



File #: 18-0869, Version: 1

### REPORT TO PLANNING COMMISSION

#### SUBJECT

##### **Proposed Project:**

**DESIGN REVIEW** - Allow a 505-sq. ft. second-story addition and a 151-sq. ft. first-story addition on an existing 2,062 sq. ft. single-story, single-family home resulting in 2,718 sq. ft. (2,174 sq. ft. living area, 431 sq. ft. garage, and 113 sq. ft. covered portion of patio) and 48% FAR.

**USE PERMIT** for a 7'5" fence along the reducible front yard property line (along Margaret Ct.);

**VARIANCE** to allow: 9'3" setback for patio columns when 10' is required and 4'11" setback for an AC unit in the reducible front yard when 9' is required.

**Location:** 902 W. Cardinal Drive (198-11-036)

**File #:** 2018-7675

**Zoning:** R-0 (Low Density Residential)

**Applicant/Owner:** M. Designs Architects, Alpheus Jessup/ Ray and Sinead Murphy

##### **Environmental Review:**

- Design Review and Variance for Air Conditioner: Categorically Exempt Class 1(e). Class 1 (e) (1) Categorical Exemptions, Section 15301(e) include additions to existing structures resulting in no more than a 50% increase in floor area.
- Use Permit (fence) Variance (patio): Categorical Exemption Class 3 relieves this project from California Environmental Quality Act (CEQA). Class 3 Categorical Exemptions includes construction of new accessory structures (patio) including fences (CEQA Section 15303 (e)).

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

#### REPORT IN BRIEF

**General Plan:** Low-Density Residential

**Existing Site Conditions:** One-Story Single-Family Residence

##### **Surrounding Land Uses**

**North:** One-Story Single-Family Residence

**South:** One-Story Single-Family Residence

**East:** One-Story Single-Family Residence

**West:** One-Story Single-Family Residence

**Issues:** Neighborhood Compatibility, Floor Area Ratio, Compliance with Single-Family Home Design Techniques

**Staff Recommendation:** Approve the Design Review, Use Permit and Variances with the Conditions of Approval in Attachment 4.

#### BACKGROUND

##### Project Description

The project site is 0.1289 acres (5,614 sq. ft.) in size and is currently developed with a 2,062-sq. ft. single-story, single-family home (37% floor area ratio - FAR). The applicant proposes to add a 505-sq. ft. second story addition and a 151-sq. ft. first story addition to the existing single-story, single-family home resulting in 2,718 sq. ft. and 48% FAR. The project also includes legalizing an existing fence, a rear yard patio, and an air conditioning unit that were built without permits but that have been in place for many years. The unpermitted elements were discovered as part of the permit review and there are no active neighborhood preservation complaints on the property. See Attachment 10 - Letter from Applicant.

### **Reason for the Permits**

The applicant originally applied for a staff-level design review (#2018-7467). When reviewing the plans, it came to staff's attention that the 7'5" high fence along the reducible front property line requires a Use Permit, and the existing patio in the rear yard and air conditioner in the reducible front yard require Variances. Additional square footage was identified in the review which resulted in the project having 48% FAR, which requires Planning Commission review.

### **Previous Actions on the Site**

- Design Review - 2018-7467 was withdrawn when the applicant decided to pursue permits for the fence, patio, and air conditioning unit, and increasing the proposed floor area ratio to above 45%.
- Building Permit- 2016-1053 added a gas line from the meter to the outdoor BBQ (under the patio).
- Building Permit - 2014-3204 enclosed the carport to create a garage, created a master bedroom and bathroom, and remodeled the kitchen and hallway bathroom.

This report will discuss each permit separately beginning with the design review and ending with the variances.

## **DISCUSSION (Design Review)**

### **Background**

A Design Review permit is required for second-story additions to evaluate compliance with development standards and the Single-Family Home Design Techniques.

