

**Council Meeting: August 26, 2008**

**SUBJECT:** **2007-1302** – Application located at **1035 Daisy Court** (near Smoke Tree Wy.) in an R-0 (Low Density Residential) Zoning District.

Motion Appeal by the applicants of the conditions of approval imposed by the Planning Commission in approving a Design Review to allow a one- and two-story addition to an existing single-story home.

**REPORT IN BRIEF**

**Existing Site Conditions** Single-family residence

**Surrounding Land Uses**

North Single-family residence

South Single-family residence (across Daisy Court)

East Single-family residence

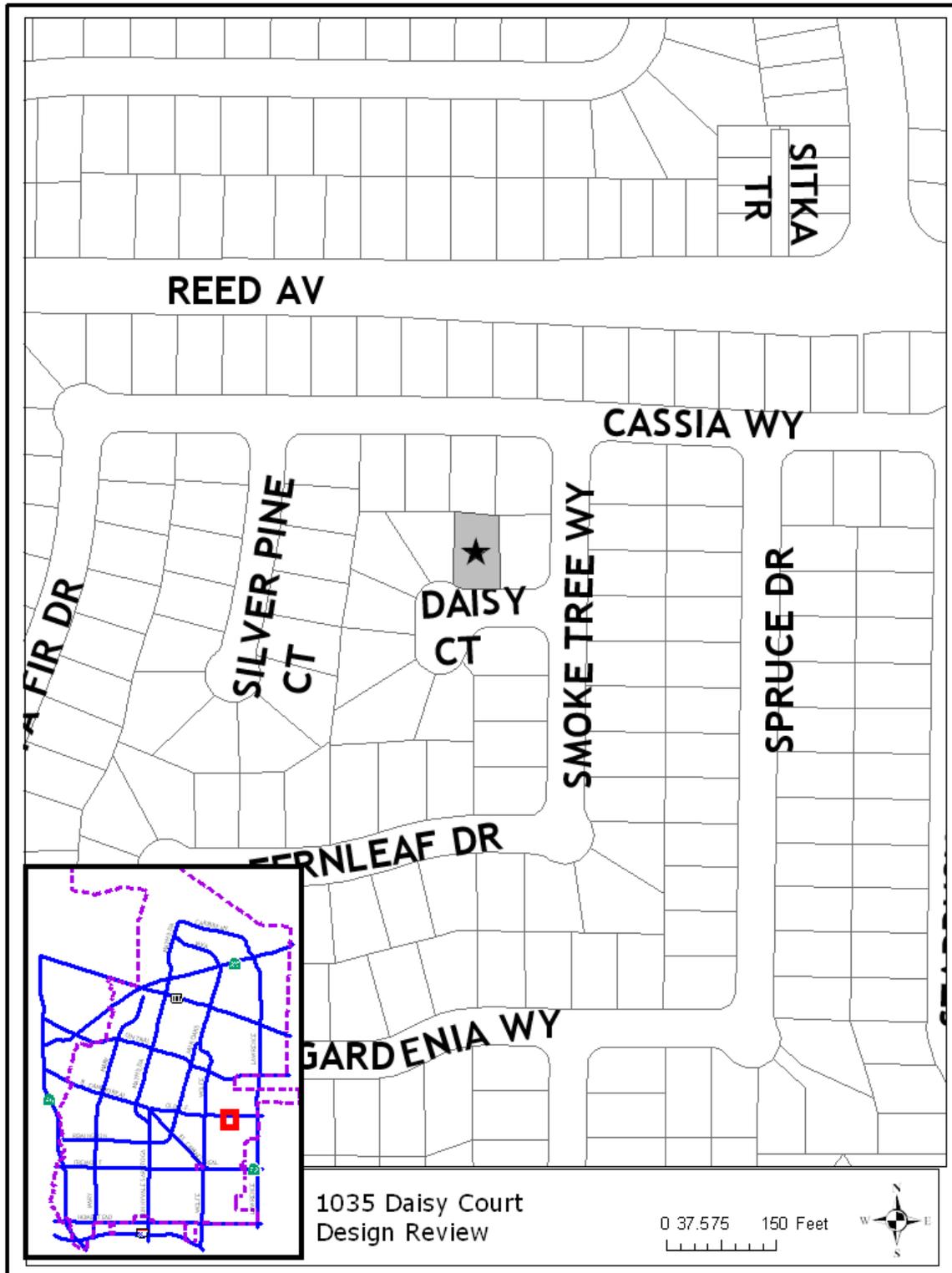
West Single-family residence

**Issues** Floor Area Ratio

**Environmental Status** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Planning Commission Action** Approved the Design Review with modified conditions reducing the project's Floor Area Ratio to less than 52%.

**Staff Recommendation** Deny the appeal and uphold the decision of the Planning Commission to approve the Design Review with the conditions in Attachment B.



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low-Density	Same	Residential Low-Density
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	6,200	Same	6,000 min.
<b>Gross Floor Area (s.f.)</b>	2,099	3,507	2,790 max. without PC review
<b>Lot Coverage (%)</b>	33.9%	35.1%	40% max.
<b>Floor Area Ratio (FAR)</b>	33.9%	56.6%	45% max. without PC review
<b>Building Height (ft.)</b>	Unknown (single-story, <20')	23' 3"	30' max.
<b>No. of Stories</b>	1	2	2 max.
<b>Setbacks (First/Second Facing Property)</b>			
<b>Front</b>	23'	23' / 42'	20'/25' min.
<b>Left Side</b>	5' 10"	5' 10" / 8' 10"	4'/7' min. per side, 12'/18' min. combined
<b>Right Side</b>	6' 3"	6' 3" / 9' 2"	
<b>Rear</b>	22' 2"	22' 2" / 23' 2"	20' min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**DISCUSSION**

**Project Description**

The proposed project is a 1,408 square foot one- and two-story addition to an existing single-story home resulting in a Floor Area Ratio (FAR) of 56.6%. In 2001, the property owners submitted a Design Review application for a two-story addition (57% FAR) which was similar to the one currently proposed. The application was reviewed and approved at staff level, but was never constructed. That Design Review is now expired. Staff notes that at the time of the original approval in 2001, Floor Area Ratios of up to 60% could be

approved at staff level without a public hearing. In 2002, the Municipal Code was amended to require Planning Commission review of single-family homes with Floor Area Ratios exceeding 45%. As a result, Planning Commission review is required for this proposal.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor modifications to existing facilities.

### **Design Review**

**Site Layout:** The subject site is an interior lot which is located on the north side of Daisy Court. The property currently has one single-story residence with a two-car garage and a driveway taking access from Daisy Court.

**Surrounding Neighborhood:** The surrounding neighborhood consists of one- and two-story single-family homes. On Daisy Court, five of the eight homes are currently two-story. The homes on Daisy Court have Floor Area Ratios ranging from 29% to 48% (see Attachment D – Table of Floor Area Ratios of Neighboring Homes). In the surrounding area, 13 of 28 homes are currently two-story. Floor Area Ratios range from 26% to 48% (see Attachment D). The architecture of the neighborhood is primarily Ranch style, which includes moderately-pitched roofs; low, pedestrian-scale entries; front porches oriented parallel to the street; and wood siding and shingle materials.

The applicants' proposed home addresses the design of the neighborhood by incorporating horizontal eaves and a Ranch look; however, the proposed 56.6% FAR is significantly higher than that of homes in the surrounding neighborhood.

**Architecture:** The applicants have designed a two-story home that respects the Ranch-style elements of homes in the surrounding neighborhood. The second story addition is a simplified design that emphasizes horizontal lines evident in the neighboring Ranch homes. As demonstrated in the applicants' letters of justification, the design has been modified and simplified to place the entryway under the eave and reduce the number of gables and hips on the second floor roof. As a Condition of Approval, staff is recommending that the applicants add finer details to the plan such as awnings, shutters, high-quality window trim and decorative lighting fixtures.

The following Guidelines were considered in the analysis of the project architecture.

<b>Single Family Home Design Techniques</b>	<b>Comments</b>
<i>If a traditional second floor form is necessary, set the front, rear, and side of the second floor back from the first floor walls. In general, it is best to set second floor areas back as far as possible from the front façade of the home (e.g., five feet or more). Side and rear façade setbacks of three to five feet are generally sufficient. Care should be given to avoiding second story bulk near the front of the home when similar bulk is absent from adjacent homes.</i>	The proposed second floor is set back approximately 20 feet from the front of the garage and a minimum of five feet from the left side of the first story. The side and rear second story walls are also set back to provide a band of roof material to break up the other elevations.
<i>Second floor ceiling heights should be minimized</i>	The applicants have maintained a typical 8-foot ceiling height for the second floor.
<i>Eave lines at entries should match or be within approximately twenty-four inches of the height of entry eaves in the neighborhood. In no case should front entry eaves be substantially higher than the first floor eaves. .</i>	The proposed front entry is located under the first floor eave which is a standard height and orientation within the surrounding Ranch-home neighborhood.
<i>Match roof orientation of entries to the predominately in the neighborhood. For example, if entries are normally recessed under an eave line which is parallel to the street, avoid using a bold gable.</i>	The entry is recessed under the roof eave as is standard in the neighborhood.

**Compliance with Development Standards/Guidelines:** The project meets the development standards for the R-0 Zoning District. This project required review by the Planning Commission because it exceeds the staff-level review threshold of 45% FAR.

*Single Family Home Design Techniques:* As discussed in the Architecture section of this report, the project generally meets the requirements of the Single Family Home Design Techniques because the applicants have designed a home that matches the style elements found in the neighborhood such as roof

orientation and entry design. However, the scale of the home in comparison to neighboring homes is significantly larger. Although additional second floor setbacks are provided, the second floor exceeds 65% of the first floor, whereas second floors of 35% or less are encouraged in the Design Techniques.

**Expected Impact on the Surroundings:** The project site is a 6,200 square foot lot, and staff considers the overall size of the proposed house to be too large and visually bulky for the lot and for the cul de sac streetscape of similar lots. The applicants propose a large second story addition of approximately 1,400 square feet. In addition to three bedrooms and a sizeable master suite, the second story would feature a large study loft and upstairs hall/landing area. Staff believes there is opportunity to reduce the visual impact of the second story on the neighborhood by reducing the square footage. Staff commends the applicants for modifying the exterior to appear more “Ranch” in style in an effort make the home more compatible with the surrounding neighborhood; however, staff still recommends a reduction in size with the majority of the reduction to be taken from the sides of the second story.

**Planning Commission Public Hearing:** This proposal was considered by the Planning Commission at a public hearing on July 14, 2008. Detailed minutes of the hearing are provided in Attachment F.

In the staff report presented to the Planning Commission, staff recommended the size of the second story addition be reduced to achieve a Floor Area Ratio (FAR) of less than 50%, with the majority of the reduction to be taken from the sides of the second story. During the public hearing, the applicants stated that they were in agreement with all of the conditions of approval recommended by staff with the exception of the requirement to reduce the FAR to less than 50%. The applicants stated that this would be a significant reduction causing them to lose the equivalent of two bedrooms, which are needed for their large family. The applicants also presented signatures from all of the Daisy Court neighbors demonstrating that the neighborhood is in support of their proposed plan and requested that the Planning Commission approve their proposal at 56.6% FAR. No other members of the public spoke on the application.

After conclusion of the applicants’ testimony, the Planning Commission approved the Design Review with a modified condition requiring the applicants to reduce the FAR below 52%, rather than the 50% standard proposed by staff. The Commission noted that several of the homes in the larger surrounding neighborhood (Attachment D) are in the 52% FAR range, feeling comfortable allowing the applicants to achieve a similar Floor Area Ratio. During discussion of the motion, Planning Commissioners stated that the 50% standard proposed by staff seems too restrictive, but also expressed concern with the size and

bulk of the home at 56.6% FAR, stating that 52% FAR is a reasonable compromise. The motion passed 7-0.

