



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

August 28, 2013

**File Number:** 2013-7465      **Permit Type:** Special Development Permit

**Location:** 160 Charles Street (near Washington Avenue) (165-14-039)

**Applicant/Owner:** BO Design/Moe Mizrachi

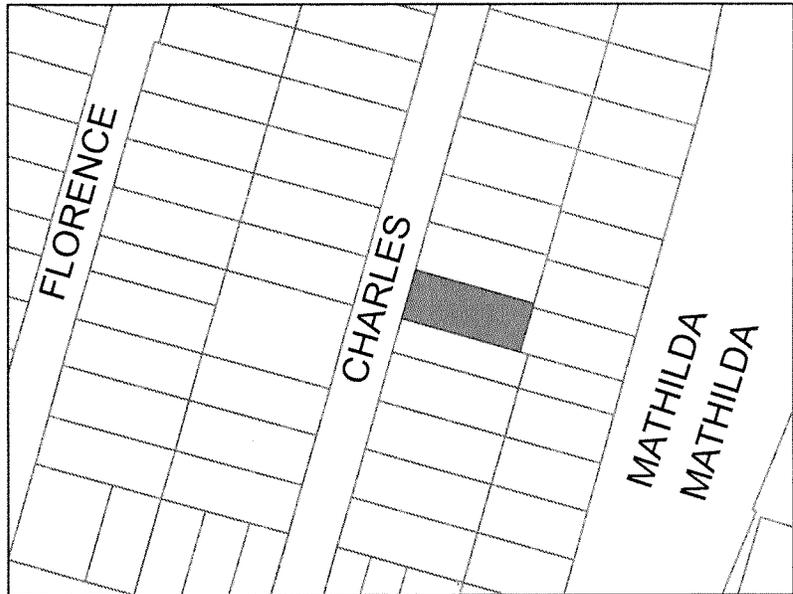
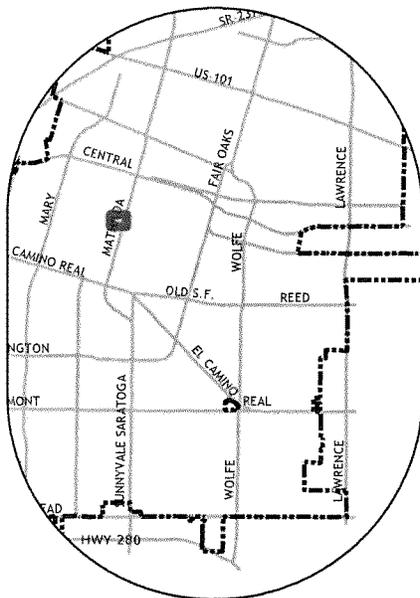
**Staff Contact:** Elise Lieberman, Assistant Planner, (408) 730-7443

**Project Description:** To allow a 700 square foot accessory living unit in the rear yard of a parcel located in the Downtown Specific Plan Block 17.

**Reason for Permit:** A Special Development Permit is required for any accessory structure located within the Downtown Specific Plan.

**Issues:** Neighborhood Compatibility

**Recommendation:** Approve with Conditions



500



**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>	<b>Required/Permitted</b>
<b>General Plan:</b>	Downtown Specific Plan	Same	Downtown Specific Plan
<b>Zoning District:</b>	DSP 17	Same	Downtown Specific Plan Block 17
<b>Lot Size (s.f.)</b>	6,142	Same	2,600 min.
<b>Gross Floor Area (s.f.)</b>	1,018	1,875	2,764 max. without PC review
<b>Lot Coverage (%)</b>	16.6%	31.5%	40% Max.
<b>Floor Area Ratio (%)</b>	16.6%	30.5%	45% max. without PC review
<b>Building Height (ft.)</b>	14'-5"	17'-10"	30' max.
<b>Setbacks for the Accessory Living Unit (First/Second Facing Property)</b>			
<b>Front (original house)</b>	20'	20'	10' min.
<b>Left Side</b>	N/A	6'	4' min.
<b>Right Side</b>	N/A	4'	4' min.
<b>Rear</b>	N/A	11'	20' max.
<b>Parking</b>			
<b>Total Spaces</b>	2	5	1 covered + 2 uncovered
<b>Covered Spaces</b>	1	2	

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

**Background:** A Special Development Permit is required for the proposed ALU as the parcel is within the Downtown Specific Plan. A single-family house with a one-car garage currently exists on the property.

