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File #: 17-1044, Version: 1

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### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2017-7741

**Location:** 777 W. Washington Avenue (APN: 165-15-083)

**Applicant / Owner:** Craftsmen's Guild, Mike Amini/Rebecca Allen Diamond

**Proposed Project:** Allow a 10'11" tall, 454 sq. ft. accessory structure consisting of a detached two-car garage and laundry room in the required rear yard (62% required rear yard encroachment) of a property with an existing 826 sq. ft. single-story, single-family home. The accessory structure is proposed to be located in the right, rear corner of the property with a zero-foot setback on the rear and right property lines. The current detached 203 sq. ft. accessory structure and two sheds will be removed. There are no structural changes proposed to the existing home.

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

A Use Permit is required to allow accessory structures to exceed 450 sq. ft., and exceed 25 percent encroachment of the required rear yard.

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

**Issues:** Setbacks, Rear Yard Encroachment, Accessory Structure Size

**Project Planner:** Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

The applicant proposes a 10'11" tall, 454 sq. ft. accessory structure consisting of a detached two-car garage (408 sq. ft.) and laundry room (46 sq. ft.) in the rear yard of a property with an existing 826-sq. ft. single-story, single-family home on a 3,650 sq. ft. lot. The accessory structure is proposed to be located in the right, rear of the property with a zero-foot setback on the rear and right property lines. The entire accessory structure is located in the required rear yard resulting in a 62 percent encroachment into the required rear yard. The current detached 203 sq. ft. accessory structure in the rear yard and two sheds will be removed. There are no structural changes proposed to the existing house.

The applicant requests a:

- Variance to allow a zero-ft. side yard setback when a 4-foot minimum side yard setback is required by Sunnyvale Municipal Code (SMC) Section 19.34.030
- Variance to allow a zero-ft. rear yard setback when a 10-foot rear setback (provided no more than 25% of the required rear yard is covered) by SMC Section 19.48.050.
- Use Permit to allow a 454-sq. ft. accessory structure which exceeds the 450 sq. ft. maximum per SMC Section 19.40.030.
- Use Permit to allow 62% encroachment in the required rear yard area which exceeds the 25%

maximum rear yard coverage per SMC Section 19.40.020

A Miscellaneous Plan Permit (MPP) with notice is normally required for detached required parking. This request is included in the request for Use Permit.

See Attachment 1 for the Vicinity and Noticing Map, and Attachment 2 for the Project Data Table.

Previous Planning Projects related to Subject Application	Tree Removal Permit for removal of an avocado tree in the rear yard (2015-7934) - approved by the Director of Community Development on November 11, 2015.
Neighborhood Preservation Complaint	None
Deviations from Standard Zoning Requirements	Variance for zero-foot setbacks on the rear and right property lines. Use Permit for exceeding maximums on the rear yard encroachment and accessory structure square footage.

## Background

The project site is located on the north side of West McKinley Avenue between South Pastoria Avenue and Florence Street, where nine of the 11 properties have been subdivided into lots ranging from 3,650-4,000 sq. ft. The lots are approximately 36.5 - 40 ft. wide by 100 ft. deep. The properties are substandard lots for the R-2 zoning district, which require a minimum of 8,000 sq. ft. and 76 ft. property width. The property at 777 W. Washington Avenue is 3,650 sq. ft. and 36.5 ft. wide. This neighborhood is unique as many lots are smaller than currently allowed and numerous homes have non-conforming detached structures that do not meet current setback requirements, such as:

- 799 W. Washington Ave. - This two-story corner lot house next door on the left of 777 W. Washington has a zero-lot line garage with the 13' high gable end adjacent to the rear yard of 777 W. Washington Ave. (See site photos in Attachment 6)
- 747 and 729 W. Washington Ave. further east in the same subdivision both have detached garages in the rear with 2-3 ft. setbacks.
- 699 W. Washington Ave. - Variance #2009-0317 approved a 3' rear setback for a detached garage on a corner lot. A 3' side yard variance was requested but not allowed.

There were no additional permits found for the existing substandard garage setbacks in the neighborhood and their legality is unknown.

See Attachment 7 for a planimetry of W. Washington Ave. showing structures (houses and detached structures) and their heights.

The immediate surrounding uses are single-family residences, mostly built in the Minimal Traditional style in the 1920s and 1930s; Washington Park is located to the southwest. All the adjacent blocks are zoned R-2 (Low-Medium Density Residential) except across S. Pastoria Ave. along W. Washington Ave. is zoned R-0 (Low Density Residential) with single-family homes built in 1946-47.

**Architecture and Design:** The simple design of the accessory structure matches the Minimal Traditional architecture of the house. The overall height of the accessory structure is 10'11" with an 8 ft. plate height and a hip roof. The exterior colors and materials of the accessory structure will match the main house. Staff recommends a condition of approval to have the accessory structure siding match the siding and color of the main house. The Recommended Conditions of Approval and Standard Requirements are in Attachment 3.

**Neighborhood Impacts:** Because the proposed structure is located in the rear of the property, it will have little impact on the neighborhood streetscape. The hip roof of the accessory structure and the 10'11" height with 8 ft. plate heights will reduce impact of the zero-ft. side and rear setbacks on the adjacent neighbors. In addition, the privacy of the surrounding properties is not expected to be impacted because the zero-ft. lot line accessory structure walls have no windows (required by Building Code) and are located away from habitable areas of the adjacent neighbors.

