



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 23, 2008

SUBJECT: **2008-0121:** Application located at **305 East Arques Avenue** (at N. Bayview Ave.) in an R-0 (Low Density Residential) Zoning District.

Motion Appeal by applicant of a decision of the Administrative Hearing Officer’s denying an application for a Variance from Sunnyvale Municipal Code section 19.34.066 to allow an addition in the 40-foot corner vision triangle.

REPORT IN BRIEF

Existing Site Conditions Existing single-story residence

Surrounding Land Uses

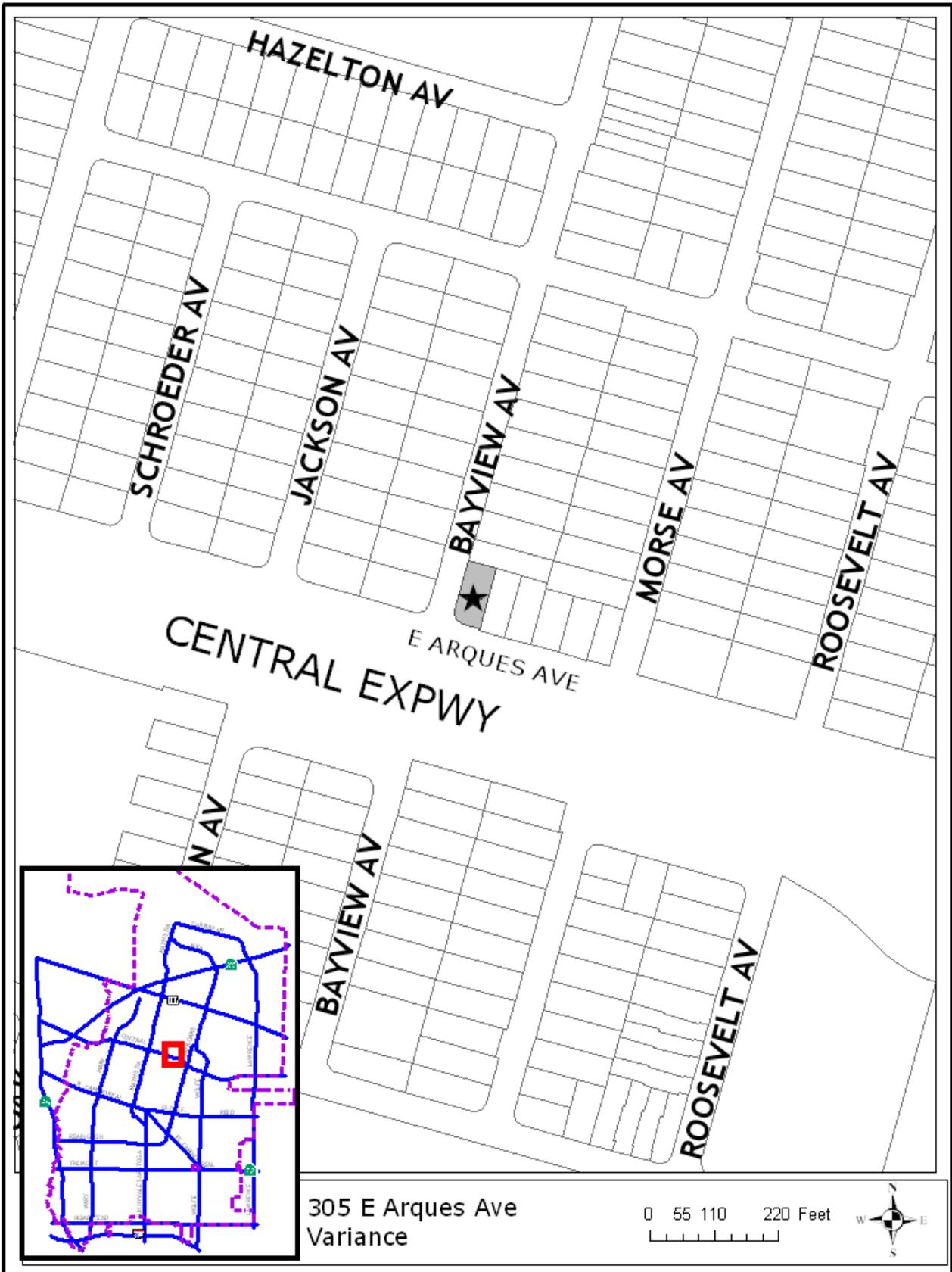
North	Single-Family Residential
South	Central Expressway
East	Single-Family Residential
West	Single-Family Residential

Issues Justifications for a variance

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Administrative Hearing Action Denied the Variance.

Staff Recommendation Deny the appeal and uphold the decision of the Administrative Hearing Officer to deny the Variance.



