**Agenda Item #** 4

# REPORT TO PLANNING COMMISSION

**Hearing Date:** July 25, 2011

**File Number:** 2011-7240

**SUBJECT:** **Ken Reheaume (Owner)**: Application located at 319 Bishop Avenue in a R-O Zoning District (APN: 209-31-062):

Motion **2011-7240 -** Appeal of Zoning Administrator decision (denial) to allow a one car garage where two covered parking spaces are required when an addition results in a home with at least 1,800 square feet or four bedrooms.

**REPORT IN BRIEF:**

**Existing Site Conditions** Single-Family Residential

**Surrounding Land Uses**

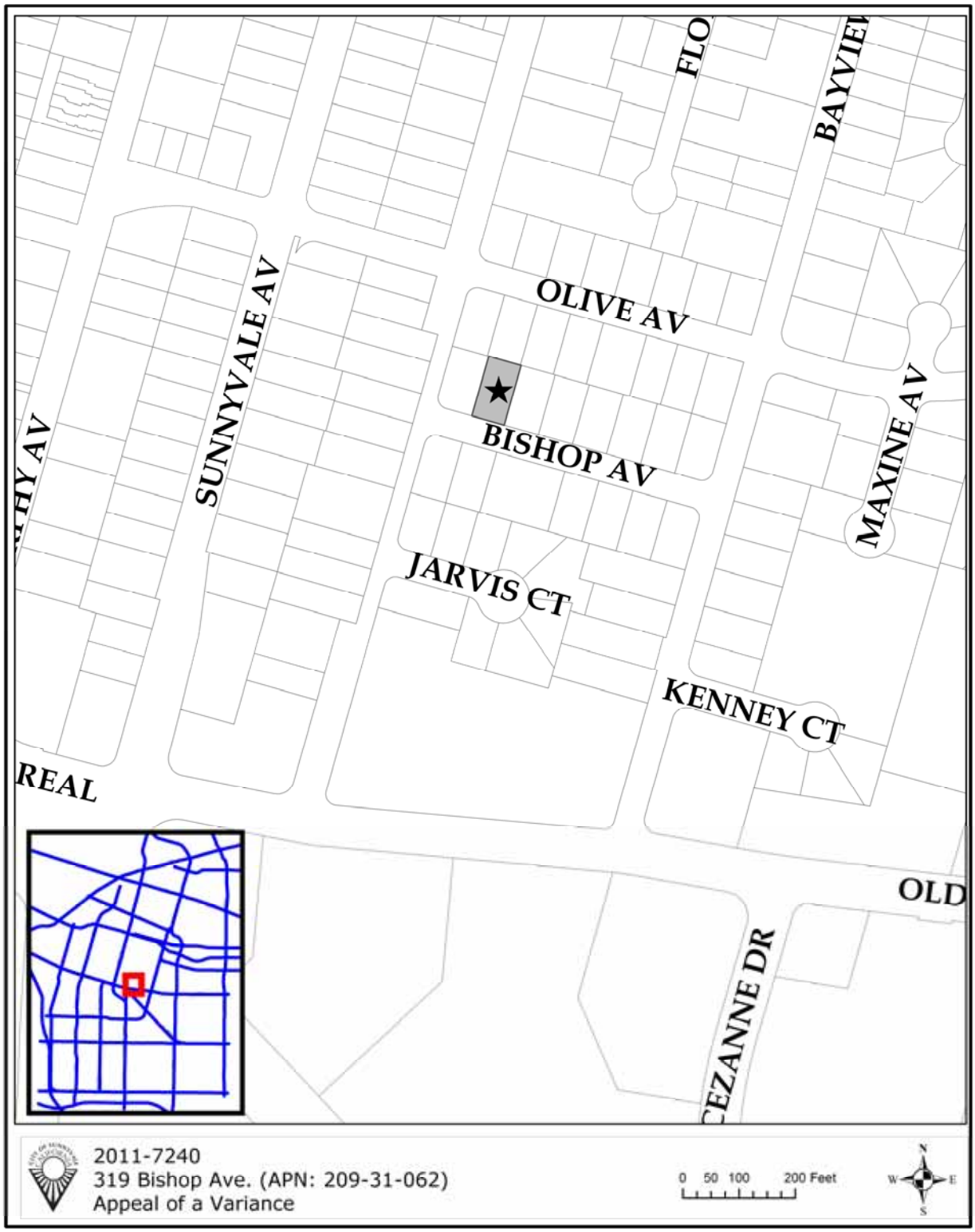
| | |
|---|---|
| North | Single-Family Residential |
| South | Single-Family Residential |
| East | Single-Family Residential |
| West | Single-Family Residential |

**Issues** Design

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

**Staff Recommendation** Deny the Appeal and uphold the Decision of the Zoning Administrator to Deny the Variance

**VICINITY MAP**



**PROJECT DATA TABLE**

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---|---|---|---|
| **General Plan** | Residential Low Density | Same | Residential Low Density |
| **Zoning District** | R-O | Same | R-O |
| **Lot Size (s.f.)** | 6,666 | Same | 6,000 |
| **Gross Floor Area (s.f.)** | 1,419 | 1,962 | N/A |
| **Lot Coverage (%)** | 21% | 29% | 40% max. |
| **Floor Area Ratio (FAR)** | 21% | 29% | 45% threshold (Threshold for Planning Commission Review) |
| **Building Height (ft.)** | 14' | Same | 30' max. |
| **No. of Stories** | 1 | 1 | 2 max. |
| **Setbacks (First/Second Facing Property)** | | | |
| **Front: 1st Floor** | 24'9" | Same | 20' min. |
| **Right Side: 1st Floor** | 6' | 4'8" | 4' min. |
| **Left Side: 1st Floor** | 6' | 6' | 7' min. |
| **Rear** | 27' 8" | 23' | 20' min. |
| **Parking** | | | |
| **Total Spaces** | 3 | Same | 4 min. |
| ★ **Covered Spaces** | 1 | Same | 2 min. |

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## BACKGROUND:

### Zoning Administrator Hearing

The applicant submitted the original Variance application on April 13, 2011. The application was reviewed at a public hearing by the Zoning Administrator on May 25, 2011. Staff found that the addition could be modified to keep the addition under 1,800 square feet and could not make the required findings to support the project. The Zoning Administrator concurred and the Variance request was denied (see Attachments E and F, Zoning Administrator Report and Minutes).

On May 31, 2011 the applicant requested additional clarification from the Zoning Administrator regarding her decision (see Attachment G). The Zoning Administrator reviewed recent applications requesting a variance from the parking requirements including the following applications:

275 W. Arbor Avenue (2008)

The project involved a 400 square foot addition at the back of the existing home, with one covered parking space, in an R-0 zoning district. The addition resulted in a 2,015 square foot home with three bedrooms and two bathrooms. The Variance was approved by the Zoning Administrator due to the difficulty of expanding the existing one-car garage and because the lot was 52 feet wide, while other properties within the same zone are at least 57 feet wide. The Zoning Administrator required the applicant to widen the driveway to provide one additional uncovered parking space on the site.

156 Florence Street (2011)

The project involved an 870 square foot addition at the back of the existing one-story home with one covered parking space home in an R-2 zoning district. The addition would result in a 2,025 square foot home with three bedrooms and a one car garage. The Variance request was denied by the Zoning Administrator since she was not able to make the findings that there were unique circumstances for this property because the lot is typical in the neighborhood. Granting the Variance would be considered a special privilege because there is adequate lot area to enjoy a reasonable economic value of the property and add a master bedroom without exceeding the imposed building limits of 1,800 square feet.

In the response, the Zoning Administrator stated that in hindsight, the Arbor variance may have been reasonable at the time, but that it may not be similarly applied to applications moving forward. The Zoning Administrator acknowledged that an applicant's expectation of a reasonable addition may be different, further making it difficult to apply consistently. The Zoning Administrator felt that a reduction in the total square footage would be the easiest means to address the variance issue.

## City Council Study Issue – Upgrading Covered Parking

In 2002, the City Council initiated a study to evaluate the requirements triggering covered parking compliance (see Attachment H). The study was brought forward to address excessive street-side parking and cluttered streets. The study evaluated the changes in the parking requirements from the 1970's through 1988. The Zoning Code is 1988 required homes to retain the amount of parking that existed on the site. Additions to homes with less than two covered parking spaces often resulted in more cars parked on the street.

The study evaluated possible alternatives (triggers), which were presented to neighborhood groups, the Planning Commission and City Council. Staff recommended the Council consider two triggers, which were adopted by Council and include the following:

- Any modification or addition to a single-family home which would increase the total square footage of the home (including square footage of covered parking spaces, i.e., garages and carports) to 1,800 or more square feet; or
- Any modification or addition which would result in four or more bedrooms. For purposes of this subdivision, the term "bedroom" shall be liberally defined, and shall include any room intended for or capable of being used for sleeping purposes.

Since the adoption of the "upgrading" requirements, the code has been applied to residential additions to single-family homes. Numerous property owners have either modified their homes to add a second garage space or have reduced the addition to stay under the 1,800 square foot threshold.

## DISCUSSION:

### Requested Permit

The applicant proposes addition of a master suite to the existing home, which will accommodate a master bedroom, walk-in closet and master bath for a total of three bedrooms. The proposed addition is approximately 528 square feet and would result in a 1,962 square foot home with three bedrooms and a one car garage.

- **Appeal**

  The applicant is requesting approval of an appeal of the Zoning Administrator decision in which a Variance request to allow a one car garage when two covered parking spaces are required (due to the total floor area on the site) was denied.

### Design

The proposed addition will extend from the rear of the existing one-car garage approximately 35 feet. The addition will accommodate a master bath, walk-in closet, and master bedroom. The exterior of the addition will be compatible with the existing home and will include stucco siding, similar roof materials and trim to match the existing home. The proposed plate height for the master suite will be increased to 9 feet, which is a foot taller than the existing. The addition is located at the rear of the home which will minimize visibility.

### Variance

As noted above, the applicant is requesting a Variance to allow the master suite addition of 528 square feet and a total floor area of 1,962 square feet. The

resulting project is 163 square feet over the threshold requiring two covered parking spaces. The applicant has submitted material supporting his request (see Attachment D). Staff discussed alternatives to address parking which included the following:

- The addition of one covered parking space. This would result in the loss of over half the living area and adjustments to a structural wall between the garage and living room. In addition, the garage will become the prominent feature on the front façade. The applicant has indicated great concern regarding this alternative, since it results in the loss of many of the charming elements of his home.
- The reduction of the proposed addition. The floor area of the existing home is 1,419 square feet, which leaves 380 square feet for a master suite addition. The proposed master suite is 528 square feet, which would need to be reduced by 148 square feet to remain under the 1,800 square foot threshold. This would result in a 28% reduction in the addition. Since the addition is all new construction staff suggests that the proposed addition could be adjusted accordingly to stay under the 1,800 threshold. The applicant has indicated that reducing the addition would require significant changes to the proposed floor plan and encroachment into the existing garage.

In order to approve a Variance, all Findings must be made (see Attachment A), in which the first finding is the most difficult to make:

- The site is not exceptional or extraordinary, since it complies with the required lot size and width for the Zoning District.
- Granting of the Variance may be detrimental to the neighborhood as it may set a precedent and result in additional cars parking on the street.
- Although subject to different parking standards before SMC 19.46.060 took effect, there are three homes within the neighborhood that at least 1,800 square feet in size and have maintained a one car garage.

## Appeal

The applicant's materials (Attachment D) provide additional clarification as to why the two alternatives stated above do not meet the needs of the applicant. In addition, the applicant also mentions the 275 Arbor Ave Variance (addressed by the Zoning Administrator above) and 401 Carroll Street, which was a Special Development Permit to allow only two covered parking spaces, since there was physically no room to add it to the site. In addition, the findings for a Special Development Permit are less restrictive than a Variance.

As noted above, the study issue implementing the parking upgrade requirement was vetted by Neighborhood Groups, Planning Commission and City Council. Ultimately, the concern regarding impacted street parking was an

issue that needed to be addressed and it has resulted in smaller additions or significant remodels of certain existing homes. The loss of neighborhood character is questionable since additions triggering additional parking often require a Design Review, in which case the existing neighborhood character would be taken into account.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. The proposed addition is exempt in that the proposed project will result in a small addition to an existing structure.

## FISCAL IMPACT

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

## PUBLIC CONTACT

Staff has not received any comments at the time the staff report was prepared.

| Notice of Public Hearing | Staff Report | Agenda |
|---|---|---|
| • Published in the *Sun* newspaper<br>• Posted on the site<br>• 64 notices mailed to property owners and residents adjacent to the project site | • Posted on the City of Sunnyvale's Web site<br>• Provided at the Reference Section of the City of Sunnyvale's Public Library | • Posted on the City's official notice bulletin board<br>• Posted on the City of Sunnyvale's Web site |

## CONCLUSION

Staff finds that the proposed addition can be modified to reduce the total floor area for the site below 1,800 square feet and that this would not be unreasonable. Although this would result in an addition not fully meeting the needs of the applicant, it will allow the addition of a master bedroom.

**Findings:** Staff was not able to make the required Findings based on the justifications for the Variance (see Attachment A).

## ALTERNATIVES

1. Deny the Appeal (upholding the Zoning Administrator decision denying the Variance).
2. Grant the Appeal and approve the Variance.

