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November 14, 2000

SUBJECT: Consideration of Changes to Single Family Design Criteria and Development Standards (Study Issue)

EXECUTIVE SUMMARY

In December 1999, City Council combined two study issues: Design Guidelines for Large Homes and Design Guidelines for Non-Heritage Areas. These study issues arose from a concern that residents were constructing homes that were not in character with the surrounding neighborhood. At a study session in May, the Council concurred with staff that unique design guidelines for multiple neighborhoods are not practical. Therefore, staff has concentrated on the concerns with large single family homes and identified possible tools to address issues associated with home construction.

The study consists of four main sections: research (pg.7), public outreach (pg. 8), analysis (pages 10 through 22) and recommendations (pg. 23). Extensive research was conducted on single family development and design in Sunnyvale. Statistics were collected regarding age of housing stock, types of housing units, single family home applications and typical house designs.

Staff also conducted a series of community meetings to understand the concerns and issues of residents. These concerns were condensed into four main categories: bulk, privacy, community participation and neighborhood character and design.

A set of tools was identified that addressed the above concerns. These tools were presented to the community for further input. Individual tools are analyzed in detail and page numbers reference the appropriate section.

BULK pg. 10

- First/Second Floor Ratio
- Increased second-story front yard setback
- Floor Area Ratio (FAR)

PRIVACY pg. 12

- Eliminate 2nd story side yard setback exception for remodels
- Allow rear yard encroachment for first stories only
- Limit windows along the side or rear yards
- Require screening landscaping within the 30L view cone.

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COMMUNITY PARTICIPATION pg. 15

- Public Hearings for 2nd story additions and new homes
- Notice for neighbors
- Appeal rights

NEIGHBORHOOD CHARACTER AND DESIGN pg. 18

- Formation of an architectural review board
- Create a single story overlay zone
- Create new single family design criteria.

This item was heard before the Planning Commission on October 23, 2000 (see Attachment I, Minutes). The Commission recommended four more tools in addition to those recommended by staff. They also recommended that a formal review of these changes be conducted in five years to ensure that these tools still meet the needs of the community. The motion to recommend the particular set of tools was approved 5-1 with one Commissioner absent. A comparison of Planning Commission's recommendation with staff's recommendation is available in the Recommendation section of this Executive Summary.

Fiscal Impact

A wide range of fiscal impacts is possible depending on the regulations adopted. The total fiscal impact for staff's recommendation results in an annual increase of 740 hours of staff time ($37,000) plus 350 hours of consultant time ($35,000). The total fiscal impact for Planning Commission's recommendation is 1,802 hours of staff time ($90,100) plus 350 hours ($35,000) of consultant time. Please see analysis of individual regulations for complete information.

Public Contact

Three community meetings were conducted to garner public input on the process. Staffs also retained a private consultant to design and administer a telephone survey for residents in order to evaluate concerns and issues regarding large homes. Two study sessions were held with the Planning Commission and City Council and one study session with only the Planning Commission. A mailing list of over 200 interested residents was established. Further details are provided on pg. 8.

This item was heard before the Planning Commission on October 23, 2000. Standard noticing for both the Planning Commission and City Council hearings was conducted and the staff report, meeting agenda and a summary of the recommendations made by staff and the Commission was made available to the public.

Recommendation

Staff Recommendation	*Planning Commission Recommendation*

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1. Increased Front Yard Second Story Setback	1. Same as staff's recommendation
2. Public Hearings and Appeal Rights for Floor Area Ratios of Greater than 45% For Single Family Homes in the R-0, R-1 and R-2 Zoning Districts and Greater than 55% for Duplexes, Triplexes or Multiple Units on one lot in the R-2 Zoning District.	• Same as staff's recommendation
3. Allow Rear Yard Encroachment for First Stories Only	• Same as staff's recommendation
4. Creation of a Single Story Overlay Zoning District	• Same as staff's recommendation
5. Illustrative Examples of Appropriate Single Family Home Design	• Same as staff's recommendation
6. Eliminate 2nd Story Side Yard Setback Exception for Remodels	• Notification of adjacent neighbors for application of all second story single family design reviews
	• Appeal rights for adjacent neighbors for all second story single family design reviews
	• Require screening landscaping within the 30 degree view cone of new 2nd floor windows on the side or rear yard for single family homes.
	• Require design review of all single-family second story window changes along the side or rear yards that require a building permit.
	10.Require these changes to be reviewed again in 5 years.

Attachments

A. Negative Declaration (21 pages)
B. Statistics Regarding Single Family Homes in Sunnyvale (3 pages)
C. Gelfond Group Survey Results (7 pages)
D. Concerns/ Comments from the July 19, 2000 Community Meeting (2 pages)
E. Issues expressed in the September Community Meetings (3 pages)
F. Comparison of the Single Family Regulations in Nearby Cities (3 pages)
G. Breakdown of FAR Sliding Scale and Allowable House Sizes (1 page)
H. Diagram Showing how Second Story Equivalents are Calculated (1 page)(Available at City Clerk's Office)
I. Minutes from the October 23, 2000 Planning Commission Hearing (9 pages)
J. Ordinance Language for Staff Recommendation

BACKGROUND

In December 1999, the City Council commissioned two study issues: Design Guidelines for Large Homes and Design Guidelines for Non-Heritage Areas. These two study issues were combined into one policy paper that was ranked number one on the Community Development Department Study Calendar.

These study issues arose from concerns that residents were constructing large homes that were not in character with the surrounding neighborhood. The purpose of this study was to determine the extent of the concern and identify possible tools to address issues associated with large home construction.

The City has been reviewing design issues since 1990, when the City Council approved the Community Design Sub-Element. This Sub-Element was adopted partially in response to concerns that homes were being added to in ways that nearby residents found incompatible and unattractive.

This item was heard before the Planning Commission on October 23, 2000 (see Attachment I, Minutes). The Commission recommended four more tools in addition to those recommended by staff. They also recommended that a formal review of these changes be conducted in five years to ensure that these tools are still meeting the needs of the community. The motion to recommend the particular set of tools was approved 5-1 with one Commissioner absent.

EXISTING POLICY

In December 1990, the City Council approved a Community Design Sub-Element for the purpose of establishing design policies to guide future growth and enhance existing development. In 1992, the City Council adopted the City-Wide Design Guidelines to implement these goals and policies. Although the Design Guidelines offer more detailed direction on site and building design issues, they are essentially broad policy statements on appropriate design. Discretion is exercised to determine project consistency with the Design Guidelines.

City-Wide Design Guidelines

Scale

B2. Adjacent buildings shall be compatible in height and scale.

B5. Maintain the dominant existing scale of an area. Second story additions in a predominantly one-story residential neighborhood shall appear as one-story.

Architectural Style

C1. Maintain diversity and individuality in style but be compatible with the character of the neighborhood.

C2. In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and

materials providing that it enhances the neighborhood.

Amount of Detail

C9. Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, arcades, porticos, trellises, porches, balconies, dormers, windows, opening, etc.

C10. Repeat design and decorative building elements in all elevations and the roof, not just the front façade.

Privacy

C18. Consider privacy in placement of windows on adjacent structures in residential areas. Stagger windows, use high, frosted, or no windows where privacy is a concern.

