



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**August 24, 2009**

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**SUBJECT:**           **2009-0428:** Application for a project located at **1197 Pomelo Court** in an R-1 (Low Density Residential) Zoning District. (APN: 202-17-019):

Motion                   Design Review to allow a 1,875 square foot first and second story addition to an existing 2,582 square foot residence for a total of 4,457 square feet resulting in a 41% Floor Area Ratio.

**REPORT IN BRIEF**

**Existing Site Conditions**           One-Story Single-Family Home

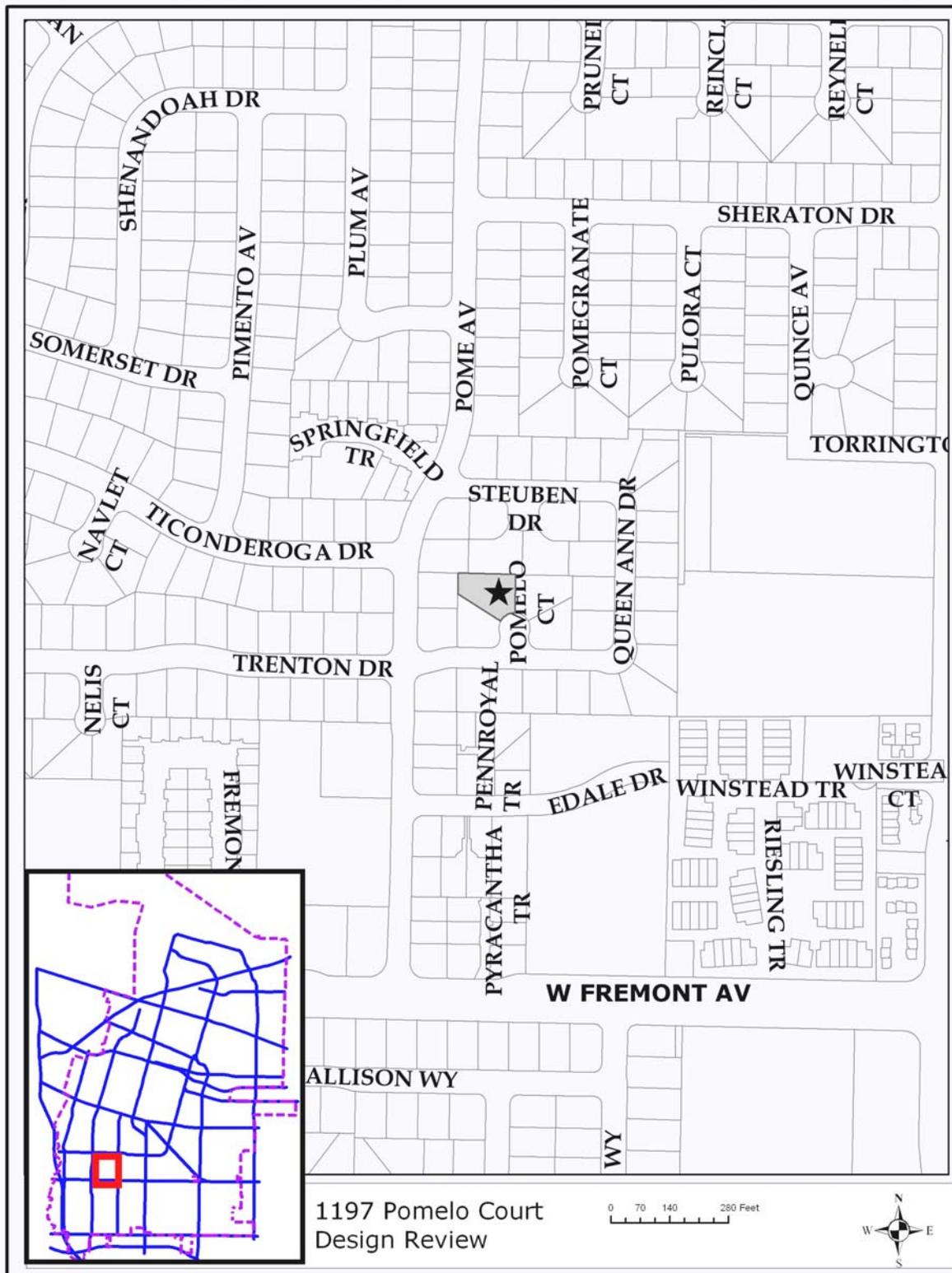
**Surrounding Land Uses**

North	Single-Family Home
South	Single-Family Home
East	Single-Family Home
West	Single-Family Home

**Issues**                           Architectural Compatibility with Neighborhood

**Environmental Status**           A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Density	Same	Residential Low Density
<b>Zoning District</b>	R-1	Same	R-1
<b>Lot Size (s.f.)</b>	10,882	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	2,582	4,457	4,050 max. without PC review
<b>Lot Coverage (%)</b>	20%	35%	40% max. for a two-story home
<b>Floor Area Ratio (FAR)</b>	20%	41%	45% max. without PC review
<b>Building Height (ft.)</b>	19'	25'6"	30' max.
<b>No. of Stories</b>	1	2	2 max.
<b>Setbacks</b>			
<b>Front (First) (Second)</b>	21'6" N/A	20'6" 70'	20' min. 25' min.
<b>Left Side (First) (Second)</b>	8' N/A	8' 11'	6' min. 9' min.
<b>Right Side (First) (Second)</b>	17' N/A	7'7" 81'	6' min. 9' min.
<b>Total Side Yard (First) (Second)</b>	25' N/A	15'7" 92'	15' total min. 21' total min.
<b>Rear (First) (Second)</b>	8'6" N/A	8'6" 33'	20' min. (10% encroachment up to 10' allowed) 20' min.
<b>Parking</b>			
<b>Total Spaces</b>	4	5	5 min.
<b>Covered Spaces</b>	2	2	2 min.

**ANALYSIS****Description of Proposed Project**

The applicant is proposing a remodel and addition to an existing 2,582 square foot (sf.) single story residence. The addition consists of 1,186 sf. of single story

area and a new second story of 689 sf. for a total of 4,457 sf. The proposed residence will total 41% floor area ratio (FAR) but requires review by the Planning Commission since the project exceeds 4,050 sf.

The new second story addition will create an attached, secondary dwelling unit (independent living unit) with exterior access. This portion of the application is not subject to review by the Planning Commission since California State Law precludes discretionary review of secondary dwelling units by local jurisdictions. Sunnyvale Municipal Code (SMC) requires that certain criteria are met in order to allow second units such as minimum lot size, required parking, and maximum unit size. Staff will approve this portion of the application if the Planning Commission approves the Design Review application.

### **Background**

**Previous Actions on the Sites:** This application was heard before the Planning Commission at their July 27, 2009 meeting. The Commission voted 6-0 to continue review of this item to the August 24, 2009 meeting after the Commission reached a 3-3 split decision. As part of the motion to continue the item, the Commission asked staff to return with the following information/actions:

1. The size of the deck: The total square footage of the deck is 306 sf.
2. The deck setback from the property line: The deck is 11 feet from the side property line, in-line with the wall of the second story addition.
3. The stairway setback from the property line: The stairway setback is 13 feet from the side property line.
4. The neighbors should meet to attempt to resolve differences and find solutions: Staff scheduled a meeting with the applicant and one neighbor on August 6, 2009 to discuss the project and resolve issues, if possible. A summary of the issues and agreements is located under the Conclusion section of this report.

For additional details, see the Planning Commission meeting minutes in Attachment E.

### **Environmental Review**

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions includes construction of single family homes.

**Design Review**

**Floor Area Ratio and Neighborhood Compatibility:** The neighborhood consists of a mixture of one and two story homes, with a range of FAR's and parcel sizes. Many of the existing one story homes in the neighborhood were originally constructed in the 1960's and range from 27% to 37% FAR. More recently approved homes in the immediate neighborhood range from 32% to 41% FAR and have square footages from 2,500 to 3,600. In the greater neighborhood area, new or remodeled homes typically have larger square footages due to the larger lot sizes. The highest FAR approved to date in the immediate vicinity is a 3,610 square foot home located at 786 Steuben Drive, with an FAR of 41%. The following table shows data for the homes adjacent to the subject property:

<b>Address</b>	<b>Stories</b>	<b>Lot Size (s.f.)</b>	<b>Gross Floor Area (s.f.)</b>	<b>FAR (%)</b>
798 Trenton	2	9,500	2,556	27
792 Trenton	1	7,900	2,242	28
786 Trenton	1	7,900	2,242	28
780 Trenton	1	7,900	2,242	28
774 Trenton	2	7,900	2,556	32
768 Trenton	1	7,900	2,242	28
762 Trenton	1	11,700	2,473	21
1196 Pome	2	8,550	2,793	32
1194 Pome	2	8,075	2,556	32
1190 Pome	2	8,360	3,031	36
790 Steuben	1	9,950	3,346	37
786 Steuben	1	8,800	3,610	41
1191 Pomelo	2	7,500	2,556	34
<b>1197 Pomelo *</b>	<b>2</b>	<b>10,882</b>	<b>4,457</b>	<b>41</b>
1198 Pomelo	1	10,395	3,038	29
1192 Pomelo	2	7,840	2,556	33
1197 Queen Ann	2	8,455	2,820	33
1195 Queen Ann	2	7,790	2,556	33
1191 Queen Ann	2	7,980	3,149	39

\*Proposed Project

While the proposed design is larger than other homes in the immediate area, the property size is also one of the largest, thereby creating an expectation for a larger square footage residence at this location.