## RECOMMENDATION

Recommend Alternative 1 to the Planning Commission: Deny the Appeal.

Prepared by:

Shaunn Mendrin
Project Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

A. Recommended Findings
B. Recommended Conditions of Approval
C. Site and Architectural Plans
D. Letter from Applicant
E. Zoning Administrator Report, dated May 25, 2011
F. Zoning Administrator Minutes, dated May 25, 2011
G. Zoning Administrator email to Application, dated June 1, 2011
H. City Council Study Issue Report (RTC 03-004), dated January 7, 2003

# RECOMMENDED FINDINGS

## Findings

In order to approve the **Error! Reference source not found.** 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 of privileges enjoyed by other properties in the vicinity and within the same zoning district. ***[Finding not met]***

   More recently approved additions in the neighborhood have been restricted to less than 1,800 square feet in order to meet the current parking requirement or additional parking has been provided. In addition, the proposed master suite may be reduced to ensure the site floor remains under 1,800 square feet.

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]***

   The project does increase the number of bedrooms within the home, which could result in additional cars parked 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 met]***

   Although subject to different parking standards before SMC 19.46.060 took effect, there are three homes within the neighborhood that at least 1,800 square feet in size and have maintained a one car garage.

# RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS
**July 25, 2011**

**Planning Application 2011-7240**
319 Bishop Avenue
Variance to allow a one car garage where two covered parking spaces are required for a single family home.

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)

**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]

**EP: THE FOLLOWING SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.**

EP-1. UPGRADED CURB CUT:
The existing curb cut shall be upgraded to meet standards to allow for a two-car driveway, subject to Department of Public Works standards. [COA] [PUBLIC WORKS]

# RHEAUME RESIDENCE
# MASTER BDRM ADDITION

## 319 BISHOP AVE, SUNNYVALE, CALIFORNIA

## APN # 209-310-62

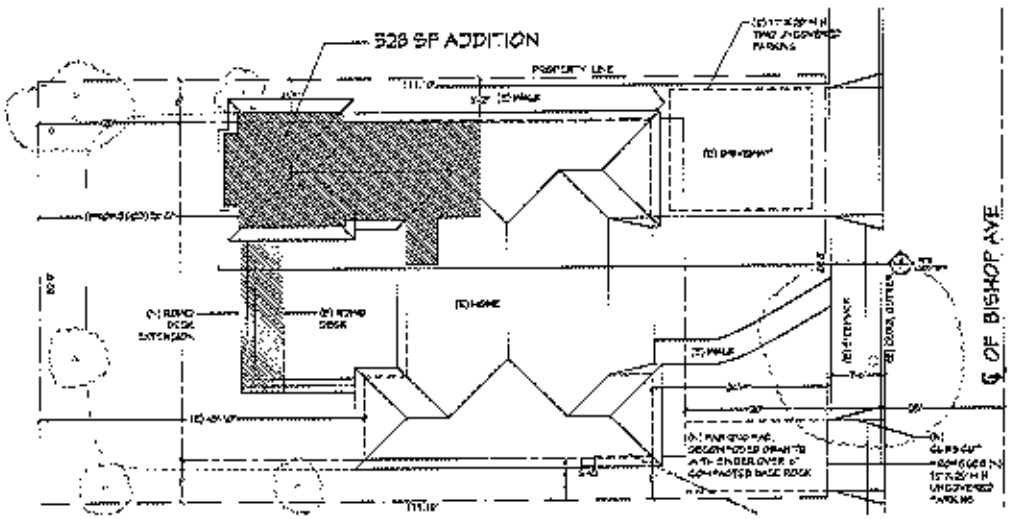
## GENERAL NOTES

These plans were designed to comply with:
- 2013 California Building Code (CBC)
- 2013 California Plumbing Code (CPC)
- 2013 California Mechanical Code (CMC)
- 2013 California Electrical Code (CEC)
- 2013 California Energy Code (CEC)
- 2013 California Fire Code
- local ordinances and zoning requirements.

1. These drawings are not to be scaled.
2. Drawing is represented by these drawings are the property of the Designer and were developed for use on this project only. These drawings and the designs they represent shall not be used by or disclosed to any person or firm outside the scope of this project without written permission from Pucci Residential Design.
3. All dimensions are to face of framing, unless otherwise noted.
4. Contractor shall visit the site prior to bid as an aid to review existing conditions of areas that are to be met.
5. Contractor shall verify all properties, setbacks, easements, covenants, restrictions, and conditions prior to beginning any work and notify engineer of any discrepancies.
6. The Contractor shall furnish and install all materials and labor required to complete the work. Omission of an item does not imply omission. The Contractor shall comply with the letter and intent of these documents and shall make the work satisfactorily and in a manner acceptable to the Owner.
7. Workmanship, materials, equipment, etc. shall be subject to the approval of the Owner. Any unacceptable work and materials shall be replaced at no cost.
8. Contractor to make necessary temporary support, remove plants and trees to remain from damage due to construction and traffic.
9. The Contractor shall locate and protect all existing utility lines and connections, including sewer, water, gas, and electric services before and during construction.
10. All dimensions are approximate due to unexpected conditions varying from actual field conditions. All dimensions are to be field verified prior to commencing work.
11. All work shown, noted, or detailed is new except where indicated as existing to remain.
12. "Approved" [construction or equip.] shall mean approved by the Building Inspector or Owner.
13. Items not called for on the plans but required to be installed or provided shall be verified and approved by the Owner prior to ordering materials or commencing work. All items shall be verified for design intent and compatibility with appropriate building details prior to installation.

## DEFERRED SUBMISSION

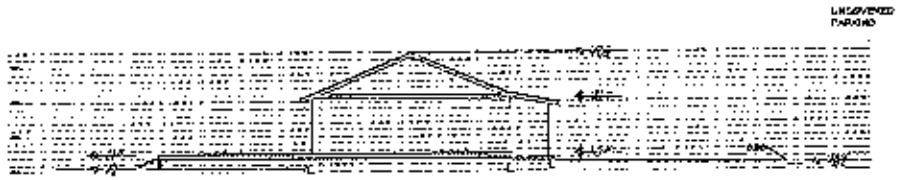
ROOF TRUSSES WILL BE A DEFERRED SUBMISSION




1 A1.0 SITE PLAN
1/8" = 1'-0"

## NOTE

DIMENSIONS, DETAILS, LOCATION OF EXISTING EQUIPT. ETC. SHOWN ON THE SITE PLAN WERE TAKEN FROM A VISUAL INSPECTION OF THE PROPERTY. INTERESTED PARTIES CAN OBTAIN AN ACCURATE SURVEY FROM A LICENSED SURVEYOR OR CIVIL ENGINEER. VERIFICATION OF PLANS PRIOR TO CONSTRUCTION IS THE RESPONSIBILITY OF THE OWNER.




2 A1.0 SITE SECTION
1/8" = 1'-0"

## PROJECT DATA

CODE AND ZONING INFORMATION
ZONING: R-0
SETBACK - FRONT: 20'
SETBACK - SIDE: 4' MINIMUM OR 10% OF LOT WIDTH OR 10' MAX
SETBACK - REAR: 20'
FAR - 45%

BUILDING CONSTRUCTION TYPE: VB
OCCUPANCY CLASSIFICATION: R-3 DWELLING
U-1 GARAGE
ORIGINAL CONSTRUCTION: 1952

EXISTING STRUCTURE INFORMATION
(E) LIVING SPACE: 1,026 S.F. (16% FAR)
(E) ATTACHED SINGLE GARAGE: 321 S.F.
(E) IMPERVIOUS AREA: 854 S.F.
(E) (1) COVERED PARKING
(E) (2) UNCOVERED PARKING

PROPOSED ADDITION
(N) LIVING SPACE: 528 S.F.

NEW STRUCTURE INFORMATION
TOTAL LIVING SPACE: 1,554 S.F. (24% FAR)
(E) ATTACHED SINGLE GARAGE: UNCHANGED
(E) IMPERVIOUS AREA: UNCHANGED
(E) (1) COVERED PARKING: UNCHANGED
(E) (2) UNCOVERED PARKING: 1 SPACE ADDED

LOT INFORMATION
LOT SIZE: 6,555 S.F.

## SCOPE OF WORK

1. NEW 528 SF MASTER SUITE ADDITION
2. KITCHEN REMODEL
3. NEW HVAC AND W.H.

## DRAWING INDEX

| SHEET # | DESCRIPTION |
|---|---|
| A1.0 | SITE PLAN, NOTES, ZONING, SHEET INDEX |
| A1.1 | STREET VIEW PHOTOS AND PLAN |
| A2.0 | (E) FLOOR PLAN + (N) FLOOR PLAN |
| A3.0 | EXISTING EXTERIOR ELEVATIONS |
| A3.1 | NEW EXTERIOR ELEVATIONS |

## PROJECT DIRECTORY

OWNER:
[illegible] RHEAUME
319 BISHOP AVE
SUNNYVALE, CA 94110

DESIGN BY: PUCCI RESIDENTIAL DESIGN
119 10TH ST
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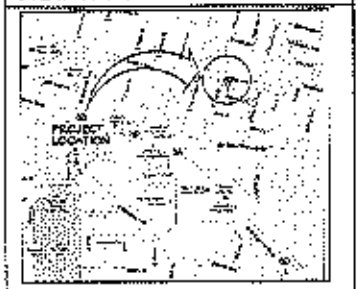
707-838-1465 FAX

TITLE 24: MICHAEL RUIZ CEM
ENERGY PERFORMANCE SERVICES
PO BOX 646
ARCATA, CA 95521-0646

STRUCTURAL ENGINEER: DAN DESCARLO
616 COLLEGE AVE
SANTA ROSA CA, 95404
707-576-1940(V)

## VICINITY MAP





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1 A1.1 STREET VIEW
NOT TO SCALE

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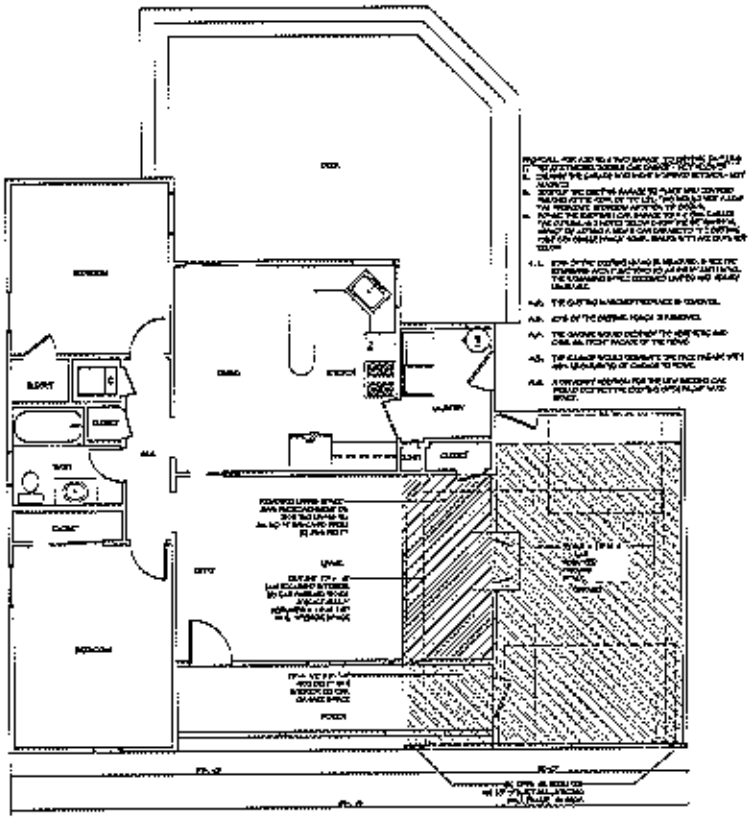
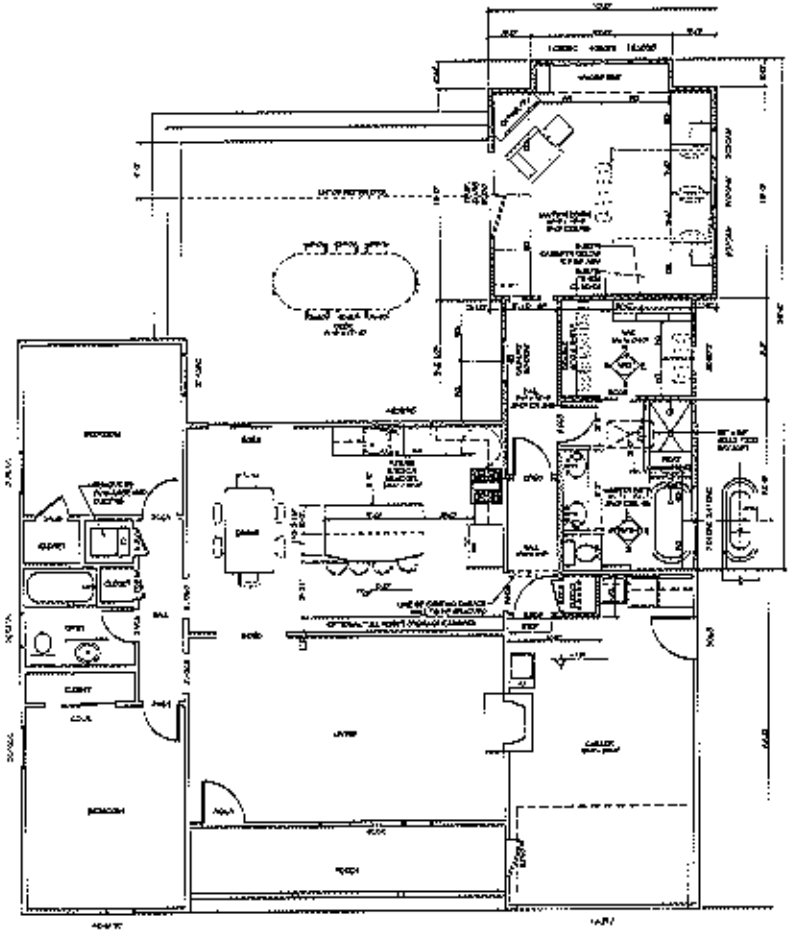


