

PLANNING COMMISSION MINUTES OF JANUARY 14, 2008

2007-1096 - Application for a Design Review to allow a 1,569 square foot two-story addition to an existing one-story home for a total of 3,789 square feet and 46.8% FAR (Floor Area Ratio) where 45% may be allowed without Planning Commission review. The property is located at **1649 Kamsack Drive** (near Kalispell Ct.) in an R-1 (Low-Density Residential) Zoning District. (APN: 320-16-048) GC

Gerri Caruso, Principal Planner, presented the staff report. Ms. Caruso noted several corrections to the report. She said this application is for a two-story addition to an existing single-story home resulting in a home of 3,847 square feet where the staff report incorrectly indicates a slightly smaller home of 3,789 square feet. She said the resulting Floor Area Ratio (FAR) would be 47.5% where the staff report incorrectly indicates 46.8%. She also noted that the second-story is slightly larger than staff reported and is actually 28% of the size of the first story. Staff finds that the project meets the Single Family Home Design Techniques and recommends approval of the project.

Vice Chair Rowe asked staff if this site is located in the neighborhood of the Single Story Combining District that they just recommended approval of. Ms. Caruso said no.

Comm. Klein asked staff about the second-story deck proposed for the rear of the property and whether it would be on both sides of the rear second story. Ms. Caruso said the deck is only proposed for the right-hand side of the second story. Comm. Klein asked if the right hand side of the deck is open or is there any visual barrier to provide privacy for the neighbor's rear yard. Staff said that the deck is proposed to be open and that providing a barrier could be addressed with the applicant, possibly by adding landscaping or raising a wall to reduce the view to the neighbor's yard.

Comm. Hungerford asked if staff still feels the front entryway height needs to be reduced. Ms. Caruso said that staff feels the lower portion of the entryway needs to have the roof brought down closer to the eave of the rest of the house. She said the upper portion of the entryway is setback very far and that staff is really only concerned with modifying the lower portion of the entryway making it more in line with the lower story of the home.

Chair Sulser opened the public hearing.

Jeffery and Johanna Andrews, applicants, said they would like to remodel their existing home rather than move. They explained some of their family needs and how they are outgrowing their present home. Mr. Andrews said they would like

to build a study, would like a two-car garage and would like storage space in the attic area. He said they need the 2.5% FAR deviation to make the plans work. He said there have been two-story additions in the neighborhood that have made some neighbors unhappy and explained some of the efforts they have made to eliminate some of the problems that others have experienced. He said the requests they are asking for are in the handout provided to the Commission this evening and include the approval of the FAR and to be allowed to maintain the entryway as proposed. Mrs. Andrews commented that the architect came up with the entryway design with the goal being that the entryway would look nice for the neighbors who have to look at it regularly. Mr. Andrews said that the architect would comment on the entryway. Mr. Andrews added that they have been talking to solar contractors as they plan to put solar panels on the west facing second story roof. He said they are currently planning to put cedar shingle roofing on the house and the solar contractors said that the solar panels should have metal roof material under the panels. He said they also have a flat pitch in front of the front second story windows for fire egress which requires a standing seam metal roof and they would like to use the same roofing material as used for the area where the solar panels would be placed. He said they are asking to be allowed to use two types of roofing materials. He said staff said the current conditions in the report do not address the two roofing materials and the Commission may want to address this during the public hearing so they do not have to come back to the Commission a second time to get the roof materials approved. Mrs. Andrews said the metal roof area for the solar panels would not be visible from the street.

Vice Chair Rowe discussed the roof materials with the applicant confirming that cedar shingles would be used on the front of the house and the metal roofing material on the back where the solar panels would be placed. Vice Chair Rowe asked the applicant about the standing seam metal roof for the front of the house. Mr. Andrews referred to a non-visible roofing area on the front of the house where cedar shingles would not work and said the standing seam metal roof is one way to roof the area.

