



**CITY OF SUNNYVALE
REPORT
Planning Commission**

February 11, 2008

SUBJECT: **2007-0928** – Application located at **697 Lakehaven Drive** (near Hiddenlake Dr.) in an R-0 (Low Density Residential) Zoning District.

Motion Appeal of a decision by the Administrative Hearing Officer denying a Variance from Sunnyvale Municipal Code section 19.46.060 to allow one covered and one uncovered parking where two covered and two uncovered parking spaces are required, in conjunction with a 400 square foot addition.

REPORT IN BRIEF

Existing Site Conditions Single-Family Residence

Surrounding Land Uses

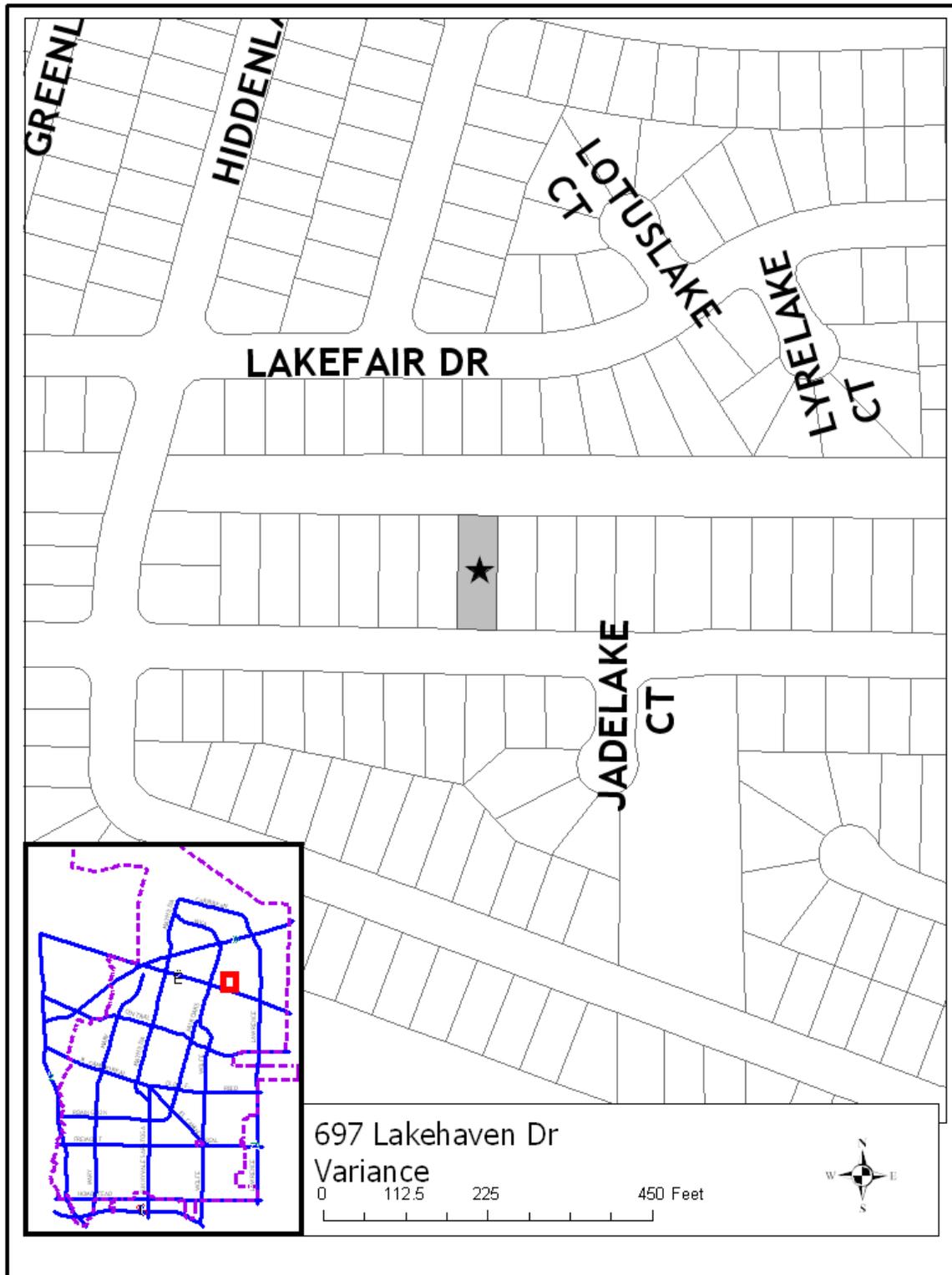
North	Hetch-Hetchy Right-of-way
South	Single-Family Residence
East	Single-Family Residence
West	Single-Family Residence

Issues Parking

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Administrative Hearing Officer Action Denied

Staff Recommendation Deny the appeal and uphold the decision by the Administrative Hearing Officer, and deny the Variance.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	8,529	Same	6,000 min.
Gross Floor Area (s.f.)	2,347	2,747 (including 400 s.f. detached bedroom)	3,828 max. without public hearing
Lot Coverage (%)	27.5%	32.2%	45% max.
No. of Buildings On-Site	1	2	---
Building Height (ft.)	16' main home, 10' detached shed	16' main home, 10' detached bedroom	30' max.
No. of Stories	1	Same	2 max.
Distance Between Buildings	34'	34'	10' min.
Setbacks (Main Home/Detached Bedroom)			
Front	20'	20'/117'	20' min.
Left Side	10'	10'/26'	4' min.
Right Side	5'	5'/10'	8' min. (12' combined)
Rear	58'	58'/10'	20' min.
Parking			
★ Total Spaces	2	Same	4 min.
★ Covered Spaces	1	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The project originated as a Neighborhood Preservation complaint regarding a conversion of a detached storage shed into a bedroom and bathroom. The detached bedroom is 400 square feet in size and is located in the rear yard of a single-family residence. The existing residence consists of five bedrooms, three

bathrooms and a one-car garage. The converted storage shed would result in six bedrooms and four bathrooms.

Sunnyvale Municipal Code (SMC) section 19.46.060 (4) requires that additions to homes that exceed 1,800 square feet of gross floor area, or have four or more bedrooms, provide two covered parking spaces and two uncovered (driveway) spaces. The proposed conversion of the storage shed to habitable living space triggers these requirements; therefore, the applicant requests a Variance from this requirement since the existing home has only one covered parking space.