1 A2.0 EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"



2 A2.0 NEW FLOOR PLAN

SCALE: 1/4" = 1'-0"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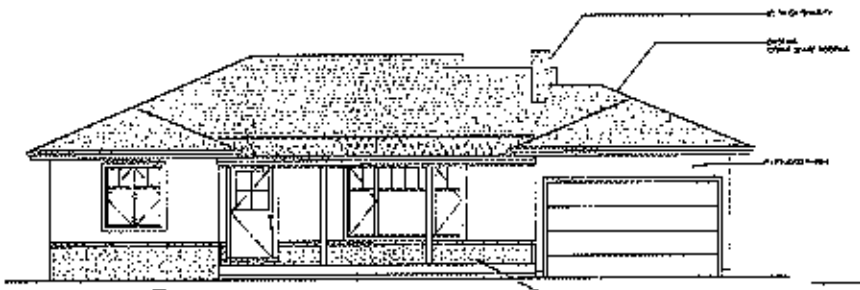

1 (E) NORTH ELEVATION
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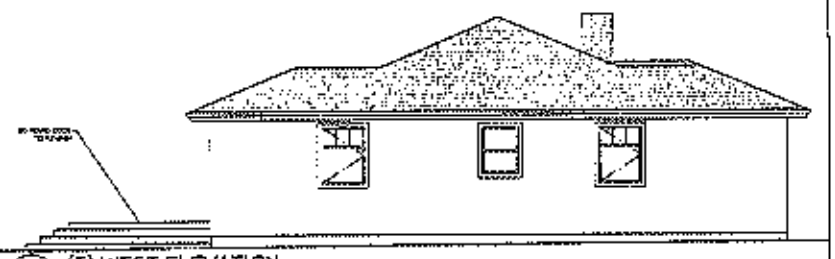

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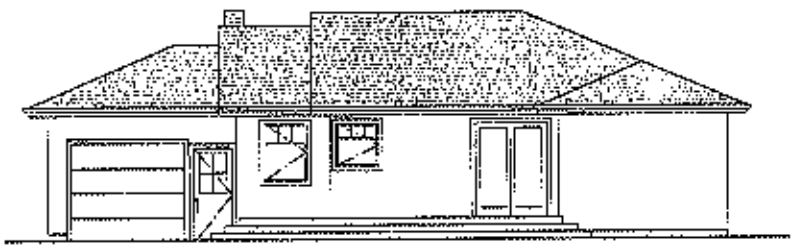

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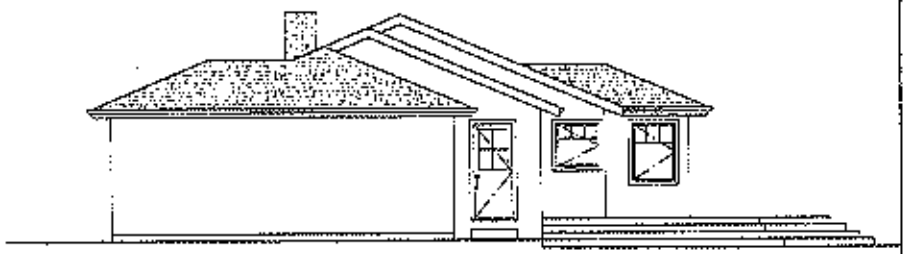

1 (E) EAST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"


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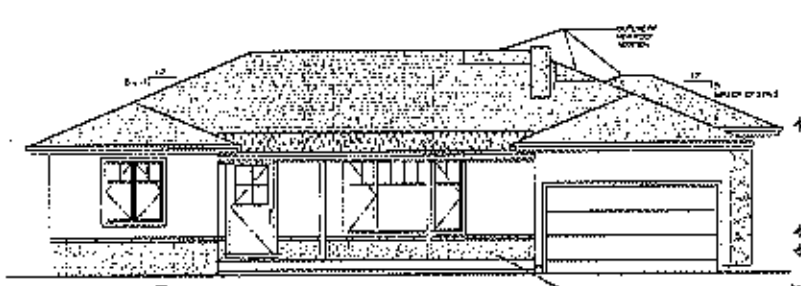
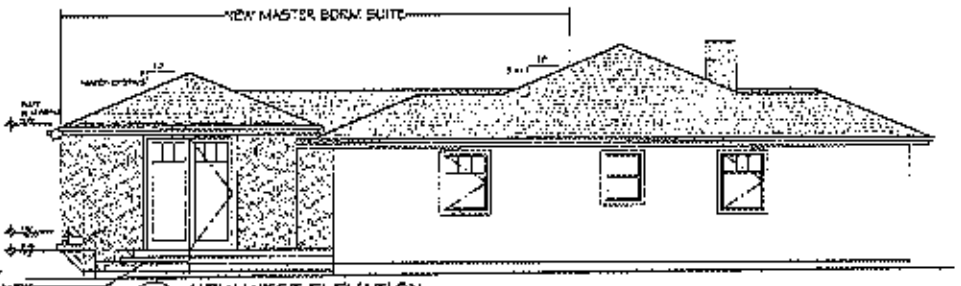
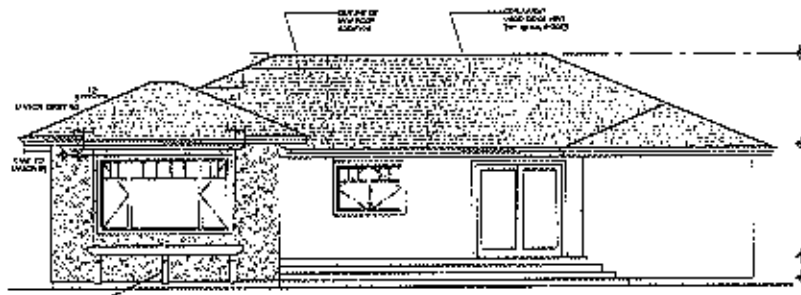


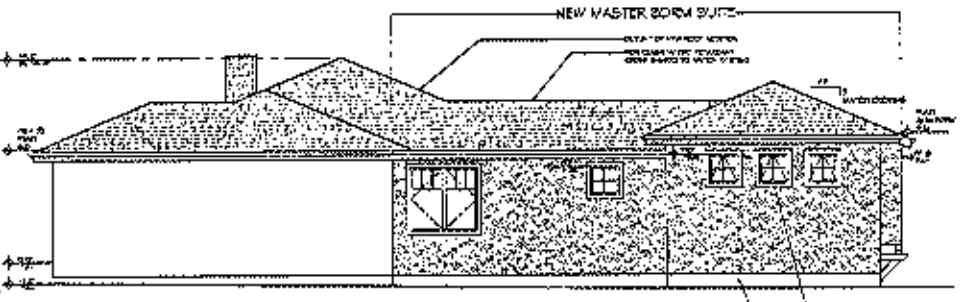
1 A3.0 NEW NORTH ELEVATION




1 A3.0 NEW WEST ELEVATION



1 A3.0 NEW SOUTH ELEVATION




1 A3.0 NEW EAST ELEVATION

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# 319 Bishop Ave Variance Appeal

1. Overview of code
2. Review Parking Demand on Bishop Ave
3. Impact of installing 2nd enclosed on-site parking
4. Impact of reducing the project by 148 sq feet
   1. Master Suite Reduction 148 sq ft. (reduce garage)
   2. Master Suite Reduction 148 sq ft. (reduce bedroom)
5. Would approval be granting special privileges?
6. Future parking demand projections
7. Key Elements of Parking issue Study - RTC # 03-004 Policy
8. Real impact of this Policy
9. Does this policy conflict with other City Policies?
10. Highlights of Sunnyvale General Plan
11. Research links on Parking research
12. Proposal for Approval
13. Supporting documentation

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Page 1 of 28

# Overview of Sunnyvale Municipal code 19.46

***Impact of Sunnyvale Municipal Code 19.46 Off-Street Parking and Loading*** *states the code is in place to ensure property owner provides sufficient on-site parking to handle the* ***off-street parking demand.***

1. 2 covered spaces per unit, plus 2 uncovered spaces on driveway (minimum dimensions 17 ft. x 20 ft.).
2. Effective March 1st, 2003, any application for modification or addition to a single-family home which would increase the total square footage of the home (including square footage of covered parking spaces, i.e., garages and carports) to one thousand eight hundred or more square feet, or which would add more square footage to an already existing one thousand eight hundred or greater square foot home, or which would result in four or more bedrooms, shall not be granted unless the site provides the two covered parking spaces required by Table 19.46.050. For purposes of this subdivision, the term "bedroom" shall be liberally defined, and shall include any room intended for or capable of being used for sleeping purposes. For example, a room designated as a "den," "study," "loft," "library" or other extra room that is not a kitchen, living room, dining room or bathroom shall be considered a bedroom.

# Parking demand on Bishop Ave

1. I believe there isn't a "parking demand" that needs to be addressed on Bishop Ave due to unique characteristic of the neighborhood and proximity to Mass Transit.
   A. Property currently has 1 covered and 2 uncovered parking spaces. All 3 household vehicles are parked off-street.
   B. 4 adjacent properties have 4-6 parking spaces each.
   C. Neighbor is the corner lot with garage and parking on adjacent street.
   D. Double lot across street reduces neighborhood density. Parking Study RTC 03-004 found certain neighborhoods have smaller/narrower lots resulting in limited street frontage; not the case on Bishop Ave.
   E. Within walking distance to Mass Transit; Caltrain and Santa Clara VTA.

**Figure #1 "neighborhood statistics"**

| Address | lot size | Bed (s) | Bath(s) | Floor sq ft | Est. Garage sq ft | Est Total Sq ft | FAR % (floor area ratio) | covered parking spaces | Total covered/un covered off-street parking |
|---|---|---|---|---|---|---|---|---|---|
| 319 Bishop (Applicant) | 6666 | 2 | 1 | 1098 | 321 | 1419 | 21% | 1 | 3 |
| 305 Bishop | 6969 | 3 | 3 | 2070 | 400 | 2470 | 35% | 2 | 4 |
| 335 Bishop | 6993 | 4 | 3 | 2110 | 400 | 2510 | 36% | 2 | 6 |
| 318 Bishop | 6993 | 2 | 1 | 1269 | 400 | 1669 | 24% | 2 | 6 |
| 334 Bishop | 13986 | 4 | 2 | 2169 | 400 | 2569 | 18% | 2 | 6 |
| 520 Carroll | 7215 | 4 | 2.5 | 2656 | 400 | 3056 | 42% | 2 | 4 |

(Details are unofficial estimates gathered from Zillow.com; neighbor garage sizes are estimated.

2. Street parking demand for Bishop and (2) other properties that submitted variances show there isn't a demand for parking on Bishop Ave, even on busiest parking day on the year; Sunnyvale Art & Wine Festival. See Figure #2- 8 "Parking Demand."
3. Without this parking demand I believe the enforcement of SMC 19.46 isn't warranted .

