

**PLANNING COMMISSION MINUTES OF JULY 14, 2008**

**2007-0764:** Consideration of Changes to Single-Family Home Development Standards and Accessory Utility Building Standards (Study Issue) MH

**Mariya Hodge**, Assistant Planner, presented the staff report. She said staff's recommendations are provided in Attachments I and N. She provided two corrections referring to Attachment N, page 3, item I, and said the item should include the phrase at the end of sentence "except detached habitable spaces." She also referred to Attachment N, page 10, the second row in the table, the second column and said the text should be removed and replaced with the text, "No change to current text".

**Comm. Hungerford** referred to page 15 of the report and asked staff for clarification on the Alternatives section. He referred to Alternative 1.a and confirmed that the threshold of gross floor area that would trigger a public hearing would be 3,600 square feet versus the current trigger of 4,500 square feet. Ms. Hodge said the other current trigger is over 45% FAR and staff is not recommending any change to the 45%. Comm. Hungerford said the report also refers to a rule that if a single-family home addition proposal is 20% or more that the expansion triggers a staff level review. Ms. Hodge confirmed that under the current rules, any addition under 20% would not require review which has resulted in some problems, i.e. windows, doors, entryways, rooflines. Ms. Hodge said staff is recommending modification to the rules, referring to Attachment F, which includes exterior modifications that would require a staff level Design Review. She said it is possible to keep both the 20% expansion and also require Design Review for significant exterior modifications. Comm. Hungerford discussed the noticing of projects and Ms. Hodge said staff is recommending an increase in noticing to 100 feet from the current requirement of noticing just the adjacent neighbors. Comm. Hungerford discussed with staff what the definition of an accessory building would be, with staff referring to Attachment N, page 1, item a.3. Comm. Hungerford asked about the proposed budget modification for an annual modification of about \$24,000 with **Trudi Ryan**, Planning Officer, explaining that the monies would be used for the administration of the new code provisions.

**Comm. Klein** referred to Attachment I, page 1, regarding setbacks and discussed the proposed changes with staff. He said he is having some issues with old and new code and some of the proposed modifications. Ms. Ryan said, to summarize, staff is recommending modifications to side yard setbacks, no

modifications to front or rear yard setbacks, modifications to how floor area is calculated, lowering the threshold for Planning Commission review, and modifying the standards and process for Design Review. Comm. Klein said that one of the things this proposal does is equate the R-0, R-1 and R-2 zoning districts which are currently different from the side yard setback standpoint. Ms. Hodge said the three mentioned zoning districts are considered to be the single-family zoning districts. She said staff is not proposing to make the setbacks the same or take away the differentiation between the three zones. She further discussed the three zones and the items that are similar and those that are not. Ms. Ryan said the proposed changes to side setbacks will primarily affect the very wide and the very narrow lots. Comm. Klein clarified with staff that the lots that range from 55 feet wide to 80 feet wide should remain the same. Comm. Klein further discussed the lot widths with staff and the percentage of narrower or wider lots in the City. Comm. Klein asked how the second story of a home would play into these numbers. Ms. Ryan said that staff's suggestion would be a proportional reduction for the second story as well, so if two feet are reduced on the first story that there would also be a two foot reduction on the second story, and discussed additional examples with Comm. Klein. Comm. Klein referred to Attachment N, page 7, and discussed height requirements for accessory structures. Comm. Klein asked if shed vendors provide and build sheds within the local regulations with staff commenting that there may be a representative that can address this question during the public hearing tonight.

**Comm. McKenna** discussed with staff whether the 80% of the second story rule has a positive impact on FAR. Ms. Hodge said the 80% could result in a reduction of FAR in some cases. Comm. McKenna discussed with staff whether basements are included in FAR calculations. Staff said that the basements are not included in FAR unless a certain amount of the basement protrudes above the grade and that This calculation method is one way to discourage bigger buildings above ground. Comm. McKenna asked if staff had reviewed the shapes of roofs and how the shape might affect solar installations. Ms. Hodge said that staff have not looked at roof pitch specific to solar installations as part of this study, but added that staff feels that the flattening of roofs makes a design look bulkier. Ms. Ryan said staff recently completed a Solar Study Issue regarding how to encourage the use of solar, and an ordinance to implement those provisions. Comm. McKenna asked if requiring landscaping plans and their implementation within a certain amount of time could be considered with home additions. Ms. Ryan said that the Commission may want to revisit this issue, but that the current code provisions are that the front yard needs to be neat and clean and is not required to be landscaped. Comm. McKenna discussed measuring building heights for accessory structures from the curb rather than