**Applicants' Appeal:** On July 18, 2008, the applicants submitted an appeal of the conditions of approval imposed by the Planning Commission (Attachment G). The appeal letters state the following:

- The neighborhood has many two-story homes and the applicants do not believe the appearance of the proposed home will be bulkier than others on Daisy Court. The applicants have worked with staff to modify the proposed style of the home to more closely match the style used in the neighborhood. They have submitted proposed elevations and photosimulations to demonstrate the home's compatibility.
- The applicants have already reduced the home's size once at the request of staff, from an originally proposed size of 3,845 square feet (62% FAR) to the proposal for 3,807 square feet (56.6% FAR) which was presented to the Planning Commission. The applicants do not believe they should be required to make further reductions.
- The applicants disagree with staff's comment that there is "extra" space in the floor plan such as the open loft, stating that all of this area is needed for their large family. They note that decreasing the floor area as recommended by staff and the Planning Commission will not decrease the costs of the project and they wish to achieve the maximum space possible within their budget.
- There is no limit on FAR in the R-0 Zoning District (only a threshold for Planning Commission review) and the applicants believe the 50% standard set by staff in this case is arbitrary and overly restrictive.
- The applicants believe design changes such as moving second story bulk to the back of the home might be options to reduce visual impacts without reducing FAR.
- The applicants believe there are other large homes in the neighborhood which have been approved recently for significant additions.
- The proposed design is supported by all of the surrounding neighbors, who do not feel it is out of character or overly bulky. The applicants believe the opinion of neighbors, not the opinion of staff, should be the primary consideration when looking at potential impacts on surrounding properties.

**Staff's Discussion of Appeal:** The applicants have worked with staff to make the proposal more compatible with the surrounding neighborhood including reducing the size of the home and modifying design details; however, staff finds the proposed design still too large for the lot and for the neighborhood. Although there are several two-story homes on Daisy Court, staff notes that they are smaller than the proposed home (none over 50% FAR). Some of these

older two-story homes may appear similar to the proposed home in a flat elevation drawing (such as the one provided in the appeal letter); a three-dimensional view reveals that the older homes have relatively small second-story elements with significant setbacks and very little bulk (which is typical of the Ranch style). The largest of the existing two-story homes on Daisy Court is less than 3,000 square feet in area and has an FAR of 45.4%.

The applicants are correct that there is no specific limit on FAR. Instead, it is subject to discretionary review taking into account the design of the home and how it fits with its surroundings. It is possible that a revised design with second story bulk being moved from the sides to the back (as mentioned by the applicants in their appeal) could have a less bulky appearance as seen from the front elevation. However, as viewed from the side elevations (from neighboring properties), the home could appear bulkier than what is currently proposed. Staff notes that the proposed second-story rear setback appears to be only one foot greater than the first-story rear setback, so there is not much space available to expand the back of the second story.

The support of property owners on Daisy Court for the proposed design is one measure of neighborhood compatibility. In the past, staff's experience with Design Review applications has revealed that the support or lack of support of neighboring property owners is frequently motivated by personal issues rather than by design issues. In the interest of fairness and consistently applying the City's design standards, staff conducts an independent analysis to determine whether the design is compatible, regardless of whether adjacent property owners support or oppose a proposal. In staff's opinion, the proposed home is consistent in architectural detailing, but too large for the lot and for the surrounding neighborhood. Staff believes approving the proposed design at 56.6% FAR could set a precedent to allow other homes in the neighborhood to transition to larger and bulkier styles.

### **FISCAL IMPACT**

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

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and the Office of the City Clerk. Notice of the Planning Commission and City Council public hearings was also published in the *Sun* newspaper, posted on the site, and mailed to 15

property owners and residents adjacent to the subject site. Staff has not received any comments from the public related to this application.

## **CONCLUSION**

Staff acknowledges that the applicants have tried to create an architecturally compatible home while still trying to achieve a home that meets their individual needs for square footage. The applicants have worked closely with staff and accepted compromises on the front elevation designs to create a Ranch-style feeling that reduces the bulk and size of the home. However, staff still finds that the home is too large for the setting and recommends that the project be approved with the modifications imposed by the Planning Commission to reduce FAR below 52% and to add architectural details to the front elevation.

**Findings, General Plan Goals, and Conditions of Approval:** Recommended Findings are located in Attachment A. The recommended Conditions of Approval (as approved by the Planning Commission) are located in Attachment B.

## **ALTERNATIVES**

1. Deny the appeal and uphold the decision of the Planning Commission to approve the Design Review with the conditions in Attachment B.
2. Grant the appeal and approve the Design Review with modified conditions.
3. Deny the Design Review.

## **RECOMMENDATION**

Staff recommends Alternative 1.

Reviewed by:

Hanson Hom, Director, Community Development Department  
Prepared by: Mariya Hodge, Assistant Planner

Approved by:

Amy Chan  
City Manager

**Attachments**

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Table of Floor Area Ratios of Neighboring Homes
- E. Letters and Justifications Submitted by Applicants for Planning Commission Hearing
- F. Minutes of Planning Commission Hearing on July 14, 2008
- G. Applicants' Appeal Letters and Supporting Documents

### **Recommended Findings – Design Review**

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The proposed project is desirable in that the project's design and architecture conforms to the policies and principles of the Single Family Home Design Techniques.

<b>Basic Design Principle</b>	<b>Comments</b>
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	The project is designed with an under-eave entry facing the street which is the predominant pattern in the neighborhood.
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The bulk of the second story is greater than the standard for the neighborhood. As modified by the Conditions of Approval, the applicants will reduce the FAR less than 52%.
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The orientation of the project and the location of windows minimizes privacy issues for neighbors.
<i>2.2.4 Minimize the visual impacts of parking.</i>	The project meets Zoning Code standards for single-family parking by maintaining a two-car garage and two driveway parking spaces.
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	No landscaping plan is required for single-family homes. The applicants propose to maintain front yard trees and keep paving to less than 50% of the required front yard.
<i>2.2.6 Use high quality materials and craftsmanship</i>	The design of the home will use standard quality materials found on homes in the neighborhood such as stucco finishing. Per the Conditions of Approval, the applicants will be required to add more details to the design such as shutters, window trim and lighting fixtures.
<i>2.2.7 Preserve mature landscaping</i>	The applicants indicate on the proposed plans that the large front yard tree will be maintained.

**Recommended Conditions of Approval – Design Review**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes shall be subject to approval at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Design Review shall be null and void one year from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain Building Permits as required for all proposed demolition and construction.

**3. DESIGN/EXTERIOR COLORS AND MATERIALS**

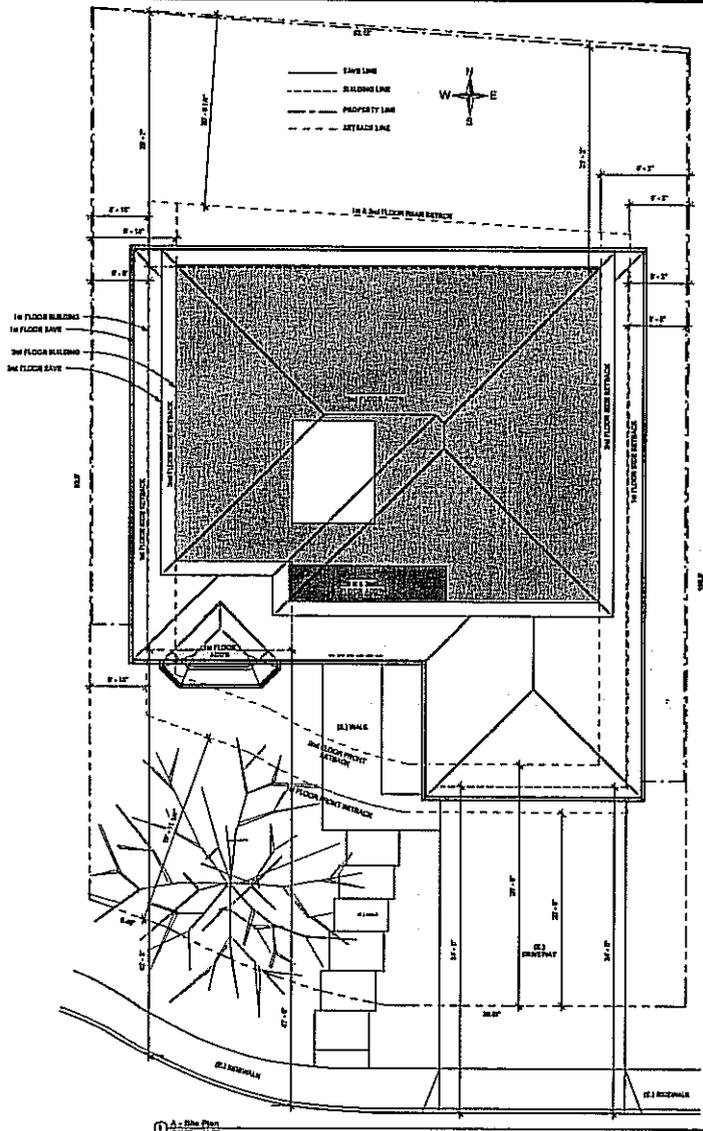
- A. The plans shall be revised as follows:
  - Reduce Floor Area Ratio below ~~50%~~ 52% with the majority of the reduction to be from the sides of the second floor (*as modified by the Planning Commission*).
  - Add architectural details to all elevations such as but not limited to shutters, awnings, decorative light fixture, and decorative window trim, with final details to be reviewed and approved by the Director of Community Development.
- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- C. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

**4. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
  - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
  - 2. All existing trees shall be included on the plans, showing size and varieties, and clearly specify which are to be retained.
  - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay any Civil plans including utility lines to ensure that the tree root system is not damaged.

**5. UNDERGROUND UTILITIES**

- A. All proposed service drops located in the front of the house shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- C. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.



**PROJECT DATA**

ADDRESS: 1035 Daisy Court  
Bunnyvale, CA 94086

APN: 213-150-02 ZONING: R0

LOT SIZE: (6200.0 sf)  $\Delta$

EXISTING 1st FLOOR: 1883.5 sf

EXISTING GARAGE: 435.5 sf

EXISTING TOTAL: 2089.3 sf

PROPOSED 1st FLR. ADDN: 61.3 sf

PROPOSED 2nd FLR. ADDN: 1326.8 sf

PROPOSED TOTAL: 1407.9 sf  $\Delta$

PROPOSED F.A.R.: 1507.2 58.5%

ALLOWED LOT COV'G: 2480.0 sf 40%

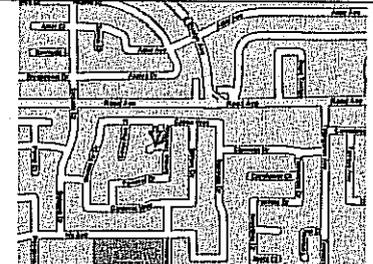
BUILDING CODES & REGULATIONS  
2017 ENERGY CODE  
Effective January 1, 2018

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CONTACT: Miguel C. Freitas  
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Phone: (408) 258-8763 Fax: (408) 258-8763  
www.cdfreitasconstruction.com

**YAMADA  
RESIDENCE**  
1035 Daisy Court  
Sunnyvale, CA 94086

**VICINITY MAP**



**SHEET INDEX**

A1.0	SITE PLAN
A1.1	SOLAR STUDY AM
A1.2	SOLAR STUDY PM
A2.0	EXISTING FLOOR PLAN
A3.0	PROPOSED FLOOR PLAN
A5.0	PROPOSED ELEVATIONS
A5.1	PROPOSED ELEVATIONS

REVISIONS	
1	Check Update
2	Update of Utility Connections
3	Update of Utility Connections
4	Update of Utility Connections

**SITE PLAN**

Project number: \_\_\_\_\_  
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A1.0

