



**CITY OF SUNNYVALE
REPORT
Planning Commission**

May 12, 2008

SUBJECT: **2007-0851** – Application located at **800 Acacia Avenue** (at N Fair Oaks Ave) in an R-0 (Low-Density Residential) Zoning District.

Motion **Design Review** to allow an approximately 1,930 square foot one and two-story addition to an existing 754 square foot home totaling 2,684 square feet, resulting in a 54.7% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review.

REPORT IN BRIEF

Existing Site Conditions Single-Family Residence

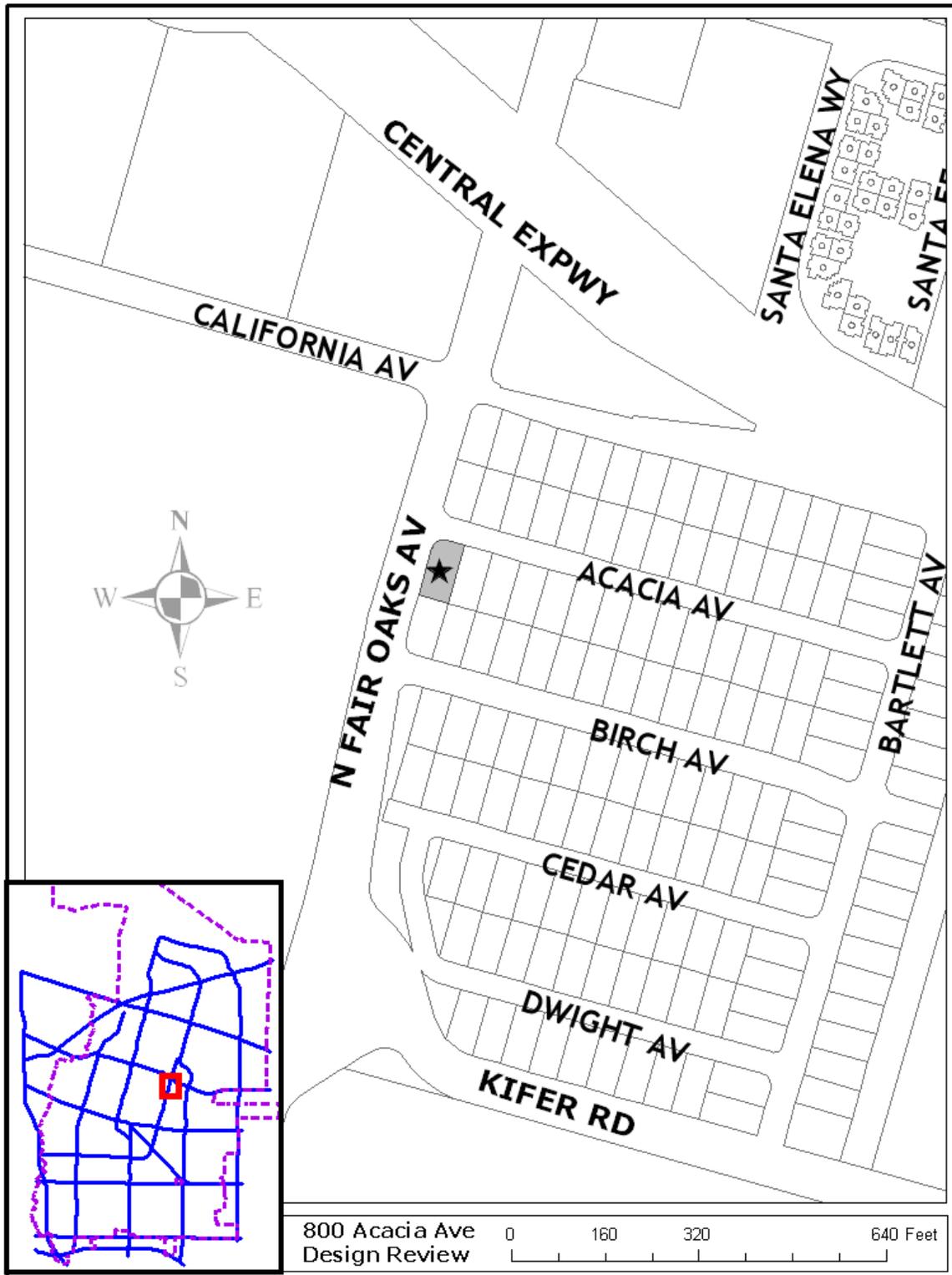
Surrounding Land Uses

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

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 Approve with conditions



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.)	4,900	Same	6,000 min.
Gross Floor Area (s.f.)	990	2,684 (1,590 first floor 1,094 second floor)	2,205 max. without PC review
Lot Coverage (%)	20.2%	32.4%	40% max.
Floor Area Ratio (FAR)	20.2%	54.7%	45% max. without PC review
Building Height (ft.)	13'	25'	30' max.
No. of Stories	1	2	2 max.
Setbacks (First/Second Facing Property)			
Front	20'	20'/30'	20'/25' min.
Left Side	4'-10"	4'-10"/11'	4'/7' min.
Right Side (Reducible Front)	6'-1"	6'-1"/9'-1" (13'-11" combined/ 14'-1" combined)	9'/9' min. (12' combined/ 18' combined)
Rear	52'	31'-6"/31'-6"	20'/20' min.
Parking			
Total Spaces	2	4	4 min.
Covered Spaces	1	2	2 min.

ANALYSIS**Description of Proposed Project**

Previous applications for a Design Review and Variance (2007-0851) at this location were denied at the Planning Commission hearing of December 10, 2007. The previous project included a one and two story addition, resulting in 2,857 square feet and 58% Floor Area Ratio (FAR). To accommodate the proposed addition, the previous project also included deviations from the required reducible front yard and combined side yard setbacks for the first and second floors, and to allow a portion of the second floor to be within a required

40-foot corner vision triangle. The application was denied by the Planning Commission due to inability to make the required findings. The minutes from this hearing are located in Attachment E. Since the time of the hearing, the applicant has revised the project and resubmitted for a new Design Review.

