



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

February 27, 2013

File Number: 2012-7682

Permit Type: Variance

Location: 740 Borregas Ave. (near Del Norte Ave.) (APN: 204-05-020)

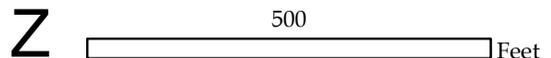
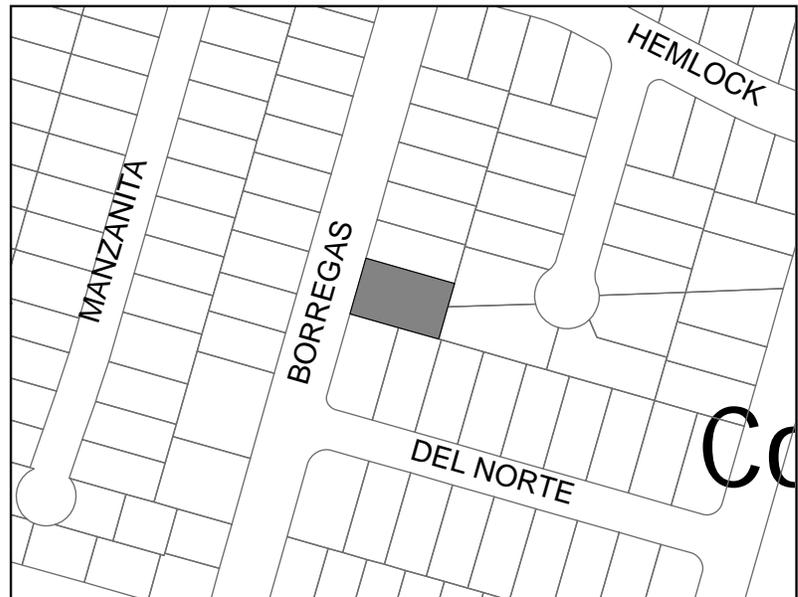
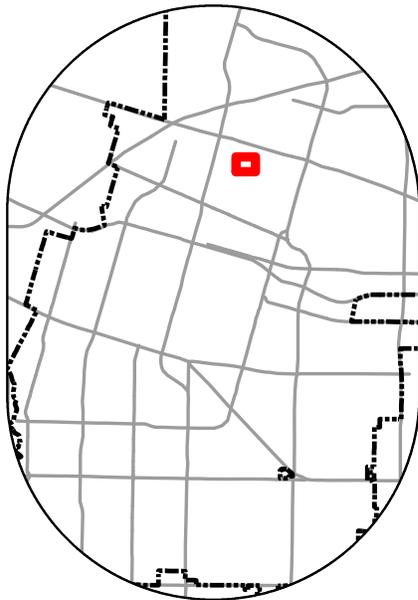
Applicant/Owner: Yi Wu and Jianyuan Liu

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

Project Description: Variance to allow a 400 square foot rear addition which results in greater than 25% encroachment into the required rear yard; and, Variance to allow no covered parking for a home exceeding 1,800 square feet in floor area.

Issues: Covered parking, rear yard encroachment, front yard paving, easements, accessory living units.

Recommendation: Approve the Variance for rear yard encroachment with conditions; deny the Variance for covered parking.



PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low-Density	Same
Zoning District:	R-0	Same
Lot Area (sq. ft.):	8,138	Same
Floor Area (sq. ft.):	2,761 (2,005 living, 756 detached accessory)	2,403 (2,005 living, 398 detached accessory)
Parking:	No covered; 3+ uncovered	Same