B7. Placement of windows and openings on second story additions shall not create a direct line of sight into the living space or the back yard of adjacent properties to maintain privacy.

Land Use and Transportation Element

C1.1 Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

C2.1.3 Promote the maintenance and rehabilitation of existing housing.

N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

DISCUSSION

Current Standards and Policies

Development Regulations

The City has four zoning districts for single-family development, each with slightly different regulations. The City also has a low-medium density residential zoning district (R-2) of which approximately 53% of the properties contain single family homes.

	Average Front Set-back	***1st Story Side Setback***	***2nd Story Side Setback***	***Max. Height***	***Max. Lot Coverage***	***Min. Lot Area***	***Dwelling Units per Acre***
	20 ft.	4 ft. min.	7 ft. min.	30 ft.	40%	6,000	7.3

R-0		12 ft. total	18 ft. total			sq. ft.	du/ac.
R-1	20 ft.	6 ft. min. 15 ft. total	9 ft. min. 21 ft. total	30 ft.	40%	8,000 sq. ft.	5.4 du/ac.
R-1.5	20 ft.	4 ft. min. 12 ft. total	7 ft. min. 18 ft. total	30 ft.	40% 50% FAR	4,200 sq. ft.	10 du/ac.
R1.7/PD	20 ft.	4 ft. min. 12 ft. total	7 ft. min. 18 ft. total	30 ft.	40% 50% FAR	2,600-4,000 sq. ft.	14 du/ac.
R-2	20 ft.	4 ft. min. 12 ft. total	7 ft. min. 18 ft. total	30 ft.	40%	8,000 sq. ft.	12.1 du/ac.

Note: All residential zoning districts are allowed a minimum of 15 ft. front yard setback. The overall development must maintain an average of 20 ft. front setback.

In summary, R-0 and R-1 are very similar, differing only in side yard setbacks and minimum lot size. The R-1.5 and R-1.7/PD Zoning Districts are geared for small-lot single family development and include a maximum floor area ratio of 50%. All residential zoning districts have exceptions to the required rear setback, as SMC Section 19.48.050 allows for buildings to extend up to 10 feet in the rear yard, as long as the area of encroachment is less than 25% of the required rear yard area.

The Sunnyvale Municipal Code requires all single family additions greater than 20% of the area of the existing house to be evaluated through the Design Review process. The Design Review process is conducted at the staff level and typically takes 10 working days to respond with the first set of comments. The staff planner checks the project proposal for compliance with all development standards as well as compliance with the City-Wide Design Guidelines. If further design improvement is needed, staff works with an applicant to achieve conformance with the guidelines. Varying lengths of time are needed for completion of design review based on applicants' response to feedback. Applicants may choose to appeal the staff decision to the Planning Commission.

Design and Privacy Policies

SMC Section 19.34.080(c) has an exception that allows second story additions to be built over existing first story walls even if they do not meet the required second story setback. Staff reviews windows within the second story setback and may require either privacy glass or clerestory windows to be installed.

Staff applies the City-Wide Design Guidelines to all design review applications. A sample of these guidelines is listed in the Existing Policy section (pg.4) of the staff report.

Study Methodology

The study consists of four main sections: research, public outreach, analysis and recommendation. In the early part of this year, staff conducted research on the

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quality of existing housing stock and the number and scope of design reviews that staff conducts each year. Staff presented this information to the Planning Commission and City Council at joint study sessions on May 9 and August 15, 2000. The information is summarized in Attachment B of the staff report.

Following the May study session, staff retained a private consultant to design and administer a telephone survey for residents in order to evaluate concerns and issues regarding large homes. Staff also met with interested citizens at public meetings on July 19, 2000, September 7, 2000 and September 13, 2000. The July meeting was a forum to exchange information and state concerns. From this meeting, staff categorized the concerns residents expressed. In September, two community meetings were held to present specific tools that could address the residents' concerns.

An analysis was conducted of both the information staff had researched and the input received from the community meetings. The potential tools were categorized according to the primary issue they addressed. To evaluate the tools, staff used the following criteria identified in the August 15th staff report to the City Council and Planning Commission.

Criteria Used to Evaluate Potential Regulations

- **Clear Nexus with the Issue** – Will the proposed regulation directly address the concern or issue?
- **Ease of Implementation** – How easy, or difficult, is this regulation to implement? Is it easily understandable to the property owner? Is it a guideline or a regulation? Does it use numbers or measurable standards, or does it use broader policy statements? Typically, measurable standards are much easier for the general public to understand and for staff to implement.
- **Process Duration** – Would the proposed regulation lengthen the existing design review process? Currently, applications are responded to within two weeks. All tools are weighed based on their effect on review timelines.
- **Property Rights** – Would the proposed regulation substantially restrict property development for single family homeowners? Staff will weigh the need for neighborhood compatibility and regulations against the need for single family homeowner's expectation of property development.

Research

Staff conducted extensive research on single family development and design in Sunnyvale. Statistics were collected regarding age of housing stock, types of housing units, single family home applications and typical house designs in Sunnyvale. This information was presented at previous study sessions with the Council and Commission in May and August.

In summary, these numbers indicate that about 37% of the residential units in Sunnyvale are detached single family homes. Of these 20,000 homes, 60% are 40 years or older. Staff believes this indicates increasing pressure on the existing housing stock to be upgraded or changed to meet current housing preferences and

design styles. An analysis of the trends in housing size and of design over the last 60 years also indicates desire for larger homes. Additionally, homeowners' desires include contemporary design styles that are significantly different than the prevailing styles from the post-war housing boom. The increased demand for renovated and enlarged homes is supported by the number of design review applications that staff has received in the past years. The number of applications has increased as well as the typical size of the proposed housing additions. More details are located in Attachment B.

Public Outreach

Staff conducted an extensive public outreach process with two goals in mind: to inform the community of the review procedures and to hear community member's opinions regarding addition or reconstruction of large homes. Below is a summary of the input received.

Informational Meeting on July 19, 2000

Purpose: To provide an open forum for the community to raise concerns or ask questions regarding single family development.

Attendance: Over 100 people.

Feedback: A majority of the citizens who attended had concerns with the effect large homes have on neighboring property owners' quality of life. A few speakers were concerned about new regulations being too restrictive and approval power being given to neighbors. Concerns were raised regarding the lack of neighborhood involvement in the decision-making process, privacy impacts from new windows, and the size and design of the homes detracting from the neighborhood quality. Some attendees spoke in favor of the design guidelines but felt that staff was not interpreting the guidelines stringently enough. A summary of comments is available in Attachment D.

Telephone Survey Conducted by the Gelfond Group in July 2000

Purpose: To determine the extent of the concern residents had with the issue and, if concerned, what aspects of large homes were of the highest concern.

Number of Citizens Surveyed: 251 for an error percentage of +-5percent.

Results: When asked whether concerned about large additions or reconstruction of homes, exactly 50% of those surveyed stated that they were "somewhat" or "very" concerned. The other 50% stated they were "not very concerned" or "not concerned" at all. The largest area of concern was that the homes were too big for the neighborhood. About 81% stated that neighbors should have some input into the review process. The details of the survey and its results are located in Attachment C.