On November 30, 2007, the Administrative Hearing Officer denied the Variance request due to inability to make the required findings. The applicant requests an appeal of the decision by the Administrative Hearing Officer; therefore, Planning Commission review is required. No modifications to the project have been made since the time of the Administrative Hearing.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0432	Addition of two bedrooms and one bathroom	Staff/ Approved	6/21/2002

The most recent project on this property was an addition of two bedrooms and one bathroom, which was approved by staff in 2002. SMC 19.46.060 (4) regarding parking did not become effective until March 1, 2003. Therefore, the property owners were not required to provide an additional covered parking space at the time of that project approval.

Administrative Hearing: An Administrative Hearing was held on November 28, 2007. The Administrative Hearing Officer took the project under advisement to review alternatives to provide the additional required on-site parking. On November 30, 2007, the Administrative Hearing Officer denied the Variance request. Subsequently, the applicant submitted an appeal request.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include minor alterations in land use limitations, including variances.

Variance Appeal

Site Layout: The existing home is 2,347 square feet in size and includes five bedrooms, three bathrooms, kitchen, living room, family room and a one-car garage. An accessory utility building (storage shed) was constructed with permits in 2005, and is located in the rear yard.

The 400 square foot storage shed was recently converted into one bedroom and a bathroom without appropriate permits. Since there is no kitchen facility, the converted storage shed can be considered a detached addition to the home. The lot is too small to allow an accessory living unit, so that cannot be considered for this site. If the project is approved, staff recommends that a deed restriction be recorded to ensure that the structure is not used as an accessory living unit (Attachment B, Recommended Conditions of Approval). The detached addition meets or exceeds setback requirements, and is approximately 10 feet in height. An approval of the project would result in a home with six bedrooms and four bathrooms.

Lot Area and Width: The existing 8,528 square foot lot exceeds the 6,000 square foot minimum required in the R-0 Zoning district; however, the 54-foot lot width is 3 feet less than the 57 feet minimum required in the R-0 Zoning district. There are several lots along this stretch of Lakehaven Drive with similar lot widths (Attachment F, Assessor's Parcel Map). Therefore, substandard lot widths are not uncommon for properties located in the immediate vicinity. The following table shows the lot area and widths for properties in the immediate neighborhood:

Neighboring Properties

Address	Lot Area (s.f.)	Lot Width (ft.)
690 Lakehaven	8,222	55
691 Lakehaven	8,490	54
696 Lakehaven	7,122	55
<i>697 Lakehaven</i>	8,529	54
701 Lakehaven	8,565	54
702 Lakehaven	5,720	55

Surrounding Area: There are several homes in the immediate neighborhood that have recently constructed additions. For example, staff approved an addition of an office at the property located at 807 Lakehaven Drive (2003-0409). Pursuant to SMC 19.46.060, modifications were made to the office to ensure that it would not be used as a bedroom, which included the removal of a proposed closet and a separate doorway. The final home was less than 1,800 square feet and had three bedrooms. No additional parking was required. To

date, no Variances for parking have been approved in the immediate neighborhood.

Architecture: The existing home was recently remodeled, and consists of stucco siding and composition shingle roofing. No modifications are proposed for the existing home.

The proposed detached bedroom and bathroom matches the design of the main home, with similar exterior materials and colors. The front door of the structure faces the main home. In addition, there are windows along the right and left side elevations. There are no windows or doors along the rear elevation, which abuts the Hetch Hetchy Reservoir right-of-way.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Techniques	Comments
<i>3.10 Relate the design of accessory structures to those of the main structure.</i>	The detached bedroom and bathroom was designed to match the main residence, with similar exterior materials and colors.

Parking/Circulation: The existing home contains a one-car garage and one uncovered parking space on the driveway that faces Lakehaven Drive. Many homes along Lakehaven Drive and in the immediate vicinity also have one-car garages.

The proposed conversion of the storage shed would result in 2,747 square feet of gross floor area (including the garage) and is considered a sixth bedroom. Therefore, the proposed project is required to add one more covered parking space. The applicant requests a Variance to allow one covered and one uncovered parking space, where two covered and two uncovered parking spaces are required.

Alternatives: Staff has worked with the applicant to identify alternatives for providing the additional required parking spaces. One alternative includes the expansion of the existing garage to a two-car garage. This alternative would require a 1-foot expansion towards the right side property line, and a 4-foot expansion into the home along the left side of the garage. The applicant did not choose this alternative as it would require the encroachment into existing living space and require modifications to the existing floor plan and front entry.

A second alternative was to construct a new detached two-car garage towards the back of the property along the left side property line. The existing garage would be converted into additional living space, and the existing driveway along

the right side property line would be removed. Staff explored this alternative with the City's Traffic Department and concluded that it was infeasible, as the new driveway would be too close to the adjacent driveway along the left side and would conflict with an existing light pole. In addition, the minimum back-up distance of 24 feet would not be met and the garage would encroach into more than 25% of the rear yard area. Therefore, a Variance would also be required for this option.

Landscaping: There are no landscaping requirements from properties located in the R-0 Zoning district, and no trees are proposed for removal. The detached structure takes up approximately 18.5 % of the rear yard, where 25% is the maximum allowed for structures located closer than 20 feet from the rear property line.

Compliance with Development Standards/Guidelines: The proposed project meets most of the development standards of the R-0 Zoning district, with the exception of the minimum parking requirements. The requested Variance would allow the property owners to maintain the existing one-car garage and one-car driveway, where two covered and two uncovered parking spaces are required. In addition, the detached bedroom and bathroom meets the Single Family Home Design Techniques, as it has been designed to match the existing home.

Expected Impact on the Surroundings: The detached bedroom and bathroom would have a minimal impact on the privacy of the adjacent property owners. The project meets or exceeds the minimum setback requirements for the R-0 Zoning district, and the adjacent property to the rear is the Hetch-Hetchy Reservoir right-of-way.

The proposed project could have a detrimental impact on the immediate neighborhood if sufficient on-site parking is not provided. The proposed reduction in parking may result in additional vehicles parking on the street, which may negatively impact surrounding properties. If the Variance is approved, precedent could be set and there could be an increase in Variance requests in the neighborhood.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff received a letter of opposition from a neighboring resident on February 4, 2008 (Attachment H). The letter addressed the following concerns regarding the proposed project:

- The neighborhood has a limited amount of street parking spaces.
- There are many vehicles associated with the subject property.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 7 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

Administrative Hearing: An Administrative Hearing was held on November 28, 2007 regarding this project. Draft minutes of this hearing are provided in Attachment G. During the public hearing, the applicant stated that there was additional room in the front yard to accommodate three uncovered parking spaces on the driveway. The Administrative Hearing Officer took the project under advisement to review the information presented by the applicant, and explore additional options with staff.