Comm. Klein referred to Attachment B, condition 2.C and asked staff if this condition covered the concerns about the roofing material. Ms. Caruso said the reason she suggested that the applicant bring up the subject during the hearing is because standing seam metal is typically not a residential roof material. Ms. Caruso that if the applicant returned to staff for approval for the metal roof that staff would probably not allow it. Ms. Caruso said she suggested the applicant discuss this with the Commission so direction could be provided whether the use of two different roof materials would be allowed. She added that a large part of the metal on the back of the house would be covered with solar panels. **Trudi Ryan**, Planning Officer, commented that in the past the Commission reviewed a request for a standing seam metal roof on a home with a low pitched roof. She said, at that time, the Commission said they would not like to see this type of roof in just any residential neighborhood. She said this proposed roof has a steeper

pitch and has special circumstances, with the roof material under the solar facility. Comm. Klein asked if the two different roof styles could be similar in color and asked if it is uncommon to have two types of roof materials. Ms. Ryan said using the two different materials on the same segment of roof would be breaking new ground and that it should be feasible to make the colors similar. Comm. Klein asked, since one of the goals in the City is to encourage solar energy, would the Commission be setting precedence here. Ms. Ryan said part of the issue for the Planning staff is the introduction of two materials and the Planning staff did not have the opportunity to confirm with the Building Division which materials would be good for the placement of solar facilities. She said, in general, the direction that the Commission and City Council gave regarding the Solar Study was for staff to develop a program, make modifications to the zoning code, to continue to work on the sustainability study, and to encourage and provide incentives. She said the general policy to encourage solar and alternative roof materials for the purpose of accommodating sustainable facilities on a home could be considered encouragement.

Comm. Simons asked the applicant to comment about a privacy wall on the proposed south side deck of the rear of the house. Mrs. Andrews said there is a plan for a rail about three feet in height. She said they would like to keep their neighbors happy and they are committed to do whatever needs to be done to screen views. Comm. Simons said that the existing house looks like a 60's ranch style, and the additions seem to have a lot of Mission design elements. Comm. Simons discussed with Mr. Andrews some of the influences including, green elements and styles borrowed from Craftsman. Ms. Andrews added that she was not sure about the different styles at first, but there is a house a few blocks away that has mixed the styles and that it looks great. Comm. Simons said he does not normally like to have color requirements for homes in the conditions, but in this case the color combinations are very important.

Comm. Hungerford asked the applicants if they are committed to installing solar panels or is the request for the two different roof styles to allow the option in the future. Mr. Andrews said they are very interested in putting in solar on the second story and he would be okay with a condition that said the standing seam metal would only be used where the solar panels would be placed.

Jim Blake, architect for the applicants, said if he had to name the style of the proposed design that he would call it a modified Shingle Style house that is an Arts and Crafts variant. He said the stucco does give it a bit of a Mission style look. He said he has worked with the applicants closely to develop a set of proportions, in the entryway mass in particular. Mr. Blake referred to a handout with drawings for house that he said the Planning Division did not have access to until now. He discussed the drawings submitted explaining primary points and said they would like to keep the entryway the way it is proposed. He said if the proportions were changed, the entryway would look "hobby". Mr. Blake addressed Comm. Klein's questions about the back deck and said if the

occupants are sitting that the deck is enclosed enough to retain privacy and if the occupants are standing there would be views that need to be addressed.

Comm. Simons discussed with Mr. Blake the privacy and design of the rear deck. Comm. Simons further asked Mr. Blake about the style of the proposed design discussing certain elements of the design including, the Arts and Crafts style, the design and use of the stonework, and the color schemes. The Commission looked at the color palette provided by the applicant and Mr. Blake explained his thinking in regards to colors for the house, accents and coordination with roofing and stonework. He said the color is usually one of the last things done.

Vice Chair Rowe said she is concerned about the composition of the roof and what the neighbors will have to look at. Mr. Blake explained how the use of the two materials might be done based on information from his roofing contractor. He said anyone at street level would see the shingled roof and the metal roof would not be visible at street level. He said there is a battle between roofers and solar panel installers as, when fasteners for the solar panels are used on a warranted roof, the fasteners violate the roof warranty.

Comm. Hungerford asked Mr. Blake if someone was standing on the sidewalk in front of the house, how high is the entryway. Mr. Blake said, from the sidewalk level to the top of the ridge of the lower section would be about 17 feet up from the sidewalk. Comm. Hungerford asked how high the section is from the top of the peak to the ceiling of the entryway. Mr. Blake said the ceiling is about 8 inches below, and right under the pitch. Mr. Blake said he made an effort to make the entry as low as possible.

