

- 2 [14-0959](#) **File #:** 2014-7624
Location: 1026 Lois Avenue (APN: 198-34-011)
Zoning: R-0
Proposed Project: A new two-story home with a total floor area of 2,996 square feet (2,569 square feet living area and 427 square feet garage) resulting in 50% floor area ratio.
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: Elise Lieberman, (408) 730-7443, elieberman@sunnyvale.ca.gov

Gerri Caruso, Principal Planner, presented the staff report.

Comm. Harrison confirmed with Ms. Caruso that staff recommends reducing the entry and living room plate heights to 10 feet.

Comm. Klein confirmed with Ms. Caruso that the changes in sill height adequately address the neighbors' privacy concerns, and that there were no questions from neighbors or issues with the balcony.

Comm. Rheume asked if the long windows on the left elevation are part of the stairway, and verified with Ms. Caruso that half-round windows are in the living room, and discussed the proposed removal of a tree in the rear of the home.

Comm. Durham confirmed with Ms. Caruso that the balcony on the second floor would not be counted in the Floor Area Ratio (FAR) if it is covered. Comm. Durham stated that removing the tree would reduce privacy, and commented on reducing the size of the home.

In response to Comm. Rheume's earlier question, Trudi Ryan, Planning Officer, explained that the long window on left elevation is part of the stairway.

Chair Melton confirmed with Ms. Caruso that the applicant is aware that staff is recommending denial of the design review and that an appeal of a decision would go to City Council unless the project is redesigned.

Chair Melton opened the public hearing.

Frank Gong, the property owner, gave a presentation on the proposed project.

Chair Melton discussed with Mr. Gong reducing the size of the home and lowering

the roofline.

David Mokhber, a nearby Sunnyvale resident, discussed his concern about the mass of the proposed building and potential privacy issues. Comm. Durham and Mr. Mokhber discussed using frosted windows to add privacy.

Jeanne Waldman, a nearby Sunnyvale resident, discussed her opposition to the proposed project and said the general feel of the neighborhood is to keep it single-story. Comm. Simons and Ms. Waldman discussed the option for a single-story overlay district.

Ganesan Venkataraman, a nearby Sunnyvale resident, commented on his preference to maintain a single-story neighborhood and discussed his privacy concern.

Judy Barnes, a nearby Sunnyvale resident, discussed her concern with privacy and a decrease in surrounding property value.

Brian Burnhardt, a nearby Sunnyvale resident, discussed his concern with the size of the proposed home and the potential for it to decrease the property value of nearby houses.

Mr. Gong addressed the neighbors' concerns and encouraged his neighbors to work with him. He said he is amenable to changing the windows and to further compromise.

Chair Melton closed the public hearing.

Comm. Durham confirmed with Ms. Caruso that the second floor would have to be reduced 70 square feet to meet 35% FAR, and that the maximum size of the first floor would allow an additional 180 square feet.

Comm. Harrison and Ms. Ryan discussed the number of design reviews in predominately single-story neighborhoods, and those with proposals with greater than 35% second-to-first floor ratio that have been approved by the Planning Commission.

Comm. Rheume confirmed with Ms. Caruso that the design meets all code requirements and that the first to second story ratio is in the Sunnyvale Single-Family Homes Design Techniques. Ms. Ryan added that reducing the second story by 70 square feet would only reduce the entire FAR to 49%.

Comm. Harrison confirmed with Ms. Ryan that if the first floor is increased, the ratio of the first to second floor would change, and Ms. Ryan added that the concern is with the apparent bulk of the high ceiling living room.

Comm. Simons moved Alternative 1 to deny the design review.

Comm. Klein seconded.

