

John Sullivan  
Michelle Sullivan  
[REDACTED]  
Sunnyvale CA, 94087

April 26, 2016

Noren Caliva-Lepe, Project Planner  
Trudi Ryan, Community Development Director

Dear Noren, Trudi,

The purpose of this letter is to respond to your April 11, 2016 notification of the Design Review Approval for the 1169 Sesame Drive proposal.

We are appealing this decision and look forward to hearing this issue before the City Planning Commission. Please find enclosed our appeal fee of \$161.00.

When we received initial notice of this project on February 26, 2016 we responded to the City planning staff with a letter and drawings detailing our concerns on several topics:

1. Compatibility of the proposed design in our neighborhood
2. Potential privacy intrusions on adjacent Eichler homes
3. Specific privacy issues for our home at 662 Torrington Drive

[ For reference, please see the attached copy of this letter dated March 6, 2016. ]

We are encouraged that the City planning staff have addressed most of the privacy issues for our home described in item (3) above.

However, we believe items (1) and (2) above are still significant issues that the City must address in accordance with the *Eichler Design Guidelines*.

Our appeal of this decision addresses a number of related topics:

1. Issues with the 1169 Sesame design
2. Requested changes to the 1169 Sesame design
3. The City must enforce the *Eichler Design Guidelines*
4. The City must take responsibility for the design review process
5. Neighborhood response and expectations

## 1. Issues with the 1169 Sesame design

We believe the 1169 Sesame design is in conflict with the design principles stated in the City of Sunnyvale *Eichler Design Guidelines*.

To be clear, we are not challenging the rights of the 1169 Sesame owners to design a two-story house, as allowed by the City zoning code, with a total floor area of 3,600 square feet and a floor area ratio of 32%.

However, as the 1169 Sesame house is located within the Sunnyvale Fairbrae Eichler Neighborhood, the design must be evaluated against the *Eichler Design Guidelines*.

The *Eichler Design Guidelines* lay out a number of basic design principles for the design of homes in Eichler neighborhoods. These principles can be summarized concisely:

1. New homes or additions should retain unique characteristics of Eichler designs and respect the scale and character of other existing Eichler homes within the surrounding neighborhood.
2. New two-story homes or second story additions should minimize their impact on the privacy of adjacent Eichler homes and show respect for their open floor plans and floor-to-ceiling glass windows.

We find it difficult to understand how the design principles in the *Eichler Design Guidelines* were considered during the development of the 1169 Sesame project.

The 1169 Sesame design bears little similarity to the Eichler home that it would replace, or to the surrounding Eichler homes in our neighborhood. If the proposed design were not located in an Eichler neighborhood, a casual observer would likely see no connection to the Eichler design style.

As submitted to the City, the 1169 Sesame design includes three roof decks and a number of rear-facing windows. The rear roof deck provides views into four adjacent Eichler homes to the west and south. The two front roof decks provide views into the adjacent Eichler homes to the north and south. All five of the adjacent Eichler homes would be affected by these features.

We ask the City to recognize that the 1169 Sesame design would have a significant impact on the character of our neighborhood.

A two-story house that does not respect the privacy of neighboring Eichler homes will affect the daily lives of both the current and future occupants for decades to come.

We believe the unique character of an Eichler neighborhood is defined not only by the street visible appearance of its homes, but also by a strong respect for privacy amongst its residents.

## 2. Requested Changes to the 1169 Sesame Design

At this point, we are not requesting further changes to the street visible appearance of the 1169 Sesame design. We do ask the City to continue to strongly consider other feedback from the community on the general issue of design compatibility.

