



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

June 26, 2013

**File Number:** 2013-7368      **Permit Type:** Variance, Use Permit

**Location:** 563 S Murphy Avenue (near El Camino Real) (209-30-008)

**Applicant/Owner:** Ray Viotti/Steven Hoffman

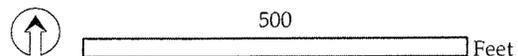
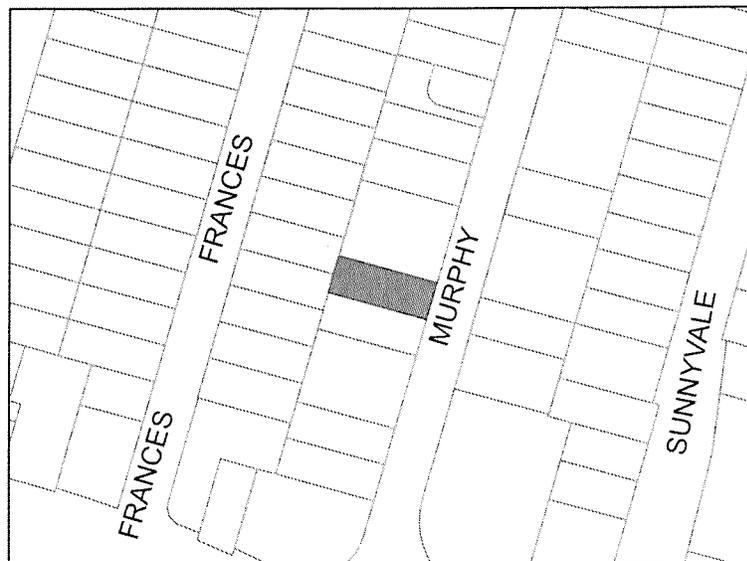
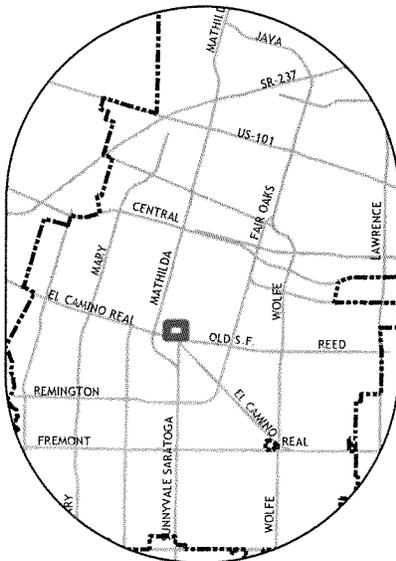
**Staff Contact:** Elise Lieberman, Assistant Planner, (408) 730-7443

**Project Description:** To allow the demolition of an existing legal nonconforming detached one-car garage with nonconforming setbacks and to allow the construction of a larger detached two-car garage with nonconforming setbacks. Setbacks will decrease to zero setbacks from the right side property line and 3'-1" from the rear property line.

**Reason for Permit:** A Variance is required for a garage built within the required setbacks and to increase the non-conformity of an existing structure. A Use Permit is required to allow an accessory structure greater than 450 square feet.

**Issues:** Setbacks, Size

**Recommendation:** Approve with Conditions



**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Residential Low-Medium Density	Same
Zoning District:	R-2/O	Same
Lot Size:	6,500	Same
Total Sq. Ft.:	1,969	2,278
Lot Coverage:	30.5%	35.3%
Parking:	1 covered, 3 uncovered	2 covered, 2 uncovered
Front Setback:	87'	100'-11"
Left Setback:	36'-4"	29'-5"
Right Setback:	1'-6"	None
Rear Setback:	24'-10"	3'-1"
Height:	12'-1" with parapet	10'-4" with parapet

Previous Planning Projects related to Subject Application: 2013-7051: An MPP was approved for a fabric awning along the tenant frontage.	<b>Yes</b>
Neighborhood Preservation Complaints	<b>No</b>
Deviations from Standard Zoning Requirements: The existing building does not provide uncovered parking in accordance with the current zoning code; however the existing garage is currently legal nonconforming. A Variance is needed to rebuild the garage and expand the space. A Use Permit is needed as the proposed detached garage will exceed 450 square feet.	<b>Yes</b>

**Background:** A one-car garage currently exists on the property which is considered legal nonconforming with legal nonconforming setbacks.