**Site Plan:** The existing home is situated on a mid-block lot within an older neighborhood of single-family homes built in the early 1940's. The proposal is to demolish the existing one-car garage and to construct an accessory living unit (ALU) with an attached two-car garage. The proposed ALU and garage would meet setback requirements on both sides and in the front. For the rear setback, a proposed 10 feet is allowed while 23.3% of the rear yard is used for the proposed ALU (25% allowed). 3 uncovered parking spaces would be located

on the property. 2 parking spaces will be directly in front of the proposed garage, while the third space will be located directly behind the existing house.

**Floor Plan:** The floor plan of the existing main house will be altered slightly. The attached garage will be removed and a new laundry room will be added to the rear of the house. The air conditioning unit will also be re-located from the right side of the house to the rear of the house.

The proposed ALU would consist of one bedroom, a kitchen, family room and study all connected through an open-concept floor plan. A full bathroom will be located between the bedroom and kitchen. The 419 square foot garage will be attached to the ALU on the right side. Laundry facilities for the ALU will be situated within the proposed garage.

**Architecture:** The existing house has siding on all sides with an attached one-car garage. Once the garage is demolished the applicant will use siding on the exterior.

The ALU's exterior will be entirely stucco with the garage built 2 feet back from the face of the ALU to match the style of the neighborhood. The roof pitch, colors and materials will match the existing house.

**Parking:** The site currently provides one covered and one uncovered parking space. The proposed two-car garage would exceed the current parking standards of one covered and two uncovered spaces by providing two covered and three uncovered parking spaces.

**Public Contact:** Eight (8) 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 (new construction) relieves this project from CEQA provisions.

## **FINDINGS**

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In order to approve the Special Development 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.

**Goal LT-4:** Preserve and enhance the quality character of Sunnyvale's industrial, commercial and residential neighborhoods by promoting land

use patterns and related transportation opportunities that are supportive of the neighborhood concept.

**Policy LT-4.2:** Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.

**Policy HE-4.1:** Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

The proposed accessory living unit is appropriately located in a residential neighborhood and would provide an added living space consistent with the City's overall revitalization strategy for the downtown area. Staff finds that the proposed project allows the applicant to have a reasonable option to expand the home, while maintaining the style and visual character of the neighborhood.

**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 proposed accessory living unit is compatible with the downtown and is expected to have minimal impacts on surrounding properties. A deed restriction will be recorded with the County of Santa Clara to ensure that at least one unit on the property will be owner-occupied for a period of twenty years (Condition of Approval GC-5).

**The project is expected to have no impacts on surrounding properties.**

**ALTERNATIVES:**

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

**RECOMMENDATION**

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

Reviewed by:



Gerri Caruso  
Principal Planner

Prepared By: Elise Lieberman, Assistant Planner

Attachments:

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

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
August 28, 2013**

**Planning Application 2013-7465**

160 Charles Street

To allow a 700 square foot accessory living unit in the rear yard of a parcel located in the Downtown Specific Plan Block 17.

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:

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-4. GARAGE FOR VEHICLE USE

The garage shall be maintained for parking vehicles at all times. [COA] [PLANNING]

GC-5. DEED RESTRICTION

Prior to issuance of the building permit, the applicant shall file a deed restriction on the property that states the property shall be owner-occupied for a period of twenty years from the date the deed restriction is recorded.

**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]

BP-4. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of building permit.

