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9th June 2024

Sunnyvale City Council

Sunnyvale City Hall
456 W Olive Avenue
Sunnyvale, CA 94086

Dear Members of the Sunnyvale City Council,

I am writing to formally appeal the decision by the Sunnyvale Planning Commission to deny the variance application for Planning Project PLNG-2023-0642. This variance pertains to a 112 sq. ft. detached studio office in the backyard of my property, which exceeds the current height restriction of 8' 0" by reaching a maximum height of 9' 11".

The Planning Commission expressed support for the studio office but was unable to grant the variance due to a lack of legislative authority. Some of the Commissioners strongly encouraged me to appeal to the City Council, highlighting several important points:

- They noted that Backyard Studio Offices serve a valuable purpose related to housing issues in Sunnyvale but are not properly accounted for in the existing Sunnyvale Building Ordinances.
- The current ordinances lead to situations where homeowners are compelled to construct larger ADUs where smaller, simpler and less expensive structures would better serve the purpose.
- The Planning Commission lacks the authority to set precedents regarding building ordinances, a power vested in the City Council.

I am requesting the City Council to review and update the ordinances related to detached structures that are not classified as ADUs but provide significant housing benefits. Currently, detached structures that are less than 120 sq.ft do not have setback requirements but must be less than 8 ft in height. The height restriction makes it impractical to construct detached studios that can be used as work-from-home offices. Specifically, I propose a review to consider changing the City Ordinances to allow an increased height (or additional roof slope above the wall plane) with reduced setbacks for detached structures less than 120 sq.ft that are used as workspaces.

This simple change would support several key objectives of the City of Sunnyvale:

1. Affordable housing:

- The average home price in the Washington Park area as of June 2024 is \$2.2 million¹, with most homes having 3 bedrooms on lots less than 6,000 sq.ft. This makes it extremely difficult for young families with work-from-home parents to afford housing in Sunnyvale.
- The small properties with narrow (often substandard) street frontage make it impractical to build ADUs that meet the Sunnyvale ordinances on many properties. Detached studio offices, however, offer a more affordable and practical solution for small, narrow lots when they can be built at reduced setbacks, enabling families to create necessary work-from-home spaces without the high costs associated with ADUs.
- One argument on the benefit of ADUs is to provide housing options for extended families such as aging parents. Detached studio offices provide the same benefit by freeing up a bedroom in the house, at a much lower expense.

2. Climate impact:

- The Sunnyvale Climate Action Playbook aims to reduce carbon emissions by 85% below 1990 levels by 2045². One of the largest sources of emissions in Sunnyvale is vehicle miles traveled for commuting. Play 3.1 of the Climate Action Playbook is to “*increase opportunities for and encourage development of mixed-use sites to reduce vehicle miles per person*”. During the Covid-19 pandemic when most workers were forced to work from home, emissions fell dramatically. Many employers still provide flexible working options that employees can take advantage of if they have viable work-from-home situations. The City of Sunnyvale can promote work-from-home options by developing ordinances that support construction of safe studio offices.
- Mature trees provide climate benefits but are often negatively impacted by construction of large ADUs that may replace them and reduce permeable land area in the City. Detached studio offices take up less land area and their smaller size has a reduced impact on trees.

3. Neighborhood congestion:

- Many streets in the Downtown and Washington Park areas of Sunnyvale are narrow and congested with parked cars due to a lack of driveway parking. In contrast to ADUs that bring in additional cars, detached studio offices increase land use efficiency and population density (from families) without adding more vehicles.

These issues highlight the need for improved ordinances that allow and promote the construction of detached work-from-home spaces. An internet search of “backyard office Sunnyvale” will bring up dozens of companies that are constructing backyard studio offices in the area, including the local Bay Area architect and builder Wellmade (www.wllmade.com) that built the studio office on my property.

¹ Zillow website, June 2024 (<https://www.zillow.com/home-values/254627/washington-sunnyvale-ca/>)

² Sunnyvale Climate Action Playbook

(<https://www.sunnyvale.ca.gov/home/showpublisheddocument/5082/638430745425470000>)

This shows the high level of interest and need for these mixed-use structures. City ordinances should be designed to work with these objectives.

In the individual planning project that is the focus of this appeal, the three findings that need to be assessed in granting a variance under the existing ordinances are met:

- First, the lot size is substandard with a width of only 50 feet along the street, where 76 feet is standard. Moving the existing structure to a 10-foot setback from the rear property line will align it with neighboring house windows, impacting their privacy, or it will infringe on the root area of a heritage magnolia tree.
- Second, the studio office was constructed to minimize the visual impact on surrounding properties, with a roofline that slopes up from 8-feet at the side closest to the property line to under 10-feet away from the property line. There is support for the existing structure from the neighbors that share property lines as evidenced by their letters of support. The Planning Department's suggestion to build the existing structure larger to meet ADU requirements would have a significant negative impact on the property and neighboring properties.
- Third, granting the variance aligns with the intent of existing ordinances. It does not confer special privileges as evidenced by the previous variances granted for detached structures and other building projects in the neighborhood that have a greater negative impact. An aerial view of the neighborhood shows many sheds, garages and other structures that have been constructed with little or no offset from property lines.

I am appealing to the City Council to consider reviewing and updating the existing Building Ordinances to permit construction of practical studio offices. These changes would promote mixed land use development that supports affordable housing and climate goals, providing a meaningful improvement to our community.

In conjunction with the broader goal of updating the ordinances, I respectfully request the granting of a variance for my current project, allowing the studio office to remain, subject to fire safety and electrical permitting, with a roof that slopes up from a height of 8 ft to a maximum of 9' 11" and a setback of 2' 2". I am immediately affected by the current ordinances, and this will allow me to continue working from home. Denying this variance would result in significant personal costs and counter the City's broader initiatives.

Thank you for considering my appeal and for your attention to this important issue. I look forward to working with you and the Sunnyvale Planning Commission to achieve these objectives.

Sincerely,



Scott McClennan
