



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

August 25, 2010

File Number: 2010-7489

Permit Type: Parcel Map and Use Permit

Location: 805 Lewis Avenue (near S. Pastoria Ave.) (165-17-026)

Applicant/Owner: Robert W. Jones

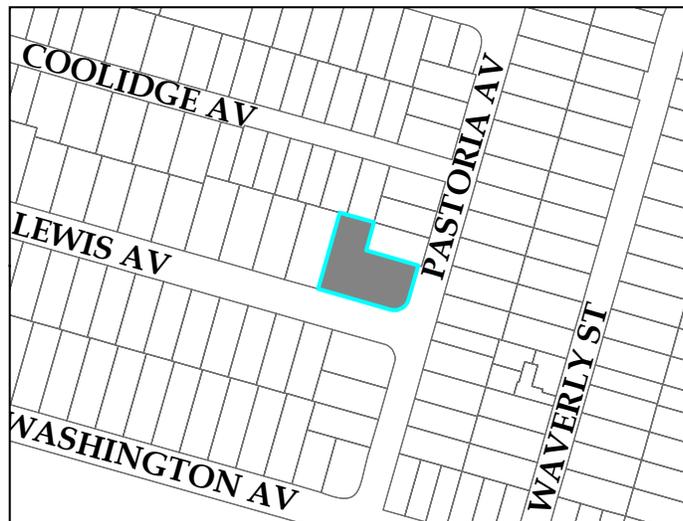
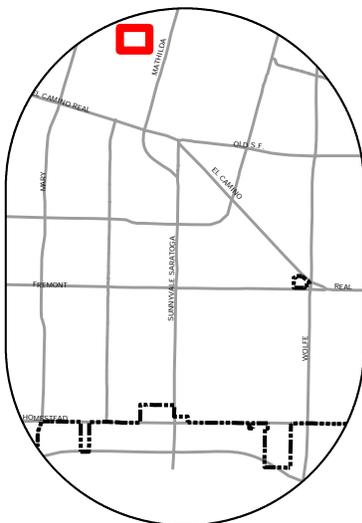
Staff Contact: Mariya Hodge, Associate Planner, (408) 730-7659

Project Description: The proposed project will subdivide one lot with two existing duplexes into two lots, each with one duplex. No interior or exterior changes to the existing structures are proposed as part of this permit. There are no proposed common lots or easements as part of this project.

Reason for Permit: A Parcel Map is required to allow a two-lot subdivision, and a Use Permit is required to allow a lot width of 59.5 feet for one of the resulting parcels, where a minimum lot width of 76 feet is required.

Issues: Subdivision, lot width

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Residential Low-Medium Density	Same
Zoning District:	R-2	Same
Lot Area (Sq. Ft.):	16,427	Lot 1: 8,000 Lot 2: 8,427
Lot width:	85'	Lot 1: 59.5' Lot 2: 85'
Number of Units:	4	2 per lot
Floor Area (Sq. Ft.):	4,621	Lot 1: 2,294 Lot 2: 2,327
Floor Area Ratio:	28.1%	Lot 1: 28.7% Lot 2: 27.6%
Front setback:	15.61'	Lot 1: 25.1' Lot 2: 15.61'
Side setbacks (min./total):	8.95'/22.86'	Lot 1: 6.38'/28.96' Lot 2: 8.95'/22.86'
Rear setback:	22.58'	Lot 1: 23.86' Lot 2: 11.43'
Parking:	4 covered + 5 uncovered	Lot 1: 2 covered + 3 uncovered Lot 2: 2 covered + 2 uncovered

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints	No
<p>Deviations from Standard Zoning Requirements:</p> <p>The proposed project will result in a lot width of 59.5 feet for Lot 1. Interior lots in the R-2 Zoning District require a minimum width of 76 feet. Deviations from lot width may be requested through the Use Permit process. While the proposed lot width is less than the minimum required by Sunnyvale Municipal Code, it is a typical lot width for the interior lots in the surrounding neighborhood. The two adjacent lots to the west have lot widths of approximately 59 feet each. Other interior lots on the same block of Lewis Avenue have lot widths ranging from 50 feet to 60 feet. As a result, the dimensions of Lot 1 as proposed would be consistent with the dimensions of existing interior lots in the neighborhood.</p>	Yes

Non-conforming: The project is non-conforming with regard to the following development standards.

- **Setbacks:** The proposed lots comply with all setback requirements with the exception of the front setback for Lot 2. A 20-foot minimum front setback is required in the R-2 Zoning District (SMC 19.34.030). The front setback of the existing duplex structure fronting on South Pastoria Avenue is 15.61 feet. While this does not meet the minimum setback required, it is an existing legal non-conforming condition. The proposed subdivision does not increase the non-conformity, as the subdivision does not alter the arrangement of yards for Lot 2 and there is no proposed alteration to the existing structures. Staff notes that any future additions to the existing structure would be subject to current setback requirements.
- **Parking:** Single-family and duplex dwellings require two covered parking spaces and two uncovered parking spaces per dwelling unit (SMC19.46.050). The existing site has four dwelling units, which would require a total of eight covered and eight uncovered parking spaces. A total of four covered and five uncovered spaces are currently provided. While this does not meet current parking requirements, it is an existing legal non-conforming condition. The proposed subdivision would not increase the demand for parking, nor would it further reduce available parking supply. Staff notes that any future additions to the existing structures may trigger a requirement to comply with current parking standards.

