



**CITY OF SUNNYVALE
REPORT
Planning Commission**

September 22, 2008

SUBJECT: **2007-0065** – Application for **688 Conway Road** (near Hollenbeck Ave) in an R-2 (Low-Medium Density Residential) Zoning District.

Motion Design Review to allow a new two-story single family residence for a total of 3,095 square feet and 55% FAR (Floor Area ratio) where 45% FAR may be allowed without Planning Commission review.

REPORT IN BRIEF

Existing Site Conditions Single-Family Residence

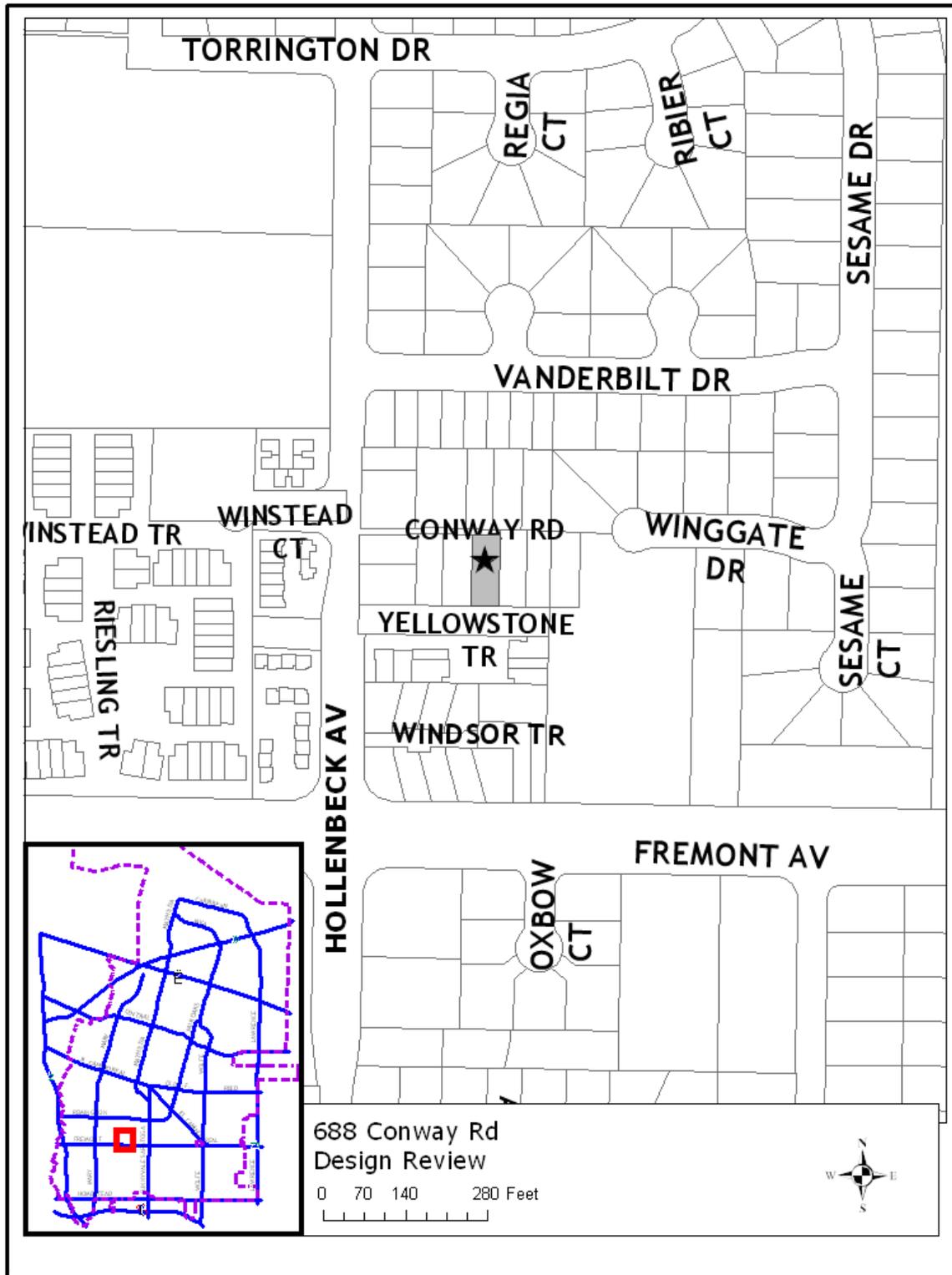
Surrounding Land Uses

North	Single-Family Residence
South	Single-Family Residence
East	Single-Family Residence
West	Single-Family Residence

Issues FAR and compatibility with neighborhood

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R-2	Same	R-2
Lot Size (s.f.)	5,482	Same	8,000 min.
Gross Floor Area (s.f.)	598	3,095	2,467 max. without PC review
Lot Coverage (%)	10.9%	37.3%	40% max.
Floor Area Ratio (FAR)	10.9%	55%	45% max. without PC review
Building Height (ft.)	12'	27'-10"	30' max.
No. of Stories	1	2	2 max.
Setbacks (First/Second Facing Property)			
Front	57'	20'/27'-2"	20'/25' min.
Left Side	0	8'/11'	8'/11' min.
Right Side	20'	4'/7'	4'/7' min.
Rear	8'	37'-10"/50'-10"	20'/20' min.
Landscaping (sq. ft.)			
Total Landscaping	N/A	1,608	850 min.
Usable Open Space	N/A	1,353	500 min.
Parking			
Total Spaces	0	4	4 min.
Covered Spaces	0	2	2 min.

ANALYSIS**Description of Proposed Project**

A previous Design Review project at this location was denied at the Planning Commission hearing of November 12, 2007. The previous project included a new two-story home, resulting in 3,448 square feet and 62.9% Floor Area Ratio (FAR) (Attachment D). The applicant appealed the decision to the City Council, that subsequently denied the appeal and Design Review on May 13, 2008.

Since the time of the hearing, the applicant has revised the project by reducing the size of the home by 353 square feet, and modified the architectural design of the home. The revised project includes a 3,095 square foot two-story home, with 2,595 square feet of living area, 420 square foot garage, and an 80 square foot covered front porch (Attachment C). Planning Commission review is required for this project, as the Floor Area Ratio (FAR) is proposed as 55%, where up to 45% FAR may be allowed without Planning Commission review.

Background

Conway Road Assessment District: In 2000 an assessment district was approved by the City Council in the Conway Road neighborhood for purposes of maintaining the private road and utilities. As part of this action, an 11-foot easement across the front of the northern parcels was required for the expansion of the street. In addition, there is a 10-foot easement in front of the southern parcels, which is part of Conway Road.

Planning Commission – November 12, 2007: The original project consisted of a 3,448 square foot home, with an FAR of 62.9%, and was reviewed at the Planning Commission hearing of November 12, 2007 (Attachment E). During the public hearing, the Planning Commission expressed concerns regarding the size of the home and its compatibility with the existing neighborhood, while an adjacent neighbor along the right side of the property cited privacy concerns of the second story windows.

