

3            [15-0289](#)            **File #:** 2014-7624  
**Location:** 1026 Lois Avenue (APN: 198-34-011)  
**Zoning:** R-0

**Proposed Project:**

**DESIGN REVIEW** to allow construction of a new two-story home with a total floor area of 2,993 square feet (2,566 square feet living area and a 427-square foot garage) resulting in 49.8% floor area ratio (FAR).

**Applicant / Owner:** BO Design (applicant) / Haiyan Gong (owner)

**Environmental Review:** A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Project Planner:** Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

Shetal Divatia, Senior Planner, presented the staff report.

Comm. Rheume and Trudi Ryan, Planning Officer, discussed the maximum floor area ratio (FAR) allowed on the site and confirmed that a proposed FAR above 45 percent requires Planning Commission review. Comm. Rheume and Ms. Divatia discussed the onsite trees proposed for removal.

Vice Chair Olevson verified with Ms. Divatia that since the previous denial of this application, the applicant has redesigned the project in an attempt to address the concerns discussed, but still wanted to pursue getting the proposed FAR of 49.8 percent.

Chair Melton and Ms. Divatia discussed the plate heights for the first and second stories, and Chair Melton suggested thinking about the appropriate language for a potential Condition of Approval (COA) that would require the edge of the eave of the roof of the first floor to match the height of neighboring houses.

Comm. Simons discussed with Ms. Divatia potentially using pervious material for the driveway.

Chair Melton opened the public hearing.

Frank Gong, the project applicant, addressed the Commissioners' questions and gave a presentation on the proposed project.

Comm. Rheume discussed with Mr. Gong the plan to remove the trees in the backyard.

Comm. Harrison confirmed with Mr. Gong that he is amenable to planting two 36-inch box trees on the site and to using pervious paving.

Sheila Smith, a nearby Sunnyvale resident, discussed her opposition to the proposed project.

Annie Shiau, a nearby Sunnyvale resident, discussed her opposition to the proposed project.

Lorraine Nishihara, a nearby Sunnyvale resident, discussed her opposition to the proposed project.

Mark Pool, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

Aava Mokhber, an adjacent neighbor, discussed her opposition to the proposed project.

Iztok Marjanovic, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

Ganesan Venkataraman, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

David Klebanov, a nearby Sunnyvale resident, discussed his opposition to the proposed project.

Mr. Gong addressed several of the neighbors' concerns.

Chair Melton closed the public hearing.

In response to an earlier inquiry, Ms. Ryan suggested options for aligning the eave line of the proposed home with neighboring homes, and noted that existing homes may have been built on slabs closer to ground level and that this home is proposing a higher foundation.

Comm. Harrison discussed with Ms. Ryan the length of time the design guidelines have been in place regarding recommendations such as the ratio of second to first story, lot coverage and second floor additions.

**EXCERPT**

Comm. Rheume moved Alternative 2 to approve the Design Review with modified Conditions of Approval:

- 1) To plant two 36 inch-box sized replacement trees on the site; and
- 2) Use pervious paving for the driveway.

Comm. Simons seconded, and offered friendly amendments to remove COA PS-2, to lower the eave line by one foot, and potentially lower the foundation of the first floor to bring it closer to, or at the same height as the neighboring eave lines.

Comm. Rheume accepted, and thanked the neighbors for being passionate about their neighborhood, and the applicant for speaking about what is important to him. He said some projects in your neighborhood can get personal, but that we have to go back to the guidelines that have been set and if the neighbors truly believe this should be a single story neighborhood then a single story overlay should be pursued to prevent second stories from being built there. He said he can make the findings, and that he believes this is a high quality project with quality materials and craftsmanship being used as stated in finding 2.2.6. He noted that the project does meet the setback requirements, the second story has been reduced to 35 percent of the first floor, the porch in the back has been removed and privacy issues have been addressed. He said this project will help the neighborhood, and he thinks it is great that the neighbors are looking out for the neighborhood, but that he does not think the second story is the bad guy here. He said making sure that a quality product is being put in the neighborhood is key, and he hopes the other Commissioners support the motion and he looks forward to seeing the outcome.

Comm. Simons noted that the second floor has been greatly reduced, and said monster homes in the past were two story houses that were straight up and down like a large vertical monolithic building, but that this project is now more like a layer cake, which means you cannot build certain styles of homes in Sunnyvale without requesting Variances. He said the biggest negative of this project is the loss of mature trees, which will change the character of the neighborhood, and that in the long term mature large species trees added to the front and back may provide some mediation of the loss that comes with a larger house. He added that what is attempted to be compromised over the years, and on which one former City Councilmember had a big influence, is allowing large houses to be built on smaller lots, and that the goal of this is having people invest in the City who want larger scale houses and are able to expand them. He noted that this is a 6,000 square foot lot with a large house being built on it, but it meets the design guidelines, and that people have referred to 45 percent as a limit, but that it really is a trigger for a public hearing. He added that he can make the findings, and recommended to the neighbors to seek a single story overlay if second stories are truly the issue.

