

**PLANNING COMMISSION MINUTES OF AUGUST 24, 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 (*Continued from July 27, 2009.*)

**Steve Lynch**, Senior Planner, presented the staff report. He said supplemental information was provided by the applicant after the report was completed and is provided on the dais this evening. He said the applicant and neighbor have come to an agreement on raising the sill of the kitchen window on the second floor. He said staff is recommending approval of the Design Review with the attached conditions including the change in the height of the window sill.

**Comm. Sulser** referred to the supplemental information that indicates changes to the setbacks. Staff said there could be changes to the setbacks.

**Comm. Rowe** discussed the trees shown in Attachment D, pages 5 and 6, and asked whether they are deciduous trees. Mr. Lynch said there are existing trees and the applicant could address the question, however privacy landscaping is not proposed between the applicant's property and the neighbor who had other privacy concerns.

**Comm. Hungerford** discussed with staff the orientation of the applicant's house to the neighbors' homes and asked about the location of the proposed deck and the stairway.

**Chair Chang opened the public hearing.**

**Jeff Boone**, applicant, discussed the changes that have been made since the original proposal considered at the July 27, 2009 Planning Commission meeting. He said the biggest issues previously were the deck and privacy concerns for his neighbors, the Uyedas. Mr. Boone said the changes made were to design the deck to be flush with house and to put a privacy wall on the south side of the deck. Mr. Boone said that there were previously concerns about the bedroom window on the second story and that the sill needs to remain as previously proposed to address egress issues. He said they have proposed to use privacy glass for the lower portion of the window. He said that they are proposing to raise the sill of the kitchen window to address privacy concerns. Mr. Boone confirmed there is a mix of deciduous and evergreen trees on their property, however none are between his house and the Uyeda's house.

**Comm. Rowe** asked the applicant about Attachment D, pages 5 and 6 and if the trees in the pictures are deciduous or evergreen.

**Comm. Klein** said that he talked to the applicant after the Planning Commission meeting of July 27, 2009. Comm. Klein said he would have liked to have seen the deck moved further in, but the current modification is okay. Comm. Klein discussed with Mr. Boone the other modifications provided this evening including the raising of the kitchen window sill, and the increase of the second story setback by one foot confirming that the applicant intends to increase the setback, but has not made the changes on the architectural plans yet.

**Comm. Hungerford** discussed the stairway with Mr. Boone. Mr. Lynch clarified that there is no internal stairway to the second story and only an external stairway to access the second story unit.

**Craig Uyeda**, a Sunnyvale resident and neighbor, thanked the Commission for extending the decision the extra month as it provided the time for the two neighbors to work through the issues. He said he has no further opposition to the plans.

**Comm. Hungerford** asked Mr. Uyeda his address, 1911 Pomelo Court, confirming which adjacent neighbor he is.

**Chair Chang closed the public hearing.**

**Comm. McKenna moved to approve the application with conditions as presented by staff this evening. Comm. Klein seconded the motion.**

**Comm. McKenna** thanked the applicant, the neighbor and staff for providing a compromise this evening which helps balance competing interests. She congratulated the involved parties for working out the modifications.

**Comm. Klein** thanked everyone involved for reaching a compromise outside this meeting and said it was the best possible solution. He said one of the biggest issues of the project was the second story deck and the privacy for the Uyedas. He said he thinks increasing the second story setback is a good final solution.

**Comm. Sulser** asked Comm. McKenna for clarification regarding the motion and whether the motion includes the newer information presented this evening regarding the raised kitchen window sill and the other modifications that came in after the report was written. Comm. Sulser, Comm. McKenna and Mr. Lynch discussed that the motion should include the modified conditions in the motion.

**Comm. McKenna** said the intent of the motion was to include the modifications discussed this evening that were provided after the report was completed. **Comm. Klein said that the motion should include Comm. Sulser's Friendly Amendments to include the modifications that the second story kitchen window sill height will be 42 inches and that the second story would be set back by 12 feet as the applicant suggested. The maker and seconder of the motion accepted the Friendly Amendment.**

**Comm. Rowe** said she would be supporting the motion and that she was disappointed that the stairs are not closer to the building. She said since the neighbors did not raise the aesthetics of the stairway then she would support the motion.

**Comm. Hungerford** said he would be supporting motion and that he agrees with Comm. Rowe about the stairway. He applauded the neighbors for working together to come up with a workable compromise.

**Vice Chair Travis** said he would be supporting the motion and agrees with his fellow Commissioners.

**Chair Chang** said he would be supporting the motion and he thinks this will be a good project.

**ACTION: Comm. McKenna made a motion on 2009-0428 to approve the Design Review with modified conditions: that the second story kitchen window sill height would be 42 inches; and that the second story would be set back by 12 feet. Comm. Klein seconded. Motion carried 7-0.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than September 8, 2009.**