305 E Arques Ave
Variance



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	R-0	R-0
Lot Size (s.f.)	5,181	Same	6,000 min.
Lot Width (ft.)	49	Same	62 min.
Gross Floor Area (s.f.)	1,584	2,192	2,331 without public hearing
Lot Coverage (%)	31%	42%	45% max.
No. of Buildings On-Site	1	Same	1
Building Height (ft.)	17'	Same	30 feet max.
No. of Stories	1	Same	2 max.
Setbacks (facing prop.)			
★ • Front (ft.)	17'	Same	20' min.
• Right Side (ft.)	4'	Same	4' min.
• Left Side (ft.)	9'	Same	9' min. (Total 12')
• Rear	8'	10'	10' min.
• Rear Encroachment (%)	30%	20%	25% max.
Parking			
• Total Covered Parking	2	Same	2 min.
• Total Uncovered Parking	2	Same	2 min.
Vision Triangle			
★ • 40' Corner Encroachment	0%	1%	0%
• 10' Driveway Encroachment	0%	Same	0%

★ Starred items indicate variance from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing an addition of 589 square feet to an existing 1,584 square foot single-story residence. The addition is proposed in the reducible front yard area and the house will total 2,192 square feet when completed. There is an existing detached garage that is also proposed to be removed and rebuilt as an attached two car garage (19 additional square feet). The proposed home will have three bedrooms, a living room, kitchen, and a two-car garage.

As part of the project, the applicant is requesting that a portion of the new addition be constructed in the 40-foot corner vision triangle area. Under Sunnyvale Municipal Code (SMC) section 19.34.066 no portion of a structure can be within the 40-foot vision triangle area.

Previous Actions on the Sites: This application was heard before the Administrative Hearing at the April 16, 2008 meeting. The Administrative Hearing Officer denied the Variance application due to not being able to make all of the required findings to approval the Variance. This decision was appealed by the applicant on April 21, 2008.

Background

Previous Actions on the Site: There are no previously related permits.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include modifications to existing structures.

Variance

Site Layout: The existing 5,181 square foot parcel is a rectangular lot with the home situated near the center of the lot. The existing home does not conform to current setback requirements with a 17-foot front yard setback where 20 feet is the minimum required. In addition, the front of the existing residence currently projects into the 40-foot vision triangle area by approximately 12 feet for a total of 72 square feet. The proposed addition would also project into the 40-foot triangle by eight square feet although it would not create an additional visual impact since the existing home currently projects into this area. (See Attachment D).

The existing detached garage is only eight feet from the rear property line, where 10 feet is the minimum allowed in the R-0 zone. The applicant is proposing to bring this into conformance with an attached garage 10 feet from the property line.

The subject parcel is 49 feet wide and 107 feet deep. The lot width does not meet the standard (62 feet) for the R-0 Zoning district. The lot size is also nonconforming to current SMC standards since 6,000 square feet is the minimum parcel size. Many of the parcels in the surrounding area are similarly sized with an average size of 5,715 square feet. The subject site does not have an irregular configuration, and no physical constraint exists on site. See the Assessor Parcel Map of the neighborhood in Attachment D.

The following table shows the parcel sizes for lots in the immediate vicinity.

	Property Address	Square Footage of Lot	Lot Widths
★	397 Arques	3,880 s.f.	40 ft.
	389 Arques	5,000 s.f.	50 ft.
	356 Arques	5,000 s.f.	50 ft.
	349 Arques	5,000 s.f.	45 ft.
	325 Arques	5,000 s.f.	45 ft.
★	305 Arques	5,181 s.f.	49 ft.
	320 Bayview	5,600 s.f.	40 ft.
	305 Bayview	6,785 s.f.	59 ft.
★	301 Bayview	7,360 s.f.	64 ft.
★	302 Jackson	7,360 s.f.	64 ft.
★	301 Jackson	6,702 s.f.	64 ft.
	Average	5,715 s.f.	52 ft.

★ Indicates corner lots

Architecture: The proposed addition will match the stucco material on the existing the home. The addition will also match the existing composition roof material.

The following Guidelines from the Single-Family Design Techniques were considered in the analysis of the project architecture:

Design Policy or Guideline (Architecture)	Comments
<p><i>2.2 Basic Design Principles Respect the scale, bulk, and character of homes in the adjacent neighborhood.</i></p> <p><i>3.1 Design Techniques Design homes to respect their immediate neighbors.</i></p>	<p>The addition would occur in the rear and reducible front yards of the existing single-story house. The addition generally respects the existing scale, bulk, and character of the house as seen from the surrounding neighborhood.</p>
<p><i>3.1(D) Design Techniques Where significant additions to existing homes are planned, it is generally better to place those additions at the rear of the house or at the side.</i></p>	<p>The proposed addition is not significant in terms of new square footage versus existing square footage.</p>

Parking/Circulation: As required by Sunnyvale Municipal Code, the site provides a two car garage and two uncovered parking spaces on the driveway.

Compliance with Development Standards/Guidelines: The site will meet all other development requirements for the R-0 Zoning District. The requested Variance would allow an exception to the 40-foot corner vision triangle standard.