**Site Plan:** The building is situated on a mid-block lot within an older neighborhood of single-family homes and commercial shopping centers built from the 1920s to 1960s. The proposal is to re-build the existing (approximately 190 square foot) garage and expand it to a two-car (approximately 490 square foot) detached garage. The proposed garage would have new setbacks of 3'-1" from the rear property line and no setback from the right side property line where 20' from the rear property line and 6' from the side property line are required. The retail strip mall on the right side located on the adjacent parcel has a setback of 0. A Variance is not required to rebuild the garage as it currently exists even though it is non-conforming; however a Variance is required because the applicant proposes to increase the size of the garage and its location which increases its non-conformity.

A Use Permit is also required for the proposed detached two-car garage as the applicant intends to increase the size of the proposed garage to approximately 490 square feet which is maximum of 450 square feet allowed by staff review.

**Floor Plan:** The floor plan of the existing main building would not be altered. The applicant intends to expand the garage from a one-car garage to a two-car garage with an added bathroom and utility sink in the rear. The height of the proposed garage at 10'-4" would be less than the existing garage by approximately 1'-10" and have a plate height of 9'.

**Architecture:** The existing garage has stucco on all sides with a non-descript parapet in the front. The proposed garage would be built with stucco sides to match the existing main building and with a garage door that introduces clean lines in the panels. The garage door would be painted to match the trim from the front entrance of the main building. Tile wainscoting would also be added to the front of the proposed garage to match the main building as well as an expressed header trim over the garage door. Two windows would be added to the rear of the proposed garage and another window would be added on the left side.

**Parking:** The site currently provides one covered and three uncovered parking spaces which is considered to be existing non-conforming as current parking standards require 7 uncovered parking spaces for office use. The proposed two-car garage would reduce uncovered parking space by one space, but overall the total number of parking spaces would remain at 4. Staff recommends Condition of Approval GC-4 which ensures employees of the main building use the covered parking spaces to maintain the uncovered parking spaces for public use.

**Variance Justification:** The applicant has provided justifications for the Variance in Attachment C, and included images of similar garages in the vicinity in Attachment E. The common development pattern within the neighborhood includes detached garages within the rear yard including those built at or near the property line. Many of these structures are built within the required setbacks and are considered legal nonconforming as they predate City codes.

**Use Permit Justification:** The applicant wishes to build a second bathroom for the property within the proposed garage to be used by attendees of meetings and seminars which are held in the main building. There are also a number of employee activities such as picnics, lunch breaks and gardening that occur outdoors in the area to the left of the proposed garage. The applicant believes that having the bathroom and utility sink in the garage will allow a separation between the outdoor recreational activities and the quiet, confidential office

activities that take place in the main building. Justifications for the Use Permit can be found in Attachment D.

**Public Contact:** A total of 7 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 changes in use) relieves this project from CEQA provisions.

## **FINDINGS**

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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)**

The subject property and its surrounding neighborhood do not meet current standards for an R-2/O zoning district within the City. This neighborhood is unique as many lots are smaller than currently allowed and numerous homes have non-conforming detached garages that do not meet current side yard and rear yard setback requirements. Many other properties in the surrounding neighborhood enjoy the privileges of maintaining a similar configuration as the proposed design.

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 Variance would allow the subject property to upgrade parking facilities while maintaining the neighborhood pattern of detached garages within the rear yard. Many of the homes and buildings maintain garages with zero or non-conforming side and rear yard setbacks including the neighboring properties on either side. The proposed Variance would allow the applicant to increase the size of the garage to a comparable size of those located within the neighborhood.

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)**

Many of the homes within the neighborhood have legally constructed detached garages within the rear yard that do not meet current setback requirements. Many of these structures are considered legal nonconforming. Granting the Variance will not constitute a special privilege, but rather will allow the applicant to enjoy the same privileges as other property owners in the immediate neighborhood.

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. **(Finding met)**

The proposed garage would provide on-site parking and has been designed to be compatible with the development pattern and architectural style found on the main building and within the existing neighborhood.

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. **(Finding met)**

The proposed garage would not result in significant visual or privacy impacts to the surrounding properties, as the structure will be located away from adjacent habitable areas. Additionally, the structure utilizes high quality materials that complement the style of the main building on the property.