Parcel Map: The existing parcel has an unusual size and shape which is not common in the surrounding neighborhood (see Attachment B – Tentative Parcel Map and Photos). The property is approximately twice as large as other surrounding lots. Its irregular shape makes it appear as though two previously independent lots have been merged, although staff research did not find any evidence of a previous lot merger. The proposed subdivision would result in two lots which are more consistent with the standard size and shape of properties in the surrounding neighborhood.

Public Contact: 19 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. Staff was contacted by one neighbor who requested information about the proposed project. After speaking with staff, the neighbor stated that he does not have any objections to the applicant's proposal.

Environmental Determination: A Class 15 Categorical Exemption (minor land divisions) relieves this project from CEQA provisions.

FINDINGS – PARCEL MAP

If any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. *That the subdivision is not consistent with the General Plan.*

The General Plan designation for the subject site is Residential Low-Medium Density, which permits residential development with a density of 7 to 14 dwelling units per acre. The existing parcel is developed with residential uses (two duplexes) with a density of 10.8 dwelling units per acre. The proposed subdivision would result in two lots, each with one duplex, having residential densities of 10.9 and 10.4 units per acre. The proposed subdivision is consistent with the General Plan.

2. *That the design or improvement of the proposed subdivision is not consistent with the General Plan.*

The proposed project does not include any physical alterations to the existing duplex dwellings on the current site. The two resulting parcels will each have a single duplex, which is consistent with the General Plan designation of Residential Low-Medium Density.

3. *That the site is not physically suitable for the proposed type of development.*

The site is developed with existing residential uses, fronts on a public street, and is served by utilities and all required public services. The site is suitable for residential development, and the proposed project does not include any physical alterations to the existing development on the site.

4. *That the site is not physically suitable for the proposed density of development.*

The existing parcel is developed with residential uses (two duplexes) with a density of 10.8 dwelling units per acre. The proposed subdivision would result in two lots, each with one duplex, having residential densities of 10.9 and 10.4 units per acre. The proposed project does not include any physical alterations to the site or the existing dwellings. The site is suitable for the proposed density.

5. *That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed project does not include any physical alterations to the site, nor does it alter land use limitations such as General Plan designation and Zoning standards. As a result, the proposed subdivision does not have the potential to cause environmental damage, nor to injure fish or wildlife or their habitat.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed project does not include any change to the existing uses on the site, nor does it alter land use limitations such as General Plan designation and Zoning standards. As a result, the proposed subdivision does not have the potential to cause public health problems.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

Existing Parcel Maps for the site do not indicate any easements conflicting with the proposed subdivision.

8. *That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.*

The proposed subdivision meets all requirements and conditions with the exception of lot width for Lot 1, front setback for Lot 2, and parking requirements for both lots. Deviations from lot width may be granted through the Use Permit process. The requested lot width is consistent with lot widths of other existing properties in the surrounding neighborhood (see Use Permit findings below). The front setback for Lot 2 is an existing legal non-conforming condition and is not worsened by the proposed subdivision. The parking provided on the site is not sufficient to meet current Code requirements, but is a legal non-conforming condition which is not worsened by the proposed subdivision. As a result, staff has determined the proposed subdivision is in compliance with the Subdivision Map Act and the Sunnyvale Municipal Code.

FINDINGS – USE PERMIT

In order to approve the Use Permit the following findings must be made:

1. *The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.*

The proposed subdivision does not include any physical alterations to the site or the existing structures. The existing and proposed uses and density

are consistent with the General Plan designation of Residential Low-Medium Density. The existing and proposed uses are also consistent with the property's R-2 Zoning designation. The proposed subdivision will also provide additional home ownership opportunities within the City. The proposed lot width for Lot 1, while less than the width currently required by Sunnyvale Municipal Code, is consistent with the lot widths of other interior lots in the surrounding neighborhood. The existing structure on Lot 1 will meet all setback requirements despite the reduced lot width. Staff was able to make the finding above as the proposal is in compliance with the purposes and objectives of the General Plan.

2. *The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.*

The proposed subdivision is not expected to have a negative impact on the site or surrounding properties. No physical alterations nor changes in use are proposed as part of this project. Although the proposed lot width for Lot 1 is less than the width currently required by Sunnyvale Municipal Code, this width is consistent with the lot widths of other interior lots in the surrounding neighborhood. The existing structure on Lot 1 will meet all setback requirements despite the reduced lot width. Furthermore, the proposed reduction in width will not require reduced setbacks or other impairments on adjacent properties. In fact, the reduction in lot width is necessary to enable the existing structure on Lot 2 to meet rear setback requirements. Staff was able to make the finding above as the proposal does not have the potential for a negative impact on the site or surrounding properties.

