Agenda Item # 1

CITY OF SUNNYVALE
REPORT
Planning Commission

April 26, 2010

SUBJECT: 2009-0672: Application for a project located at 693 W. McKinley Avenue in an R-2 (Low-Medium Density Residential) Zoning District (APN: 165-12-059):

Motion Design Review to construct a new two story single family home with an attached garage totaling an approximate 2,322 square feet with a Floor Area Ratio of 52%.

REPORT IN BRIEF

Existing Site Conditions

Surrounding Land Uses

<table>
<thead>
<tr>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residence</td>
<td>Duplex</td>
<td>Single-Family Residence</td>
<td>Single-Family Residence</td>
</tr>
</tbody>
</table>

Issues Design and FAR

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

<table>
<thead>
<tr>
<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>REQUIRED/ PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan</td>
<td>Residential Low Medium Density</td>
<td>Same</td>
<td>Residential Low Density</td>
</tr>
<tr>
<td>Zoning District</td>
<td>R-2</td>
<td>Same</td>
<td>R-O</td>
</tr>
<tr>
<td>Lot Size (s.f.)</td>
<td>4,500</td>
<td>Same</td>
<td>8,000</td>
</tr>
<tr>
<td>Gross Floor Area (s.f.)</td>
<td>984</td>
<td>2,322</td>
<td>3,600 w/o PC review</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>13%</td>
<td>33%</td>
<td>40% max. for a two-story home</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>22%</td>
<td>52%</td>
<td>45% threshold PC review</td>
</tr>
<tr>
<td>Building Height (ft.)</td>
<td>18’</td>
<td>25’</td>
<td>30’ max.</td>
</tr>
<tr>
<td>No. of Stories</td>
<td>1</td>
<td>2</td>
<td>2 max.</td>
</tr>
</tbody>
</table>

### Setbacks

<table>
<thead>
<tr>
<th></th>
<th>First Floor:</th>
<th>Second Floor:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Front</td>
</tr>
<tr>
<td></td>
<td>Right Side</td>
<td>Right Side</td>
</tr>
<tr>
<td></td>
<td>Left Side</td>
<td>Left Side</td>
</tr>
<tr>
<td></td>
<td>Combined Side</td>
<td>Combined Side</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Parking

<table>
<thead>
<tr>
<th></th>
<th>Total Spaces</th>
<th>Covered Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

## ANALYSIS

### Description of Proposed Project

The proposed project includes the demolition of the existing home and the construction of a new two story home with basement. The proposed new
residence will contain approximately 1,035 square feet on the first floor, 433 square feet for the garage, and 854 for the second floor with a total floor area of 2,322 square feet and Floor Area Ratio (FAR) of 52%. The proposed basement will be 1,058 square feet and it will not extend more than two feet above grade at any point.

**Planning Commission Review: Plan Modifications**

The project was reviewed by the Planning Commission on March 22, 2010 and after deliberations it was continued to address the following concern (see Attachment C, Planning Commission Minutes):

- Increasing the second floor west side (Waverley Street) setback to reduce the overall massing of the structure.

The applicant has increased the setback on the west by 1 additional foot, resulting in a 10 foot west side setback from the Waverly Street property line. The additional setback resulted in a reduction of floor area by 19 square feet on the second floor. The additional setback allows the first roof line to be carried across the west façade, providing architectural interest (see Attachment D, Site and Architectural Plans). Overall, the changes have addressed the concern raised by the Planning Commission. The applicant has also provided colored elevations to better illustrate shading on both street elevations (Attachment F).

The proposed changes result in a project that complies with the intent of the Single Family Design Techniques by using building forms compatible with the immediate neighborhood, plate heights that are respectful of adjacent homes, varied setbacks to provide interest, and exterior materials that compliment the architecture. The project has been designed to comply with all development standards including, Off-Street Parking, Solar Access, Landscaping and Tree Preservation/Protection.

**Environmental Review**

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. The proposed additions are exempt in that the proposed project will result in a new single family home within a residential zone.

**Fiscal Impact**

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

**Public Contact**
The project applicant has reviewed the proposed project with several neighbors and has provided numerous letters in support of the proposed project (See Attachment E). At the time of the staff report, staff did not receive any additional comments. Fifty notices were mailed to property owners for the March 22, 2010 meeting. No additional notices were mailed as the project was continued to a date certain (April 12, 2010 and then April 26, 2010).

Conclusion

The applicant has incorporated the changes requested by the Planning Commission on March 22, 2010, which have resulted in additional architectural interest on the Waverly Street façade. Staff supports the proposed changes, as they address the Planning Commissions comments. As previously noted, the proposed residence will result in a home that is larger than the other homes found in the neighborhood. However, the use of quality elements will ensure that the proposed residence is comparable in craftsmanship and detail as the older homes in the area. The project has been designed to meet all development standards required in the R-2 Zoning district.

