

**PLANNING COMMISSION MINUTES OF MARCH 22, 2010**

**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.