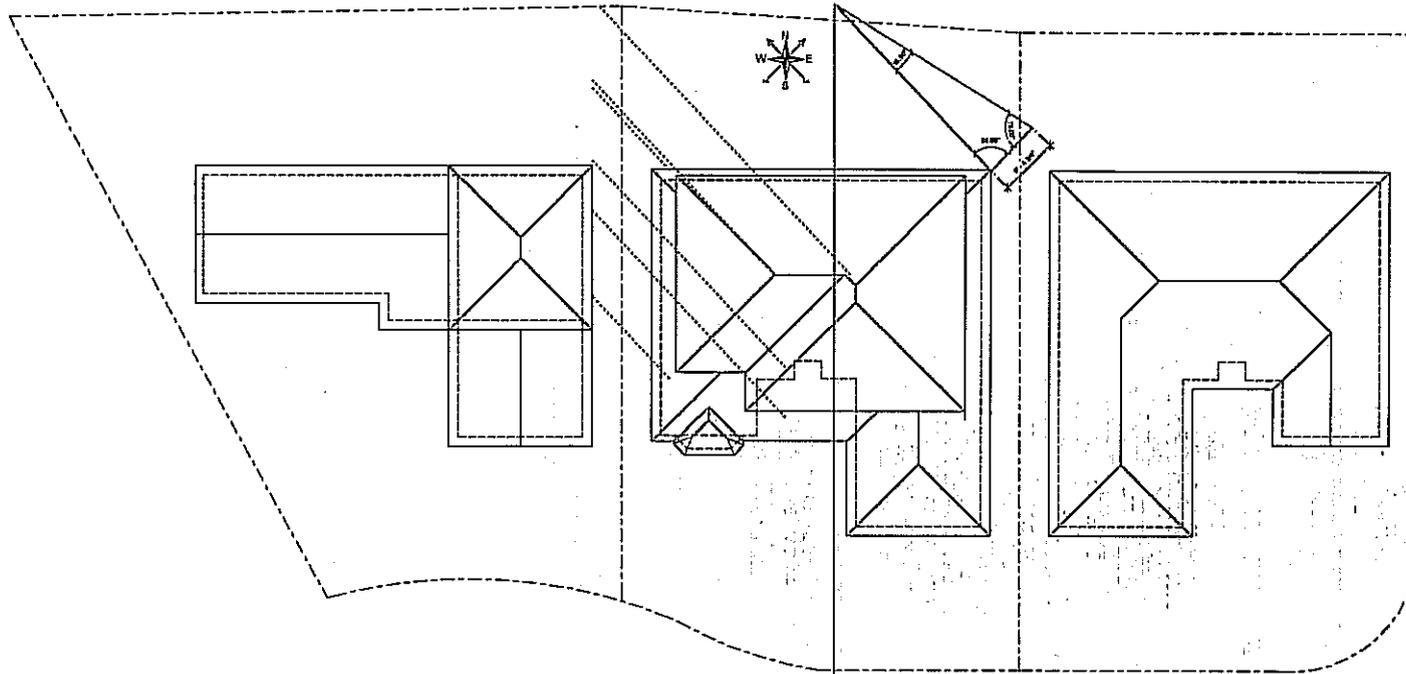
ATTACHMENT  
Page 1 of 7

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**YAMADA  
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© Freitas - Solar Study AM  
1/8" = 1'-0"

Revision Schedule

#	Description	Date

**SOLAR  
STUDY AM**

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**A1.1**

Scale: 1/8" = 1'-0"

ATTACHMENT  
Page 2 of 7

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Revision Schedule

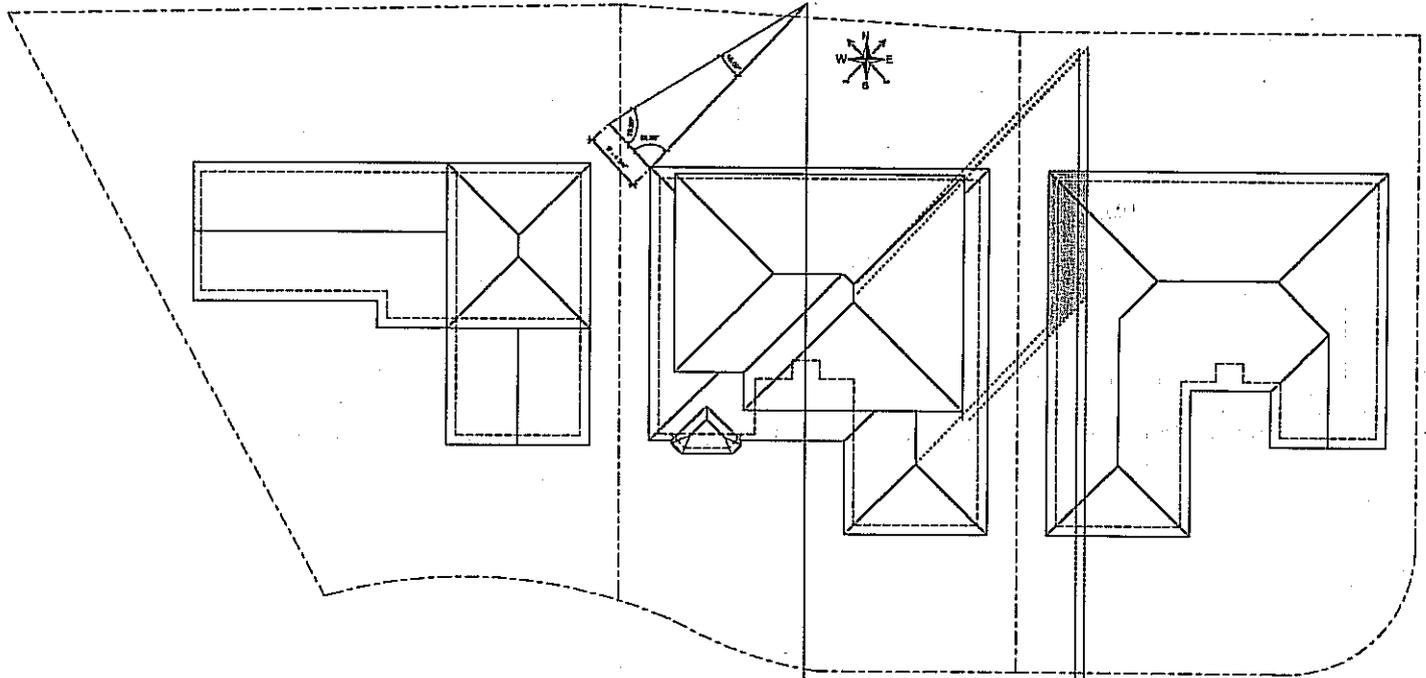
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STUDY PM**

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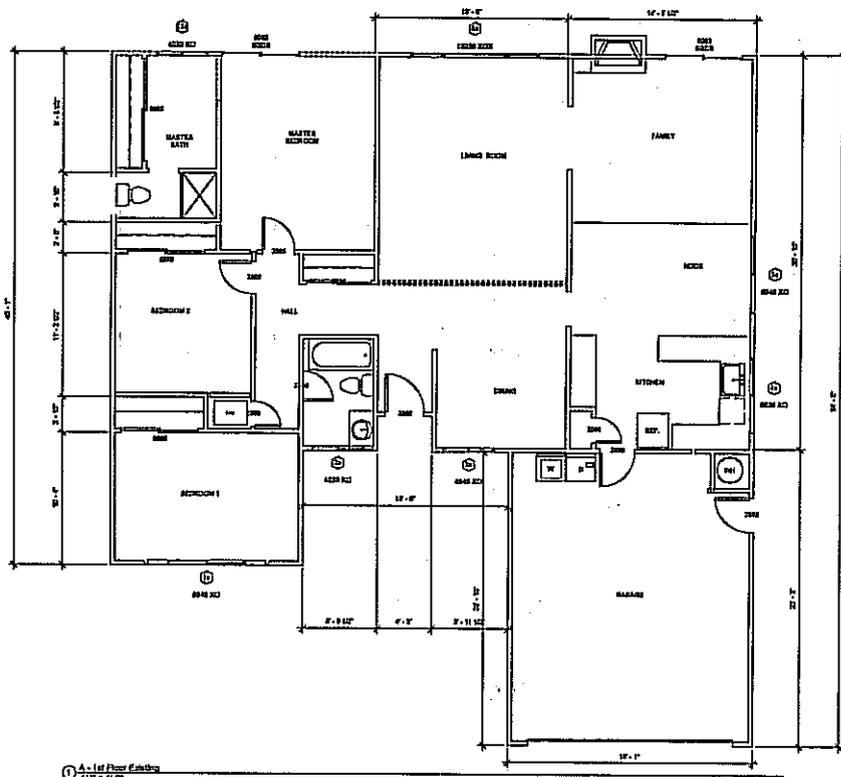
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ATTACHMENT 2  
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Revision Schedule		
#	Description	Date

**EXISTING  
FLOOR PLAN**

Drawn by: ALFRED  
Checked: BLANCA LOPEZ  
**A2.0**  
Scale: 1/4" = 1'-0"

ATTACHMENT  
 Page 4 of 7

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**YAMADA Residence**  
 1035 Daisy Court  
 Sunnyvale, CA 94088

EXISTING HALL  
 EXISTING HALL/POCKET  
 NEW HALL

WALL LEGEND  
 1 1/2" x 1/2"

FINISH NOTES  
 Material

Revision Schedule

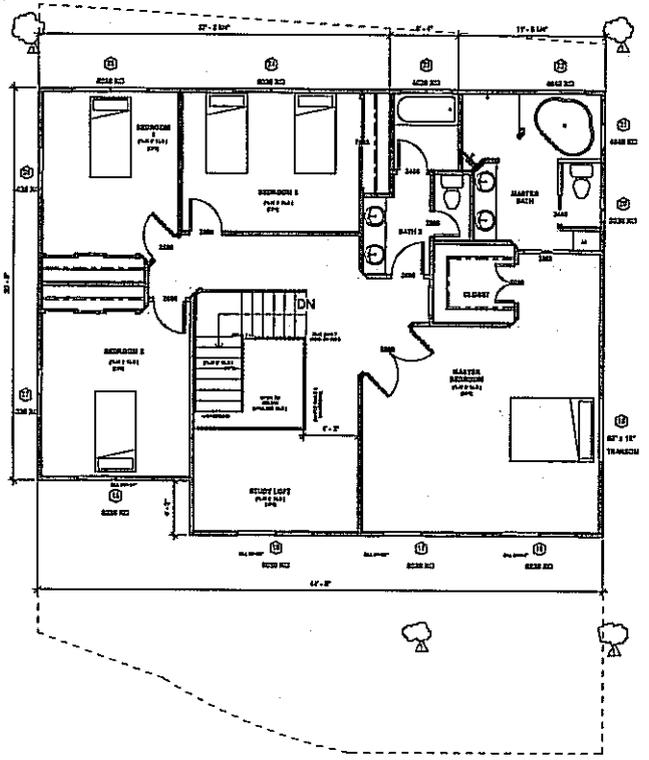
#	Description	Date
1	PRELIMINARY	10/12/09

**PROPOSED FLOOR PLAN**

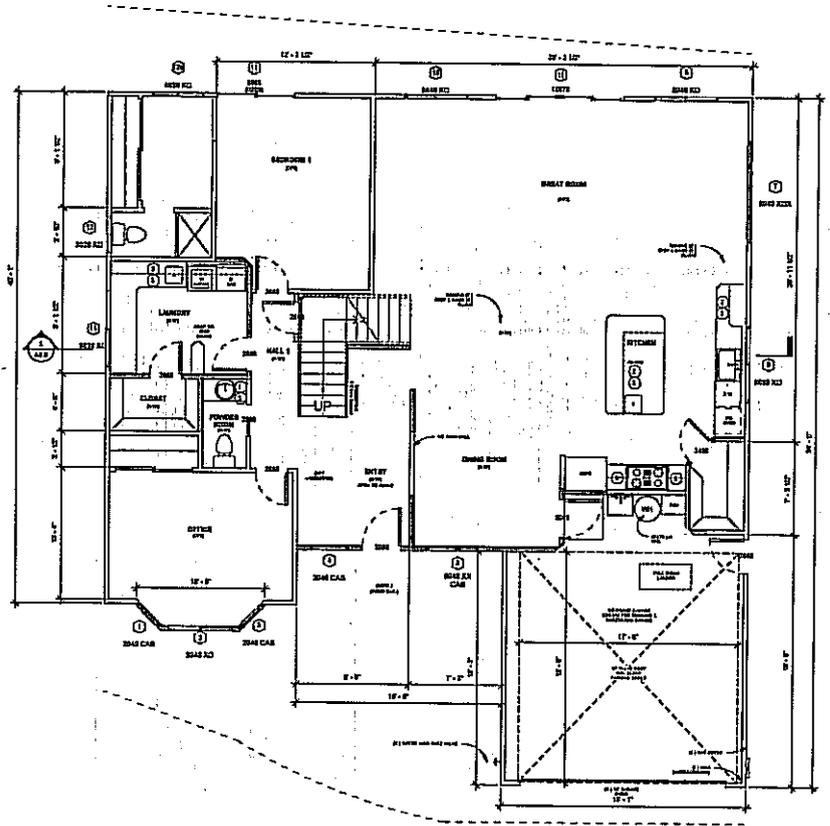
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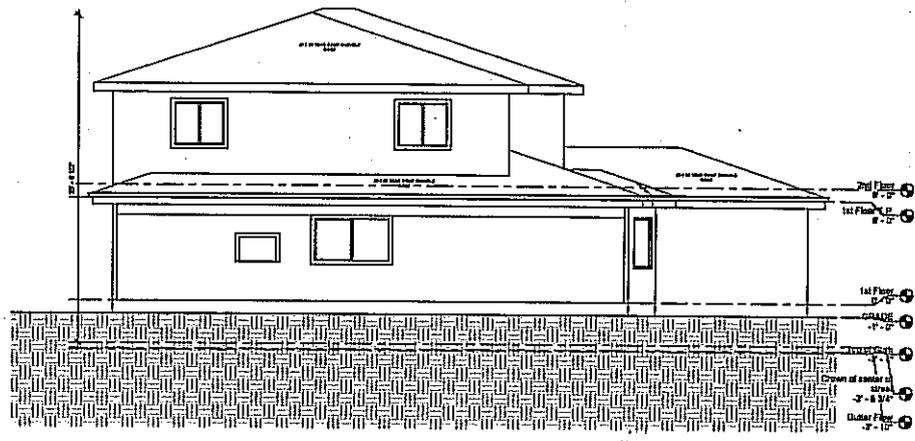
2 A - 2nd Floor Proposed  
 1/4" = 1'-0"