*Easements and Undergrounding:* For new homes, utility service drops are required to be undergrounded.

The following Guidelines were considered in analysis of the project site design:

<b>Single Family Home Design Techniques (Site Layout)</b>	<b>Comments</b>
<p><i>3.4 S. Generally, locates second floor additions over the living portions of existing homes rather than over garages to maintain a visual balance between the first and second floor building masses. Especially avoid placing second floor additions over existing first floor garages that project out in front of the remainder of the home.</i></p>	<p>A second story is set back on all sides to help balance the mass and scale of the proposed home. The second floor is located to the rear of the existing residence, not over the garage and the total square footage (689 sf.) has been kept to a minimum.</p>

**Architecture:** The new home will be contemporary in architectural style with various hipped and gable roof elements integrated along each façade. The second story steps back from the first story on the front, left, right, and rear elevations of the home. The materials proposed are wood siding, shingle siding, and stone. See Attachment C for additional details.

The applicant has designed the second story addition to be in the rear of the existing home in order to minimize the mass and scale impact as seen from the street. The second story square footage has also been minimized (689 sf.) to reduce a mass impact. The addition includes a new second level deck which is also located facing the rear yard of the property. New second floor windows have been reduced to help minimize potential privacy impacts to the neighbors. The total height of the residence is proposed to be only 25’6” to help the second story addition blend with other existing second story residences in the neighborhood.

The following Guidelines were considered in the analysis of the project architecture:

<b>Single Family Home Design Techniques (Architecture)</b>	<b>Comments</b>
<p><b>2.2 Basic Design Principles 2:</b> <i>Respect the scale, bulk and character of homes in the adjacent neighborhood.</i></p>	<p>While most of the residences on the street are smaller in square footage, the surrounding neighborhood contains many existing two story homes and similar FARs.</p>

<b>Single Family Home Design Techniques (Architecture)</b>	<b>Comments</b>
<b>2.2 Basic Design Principles 3:</b> <i>Design homes to respect their immediate neighbors.</i>	The home will be compatible with the existing homes in the neighborhood as previously discussed.
<b>3.5 Roofs J:</b> <i>Use roof forms for additions that blend comfortably with the roofs of the existing homes.</i>	The proposed home includes lowered hipped roof lines and multi-gable roof forms to accentuate the architecture and blend with the adjacent homes. The height of the home is 25'6" where up to 30' is allowed.
<b>3.7 Materials G:</b> <i>Wall materials for additions should generally match those of the existing building.</i>	The proposed wall materials are compatible with the existing materials on the home and in the neighborhood.
<b>3.4. Second Floors N:</b> <i>Second floor decks and balconies should be well integrated into the overall design of the home. They should avoid the appearance of being tacked onto the home. Some ways of achieving this integration include using columns with caps and bases, providing a hierarchy of posts and balusters (larger posts at intervals infilled with smaller balusters), and care in relating balcony and deck edges to other facade elements. Avoid locating decks and balconies along narrow side yards.</i>	The proposed balcony is integrated into the new second story addition. While the balcony is located in the side yard area, it is located 11' back from the property line, not at the 6' minimum side yard setback.

**Landscaping:** There are no landscaping requirements for single-family projects in the R-1 zoning district. No protected trees (greater than 38 inches in circumference) are proposed to be removed.

**Parking/Circulation:** The proposed project meets parking requirements with two covered spaces and three uncovered spaces in the driveway area, which included one uncovered space for the secondary dwelling unit.

**Compliance with Development Standards/Guidelines:** The proposed project was designed to meet or exceed the development standards required in the R-1 zoning district. No deviations from the Sunnyvale Municipal Code are requested. Additionally, the project meets most Single Family Home Design Techniques.

**Expected Impact on the Surroundings:** Staff does not expect that the proposed addition to the existing residence to have a significant impact on the surrounding neighborhood. The neighborhood contains a mix of properties and homes that vary in size. In addition, the second story square footage, location on the site, and architecture has been designed to minimize any new impacts.

### **Fiscal Impact**

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

### **Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 8 notices mailed to property owners and residents adjacent to the project site</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul>	<ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul>

### **Conclusion**

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**Neighbor Agreement:** Staff, the applicant, and a neighbor met on August 6<sup>th</sup> to discuss issues and solutions to the design of the addition. The following options were agreed to be redesigned by the applicant and adjacent neighbor:

- 1) Privacy glass will be used on the bottom half of the upstairs bedroom window.
- 2) A privacy wall will be built on the side of the balcony adjacent to the 1191 Pomelo Court's (Uyeda) yard. It will be 4' of solid with 2' of lattice on top.

The above redesign options are included in the Conditions of Approval in Attachment B.

The following item was discussed by the applicant and adjacent property owner but was not included in the applicant's redesign proposals:

- 1) Reduce the size of the window over the sink and/or use privacy glass.

The following are issues that were discussed by the Planning Commission which are no longer a concern between the applicant and the adjacent neighbor:

- 1) With the addition of the privacy wall, the size of the balcony is no longer an issue for the adjacent neighbor.
- 2) The idea of using trees or a green screen between the two properties is not desirable for either property owner due to maintenance difficulties with the adjacent pools.
- 3) The stairs leading up to the balcony is no longer an issue since it is not anticipated that people will linger on the stairs and create a privacy issue.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Design Review. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

### **Alternatives**

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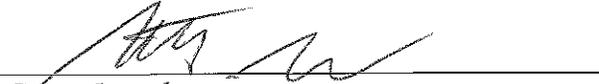
1. Approve the Design Review with the attached conditions.
2. Approve the Design Review with modified conditions.
3. Deny the Design Review.

**Recommendation**

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Alternative 1.

Prepared by:



Steve Lynch  
Project Planner

Reviewed by:



Shaunn Mendrin  
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letters Received for July 27, 2009 Planning Commission Meeting
- E. Planning Commission Meeting Minutes of July 27, 2009

### **Recommended Findings – Design Review**

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The proposed project is desirable in that the project's design and architecture conforms to the policies and principles of the Single Family Home Design Techniques.

<b>Basic Design Principle</b>	<b>Comments</b>
<i>2.2.1 Reinforce prevailing neighborhood home orientation and entry patterns</i>	The orientation of the home is consistent with other homes in the neighborhood. The entryway feature will be enhanced relative to the existing entry to be architecturally more significant.
<i>2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	As designed and conditioned, the proposed home is compatible with other homes in the neighboring in appearance and scale.
<i>2.2.3 Design homes to respect their immediate neighbors</i>	The proposed home meets or exceeds all the required setbacks, has a reduced second floor area, and has windows designed to be sensitive to the adjoining neighbors.
<i>2.2.4 Minimize the visual impacts of parking.</i>	The residence has two-car parking in the covered garage area and three uncovered parking spaces in the front driveway.
<i>2.2.5 Respect the predominant materials and character of front yard landscaping.</i>	Front yard landscaping will be supplied at the discretion of the home owner, although the entire required front yard area will be landscaped in a manner consistent with the existing landscaping.
<i>2.2.6 Use high quality materials and craftsmanship</i>	The new home will utilize wood siding, shingles, trim, and natural stone materials.
<i>2.2.7 Preserve mature landscaping</i>	All existing trees will be saved.

**Recommended Conditions of Approval – Design Review**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. This project must be in substantial conformance with the approved plans. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at the Planning Commission hearing except that minor changes of the approved plans may be approved at staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on one page of the plans submitted for a building permit for this project.
- C. Permit Lapse if not Exercised (Ordinance 2895-09): The Design Review Permit shall be valid for two (2) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- D. Privacy glass will be used on the bottom half of the upstairs bedroom window.
- E. A privacy wall will be built on the side of the balcony adjacent to the 1191 Pomelo Court's (Uyeda) yard. It will be 4' of solid with 2' of an aesthetically pleasing design on top (lattice or other material that has approximately 50% screening).

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain Building Permits.
- B. Obtain permits from Public Works for all off-site improvements.

**3. UNDERGROUND UTILITIES**

- A. All utilities (service drops) on the site shall be undergrounded.