from the grade, with staff indicating that this would be inconsistent with the current building code. Comm. McKenna commented that she thinks there is often dynamic tension between existing homes and what someone wants their remodel to be and there are positives in keeping with the character of a neighborhood and also value in diversity. She commented that she thinks staff did a great job putting the thoughts together for this report.

**Vice Chair Chang** referred to Attachment H, page 2, item B and discussed with staff how the calculations are made for the second-floor equivalent for high ceilings. Staff commented that high ceilings are desirable to residents, but can increase bulk. The recommendation would result in double counting these areas which may discourage vaulted ceilings. Ms. Hodge said this would be a zoning standard and not a design technique. Vice Chair Chang and staff further discussed this issue.

**Comm. Sulser** discussed with staff that the recommendations and design standards would result in additional Design Reviews each year. Ms. Ryan said there would be additional public hearings and staff level Design Reviews. Ms. Hodge further clarified that staff feels there would be about 10 additional public hearings and 10 to 20 additional staff level reviews per year.

**Comm. Hungerford** referred to Attachment I, page 1, row three, regarding two-story elements with staff confirming that column two would be added to the current standards. Comm. Hungerford requested that a clarification be included that the existing setbacks would be retained in addition to this new standard. Staff noted that this would be a design technique, not a zoning standard, and continued to explain how the current standard and proposed standard work.

**Comm. Klein** asked staff about further setbacks for homes with third stories. Ms. Ryan said that currently third stories are not allowed in the zoning districts being discussed and are only allowed with a Special Development Permit. Comm. Klein and staff discussed third stories and staff commented that if a design technique were developed for third stories then the message to the public would be that third stories are okay.

**Chair Rowe opened the public hearing.**

**Deborah Marks**, a resident of Sunnyvale, said she and others in the City have been concerned about large homes and large sheds being built in the neighborhoods. She said she is glad this became a Study Issue and said she had attended an Outreach Meeting for this issue. Ms. Marks said that at the Outreach Meeting there had been discussion of possibly limiting the size of

houses to about 3,500 or 3,600 square feet and asked if this could be considered. Ms. Marks also requested that the recommended 100 feet for noticing be changed to the whole block being notified.

**Paul Johnston**, President of the Shed Shop, said that one of the first things they discuss with clients are the local regulations for the City they are building the shed in. He said he is attending this public hearing to recommend several small changes to the code. He said there are a couple of items in the proposed code that most homeowners in Sunnyvale view as overly restrictive. Mr. Johnston referred to Attachment N, page 5, regarding the height and rear setback of accessory structures. He said the current height limit is 15 feet and the proposed height limit is being reduced to 10 feet. He referred to Attachment L which shows the height limits in neighboring communities. He said he would like to request the 12 feet be considered as a maximum height. He also referred to Attachment L where the rear setbacks are addressed. He said he would recommend a 5 foot rear setback instead of the 10 foot recommendation from staff. Comm. Klein asked Mr. Johnston about what he provides to clients regarding local regulations. Mr. Johnston said that he provides a full list of rules for each City. Comm. Klein asked Mr. Johnston, as far as sales of sheds, what the normal height of a shed is. Mr. Johnston said they sell wood sheds and that the typical shed height is eight to 11 feet tall.

**Eleanor Hanson**, a resident, said that she thinks this report is a masterful piece of work. She said she thinks this is one of the five most important Study Issues that staff will work with in this decade. She said she thinks there should be more public hearings on this issue. She said she would also like there to be extensive outreach on this issue to the public. Ms. Hanson said there is a lot of interest in this subject and the Outreach Meeting in December 2007 was very well attended. She requested there be additional extensive outreach and that staff and the Commission plan for ways to educate the public regarding changes.

