



Council Meeting: April 27, 2010

SUBJECT: 2009-0874: Appeal by the applicant and an appeal by the adjacent neighbor of a decision by the Planning Commission approving a Design Review to allow a 1,314 square foot addition to an existing 2,018 square foot home totaling 3,332 square feet with 54% Floor Area Ratio for a site located at 1560 Grackle Way.

REPORT IN BRIEF

Existing Site Conditions Single-family home

Surrounding Land Uses

North Single-family home

South Single-family home

East Single-family home

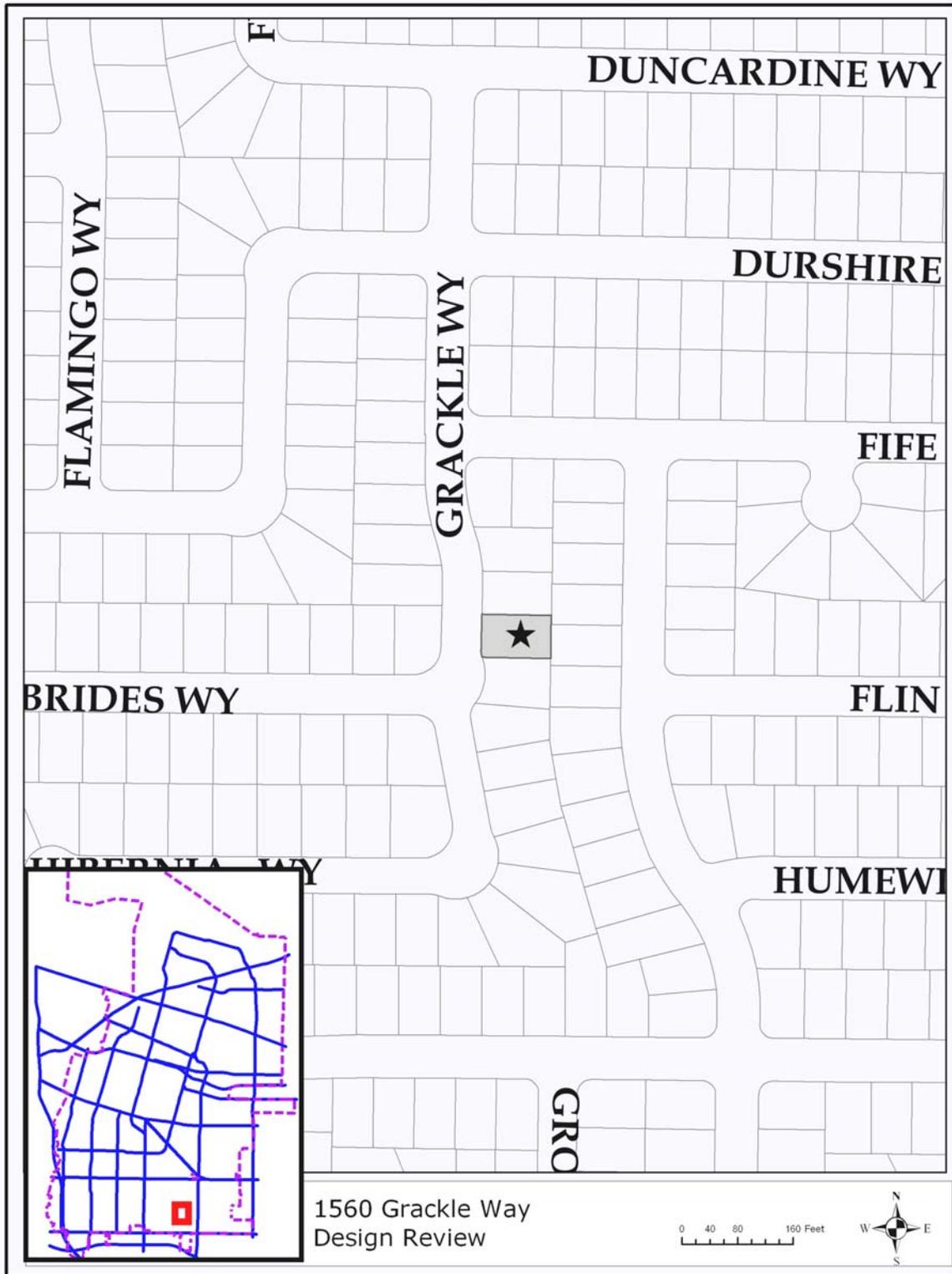
West Single-family home

Issues Neighborhood Compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Planning Commission Action on Appeal Approved the Design Review to allow a 1,314 square foot addition (first and second floors) to an existing 2,018 square foot home totaling 3,332 square feet with 54% Floor Area Ratio with recommended conditions including an additional four foot setback on the right side of the second floor and changing the gable element over the garage to a hipped roof element.

Staff Recommendation Deny the appeals and uphold the decision of the Planning Commission.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-O	Same	R-O
Lot Size (s.f.)	6,192	Same	6,192
Gross Floor Area (s.f.)	2,018	3,332	2,786 w/o PC review
Lot Coverage (%)	33%	38%	40% max.
Floor Area Ratio (FAR)	33%	54%	45% threshold
Building Height (ft.)	15'	24'	30' max.
No. of Stories	1	2	2 max.
Setbacks			
First Floor:			
Front	20'	20'	20'
Right Side	7'	7'	4'
Left Side	8'	8'	8'
Combined Side	15'	15'	12'
Second Floor:			
Front	N/A	39'	25'
Right Side	N/A	7'	7'
Left Side	N/A	13'	11'
Combined Side	N/A	20'	18'
Rear:	25'	25'	20' min.
Parking			
Total Spaces	4	4	4 min.
Covered Spaces	2	2	2 min.

BACKGROUND

The proposed project includes additions to an existing 1960 ranch style home. The proposed additions will accommodate a new family room on the ground floor and a new master suite and new bedroom on the second floor. The resulting floor area for the structure will be 3,332 with a floor area ratio of (FAR) 54% (see Attachment C – Project Plans). The subject property is located two parcels away from the former Inverness School site, which was redeveloped in the early 1990's with larger contemporary styles of homes. The proposed changes will give the home a slight contemporary style.

The project was reviewed by the Planning Commission at a public hearing on February 8, 2010. During the meeting the adjacent neighbors to the north

voiced concerns about the proposed addition and impacts to sunlight into their kitchen window. The Planning Commission continued the item to February 22, 2010 to allow time for the applicant to provide additional information regarding the location of the neighbor's window, study the possibility of lowering the roof ridge height, and clarifying the type of windows used on the sides of the second floor. The applicant provided the following for the February 22, 2010 meeting:

- Window location and shading: The applicant revised the plans and included additional shading analysis. The analysis clarified the location of the neighbor's window, current shading, shading at winter solstice and when the window would be affected by the addition (Attachment C, sheets A6 through A7). Based on the information provided by the applicant's architect, the window will be affected by the proposed second floor between November and January.
- Lowering the ridge height: The applicant did not propose lowering the height of the ridge since it would not result in a significant change in the shading of the window. The studies provided by the applicant indicated that the second floor would need to be moved to the south side to significantly reduce shading of the kitchen window (see Attachment C, sheet A6.2).
- Privacy windows for the second floor: The applicant indicated that windows located on the sides of the second floor will be opaque windows. A condition was added requiring the building permit plans to clearly indicate that side second floor windows will be opaque or clearstory windows above eye level (see Attachment B, Condition #3).

The Planning Commission approved the Design Review to allow first and second floor additions and a floor area ratio (FAR) of 54% (see Attachments F and G, Planning Commission Minutes).

DISCUSSION

Appeal by the Project Applicant: The project applicant (Ashwin Kadia) has filed an appeal (see Attachment D) contesting the design changes which were contained in the approved conditions in Attachment B. The design changes contained in Conditions 3.A.2 and 3.A.3 included an additional four foot setback on the right side of the new second floor (see south elevation) and changing the gable dormer element for bedroom four to a hipped roof element. Both design changes were recommended by staff to address the bulk and mass by reducing the width of the second floor and the apparent height of the second floor above the garage.

The applicant's appeal notes that the second floor is setback 23 feet from the face of the garage, on the right side, and that two story wall elements are common in the neighborhood. In addition, the four foot setback will result in significant construction costs due to engineering that would be required to support the new floor above. The applicant has also indicated that he would like to retain the gable element for the fourth bedroom above the garage. The applicant indicates that the gable element complements the other gable forms and it will allow for a larger window for the room.

Appeal by the Adjacent Neighbor: A neighbor (Peter McCloskey) filed an appeal contesting the approved Design Review due to the shading resulting from the proposed second floor addition (see Attachment E). The neighbor indicates that the second floor will impact the amount of natural light into his kitchen window and living area on the south side of his home. In addition, a large tree and tall shrubs also shade the windows. The additional information provided at the February 22, 2010 Planning Commission meeting indicated that the window would be shaded from November through January from 9:00 a.m. to approximately 2:30 p.m. Staff had discussed options with the neighbor to possibly reduce the amount of time the window is shaded. Since a reduction of the ridge height would not address the issue staff noted that if the depth of the left side of the second floor was reduced (pushed back), it would lessen the time the kitchen window was shaded. To accomplish this, the master bath would need to be moved to the south side of the master bedroom. This would reduce the amount of time the window would be shaded (approximately 1 to 2 hours per day November through January). Mr. McCloskey has requested that the Council consider this option.

Staff's Comments on Appeals: Staff supports the Planning Commission decision approving the Design Review and required design changes contained in Conditions 3.A.2 and 3.A.3. The Single Family Design Techniques state that second floor additions should be set in on the front, sides and rear. The design changes required by the Planning Commission are consistent with the adopted design techniques.

The neighbors concerns regarding shading of the kitchen window are addressed by the Solar Access section of the Zoning Code and the Single Family Design Techniques, in which the approved project complies with.