Findings and General Plan Goals: The Findings are located in Attachment A. Staff is recommending the Conditions of Approval shown in Attachment B.

Alternatives

1. Approve the Design Review with the conditions in Attachment B.
2. Approve the Design Review with modified conditions.
3. Deny the Design Review and provide direction to staff and the applicant where changes should be made.

Recommendation

Alternative 1.
Prepared by:

Shaunn Mendrin
Project Planner

Reviewed by:

Steve Lynch
Senior Planner

Attachments:

A. Recommended Findings
B. Recommended Conditions of Approval
C. Planning Commission Minutes, dated March 22, 2010
D. Site and Architectural Plans
E. Letters in Support of the Project
F. Color Rendering
Recommended Findings – Design Review

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.

<table>
<thead>
<tr>
<th>Basic Design Principle</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Respect the scale, bulk and character of the homes in the adjacent neighborhood.</td>
<td>The home is sited appropriately and the use of varied second floor setbacks and architectural elements reduce the apparent mass of the structure.</td>
</tr>
<tr>
<td>3.5 B Use roof forms, orientations and ridge heights similar to those in the adjacent neighborhood. For example, where nearby homes along a street front have prominent gables facing the street, include gable elements of a similar scale and pitch facing the street on the new home or addition.</td>
<td>The addition uses roof forms that are compatible with the existing structure and surrounding homes.</td>
</tr>
<tr>
<td>3.5 E. Keep first and second floor eave heights at the same general height as adjacent homes to minimize the visual bulk of the new construction. The recent desire for taller interior ceiling heights should be achieved through interior open spaces or cathedral ceilings, rather than taller exterior walls and higher eave heights, unless the taller heights are consistent with adjacent homes.</td>
<td>The proposed home provides a transition from the lower plate heights to the right by proving a lower garage eave. The main plate heights are nine (9) feet, which is six (6) inches higher than the adjacent homes.</td>
</tr>
<tr>
<td>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.</td>
<td>The proposed project does not cast shadows on any of the adjacent structures.</td>
</tr>
<tr>
<td>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.</td>
<td>The proposed second floor side windows either face the street or look over the existing home to the right. The rear façade does have window which look into the middle of the block.</td>
</tr>
<tr>
<td>3.7 Use materials that are compatible with the neighborhood.</td>
<td>The proposed materials will be of a newer style and complimentary to those found in the in the neighborhood.</td>
</tr>
</tbody>
</table>
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. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes shall be subject to approval at a public hearing.

   B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.

   C. The Design Review shall be null and void two years (Ordinance 2895-09) 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.

   D. The building permit plans shall be in substantial conformance with the approved plans and planning application.

   E. No trees are proposed for removal as part of this project. A separate tree removal permit shall be required for removal of protected trees in the future.

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

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

   B. Building Permit plans shall comply with the City’s Green Building Requirements, meeting a minimum of 70 points.

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

   A. The building permit plans shall reflect all architectural elements included on the elevations as approved by the Planning Commission.

   B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
2009-0672: Application for a Design Review to construct a new two story single family home with an attached garage totaling an approximate 2,323 square feet with an Floor Area Ratio of 52% for a site at 693 W. McKinley Avenue (APN: 165-12-059) SM

Shaunn Mendrin, Senior Planner, presented the staff report. He said staff recommends approval of the Design Review subject to the conditions in Attachment B.

Comm. Klein referred to Attachment B, condition 2.B, regarding the City's Green Building Requirements and asked staff what that means for the applicant. Mr. Mendrin said that when the applicant obtains their building permits they can choose to achieve the 70 points required through the Build-it-Green checklist or use the City's prescriptive list, which are both available on the City website.

Comm. Rowe referred to page 5 of the report and discussed with staff lot size and Floor Area Ratio (FAR). Comm. Rowe said that she is having trouble with the line of thinking, that because the lot is smaller resulting in constraints, that a higher FAR should be allowed. Comm. Rowe referred to Attachment C, page 1 and discussed the massing of the second story with staff.

Comm. Sulser asked staff about the proposed site layout with staff confirming that the garage would be an attached garage.

Comm. Hungerford asked about the basement with staff confirming that the size of basement is excluded from the Floor Area for the FAR and lot coverage as long as it meets the definition of a basement.

Comm. Klein commented that part of the guideline that the second floor should not exceed 35% of the first floor is to make the building look less boxy. He asked staff to comment as the proposed second floor is approximately 60% of the first floor and two of the walls are vertically straight with no additional setbacks. Trudi Ryan, Planning Officer, said the 35% second story to first story ratio is intended for predominantly single story neighborhoods. She said staff felt that the 35% was a constraint on this property as this is a smaller, corner lot, and the home appears larger in context to the site. She noted that the Planning Commission had accepted larger homes on corners.