On November 30, 2007, the Administrative Hearing Officer took action to deny the Variance. The Administrative Hearing Officer found that providing three uncovered parking spaces in the front yard would require more than 50% of the front yard to be paved, in which parking would dominate the frontage of the property. Additionally, one of the parking spaces would be located directly in front of the entry porch. As the Administrative Hearing Officer was not able to make the findings for the Variance and found that the option presented by the applicant was undesirable, the project was denied.

Conclusion

Applicant's Justification and Appeal: The applicant submitted a justification letter and contends the following (Attachment D, Letter from the Applicant):

1. The project would result in minimal privacy impacts to adjacent neighbors, and backs up to existing open space.
2. The structure matches the main home in materials and style.
3. The project will provide a more comfortable living space for the family.

Discussion: The following is staff's discussion of the required findings:

1. The first required finding for approving a Variance is that the property or use involves a unique or exceptional circumstance. The existing 8,528

square foot lot is 2,528 square feet larger than the 6,000 square foot minimum required in the R-0 Zoning district. The existing 54-foot lot width is 3 feet less than the 57 feet minimum required in the R-0 Zoning district. However, there are several lots along this stretch of Lakehaven Drive with similar lot widths (Attachment F, Assessor's Parcel Map). Therefore, substandard lot widths are not uncommon for properties located in the immediate vicinity.

Staff also believes that the additional required parking spaces could be accommodated on the lot. As previously discussed, one alternative would be to expand the existing one-car garage towards the right side yard and/or into the existing home. Although the existing floor plan and entry feature would have to be modified, staff believes that this option is a feasible alternative that would allow the property owners to meet parking requirements and development standards. Therefore, staff cannot make the first finding regarding exceptional or extraordinary circumstances or conditions that apply to this property.

2. The second required finding is that the granting of a Variance will not be detrimental to adjoining properties and uses. Staff believes that the project will have a minimal impact on the privacy of adjacent neighbors. However, staff believes that the proposed reduction in parking may result in additional vehicle parking on the street, which may negatively impact surrounding properties. If the Variance is approved, precedent could be set and there could be an increase in Variance requests in the neighborhood. As a result, staff cannot make the finding that this project will not be detrimental to adjoining properties and uses.
3. The third required finding for a Variance is that granting a Variance meets the intent of the zoning ordinance and does not grant special privileges to the proposed use or site. The intent of the parking requirements is to ensure an adequate supply of on-site parking and reduce the number of vehicles from parking on the street. Staff believes that a sixth bedroom will increase the demand for parking on this property, which may force additional vehicles to be parked on the street. Additionally, staff was not able to find any Variances granted for reduced parking in the immediate neighborhood. Therefore, staff cannot make this third finding.

If the Variance is denied, the detached bedroom and bathroom would be required to be converted back into a storage shed. All bathroom plumbing fixtures would also be required to be removed, as building permits were not obtained. As the project was in response to a Neighborhood Preservation case, staff recommends that the property owner apply for demolition permits within 30 days of the final decision of the Variance.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

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

Alternatives

1. Deny the appeal and uphold the decision by the Administrative Hearing Officer, and 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:

Noren Caliva
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant
- E. Site Photos
- F. Assessor's Parcel Map
- G. Administrative Hearing Minutes November 28, 2007
- H. Letter from a Neighbor

Recommended Findings - 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. (*Finding not met.*)

The existing 8,528 square foot lot is 2,528 square feet larger than the 6,000 square foot minimum required in the R-0 Zoning district. The existing 54-foot lot width is 3 feet less than the 57 feet minimum required in the R-0 Zoning district. However, there are several lots along this stretch of Lakehaven Drive with similar lot widths (Attachment F, Assessor's Parcel Map). Therefore, substandard lot widths are not uncommon for properties located in the immediate vicinity. In addition, staff believes that the existing one-car garage and home can be modified to provide the additional parking required.

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 not met.*)

Staff believes that the proposed reduction in parking may result in additional vehicle parking on the street, which may negatively impact surrounding properties. If the Variance is approved, precedent could be set and there could be an increase in Variance requests in 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 not met.*)

The intent of the parking requirements is to ensure an adequate supply of on-site parking and reduce the number of vehicles from parking on the street. Staff believes that a sixth bedroom will increase the demand for parking on this property, which may force additional vehicles to be parked on the street. Additionally, staff was not able to find any Variances granted for reduced parking in the immediate neighborhood.

Recommended Conditions of Approval if the Variance 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 a page of the plans submitted for a Building permit for this project.
- D. Obtain building permits for the proposed plan.
- E. A deed restriction shall be recorded prior to issuance of final building permits, to ensure that the accessory utility building will not be used as an accessory living unit.

LORENZO RESIDENCE
 697 LAKEHAVEN DR.
 SUNNYVALE, CA 94089

PROJECT INFORMATION 1/8" = 1'-0"