- **Solar Access:** The Sunnyvale Municipal Code includes standards to limit the shading impact of second stories on adjacent properties. This is to ensure that solar panel installation remains a viable option for the adjacent properties. Solar Access requirements limit the maximum shading to ten percent during winter solstice (the shortest day of the year). The proposed project complies with this requirement.

- Single Family Design Techniques: The Single Family Design Techniques (SFDT) contains numerous guidelines to address bulk, scale, mass, privacy and neighborhood compatibility. The SFDTs are used to steer proposals in a direction that best suits the neighborhood and that generally complies with the intent of the SFDTs. The SFDTs contains the following guideline that speaks to solar access:

3.6 (A) New homes and additions to existing structures should be located to minimize blockage on sun access to living spaces and actively used outdoor areas on adjacent homes.

Shading is a result of the proximity of the homes and location in regards to north south alignment. The neighbor has requested that the master bath be moved to the south side of the structure to reduce the amount of time their kitchen window would be shaded. This would result in a minor reduction in the amount of time the window is shaded (approximately 1 to 2 hours). As noted above, the additions proposed by the applicant are consistent with the Solar Access requirements of the Zoning Code and it generally complies with the intent of the SFDTs by using elements and materials that provide a transition between the contemporary homes to the south and the ranch style homes to the north while providing an addition that is integrated with the existing home.

Although the addition does result in some shading, the neighbor's kitchen will receive filtered light during in the morning and early afternoon hours between the months of November through January. The relocation of the master bathroom would only result in a minor benefit. In addition, the proposed project complies with the Solar Access requirements and the relocation of the master bath may result in an imbalance of the proposed second floor (unless it is completely redesigned).

Mediation: The project applicant and the adjacent neighbors agreed to use mediation services through Project Sentinel. Both parties met on March 5th to begin the process. As of the date this report was prepared, both parties were still participating in mediation. The applicant and the neighbor may be able to provide additional information regarding the results of the mediation on April 27, 2010.

ENVIRONMENTAL REVIEW

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include additions to existing structures.

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 Web site.

Notice of the Planning Commission appeal was mailed to thirty-three adjacent property owners, residents, and interested parties. Staff has not been contacted by any members of the public regarding the appeals.

ALTERNATIVES

1. Deny the appeals and approve the Design Review with the conditions imposed by the Planning Commission (Attachment B)
2. Grant the applicant's appeal and approve the Design Review as submitted (eliminating Conditions of Approval 3.A.1 and 3.A.2).
3. Grant the neighbor's appeal and approve the Design Review with modified design changes.
4. Deny the Design Review.

RECOMMENDATION

Staff recommends Alternative 1 to the City Council.

Reviewed by:

Hanson Hom, Director, Community Development Department

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Shaunn Mendrin, Senior Planner

Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Recommended Findings
- B. Standard Requirements and Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Project Applicant (Ashwin Kedia) Appeal Letter
- E. Adjacent Neighbor (Peter McCloskey) Appeal Letter
- F. Minutes of Planning Commission Hearing February 8, 2010
- G. Minutes of Planning Commission Hearing February 22, 2010

Recommended Findings – Design Review

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

Single Family Design Techniques	Comments
<i>2. Respect the scale, bulk and character of the homes in the adjacent neighborhood.</i>	The proposed additions are sited appropriately and the use of varied setbacks and architectural elements reduce the apparent mass of the structure.
<i>3.5 B Use roof forms, orientations and ridge heights similar to those in the adjacent neighborhood. For example, where nearby homes along a street front have prominent gables facing the street, include gable elements of a similar scale and pitch facing the street on the new home or addition.</i>	The applicant proposes to use roof forms that are compatible with the existing structure and surrounding homes.
<i>3.5 E. Keep first and second floor eave heights at the same general height as adjacent homes to minimize the visual bulk of the new construction. The recent desire for taller interior ceiling heights should be achieved through interior open spaces or cathedral ceilings, rather than taller exterior walls and higher eave heights, unless the taller heights are consistent with adjacent homes.</i>	The proposed addition maintains the existing plate and eave heights complimenting the existing structure and neighborhood.
<i>3.6 A. New homes and additions to existing structures should be located to minimize blockage of sun access to living spaces and actively used outdoor areas on adjacent homes.</i>	The proposal is a one story addition to the rear of the home, minimizing any solar access impacts.
<i>3.6 C. Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes. When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.</i>	The proposed second floor addition will have minimal privacy impacts since side windows have been placed in areas that are not as frequently used.
<i>3.7 Use materials that are compatible with the neighborhood.</i>	The proposed materials will be visually similar to other materials found in the neighborhood.

Recommended Conditions of Approval – Design Review

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. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes shall be subject to approval at a public hearing.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Design Review shall be null and void two years (Ordinance 2895-09) from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to the expiration date.
- D. The Building permit plans shall be in substantial conformance with the Planning Commission approved plans and planning application.
- E. No trees are proposed for removal as part of this project. A separate tree removal permit shall be required for removal of protected trees in the future (SMC 19.94.030(4)).
- F. A tree protection plan shall be submitted for any existing trees on the site. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - *Inventory:* An inventory shall be taken of all existing trees on the plan including the valuation of all ‘protected trees’ by a certified arborist, using the latest version of the “Guide for Plant Appraisal” published by the International Society of Arboriculture (ISA). All existing (non-orchard) trees shall be shown on the plans, indicating size and varieties, and clearly specify which are to be retained.
 - *Fencing:* Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or

equipment is stored within the fenced area during the course of demolition and construction.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain Building Permits as required for all proposed demolition and construction.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The building permit plans shall incorporate the following changes which shall be subject to review and approval by the Director of Community Development prior to issuance of building permit:
- 1) Provide an additional 4 foot setback on the right side of the proposed second floor.
 - 2) The gable located over the new second floor bedroom shall be changed to a hipped roof element.
 - 3) The second floor side windows shall be opaque or clearstory windows above eye level.
- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.



SHEET INDEX

- A1 TITLE SHEET, PROJECT INFO.
- A2 EXISTING & PROPOSED SITE PLANS
- A3 EXISTING FLOOR PLAN & ELEVATIONS
- A4 PROPOSED FLOOR PLANS
- A5 PROPOSED EXTERIOR ELEVATIONS
- A6 AM SHADOW ANALYSIS
- A7 PM SHADOW ANALYSIS

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF A 1325 SF ADDITION (325 SF AT FIRST FLR. & 989 SF AT 2ND FLR.) TO THE EXISTING SINGLE STORY HOME.

THE ADDITION AT THE FIRST FLR. WILL ACCOMMODATE A (N) FAMILY ROOM. THE (E) KITCHEN WILL BE RELOCATED TO THE (E) FAMILY ROOM AREA. THE 2ND STORY ADDITION WILL ACCOMMODATE TWO (N) BEDROOMS, 2 BATHROOMS & A LAUNDRY ROOM. THE (E) ROOF WILL BE REPLACED. THE FOUNDATION AND ROOF STRUCTURE WILL MATCH THE EXISTING ADJOINING SYSTEMS.

THE EXTERIOR FACADE OF THE HOUSE WILL BE UPGRADED WITH THE ADDITION OF A PORCH AND NEW FINISHES.

AREA CALCULATIONS

LOT AREA	6192 SF
(E) 1ST FLOOR	1572 SF
(E) GARAGE	446 SF
1ST FLR. ADDITION	325 SF
2ND FLR. ADDITION	989 SF
TOTAL PROPOSED AREA	3332 SF
F.A.R.	54% (EXISTING 26%)
LOT COVERAGE	38% (EXISTING 36%)

PROJECT DATA

APN	30933009
ZONING	R-0
TYPE OF CONSTRUCTION	V-N



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**KEDIA RESIDENCE
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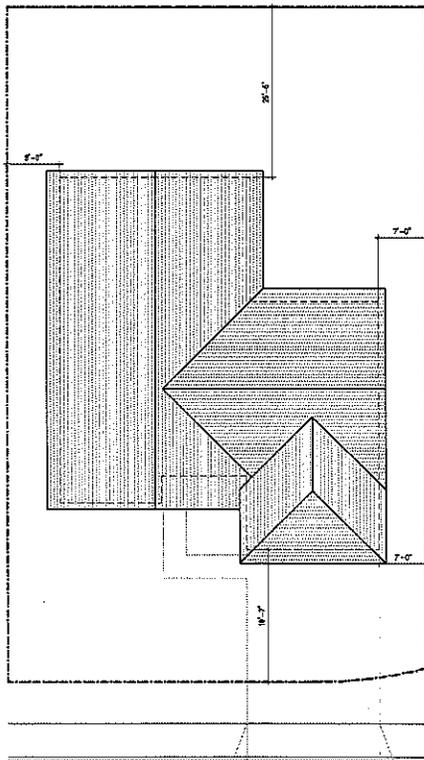
ASHWIN & MALINI KEDIA
 1860 GRACKLE WAY, SUNNYVALE, CA
 TEL NO. 408-7734773

Issue	Date
DESIGN REVIEW SUBMITAL	11-04-2009
DESIGN REVIEW SUBMITAL	12-07-2009

**TITLE SHEET &
 PROJECT INFO.**

Project No. --	Date: 10-01-2008
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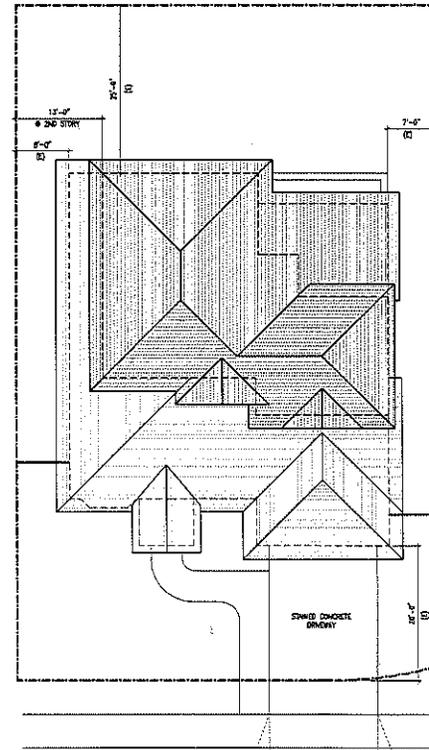
A1



