

**PLANNING COMMISSION MINUTES OF DECEMBER 14, 2009**

**2009-0816** - Application for a Special Development Permit to allow a 178 square foot addition resulting in a 60.7% Floor Area Ratio and 43.8% lot coverage for a site located at **879 Ithaca Avenue**. (APN: 201-07-080) NC

**Andrew Miner**, Principal Planner, presented the staff report. He said staff has provided to the Commissioners a revised page four to the staff report with a correction to the lot coverage on one of the homes. He said staff's concern with the proposed project is the lot coverage. He said staff was unable to make the findings for the Special Development Permit and recommends denial.

**Comm. Sulser** asked staff about the current 40.6% lot coverage. **Trudi Ryan**, Planning Officer, said the current lot coverage was probably approved as this site is located in a Planned Development (PD) Combining District, which allows some deviation from the dimensional zoning standards through a Special Development Permit.

**Chair Chang** opened the public hearing.

**Hal Nystrom**, applicant, described the project and explained the personal reasons for requesting this addition. He said there are no negative affects of the addition as the addition would be in the back of the house and hidden by the existing structure. He said he thinks the addition is consistent with the character of the neighborhood, and that the general appearance will not impair the orderly development of adjacent properties. He said the uses will not impact the neighbors. He said common goals for a project for the City and residents would be to make sure the long-term appearance of the community is protected, that homeowners are protected, and to create value. He said the proposed changes do not affect any of the goals. He said he has provided on the dais a petition from most of his neighbors supporting the project and encouraged the Commission to approve the project.

**Comm. Sulser** discussed with Mr. Nystrom the proposed expansion and whether the applicant had considered adding to the second story.

**Sophia Schen**, a Sunnyvale resident and neighbor, discussed her concerns with the proposed project including lot coverage inconsistency, change in the patio area resulting in more noise, setting a precedence for other families to close in the patio area, and that it may affect the desirability of the neighborhood. She said she is concerned about her parking while the remodeling is going on as she had a problem in the past.

**Mr. Nystrom** said that he does not think there would be an increase in noise with the addition and that barbecues would be on the other side of the house from Ms. Schen's house. Mr. Nystrom confirmed that one of their contractors did park on her driveway once, however they have made sure it did not happen again.

**Chair Chang closed the public hearing.**

**Comm. Hungerford** discussed with staff the concern of lot coverage and asked if the purpose was to preserve open space. Ms. Ryan said lot coverage is the measurement of the bulk of the building on the property to assure that a certain amount of the property is not developed with structure. She said 40% is the standard for residential zoning districts and this home was previously allowed to exceed that along with other homes in this subdivision. She said this was a difficult call for staff, however staff felt it would be difficult to make the findings for a Variance.

**Comm. Sulser moved for Alternative 1 to deny the Special Development Permit. Comm. Klein seconded the motion.**

**Comm. Sulser** said he could not make the required findings. He said the requirement for the lot coverage is not about the house aesthetics. He said it is important that the Commission provides equitable enforcement of the Municipal Code and the rules should apply to all residents.

**Comm. Klein** said it is important for projects to meet the Sunnyvale rules, and 40% is the maximum lot coverage. He said a lot of homes have similar layouts and giving the applicant the ability to close in the home design increases the lot coverage, and everyone in the neighborhood could potentially do the same. He said the rules for lot coverage are put in place to maintain bulk versus land use. Comm. Klein said it is a rule that should be maintained throughout all neighborhoods.

**ACTION: Comm. Sulser made a motion on 2009-0816 to deny the Special Development Permit. Comm. Klein seconded. Motion carried, 5-0, with Comm. Rowe and Vice Chair Travis absent.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than December 29, 2009.**