



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

File #: 16-0579, Version: 1

### REPORT TO THE ZONING ADMINISTRATOR

File #: 2016-7412

Location: 462 E. McKinley Avenue (APN: 209-22-025)

Applicant / Owner: Construction Services (applicant) / Roberto and Madeline Sotelo (owner)

#### Proposed Project:

**VARIANCE** to allow a portion of a 72 sq. ft. front yard addition to encroach five feet into the required 20-foot front yard setback and a new front yard porch to encroach eight feet into the required 20-foot front yard setback

**Reason for Permit:** A Variance is required to consider a reduction in required setbacks

**Environmental Review:** Categorically Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1, Existing Facilities)

**Issues:** Setbacks

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

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

#### Description of Proposed Project

|                                   | Existing                | Proposed | Allowed/Required |
|-----------------------------------|-------------------------|----------|------------------|
| General Plan:                     | Residential Low Density | Same     | Same             |
| Zoning District:                  | R-0                     | Same     | Same             |
| Lot Size:                         | 5,000                   | Same     | 6,000            |
| Front Setback:                    | 15'                     | 15'      | 20'              |
| Porch Extension in Front Setback: | Approx. 1'              | 8'       | 2' allowed       |

|  |   |
|--|---|
| Previous Planning Projects related to Subject Application: | Design Review permit for a front and rear home addition (2015-8073) - approved by the Director of Community Development on February 11, 2016. |
| Neighborhood Preservation Complaint:                       | None  |

|   |     |
|---|-----|
| Deviations from Standard Zoning Requirements: The applicant is requesting Variances from Sunnyvale Municipal Code (SMC) Section 19.34.030 where a 20-foot front yard setback is required. The requested Variances are for a front living area addition and a new covered front porch. | Yes |
|---|-----|

The applicant requests a Variance to allow an approximate 40 square foot portion of a 72 square foot living area addition within a partially covered front porch area that is already within the required 20-foot front setback. This work was approved under a recent Design Review permit (file no. 2015-8073); however, during construction, it was discovered that the existing house is setback 15 feet from the front property line, instead of 20 feet as shown on the approved plans. Subsequently, any addition to the front of the home would require a Variance. The applicant is also requesting a Variance to allow a new 30 square foot covered front porch, which extends an additional three feet from the front wall (eight feet within the required 20-foot front setback). SMC Section 19.48.070 allows covered porches to extend into the required front yard a distance not to exceed two feet; however, this project is not technically subject to this provision, since the house wall is already within the required 20-foot front yard setback.

## Background

The project site is located mid-block on the south side of East McKinley Avenue between South Bayview Avenue and Central Avenue. The property is within a housing tract that was developed during World War II, including the south side of East McKinley Avenue, Southwood and Vine Avenues. The surrounding uses are single-family residences to the west, east, and south; and duplex and fourplex residential to the north.

The south side of the block is zoned R-0 (Low Density Residential), while the north side is zoned R-2 (Low-Medium Density Residential). Several of the R-2 zoned properties have a Planned Development combining district designation that was approved upon their individual redevelopment in recent years. The majority of the original homes in this neighborhood were constructed with less than 20-foot front yard setbacks. Several of these homes include front porches that encroach further into the required setback, as noted by the applicant in Attachment 2. The lots in this neighborhood are typically 50 feet wide by 100 feet deep, which are considered substandard for lot width and area by Sunnyvale Municipal Code. The majority of homes on the south side of East McKinley Avenue have detached garages in the rear.

The project site is currently developed with a 1,171 square foot one-story, single-family home and a 280 square foot one-car detached garage. The home was originally built in 1943 in the Minimal Traditional style. The scope of work that was approved under the previous Design Review permit, prior to discovering the front setback deficiency, was to legalize two unpermitted rooms in the rear of the home; fill in the partially-covered front porch at the northwest corner of the home to extend the area and functionality of the existing living room; and construct a new covered front porch. The project does not include extensive interior remodeling, nor require an upgrade to a two-car garage. The addition areas are designed to retain the existing architectural style and massing of the home. The front porch roof features a simple gable design, not unlike others in the neighborhood, and is

cantilevered from the house wall plane, without ground structural supports.

