

2 [15-0814](#)**File #:** 2015-7411**Location:** 1464 Ramon Drive (APN: 313-14-005)**Zoning:** R-1**Proposed Project:**

Appeal of a staff-level decision to deny an application for a Design Review to allow for modifications to a single-family home, including construction of tandem parking, a 963 square-foot addition (including 815 square-foot garage), and a 400 square-foot detached accessory structure.

Applicant / Owner: Tamir Reshef (applicant/owner)

Environmental Review: A Class 1 Categorical Exemption (modification to existing structures) relieves this project from California Environmental Quality Act provisions and City Guidelines.

Project Planner: Timothy Maier, (408) 730-7257,
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Gerri Caruso, Principal Planner, presented the staff report.

Vice Chair Harrison confirmed with Ms. Caruso that a Design Review application was approved earlier this year for a project with a side-by-side garage, and then the applicant decided a tandem garage would work better.

Comm. Rheame discussed with Ms. Caruso whether the staff recommendation of a two-car garage in the back of the property would require demolishing part of the existing home, and discussed options for placing the garage on the right or left sides of the home.

Comm. Simons asked whether the applicant and staff discussed an option for two offset single garages on the left side, to which Ms. Caruso responded that she did not see the option in the original project planner's notes but that the applicant could provide more information.

Chair Melton noted that most of the issues with this home are a result of it being situated diagonally, and confirmed with Ms. Caruso that the Raynor Park neighborhood was originally part of a County pocket and that the original developer designed a number of homes turned on the lot. Chair Melton asked if the applicant had to take down the existing garage and build a drive aisle so cars could access a garage in the back, would that constitute a significant structural modification. Ms. Caruso replied that staff is still figuring that out as the code is so new.

Chair Melton opened the public hearing.

Tamir Reshef, the project applicant, gave a presentation on the proposed project.

Comm. Simons and Mr. Reshef discussed whether an option was considered for a separate single parking area on the left side of the house. Comm. Simons clarified this option with staff and withdrew the suggestion.

Chair Melton confirmed with Mr. Reshef that the detached accessory unit would be used as an office, and that Mr. Reshef understood that if he decides to turn that into habitable space in the future he would need to come back to apply for another permit.

Martin McGrath, a nearby Sunnyvale resident, provided background information on the neighborhood and discussed his support of the proposed project.

Comm. Simons discussed with Mr. McGrath the additions and changes he made to his home. Trudi Ryan, Planning Officer, added that it may be that the City did not have the code requirement to bring parking up when Mr. McGrath remodeled his home.

Mr. Reshef provided additional comments on his project.

Comm. Rheaume confirmed with Mr. Reshef that changes to two walls, the sewage, foundation, electrical, piping and air conditioning would be required to accomplish the side-by-side garage, and that a combination of the cost and the number of required changes has made the previously approved project more of an issue for him.

Chair Melton closed the public hearing.

Vice Chair Harrison discussed with Ms. Ryan the definition of the word "structural" in significant structural modification.

Comm. Rheaume and Ms. Ryan discussed the impetus in changing the standard to allow the consideration of tandem parking in a single family residential neighborhood, and discussed the reason staff denied the previous application. Comm. Rheaume verified with Ms. Ryan that if the Planning Commission determines that significant structural changes are required the appeal could be granted and it could inform future decisions.

Comm. Simons asked if there would be a smaller cost in modifying the home if tandem parking is authorized, to which Ms. Ryan responded that staff has no information regarding the cost. Comm. Simons and Ms. Caruso discussed potential

design options that lessen the possibility that a large renovation would need to be done.

Comm. Rheume moved Alternative 2 to grant the appeal and approve the project with tandem parking, subject to recommended conditions in Attachment 4.

Chair Melton seconded.

Comm. Rheume said significant structural changes are not just about dollars and walls, that without changing the electrical, foundation and sewage you do not have a livable home and all of these should be included in the definition of significant structural changes. He said putting a two car garage in the back sounds like an easy fix, but with remodels, whenever changes are made it is like opening Pandora's box and that with a home as old as this you may not know what you are getting into. He said he does not like granting Variances, but the overall goal of the policy for tandem parking is to remove cars from the street and put garages on properties. He said this project meets that goal with two covered and two uncovered parking spaces, and that overall the policy is being met.

Chair Melton said he has heard the phrases "opening a can of worms" and "Pandora's box" to describe this application, and that the phrase that comes to his mind is "a thread on a tapestry," and when you pull on that thread the whole thing unravels. He said the logic he uses to come to the conclusion that the applicant is facing a significant structural modification starts with the house being situated diagonally on the lot. He said he appreciates the background information the member of the public provided, and that what it looks like the applicant is doing with the additions to the house is trying to right the diagonal. He noted that the new master bathroom is on a parallel or perpendicular angle to the lot lines but makes it askew to the diagonal of the house, which is the extent to which the property owner has to go to in the first place because the house is on a diagonal. He said merely knocking out two walls does not constitute a significant structural change but that the changes do not stop there, and he believes knocking out two walls into the dining room would disavow the applicant to normal and proper use of the dining room. He said the applicant would then have to relocate the dining room but that the dining room by necessity would have to be by the kitchen, so now both the dining room and kitchen would need to be relocated and right there the tapestry has fallen apart and becomes a significant structural modification. He said tonight's discussion also included putting the detached garage in the back, which would constitute a significant structural modification because the applicant would have to demolish the garage on the left or apply for a Variance for a narrow drive aisle on the right, which is crossing a threshold of significance where he comes to the

conclusion that this is a significant structural modification, so he will be supporting the motion.

