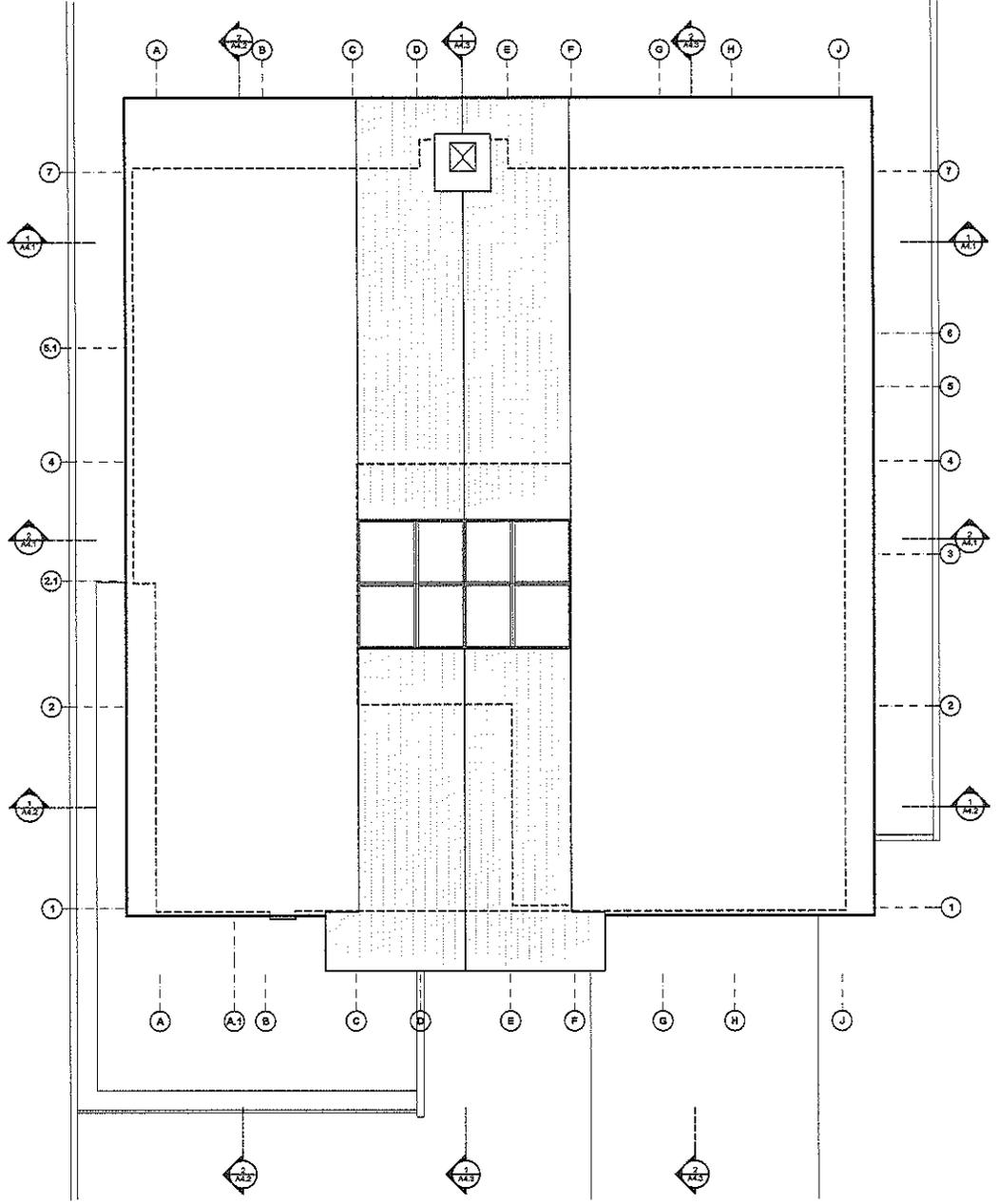
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UDERMAN/BROOKS RESIDENCE
1109 LORNE WAY
SUNNYVALE, CA

ATTACHMENT
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1 ROOF PLAN
 SCALE: 1/8" = 1'-0"

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ARCHITECTURE & DESIGN
 1216 Howard Ave
 Burlingame Ca, 94010
 P. 650.347.0900
 C. 416.590.7281
 modernhouseirfma.com
 www.modernhousearchitecture.com