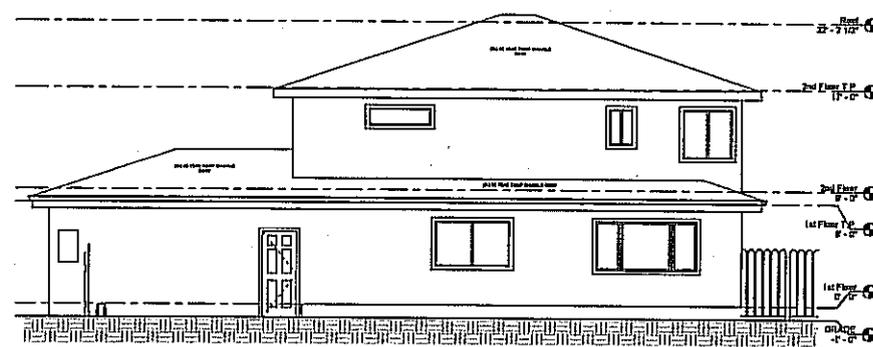
1 A - 1st Floor Proposed  
 1/4" = 1'-0"

ATTACHMENT  
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1) Elevation - Front  
1/4" = 1'-0"



2) Elevation - Side  
1/4" = 1'-0"

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Revision Schedule		
#	Description	Date

**PROPOSED  
ELEVATIONS**

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**A5.1**

Scale: 1/4" = 1'-0"

ATTACHMENT  
 Page 7 of 7

Floor Area Ratios in the Immediate Neighborhood

Address	Stories	Lot size (s.f.)	Floor Area (s.f.)	FAR (%)	Addition Date
1012 Daisy Ct	2	5,400	2,609	48.3%	N/A
1016 Daisy Ct	2	7,800	2,327	29.8%	N/A
1020 Daisy Ct	2	6,600	2,995	45.4%	1988 addition, no DR
1024 Daisy Ct	2	5,700	2,609	45.8%	N/A
1027 Daisy Ct	1	6,600	2,122	32.2%	N/A
1031 Daisy Ct	2	5,400	2,327	43.1%	N/A
<b>1035 Daisy Ct (existing)</b>	<b>1</b>	<b>6,200</b>	<b>2,099</b>	<b>33.9%</b>	<b>N/A</b>
<b>1035 Daisy Ct (proposed)</b>	<b>2</b>	<b>6,200</b>	<b>3,507</b>	<b>56.6%</b>	<b>proposed</b>
1039 Daisy Ct	1	6,200	2,122	34.2%	N/A
1028 Cassia Wy	1	6,200	2,289	36.9%	1982 addition, no DR
1032 Cassia Wy	2	6,076	2,327	38.3%	N/A
1036 Cassia Wy	1	6,200	2,122	34.2%	N/A
1040 Cassia Wy	1	6,700	2,068	30.9%	N/A
728 Silver Pine Ct	1	6,500	2,122	32.6%	N/A
732 Silver Pine Ct	1	6,200	2,109	34.0%	N/A
736 Silver Pine Ct	2	6,111	2,327	38.1%	N/A
740 Silver Pine Ct	1	6,111	2,122	34.7%	N/A
744 Silver Pine Ct	1	6,000	2,109	35.2%	2005 addition, no DR
748 Silver Pine Ct	2	8,400	2,327	27.7%	N/A
752 Silver Pine Ct	2	9,000	2,609	29.0%	N/A
1035 Fernleaf Dr	1	7,684	2,122	27.6%	N/A
1037 Fernleaf Dr	1	8,184	2,197	26.8%	1985 addition, no DR
1039 Fernleaf Dr	1	7,215	2,122	29.4%	N/A
1041 Fernleaf Dr	2	6,565	2,327	35.4%	N/A
645 Smoke Tree Wy	2	5,820	2,830	48.6%	1984/5 additions, no DR
651 Smoke Tree Wy	2	6,014	2,609	43.4%	N/A
657 Smoke Tree Wy	2	6,014	2,068	34.4%	N/A
663 Smoke Tree Wy	1	6,014	2,122	35.3%	N/A

Of 28 homes in the immediate surrounding neighborhood, 13 are currently two-story. Only four have FARs above 45%. These were approved prior to our current Design Techniques. None have FARs above 50%.

Floor Area Ratios in the Larger Surrounding Area

Address		Stories	Lot size (s.f.)	Floor Area (s.f.)	FAR (%)	Addition Date
1046	Fernleaf	2	7,275	2,609	35.9%	N/A
663	Spruce	2	6,200	2,609	42.1%	N/A
669	Spruce	2	6,200	2,609	42.1%	N/A
676	Smoke Tree	2	9,900	2,327	23.5%	N/A
737	Sequoia	2	6,410	3,724	58.1%	2000 DR
752	Henderson	2	6,076	2,890	47.6%	N/A
771	Shasta Fir	2	6,500	3,415	52.5%	2002 DR
773	Privet	2	8,000	2,660	33.3%	1989 addition, no DR
965	Erica	2	6,324	3,294	52.1%	1995 DR
967	Erica	2	6,324	3,068	48.5%	1990 addition, no DR

Three homes over 50% FAR, including one over 58% FAR. All were approved prior to our current Design Techniques.

Date: June 23, 2008

To: Sunnyvale Planning Commission  
From: Steve Schweizer and Colleen Yamada, 1035 Daisy Ct.  
RE: File #2007-1302, application for second story addition

- submitted prior to the  
Planning Commission  
hearing and included in  
the  
previous  
staff  
report

We have been working with the Design Staff since December 2007 to gain a recommendation for approval of our application. After various design cycles, we have substantially changed the elevation and floor plan of our proposed addition. However, the remaining issue of the FAR we feel cannot be decreased to the extent the staff feels is needed for an approval (50%). We have brought the FAR down from 59% to 56.5% while still achieving the objective of this project; to add much-needed living space for our family of six. We were encouraged by the staff to bring our plan to the Planning Commission to try to gain approval of our application.

We hope the Commission will approve our design for the following reasons:

1. The design blends in to the existing neighborhood. Though we prefer the more contemporary elevation we originally submitted (Fig 1), in the interest of addressing the design staff's opinion that the home was too contemporary for the surrounding Ranch-style homes, we redesigned and simplified the elevation (Fig 2).
2. The proposed FAR of 56.5%, though higher than that of adjacent homes, would be similar to that of the two most recent large additions in the neighborhood, 737 Sequoia 3724sf 58% FAR (Fig 3), and 771 Shasta Fir Drive 3415sf 52.8% FAR (Fig 4). Few homes in this neighborhood have had large additions. Because most lots are 6000-7000 sq ft, the only way to add a substantial amount of square footage is with a second story. Given the expense and inconvenience of such a large-scale project, most homeowners would opt to move.
3. Our home is set far back from the curb with a deep front yard. The second story is set back from the first floor, and for anyone looking at the house from the sidewalk, it would not appear much larger than existing five-bedroom homes (Fig 5 and Fig 6).
4. We are in compliance of all zoning codes and setbacks. We are not asking for any variances. Our lot coverage is well under the 40% requirement for a two-story home. Given the expense of adding a second floor, it only makes sense to maximize the amount of living space we get for our investment.
5. The home would not appear much larger than the nearby homes (Figs 7 - 9). There are only eight homes in this cul-de-sac. Five are already two-stories, and our home would be the sixth two-story home (Figs 10-13).
6. Our location makes our home virtually invisible to most observers. Our home is inside a cul-de-sac, has a large tree in the front yard, as well as a long line of very tall cypress trees along the side. This completely blocks the view of the house from the cross street, Smoke

Tree (Fig 14). The only way to actually see our home is to drive into the court. There are also trees along the back fence, both in our yard as well as our back neighbors' yards.

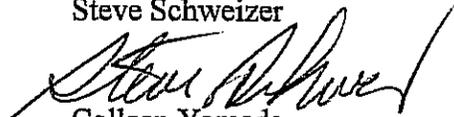
7. We had plans approved in August 2001 (File #2001-0401), with no design issues. The elevation (Fig 15) and square footage (3430sf) was very similar to our December submittal. Regrettably, the bids on the plans at that time were much higher than we had expected and we shelved the plans while we saved the money. Now that we are ready to build, we are frustrated to find we are limited not by budget, but by a new metric, FAR.
8. We have noticed that other large additions bring up concern regarding the potential parking issues when there are many bedrooms in a home. While parking is already at a premium in our cul-de-sac, removing square footage from our floor plan would not mitigate this problem. In fact, it could impact our hopes to finally get a car into our garage by eliminating much-needed interior storage and closet space.
9. Our neighbors support our plans (Fig 16). Like us, they also feel that large-scale remodels are a positive sign that owners are making long-term investments in their homes. Ultimately, this raises the value of their homes as well. Our current floor plan is the smallest in the development, and many of these homes are now rental units. We would prefer to see more home additions than rental units in this neighborhood.

We are long-time residents of Sunnyvale. We have owned this house since 1993, and Colleen has lived in Daisy Ct since 1971, when the homes were new. Our four children visit their grandparents at 1020 Daisy Ct every day. They cannot even conceive of living anywhere else. For that reason alone we have planned this addition despite the expense and inconvenience of a project of this scale. We have a vested interest in the quality of this neighborhood, and feel our project will be an enhancement.

We hope that you will approve our project.

Sincerely,

Steve Schweizer

  
Colleen Yamada

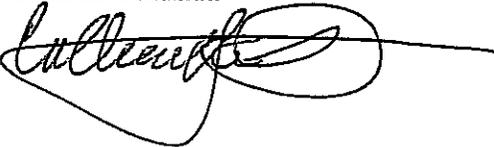




Figure 1 - Initial elevation submitted in 12/2007



Figure 2 - Final elevation with staff changes.