GRACKLE WAY

EXISTING SITE & ROOF PLAN

SCALE 1/8"=1'-0"



GRACKLE WAY

PROPOSED SITE & ROOF PLAN

SCALE 1/8"=1'-0"



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KEDIA RESIDENCE
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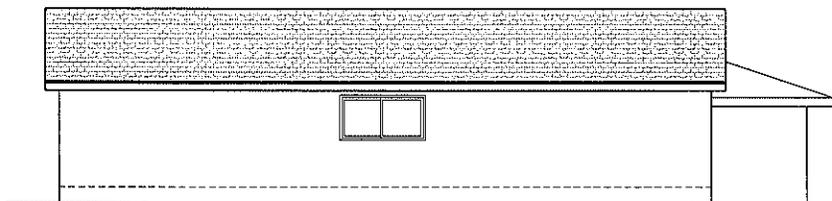
ASHWIN & MALINI KEDIA
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 TEL NO. 408-775-6770

Issue	Date
DESIGN REVIEW SUBMITTAL	11-04-2009
DESIGN REVIEW SUBMITTAL	12-07-2009

EXISTING &
 PROPOSED
 SITE & ROOF PLANS

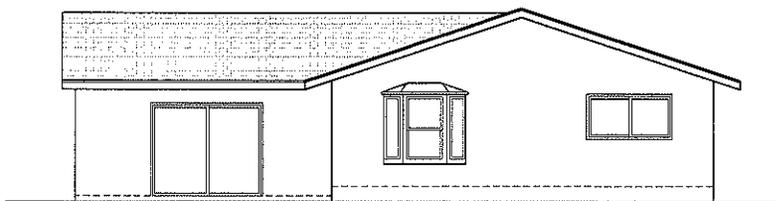
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Drawn: SP	Scale: AS NOTED

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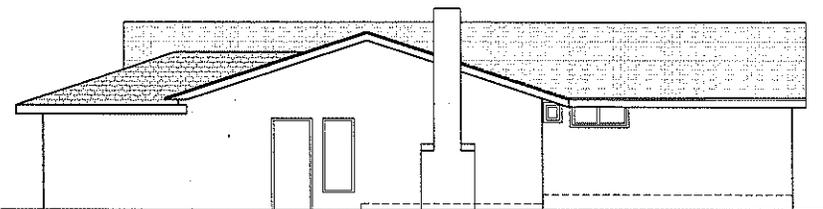
NORTH (LEFT) ELEVATION

SCALE 1/4"=1'-0"



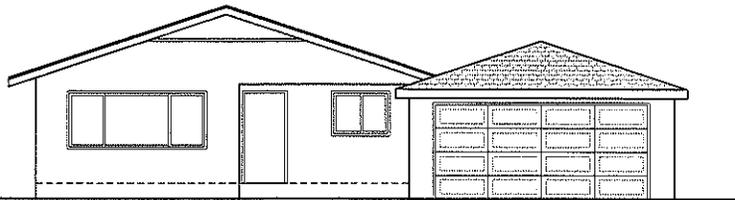
EAST (REAR) ELEVATION

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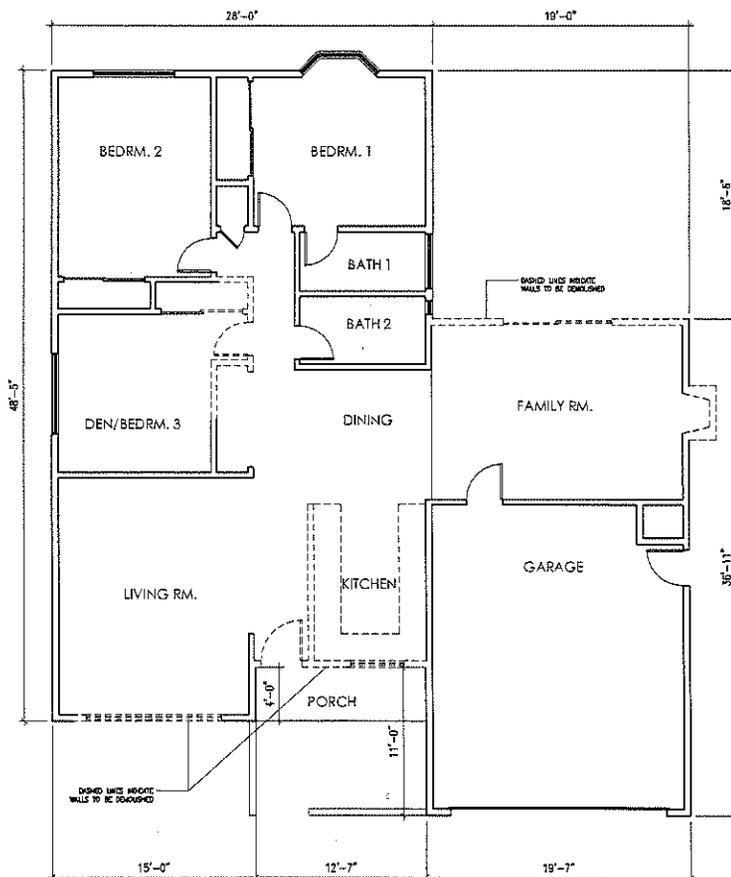
SOUTH (RIGHT) ELEVATION

SCALE 1/4"=1'-0"



WEST (FRONT) ELEVATION

SCALE 1/4"=1'-0"



- WALL LEGEND**
- (E) 2X STUD WALL TO BE REMOVED
 - ===== (E) 2X STUD WALL TO REMAIN

EXISTING FIRST FLOOR PLAN



SCALE 1/4"=1'-0"



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**KEDIA RESIDENCE
 ADDITION & REMODEL**

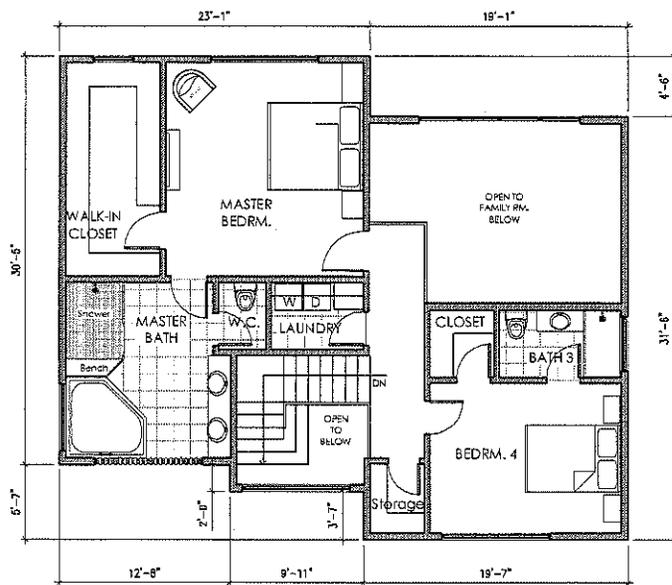
ASHWIN & MALINI KEDIA
 1666 GRACKLE WAY, SUNNYVALE, CA
 TEL NO. 408-773-8770

Issue	Date
DESIGN REVIEW SUBMITTAL	11-04-09
DESIGN REVIEW SUBMITTAL	12-07-09

**EXISTING
 FLOOR PLAN &
 ELEVATIONS**

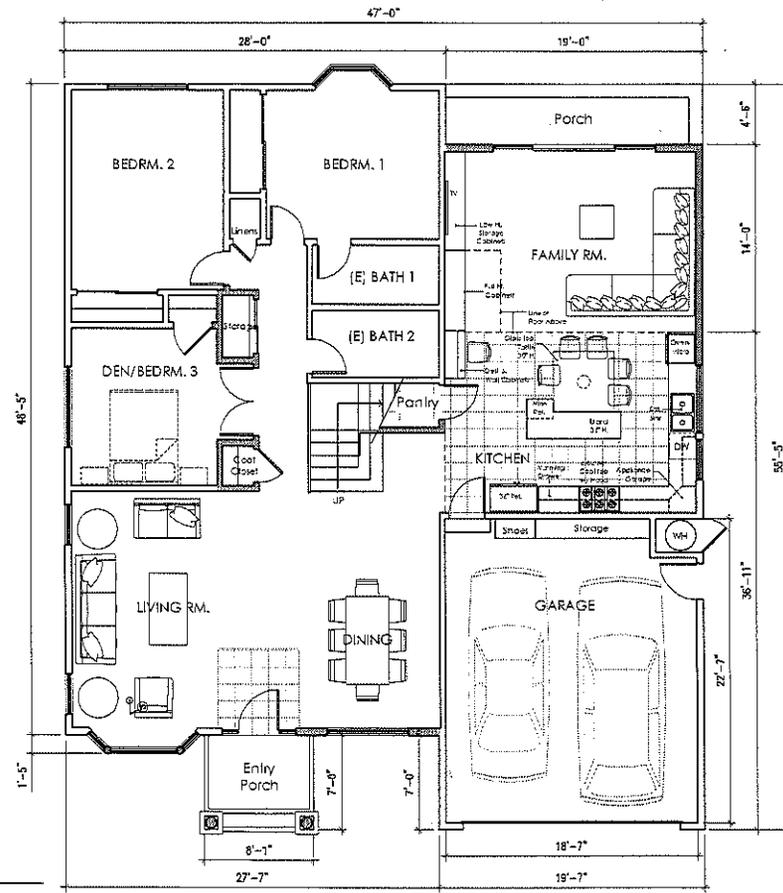
Project No. -	Date: 11-04-09
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A3



PROPOSED SECOND FLOOR PLAN

SCALE 1/4"=1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE 1/4"=1'-0"