Client: Architect

FAIRPARK ADDITION
 ALDERMAN/BROOKS RESIDENCE
 1108 LORNE WAY
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ATTACHMENT B
 Page 7 of 13

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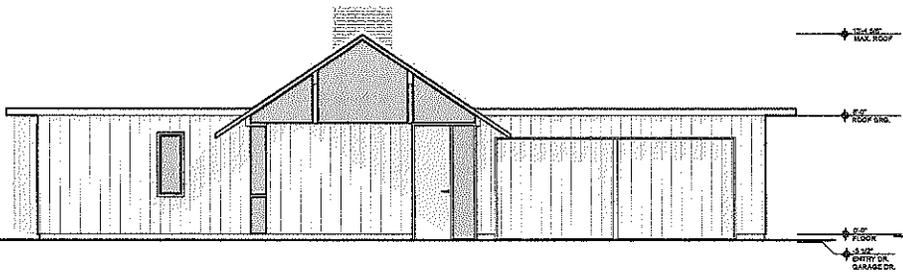
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ARCHITECTURE & DESIGN
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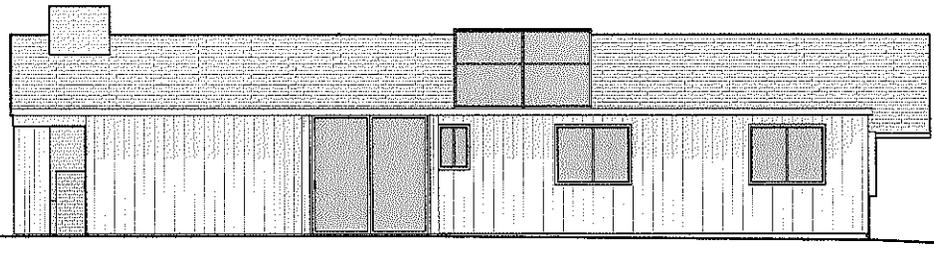


Civil Architect

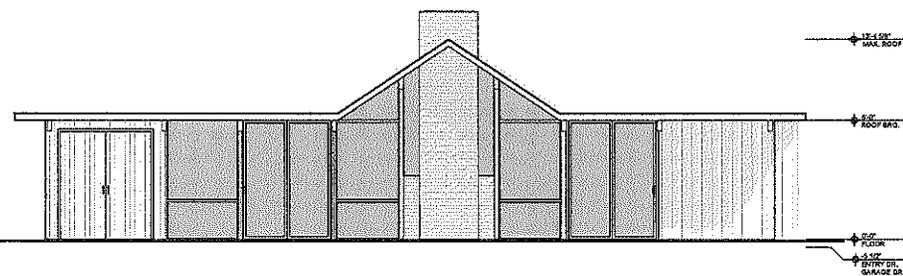
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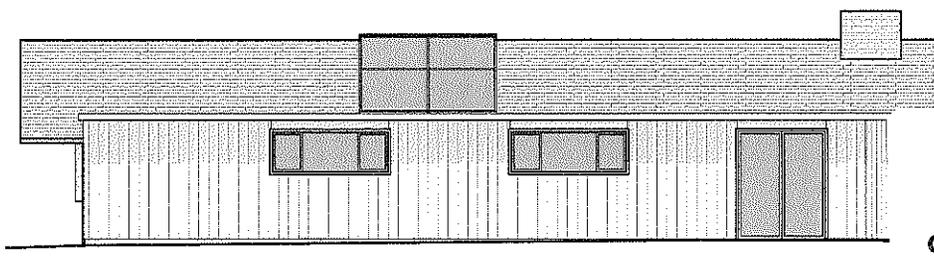
1 SOUTH ELEVATION (EXISTING)
SCALE 1/4" = 1'-0"