Comm. Klein said he will be supporting the motion, and that ultimately this project goes back to the design guidelines. He said the applicant is not asking for any deviations from City laws, and that the guidelines were set to deal with second story issues and the massing of large single family homes that would be directly visible from all sides. He said these guidelines reduce the second story to 35 percent, and that when this project initially came to the Planning Commission in October one of the main reasons it was denied was that the applicant was asking for something beyond the design guidelines. He said the applicant has handled the privacy issues, the height of the building and massing of the second story, which were the main concerns, and that while he feels for a neighborhood in transition, the rules allow for a variety of homes. He said this applicant is asking for nothing more than would be allowed by anyone else in the neighborhood, and if 80 percent of the neighborhood supports a single-story overlay district, obtaining that is the next step. He added that we do not have a single-story overlay district in front of us, and that the application meets all the rules. He applauded Comm. Harrison's addition of a second tree and noted that there is a relatively large tree at the street. He said from a streetscape standpoint he likes the community and that a second story addition in this spot will not be that noticeable due to the number of trees, which will help the home fit in with the community.

Vice Chair Olevson said he will not be supporting the motion, and that the applicant has made a lot of changes to fit everything that is black and white, but that the guidelines also say to respect the scale, bulk and character of the adjacent neighborhood and he does not think it does. He said he is not opposed to second stories in neighborhoods as they are becoming more common, but that regarding the visual appearance of the proposed home when compared to adjacent homes, the plate heights are much higher and he cannot visualize that potentially bringing the first or second floor down will make it blend into the neighborhood. He added that this is a nice design and a good use of the space, but he cannot get over the requirement to fit in with the character of the neighborhood.

Comm. Harrison confirmed with Ms. Ryan that the proposed height of the crawl space would be at least the minimum required by the Building Code. Comm. Harrison offered a friendly amendment that the two 36 inch-box sized replacement trees on the site be, at maturity, long-lived, large scale species trees that provide shade.

Comms. Rheume and Simons accepted.

Comm. Harrison said she will be supporting the motion and can make the findings,

**EXCERPT**

specifically in that it is keeping with design technique 3.4A for neighborhoods that are predominantly single story.

Comm. Durham thanked the public for speaking on behalf of their neighborhood, and said he was insulted by the initial reading of the proposed 49.8 percent FAR, but saw the proposed changes, including to the second floor look and feel with the living room size reduced, which probably accounted for all of the FAR change. He said the applicant has dropped the height of the living room which took away from the roofline, and brought the second story down to 35 percent. He said he wishes this were a slightly smaller structure, which will be double the average in the neighborhood without counting the other two 2-stories down the street which would likely not be approved today because of the way they were constructed. He added that many of the objections he had before have been countered with this redrawing, which is less intrusive, and he will be supporting the motion.

Chair Melton said he will be supporting the motion and can make the findings, and that when he got the staff report he pulled up the drawings from October and saw that the applicant has come a long way to get past a threshold of compatibility with the neighborhood, which is a finding he can make. He said the proposal last time was ostentatious and totally incompatible with the neighborhood. He said so many things have been ratcheted down like the different roof, the reduced number of multiple horizontal eave lines and the toned down bay window. He noted that these elements might have fit in a different Sunnyvale neighborhood, but not here. He noticed while walking down the street that there are two 2-story houses to the south on Lois Avenue which are examples of what not to do, and that there is no way those two projects would be approved today under the guidelines because the massing is in your face and the second story is right on the street. He stated he is now comfortable with the massing, and also noted design guideline 3.4A that discussed what to do if you want to be first person with a second story in a predominantly single story neighborhood. He said if you are the first you can exercise your right, which the applicant has, and that by math the FAR will almost always be higher than every other house in the neighborhood, and that is why we have these single-family home design guidelines. He added that he respects the view points of all the neighbors who came out to speak, that he appreciates their passion and hopes it can be funneled positively into the future.

MOTION: Comm. Rheume moved Alternative 2 to approve the Design Review with modified Conditions of Approval:

- 1) PS-1, plant two 36 inch-box sized replacement trees on the site that, at maturity, will be long-lived, large scale species trees;
- 2) Use pervious paving for the driveway;

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- 3) Remove Condition of Approval PS-2; and
- 4) Lower the eave line approximately one foot, and potentially lower the foundation of the first floor to bring the eave line closer to or at the same line as the neighboring eave line.

Comm. Simons seconded. The motion carried by the following vote:

- Yes: 6 -** Chair Melton  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

- No: 1 -** Vice Chair Olevson

**4**      [15-0287](#)      **Standing Item:** Potential Study Issues for 2016

Comm. Rheaume requested information for a potential study issue on Floor Area Ratio and setbacks for single-family planned developments.

Comm. Simons said he learned at the Planning Commissioners Academy that a number of cities have made a consistent choice to paint antennas or towers “Disney green,” making them less noticeable. He recommended exploring this technique as a consistent choice for future towers.

**NON-AGENDA ITEMS AND COMMENTS**

**-Commissioner Comments**

Comm. Simons inquired as to whether any Commissioner is interested in discussing the 2015 Planning Commissioners Academy, to which Chair Melton responded that he is interested and said he could wait two weeks to hear about it to allow the Commissioners to gather their thoughts.

**-Staff Comments**

Ms. Ryan discussed Planning related City Council items.

**INFORMATION ONLY ITEMS**

Comm. Klein confirmed with Ms. Ryan that the public outreach meeting for the Lawrence Station Area Plan will be on March 10, 2015 from 6:30 - 8:00 p.m. in the West Conference Room at Sunnyvale City Hall.