# Impact of installing 2nd enclosed on-site parking

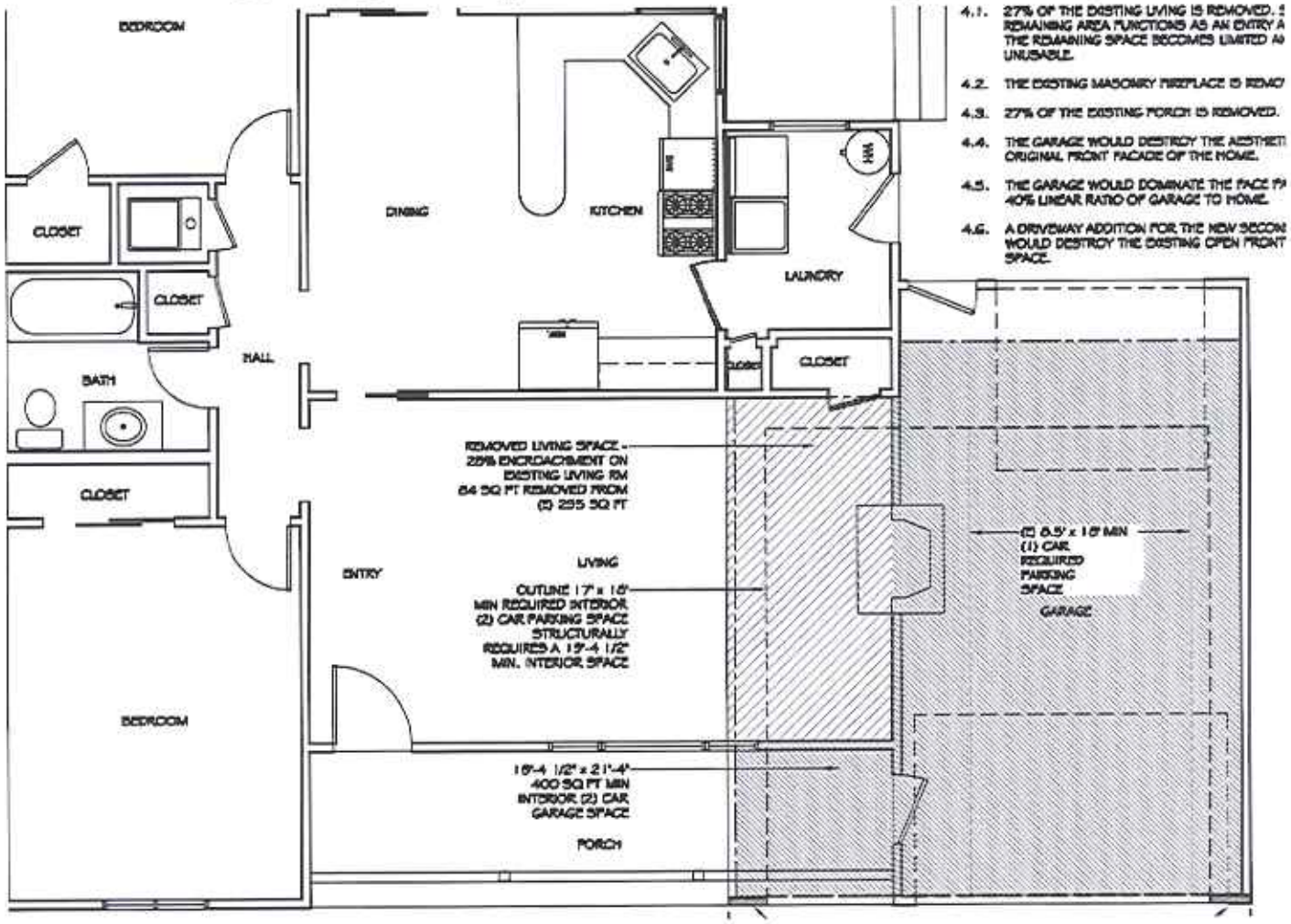
1. 319 Bishop Ave is only 60 sq feet wide, falling short of the 4 feet needed to accommodate a 2nd car garage without tearing the house down or requiring major structural changes. All other properties on the street are at least 63 sq feet wide. See figure #9 "Bishop Ave map."

1. **What is lost -**
   A. The garage will become a more prominent frontage feature of the house, creating a disproportional configuration to the front of the house.
   B. I will compromise the character of my 59 year old house in one of Sunnyvale's oldest neighborhoods. (see Figure #10 "Lose Character")
   C. An internal load-bearing wall will have to be removed and replaced.
   D. I will have to remove a working fireplace that can't be replaced. (fireplace is part of old Sunnyvale neighborhood charm)
   E. I will lose a 10 foot custom living room picture window as well as 29% of living room space.
   F. Half of the living room space will be lost to the 2nd car garage space.
   G. The living room and kitchen will have to be reconfigured to accommodate the 2nd car garage space.
   H. All of these reductions--along with compromising the charm and character of this older home--will equate to a smaller living space and a lower property value.
   I. See figure #11 "2 car garage impact to existing floor plan."

2. **Additional construction changes**
   1. The home will have to be vacated during construction since major structural changes will be required.
   2. The existing foundation will have to be demolished and a new foundation poured for 2 car garage.
   3. A new garage slab will have to be poured and new garage built.
   4. The roofline will have to be reconfigured and roof shingles re-done; New roof was just replaced 4 years ago.
   5. Landscaping will have to be re-done.
   6. The driveway will have to be widen as well as sidewalk openings.

3. Executing on this plan would not only be prohibitively expensive but also doesn't make business sense and goes against the idea of preserving the character of an old home.

# Figure #11:
# 2 car garage impact to existing floor plan

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# Impact of reducing the project by 148 sq feet

1. **Reducing project scale to meet 19.46.060** will force a reduction to the master suite addition by 148 sq ft which is almost 30% of total project.
   A. Average single-family home in 2010 is 2,382 sq feet (not including garage space) reported by US Census.
   B. My proposed addition of 528 sq ft equates to total sq ft of 1626 sq ft of living space. This modest addition is well under the average.
   C. Three adjacent homes are each over 2000 sq ft. No impact to streetscape or neighborhood.
   D. Reducing 148 sq ft of 528 sq ft addition doesn't seem like an issue until reduction plan is drawn out.

2. **Reduce project scale option #1 – reduce size of garage**
   A. Need to reduce addition by 29%.
   B. Hallway approximately 15% of addition. (80 sq feet) leaving living space reduction at approximately 45% of proposed addition.
   C. Shrink bathroom and walk-in closet
   D. Reduce garage (20%) depth from 23' 4" to 18' 4" **removes storage area in garage and leaves no room for laundry appliances or door to exit to side yard.** see figure #12 "reduce garage"

3. **Reduce project scale – option #2 reduce bedroom size**
   A. Need to reduce by 29%
   B. Hallway approximately 15% of addition. (80 sq feet) leaving living space reduction at approximately 45% of proposed addition.
   C. Shrink bathroom and walk-in closet
   D. **Reduces size of master bedroom considerably leaving this room smaller than larger bedroom in existing house. see figure #13 "reduce bedroom."**

4. **Actual impact of 148 sq ft reduction** - If my garage were standard size, I would only be 27 sq feet over the 1800 sq foot threshold instead of the 148 sq feet because of my oversized 1-car garage. (321 sq feet) The only way to make up for this 148 sq foot deficit is to encroach on the garage or reduce bedroom to insufficient size. In the end, I have a smaller sq foot master suite addition, smaller sq foot garage space, and no additional parking spaces. This also limits me to a FAR of less than 26% when all other Sunnyvale homeowners can go as high as FAR 50%. I believe this ordinance will deprive me of privileges enjoyed by other properties in the vicinity and within the same zoning district.



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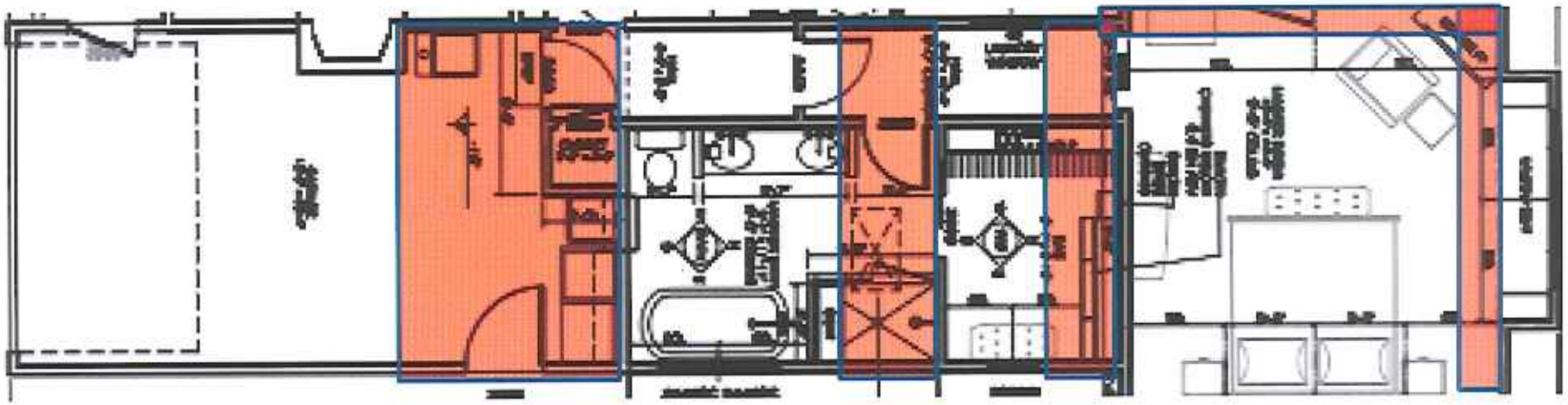
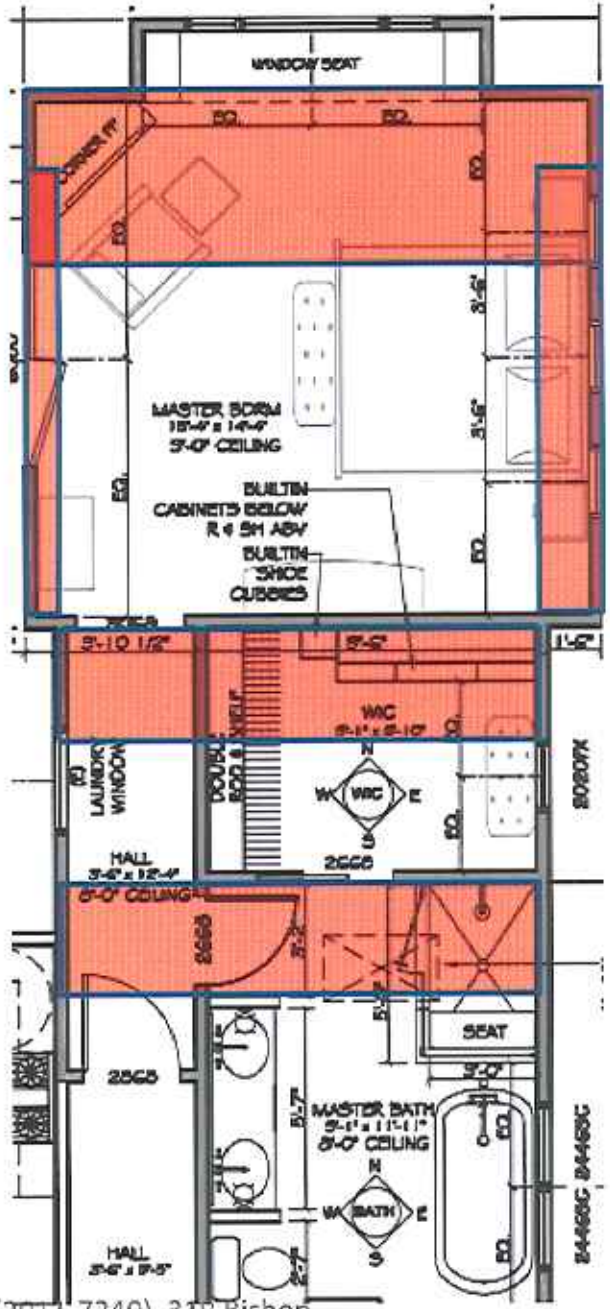
# Master Suite Reduction 148 sq ft.
# Figure #12
# (reduce garage)



1. Need to reduce addition by 29%
2. Hallway approximately 15% of addition. (80 sq feet)
3. take 2 feet width out of bathroom.
4. Take 1 foot width out of walk in closet
5. Reduce master suite from
6. 15'4"x 14'4" to 14' 4" x 13'4"
7. Reduce garage depth from 23' 4" to 18' 4" removes storage area in garage, no room for laundry appliances or door to exit to side yard.

# Master Suite Reduction 148 sq ft. Figure #13 (reduce bedroom)

Need to reduce addition by 29%
Hallway approximately 15% of addition. (80 sq feet)
reduce bathroom by 26 sq ft
reduce walk-in closet by 26 sq ft
Reduce bathroom from
15'4" x 14' 4" to 12" 6" x 13'
Reduces size of master bedroom considerably leaving this room smaller than larger bedroom in existing house.



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# Would approval be granting special privileges?

1. I don't believe I would be granted special privileges if this Variance is approved because of other Variance approvals.

