



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 16-0429, Version: 1

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### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2016-7248

**Location:** 835 Dartshire Way (APN: 309-12-029)

**Applicant / Owner:** Ying Wang and Hongliang Yi

**Proposed Project:**

**TENTATIVE PARCEL MAP** to allow subdivision of an existing 14,863 square foot lot into two lots - 7,299 square feet (Lot 1) and 7,564 square feet (Lot 2).

**Reason for Permit:** A Tentative Parcel Map is required for all subdivisions that create less than five lots.

**Environmental Review:** Categorically Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15315 (Class 15, Minor Land Divisions)

**Project Planner:** George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

#### Description of Proposed Project

The applicant proposes to subdivide an existing 14,863 square foot single-family residential lot in two (Lot 1 - 7,299 square feet and Lot 2 - 7,564 square feet). The property is located in the R-0 (Low Density Residential) zoning district. See Attachment 5 for the applicant's project description letter. The project site is currently developed with a two-story single-family home with driveway access from Dartshire Way. Lot 1 would consist of the existing home (with modifications) and Lot 2 would be developed at a later time with a separate permit for a future single-family home. No common area is proposed between the two lots. A Tentative Parcel Map is required for the subdivision, per Title 18 of the Sunnyvale Municipal Code.

#### Background

In April 2016, the City approved a Design Review permit (file no. 2016-7169) for the applicant to demolish portions of the first and second floor and build a new garage with a small first floor living area addition. The project also included interior remodeling and new windows to the existing home. The applicant worked with the neighbors in the area to mitigate privacy impacts for the new second floor windows. The intent of the Design Review is to begin work on the existing home to accommodate the required setbacks and other development standards for the proposed subdivision. As of staff report production, the City has not yet issued the building permit for the existing home modifications. The Conditions of Approval require that the building permit for the existing home modifications be completed and finalized prior to recordation of Final Map, since the existing home footprint currently crosses the proposed property line and within required side yard setbacks.

The Design Review permit approval does not require the City to approve a subdivision, as the modifications to the existing home would still meet the required development standards without a subdivision. Additionally, as noted later in the report, the project is exempt from the California Environmental Quality Act (CEQA), and is not subject to restrictions against segmenting or “piecemealing” a project to avoid environmental review.

### **Site Layout**

The existing site is a corner lot located at the northwest corner of Dartshire Way and Kingfisher Way. Currently, the site maintains its primary frontage and driveway access off Dartshire Way. The site is elevated approximately three feet above the street curb line on Kingfisher Way, and there is a small wood retaining wall along the public sidewalk to support the grade differential. The proposal would subdivide the existing site into two, with Lot 1 proposed as a new interior lot, and Lot 2 proposed as a new corner lot. A new property line down the middle of the existing lot is proposed in a north-south direction between the two new lots. Both of the proposed lot sizes exceed the City’s minimum standard of 6,000 square feet for new lots in the R-0 (Low Density Residential) zoning district. See Attachment 2 for the Project Data Table.

Lot 1 is proposed at 59 feet wide, which exceeds the City’s minimum standard of 57 feet for new interior lots. Lot 1 would continue to have driveway access from Dartshire Way, but the new driveway approved with the previous Design Review permit for the existing home modifications would be located further away from the street intersection, and would only have one driveway approach instead of the two existing approaches. The new front entry to the existing home would be oriented towards Dartshire Way. The floor area ratio (FAR) and lot coverage meets standards for the 3,278 square foot existing two-story home at 45% and 31%, respectively. The required building setbacks for the existing home are met with the proposed subdivision and previously approved modification. The new setback standards for the proposed lot line apply to the right, or east side of the existing home. The first floor setback is proposed at 6’9” when a minimum of 4’ is required and the second floor is proposed at 13’7” when a minimum of 7’ is required.