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at **\$1,286.00**, prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

BP-5. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-6. BEST MANAGEMENT PRACTICES - STORMWATER:

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 SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

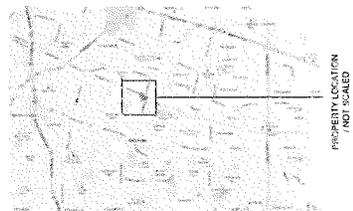
DC-1. BLUEPRINT FOR A CLEAN BAY:

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]

**VICINITY MAP:**



**PROJECT DATA:**

ASSESSOR'S PARCEL NUMBER: 165-14-039  
 PROJECT TYPE: ADDITION & REMODELING  
 PROJECT LOCATION: 160 Charles Ave., Sunnyvale, CA 94086  
 ZONING: DSP  
 CONSTRUCTION TYPE: V-B  
 NUMBER OF FLOORS: ONE (1) STORY  
 FIRE PROTECTION: NOT SPRINKLERED

**CODE EDITIONS:**

A. CALIFORNIA BUILDING: 2010 EDITION  
 B. CALIFORNIA MECHANICAL: 2010 EDITION  
 C. CALIFORNIA PLUMBING: 2010 EDITION  
 D. CALIFORNIA ELECTRICAL: 2010 EDITION  
 E. CALIFORNIA ENERGY: 2010 EDITION  
 F. CALIFORNIA FIRE: 2010 EDITION  
 G. ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS.

**AREAS CALCULATION:**

EXISTING LIVING AREA: 110 SQF  
 NEW ADDITION TO THE EXISTING: 95 SQF  
 SECONDARY UNIT: 683 SQF  
 NEW GARAGE: 419 SQF  
 TOTAL BUILDING AREA: 1875 SQF  
 LOT AREA: 6146 SQF  
 FRONT PORCH: 60 SQF  
 TOTAL LEAVE = (144.5 + 119.3) X 1.5 = 396  
 FLOOR AREA RATIO (FAR) = (1875 / 6146) X 100 = 30.5 %  
 LOT COVERAGE = ((1875 + 396) / 6146) X 100 = 37.9 %

**DRAWING INDEX:**

A0	COVER SHEET & SITE PLAN
A1	EXISTING FLOOR PLAN & ELEVATIONS
A2	PROPOSED FLOOR PLAN
A3	BUILDING PROPOSED ELEVATIONS

**SCOPE OF WORK:**

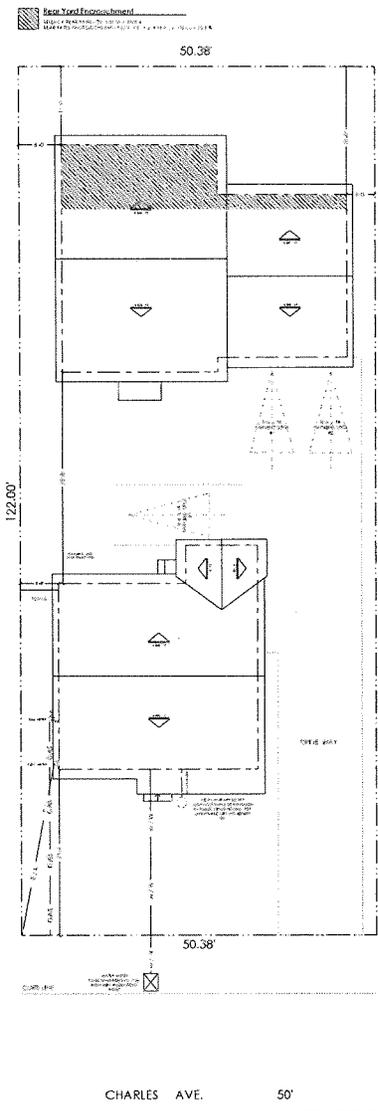
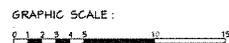
1. ADDITION AT REAR-RIGHT SIDE OF THE EXISTING HOUSE TO HAVE A NEW LAUNDRY ROOM.
2. NEW SECONDARY UNIT AT REAR SIDE OF THE EXISTING HOUSE.