The revised project includes an addition that is 173 square feet smaller than the previous project, and does not include deviations from the Sunnyvale Municipal Code. The proposed home consists of six bedrooms (including a recreation room on the second floor) and three and a half bathrooms. The project would result in a 2,684 square foot two-story home and 54.7% FAR, where up to 45% FAR can be reviewed by staff.

Background

Previous Actions on the Site: The existing home was built in 1942 as a part of tract of homes that were constructed during World War II, known as Victory Village. The home is not a heritage resource. No other significant permits have been obtained for this property.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include additions to single-family residences.

Design Review

Site Layout: The subject property is located on the southeast corner of Acacia Avenue and N. Fair Oaks Avenue. Surrounding properties to the north, east and south are single-family residences, while the adjacent property to the west (across N. Fair Oaks Ave.) is an industrial property (Northrop Grumann/historic Hendy Iron Works site). The existing site contains a 990 square foot one-story home, with the front entrance and driveway facing Acacia Avenue. The existing home currently has a legal nonconforming reducible front yard setback of 6 feet 1 inch (facing N. Fair Oaks Avenue), where 9 feet minimum is currently required. Additionally, approximately 242 square feet of the original existing home is located within a corner vision triangle. It is not evident if the home was built with legal nonconforming setbacks or if over time, the width of N. Fair Oaks Avenue has been modified.

The applicant proposes to add 600 square feet to the first floor and add a 1,094 square foot new second floor for a total addition of 1,694 square feet. The project would result in a 2,684 square foot two-story home, with approximately 1,590 square feet on the first floor and 1,094 square feet on the second floor. The proposed home would contain six bedrooms (including an open recreation

room on the second floor) and three and a half bathrooms. The home would be approximately 25 feet in height (as measured from the top of the nearest curb), and the addition would meet the development standards for the R-0 Zoning district, including setbacks and vision triangle clearance (Attachment C, Site and Architectural Plans).