City Council – May 13, 2008: Subsequently, the applicant appealed the decision to City Council, who held a public hearing on May 13, 2008. The City Council expressed similar concerns as the Planning Commission, and concluded that the home was too large for the lot and did not respect the scale and massing of the neighborhood. Therefore, the City Council denied the appeal and Design Review (Attachment F). The City Council gave the applicant the following direction:

- Redesign the home to not exceed 55% FAR.
- Redesign the home to respect the privacy of the neighbors.
- Redesign the home to reduce the massing of the home.
- Return the project to the Planning Commission, who has the ability to deny the project if they choose.

This staff report reflects the revisions made to the project, and assesses how the revised project addresses the concerns expressed by the Planning Commission and City Council.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemption includes construction of single family homes.

Design Review

Site Layout: The site has typical dimensions for the Conway Road neighborhood with width of approximately 45 feet and a depth of 121 feet, and lot size of 5,482 square feet. However, the property is substandard with regards to the minimum requirements for properties found in the R-2 Zoning district, in which lot width of 76' and lot area of 8,000 square feet are required. The existing site contains a one-story single family home that is 598 square feet in size. The project includes the demolition of the existing home.

The proposed home and driveway would face the front of the lot. The home would be 3,095 square feet in size, which would include 2,595 square feet of living area, a 420 square foot garage, and an 80 square foot covered front porch. The proposed home would contain three bedrooms on the second floor, and an office on the first floor that is considered as a fourth bedroom, as it contains a closet and is approximately 100 square feet in area.

In comparison to the original project, the currently proposed home is 353 square feet smaller. The living area of the first and second floor was reduced and a bedroom was removed. The table below provides a comparison between the revised project and the original project that was denied by the City Council:

	Original	Revised	Change
Gross Floor Area (s.f.)	3,448	3,095	- 353
<i>Living</i>	3,018	2,595	- 423
<i>Garage</i>	400	420	+ 20
<i>Porch</i>	30	80	+ 50
First Floor Area (s.f.)	2,242	2,045	- 197
Second Floor Area (s.f.)	1,206	1,050	- 156
Floor Area Ratio (FAR)	62.9%	55%	- 7.9%

Easements and Undergrounding: Easements and undergrounding of utilities occurred as part of the assessment district that was established in 2000. The subject property contains a public utility easement within the first 8 feet of the property. No structures are proposed within this easement.

The following Guidelines were considered in analysis of the project site design.

Single Family Home Design Techniques (Site Layout)	Comments
3.1 <i>Respect neighborhood home orientation and setback patterns.</i>	The proposed home would be centered on the lot and would face the street frontage. The orientation of the proposed home is consistent with that of other homes in the neighborhood. Setbacks of other homes in the neighborhood vary. The setbacks proposed for the new home are in compliance with the Zoning Code.

Architecture: The proposed architecture is contemporary, with stucco siding and composition shingle roof material. Architectural details include decorative pipe ends and trellis on top of the garage, continuous roof lines that separate the first and second floors, a mixture of casement and fixed windows and a 14-foot tall arched front entry. The lot is narrow and the required two-car garage makes up over half of the front width of the home; however, the applicant has included architectural details on the garage elevations and the garage is recessed approximately 2 feet from the front entry. Staff finds that the proposed front elevation helps reduce the visual impact of the garage. Staff further finds that the architectural details help to reduce the visual bulk and massing of the home, and addresses the Planning Commission and City’s Council’s concerns with the original design.

Compatibility with Neighborhood: While there is no prevailing architectural style in the neighborhood, many of the homes have similar features, such as front porches and front-gabled roofs. Roof materials and exterior colors vary, and exterior materials are either stucco or wood siding. Most of the homes in the neighborhood, including those adjacent to the subject site, are one story but the area is in transition and new two story homes are approved or being constructed in the immediate neighborhood.

The most recently approved and constructed home on this street is located two properties to the west at 694 Conway Road, which was approved by the Planning Commission in June 2005 (2005-0353). This new two-story home was designed in a contemporary style with Spanish elements, such as stucco and

tile roof materials. Additionally, a two-story home located across the street at 687 Conway Road was approved by Planning Commission in May 2004 (2004-0282). This two-story home was also designed with Spanish elements, but was never constructed. Staff finds that the proposed architectural design is compatible with the existing neighborhood and contributes positively to the streetscape.

Privacy: One-story homes exist on each side of the subject property, with approximately 4-foot side yard setbacks. While narrow lots result in site constraints for two-story homes, the placement and size of windows can help to minimize privacy impacts to adjacent neighbors. The applicant has attempted to address potential privacy impacts by minimizing the number of full-sized windows along the second floor. When possible, the second-story windows have been designed to be high sill.

Bedroom windows are required to be full-sized to meet egress requirements. There are two full-sized windows along the side elevations (one full-sized window on each side) on the second floor that are required to be full-sized. The full-sized window along the right side elevation will be located approximately 7 feet from the side property line. The full-sized window along the left side will be 11 feet from the side property line. Both windows will face the rear yards of the adjacent lots, and will not be oriented towards the existing windows of the adjacent homes.

In addition, the applicant has submitted a solar access and shadow analysis which demonstrates that the proposed two-story home will shade no more than 9.38% of the existing one-story home on the right side of the property and 8.05% on the left side, where 10% is the maximum allowed. Therefore, staff finds that the proposed window placement and solar access adequately addresses privacy impacts.

Floor Area Ratio: The applicant proposes a Floor Area Ratio (FAR) of 55%. There is no Zoning Code limit for FAR in the R-2 Zoning District; however, Planning Commission review is required for FAR over 45%. The following table shows square footages, numbers of stories and FAR for homes on Conway Road.

Property Address	Square Footage of Structure	Number of Stories	FAR
691 Conway	2,117	1	19%
687 Conway	3,061	2	51%
683 Conway	852	1	13%

Property Address	Square Footage of Structure	Number of Stories	FAR
679 Conway	520	1	8%
676 Conway	1,006	1	15%
680 Conway	968	1	15%
684 Conway**	928	1	16%
688 Conway*	3,095	2	55%
690 Conway**	1,260	1	20.5%
692 Conway	1,260	2	21%
694 Conway***	3,266	2	59.5%

* Proposed home

** Adjacent homes

*** Recently constructed

The highest FAR approved to date in the immediate vicinity is 59.5% for a 3,266 square foot home at 694 Conway Road, which is located two properties to the west of the project site. This new home has recently been constructed.

The applicant contends that the FAR calculation should include the existing 10-foot easement in front of the subject property, which is a portion of Conway Road. Conway Road is privately owned and provides access to Hollenbeck Avenue. The applicant identifies this area as “Parcel 2” on the proposed plans and it is 450 square feet in area (Attachment C). If staff included this easement in the calculations, the total lot area would be 5,932 square feet and the FAR would be 50.83%. A similar project on the north side of the street, located at 687 Conway Road, used the easement area as part of the calculation of FAR. As a result, the approved project was a 3,061 square foot home with a 51% FAR. If staff removed the 11-foot easement area from the calculation of 687 Conway Road, the FAR would be 56%.