September Community Meetings

Purpose: To explain the available tools and evaluate community support for the

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different regulations.

Attendance: Approximately 15 people attended the Thursday, September 7 meeting at Lakewood Elementary School. Approximately 42 people attended the Wednesday, September 13 meeting at Peterson Middle School.

Feedback: Most of the community members that spoke were in support of increased regulations. In general, the participants expressed support for all of the tools. A summary of comments is available in Attachment E.

Letters and Other Comment

Staff has received approximately 70 phone calls, email messages and letters regarding this issue. Copies of most of these letters were distributed to Planning Commissioners and City Councilmembers in an August packet. Many letters express support for additional regulation in protecting adjacent neighbors' privacy and the character of the neighborhood. Letters that have been received since August are available in a supplemental package located in the packet. These letters are also available at the One-Stop and at the Sunnyvale Library. Approximately 80% express desire for more restrictions on large homes and 20% express interest in keeping the current regulations.

Issues

In the neighborhood meetings and the telephone survey, the community raised issues such as overall neighborhood quality, size of homes, lack of neighborhood review, architectural design and window privacy. Staff condensed these concerns into four main categories: Bulk, Privacy, Community Participation, and Neighborhood Character and Design.

Bulk – Includes both the size of the home and the appearance of size. Square footage of the house, two story walls, large garages, vaulted ceilings, and proximity to the street can all influence the bulk of a house.

Privacy – The impact of new second story windows on both the indoor and outdoor privacy of adjacent neighbors

Community Participation – Notification of residents and/or providing a forum for public comment when there are proposed changes within the neighborhood. Includes notification, input and appeal rights.

Neighborhood Character and Design – Architectural design, or how well the house blends with the streetscape with rooflines, entry features, window styles, exterior materials, etc.

The proposed tools and discussion on the benefits and drawbacks of these tools are discussed in the following sections.

Analysis of Potential Tools

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At the joint study session on August 15, 2000, staff presented a comprehensive list of tools that could assist in addressing the above issues. At that time, staff recommended a package of tools to be brought back to the community for comment. The City Council and Planning Commission suggested several additional tools that were added to the package. All 17 tools were reviewed at the community meetings; however, particular emphasis was given to the 13 items identified at the study session. Community input on these tools is described in the Public Outreach section and Attachment E. A detailed description and analysis of each preferred tool follows.

BULK

The following tools may help reduce the bulk of additions or new single family homes.

1. First/Second Floor Ratio

This tool limits the size of the second story in relation to the first story. Typically expressed as a percentage, a first/second floor ratio essentially prohibits second stories from being the same size as the first story. For example, this tool may require that second stories be only 60% of the area of the first story. While this ratio reduces the "boxiness" of a house, it may also penalize property owners that wish to minimize the size of their first story in order to preserve yard space. It may also preclude certain architectural styles such as Colonial which are traditionally more boxy than other types of two-story house styles.

Communities such as San Jose and Cupertino have instituted a first/second floor ratio, ranging from 35% or 600 sq. ft., whichever is larger, to 60%. A table showing how this limitation compares to the FAR standard is located in Attachment G.

FIRST/SECOND FLOOR RATIO

Criteria	*Discussion*
Clear Nexus	There is a clear relationship between this tool and regulation of **house bulk**. This ratio would discourage "boxy" homes that appear bulkier than homes with smaller second stories. A smaller two-story may not be bulky.
Ease of Implementation	It is a **numeric regulation** that can be adopted as a code requirement, laying out a second story proportion that the City finds appropriate for the community. It is predictable and **relatively easy to implement**.
Process Duration	It would **not lengthen the permit process**, as it requires additional information that can be submitted with the initial application.
Property Rights	This tool would limit the size of a second story, thereby **impacting the property improvements** and valuation of the lot.

Fiscal Impact: This tool limits the total size of the home on the lot, which may affect the property valuation. No additional fiscal impact to the City is expected.

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2. Increased Second-Story Front Yard Setback –

Currently the Sunnyvale Municipal Code requires a 20 ft. front yard setback for single family homes. This setback applies to both first and second floors. An increased second-story front yard setback would require the second floor to be set back further from the street. The increased setback would allow the first floor at the 20 ft. setback line and the second floor to be setback an additional five feet, or allow the second floor to be built directly over the first floor if the entire house is set back 25 ft. This tool is expected to reduce the bulkiness of the house as it relates to the street.

INCREASED SECOND-STORY FRONT YARD SETBACK

Criteria	*Discussion*
Clear Nexus	There is a clear relationship between this tool and regulation of **house bulk**. This regulation would require additional setback of second stories that may impose on the street.
Ease of Implementation	It is a **numeric regulation** that can be adopted as a code requirement, thereby easy to implement.
Process Duration	It would **not lengthen the permit process**, as it requires additional information that can be submitted with the initial application.
Property Rights	This tool would **not have a substantial impact** on property development.

Fiscal Impact: None expected.

3. Floor Area Ratio (FAR)

Floor area ratios limit the total size of the house in relationship to the lot size. Expressed as a percentage, it limits the area of both the first and second stories. To calculate the total residential building floor area, the Sunnyvale Municipal Code Section 19.12.080 (6) defines it as the sum of the areas computed from the outside dimensions of the building, including corridors, supporting columns and unsupported wall projections. For single family homes, this means that garages and covered porches are included in the building floor area calculation. This definition could be clarified to exclude basements from the total floor area. As an example, a 45% FAR restriction on a 6,000 sq. ft. lot limits the total house size to 2,700 sq. ft. Assuming a 400 sq. ft. garage, this would leave 2,300 sq. ft. of allowed living area.

Several communities have instituted second floor "equivalents", which are formulas that calculate high ceilings as extra floor area. This tool recognizes that higher ceilings have an impact on the bulk of the home. If the ceiling is above a designated height, such as 17 ft., the area of room above the designated height is calculated as additional floor area (See Attachment G for a diagram). This second floor equivalent monitors the effect of vaulted ceilings on the size of the home but may discourage these spaces which many homeowners find desirable.

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There are many ways to implement a FAR, including "sliding scales" which vary the allowable FAR according to the lot size, FAR limitations with a process to allow FAR "exceptions", as well as many different possible floor area ratios. Several communities such as Mountain View, San Jose and Los Gatos have instituted a sliding scale, varying from 35% to over 45%. A comparison of these ratios, along with allowable house sizes, is shown in Attachment G.

Floor area ratios are a numerical way to regulate house size that is predictable and easy to explain and calculate. However, instituting one FAR for the entire City may not allow flexibility for different neighborhood styles, some with larger homes than others.

FLOOR AREA RATIOS

Criteria	*Discussion*
Clear Nexus	There is a clear relationship between this tool and regulation of **house size and bulk**. This regulation would create an allowable proportion of lot size and house square footage, avoiding an oversized house on a smaller lot.
Ease of Implementation	This regulation is a **numeric regulation** that can be adopted as a code requirement, clearly laying out a size that the City finds appropriate.
Process Duration	It would **not lengthen the permit process**, as it requires additional information that can be submitted with the initial application.
Property Rights	This tool would limit the size of house allowed on a property, thereby **limiting property improvements** which may affect the lot valuation.