Previous Planning Projects related to Subject Application There are no previous planning permits. A building permit was issued in 1955 to allow a single family home with a garage. A 1957 building permit was issued to construct a garage; this may have been a second garage or it may have replaced the original garage; no plans are available. A building permit was issued in 1988 to convert a garage to living area and construct a carport. There are no plans available to identify which garage was converted or where the carport was located. Currently there are no garages or carports on the site. There is a room in the northwest corner of the home which appears to be a former garage converted to living area.	No
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements <ul style="list-style-type: none"> • SMC 19.48.050 limits rear yard encroachments to 25% of the required rear yard area. Approximately 497 square feet of the existing and proposed structures will encroach into the 1,428 square foot rear yard (35%). A Variance is requested to allow this level of rear yard encroachment. • SMC 19.46.050(a) requires two covered parking spaces for a single family dwelling. A Variance is requested to allow no covered parking. • SMC 19.32.060 also limits paving to 50% of the required front yard. Approximately 1,340 square feet of the 1,428 square foot front yard are currently paved (94%). No Variance is requested; the applicant has indicated the site will be modified to meet this standard. 	Yes

Site Layout and Floor Plans: The subject site is developed with a single-story residence constructed in 1955. County Assessor records indicate the home has three bedrooms, two bathrooms, and approximately 1,657 square feet of living area. Records also indicate the home has a 440 square foot garage. In fact, the existing home has six bedrooms, three bathrooms, and 2,005 square feet of living area (see Attachment B – Plans). Based on information provided by the

applicants, approximately 400 square feet was added to the south side of the main structure without permits. A room in the northwest corner of the home, which appears to have been the original garage, has been separated from the home by a partition wall and is accessible only from an exterior door; the applicants state this room is used for visiting relatives. In addition, the site has two detached structures totaling 756 square feet in area, one of which has been converted to an accessory living unit without permits. This results in a total of 2,761 square feet of floor area, seven bedrooms, and four bathrooms on the site. There is no covered parking provided; the carport permitted in 1988 appears to have been demolished without permits. An uncovered concrete parking area occupies most of the front yard. The site has two driveways; one on the north side of the property serving the original garage, and one on the south side of the property serving the detached accessory structure (which was likely a garage at one time). The southern driveway does not meet City standards and appears to have been added without permits.

Easements: The site has a five-foot wide Public Utilities Easement (PUE) located along the rear property line and a 15-foot wide PG&E easement running diagonally across the property from the southwest corner to the middle of the east (rear) property line. Both detached accessory structures encroach into the PUE. The unpermitted 400 square foot addition, the smaller accessory structure (shed), and the awnings around the larger accessory structure (living unit) encroach into the PG&E easement. Several fences and two trees are also located in the easement along the south side of the home.

Proposed Project: As part of a regional enforcement effort, PG&E has identified structures and trees within its easements and is working with property owners to remove or relocate these encroachments. PG&E is requiring the subject property owners to demolish the unpermitted 400 square foot addition, the smaller accessory structure, and the awnings projecting from the larger accessory structure. PG&E is also requiring demolition of two fences and removal of two trees which are located in the easement. The property owners propose to replace the demolished floor area by building a 400 square foot addition to the rear of the home. The resulting home would have four bedrooms, three bathrooms, and 2,005 square feet of living area (not including the detached accessory structures). Variances for rear yard encroachment and parking are requested to allow this addition. An additional tree located in the rear yard is proposed to be removed to accommodate this addition.

Accessory Living Unit: The 398 square foot detached structure in the southwest corner of the property is currently used as an accessory living unit (ALU) with one bedroom, one bathroom, a living room, and a small kitchen area. The applicants have stated that this unit is being rented out. An ALU cannot be permitted on the subject site. ALUs are permitted in an R-0 zoning district only on properties having a net lot area of 9,000 square feet or more. The subject lot has an area of 8,138 square feet; therefore, an ALU cannot be

permitted. The structure also cannot be used as a detached habitable space (detached bedroom). Staff notes that this structure does not comply with current side and rear setbacks. Based on permit histories, this structure is assumed to have been approved as a detached garage (non-habitable) with legal non-conforming setbacks. The use of a non-conforming structure cannot be intensified without meeting current requirements. Conversion to habitable space would be considered an intensification of use; as a result, this structure must be returned to non-habitable use (Condition of Approval PS-1.a).