A two-story home located at 694 Conway Road is on the same side of the street as the project site, and the approved lot area and FAR calculations excluded the easement along Conway Road.

Regardless of the FAR calculation, the lots along Conway Road are similar in size. Therefore, it is also important to consider the size of the homes on Conway Road for comparison purposes. As previously discussed, the largest home approved on this street is at 694 Conway Road and includes a 3,266 square foot home. The proposed project is 171 square feet smaller than the home at 694 Conway Road. Therefore, staff finds that the size of the proposed

home is consistent with the precedent set in the neighborhood. The proposed FAR of 55% is also consistent with the direction that was given by the City Council.

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

Single Family Design Techniques	Comments
<i>3.3 Design entries to be in scale and character with the neighborhood.</i>	The proposed project consists of an entry feature that is 14' in height, and lines up with the eave height of the remaining home. Other homes in the neighborhood have similar entry heights; therefore, staff finds the front entry to be compatible with the neighborhood.
<i>3.3 A. Locate home entries so that they are visible from the street.</i>	The proposed entry faces the street frontage and helps to reduce the visual impact of the garage doors.
<i>3.6 A. New homes and additions to existing structures should be located to minimize blockage of sun access to living spaces and actively used outdoor areas on adjacent homes.</i>	The applicant has submitted a solar access and shadow analysis which demonstrates that the proposed two-story home will shade no more than 9.38% of the existing one-story home on the right side of the property and 8.05% on the left side, where 10% is the maximum allowed.
<i>3.6 C. Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes. When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.</i>	The proposed windows not required for egress on the second floor have been designed to be high sill windows. As conditioned, the remaining windows will be the minimum size required to meet egress. The number of egress sized windows has been kept to a minimum.
<i>3.7 Use materials that are compatible with the neighborhood.</i>	The proposed home consists of stucco siding and composition shingle roofing, which are also found on existing homes in the neighborhood.

Landscaping: As proposed, the project provides approximately 1,608 square feet of total landscaping area where 850 square feet is the minimum required in the R-2 Zoning district. Additionally, 1,353 square feet of useable open

space is proposed, where 500 square feet is the minimum required. Therefore, the project meets and exceeds landscaping requirements.

Existing landscaping on the project site is minimal. No protected trees will be removed as part of this project.

Parking/Circulation: The proposed project includes a two-car garage that provides the two required covered parking spaces. The driveway is 17' wide and 21' deep, and provides two additional parking spaces. In total, 4 parking spaces are proposed. Moreover, approximately 360 square feet of the required front yard will be paved to accommodate the driveway and concrete walkway. The total impervious surface proposed in the required front yard is approximately 40%, where 50% is the maximum allowed. Therefore, the project meets the parking requirements.

Compliance with Development Standards: As proposed, the project meets all the development standards required for properties located in the R-2 Zoning district, including setbacks, landscaping and parking. Additionally, staff finds that the proposed project is consistent with the established character of the neighborhood and the Single Family Home Design Techniques.

While the FAR provides one method of assessing the compatibility of a new home within an existing neighborhood, there are existing site constraints on this lot that may not accurately reflect on the proposed project. As such, a size comparison of other homes found on Conway Road must also be considered. As previously discussed, the proposed home is approximately 171 square feet smaller than the recently-built home located at 694 Conway Road, with a similar lot size and site constraints. Therefore, staff finds that the size of the proposed home is acceptable and is consistent with the precedent set for neighborhood.

Staff also finds that the revised plans adequately address the concerns expressed by the Planning Commission and City Council. The proposed home has been designed with architectural features that help reduce the visual massing and bulk, respects the privacy of adjacent neighbors, and has been reduced in size to not exceed an FAR of 55%.

Fiscal Impact

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

Public Contact

Staff has not received additional comments since the time of the previous Planning Commission and City Council meetings.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 12 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • 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 • City of Sunnyvale's Website • Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to recommend approval for this project, because the project's design and architecture conforms with the policies and principles of the Sunnyvale Single Family Home Design Techniques. Basic Design Principles are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Design Review with attached conditions.
2. Approve the Design Review with modified conditions.
3. Deny the Design Review.

Recommendation

Alternative 1.

Prepared by:

Noren Caliva
Project Planner

Reviewed by:

Gerri Caruso
Principle Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Current Site and Architectural Plans
- D. Superseded Site and Architectural Plans
- E. Planning Commission Minutes November 12, 2007
- F. City Council Minutes May 13, 2008

Recommended Findings – Design Review

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

Basic Design Principle	Comments
2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns	Like other homes in the vicinity, the proposed home is oriented with the front elevation towards Conway Road. <i>Principle Met.</i>
2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.	The proposed home is approximately 171 square feet smaller than the recently approved project located at 694 Conway Road, and has been designed to reduce the visual bulk and massing. <i>Principle Met.</i>
2.2.3 Design homes to respect their immediate neighbors	Privacy of adjacent lots has been addressed in the design of the proposed home and as conditions of approval. Windows not required for egress have been designed to be high sill. As conditioned, the remaining windows will be reduced to the minimum size required to meet egress. <i>Principle Met.</i>
2.2.4 Minimize the visual impacts of parking.	The decorative pipe ends and trellis feature along the top of the garage doors helps to reduce the visual impact of parking. <i>Principle Met.</i>
2.2.5 Respect the predominant materials and character of front yard landscaping.	The project results in 40% of impervious surface in the required front yard, where 50% maximum is allowed. <i>Principle Met.</i>
2.2.6 Use high quality materials and craftsmanship	The project will require building permits and inspections. The project incorporates stucco, trimmed windows, and trellis features. <i>Principle Met.</i>
2.2.7 Preserve mature landscaping	The existing landscaping on the project site is minimal. No protected trees will be removed as part of this project. <i>Principle Met.</i>

Recommended Conditions of Approval - Design Review

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 and approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at the Planning Commission hearing except that minor changes of the approved plans may be approved by the Director of Community Development.
- B. 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 the expiration date.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. No existing protected trees are approved for removal. A separate Tree Removal Permit may be required.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Directory of Community Development prior to issuance of a Building permit.
- B. The remaining windows shall be redesigned to be the minimum size required to meet egress.

SCOPE OF WORK

TO DEMOLISH AN EXISTING STRUCTURE AND ADD A 2-STORY CUSTOM HOME ON THE PROPERTY AS SHOWN IN THESE PLANS.

PROJECT DATA

OWNER: DAVE STRIGLER
 PARCEL NO.: 12020601
 USE: SINGLE-FAMILY
 ZONE: IR2
 TYPE OF CONSTRUCTION: IV-N
 OCCUPANCY GROUP: IR3

FOOT PRINT	PARCEL #1	PARCEL #2
HEATED 1ST FLOOR	1545 SQ. FT.	1545 SQ. FT.
HEATED 2ND FLOOR	1050 SQ. FT.	1050 SQ. FT.
HEATED SUB TOTAL	2595 SQ. FT.	2595 SQ. FT.