The project is located on the southeast corner of W. Cardinal Dr. and Margaret Ct. one block west of Bernardo Ave. and Cherry Chase Elementary School. The existing neighborhood (as defined by the Single-Family Home Design Techniques - both block faces within the same and immediate adjacent block) is comprised of mostly single-story, single-family residences, which were developed in the mid-1950s. The overall neighborhood is predominantly one-story homes with three, two-story homes out of 46 homes in the neighborhood- two on S. Bernardo Ave. and one on the intersection of W. and E. Cardinal Drives. See Attachment 5 (Page 3) - FAR and Two-Story Map (of the neighborhood).

### **Architecture**

The second story addition is towards the rear of the home and set back 44' from the front property line and 26' from the rear property line. The side setbacks are approximately 19' from the left and 12'5" from the right (Margaret Ct.) which is approximately 15' more than the required combined side

yard setback of 16'. The home design includes a new charcoal grey standing-seam metal roof and exterior walls that are a combination of 5" horizontal siding and stucco. The second-story addition has 8' plate heights and a 4.5:12 roof pitch to match the first story. The second story roof forms are gable while the first story roof form is a hip roof on the right side over the living area and a gable over the garage (left side when facing the front of the house).

### **Development Standards**

The design review portion of the project (second story addition) complies with the applicable development standards as set forth in the Sunnyvale Municipal Code, such as lot coverage, parking, height, solar access, and setbacks. See Attachment 2 - Project Data Table.

### **Floor Area and Floor Area Ratio**

FARs in the neighborhood range from 13-45% with an average of 29%. Out of the 46 homes, there are three homes with 40% - 45% FAR and no homes with greater than 45% FAR. The gross floor area of homes in the neighborhood ranges from 1,296 to 3,966 square feet, with an average of 1,952 square feet. The proposed 48% FAR would be the largest FAR in the neighborhood (see Attachment 5), although there are two homes with larger gross floor area in the neighborhood (2,711 and 3,966 sq. ft.).

### **Second Floor Massing (proportion of first story to second story)**

The neighborhood is a predominately single-story neighborhood. The Single-Family Home Design Technics (SFHDT) recommends that in a predominately single-story neighborhood, the second-story to first-story ratio for a two-story home should be no more than 35%. The second-story to first story ratio of the project is 23%, well-within the guideline.

### **Neighborhood Compatibility**

The addition would make the house the highest FAR in the neighborhood; however, the generous setbacks of the second story minimize the impact of the second story on the neighborhood, the:

- Front setback is 44'2" when 25' is required
- Left setback is 18'11" when 7' is required
- Right setback is 12'5" when 9' is required
- Rear setback is 26'1" when 20' is required

The 24' height of the project is reasonable for a two-story house. The 8' first and second-story plate heights are compatible with the plate heights of the surrounding neighborhood.

Changing the roof from a gable to a hip roof would better blend the second story with the first story and minimize the impact of the second story on the streetscape which has mostly hip roofs with some gabled-roof garages. The other two-story homes in the neighborhood have hip roofs, one flat roof, and a combination of hip roof with minimal second story gable. Staff recommends a condition of approval to change the second-story gables to a hip roof to better blend with the first story and reduce the massing of the exposed corner house on both streetscapes of W. Cardinal Dr. and Margaret Ct. See Attachment 6 - Two-Story Homes in the Neighborhood.

Staff finds the building materials to be aesthetic and harmonious with the surrounding neighborhood because it uses traditional (stucco and siding) as well as modern elements (standing seam metal roof). See Attachment 9 - Site and Architectural Plans.

## Privacy Impacts

- Left Side - Because the left side of the house is setback almost 25' from the left neighbor (19' to the property line and 6' from the property line to the neighbor's house) it may not be necessary to install high-sill windows on the left side of the master bedroom; however, if the neighbor expresses concern about their privacy, the Planning Commission can consider requiring the installation of high-sill windows.
- Right Side - The right side of the property faces Margaret Court so there are no privacy concerns regarding the second story addition.
- Rear - The closest window to the rear property line is a high-sill window in the walk-in closet. The master bedroom window facing the rear yard is 33' away from the rear property line and faces the neighbor's front yard and partially the side yard of the rear yard neighbor so there is no need for a high-sill window in the master bedroom facing the rear yard.