Fiscal Impact: This tool limits the total size of the home on the lot, thereby limiting the property valuation. No additional fiscal impact to the City is expected.

PRIVACY

It is important to note that while the following tools may help reduce the privacy infringement of windows into adjoining properties, it is exceedingly difficult to build a second floor with windows that cannot look into adjacent yards. Only two tools may completely obscure views into adjacent yards; requirements that all second-story windows contain privacy glass or prohibition of second stories. All other tools will only minimize the privacy impact. The height of windows in second stories coupled with the minimum size standards required for fire safety create a situation where a certain amount of privacy infringement will occur with *any* standard window in a second story addition.

4. Allow Rear Yard Encroachment for First Stories Only –

The Sunnyvale Municipal Code (SMC) Section 19.48.050 currently allows residential properties to extend an addition with a limited area up to 10 ft. away from the rear

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yard property line. Currently, the SMC does not prohibit a property owner from adding a second story in the encroachment area. This regulation would prohibit second stories from being built in the rear yard encroachment area. It would assist in protecting privacy of adjacent neighbors but could limit opportunities to add accessory units over detached garages that are typically located in the rear yard setback.

REAR YARD ENCROACHMENT FOR FIRST STORIES ONLY

Criteria	*Discussion*
Clear Nexus	This regulation **could protect privacy** by limiting se stories located near the rear setback.
Ease of Implementation	It is a **numeric regulation** that can be adopted as a requirement, thereby relatively easy to implement.
Process Duration	It would **not lengthen the permit process**, as it req additional information that can be submitted with the i application.
Property Rights	This tool could **limit the ability of people to add acces units to detached garages**. Besides that, it is not expect have a substantial impact on property development.

Fiscal Impact: None expected.

4. Eliminate 2nd story side yard setback exception for remodels –

The Sunnyvale Municipal Code allows single family homeowners to build second stories directly over first story walls, regardless of whether this second-story setback meets the standards enumerated in code. This exception was intended to allow residents to build more easily onto their homes without additional expensive structural reinforcement. Second stories that extend into the required setback are required to install privacy or clerestory windows. Removing this exception could help protect privacy of adjacent neighbors though it may make building a second story more costly.

ELIMINATE 2ND STORY SIDE YARD SETBACK EXCEPTION FOR REMODELS

Criteria	*Discussion*
Clear Nexus	This regulation **could protect privacy** by requiring all se stories to meet the setback regulations. It may also **reduce bulk of a home** by requiring additional setbacks.
Ease of Implementation	It is a **numeric regulation** that can be adopted as a requirement, thereby relatively easy to implement.
Process Duration	It would **not lengthen the permit process**, as it req additional information that can be submitted with the i application.
Property Rights	This tool could make it **more expensive for homeowne**

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	add second stories to their homes. Additional struc reinforcement would be required for setback second stories.

Fiscal Impact: Removing this exception may make second stories more expensive for homeowners to build because of additional structural requirements. No fiscal impact is expected for the City.

5. **Limitation of Windows Along The Side Or Rear Yard** –

This tool has many different permutations, but could serve to reduce the size of windows in the side or rear yard or require that they be removed altogether. Tools such as requiring privacy or clerestory windows in the side yard, as well as establishing a ratio of window area to wall area are possible. Currently, the City-Wide Design Guidelines require that new second story windows should be mitigated through the use of privacy glass or clerestory windows where possible. This guideline does not prohibit windows in the side or rear yards.

The Uniform Building Code 1997 requires that all bedrooms have minimum window sizes and minimum windowsill heights for egress. These windows cannot be higher than 44 inches off the ground, nor have an opening of less than 5.7 square feet. Limiting window sizes or requiring higher windows in the side or rear yard limits the location of bedrooms.

Current housing trends favor larger windows in the bedroom and bath because of the additional light and air they provide. Larger windows are a greater privacy impact because of the wider view they offer into neighboring yards. Limitations on window size and placement may reduce privacy impacts though these regulations would limit acceptable floor plans.

LIMIT WINDOWS ALONG THE SIDE OR REAR YARD

Criteria	*Discussion*
Clear Nexus	This regulation **could protect privacy** by limiting win located in the side yard or rear yards.
Ease of Implementation	It is a **numeric regulation** that can be adopted as a requirement, thereby relatively easy to implement.
Process Duration	It would **not lengthen the permit process**, as it req additional information that can be submitted with the i application.
Property Rights	This tool **limits acceptable floor plans**, as certain rooms required to have larger windows for fire safety purposes.

Fiscal Impact: None expected.

6. **Required Screening Landscaping within the 30L view cone of 2nd floor windows** –

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This tool may mitigate privacy impacts by requiring that fast-growing screening trees be planted in the "view cone" of new windows. Drawing perpendicular view lines from the outside of the window and extending them to the property line would create a view area. An additional 30L angle would be drawn at either side of this view area, creating the view cone. An ordinance would need to be adopted that controls tree species, tree maintenance and tree replacement if necessary. This tool could protect privacy without limiting possible floor plans. However, there are drawbacks such as a time delay with tree growth and problems with tree debris falling into adjacent yards. In addition, narrow side yards do not facilitate the planting of large landscaping.

REQUIRED SCREENING LANDSCAPING

Criteria	*Discussion*
Clear Nexus	This regulation **could protect privacy** by requiring landsca to be located in the side yard or rear yards.
Ease of Implementation	This tool **could require more time to implement**, discussion regarding the type of tree and follow-up with maintenance would be a vital part of ensuring the t effectiveness.
Process Duration	It would **not lengthen the permit process**, as it req additional information that can be submitted with the i application. However, follow-up to ensure the plantin maintenance of the tree would be necessary.
Property Rights	This tool **dictates the type of landscaping** a property o must plant in their yard. This regulation may be consic detrimental to the type of yard space the property owner want.

Fiscal Impact: The City would incur additional cost as part of the follow-up to ensure tree maintenance and care. It is estimated that a minimum of 10 additional staff hours for planning the landscaping, working with the neighbors and follow up will take 10 additional hours per application. Additional cost would be borne by the property owner, as larger or fast-growing trees are expensive. For example, one 48-inch box tree typically costs $2,200 to buy and install.

Community Participation

In the July and September public meetings, many community members spoke of the desire to have input into the decision-making process. As nearby residents most affected by new additions or homes, they feel that they should be notified and have input into proposed design alterations. In the past, the City has chosen to conduct design review without public testimony to quicken the review time for homeowners as well as ensure equal review throughout different neighborhoods in the City. In response to the concerns expressed, staff has identified the following as different methods to involve neighborhoods in individual design decisions.

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7. Neighborhood Notification of Application/Approval of New Addition or Notification of Demolition –

This tool would require staff to send notices to neighbors regarding a pending application, approved application, or requested demolition permit. Notification by itself does not give appeal rights to neighbors, though this tool may be used in conjunction with appeal rights.

The Planning Division would be responsible for the noticing procedure, which requires printing project-specific notices and sending them to the appropriate residents. Notification of adjacent neighbors, consistent with minor permit procedures in the Municipal Code, typically takes 5 to 10 notices, including tenants, and noticing properties within a 300 ft. radius or more, as required for major permits, typically takes a minimum of 50 to 70 notices. A 1,000 ft. noticing area was suggested at a community meeting. A noticing area of that size would result in approximately 600 notices per application.