Patricia Schaechter, a resident of Sunnyvale and neighbor, said it looks like the owners have tried to make the proposed design fit into the community. She expressed frustration about other large homes that have been approved for their neighborhood. She said she feels that the designs are moving from a residential look to more of a commercial look. Ms. Schaechter said she feels the noticing for the projects needs to be more than one little sign posted in the front yard, so neighbors are better informed about meetings regarding applications in the neighborhood. She said she feels the entryway to the home is too large, looks commercial and looks more like a lodge. She said the second story addition impacts privacy, particularly neighbors behind the house, and the deck may further impact privacy. She said that the proposal is a request for a greater FAR than 45% and she asked the Commission to not break the FAR rules.

Comm. Simons discussed with Ms. Schaechter the deck, agreeing that privacy concerns need to be addressed. They further discussed her comments about the designs of some homes looking more commercial, with Ms. Schaechter saying that the Andrews' plans are better than some, but that the tall entryway is imposing. Comm. Simons addressed Ms. Schaechter's comment about the 45%

FAR and asked staff to comment. Ms. Caruso said that the 45% FAR is not a code standard and is an adopted threshold for project review. Ms. Caruso said a project under that threshold can be reviewed and approved by staff and any project over the threshold needs to be reviewed at a higher level. Ms. Schaechter said that the greater FAR may not be code, but allowing greater the FAR is changing the look of the community.

Ralph Wadensweiler, a resident of Sunnyvale and neighbor, said he lives behind the proposed property. He said if he could have his way he wishes the house would not be built, but he understands the neighbors are allowed to build a second story on their home. He said he will no longer have the views or privacy that he currently has. He commented that the architect did a good job with the setbacks. He further explained how the deck will especially affect their privacy, discussed the FAR, the window placements, and how he feels this addition would affect the resale value of his home. He said he objects to the 47.5% FAR, supports the installation of solar panels due to the benefit of solar energy, and supports the metal roofing under the solar panels only. He said he would like the Commission to decline this permit.

Comm. Simons discussed with Mr. Wadensweiler the possible conflict between the proposed rear deck, the planting of trees to mitigate the privacy issue related to the deck, and the applicant adding solar panels and the trees shading the solar panels. Comm. Simons said the State law requires that vegetation cannot be planted to obscure the solar panels and that some vegetation might have to be removed. **Kathryn Berry**, Senior Assistant City Attorney, said that Comm. Simons is correct except if a tree is 38" or more in circumference that the tree would not have to be removed. Comm. Simons said when he did his site visit that he was not considering the installation of solar panels. He said there did appear to be a couple of large trees in a neighbor's yard. Ms. Berry said if an existing tree is shading a house prior to the installation of the solar panels the tree does not have to be removed. She said if a tree begins shading solar panels after installation and it is not a significant size tree then there is a possibility that the vegetation would have to be trimmed or removed. Mr. Wadensweiler wanted to know what options he has and commented that planting a large tree in his yard would take up half his yard. Ms. Ryan said regrettably there is not a clear yes or no answer regarding his options. Ms. Ryan said it is possible to plant trees in a way that they will not interrupt a solar facility so the solution would require careful selection of trees or shrubs.

Mr. Andrews said they tried to do a good job to alleviate some of the problems with two stories, by using higher windows. He said with respect to the shading issue, that they are only planning to put solar panels on the west facing second story pitch and he feels that there should not be a problem with trees shading that area. He mentioned that the lot elevation of the Wadensweiler's lot is about a half story higher than their lot. Mrs. Andrews added that she cannot imagine any current trees being tall enough to shade the area where they are planning to

place the solar panels. She said she feels bad that the neighbors behind them feel impacted and said they did not realize they had a concern with the plans until last night. She said they would like to do whatever needs to be done to mitigate issues so the neighbors are comfortable in their home.

Vice Chair Rowe asked the Andrews if they would be willing to plant a tree in their yard to mitigate privacy issues since Mr. Wadensweiler indicated his yard did not have much room for a large tree. Ms. Andrews said the fence between the two houses is about 10 feet high on their side and about 6 ½ feet on the Wadensweiler side and said they would be willing to work with the Planning Division to determine a good choice of vegetation to be used for mitigation.

Comm. Klein asked the applicant how set they are on having the deck. Ms. Andrews said that they wanted the deck to shield the windows. She said it would not be a place to entertain and would not be used that much.