FAR and Surrounding Properties: The neighborhood consists of primarily one-story homes, with a range of FAR's. The homes that are adjacent to the subject property are one-story and have FAR's that range from 15% to 20%. The highest FAR approved to date in the immediate vicinity is a 2,106 square foot two-story home located at 248 Bartlett Avenue, with an FAR of 41% (Attachment D, Surrounding Properties). This home was approved by staff in 1996. This home is located three blocks away from the subject property to the east, and is approximately 578 square feet smaller than the proposed project. The table below includes the highest approved FAR's in the immediate R-0 neighborhood, of which 248 Bartlett Avenue is the only two-story home:

Surrounding Properties – Highest Approved FAR's

Address:			Lot Area (s.f.):	Building (s.f.):	FAR:
248	Bartlett	Ave.	5100	2106	41%
873	Dwight	Ave.	5000	1850	37%
837	Birch	Ave.	5000	1847	37%
272	Bartlett	Ave.	5100	1880	37%
819	Acacia	Ave.	5000	1759	35%
860	Cedar	Ave.	5000	1734	35%
866	Dwight	Ave.	5000	1696	34%
855	Dwight	Ave.	5000	1678	34%
872	California	Ave.	5000	1640	33%
836	Acacia	Ave.	5000	1605	32%

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.

Architecture: The current architecture of the home is similar typical of the Victory Village tract, and includes stucco siding and asphalt shingle roof

material. The façade of the home, facing Acacia Avenue, consists of a hip roof and a modest front entry feature which lines up with the eaves of the home.

The proposed addition would also include stucco siding and shingle roof material to match existing. The most significant proposed architectural changes proposed are along the front elevation, with new gable roof features along the first and second floors and a remodeled front entry. The front entry would be less than 13 feet in height and would line up with the roof line of the adjacent garage.

Massing: The second floor is set back approximately 10 feet from the first floor along the front elevation (facing Acacia Avenue). In addition, the roof element between the first and second floor have been extended along the side elevations. These features help to reduce the visual bulk and mass of the home. However, staff believes that additional architectural elements could reduce the mass and provide visual interest to the home. If the project is approved, staff recommends that the applicant work with staff to explore the following architectural modifications to the home (Attachment B, Recommended Conditions of Approval):

- Wood window trim
- Projecting window sills
- Divided light windows
- Building bases, such as stone, brick, projecting moldings or trims
- Wood trellis above the garage door

Privacy: Most of the second floor windows are needed for egress and are oriented towards the front and rear elevations, which help to reduce potential privacy impacts to adjacent neighbors. The applicant proposes one full-sized second-floor window along the right side elevation, which is adjacent to N. Fair Oaks Avenue. Therefore, the project has been designed with minimal privacy impacts.

Solar Access: The applicant submitted a solar access and shadow analysis. According to the applicant, the proposed second story shades less than 9% of the neighboring roof to the east, where 10% is the maximum allowed.

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

Single Family Design Techniques (Architecture)	Comments
<i>3.3 Design entries to be in scale and character with the neighborhood.</i>	The proposed entry lines up with the roof line of the adjacent garage, and is consistent with others found in the neighborhood.

Single Family Design Techniques (Architecture)	Comments
<i>3.4.A. The area of the second floor should not exceed the common standard of the neighborhood. For new second stories in predominately one-story neighborhoods, the second floor area should not exceed 35% of the first floor area.</i>	As proposed, the second floor is 68% of the first floor. Therefore, the proposed project is inconsistent with this guideline.
<i>3.4.D. For second floors with an area greater than 35% of the ground floor area, setbacks should generally be greater unless the prevailing pattern of the second floor setbacks in the neighborhood is less.</i>	The proposed addition exceeds the minimum setback requirements for the R-0 Zoning district. Therefore, the project is consistent with this guideline.
<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>	Most of the second floor windows are needed for egress and are oriented towards the front and rear elevations, which help to reduce potential privacy impacts to adjacent neighbors. Therefore, the project meets this guideline.
<i>3.7. Use materials that are compatible with the neighborhood.</i>	The neighborhood contains a mix of materials and architectural styles. Therefore, the proposed exterior materials would be compatible with others found in the neighborhood.

Landscaping: There are no landscaping requirements for single-family projects in the R-0 zoning district. No protected trees are proposed for removal as part of this application. Protected trees are those that are 38 inches or greater in circumference, as measured four feet above the ground. Trees that are to be retained shall be protected during construction by conditions of approval.