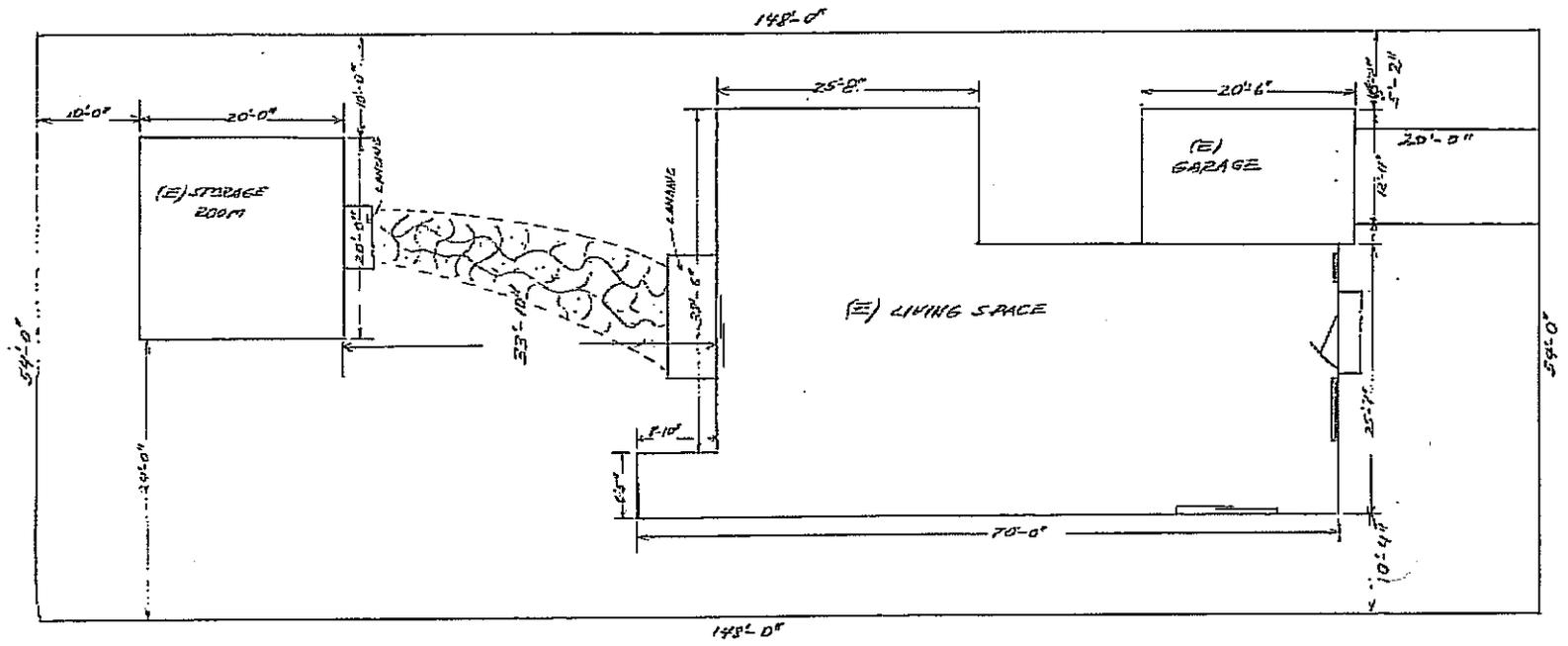
APN	-----	110-16-113
ZONING	-----	21
LOT AREA	-----	7942
(E) LIVING SPACE	-----	2,042
GARAGE SPACE	-----	305
ADDED LIVING SPACE	-----	400
LOT COVERAGE	-----	2,747
F.A.R.	-----	34%



SITE PLAN

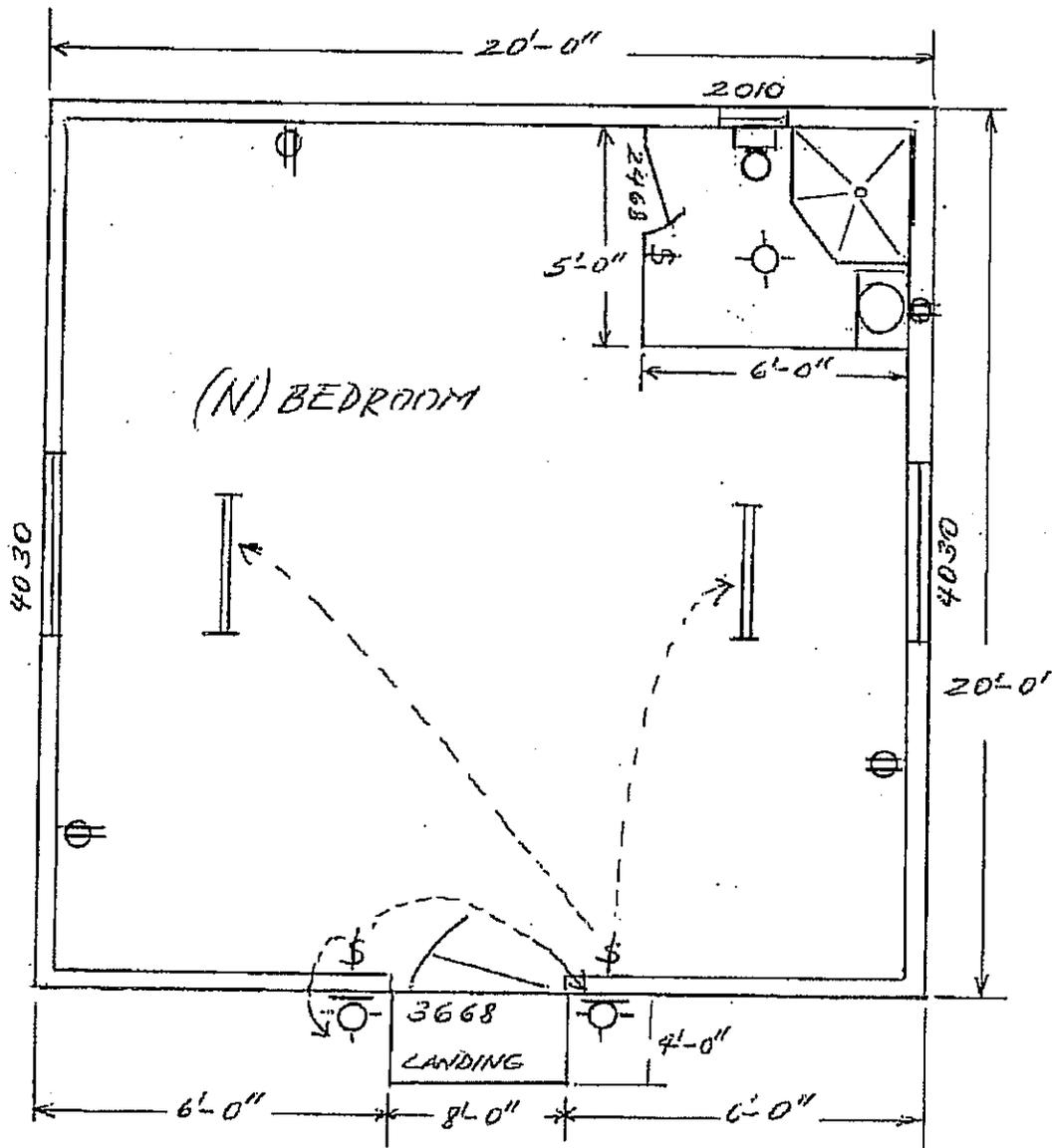
SCOPE OF WORK

STORAGE SHED CONVERTING IN A LIVING SPACE
 BED ROOM WITH A BATH ROOM



STREET
 LAKEHAVEN DR.