Comm. Simons said this is legally a two-story neighborhood in which residents can build anything up to the design requirements and not have a public hearing, except that this application has come above those recommendations, triggering a public hearing. He said we try to balance existing neighborhood character with changing character, and one thing that is changing is that people tend to avoid buying 800 or 1200 square foot homes ripe for being expanded. He added that those who bought houses in the 80s or at other times made slight modifications rather than giant changes with increases in square feet and that is changing. He said this neighborhood is like an Eichler neighborhood rather than a regular ranch neighborhood that has larger lots and a few two-story homes. He noted that people tend to think two-story homes will not encumber their privacy much. Giving direction to the applicant, he explained he does not like designing from the dais, he likes to see what something looks like and review that rather than give out arbitrary numbers to meet the neighborhood. He mentioned a previous non-controversial application where a bunch of the development was a basement, which was not visible to neighbors. He said that this neighborhood should be sensitive to that fact that anyone can build a two-story house if they meet certain criteria, and he recommends that if the neighborhood wants to remain single-story that residents look into working with staff on the single-story overlay district.

Comm. Klein said he lives relatively close and within a historic district so he knows the community fairly well and understands that there are quite a few single-story homes. He suggested that if the neighbors want to maintain the character of their neighborhood to work with staff to get a majority of homeowners to go through the process for the single-story overlay, which will take time and will involve cost, but that if enough people request it, it is feasible and has been done in other neighborhoods. He said to the applicant that he too does not want to give full direction but that there are obvious changes that need to be done on the home, such as meeting the second story requirements in terms of ratio and ensuring that it fits in with the surrounding homes, which is one of the reasons the guidelines are in place. He said the applicant does have the right to build a second story but that it should stay within the hard rules and general guidelines of the City, and that the

applicant is encouraged to work with staff to come up with the best design. He said he applauds the applicant for working with the neighbors on the privacy issue, and during the next step of the process, which he assumes is a redesign of the project, he suggests reaching out to neighbors to get their feedback, and he hopes that the process will help build a final project in compliance with the rest of the neighborhood. He added that this neighborhood is in transition as much of Sunnyvale is and that two-story homes are coming to many one-story neighborhoods, and that he appreciates the neighbors coming out.

Comm. Durham thanked the applicant and residents for coming out to speak, which takes a lot of time and effort. He said to the applicant that it is hard to be an icebreaker, and that there are two-story houses in the neighborhood already, two of which are within the same block as the applicant's house which seem to have been added soon after being built. He added that the size, scale and style of this project bothers him more than the second story, and he would like to see it brought in nearer to the look of the neighborhood, so he will be supporting the motion.

Comm. Harrison said she appreciates everyone coming out and demonstrating their care for Sunnyvale and its quality, and said to the applicant the rules are there to balance the rights of the individual home owner to improve their property as they see fit and the rights of the neighborhood with regard to respecting the scale, bulk and character of the homes in the neighborhood. She said that she cannot make the finding, and that there may be areas in Sunnyvale where the first-to-second floor ratio does exceed the 35% but that they are not approved frequently in single-story neighborhoods, so she will be supporting the motion.

Comm. Rheame said he will be supporting the motion, and loves everyone's passion for preserving their neighborhood. He said the property owner has the right to build a second story, but he does not think asking the applicant to chop 70 square feet from the house is the right way to do this either. He said he could not make the findings for all of the windows and the balcony on the second story, and that the applicant is plowing the road and with a few tweaks can have that dream home. He said it is about the quality of the design and that you can have a one-story home of higher quality than a two-story home.

Chair Melton said he will be supporting the motion, and thanked the applicant and members of the public for speaking. He said to the applicant this will come as a disappointment and that he has mentioned numerous times the concept of his dream home and he understands that. He said he hopes the applicant continues to work on the design that achieves a greater fit in the neighborhood, and that he is hoping that the next time the applicant returns, the letters from the neighbors

expressing opposition to the project will turn around and express their love of the project. He said there are neighborhoods in Sunnyvale where your dream home would be a perfect fit, but that in this neighborhood and at this time it is not one of those places. He stated that he cannot make the finding of neighborhood compatibility, and suggested that if you are the first on your block to add a second story, to take seriously the guidelines about meeting the 35% second to first floor ratio. He added that there is one house five houses to the south that is a two-story and that he would not view that as a maximum potential number because he is not sure that house fits into the neighborhood.

MOTION: Comm. Simons moved Alternative 1 to deny the design review.

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

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

No: 0

Absent: 1 - Vice Chair Olevson