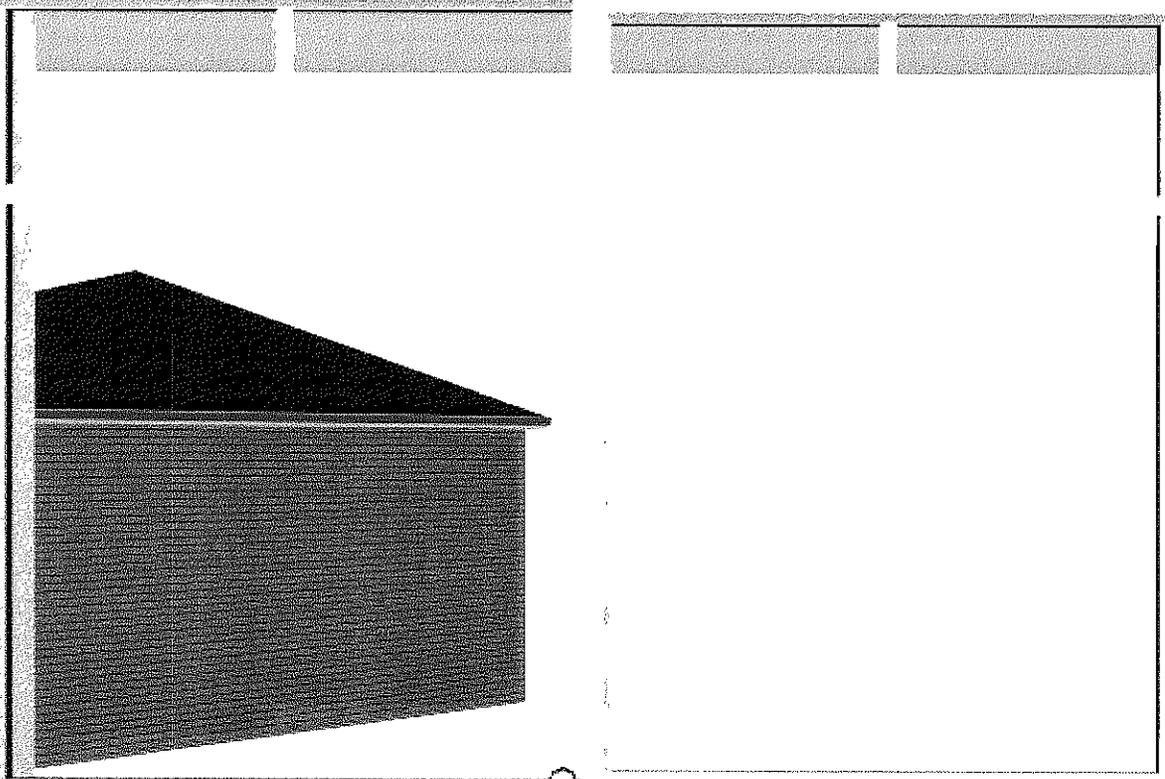












7/27/2009

Sunnyvale Planning Commission  
City Hall  
456 West Olive Ave.  
Sunnyvale

Subject: Addendum to plans for design review  
Project: 2009-0428 - located at 1197 Pomelo Court

Dear Sunnyvale Planning Commission,

This document is an addendum to the existing plans which have been submitted to the commission for design review (Project 2009-0428 - located at 1197 Pomelo Court). The goal of this document is to provide additional information regarding four main points:

- 1) Potential solar impact of 2<sup>nd</sup> story addition.
- 2) A drawing which helps clarify the position of the 2<sup>nd</sup> story addition in relation to the 1<sup>st</sup> story as well as its position along the fence shared by 1191 Pomelo Ct. (Attachment A)
- 3) Photos of recently completed remodeled home at 1198 Pomelo Ct. to illustrate design compatibility. (Attachment B)
- 4) Examples of existing privacy issues in the neighborhood and how the residents have remedied the situation. (Attachment C)

In addition, we would like to emphasize that we are long standing residents of Sunnyvale and have lived in this home for the past 18 years. We would be grateful if this review is approved without any conditions.

Sincerely,

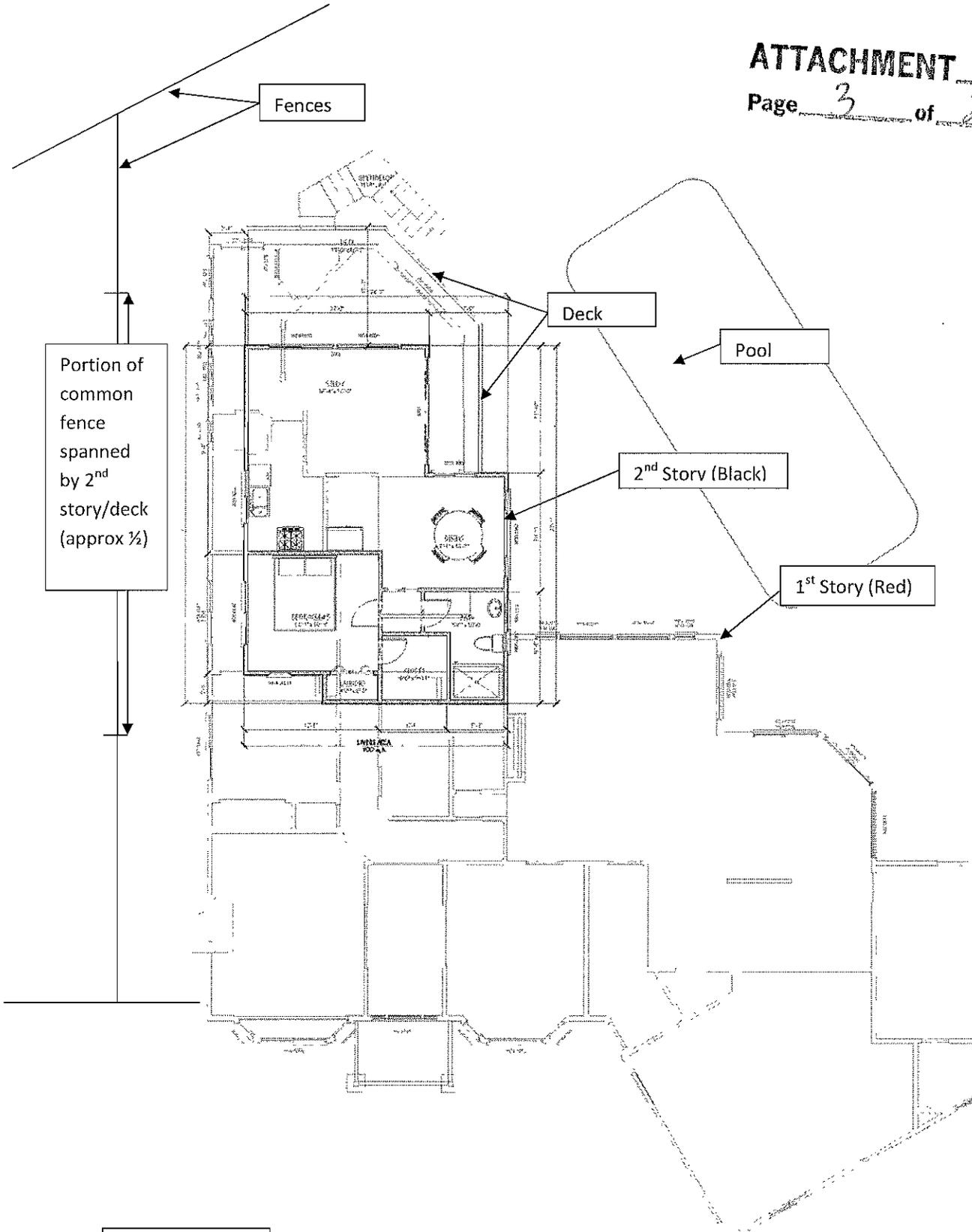
Jeff & Sheryl Boone

Jeff: [jboone100@gmail.com](mailto:jboone100@gmail.com)  
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Sheryl: [sboone100@gmail.com](mailto:sboone100@gmail.com)  
(408) 505-2301

**Solar Impact**

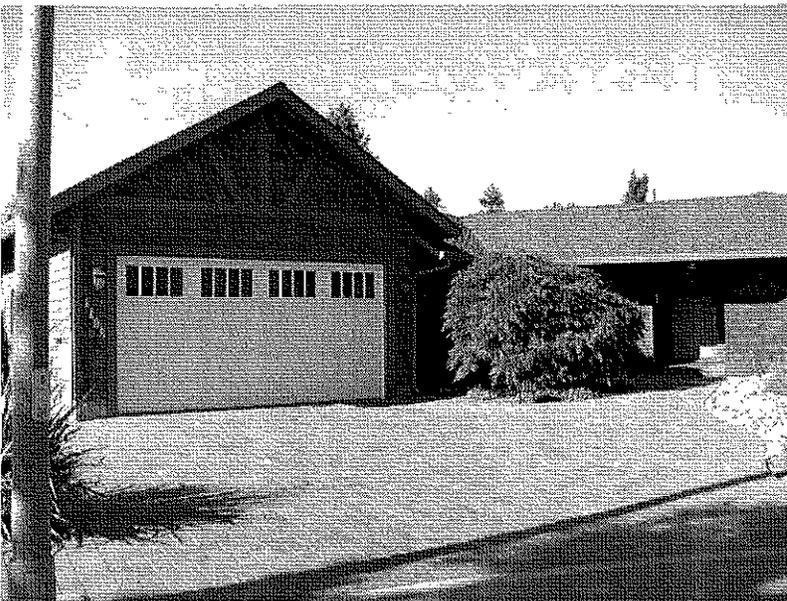
The 2<sup>nd</sup> story addition is positioned in the south area of our lot to minimize solar impact on our neighbors. The shadow cast by the 2<sup>nd</sup> story will be in our rear yard during the morning and will shift to our pool area during mid-day sun and finally will cast a shadow over the front of our 1<sup>st</sup> story in the afternoon. There will be minimal impact to any of our neighbors.