Fig 3 - 737 Sequoia 3724sf 58% FAR



Fig 4 - 771 Shasta Fir Dr 3415sf 52.8% FAR

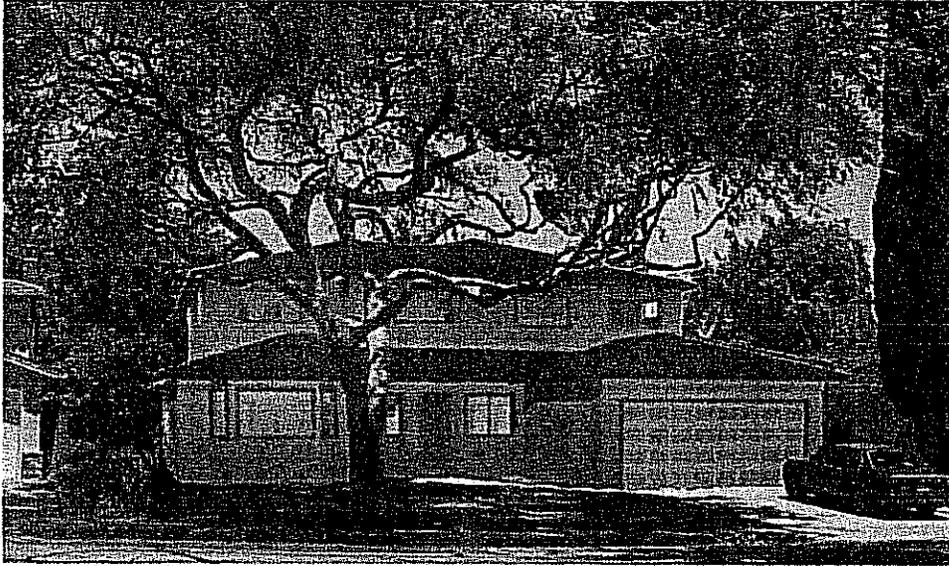


Fig 5 - Our proposed addition

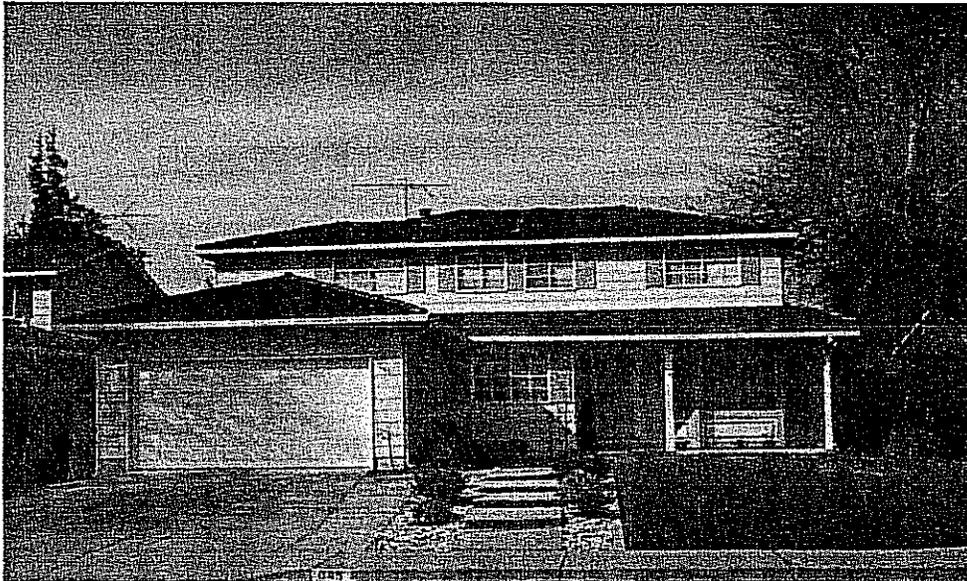


Fig 6 - 5BR home across the street.



Fig 7 - 5BR home across the street

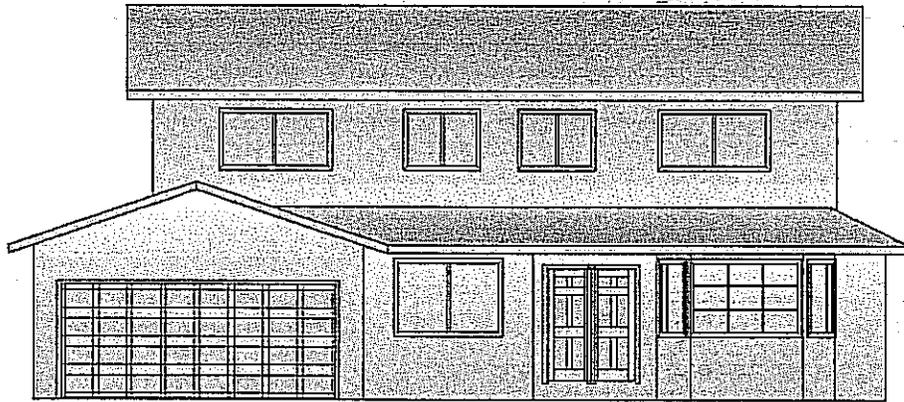


Fig 8 - Typical 5BR original floorplan



Fig 9 - Our proposed home

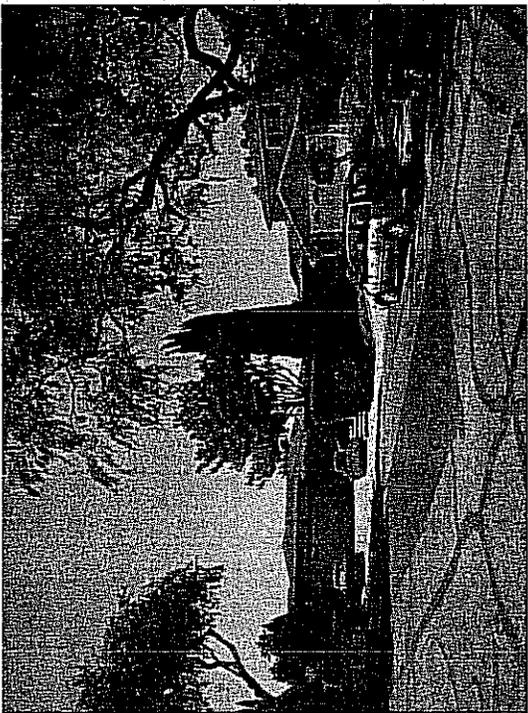
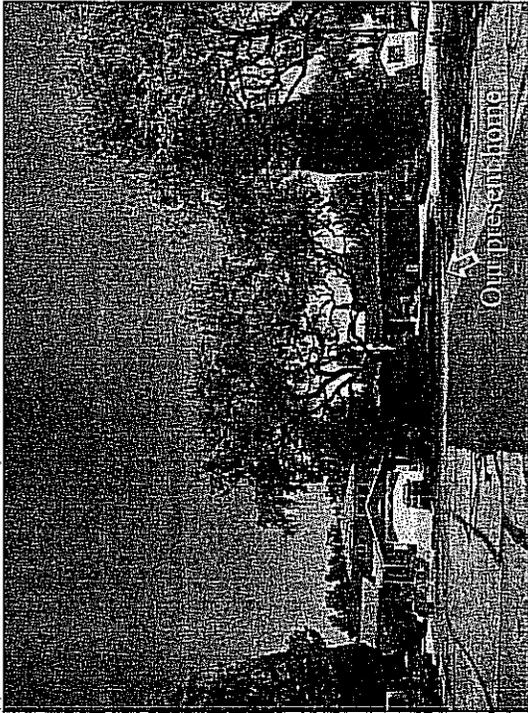


Fig 10-13 - Various views of Daisy Ct.

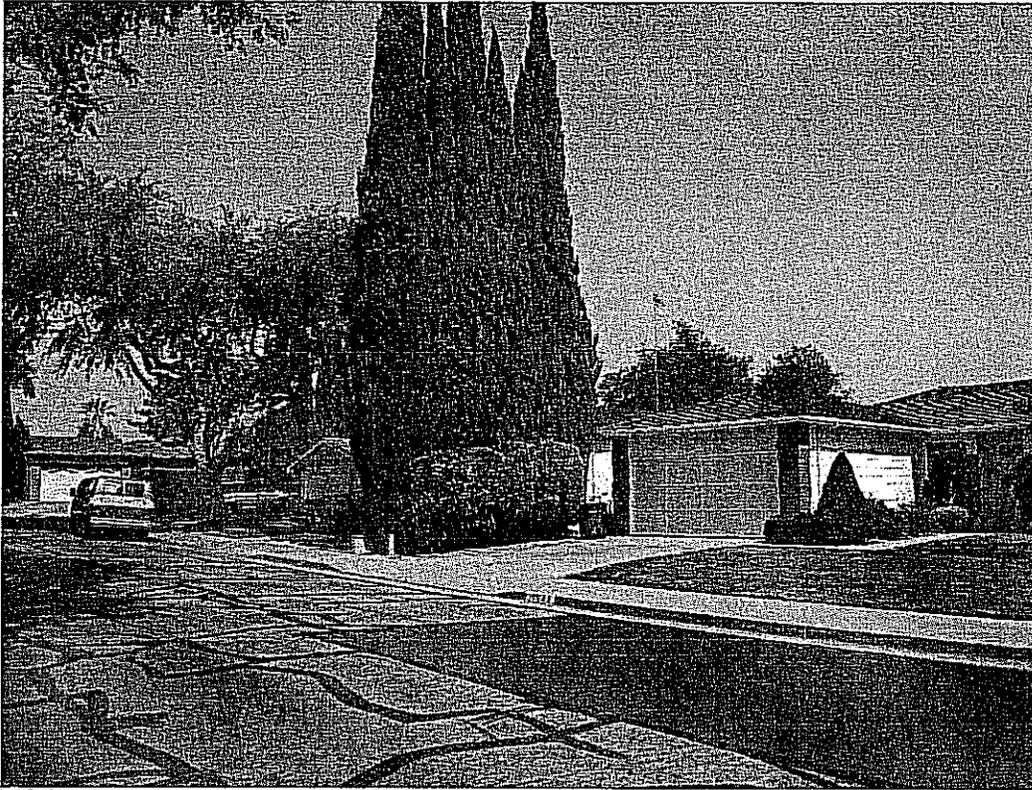


Fig 14 - View from cross street. Our home is almost completely obscured

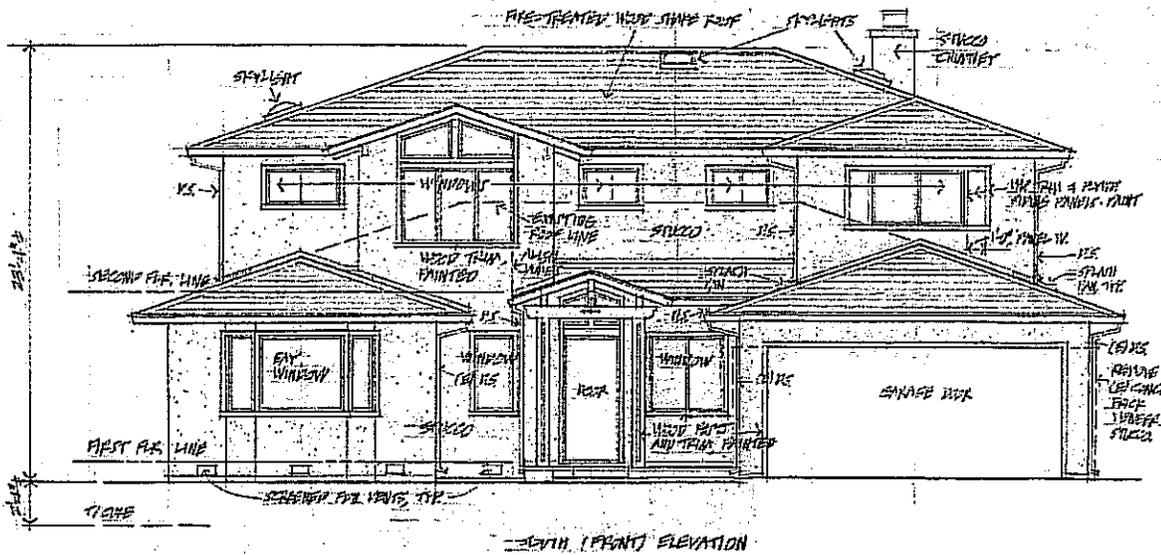


Fig 15 - Elevation approved in August 2001

To: Sunnyvale Planning Commissioners

RE: File #2007-1302, Application for 2<sup>nd</sup> Story Addition at 1035 Daisy Court

We are neighbors of Steve Schweizer and Colleen Yamada, the applicants for this project. We support their plans and encourage you to approve their project.

Name	Address	Signature	Date
Margaret Richards	1039 Daisy Ct	Margaret Richards	6-19-08

Name	Address	Signature	Date
Aparna Kelkar	1031 DAISY CT	Aparna Kelkar	6/21/08

Name	Address	Signature	Date
John Wu	1012 Daisy CT	John Wu	6/21/08

Name	Address	Signature	Date
KANG TAE LEE	1024 Daisy Ct	Kang Tae Lee	6/21/08

Name	Address	Signature	Date
AUNCHALEE BURD	1016 DAISY CT	Aunchalee Burd	6/21/08

Name	Address	Signature	Date
William Prantz	1040 Cassin Way	William Prantz	6-22-08

Name	Address	Signature	Date
BEN YAMADA	1020 DAISY COURT	Ben Yamada	6-22-08

Fig 16 - Neighbor signatures in support of our project.

Date: July 14, 2008

*— submitted by applicants at the  
public hearing*

To: Sunnyvale Planning Commission

From: Steve Schweizer and Colleen Yamada, 1035 Daisy Ct.

RE: File #2007-1302, application for second story addition

We have reviewed Design Staff's report, and we have only one exception with the conditions stated in Attachment B of the report. We strenuously object to the condition outlined in Section 3, subsection A requesting an FAR below 50%. We are opposed to this condition and instead request that the plan be approved in its present 56.8% FAR form.

We have no problem with the other conditions outlined in the report.