Diane Wadensweiler, a resident of Sunnyvale and neighbor, said that she noticed the Andrews placed high windows on the opposite side of house and that the high windows would have been better if they were used where the deck is. She commented if they are not going to use the deck very much, then why have the deck. She said she thinks the house plans are beautiful and she does not want them to not do addition, but they do not like the major window area looking into their major living space. She said she does not want to plant trees on her side of the fence as they already have fruit trees that they like and said if the Andrews planted a hedge plant that she does not really feel that would do much to mitigate the issue.

Vice Chair Rowe commented to Mrs. Wadensweiler that it seems the Andrews desire to work the issues out with them and confirmed with Mrs. Wadensweiler that she and her husband would be willing to work with the Andrews and the Planning Division to mitigate the concerns.

Chair Sulser closed the public hearing.

Comm. Babcock asked staff to comment about setting precedence of approving two different types of roof materials for this project. Ms. Caruso confirmed that staff has not previously approved two different roof materials. Comm. Babcock and Ms. Ryan discussed the recent Solar Study Issue and that roof materials were not a part of that study. Ms. Ryan said that the applicant is requesting that the area underneath the solar panels be different to help protect roof warranties. She said that the Commission may want to only approve the second material in a situation where there was accommodation for a solar facility and that would provide general direction if a similar situation comes up at a staff level review. Comm. Babcock said she is uncomfortable with providing general design guidelines for solar panels that are not included in this project. Ms. Ryan said the Commission could choose to deny the request, approve the request, or approve

the request with conditions only in conjunction with an application for solar installation. Comm. Babcock asked what the glare factor is for the metal roof with staff replying that the glare would be minimal.

Comm. Simons moved for Alternative 2 to approve the Design Review subject to modified Conditions of Approval; to condition the roofing request based on a concurrent application for the solar panel addition only, otherwise the roof needs to be a monolithic similar material on all sides; to remove the rear deck and review and modify the windows on the second story of the rear of the house considering the same privacy issues as were considered for the second story windows on the side of the house; and to include in the conditions that the colors meet traditional arts and crafts palettes. Comm. Babcock seconded the motion. Comm. Babcock confirmed with Comm. Simons that no change would be made to condition 2.A requiring the front entry feature to be lowered. **Comm. Babcock reiterated her second to the motion.**

Comm. Klein offered a Friendly Amendment that Comm. Simons' modification regarding the roofing request include a specification that the metal roofing be similar in color matching the tone of the existing composition roof including three to five years down the road if it is a shingle roof. The Friendly Amendment was acceptable to the maker and seconder of the motion.

Vice Chair Rowe offered a Friendly Amendment that she would like the motion to include that an effort would be made to provide screening with trees, and asked if the motion should include that the neighbors and the applicant work with the Planning Division. Comm. Simons said he thinks the motion covers these items and declined the amendment.

Comm. Simons said that unless he made the modifications in the motion that he would not have been able to support this request. He said in this situation that the applicant can choose if and when they install the solar panels and that will determine what kind of roof is used. He said this design has nice aspects and the grand entrance and the privacy issues are what he would like to remove. He said with these modifications that he feels this will be better for the neighbors and will still give the living space to the applicants. He said there were too many issues related to the deck.

Vice Chair Rowe said she wanted to address one of the speaker's concerns about the size of the house relative to homes in the area. She said that the applicant provided a lot of setbacks and the second story addition has enough setbacks that it will minimize the mass of the home. Vice Chair Rowe said she hopes this home will come out as nice as it looks on paper and that the applicants will be happy with the home

Chair Sulser said he would be supporting the motion and commended the applicant for a well-designed house. He said he agrees that there were some issues with the deck and the entry feature.

ACTION: Comm. Simons made a motion on 2007-1096 to approve the Design Review subject to modified Conditions of Approval; to condition the roofing request for the metal roof based on a concurrent application for the solar panel addition only, otherwise the roof needs to be of similar material on all sides; to condition the roofing request that if the metal roof is included that it be similar in color, matching the tone of the existing composition roof or shingles taking into consideration a possible change in color over time; to remove the rear deck and review and modify the windows on the second story of the rear of the house considering the same privacy issues as were considered for the second story windows on the side of the house; and to include in the conditions that the colors meet traditional arts and crafts palettes. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than January 29, 2008.