   A. **275 W Arbor Ave** - A Variance was granted to PERMIT: 2008-0009 in 2008 for a similar addition.

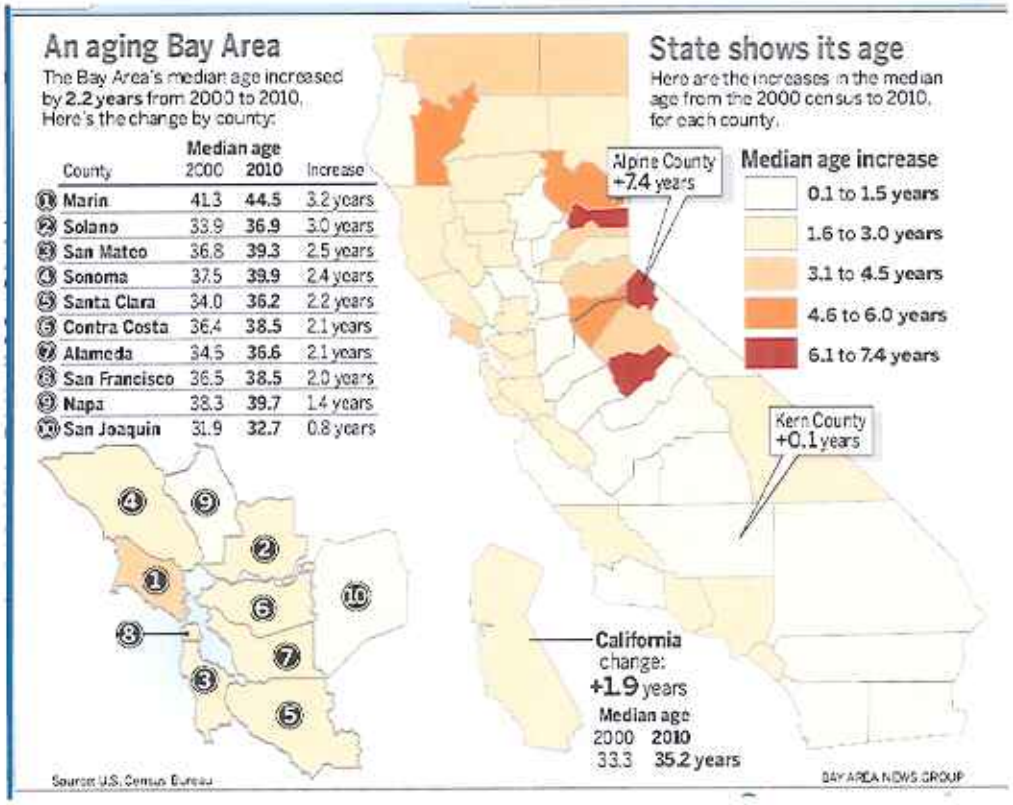
   B. **401 Carroll St** – A Variance was granted for a remodel in 2005, (approx) approving a 3bed/3 bath 2358 sq foot home on a 4000 sq foot lot with only 2 covered parking spaces and no uncovered parking spaces unless cars block sidewalk. (see Figure #14 "400 Carroll") there isn't an off-street parking demand problem.

2. I don't believe I will be granted any special privileges since their isn't an issue of "excessive parking "as highlighted in City Study of parking issue.
3. I will be preserving the character of a 59 year old house which will also benefit the neighborhood.
4. Preserving this older home is not only important to me, but I believe is also important to the City of Sunnyvale and its residences.

# Future parking demand projections

1. *Census statistics released in May 2011 reveal a portrait of a rapidly maturing Bay Area, where the proportion of children is declining and the median age is rising faster than it is statewide.*
2. As the population of the Bay Area gets older, the changing demographics are reflected in the structure of the average family households: In many parts of the region, fewer homes have children and more are occupied by seniors.
3. Most of the places that aged the fastest share a common denominator: High real estate prices and an already-settled population. (pertains to Sunnyvale)
4. Persons per household, (2000 US Census) is 2.49 for Sunnyvale and 2.87 for CA. Based on US Census information I believe it is even lower and will continue to drop. So why the need parking for at least 4 cars?

Figure #13 "Aging Bay Area"




By Matt O'Brien mattobrien@bayareanewsgroup.com
(highlights of article May 2011)

# Key Elements of Parking issue Study - RTC # 03-004 Policy

**Key elements of the study**

1. Policy is to address "***concerns of excessive street-side parking and cluttered streets.***"
2. ***"Residents concerned that children riding bikes are unable to see vehicles attempting to enter public street due to numerous vehicles parked along the curb of the street."***
3. "In these ***smaller lots of particular neighborhoods***, the need for more living space is often accommodated through the use of the garage.
4. An **1800 sq foot threshold** was established to minimize single-family home additions without 2 covered parking spaces.
5. Policy specifically **defines bedroom as any room used for sleeping** including dens, offices, etc. **Kitchen, living room, or baths not included in definition of bedroom.**
6. This **policy was designed to limit additional sleeping areas** so **why include non-sleeping living space** (kitchen, hallway, bathroom, etc.) in 1800 ft calculation? **Why isn't FAR (floor area ratio) considered when all other City policies do?**

**Highlights of City Council Meeting minutes Jan 7, 2003**

1. *Councilmember Pat Vorreiter asked for clarification that the **objective of this ordinance is to minimize on street parking in certain neighborhoods and not to limit the lot coverage.** Ms. Ryan responded that was the objective. Vorreiter stated she thinks the ordinance is prohibitive for residents who wish to expand their homes.*
2. Staff stated the **1800 sq foot threshold could dissuade homebuilders from creating large homes** with three bedrooms. Why would staff want to dissuade anyone from building a large third bedroom if it falls within the City's standard floor area ratio and doesn't require additional sleeping area and parking? **How does the size of a bedroom impact the parking requirements?**
3. *Community Development Director Robert Paternoster stated that they have **two conflicting policies, with one to protect neighborhoods against overdevelopment and other trying to encourage reinvestment.***
4. *Councilmember Vorreiter expressed **concern on the impact of this ordinance on older homes.***

# Real impact of this Policy

1. More than half of addition is non-sleeping living space included in overall 1800 sq foot calculation, limiting additional sq footage but having no impact on addressing parking issues.
    1. Bedroom = 240 sq ft
    2. Walk-in closet = 63 sq ft
    3. Bathroom = 109 sq ft
    4. Hallway & hallway closet = 86 sq ft
    5. Kitchen addition (Phase II) = 24 sq ft

**Bedroom = 240 sq ft**
**Non-sleeping area = 282 sq ft**

2. Why not include floor area ratio of property like other City codes? Staff reported this "unfairly" benefits homeowners with larger lots to allow more than 1800 square feet. I strongly disagree! The value is in land not in the house. I don't believe there is anything unfair about allowing someone to utilize their property size as long as it doesn't increase the number of bedrooms (definition of sleeping area) and if it falls within the City standard for floor area ratio.

3. Shrinking the size of an additional bedroom has no impact on additional parking requirements.

4. Including actual garage size in 1800 sq foot calculation only triggers 1800 sq ft threshold sooner, but doesn't address parking which is goal of policy. All it does is shrink the size of the addition.

5. The current policy limits my property to a maximum FAR (floor area ratio) of only 27% when the limit in Sunnyvale is up to 50%.

6. The policy in its current form leave only two viable economic solutions.
    1. Tear down house and loose original character of house and neighborhood.
    2. Move! It discourages economic investment leaving property better suited for starter home or rental.

# Does this policy conflict with other City Policies?

1. **Downtown Specific Plan – 2003**
    1. Goals and Policy -Protect and enhance existing neighborhoods.
    2. Vision – create a pedestrian friendly environment.
    3. **Reduce dependence on automobiles**
    4. General Design guidelines - Enhance predestination experience at the street level.
    5. **Parking requirements for single family only 1 covered and 1 uncovered. One block away on Bishop Ave, the parking requirements are doubled. I recommend DSP parking requirements expand ½ beyond parameter of Downtown.**

| Land Use | Number of Parking Spaces Required | Maximum % Compact Spaces |
|---|---|---|
| Single Family Residential | 1 covered + 1 uncovered | None |
| Single Family Residential with Accessory Living Unit | 1 covered + 2 uncovered | None |

2. **Land Use and Transportation element of General Plan or existing City policy.**
    1. **Policy N1.4:** Preserve and enhance the high quality character of the residential neighborhoods.
    2. **Action Statement C1.1.2 :** Promote and achieve compliance with land use and transportation standards.
3. **Horizon 2035**
    1. Land Use and Transportation Element (LUTE)
    2. Create pedestrian friendly community with walk able streets.

HORIZON 2035

4. I believe SMC policy 19.46.050 is in conflict with other City policies that are trying to reduce our dependence on the automobile.

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# Highlights of Sunnyvale New General Plan

Highlights from DRAFT of New Sunnyvale General Plan
That support neighborhood preservation.

**GOAL LT-2** ATTRACTIVE COMMUNITY — PRESERVE AND ENHANCE AN ATTRACTIVE COMMUNITY, WITH A POSITIVE IMAGE AND A SENSE OF PLACE, THAT CONSISTS OF DISTINCTIVE NEIGHBORHOODS, POCKETS OF INTEREST, AND HUMAN-SCALE DEVELOPMENT. *(Previously LUTE Goal C.1 / Adopted 1997)*

**GOAL LT-4** QUALITY NEIGHBORHOODS AND DISTRICTS — 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. *(Previously LUTE Goal N1 / Adopted in 1997)*

- Policy LT-4.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial. *(Previously LUTE policy N1.1)*
- Policy LT-4.2 Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system. *(Previously LUTE policy N1.2)*
- Policy LT-4.4 Preserve and enhance the high quality character of residential neighborhoods. *(Previously LUTE policy N1.4)*
- Policy CC-1.3 Ensure that new development is compatible with the character of special districts and residential neighborhoods. *(Previously Community Design Policy A.2)*

# Proposal for Approval

I am asking you to please consider the following 3 options for approval

A. Approve variance "as is."
B. Approve variance but require a third off-street parking space; expand existing 2 car driveway to three spots all together; similar to W Arbor Variance approval driveway configuration.
C. Include the standard garage size of 200 sq feet in the 1800 sq ft calculation instead of 321 sq feet . This will require a reduction of only 27 sq ft instead of 148 sq ft . This will have no impact on parking because the only difference will be in the size of the bedroom. This would be a win-win for everyone.



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# Supporting documentation



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# Research links on Parking research

1. **Maintaining Diversity in America's Transit-Rich Neighborhoods- Urban Study**
   Summary: Reducing or eliminating off-street parking requirements for housing developments in transit-rich neighborhoods both helps reduce vehicle ownership and use and makes housing more affordable.
   http://www.dukakiscenter.org/reduced-parking/

1. Donald Shoup - author of the High cost of free parking
   http://shoup.bol.ucla.edu/

   Urban Studies report
   http://www.dukakiscenter.org/reduced-parking/

   Parking research
   http://www.sonomatlc.org/Parking/Research.htm
   http://bss.sfsu.edu/urbanaction/ua2007/articlesPDF/parking.pdf

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**Figure #2 "Parking Demand"**

***Variance DENIED!*** ***Florence Street*** *- Off street "parking demand" Saturday May 14th 7:10 PM.*

Figure #3 "Parking Demand"

***Variance DENIED!*** ***Florence Street*** *- Off street "parking demand" Wednesday May 18th, 6:50 pm (approx)*

Figure #4 "Parking Demand"

***Variance APPROVED!*** ***W. Arbor Street*** *- Off street "parking demand" Saturday May 14th 7:20 PM. (approx)*

Figure #5 "Parking Demand"

***Variance APPROVED!*** ***W. Arbor Street*** *- Off street "parking demand" Wednesday May 18th 6:45 PM. (approx)*

Figure #6 "Parking Demand"

***Variance DENIED!*** ***Bishop Ave*** *- Off street "parking demand" Saturday May 14th 7:00 PM. (approx)*

Figure #7 "Parking Demand"

***Variance DENIED!*** ***Bishop Ave*** *- Off street "parking demand" Wednesday May 18th 7:00 PM. (approx)*

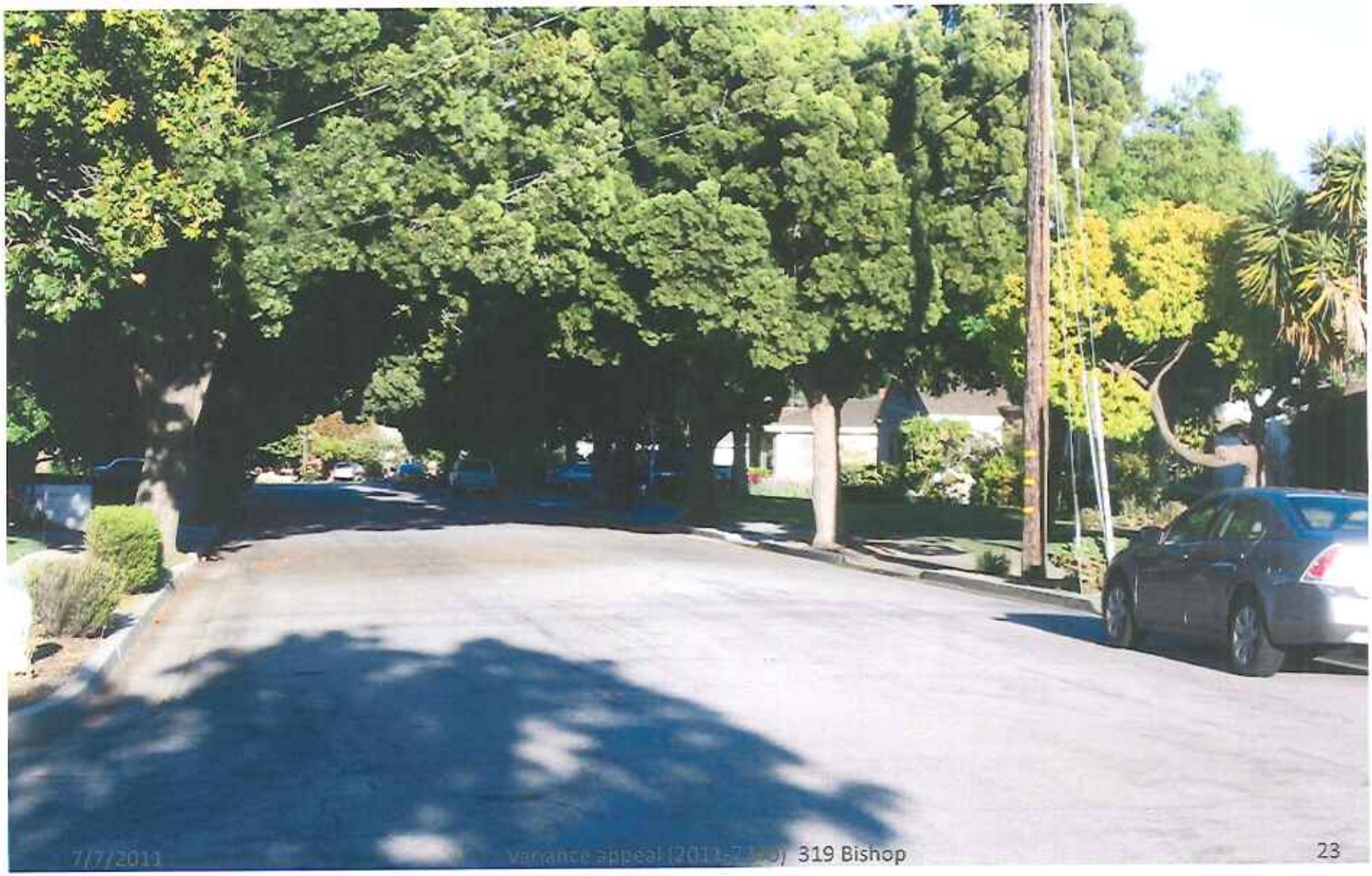

**Figure # 8 "Parking Demand"**

***Variance DENIED!*** ***Bishop Ave*** *- Off street "parking demand" on Sunday, June 5th, 2011. busiest parking day of the year on Bishop Ave; Sunnyvale Art & Wine Festival 1:45pm (approx)*