The amount of square footage that would have to be removed from the existing plan to meet this 50% FAR condition is approximately 400 square feet. This is roughly the hatched area in Fig 17, which amounts to two of four bedrooms. We feel that reducing the present 56.8% FAR design to meet the requested 50% condition is a request for radical redesign which cannot meet our objectives. Quite frankly, approval of this project with the 50% FAR condition is not really an approval. It is a polite way of requesting comprehensive redesign. We have already worked with staff and reduced our planned square footage from an initial figure of 3845 down to its present 3507.

We have worked with the staff to modify our design to make it more acceptable and to address staff's concerns regarding the appearance of bulk and continuity with the prevalent design themes of the neighborhood. This is reflected in numerous places in the staff report.

We have also worked closely with our neighbors to make sure that the plans we have created are appealing to them as well.

Inspection of our attachments to the Staff report reveals that we have obtained signatures from each of the Daisy Court residents endorsing our proposed 56.8% FAR plan. Not one of our neighbors expressed any concern about the appearance of bulk in our proposed design. Nor did any neighbors express concern that the 56.8% FAR design created any sort of neighborhood visual discontinuity. They endorse this plan and encourage our efforts to build this addition. The only concern that our neighbors shared with us was that the approval process seems unnecessarily onerous and time consuming.

Listed below are additional specific comments relevant to the discussion above.

1. Our second story would be 61% (1326/2180) of the first floor area. Existing 5-bedroom homes in our neighborhood have second stories nominally 65% of the first floor area. By this metric, our second story addition is actually slightly less bulky than the existing 5 bedroom houses on Daisy Court.

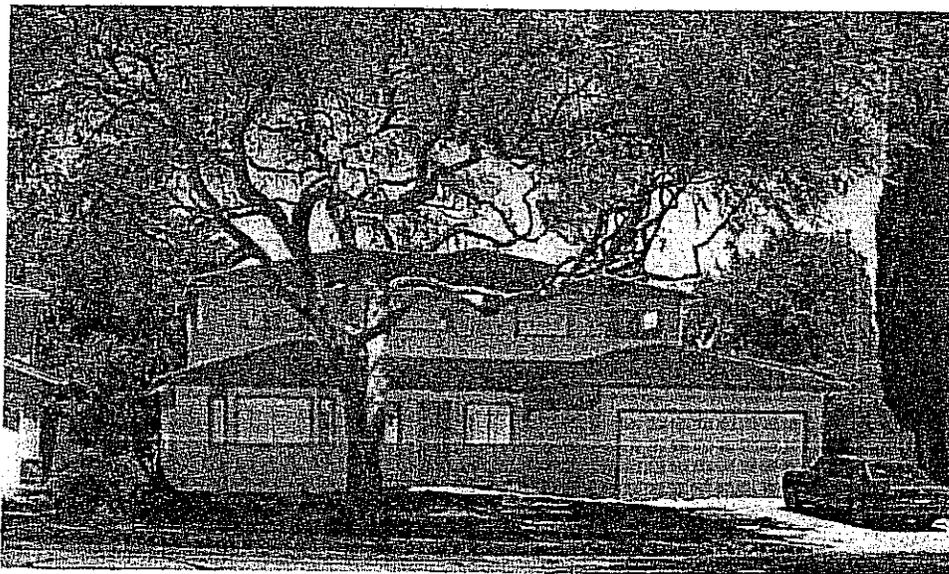


Fig 5 - Our proposed addition

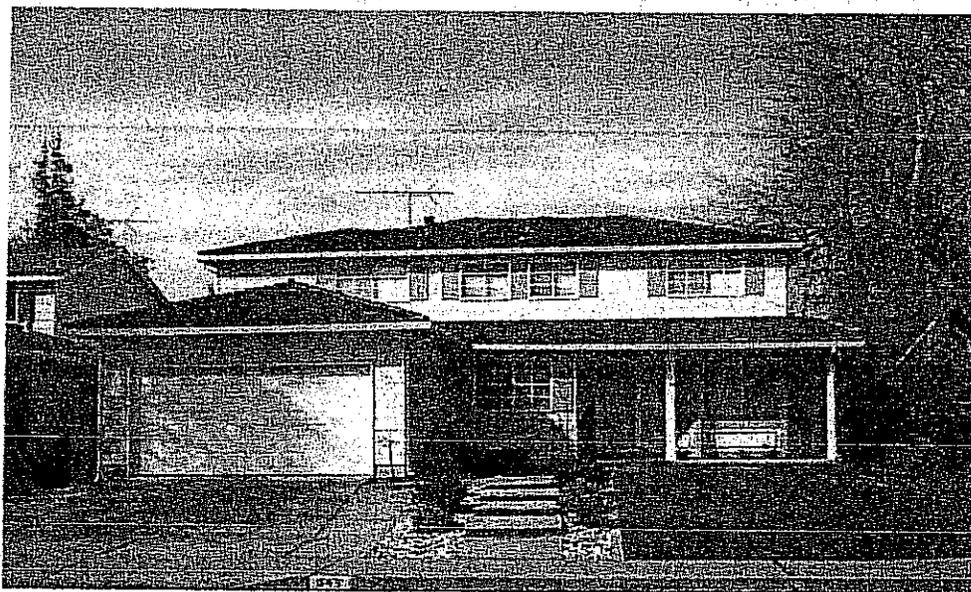


Fig 6 - 5BR home across the street.

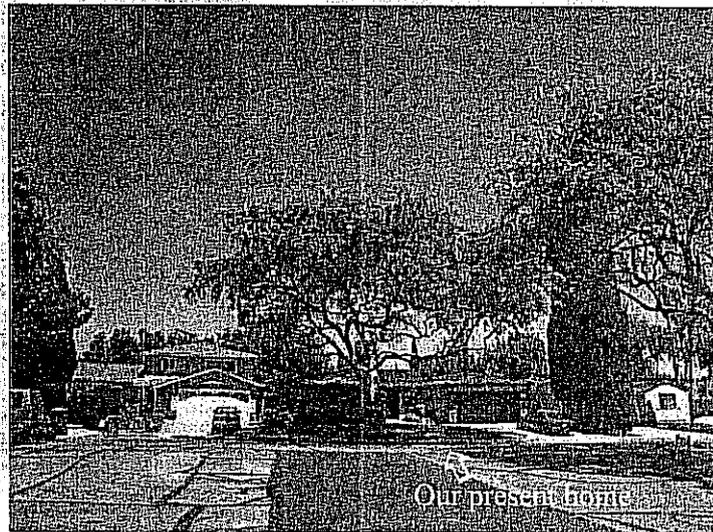
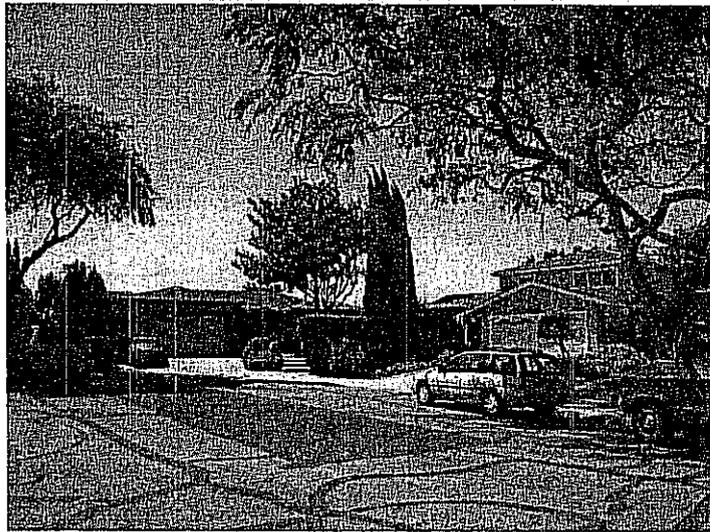
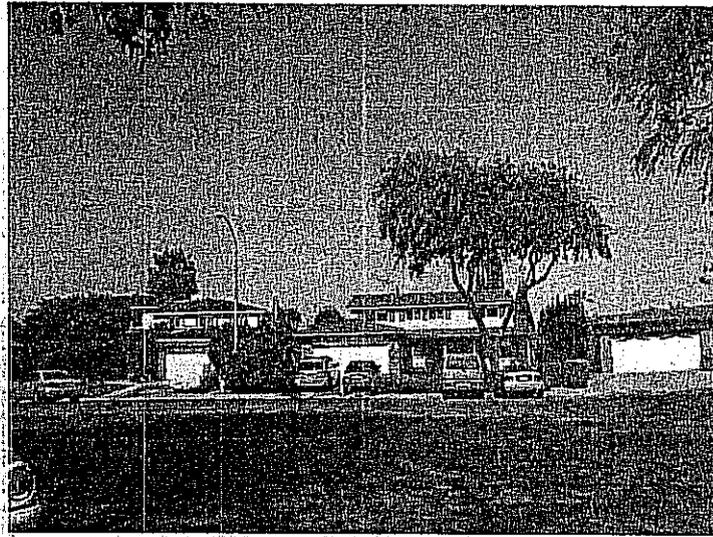
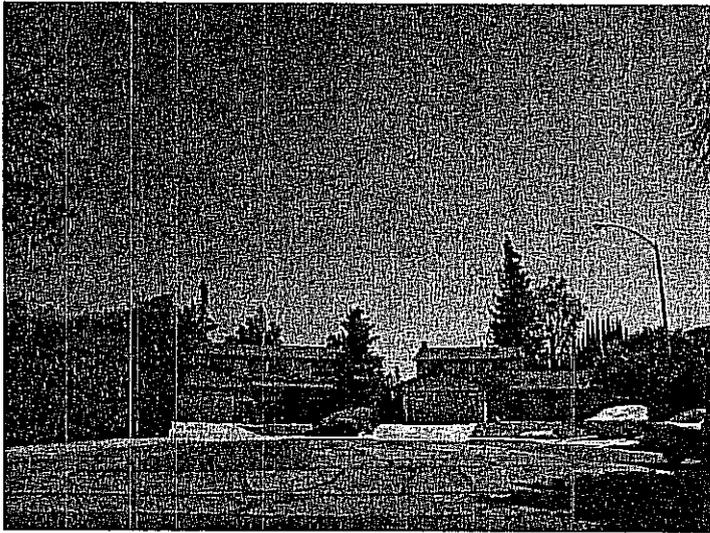


Fig 10-13 - Various views of Daisy Ct.

