

PLANNING COMMISSION OF JUNE 28, 2010

2010-7291 - The Ridgecrest Group [Applicant] **Omid Shakeri** [Owner]: A Design Review for three one-story single-family homes, including two homes greater than 3,600 square feet which require Planning Commission review. A Variance is requested for each home to allow an approximately 19'6" height where 17' is allowed in the single story combining district on a site located at **574 Bobolink Circle** (APN: 309-02-034) RK

Comm. Rowe recused herself and left the chambers as she owns property within 500 feet of the proposed site.

Trudi Ryan, Planning Officer, presented the staff report. She said staff recommends approval of the Variances, and approval of the Design Reviews with the recommended Conditions of Approval.

Comm. Sulser confirmed with staff that this project is being considered by the Planning Commission as the previous permit expired. Comm. Sulser discussed with staff that the previous permit was not included in the program that extended planning permits however the tentative map for this site was included in the statewide extension.

Comm. Hungerford confirmed with staff this neighborhood has a single-story combining district designation and the height of the homes are a concern in the neighborhood. Comm. Hungerford discussed with staff the height of the house, the elevation of the site, and the standard ceiling heights in the proposal.

Chair Chang opened the public hearing.

Omid Shakeri, applicant, said the proposed map and design were previously approved. He said work had begun on the project and about two years ago the financing went away. He said he was getting ready to restart and was informed by staff that the permit had expired. He said they have not changed any of the designs discussing the height of ceilings, which are 9 feet and standard for single-story homes. He discussed the issue of the single-story overlay in regard to the proposed site and designs, and height of the proposed homes in comparison to other homes in the neighborhood. He said he agrees with all of the conditions of approval and that the Stormwater Management Plan has already been submitted and approved by City staff.

Vice Chair Travis discussed with the applicant the height of the existing home, which will be demolished, and confirmed that from the base of the wall to the peak of the new houses would be 17 feet high.

Comm. Klein further discussed with the applicant the ceiling and roof height of the proposed homes.

Martin Landzaat, a neighbor and resident of Sunnyvale, spoke against the proposed plan and said the size, bulk, and design of the homes are incompatible with the surrounding homes. He said he is concerned about the three trees to be removed, specifically the palm tree, which the applicant says is blocking the proposed driveway. He said the tree is valuable. He encouraged the Commission to apply the City guidelines being consistent with what has been done in the past.

Mr. Shakeri addressed Mr. Landzaat's concern about the palm tree and said it is in the driveway of the flag lot and needs to be removed to provide adequate width for fire department access.

Comm. Sulser asked the applicant if it is feasible to move the palm tree. Mr. Shakeri said palm trees are movable, however they are expensive to move. He said the tree is not suitable for the proposed motif.

Chair Chang closed the public hearing.

Comm. Hungerford discussed the Project Data Table in Attachment C with staff. Ms. Ryan said there was a corrected Project Data Table which should have been provided to the Commission and said the corrections are: the minimum front yard setback is 20 feet, the minimum setback for the right and left sides is 4 feet with a combined 12 or 14 feet depending on the lot width and said that all three houses meet the setback requirements. Ms. Ryan said the only Variances are for height.

Comm. Klein moved for Alternative 1, to approve the Variances and Design Reviews located in the attached Conditions of Approval. Comm. Sulser seconded the motion.

Comm. Klein said he was able to make the findings for the Variances. He said the Commission does not take approving a Variance lightly. He said this is three homes replacing one larger, taller home and the overall height is actually being lowered. He said, regarding the palm tree, that the project previously approved was for the flag lot and all three homes are meeting the requirements. He strongly urged the applicant to have the tree relocated. He said the Planning Commission approved this project several years ago and the intent of maintaining the single-story combining district is being met.

Comm. Sulser said he agrees with Comm. Klein and the project meets the development standards. He said he was able to make the findings for the Variance. He said Variances are very hard to approve, however he can make the findings for this project.

Comm. McKenna offered a Friendly Amendment that the tree be relocated on the property, noting that the landscaping motif can be modified. The Friendly Amendment was not acceptable to the maker of the motion. Comm. Klein said that the Commission has not required applicants to move trees in the past and he does not think that moving this palm tree is pertinent to the application.

Comm. Hungerford said this site is located in a single-story combining district making height a significant issue. He said the height of the wall to the rooftop is 17 feet, is within the height limit, and is compatible with the houses in the neighborhood. He said he was able to make the findings for the Variances.

Chair Chang said granting a Variance is always a tough issue, however he was able to make the findings and he looks forward to seeing these homes built especially during these tough economic times.

Kathryn Berry, Senior Assistant City Attorney, said based on the City code that the Commission has the authority to require relocation of a tree either on or offsite a property.

ACTION: Comm. Klein made a motion on 2010-7291 to approve the Variances and Design Reviews with the attached Conditions of Approval. Comm. Sulser seconded the motion. Motion carried 5-1, with Comm. McKenna dissenting, and Comm. Rowe recusing herself.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 13, 2010.