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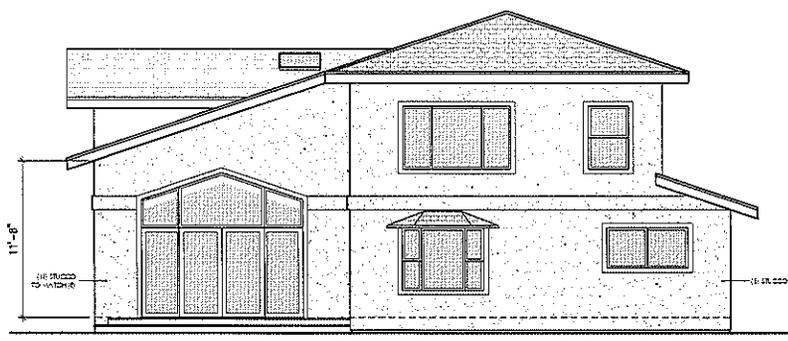
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Issue	Date
DESIGN REVIEW SUBMITAL	11-04-2009
DESIGN REVIEW SUBMITAL	12-07-2009

**PROPOSED
 FLOOR PLANS**

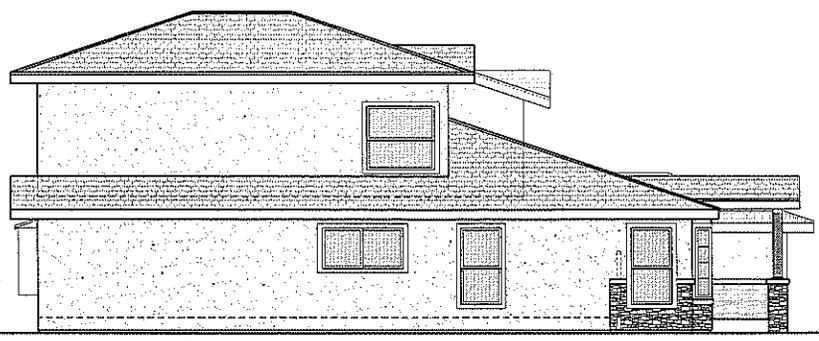
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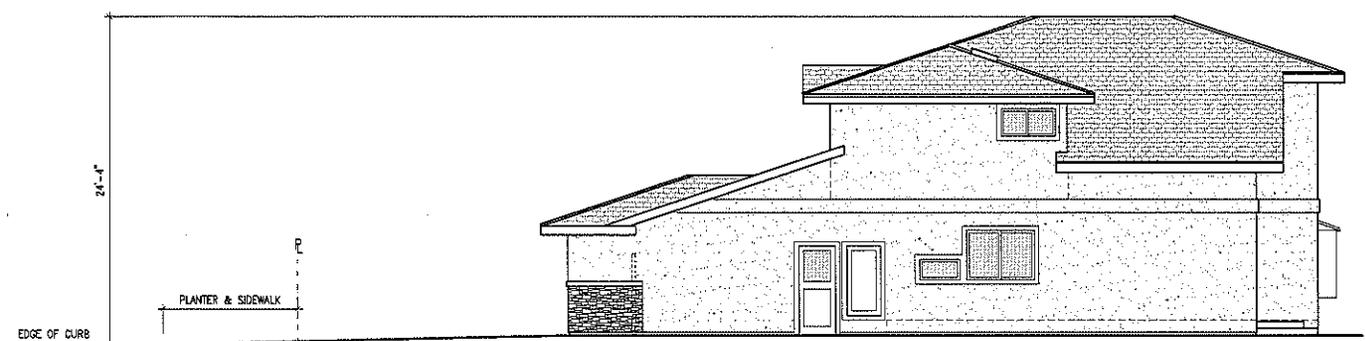
EAST (REAR) ELEVATION

SCALE 1/4"=1'-0"



NORTH (LEFT) ELEVATION

SCALE 1/4"=1'-0"



SOUTH (RIGHT) ELEVATION

SCALE 1/4"=1'-0"



WEST (FRONT) ELEVATION

SCALE 1/4"=1'-0"

EXTERIOR FINISHES	
ROOF:	MONIER LIFE TILE CONCRETE ROOF TILE COLOR: HARTFORD SLATE-TOFFEE
WALL FINISH:	LA HABRA STUCCO, COLOR: CLAY FINISH: MEDIUM DASH TEXTURE
WINDOWS:	MARVIN ALUMINUM CLAD WOOD WINDOWS COLOR: WHITE
STONE VENEER:	EL DORADO STONE STACKED STONE COLOR: DESERT BROWN
STONE SILL:	EL DORADO STONE, WAINSCOT SILL STRAIGHT COLOR: EARTH



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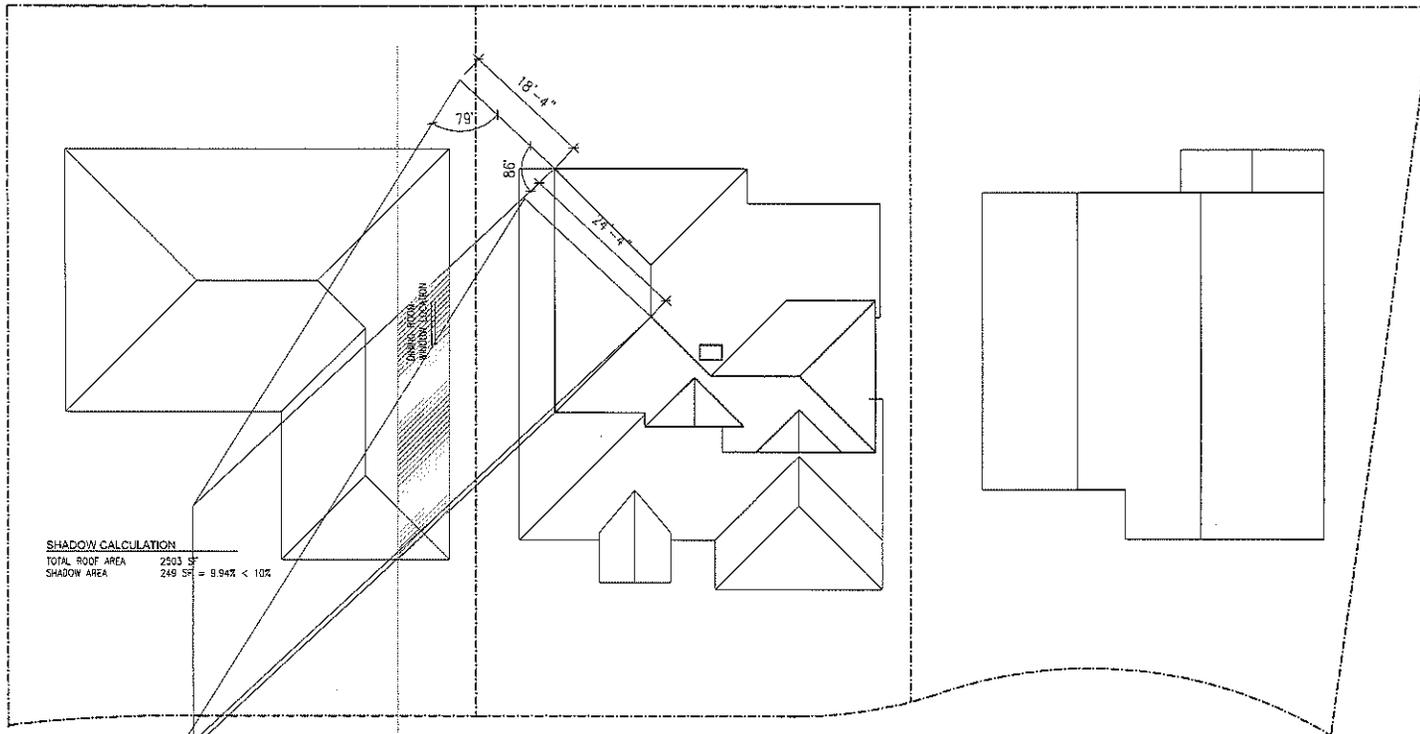
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Issue	Date
DESIGN REVIEW SUBMITAL	11-04-2009
DESIGN REVIEW SUBMITAL	12-07-2009

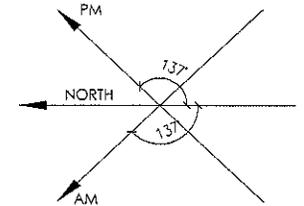
PROPOSED
 ELEVATIONS

Project No: --	Date: 11-04-09
Drawn: SP	Scale: AS NOTED

A5



SHADOW CALCULATION
 TOTAL ROOF AREA 2503 SF
 SHADOW AREA 249 SF = 9.94% < 10%



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**KEDIA RESIDENCE
 ADDITION & REMODEL**

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Issue	Date
DESIGN REVIEW SUBMITTAL	11-04-2009
DESIGN REVIEW SUBMITTAL	12-07-2009
DESIGN REVIEW SUBMITTAL (SHADOW STUDY)	02-17-2010