Notification is a way of informing residents about upcoming changes in the neighborhood. However, notification is time-consuming. If notification is used without appeal rights, the notice may be frustrating for homeowners and nearby residents who, when informed of the process or decision, find that they have no opportunity for input.

NEIGHBORHOOD NOTIFICATION OF APPLICATION/APPROVAL OF NEW ADDITION OR NOTIFICATION OF DEMOLITION

Criteria	*Discussion*
Clear Nexus	This regulation would **better inform the community** of changes in the neighborhood, but would not provide an opportunity for comment.
Ease of Implementation	This tool **would require more staff time** to prepare and send the notices to the appropriate properties.
Process Duration	It would **not lengthen the permit process**, as it would be a procedure that staff could undertake in conjunction with the review. If an opportunity for appeal was not offered, notification would not delay a decision in a design application.
Property Rights	This tool would **not negatively affect the homeowner** that wishes to build on their property. However, it does not provide adjoining neighbors any more rights in the design process than they currently have.

Fiscal Impact - This tool would require additional staff time and materials to implement. The amount of staff hours depends on the noticing range. Based on 60 applications, the time needed is estimated as follows:

- Adjacent Neighbors – 60 hours.
- Radius of 300 ft. – 180 hours.
- Radius of 1000 ft. –360 hours.

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A fee is typically required for all projects that require notification - $11 for adjoining neighbor notification and $42 for properties within 300 feet. If this cost were passed on to the applicant, it would make a design review process more expensive than the current no-fee process. If the City chose not to require the fee, that cost would need to be incorporated into the Development Services budget.

4. Appeal Rights

Currently, the SMC allows only applicants to appeal design review decisions. This proposed tool would allow a neighbor or community member to appeal a staff-level design review. These appeal rights could be administered in a variety of ways. They could be limited to adjacent neighbors or neighbors located within a designated radius. Appeals could also be available to any community member within the City. Appeals for staff-level decisions are usually heard before the Planning Commission.

To make appeal rights effective, a notification system would need to be implemented to inform community members of the design review decision and their rights. The City institutes a 15-day appeal period between the date of the decision and the time the decision becomes final. This appeal period is necessary to give residents time to inform themselves of the project and request an appeal if desired. A project that is appealed before the Planning Commission typically takes an additional month from appeal to decision.

Instituting appeals would allow neighbors to request higher levels of review and create an opportunity for public comment on the project. Appeal rights would slow down the design review process and require additional staff time to prepare notices for all design reviews and staff reports for appealed projects. The Planning Commission agenda would have more items on the docket. Depending on what other tools are also implemented, appeal rights for neighbors could result in 0-60 applications being appealed per year. Appeals could also be reserved for changes over a specified threshold. For example, if a home increases 50% or more in size, neighbors could be notified of an appeal option. This option might result in 15 appeals per year. If neighbors had the opportunity to appeal on all design review applications, staff estimates 25 additional public hearings per year.

APPEAL RIGHTS FOR NEIGHBORS

Criteria	*Discussion*
Clear Nexus	This regulation **would provide an opportunity for comr and community participation**.
Ease of Implementation	This tool **would require more staff time** to prepare and the notices to the appropriate properties, as well as pre additional staff reports.
Process Duration	It could **significantly lengthen the permit process**, as a day appeal period would be automatically added to the re time. Appeals could extend the review process to two and a months or more.

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Property Rights	This tool would **reduce property owners' control** of over design process and **increase neighbors' rights.**

Fiscal Impact: The fiscal impact to the City could be significant in terms of additional staff time to prepare notices and staff reports for appealed projects. Staff support for appealed projects would require an additional 24 hours per application to prepare reports, speak to the neighbors and support the Planning Commission hearing. Assuming 25 appeals per year, this would add 650 hours of staff time.

5. Public Hearings For All Second Stories And New Two-Story Homes –

This tool would automatically require public hearings, combined with required notification and appeal rights, for all second stories and new two-story homes. Standard procedure for public hearings is to provide public notification and allow appeals of the decision. A public hearing allows the opportunity for public comment and requires staff to provide a complete written analysis of each project. A Planning Commission or Administrative Hearing could be chosen for this review.

When reviewing typical design review applications, staff found that over 80% of the design reviews conducted are for second story additions. Approximately 65 applications were received in 1999 and over 80 have been submitted so far for the year 2000. Using these numbers, staff would expect a minimum of 60 additional public hearing items per year for single family design review.

Public hearings at the Planning Commission level typically take one and a half to two months from application to decision. Hearings would significantly lengthen the review process and create additional workload for staff, including processing of additional submittal requirements, preparation of notices, staff reports and analysis, as well as presentation and public hearing hours.

PUBLIC HEARINGS FOR ALL SECOND STORIES AND NEW TWO-STORY HOMES

Criteria	*Discussion*
Clear Nexus	This regulation **would provide an opportunity for comr and community participation.**
Ease of Implementation	This tool **would require a significant amount of staff tin** guide an application through the public hearing process. **H additions would become more difficult and expensiv obtain** due to additional application requirements and fees.
Process Duration	It would **significantly lengthen the permit process,** public hearing process requires a minimum of six weeks, a staff level decision typically takes 10 working days i project meets the Design Guidelines and staff has all required information.
Property Rights	This tool would **limit the uses allowed by right** in the si

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	family zoning district, as this requirement would be stating second stories are not a matter of right. Requiring p hearings **increases neighbors' rights** in the design re process.

Fiscal Impact: The fiscal impact to the City would be primarily additional staff time to prepare notices and staff reports for up to 60 additional hearing items a year. Staff reports for this type of project would take approximately 24 hours total in review and presentation. With 60 projects a year, an additional 1500 hours of staff time would be required. This number of hours is almost a full-time equivalent position (typically about 1800 work hours per year). To offset some costs, a fee could be implemented for the design review process, which is currently free of charge.

Neighborhood Character and Design

The following tools list different ways to address neighborhood compatibility in terms of architectural style. Many residents consider similarity in neighborhood architecture to be a hallmark of a high-quality neighborhood. However, many new homeowners are interested in more contemporary styles that may not be in keeping with the prevailing neighborhood architecture. As part of the analysis, staff balanced the desire for architectural similarity with the desire for community transition and evolution.

6. Architectural Review Board –

An architectural review board is a hearing body typically made up of design professionals such as architects, home designers, and landscape architects who would review design applications. The board may be implemented in a variety of ways. However, the most common use of the board is as a public hearing body, allowing opportunity for public comment and appeal. An architectural review board could be responsible for reviewing all design applications or just applications that exceed set criteria, such as size, FAR, or height.

This system would allow community members with specific credentials to evaluate single family design in a public forum. Additional time and staff analysis would be required, similar to that of other public hearings.