Lot 2 is proposed at 62 feet wide, which meets the City’s minimum standard of 62 feet for new corner lots. Lot 2 would have a new driveway approach on Kingfisher Way, located approximately 80 feet from the stop sign of the intersection. A new home is not currently proposed and will be reviewed with a separate permit at a later time. However, the applicant has indicated a conceptual footprint of a new one-story single-family home. The conceptual design is not binding as part of this Tentative Parcel Map, and is subject to change with the future permit submittal. A one or two-story single-family home is permissible for Lot 2, per the current zoning standards.

### **Landscaping, Trees, and Fencing**

There are no minimum area requirements for landscaping in the R-0 Zoning District, and the applicant currently proposes no changes to the existing landscaping. Conditions of Approval require that a final landscaping plan be provided for the proposed Lot 2 that demonstrates compliance with the City’s water efficiency requirements, prior to building permits.

The project arborist report notes that there are three existing protected trees onsite (trees with circumferences of 38 inches or greater, as measured 4.5 feet above grade), as well as various shrubs and non-protected trees. The applicant proposes to retain all three existing protected trees with the proposed subdivision, and will retain other existing trees and shrubs when not in conflict with grading and required public improvements. Conditions of Approval require the applicant to

incorporate tree protection measures during grading and construction, as recommended by the project arborist.

The project proposes to grade down portions of Lot 2 near Kingfisher Way to lower the existing grade differential between the public sidewalk and site finished grade. The proposed grading would make Lot 2 slightly lower than the existing grade of the adjoining property to the north at 1445 Kingfisher Way. A new retaining wall and boundary line fence is proposed at the interface between the properties, and the Conditions of Approval require the final design to be approved by the adjoining property owner. Additionally, a new six-foot tall fence is proposed on the new property line between Lot 1 and 2 (north-south direction), on top of a one-foot retaining wall. The conceptual layouts and heights of the proposed fencing are consistent with City requirements.

### **Parking**

The existing home provides the required two-car garage and two uncovered driveway parking spaces. The conceptual future home on Lot 2 has been designed to accommodate area for a two-car garage and two-car wide driveway. The final parking details for Lot 2 would be reviewed in a separate permit.

### **Expected Impact on the Surrounding Neighborhood**

Staff finds that the layout and design of the subdivision is compatible with the surrounding residential neighborhood. The lot orientation and sizes are similar to other nearby homes and meet or exceed the minimum lot widths and areas standard for the R-0 zoning district. The existing home is being modified to meet setback requirements, and a conceptual footprint for a future home on Lot 2 demonstrates that required setbacks can be reasonably met.

### **Public Improvements**

The applicant is proposing to construct new curbs, gutters, driveway approaches, and sidewalks along the Dartshire Way and Kingfisher Way frontages in accordance with City standards. Public improvements also include new street trees on the Dartshire frontage, replacement of existing street light bulbs with LED bulbs, and an ADA-accessible curb ramp at the intersection.

### **Public Contact**

69 notices were sent to surrounding property owners and residents within 300 feet of the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. See Attachment 1 for a noticing map. Staff received a comment from a neighbor not in support of the project due to concerns with impacts to quality of life (see Attachment 6).

### **Environmental Determination**

A Categorical Exemption Class 15 relieves this project from CEQA provisions. Class 15 consists of minor land divisions in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

## **FINDINGS**

### **Tentative Map**

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied.

1. That the proposed map is not consistent with the General Plan
2. That the design or improvement of the proposed subdivision is not consistent with the general plan or with any applicable specific plan;
3. That the site is not physically suitable for the proposed type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably 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;
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.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by Title 18 of the SMC. Any such requirement or condition shall be specified.

Staff was *not* able to make any of the following findings and recommends approval of the Tentative Map.

### **ALTERNATIVES**

1. Approve the Tentative Parcel Map with recommended Conditions in Attachment 3.
2. Approve the Tentative Parcel Map with modifications.
3. Deny the Tentative Parcel Map.

### **RECOMMENDATION**

Alternative 1. Approve the Tentative Parcel Map with recommended Conditions in Attachment 3.

Prepared by: George Schroeder, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Conditions of Approval
4. Plan Set

- 5. Applicant's Project Description Letter
- 6. E-mail from Neighbor