**AM
 SHADOW ANALYSIS**

Project No: -	Date: 11-04-09
Drawn: SP	Scale: AS NOTED

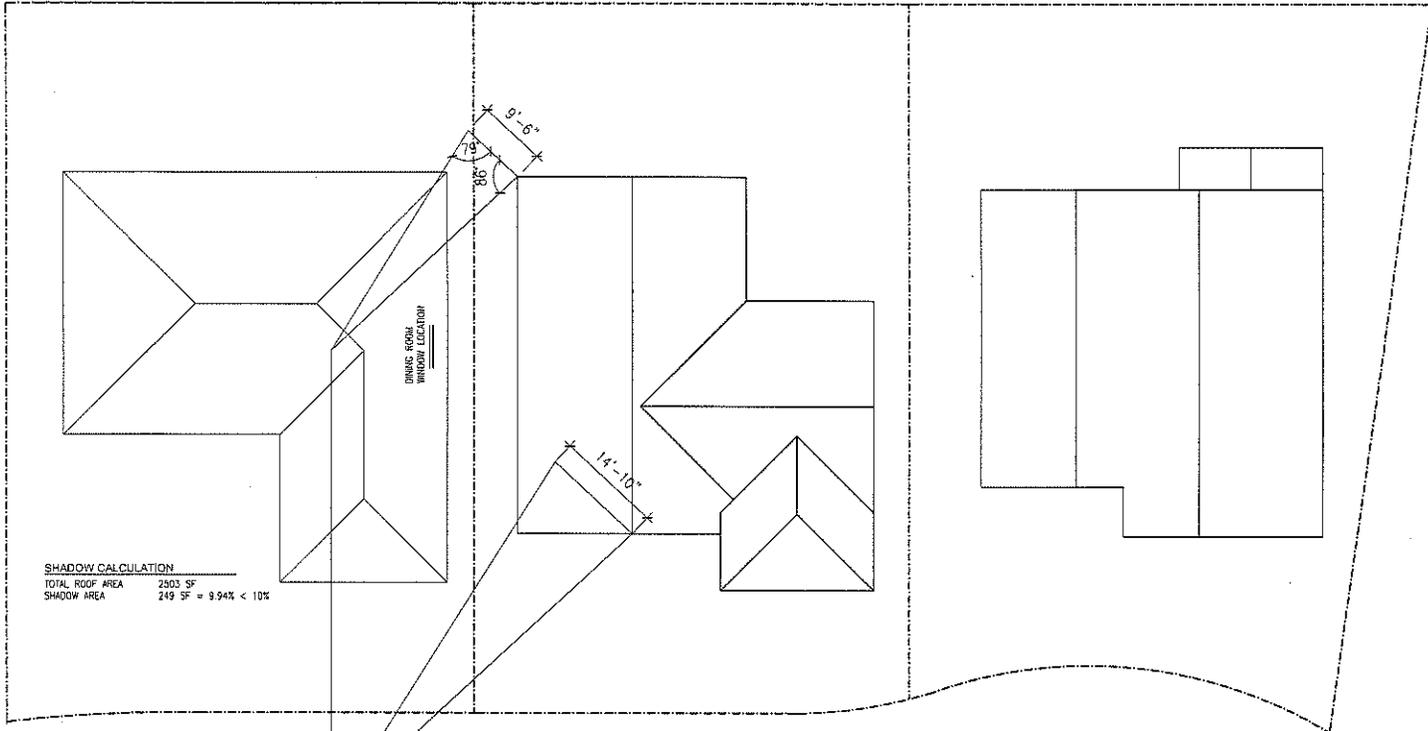
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ATTACHMENT *C*
 Page *6* of *10*

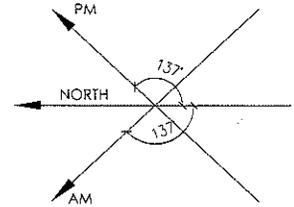


AM SHADOW ANALYSIS

SCALE 1/8"=1'-0"



SHADOW CALCULATION
 TOTAL ROOF AREA 2303 SF
 SHADOW AREA 249 SF = 9.94% < 10%



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**KEDIA RESIDENCE
 ADDITION & REMODEL**

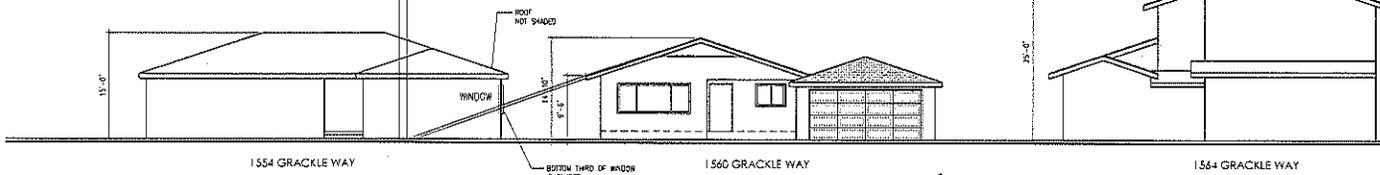
ASHWIN & MALINI KEDIA
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Issue	Date
DESIGN REVIEW SUBMITTAL	11-04-2009
DESIGN REVIEW SUBMITTAL	12-07-2009
DESIGN REVIEW SUBMITTAL (SHADOW STUDY)	02-17-2010

**AM
 SHADOW ANALYSIS
 (EXISTING CONDITION)**

Project no: - Date: 11-04-09
 Drawn: SP Scale: AS NOTED

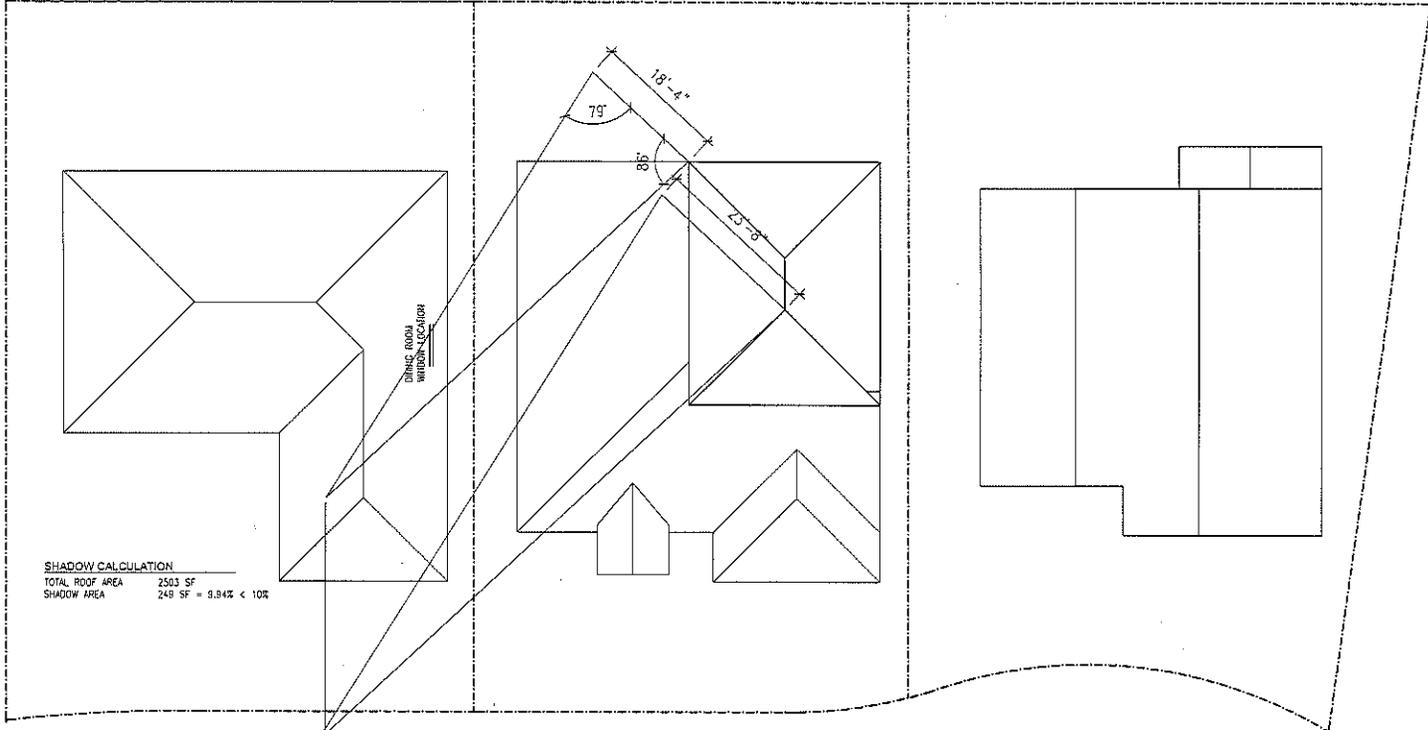
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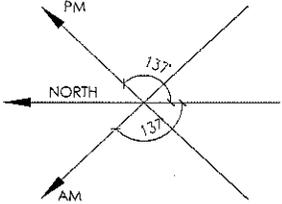
AM SHADOW ANALYSIS (WITH EXISTING HOUSE ONLY)

SCALE: 1/8"=1'-0"

ATTACHMENT
 Page 7 of 10



SHADOW CALCULATION
 TOTAL ROOF AREA 2503 SF
 SHADOW AREA 249 SF = 9.94% < 10%



4415 COWELL ROAD
 SUITE 210-C
 CONCORD, CA 94521
 Tel: 925.676.9879
 Fax: 925.676.8999
 design@i2arch.com

**KEDIA RESIDENCE
 ADDITION & REMODEL**

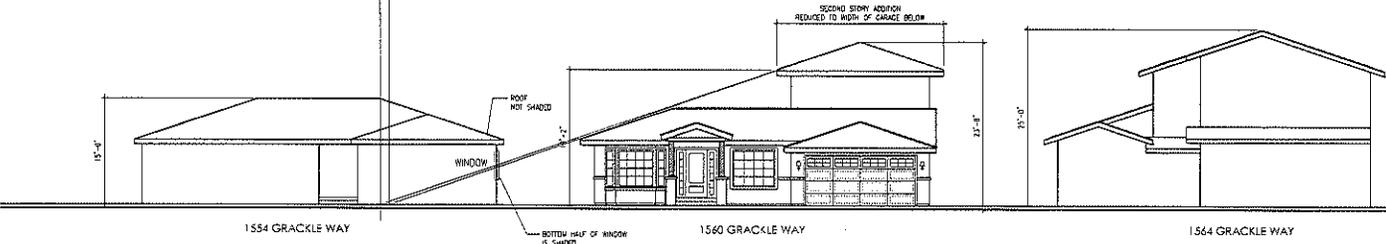
ASHWIN & MALINI KEDIA
 1560 GRACKLE WAY, SUNNYVALE, CA
 TEL NO. 408-773-0770

Date	Desc
11-04-2009	DESIGN REVIEW SUBMITTAL
12-07-2009	DESIGN REVIEW SUBMITTAL
02-17-2010	DESIGN REVIEW SUBMITTAL (SHADOW STUDY)

