



REPORT TO MAYOR AND COUNCIL

City Council Hearing Date: August 27, 2013

SUBJECT: **2013-7319** - Discussion and possible action on an appeal by the adjacent neighbor of a decision of the Planning Commission approving a **Design Review** application for an addition to the first story and a new second story on a single-family home resulting in 2,768 square feet and 49.7% floor area ratio (FAR) located at **663 Toyon Avenue** in an R-0 Zoning District (APN: 213-10-031).

REPORT IN BRIEF:

Applicant/Owner Bo Design/Jagdeep & Besaint Sahni

Existing Site Conditions Single-family residence

Surrounding Land Uses

North	Single-family residence
South	Single-family residence
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 recommended conditions.

Staff Recommendation Deny the appeal and uphold the decision of the Planning Commission approving the Design Review.

Project Description:

The applicant is proposing to add to the first story and to add a new second story to an existing single-story home resulting in a total of 2,768 square feet and 49.7% Floor Area Ratio (FAR). A Design Review is required for construction of a new or remodeled single-family home to evaluate compliance with development standards and with the Single Family Home Design Techniques. Planning Commission review is required for Design Review applications exceeding 45% FAR or 3,600 square feet.

BACKGROUND:

This proposal was considered by the Planning Commission at a public hearing on July 8, 2013, with a staff recommendation of approval. An email was received opposing the development just prior to the hearing. The Planning Commission approved the project by a 7 to 0 vote. The adjacent neighbor who wrote the original opposing email filed an appeal on July 22, 2013.

Previous Actions on the Site

The existing single-story home was constructed in 1963. There are no previous planning permit records for this site.

ANALYSIS:

Development Standards

The proposed project complies with all applicable development regulations as set forth in the Sunnyvale Municipal Code.

Applicable Design Guidelines and Policy Documents

The Single Family Home Design Techniques provide detailed guidelines for the design of new homes and additions in single-family residential neighborhoods. Staff has found that the house, as proposed, meets all design techniques and would fit into other Sunnyvale neighborhoods where two-story homes are more present (See Attachment A).

Privacy

The project includes an approximately 72 square foot second-floor balcony element located on the rear elevation behind the master bedroom. The balcony is approximately 17'-6" away from the right side property line and 25' away from the rear property line. There will also be two windows located on the right side of the second story and two windows in the front. Based on setbacks and location, the proposed balcony and windows are not expected to have privacy impacts on adjacent neighbors.

Floor Area Ratio

A Floor Area Ratio (FAR) greater than 45% is a code threshold that requires a Design Review to be conducted by the Planning Commission.

The surrounding neighborhood is composed of mainly single-story homes with FARs generally around 30%. There is a multi-unit structure located at 675

Vinemaple Avenue, approximately 190 feet away from the project, with an FAR of approximately 45%. There are also several homes built at 36% FAR within a quarter-mile radius from the project site (Attachment F). The applicants request for 49.7% FAR is comparable with other homes found in the neighborhood and is consistent with established precedent in the neighborhood. The proposed design uses similar architectural forms, varied setbacks and increased second floor setbacks that help to reduce the bulk and mass of the home. The proposed plate heights on both floors are 8 feet, which also help to reduce visual massing.

Second Floor Area

Design Technique 3.4.A states: *“The area of the second floor should not exceed the common standard of the neighborhood. For new second stories in predominantly one-story neighborhoods, the second floor area should not exceed 35% of the first floor area (including garage area).”* The Design Techniques note that for the purposes of assessing neighborhood character and scale, the “neighborhood” is defined as both block faces within the same and immediately adjacent blocks.

The neighborhood for this site is composed of single-story homes with the exception of four two-story homes, within 300 feet of the project site, built prior to the adoption of the Design Techniques. The proposed project includes a smaller second floor area of 686 square feet, which is approximately 33% of the 2,082 square-foot first floor area. As a result, staff finds the project compliant with the Design Techniques related to second floor area.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines in that the project is an addition to an existing single family home in an existing residential neighborhood and only minor modifications and additions to the existing structure will occur.

Appellant’s Appeal: On July 22, 2013 a neighbor submitted an appeal request and raised the following issues that are related to the Design Review (Attachment I, Appeal Letter):

- They feel the distance between their house and the proposed development is too close.
- Their privacy will be affected by the windows on the second story facing their property and the proposed balcony in the rear.

The appellant has also discussed some other issues in the appeal letter which staff considers irrelevant to the Design Review.

Staff's Discussion on the Appeal: Staff supports the Planning Commission decision approving the Design Review. The Single Family Design Techniques state that second floor additions should be set in on the front, sides and rear. This has been accomplished by the proposed design as it meets current R-0 Zoning District requirements (Attachment D, Project Data Table). Privacy issues were analyzed in relation to the proposed rear balcony on the second story. Staff finds that privacy to the appellant's property (to the right of the applicant's house) would not be significantly impacted by the second story balcony. This is due to the location of the rear balcony as it is situated towards the left side of the second story and in the middle of the entire parcel. The ability to view the appellant's house would be difficult to accomplish while standing on the balcony. There is the potential to see into a portion of the appellant's rear yard, however, that is the nature with any two-story development whether it is through a window or standing on a balcony. Staff does not consider the view excessive.

Although there are two windows facing the appellant's property staff finds that these would not significantly impact the appellant's privacy. One window is located within the master bathroom. The second window is located in the stairwell, an area which is not typically used for idling. Since the appeal, the applicant has worked with staff to identify changes to the proposed design to better address the privacy concerns expressed by the appellant. The applicant proposes to use a translucent window in the bathroom and to increase the sill height of the hallway window in order to reduce its size. These windows would still use a similar form as the rest of the house and neighborhood thereby meeting the requirements of the Single Family Design Techniques.

The neighbor's concerns regarding the distance between the two buildings are addressed through the setback requirements. The appellant stated in their appeal that the newly built homes in the previous Corn Palace location are approximately 30 feet away from each other which is a better distance than what is proposed with her neighbor. After speaking with the project planner and reviewing the plans for the project located on the land formerly part of the Corn Palace site, it can be determined that the newly built homes follow the R-0 Zoning District setback requirements in the same respect as the proposed plans. The houses in the Corn Palace location use nearly minimum R-0 setbacks and are not 30 feet apart side-by-side. On average they are between 12 feet to 16 feet apart from each other.

FISCAL IMPACT

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

PUBLIC CONTACT

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper (original PC hearing) • Posted on the site (both hearings) • 60 notices mailed to property owners and residents adjacent to the project site (both hearings) 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site

As of the date of staff report preparation, staff has not received any letters or public comments regarding this project other than the appellant's (Attachment H).

CONCLUSION

Staff is recommending that the City Council uphold the Planning Commission approval of the Design Review because the Findings (Attachment A) were made.

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. Grant the appeal and deny the Design Review.

RECOMMENDATION

Alternative 1 to deny the Appeal and Uphold the decision of the Planning Commission to approve the Design Review.

Reviewed by:

Hanson Hom, Director, Community Development
Prepared by: Elise Lieberman, Assistant Planner
Reviewed by: Trudi Ryan, Planning Officer

Approved by:

Gary M. Luebbers

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Vicinity Map
- D. Project Data Table
- E. Site and Architectural Plans
- F. Information on Two-Story Homes in Surrounding Area
- G. Approved Minutes of Planning Commission Hearing on July 8, 2013
- H. Letter from the Appellant from the Planning Commission Hearing on July 8, 2013
- I. Appeal Request, submitted July 22, 2013
- J. Information from the Applicant, submitted August 4, 2013

RECOMMENDED FINDING

Design Review

Finding: 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. [Finding not made]

Staff is not able to make this finding as indicated below:

Basic Design Principle	Comments
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	The proposed addition's entry would continue to face the street similar to the pattern in the existing neighborhood. A more formal entry feature would be introduced which is compliant with the Design Technique Guidelines for height and formal entry feature. Finding Met
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The addition has been designed to reduce the apparent scale and bulk through increased setbacks and modest plate heights. The proposed home is within the allowable height of 30 feet. Finding Met
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The proposed structure has been designed to respect the scale of the adjacent homes through the treatment of the second floor, entry features and overall massing. Finding Met
<i>2.2.4 Minimize the visual impacts of parking.</i>	The project does not propose any modifications to the layout of the parking for the site. Finding Met
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	The exterior materials are similar to those found in the neighborhood and applied in a manner consistent with the architecture. Finding Met
<i>2.2.6 Use high quality materials and craftsmanship</i>	The proposed design includes high quality stucco and stone wall materials. These materials are consistent with the Design Techniques and the surrounding neighborhood. Finding Met
<i>2.2.7 Preserve mature landscaping</i>	No protected trees will be removed as part of this project. Finding Met

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
AUGUST 27, 2013**

Planning Application 2013-7319

663 Toyon Avenue

Design Review for a first and second-story addition resulting in 2,768 square feet and 49.7% Floor Area Ratio (FAR).