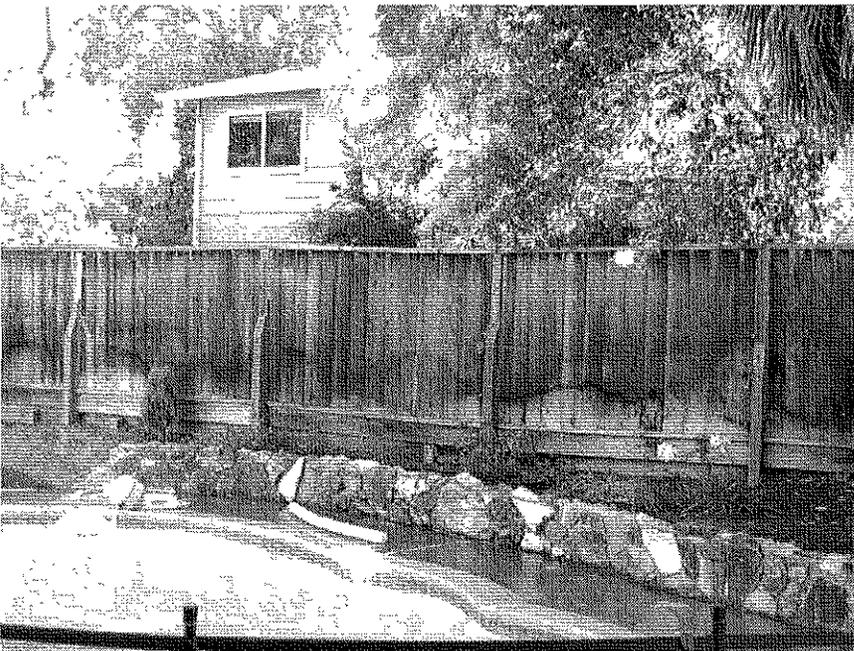
Attachment A



View of 1198 Pomelo (recently completed remodel on right). Note angle of garage and gable roof (similar to the proposed design for 1197 Pomelo Ct.)



Details of 1198 Pomelo Ct. showing wood shake siding and Presidential TL roofing. Both elements have been incorporated into the design for 1197 Pomelo Ct. to help unify the look of the neighborhood.



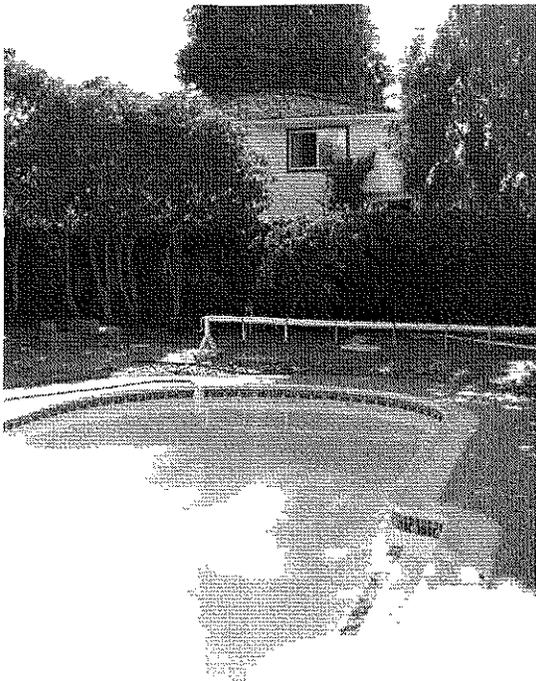
Views from backyard of 1197 Queen Anne Dr.

Note how green screen is used to partially block views from neighboring homes.



View from backyard of 1198 Pomelo Ct.

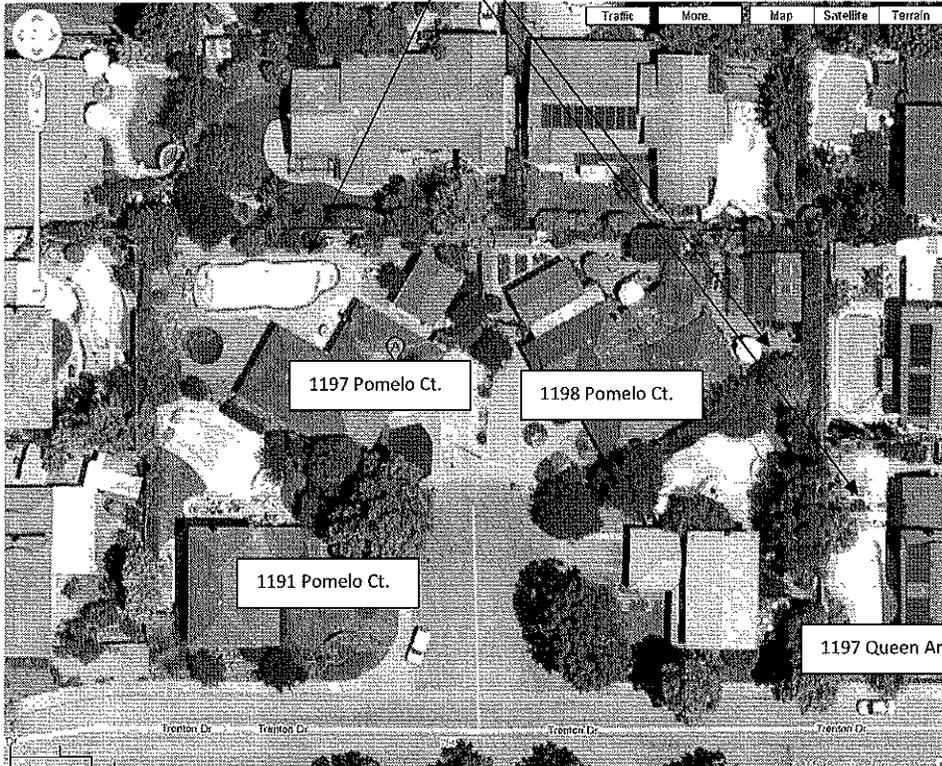
NOTE: There are more windows to the left of the window that can be seen – they are blocked by the green screen.



This is the view from 1197 Pomelo Ct. pool area to 1194 Pome Avenue.

NOTE: There are more 3 more windows to the left of the window that is shown – the green screen blocks those windows.

Photos taken from these locations



**Steve Lynch - Construction at 1197 Pomelo Court**

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**From:** Robert Ratko <robertratko@sbcglobal.net>  
**To:** <slynch@ci.sunnyvale.ca.us>  
**Date:** 7/27/2009 2:23 PM  
**Subject:** Construction at 1197 Pomelo Court

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ATTACHMENT D  
Page 8 of 22

Mr. Lynch,

While I do not think that the size of the proposed project is consistent with surrounding homes, it looks like that the project cannot be stopped.

I would like to have some tree plantings on the north side of the property between 790 Pome to somewhat block the view into my backyard and bedroom.

Hopefully my concerns on this E-mail can be presented to the planning commission at the meeting tonight 27 July 2007

Thank You

Robert Ratko  
795 Peace Pipe Loop  
Reno, Nv 89511  
775 342-3742  
[robertratko@sbcglobal.net](mailto:robertratko@sbcglobal.net)

- This project is 847 square feet larger than the largest neighborhood home included in the city report. Without the second story, it would still be 158 square feet larger.
- Average FAR of all houses in the city report is 31.2%. The average FAR for two story houses is 33.1%. Based on the 10,882 square foot lot size, this would correspond to a 3,395 or 3,602 square foot home respectively.
- Plans have a kitchen, bathroom, bedroom, living area, office and separate outdoor entry. It should be treated as primary living area in following city design guidelines & design techniques.
- The plans offer no privacy for us as neighbors. It has eye-level windows, open deck and stairs with direct line of site into living area and yard. The side portion of the deck facing our home is 11ft wide and will serve as an exterior entrance for a secondary dwelling. The deck is not allowed according to Sunnyvale design guidelines 3.6.D and City-Wide Guidelines Sec. I, Item C7.
- Unfortunately, due to lot layout, our “backyard” is technically our side yard. If “backyard” rules applied, there would be a 25 ft. setback required.
- Scale, bulk, character and orientation of homes in adjacent area not respected. There is a definite prevailing and uniform style of homes in the area.