2 WEST ELEVATION (EXISTING)
SCALE 1/4" = 1'-0"



3 NORTH ELEVATION (EXISTING)
SCALE 1/4" = 1'-0"



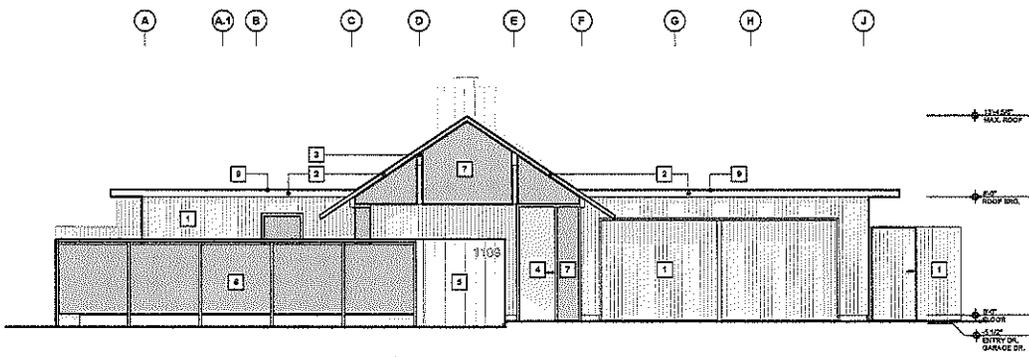
4 EAST ELEVATION (EXISTING)
SCALE 1/4" = 1'-0"

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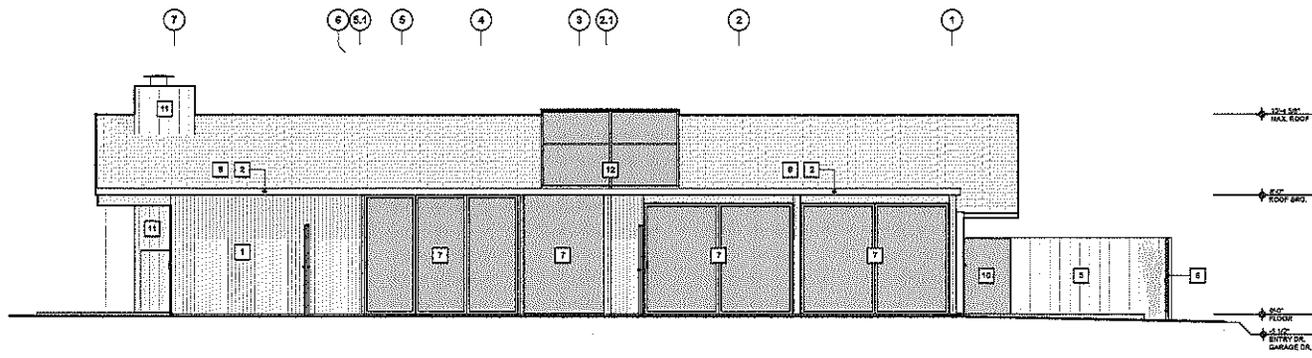
ATTACHMENT B
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1 SOUTH ELEVATION
 SCALE 1/4" = 1'-0"



2 WEST ELEVATION
 SCALE 1/4" = 1'-0"

KEY NOTES - EXT. ELEVATIONS:

- 1 3" CHANNEL GROOVE VERTICAL CEDAR SIDING (SEE ARCHITECT FOR STAIN COLOR)
- 2 NATURAL RECYCLED ZINC PAVING
- 3 PAINTED BEAMS (WHITE)
- 4 PAINTED FRONT DOOR (RED)
- 5 BOARD FORMED CONCRETE
- 6 TUBE STEEL FRAME 1/4" OPAQUE 1/2" TEMPERED GLASS
- 7 NATURAL MIL-FINISH FRAMES ON EXTERIOR DOORS AND WINDOWS
- 8 GREY ASPHALT SHINGLES
- 9 EPDM ROOFING
- 10 1/2" TEMP. OPAQUE GLASS GATE
- 11 BOARDFORM CONC. TILE
- 12 NATURAL MIL-FINISH FRAMES ON EXTERIOR SLUING ROOF WINDOW

MODERN HOUSE

ARCHITECTURE & DESIGN
 1548 HOWARD AVE.
 BURLINGAME, CA 94010
 P. 650.347.6600
 C. 415.595.7251
 modernhouseofmod.com
 www.modernhouseofmod.com