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

- GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:
All building permit drawings and subsequent construction and operation shall substantially conform to the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]
- GC-2. PERMIT EXPIRATION:
The permit shall be null and void two years 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 and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-3. TITLE 25:

Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-4. TREE PROTECTION PLAN:

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 review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) 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).
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) 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.

- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-5. BEST MANAGEMENT PRACTICES:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.
 - iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
 - v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-6. WINDOWS:

The window in the master bathroom shall use a translucent glass to reduce the ability to see out, but still maintain use of the window. The window located in the hallway will be reduced in size by increasing the height of the window sill.

DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

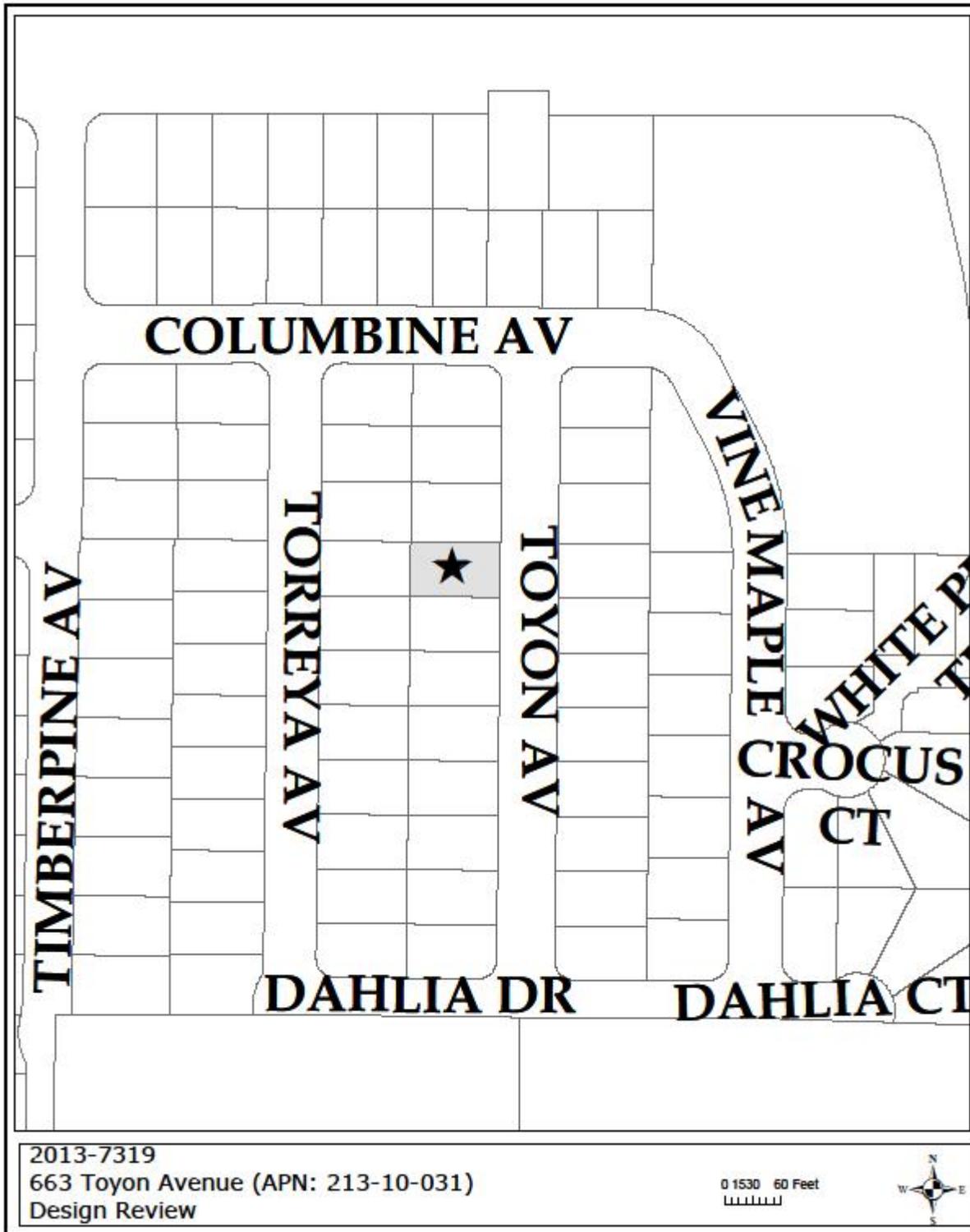
DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

DC-2. TREE PROTECTION:

All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

VICINITY MAP



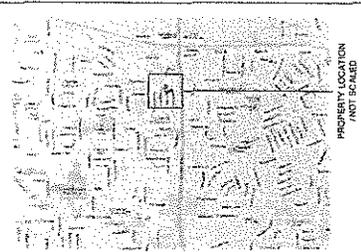
PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	5,568	Same	6,000
Gross Floor Area (s.f.)	1,840	2,768	No max.
Lot Coverage (%)	34%	38.7%	40% max.
Floor Area Ratio (FAR)	33%	49.7%	45% threshold (Threshold for Planning Commission Review)
Building Height (ft.)	15'-9"	23'-10"	max.
No. of Stories	1	2	max.
Setbacks (First/Second Facing Property)			
Front (ft.)	20'-5"	20'-5" / 40'-2"	20' min. / 25' min.
Left Side (ft.)	5'-6"	5'-6" / 24'	4' / 7' per side
Right Side (ft.)	5'-6"	5'-6" / 7'-9"	
Combined Sides	11'	11' / 31'-9"	11' / 17'
Rear (ft.)	25'-9"	25'-9" / 27'-9"	20' min.
Parking			
Total Spaces	4	Same	4 min.
Covered Spaces	2	Same	2 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

Attachment E

VICINITY MAP:



PROJECT DATA:

ASSESSOR'S PARCEL NUMBER: 213-10-031
 PROJECT TYPE: ADDITION & REMODELING
 PROJECT LOCATION: 668 Toyon Ave., Sunnyvale, CA 94024

ZONING: R-O
 OCCUPANCY GROUP: R-3B
 CONSTRUCTION TYPE: Y-B
 NUMBER OF FLOORS: TWO (2) STORY
 FIRE PROTECTION: SPRINKLERED

CODE EDITIONS:
 A. CALIFORNIA BUILDING: 2010 EDITION
 B. CALIFORNIA MECHANICAL: 2010 EDITION
 C. CALIFORNIA PLUMBING: 2010 EDITION
 D. CALIFORNIA ELECTRICAL: 2010 EDITION
 E. CALIFORNIA ENERGY: 2010 EDITION
 F. CALIFORNIA FIRE: 2010 EDITION
 G. ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS.

AREAS CALCULATION:

EXISTING LIVING AREA	1471 SQF
EXISTING GARAGE	364 SQF
1st FLOOR LIVING ADDITION	187 SQF
GARAGE ADDITION	95 SQF
NEW 1st FLOOR LIVING AREA	1658 SQF
NEW 2nd FLOOR LIVING AREA	876 SQF
NEW GARAGE	424 SQF
TOTAL BUILDING AREA	2769 SQF
FRONT COVERED PORCH	13 SQF
LOT AREA	5566 SQF
FLOOR AREA RATIO (FAR) = (2769 / 5566) X 100 = 49.7 %	
LOT COVERAGE: EAVE AREA: 222 X 1.5 = 333	
FRONT PORCH: 13	
FIRST FLOOR BUILDING AREA: 2082	
TOTAL: 2689 / 5566 X 100 = 48.3 %	