Unlike more general guidelines related to the style of architectural design or the external appearance of a house, we believe the *Eichler Design Guidelines* provides simple and clearly stated design principles for minimizing the privacy impact of two-story houses in Eichler neighborhoods:

### **3.3.3 Avoid windows looking into adjacent homes' windows and private outdoor space.**

- a) Locate large windows mainly to the front of the house wherever possible.
- b) Limit second floor windows where they would provide views into adjacent home's living space windows and private outdoor space. Windows larger than the minimum required for emergency egress are strongly discouraged along the sides and rear of the home. Whenever possible, windows should be clerestory or frosted and textured glass.
- c) Avoid second floor balconies and bay windows on side and rear elevations.

In accordance with Section 3.3.3 of the *Eichler Design Guidelines*, we request the City require the following changes to the 1169 Sesame design:

1. Remove windows on the rear elevation of the house, or replace with clerestory windows located above eye-level, or with non-operable frosted glass windows.
  - A. The large rear-facing window in "Jacob's Room".
  - B. The light-admitting window above the desk niche in "Jacob's Room".
  - C. The light-admitting window in the shower of the second-floor bathroom.
2. Removal of the rear roof deck and the sliding glass door adjacent to "Ilan's Room" that provides views into the neighboring Eichler homes located at 1158 Ribier Court, 1162 Ribier Court, and 1175 Sesame Drive.
3. Modification of the front roof deck adjacent to "Jacob's Room" to limit views into the neighboring Eichler home located at 1161 Sesame Drive.
4. Modification of the front roof deck adjacent to "Play Room" to limit views into the neighboring Eichler home located at 1175 Sesame Drive.

The above changes can be implemented without affecting the total floor area, site plan, or second-story outline of the 1169 Sesame design as allowed by the City zoning code. Furthermore, the requested changes should not affect the ability of the 1169 Sesame design to meet other zoning requirements such as setbacks or emergency egress.

### 3. The City must enforce the *Eichler Design Guidelines*

**During the process of preparing our response and appeal for the 1169 Sesame project, we felt it was important to understand the relationship of the *Eichler Design Guidelines* within the overall context of City policies and rules.**

**We expect this information is known by the Planning Commission and City planning staff. However we believe it is important to include it here, along with our conclusions.**

At first glance, it is easy to question how the City planning staff should apply the *Eichler Design Guidelines*. The name of the document itself seems to imply that items within the *Eichler Design Guidelines* could be taken as suggestions rather than actual rules.

Similarly, one might question why separate design guidelines are required for Eichler neighborhoods as compared to the rest of the City.

It is important to note that the *Eichler Design Guidelines* are one part of an overall body of Community Design guidelines and policies established by the City of Sunnyvale.

In the late 1980s, the Sunnyvale City Council initiated legislative action to create a new category of city-wide design goals and policies consistent with the City's General Plan. The framework for these policies, known as the Community Design Sub-Element, was adopted by the City Council in 1990.

Within this framework, City planning staff were directed to create a series of Community Design guidelines starting with the *Citywide Design Guidelines*. The *Citywide Design Guidelines* were initially adopted by the City Council in 1992.

In the time since the City began its process of establishing Community Design goals and policies, the City Council has requested, studied, and adopted a number of additional Community Design guidelines.

These include the City of Sunnyvale *Single Family Home Design Techniques* (2003) as well as the City of Sunnyvale *Eichler Design Guidelines* (2009). Each set of guidelines has taken a significant effort to write and review, over a year or more of time.

It is instructive to collectively review these documents and the history of City thought and planning that has produced them. As a body of work developed under the direction of the City Council over a 25-year span, we find that the Community Design guidelines are consistent in both their specific language and in the principles they describe.

For clarity, we have attached an appendix to this letter with examples of related design principles from the *Citywide Design Guidelines*, the *Single Family Home Design Techniques*, and the *Eichler Design Guidelines*.



To summarize, we believe the Community Design guidelines are highly consistent on the basic design principles of neighborhood compatibility and minimizing the privacy impact of two-story homes within single-family neighborhoods:

1. Designs should be compatible with the scale and character of existing homes within a neighborhood.
2. Two-story homes should be designed to minimize privacy impacts on adjacent neighbors homes and yards.
3. Second floor windows that would provide intrusive views into adjacent neighbors homes and yards should be limited to frosted glass or clerestory windows placed above eye level.
4. Second floor balconies or decks should be avoided where they would provide intrusive views into adjacent neighbors homes and yards.

