

PLANNING COMMISSION MINUTES OF FEBRUARY 9, 2009

2008-1312: Application for a Design Review to allow demolition of an existing single family home and construction of a new two story single family home resulting in approximately 50% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review. The property is located at **960 Marion Way** (near Dunford Ave) in an R-1 (Low Density Residential) Zoning District. (APN: 313-26-068) SL

Steve Lynch, Senior Planner, presented the staff report. He staff recommends that the Commission approve the Design Review with the attached conditions.

Comm. McKenna asked about developing the property and having allowances for a sidewalk in the future. **Trudi Ryan**, Planning Officer, said that this neighborhood was developed before it was incorporated into the City of Sunnyvale and when the area was annexed into the City of Sunnyvale there were agreements with the property owners that the City would not impose the requirements for curbs, gutters, and sidewalks. She said if the residents in the area collectively decide they would like curbs, gutters and sidewalks then that can be provided within the existing right-of-way (as the property line does not go out to the street). Ms. Ryan said that at this time the City cannot impose the requirement for curbs, gutters and sidewalks on new development. Ms. McKenna asked if landscaping is allowed in the public right-of-way area which could prevent people from walking on this area. Ms. Ryan said there is no requirement that the area remain free of landscaping and be available for public use.

Comm. Travis confirmed with staff that the Floor Area Ratio for this project is 49.8% as there was a discrepancy in the report.

Chair Rowe asked for clarification about references in the report about allowing demolition when the house has already been demolished. Mr. Lynch said at the time of advertising the public hearing, the house existed, and at the time of writing the report that the house had been removed.

Chair Rowe opened the public hearing.

Shyam Kataruka, applicant, said that the proposed two-story home would be consistent with the neighborhood and new homes in the area are similar in architecture. He said he agrees to reduce 300 square feet from the project and would like to remove it proportionately from the first and second floor. He said he would not be putting hedges in the right of way and he would like to have a sidewalk.

Chair Rowe confirmed with staff that the conditions require that the reduction of the 300 square feet be reduced from the second floor.

Chair Rowe closed the public hearing.

Comm. Klein discussed with staff that the reason a condition is included requiring the 300 square feet be reduced from the second floor is to reduce the mass of the second floor and to allow more articulation in the front of the home.

Comm. Klein moved for Alternative 1, to approve the Design Review with the attached conditions. Comm. McKenna seconded the motion.

Comm. Klein said that he was able to make the findings. He said this is a community in transition and this project will fit in with the community. He said the reduction of the second-story will make this home less box-like, will reduce the scale, and make this project more visually appealing. He said several of the complaint letters were concerned about the scale of the home and the reduction will help address these concerns.

Comm. Sulser said he would be supporting the motion. He said the Commission is reviewing the design review because the home is over the 45% floor area ratio which makes this decision become a discretionary decision of the Commission. He said the reason he is able to support the motion as conditioned is that the decision is consistent with other homes approved by the Commission in this neighborhood.

Chair Rowe commented that she gets a little excited when she sees big homes on small lots proposed, however there were several letters from nearby homeowners that said they would rather have larger single-family homes than smaller homes that could have accessory living units built later on. She said the homeowner went out of his way to work with staff and make the adjustments that were asked for so she can support this motion.

ACTION: Comm. Klein made a motion on 2008-1312 to approve the Design Review with the attached conditions. Comm. McKenna seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 24, 2009.