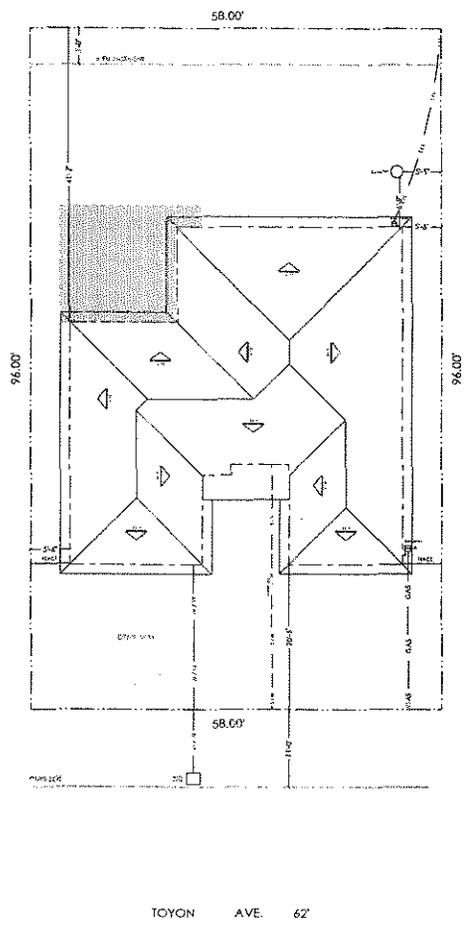
DRAWING INDEX:

A0	COVER SHEET & SITE PLAN
A1	EXISTING FLOOR PLAN & ELEVATIONS
A2	PROPOSED FLOOR PLAN
A2-B	PROPOSED FLOOR PLAN & ELEVATION
A3	BUILDING PROPOSED ELEVATIONS
A4	STREETSCAPE
A5 & 6	SOLAR STUDY PH & AM

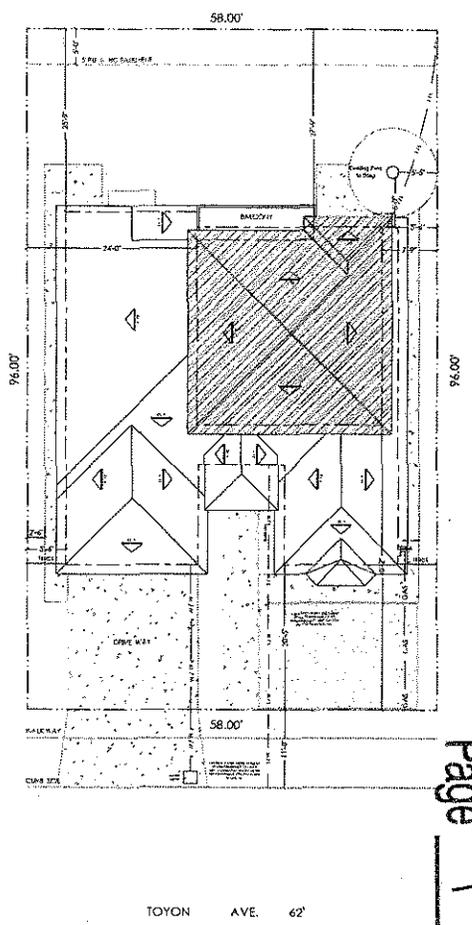
SCOPE OF WORK:

1. ADDITION AT REAR-LEFT SIDE OF THE HOUSE TO HAVE A NEW FAMILY AREA AND KITCHEN.
2. ADDITION IN 2nd FLOOR TO HAVE A NEW MASTER BEDROOM, MASTER BATH, AND BRUDY AREA.
3. REMODELING AT EXISTING KITCHEN TO HAVE A NEW ENTRY, LAUNDRY AND POWDER.

EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"



PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



LEGEND:

- NEW 2nd FLOOR
- NEW ADDITION
- PROPERTY LINE
- BLDG FOOTPRINT LINE



REVISIONS	BY
1	PL 2013
2	S.O.P.

BO design
 1000 UNIVERSITY AVENUE, SUITE 150
 CUPERTINO, CA 95014
 TEL: (408) 771-0932
 EMAIL: contact@bo.com

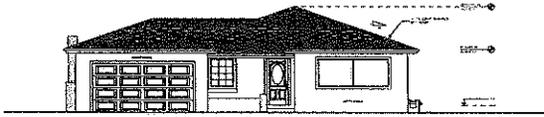
Aji's Construction
 501 E. BRIDGWAY RD., SUITE 500
 CUPERTINO, CA 95014
 (408) 441-1205

COVER SHEET
SITE / ROOF PLAN

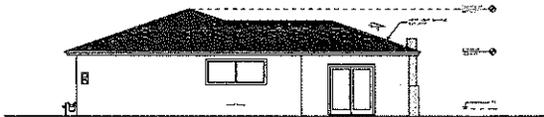
ADDITION & REMODELING FOR:
Jagdeep & Besant
 663 Toyon Ave., Sunnyvale, CA 94087

DATE: 04/23/13
 DRAWN BY: JED
 CHECKED BY: JED
 SCALE: AS SHOWN
 SHEET: A-0

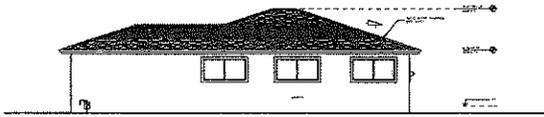
ATTACHMENT E
 Page 1 of 8



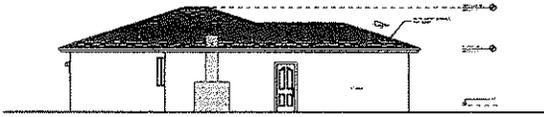
EXISTING FRONT ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING REAR ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



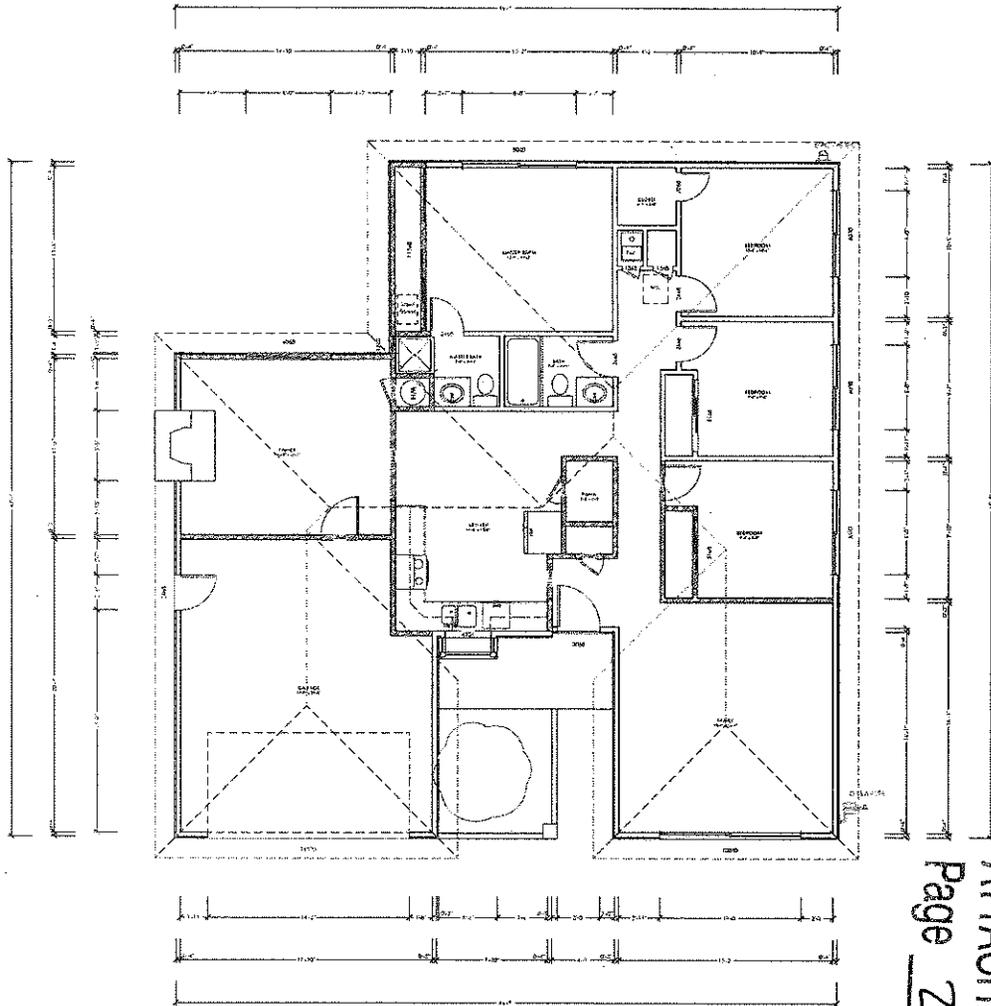
EXISTING LEFT ELEVATION
SCALE: 1/8" = 1'-0"



GRAPHIC SCALE: 1/8" = 1'-0"
0 1 2 3 4 5 10 15

LEGEND:

- EXISTING WALL TO STAY
- EXISTING WALL TO BE REMOVED



EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"

ATTACHMENT
 Page 2 of 8
 E

REVISIONS	BY
1	01-2015
	B.D.P.

