



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-0379, Version: 1

REPORT TO COUNCIL

SUBJECT

File #: 2014-7624

Location: 1026 Lois Avenue (APN: 198-34-011)

Zoning: R-0

Proposed Project:

Appeal by a neighbor of a Planning Commission Decision approving a 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 percent 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

REPORT IN BRIEF

General Plan: Residential Low Density

Existing Site Conditions: Single-family residence

Surrounding Land Uses

North: Single-family residence

South: Single-family residence

East: Single-family residence

West: Single-family residence

Issues: Neighborhood compatibility, Floor Area Ratio

Staff Recommendation: Deny the appeal and uphold the Decision of the Planning Commission to Approve the Design Review, subject to recommended Conditions of Approval.

BACKGROUND

Single family homes with Floor Area Ratio (FAR) of 45 percent or greater require approval of a Design Review from the Planning Commission (SMC 19.32.020, 19.80.040). The proposed project at 49.8 percent FAR required approval by the Planning Commission. The Planning Commission reviewed a prior design on October 13, 2014, and denied the project (Attachment 8). At that hearing, the Commission noted that the Sunnyvale Municipal Code (SMC) allows a two-story home in this zoning district, but concluded the proposed design had neighborhood compatibility issues, and recommended that the applicant redesign the proposal to address these issues (Meeting Minutes - Attachment 8).

The applicant modified the design to address concerns and comments noted at the public hearing and submitted new plans. A discussion on the changes and the proposed home is included in the Site Plan and Architecture section of this report. The Planning Commission approved the modified design on a vote of 5-2, subject to Conditions of Approval (Attachment 4), at its March 9, 2015 public hearing. Attachment 9 contains Planning Commission Minutes of March 9, 2015.

The Planning Commission decision was appealed by Jeanne Waldman, on behalf of a group of neighbors (Attachment 10). The project has not been modified since the Planning Commission review and approval.

Several residents in this neighborhood have inquired about the single-story combining district; the City has not received a request for a one-story zoning combining district for this neighborhood.

APPEAL

The appellant objects to the decision approving the project, subject to conditions of approval, as noted in the appeal letter (Attachment 10). The appeal letter cites that the proposed structure does not meet Sunnyvale's design guidelines (Sunnyvale Single Family Home Design Techniques - Attachment 11) related to scale, bulk and character of the of homes in the adjacent neighborhood, privacy impacts and preservation of mature landscaping.

Following are staff comments on the proposed project related to the design guidelines mentioned in the appeal:

- *Guideline 2.2.2 - Respect the scale, bulk, and character of homes in the adjacent neighborhood:* As the neighborhood is predominantly one-story single family homes, and the R-0 zoning district does not preclude second stories, Design Guideline Section 3.4 of Second Floors provides guidance to allow an appropriately designed two-story structure. Design Guideline 3.4.A notes, *"For new second stories in predominantly one-story neighborhoods, the second floor area should not exceed 35% of the first floor area (including the garage area)."* The project, with 35 percent second floor area of the first floor area, is consistent with this guideline to address bulk and scale of the project. Many homes in this neighborhood are legal non-conforming as they are served by a one-car garage and driveways which do not conform with the R-0 zoning district. Some home additions and new single family homes are required to provide a two-car garage thereby increasing the size of the first floor areas. The project incorporates ranch style architectural elements to improve compatibility with the architectural style of the neighborhood.
- *Guideline 2.2.3 - Design Homes to respect their immediate neighbors:* The project design minimizes privacy impact on the adjacent neighbors with type (clerestory and stairwell windows) and placement of windows at the second story level that overlook the sideyards of adjacent neighbors. The height difference between the proposed and adjacent first floors will be minimized, as conditioned (Condition of Approval PS-2) by the Planning Commission to explore ways to lower the first floor eave height. Additionally, the project does not include tall blank walls on the sides with adjacent one story homes. The issue noted in the appeal letter regarding the inadequate height of a six-foot fence, Sunnyvale Zoning Code does not require fences between residential properties; and fences up to eight feet high do not require a permit from the Planning Division (neighbors would have to agree on heights for fences on the

property line).

