



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0697, Version: 1

REPORT TO CITY COUNCIL

SUBJECT

CONTINUED FROM JULY 31, 2018 CITY COUNCIL MEETING

Proposed Project:

Appeal by the Applicant of a Planning Commission decision to deny a Design Review and Variance to allow a new one-story single family home resulting in 1,963 square feet (1,640 square feet of living area and 323 square foot one-car garage) and 51% floor area ratio on a 3,800-square foot lot (FAR greater than 45% requires Planning Commission review) with the following requested variances:

- 10-15-foot front yard setback where 20 feet minimum is required;
- 7 foot 2-inch combined side yard setback where 10-foot minimum is required;
- One-covered parking space where two-covered parking spaces are required; and,
- No uncovered parking spaces where two-uncovered parking spaces are required (*subsequently revised to provide one uncovered space with substandard length of 18 feet*).

Location: 814 Coolidge Avenue (APN: 165-17-017)

File #: 2017-7765

Zoning: R-2 (Low Medium Density Residential)

Applicant / Owner: Joe and Raquel Fanucchi (applicant / owner)

Environmental Review: Class 1 Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions that include minor additions to an existing single-family residence (CEQA Guidelines Section 15301).

Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

BACKGROUND

The project was continued from the July 31, 2018 City Council hearing to correct a public noticing error.

The project description was revised from the previous staff report (and notice) to reflect the net lot area of 3,800 square feet and resulting 51% floor area ratio (FAR) after the 5-foot street right-of-way dedication. An updated noticing map is provided in Attachment 1. An updated Data Table is Attachment 2 and includes updates to the property size, lot coverage, FAR, and revised driveway length.

Official Plan Lines for Coolidge Avenue

The official plan lines for Coolidge Avenue were adopted on May 31, 1960 by Ordinance No. 822 and codified in Sunnyvale Municipal Code (SMC) Chapter 19.06. The Official Plan Line is to provide a 50-foot right-of-way where 40 feet was originally provided. A 5-foot street dedication on each side of the street would be required. This results in a five-foot dedication for the subject property.

Dedications are required when a property is proposed for subdivision or when a new home is proposed on a property subject to the dedication. In this case, the project is considered as a new home due to the significant alteration of the home where more than 50% of the existing walls are modified. The City is acquiring the right of way incrementally with each project that comes forward. The widening of the street will not occur until the right-of-way for the entire block is obtained. Currently, 15 out of the 54 lots on Coolidge have dedicated a street easement.

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on May 14, 2018 and voted 4-3 to deny the Design Review and Variance. The basis of their denial included the following:

- Substantial number of requested deviations.
- Substandard parking condition would result in negative parking impacts to the neighborhood.
- Insufficient evidence for compliance with fire and safety requirements.
- Architectural design was lacking decorative elements.

APPEAL

On May 29, 2018, the project was appealed by the applicant. The letter of appeal is included as Attachment 9. In summary, the appellant states the following reasons for the appeal:

- The project meets the required findings for a variance and the denial deprives the appellant of privileges that are enjoyed by other R-2 properties as well as those that were granted variances for similar deviations for lot coverage and reduced building setback utilizing the 5-foot street easement dedication as a justification for the hardship. Furthermore, other property owners along the residential block on Coolidge Avenue were granted design review permits that allowed for a continuation of legal, non-conforming conditions such as reduced building setbacks and the use of a one-car parking garage.
- The denial was due in part to the lack of clarity on the 5-foot street easement dedication. The Planning Commission did not fully consider the 5-foot street easement dedication is requirement of the City's official plan line for Coolidge Avenue. The only requirement is for the street easement dedication of 5 feet. The streetscape improvements have not been determined nor required to be installed now.
- After further consideration, the applicant/appellant has redesigned the site plan to provide a driveway depth of 18 feet to be consistent with the standard parking stall dimension.

STAFF COMMENTS ON APPEAL

The purpose and intent of a variance is to allow for deviations from current zoning requirements due to a physical hardship or unusual circumstances making it difficult for the property owner to comply with the zoning development standards or prevents the property owner from enjoying the same privileges as other property owners in the same zoning district in the vicinity. Many of the variance items are requested to allow the new home to maintain existing non-conforming walls and to accommodate the 5-foot street easement dedication for future Coolidge Avenue widening.