Chair Chang opened the public hearing.
Robert Ruiz, applicant, said he currently works and lives in Sunnyvale and would like to continue living here. He said he and his wife have been sensitive to the City guidelines and think they meet the requirements. He said the neighbors he has spoken with are in support of the proposal, and that this is an investment for them and for the City. He said he is hoping this project is a catalyst for further improvement in this neighborhood. He said this is a transitional neighborhood and he looks forward to the Commission's support.

Chair Chang closed the public hearing.

Comm. Hungerford referred to page 5 of the report regarding the neighborhood FARs and the building square footage. He said the proposed house would have one of the highest square footages in the neighborhood even higher than houses on bigger lots. He said the larger lots shown on the chart are actually apartment complexes. He said this is going to be a large house even on a regular size lot.

Comm. Sulser discussed with staff whether there are homes in this neighborhood on the Heritage Resource listing with staff confirming there are some within a few blocks of the proposed home. Comm. Sulser commented the proposed home would be one of the bigger homes in the neighborhood and may set a precedent for larger homes, however it does not seem that this would affect any of the homes on the Heritage Resource list, which he was concerned about.

Comm. Rowe moved to deny the Design Review and provide direction to staff and the applicant where changes should be made. Comm. Klein seconded the motion.

Comm. Rowe applauded the applicant for a good looking design, however she thinks the home is too massive for the lot. She said she likes the basement. She said she would like to see this house scaled down more for the neighborhood to a compromise between the size of the proposed house and the size of the existing homes so the house does not look so massive.

Comm. Klein said he likes the design and he understands that the property has some constrictions. He said he saw some homes with larger second story massing in this neighborhood. He said the modification he would like to see is a reduction to the second story massing with a compromise somewhere between 35% and 60%. He said he thinks the design of this home would fit well in the community. He said the project is close to being something he could approve, however he would be supporting the motion.

Comm. Hungerford said he was on the border with this proposal and he understands staff's recommendation to approve it. He said his issue is the design
requirement to have the second story setback more than is proposed as this has been an important issue in past projects. He said he would be supporting the motion, and suggested to the applicant modification including additional setback of the second story to reduce the massing.

Comm. McKenna said she would not be supporting the motion. She said she looked at this area and the lot, and she thinks this home would be a nice addition to the neighborhood. She said she understands her fellow commissioner's concerns, however she is not sure, in this case, that articulation would be better.

Comm. Sulser said he would not be supporting the motion. He said he was on the fence and he does not think the 52% FAR is horribly big. He said he remembers past proposals for homes that have had very high FARs and the remedy imposed by the Commission was to knock the FAR down to 50%. He said he would likely have voted to approve this project as proposed.

Chair Chang applauded the applicant and said the design is great. He said he thinks the applicant is doing this the right way with the basement and has met the design criteria and the City requirements. He said he would not be supporting the motion.

ACTION: Comm. Rowe moved to deny the Design Review and provide direction to staff and the applicant where changes should be made. Comm. Klein seconded. Motion failed 3-3 with Chair Chang, Comm. McKenna and Comm. Sulser dissenting and Comm. Travis absent.

Ms. Ryan said the motion fails and the Commission could try another motion. Ms. Ryan said that the item could be continued with specific direction on what the Commission would like to see modified. Mr. Mendrin confirmed with applicant that he could be in attendance at the April 12, 2010 meeting.

Comm. McKenna asked if they would need to go through the whole public hearing process again on April 12, 2010 since one of the Commissioners is absent. Ms. Ryan said that any missing member could watch the taped proceedings, and if there is redesign, there would need to be further discussion.

Chair Chang reopened the public hearing.

Mr. Ruiz commented that the report did not include information about the homes one block over on Florence Street that have pretty high FARs. He said he understands the desire of the Commission to reduce the bulk, commenting that they have worked with staff on this issue.
Comm. Hungerford asked Mr. Ruiz if he would be open to pushing the second story wall in a bit on the west side. Mr. Ruiz said that could be discussed with the architect. Ms. Ryan referred the Commission to look at Attachment C, page 8 which shows the elevations of all four sides of the home. Comm. Hungerford confirmed that he was talking about the west side elevation on the Waverly Street side.

Comm. Rowe commented that she would like to see the applicant consider the scale, bulk and character of the neighborhood and would like additional setbacks on the second story considered.