- **Guideline 2.2.7 - Preserve Mature Landscaping:** The proposal removes one large *protected* tree in the front yard and three smaller trees in the rear yard. All the trees are either within or very close to the proposed structure. The front yard tree is within the required 20-foot wide driveway. Redesign to locate the driveway on the other side of the house would result in a different protected tree removal. As conditioned (Condition of Approval PS-1), the project is required to plant at least two 36-inch box sized tree to compensate for the loss of the protected tree.

Description of Proposed Project

The applicant proposes to demolish the existing single-story home at the site and construct a new two-story home, resulting in a total of 2,993 square feet and approximately 50 percent FAR. A Design Review is required for construction of a new home to evaluate compliance with development standards and with the Single Family Home Design Techniques. The Planning Commission is required to review such applications exceeding 45 percent FAR or 3,600 square feet. See Attachment 1 for a map of the vicinity and mailing area for notices, Attachment 2 for the Data Table of the project, and Attachment 6 for the proposed plans.

Previous Actions on the Site

The existing 1,182-square foot single-story home was constructed in 1953. The Planning Commission denied a Design Review for a two-story home with a 50 percent FAR project in October 2014; and approved a Design Review for a redesigned structure, subject to conditions of approval, in March 2015.

EXISTING POLICY

Single Family Home Design Techniques: The City's Single Family Home Design Techniques (2003) provide guidelines for site planning, architecture, and other design elements related to neighborhood compatibility. These guidelines are referenced in the discussion and analysis below.

ENVIRONMENTAL REVIEW

A Class 1 Categorical Exemption (Guideline 15301) relieves this project from California Environmental Quality Act provisions and City Guidelines.

DISCUSSION

Development Standards: The proposed project complies with all applicable development standards including setbacks and parking, as set forth in the SMC. The following items have been identified for clarification:

- **Site Layout**

The proposed home would be located near the center of the property meeting all setback requirements. A two-car garage with driveway provides access at the right side of the property's frontage.

- **Parking/Circulation**

The project would provide a two-car garage meeting size and dimensional requirements as

well as a two-car driveway in compliance with current parking standards.

- Landscaping and Tree Preservation

The applicant proposes to retain the majority of the site's existing landscaping. One protected tree and three smaller sized trees are proposed to be removed in conjunction with this project. The protected tree in the front yard is proposed to be removed, as it is very close to the new structure and its health and structure will be compromised. Planning Commission required two 36-inch box size replacement trees to be planted on the site with one tree in the front yard and the driveway be made of pervious material (Condition of Approval PS-1).

- Solar Access

SMC 19.56.020 states that no permit may be issued for any construction which would interfere with solar access by shading more than 10 percent of the roof of any structure on a nearby property. The project plans demonstrate that the shading would comply with this requirement.

Site Plan and Architecture: The existing home at the site can be categorized as a typical ranch-styled home with a recessed entryway, stucco façade, and hip roof design with composition shingle roofing. The majority of homes in the immediate neighborhood have a similar architectural style and use of materials. The proposed home is a contemporary style of the ranch architectural design with use of hip roof form, window trims and stucco finish (Attachment 6 - Site and Architectural Plans). The front elevation includes an entry feature and a stone base along the entire frontage. The height of the entry feature is about four inches higher than the adjacent roof eaves. Proposed plate height for the first floor is 10 feet throughout and nine feet for the second story. Side elevations include clerestory windows and a stair well window at the second story level.

Modifications from Previous Proposal: The current plans have been modified from the design considered by the Planning Commission and denied in October 2014. The modifications include:

- Removed double story ceiling height in the living area (to decrease volume and mass of structure);
- Removed balcony feature that impacted neighbor privacy;
- Relocated bedroom on second story to eliminate a bedroom window on the side (to address neighbor's privacy);
- Decreased height of entry element (10' as compared to 12'6");
- Increased second story side setback on the left side (19'9" from 10'8");
- Increased second story front setback (27'2"-31'3" as compared to 27'5");
- Smaller second story floor area (777 s.f. as compared to 854 s.f.);
- Larger first floor area (2,216 s.f. as compared to 2,142 s.f.);
- Reduced the second story to first story floor area ratio (35 percent as compared to 39.8 percent);
- Changed roofing material to flat grey colored concrete tile (for compatibility with ranch style) instead of terracotta barrel style tile (indicative of Spanish/Mission style architecture)

The redesigned home attempts to address issues noted by the Planning Commission at its October 2014 public hearing. The lowered height of the entry feature makes it more compatible with the recessed entryways typical of ranch styled homes and the use of concrete flat grey colored tiles improves its compatibility with shake/shingle roof material found in the neighborhood. The smaller second story floor area allows for increased front and side setbacks to address privacy and bulk issues. A low pitch hip roof design combined with flat roof tiles is being proposed, which is similar to

roofs in the neighborhood. The Planning Commission action in March 2015 included a requirement to explore reducing the eave height and/or the finished floor of the first story to reduce the height by at least one foot for improved compatibility with neighboring properties.