Expected Impact on the Surroundings: The proposed addition would have a minimal impact to the surrounding neighborhood. If the Variance is approved, a precedent would be set and there could be an increase in Variance requests in the neighborhood. The cumulative effect of structures located closer to the street could have a negative impact on the streetscape and reduce visual open space in the area.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 10 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Applicant's Justification and Appeal: The applicant has submitted a letter stating the following reasons for the three required findings for a Variance (See Attachment C for additional Details):

- The residence was constructed in 1947 and was conforming to City requirements at the time. The construction of Central Expressway required a portion of the front yard be dedicated; thus creating the nonconforming front yard setback and vision triangle issues. The dedication of land for Central Expressway is an exceptional or extraordinary circumstances or condition applicable to this property, that only a few other property owners along Arques Ave. face.
- The parcel is nonconforming to R-0 zone standards with a substandard lot size of 5,181 where 6,000 is the minimum and a lot width of 49 feet where 62 feet is the minimum for corner lots.

- Granting the Variance would not grant a special privilege to the applicant, which would not also be enjoyed by the neighbors. Although there are a few similar parcel sizes exist in the neighborhood, only one has a similar size with a 40-foot corner vision triangle requirement.
- The proposed addition would not be detrimental to the public welfare since the addition will not further block the vision triangle and the exterior architecture will remain the same. The new square footage will not take away more “vision” in the corner triangle since the existing structure already intrudes into this area.
- The proposed addition is only eight square feet.
- Several alternative designs were submitted to the City showing additions that would conform to the corner vision triangle requirements. These two alternatives unnecessarily constrain the proposed floor plan on a modest sized residence of only 2,192 square feet.

Discussion: Staff cannot make the first finding regarding exceptional or extraordinary circumstances or conditions that apply to this property due to the parcel’s size, shape, use, topography, location, or surroundings. Staff acknowledges the parcel is nonconforming to the minimum lot size and lot width requirements under the R-0 zone standards but finds the average parcel size and lot width in the surrounding neighborhood are also nonconforming. The site is rectangular and has no topographical features. Therefore, the parcel’s shape, size, or topography does not deprive the property owner of a privilege enjoyed by similar property owners.

Staff also acknowledges the land dedication for the construction of Central Expressway is an additional constraint facing this property but does not find that it constitutes a physical hardship on this property that would allow this finding to be made.

In addition, staff reviewed the two alternative designs submitted by the applicant showing additions that would conform to the corner vision triangle requirements. Staff concurs the two alternative designs constrain the proposed floor plan, although they would not be unreasonable or awkward.

Staff is able to make the second Variance finding that granting the application will not be materially detrimental to the public welfare. Staff believes the addition will not negatively impact the neighborhood in any measurable sense.

Staff is able to make the third finding that granting the Variance will not grant a special privilege not enjoyed by other surrounding property owners. There are only a few other parcels in the greater neighborhood that have nonconforming property conditions and a requirement for a 40-foot corner vision triangle.

Findings: Staff is recommending denial for this application because the Findings (Attachment A) were not made. However, if the approving authority is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B) for the project be attached to the approval.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Deny the appeal and uphold the decision of the Administrative Hearing Officer to deny the Variance.
2. Grant the appeal and approve the Variance with attached conditions.
3. Grant the appeal and approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Andrew Miner
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings for Denial
- B. Recommended Conditions of Approval
- C. Applicant's Justification Letter
- D. Site and Architectural Plans
- E. Assessor's Parcel Map of Neighborhood
- F. Administrative Hearing Minutes of April 16, 2008

Recommended Findings for Denial - Variance

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.

Staff is not able to make this finding because the parcel is a standard shape and has no distinguishing topographical features. While the parcel size does not meet the minimum 6,000 square feet or minimum lot width of 62 feet, it is similar to many neighboring parcels in the R-0 zone.

The applicant has not demonstrated that extraordinary circumstances apply to this site or that the use would deprive him of a privilege enjoyed by others. Staff was not able to make this finding based upon the above discussion about alternative designs for the home. Therefore, staff does not find that the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity.

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.

Staff is able to make this finding because approving this request would not be detrimental to 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.

Staff is able to make this finding because approving this request would not grant a vision triangle variance not enjoyed by other properties in the vicinity. There are few other properties in the neighborhood with similar parcel sizes and corner lots.

Recommended Conditions of Approval if the Appeal is Granted

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Variance shall be null and void two years from the date of approval by the final review authority if the approval is not exercised.
- B. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to issuance of a building permit.
- B. Roof material shall match the existing home or if replaced entirely, be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.

Variance justifications
for

Johnson Residence
305 E. Arques

1. _____

The house is on a corner lot and therefore this already limits some uses of the property plus the addition of a view triangle adds more restrictions to the property than the adjacent properties. This site had to dedicate about 3 ft of the front yard for the construction of Central Expressway, which affected the vision triangle and also the front yard setback. The adjacent properties did not have the same loss of property. The house has been in the family for over 50 years and the family would like to keep it in the family. Craig and Kim Johnson have 2 young children and wanted to raise their kids in Sunnyvale if they can get some of the things they feel are important to them in the house. One of the main items they wanted was a safe place for the kids to play but could also be monitored which on most lots would be the typical fenced backyard. With a corner lot and the way the house is laid out there is no backyard. We therefore came up with using the rear side yard (west side) between the driveway and living room as an area we could fence in and be viewable from within the house. Originally we had a larger yard (approx. 550 s.f.) but after complying with all the set back requirements for the garage we were left with only about a 400 sq. ft space. This is not much room but they can work with it. They are also on a limited budget and therefore we are trying to use as much of the existing structure as possible. The proposed master bedroom would provide about 180 sq. ft. of bedroom space and approx. 12 linear ft of closet space. The master bathroom was designed in the existing corner of the house with the vanity area to be part of the new portion. We pushed the new addition into the view triangle by 4 feet. The existing house is already encroaching into the triangle by about 9 ft. therefore the 4 ft intrusion does not affect the view. The new corner intrusion gives the vanity area a better

