



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, January 16, 2008

2007-1083 – Application for a Special Development Permit to allow an accessory utility building (arbor) with a one-foot side-yard setback where 4 feet is required. The property is located at **1464 Yukon Drive** (near Crater Lake Ct.) in an R-2/PD (Low Medium-Density Residential/Planned Development) Zoning District. (APN: 323-47-025) NC

In attendance: Mark Tamura, Neighbor; 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, in which a new 81 square foot accessory utility building (gazebo) was under construction without appropriate permits. The gazebo is approximately 9'-9" in height and is located 1'-6" from the rear property line and 1' from the right side property line. The subject home is located within a PD (Planned Development) Combining District and was constructed with specific development standards, such as setbacks, lot coverage and Floor Area Ratio (FAR). Deviations from the approved development standards require a Special Development Permit (SDP). The proposed project deviates from the approved right side yard setback.

This project was previously reviewed at the November 14, 2007 Administrative Hearing. At the hearing, the applicant requested a continuance to the December 12, 2007 hearing to allow time to explore alternative designs for the gazebo structure. Subsequently, the applicant requested a second continuance to January 16, 2008. After reviewing the City's regulations and the site constraints of his rear yard, the applicant has determined that there are no alternative locations in the rear yard that would be feasible. However, the applicant has revised the roof plan and height of the gazebo structure. The revised plan includes a flat roof in the form of a trellis, resulting in a total height of 8'-9" (a reduction of 1' from the original plan). This staff report reflects the revisions made to the original plan. Ms. Caliva stated that the applicant was unable to attend the public hearing and requests continuance if the Hearing Officer accepts. Ms. Caliva further stated that the item has been continued twice and that the Hearing Officer can take action if the request for continuance is not accepted.

Ms. Caruso opened the public hearing.

Mark Tamura, Neighbor, stated that he lives directly behind the applicants property and he opposes the project. He also mentioned that the structure is an eye-sore and that he feels it may decrease his property value. Mr. Tamura stated that there has not been much communication between himself and the applicant.

Ms. Caruso closed the public hearing.

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

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

The meeting was adjourned at 2:26 p.m.

Minutes approved by:

Gerri Caruso

Principal Planner