Comm. Klein confirmed with the applicant that he could attend the April 12, 2010 meeting and should have time to speak with the architect. Mr. Ruiz asked for more specific guidance from the Commission as they have worked with staff. Comm. Klein said several of the Commissioners are asking to see additional setback from the second story on the Waverly Street side of the property, as the overall mass of the second story is above the City guidelines. Mr. Ruiz said he would speak with his architect, however he thinks it would be difficult to further reduce the second story.

Comm. McKenna commented to the applicant that at the April 12, 2010 meeting he should also have another commissioner present who might approve the design as proposed this evening.

Chair Chang closed the public hearing.

Comm. Klein moved to continue to this item to the April 12, 2010 meeting to allow additional time for the applicant to consider modifications to the design, specifically, increasing the west side setback of the second story on the Waverly Street side to reduce the overall second story massing. Comm. Sulser seconded the motion.

**ACTION:** Comm. Klein made a motion on 2009-0672 to continue this item to the April 12, 2010 meeting to allow additional time for the applicant to consider modifications to the design, in regards to increasing the west side setback of the second story addition on the Waverly Street side to reduce the overall second story massing. Comm. Sulser seconded. Motion carried 6-0, with Vice Chair Travis absent.

**APPEAL OPTIONS:** This action serves as legal notification of the continuance of this item.
March 4, 2010

Shaunn Mendrin
1000 Technology Drive
456 W. Olive Ave.
Sunnyvale, CA 94086

SUBJECT: SUPPORT FOR 693 W. MCKINLEY AVE. NEW HOUSE PROPOSAL

Dear Mr. Mendrin:

Enclosed are the letters of support. For your convenience I have noted the owners below:

- 664 W. McKinley Ave.    Leanne Luna
- 408 Waverly St.         Lan Chin
- 388 Waverly St.         Kevin James
- 353 Florence St.       Donna Segal
- 820 Muender Ave.       Stephen Smith

Also note that received verbal support from the following owner:

- 273 Waverly St.         Eva Zalicki

I encountered only favorable reactions. I spoke to renters at the following houses (and asked they pass the proposal to the owners):

- 707 W. McKinley Ave
- 663 W. McKinley Ave
- 605 W. McKinley Ave
- 398 Waverly St.
- 385 Waverly St.
- 228 Waverly St.

Please contact me if you have any questions.

Sincerely,

[Signature]

Robert J. Ruiz

Enc: 5 letters

861 ROSEMARY TERRACE
SUNNYVALE, CA 94086
693 W. MCKINLEY AVE
LETTER IN SUPPORT OF RUIZ NEW HOUSE PROJECT

TO: SHAUNN MENDRIN, CITY OF SUNNYVALE

FROM: KEVIN YAMASZ (PRINT)

ADDRESS: 308 Waverly

DATE: 2/27/10

CC: ROBERT & MARISOL RUIZ

I have reviewed the draft site plan and four elevations (as of February 12, 2010) of the new two story house that Robert & Marisol Ruiz have proposed. I understand that the location will be at 693 W. McKinley Avenue, Sunnyvale, CA 94086 and that the front of the house and garage will face McKinley Avenue.

Based on these plans, I am in support of the project.
693 W. MCKINLEY AVE
LETTER IN SUPPORT OF RUIZ NEW HOUSE PROJECT

TO: SHAUNN MENDRIN, CITY OF SUNNYVALE
FROM: Lan Chin
ADDRESS: 408 Waverly St
DATE: 2/15/2010
CC: ROBERT & MARISOL RUIZ

I have reviewed the draft site plan and four elevations (as of February 12, 2010) of the new two story house that Robert & Marisol Ruiz have proposed. I understand that the location will be at 693 W. McKinley Avenue, Sunnyvale, CA 94086 and that the front of the house and garage will face McKinley Avenue.

Based on these plans, I am in support of the project.
I have reviewed the draft site plan and four elevations (as of February 12, 2010) of the new two story house that Robert & Marisol Ruiz have proposed. I understand that the location will be at 693 W. McKinley Avenue, Sunnyvale, CA 94086 and that the front of the house and garage will face McKinley Avenue.

Based on these plans, I am in support of the project.
I have reviewed the draft site plan and four elevations (as of February 12, 2010) of the new two story house that Robert & Marisol Ruiz have proposed. I understand that the location will be at 693 W. McKinley Avenue, Sunnyvale, CA 94086 and that the front of the house and garage will face McKinley Avenue.

Based on these plans, I am in support of the project.
I have reviewed the draft site plan and four elevations (as of February 12, 2010) of the new two story house that Robert & Marisol Ruiz have proposed. I understand that the location will be at 693 W. McKinley Avenue, Sunnyvale, CA 94086 and that the front of the house and garage will face McKinley Avenue.

Based on these plans, I am in support of the project.