We believe that the significant ongoing effort that the City has put into developing the Community Design guidelines, and the consistency with which these guidelines have been written and adopted over the years speaks directly to the strength with which they should be enforced.

Eichler neighborhoods do not require separate guidelines because their basic design principles differ from the rest of the City. Rather, the *Eichler Design Guidelines* serve to inform residents and City planning staff of common considerations specific to Eichler homes such as their materials and design details, indoor-outdoor living spaces, open floor plans, and floor-to-ceiling glass windows.

**We believe the City should firmly uphold the intent of the *Eichler Design Guidelines*, as written and adopted by the City Council. We believe that items within the *Eichler Design Guidelines* that use clear and specific language, consistent with other Community Design guidelines, should be strongly enforced by City planning staff.**

#### **4. The City must take responsibility for the design review process**

In our March 6, 2016 response to the 1169 Sesame project we described a number of neighborhood privacy issues relative to the *Eichler Design Guidelines*, as well as specific privacy issues for our home at 662 Torrington Drive.

In the April 11, 2016 notification of the Design Review Approval we were encouraged that the City planning staff have required changes that address most of the specific issues for our home. However, we question why the City planning staff did not also address the issues we noted of privacy intrusions on other homes in our neighborhood.

The City planning staff are knowledgeable experts in the City zoning code, as well as the intent and specific details of the Community Design guidelines. When an applicant submits a proposal to the City, they provide site plans, floor plans, and elevation drawings to document the design and to inform the decisions of the planning staff.

During the evaluation of a proposal like the 1169 Sesame design, the City planning staff already has sufficient information to evaluate privacy issues with design features such as large rear-facing windows or a rear-facing roof deck.

Given this information, we believe the City planning staff should reject proposals that do not meet the overall intent or the specific criteria of the *Eichler Design Guidelines*. At a minimum, we believe City planning staff should require that the applicant provide additional documentation to support their review.

We strongly believe City planning staff have the responsibility to consider issues which arise during their own review of a design. City planning staff should not depend on, or necessarily require neighbors to provide detailed feedback on privacy issues with a design if the issues are apparent in the application itself.

We believe that if the City only responds to issues which are highlighted to them, this presents significant problems with impartiality in the review process. This opens the review process up to manipulation at many levels.

Sunnyvale Eichler neighborhoods are relatively modest by local real estate standards, yet home prices are rapidly approaching \$2 million dollars. The incentive to seek any advantage in the application process quickly leads to aggressive campaigning.

We believe the City must emphasize impartiality in the review process, particularly with respect to potential privacy intrusions. The City should be proactive in identifying privacy issues ahead of requesting comments from the community. The City should be consistent in enforcing the *Eichler Design Guidelines* where issues exist, without necessarily requiring the community to identify them.

## 5. Neighborhood response and expectations

Many of our neighbors affected by privacy issues with the 1169 Sesame design met together on several occasions after we became aware of the project. We believe it is fair to say that no one was happy about the prospect of living next to an intrusive two-story house.

We heard from neighbors who felt the City would approve the design regardless of their feedback, as well as neighbors who felt they did not have the energy to fully go through the appeal process. Some neighbors pointed to an earlier two-story addition at 1196 East Vanderbilt Court with concerns that the City was not interested in addressing their issues. Some neighbors simply wanted to be left alone.

In early February of this year, we met with several neighbors in our area of the Fairbrae Eichler Neighborhood to discuss interest in creating a Single-Story Combining District. The plan to organize an SSCD was seen as a constructive process that we could directly influence to demonstrate our interest in neighborhood preservation to the City.