Curtis Architect

FAIRPARK ADDITION
 ALDERMAN/BROOKS RESIDENCE
 1109 LORNE WAY
 SUNNYVALE, CA

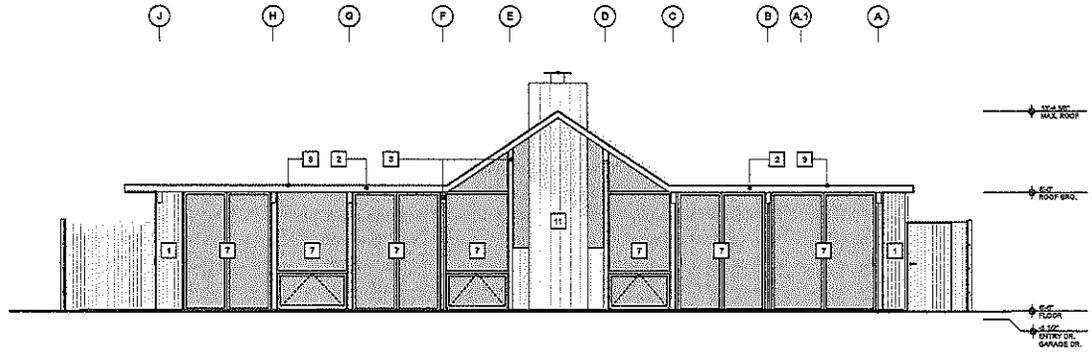
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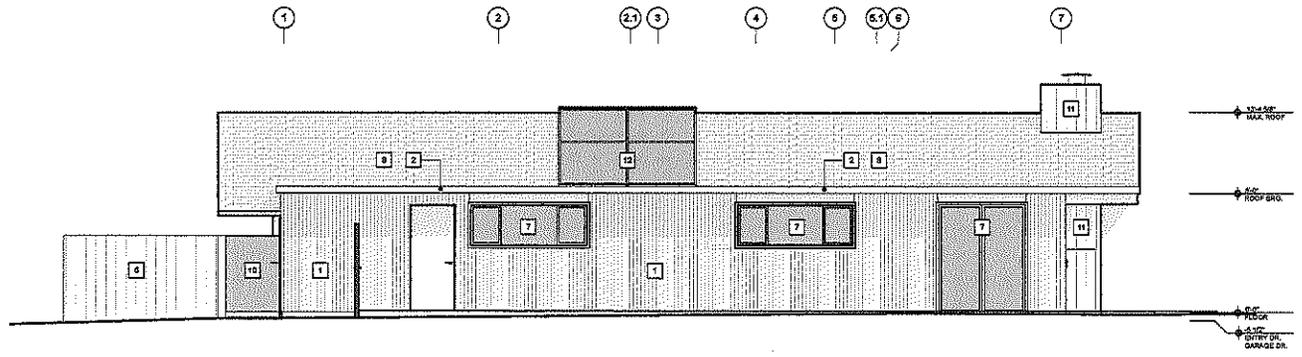
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KEY NOTES - EXT. ELEVATIONS:

- 1 2" CHANNEL GROOVE VERTICAL CEDAR SIDING (SEE ARCHITECT FOR STAIN COLOR)
- 2 NATURAL RECYCLED ZINC FASCIA
- 3 PAINTED BEAMS (WHITE)
- 4 PAINTED FRONT DOOR (R60)
- 5 BOARD FORMED CONCRETE
- 6 TUBE STEEL FRAME W/ OPAQUE 1/2" TEMPERED GLASS
- 7 NATURAL MIL-FINISH FRAMES ON EXTERIOR DOORS AND WINDOWS
- 8 GREY ASPHALT SHINGLES
- 9 EPDM ROOFING
- 10 1/2" TEMP. OPAQUE GLASS GATE
- 11 BOARDFORM COND. TILE



3 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



4 EAST ELEVATION
 SCALE: 1/4" = 1'-0"

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ARCHITECTURE & DESIGN
 1245 Howard Ave.
 Burlingame, CA 94010
 P. 650.347.9900
 C. 415.890.7281
 modernhouse@msc.com
 www.modernhousearchitecture.com



Curriculum Architect

FAIRPARK ADDITION
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 1109 LORNE WAY
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ATTACHMENT
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VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application.

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.

We are requesting additional space within our side yard where an existing encroachment already exists in the Master Bath Area. Our reasons for adding the additional 18" encroachment in line with the existing, is to facilitate a slightly larger Master Bedroom and Master Bathroom. We chose to add to the side yard instead of the rear yard to maintain the original character of the Eichler. Additionally we feel that any rear yard addition could undermine the pool and coping, which we also believe is in keeping with the original character of this Eichler .(See attached renderings).

AND

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.