ARCHITECTURAL REVIEW BOARD

Criteria	*Discussion*
Clear Nexus	This regulation **would allow specified design professiona conduct review at a public hearing level.**
Ease of Implementation	It would take several months to charter and select member the board. **A significant amount of staff time** woul required to guide an application through the public he process. This process would also **make a house addition r difficult and expensive to obtain** due to additional applic

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	requirements and fees.
Process Duration	It would **significantly lengthen the permit process**, public hearing process requires a minimum of six weeks, a staff level decision typically takes 10 working days if project meets the Design Guidelines and staff has all required information.
Property Rights	This tool would **limit the uses allowed by right** in the si family zoning district, as this requirement would be stating second stories are not a matter of right. Requiring p hearings **increases neighbors' rights** in the design re process.

Fiscal Impact: The fiscal impact to the City would be significant in terms of additional staff time to prepare notices and staff reports for reviewed projects by the board. Please refer to the discussion under Public Hearing. It would take a minimum of 6 months and 200 staff hours to implement a new Architectural Review Board. Annual support from the Volunteer office could require $9,000-$10,000 for such a board.

7. Creation of a Single-Story Overlay Zoning District –

A single story overlay is a combining district that can be used in conjunction with an existing single-family zoning district. The overlay would prohibit second stories from being built. Several communities such as Cupertino, Palo Alto and Los Altos have instituted this single-story overlay. Application and approval requirements vary drastically from city to city.

There are many different permutations that this tool may take. The following requirements are examples of what may be required.

- A minimum of 50% + 1 of the neighborhood must petition for the district.
- The district must consist of at least 20 homes.
- The boundary lines of the district must follow a recognizable feature such as a street, stream or tract boundary.
- At least 75% of the homes in the district must be one-story.
- Require a balloting procedure in which 75% of the property owners must be in support of the overlay for the application to proceed to public hearing.
- Allow exceptions to the overlay through a Use Permit process.
- Require the overlay to "sunset" after a period of 7 to 8 years for possible renewal if the neighborhood desires.
- Limit building height to 17 ft.

With an overlay district, a neighborhood may decide if only single-story homes are appropriate. However, it can be costly and time-consuming to implement as well as a potential devaluation in property values.

SINGLE STORY OVERLAY

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Criteria	Discussion
Clear Nexus	This regulation **would allow neighborhoods to decide** if only one-stories are appropriate.
Ease of Implementation	It would be a **time and work-intensive process** for the neighborhood as well as staff. Depending on the stipulations for the overlay, it may be difficult for a neighborhood to obtain approval of the overlay. A significant amount of staff time would be required to guide an applicant through the public hearing process.
Process Duration	Substantial neighborhood involvement would be required. It would probably be **a minimum 6-month process** from application to public hearing.
Property Rights	Although potentially voluntary, this tool would **impact the ability of individual homeowners to develop their property.** Though property owners as a group would typically request this overlay, it is likely that one or more neighbors within the requested district would not want the restriction levied on their property. The Council would have the responsibility of determining if the overlay should be instituted despite lack of neighborhood consensus.

Fiscal Impact: The impact to the property owners could be significant as additional limitations on house size may devalue the property. However, stringent restrictions create a controlled neighborhood that many homeowners find desirable. This may counterbalance the devaluation due to the reduction in property rights. The fiscal impact to the City would be for a minimum of 200 hours additional staff time per application to guide the neighborhood through the application process. Fees could be charged on a per lot basis.

4. Illustrative Examples of Appropriate Single Family House Design

Many of the illustrations in the City-Wide Design Guidelines do not specifically address single family design. This tool provides more detailed drawings and explanation of the Design Guidelines for single family. Staff would work with a consultant and the community to illustrate more specific examples of desirable single family house design and typical additions for common architectural styles within the City. The illustrations would provide additional guidance for homeowners who are designing additions or new homes.

Additional examples of good single family design may help clarify some of the more general statements in the Design Guidelines. A period of six to nine months would be needed for staff to work with a consultant to produce the additional drawings.

ILLUSTRATIVE EXAMPLES OF APPROPRIATE SINGLE FAMILY HOUSE DESIGN

Criteria	Discussion

Clear Nexus	This regulation **would provide more specific examples** of that additions can blend with existing neighborhood charac
Ease of Implementation	It would **take additional time** to produce the document. completion, applicants should have an easier understanding appropriate designs for their neighborhood.
Process Duration	The process could take **6 to 12 months** to produce examples. However, once produced, this tool would not down the review process.
Property Rights	**No effect on property development** is expected.

Fiscal Impact: It would cost additional funds and staff time to produce the document. It would take staff a minimum of 350 hours of preparation and analysis, including work with a consultant and several community meetings. It is estimated that the consultant would require an additional 300 hours.

Other Tools

Other tools were brought to the Joint Study Session. These tools were not "preferred" by the Council and Commission, however, they were presented and discussed at the community meeting. The meeting participants asked questions about these regulations and several residents were in support of lowered building height, daylight plane limitations and story poles. Staff has not presented a thorough analysis in this report. If the Council feels that additional information is required, staff can provide that information in a separate report.

5. Lowered Building Height –

The Sunnyvale Municipal Code currently requires a maximum of 30 ft. or two stories in all single family residential zoning districts. Building height is measured from the top of the nearest curb, taking into account grade differentials. Five of the nine communities surveyed had a maximum height of 30 ft., while the other four had ranges between 25 ft. to 28 ft. Other communities measure to the adjacent grade and not to the sidewalk. With properties that slope up from the sidewalk, Sunnyvale's definition may measure the house as 30 ft., while other communities would measure the house as 28 or 29 ft. in height. Lowering the allowed building height by one or two feet is not expected to have a significant impact on the bulk or privacy issue. While it may reduce the massing of the building slightly, it may also encourage flatter roof pitch, which may emphasize the bulkiness of a particular addition. No fiscal impact is associated with this tool.

6. Daylight Plane Limitations –

This tool is an alternate way of calculating second story setbacks for the side, rear, and front yards. It requires that an angle be drawn towards the center of the lot from a property line, requiring the second story to be set in. This limitation is a slightly more complex way of determining setbacks with the goal of providing substantial light and air between two buildings. While no direct

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fiscal impact is expected, this regulation is more difficult to explain to homeowners and may be quite restrictive for smaller lots with narrow widths.

7. Increasing Second Story Side Yard Setback Limitations –

Currently the SMC requires 3 additional feet of side yard setback on the second floor. The goal of this tool would be to increase privacy by requiring greater setbacks and eliminating the number of two-story walls. It is possible to require 5 additional feet of setback, which would require a minimum of a 9 ft. setback with a total of 22 ft. in the side yards for the R-0 Zoning District. This can be quite restrictive for narrow lots of 50 ft. or less. No fiscal impact is expected, though it may make designing a second story very difficult. The tool may have some effect in reducing privacy impacts. It would render approximately 75% of the existing two-story homes non-conforming.

8. Story Poles –

Story poles are wooden poles that are installed on top of a house to approximate the bulk of a proposed addition. Orange netting is hung between the poles to give surrounding neighbors an idea of the bulk of the house. This technique is usually used in conjunction with a public hearing or an opportunity for community comment. It can cost several thousand dollars to install and maintain throughout the review period. Story poles would not impose additional restrictions on home size. The poles would provide an approximation of the proposal to assist community understanding.