and more functional use of the space. It also provides a good shape and proportion to the bedroom area. We tried a few alternative designs, (not using the vision triangle) but they did not use the space well and did not function well. The 'piece' (8 sq.ft.) that projects into the view triangle fits nicely with exterior elevations and gives continuity to the house. If we do not intrude into the triangle but still follow some of the same lines we lose valuable and useable space in the interior of the bedroom, in lieu of the 180 sq.ft. the bedroom becomes smaller (153 sq.ft.) and the closet space becomes less (7 1/2 linear ft.). Trying to keep the same size bedroom, etc. would mean reducing the living room area or encroaching into the yard area, both ideas do not work.

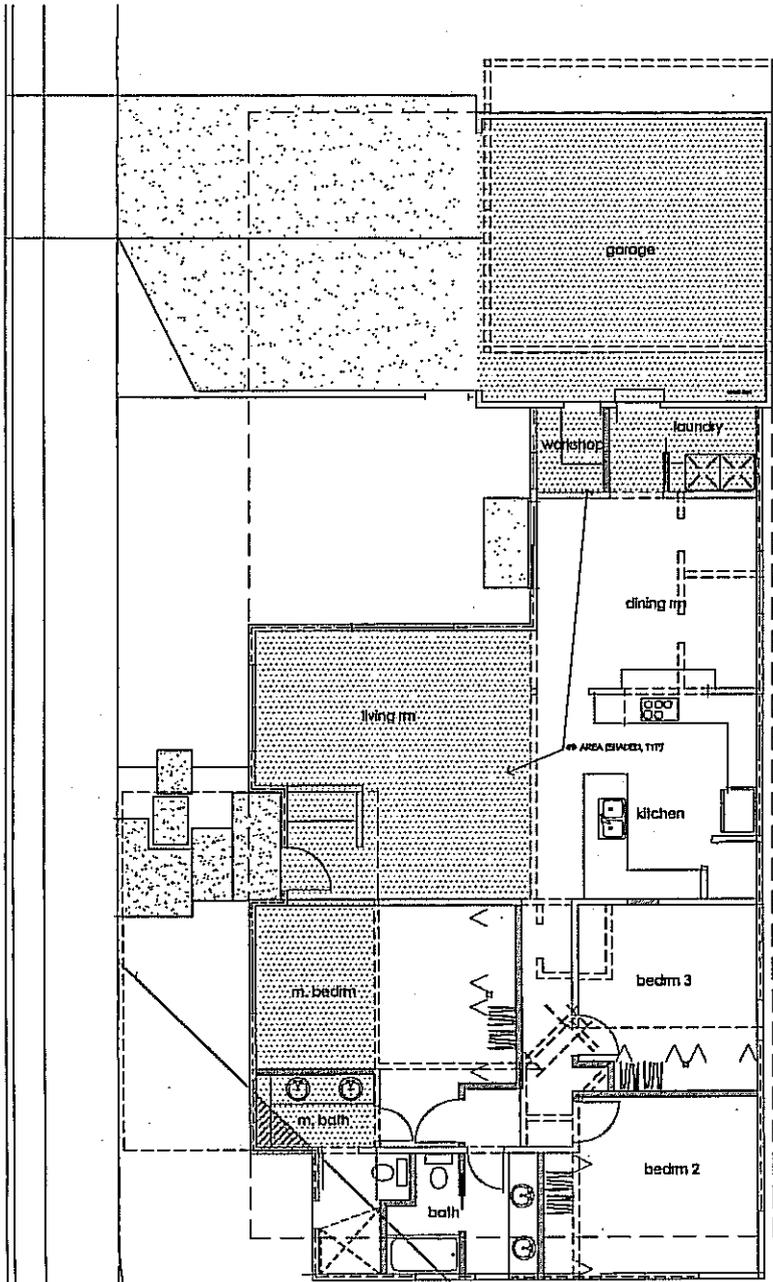
2. _____

If the variance were granted it would not be noticed. The house will not be any bigger visually with the variance nor will the proportion / balance change. With granting the variance this property will still not enjoy some of the features enjoyed by the adjacent neighbors though it will help. The only significant change will be for the occupants in having a house that functions more efficiently and takes advantage of the limited space. The house will fit into the existing neighborhood very nicely and will actually enhance the neighborhood with a nice clean design, which keeps in character of the neighborhood. The house as it is now, is not very pleasing to the character of the neighborhood and has features (which have been there for years), which need to be taken down.