ALTERNATIVES:

1. Approve the Parcel Map and Use Permit with the recommended Conditions in Attachment A.
2. Approve the Parcel Map and Use Permit with modifications.
3. Deny the Parcel Map and Use Permit.

RECOMMENDATION

Alternative 1. Approve the Parcel Map and Use Permit with the recommended Conditions in Attachment A.

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Mariya Hodge, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Tentative Parcel Map and Photos
- C. Applicant's Project Justifications

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
Planning Application 2010-7489**

Parcel Map and Use Permit to allow a two-lot subdivision with a lot width of 59.5 feet for one of the resulting parcels where a minimum lot width of 76 feet is required.

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:

THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

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]
2. USE EXPIRATION – The approved Parcel Map and Use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

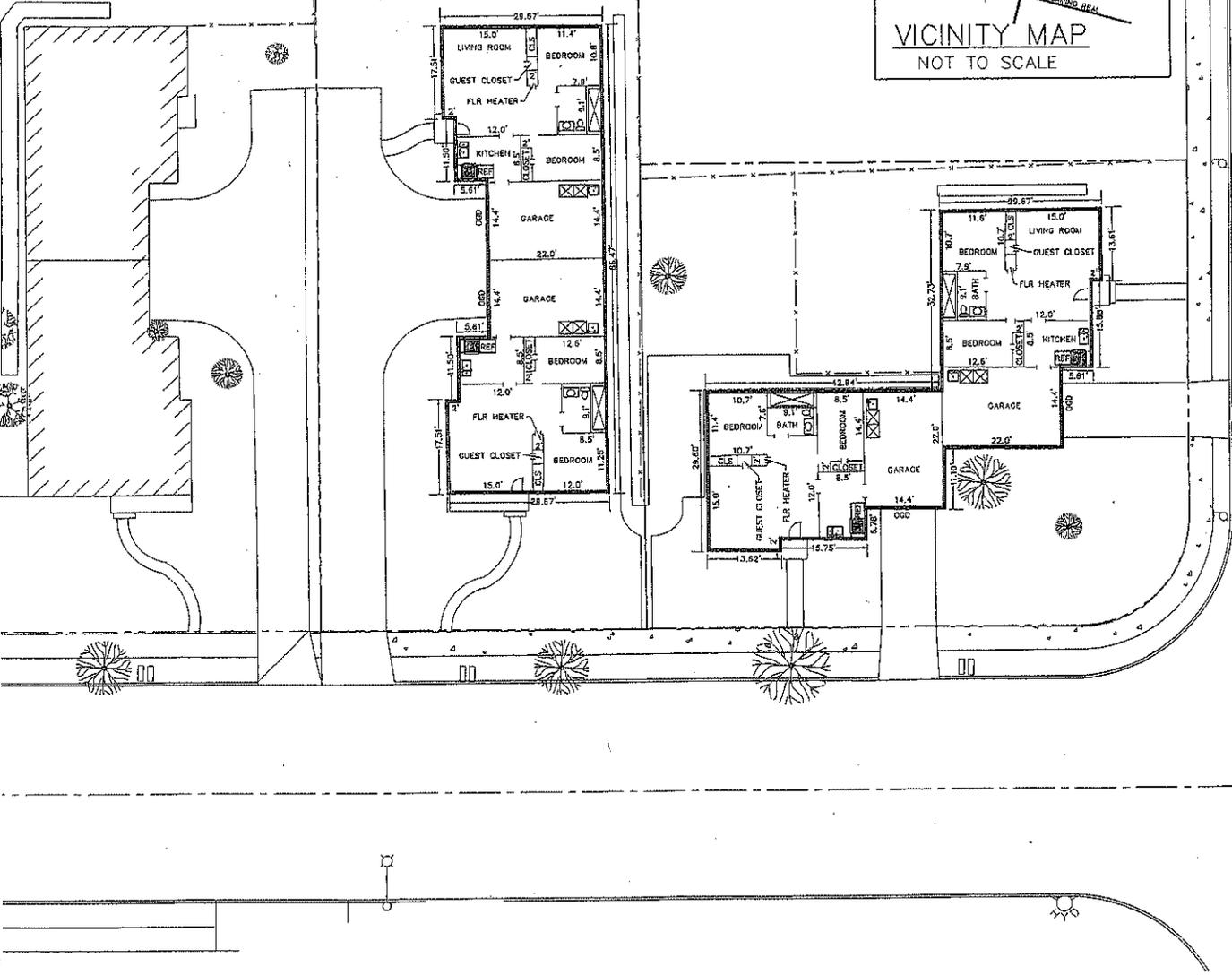
3. PERMIT EXPIRATION (Ordinance 2895-09) – The Parcel Map and Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void. [SDR] (PLANNING)
4. MAP REQUIRED – This project is subject to, and contingent upon, the recordation of a Final Parcel Map. The submittal, approval and recordation of the Final Parcel Map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Pay all required fees for Final Parcel Map review and recordation. [SDR] (PUBLIC WORKS)

THE FOLLOWING SHALL BE ADDRESSED ON THE MAP SUBMITTED FOR PUBLIC WORKS REVIEW AND SHALL BE MET PRIOR TO THE RECORDATION OF THE FINAL MAP(S).