Parking: Permit histories for the site suggest there may have been two separate two-car garages prior to 1960. Based on floor plans, it is likely the original garage was attached, located at the northwest corner of the home, and constructed in 1955. A second garage was constructed in 1957; this garage was most likely the detached accessory structure in the southeast corner of the site. The original garage may have been converted to living area at the time of constructing the second garage, but there is no available record to that effect. In 1988, a permit was issued to convert a garage to living area and replace it with a carport. It is not clear which garage was converted or where the carport was located. Aerial photos from 1980 and 1996 show the detached accessory structure with the same approximate size and location as today, except that a large roof area of a different material is shown in front of the structure. This may have been a carport, but there is no other available evidence. Any carport existing on the site at that time has since been removed without permits. The site has no covered parking. There is substantial paving in the front yard and along the south side property line which provides space for uncovered parking of at least three vehicles (more if parked tandem). However, the existing front yard paving exceeds the limit provided by SMC 19.32.060 and will need to be brought into compliance with Code standards.

SMC 19.46.050(d) allows for additions to single family homes with legal non-conforming covered parking provided the resulting home has fewer than four bedrooms and no more than 1,800 square feet of floor area. The site's parking is not considered legal non-conforming since covered parking appears to have been removed without a permit. But in any case, the size of the proposed home would trigger the need for two covered parking spaces. The applicant requests a Variance to allow no covered parking. As noted in the Findings section below, staff is not able to make the findings for this Variance and recommends denial. Staff recommends the applicant be required to provide two covered parking spaces by converting the larger detached accessory structure (living unit) or the original garage to parking use (Condition of Approval PS-1.e). Note that any accessory living units on the property are unpermitted and must be removed, regardless of whether these areas are needed for parking.

Architecture/Design: The existing home consists of stucco wall materials with a brick base and composition shingle roofing. The proposed addition will use materials and colors matching the existing home.

Building/Fire Codes: Structures located fewer than five feet from a property line must have one-hour fire-rated walls (minimum 5/8 inch gypsum wall boards with stucco exterior). Window openings are limited for structures with reduced setbacks. The larger detached accessory structure is located approximately three feet from the south (side) property line and four feet from the rear property line. Staff recommends it be modified to remove interior partitions associated with the unpermitted living unit (Condition of Approval PS-1.b). These modifications will require building permits, at which time the structure may be required to meet current Building and Fire Codes. Fire-rated walls may be required by the Building Division. Staff recommends Condition of Approval PS-2 requiring that any modifications be applied consistently to all sides of the structure to achieve a unified exterior design.

Expected Impact on Surroundings: The proposed addition will be located at the rear of the home and will meet all setback requirements. The design is compatible with the main structure and the addition is not expected to have a detrimental visual impact on the site or surrounding properties. However, allowing the addition without meeting minimum covered parking requirements could have a detrimental impact on the surrounding neighborhood. As proposed, the addition will result in four bedrooms and over 2,000 square feet of living area. This home size is typically associated with larger families having more vehicles. Allowing this larger home with no covered parking will result in insufficient parking on the site.

Public Contact: Eleven notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. Staff has not received any letters or other contacts.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Variances the following findings must be made for each Variance requested:

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.*

Rear yard encroachment: Staff is able to make this finding. The site is a rectangular lot which exceeds the minimum size and width for an interior lot in the R-0 zoning district, so it is not constrained by its dimensions. However, a 15-foot wide PG&E easement runs diagonally across the

property from the southwest corner to the center of the east (rear) property line. No structures can be permitted in this easement. As a result, any structures must be clustered on the north side of the site. The PG&E easement represents a significant physical constraint limiting development of the site. Granting the Variance will allow the applicants to enjoy a similar home size as other similarly situated neighbors.

Covered parking: Staff is not able to make this finding. As noted above, the subject site exceeds the minimum lot area and lot width for an R-0 zoning district. While the site is constrained by a PG&E easement, this constraint would not prevent the applicants from meeting the covered parking requirement. In fact, there are two previous garages on the site, both outside the easement, which have been converted to living area. One of these conversions was completed without permits. Either of the previous garages could be re-converted to parking use in order to meet minimum parking requirements.