## 1197 Pomelo Ct. Design of Front View



Comparison of 1197 Pomelo plans vs. all homes on Trenton, Pomelo, Queen Ann & Stuben

- From front view, plans have 6 Gables. With the exception of 1 single-story house with two gables, every other house has only 1.
- Plans have complex roof form. Every other house has a simple roof form.
- Angled garage with curved driveway vs. straight driveway into garage
- Orientation of second story perpendicular to street vs. parallel to street



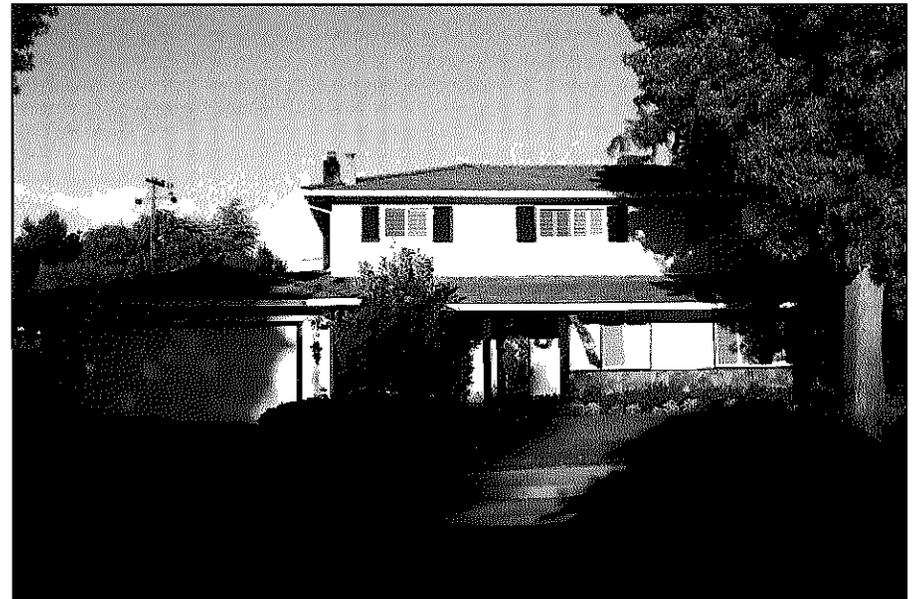
798 Trenton



774 Trenton



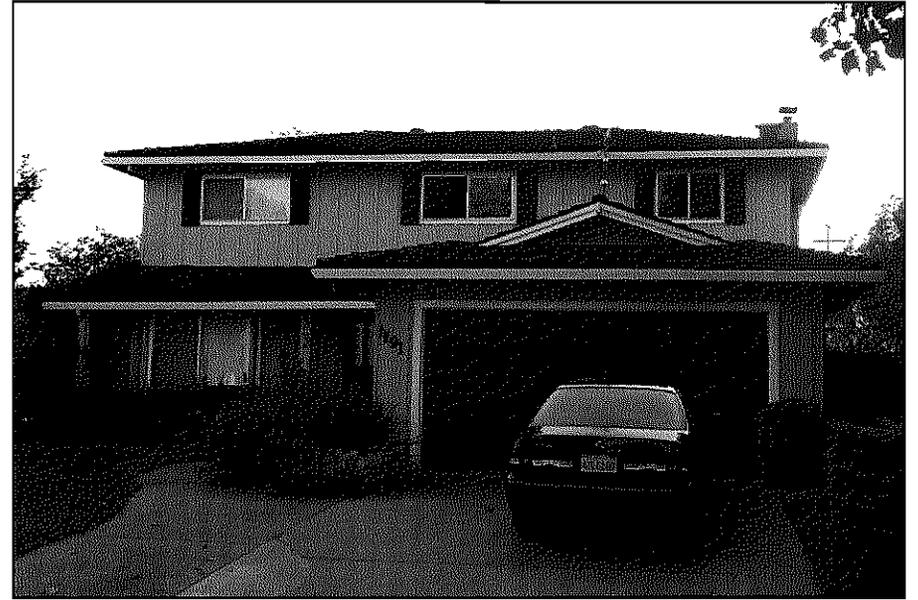
1196 Pome



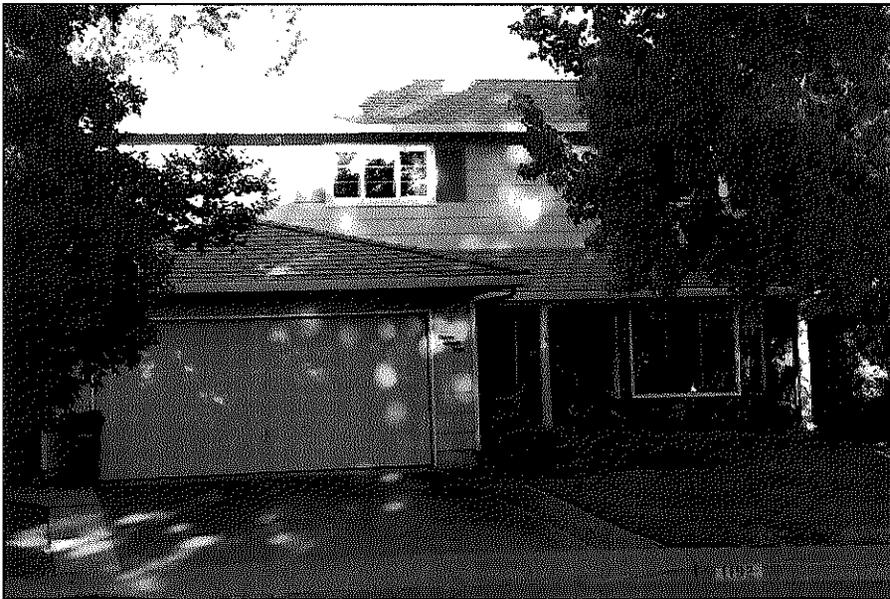
1194 Pome



1190 Pome



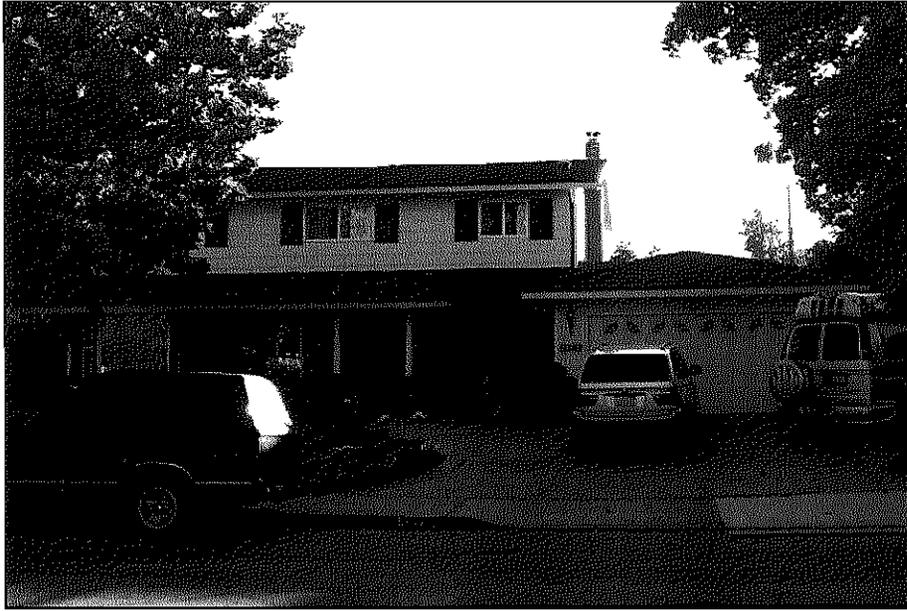
1191 Pomelo



1192 Pomelo



1197 Queen Ann



1195 Queen Ann



1191 Queen Ann



Craig & Jennifer Uyeda  
1191 Pomelo Ct.  
Sunnyvale, CA 94087

July 22, 2009

We want to express our opposition regarding our adjacent neighbor's proposed home addition at 1197 Pomelo Ct. (APN: 202-17-019). We recently purchased our home at 1191 Pomelo Ct. and closed escrow on June 19<sup>th</sup>, 2009. A very strong factor in selecting our house was the privacy of the back yard and appearance of the neighborhood. We specifically were looking in Sunnyvale and declined to bid on other homes without these characteristics. The backyard offered either no privacy, the adjacent neighbor's house was too close in proximity or the immediate neighborhood had homes that were too mixed in appearance.

We viewed the plans at city hall on July 20<sup>th</sup>, 2009 after seeing the city public notice. The plans include a second story addition and deck that span almost the entire length of our common fence (Attachment 1 & 2). In addition, the plans have two large windows and a deck side that would provide a direct line of sight view of our entire backyard and family room thru the sliding door.

The home plans have a second story bulk that is located in a different orientation than every other two-story house included in the city report. Every other two-story home in the report has the second story bulk towards the front of the home with no side windows. This maximizes the distance between two-story homes that back up to each other and preserves privacy between side neighbors. I have included pictures of every two-story house in the city's report in order (Attachment 3) and it is clear that this house design does not match the neighborhood in design, orientation, bulk, and character.

This addition would definitely have a significant negative affect on the value of our recently purchased home. Looking out from our only sliding door to the outside, you would be directly viewing the 2<sup>nd</sup> floor of this house and deck along almost the majority of the property line. Also, with a pool in our backyard, these plans would be a huge invasion of privacy. My wife and I would definitely not feel comfortable lying out around the pool in full-view of the neighbors and their three sons.

With three growing children, we definitely understand the neighbor's desire for more space. We ourselves moved from a three bedroom house in Sunnyvale because our previous home was too small for our growing family. We found the plan design to be aesthetically pleasing and modern, but will be out-of-character in the neighborhood and offers minimal consideration to us as adjacent neighbors. We have included a list of variations from the current guidelines.

**Supplemental Information  
Agenda Item 2  
Project 2009-0428 Pomelo Ct.  
Planning Commission 7-27-09**

We are asking that these plans be denied and new ones be required that are designed to match the existing neighborhood in size, second-floor orientation and character. We would definitely not be opposed to a second-floor addition with modern upgrades, as long as it follows the Sunnyvale City-Wide Guidelines and Sunnyvale Single Family Home Design Techniques, which this one clearly does not. Thank you for your time and consideration.

Sincerely,

Craig & Jennifer Uyeda

List of Variations From Sunnyvale City-Wide Design Guidelines  
&  
Sunnyvale Single Family Home Design Techniques

**Relating to Scale**

Proposed plans are for a home of 4,457 square feet. The largest adjacent home to their home is 3,346 square feet. The side neighbors homes are 2,556 & 3,038 square feet. The largest home in the city report is 3,610 square feet.