9. Allowing 7 ft. High Fences In The Side And Rear Yards To Protect Privacy –

This tool was brought up at a community meeting as a method of protecting privacy. Higher fences are effective at protecting first floor and yard-to-yard privacy, but these fences do not substantially mitigate privacy impacts from two-story windows unless the fence height is 10 ft. or above. The code currently allows 6 ft. fences in the side or rear yards as a matter of right. A fence between 6 and 7 ft. must be approved through a Miscellaneous Plan Permit application and requires adjacent neighbor agreements. Allowing a taller fence by right will make it easier for homeowners to protect yard-to-yard privacy. Allowing higher fences by right will eliminate the need for neighbor approval. No fiscal impact is expected.

Conclusion

After a complete analysis, staff has selected several tools for recommendation. The community participants have clearly stated a desire for increased neighborhood participation in the review process. Incorporating community input is a significant departure from previous actions to streamline and simplify the development review process. The staff recommendation tries to balance these traditional values with the newer values of community input. Though all of the above tools have some effectiveness in addressing the issue, many have additional factors such as time, staffing and other effects, which make the tool less desirable. Staff has identified regulations that can be the most effective in meeting the concerns without creating

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an unduly difficult and cumbersome process for homeowners who wish to modify their home. All of the following recommendations are for the R-0, R-1 and R-2 Zoning Districts.

Staff Recommendation

A. Create a single story overlay zoning district

Comment: This tool allows neighborhoods to choose whether a prohibition on second stories is appropriate for their area. This overlay zone would act as a combining district instituting a maximum height of 17 ft. and a maximum of one story. As comparison, Palo Alto limits building height to 17 ft. and Cupertino limits height to 18 ft. for one-story overlay zones. Staff recommends that the following requirements be instituted as part of this Single Story Overlay.

- A minimum of 51% of the neighborhood must petition for the district.
- The district must consist of at least 20 homes.
- The boundary lines of the district must follow a recognizable feature such as a street, stream or tract boundary.
- At least 75% of the homes in the district must be one story.
- Limit maximum building height to 17 ft.
- Require the overlay to "sunset" after a period of 7 years for possible renewal if the neighborhood desires.

A. Institute a second floor front yard setback of 25 ft.

Comment: New second stories will be required to be set back 25 ft. from the front yard. This would not preclude 2 story walls in the front, but the entire home would need to be set back 25 ft. This approach would assist in mitigating the bulk of the house as it is viewed from the street. The setback is not so large that it would significantly push the second story towards the rear, creating a bigger privacy impact. The existing rear yard setback of 20 ft. will remain.

B. Eliminate the second story side-yard setback exception for remodels.

Comment: This exception was originally intended to allow homeowners to add small second stories less expensively by building up over existing walls. Today, staff is receiving more applications for large two stories that qualify for this exception. Eliminating this exception would assist in protecting privacy as well as reduce the "boxiness" of a home by requiring the addition to meet the current second story setbacks.

C. Allow rear yard encroachment for first stories only.

Comment: In terms of outdoor privacy, there are larger impacts associated with windows that overlook rear yards as opposed to those that overlook side yards. Seconds stories located 10 ft. from the rear property line can have a significant privacy impact. By requiring second stories to meet the standard 20 ft. setback,

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more privacy can be maintained.

D. Public Hearings and Appeal Rights for Floor Area Ratios of Greater than 45% For Single Family Homes in the R-0, R-1 and R-2 Zoning Districts and Greater than 55% for Duplexes, Triplexes or Multiple Units on one lot in the R-2 Zoning District.

Floor area would be calculated within the current definition, with additional language instituting a "second story equivalent" for vaulted ceilings over 14 ft. in height. Basements could be excluded from the definition of floor area. Basement area would be excluded as long as it is not more than 2 feet above grade. Single family homes may exceed the FAR limitation through a Use Permit for a FAR "exception," not to exceed 55% FAR. Properties with duplexes or multiple units in the R-2 Zoning District (excluding accessory units) may apply for the FAR exception for an amount not to exceed 65%. Staff recommends that this public hearing be at the Planning Commission level. Noticing of adjacent neighbors would be conducted and these neighbors would have the right of appeal. The Use Permit process would have findings that:

A) It can be demonstrated that the design of the proposed addition is of superior design quality, compatible with existing neighborhood character and effective in minimizing the perceived size of the dwelling. The design must not be overly intrusive to the privacy and sunlight access of neighboring dwellings and is in substantial compliance with the City-Wide Design Guidelines and

EITHER

B) The granting of the floor area exception is desirable for the preservation of an existing architectural style or neighborhood character which would not otherwise be accomplished or;

C) There are exceptional or extraordinary circumstances related to the size or shape of the lot, or functionality of the house, that make it difficult or impossible to enlarge the house within the base floor area ratio requirements.

Comment: The ratio creates a maximum house size that is appropriate for a lot. Allowing higher FARs with a public hearing makes the number flexible for exceptional circumstances. Any decision made at the public hearing would be appealable by the neighborhood. A 45% FAR is a number that allows larger homes for residents while still instituting reasonable restrictions on total house size. This FAR is in keeping with the ratio instituted in San Jose and Mountain View.

E. Illustrative Examples of Appropriate Single Family House Design

Comment: A booklet showing examples of appropriate single family house design would be helpful to homeowners, neighbors and staff by clarifying expectations concerning neighborhood compatibility and scale. Examples showing how privacy may be mitigated and well-designed additions to a variety of architectural styles

would also be helpful to homeowners and architects. These illustrative examples could be a continuing study issue for 2001.

Planning Commission Recommendation

The Planning Commission recommendation contains many of the tools in staff's recommendation. However, the Commission believed that staff's recommendation did not go far enough in protecting privacy and allowing neighbor input into the design review process. The bolded tools indicate additional regulations recommended by the Commission.

A. Create a single story overlay zoning district.
B. Institute a second floor front yard setback of 25 ft.
C. Allow rear yard encroachment for first stories only.
D. Public Hearings and Appeal Rights for Neighbors for Floor Area Ratio of Greater than 45% through a Use Permit Process.
E. Illustrative Examples of Appropriate Single Family House Design.
~~F. Eliminate the Second Story Side Yard Setback Exception for Remodels.~~ **The Commission did not recommend this tool, as recommended by staff.**
G. Adjacent Neighbor Notification of Application for All Second Story Design Reviews for Single Family Homes
H. Appeal Rights for Adjacent Neighbors for All Second Story Design Reviews for Single Family Homes
I. Requiring Screening Landscaping within the 30 degree view cone of 2nd Floor Windows Along the Side or Rear Yard.
J. Require Design Review of all Single Family Second Story Window Changes Along the Side or Rear Yards that Require A Building Permit.
K. Require these changes to be reviewed again in 5 years.

Staff is not recommending the Planning Commission's recommendation. The Commission recommended appeal rights and noticing for all second story design reviews. Staff believes that this procedure would significantly slow down the existing permitting process, adding a minimum of 20 calendar days for noticing and appeal periods for all second story additions and new two-story homes. Staff is concerned that broader appeal opportunities may invite appeals when neighbors are not effectively communicating with each other.