**ALTERNATIVES:**

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

**RECOMMENDATION**

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

Reviewed by:



Gerry Caruso  
Principal Planner

Prepared By: Elise Lieberman, Assistant Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Variance Justification Letter from the Applicant
- D. Use Permit Justification Letter from the Applicant
- E. Garage Precedent Images from the Applicant

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
June 26, 2013**

**Planning Application 2013-7185**

563 S Murphy Avenue

Variance to allow 3'-1" where 20' is required for rear yard setbacks  
and 0" where 6' is required for side yard setbacks.

Use Permit to allow an accessory structure over 450 square feet.

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. 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. TREES:

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

GC-4. PARKING:

The two covered parking spaces must be used by employees of the main building prior to the use of the uncovered space. This is to allow the public the use of the uncovered parking space.

**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:

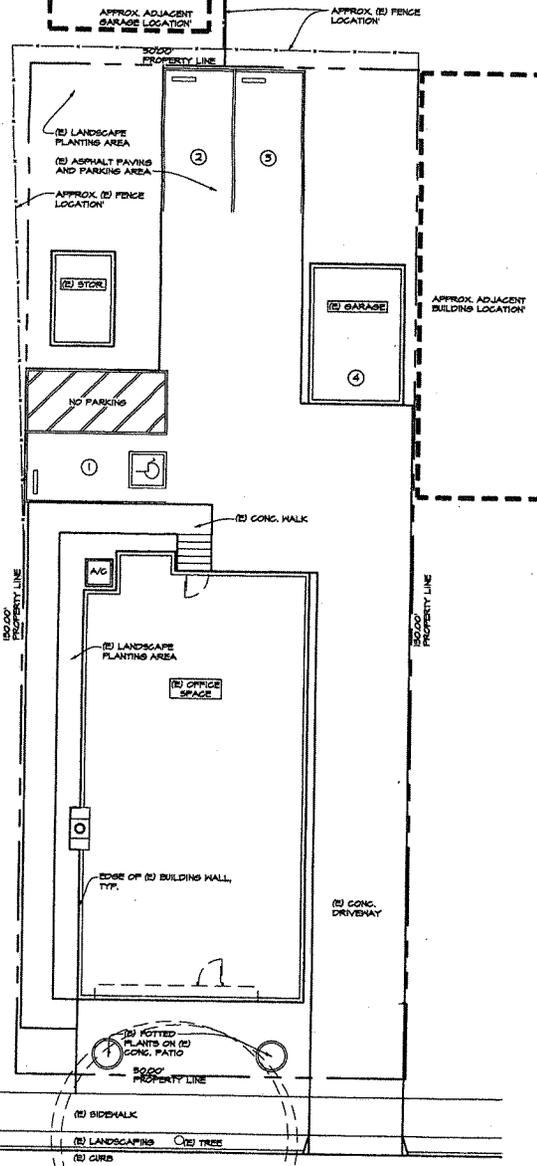
Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

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]

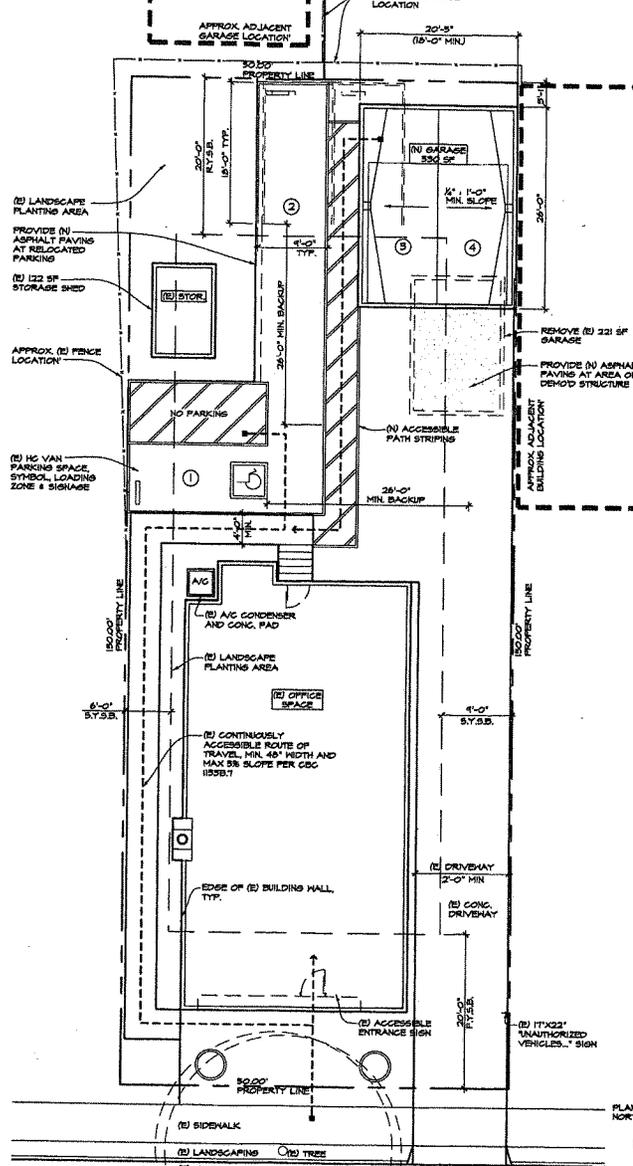
BP-3. BLUEPRINT FOR A CLEAN BAY:

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



**EXISTING SITE PLAN**

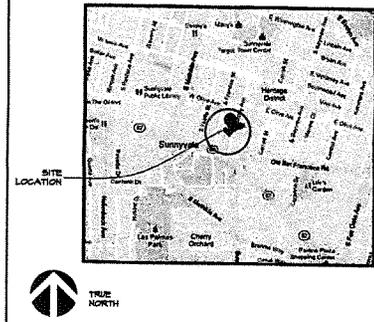
SCALE: 1/8" = 1'-0"



**PROPOSED SITE PLAN**

SCALE: 1/8" = 1'-0"

**VICINITY MAP**



**SCOPE OF WORK**

1. REPLACE EXISTING GARAGE WITH NEW LARGER GARAGE, STORAGE, AND ACCESSIBLE BATHROOM.
2. MODIFY EXISTING PARKING AREA PAVING TO ACCOMMODATE NEW GARAGE.

**PROJECT DATA**

APL #	204-SO-000
ZONE	R-2 / O
OCCUPANCY GROUP	V-B
CONSTRUCTION TYPE	N
AUTOMATIC SPRINKLERS	N
SITE AREA	8,500 SF
MAX LOT COVERAGE (AOR)	2,800 SF
EXISTING LOT COVERAGE	1,923 SF
PROPOSED LOT COVERAGE	2,244 SF
MAX GROSS FLOOR AREA (BSA)	5,978 SF
EXISTING FLOOR AREA	1,624 SF
FIRST FLOOR	1,501 SF
BASEMENT	167 SF
(R) GARAGE	222 SF
TOTAL EXISTING FLOOR AREA	1,624 SF
PROPOSED FLOOR AREA	1,501 SF
FIRST FLOOR	1,501 SF
BASEMENT	167 SF
(R) GARAGE PARKING	574 SF
(R) GARAGE BATH & STORAGE	101 SF
TOTAL PROPOSED FLOOR AREA	2,276 SF

**PARKING CALCULATIONS**

(R) COMMERCIAL BLDG. AREA	1,501 SF
(R) COMMERCIAL BLDG. AREA	91 SF
TOTAL COMM. BUILDING AREA	1,592 SF
TOTAL REG'D PARKING (1/225 SF) (PER ENVIRONMENTAL PARKING STANDARDS)	0 SPACES
TOTAL NG SPACES REG'D.	1 SPACE
TOTAL EXISTING PARKING	4 SPACES
TOTAL PROPOSED PARKING	4 SPACES
PREVIOUSLY APPROVED NON-CONFORMING PARKING UNDER PERMIT #2012-0560	

**SHEET INDEX**

A0	SITE PLAN AND NOTES
A1	ENLARGED FLOOR PLAN AND ELEVATIONS
1-5	NEIGHBORHOOD PRECEDENTS AND EXISTING CONDITION PHOTOS (D & X II)