Minimum Lot Coverage (*Design Review*)

Staff supports the request to allow lot coverage of 51% instead of the required 45% because the small lot is 3,800 square feet (after dedication) where the minimum lot size for an R-2 lot is 8,000 square feet.

Reduced Setbacks (*Variance*)

Staff supports the reduced front and combined side yard setbacks because the unusually narrow property makes meeting the setback requirements difficult.

Staff also finds the granting of a variance would not constitute as a special privilege because of the previous variances for similar deviations that were approved for other homes on the same block on Coolidge Avenue. Attachment 10 provides a summary of the approved Design Review and Variances that were granted for similar deviations and/or continuation of legal, nonconforming conditions.

Revised Site Plan and Uncovered Parking Space (*Variance*)

The required uncovered parking for a single-family house is two spaces that are 20-feet in length. The applicant initially proposed a 15-foot long one-car driveway, which requires a variance. The applicant has subsequently proposed to lengthen the driveway space to 18-feet in length. Staff would be concerned that driveway spaces that are too short could result in a vehicle overhanging the public sidewalk. In 2000, a variance was approved for a 15-foot driveway depth for the home at 809 Coolidge Avenue (Variance No. 2000-0715); that site met the minimum covered parking requirements with a two-car garage. In recent R-2/PD subdivisions, an 18-foot driveway depth has been approved to satisfy the uncovered parking requirements; these subdivisions were typically on private streets. Parking spaces in parking lots are required to provide a minimum parking space length of 18 feet. In this case, the project would be providing one covered parking space and one uncovered parking if the Variance is allowed for the reduced driveway depth. Staff supports the variance for the 18-foot parking space length as currently designed.

Compliance with Fire Codes

In the project plans reviewed by the Planning Commission, a note on the applicant's plans stated a fire division deviation was necessary for the distance of fire ladders from adjacent properties. After the Planning Commission consideration, Fire Protection staff further reviewed the plans and determined ladders are not required because of the single-story design and the plans were incorrect. Also, since it is a new home, fire sprinklers are required. The project therefore would meet Fire Code requirements.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Deny the Appeal and uphold the decision of the Planning Commission to deny the Design Review and Variance.
2. Make the necessary CEQA findings and grant the Appeal and approve the Design Review and Variances as requested by the applicant to allow variances for front yard setback, combined side yard setback, lot coverage, one covered parking space and one uncovered parking space with reduced length of 18 feet, subject to the findings in Attachment 3 and Conditions of Approval in Attachment 4.
3. Make the necessary CEQA findings and grant the Appeal and approve the Design Review and

Variance with modifications, as determined by the City Council, subject to modified findings and conditions of approval.

STAFF RECOMMENDATION

Alternative 2: Make the necessary California Environmental Quality Act findings and Grant the appeal and approve the Design Review and Variances as requested by the applicant to allow variances for front yard setback, combined side yard setback, lot coverage, one covered parking space and one uncovered parking space with reduced length of 18 feet, subject to the findings in Attachment 3 and Conditions of Approval in Attachment 4 of the report.

The original staff recommendation to allow all but one of the variances (uncovered parking space length) has been addressed by the revised driveway design. Staff finds that the reduced lot width and lot area justify approval of the variances and that the architectural details of the project, as conditioned, are compatible with the architecture in the neighborhood.

Prepared by: Cindy Hom, Associate Planner

Approved by: Andrew Miner, Assistant Director of Community Development

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Vicinity and Noticing Radius Map **(updated)**
2. Project Data Table **(updated)**
3. Recommended Findings
4. Recommended Conditions of Approval
5. Project Plans
6. FAR Analysis

Additional Attachments for Report to Council

7. Report to Planning Commission of May 14, 2018 (without attachments)
8. Excerpt of Minutes of the Planning Commission Meeting of May 14, 2018
9. Appeal Letter
10. Variance Survey on Coolidge Avenue