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# Figure #9 "Bishop Ave Map"

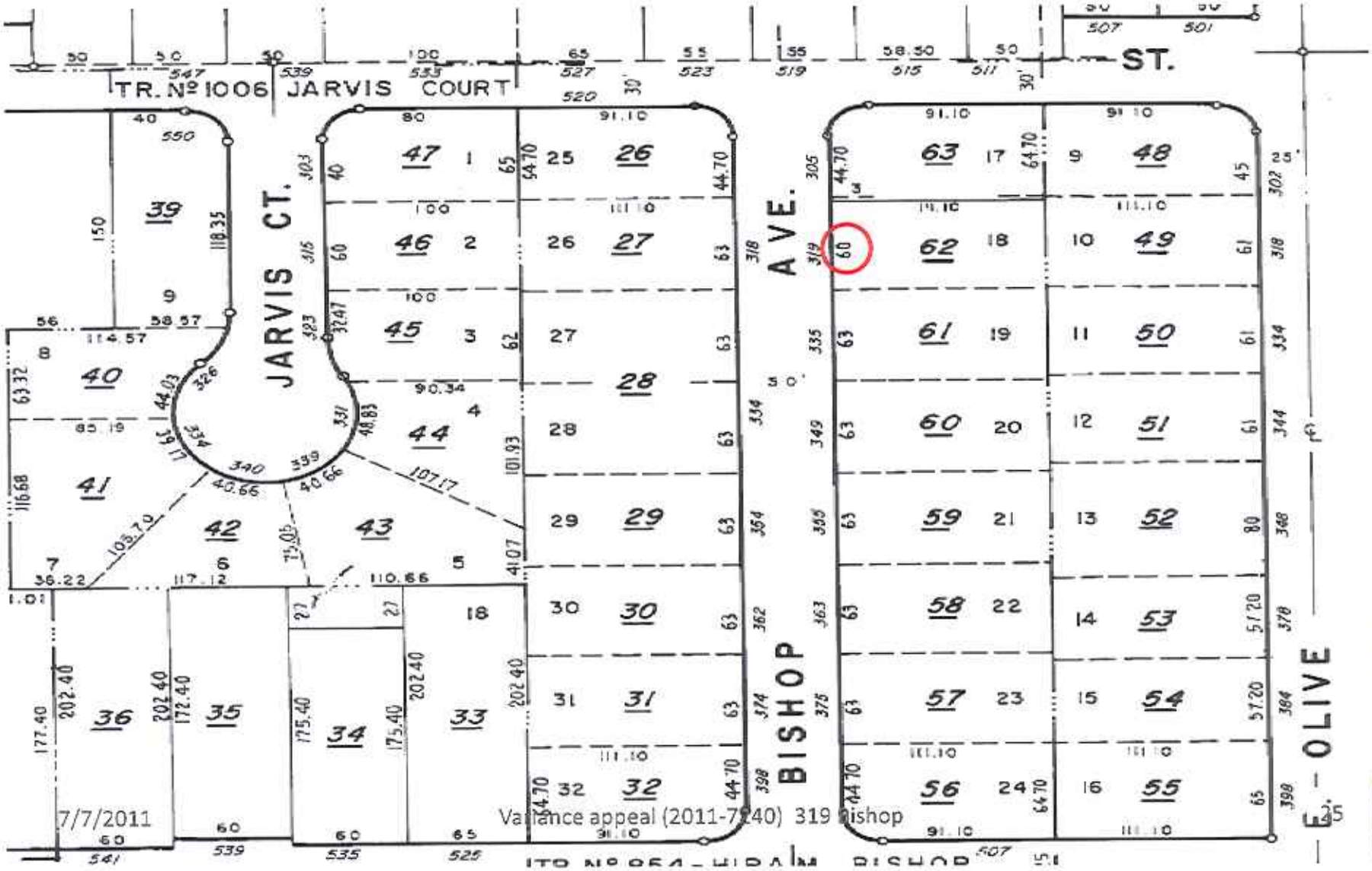

**FIGURE #10 "lose character"** 2 car garage creates disproportional configuration to front of house and ruins original character of house as well as character of older Sunnyvale neighborhood.

## Figure # 14 "400 Carroll"

*#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 district.*

I don't believe I will be granted special privileges when **401 Carroll St** was remodeled in 2005 (approx) and allowed to build a 3bed/3 bath 2358 sq foot home on a 4000 sq foot lot with only 2 covered parking spaces and no uncovered parking spaces unless cars block sidewalk.

Thank you

for your time and consideration



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# CITY OF SUNNYVALE REPORT
# ZONING ADMINISTRATOR HEARING

**May 25, 2011**

**File Number:** 2011-7240 **Permit Type:** Variance

**Location:** 319 Bishop Ave. (near Carroll St.) (APN: 209-31-062)

**Applicant/Owner:**

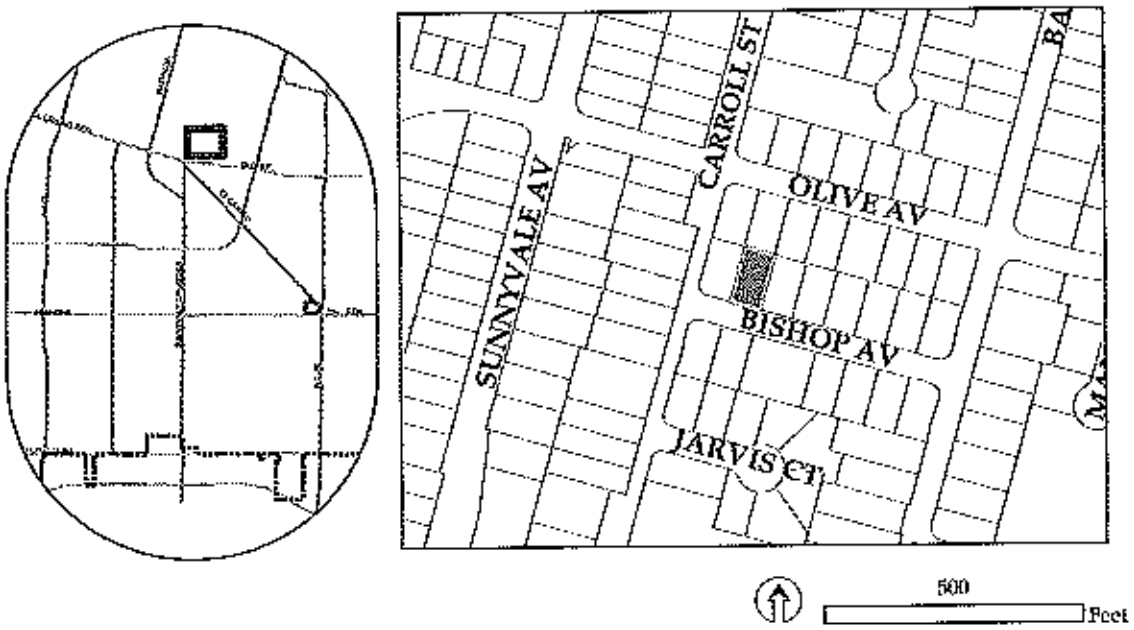
**Staff Contact:** Shaunn Mendrin, Senior Planner, (408) 730-7429

**Project Description:** To allow a one car garage where two covered spaces are required for a single family home.

**Reason for Permit:** A Variance is required from Sunnyvale Municipal Code (SMC) Section 19.46.060, which requires that two covered parking spaces be provided when an addition results in a home with at least 1,800 square feet or four bedrooms.

**Issues:** Parking and neighborhood compatibility.

**Recommendation:** Deny the Variance



ATTACHMENT E



**PROJECT DESCRIPTION**

| | Existing | Proposed |
|---|---|---|
| General Plan: | Residential Low Density | Same |
| Zoning District: | R-0 | Same |
| Total Sq. Ft. on Site (w/ 321 sq. ft. garage): | 1,419 | 1,947 |
| Bedrooms | 2 | 3 |
| Parking: | 3 total (1 covered + 2 uncovered) | Same |

| | |
|---|---|
| Previous Planning Projects related to Subject Application | **No** |
| Neighborhood Preservation Complaints | **No** |
| Deviations from Standard Zoning Requirements | **No** |

**Description of Proposed Project:** The applicant proposes addition of a master suite to the existing home, which will accommodate a master bedroom, walk-in closet and master bath for a total of three bedrooms. The proposed addition is approximately 528 square feet and would result in a 1,947 square foot home with three bedrooms and a one car garage.

Sunnyvale Municipal Code (SMC) Section 19.46.060 requires that two covered parking spaces be required when an addition results in a home with at least 1,800 square feet or four bedrooms. The applicant requests relief from this standard in order to maintain the existing one car garage.

**Project Alternatives:** The applicant has explored the following options to meet the parking requirement (~~see Attachment C~~):

1. Expand existing garage – The applicant found this option to be infeasible, as it would result in a major reconfiguration of the existing living area and significantly alter the appearance of the front of the home. In addition, it will require the alterations to a load-bearing wall. Staff concurs that this would significantly alter the front facade of the building and result in a significant amount of garage compared to living area. Staff also notes that the current driveway can accommodate two cars, so the site provides 1 covered and two uncovered.
2. Reduce addition by 148 square feet – The applicant states that a reduction in the proposed area would result in a 30% reduction of the proposed addition. In addition, the reduction would result in a master suite that is insufficient in size and would result in the loss of storage area in the garage, as the suite area would have to encroach into the garage to achieve the goals of the owner. Staff finds that the overall

addition could be reduced by 148 square feet through a slight combination of reductions in the proposed areas of the addition.

3. Add one driveway parking space – In order to meet the intent of the code to require an additional parking space, the applicant is willing to modify the driveway to accommodate two cars. Although this option would not meet the code requirement, this can be considered as a condition of approval if the Zoning Administrator is able to support the Variance.

**Neighborhood Compatibility:** The neighborhood (Bishop primarily consists of a mix of single-family homes on lots ranging from 6,400 square feet to 7,100 square feet. The lots in the neighborhood (including the subject site) comply with the minimum lot width and size for the R-0 Zoning District. In addition, a majority of the homes with a total square footage over 1,800 square feet provide a two car garage. Some homes that have a total floor area over 1,800 square feet, have one car garages; however, building permit activity indicates that the additions were completed prior to 2003, when SMC 19.46.060 took effect. No parking deviations have been approved in this neighborhood since 2003.

The Zoning Administrator denied a similar proposal on April 13, 2011. The proposed project included a rear addition to an existing home with a one car garage for a total of 2,025 square feet. The proposed project was located within an R-2 Zoning District. Staff has included the minutes and report for reference (~~see Attachment F~~).

**Public Contact:** 36 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**

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 of privileges enjoyed by other properties in the vicinity and within the same zoning district. ***[Finding not met]***

   More recently approved additions in the neighborhood have been restricted to less than 1,800 square feet in order to meet the current parking requirement or additional parking has been provided. In addition, the proposed master suite may be reduced to ensure the site floor remains under 1,800 square feet.

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]***

   The project does increase the number of bedrooms within the home, which could result in additional cars parked 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 met]***

   Although subject to different parking standards before SMC 19.46.060 took effect, there are three homes within the neighborhood that at least 1,800 square feet in size and have maintained a one car garage.