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.*

Rear yard encroachment: Staff is able to make this finding. The existing detached accessory structure and the proposed addition will exceed 25% encroachment into the required rear yard; however, significant usable open space will still be provided in between these structures and behind the addition. The proposed addition as conditioned will meet current setback requirements. The existing accessory structure has legal non-conforming setbacks. The project includes removal of the smaller 100 square foot accessory structure (shed); this will provide further visual relief and additional usable open space. The proposed addition will be visually compatible with the home and will not have a detrimental visual impact on the site or its surroundings.

Covered parking: Staff is not able to make this finding. As proposed, the addition will result in four bedrooms and over 2,000 square feet of living area. This home size is typically associated with larger families having more vehicles; as a result, SMC 19.46.050(d) requires two covered parking spaces to be provided even for legal non-conforming parking situations when an addition results in a home larger than Code thresholds. In this case the parking situation is not legal non-conforming, as the required covered parking appears to have been demolished without permits. Allowing this larger home with no covered parking could result in insufficient parking on the site, causing parking to spill over to the street or adjacent sites. Granting this Variance has the potential for a detrimental impact on uses 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.*

Rear yard encroachment: Staff is able to make this finding. As noted in Finding #1 above, the 15-foot PG&E easement extending diagonally across the site represents a significant physical constraint limiting development. Granting the Variance for rear yard encroachment will allow the applicants to achieve a typical home size for the R-0 zoning district while keeping the easement area free of structures. The rear yard will have significant usable open space and all required setbacks will be met. As a result, the intent and purpose of the ordinance will be served and granting the Variance will not constitute a special privilege.

Covered parking: Staff is not able to make this. As noted above, the constraints resulting from the PG&E easement do not prevent the applicants from meeting covered parking requirements. Both of the previous garage areas are outside the easement and could be re-converted to parking use. Granting the Variance could also have a detrimental parking impact, and therefore would not serve the intent and purpose of the ordinance.

ALTERNATIVES:

1. Approve the Variance for rear yard encroachment with the recommended Conditions in Attachment A, and deny the Variance for covered parking.
2. Approve the Variance for rear yard encroachment and the Variance for covered parking (with revised Findings for the parking Variance) with the recommended Conditions in Attachment A.
3. Approve the Variances with modified conditions.
4. Deny the Variances.

RECOMMENDATION

Alternative 1. Approve the Variance for rear yard encroachment with the recommended Conditions in Attachment A, and deny the Variance for covered parking.

Reviewed by:

Gerri Caruso
Principal Planner

Prepared By: Mariya Hodge, Associate Planner

Attachments:

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

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
February 27, 2013**

Planning Application 2012-7682

740 Borregas Avenue

Variance to allow a 400 square foot rear addition which results in greater than 25% encroachment into the required rear yard.

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. BUILDING AND ENCROACHMENT PERMITS:
Obtain building permits from the Building Safety Division prior to any demolition or construction. Obtain encroachment permits from the Public Works Department prior to any work in the public right-of-way. [SDR] [BUILDING/PUBLIC WORKS]
- GC-2. DEADLINE TO OBTAIN PERMITS:
Within 60 days of the date of the final decision on this permit, obtain building permits and encroachment permits for the required modifications to existing facilities detailed in Condition PS-1. Complete all required modifications within 120 days of the date of the final decision on this permit. [COA] [PLANNING/BUILDING]

- GC-3. CONFORMANCE TO APPROVED PLANNING APPLICATION:
All building permit drawings and subsequent construction and operation shall substantially conform to 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-4. 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]

PS: THE FOLLOWING SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT AND/OR GRADING PERMIT.