3. _____

The granting of a variance will not be granting anything special. In fact it will help this house become similar to the rest of the neighborhood and let the young family enjoy the benefits of a neighborhood, which is slowly changing for the better. This property will still not have the same benefits as the adjacent parcels

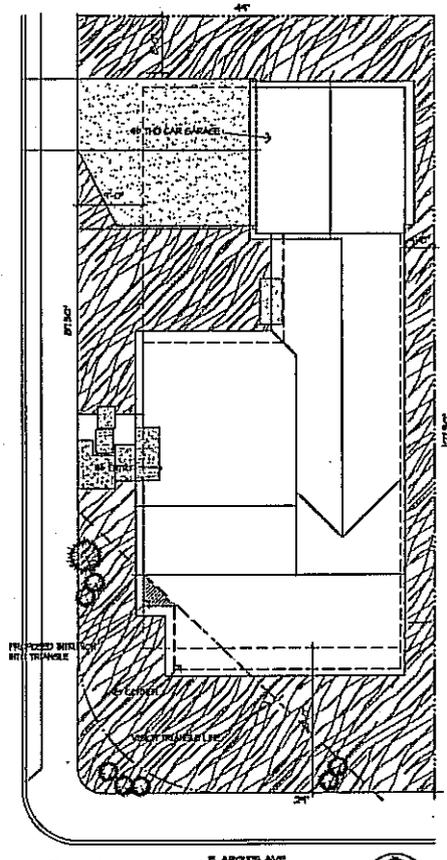
due to the limiting restrictions put on a corner lot and the loss of the 3 ft. of the front yard, but the family will hopefully be able to enjoy the new spaces of their yard and house. This addition will help improve the value of the neighborhood and hopefully be an example of a neighborhood transitioning to the better.



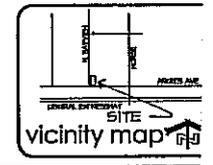
floor plan
1/4"=1'-0"

legend

- HALLS TO BE REVAMPED
- HALLS TO BE REVOLVED
- NEW EXTERIOR WALLS - 3" x 4" HD. STUDS @ 16" O.C. W/ 1/2" GYP. SOL. ON INTERIOR WALL AND GYPS. PLSTH ON EXTERIOR. 1" CERAMIC FLASER. R-10 BATT INSULATION. UNGL. BRONZE COAT SCREWS @ 24" O.C. TYP.
- INTERIOR WALLS - 2" x 4" HD. STUDS W/ 1/2" GYP. SOL. EA. SIDE, UNGL.
- DETAIL REF. DETAIL NO. SHEET NO.
- ◆ ELEVATION KEY
- ELEC. OUTLETS (RUF)
- SMOKE DETECTOR
- LIGHT FIXTURE
F - FLUORESCENT
I - INCANDESCENT
J - JUNCTION BOX
- ↓ SWITCH
- DOOR
- WINDOW
- OUTLET
- OUTLET
- OUTLET
- ▽ DATA / FIBRE (COAX, CAT5 OR CAT6) - STRUCTURED WIRING



site plan
1/8"=1'-0"



general notes

PROGRAM: REVISED, 49 800 SF, 2 BEDROOM HOUSE WITH SINGLE CAR UNATTACHED GARAGE. ADD APPROX. 630 SF. TO LIVING AREA, TEAR DOWN GARAGE AND CONSTRUCT A 16'x12' CAR ATTACHED GARAGE TO EXIST. HOUSE TO MATCH SURROUNDING HOUSES, SINGLE STORY RANCH.

ELDR. SUMMARY		
AREA OF SITE	520 1/2' x 50'	
APR	25' x 40' 0"	
CONC. TYPE	1 1/2"	
CONCRETE	FO	
ELDR. AREA		
HOUSE	800 0' x 4' 0"	110' 0" x 50' 0"
GARAGE	396 0' x 11' 0"	117' 0" x 50' 0"
ADDITION	500 0' x 11' 0"	117' 0" x 50' 0"
GARAGE	40 0' x 11' 0"	117' 0" x 50' 0"
TOTAL AREA	1771 0' x 50' 0"	117' 0" x 50' 0"
F.A.R. (EXISTING)	0.2	
F.A.R. (NEW)	0.2	

variance notes

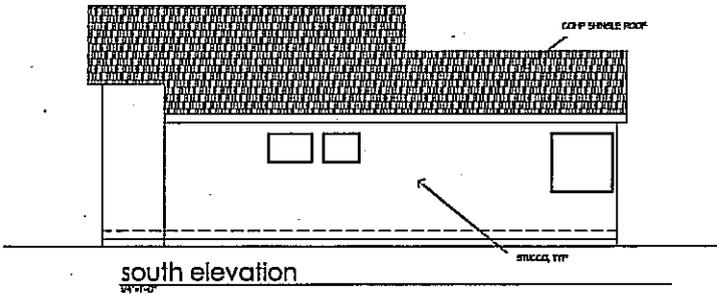
PROGRAM: THE EXISTING HOUSE IS ON A CORNER LOT AND WAS BUILT IN THE 40'S. THE EXISTING HOUSE CORNER EXTENDS INTO THE VISION TRIANGLE BY APPROX. 6' X 2' FT. WE ARE REQUESTING TO ADD APPROX 630 SF. TO THE HOUSE. WE HAVE JOINED THE NEW ADDITION AT THE CORNER TO FACE IN CONSIDERATION THE VISION TRIANGLE. THE NEW ADDITION WOULD EXTEND INTO THE VISION TRIANGLE APPROX. 2' HIGHER. THIS WILL NOT AFFECT THE EXISTING SMALLER VISION TRIANGLE WHICH HAS BEEN THERE FOR OVER 60 YEARS. THE ADDITION WILL NOT FACE AWAY ANY MORE VISION TRIANGLE THERE IS NOW AND WE FEEL IT GIVES THE HOUSE HORIZONTAL SPACE PLUS IT KEEPS THE CHARACTER OF THE REST OF THE NEIGHBORHOOD.