PROPOSED FLOOR PLAN

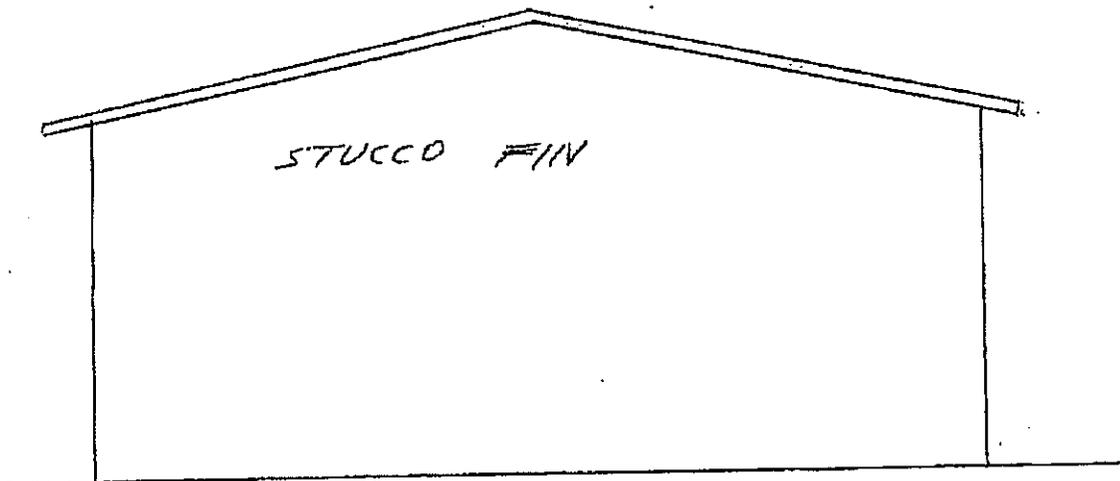
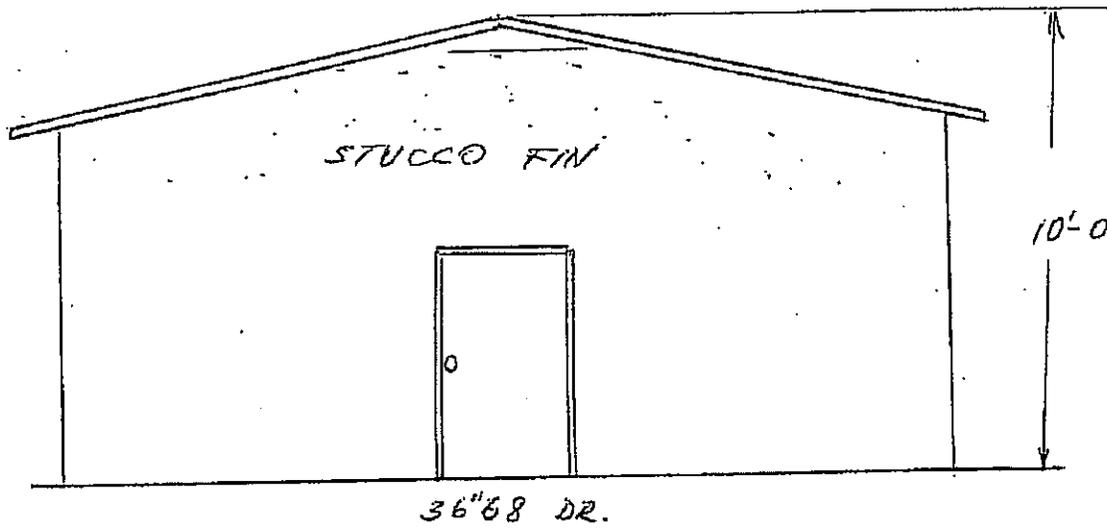


64

ELEVATION

(E) FRONT

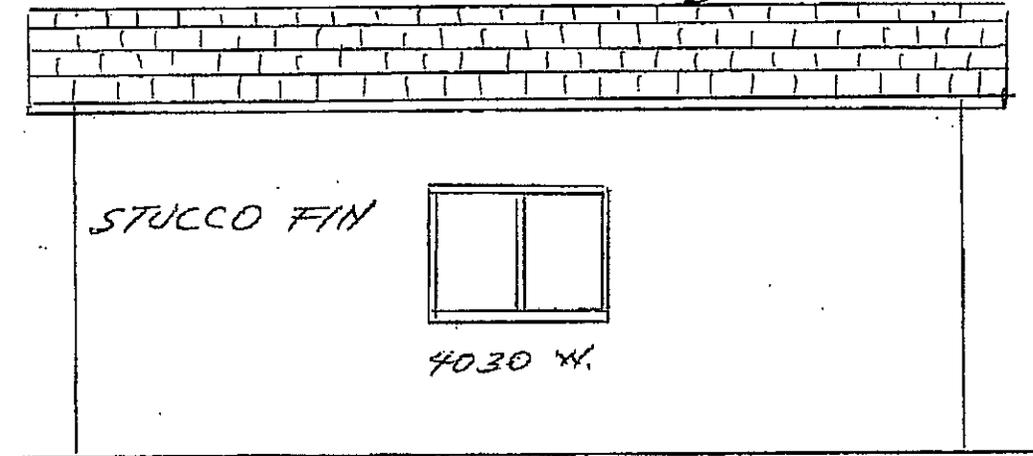
SCALE 1/4" = 1'-0"