GARAGE	420 SQ. FT.	420 SQ. FT.
PORCH	80 SQ. FT.	80 SQ. FT.
TOTAL	500 SQ. FT.	500 SQ. FT.

LOT COVERAGE	PARCEL #1	PARCEL #2
LOT	5,487 SQ. FT.	5,932 SQ. FT.
HEATED 1ST FLOOR	1545	1545
GARAGE	420	420
PORCH	80	80
TOTAL COVERAGE	2,045 = 31.30%	2,045 = 34.41%

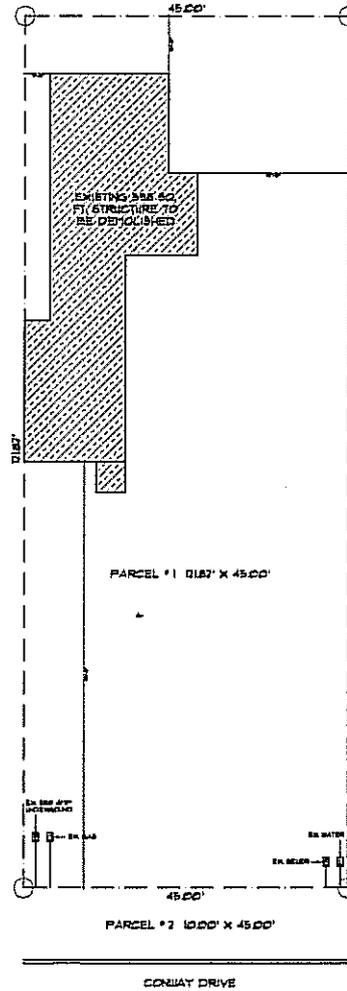
FAR	PARCEL #1	PARCEL #2
HEATED 1ST FLOOR	1545	1545
HEATED 2ND FLOOR	1050	1050
GARAGE	420	420
TOTAL	3,015 = 55.00%	3,015 = 50.84%
W/ PORCH	80	80
TOTAL	3,095 = 56.45%	3,095 = 52.11%

SHEET INDEX

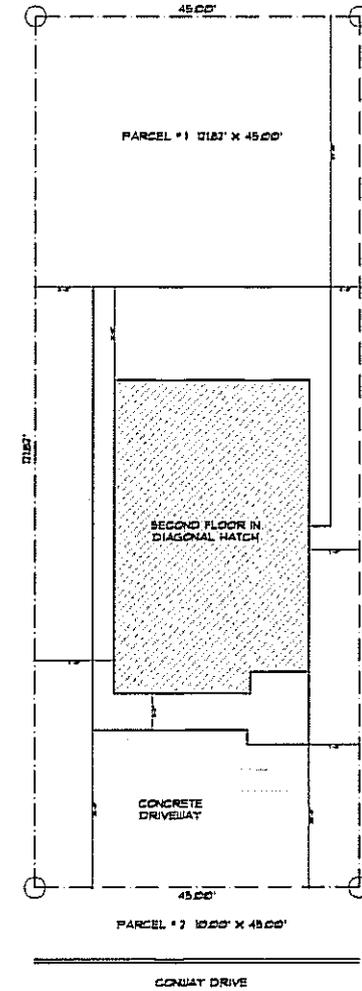
- SHEET A-1: SITE PLAN, PROJECT DATA
- SHEET A-2: FLOOR PLAN
- SHEET A-3: EXTERIOR ELEVATIONS
- SHEET SR-1: SOLAR ANALYSIS



1 SITE MAP



2 EXISTING SITE PLAN

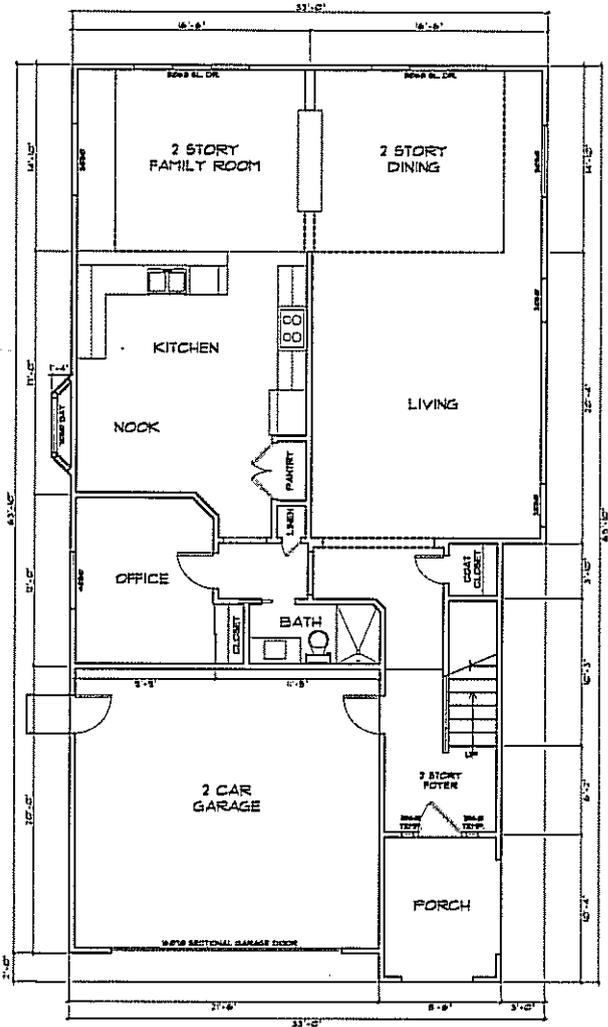


3 PROPOSED SITE PLAN

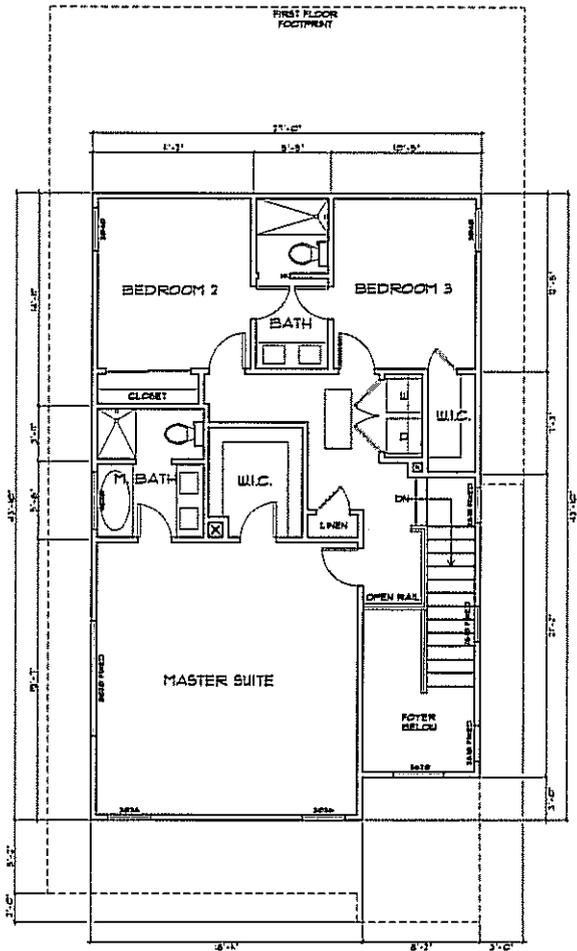
2 STORY CUSTOM HOME PLAN
 688 CONWAY DRIVE
 SUNNYVALE, CA 94087