BOD design
 2100 HUNTERDALE RD., SUITE 100
 CUPERTINO, CA 95014
 TEL: 408.771.0404
 URL: boddesign.com

AGC Construction
 1500 S. 10TH ST., SUITE 100
 SAN JOSE, CA 95128
 (408) 441-1991

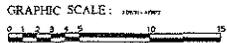
EXISTING FLOOR PLAN
 & ELEVATIONS

ADDITION & REMODELING FOR:
Jagdeep & Resant
 643 Toyon Ave., Sunnyvale, CA 94087

NO.	DATE	DESCRIPTION
1	01-2015	ISSUED FOR PERMITS

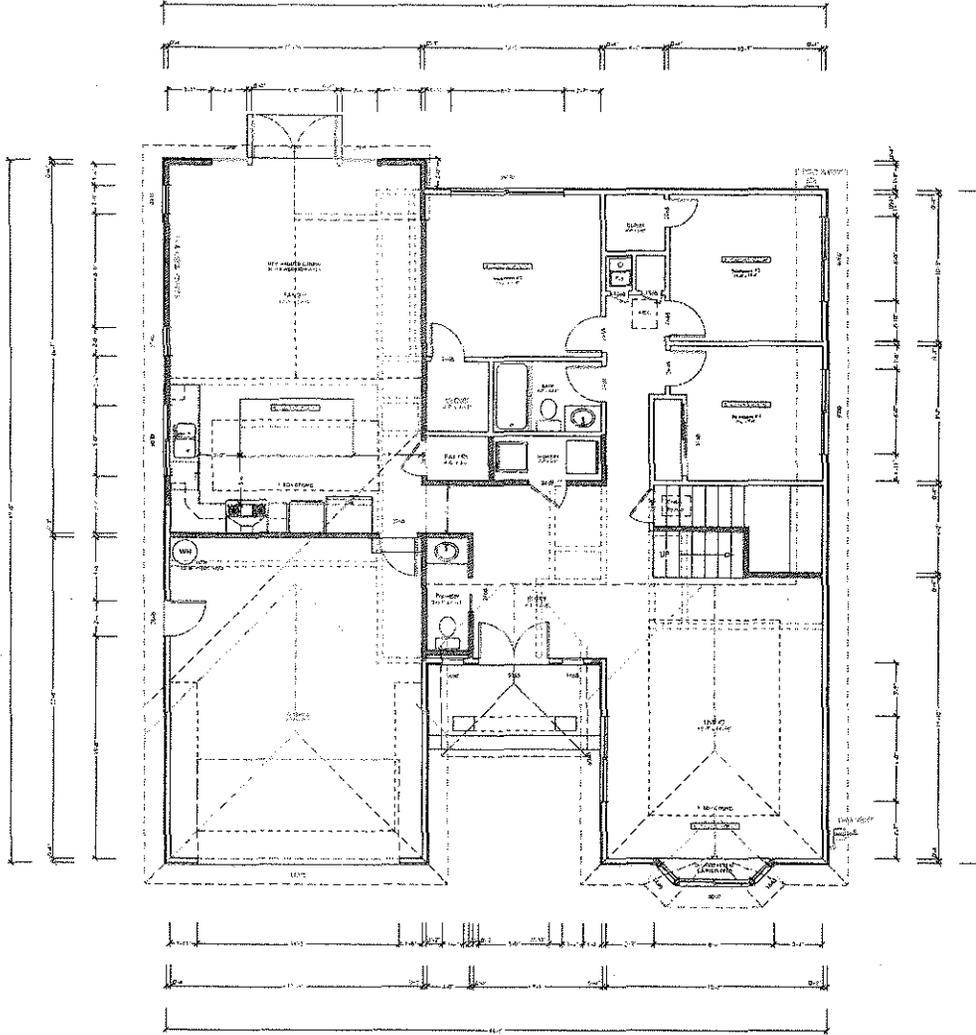
A-1

PROPOSED 1ST FLOOR PLAN
 1/8" = 1'-0"



LEGEND:

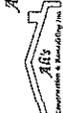
-  NEW CONSTRUCTION MALL
-  EXISTING MALL TO STAY
-  EXISTING MALL TO BE REMOVED



ATTACHMENT E
 Page 3 of 8

REVISIONS	BY
A	3-04-2013
	RCP

BOD design
 2100 RICHMOND RD., SUITE 100
 CORPUS CHRISTI, TX 78404
 TEL: (361) 771-9933
 FAX: (361) 771-9933
 WWW: bodconstruction.com

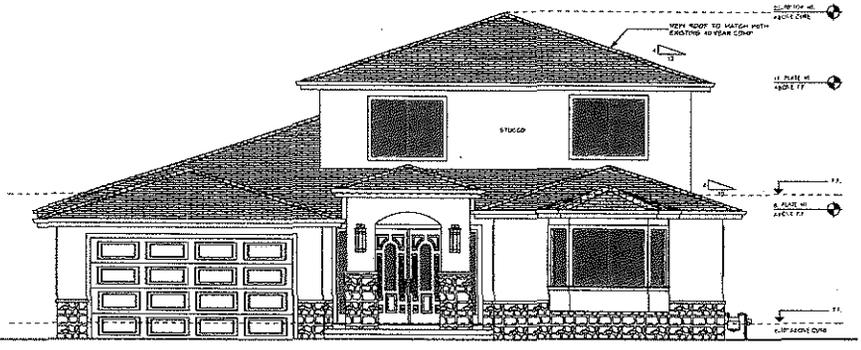
AG's Construction
 1 E. BERRY AVE. SUITE 100
 SAN ANTONIO, TX 78204
 (512) 341-1007


PROPOSED FLOOR PLAN

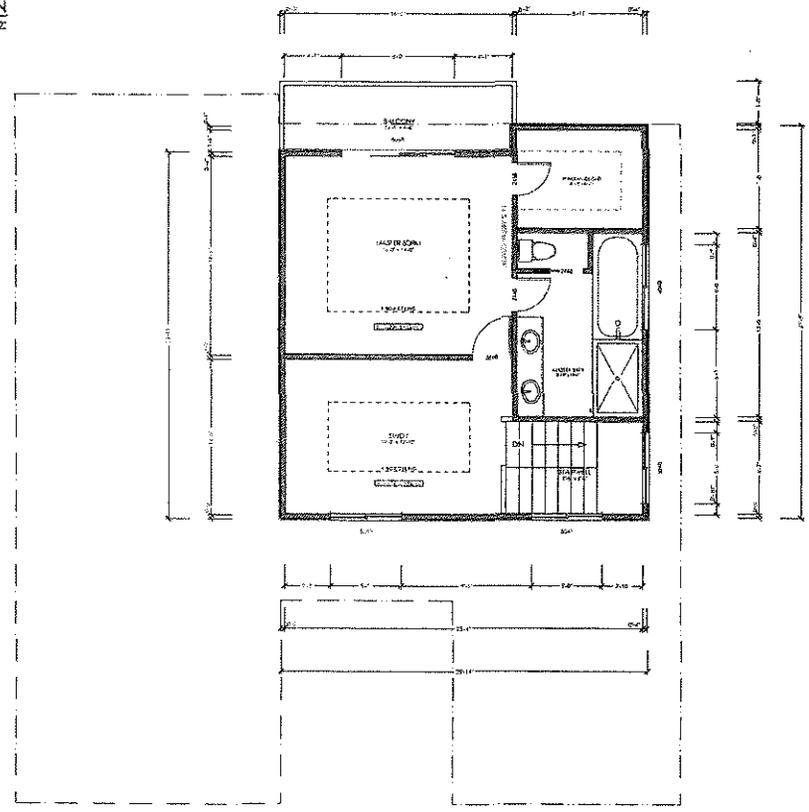
ADDITION & REMODELING FOR:
Jagdeep & Besant
 463 Toyon Ave., Sunnyvale, CA 94087

DATE	3-04-2013
BY	RCP
CHECKED	
DATE	

A-2



PROPOSED FRONT ELEVATION
SC: 1/8" = 1'-0"



PROPOSED 2ND FLOOR PLAN
SC: 1/8" = 1'-0"



GRAPHIC SCALE: 1/8" = 1'-0"
0 1 2 3 4 5 10 15

LEGEND:

NEW CONSTRUCTION WALL

REVISIONS	BY
1	B.O.D.