Compliance with Development Standards/Guidelines: The existing single-family home was built with a nonconforming reducible front yard setback and is located within a required 40-foot corner vision triangle. However, the proposed addition was designed to meet or exceed the development standards required in the R-0 Zoning district, such as setbacks and vision triangle clearance. No deviations from the Sunnyvale Municipal Code are requested. Additionally, the project meets most of the Single Family Home Design Techniques. As conditioned by staff, additional architectural elements would help to reduce the massing and add visual interest to the home.

Expected Impact on the Surroundings: The proposed addition would have minimal privacy impacts to the adjacent properties. Most of the second floor windows are needed for egress and are oriented towards the front and rear elevations.

Fiscal Impact

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

Public Contact

At the time of the staff report, staff has not received comments from neighbors.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 9 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

Conclusion

Discussion: Although the proposed home is larger than the other homes found in the neighborhood, staff finds that the project is a reasonable request to provide additional living space, without compromising the character of the neighborhood. The project has been designed to meet all development standards required in the R-0 Zoning district, and staff's recommended conditions allow the architecture of the home to be consistent with others found in the neighborhood. Moreover, the substandard lot size limits the ability of the property to add to the home. The lot is more than 1,000 square feet smaller than other properties found in the R-0 Zoning district, which is contributing to the larger FAR proposed.

Findings and General Plan Goals: As conditioned, staff was able to recommend approval for this project, because the project's design and architecture would conform to the policies and principles of the Sunnyvale Single Family Home Design Techniques if staff's recommendations are incorporated. 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
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Letter of Justification
- E. Planning Commission Minutes from Previous Application

Recommended Findings – Design Review

As conditioned, the proposed project **is** desirable in that the project's design and architecture **does** conform with the policies and principles of the Single Family Home Design Techniques.

Basic Design Principle	Comments
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	Like many homes found in the neighborhood, the proposed home would be situated in the center of the lot and would face Acacia Avenue. <i>Met</i>
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The neighborhood contains primarily one-story homes, with a variety of FAR's. The largest approved FAR in the immediate neighborhood is 41%. The proposed project would result in a home that is 578 square feet larger than the largest approved home in the neighborhood. <i>Not Met</i>
<i>2.2.3 Design homes to respect their immediate neighbors.</i>	The project has been designed to include second-story windows to be oriented towards the front and rear yards. <i>Met</i>
<i>2.2.4 Minimize the visual impacts of parking.</i>	With the constraints of having a narrow lot, the applicant has designed a two-car garage with the minimum dimensions to try to minimize the visual impacts of parking. <i>Met</i>
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	The proposed paved area for the driveway is less than 50% of the front yard. <i>Met</i>
<i>2.2.6 Use high quality materials and craftsmanship.</i>	The project incorporates stucco and shingle roof material, which is compatible with the materials and craftsmanship found in the immediate neighborhood. <i>Met</i>
<i>2.2.7 Preserve mature landscaping</i>	No protected trees are proposed for removal with the project. Existing trees will be required to be protected during construction. <i>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:

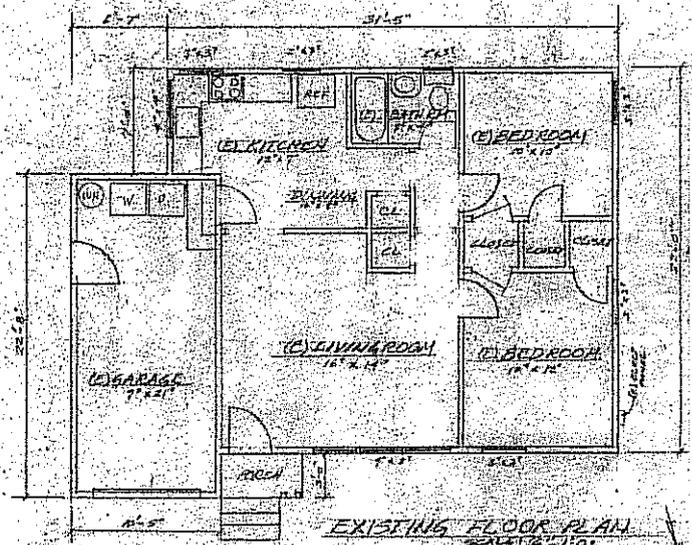
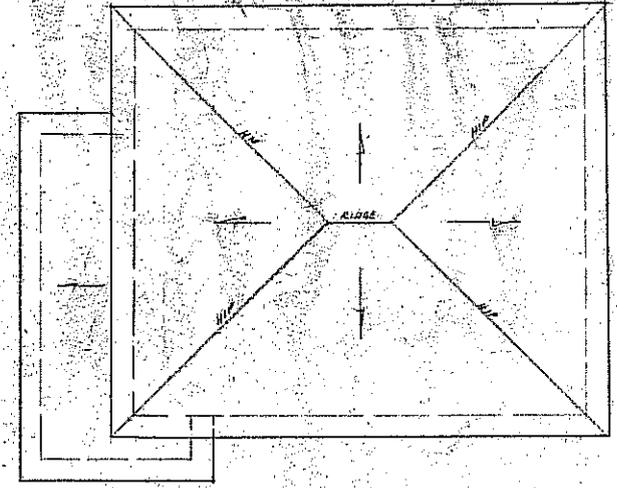
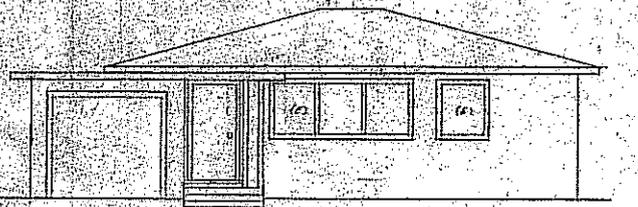
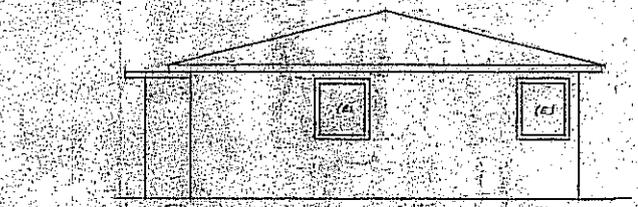
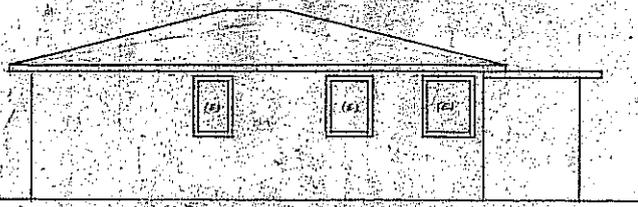
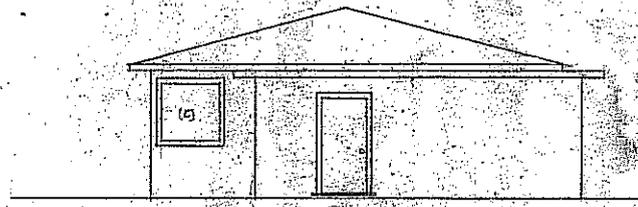
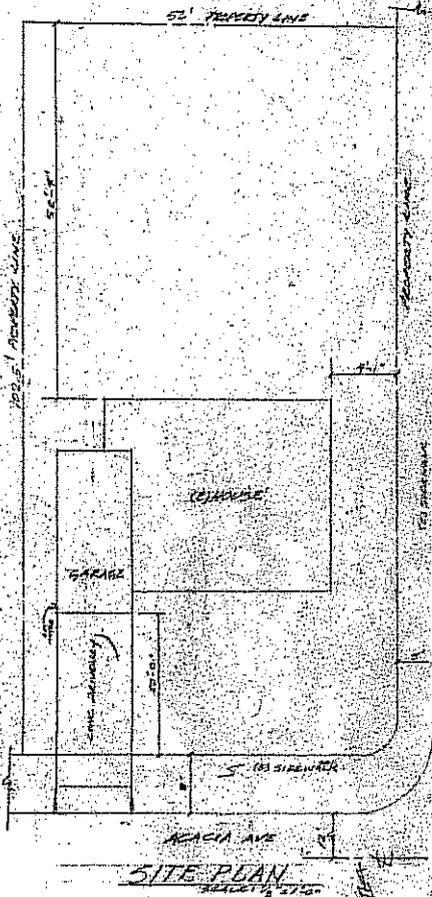
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

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. Obtain building permits for the proposed plan.

2. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to issuance of a building permit.
- B. Roof material shall match the existing home or if replaced entirely, be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect, or as approved by the Director of Community Development.
- C. The applicant shall work with staff to explore the following architectural modifications to the home, subject to review and approval by the Director of Community Development:
 1. Wood window trim
 2. Projecting window sills
 3. Divided light windows
 4. Building bases, such as stone, brick, projecting moldings or trims
 5. Wood trellis above the garage door



REVISION	BY

BED ROOM & BATH ROOM ADDITION
 SITE PLAN EXIST. ELEVATIONS
 ROOF & FLOOR PLAN
 200 FERDO ALVARO
 7 E. CH. 2408
 559115-888

Surrounding Properties (Victory Village):

	Address:		Lot Area (s.f.):	Building (s.f.):	FAR:
248	Bartlett	Ave.	5100	2106	41%
873	Dwight	Ave.	5000	1850	37%
837	Birch	Ave.	5000	1847	37%
272	Bartlett	Ave.	5100	1880	37%
819	Acacia	Ave.	5000	1759	35%
860	Cedar	Ave.	5000	1734	35%
866	Dwight	Ave.	5000	1696	34%
855	Dwight	Ave.	5000	1678	34%
872	California	Ave.	5000	1640	33%
836	Acacia	Ave.	5000	1605	32%
801	Acacia	Ave.	3200	990	31%
842	California	Ave.	5000	1526	31%
848	Acacia	Ave.	5000	1522	30%
843	Dwight	Ave.	5000	1511	30%
825	Acacia	Ave.	5000	1503	30%
812	Acacia	Ave.	5000	1481	30%
825	Birch	Ave.	5000	1490	30%
848	Dwight	Ave.	5000	1489	30%
836	Birch	Ave.	5000	1487	30%
848	Birch	Ave.	5000	1450	29%
256	Bartlett	Ave.	5100	1476	29%
900	Birch	Ave.	5100	1472	29%
872	Birch	Ave.	5000	1429	29%
843	Acacia	Ave.	5000	1413	28%
899	Birch	Ave.	4230	1194	28%
824	Birch	Ave.	5000	1409	28%
831	Cedar	Ave.	5000	1409	28%
245	Bartlett	Ave.	5200	1463	28%
873	Birch	Ave.	5000	1380	28%
872	Cedar	Ave.	5000	1352	27%
898	Cedar	Ave.	5200	1405	27%
812	Birch	Ave.	5000	1349	27%
855	Cedar	Ave.	5000	1344	27%
830	California	Ave.	5000	1338	27%
899	Cedar	Ave.	5200	1386	27%
824	Cedar	Ave.	5000	1324	26%
898	Dwight	Ave.	5200	1342	26%
836	Dwight	Ave.	4000	1032	26%
848	Cedar	Ave.	5000	1289	26%
818	Birch	Ave.	5000	1279	26%