Reference	Page	Section	Item	Comments
City-Wide Design Techniques	3	I	A1	Intensity and building form do not match surrounding community.
City-Wide Design Techniques	10	II	B6	Does not maintain dominant scale of area. Plan is 847 square feet larger than any area home as stated in in the city report.
Single Family Home Design Techniques	9	2.2	2	Bulk & scale do not match surrounding community.
Single Family Home Design Techniques	9	2.2	3	Is not designed to minimize views into neighboring home's windows and private outdoor spaces.

**Relating to Privacy & Solar Access**

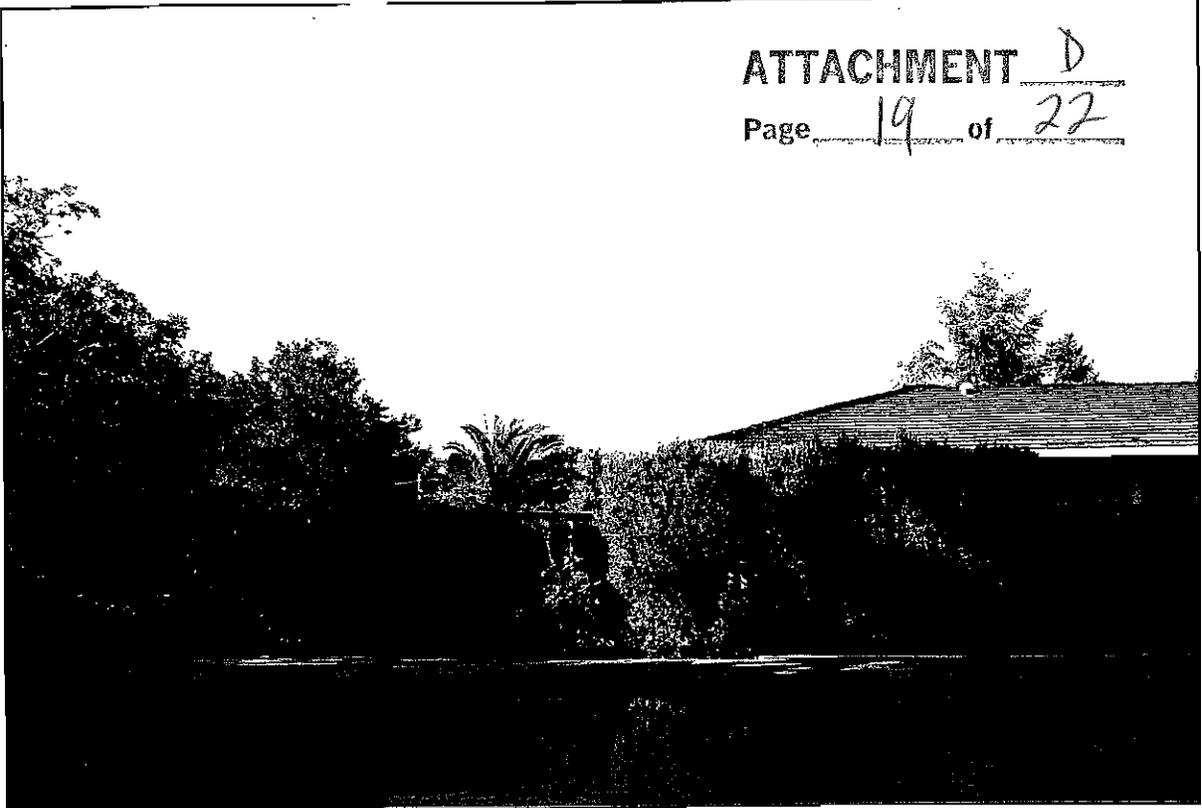
Reference	Page	Section	Item	Comments
City-Wide Design Techniques	7	I	C5	Defines balcony as private open space.
City-Wide Design Techniques	7	I	C7	Side of balcony has direct line of sight into our backyard and family room.
City-Wide Design Techniques	10	II	B7	Plan has a kitchen & bedroom window with direct line of sight into our backyard & family room.
City-Wide Design Techniques	13	III	C18	Windows with direct line of sight are not frosted or placed high.
City-Wide Design Techniques	13	III	C19	Second story is a full living quarter with kitchen & bedroom. Second story is not designed like any other two house in the area. It is not oriented to look into owners private open space.
Single Family Home Design Techniques	22	3.6	A	Second story runs along our entire pool length. Solar access impact will be investigated.
Single Family Home Design Techniques	22	3.6	C	Windows not placed to minimize views of living and yard space of neighboring home. Not above eye level or frosted.
Single Family Home Design Techniques	22	3.6	D	Design should not have a second floor balcony. Proposed balcony would look multiple adjacent property yards and living spaces. Also is not designed in "solid" form.

ATTACHMENT D  
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## Relating to Design

Area has a definite prevailing architectural style with uniform home orientation and setback pattern. Please see attachment 3 of all two-story neighboring homes in area included in city report. The plans for this home has not considered neighborhood character.

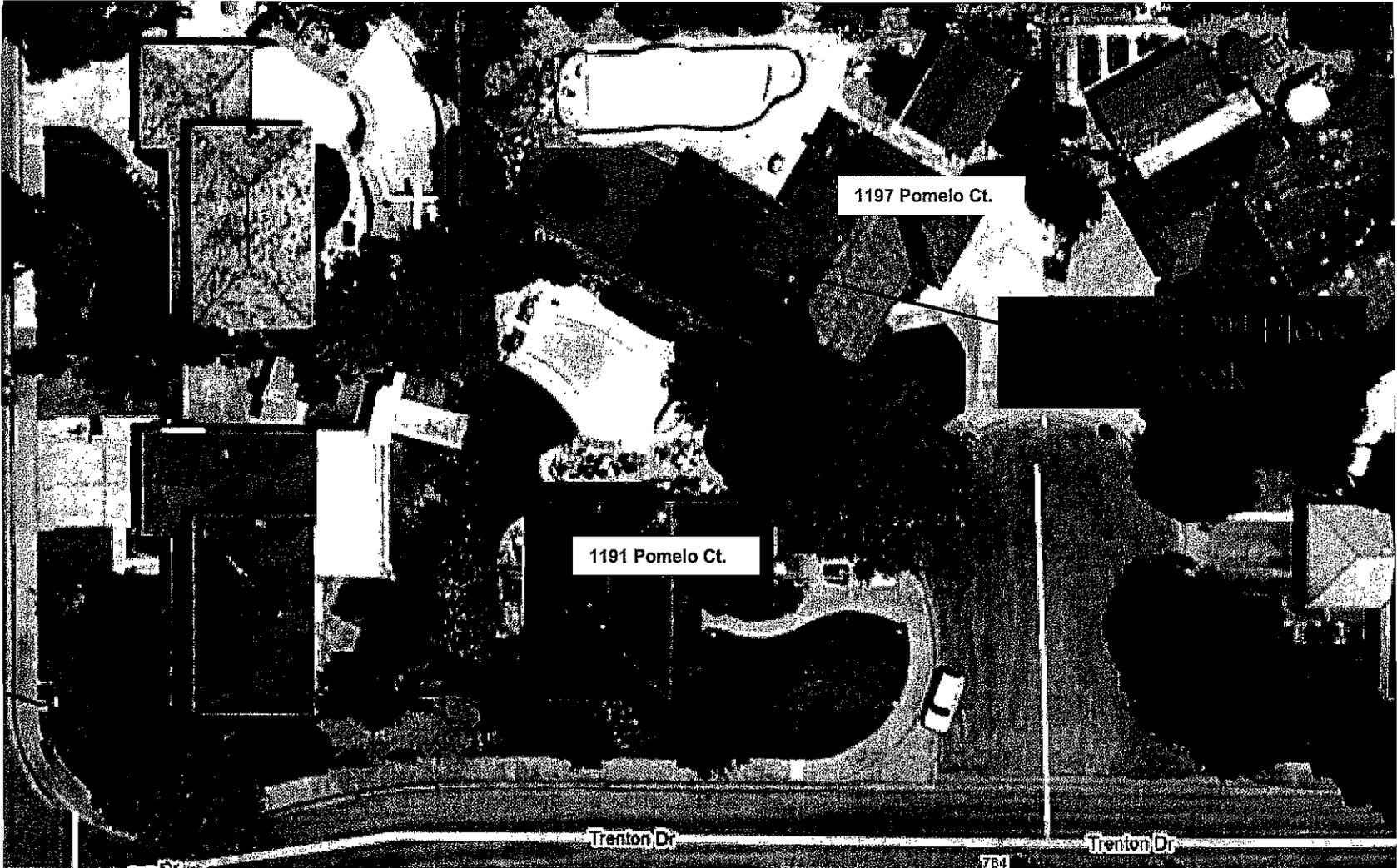
Reference	Page	Section	Item	Comments
City-Wide Design Techniques	3	I	A1	Second floor setback & orientation not compatible with surrounding neighborhood. All other two-story homes in city report have the same orientation and setback.
City-Wide Design Techniques	3	I	A2	All other two-story homes in city report have driveways perpendicular to the street. These plans call for an angled driveway.
City-Wide Design Techniques	10	II	B11	Does not maintain any scale and character of the existing main structure.
City-Wide Design Techniques	11	II	C1	Not compatible with the character of the neighborhood.
City-Wide Design Techniques	14	II	E1	Roof not consistent in form and shape of the dominant roof form in the neighborhood.
Single Family Home Design Techniques	9	2.2	2	Character, roof form & orientation do not match neighborhood.
Single Family Home Design Techniques	11	3.1	A	Second floor setback does not match the uniform setback of all other homes in the neighborhood.
Single Family Home Design Techniques	16	3.4		Style & character of second floor differs from neighborhood.
Single Family Home Design Techniques	18	3.4	L	Too many visually competing elements.
Single Family Home Design Techniques	18	3.4	M	Complex roof forms are not avoided in an area with simple roof forms.
Single Family Home Design Techniques	20	3.5	A	Roof form too complex in area with simple roof forms. Current designs have six gables facing the front of the home. No two-story home in the city report as more than one. Illustration on Pg. 20, 3.5A is a perfect example of this situation.
Single Family Home Design Techniques	20	3.5	B	Simple floor plan covered by simple roof form not designed in plans.