5. WATER METERS – Upgrade all on-site water meters to radio-read disk-type meters, 1” minimum. Larger meter size may be required by the Fire Protection Engineer if fire sprinklers are required. [COA] (PUBLIC WORKS)
6. SEWER CLEANOUT – provide a separate sewer cleanout for the property shown as Lot 2 on the approved Tentative Parcel Map. The sewer cleanout shall be in conformance with current City standard details. [COA] (PUBLIC WORKS)
7. LOT DRAINAGE – The subdivision shall not cause lot drainage to cross any property line, nor shall it have any negative impact on the drainage pattern for the subject site or adjacent properties. Provide grading details to confirm the drainage requirements are met. [COA] (PUBLIC WORKS)
8. UTILITIES – The map submitted for Final Parcel Map review shall show the location of any overhead or underground utilities on the existing and proposed lots. Overhead and/or underground utilities shall not cross any property line. [COA] (PUBLIC WORKS)



SCALE: 1"=10'

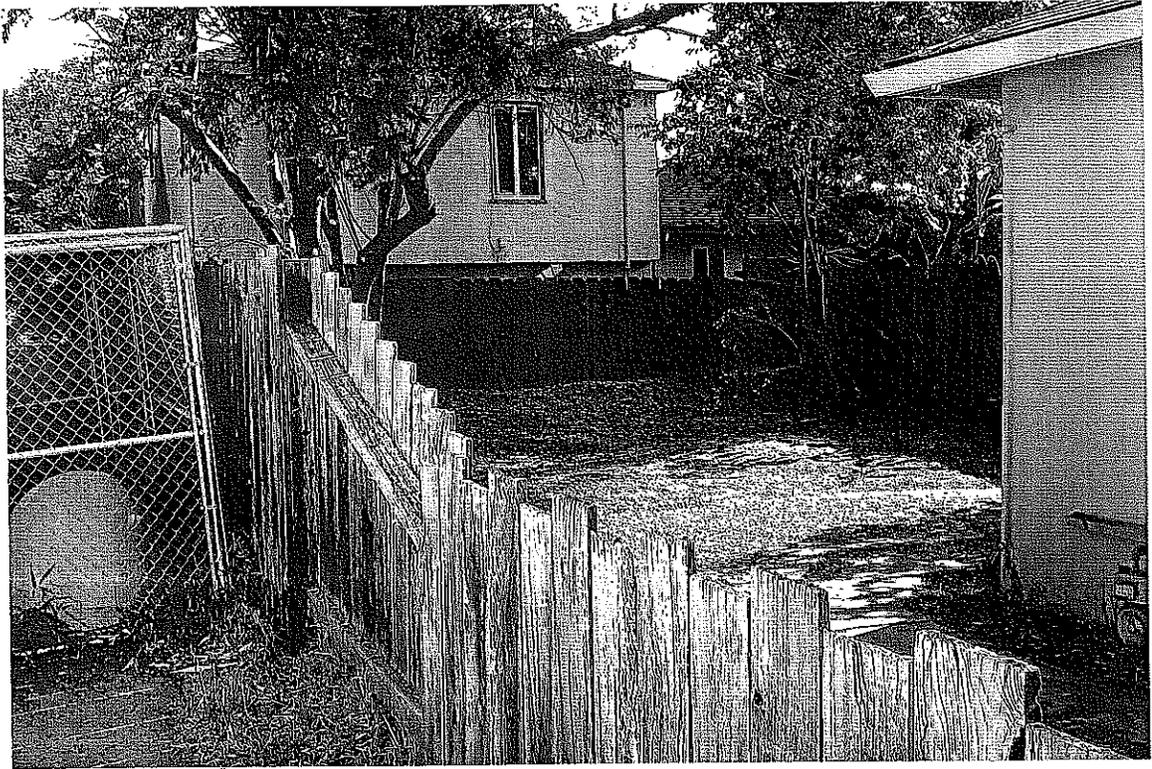


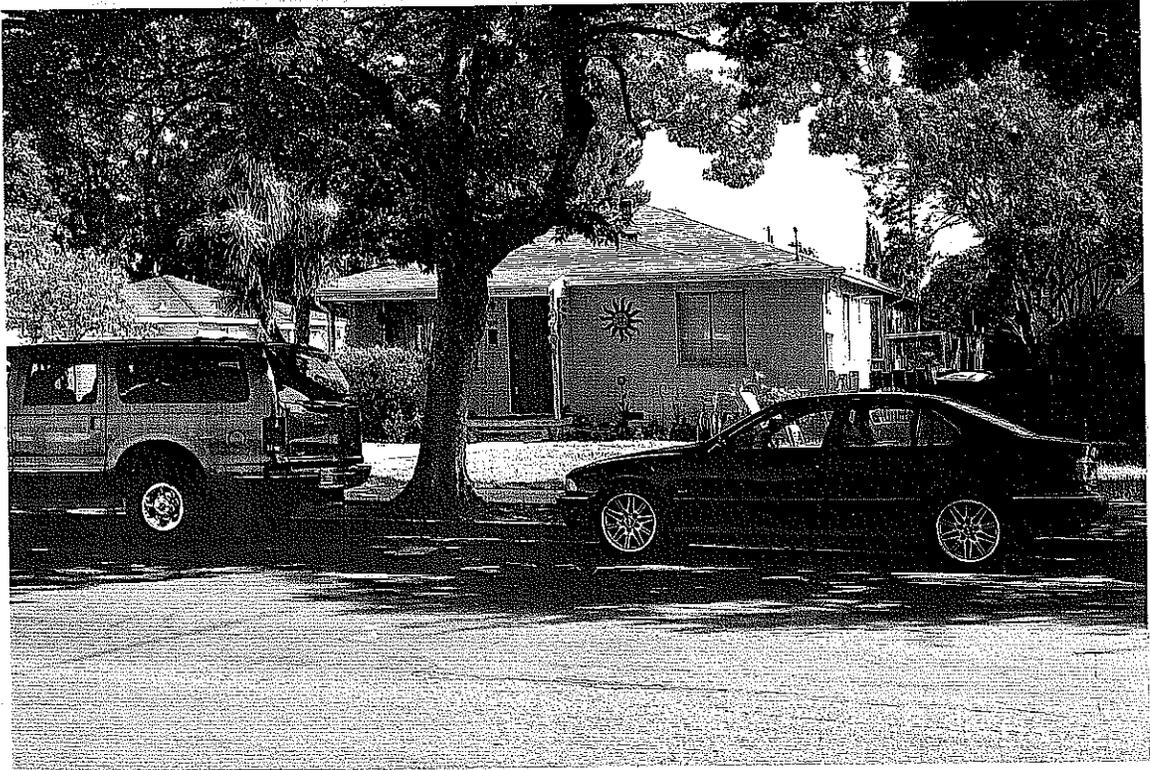
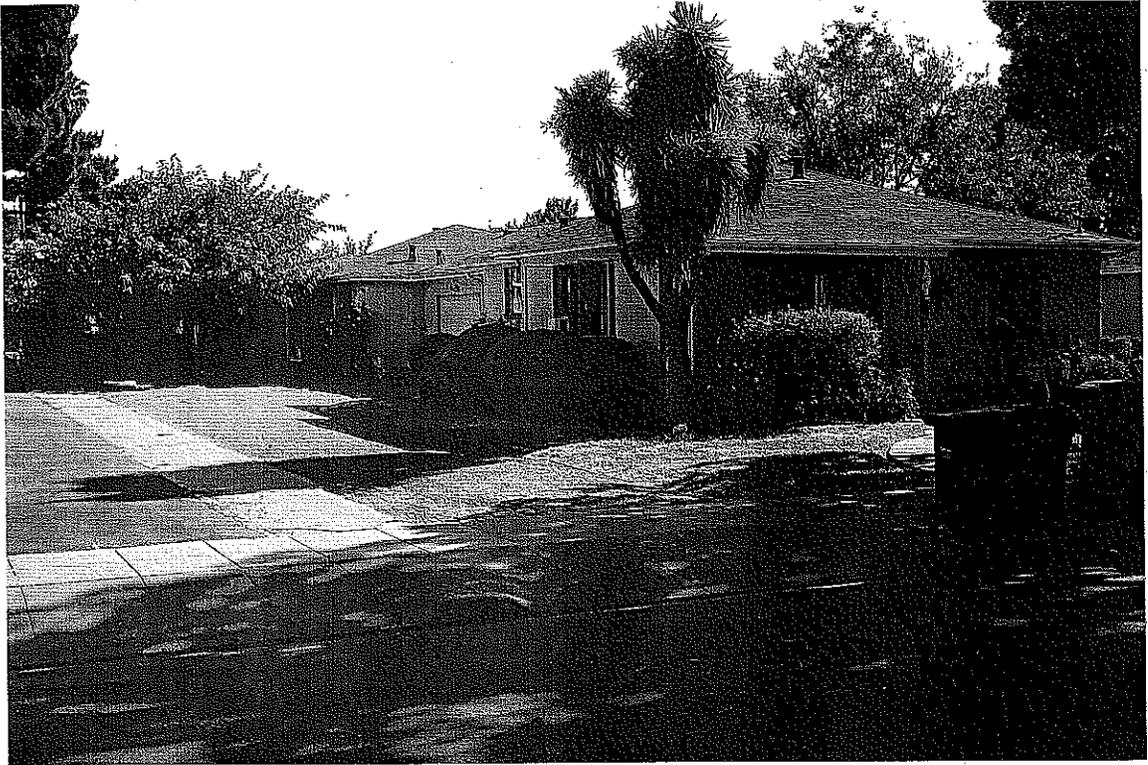
ABBREVIATION & LEGEND