**ALTERNATIVES:**

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

**RECOMMENDATION**

Alternative 3. Deny the Variance

Reviewed by:

Steve Lynch
Senior Planner

Prepared By: Shaunn Mendrin, Senior Planner

~~Attachments~~
~~A. Standard Requirements and Recommended Conditions of Approval~~
~~B. Site and Architectural Plans~~
~~C. Letter from the Applicant~~
~~D. Letter of Support~~
~~E. Assessor Parcel Map~~
~~F. Zoning Administrator Report and Approved Minutes, dated April 13, 2011~~

# CITY OF SUNNYVALE
# ZONING ADMINISTRATOR HEARING

## MINUTES
## Wednesday, May 25, 2011

**2011-7240:** Application for a Variance to allow a one car garage where two covered spaces is required for a single family home located at **319 Bishop Avenue**. (APN: 209-31-062) SME

In attendance: Ken Rheaume, Applicant; Gerri Caruso, Zoning Administrator; Shaunn Mendrin, Project Planner; Luis Uribe, Staff Office Assistant.

**Ms. Gerri Caruso**, Zoning Administrator, 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.

**Shaunn Mendrin**, Project Planner, had no additional information.

**Ms. Caruso opened the public hearing.**

**Ken Rheaume**, Applicant, received and reviewed a copy of the staff report. Mr. Rheaume stated that if he was to expand the garage it would require them to lose space in the home. The applicant stated that their home has the least amount of square footage in the neighborhood. Mr. Rheaume presented pictures to the Zoning Administrator that showed street parking availability as well as other homes in the neighborhood.

**Ms. Caruso closed the public hearing.**

**Ms. Caruso took the application under advisement until Thursday, May 26, 2011. On that day the Zoning Administrator reviewed the information provided by the applicant at the hearing and revisited the project site. Based on an analysis of available information, 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 2:22 p.m.

Minutes approved by:

Gerri Caruso, Principal Planner

## Shaunn Mendrin - Re: explanation of Variance denial: 319 Bishop

**From:** Gerri Caruso
**To:** Rheaume, Ken
**Date:** 6/1/2011 9:29 AM
**Subject:** Re: explanation of Variance denial: 319 Bishop
**CC:** Mendrin, Shaunn

Hello Ken:

I have received your email and hopefully can provide you with the information you need. I took the three similar Variance decisions that have come to Zoning Administrator hearings, Arbor, Florence and yours and compared the facts and details. In hind sight, the decision on Arbor (which was the first request) to allow a three car driveway seemed reasonable at the time and appropriate for what I thought was a minor addition, but may have not been a decision that could be applied fairly to similar applications moving forward.

Like in the Florence and Bishop applications, the Arbor applicant also reported that the significant structural changes needed to make a two car garage would be cost prohibitive and lead to an awkward room/floor plan arrangement. After hearing the three cases, I believe that this will likely be the case for most applications like this. The original Council ordinance did not state that the parking policy could be avoided when it was difficult to achieve, nor do the Variance findings spell out that difficult or costly construction are exceptional or extraordinary circumstances or conditions.

After having the two recent requests come to hearing, I have found that every applicant's idea of what is a reasonable addition, particularly in the case of master bedrooms, is different. Most people want something that the real estate market considers highly desirable and marketable, not necessarily what the Zoning Administrator considers a reasonable economic use of the property. In all three cases it was likely that a reasonable reduction in square footage would have resulted in a reasonable bedroom, just not a master suite with large amenities like a walk in closet, large bathroom or an entertainment/seating area.

Since these types of requests are mostly likely to continue to come to hearing, I believed that the three car driveway will want to be everyone's quick fix but may not meet the City Council's intent when they adopted the parking code for upgraded parking. After looking at the results of Arbor and the visual neighborhood compatibility of Florence and you site, I also believe that it would be too subjective to decide on a house by house basis when a three car garage is not visually negative in a neighborhood. In many cases, there may also be a decision about whether to take out a street tree to accommodate a wider driveway apron, which will conflict with other City policies.

For the reasons above, I believed that as the Zoning Administrator, it would be difficult for me to be consistent and reasonable with similar Variance requests in the future if I approved your use with a three car driveway. I believe in your case that a reduction in requested footage would allow you to meet the code and still enjoy reasonable use of your property. That being said, you have the opportunity to appeal my decision. In that case the seven-member Planning Commission can hear all the facts including the Zoning Administrator decision history as well as a comparison of all the cases. If the Commission believes that the three car driveway is an acceptable solution, then they will set a precedence that I can use to consider future Variance requests of this type.

Gerri Caruso

>>> Ken Rheaume <krheaume11@yahoo.com> 5/31/2011 1:00 PM >>>
Hi Geri

I'm writing in concern of your decision to deny me a variance on 319 Bishop Ave on Wednesday, May 25th. You mentioned during the hearing the only option you would consider

is allowing the variance to pass if I add a third off-street parking space. You said the W Arbor property had a unique layout where a third space was acceptable and you would see if my property was similar. I understand from Shaunn you denial the Variance and I would like to understand why.

I've attached pictures of both properties and would like to understand your reasoning for denial and to explain the difference between W Arbor's property and mine and where a third space would be acceptable but not mine.

Please also confirm you have received this email. I will follow this up with a phone call as well.

Thank you for your consideration.

Ken Rheaume

---

**From:** Shaunn Mendrin <SMendrin@ci.sunnyvale.ca.us>
**To:** Ken Rheaume <krheaume11@yahoo.com>
**Sent:** Thu, May 26, 2011 5:23:00 PM
**Subject:** Re: Appeal application? Variance Request at 319 Bishop

Attached for you.

>>> On 5/26/2011 at 5:20 PM, in message <61321.19499.qm@web130123.mail.mud.yahoo.com>, Ken Rheaume <krheaume11@yahoo.com> wrote:

> Hi Shaunn
>
> Can you please attach the appeal application?
>
> thanks
> ken
>
> ---
>
> **From:** Shaunn Mendrin <SMendrin@ci.sunnyvale.ca.us>
> **To:** krheaume11@yahoo.com
> **Sent:** Thu, May 26, 2011 3:59:46 PM
> **Subject:** Denial of Variance Request at 319 Bishop
>
> Hi Ken,
>
> Please see below:
>
> "On Thursday May 26, 2011, the Zoning Administrator moved to **deny** the Variance to allow a one car garage where two covered parking spaces are required for a single-family home. The Zoning Administrator reviewed the materials and testimony provided by the applicant at the hearing and conducted a second site visit. Records of previously approved projects were reviewed. As stated at the hearing, the Zoning Administrator found that the proposed addition could be reduced to meet the building size requirement to qualify for a one car garage (under 1,800 total s.f. and maximum 3 bedrooms). The Zoning Administrator found that the findings to deny the project included in the staff report were sufficient.

Should you choose to appeal this decision to the Planning Commission, you have 15 days to submit an application (attached), $142 appeal fee, and a letter describing the reason for appeal with a discussion of the Variance findings. The appeal materials would need to be submitted by 5:00 pm on June 10, 2011. If you have any questions please feel free to contact me.

Regards,

Shaunn

Shaunn Mendrin, AICP
Senior Planner
Phone: (408) 730-7429
Web Page: Planning Division

City of Sunnyvale
Department of Community Development
Planning Division
456 West Olive Avenue
Sunnyvale, CA 94088

Save the environment. Please don't print this email unless you really need to.

**January 7, 2003**

**SUBJECT: 2002-0077 - City of Sunnyvale Study Issue - Upgrading Covered Parking Concurrently with Single-Family Additions or Reconstruction.**

## REPORT IN BRIEF

In Sunnyvale, covered parking requirements were introduced to single-family homes in 1988. In 1992, the ordinance was expanded to require two uncovered spaces, which in most cases is the driveway. In 2002, due to concerns of excessive street-side parking and cluttered streets, a study issue was created to re-examine the need to bring homes into conformance with current parking standards. Sunnyvale requires every new single-family home to provide covered parking for two vehicles.

Conversions of garages may be undertaken with a building permit, if replacement covered parking is provided on site. Homes that have been legally constructed or converted with less than the number of required covered parking are able to expand without upgrading parking on site. The aim of the study is to create new requirements that will improve neighborhood quality and reduce curbside parking. The study was ranked 6 by the City Council for 2002.

In October 2002, staff met with the Planning Commission to discuss possible requirements for upgrading covered parking to sites that are in non-conformance. Staff has also met with neighborhood associations to discuss these considerations. Through analysis of current conditions and valuable input from the community, staff is recommending the following modification to the current parking ordinance:

- Single-Family homes with non-conforming covered parking shall meet current parking standards when proposing additions that result in 4 or more bedrooms or result in 1,800 square feet or more in total floor area.

On December 9, 2002, the Planning Commission reviewed the item at public hearing and recommended approval of the modification to the parking ordinance. Minor clarification to the definition of a "bedroom" was requested and has been addressed in this report under the "Staff Recommendation" section.

## BACKGROUND

In 1978, a study issue examined problems with access, parking and vehicle overflow in connection with single-family residences. The study adopted new regulations allowing parking in the front and side yards of all residential zoning districts, except in the corner vision triangle, provided that such parking in R-0 and R-1 Zoning

Districts shall be on a stabilized permanent surface. The permanent surface cannot cover more than 50% of any required front yard. As stated in the report, the objective of the change was to allow flexibility in meeting parking needs and to reduce on-street congestion and, at the same time, to avoid the creation of unsightly conditions from damaged landscaping or from excessive pavement.

In 1988, the City of Sunnyvale adopted an ordinance outlining covered parking requirements for single-family homes. All new single-family homes are required to provide covered parking for two vehicles. A two-car garage or carport is required to be at least 400 square feet and meet the minimum interior dimensions of 17 feet wide by 18 feet deep. The driveway must maintain minimum dimensions of 17 feet wide by 20 feet deep.

## EXISTING POLICY

Sunnyvale Municipal Code 19.46.050 requires single family residences to maintain two covered spaces. Although homes are required to provide covered parking equivalent to the number of spaces that are being eliminated, legal non-conforming homes are not required to meet current standards if remodels or additions are constructed. In many cases, significant floor area is being added to homes with less than the number of required parking spaces. Currently, conversion of the garage to living space must be accompanied with construction of replacement covered parking. While all new homes are required to provide two covered parking spaces, additions or remodels do not require additional parking. To add an accessory living unit, all required parking must be provided for both units.

The following General Plan policy and action statement from the Land Use and Transportation Element relate to neighborhood quality and effective transportation standards:

**Policy N1.4** - Preserve and enhance the high quality character of the residential neighborhood.

**Action Statement C1.1.2.** - Promote and achieve compliance with land use and transportation standards.

Current General Plan policies and action statements call for compliance of transportation standards and improved quality of neighborhoods. As smaller homes expand and create additional opportunity for growing families, the need to find adequate parking becomes essential to preserve the quality of the entire neighborhood. The results of this study hope to benefit neighborhood streetscape as well as the quality of life in the community.

## DISCUSSION

There are approximately 21,000 single-family homes in Sunnyvale. Staff estimates that 4,600 single-family homes have either no covered parking or enough space for only one vehicle. Research indicates that 90% of these homes have less than 1,800 square feet of gross floor area. Statistically, it is difficult to determine how many

residents are utilizing their garages or carports for vehicle use.

In many older neighborhoods, attached single-car garages are common. Over time, many of these garages have been converted legally or illegally to provide additional living area. Prior to 1988, only two off street (on-site) parking spaces were required. There was no requirement for covered spaces on single-family lots. In these smaller lots of particular neighborhoods, the need for more living space is often accommodated through the use of the garage. More often, this area of the home is utilized for miscellaneous storage rather than vehicles. Therefore, parking must be accommodated elsewhere, which more often occurs along the street. The problem is exacerbated by the fact that many of these neighborhoods have smaller and narrower lots resulting in limited street frontage for each house.

Along with a negative visual appearance of numerous vehicles parked on the street, the public safety of pedestrians is often jeopardized in neighborhoods. The Neighborhood Preservation Division has received multiple complaints related to residents backing out of their driveway and unable to see oncoming traffic. In some cases, residents are concerned that children riding bikes are unable to see vehicles attempting to enter the public street due to numerous vehicles parked along the curb of the street.

Staff has considered various thresholds to trigger upgrades to covered parking. An analysis has been undertaken to see how these specific thresholds would affect the ability of homeowners planning new construction. The following criteria have been considered:

- Any addition that would result in a 20% increase of the existing home.
- Any addition that would result in a total floor area ratio of 40% or greater.
- Any addition that would result in four or more bedrooms.
- Any addition that would result in a total floor area of 1,800 square feet or more.
- Any addition that would result in a greater than 50% increase to the living area of the existing home.

Staff has also met with neighborhood associations and discussed the possible requirements. Citizens have expressed their concerns with these thresholds. In Sunnyvale, single-family homes are typically found on lots that are Zoned R-0, or R-1. These zoning districts require a minimum lot size and lot width. In many neighborhoods, there are numerous lots that are considered substandard, because they do not meet the minimum lot size or lot width requirements for properties in the specific zoning district. Some residents feel that, given these characteristics, new requirements may be unfair or too restrictive to allow remodeling or expansion of their homes.

<u>20% addition to floor area of the existing home</u>

Currently, staff conducts a Design Review of proposed additions to homes that would result in a 20% or greater increase of the existing gross floor area (includes garage or carport area). This review allows staff to ensure that additions are compatible with the appearance of the home and neighborhood. There are advantages to using the Design Review criteria as a threshold for upgrading covered parking. This would

enable staff to make sure parking is adequate when reviewing all significant sized additions. However, larger homes that are currently non-conforming will be able to add floor area that may not require design review. Therefore, these homes will be able to maintain less than the required amount of covered parking. Homebuilders may plan smaller incremental additions that would enable the home to maintain its current parking situation. Additionally, smaller homes may be required to upgrade when their additions are relatively minor in scale. For example, a 1,200 square foot house would be required to upgrade parking for additions greater 240 square feet, while a 2,500 square foot house could add 500 square feet before requiring an upgrade to parking.