**AM
 SHADOW ANALYSIS
 (W/ REDUCED ADDITION)**

Project No: - Date: 11-04-09
 Drawn: SP Scale: AS NOTED

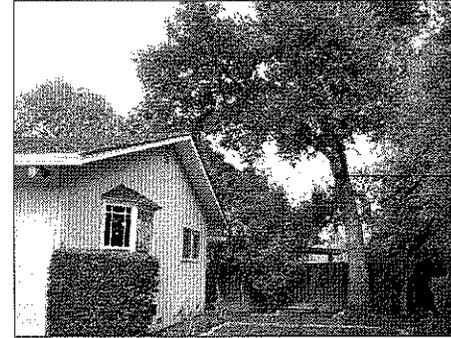
A6.2



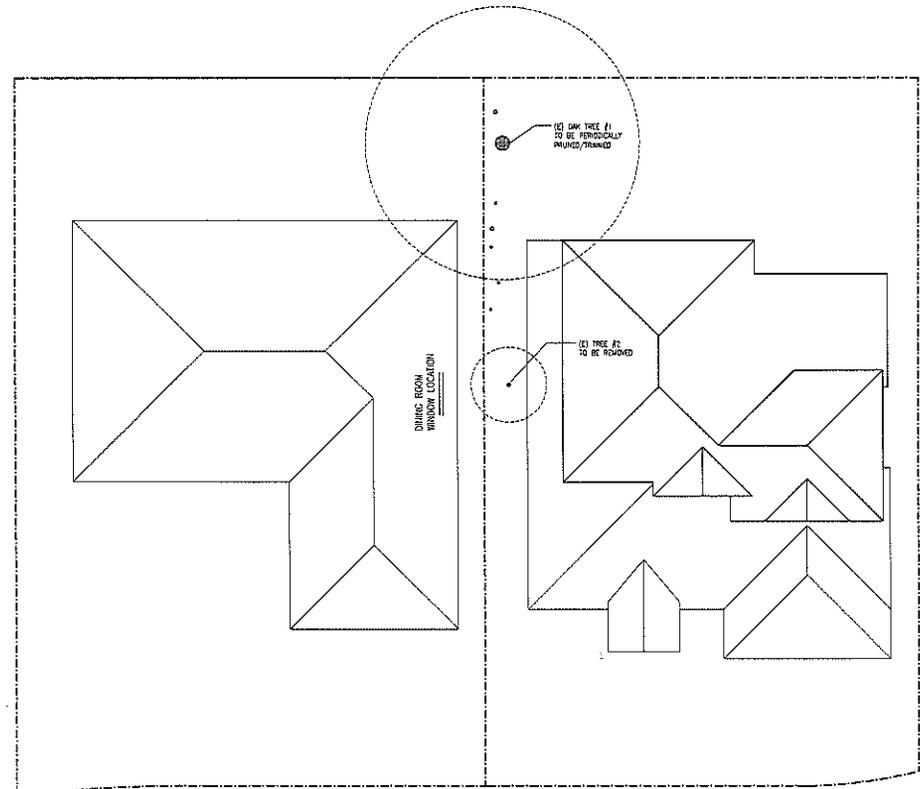
AM SHADOW ANALYSIS (WITH REDUCED 2ND STORY ADDITION)
 SCALE 1/8"=1'-0"

ATTACHMENT
 Page 8 of 10

TREE #2 - TO BE REMOVED TO ALLOW FOR MORE DIRECT LIGHT AT NEIGHBORS WINDOW



TREE #1 - TO BE PERIODICALLY PRUNED/TRIMMED TO ALLOW MORE DIRECT LIGHT TO NEIGHBOR'S WINDOW



ATTACHMENT C
Page 9 of 16

SHADOW ANALYSIS - LANDSCAPE REMEDY

SCALE 1/8"=1'-0"



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KEDIA RESIDENCE
ADDITION & REMODEL

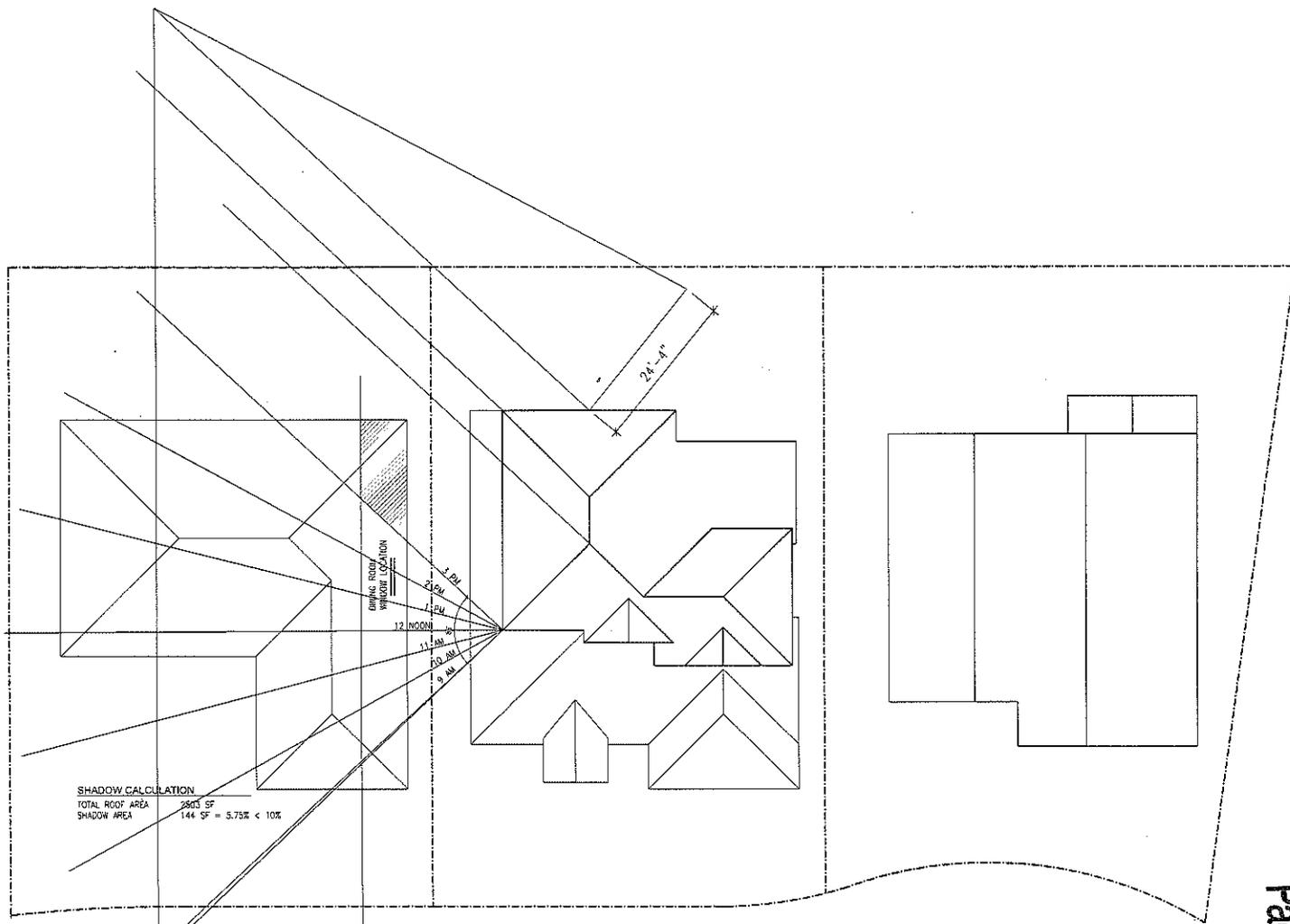
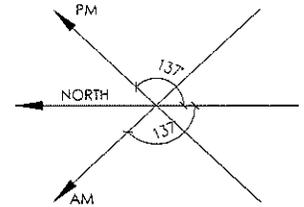
ASHWIN & MALINI KEDIA
1660 GRACKLE WAY, SUNNYVALE, CA
TEL. NO. 408-773-0770

Issue	Date
DESIGN REVIEW SUBMITTAL	11-04-2009
DESIGN REVIEW SUBMITTAL	12-07-2009
DESIGN REVIEW SUBMITTAL (SHADOW STUDY)	02-17-2010

SHADOW ANALYSIS
LANDSCAPE REMEDY

Project No.:	Date:	11-04-09
Drawn: SP	Scale:	AS NOTED

A6.3



SHADOW CALCULATION
 TOTAL ROOF AREA 2803 SF
 SHADOW AREA 144 SF = 5.75% < 10%



PM SHADOW ANALYSIS

SCALE 1/8"=1'-0"



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**KEDIA RESIDENCE
 ADDITION & REMODEL**

ASHWIN & MALINI KEDIA
 1560 GRACKLE WAY, SUNNYVALE, CA
 TEL NO. 408-773-9770

Issue	Date
DESIGN REVIEW SUBMITTAL	11-04-2009
DESIGN REVIEW SUBMITTAL	12-07-2009
DESIGN REVIEW SUBMITTAL (SHADOW STUDY)	02-17-2010

**PM
 SHADOW ANALYSIS**

Project No. =	Date: 11-04-09
Drawn: SP	Scale: AS NOTED

A7

ATTACHMENT
 Page 10 of 10

1560 Grackle Way – Appeal
Design Review Application No. 2009-0874

We would like to appeal the below referenced conditions set forth in the Final Conditions of Approval approved by the Planning Commissions on Feb 22, 2010.

Attachment B, Page 2

3. DESIGN/EXTERIOR COLORS AND MATERIALS

A. The building permit plans shall incorporate the following changes which shall be subject to review and approval by the Director of Community Development prior to issuance of building permit:

- 1) Provide an additional 4 foot setback on the right side of the proposed second floor.
- 2) The gable located over the new second floor bedroom shall be changed to a hipped roof element.