830	Birch	Ave.	5000	1278	26%
879	Birch	Ave.	5000	1278	26%
813	Cedar	Ave.	5000	1269	25%
843	Birch	Ave.	5000	1260	25%
224	Bartlett	Ave.	5100	1283	25%
232	Bartlett	Ave.	5100	1283	25%
240	Bartlett	Ave.	5100	1283	25%
264	Bartlett	Ave.	5100	1283	25%
280	Bartlett	Ave.	5100	1283	25%
350	Bartlett	Ave.	5100	1280	25%
861	Dwight	Ave.	5000	1252	25%
842	Dwight	Ave.	5000	1249	25%
378	Bartlett	Ave.	5200	1289	25%
215	Bartlett	Ave.	5200	1279	25%
879	Cedar	Ave.	5000	1220	24%
288	Bartlett	Ave.	5100	1229	24%
872	Dwight	Ave.	5000	1204	24%
291	Bartlett	Ave.	5200	1251	24%
866	Birch	Ave.	5000	1199	24%
878	Birch	Ave.	5000	1198	24%
849	Acacia	Ave.	5000	1188	24%
854	Birch	Ave.	5000	1188	24%
285	Bartlett	Ave.	5200	1229	24%
818	Cedar	Ave.	5000	1179	24%
861	Cedar	Ave.	5000	1179	24%
825	Dwight	Ave.	5000	1170	23%
251	Bartlett	Ave.	5200	1209	23%
866	Cedar	Ave.	5000	1161	23%
878	Cedar	Ave.	5000	1158	23%
305	Bartlett	Ave.	5200	1198	23%
855	Acacia	Ave.	5000	1145	23%
878	Acacia	Ave.	5000	1134	23%
854	Cedar	Ave.	5000	1134	23%
867	Dwight	Ave.	5000	1130	23%
879	Dwight	Ave.	5000	1130	23%
318	Bartlett	Ave.	5200	1171	23%
899	Dwight	Ave.	5200	1170	23%
830	Dwight	Ave.	5000	1121	22%
873	Cedar	Ave.	5000	1112	22%
867	Birch	Ave.	5000	1106	22%
878	California	Ave.	5000	1094	22%
854	California	Ave.	5000	1080	22%
830	Cedar	Ave.	5000	1080	22%
837	Dwight	Ave.	5000	1073	21%

842	Cedar	Ave.	5000	1068	21%
854	Dwight	Ave.	5000	1060	21%
807	Acacia	Ave.	5000	1046	21%
818	Acacia	Ave.	5000	1046	21%
824	Acacia	Ave.	5000	1046	21%
861	Acacia	Ave.	5000	1046	21%
879	Acacia	Ave.	5000	1046	21%
825	Cedar	Ave.	5000	1045	21%
849	Dwight	Ave.	5000	1040	21%
836	Cedar	Ave.	5000	1037	21%
819	Cedar	Ave.	5000	1029	21%
806	Birch	Ave.	5000	1018	20%
878	Dwight	Ave.	5000	1018	20%
800	Acacia	Ave.	4900	990	20%
807	Birch	Ave.	5000	1009	20%
813	Birch	Ave.	5000	1009	20%
831	Birch	Ave.	5000	1009	20%
842	Birch	Ave.	5000	1009	20%
855	Birch	Ave.	5000	1009	20%
861	Birch	Ave.	5000	1009	20%
807	Cedar	Ave.	5000	1009	20%
837	Cedar	Ave.	5000	1009	20%
831	Dwight	Ave.	5000	1009	20%
819	Birch	Ave.	5000	1007	20%
351	Bartlett	Ave.	5200	1046	20%
806	Acacia	Ave.	5000	1003	20%
830	Acacia	Ave.	5000	1003	20%
854	Acacia	Ave.	5000	1003	20%
860	Acacia	Ave.	5000	1003	20%
867	Acacia	Ave.	5000	1003	20%
873	Acacia	Ave.	5000	1003	20%
806	California	Ave.	5000	1003	20%
812	California	Ave.	5000	1003	20%
836	California	Ave.	5000	1003	20%
860	California	Ave.	5000	1003	20%
849	Cedar	Ave.	5000	1000	20%
813	Acacia	Ave.	5000	990	20%
831	Acacia	Ave.	5000	990	20%
837	Acacia	Ave.	5000	990	20%
842	Acacia	Ave.	5000	990	20%
866	Acacia	Ave.	5000	990	20%
872	Acacia	Ave.	5000	990	20%
849	Birch	Ave.	5000	990	20%
800	California	Ave.	5000	990	20%