BOD design
2100 HUNTERS RD. SUITE 130
CUPERTINO, CA 95014
PH: (408) 771-0933
EMAIL: contact@bod-design.com

AR's Construction
1015 HUNTERS RD.
SAN JOSE, CA 95128
(408) 441-7987
Construction & Remodeling, Inc.

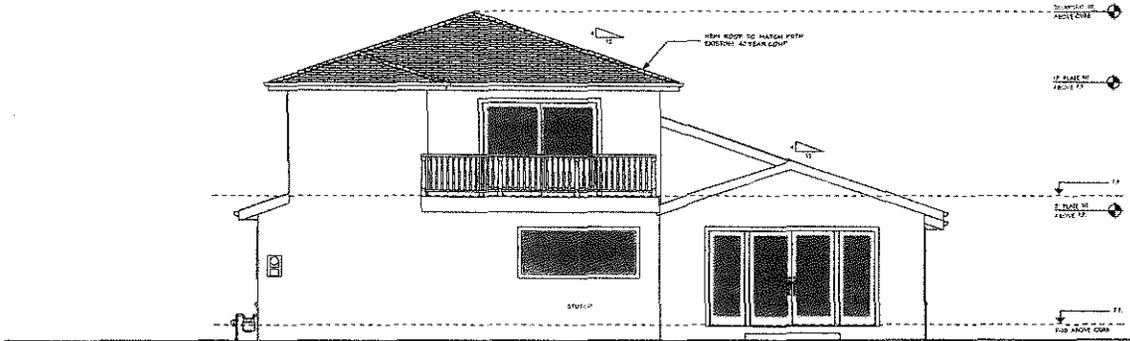
PROPOSED FLOOR PLAN
& ELEVATION

ADDITION & REMODELING FOR:
Jagdeep & Besant
663 Toyon Ave., Sunnyvale, CA 94087

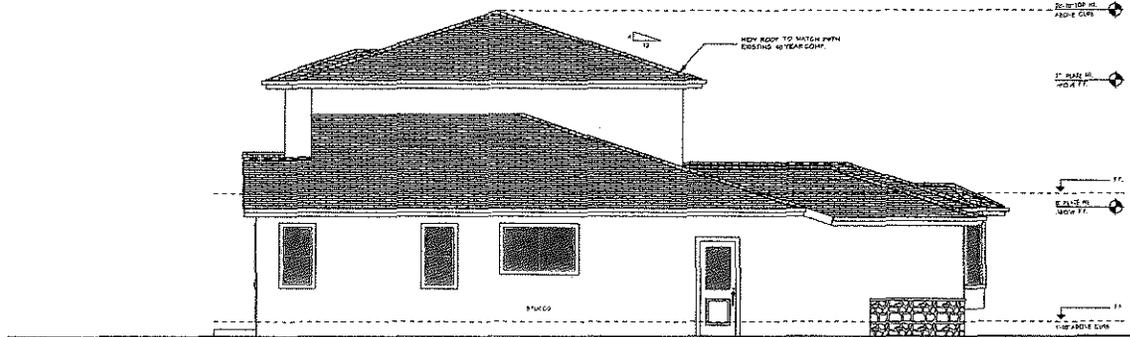
NO.	DATE	DESCRIPTION

A-2a

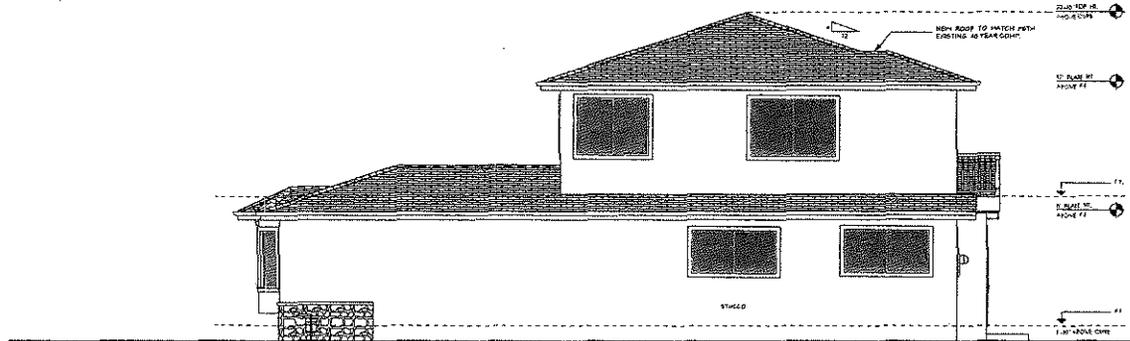
ATTACHMENT
Page 4 of 8 E



PROPOSED REAR ELEVATION
SC-114'-1'-0"



PROPOSED LEFT ELEVATION
SC-114'-1'-0"



PROPOSED RIGHT ELEVATION
SC-114'-1'-0"

REVISIONS	BY
1	9-09-2012 BOP

BODesign
2180 HEMLOCK RD. SUITE 100
CUPERTINO, CA 95014
Tel: (408) 771-6915
URL: www.boddesign.com

Alf's Construction
1515 S. RAY BLVD
SAN JOSE, CA 95128
(408) 441-1057
Construction & Remodeling Inc.

PROPOSED ELEVATIONS

ADDITION & REMODELING FOR:
Jagdeep & Besant
603 Tayan Ave., Sunnyvale, CA 94087

DATE	12-11-12
SCALE	1/4" = 1'-0"
PROJECT	12
DRWING	12

A-3

ATTACHMENT
Page 5 of 8 E



CURBSIDE

STREETSCAPE ELEVATION

SG, 1/8" = 1'-0"

LEFT ADJACENT : 661 TOYON AVE.

PROPOSED 663 TOYON AVE.

RIGHT ADJACENT : 659 TOYON AVE.

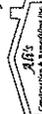


ATTACHMENT
 Page 6 of 8
 E

REVISIONS	BY
1	04.2015
2	8.03

BODesign
 2000 CALIFORNIA ST. SUITE 100
 DUBLIN, CA 94568
 TEL: (408) 771-8333
 EMAIL: contact@bodies.com

Aff's Construction
 661 E. BROOKWAY RD.
 SUITE 100
 DUBLIN, CA 94568
 (408) 441-1007

