

3. [16-0093](#) File #: 2015-7960
Location: 882 W. McKinley Ave. (APN: 165-46-057)
Zoning: R-1.7/PD (Low Medium Density Residential / Planned Development) Zoning District
Proposed Project:
SPECIAL DEVELOPMENT PERMIT: for a first floor addition of 280 square feet to the rear of the existing two-story, single-family home resulting in a building size of 2,425 square feet including a 415 square foot garage and a floor area ratio (FAR) of 60.35%.
Applicant / Owner: Rong Chang USA Corporation (applicant) / King and Lynn Wu (owner)
Environmental Review: Categorical Exempt Class 1
Project Planner: Teresa Zarrin, (408) 730-7429, tzarrin@sunnyvale.ca.gov <<mailto:tzarrin@sunnyvale.ca.gov>>

Andrew Miner, Principal Planner, presented the staff report.

Vice Chair Harrison, asked staff if the addition created privacy concerns. Mr. Miner noted that the proposal meets the minimum setbacks in the side and rear, and that the addition is located in the rear of the property.

Comm. Olevson noted the condition of approval for a new water meter, and he asked what prompted this requirement. Mr. Miner confirmed the new water meter would be radio readable where the existing meter is not. Comm. Olevson then asked about a previous condition of approval to a similar proposal on 867 Markham Terrace, to add a deed restriction to not allow rental use to the room addition. He asked staff why that condition is not included in this proposal. Mr. Miner noted that the design does not present the same concern for future rental use of the addition, and said that the Commission may add the condition if they feel the need to.

Comm. Olevson said he clarified justifications and asked if attachment 5 is adequate. Mr. Miner clarified concerns and referred to the recommended findings of attachment 3.

Comm. Weiss asked staff how many people currently live in the home. Mr. Miner noted that the City cannot define or limit how many people live in a home, and that the information is not necessary in considering the proposal.

Chair Melton opened the public hearing.

Lynn Wu, owner of the home spoke about their proposal.

Joyce Wang, applicant, spoke for the owners and noted that they are in compliance with staff's recommendations.

Comm. Weiss asked if they have considered adding a stair lift to allow easier access to the second story and about the nook.

Ms. Wang clarified the design, and noted that the existing nook will be converted as part of the bedroom and a new nook is part of the proposal.

Uthar Hansen, neighbor, asked the Commission to reconsider the proposal and that the similar previous proposals in the development had special considerations. He also suggested the window placement to be reevaluated if the project is approved.

Comm. Simons noted to the speaker that the original development required a Special Development Permit as the floor area ratio exceeded the standards.

James O'Brien, resident on 877 Markham Terrace, said that his home includes an addition. He noted that the comparisons noted on the report should not be considered to be similar proposals. He said that the floor area ratios do not address neighborhood compatibility, and that this proposal will have a total of five bedrooms.

Ms. Wu spoke in favor of their proposal, noting her need for a bedroom and bathroom downstairs to accommodate her health concerns. She said she couldn't afford to move to another home.

Vice Chair Harrison asked if they were open to not having a window in the left side (east side) and a deed restriction to restrict the room from being a rental unit. Ms. Wu noted that she would like a window because it does not encroach privacy; however, she is okay if the Commission chooses to remove or relocate the window. She noted that she does not intend to rent the room.

Chair Melton closed the public hearing.

MOTION:

Comm. Rheume moved Alternative 2: Approve the Special Development Permit with modified conditions; the applicant cannot use the addition as a rental unit.

Comm. Olevson seconded.

Comm. Rheaume discussed the R1.7/PD zoning district. He noted a special study regarding floor area ratios in the zoning district are addressed in this study issue. He noted no privacy issues and no modifications to the front of the home.

Comm. Olevson said he supports the motion and appreciates the public comments regarding the increases in floor area ratios. He noted the minimal impacts and that he can make the findings for the Special Development Permit as it meets the City's General Plan and is compatible with the neighborhood.

Comm. Klein said he will not be in support of the motion, stating his previous concerns from similar projects regarding the R1.7/PD zoning district. He said previous proposals should not give precedence to other homes in the development and these additions change the original planned development.

Comm. Simons spoke about the precedence, and said that, in the past, the City approved "monster" homes and did not set precedence to similar proposals. He noted that the homes in the development were maximized during the initial design. He then noted concern with the Planning Commission being stringent with Design Guidelines and yet the Commission is allowing zoning extensions in other neighborhoods. He said he will not support the motion.

Comm. Weiss said she thinks a Variance should be an exception to the rule. She said she looked at previous variances, and noticed that applicants are asking for higher floor area ratios. She said she will not support the motion.

Vice Chair Harrison said she felt conflicted about the proposal; the Commission has previously approved other proposals, and noted that this proposal will be a five bedroom home if approved. She noted her concern for parking and said she will not support the motion.

Chair Melton noted his support of the motion.

Motion fails by the following vote:

Yes: 3 - Chair Melton
Commissioner Olevson
Commissioner Rheaume

No: 4 - Vice Chair Harrison
Commissioner Klein
Commissioner Simons
Commissioner Weiss

FINAL MOTION:

Comm. Simons moved Alternative 3; Deny the Special Development Permit and provide direction to staff and the applicant where changes should be made. Comm. Klein seconded.

Comm. Simons noted that the proposal is not consistent with the goals.

Comm. Rheume said he will not support the motion. He said the applicant is asking for a similar proposal as other recently approved projects and asked the Commission to consider a reduced floor area ratio. He noted a proposed study issue that addresses this concern, and the Planning Commission ignored the study, and now they are looking at this issue.

Comm. Klein said he will support the motion. He said that there are other options that the applicant may be able to do within the current design.

Chair Melton said he will not support the motion and noted that the planned development was built in 1994 and a lot has changed since then. He noted that if the original intention for the development was not to make additions, then a deed restriction should have been applied at the time of the original construction.

Motion carried by the following vote:

Yes: 4 - Vice Chair Harrison
Commissioner Klein
Commissioner Simons
Commissioner Weiss

No: 3 - Chair Melton
Commissioner Olevson
Commissioner Rheume