HOUSE NO.	NO.	REVISIONS	DATE
HOUSE REVISION / ADDITION FOR JOHNSON RESIDENCE			
SOS BY BARRY			

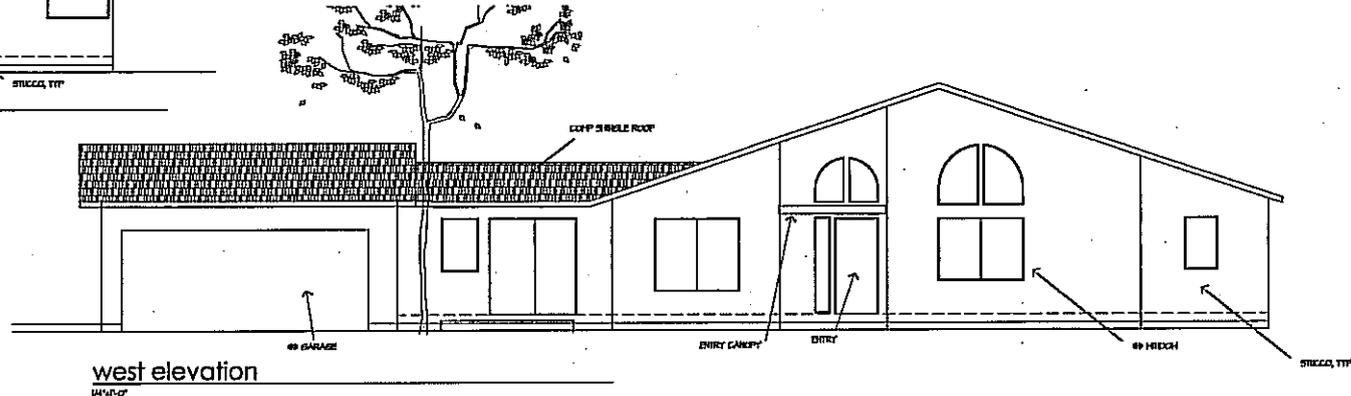


ATTACHMENT
Page 1 of 2

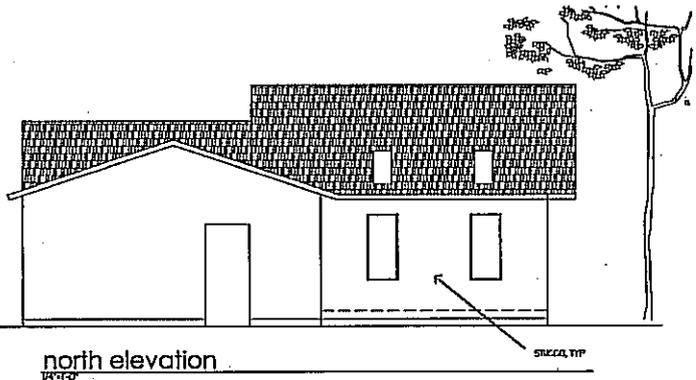
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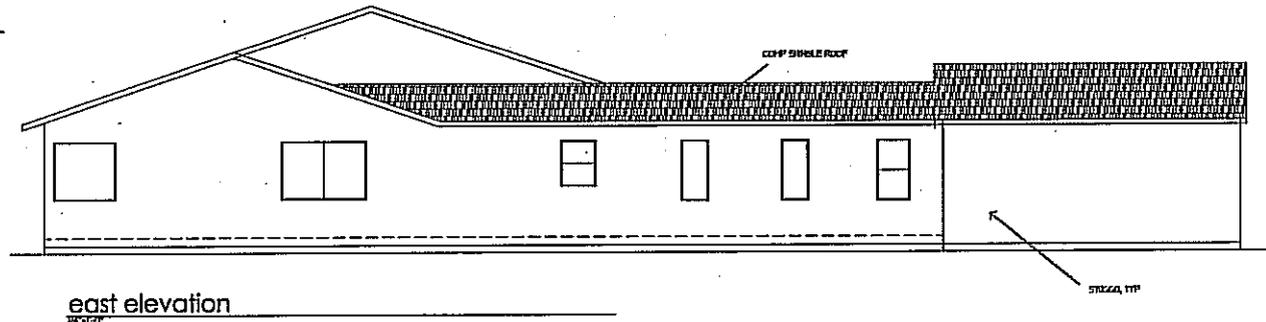
south elevation