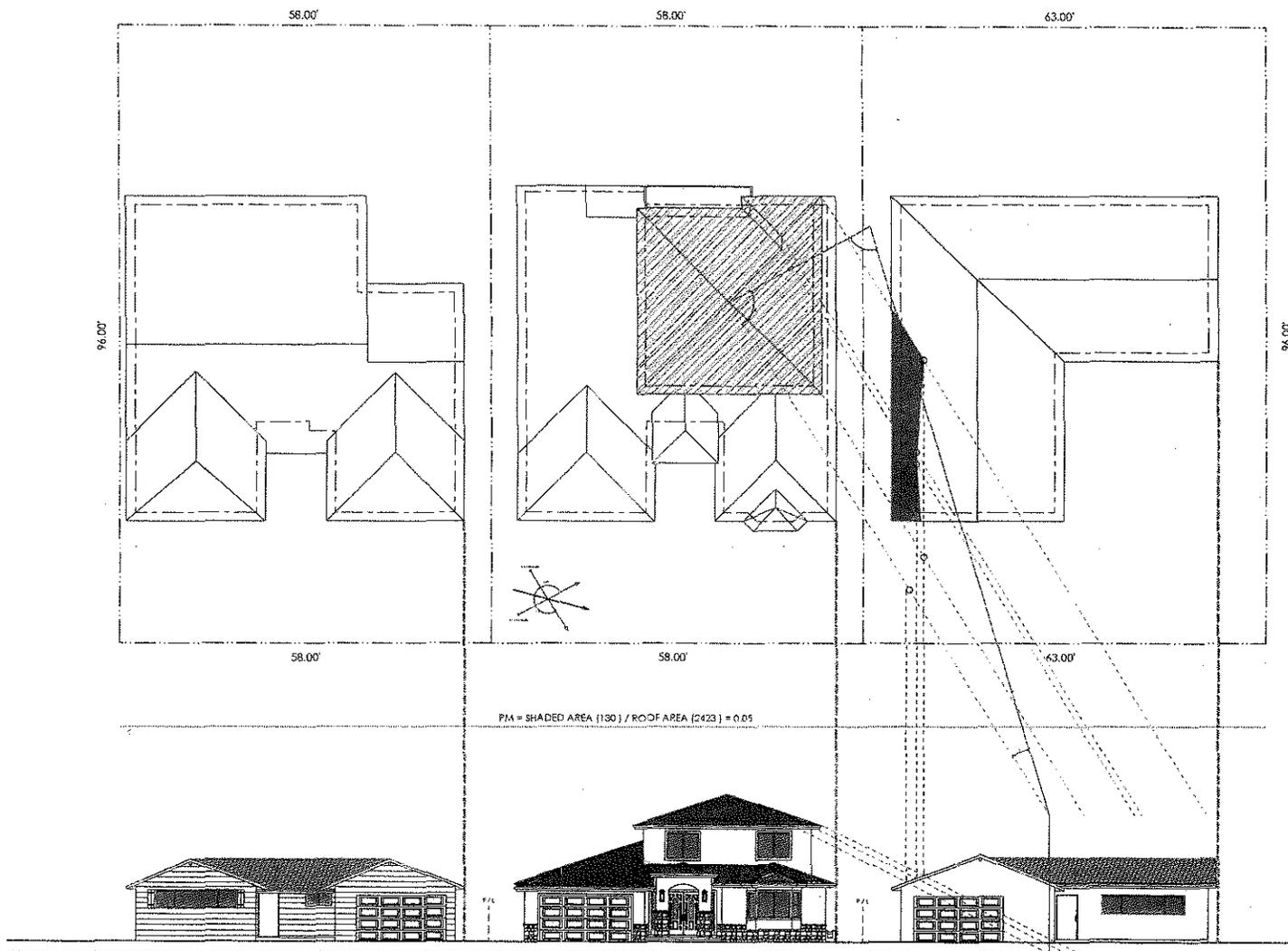


STREETSCAPE

ADDITION & REMODELING FOR:
Jagdeep & Besant
 663 TOYON AVE., SUTTERVILLE, CA 95227

DATE	04.2015
SCALE	AS SHOWN
PROJECT	663
BY	BOB
CHECKED	BOB

A-4



ATTACHMENT E
 Page 7 of 8

REVISIONS	BY
1	8.0.0

BODesign
 2100 MCHESTER RD. TURE 130
 CUPERTINO, CA 95014
 TEL: (408) 77-1838
 FAX: (408) 77-1838
 WWW: bodesign.com

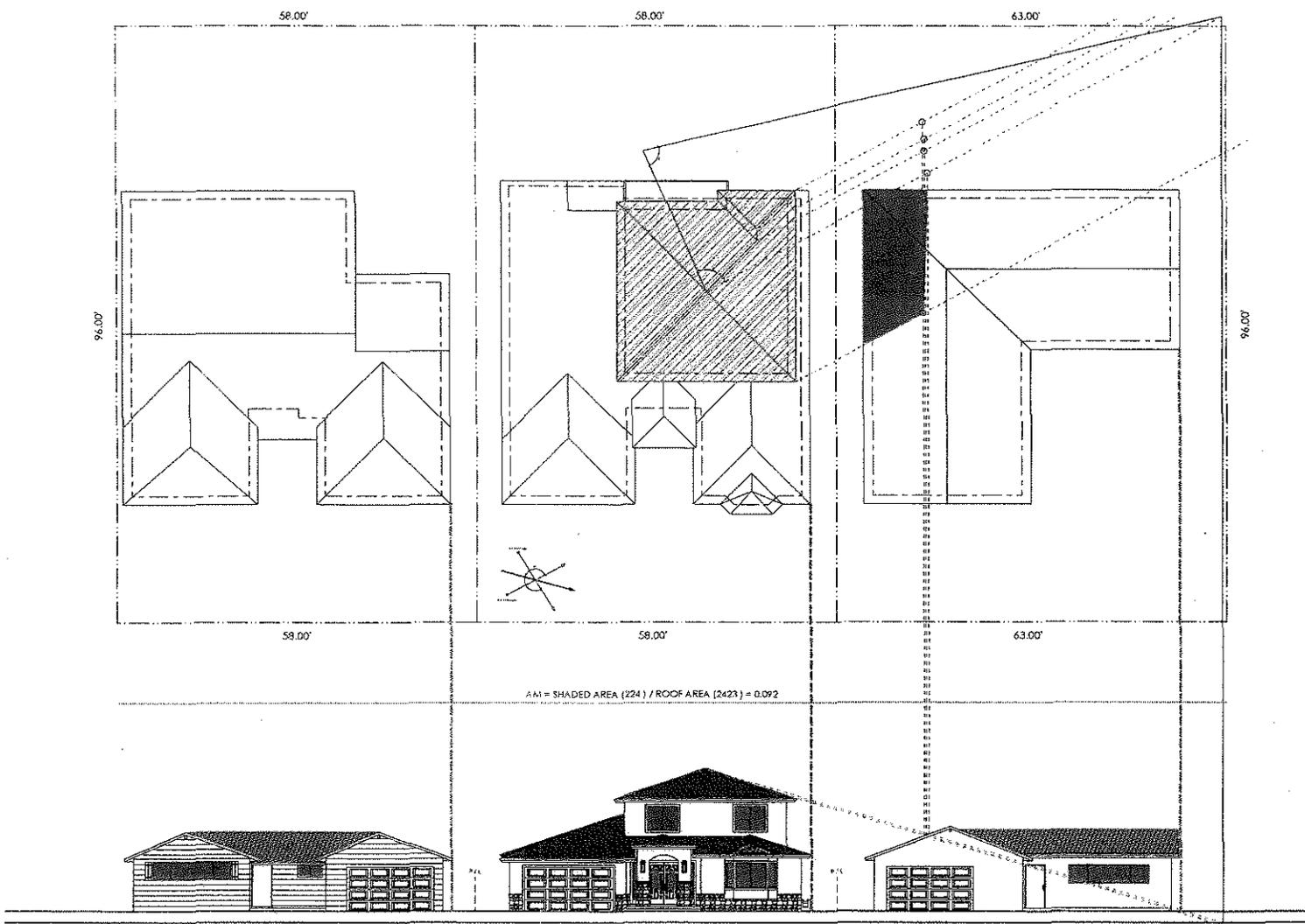
AG's Construction
 1515 S. SHAW AVENUE
 SAN JOSE, CA 95128
 (408) 441-0867

SOLAR STUDY PM

ADDITION & REMODELING FOR:
Jagdeep & Bescant
 463 Toyon Ave., Sunnyvale, CA 94087

DATE	10.10.11
BY	10.11
CHECKED	10.11
DATE	10.11
PROJECT	PHOTOGRAPHY

A-5



ATTACHMENT E
 Page 8 of 8

REVISION	BY
1	
2	
3	
4	
5	

BODesign
 1140 WILSON BLVD., SUITE 110
 CARPENTERS, CA 92008
 TEL: (609) 771-0315
 EMAIL: contact@bode.com

AB's Construction
 641 E. BROOKWOOD
 SUITE 101112
 CARPENTERS, CA 92008
 (609) 771-0315

SOLAR STUDY AM

ADDITION & REMODELING FOR:
Jagdeep & Bessant
 643 Tyson Ave., Sunnyvale, CA 94087

DATE	11/11/11
SCALE	AS SHOWN
PROJECT	ADDITION & REMODELING
CLIENT	JAGDEEP & BESSANT
ARCHITECT	BOD
CONTRACTOR	AB'S CONSTRUCTION
NO.	A-6

Attachment F

NEIGHBORHOOD FLOOR AREA RATIO TABLE

Street Number	Street Address	Land Area	Building Sq.Ft. (County)	Garage Sq.Ft. (County)	FAR %
647	Torrey	5,760	1,186	500	21%
648	Torrey	5,760	1,186	500	21%
659	Torrey	5,760	1,186	500	21%
660	Torrey	6,048	1,186	500	20%
663	Torrey	5,500	1,412	409	26%
664	Torrey	5,568	1,507	364	27%
667	Torrey	5,500	1,651	400	30%
668	Torrey	5,568	1,493	364	27%
671	Torrey	5,500	1,412	409	26%
672	Torrey	5,568	1,507	364	27%
675	Torrey	5,500	1,309	400	24%
676	Torrey	5,568	1,283	364	23%
679	Torrey	5,500	1,412	409	26%
680	Torrey	5,568	1,507	364	27%
683	Torrey	5,500	1,309	400	24%
684	Torrey	5,568	1,283	364	23%
687	Torrey	5,500	1,408	409	26%
688	Torrey	5,568	1,507	364	27%
635	Toyon	5,760	1,686	288	29%
636	Toyon	6,240	1,186	500	19%
647	Toyon	5,760	1,186	500	21%
648	Toyon	5,760	1,620	438	28%
659	Toyon	6,048	1,186	500	20%
660	Toyon	6,048	1,186	500	20%
663	Toyon	5,568	2,344	424	49.7%
664	Toyon	5,510	1,493	364	27%
667	Toyon	5,568	1,507	364	27%
668	Toyon	5,510	1,283	364	23%
671	Toyon	5,568	1,580	364	28%
672	Toyon	5,568	1,507	364	27%
675	Toyon	5,568	1,507	364	27%
676	Toyon	5,568	1,283	364	23%
679	Toyon	5,568	1,283	364	23%
680	Toyon	5,568	1,507	364	27%
683	Toyon	5,568	1,674	364	30%
684	Toyon	5,510	1,283	364	23%
687	Toyon	5,568	1,507	364	27%
688	Toyon	5,568	1,507	364	27%
691	Toyon	5,568	1,283	364	23%
692	Toyon	5,510	1,283	364	23%