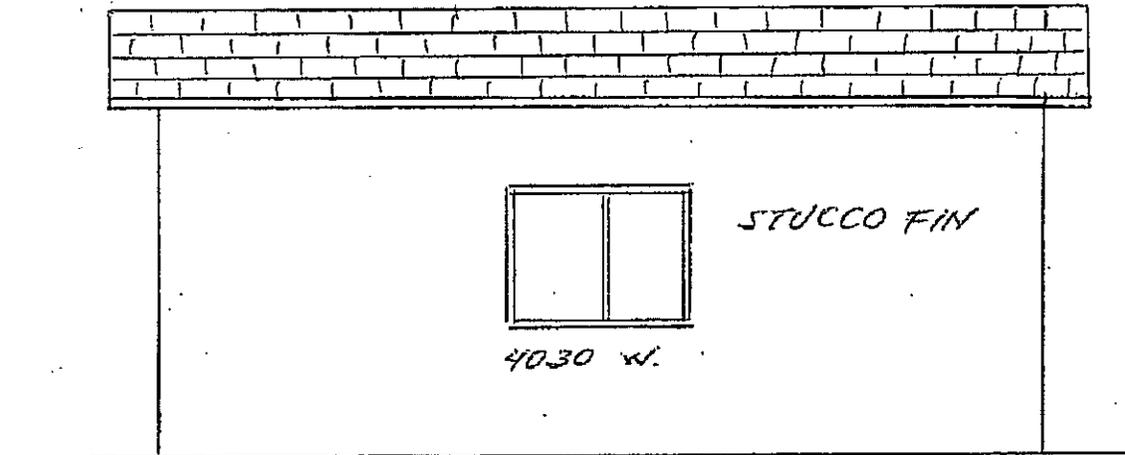
47

(E) RIGHT

40 YRS. COMP. SHINGLES



(E) LEFT



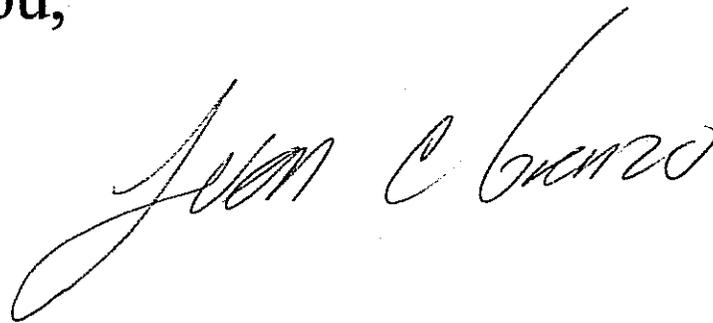
Lorenzo Residence
697 Lakehaven Dr.

The existing lot area is 7,942 with a living area of 2,042. The owners want to convert an unattached existing storage building into a bedroom with bath for use by members of their family. The new space would add 400 S.F. giving a F.A.R. of 35 %. The lot backs up to an open space and therefore we feel its impact on the neighborhood will be minimal. The structure will match the house in materials and style plus it will provide a more comfortable living space for the family.

Attention Planning Department,

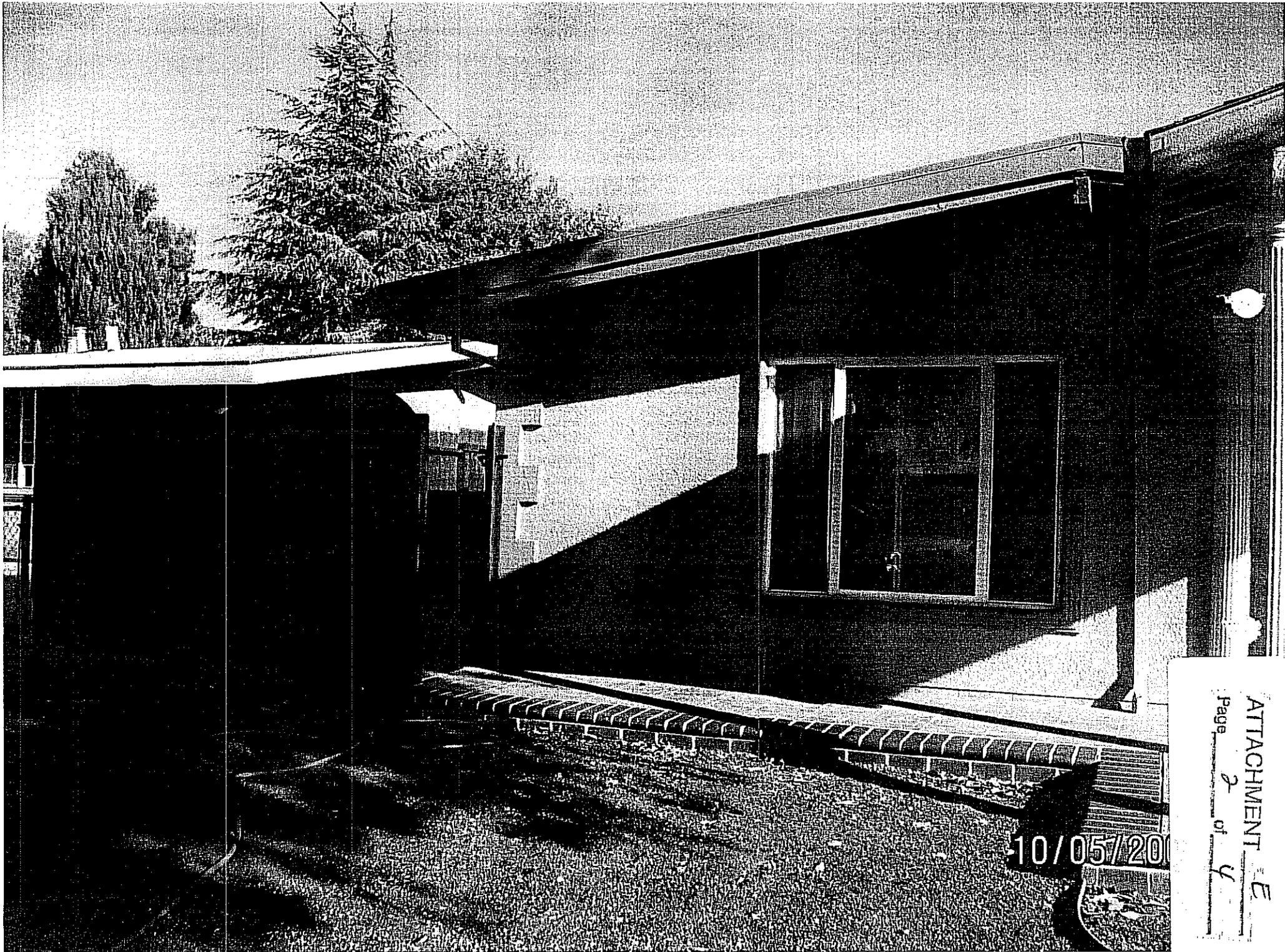
This letter is regarding the property at 697 Lakehaven Dr. in Sunnyvale Ca. I got denied in the hearing that I had on November 28th and I would like to appeal this decision. I believe there were a couple options that we had in mind and I don't know if we did the correct research or got the correct information. I feel like I need to appeal this decision.

Thank you,

A handwritten signature in cursive script, reading "Juan C. Guerra". The signature is written in black ink and is positioned below the "Thank you," text.