west elevation



north elevation

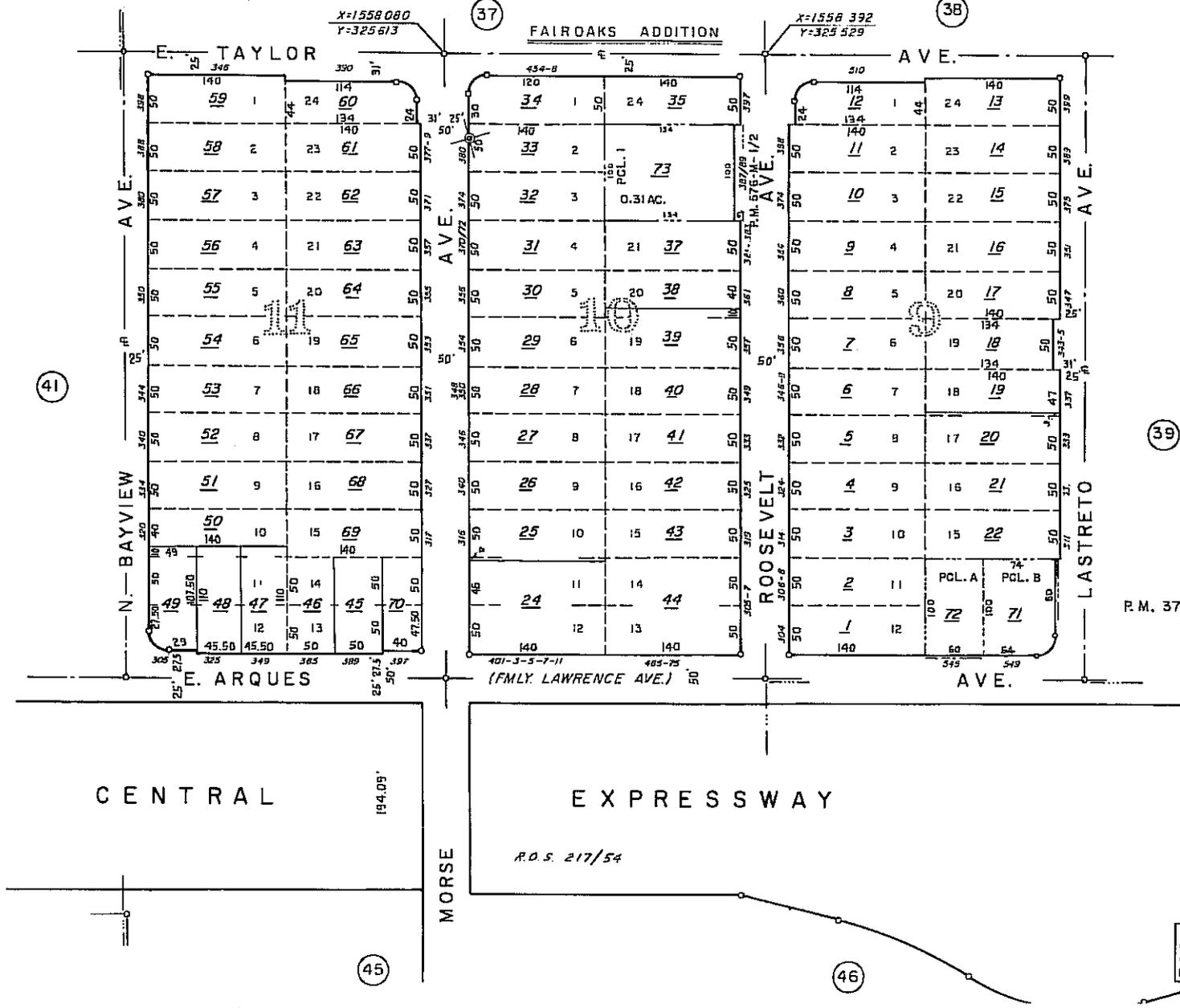


east elevation

DATE
NO. / REVISIONS
HOUSE REMODEL / ADDITION FOR JOHNSON RESIDENCE 303 E. 4 TH SARVAT

DATE
IFC
2024 SUBMITTAL REQUIREMENTS PLANS 10/1/2024 10:00 AM

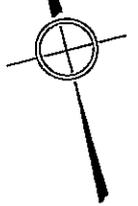
OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA



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BOOK 204
PAGE 40



1"=100'