- PS-1. REQUIRED REVISIONS TO PROJECT PLANS:
The plans shall be revised to include the following [COA] [PLANNING]:
- a) The detached accessory structure located in the southeast corner of the site shall be modified to meet the definition of non-habitable space including but not limited to the following:
 - i) Remove all kitchen appliances (i.e. stove, dishwasher, refrigerator, microwave), kitchen cabinets, and sink;
 - ii) Remove all kitchen utilities by cutting off utility connections at the slab/foundation level, capping, and covering with concrete to prevent reconnection;
 - iii) Remove all heating and cooling systems;
 - iv) Remove bathroom facilities.
 - b) The interior partition walls within the larger detached accessory structure creating multiple rooms shall be demolished;
 - c) The interior partition walls within the original garage (the room in the northwest corner of the home) which separate it from the rest of the home shall be removed. In addition, an interior door shall be maintained so this area is accessible from the interior of the home;

- d) If there are any kitchen or cooking facilities within the original garage (the room in the northwest corner of the home), these facilities and all associated appliances and utilities shall be removed;
- e) Two covered parking spaces meeting current standards shall be provided on the site. This may be achieved by converting the larger detached accessory structure to covered parking use, or by re-converting the home's original garage area (in the northwest corner of the home) to parking use. Appropriate driveway access shall be provided for the covered parking;
- f) Pavement shall be removed so that front yard paving does not exceed 50% of the required front yard area;
- g) One of the site's two existing driveways shall be removed and restored to City standard curb, gutter, and sidewalk. The remaining driveway shall meet current City standards. If the southern driveway is retained, it will need to be relocated further from the property line and have modified dimensions to meet standards;
- h) Plant one additional tree on the site to replace the tree proposed to be removed for the addition area. The tree shall be of a medium-sized species and a minimum 15-gallon size or larger. The proposed replacement tree location and details shall be shown on the plans;
- i) The detached accessory structure shall be painted to match the main residence;
- j) Proposed plan revisions are subject to review and approval by the Director of Community Development prior to submittal of a building permit.

PS-2. EXTERIOR DESIGN AND MATERIALS REVIEW:

Final exterior design appearance, building materials, and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. A consistent design appearance shall be used for all building facades. [COA] [PLANNING]

PS-3. ZONING RESTRICTION:

A Zoning Restriction shall be filed in the official records of the County of Santa Clara prior to issuance of any City permit or allowed use of the property, as applicable, stating that the detached accessory structure located in the southeast corner of the site is not approved for use as a habitable space or living unit. In addition, the Zoning Restriction shall state that the property is not authorized to have any

accessory living unit or second unit, whether attached or detached. The Zoning Restriction shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, and attached conditions of approval, and be signed and notarized by each property owner of record.

For purposes of determining the record owner(s) of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Zoning Restriction. [COA] [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. 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. PUBLIC UTILITY EASEMENT VERIFICATION:

The detached accessory structure is located partially within a five-foot wide Public Utilities Easement (PUE) along the rear property line. While the City has no facilities within this PUE, other utility companies may be using or intend to use the PUE. The applicant shall provide written verification that affected utility companies (e.g. PG&E, Comcast, AT&T) do not object to the location of the structure in the PUE. If the applicant is unable to obtain verification from all applicable utility companies within the 60-day period established for obtaining building permits and encroachment permits, the applicant shall either demolish the structure or relocate it outside the PUE. Any proposed relocation is subject to current development standards including setbacks, and is subject to review and approval by the Director of Community Development. [COA] [PUBLIC WORKS/PLANNING]

BP-4. EASEMENT ON PLANS:

To facilitate City plan review, construction staking, and construction phase, bearing and distance information for the 15-foot PG&E easement shall be shown on the plans submitted for building permits. [COA] [PUBLIC WORKS]

BP-5. 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]

PF: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

PF-1. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [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]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1. HABITABLE USE OF DETACHED ACCESSORY STRUCTURE:

The detached accessory structure located in the southeast corner of the property is shall not be converted to an accessory living unit or a detached habitable space, nor used for habitation at any time. [COA] [PLANNING]

AT-2. DRAINAGE:
Accessory structures may not drain onto adjacent properties. [SDR]
[BUILDING]

AT-3. ADDITIONAL ACCESSORY STRUCTURES:
No additional accessory structures (including but not limited to utility buildings, sheds, detached garages or carports, patio covers, arbors, or detached habitable areas) may be constructed or installed on the property unless separately permitted by the Director of Community Development. [SDR] [PLANNING]