SITE PLAN

ATTACHMENT C
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1 FIRST FLOOR PLAN
Scale 1/4" = 1'-0"



2 SECOND FLOOR PLAN
Scale 1/4" = 1'-0"

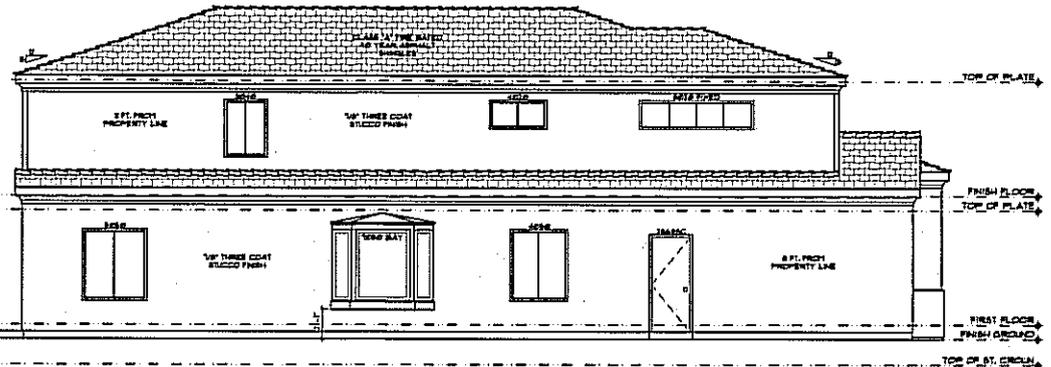
2 STORY CUSTOM HOME PLAN
688 CONWAY DRIVE
SUNNYVALE, CA 94087

FLOOR PLAN

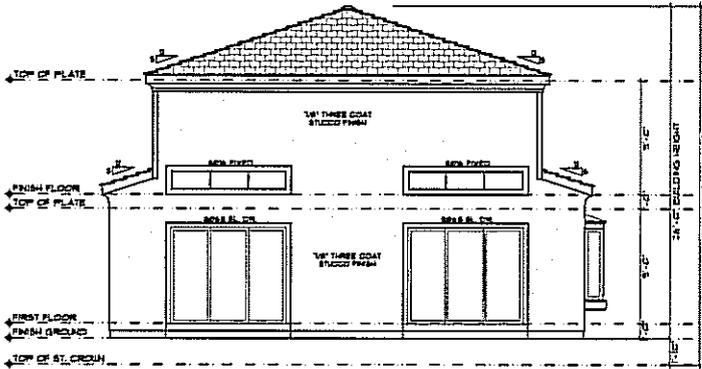
ATTACHMENT
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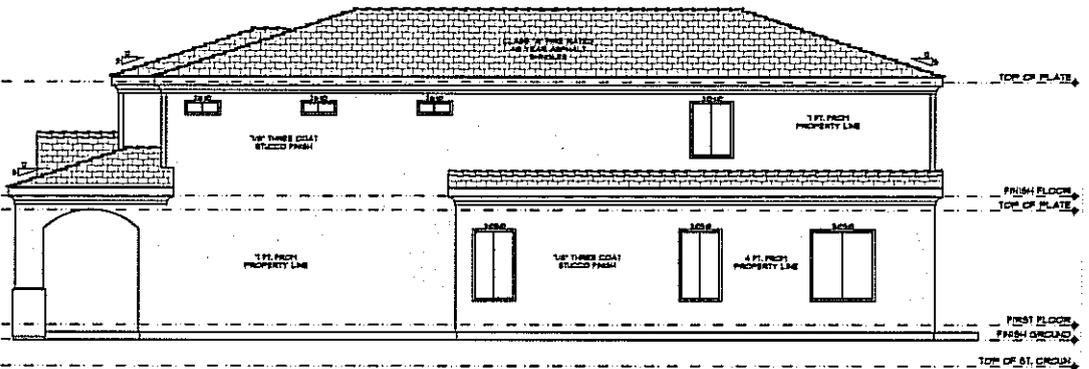
1 FRONT ELEVATION
Scale: 1/4" = 1'-0"



2 LEFT ELEVATION
Scale: 1/4" = 1'-0"



3 REAR ELEVATION
Scale: 1/4" = 1'-0"



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

2 STORY CUSTOM HOME PLAN
688 CONWAY DRIVE
SUNNYVALE, CA 94087

EXTERIOR
ELEVATIONS

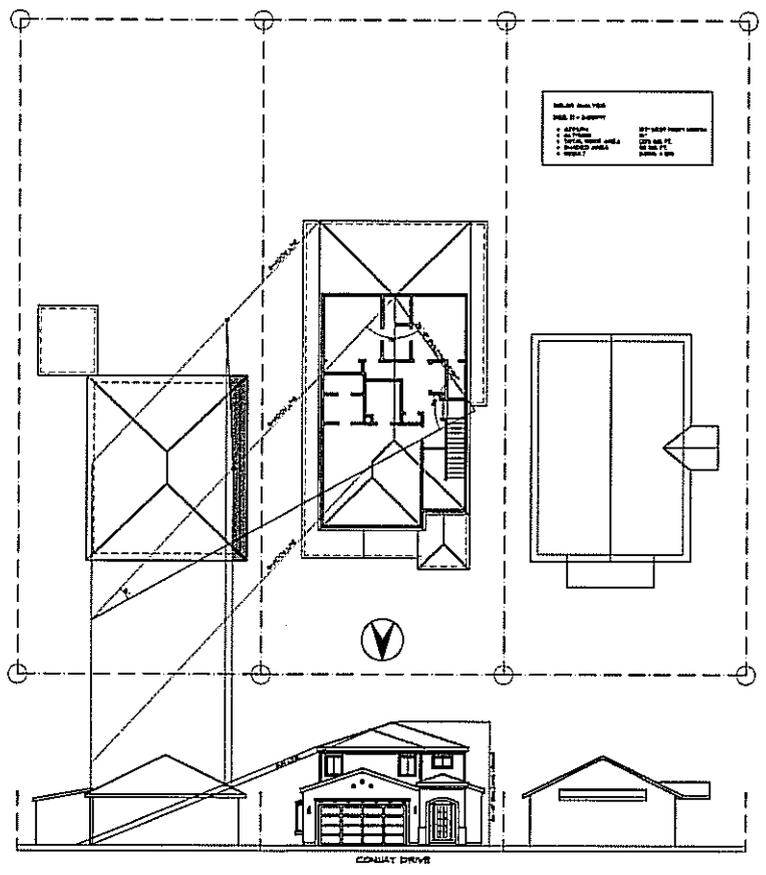
ATTACHMENT C
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THIRD REVISION