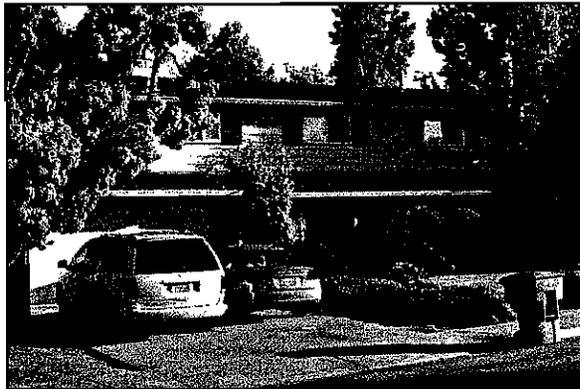
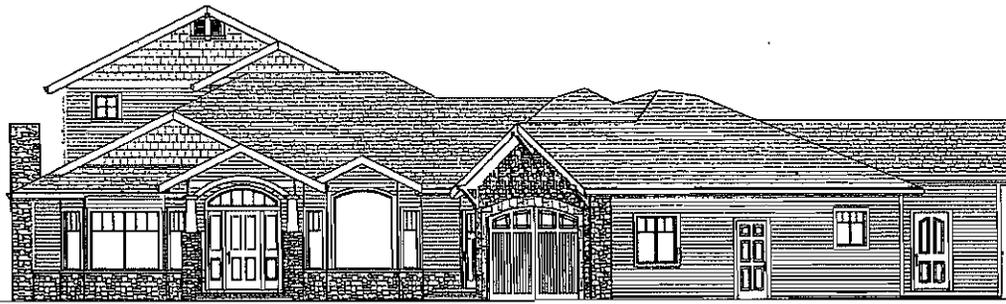


View of area second story addition will be located

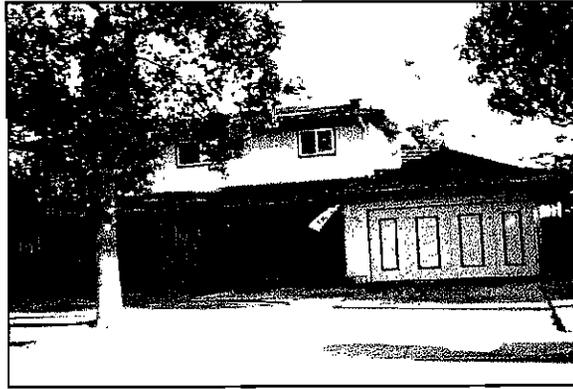


View from family room sliding door to outside





798 Trenton



774 Trenton



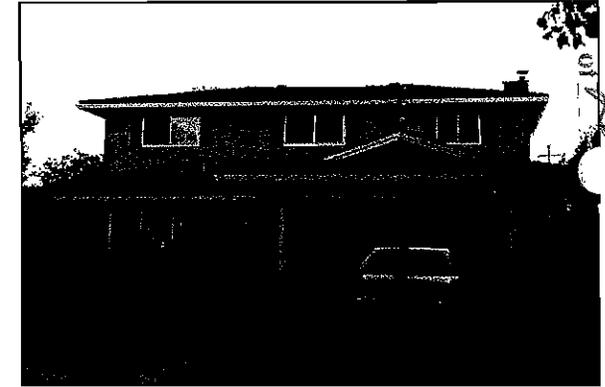
1196 Pome



1194 Pome

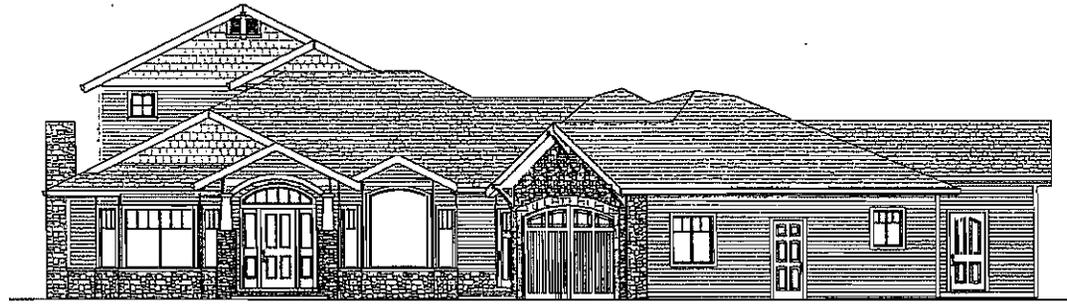


1190 Pome

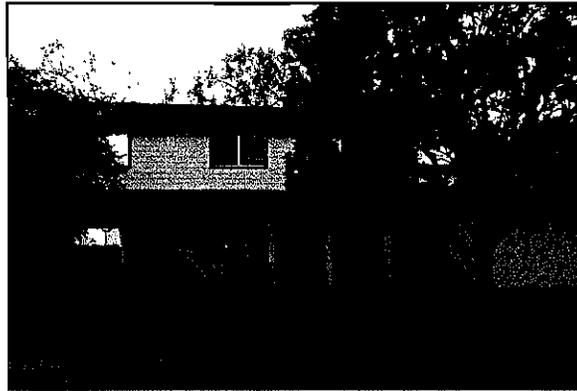


1191 Pomelo

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of 21



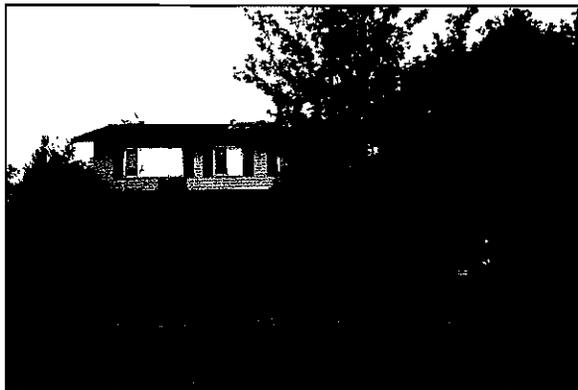
1192 Pomelo



1197 Queen Ann



1195 Queen Ann



1191 Queen Ann

**PLANNING COMMISSION MINUTES OF JULY 27, 2009**

**2009-0428:** Application for Design Review to allow a 2,253 square foot first and second story addition to an existing 1,775 square foot residence located at **1197 Pomelo Court** for a total of 4,457 square feet resulting in a 41% Floor Area Ratio (APN: 202-17-019) SL

**Steve Lynch**, Senior Planner, presented the staff report. He said staff was able to make the findings and is recommending approval of the application. He said additional information received from the public after the report was completed is provided on the dais this evening.

**Comm. Klein** discussed with staff the second story addition. Staff confirmed that the second story unit would be considered an accessory living unit and would be considered under a separate permit considered at staff level. Staff said the Commission would be considering the architecture, including the style and bulk, for the second story unit and not that the unit would be an accessory living unit. Mr. Lynch said State law states that the accessory living unit is effectively allowed by right. Comm. Klein discussed with staff parking, privacy issues, and the deck structure on the second story, and asked for staff's opinion on the second story portion of the project. Staff discussed that the design guidelines encourage consistency in the neighborhood. Comm. Klein commented that it seems odd that the Commission is considering the structure only and that the deed restriction for the accessory living unit would be considered administratively and not be addressed at the same time. Comm. Klein said that he would like staff to further clarify the accessory living unit issue for the Commission at another time.

**Comm. Sulser** asked staff about the zoning and density in the neighborhood. Comm. Sulser asked about the proposed windows on the second story with staff confirming that there are options that could potentially help with privacy to the neighbors.

**Comm. McKenna** said it is difficult to consider the second story unit from just a structural standpoint commenting that a second story addition and an accessory living unit seem to be two different things. She said she understands there is State law and that the accessory living unit is allowed by right. Comm. McKenna discussed with staff the square footage allowed for an accessory living unit and the proposed square footage for the second story for this project. Staff explained that if the project is approved the applicant would then apply for building permits and that a deed restriction would need to be filed for the accessory living unit. Staff said that with an accessory living unit one of the living units would need to be owner occupied for at least 20 years. Comm. McKenna asked about parking and the entrance to the second story unit.

**Comm. Rowe** asked staff about the second story setbacks, the percentage of the house that the second story would be, and parking.