857 Brindham Court
Lafayette, CA 94549

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DRAWN

DATE 9-7-12

REVISIONS

1 1-3-13 Response to city comments

CONSULTANTS

PROJECT TITLE

Additions and Alterations
To The

**Wu & Liu
Residence**

740 Borregas Avenue
Sunnyvale CA 94085

SHEET TITLE

Existing Plans

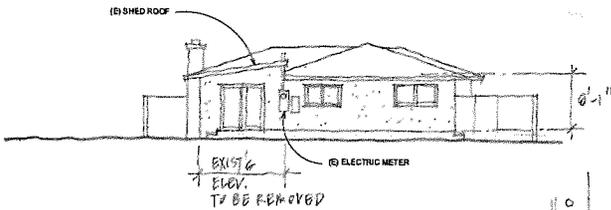
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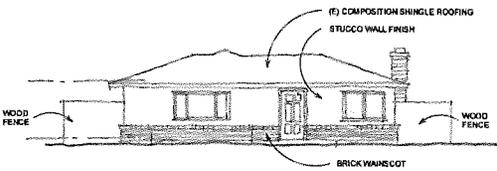
ATTACHMENT B
Page 2 of 3



3 SOUTH ELEVATION
SIDE YARD



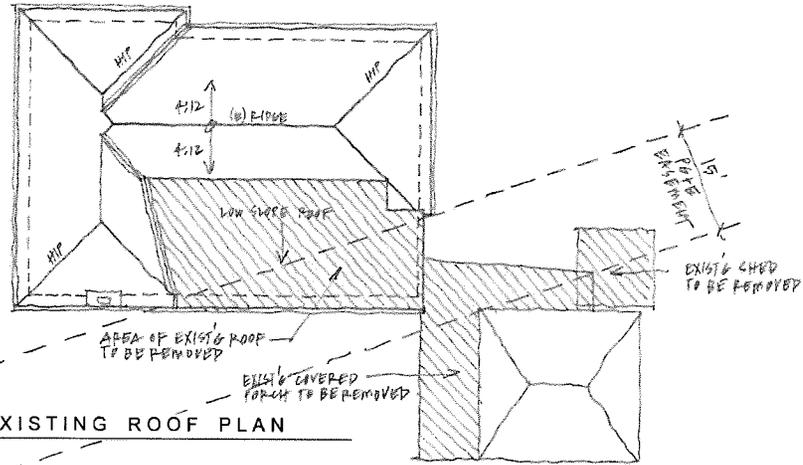
4 EAST ELEVATION
REAR YARD



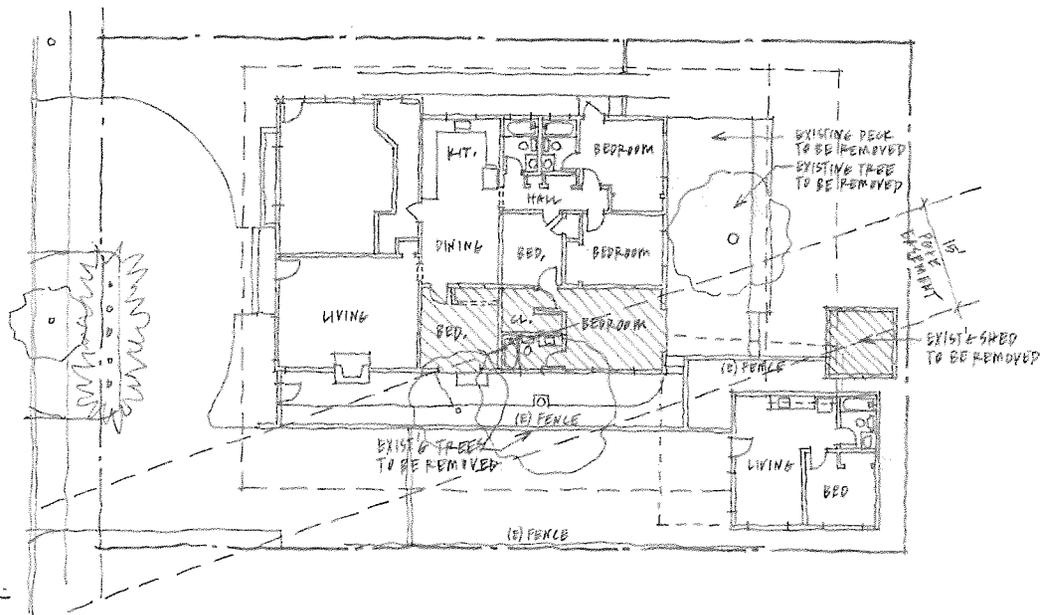
5 WEST ELEVATION