Attachment G

1.B File #: 2013-7319
Location: 663 Toyon Avenue in a R-0 Zoning District (APN: 213-10-031):
Proposed Project: Design Review Permit for a first and second-story addition of 928 square feet resulting in 2,768 square feet and 49.7% Floor Area Ratio (FAR).
Applicant/Owner Bo Design/Jagdeep & Besaint Sahni
Staff Contact: Elise Lieberman, 408-730-7443, elieberman@sunnyvale.ca.gov
Note: Staff recommends approval.

Elise Lieberman, Assistant Planner, gave the staff report.

Comm. Melton asked if the Conditions of Approval require that the existing colors match the redesign. Ms. Lieberman responded that the plans show they match, but she will add this requirement to the Conditions of Approval.

Comm. Kolchak and staff discussed the balcony with respect to existing or planned trees.

Chair Larsson opened the public hearing, and with no presenters or speakers, closed it.

Comm. Hendricks moved for Alternative 1, to approve the Design Review Permit with attached conditions. **Comm. Melton** seconded the motion.

Comm. Hendricks said he would have been willing to approve the project on the consent calendar and that the main issue in the email communication is privacy. He said that the placement of the balcony and the location of the windows on the side will not provide a direct view and that all setback requirements are met. He said he can make the findings in Attachment C.

Comm. Melton said he appreciated the concern in the email communication from a member of the public and expressed the view that the staff had done a good job in addressing those concerns. He said could make the findings.

Comm. Olevson said he will be supporting the motion and noted that the neighborhood is well-kept and that the project is consistent with design guidelines. He can make the findings.

Comm. Kolchak said he supports the motion and that his main concern was the balcony, but with the location of the balcony and the setbacks he does not feel privacy will be a major issue.

Vice Chair Dohadwala said she supports the motion and can make the findings.

Chair Larsson said he can make the findings and that the project is within design guidelines.

ACTION: Comm. Hendricks made a motion on 2013-7319 to approve the Design Review Permit with attached conditions. Comm. Melton seconded. Motion carried, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 23, 2013.

Attachment H



Case No. 2013-7319/663 Toyon Avenue, Sunnyvale CA 94086

mbslwh <mbslwh@yahoo.com>
To: elieberman@sunnyvale.ca.gov

Mon, Jul 8, 2013 at 7:18 PM

Hello Ms. Elise Lieberman,

I've received the proposal additioning of floor area/story on our next neighborhood.

I've "refused" to agree on this proposal because we're the next neighborhood:

Our address is the next door and our "privacy" will be invaded.

Aside from the constructioning/bothering of our privacy while it will be constructed.

This man named Jagdeep Sahni is not cooperative and uncourteous to us eversince.

Their gardeners blows most of their leaves on our site.

And I can see he likes to pry on the people in the neighborhood especially on our property.

Please do not approve this proposal for the big disturbances of our privacy especially,

if he will be on the top, he will have more chances to pry on my property and me myself/ourselves that includes my husband. I hope for your kind consideration...

Mrs. Mary Horton

659 Toyon Avenue

Sunnyvale CA 94086

(408)260-2863

Attachment I

July 15, 2013

City of Sunnyvale
456 W Olive Avenue
Sunnyvale CA 94086
Council Committee/Committee In-Charge

ATTACHMENT I
Page 1 of 2

Re: Petition to Void and/or Modify Project Proposal File# 2013-7319/663 Toyon Avenue, Sunnyvale CA
As was proposed by Mr. Jagdeep Sahni, Owner of Said Property

Dear Sir/Madam:

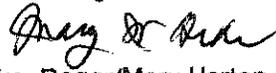
We did not appear on the public hearing on July 8, 2013, because we're naïve to this kind of arrangement or set-up aside from not feeling well ourselves. I thought an email will be enough. I've tried to email the Planning Commission in particular Ms. Elise Lieberman about my protests to this proposal, all she told me is that the Planning Commission read my email but they still approve this proposal to add another story to the applicant's property next door Mr. Jagdeep Sahni. And I keep on emailing the Planning/Planning Commission but it seems like they're ignoring my plea and keep on receiving replies "only" from Ms. Elise Lieberman in particular whom I think is the coordinator of this particular project/proposal. She did not really let me know what are my options "only" the very last part of the week, after I've been emailing the departments here and there. And according to Ms. Lieberman we still have the option to file a petition to the Council Committee if we pay the petition fee and submit a letter why we wanted to do this within 15 days of the first public notice and yet she says there's no guarantee for our plea to be granted after all our troubles. Note that she only let me know this option on Thursday at 3:56pm the 11th, when I've been emailing them since Monday at about 7pm the 8th.

My husband and myself truly believe that this additioning of a top structure to the property of Mr. Jagdeep Sahni will be an intrusion/invasion of our privacy. If you look closely at the drawings and exhibits, the structure is very much veered on our side and the large windows too and the veranda (porch) too at the back. And there's only like ten feet apart between our properties.

I've been looking almost all over these nearby places that have two story houses and some of them don't have windows at all, and some of them have small windows only on the very top, and also no verandas (porch). And the houses near the corn palace are like 30 feet away from each other. Unlike our properties here along Toyon Avenue that the houses are like only ten feet apart from each other. If the other neighbors are not really complaining it's because they're not really being the next door that will be affected by this second story structure proposal of Mr. Sahni. Our privacy will be greatly invaded/intruded during the construction and after the construction. There could be really an ulterior motive from Mr. Sahni in having the structure veered only on our side of the property. Personally speaking I am quite afraid of him and the prying, so I had the fences extended up to six feet tall between our properties and still seeking legal counsel's opinions. Also there are "no" other second story houses along Toyon Avenue except the new Toyon Avenue where the Corn Palace was before. It will also probably devalue our property when it's time to sell it because people don't want to be near this kind of higher structure around or near them.

And also I've been seeing different faces, old and young people in the property of Mr. Sahni from time to time. I believe he will have some of his rooms and have some of his rooms being rented out to help him with his financial obligations. If he will bring in more people in this area, this area will become noisier, busier, crowdier too. I am being disturbed from time to time of screaming children/people that I know are not the children of Mr. Sahni playing and running in his backyard.

In this connection, we are pleading you to void this project proposal of Mr. Jagdeep Sahni. Otherwise, have the structure added sideways and not upwise, and/or away from our side of the house, at least ten feet away or more from the corner of his house, his house is like 40 feet long or more looking through Google's satellite maps. Also, there should be no windows on our side of the property and no veranda (porch) too. We beg for your kind consideration. We've been here much much longer than Mr. Sahni was in his place. We thank you sir.

for: 

Mr. & Mrs. Roger/Mary Horton
659 Toyon Ave, Sunnyvale CA 94086

PS: I/we presume that Mr. Sahni had been planning this proposal for several months up to more than a year. And you have given us a notice in a piece of card which does not even have a proof of delivery. I receive it about one week before the public hearing date and it's kinda late for me/us to do our research on the matter, we were caught offguard that involves our precious privacy from our property. It's kinda late for us to realize that he's like targeting our territory by aiming his project right upon our property and noses. I think that you should have at least given us a month or more much better to research the matter properly and a proof of mail as well for humanitarian reasons sake. Justice and equality for all should be the motif of the City of Sunnyvale for all it's residents.