### **Applicant's Variance Justifications**

The applicant has provided justifications and photo examples of homes in the neighborhood with similar front yard setbacks to support the Variance requests (see Attachment 2). The following is a summary of the justifications:

- The original homes on the south side of East McKinley have existing non-conforming front yard setbacks, and the living area addition would not further encroach beyond the existing wall line.
- Many of the existing homes have a covered front porch, including those with less than 15-foot setbacks.
- There are limited opportunities for additions to the existing home, given the substandard small lot size (5,000 square feet) and the location of the detached garage and driveway, which impose difficulties in adding on to the side or rear yard.
- The Variance request does not harm or negatively impact the public or neighbors and will not grant the owners special privileges - the project would result in a home that is similar to others in the neighborhood.

The applicant also notes that the City approved a similar Variance in 2009 at 468 Southwood Avenue (2009-0567) to allow a covered front porch to encroach into the required 20-foot front yard setback. At the time, the City found that the addition would not further encroach beyond the existing front wall with a non-conforming setback, and that it was consistent with the overall neighborhood pattern. This site is located a block south of the project site with the same lot dimensions.

### **Public Contact**

120 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. At the time of preparing this staff report, staff has not received any inquiries or comments regarding the project.

### **Environmental Determination**

A Class 1 Categorical Exemption relieves this project from CEQA provisions. Class 1 consists of minor alterations to existing structures, including additions that will not result in an increase of more than 50 percent of the existing floor area, or 2,500 square feet, whichever is less. The overall project's 543 square foot addition is 37 percent of the existing floor area.

### **FINDINGS**

In order to approve the Variance requests, 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; and*

Although the lot width and area of these properties are considered substandard by current code

standards, the lot size and shape of the project site are similar to others in the neighborhood. The existing home was built with a front yard setback of 15 feet, which is similar to the predominant setback pattern of the original homes in the neighborhood. Some homes include front porches that further project into the nonconforming setback. The strict application of the setback standard would deprive the property owner from making any additions to the front of the home, when options to add to the side and rear are limited due to the existing driveway leading to the detached garage, and that significant interior remodeling would need to occur for a rear yard addition. The requested Variance will allow the applicant to improve the functionality of the living room area without extending past the existing front wall line, and would also allow a covered front porch element that is consistent with other homes in the neighborhood. The proposed front porch is attractive in design, adds visual interest and articulation to the front façade, and is consistent with the architectural style of the home.

*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; and*

The front living area addition would not be detrimental to the public welfare or injurious to the property/neighborhood since it is consistent with the predominant neighborhood front setback pattern, and would not extend past the existing wall line, which has been in place for over 70 years. The front porch addition that would extend three feet beyond the existing wall line would also not be detrimental to the public welfare or injurious to the property/neighborhood, since it is similar to other porches in the neighborhood with less than 15-foot setbacks. The porch would not obstruct required driveway vision triangles. The porch has been designed as an architectural feature with supports that cantilever from the wall face, instead of structural column supports that extend to the ground that could give the visual appearance of an enclosed area.

*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*

The intent of the front setback requirement is to provide sufficient light, air, and visual clearance when viewed from the street and neighboring properties. The proposed living area addition encroaches approximately 40 square feet into the required front yard setback, and is within an existing, partially-covered inset front porch area. The enclosed area would not go beyond the existing front wall line that constitutes the main mass and bulk when viewed from the streets and neighboring properties. Covered porches are normally allowed to encroach up to two feet into the required front setback since the visual obstruction is typically minimal, and to encourage elements to add visual interest to front facades. The proposed front porch does not qualify for this provision, since the front wall is already in the front setback, but it is consistent with the intent of the requirement, since it adds visual interest, and has been designed to be minimally intrusive with a cantilevered design. Granting of the Variances would not constitute a special privilege, as the living area addition would meet the same setback as existing homes in the neighborhood. The front porch would also be consistent with the character of the area, as having similar setbacks to others with setbacks less than 15 feet.

## **ALTERNATIVES**

1. Approve the Variance with recommended Conditions in Attachment 3.

2. Approve the Variance with modifications.
3. Deny the Variance.

### **RECOMMENDATION**

Alternative 1. Approve the Variance 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. Applicant's Variance Justification and Photos
3. Recommended Conditions of Approval
4. Plan Set