**PROPOSED SITE PLAN**  
 SC-18-2-1-10



**LEGEND:**

- NEW ADDITION
- PROPERTY LINE
- BLDG FOOTPRINT LINE



**ATTACHMENT B**  
 Page 1 of 4

**BOD**  
 Design & Architecture

REVISIONS	81

**BOD** Design & Architecture  
 2100 HUNTERHEAD RD  
 CUPERTINO, CA 95014  
 TEL: 408.252.8888  
 EMAIL: bod@boddad.com

COVER SHEET  
 PROPOSED SITE PLAN

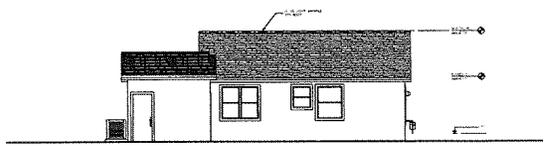
ADDITION & REMODELING FOR:  
**MIZRACHI RESIDENCE**  
 160 Charles Ave., Sunnyvale, CA 94087

DATE	REV	BY

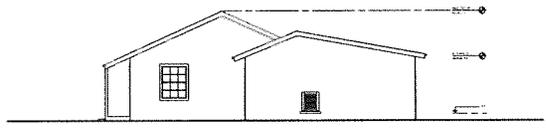
**A-0**



EXISTING FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



EXISTING REAR ELEVATION  
SCALE: 1/8" = 1'-0"



EXISTING RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

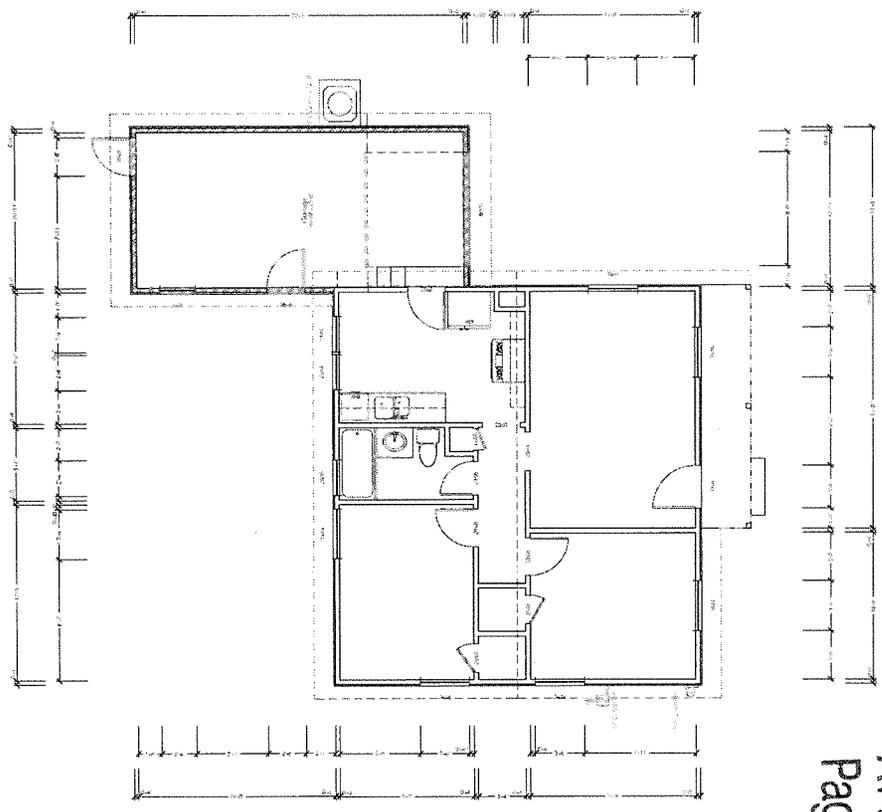
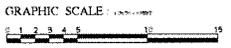


EXISTING LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



**LEGEND:**

- EXISTING WALL TO STAY
- EXISTING WALL TO BE REMOVED



EXISTING FLOOR PLAN  
SCALE: 1/4" = 1'-0"

ATTACHMENT B  
 Page 2 of 4

**BOD**  
esign  
Design &  
Architecture

REVISIONS	BY

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CUPERTINO, CA 95014  
PH: 408.943.1800  
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EXISTING FLOOR PLAN  
& ELEVATIONS

ADDITION & REMODELING FOR:  
**MIZRACHI RESIDENCE**  
120 Charles Ave., Sunnyvale, CA 94087