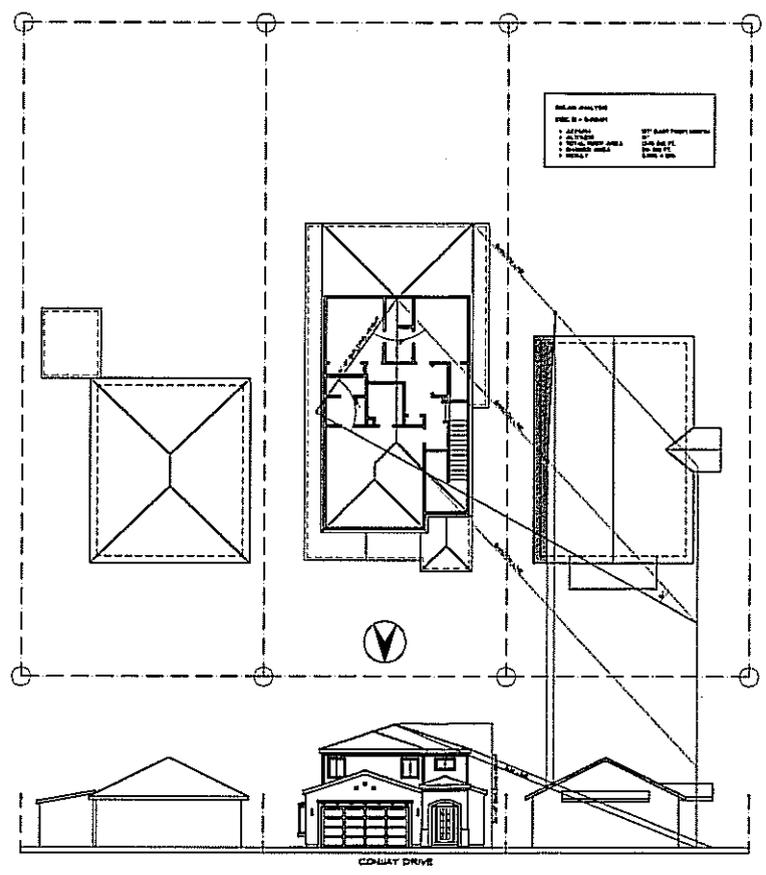
2 STORY CUSTOM HOME PLAN
688 CONWAY DRIVE
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FLOOR
PLAN

ATTACHMENT C
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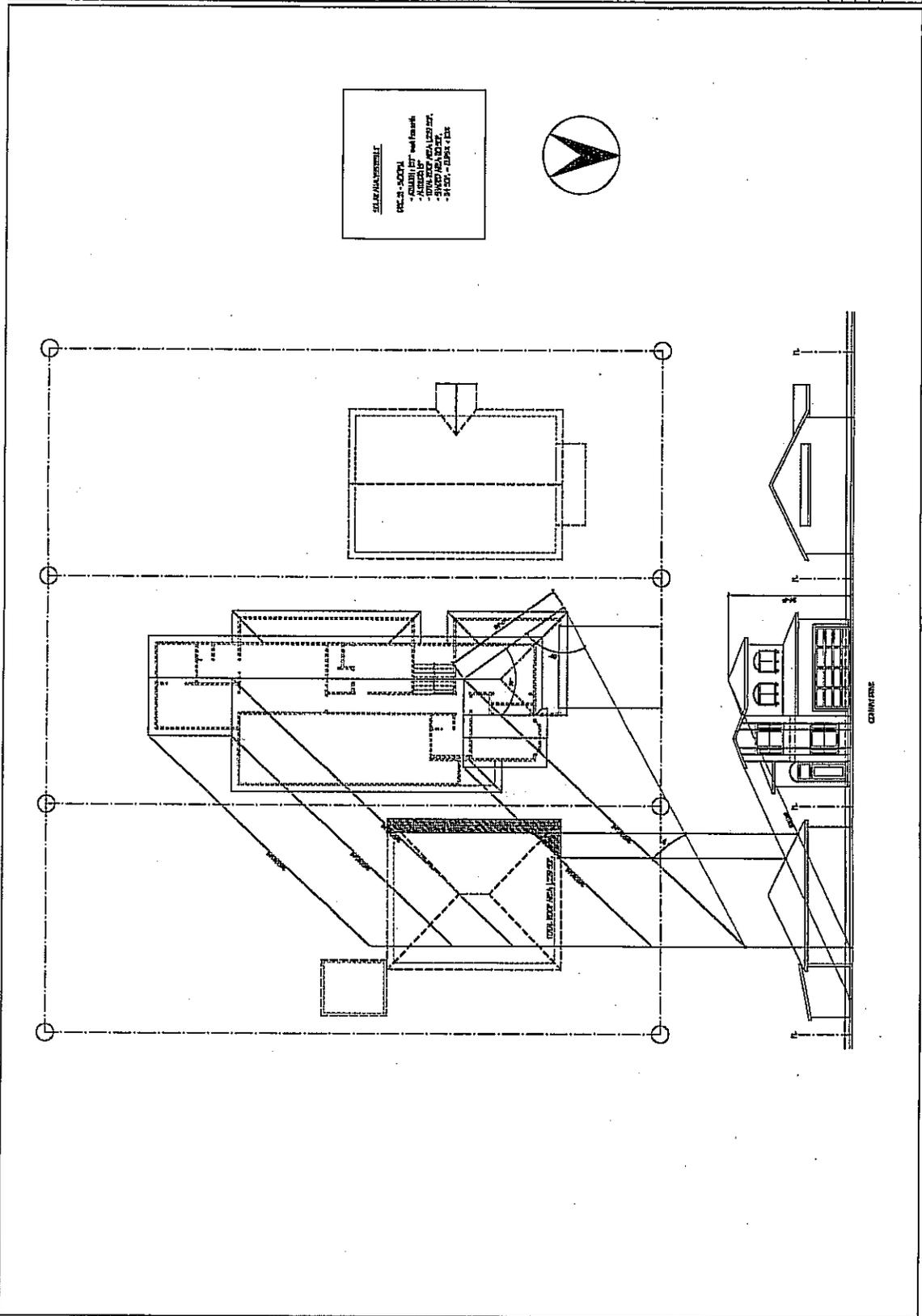
1 SOLAR ANALYSIS
DATE: 02/20/07



2 SOLAR ANALYSIS
DATE: 02/20/07

FORWARD GORDON DRIVING & DESIGN 10000 100th Ave NE Redmond, WA 98073 Phone: (206) 881-1111 Fax: (206) 881-1112 www.forwardgordon.com		SCALE AS SHOWN	DATE 08/20/08
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PLANNING COMMISSION MINUTES OF NOVEMBER 12, 2007

2007-0065 – Application for a Design Review to allow a new two-story single family residence for a total of 3,538 square feet and 64.5% FAR (Floor Area ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at **688 Conway Road** (near Hollenbeck Ave) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 202-06-017) NC

Gerri Caruso, Principal Planner, presented the staff report. She said that staff is recommending approval of the Design Review with the conditions shown in Attachment B. She said that the applicant has provided on the dais a revised front elevation for the Commission to consider. She said staff just received the revisions and has not had a chance to completely evaluate them. Ms. Caruso said the applicant has attempted to address staff's concerns about the height of the entrance and the impact of the two-story bay window feature on the front elevation.