**Deed Restriction/Habitability:** Staff is recommending approval of the Variance and Use Permit in order to provide a two-car garage on the property. The accessory structure should continue to be used as a garage and not be converted into an accessory dwelling unit or other habitable space such as a workshop, storage shed or artist studio. A Condition of Approval requires that the applicant record a deed restriction with the County stating that the accessory structure will not be used as an accessory dwelling unit or other habitable space. Staff further recommends conditions of approval that there will be no kitchen or kitchenette allowed in the structure and the structure shall not be converted to a conditioned or habitable space. A non-habitable structure would be used less intensively and is not expected to negatively impact surrounding properties. The Recommended Conditions of Approval and Standard Requirements are in Attachment 3.

**Development Standards:** The proposed project complies with the applicable development standards as set forth in the SMC, such as lot coverage, parking, height, landscaping and usable open space. Because two existing sheds are proposed to be removed, the overall lot coverage and floor area ratio is increasing only one percent. The location of the accessory structure at the zero-lot line allows for the 24' back-up distance required by Sunnyvale Municipal Code (SMC) Section 19.46.120. A recommended condition of approval will be that, in order to preserve the open space in the rear yard, no additional sheds shall be added to the property in the future. An additional recommended condition of approval will be to relocate the existing air conditioning unit on the east elevation to provide better access to the garage. The recommended Conditions of Approval and Standard Requirements are in Attachment 3.

### **Public Contact**

86 notices were sent to surrounding property owners and residents within 300 ft. 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 the 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 sq. ft., whichever is less. The overall project's 454 sq. ft. addition is 44% of the existing floor area of 1029 sq. ft. (826 sq. ft. house and 203 sq. ft.

accessory structure).

## **FINDINGS**

### **Variance 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*

The lot width of 36.5 ft. and 3,650 sq. ft. area of the property are considered substandard by current R-2 zoning district standards of 76 ft. wide and 8,000 sq. ft. in lot area. The project site is 4,350 sq. ft. less than the minimum required lot area of 8,000 sq. ft. size, and the lot width is 39.5 ft. narrower than the minimum required lot width of 76 ft. for the R-2 zoning district. The existing accessory structure was built as a one-car garage with a side yard setback of 2'7", which is similar to the predominant setback pattern of the original homes in the neighborhood. Strict application of the side and rear setback standards would deprive the property owner of having the two-car garage required by SMC Section 19.46.050, because building the accessory structure within the required setbacks would not allow for sufficient entry and back up to and from the garage due to the narrow lot width. The requested Variance will allow the applicant to provide a two-car garage with the required 24' back-up distance.

Most of the homes in the neighborhood, except the adjacent property at 799 W. Washington, do not have two-car garages because they were built before the Sunnyvale Municipal Code required two-car garages.

*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*

Because the proposed structure is located in the rear of the property, it will have little impact on the neighborhood streetscape. The hip roof of and 10'11" height of the accessory structure, the will reduce impact of the zero-ft. side and rear setbacks on the side and rear and side yard neighbors. In addition, the privacy of the surrounding properties is not expected to be impacted because the zero-ft. lot line accessory structure walls have no windows and are located away from habitable areas of the adjacent neighbors.

*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 setback requirements is to provide sufficient light, air, and visual clearance when viewed from the street and neighboring properties. The proposed accessory structure at the zero-ft. lot line is similar in placement to the accessory structure of the neighbor next door at 799 W. Washington Ave. The project meets the open space requirements and thus provides

sufficient air and light to the property. Even though the most of the surrounding neighbors do not have two-car garages, the newer homes in the R-2 zoning district are required to provide two-car garages. Granting the Variance would allow the property owner to provide the two-car garage with the 24 ft. back up distance.

The applicant has also provided Variance Justifications (See Attachment 5)

### **Use Permit 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)**

*POLICY 51: Enforce design review guidelines and zoning standards that ensure the mass and scale of new structures are compatible with adjacent structures...*

*Action 3: Enforce local design guidelines that ensure buildings and monuments respect the character, scale, and context of the surrounding area.*

The proposed accessory structure with the recommended Conditions of Approval, respects the character, scale, and context of the surrounding neighborhood because it is less than 11 ft. in height and designed to be compatible with the main residence and the neighborhood.

*Action 4: Ensure that new construction and renovation contribute to the quality and overall image of the community.*

The proposed accessory structure with the recommended Conditions of Approval and Standard Requirements contributes to the overall image of the community because the project allows the property owner to make better use of the rear yard by removing the multiple sheds and accessory structure and consolidating them into a single accessory structure, thus reducing the cluttered appearance of the rear yard while maintaining the landscaping and useable open space areas.

*Action 5: Use the development review and permitting processes to promote high-quality architecture and site design.*

The proposed accessory structure, with the recommended Conditions of Approval, will be constructed with high-quality materials, and feature a design compatible with the architecture of the main residence and those of surrounding homes within the neighborhood.

The applicant has also provided Use Permit Justifications (See Attachment 5)

### **ALTERNATIVES**

1. Approve the Variance and Use Permit with recommended Conditions and Standard Requirements found in Attachment 3.

2. Approve the Variance and Use Permit with modifications.
3. Deny the Variance and Use Permit.

### **RECOMMENDATION**

Alternative 1. Approve the Variance with recommended Conditions and Standard Requirements found in Attachment 3.

Prepared by: Teresa Zarrin, Associate Planner

Approved by: Ryan Kuchenig, Senior Planner

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data
3. Recommended Conditions of Approval (COA) and Standard Requirements
4. Site and Architectural Plans
5. Applicant's Variance and Use Permit Justifications
6. Site Photos
7. 2015 Planimetry