818	California	Ave.	5000	990	20%
824	California	Ave.	5000	990	20%
848	California	Ave.	5000	990	20%
866	California	Ave.	5000	990	20%
362	Bartlett	Ave.	5100	1003	20%
867	Cedar	Ave.	5000	979	20%
334	Bartlett	Ave.	5100	990	19%
396	Bartlett	Ave.	5100	990	19%
843	Cedar	Ave.	5000	968	19%
311	Bartlett	Ave.	5200	1003	19%
363	Bartlett	Ave.	5200	1003	19%
379	Bartlett	Ave.	5200	1003	19%
319	Bartlett	Ave.	5200	990	19%
860	Birch	Ave.	5000	940	19%
306	Bartlett	Ave.	5100	951	19%
216	Bartlett	Ave.	7140	1283	18%
312	Bartlett	Ave.	5100	908	18%
397	Bartlett	Ave.	5200	887	17%
860	Dwight	Ave.	5000	798	16%
801	Birch	Ave.	5000	770	15%
898	Birch	Ave.	5200	787	15%
901	Birch	Ave.	5100	722	14%

2007-0851 800 Acacia Avenue

PLANNING COMMISSION MINUTES OF DECEMBER 10, 2007

2007-0851 – Application for related proposals located at **800 Acacia Avenue** (at N Fair Oaks Ave) in an R-0 (Low-Density Residential) Zoning District. (APN: 205-45-060) NC:

- **Variance** from SMC (Sunnyvale Municipal Code) section 19.34.030 to allow a 6-foot 1-inch first and second floor reducible front yard setback where 9 feet minimum is required; an 11-foot combined first floor setback where 12 feet minimum is required; a 14-foot 1-inch combined second floor setback where 18 feet is required; and to allow a portion of the second story within the corner vision triangle.
- **Design Review** for a first and second-story addition to an existing one-story home for a total of 2,857 square feet and 58% FAR (Floor Area Ratio) where 45% FAR may be allowed without Planning Commission review.

Noren Caliva, Assistant Planner, presented the staff report. She said staff was unable to make the findings in Attachment A for a variance and recommends the Commission deny the Design Review and the Variances.

Chair Sulser opened the public hearing.

Godofredo Alfaro, applicant and owner, said he would like to be allowed to build on to his house. Mr. Alfaro's **designer** said he worked very hard on this project to accommodate this family's needs. He said this neighborhood has small lots and Mr. Alfaro has only a neighbor on one side which is why they are asking for a variance on the side without a neighbor. The designer explained the difficulties with this property, the items that were taken into consideration and described the proposed design. He explained that the applicant is trying to make the addition without expanding towards the back of the property as that would be very expensive. He said It is a matter of economy, and convenience to the neighbors. He said this is the third layout presented and that he agrees with the recommendations that have been given to them by staff and have tried to accommodate. He said he feels the proposed design is the only way they can accommodate the desired number of bedrooms. He commented that there are two houses nearby that have second stories and are massive and this proposal is not massive. The designer said that this house does not negatively impact the neighborhood and that they would try to accommodate any recommendation given.

Vice Chair Rowe said that she is confused about the comments made about the setbacks being met as they are not met on one side. The designer explained that they meet the setbacks except on the side of the house that has a sidewalk instead of a neighbor, as this is a corner lot. He explained his reasoning why a

2007-0851 800 Acacia Avenue

Approved Minutes
December 10, 2007
Page 2 of 2

variance could be granted because he feels if the sidewalk on that side were a property line with a house on the other side, that they would meet those setbacks.

Chair Sulser closed the public hearing.

Comm. Klein moved for Alternative 1 to deny the Design Review and the Variances. Vice Chair Rowe seconded the motion.

Comm. Klein said that variances are very difficult to grant and that he could not make the findings. He commended the applicant for working with staff to try different designs to alleviate variances and suggested the applicant continue to work with staff to remove the remaining variances. He said he understands that the applicant is trying to get as much home as possible being as reasonable as possible.

Vice Chair Rowe said she agrees with staff and Comm. Klein and does not want to set a precedence of granting variances. She said adding to the house would further affect the vision triangle and that the applicant may want to consider adding a basement. She said she appreciates the efforts of the applicant and architect to reduce the variances and that she would like to see them work a little bit more with staff to eliminate the variances.

Chair Sulser said he would be supporting the motion. He said he is sympathetic to the applicant's position, but a variance requires specific criteria and he was not able to make the findings.

ACTION: Comm. Klein made a motion on 2007-0851 to deny the Design Review and the Variances. Vice Chair Rowe seconded. Motion carried unanimously, 6-0, Comm. Simons absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than December 26, 2007.