**Comm. Klein** asked staff what the Commission would be ruling on tonight. Ms. Ryan said the Commission should be making a recommendation that includes direction, hopefully, for a new ordinance. She said, due to the complexity of the issues, this public hearing and the City Council hearing of August 12, 2008 are hearings for the concepts of the issue to be presented. She said, based on the direction of these public hearings, there would probably be another set of public hearings for the actual ordinance. She said it would be staff's intent to advertise the public hearings, and have articles in the Quarterly Report and on the City's website. Ms. Ryan commented about two points that came up from speakers. Ms. Ryan said, regarding the height of sheds, that staff is not recommending a

maximum of 10 feet, just a maximum of 10 feet without a Use Permit. She said that the Commission may feel that the maximum shed height without a Use Permit may need to be different. Ms. Ryan clarified, regarding sizes of homes in the neighborhood, that staff includes the square footage of the garage in the calculation of the square footage of a home and not just the living area.

**Comm. Hungerford** clarified with staff that an accessory building over 10 feet tall would require a Use Permit. Comm. Hungerford asked about Mr. Johnston's request to reduce the rear setback from 10 to five feet and asked if a Variance would be required to place a structure closer than 10 feet to the rear of the site. Staff referred to Attachment N, page 5 and said there are some instances where the rear setback is discretionary through a staff level permit. In other instances, it varies based on the height of the structure.

**Arthur Schwartz**, a resident, commented that he thinks the rear setback from property lines for sheds, in some instances, should go to zero feet if the shed does not intrude on the neighbors. He said many residents have small backyards. Mr. Schwartz also commented about solar systems, and that the way the roof pitches and which way the collectors face. He said he feels that homes should be prepared to receive south facing collectors. He said he thinks this is a fine document.

**Chair Rowe closed the public hearing.**

**Chair Rowe** commented that there was a request from the public that site plans be posted on the website. Ms. Hodge said that currently if a plan goes to a public hearing then the plans are posted on the website. Ms. Hodge said she thinks the request was for site plans where the public is notified of the plans, but there is not a public hearing, i.e. two-story homes. Ms. Hodge said that currently members of the public would need to come to City Hall to see these two-story plans that do not go to public hearing. Chair Rowe said she would like some consideration to be given about the feasibility of posting these plans that do not go to a public hearing. Chair Rowe referred to Attachment M, page 5, regarding requiring screening and asked if staff considered other types of screening such as landscaping. Ms. Hodge said that landscaping could be used and staff's concern is that if a code requirement is put in requiring screening that applicant's may use that as a justification for taller fences.

**Comm. Hungerford moved to direct staff to prepare an ordinance to modify the Single-Family Zoning Standards and Single-Family Design Techniques, which includes the guidelines for accessory utility buildings in accordance with the staff recommendations with several modifications. Comm. Klein**

**seconded the motion. Comm. Hungerford said one modification would be to expand the types of modifications requiring a Design Review, but also to keep the 20% threshold.** Comm. Hungerford said he agreed with public speaker who requested that the notification radius for Design Reviews be expanded. After discussion and recommendation from Comm. Klein **the modification would be to expand the notification radius for Design Reviews requiring public notices to 200 feet. The two modifications were acceptable to the maker and seconder of the motion.**

**Comm. Sulser** proposed a Friendly Amendment requesting a maximum FAR for the R-0 zoning district be set at 60% which he felt would help with the decision making process for Design Reviews. The Commission and staff discussed this request which was initially accepted by the maker and the seconder of the motion. Comm. McKenna said she feels that the 60% would then become the ceiling and would result in applicants aiming for the 60% FAR rather than the 45% trigger for a public hearing. After further consideration the maker of the motion said he would not accept the Friendly Amendment.

**Chair Rowe** asked staff about the changes to the FAR in relation to the size of lot. Staff said the changes to small and large lots are only in the combined side setbacks which would still result in a 45% hearing threshold regardless of the zoning district or size of lot.

**Comm. McKenna proposed a Friendly Amendment, that the Design Reviews do not discourage solar.** Ms. Ryan suggested that language could be added to the design techniques that solar installations are encouraged and Design Reviews should not discourage solar installations. The Friendly Amendment was acceptable to the maker and seconder of motion.