Comm. Babcock asked about 687 Conway Road and confirmed with staff that 687 Conway has an accessory living unit within the house.

Chair Sulser opened the public hearing.

Dave Strigler, the applicant, thanked staff for their assistance and said he worked to reduce the mass and privacy concerns and would be happy to further work with staff on these concerns. He said that Conway Road has essentially had a building moratorium on it for about 20 years. He discussed the frontage situation for his and several other houses on the street and said his main concern is that his house and the neighboring houses have the 33 square foot frontage. He said he was trying to avoid having the front of his house dominated by a door and a garage and that he attempted to address some of the bay window concerns with the revised front elevation plans he submitted tonight.

Paul Qian, a resident of Sunnyvale and neighbor to the property, said he has a couple of concerns about this proposal. Mr. Qian said his house is very close to the property line as it was built many years ago so he is concerned about the setbacks. He referred to Attachment C, page 6, the solar analysis, which shows that one of their bedroom windows is in the shade. He would prefer the house be setback further to so they are not in the shade. He said he is also concerned about the seven windows facing their house. He said he is fine with the smaller windows, but said there are two large windows that face his house. He said he would like to see the trees along the property line retained as they are in good condition. Mr. Qian said that he would like a fence built before the construction to minimize the impact for noise and dust. He said he likes seeing new houses built on Conway and that he is not against his neighbor and just wants to work on the privacy concerns. He thanked the Planner for her assistance.

Vice Chair Rowe asked Mr. Qian if he read the conditions in Attachment B, page 2, and asked if conditions 2.C.e and 2.C.f address his privacy concerns. Mr. Qian said these two

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conditions only address the windows on the second floor and not the kitchen window on the first floor.

Arthur Schwartz, a resident of Sunnyvale, said his concern is about variances requested and in this case the FAR (Floor Areas Ratio). He commented that he feels there is an unfortunate precedence with homes being approved that are too large. Mr. Schwartz said that the FAR can be reduced to the legal requirements if the design of the house is modified and suggested ways to attain an acceptable FAR. He said he thinks this is the wrong design, wrong size and does not fit the lot.

Comm. Simons commented about consistency and said that, for him, precedence does not mean he agrees with past precedence. He said he understands Mr. Schwartz's concern.

Ms. Ryan commented that Mr. Schwartz indicated that going above 45% FAR is a variance, however it is not a variance, it is a different level of review. She said that the City does not have a maximum FAR for homes, but does have a requirement that if the FAR is over 45% that the decision changes from staff level to a public hearing. She said in this case the FAR is over 45% and requires a Planning Commission decision.

Comm. Hungerford confirmed with staff that there is no maximum FAR for this property. Ms. Ryan said there is a theoretical maximum of 80% for a two-story home, but it would require that the proposal meet all the other requirements of the zoning district. She said the code does not have an expressed maximum.

Vice Chair Rowe referred to page 3 of the report and asked about the lot size requirement of 8,000 square feet minimum. Vice Chair Rowe asked if the requirement means, for a house this size, that an 8,000 square foot lot would be required. Ms. Caruso, said a new subdivision would require 8,000 feet per lot. She said this is a smaller, pre-existing lot in an R-2 zoning district and the size of the lot is legal, non-conforming. Ms. Ryan added that in an R-2 zoning district, the minimum needed for a housing unit is 3,600 square feet.

Mr. Strigler thanked staff for working with him. He emphasized that one of the reasons the street is starting to be developed is because of the 20-year moratorium and the new street was put in. He said that the residents on this street looked forward to the moratorium being lifted.

Chair Sulser closed the public hearing.

Vice Chair Rowe commented that the street looks narrow and confirmed with staff that the street is a private street and narrower than standard. Ms. Caruso said that a few years ago, the City helped the neighbors on the street form an assessment district to put in improvements and the result is a street that is as wide as the right-of-way.

Ms. Ryan said that Mr. Strigler is correct that there had been a moratorium on construction on Conway Road. She said there was a moratorium due to an undersize road that was not

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sufficient for emergency vehicles, particularly fire apparatus. She said that to increase the size of the homes would have been too big of a risk. Ms. Ryan said the City worked with the neighbors to put in a more permanent road, upgrade utilities, upgrade the sewer, and underground the overhead utility lines which allowed the neighbors to begin to make investments in their properties.

Vice Chair Rowe moved for Alternative 1, to approve the Design Review with conditions as recommended by staff. The motion died for lack of a second.

Comm. Babcock moved for Alternative 3, to deny the Design Review. **Comm. Hungerford** seconded.

Comm. Babcock said she feels this house is too massive for the lot and that she is not comfortable with the conditions of approval. She said she would like to see the applicant come back to the Planning Commission and present a different design of a smaller scale and with less square footage.

Comm. Hungerford said he agrees with Comm. Babcock. He said he feels this neighborhood is in transition and is changing from smaller to larger homes, but feels this house is too large for the lot size and neighborhood. He said he is uncomfortable with going this high on the FAR.

Comm. Simons said he would be supporting the motion. He said he is happy to see an investment being put into this neighborhood. He said he is not comfortable with approving a home larger than what they have approved in the past.

Vice Chair Rowe said she would be supporting the motion. She said she was willing to go along with the staff recommendation, but she does like this motion better. She said she looked at this proposal in comparison to the 694 Conway home that was previously approved by Planning Commission and the proposed house is even larger. She said she feels if the Commission makes a decision and later feels it was not the best decision that the Commission has the right to change their minds on other projects.

Chair Sulser said he would not be supporting the motion as he found the staff report to be compelling and he was planning to vote to approve the project.

ACTION: Comm. Babcock made a motion on 2007-0065 to deny the Design Review. Comm. Hungerford seconded. Motion carried unanimously, 5-1, Chair Sulser dissenting, Comm. Klein absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than November 27, 2007.

5. **RTC 08-132** **2007-0065 – Applicant appeal of a decision of the Planning Commission to deny an application for 688 Conway Road (near Hollenbeck Avenue) in an R-2 (Low-Medium Density Residential) Zoning District. Design Review to allow a new two-story single family residence for a total of 3,448 square feet and 62.9% FAR (Floor Area Ratio) where 45% FAR may be allowed without Planning Commission review.**

Assistant Planner Noren Caliva presented the staff report.

Councilmember Whittum inquired how staff has dealt with the three concerns expressed by the neighbor during the Planning Commission meeting. The neighbor had concerns over the proposed home shading their bedroom window and having seven windows face their home. The neighbor also requested to have a fence built before the construction, noise, and dust from this project commences.

