

**PLANNING COMMISSION MINUTES OF SEPTEMBER 22, 2008**

**2007-0065** – Application for a Design Review to allow a new two-story single family residence for a total of approximately 3,095 square feet and 55% 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 (*Continued from September 8, 2008*)

**Gerri Caruso**, Principal Planner, presented the staff report. She said staff recommends approval subject to the conditions provided in Attachment B.

**Comm. Hungerford** asked staff about the addresses of other homes on Conway as he wanted to look at the two larger houses, 687 and 694 Conway indicated on pages 7 and 8 of the report. He said the addresses on the street did not match the addresses in the report. He said he found two big houses at 698 and 696 Conway. Staff was unable to comment about the discrepancy. Comm. Sulser commented that there is something odd about the addresses on this street and the Planning Commission has previously run up against this odd numbering. Comm. Hungerford confirmed with staff that he could assume the larger houses are the houses that are visually large rather than the addresses shown in the report.

**Chair Rowe** opened the public hearing.

**Dave Strigler**, applicant, said he has been working diligently with staff and that he would be glad to answer any questions.

**Comm. Sulser** said he was reviewing Mr. Strigler's old and new designs and confirmed with the applicant that the bay window on the front of the house is no longer in the plans. Mr. Strigler said the bay window contributed to the massing problem so it had to be removed, commenting that he did like it. Comm. Sulser said he liked it too. Mr. Strigler said this is a very narrow lot, and it is hard for staff to go against the City guidelines. Mr. Strigler said that he hopes in the future that the City will make accommodations in the guidelines which would allow for some modifications for narrower lots.

**Comm. McKenna** asked the applicant, since the road is privately owned are there fees required from the residents to maintain the road. Ms. Caruso said the street was substandard and a few of the property owners wanted to redevelop and there was a building moratorium on the street. Ms. Caruso said the property owners were brought together and joined an assessment district to obtain the

needed improvements for the street. Ms. Caruso said that she does not know what the terms are for long term maintenance. Mr. Strigler said that in the future there may need to be some association formed to maintain road.

**Chair Rowe** asked the applicant if this is a private road, why is there an easement. Mr. Strigler said he believes there is a 10 foot easement on his property. Ms. Caruso said her understanding is that the property lines of the lots on the south side actually go out where the street is, and rather than purchase the property for a street the City had an easement placed over it to put in the street, so the property still belongs to the property owners. Mr. Stigler said he appreciates the Planning Commission's consideration of the project.

**Paul Qian**, a Sunnyvale resident and neighbor, said they have worked with the City for a long time on these plans to make sure the privacy issues are addressed that would affect their home. He referred to page 8 of the report regarding 692 Conway Road and said that the actual number of stories is 1, not 2. He said he is concerned about the right side setbacks on this project being too close to his house, as he said the proposed side setbacks used to be 8 feet and now they are 4 feet. He said his house was built a long time ago and is only 2 feet from the fence, adding that if the setbacks remain at 4 feet that the two houses will be too close. He said he thinks Mr. Strigler has done a very good job on the windows and that he would like to see the right side setbacks increased to 5 or 6 feet.

**Chair Rowe** asked staff to address the right side setbacks changing from 8 feet to 4 feet. Ms. Caruso said the combined setbacks for the proposed house meet the zoning code requirements. Ms. Caruso said while redesigning the project the applicant may have flipped the design. Ms. Caruso said the required side setbacks are a 12 feet total adding that the lot is only about 45 feet wide in a zoning district that normally would require 76 feet so the applicant is working with something very narrow and substandard. Mr. Qian said he understands the requirement and still feels that 4 feet is too close, asking the Commission to consider requiring just shifting the whole house over a couple of feet.

**Chair Rowe closed the public hearing.**

**Comm. McKenna moved with staff recommendation Alternative 1, to approve the Design Review with attached conditions. Vice Chair Chang seconded.**

**Vice Chair Chang** said he would be supporting the motion. He commended the owner for continuing to work with staff though the process has been long and

said the applicant has met the privacy issues, the design of the massing issues, rear and backyard setbacks issues, and the 55% FAR required by City Council.

**Comm. Sulser** said that he would be supporting the motion as the project meets the criteria that the City Council set forth. He said he is sad that the bay window disappeared in the redesign and he hopes future design reviews may allow it.

**Comm. Klein** said he would be supporting the motion as he was able to make the findings. He commended the applicant for working with staff to meet the issues with this property. He said there are unique issues with the size of the lots on Conway and with the street itself. He said he is glad to see, a year later, that the applicant has been able to come up with a proposal that meets the requirements laid out by staff and City Council.

**Comm. McKenna** said that it is obvious that the City Council gave direction about how they wanted to see this property developed and the homeowner worked with staff and followed the direction given. She commented that she sees an inconsistency in the report regarding how FAR is determined. She said that the report indicates that in one application the easement was considered as part of the FAR and in another it was not considered. She said she is wondering if there is a process on how the FAR is determined so staff and the Commission are consistent. Ms. Caruso said this would rarely happen again and probably only on Conway. Ms. Caruso said the definition is that we would use the entire lot area to determine FAR and would include the easement.

**ACTION: Comm. McKenna made a motion on 2007-0065 to approve the Design Review with attached conditions. Vice Chair Chang seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than October 7, 2008.**