Second Floor Area to First Floor Area Ratio: The Single Family Design Techniques note that for the purposes of assessing neighborhood character and scale, the “neighborhood” is defined as both sides of the street within the same and immediately adjacent blocks. Section 3.4.A states: *“The area of the second floor should not exceed the common standard of the neighborhood. For new second stories in predominantly one-story neighborhoods, the second floor area should not exceed 35% of the first floor area (including garage area).”* The neighborhood for this site is composed of predominantly single-story homes. The proposed two-story home complies with this guideline by having a second floor area of 777 square feet, which is 35 percent of the first floor area (2,216 s.f.).

Floor Area Ratio: The proposed 2,993 square foot single family home at 49.8 percent FAR exceeds the 45 percent FAR threshold and requires Planning Commission approval. The 5 percent FAR translates to 293 square feet of floor area. The neighborhood is composed of mostly single-story homes with a few two-story homes with FARs ranging between 19 percent and 49 percent (Attachment 3 - Neighborhood Floor Area Ratio Table). The two-story house at 1058 Lois Avenue (eight homes to the south of subject property) is about 48 percent FAR. There are few other two-story homes in this area; all of which have FARs less than 45 percent.

Privacy Impact: When not required for egress purposes, the proposed second story windows are reduced in size to be clerestory windows. Based on setbacks, location and size, the second story windows are not expected to have privacy impacts on adjacent neighbors. The proposed plans also do not include any balcony features that can impact neighborhood privacy.

Neighborhood Compatibility: The neighborhood is predominantly one-story homes with a few two-story homes sprinkled throughout (Attachment 12 - Map of two-story homes in the vicinity). The proposed two-story home addresses neighbor privacy, solar access requirements, and architectural design and compatibility. Staff finds that the redesigned two-story home adequately addresses privacy and bulk issues associated with higher FAR projects.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website. Notice of the appeal also included:

- 99 notices mailed to property owners and tenants within 300 feet of the project site
- Posted on the City's official notice bulletin board
- Emailed to interested parties who have contacted the City via email.

As this appeal staff report was being prepared, staff received comments from the neighbors noting concerns and recommending denial for the proposed two-story home (Attachment 7 - Planning Commission Hearing; Attachment 11 - City Council Hearing).

Notice of Planning Commission Public Hearing, Staff Report and Agenda

- 99 notices mailed to property owners and residents within 300 feet of the project site
- Notice provided in the *Sun* newspaper.
- Posted on the project site
- Posted on the City of Sunnyvale's Web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library
- Posted on the City's official notice bulletin board

FINDINGS AND GENERAL PLAN GOALS

Staff is able to make the Findings located in Attachment 4.

ALTERNATIVES

1. Deny the appeal and uphold the Decision of the Planning Commission to Approve the Design Review, subject to recommended Conditions of Approval (Attachment 4).
2. Grant the appeal and approve the project with modified Conditions of Approval, such as a maximum of 9 foot first story plate heights or smaller second story.
3. Grant the appeal and Deny the Design Review.

STAFF RECOMMENDATION

Alternative 1: Deny the appeal and uphold the Decision of the Planning Commission to Approve the Design Review, subject to recommended Conditions of Approval (Attachment 4 to the report).

Prepared by: Shétal Divatia, Senior Planner

Reviewed by: Trudi Ryan, Planning Officer, Community Development

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Vicinity Map
2. Project Data Table
3. Neighborhood Floor Area Ratio Table
4. Recommended Findings
5. Recommended Conditions of Approval
6. Site and Architectural Plans
7. Letters from Neighbors (Planning Commission Public Hearing)
8. Minutes of Planning Commission Public Hearing (10/13/2014)
9. Minutes of Planning Commission Public Hearing (3/9/2015)
10. Appeal Letter
11. Letter from Neighbors (City Council Public Hearing)
12. Map of two-story homes in the vicinity