

**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.**