3.A.1 This condition was discussed at the first Planning Commission hearing on Feb 8, 2010. The concern was that this two story wall on the right side of the house was a long, continuous wall and would be too imposing and that a 4 foot setback would break that continuity. Our architect explained that this was only a 15 foot length of the wall along a total 50 foot length of the house, that was going up to the two story height. Also, this two story wall was set back 23' from the front of the house and would therefore not be as imposing as it appeared in the two-dimensional elevation drawings. We also displayed pictures of other homes in the neighborhood including the one adjacent to our property where similar conditions occur and the visual effect is not "imposing". Toward the end of the hearing, Comm. McKenna had commented/agreed that she was not as concerned with imposing the 4 foot setback as she was with other issues with the design. At the Feb 22, 1020 hearing however, Comm. McKenna made a motion to impose this condition as a design compromise against other un-related issues brought up during the discussion.

We would like to reiterate that this 4 foot setback is unnecessary, and it does little if nothing, to improve the overall design. It would require design and structural modifications which will significantly add to the cost of the project.

3.A.2 We would prefer to maintain the gable roof over the second floor bedroom window. This was designed to visually balance the second gable roof and window above the stairway. Maintaining the gable roof also allows for a larger window at the second floor bedroom, this being the only window in that large room.

Project Number: (2009-0874) Appeal

Peter & Anne McCloskey, located at 1554 Grackle Way are appealing the planning commission's approval of a proposed remodel at 1560 Grackle Way. We are the neighbors located next to the proposed remodel.

We are appealing for the following reasons:

- The remodel has not taken enough consideration for the blocking of sunlight during winter months.
- In the City of Sunnyvale, Single Family Design Techniques document, page 22, section 3.6.A, written is the following: *Avoid second floor masses in locations that would block sun access to adjacent homes.*
- No opportunity or consideration from Ashwin Kedia to share and discuss the plans during the planning stage before he paid a professional architect to create the blueprints.
- We understand a City of Sunnyvale requirement that you are supposed to post a sign in front of your home stating your remodel details for all neighbors to see. The sign was posted for only part of a weekend; not allowing other neighbors to know of the plans and an opportunity to also voice their possible disagreement.
- The City of Sunnyvale is inconsistent with their building policies. My example is, our friends live on Canary Drive, and tried to get a new fence built that touched 3 different neighbors. They could not build a new fence because only 2 neighbors approved (and 1 did not). How can this requirement apply to a fence but not to a 1,300+ sq. ft. second story remodel next to a one-story house!?
- We feel that the planning commission mistakenly does not appreciate the amount of sunlight coming into our kitchen window. The Council said that 2-3 hours of sunlight during the winter months won't make that much of a difference, and didn't feel that was enough extra light to have the applicant make an adjustment to their plans to allow more light into our kitchen. Since there are only about 8 hours of sunlight a day, in the winter months, that is a quarter of the day!
- Just to make one point clear. The south side of our house has one window on it. This is the window we are referring to. In the minutes you will note that Ashwin said we have 2 windows in the kitchen. The other window that he speaks of, looks onto the front porch so it never gets any direct light, it is always shaded light. Since this window has no bearing on the remodel, we never mentioned it.
- One more bit of information that I would like to pass on is this. Because of the way our house is situated, we don't get a lot of natural light as it is. By allowing the current remodel plans, we will lose what precious little natural light we do get. Ashwin also has a huge oak tree in the corner of his backyard that casts a huge shadow over our family room. If their addition goes up, that will then block the light on the one window that we have on the south wall. That means that the whole south side of my home will be in a constant shade or shadow.
- Ashwin Kedia called us before the Feb 22 meeting and said he had some options they wanted to show us. We were hopeful they had reworked the design to move the larger part over to the other side(South) and possibly move it in as not to block the light into our kitchen. However, his only two options were, 1, they could remove the tree (which is small anyways), or 2, we could put a skylight in our kitchen! He offered no ideas or adjustments to his house. The interesting thing about the offer of tree removal, is that it states very plainly in his plans that NO TREES are to be removed from the property and gives very detailed instructions on how to protect those trees. So the only real option that he offered was for us to remodel our home. Who wants this remodel in the first place!?

Project Number: (2009-0874) Appeal

All we are asking for is ~~some~~ modification to the design plans. Shaunn mentioned if they could move their upstairs master bathroom to the other side, that would provide more light. This is the type of flexibility we are hoping for and are not asking for too much.

The neighbors on the opposite side also did a remodel last year. Before they even started, they came to our home, and explained their plans. We went out to the backyard to show us the size and where the new addition would end, what windows they wanted to put on that side, etc. We really appreciated their willingness to share this information with us, and only wish Ashwin had done something similar. Instead, he planned this very large remodel and did not share the details with us or anyone else. The only reason we found out about this was the notice we received from the City of Sunnyvale. We waited for Ashwin to come over and openly explain his plans, but he never did. On the day before the first meeting on Feb 8, I had to walk over and ask about the remodel plans. Ashwin told me they were seriously considering not going forward with the remodel due to costs, but, if I wanted to go to the meeting to go ahead. I feel that we have been misled and misdirected by our neighbor throughout this whole process.

PLANNING COMMISSION MINUTES OF FEBRUARY 8, 2010

2009-0874: Design Review to allow a 1,469 square foot addition to an existing 2,018 square foot home totaling 3,487 square feet with 56% Floor Area Ratio for a site located at **1560 Grackle Way** (APN: 309-33-009) SM

Shaunn Mendrin, Senior Planner, presented the staff report. He said staff recommends approval of the Design Review with the conditions in Attachment B.

Comm. Klein discussed with staff the Floor Area Ratio (FAR) percentages including what the percentage would be with staff's recommendation, requiring an additional 4 foot setback. Comm. Klein referred to the findings in Attachment A and discussed with staff wording regarding windows in non frequented places, the second floor addition, and privacy impacts. Staff confirmed that there are no privacy issues that staff is aware of and discussed the location of the windows. **Trudi Ryan**, Planning Officer, further discussed the types of glass typically used in windows considering privacy impacts, and further commented about the FAR percentages.

Comm. Sulser discussed with staff the recommendation to change one of the proposed gables to a hipped roof element with staff clarifying which gable would be changed.

Comm. Rowe referred to page 5 of the report and had staff clarify the section about "due to recent Zoning Code changes" and staff recommending the 4 foot right side setback for the second floor. Mr. Mendrin explained the recent changes to the code in December, 2009 and the reasoning for the recommendations.

Comm. Hungerford referred to page 4 of the report and discussed with staff the size of the second floor. Ms. Ryan commented that to one side of this home are mostly two story homes and to the other side are mostly one-story homes. She said the final design may be based on how the Commission feels about this home becoming a part of the two story portion of the neighborhood. Comm. Hungerford discussed with staff what a hipped roof treatment is.

Comm. Rowe discussed the limits of lot coverage with staff.

Chair Chang opened the public hearing.

Shilpa Pathare, architect representing the applicant, said that they are in agreement with everything except two conditions on page 2 of Attachment B. She discussed conditions 3.A.1 and 3.A.2 which were the changes provided by staff: requiring the additional 4 foot setback on the right side of the second floor;

and the requirement to change the gable over the new second floor bedroom to a hipped roof element. She requested that the Commission drop the two conditions and allow the design as proposed explaining the reasons for the proposed design.

Comm. Klein asked the Ms. Pathare to clarify part of the design including that the second story section which is 15 feet long, and that there is a slanted roof over the family room on the first floor.

Comm. McKenna asked the applicant to clarify part of the design including the family room on the first floor, and the master bedroom on the second floor.

Arthur Schwartz, a Sunnyvale resident, said he thinks the main issue with this project is compatibility, and not just the details, as the neighborhood changes at this house site and the two story houses are creeping down into the one story neighborhood. He said the proposed house would result in a high FAR and staff and the Commission need to consider if the large expansion is the model wanted for the future to maintain a compatible city.

Peter and Anne McCloskey, Sunnyvale residents, said their house is the first one-story house next to the proposed project. Mr. McCloskey said they have one window on the side of the house closest to the project and the highest point of the project is closest to their house. He said they are concerned about the light through that kitchen window being blocked due to the project height. Ms. McCloskey said from looking at the plans, it looks like the light would be blocked.

Ms. Ryan responded to a prior Commission question that the staff recommendation to move the wall in by 4 feet on the right side of the second story would reduce the FAR by 1%.

Ms. Pathare addressed the McClosky's concern about the kitchen window and said there is a tree near that area that already blocks whatever light that could be blocked and that she does not think the proposed addition would make a significant difference in the amount of light into the window. Ms. Pathare said that she believes the project as proposed would have a 54% FAR.

Comm. Hungerford asked Ms. Pathare about the shadow analysis in the report confirming that she provided this information. Ms. Ryan explained the shadow analysis and that it refers to the roof shading and not the neighbor's kitchen window. Comm. Hungerford discussed further with staff the location of the neighbor's kitchen window with the neighbor indicating that the window is toward the front of their house.

Comm. Rowe asked further about the shading of the neighbor's kitchen window with staff explaining that the shadow studies are based on the shading of the roof for solar access at certain times of the day.

Chair Chang closed the public hearing.

Comm. Rowe asked staff further about wall setback on the second story.

Comm. Hungerford discussed the shadowing studies with staff. **Comm. Hungerford** asked staff if there is a vaulted ceiling on the first floor. **Mr. Mendrin** said the family room has a vaulted ceiling and that the actual FAR for this project would be 52%, discussing the height of the proposed house.

Comm. McKenna referred to page 7 of Attachment C and discussed with staff the shadowing of the neighbor's roof from the proposed project.

Comm. Hungerford asked staff about the design and the vaulted ceiling, and discussed with staff why the tallest part of roof is next to the neighbor's house. **Ms. Ryan** referred to pages 6 and 7 of Attachment C and discussed the design including the height.

Comm. Rowe discussed with staff that the roof design on the outside is a result of accommodating the proposed design on the inside.

Comm. McKenna commented that the shading of the neighboring house concerns her and she is wrestling with how best to preserve sunlight for the neighbors.

Comm. Rowe said that the conditions the staff have recommended are important and that she thinks the shading of the neighbor's window is also an important issue. **Ms. Ryan** referred to the roof shadow plans and said if the kitchen area is behind the garage that it appears the kitchen window would be shaded in the morning and not in the afternoon, not considering shading from trees.