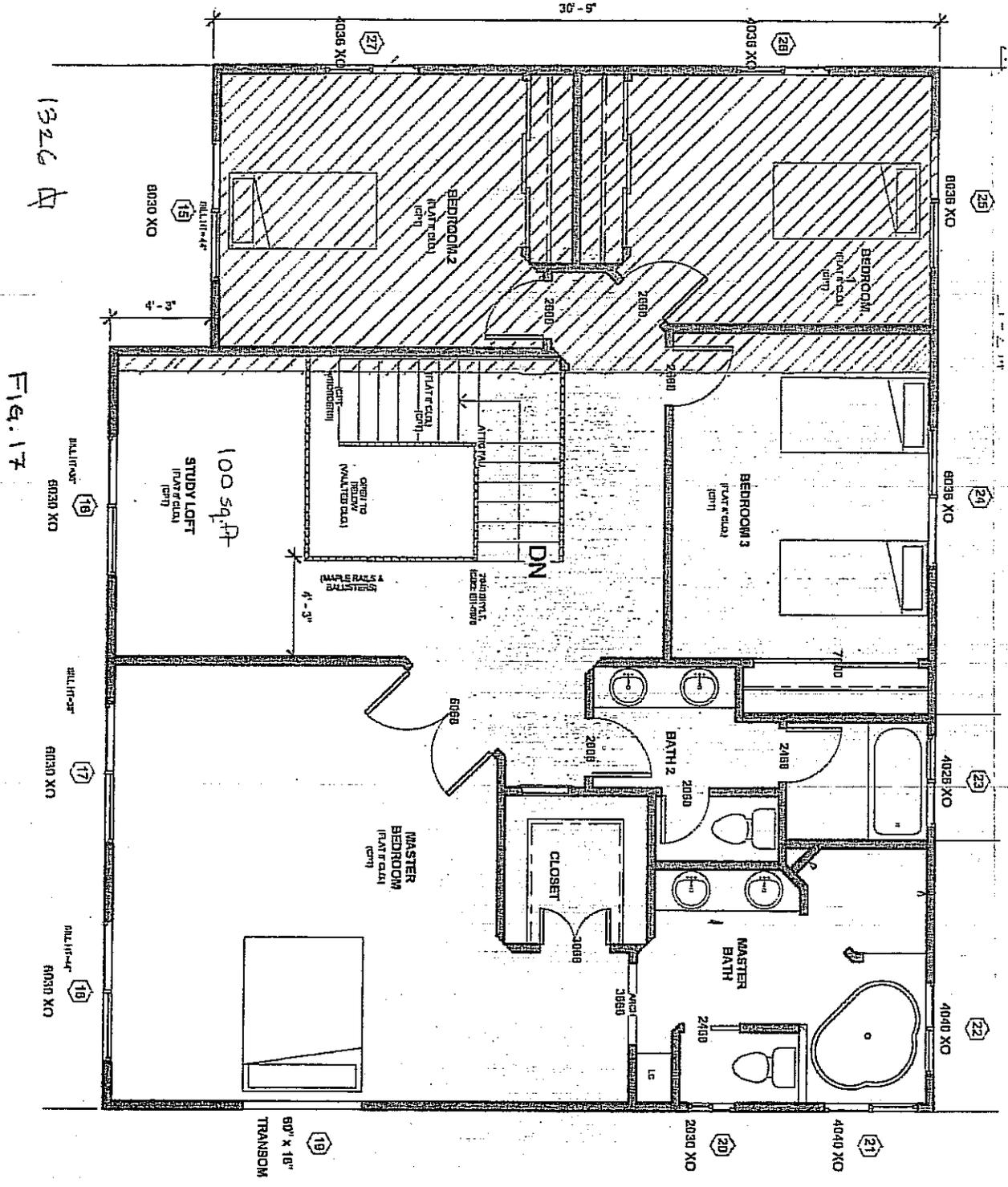


Fig 17 – Second story with 400 sq ft crosshatched

**PLANNING COMMISSION MINUTES OF JULY 14, 2008**

**2007-1302:** Application for a Design Review to allow a 1,408 square foot one- and two-story addition to an existing single-story home resulting in 3,507 square feet and approximately 57% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review. The property is located at **1035 Daisy Court** (near Smoke Tree Wy.) in an R-0 (Low Density Residential) Zoning District. (APN: 213-15-002) MH

**Mariya Hodge**, Associate Planner, presented the staff report. She said staff recommends approval of the Design Review subject to the conditions in Attachment B. She said staff is recommending the applicant reduce the size of the addition resulting in an FAR of 50% or less. Ms. Hodge said the applicant has submitted an additional letter and information this evening, dated July 14, 2008, which has been provided on the dais.

**Chair Rowe opened the public hearing.**

**Steve Schweizer** and **Colleen Yamada**, applicants and long time Sunnyvale residents, said they are seeking approval for the proposed additions to their home and expressed the importance and reasons for their remaining at this address and enlarging this home. Mr. Schweizer said in 2001 they submitted a very similar plan to their current proposal and it was approved without any difficulty at all. He said they are requesting the Commission approve their proposed design with the 56.8% FAR, are opposed to further reducing the FAR to 50% or less as recommended by staff, and commented that they have no other objections to the requirements in the Conditions of Approval. He said they are interested in making sure their home blends in with the neighborhood and do not think they are requesting anything bulky or overly large. He said they have worked with staff and modified the original plans with a reduction of approximately 300 square feet. He said the proposed plan complies with all zoning codes and setbacks and they are not asking for any variances. He said he and his neighbors do not feel the proposed addition would appear larger than other homes in the neighborhood. Mr. Schweizer referred to Attachment E, pages 7, 8 and 9 showing a variety of elevation plans in the neighborhood and signatures of support from all of the Daisy Court neighbors. He reiterated that the only disagreement they have with staff's recommendation is the 50% or less FAR requirement. He said the square footage reduction that would be required to bring the proposed project to the 50% FAR would be the equivalent of knocking two bedrooms off the second story and would not result in any significant financial savings. He said they understand the concern of staff about building

oversized houses on small lots and about setting precedence allowing the construction of enormous homes. He said they feel they have mitigated the concerns. Mr. Schweizer said the reduction of their proposal to the 50% FAR requirement would be grounds for a major redesign and they would like their plan approved as proposed. He said they seem to be at an impasse with staff over the FAR and they need the space for their family. Mr. Schweizer said the neighborhood does not seem to share the concerns of staff regarding an appearance of bulk.

**Chair Rowe closed the public hearing.**

**Chair Rowe** asked staff about the second story setbacks. Ms. Hodge said the applicant's proposal meets the second story combined setbacks and does not exceed the minimum setback on either side. Chair Rowe commented about possible options for reducing the square footage. Ms. Hodge said staff is recommending reducing square footage primarily from the sides to remove bulk rather than from the back of the house. Chair Rowe asked about how much would be reduced on each side. Ms. Hodge said the reduction would be about 400 square feet which would be about five feet off each side of the house commenting that she agrees with the applicant that it would probably require significant redesign.

**Comm. McKenna** referred to the document provided by the applicant on the dais this evening. She asked staff if the representation provided in the illustration on page 7 reducing the FAR from 56.8% to 50% or less, by the elimination of two bedrooms, is a fair representation. Ms. Ryan said that the representation seems reasonable as illustrated and seems close as the approximate 400 square feet is close to the equivalent of the two bedrooms proposed.

**Comm. Klein** asked staff how the 50% FAR was chosen. Ms. Hodge said staff looked at other homes in the immediate area and none of the other homes had an FAR exceeding 50%. Ms. Hodge said some homes in a larger surrounding area of the neighborhood have an FAR exceeding 50% and these homes were approved prior to the City's current standards and design techniques. Ms. Ryan added that the Commission has approved homes in excess of 50% FAR and there is not a prohibition of approving a higher FAR. Ms. Ryan said, in general, it seems desirable to keep the homes in a 50 to 55% FAR range. Ms. Ryan said ultimately the decision is whether the Commission feels the design is compatible with the neighborhood as this is a Design Review.

**Comm. Klein moved for Alternative 2, to approve the Design Review with modified conditions: to modify Condition of Approval 3.A.1 that the Floor**

**Area Ratio be reduced below 52%**, instead of 50%, with the majority of the reduction to be from the sides of the second floor. **Comm. Sulser seconded the motion.**

**Comm. Klein** said that he chose the 52% FAR based on review of the surrounding community in comparison to the proposed project. He said the highest FAR in the surrounding area is 56% and there are several other homes in the neighboring community that are in the 52% range. He said staff would like a decrease in the bulk and the 52% seems to be an equitable compromise.

**Comm. Sulser** said he thinks the 50% FAR is too low, and agrees there are other homes in the neighborhood in the 52% FAR range. He said he feels the 52% FAR is very reasonable.

**Vice Chair Chang** asked staff what the square foot reduction would be if the FAR were reduced from 56% to 52%. Staff said the additional 2% increase that the Commission is considering approving would give the applicant about 125 additional square feet more than what staff is recommending. Staff said if the Commission approves an additional 2% FAR that the end result would be a home totaling 3,209 square feet.

**Comm. Hungerford** commented when he did his site visit that he felt the court was well guarded by the boys in the neighborhood. He said he would be supporting the motion as FAR is important criteria for keeping the bulk down on a house. He said he looked at some of the other homes in the neighborhood and agrees that 52% is a good compromise.

**ACTION: Comm. Klein made a motion on 2007-1302 to approve the Design Review with modified conditions: to modify Condition of Approval 3.A.1 that the Floor Area Ratio be reduced below 52%. Comm. Sulser seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 29, 2008.**

Steven Schweizer and Colleen Yamada  
1035 Daisy Ct.  
Sunnyvale, CA 94086

July 18, 2008

Sunnyvale City Council  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

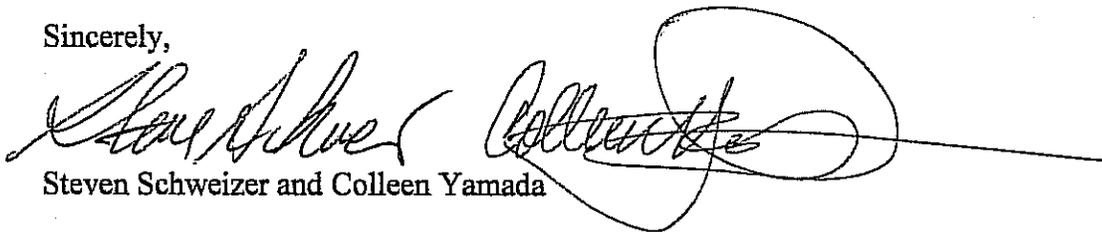
RE: Request for Appeal of Planning Commission decision rendered on 7/14/08 in reference to 2007-1302, Application for home addition at 1035 Daisy Court.

We would like to request an Appeal to the City Council regarding our recent Application for Design Review File #2007-1302.

We feel the decision was made without adequate consideration of the facts provided, and would like the decision reconsidered.

Additional details and information will follow.

Sincerely,



Steven Schweizer and Colleen Yamada

Steven Schweizer and Colleen Yamada  
1035 Daisy Ct.  
Sunnyvale, CA 94086

July 28, 2008

To: Sunnyvale City Council Members

RE: Request for Appeal of Planning Commission decision rendered on 7/14/08 in reference to 2007-1302, Application for home addition at 1035 Daisy Court. Appeal date 8/12/08.

Dear Councilmembers,

We would like to request an Appeal to the City Council regarding our recent Application for Design Review File #2007-1302.

We feel the decision was made without adequate consideration of the facts provided, and would like the decision reconsidered. We ask that the City Council approve our current home design without the condition to decrease FAR from 56.6% (3507.2 sq ft) to 52% (3224 sq ft).

The Planning Commission decision, though unanimous, did not even consider our home design as it is currently designed, at 56.6% FAR. Instead, they accepted as fact that the Staff's recommendation of 50% was reasonable, and offered a compromise number of 52% without even considering whether perhaps our design was acceptable as is.

We ask that you consider the following:

- We worked with Staff even prior to submitting our first plan in December to understand the Design Review process. We did not anticipate any problems.
- Our neighborhood was built in 1971 as a mixed one- and two-story development. Five of eight homes on Daisy Court are 2-story. Ours would be the sixth.
- Since submittal in December, we have made significant changes to our plan, reducing square footage from 3845 to 3507.2. 52% FAR would further reduce our square footage to 3224.
- Staff continues to focus on what they consider to be "extra space" in our floor plan, questioning why we cannot eliminate various areas to reduce FAR. We feel that this is really not germane to the question of whether the home fits in the neighborhood, but is instead a matter of personal choice. That said, we are a family of six, so it seems obvious that we would want as much living space as we can attractively build within our budget.
- At Staff's insistence, we have made drastic changes in the elevation for a more uniformly "Ranch" appearance, despite our preference for a more updated, contemporary home.

- We disagree with Staff opinion that our home would appear significantly larger than other homes in Daisy Court or the neighborhood. (See figures)
- No absolute FAR limit is part of city codes for our R-0 zoning. The application of a 50% FAR limit by the staff has always seemed arbitrary and not well-justified. There was never any consideration of design changes that could address Staff's perception of bulk, such as adding to the back of the home. Instead, the FAR has been non-negotiable.
- Our home would not be the largest in the neighborhood. The most recent major additions were 3724sf, 58% FAR and 3415sf, 52.8% FAR.
- Our neighbors unanimously support our plan.

We understand the City Council rarely changes a unanimous Planning Commission decision, but hope that you will consider our appeal an exception.

Please feel free to contact us at 408-296-1453 should you have any questions. We also encourage you to come by our home and see the neighborhood. In addition, we will mail additional information individually to each Councilmember so that we may include color pictures.

Sincerely,

  
Steve Schweizer and Colleen Yamada, Applicants

Note: For the record we would also like to clarify our lot size is 6200 sf, not the 6171 sf that is written in the staff report. FAR's in this letter use the 6200 sf, which has been accepted by Staff as accurate per a civil engineer's report. The 6171 sf in their report was a vestige of the first set of plans we submitted which had an estimated lot size.

Figures 7, 8 and 9 compare elevations of 2-story homes in the neighborhood to our proposed home.

Figure 16 – Letter signed by neighbors.

Figures 17-20 – Views of Daisy Court

Figure 21 – Top view of Daisy Court with reference points.



Fig 7 - 5BR home across the street



Fig 8 - Typical 5BR original floorplan



Fig 9 - Our proposed home

To: Sunnyvale Planning Commissioners

RE: File #2007-1302, Application for 2<sup>nd</sup> Story Addition at 1035 Daisy Court

We are neighbors of Steve Schweizer and Colleen Yamada, the applicants for this project. We support their plans and encourage you to approve their project.