## Applicable Design Guidelines

Staff considers the proposed home to be consistent with the adopted Single-Family Home Design Techniques regarding second story additions. It positively adds to the streetscape if the roof is changed to a hip roof. The generous setbacks and reasonable height lessen the impact of the addition on the streetscape in the predominantly one-story neighborhood. The exterior materials of stucco, siding and standing seam metal roofing are compatible with the neighborhood.

## Design Review Findings

See Attachment 3 - Recommended Findings (for the Single-Family Home Design Techniques).

## DISCUSSION (Use Permit for Fence)

### Background

Sunnyvale Municipal Code (SMC) Chapter 19.48 requires a Use Permit for front yard fences over six feet in height. Fence height in the front and reducible front yard is measured from the top of curb, or street, if there is no curb, to the highest point of the fence. The SMC defines a front yard fence to include any fence located between the face of the building and the street. Any new fence construction is subject to current SMC permitting requirements. The 7'5" high fence (measured from the top of the curb) is located along the reducible front yard property line of Margaret Ct. The portion of the fence that encroaches into the vision triangle is to be removed.

### Fence Design

The proposed 7'5" fence is the common redwood fence composed of horizontal bottom rails, posts and solid vertical panels topped with 1 ft. of lattice. The fence is stained with natural color and has two gates, one for access to the side yard and the other for access to the rear yard. The house is setback 6'2" from the property line (legal nonconforming) when 9' is normally required so the fence is 6'2" from the house.

### Neighborhood Compatibility

The typical pattern in the neighborhood is for corner lots is to have privacy fences on the reducible front yard property line. Staff finds that the fence does not overwhelm the streetscape or create a walled-in appearance on Margaret Ct. It is about the same height as the fence across Margaret Ct (at

914 W. Cardinal Dr.) and has been in its current location for many years without complaint. The additional height above 6' provides the needed privacy for the property owner because their house is closer to the street than normal because of the 6'2" setback to the property line. See:

- Attachment 7 - Fences Photos (along Margaret Ct.)
- Attachment 13 - Neighbor's Letters of Support

### **Use Permit Justifications**

Staff recommends the Commission find the project meets the required findings. The proposed fence design and height from grade are similar to other reducible front yard fences found in the neighborhood and does not create a walled-in appearance on the streetscape. The fence will provide the property owner reasonable privacy required because the house is setback 6'2" from the property line when a 9' setback is required. The fence has been in place for many years without complaint from adjacent neighbors.

See the Use Permit Justifications in:

- Attachment 3 (Page 2) - Recommended Use Permit Justifications
- Attachment 11 - Use Permit Justifications (Applicant)

### **DISCUSSION (Variance for Rear Yard Patio)**

#### **Background**

A Variance is required to allow the columns of the existing rear yard patio to be 9'3" from the property line when a 10' setback is required by Sunnyvale Municipal Code (SMC) Section 19.48.050.

#### **Trellis Design**

The 208-sq. ft. patio is attached to the house by a seamless extension of the home's existing roof and roof material. The center of the patios' roof is less than 50% solid so that portion (95 sq. ft.) does not count toward the floor area of the house; the remaining 113 sq. ft. counts towards the floor area of the house. The patio has been in its current location for over 30 years, however, the applicants recently added a gas BBQ and stone counter top under the patio to create an outdoor kitchen and during construction of the BBQ, the patio columns were relocated closer to the house to their current location. When the applicants got permits for the BBQ, City staff did not verify that the new column locations were slightly short of the required 10-foot setback. In order to move the columns and meet the 10' setback now the stone counter top would have to be at least partially demolished and rebuilt. See Attachment 8 -Patio Photos.