DATE	REV. 010
YEAR	2011
DESIGNER	BOD
ARCHITECT	BOD
DATE	2/20/11

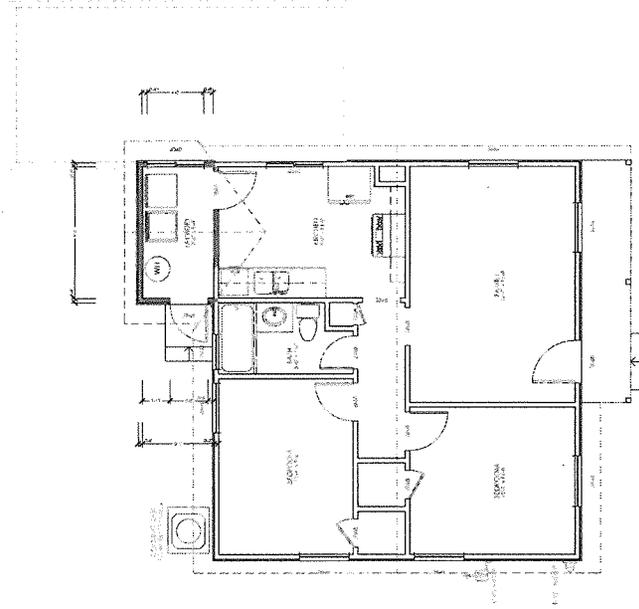
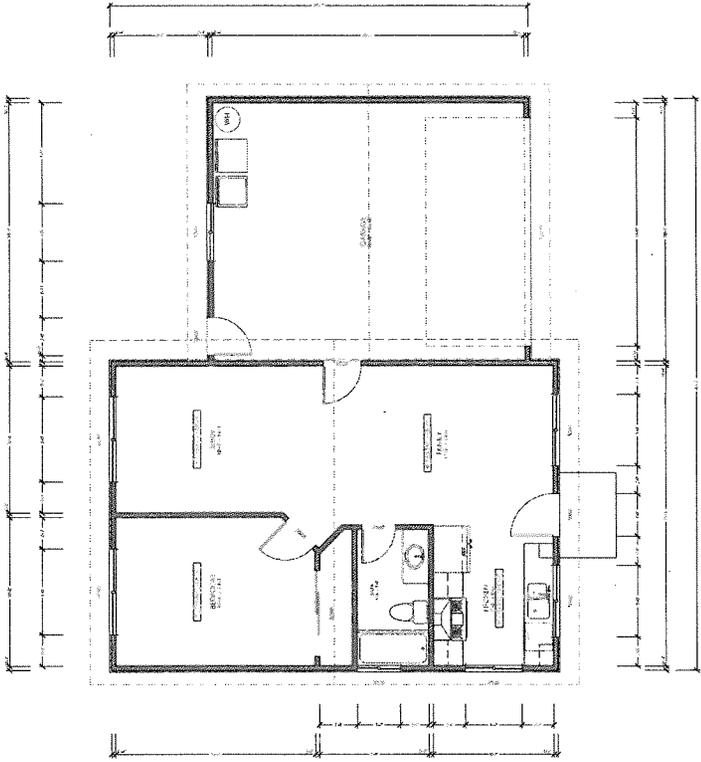
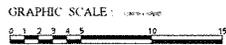
A-1



**LEGEND:**

- EXISTING WALL TO STAY
- NEW CONSTRUCTION WALL
- EXISTING WALL TO BE REMOVED

**PROPOSED FLOOR PLAN**  
 36'-11" x 17'-0"



**ATTACHMENT B**  
 Page 3 of 4

**BOD**  
 esign  
 Design &  
 Architecture

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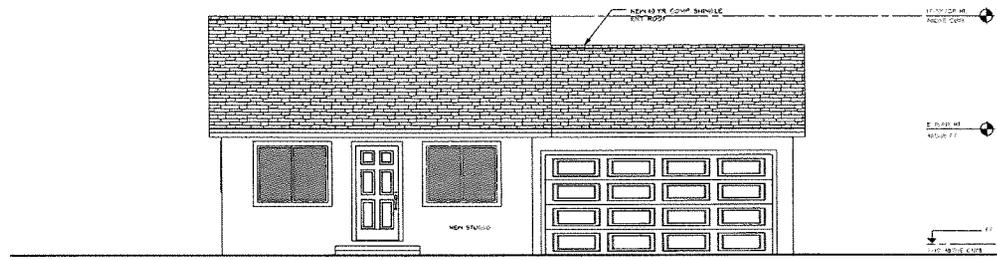
**BOD** esign  
 3160 HUNTERHEAD RD  
 CUPERTINO, CA 95014  
 TEL: (408) 771-0388  
 EMAIL: [info@bodesign.com](mailto:info@bodesign.com)