Name	Address	Signature	Date
Margaret Richards	1039 Daisy Ct	Margaret Richards	6-19-08

Name	Address	Signature	Date
Aparna Kelkar	1031 DAISY CT	Aparna Kelkar	6/21/08

Name	Address	Signature	Date
John Wu	1012 Daisy CT	John Wu	6/21/08

Name	Address	Signature	Date
KANG TAE LEE	1024 Daisy Ct	Kang Tae Lee	6/21/08

Name	Address	Signature	Date
AUNCHALEE BYRD	1016 DAISY CT	Aunchalee Byrd	6/21/08

Name	Address	Signature	Date
William Prantz	1040 Cassin Way	William Prantz	6-22-08

Name	Address	Signature	Date
BEN YAMADA	1020 DAISY COURT	Ben Yamada	6-22-08

Fig 16 - Neighbor signatures in support of our project.

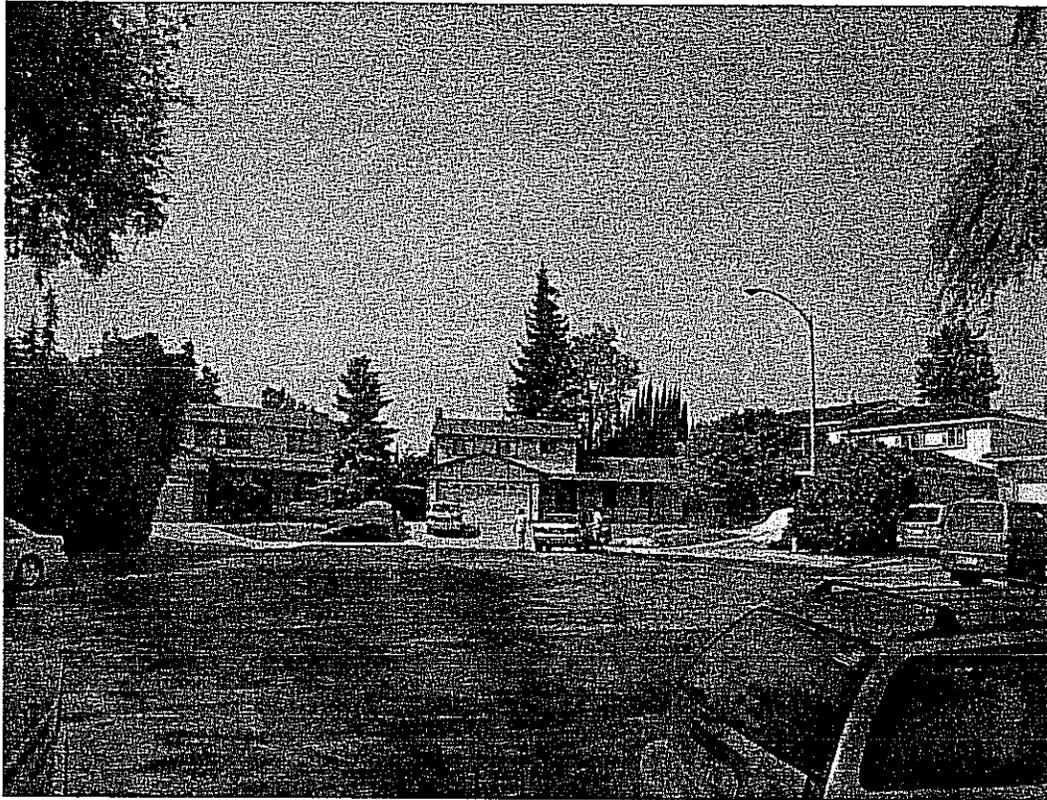


Fig 17 – View from our house across Daisy Ct.

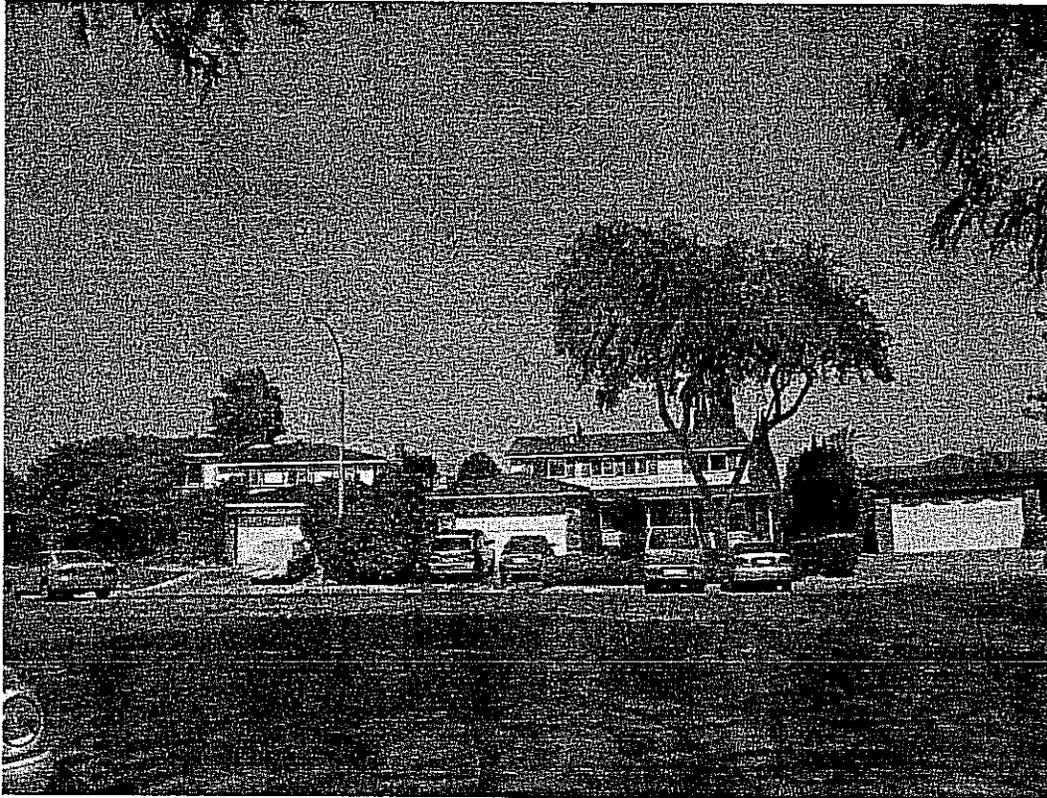


Fig 18 – View from entrance into Daisy Ct.

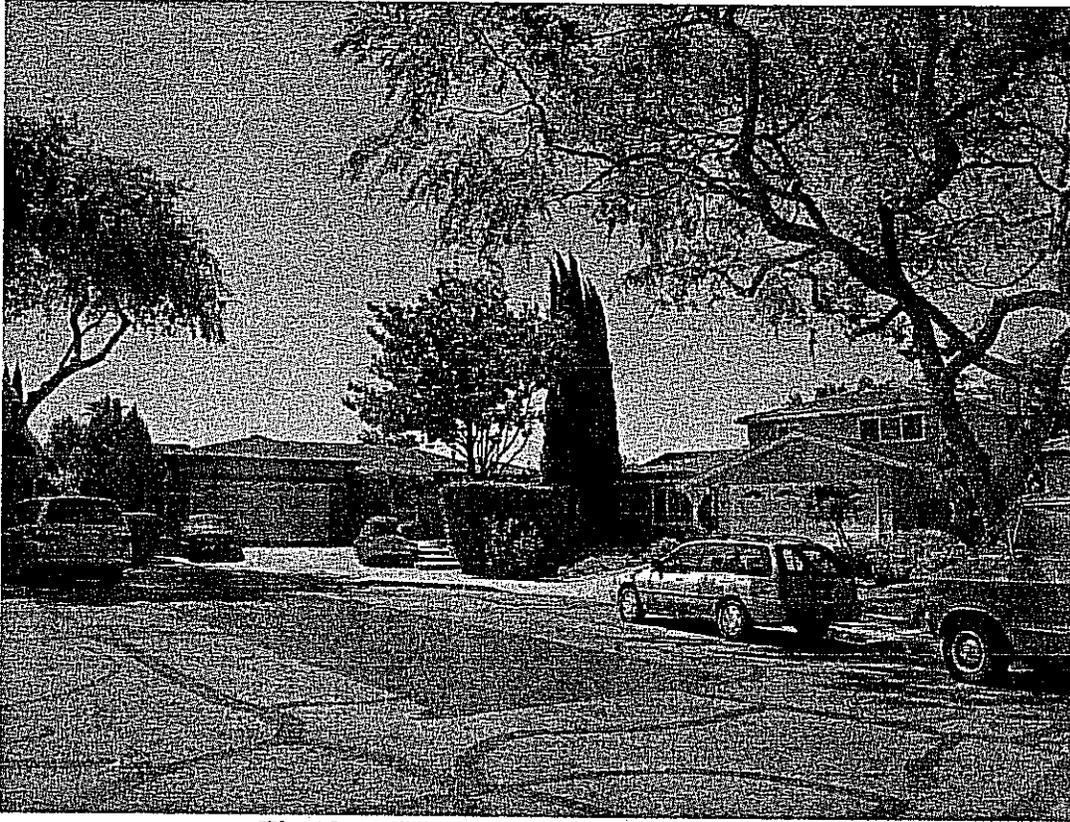


Fig 19 – View to inside corner of Daisy Ct.

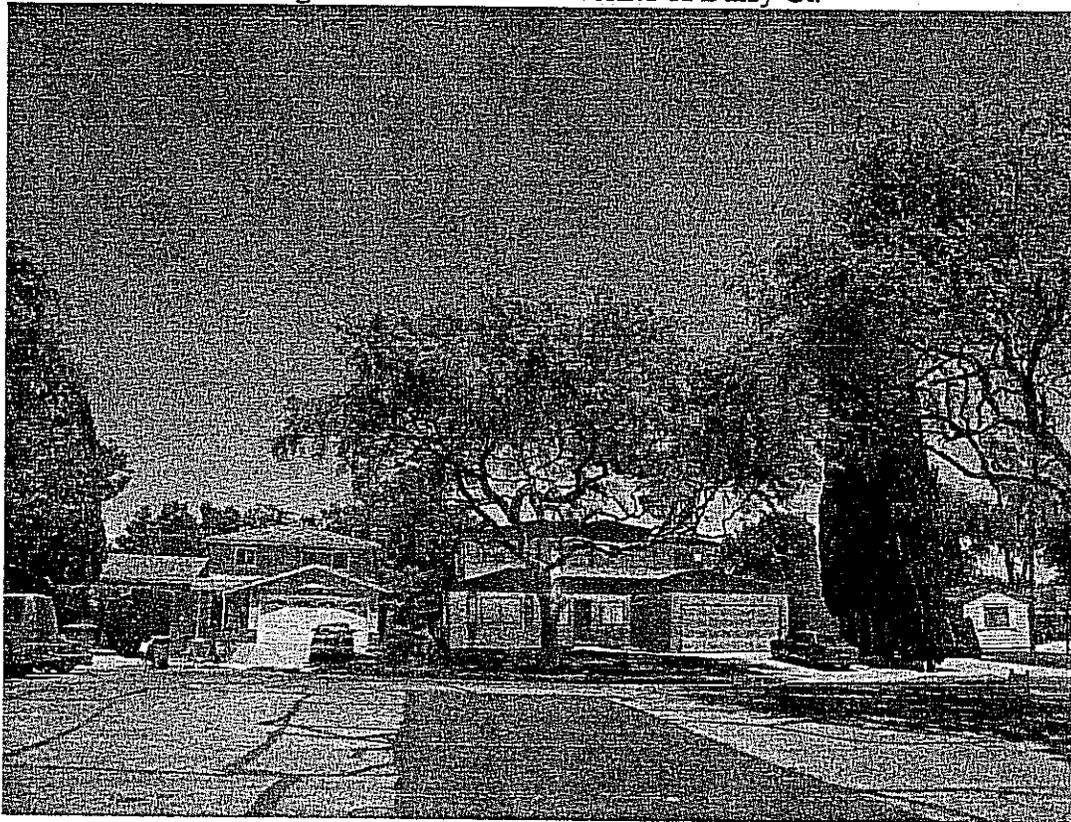


Fig 20 - View from inside Daisy Ct to photo-simulation of our proposed home.



Fig 21 – Top view of Daisy Court