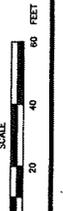
REVISIONS NO.	DATE



**NEW GARAGE FOR:  
STEVEN HOFFMAN**  
553 S. MURPHY AVENUE  
SUNNYVALE, CA 94086



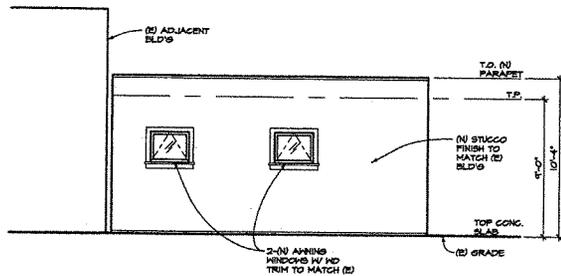
**SITE PLAN & NOTES**



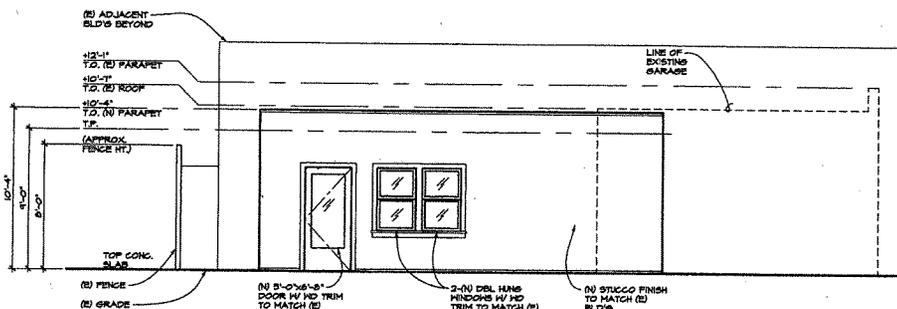
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DRAWN BY: RSM  
JOB#: 1308

**A0**

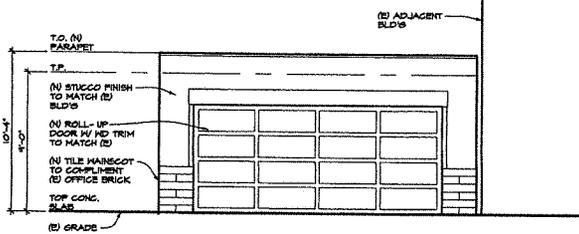
ATTACHMENT B  
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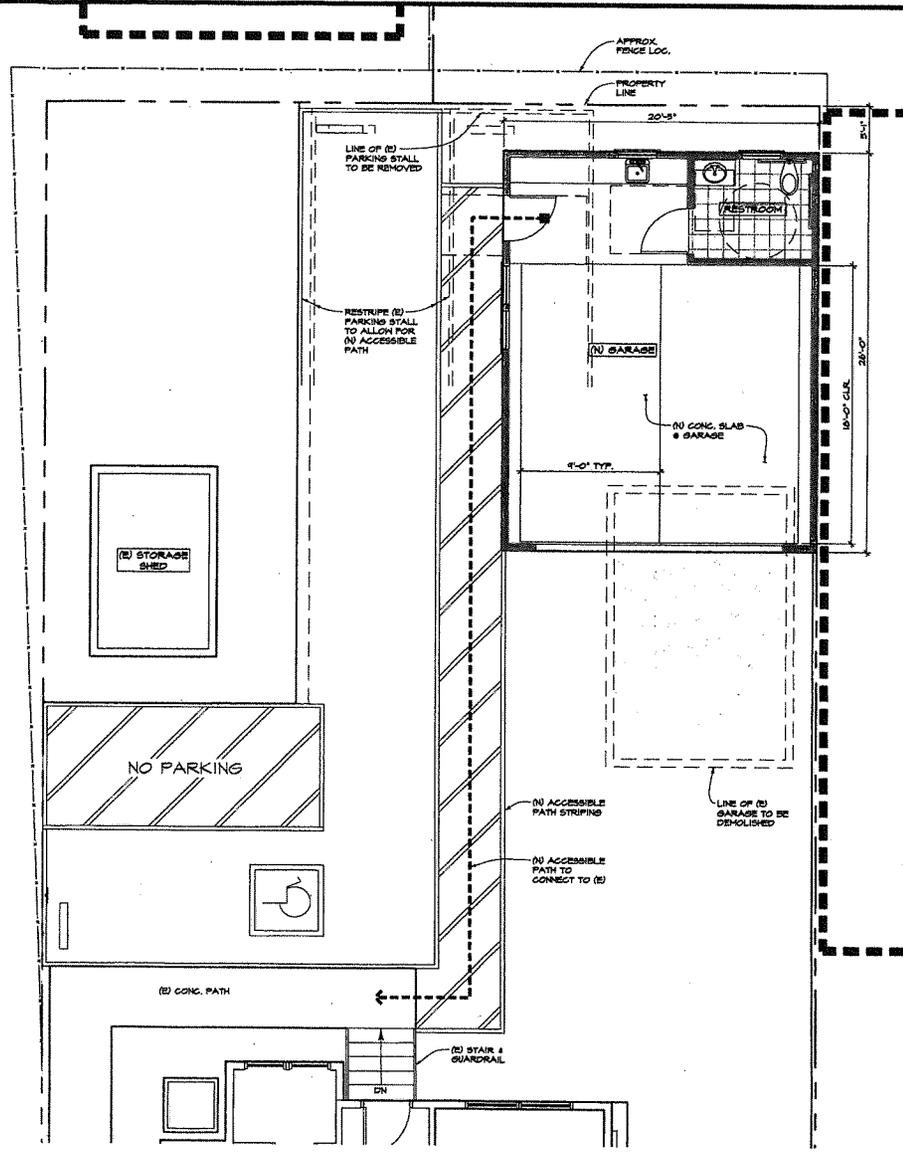
**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