Comm. Klein discussed with staff possibly increasing the setback by 4 feet on the left side of the second floor instead of the right side and asked if this would change the height of the roof, as it would reduce FAR and the shading to the neighbor. **Mr. Mendrin** said he is not sure what the exact results would be with that design change.

Comm. Hungerford discussed other possible design changes with staff to reduce the size with staff saying the applicant might not be happy with the suggested changes.

Ms. Ryan said that it seems there is more information that the Commission desires about the location and shadowing of the neighbor's kitchen window. She said the Commission could take an action on the project this evening, or could request additional information about shadowing and the location of the neighbor's kitchen window.

Comm. Rowe moved to continue this item to the Planning Commission meeting of February 22, 2010 requesting additional information regarding the location of the neighbor's window and the shadowing of the neighbor's window from the proposed addition. **Comm. Rowe** said she would like the motion to include for staff to work with the architect to see if there is a way to reduce the height of the peak of roof on the second floor. **Comm. Hungerford** seconded the motion.

Comm. McKenna reiterated that she is more concerned about the neighbor's kitchen window being shadowed than she is with moving the wall in on the second story.

Comm. Klein said he would like the privacy impacts clarified fully before the next meeting including the windows and which windows are opaque.

Comm. Sulser said that he shares staff's concern about the bulk and mass of the proposed project and that when this item comes back to the Commission that he'd like to make sure those items are still considered.

ACTION: **Comm. Rowe** made a motion on 2009-0874 to continue this item to the February 22, 2010 Planning Commission to allow time for the applicant to provide more information on the location of the neighbor's kitchen window and the potential shadowing resulting from the addition; and for staff to work with the architect to possibly reduce the height of the peak of the second floor. **Comm. Klein** requested clarification on the proposed side windows on the second floor regarding privacy impacts and what windows are opaque to be included in the additional information provided for February 22, 2010. **Comm. Hungerford** seconded. Motion carried, 7-0.

APPEAL OPTIONS: This action serves a legal notification of the continuance of this item to the February 22, 2010 Planning Commission meeting.

PLANNING COMMISSION MINUTES OF FEBRUARY 22, 2010

2009-0874: Design Review to allow a 1,469 square foot addition to an existing 2,018 square foot home totaling 3,487 square feet with 56% Floor Area Ratio (FAR) for a site located at **1560 Grackle Way** (APN: 309-33-009) SM (***Continued from February 8, 2010***)

Shaunn Mendrin, Senior Planner, presented the staff report. He said this item was continued from the February 8, 2010 meeting to address concerns regarding window location and shading, looking at lowering the ridge height, and privacy issues with the second floor windows. He said staff recommends the approval of the Design Review with the conditions in Attachment B. Mr. Mendrin said revised conditions have been provided on the dais requiring that the second floor side windows either be opaque or clerestory windows.

Comm. McKenna discussed whether reducing the height of the roof ridge would affect the shadowing on the neighbor's window with staff saying that a reduction of the height would only minimally address the shadow and the second floor would have to be moved significantly to the right to keep the neighbor's window out of the shade.

Comm. Rowe referred to page 5 of the report and confirmed with staff that the staff recommendation has not changed from the previous report based on the additional information provided by the applicant. Staff said neighbor's window would be partially shaded by the second floor during the winter months unless the addition is pushed completely to the south side. Comm. Rowe discussed with staff minimal changes in the findings in Attachment A.

Comm. Hungerford referred to page 6 of the report and discussed with staff Alternative 2, relocating the master bath, and how it would affect the shading of the neighbor's window. Comm. Hungerford referred to page 4 of the report regarding the vaulted ceiling and the application being complete by December 17, 2009, prior to the new code standards with staff clarifying the difference in calculating FAR with the new and old codes.

Vice Chair Travis referred to the shadow analysis in Attachment D with staff clarifying how the neighbor's window would be shaded if the project were built as proposed. **Trudi Ryan**, Planning Officer, said that the shadowing questions would probably be better answered when the applicant provides their presentation.

Chair Chang opened the public hearing.

Shilpa Pathare, architect representing the applicant, and **Ashwin Kedia**, applicant, provided an animated media presentation showing what the shadowing would be on the neighbors' window for December, January and February. Ms. Pathare said for a little over two months there would be some shading and by February there would be no shade the rest of the year. She referred to Attachment D and said that a portion of the window is already shaded. She said the applicant is sympathetic to the neighbors' concerns and offered another possible remedy of removing or trimming trees that affect lighting through the window.

Comm. Rowe discussed with Ms. Pathare the possible trimming of an oak tree to bring in more light. Mr. Kedia commented that there is another tree in his side yard which could be removed to let in more light.

Anne McCloskey and Peter McCloskey, Sunnyvale residents, reside in the single-story house next to the Kedia family. Ms. McCloskey expressed her frustrations with the project including that the project notice posted was only in the yard for about 24 hours, and she did not feel they were well informed. She said that the proposal would result in a huge house, and she would lose natural light and have dungeon-like conditions in her kitchen for several months out of the year. She said Mr. Kedia called last week to provide options of removing a tree in his yard, or to put a skylight in her kitchen. She said she thinks if the neighbors want to make this addition that there needs to be some changes to the project to avoid the blockage of natural light to her kitchen. Mr. McCloskey said they are not against the remodel, however they would like modifications made to the plans. He referred to the Single-Family Design Techniques, referenced the Project Data Table on page 3 of the report, and discussed sections regarding Gross Floor Area, and second floor masses that block light. He asked why many of the proposed numbers are on the data table are over the permitted numbers. He said they have been good neighbors for 11 years and they would have liked to have given some input during the design stage. He said lighting and shading have been discussed however the addition would also eliminate any view from their window towards the southern sky. He said they would just like to see some sort of compromise, to allow more light and a view from their kitchen window.

Comm. Rowe asked staff to address the concerns of Mr. McCloskey regarding the Project Data Table and the Single-Family Design Techniques and why proposed numbers appear to be in excess of the permitted numbers. Ms. Ryan explained the concerns with the documents including that many of the permitted numbers are thresholds triggering the requirement for Planning Commission review. Ms. Ryan explained that this home is on the border of the original single-story subdivision and that FARs from the original report include both single-story and the two-story portions of the neighborhood. Ms. Ryan said staff would try, in

the future, to make these documents clearer for the public as the information can be confusing.

Arthur Schwartz, a Sunnyvale resident, said this project is an example of creeping neighborhood change and the Commission needs to decide which neighborhood is to be protected to maintain compatibility with the neighborhood. He said if someone needs a bigger house that they should find a bigger house rather than affect the type of the neighborhood. He said he thinks in this case the limits are being pushed too far and that the compatibility of the neighborhood needs to be maintained.

Vasant Sahay, a Sunnyvale resident, residing on the other side of the McCloskey's house said he has a single-story house and recently completed an 800 square foot addition. He said they are all good neighbors and his concern is that if he were the McCloskeys he would not like his light blocked and if this design is approved that the McCloskeys or a future owner of the McCloskey's house might in turn build up and block his light. He said he would like to see these two neighbors settle on something so the McCloskeys or the next owners of their home do not build up and block his light.

Mr. Keida discussed some of the numbers and reiterated that the proposed project would result in a 54% FAR. He said they have been working on this proposal for about a year and have made efforts to abide by the code. He said that the McCloskeys are good neighbors, and that he had offered options including a skylight that he offered to pay for before. He said there is a tree on his property that could be removed. He discussed privacy issues and said that the McCloskey's kitchen window has been located across from his bedroom and bathroom for 12 years and there have been no issues or complaints. He said there are two windows in the McCloskey's kitchen. Mr. Keida said he has put much time, money and effort into this project to make it work. He urged the Commission to drive past the neighborhood and see that what he is proposing is not a monster home and that he has tried to be consistent with the architecture with both neighborhoods. Mr. Keida played a video showing images of the neighborhood including many two-story homes on the block and some much larger than what he is proposing. He discussed some of the features of the existing homes including height, straight walls, space between homes, windows, and light. He said he can relate to the McCloskey's concerns as the house next to his was approved for an addition and they had similar concerns. He said he thinks that once the house is built that the McCloskeys would find that the project is not an impact.

Chair Chang closed the public hearing.

Comm. Hungerford referred to the report of February 8, 2010 and discussed with staff the average FARs of surrounding homes, both the single-story homes in one part of the neighborhood and the two-story homes in the other part. Comm. Hungerford said the applicant's proposal has a higher FAR than some of the other two-story houses that look larger, discussing with staff that some of the lots may be bigger than the proposed lot. Comm. Hungerford discussed the shading, mass and bulk of the proposed home with staff confirming the recommended conditions require the additional 4 foot setback on the right side of the proposed second floor.

Comm. McKenna moved for Alternative 1, to approve the Design Review with the conditions in Attachment B. Comm. Rowe seconded the motion.

Comm. McKenna said this is a difficult issue that could be argued either way as one side of neighborhood looks different than the other side. She said looking at pictures provided by the neighbors, it looks as though the affects on lighting on that particular side in question is not as great as what she thought it was. She said after looking at all the information this seems to be the fairest way to go in this situation.

Comm. Rowe said a member of the public suggested that if families wanted bigger houses that they should look for a bigger house rather than add on. Comm. Rowe said in the past not that many large houses were built in Sunnyvale and the make up of households are changing with extended families needing more space. She said she agrees with Comm. McKenna about the shadowing of the neighbor's window, realizing it will affect the window several months out of the year. She considered possible architectural concessions, and said that this is a good compromise. She said it is difficult to make both sides happy, and she hopes the applicant will continue talking to the neighbors to see if there are some additional measures that can be taken to help the neighbors.

ACTION: Comm. McKenna made a motion on 2009-0874 to approve the Design Review with the conditions in Attachment B. Comm. Rowe seconded. Motion carried, 6-0, with Comm. Klein absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than March 9, 2010.