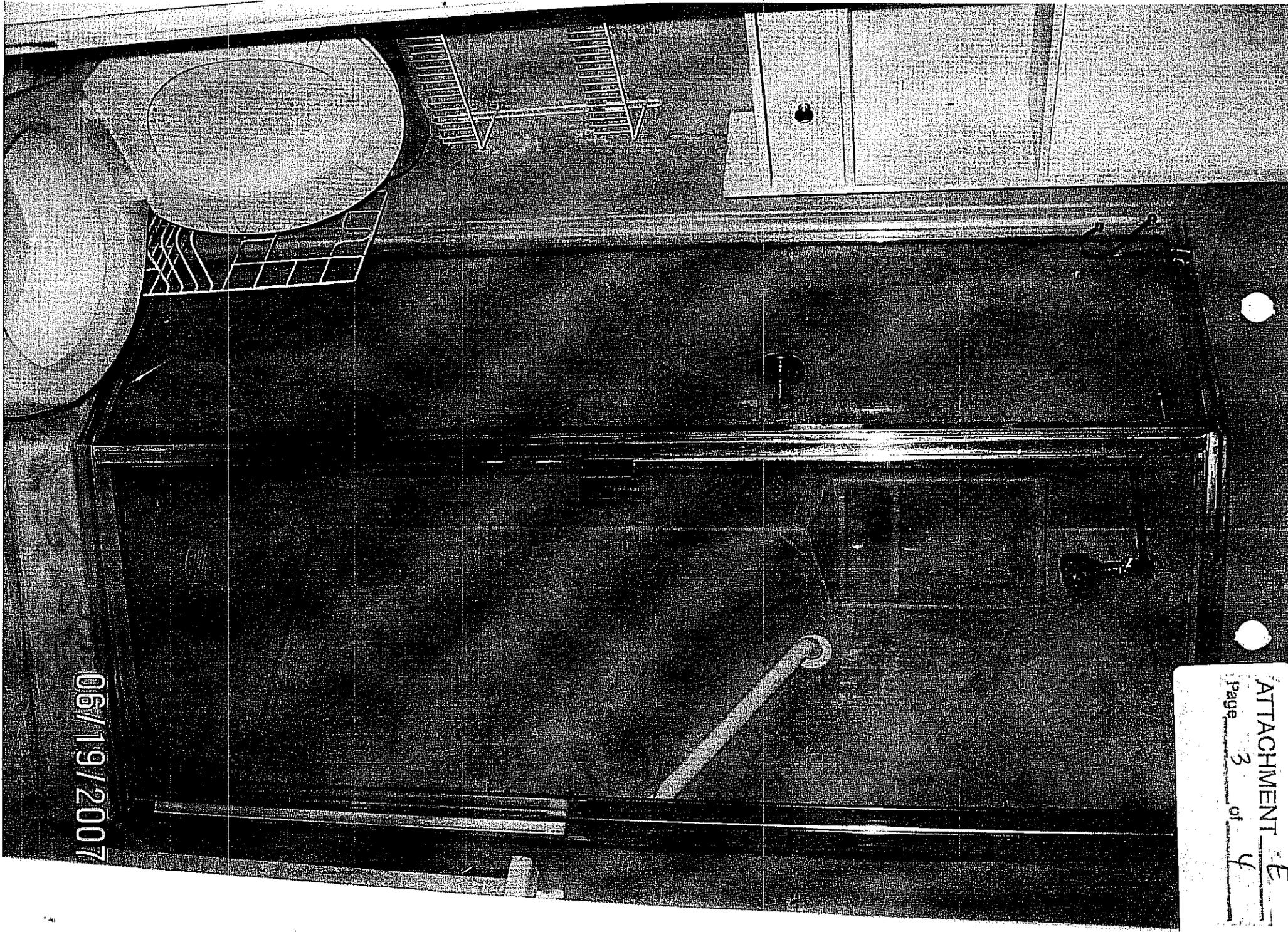
ATTACHMENT E
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ATTACHMENT E
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10/05/200