Comm. Simons said he is not sure any addition to this home will not be impacting the subsystems, and that when you do an addition you may have to redo major portions of the electrical and different things may collapse. He said the applicant will be redoing the sewer anyway, and that is not the main reason for saying this is not a financial limitation. He said the applicant can more cost effectively add a single car garage to the right side while doing an addition on the left, and that whether the garage is detached or partly connected to house, placing it there would greatly lower the cost. He said this design is not about cost, but about wanting to maximize the backyard and squaring off this tilted house to create a very unusually shaped garage. He noted that the main purpose for the parking requirement is to reduce on street parking demand, and that for homes with converted garages or a single car garage, the intent is to bring neighborhoods up to standards. Comm. Simons said this gets expensive no matter what the applicant does to achieve the square footage he is looking for, and while staff may think it is less expensive, it is apples and oranges and tough to know the cost until the plans and bids are in. He said right now costs are outrageous to do small home remodels and he would recommend waiting until another downturn, but that if the applicant cannot wait he suggested looking at other alternatives. He said tandem parking is problematic to begin with because of disuse and the far end oftentimes becoming storage, so he will be voting against the appeal.

Vice Chair Harrison said she will be voting against the motion, and that she has to go with the letter of the code regarding significant structural modifications. She said she cannot see that changing one wall as a significant structural modification is any different than what the applicant is proposing. She said if the proposal is a tandem garage that would impact the structure of the existing building you would also be reinforcing the foundation of the existing building and changing all of the systems, including the entire wiring and HVAC, and she cannot make the finding that this creates a significant structural modification.

MOTION: Comm. Rheume moved Alternative 2 to grant the appeal and approve the project with tandem parking, subject to recommended conditions in Attachment 4.

Chair Melton seconded. The motion failed by the following vote:

Yes: 2 - Chair Melton
Commissioner Rheume

No: 2 - Vice Chair Harrison
Commissioner Simons

Absent: 2 - Commissioner Olevson
Commissioner Klein

Ms. Ryan said the Planning Commission can continue the hearing to a date when there are more Commissioners, and that if the Planning Commission cannot agree on a continuance, the appeal is in effect not approved and would be the end of options for the applicant. She said it may be preferable for the applicant to have an opportunity to have another hearing when there are more Commissioners.

Chair Melton confirmed with Ms. Ryan that if the appeal is not granted it would, in effect, be denied, and confirmed that the continuance would be to a date certain and options include September 28 or October 12.

Comm. Simons discussed with Ms. Ryan the frequency with which there have been even numbered Planning Commissioners and continued an item because of the lack of a motion passing.

Vice Chair Harrison moved Alternative 1 to deny the appeal and uphold the decision of staff to deny the Design Review that includes tandem parking.

Comm. Simons seconded.

Vice Chair Harrison said this project as proposed does not meet the criteria for significant structural modifications and there are alternative ways to achieve what the applicant wants that will involve less structural modifications that the applicant could explore with staff. She added that she cannot make the findings.

Comm. Simons said there is at least one change that has not been discussed with staff that could be advantageous to the applicant beyond his proposal that would meet the parking requirement and provide more usable space.

MOTION: Vice Chair Harrison moved Alternative 1 to deny the appeal and uphold the decision of staff to deny the Design Review that includes tandem parking.

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

Yes: 2 - Vice Chair Harrison
Commissioner Simons

No: 2 - Chair Melton
Commissioner Rheaume

Absent: 2 - Commissioner Olevson
Commissioner Klein

Ms. Ryan said if a continuance is considered the Planning Commission could give direction to staff to explore certain alternative designs and coming back with a staff report that would provide more information.

Vice Chair Harrison moved for a continuance, and requested staff investigate with the applicant several alternatives that would meet the applicant's needs and the code requirements with regard to a two-car garage with a side-by-side configuration, two covered off street parking spaces, one being a split garage with one on the left and one on the right, and an alternate being a detached garage in the rear with a 10-foot drive aisle and an attached nine foot nonhabitable studio space.

Comm. Simons seconded and reiterated Vice Chair Harrison's motion.

Chair Melton clarified with Vice Chair Harrison that the continuance would be to a date certain, which would be October 12.

Vice Chair Harrison said any other modifications to the plan that would meet the zoning code and the applicant's needs should also be considered.

FINAL MOTION: Vice Chair Harrison moved for a continuance, and requested staff investigate with the applicant several alternatives that would meet the applicant's needs and the code requirements with regard to a two-car garage with a side-by-side configuration, two covered off street parking spaces, one being a split garage with one on the left and one on the right, and an alternate being a detached garage in the rear with a 10-foot drive aisle and an attached nine foot nonhabitable studio space.

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

Yes: 4 - Chair Melton
Vice Chair Harrison
Commissioner Rheume
Commissioner Simons

No: 0

Absent: 2 - Commissioner Olevson
Commissioner Klein