**Chair Chang opened the public hearing.**

**Jeff and Sheryl Boone**, applicants, said they have been working on the plans for their home for a long time. Mr. Boone discussed a letter he provided as supplemental information addressing the solar impact of the second story and what they have done to try to minimize solar impact to neighbors. He discussed the location of the deck on the second story including windows and said they are trying to maximize the view of their yard and pool, and have tried to minimize their view into other yards. Ms. Boone added that she is planning to use the second story as her home office and they have tried to place the windows and doors towards the pool side. She said there are two windows on the second story that face the neighbors, one over a sink, and the other in a bedroom that is needed for egress. Mr. Boone discussed how they have tried to design a home that would fit in with the neighborhood. Mr. Boone referred to Attachment C and discussed what the proposed home might look like from some of the neighbors' yards and how landscaping could be used for privacy.

**Comm. Klein** thanked the applicants for the supplemental information regarding the second story layout. Comm. Klein asked the applicant about the size and orientation of the deck, said that landscaping could help with privacy, and commented that this is an odd shaped lot.

**Comm. Rowe** asked the applicant about the deck, and why the steps are not closer to the house, with the applicant explaining that it would block the view for the master bedroom. Comm. Rowe discussed with the applicant about planting trees for green screening on their own property.

**Phil Brennan**, a Sunnyvale resident, spoke in support of the project and said he thinks this addition will add to the property values of homes in the neighborhood.

**Craig Uyeda**, a Sunnyvale resident, discussed his concerns with the size of the addition in comparison with other homes in the neighborhood. He said the plans offer no privacy to him as a neighbor due to windows, the deck and the staircase that would overlook his yard. He referred to the Sunnyvale Design Guidelines and discussed how he thinks that the proposed design does not meet the guidelines, and why he thinks the proposed features are not consistent with the neighborhood. Mr. Uyeda said the timing of this project is unfortunate as his family has recently moved in and they have not even had a chance to meet the Boones when they had to start preparing for tonight's public hearing. He said his concerns are nothing personal towards the Boones and his family's desire is to be a positive part of this neighborhood.

**Jennifer Uyeda**, a Sunnyvale neighbor and wife of Craig, explained that they recently moved into their neighborhood and that privacy was one of their main concerns. She

said when they found out about the proposed addition the applicant's were out of town so they came to City Hall to review the plans. She said they were disappointed that their privacy was going to be affected, and they did not want to meet their new neighbors this way as they want to be good neighbors to the Boones. She said they value their privacy and hope the neighbors understand why they are here.

**Gene Seelbach**, a Sunnyvale resident, said that he has lived in the neighborhood for a long time and discussed the issue of two story houses and privacy. He said he thinks the privacy issue could probably be resolved with landscaping.

**Joanne Riley**, a Sunnyvale resident and realtor for Craig and Jennifer Uyeda, said when her clients purchased the house they had no idea that the neighbors were going to build an addition and their privacy might be gone. She said her clients would never have bought the property if they had known this project was going to be built.

**Mr. Boone** said that the angles of the garage of their adjacent neighbor are the same as they are proposing. He discussed the updated style of the home and that he thinks the style will maximize their property value and positively affect the neighbors' home values. He said their goal is not to overlook the neighbor's yard and he thinks that landscape screening would afford privacy between the two homes. Ms. Boone said that the deck faces the neighbor's side yard and that the second story has been kept to a minimum. She said their intent is to maximize the view of their own yard and not affect their neighbor's privacy.

**Chair Chang closed the public hearing.**

**Comm. Rowe** discussed with staff that the Commission is reviewing this project because the proposed square footage, which exceeds 4,050 square feet, requires Planning Commission review. Comm. Rowe referred to supplemental information provided on the dais and discussed the windows on the second story and whether they could be modified. Staff said the kitchen window could be raised and the bedroom window is needed for egress. Comm. Rowe discussed the deck and confirmed with staff that it is allowed by guidelines though discouraged due to privacy issues. Mr. Lynch said this project creates unusual side and rear yard concerns.

**Comm. Klein** asked staff to provide input about the design of the deck. Mr. Lynch discussed the difficulties with decks and visibility issues, and said a solid railing around the deck might reduce the impact to the neighbor's privacy.

**Comm. McKenna moved for staff recommendation to approve the Design Review with the attached conditions.** Comm. Klein seconded the motion and asked for a Friendly Amendment to increase the setback of the second story deck from the left property line, and for the applicant to work with staff to look at screening the left facing

portion towards the Uyeda's property. Comm. McKenna asked Comm. Klein for further clarification about his Friendly Amendment regarding increasing the setback. After discussion of the proposed Friendly Amendment modifications, Comm. McKenna said she was not comfortable with the redesign suggestions and said she could not accept the Friendly Amendment. Comm. Klein withdrew his second. **Comm. Travis seconded the motion and offered a Friendly Amendment for the applicant to continue to work on green screening on the south elevation of home and further review of the material of the deck for potential solid use of materials to increase privacy, with Comm. McKenna adding that the deck be moved in approximately two feet to be flush with the home. The Friendly Amendments were acceptable to both the maker and the seconder.**

**Comm. Klein** clarified with staff the difference between setbacks to the home and the eaveline and that Comm. Klein was correct about the setbacks. Comm. Klein said he thinks the design of the home is good, however he would not be supporting the motion as there are issues with the deck and privacy. He said that green screening takes time and he still has an issue with a deck or balcony being only 11 feet from to the neighbor's useable space.

**Comm. Rowe** said she would not be supporting motion, that she has a problem with the deck and thinks the staircase should be redesigned. She said the home design is attractive, however she thinks the roofline adds bulk to the front of the house. Comm. Rowe commented there is difficulty working with odd shaped lots. She complemented the homeowners for working with staff, but said the deck and stairway are still issues and a problem for the neighbors.

**Comm. Sulser** said he would be supporting the motion, and that this is an awkward site plan and parcel. He said he does not think the design is bulky. He said the main issue is the deck and privacy impacts and he thinks that as amended the privacy concerns can be addressed.

**Comm. McKenna** said that the difficulty with this project is that it sits in a cul-de-sac on a pie shaped lot and does not run perpendicular to the street. She said there is a lot of square footage being added however the project has been well designed and is not very noticeable. She said she sympathizes with the new neighbors and said when anyone moves in that additions can happen at any time and the timing is unfortunate. She said the decking is the furthest away from the neighbor's yard. She said she thinks with the modifications that this should not be significant impact on the neighborhood and may be a positive impact.

**Vice Chair Travis** said he agrees with Comm. McKenna and sympathizes with neighbors. He said the applicant is willing to discuss the green screening and material

issues and are willing to work proactively with their neighbors. He said he likes the architecture.

**Chair Chang** thanked the applicant for working with the Planning staff. He said there are discrepancies regarding the side and back yard and some privacy issues. He said he thinks work can still be done on project and said he would not be supporting the motion.

**The motion failed, 3-3, with Chair Chang, Comm. Klein and Comm. Rowe dissenting, and Comm. Hungerford absent.**

**Gerri Caruso**, Principal Planner, said that a tie vote is considered a denial. She said the Commission can make an additional motion, the item could be continued to another hearing, or the applicant could appeal the application to City Council.

**Kathryn Berry**, Senior Assistant City Attorney, said that in the three years she has been working with the City of Sunnyvale, that the Planning Commission has never continued a hearing item to a future meeting to break a tie vote. She said it is an interesting idea as it would resolve the problem. She said that, on many appeals that have gone to City Council, that the Council would have preferred the issue would have been resolved at the Commission level. She said if the Commission can resolve this issue at the Commission level that would be best. She said it is at the Chair's discretion what the Commission chooses to do and discussion with the Planning Commissioners should help the Chair make a decision. The Commissioner's discussed options with staff.

**Comm. Rowe** moved to accept the staff recommendation with modifications that consideration be given to green screening, and that the deck be redesigned so it is still large enough for socializing, and that the stairway be modified so it does not protrude out as far as proposed. The motion died for lack of a second.

**Comm. Klein moved to continue this item to the August 24, 2009 Planning Commission meeting. Comm. Sulser seconded the motion.**

**Comm. Klein** commented that he is hoping before that next time this project comes before the Commission that there is clarification on the size of the deck, the setbacks for the deck and the stairway, and possibly the concerns discussed this evening would be resolved. Comm. Klein commented that the Commission needs staff to clarify the accessory living unit rules and how they are applied during the application process. Ms. Caruso said that staff would try to address this subject in a Study Session before the August 24, 2009 meeting.

**Comm. Rowe** said she would be supporting the motion.

**ACTION: Comm. McKenna made a motion on 2009-0428 to approve the Design Review with modified conditions. Vice Chair Travis seconded. Motion failed 3-3-0, with Chair Chang, Comm. Klein and Comm. Rowe dissenting, and Comm. Hungerford absent.**

Due to the failed motion, a second motion was made for a modified project and failed to get a second.

A third motion was made to continue this item to a date allowing for a full Commission to be present.

**ACTION: Comm. Klein made a motion on 2009-0428 to continue this item to the August 24, 2009 meeting. Comm. Sulser seconded. Motion carried 6-0, with Comm. Hungerford absent.**

**APPEAL OPTIONS: This action serves as legal notification of the continuance of this item.**