Figure 1



Figure 2



Figure 3

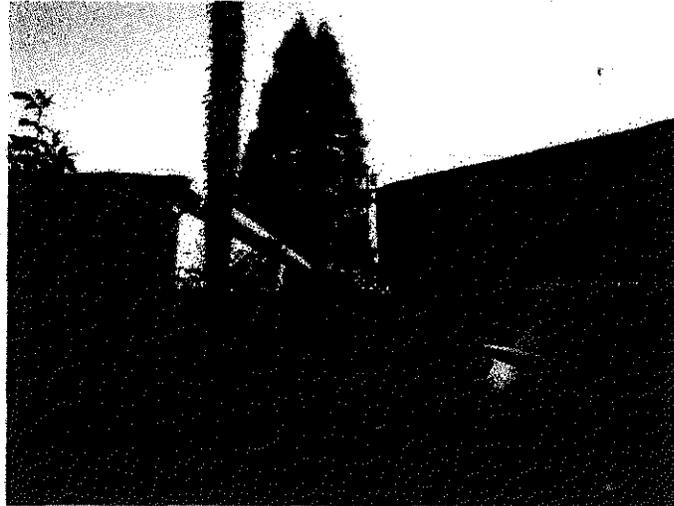


Figure 4

Additional Notes:

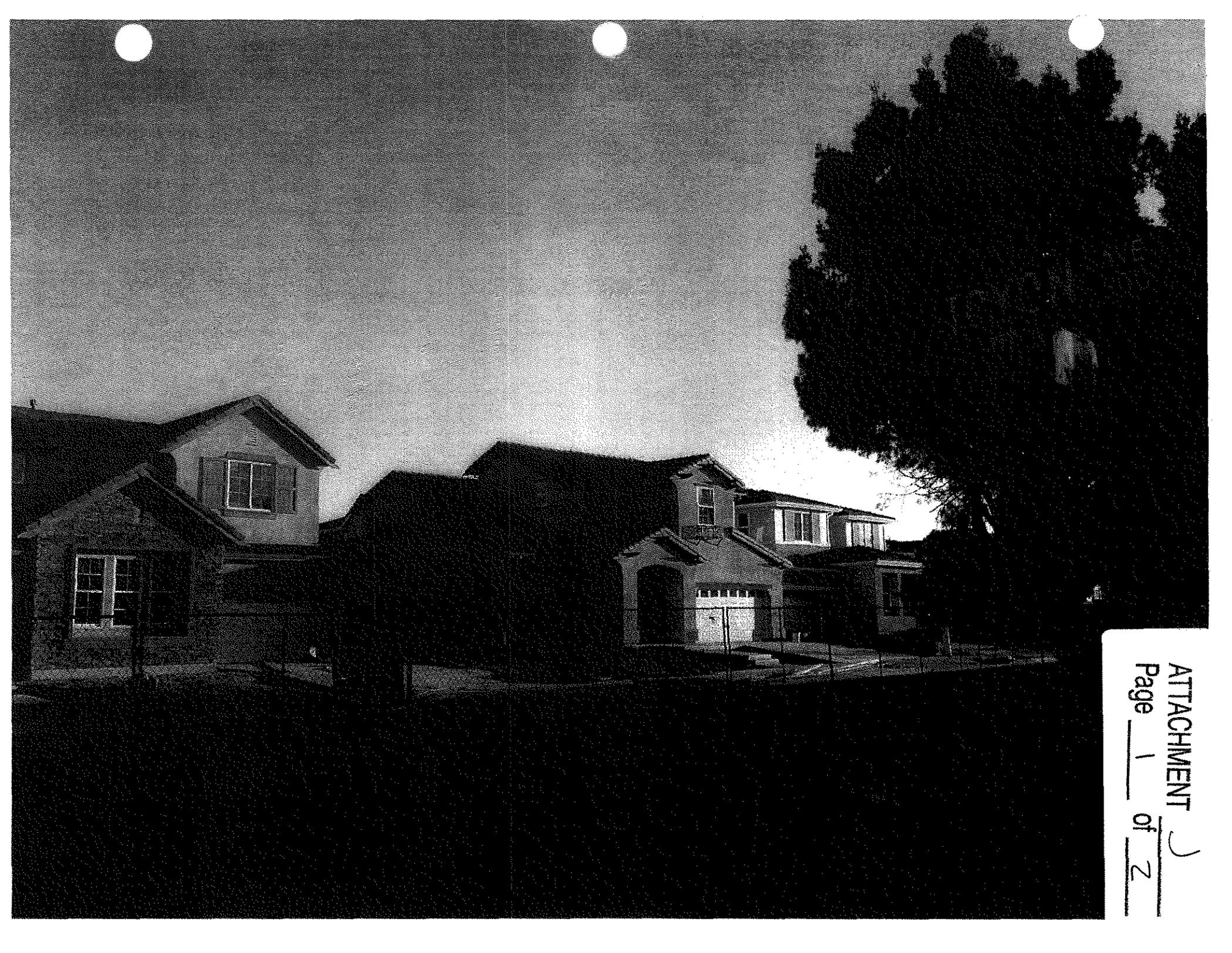
There's a big electric transformer at the back yard that may blow up or emanates some kind of danger, adding more people to live here will be hazardous to neighboring people, prone to more hazards, more accidents, more traffic and a narrow escape or help to arrive to the 2nd story and within two properties (ten/eleven feet away).

There's a big historical pine tree right at the back of property 663 Toyon Avenue, Sunnyvale CA, does it mean that the owner had to tore down this historical tree to give way to his two story house proposal?

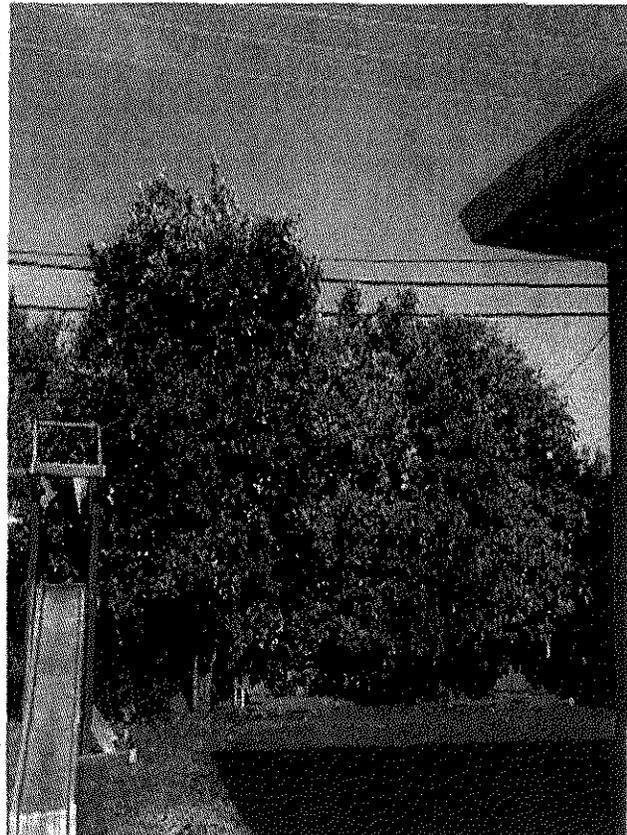
Had talked to the back adjacent neighbor of said disputed property, that neighbor (Mike) had written several complaint letters to the City about his objections to said project, but the City of Sunnyvale did not replied to his complaints. He thinks that the City only cares about adding to it's revenues generating from taxes, etc. He's been there for more than fifteen years. Also he had tried to collect some money to the dispute owner for his part of fences repair/expenses in the past but that dispute owner give him a lot of alibis and Mike ended up having to pay all the repair expenses. Had also talked to the next neighbor (Jonathan) and he also do not like this idea having two story houses beside his house. He says that he complained before about the two-story houses being built by the Corn Palace but to no avail to his complaints to the City. He's been there for more than ten years.

This property at start of Torreya (next street) had no windows, no porch on the side that faces the neighbor (Figure 2).

Attachment J



TREES COVERING SIDE AND BACK FENCES FOR PRIVACY



SIDE

BACK

ALL SETBACKS EXCEED REQUIREMENTS (per ATTACHMENT B)

		REQUIRED /PERMITTED	PROPOSED	STATUS
Front	First story	20'	20'-5"	EXISTING/EXCEEDS
	Second Story	25'	40'-2"	EXCEEDS
Left Side	First story	4'	5'-6"	EXISTING/EXCEEDS
	Second Story	7'	24'	EXCEEDS
Right Side	First story	4'	5'-6"	EXISTING/EXCEEDS
	Second Story	7'	7'-9"	EXCEEDS
Combined Sides	First story	11'	11'	EXISTING
	Second Story	17'	31'-9"	EXCEEDS
Rear	First story	20'	25'-9"	EXCEEDS
	Second Story	20'	27'-9"	EXCEEDS