#### **Neighborhood Compatibility**

All the immediate neighbors have trellises similar to the applicant's trellis in their rear yards:

- 894 W. Cardinal Ave - 128 sq. ft.
- 898 W. Cardinal Drive - 300 sq. ft.
- 904 Margaret Ct. - 140 sq. ft.

There has been no complaint about the trellis support elements, and two adjacent neighbors (898 W. Cardinal Dr. and 904 Margaret Ct.) have written letters of support for the trellis. See Attachment 13 - Neighbor's Letters of Support.

#### **Variance Findings**

Staff was able to make the findings based on the fact that the applicant has a smaller lot than

required in the R-0 zoning district. The encroachment is proportional to the smaller lot size. See the findings in:

- Attachment 3 (Page 3) - Recommended Variance Findings
- Attachment 12 - Variance Findings (Applicant)

## **DISCUSSION (Variance for Air Conditioner)**

### **Background**

A Variance is required to allow the existing air conditioner to be 4'11" from the property line when a minimum 9' setback is required by Sunnyvale Municipal Code (SMC) Section 19.34.040(b).

### **Air Conditioner Design**

The air conditioner is a Performance 14 Compact Central Air Conditioner which is designed for narrow lots. The air conditioning unit is placed adjacent to the west side of the house (facing Margaret Ct.) protruding an additional 1'3" from the house (at 4'11" from the reducible front property line. There have been no Neighborhood Preservation complaints about the air conditioner since it was installed over 20 years ago.

### **Neighborhood Compatibility**

The air conditioner faces Margaret Ct. and is screened from pedestrians by the fence on the reducible front property line. The air conditioner is required to meet the Sunnyvale Noise Ordinance so the impact of the air conditioning unit on the streetscape and pedestrians is minimal. The neighbor most impacted (across Margaret Ct.) has written a letter in support of the air conditioning unit. See Attachment 13 - Neighbor's Letters of Support.

### **Variance Findings**

Staff was able to make the findings. The 6'2" reducible front yard does not allow an air conditioning unit to be placed in the reducible front yard to conform to the setback requirement. the findings in:

- Attachment 3 (Page 4) - Recommended Variance Findings
- Attachment 12 - Variance Findings (Applicant)

## **FISCAL IMPACT**

No fiscal impacts other than normal fees and taxes are expected.

## **PUBLIC CONTACT**

### **Notice of Public Hearing**

- Published in the Sun newspaper
- Posted on the site
- 62 notices mailed to property owners and residents within 300 feet of the project site

### **Staff Report**

- Posted on the City's Website
- Provided at the Reference Section of the City's Public Library

### **Agenda**

- Posted on the City's official notice bulletin board
- Posted on the City's Website

**Public Comments:** Staff received three letters of support from all three adjacent neighbors:

- 898 W. Cardinal Dr. (house on the left)

- 904 Margaret Ct. (rear yard neighbor)
- 914 W. Cardinal Dr. (house across Margaret Ct).

See Attachment 13 - Letters of support from all three adjacent neighbors.

### **ALTERNATIVES**

1. Approve the Design Review, Use Permit, and Variances based on the Recommended Findings and Justifications in Attachment 3 and the Recommended Conditions of Approval in Attachment 4.
2. Approve the Design Review, Use Permit and Variances with modified conditions.
3. Deny the Design Review, Use Permit and Variances and provide direction to staff and the applicant where changes should be made.

### **STAFF RECOMMENDATION**

Alternative 1: Approve the Design Review, Use Permit and Variances based on the Recommended Findings and Justifications in Attachment 3 and the Recommended Conditions of Approval in Attachment 4.

Prepared by: Teresa Zarrin, Associate Planner

Reviewed by: Gerri Caruso, Principal Planner

Approved by: Andrew Miner, Assistant Director of Community Development

### **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. FAR Table and FAR and Two-Story Map
6. Two-Story Homes in the Neighborhood
7. Fence Photos
8. Patio Photos
9. Site and Architectural Plans
10. Letter from the Applicant
11. Use Permit Justifications (Applicant)
12. Variance Findings (Applicant)
13. Neighbor's Letters of Support