



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 16-0730, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2016-7385

Location: 798 West Iowa Avenue (APN: 165-04-003)

Applicant / Owner: IDA Inc. (applicant) / Aapo Kyrola and Tingting Shi (owner)

Proposed Project:

SPECIAL DEVELOPMENT PERMIT to allow a 155 square foot first-floor addition to an existing one-story single-family residence, resulting in total floor area of 3,397 square feet and 34.6 percent Floor Area Ratio. The property is located in Office zoning district with Planned Development combining district (O/PD).

Reason for Permit: A Special Development Permit is required for additions within a Planned Development (PD) zoning district and can allow deviation from the minimum 10 foot rear yard setback and 25 percent rear yard encroachment standard (SMC 19.34.03).

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Setbacks, rear yard encroachment

Recommendation: Approve with recommended Conditions of Approval.

PROJECT DESCRIPTION

Previous Planning Projects related to Subject Application:	None
Neighborhood Preservation Complaint	None
Deviations from Standard Zoning Requirements	Rear Setback and Required Rear Yard Encroachment

Background: The existing 3,242 square foot residence on a 9,808 square foot lot was built in 1955. The single-family residence is a legally non-conforming use within the Office/Planned Development (O/PD) zoning district. The applicant proposes a 155 square foot first-floor addition to the rear side of the one-story residence, and interior remodeling of the existing detached garage and guest room with a new bathroom. A Special Development Permit is required for additions within a Planned Development (PD) zoning district and to allow deviations from the rear yard setback and rear yard encroachment requirements.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

Architecture: The existing neighborhood is predominantly one-story single family residences with tract ranch architectural style with simple rectilinear forms and combination of gable and hip roofs.

The existing one-story home is located on the north side of Duane Avenue, near the intersection of Pine Avenue. The home has ranch style characteristics with a rectangular form, gable roofs, recessed entry porch, and repeated window forms.

The project consists of a 155 square foot addition to the rear of the home, which would include a new bedroom and a walk-in closet. The addition would match the exterior colors and materials of the existing house with siding and composition shingle roof material and maintains the same roof pitch. No tree removals are proposed. The architectural style and exterior finishes of the proposed addition are compatible with that of the existing house and the neighborhood.

Neighborhood Impacts / Compatibility: The addition will be located in the rear of the subject site and is at the same 6 foot rear yard setback as that of the existing house where a minimum of 20 feet is required.

The proposed structure is not expected to have a detrimental visual impact on the surrounding properties, as the design is compatible with the existing structure, the addition is proposed to be located in the rear yard, which will not be visible from the street, and will be located away from adjacent habitable areas. This project retains the existing 6 foot rear yard setback as that of the existing one-story home where a minimum of 20 feet is required. The project site's rear property line visually functions as a side yard and interfaces with the rear property line of two lots. The closest portion of the neighboring lot's home at 702 West Iowa Avenue is a non-habitable detached garage and the duplex at 433-435 Waverly Street is located nearly 30 feet from the shared property line. Based on the setbacks and location of the addition, staff believes that the project will have minimal impact on adjacent neighbors.

The applicant is also proposing interior remodeling of the existing detached garage and guest room by adding a new bathroom. Staff is concerned that the proposed detached habitable space could be used as a second living unit (Accessory Living Unit). To address this concern, staff recommends Condition of Approval (BP-3), which requires the applicant to record a Deed Restriction limiting the future use of the detached structure from becoming an Accessory Living Unit. [obtain planning permit for the Accessory Living Unit from the Community Development Department, which will be reviewed for compliance with the standards set forth in the Sunnyvale Municipal Code.](#) As conditioned, staff finds that the structure would not have a detrimental effect on the site or surrounding properties.

Development Standards: The proposed project complies with most of the applicable development standards as outlined in the Sunnyvale Municipal Code such as lot coverage, parking, and height. The Project Data table in Attachment 2 summarizes the project compliance with development standards/requirements. The project does not meet the rear yard setback and rear yard encroachment requirements (20 foot rear yard setback and a maximum of 25% encroachment within the 10 foot setback). Since the subject site is located within a Planned Development Combining District, deviations from the zoning regulations can be considered through a Special Development Permit.

A portion of the existing residence is located within this required rear yard setback and encroaches 46 percent into the required rear yard, where a maximum of 25 percent is allowed. It should be noted that the subject lot's rear property line visually functions more as a side yard than a rear yard. The proposed addition also maintains this existing 6 foot setback from the rear property line and

increases the rear yard encroachment by an additional 13 percent, resulting in total of 59 percent encroachment where a maximum of 25 percent is allowed.

Public Contact: 45 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No letters or calls were received from the public by staff.

Environmental Determination: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act. Class 1 Categorical Exemptions includes minor additions to existing structure (CEQA Section 15301).

FINDINGS-7/13

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

1. The proposed project attains the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale. *Finding Met*

Goals and Policies that relate to this project are:

General Plan

Policy LT -4.1: Protect the integrity of the city's neighborhoods; whether residential, industrial or commercial.

Policy LT-4.4: Preserve and enhance the high quality character of residential neighborhoods.

The subject property is among the nearly fifteen parcels located north of City Hall and Library that have traditionally been developed as single-family residential neighborhood, but has a General Plan and zoning district for Office (O). The character and scale of the neighborhood is similar to the residential neighborhoods towards its north and west. The proposed addition will allow the continuation of the existing residential use and meets the purpose of the General Plan.

2. The proposed project 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. *Finding Met*

The applicant proposes a small (155 square foot) addition to the rear of the existing residence that will match the architectural style and height of the one-story residence. Deviation from rear yard setback (6 feet where 20 feet is required) and rear yard encroachment (59% where 25% maximum allowed) will not have significant visual and privacy impacts on the neighbors as the addition is located in the rear and maintains the existing 6 foot rear yard setback. The addition is located away from adjacent properties habitable areas (the closest portion of the neighboring lot's home at 702 West Iowa Avenue is a non-habitable detached garage and the duplex at 433-435 Waverly Street is located almost at a distance of nearly twice the required setback requirement).

ALTERNATIVES

1. Approve the Special Development Permit with recommended Conditions located in Attachment 3.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions of Approval in Attachment 3.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Shétal Divatia, Senior Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Conditions of Approval
4. Site and Architectural Plans
5. Applicant's Special Development Permit Justification Form