P.M. 370-M-56

ATTACHMENT 1 of 2

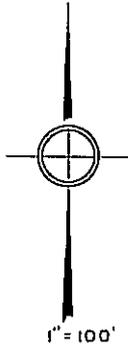
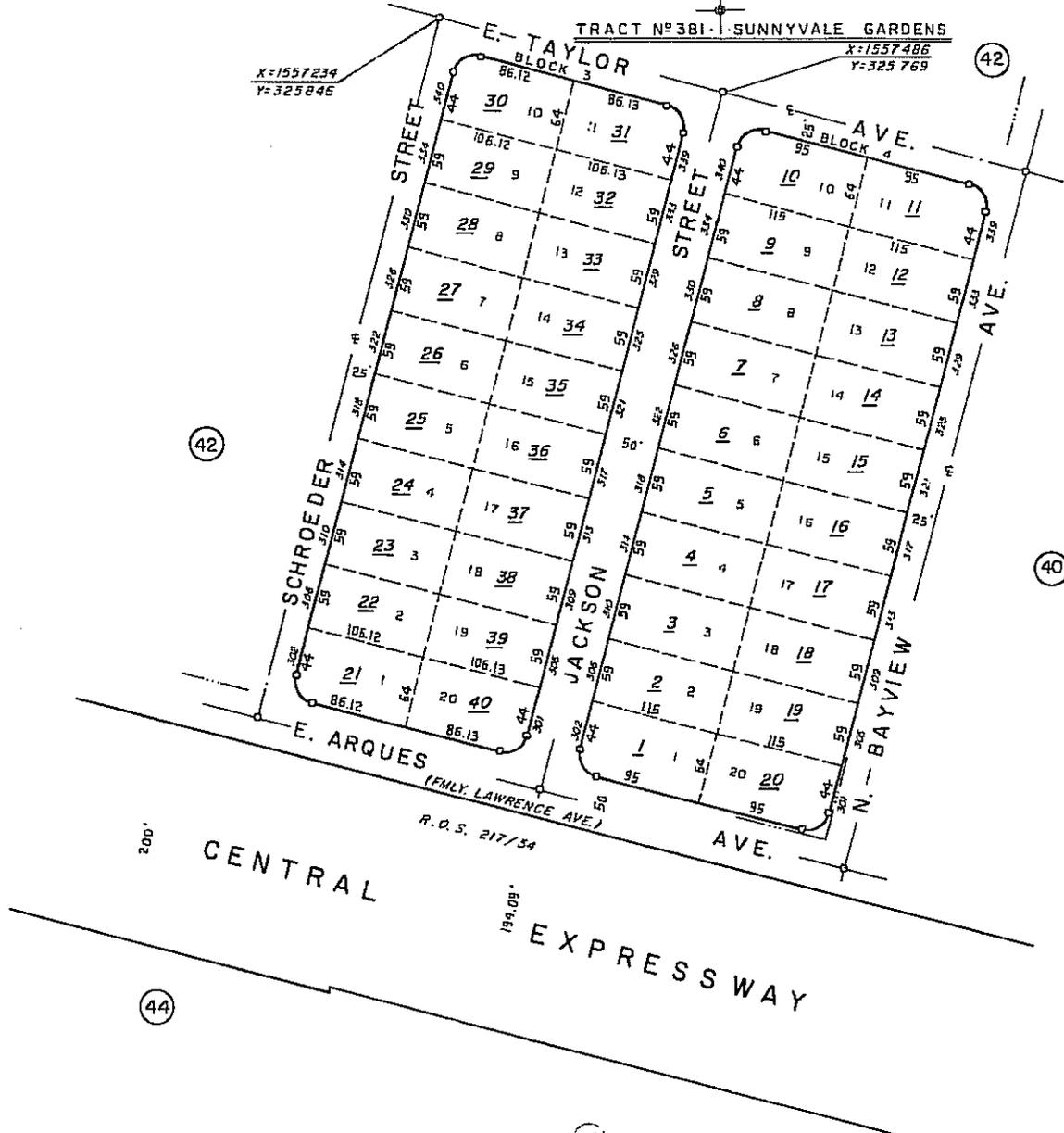
LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2006-2007

TRACT N° 381 - SUNNYVALE GARDENS

X=1557234
Y=325846

X:1557486
Y:325769

BOOK 204 PAGE 41



ATTACHMENT E
Page 2 of 2

LAWRENCE E. STONE - ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2006-2007



**CITY OF SUNNYVALE
ADMINISTRATIVE HEARING**

ATTACHMENT F
Page 1 of 2

**MINUTES
Wednesday, April 16, 2008**

2008-0121: Application for a Variance from Sunnyvale Municipal Code section 19.34.066 to allow an addition to the 40-foot corner vision triangle. The property is located at **305 East Arques Avenue** (at N. Bayview Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 204-40-049) SL

In attendance: Dennis Shafer, Applicant; Sharon Johnson, Applicant; Gerri Caruso, Administrative Hearing Officer; Steve Lynch, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Steve Lynch, Project Planner, stated that the applicant is proposing an addition of 589 square feet to an existing 1,584 square foot single-story residence. The addition is proposed in the reducible front yard area and the house will total 2,192 square feet when completed. There is an existing detached garage that is also proposed to be removed and rebuilt as an attached two car garage (19 additional square feet). The proposed home will have three bedrooms, a living room, kitchen, and a two-car garage.

As part of the project, the applicant is requesting that a portion of the new addition be constructed in the 40-foot corner vision triangle area. Under Sunnyvale Municipal Code (SMC) section 19.34.066 no portion of a structure can be within the 40-foot vision triangle area.

Ms. Caruso opened the public hearing.

Dennis Shafer, Applicant, received and reviewed a copy of the staff report. Mr. Shafer stated that he believes this is an extraordinary circumstance because they did take away two and a half feet which moves the setbacks.

Sharon Johnson, Applicant, stated that the house already goes several feet into the vision triangle and doesn't see what the harm is in approving the application.

Ms. Caruso closed the public hearing.

Ms. Caruso denied the application due to the inability to make the findings.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

2008-0121 305 E. Arques Avenue

The meeting was adjourned at 2:37 p.m.

Minutes approved by:

Gerri Caruso, Principal Planner