



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

File #: 17-0301, Version: 1

### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2016-7950

**Location:** 313 North Sunnyvale Avenue (APN: 204-35-028)

**Applicant / Owner:** Adolfo M. Martinez / Arun & Deepa Jangity

**Proposed Project:**

**USE PERMIT** to allow a 798-square foot detached accessory habitable structure, 13 feet one inch in height, in the rear yard of an existing single-family residence, and a 125-square foot addition to the garage of the main residence, for a total floor area of 2,772 square feet for the site (38.4% FAR).

**Reason for Permit:** A Use Permit is required to allow areas of all accessory structures to exceed 450 square feet.

**Issues:** Rear yard coverage

**Project Planner:** Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

The proposed project is for a 798-square foot detached habitable accessory structure to be constructed in the rear yard. The resulting structure would include two bedrooms, one bathroom, and living area. The accessory structure is proposed to be 13 feet one inch in height and does not include a kitchen. A Use Permit is required for accessory structures greater than 450 square feet in area per Sunnyvale Municipal Code (SMC) Section 19.40.020(f). The project also includes an addition of 125 square feet to the garage of the main residence for a total floor area of 2,772 square feet for the site and a Floor Area Ratio (FAR) of 38.35%. See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Project Data Table.

Previous Planning Projects related to Subject Application: Design Review (2003-0725) to allow Master Bedroom, Bath and Kitchen addition.	Yes. Approved by staff on February, 2004
Neighborhood Preservation Complaint: Weed abatement in 2005, junk and debris on property in 2013, and construction without permits in 2015.	Yes. Cases closed.
Deviations from Standard Zoning Requirements:	No

### Background

The home is located within a neighborhood of single-family residences constructed in the 1940's. The existing one-story residence is 1,849 square feet, which includes a 282-square foot single-car

garage.

The project parcel is approximately 139 feet in length and 52 feet in width, with a 65-foot eight-inch setback from the rear property line to the main residence. The proposal is to demolish the existing shed in the rear yard and construct a new 798-square foot detached accessory habitable structure. The project also includes an addition of 125 square feet to the garage of the main residence to convert the single-vehicle garage into a tandem two-vehicle garage. There is a large protected tree located behind the main residence.

### **Architecture**

The design of the accessory structure contains traditional elements reflective of the main residence with stucco exterior walls and a low-pitched roof with composition shingle roof material. Sliding glass windows are proposed on the front and rear elevations with smaller windows on all four elevations. An entry door with a small porch is proposed on the east (front) elevation. The layout of the accessory structure includes two bedrooms, a bathroom and a living area (game room).

The 125-square foot addition to the garage of the main residence results in small additions to the front and rear of the house.

### **Accessory Structure**

An application for an accessory structure greater than 450 square feet is considered as a Use Permit with a public hearing approval process. Staff recommends Condition of Approval limiting its use for conversion to an accessory dwelling unit (Attachment 3).

### **Development Standards**

The proposed project complies with the applicable development standards as set forth in the SMC such as the setbacks, lot coverage, parking, and height. The new accessory structure would be located 12 feet from the rear property line and encroaches 242 square feet in to the rear setback where the maximum permitted under the Sunnyvale Municipal Code (SMC) Section 19.48.050 is 260 square feet or 25%. The accessory structure complies with the minimum side yard setback of four feet and combined side yard setback of 10 feet. The right side setback is proposed to be five feet and the left side setback is eight feet nine inches. The proposed height of the structure is 13 feet one inch.

The increase of the total bedroom count over four bedrooms requires an upgrade of the one-vehicle garage to a two-vehicle garage per SMC Section 19.46.050. A tandem garage could be considered if the approving authority could make a finding that the width of the subject lot is less than 57 feet wide. The width of the subject property is 52 feet wide. Staff has included standard tree protection requirements for the protection of the large tree located behind the main residence during construction (Attachment 3).

### **Neighborhood Impacts / Compatibility**

The neighborhood contains primarily single-story homes. The project site is adjacent to single-family residences on both sides and behind. The proposed accessory structure will meet all the setback

requirements and is proposed to be located 26 feet five inches from the main residence.

The proposed structure is not expected to have a detrimental visual or privacy impacts to the surrounding properties, as the design is compatible with the main structure and the one-story structure will be located away from adjacent habitable areas. The closest portion of the neighboring property towards the left side is a non-habitable detached shed. Visual separation is provided through a 10-foot setback from the rear property line. The applicant's stated intent for the structure is to provide space for family to stay (See Attachment 5 for Use Permit Justification form completed by the applicant.).

**Public Contact:** 66 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 Categorical Exemption Class 3 (new construction or conversion of small structures) relieves this project from California Environmental Quality Act (CEQA) provisions.

## **FINDINGS**

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 (Finding met)

*General Plan Policy LT 4.1: Protect the integrity of the City's neighborhoods, whether residential, industrial, or commercial.*

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

An accessory habitable structures, with recommended Conditions of Approval, is not likely to negatively impact surrounding properties. The proposed building has been designed to be compatible with the development pattern and architectural style found in the main building and within the existing neighborhood.

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. (Finding met)

The presence of an accessory habitable structure within the rear yard will likely have no visual impacts to the neighborhood. The structure will not be visible from the street, thus resulting in little adverse consequence to the streetscape. Likewise, its impact on surrounding homes can be considered minor. The structure will be constructed of high-quality materials, and feature a design compatible with the architecture of the residence and those of surrounding homes within the neighborhood. The proposed structure would not result in significant visual or privacy impacts to surrounding properties, as the structure will be located away from adjacent habitable areas. Staff recommends Conditions of Approval that restrict use of the building for habitation (Attachment 3).

### **ALTERNATIVES**

1. Approve the Use Permit with recommended Conditions of Approval in Attachment 3.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

### **RECOMMENDATION**

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

Prepared by: Momoko Ishijima, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Standard Requirements & Recommended Conditions of Approval
4. Site and Architectural Plans
5. Use Permit Justification Form by Applicant