Assistant Planner Caliva responded that one of staff's recommended conditions of approval is to limit the size of the second story window in order to meet the minimum requirement for egress. Councilmember Whittum verified that the home will still have seven windows facing the home and that the bedroom window will be shaded. Assistant Planner Caliva explained that the City has a requirement that windows are not shaded more than 10 percent by the neighbor's roofline. The roofline for this proposal meets that requirement as it creates a little less than nine percent shading of the neighbors window.

Public hearing opened (time not recorded)

Dave Strigler, applicant, explained he has worked with staff to incorporate all of the staff recommendations and it is his opinion that the home will now be compatible with the neighborhood.

Mayor Spitaleri questioned Strigler as to whether he had incorporated all the recommendations staff had requested. Strigler stated he started this process a year and a half ago and he has incorporated all the recommendations from staff; however, during the Planning Commission meeting, a few additional items came up which he has agreed to do. Strigler stated his design is compatible with the surrounding homes but the Planning Commission has stated that the other streets were developed over the past twenty years; whereas, his street was not. Strigler stated even homes that were approved a few years ago would not be approved now because the Planning Commission has continual change in its membership. Strigler stated he would adhere to whatever standards are set, but he is anxious to begin his project. Strigler stated to start this process all over again is not an option.

Councilmember Howe verified that this project is the same as when it went before the Planning Commission except for a few items that were added to the conditions of approval. Assistant Planner Caliva stated a few additional conditions of approval were added to address the massing and the bulk issue of the home. Councilmember Howe verified with staff that the additional conditions of approval were added after the Planning Commission denied the project. Councilmember Howe questioned if staff believes that the Planning Commission would change their vote if they were able to review this project with the additional conditions of approval. Assistant Planner Caliva explained that the concerns expressed by the Planning Commission included the size of the home and the square footage.

Councilmember Moylan explained that Strigler is asking for a home that is 5.8 times

larger than his current home which would also make it the largest home on the street. Councilmember Moylan stated that the Planning Commission had a concern over the proposed project because it did not respect the scale and bulk of the other homes on the street. Councilmember Moylan explained that in order for Council to grant this design, Strigler would need to convince Council that his home does meet the scale and bulk of the surrounding homes. Strigler responded that he would be willing to reduce the size of his home to be comparable with the other two homes that were recently approved. Councilmember Moylan suggested Strigler return with a revised plan per his agreement to scale down the size of his home. Strigler explained that the reduction would be 180 square feet and if he would have known soon enough, he would have brought a scaled down plan to the Planning Commission.

Councilmember Moylan stated the other finding that the Planning Commission could not make was in reference to the design of the front of the home in which the garage covered most of the front of the home. Strigler stated the lot is very narrow and he was trying to include a door, window and garage to give the illusion that there was less garage space. Councilmember Moylan verified that Strigler's response to the Planning Commission not making the finding is that he has minimized the obtrusiveness of the garage as much as possible considering the narrow lot restrictions. Strigler stated some accommodation should be made for narrow lots.

Vice Mayor Hamilton verified with staff that none of the conditions of approval as stated in the staff report have been included in the attached home plan.

Vice Mayor Hamilton verified with Strigler that he agrees with the conditions of approval.

Director Hom explained that this project has been under design review for quite some time with staff expressing concerns over the size of the house and the architectural design features. Director Hom stated regardless of what the staff recommendation on the project was, this project eventually had to go before the Planning Commission due to the floor area ratio (FAR). Staff did recommend to the Planning Commission that a number of design issues could be resolved with design revisions. Director Hom stated the Planning Commission still had concerns over the massing of the house, the architectural design, the size of the house, and compatibility within the neighborhood. The Planning Commission recommended denial of the project with the need to redesign the home because of the significance of the issues. Director Hom stated staff has added additional conditions which might address the Planning Commissions concerns should Council wish to grant the appeal; however, ultimately it is staff's recommendation to deny the appeal and uphold the decision of the Planning Commission. Director Hom stated this project should really go back to the Planning Commission for further review.

Vice Mayor Hamilton stated the staff recommendation on the staff report is incorrect on page 15 of the report as it states the staff recommendation is for Alternative 1 and it should state Alternative 3.

Mayor Spitaleri verified with staff that this project went through three revisions. The first proposal had a 72 percent FAR which was then reduced to 62 percent and then further reduced to 60 percent FAR. Mayor Spitaleri inquired why the project stopped at 60 percent FAR and Director Hom stated rather than require the applicant to do another round of further revisions, staff decided to let the Planning Commission weigh in on the project. Director Hom stated despite adding the conditions of approval, the Planning Commission was not comfortable in approving the design given the outstanding issues with the design.

Strigler stated if he had known prior to the Planning Commission meeting that the members wanted his project reduced further, he would have done that prior to the meeting.

Paul Qiam stated he is Strigler's neighbor. Qiam stated a large home is already on one side of his property with windows that face his home. Qiam is concerned over Strigler building a large home on the other side of his property which will also have many windows facing his home. Qiam stated the Planning Commission has admitted that they made a wrong decision in approving the existing home next to his property. Qiam thanked staff for their help with this issue.

Public hearing closed at 9:53 p.m.

Councilmember Howe inquired if Council denied the appeal and sent the project back to the Planning Commission, would the applicant have to pay the fees again. Director Hom stated if Council does not want the applicant to pay additional fees, then Council could deny the appeal and return the item to the Planning Commission with directions as appropriate for redesign. Director Hom explained that if the applicant did not agree to a redesign, then Council's option would be to deny or approve the project this evening. Councilmember Howe verified with Director Hom that the applicant would have to concur with having his project return to the Planning Commission for redesign.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 3: Council denies the appeal and upholds the decision of the Planning Commission to deny the Design Review, and provide direction on future designs

with the following directions: return this item to the Planning Commission; FAR shall not exceed 55 percent; there shall be a provision for privacy for the neighbors; the design and mass need to be worked on; clarification that this gives the Planning Commission the ability to deny the project if they choose, and the applicant shall decide within the next 15 days if he wants to go forward with this project, as stated, in a written letter to the Director of Community Development

Director Hom clarified that his understanding is that if the applicant comes back to staff in 15 days stating that he cannot accept 55 percent FAR, then that will signify denial of the application. Councilmember Howe verified that the intent of his motion would be to deny the appeal and close the application if the applicant does not accept the terms as stated in this motion.

Restated MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 3: Council denies the appeal and upholds the decision of the Planning Commission to deny the Design Review, and provide direction on future designs

with the following directions: return this item to the Planning Commission; FAR shall not exceed 55 percent; there shall be a provision for privacy for the neighbors; the design and mass need to be worked on; clarification that the Planning Commission has the ability to deny the project if they choose, and the applicant shall verify, within the next 15 days, whether or not he wishes to proceed with this project, as it is stated, by submittal of a written letter to the Director of Community Development

with

if the applicant informs staff within the allotted 15 days that he cannot accept the 55 percent FAR, then that will signify denial of the appeal and will close out the application.

VOTE: 7-0

ATTACHMENT F
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