Homes that result in a 40% Floor Area Ratio

The R-0 and R-1 Zoning Districts allow for an up to 45% floor area ratio with staff level review and a maximum 40% lot coverage. Lot coverage is defined as the land covered by all buildings on a lot. The floor area ratio takes into account the floor area of the second story of a particular home. With this requirement, many large homes will be forced to meet the current standard for covered parking. This threshold may be considered less stringent than other possible requirements, as many homes can add significant floor area and still be well under the 40% floor area ratio. For example, a typical 6,000 square foot lot would enable 2,400 square feet of lot coverage. If a lower floor area threshold were to be required for upgrade, the ability to expand would be more difficult to meet covered parking requirements. Nevertheless, owners of larger lots will have more flexibility to increase the size of their home and maintain less parking.

Additions that result in a home with four or more bedrooms

Approximately 900 homes in Sunnyvale have four or more bedrooms without the required amount of covered parking. Nearly 3,700 homes have three or fewer bedrooms and non-conforming covered parking. Under this scenario, minor additions, such as extensions of existing rooms, would not trigger the need for additional parking in homes with three bedrooms or less. However, homes that may have four or more bedrooms and have non-conforming parking would still be affected, regardless of the size of the addition. In theory, when a home is expanding and creating a living area for an additional person, the issue of adequate covered parking can be addressed.

Additions that would result in a home of 1,800 square feet or larger

Establishing a minimum floor area for homes to provide required covered parking, allows a clear approach to addressing the parking issue with expanding homes. The requirement does not discriminate between owners of varying size lots. Staff estimates that about 440 single-family homes in Sunnyvale are greater than 1,800 square feet and do not meet covered parking standards. Unfortunately, some owners may be at a disadvantage if they are already over this requirement. All homes proposed to be greater than 1,800 square feet would be required to meet the current standard for covered parking, regardless of the size of the proposed addition.

50% addition of living area to home

This threshold is currently utilized as a requirement to upgrade fire sprinklers throughout the entire home. The requirement will ensure that most additions of significant size would need to upgrade parking. Calculation of this requirement would not include any garage or carport, as they are not considered living space. However, it may have a similar flaw to its effectiveness as the 20% threshold addition. This requirement could persuade owners to phase their additions to less than 50%. The non-conformance of the site could be maintained indefinitely. This requirement does not take into account the size of the home before the addition. Large homes can increase in size without upgrading covered parking, whereas smaller homes are penalized by additions that may not be as significant.

Staff Recommendation

Although each requirement has benefits and disadvantages to addressing the issue of adequate covered parking, staff feels that two requirements would have a more balanced approach to the concerns of the public and goals of the City. Staff recommends that any new construction to a single-family home, which results in four or more bedrooms, should be required to provide two covered parking spaces. Staff also recommends that any new addition that results in a total floor area of 1,800 or greater square feet should provide two covered spaces. A new requirement should not take into account the floor area ratio of the site, as staff feels that this would unfairly benefit owners of larger lots. By setting a maximum floor area of 1,800 square feet, the builder must address the issue of adequate covered parking regardless of the size of the lot. A home of significant size should meet the current parking standards of new single- family homes. The addition of a fourth bedroom allows additional living area for residents of a home. Approximately 80% of the existing homes with non-conforming parking have three or fewer bedrooms. Staff feels that this new requirement is the most fair, as it would cause home builders to provide covered parking for two vehicles when creating a bedroom for an additional resident. Small expansions to existing rooms would be exempt from this requirement. Staff estimates less than 3% of the non-conforming homes have more than 1,800 square feet and three or fewer bedrooms. More often than not, a fourth bedroom would be the first determinant for the need to upgrade. Although most homes that are 1,800 square feet have at least four bedrooms, this threshold could dissuade homebuilders from creating large homes with three bedrooms. When reviewing building plans, a bedroom can be defined a room intended for, or capable of, being used for sleeping purposes. A room designated as a "den," "study," "loft," "library," or other extra room that is not a kitchen, living room, dining room or bathroom shall be considered a bedroom.

Garage Conversions

Sunnyvale Municipal Code 19.46.060 requires that all conversions of garages to non-parking use must be replaced with the equivalent number of covered parking spaces. Prior to 1988, a garage conversion required only a building permit. Two off-street or on-site parking spaces were required. These regulations did not specify whether any of these spaces were to be covered. As new regulations have been adopted, the enforcement of non-conforming sites has been examined. Although this study issue deals with the possible expansion of homes that are currently non-conforming, clarification of the current policy is necessary.

- A garage conversion is a legal conversion if it was undertaken with a building permit and replacement covered parking has been provided on the site.
- Garage conversions undertaken before March 1, 1988 with a building permit are considered legal non-conforming uses.
- Garage conversions undertaken without a building permit regardless of when it occurred are considered illegal non-conforming uses.

In accordance with priorities established by the City Council, Staff does not pro-actively look for or pursue action regarding garage conversions except in response to a complaint. Enforcement action may vary depending on the circumstances of the violation. In instances where the conversion has created a nuisance, the owner will be required to convert the space back to a garage use. Demolition permits may be required. Examples of conditions that would constitute a nuisance are:

- The creation of a second living unit.
- Increased intensity of use such as additional people residing at the property or additional vehicles on the property and the street.
- Excessive amounts of storage visible from the street or in side yards.

In those instances where illegal conversions were undertaken but no real nuisance is being created, staff informs the owner of the illegal non-conforming status and places a notice in the building permit records for the property. A building permit for proposed construction will not be given until the proper permits for a garage conversion have been obtained. As required, covered parking will need to be provided.

## ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 1, Initial Study).

## FISCAL IMPACT

The implementation of new requirements may create additional financial costs to homeowners planning additions.

## PUBLIC CONTACT

| Notice of Public Hearing | Staff Report | Agenda |
|---|---|---|
| • Published in the *Sun* newspaper | • Posted on the City of Sunnyvale's Website<br>• Provided at the Reference Section of the City of Sunnyvale's Public Library | • Posted on the City's official notice bulletin board<br>• City of Sunnyvale's Website<br>• Recorded for SunDial |

Staff notified the community of this study issue in additional ways:

- Met with the SNAIL and Lakewood Neighborhood Associations
- Noticed placed in the Lakewood Villager
- E-Mailed contact person for other neighborhood associations with a notice to be forwarded to their members
- Information regarding the study issue was posted on the Planning Division web site

Community Input

The community has provided mixed, yet valuable, input regarding this study issue. Some citizens have expressed that crowded streets are more prevalent in certain areas or neighborhoods of the city. Other members of the public believe that more focus should be concentrated on code enforcement of illegally parked vehicles rather than imposing new requirements. Some fear that these requirements could be too harsh or intrusive to an owner's ability to expand their particular home. On the other hand, many residents believe this will help alleviate overcrowded streets and create a safer environment for everyone. Citizens have voiced concern over large and growing families that expand small homes that are not suitable for multiple vehicles.

## ALTERNATIVES

1. Introduce ordinance to the Municipal Code concerning:

    a. Single-Family homes with non-conforming covered parking shall meet current parking standards when proposing additions resulting in 4 or more bedrooms.
    b. Single-Family homes with non-conforming covered parking shall meet current parking standards when proposing additions resulting in 1,800 square feet or more in total floor area.
    c. Definition of a bedroom.

2. Introduce ordinance to the Municipal Code with modifications.
3. Direct staff to where additional research is required for future action.
4. Do not modify the Municipal Code.

## RECOMMENDATION

Alternative 1.

Prepared by
Ryan M. Kuchenig
Assistant Planner

Reviewed by:
Fred Bell
Principal Planner

Trudi Ryan
Planning Officer

Robert Paternoster
Director, Community Development

Approved by:
Robert S. LaSala
City Manager

## ATTACHMENTS

1. Negative Declaration
2. Study Issue "Upgrading Covered Parking Concurrently with Single Family Additions or Reconstruction"
3. Draft Ordinance
4. Minutes from Planning Commission Hearing dated December 9, 2002

Previous Council Item | Next Council Item | Corresponding Agenda
List of Council Meetings | List of Reports to Council | Sunnyvale Home Page

**MINUTES -Draft 12/09/02**

**2002-0077 - City of Sunnyvale Study Issue - Upgrading Covered Parking Concurrently with Single Family Additions or Reconstruction** (Negative Declaration) RK **(Also to City Council on January 7, 2003)**

Ryan Kuchenig, Project Planner, presented the staff report. He provided a summary of the study issue noting that due to excessive street-side parking and cluttered streets, it was necessary to examine the need to bring on-site parking of homes into conformance. He reported the results of public meetings with neighborhood associations, study sessions with the Planning Commission and research. As a result, staff recommended a modification to the ordinance that single family homes with non-conforming covered parking shall meet current parking standards when proposing additions that result in four or more bedrooms or result in 1,800 square feet or more in gross floor area.

Vice Chair Babcock complimented staff for an excellent report. She asked staff for the comments from the neighborhood associations meetings and how many meetings were held. Staff responded that two meetings were conducted, Lakewood Neighborhood Association and SNAIL. He added that there were no minutes but rather summary notes were taken by staff and about 15-25 attended the meetings plus staff had received e-mail comments.

Vice Chair Babcock asked staff if 1,800 square feet is the square feet marker between a 3 and 4 bedroom homes. Staff responded that typically three bedroom homes are less than 1,800 square feet and felt that it is a threshold determined to be appropriate.

Comm. Moylan commented that during the study session the required parking was discussed and the opportunity to modify the code to address this issue to potentially require more than 2 spaces per home. Ms. Ryan responded that the study is only for non-conforming covered parking. She added that modification to the code could be a potential study issue.

Comm. Swegles suggested that in order to address the concerns expressed by the neighborhood associations about the inability to enforce the code, existing parking code enforcement should be reviewed. Ms. Ryan explained the process that if there is a complaint about non-conformance, there is a process of ensuring conformity.

Comm. Swegles suggested that in conjunction with this study, the neighborhood preservation code enforcement should also be included. Ms. Ryan noted the current practice in the staff report and responded that the upgrade of the parking would only come when there is an addition to the building. The suggestion to be more proactive in the enforcement of the codes for this issue could be passed on to Council.

Comm. Swegles suggested possibly restricting the number of cars allowable per household. Ms. Ryan responded that the City could not restrict the number of allowable.

Comm. Chu asked about staff's recommendation on determining what is considered as "bedroom" and whether the 1,800 square feet is living space and does not include the garage. Ms. Ryan responded that the 1,800 is gross floor area, which includes the garage and the definition of the bedroom is noted in the staff report.

Comm. Chu then suggested clarifying or defining the 1,800 square fee and define what is considered a "bedroom" in the code. Ms. Ryan suggested that the definition of the square feet and "bedroom" could be included in the motion.

Chair Simons asked staff if there would be special Variance considerations for narrow lots with zero lot lines and if so, what would be the process. Ms. Ryan responded that each application has to be reviewed on whether the variance is appropriate and added that the regulations would also include small lots.

**Chair Simons opened the public hearing.**

None

**Chair Simons closed the public hearing.**

**Comm. Moylan made a motion on Item #2002-0077 to recommend introduction of an ordinance that a) single family homes with non-conforming covered parking shall meet parking standards when proposing additions resulting in four or more bedrooms and b) single family homes with non-conforming covered parking shall meet current parking standards when proposing additions resulting in 1,800 square feet or more in total gross floor area. Comm. Swegles seconded.**

**Comm. Swegles offered a friendly amendment to define "bedroom" and what is considered in the language. The maker accepted.**

**Comm. Chu offered another friendly amendment that 1,800 square feet is inclusive of the garage. The amendment was accepted by the maker and the second.**

Comm. Moylan commented that he is in favor of a broad look at required parking, which would result in a trigger of the ordinance fairly quickly. He added, however, that he would prefer to see what the standards are for changed parking requirements.

Comm. Swegles concurred with Comm. Moylan and added that he would like to see the number of rooms per unit be added as a trigger points.

Vice Chair Babcock concurred with her fellow commissioners and complimented the staff for a well-written report and noted that she liked the separate discussions for every item.

Chair Simons thanked staff for a great report. He commented that he does not see why it is a different study for scaling up the threshold for parking requirements. Ms.

Ryan referred Chair Simons to the scope of the study issue pa

**Final Motion:**

**Comm. Moylan made a motion on Item #2002-0077 to recommend - 1) introduction of an ordinance that a) single family homes with non-conforming covered parking shall meet parking standards when proposing additions resulting in four or more bedrooms and b) single family homes with non-conforming covered parking shall meet current parking standards when proposing additions resulting in 1,800 square feet or more in total gross floor area; 2) to define what is considered "bedroom" in the code, and 3) to define that 1,800 square feet includes the garage. Comm. Swegles seconded.**

**Motion carried 6-0 with Comm. Satterlee is absent.**

**Ms. Ryan stated that the City Council will consider the study on January 7, 2003.**

Back to RTC #03-004