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



**ENLARGED SITE / FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

NOTE: FOR ALL INFO NOT NOTED, SEE PROPOSED SITE PLAN SHEET A0

REVISIONS NO.	DATE

**IOTTI ARCHITECTS**
  
1000 TOWNSEND BLVD, SUITE 15, SAN CLEMENTE, CA 92673
  
WWW.IOTTIARCHITECTS.COM

**NEW GARAGE FOR:**  
**STEVEN HOFFMAN**  
 553 S. HURPHY AVENUE  
 SUNNYVALE, CA 94088



**ENLARGED FLOOR PLAN & ELEVATIONS**



DATE: 05/01/13  
 DRAWN BY: RGM  
 JOB#: 1308

**A1**



# 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.

THE ORDINANCE DEPRIVES THE PROPERTY OWNER OF THE SAME PRIVILEGES AS THE NEIGHBORS IN THAT THE MAJORITY OF PROPERTIES ON THIS STREET AND BLOCK HAVE STRUCTURES OVER THE SIDE & REAR SETBACK LINES. SEE ATTACHED PHOTOS.

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.

AS THE ORIGINAL EXISTING GARAGE WAS ALSO NON-CONFORMING, THE NEW GARAGE IN A SLIGHTLY DIFFERENT LOCATION WILL NOT CHANGE THE IMPACT ON THE NEIGHBORING PROPERTIES AND WILL NOT BE DETRIMENTAL TO THE PUBLIC OR SURROUNDING ENVIRONMENT. RELOCATING THE GARAGE WILL ALLOW FOR BETTER CAR CIRCULATION IN THE PARKING AREA.

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.

A REPLACEMENT GARAGE IN A NEW LOCATION WILL NOT PROVIDE SPECIAL PRIVILEGES NOT ALREADY ENJOYED BY THIS PROPERTY OR ITS NEIGHBORS. AS STATED ABOVE MANY OF THE SURROUNDING NEIGHBORS HAVE GARAGES & STRUCTURES IN THEIR REAR & SIDE SETBACKS.

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



# USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

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The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets **at least one** of the following criteria.

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

OR

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

THE NEW GARAGE IS SHORTER IN HEIGHT AND FARTHER BACK ON THE PROPERTY THAN THE EXISTING GARAGE. BY RELOCATING THE GARAGE, IT REDUCES THE VISUAL PRESENCE FROM THE STREET. IT'S USE REMAINS THE SAME AND DOES NOT CHANGE ITS IMPACT ON ADJACENT PROPERTIES.

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



LOCATION OF PROPOSED GARAGE, SEE SHEET 5 FOR (E) CONDITIONS

INDICATES LOCATION OF (E) GARAGE / ACCESSORY STRUCTURES

DATE:  
5/1/13

**NEIGHBORHOOD PRECEDENTS**

DESIGN

**NEW GARAGE FOR:  
 STEVEN HOFFMAN  
 563 S. MURPHY AVENUE  
 SUNNYVALE, CA 94086**

SCALE



1900 Industrial Rd. Ste. 14 San Carlos, CA 94070  
 www.viottiarchitects.com

PH: (415) 590-2020  
 FAX: (415) 590-2060

JOB #  
1308

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**545 S. MURPHY AVE.**



**579 S. MURPHY AVE.**



**579 S. MURPHY AVE.**

DATE:  
5/1/13

**PRECEDENT IMAGES**

DESIGN

**NEW GARAGE FOR:  
 STEVEN HOFFMAN  
 563 S. MURPHY AVENUE  
 SUNNYVALE, CA 94086**

SCALE

TEL: (650) 306-1100  
 FAX: (650) 306-2850

**VIOTTI**  
**ARCHITECTS**

1300 Industrial Rd, Ste 14 San Carlos, CA 94070  
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**536 S. FRANCES ST.**