Staff has similar concerns with the recommendation on design review and appeals for all window changes. This would extend review times for an over-the-counter building permit for window changes to a minimum of 25 calendar days. In 2000, the Building Division has issued 68 permits for window modifications. Though no specific records are available regarding how many of these changes included second story windows, staff estimates a minimum of 25 permits per year for second story window changes.

Lastly, the Commission recommended required landscaping within the 30 degree view cone of all new second story windows in the side or rear. Staff continues to have concerns with the placement of these trees in narrow side yards and the potential conflict over leaf debris in adjoining yards. While landscaping can be a solution to concerns with privacy, instituting this policy as a code requirement lacks flexibility

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and may not adequately serve all property owners and neighbors.

A brief comparison of Planning Commission's recommendation and staff's recommendation is available in the Recommendation section of the Executive Summary.

Timeline

Several members of the public have expressed concern about when these proposed changes would take effect. It is possible for the Council to institute a deadline where all applications will be subject to the new changes. Staff recommends that the effective date of the ordinance (December 20, 2000) be the last day to submit a design review application under the current code. Any and all applications submitted before December 20, 2000, would be considered under the existing code. All applications that are submitted on or after this date could be considered under the code changes the Council approves. If an applicant has an existing approved design review, that approval will still be valid for a period of 2 years after the date of approval.

From December 1998 to November 1, 2000, staff has received 173 Design Review applications. Approximately 111 building permits have been issued for these approved design reviews. There are approximately 13 applications pending and 49 applications that have been approved but have not been issued building permits. Based on conversations with property owners at the One-Stop counter, staff estimates that at least 10 owners are considering submitting design review applications in the next couple of months.

Fiscal Impact

Fiscal impacts for each of the individual tools were discussed in each separate section. The fiscal impact for staff recommendation includes 300 hours of staff time for the Illustrative Single Family Home Design plus 350 hours for the consultant. No fiscal impact for the increased setbacks is expected. With the required public hearings for homes over 45% FAR, it is expected that approximately 10 projects per year will ask for this exception, resulting in 240 additional hours of staff time. The fiscal impact for the single story overlay will depend on how many applications are received. One application per year will require an additional 200 hours of staff time.

The total fiscal impact for staff's recommendation is 740 hours of staff time ($37,000) plus 350 hours ($35,000) of consultant time.

The total fiscal impact for the Planning Commission's recommendation includes the hours estimated for staff's recommendation as well as additional hours for noticing, appeals, landscaping requirements and design reviews for all second story window changes. Adjacent noticing is expected to take 60 hours per year. Appeals rights for all design reviews could generate approximately 20 additional appeals per year. Estimating 24 hours of staff time per appeal will total 480 hours of staff time. Landscape and screening requirements for all new second story additions would generate 10 additional hours per project. With 60 projects a year, this will take approximately 600 hours of staff time. Miscellaneous Plan Permits for window

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changes would generate approximately 25 additional projects per year. This number was estimated from a review of the number of building permits the City receives for window changeouts. Coupled with the required noticing and appeals, this would require a total of 1 additional hour for noticing and 5 hours of review per project for a total of 150 hours. Assuming that 10% of the projects would be appealed, an additional 72 hours of staff time would be required for appealed projects.

The total fiscal impact for Planning Commission's recommendation is 1,802 hours of staff time ($90,100) plus 350 hours ($35,000) of consultant time.

Findings

In order to approve the amendments to the Zoning Code, the City must make the findings that the new regulations are in conformance with the general plan and the amendments are in the public interest.

PUBLIC CONTACT

Staff conducted a series of public meetings to gather public input on the issue. These meetings are discussed in detail in the Public Outreach section of the staff report. To advertise the meetings, notices were posted on the City of Sunnyvale's Website and sent to interested property owners. Notices were also advertised on KSUN and posted at the City Hall One-Stop Counter and the Community Center, as well as published in the Sun newspaper.

In addition, notice of the Negative Declaration and the public hearings for this project were published in the Sun newspaper. The staff report and a summary of recommendations made by staff and the Commission was posted on the City of Sunnyvale's Website and provided at the Reference Section of the City of Sunnyvale's Public Library. The Planning Commission and City Council Agendas were posted on the City of Sunnyvale's Website and recorded for SunDial.

OPTIONS

Potential tools are listed below. Staff is recommending several of the following tools to be implemented together, as listed in the Conclusion section of this staff report.

A. 1st/2nd Floor Ratio
B. Increased Front Yard Second Story Setback
C. Floor Area Ratio
D. Allow Rear Yard Encroachment for First Stories Only
E. Eliminate 2nd Story Side yard Setback Exception for Remodels
F. Limitation of Windows Along Side or Rear Yards
G. Requiring Screening Landscaping within the 30 degree view cone of 2nd floor Windows.
H. Neighborhood Notification of Application/Approval or Notification of Demolition
I. Appeal Rights
J. Public Hearings for Second Stories and New Two-Story Homes over Threshold

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FAR
K. Architectural Review Board
L. Creation of a Single Story Overlay
M. Illustrative Examples of Appropriate Single Family Design
N. Lowered Building Height
O. Daylight Plane Limitations (an alternate way of calculating second story setbacks for the side, rear, and front yards)
P. Increasing Second Story Side Yard Setback Limitations
Q. Story Poles
R. Allowing 7 ft. High Fences in the Side and Rear Yards to Protect Privacy

ALTERNATIVES

1. Adopt the Negative Declaration, adopt the attached ordinance as recommended by staff, and direct staff to begin work on a booklet describing appropriate single family home design. These changes include:

- Create a single story overlay zoning district
- Institute a second floor front yard setback of 25 ft.
- Eliminate the second story side-yard setback exception for remodels.
- Allow rear yard encroachment for first stories only.
- Public Hearings and Appeal Rights for Neighbors for Floor Area Ratio of Greater than 45% through a Use Permit Process.
- Illustrative Examples of Appropriate Single Family House Design

2. Adopt the Negative Declaration, adopt the Planning Commission's recommendation and direct staff to begin work on a booklet describing appropriate single family home design. Planning Commission's recommendations include:

- Create a single story overlay zoning district
- Institute a second floor front yard setback of 25 ft.
- Allow rear yard encroachment for first stories only.
- Public Hearings and Appeal Rights for Neighbors for Floor Area Ratio of Greater than 45% through a Use Permit Process.
- Illustrative Examples of Appropriate Single Family House Design

- Adjacent Neighbor Notification of Application for All 2nd Story Design Reviews
- Appeal Rights for Adjacent Neighbors for All 2nd Story Design Reviews
- Requiring Screening Landscaping within the 30 degree view cone of 2nd floor Windows.
- Require Design Review of all Single Family Second Story Window Changes along the Side or Rear Yards that Require A Building Permit.
- Require these changes to be reviewed again in 5 years.

3. Adopt the Negative Declaration, modify the attached ordinance and request alternate or additional regulations.
4. Request staff to return with a formal budget modification, adding 740 hours to the Development Services budget, as well as an additional 350 hours of

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consultant time.

5. Request staff to return with a formal budget modification to add a modified number of hours to the Development Services budget.
6. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is needed.
7. Make no changes to the current single family development regulations.

RECOMMENDATION

Staff recommends Alternatives 1 and 4. However, Alternative 2 or 3 may require Alternative 5 for modification to the budget.

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