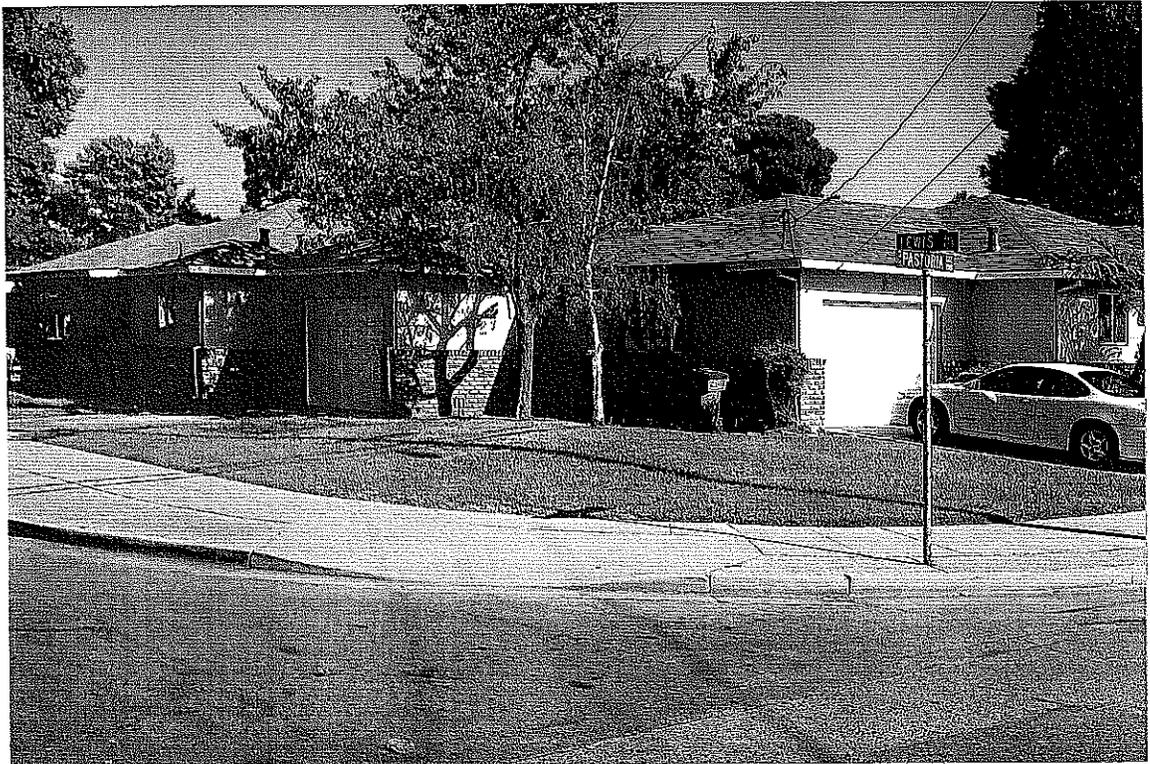
- WASHER & DRYER
- SINK
- REFRIGERATOR
- STOVE
- KITCHEN SINK
- DOOR ENTRANCE
- BATH TUB
- TOILET
- BATH SINK
- PROPERTY LINE
- PROPOSED NEW PROPERTY LINE
- CENTERLINE OF RIGHT OF WAY
- EXISTING FENCE LINE
- TREE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- STREET LIGHT
- CLOSET
- FLOOR
- OVERHEAD GARAGE DOOR