**540 S. FRANCES ST.**



**546 S. FRANCES ST.**

DATE:  
5/1/13

**PRECEDENT IMAGES**

DESIGN

**NEW GARAGE FOR:  
 STEVEN HOFFMAN  
 563 S. MURPHY AVENUE  
 SUNNYVALE, CA 94086**

SCALE

PH: (408) 922-0892  
 FAX: (408) 922-2890

**VIOTTI**  
**ARCHITECTS**

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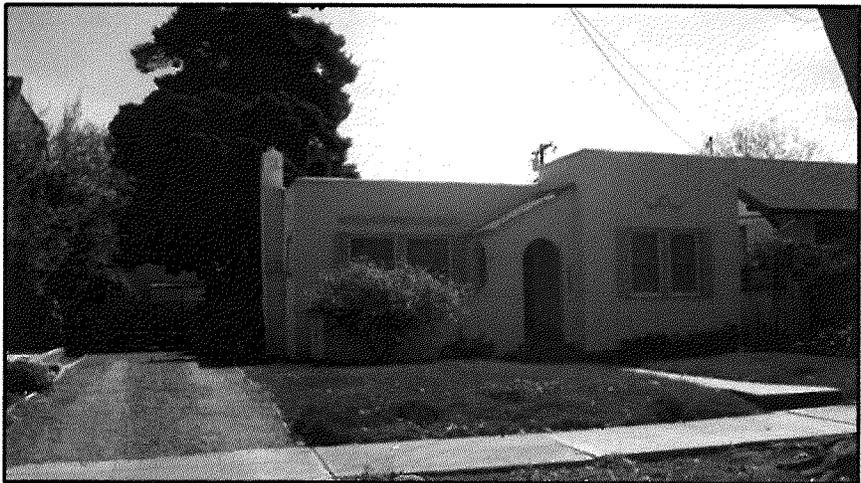
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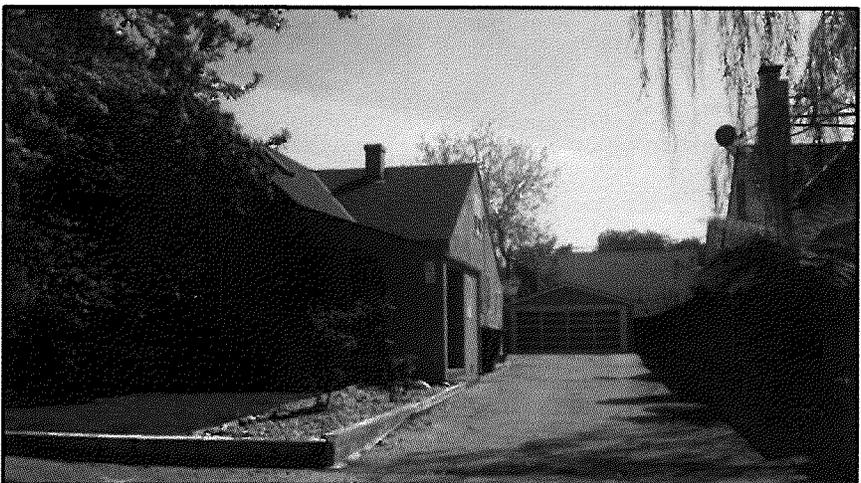
OF 5



550 S. FRANCES ST.



568 S. FRANCES ST.



574 S. FRANCES ST.

DATE:  
5/1/13

**PRECEDENT IMAGES**

DESIGN

**NEW GARAGE FOR:  
STEVEN HOFFMAN  
563 S. MURPHY AVENUE  
SUNNYVALE, CA 94086**

SCALE



1700 Industrial Rd., Ste 14 San Carlos, CA 94070  
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FAX: (650) 995-2080

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DATE:  
5/1/13

### EXISTING CONDITIONS

DESIGN

NEW GARAGE FOR:  
STEVEN HOFFMAN  
563 S. MURPHY AVENUE  
SUNNYVALE, CA 94086

SCALE

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