**PROPOSED FLOOR PLAN**

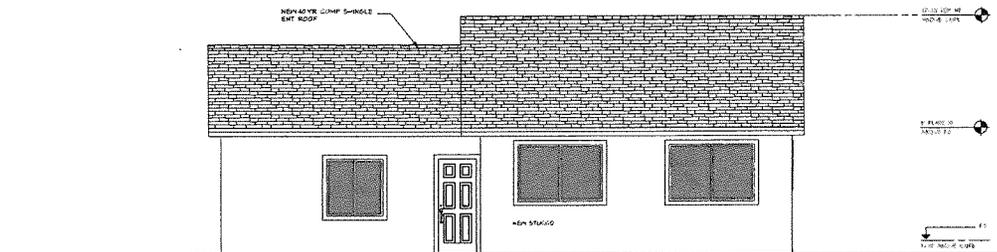
ADDITION & RECYCLING FOR:  
**MIZRACHI RESIDENCE**  
 160 Charles Ave., Sunnyvale, CA 94087

DATE	08/20/14
SCALE	1/8" = 1'-0"
PROJECT NO.	112
DRW NO.	01-000001-4
APP	

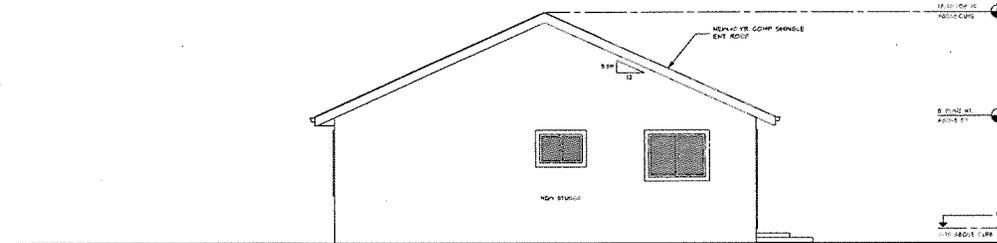
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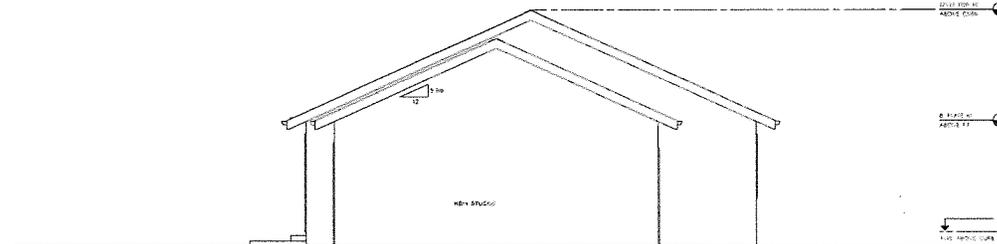
**PROPOSED FRONT ELEVATION**  
 SC: 1/4" = 1'-0"



**PROPOSED REAR ELEVATION**  
 SC: 1/4" = 1'-0"



**PROPOSED LEFT ELEVATION**  
 SC: 1/4" = 1'-0"



**PROPOSED RIGHT ELEVATION**  
 SC: 1/4" = 1'-0"

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 Architecture

REVISIONS	BY

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 EMAIL: info@bodesign.com

**PROPOSED  
 ELEVATIONS**

ADDITION & REMODELING FOR:  
**MIZRACHI RESIDENCE**  
 160 Chabot Ave., Sunnyvale, CA 94087

DATE	DATE
SCALE	SCALE
DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY

**A-3**

**ATTACHMENT B**  
 Page 4 of 4