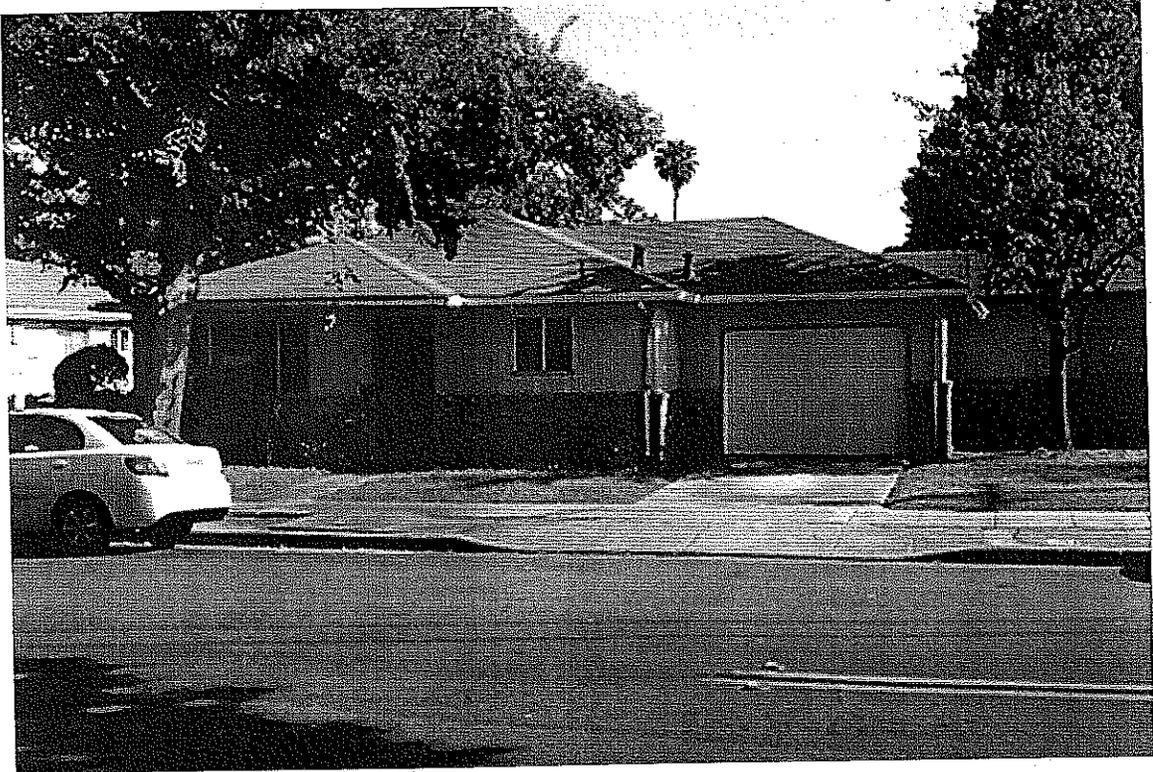
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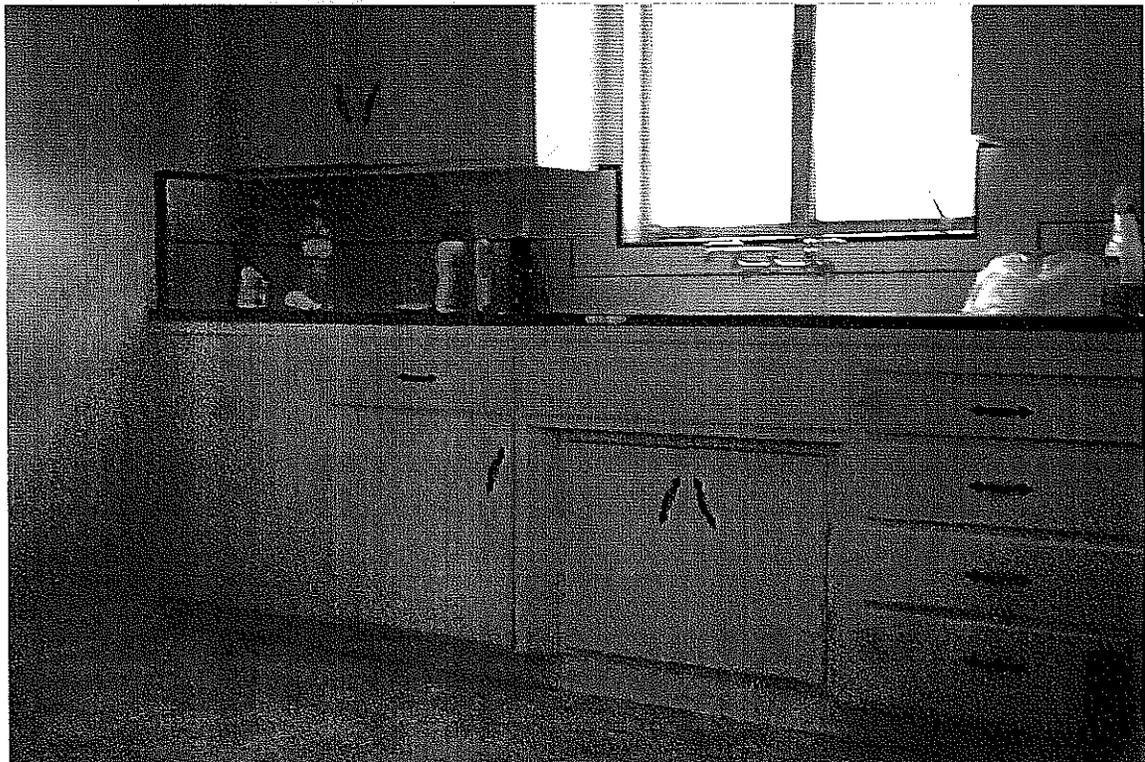
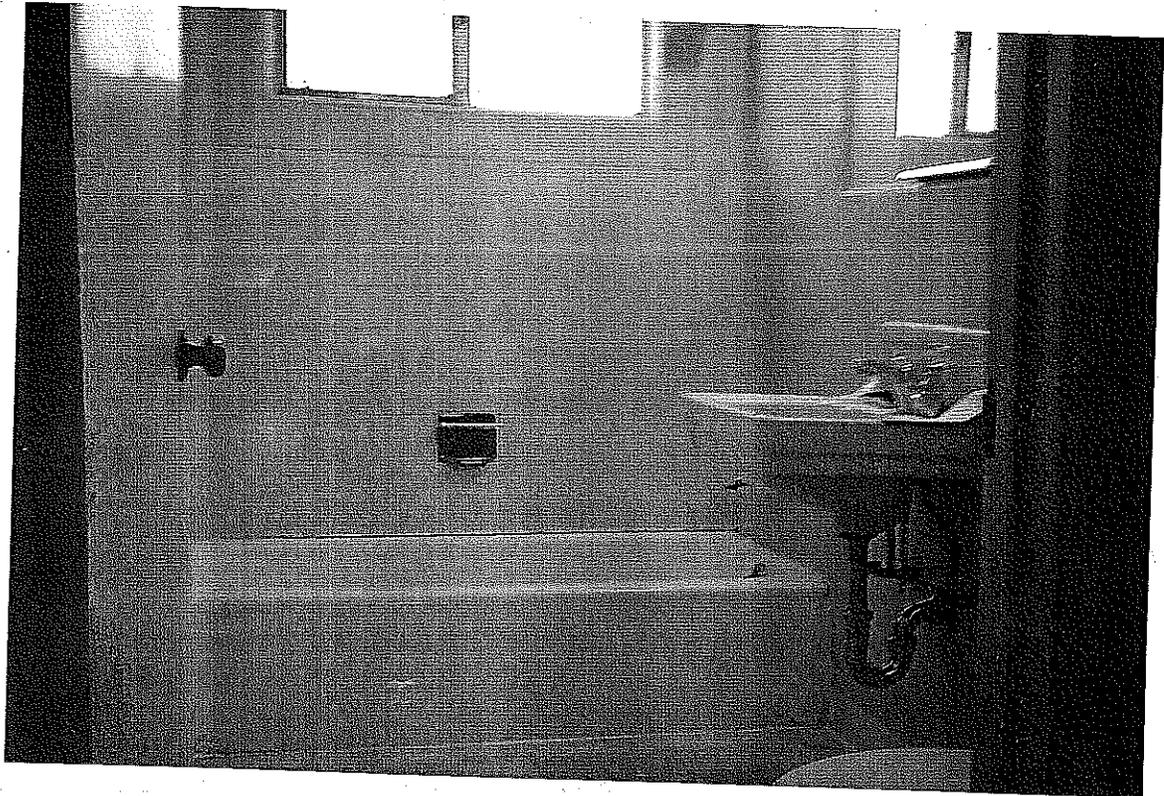
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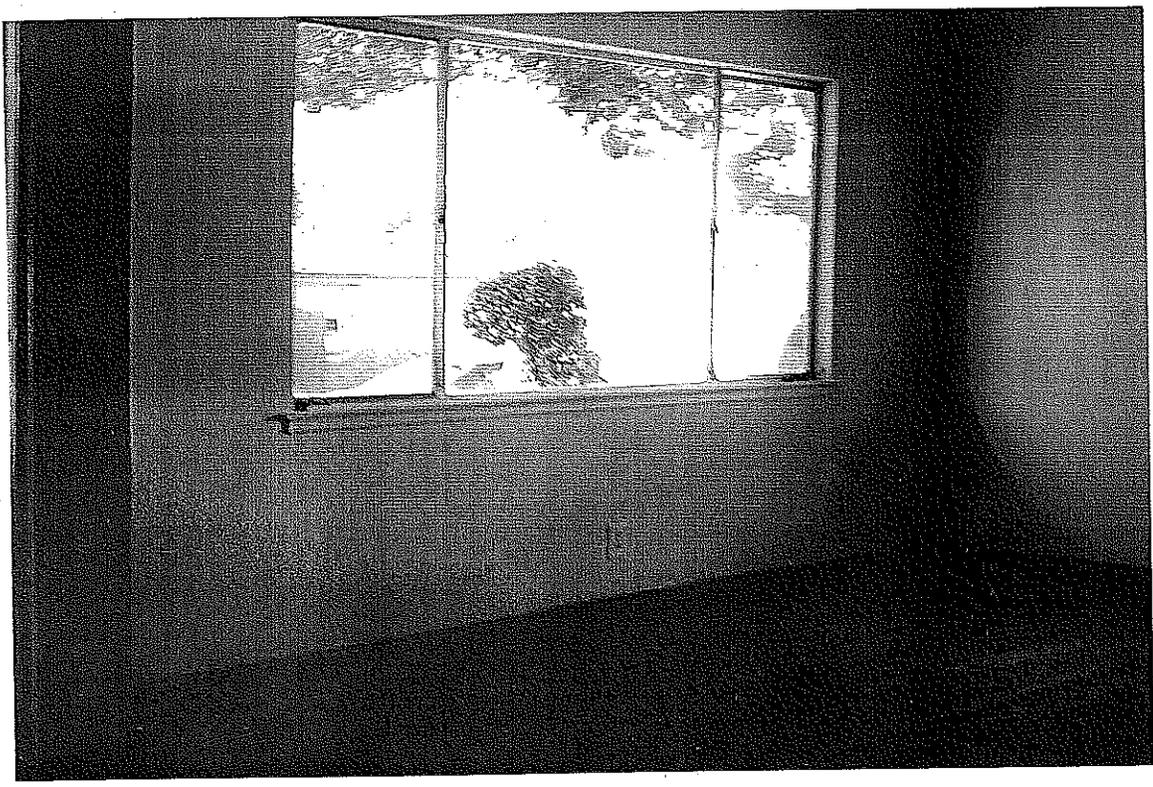














USE PERMIT/SPECIAL DEVELOPMENT ATTACHMENT PERMIT C

JUSTIFICATIONS

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One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ...

OR

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ...

The project will split a large parcel into two usable lots so that the property owner can have the option to sell one or both lots.

The creation of two lots will not impair the existing use of adjacent properties and will match the existing lots in size and shape.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.