FRONT YARD



6 NORTH ELEVATION
SIDE YARD



2 EXISTING ROOF PLAN



1 EXISTING FLOOR PLAN





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DRAWN

DATE 9-7-12

REVISIONS

1-3-13 Response to city comments

CONSULTANTS

PROJECT TITLE

Additions and Alterations
To The

**Wu & Liu
Residence**

740 Borregas Avenue
Sunnyvale CA 94085

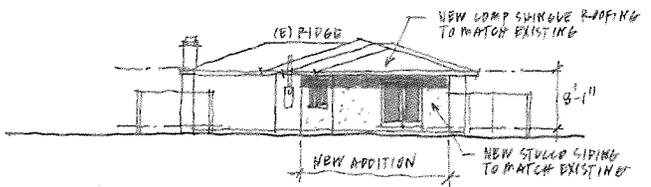
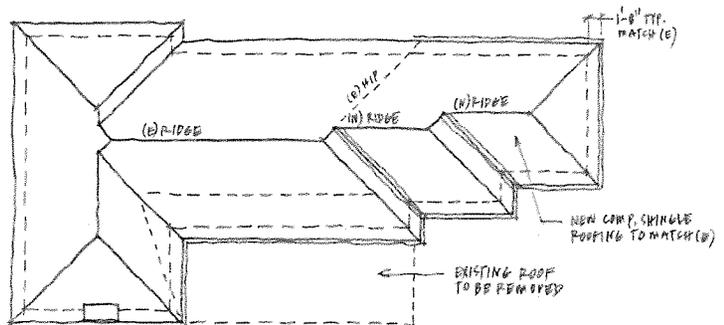
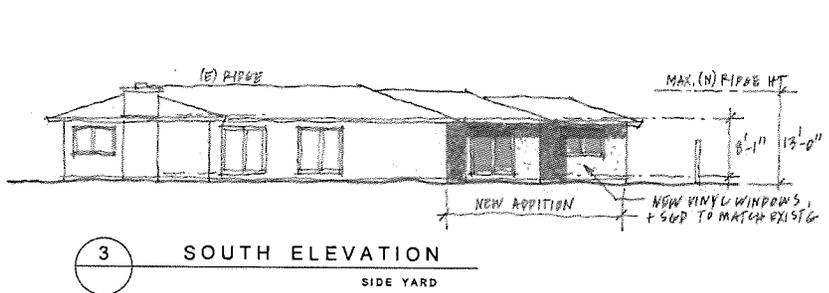
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Revised Plans

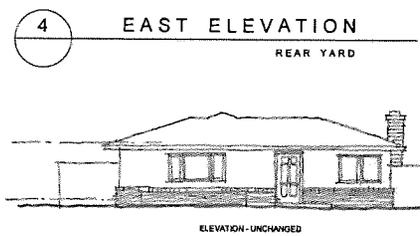
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SHEET A0.3 of 3 SHOTS