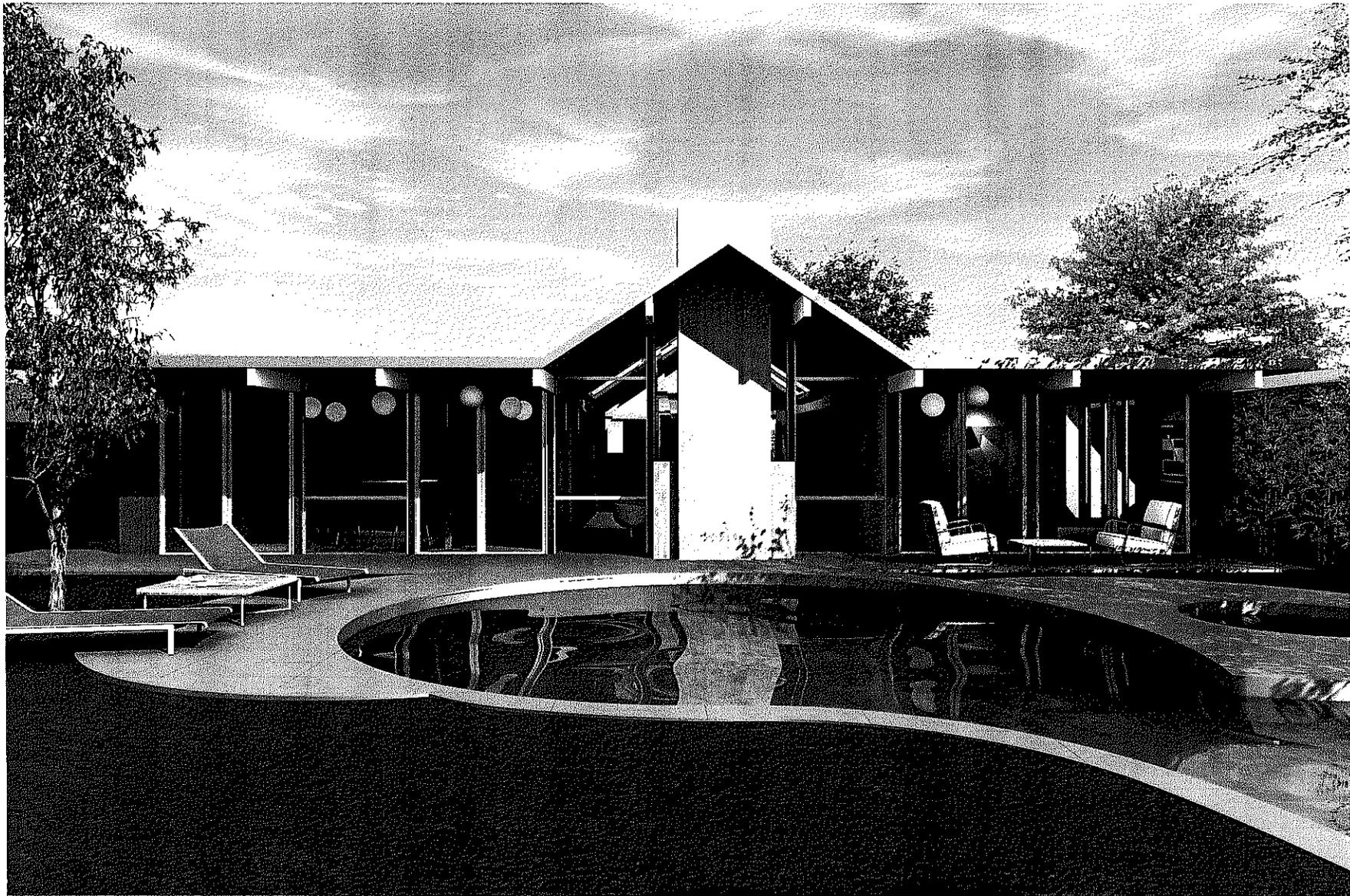
We feel that this is the most discrete place to add the additional sq. ft., which will not substantially change the the side elevation and remain completely under the roof overhang. (See existing Elevation/Proposed Elevations)

AND

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.

We believe this in no way undermines the intent and purpose of the ordinance, but in turn preserves the character of this Eichler by preserving the front and rear facades, and pool which should benefit other Eichler's on Lorne Way

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



Proposed Rear Facade



Halderman/Brooks Residence