**Comm. Klein referred to Attachment I, page 1, item 3 regarding the current and proposed standards for “Two-story elements”. He said he wanted to make sure that the “Current Standard” language for this item carries over to the “Proposed Standard” and is included with the “Adopt a Design Technique” language.** Comm. Klein discussed with staff first and second floor setbacks. **He proposed a Friendly Amendment, referring to Attachment I page 1, item 4 that the language be clarified that the proportional changes to the combined side setbacks for small and large lots apply to the second story side setbacks as well as the first; and, referring to Attachment I, that and item be added to clarify that the staff’s recommendation does not propose changes to the front and rear setback requirements. The Friendly Amendments were acceptable to the maker of the motion.**

**Chair Rowe** referred to Attachment N, page 3 regarding detached habitable spaces and asked staff if someone would be able to construct a habitable space that is between 7 and 8 feet in height. Staff said the minimum interior height for habitable space is 7 feet and the overall height is measured from the adjacent grade. Chair Rowe referred to Attachment N, page 2, item g, regarding the general requirements for accessory structures. Chair Rowe proposed a Friendly Amendment that would change the measuring of the floor area from the outside dimensions of the structure measuring from the walls, measuring from the full width with the eaves being considered. Staff commented that the method of measuring size in the building code and the zoning code would then be different, which could cause problems for structures near the 120 square foot trigger for building permits. Ms. Ryan said the amendment could be made though it might be confusing. After further discussion no amendment was requested.

**Comm. Hungerford** commented that he thought Comm. McKenna's previous suggestion to require a landscaping plan was a good idea. Comm. McKenna said that she thinks a landscaping plan should be incorporated into the building plans and that the landscaping plan would need to be completed within a reasonable amount of time. Ms. Ryan said since there is currently no landscaping requirement at all, she thinks that a landscaping plan would require another study and said if the majority of the Commissioners agree that it may be revisited as a Study Issue or be further discussed at a future date.

**Chair Rowe** summarized the highlights of the motion and the modifications.

**Comm. Hungerford** commented that this was a well written report, an important issue, and a significant document, and with the modifications this is a recommendation that the Commission can make to the City Council.

**Comm. Klein** said he would be supporting the motion. He said he applauds staff for listing all of the potential tools and then going through the appropriate steps on how each could be implemented. He said some of the issues seen by the Planning Commission would be resolved with expanded noticing and educating the community on changes in their neighborhoods. He said hopefully these changes will simplify the Commission's, staff's and the applicants' lives by resolving some of the issues that have previously come up.

**Comm. Travis** commended staff on the thoroughness of the report and said he would be supporting the motion.

**Vice Chair Chang** said he would be supporting motion and said he thinks this is a very comprehensive report. He said the outreach to the community was very important for receiving input towards this issue.

**ACTION:** Comm. Hungerford made a motion on 2007-0764 to recommend that City Council direct staff to prepare an ordinance, modify the Single-Family Home Design Techniques, modify application submittal requirements and return with a budget modification for approximately \$24,040 (subject to change to address Planning Commission modifications) to add appropriate funding to the Land Use Planning Program 242 budget, consistent with the staff's recommendations in Attachment I and N with the following modifications: on page 4 of Attachment I, item 1, to clarify that a Design Review will still be required for any addition which results in an increase of 20% of the existing floor area, as well as for projects resulting in a significant modification to the exterior appearance of the home; on page 3 of Attachment I under "Public Notification," item 2, to increase the recommended notification radius to 200 feet for new two-story homes and second-story additions; on page 3 of Attachment I, add a new recommended Design Technique stating that "Roof-mounted solar installations are encouraged on single-family homes, and Design Review should not discourage these installations"; on page 1 of Attachment I, item 3, to clarify that the recommended Design Techniques on second story width is in addition to the required setbacks in the City's zoning standards; on page 1 of Attachment I, item 4, to clarify that the proportional changes to the combined side setbacks for small and large lots apply to the second story side setbacks as well as the first story side setbacks; and on page 1 of Attachment I, to add an item to clarify that the staff's recommendation does not propose changes to the front and rear setback requirements. Comm. Klein seconded. Motion carried unanimously, 7-0.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council for consideration at the August 12, 2008 City Council Meeting.