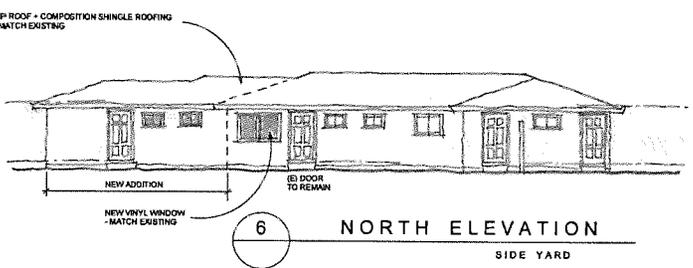
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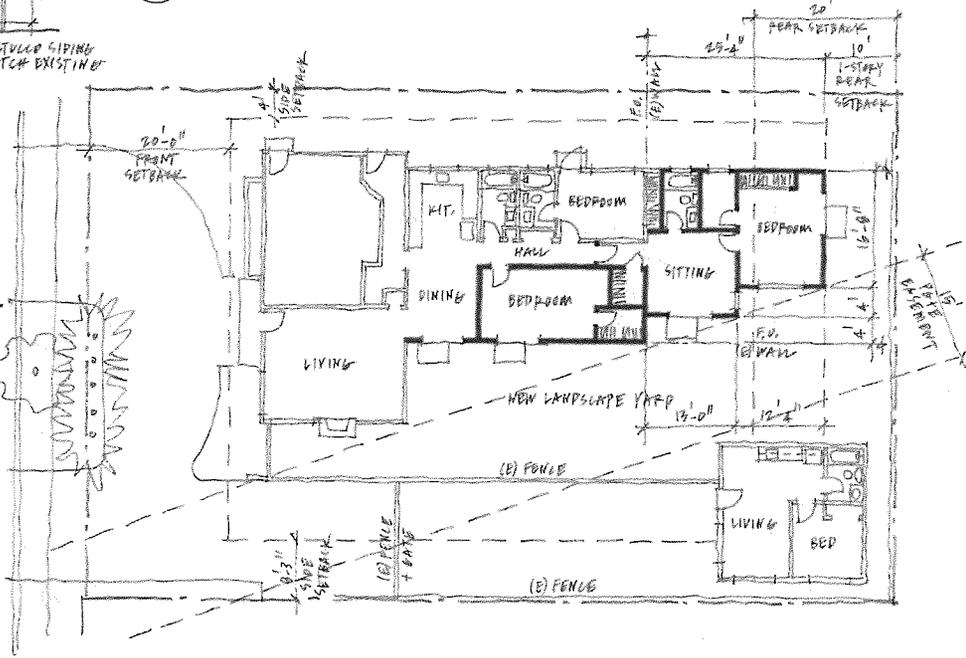
2 REVISED ROOF PLAN



5 WEST ELEVATION FRONT YARD



6 NORTH ELEVATION SIDE YARD



1 REVISED FLOOR PLAN
400 SF ADDED FLOOR AREA





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.

A 15' WIDE PG+E EASEMENT BISECTS THE PROPERTY DIAGONALLY LIMITING EXPANSION OPTIONS. THE PURPOSE OF THIS REQUEST IS TO REMOVE AN EXISTING NON-CONFORMING ADDITION WHICH IS BUILT OVER THE PG+E UNDERGROUND GAS LINE EASEMENT.

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.

THE FLOOR AREA OF THE RESIDENCE WILL NOT BE INCREASED THE USE OF THE PROPERTY WILL NOT BE ALTERED, REMOVING THE STRUCTURE BUILT OVER THE EASEMENT WILL IMPROVE THE LIFE, HEALTH, + SAFETY FOR THE RESIDENTS + COMMUNITY. NO OTHER PROPERTIES IN THE NEIGHBORHOOD HAVE SIMILAR EASEMENTS RESTRICTING EXPANSION. THE NEW ADDITION WILL NOT BE VISIBLE FROM THE STREET.

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.

THERE WILL BE NO INTENSIFICATION OF USE FOR THIS PROPERTY. WE ARE ONLY REPLACING THE EXISTING NON-CONFORMING FLOOR AREA ~~WITH~~ CON WITHOUT INCREASE IN SIZE REMOVING THE BUILDING LOCATED OVER THE PG+E EASEMENT IMPROVES THE LIFE, HEALTH, + SAFETY OF THE HOMEOWNERS AND RESIDENTS OF SUNNYVALE.

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