06/19/2007



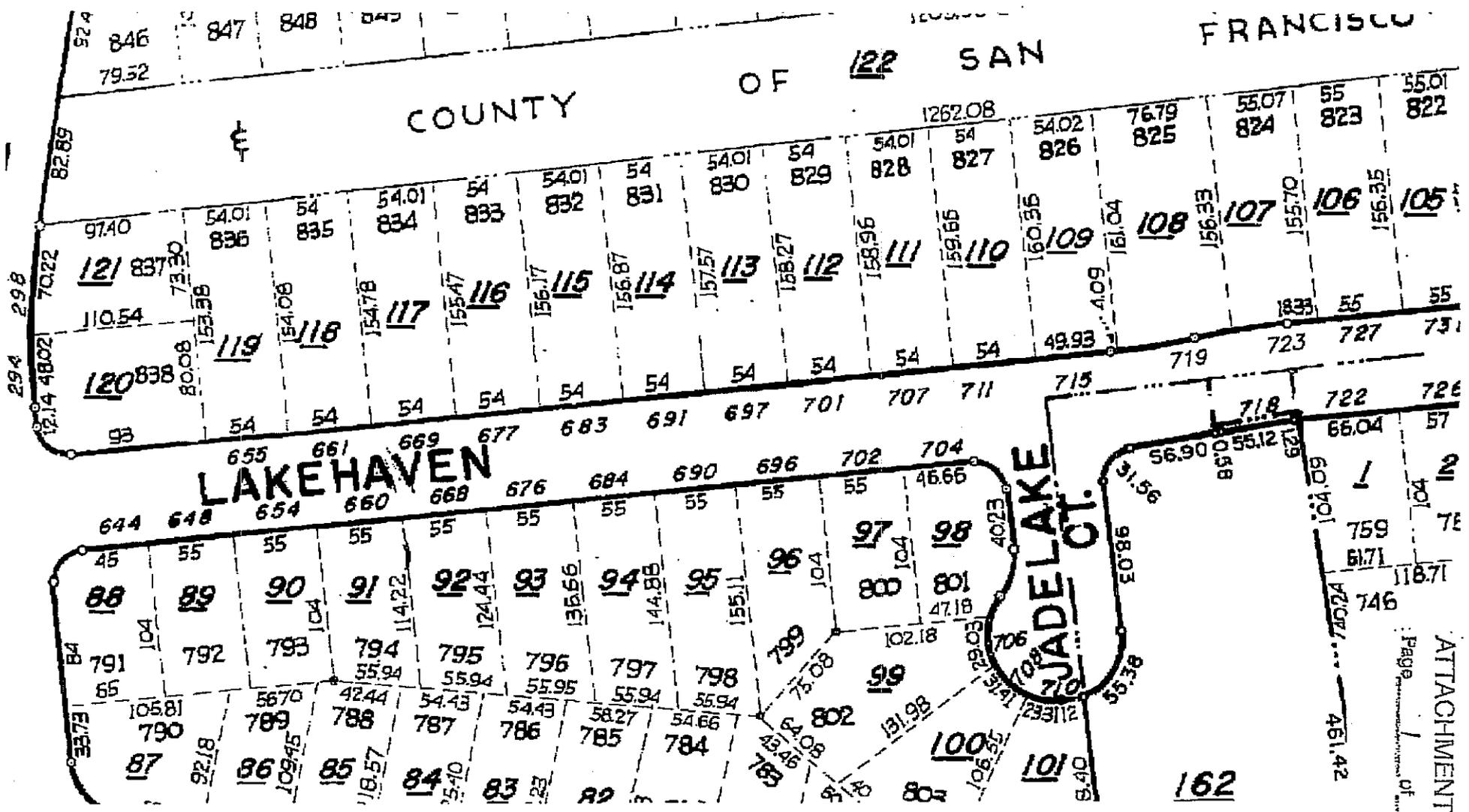


ATTACHMENT E
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06/19/200

FRANCISCO

COUNTY OF SAN



LAKEHAVEN

JADE LAKE

162



**CITY OF SUNNYVALE
ADMINISTRATIVE HEARING**

ATTACHMENT 9
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**MINUTES
Wednesday, November 28, 2007**

2007-0928 – Application for a Variance from Sunnyvale Municipal Code section 19.46.050 to allow one covered and one uncovered parking where two covered and two uncovered parking spaces are required, in conjunction with a 400 square foot addition. The property is located at **697 Lakehaven Drive** (near Hiddenlake Dr.) in an R-0 (Low Density Residential) Zoning District. (APN: 110-16-115) NC

In attendance: Juan Lorenzo, Applicant; Dennis Shafer, Contractor; Gerri Caruso, Administrative Hearing Officer; Noren Caliva, 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.

Noren Caliva, Project Planner, stated that the project originated as a Neighborhood Preservation complaint regarding a conversion of a detached storage shed into a bedroom and bathroom. The detached bedroom is 400 square feet in size and is located in the rear yard of a single-family residence. The existing residence consists of five bedrooms, three bathrooms and a one-car garage. The converted storage shed would result in six bedrooms and four bathrooms.

Sunnyvale Municipal Code (SMC) section 19.46.060 (4) requires that additions to homes that exceed 1,800 square feet of gross floor area, or have four or more bedrooms, provide two covered parking spaces. The proposed conversion of the storage shed to habitable living space trigger these requirements; therefore, the applicant requests a Variance from this requirement since the existing home has only one covered parking space.

Ms. Caruso opened the public hearing.

Dennis Shafer, Contractor, mentioned that he did look into other design options and feels that the proposed design is the most cost efficient for the project. Mr. Shafer went through the findings and made a couple statements.

Juan Lorenzo, Applicant, received and reviewed a copy of the staff report. Mr. Lorenzo stated that there are no parking problems in his neighborhood. The applicant stated that he is willing to work with the city to try to make this project work. Ms. Caruso asked if they currently have a one car driveway, the applicant confirmed that. Ms. Caliva mentioned that the curve cut is designed for one vehicle. Ms. Caruso tried to explore other design options with the applicant and contractor.

Ms. Caruso closed the public hearing.

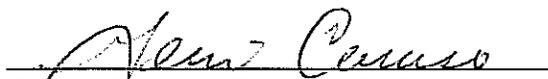
Ms. Caruso took the application under advisement until Friday, November 30, 2007 to explore alternative solutions.

On November 30, 2007, the Administrative Hearing Officer took action to deny the Variance. The Administrative Hearing Officer found that providing three uncovered parking spaces in the front yard would require more than 50% of the front yard to be paved, in which parking would dominate the frontage of the property. Additionally, one of the parking spaces would be located directly in front of the entry porch. As the Administrative Hearing Officer was not able to make the findings for the Variance and found that the option presented by the applicant was undesirable, the project was denied.

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.

The meeting was adjourned at 2:36 p.m.

Minutes approved by:



Gerri Caruso, Principal Planner

Noren Caliva - 697 Lakehaven Dr (APN 110-16-113)

ATTACHMENT H
Page 1 of 2

From:
To: <ncaliva@ci.sunnyvale.ca.us>
Date: 2/4/2008 8:20 PM
Subject: 697 Lakehaven Dr (APN 110-16-113)

February 2, 2008

File Number 2007-0928

Location: 697 Lakehaven Drive (APN: 110-16-113)

Dear Noren,

Thank you so much for taking the time to meet with me re: 697 Lakehaven Drive and the appeal of the denial of the variance requested.

1.) As I mentioned, our neighborhood was built as single family homes. City planning rules are designed to allow adequate parking measures. Since becoming a homeowner in this neighborhood, we have noticed a parking issue around 697. The street parking rarely becomes available, the neighbors complain as their guests have no near parking and 697 has frequent visitors during all hours. This implies a rental unit with many tenants. I have only seen the front door used once. I urge the city planner to remain vigilant to city rules regarding provided parking. This was intended to relieve street parking for guests. Please continue to deny the variance requested.

2.) Our neighborhood is also concerned about recent increased construction activity in the house just north of 697 Lakehaven Drive which was recently purchased by the owner of 697 Lakehaven. Similar activity has been noted in the back "shed" that we assume means he intends to rent this property similarly to 697. Please document my concerns or file my letter with the appropriate agency and keep me informed.

3.) Lastly, a 6-7 foot front fence has recently been erected at the residence between 723 and 731 Lakehaven Drive. I assume the address must be 727, but cannot see any numbers. I believe this fence extends beyond the house and is not to the city code. It is an unsightly addition to our neighborhood. Again, if you could please document my concerns or file my letter with the appropriate agency, I would appreciate it.

Please keep us informed. We want to keep the neighborhood as the city intended. If there is another agency that I should contact, please let me know.

Sincerely,

Keith & Leslie White

707 Lakehaven Drive
Sunnyvale, CA 94089

ATTACHMENT H
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