We formed an organizing committee, and created a petition on March 1, 2016 for an SSCD covering 45 homes in the area bordered by Torrington Drive, Sesame Drive, Vanderbilt Drive, and Hollenbeck Avenue.

On March 22, 2016 our committee submitted a completed application for this SSCD to the City along with 39 total signatures, for a signing rate of 86.7%. We believe this is one of the highest signature rates ever for a single-story zoning change in Sunnyvale.

In speaking with neighbors during the SSCD effort, our committee consistently received feedback from supporters that were interested in preserving the character of our Eichler neighborhood as well as concerns about the privacy impacts of inconsiderate second-story designs.

Based on the high signature rate for our application, we believe this reflects a strong desire in the community to see the City enforce the *Eichler Design Guidelines* as they are written, with the intent of preserving both the character and privacy of Eichler neighborhoods.

It is important to note that our organizing committee includes 3 of the 4 neighbors directly affected by the 1169 Sesame rear window and roof deck placement. This includes ourselves at 662 Torrington Drive, as well as Don Buck at 1158 Ribier Court, and Joe Ragey at 1162 Ribier Court.

All of the neighbors in the vicinity of 1169 Sesame Drive provided signatures for the SSCD with the exception of 1161 Sesame Drive. The 1161 Sesame Drive owners are currently in the process of selling this property. When the sale is complete, the new owners will still have the ability to add their signature if they wish to participate.

Organizing an SSCD petition is a significant effort in planning, time, and financial cost to the applicants, who must underwrite the City application fee at the time it is submitted.

The 1169 Sesame project was a catalyst in motivating our neighborhood to support the SSCD, as was the earlier two-story remodel at 1196 East Vanderbilt Court.

However, when our organizing committee spoke with neighbors, we were clear with them that the SSCD petition could not affect the outcome of the 1169 Sesame application. In any case, only a fraction of neighbors in the SSCD area would be directly affected by the 1169 Sesame project.

We believe the motivations behind this support are more complex than a simple reaction to the immediate circumstances of the 1169 Sesame project.

As an example, we believe that a typical resident in a Sunnyvale Eichler Neighborhood who is familiar with the *Eichler Design Guidelines* would reasonably conclude, in the abstract, that the City planning staff would reject any new design in their neighborhood that might significantly affect their privacy.

If an adjacent neighbor then decided to build a second-story addition, it might result in a house that is aesthetically unattractive. But the resident's own privacy and day-to-day life in their own Eichler home would not be significantly impacted.

When a design like the 1169 Sesame project is approved by the City, yet contains a number of serious privacy issues for adjacent Eichler homes, the typical Eichler resident must now suddenly consider possible outcomes if the City does not appear to be willing to enforce the *Eichler Design Guidelines*.

If the *Eichler Design Guidelines* are not strongly enforced on neighborhood privacy issues, the question of supporting an SSCD moves from the more abstract realm of individual property rights to a concrete and much more immediate need for action to protect the sanctity of one's own home.

On April 19, 2016 the City Council approved an SSCD in the Fairwood Eichler Neighborhood near Wolfe Road. This is the first new SSCD to be approved in Sunnyvale in almost 10 years. This fall, we expect our SSCD will be the second.

In the few months since we started our SSCD effort in February, we have been in contact with three other groups in the Fairbrae Eichler Neighborhood who are all interested in starting SSCD new efforts.

Again, we believe this jump in SSCD activity in 2016 reflects a strong desire in the community to see the City enforce the *Eichler Design Guidelines* as they are written. We also believe that it reflects general concern among Eichler neighborhoods that they may not be able to depend on the City to protect them on these basic issues.

## **Conclusion**

We appreciate that the City puts ongoing effort into working with the Eichler community and developing the *Eichler Design Guidelines*. We request that the City consider the intent of the *Eichler Design Guidelines* when evaluating the impact of the 1169 Sesame design on our neighborhood.

We look forward to hearing this issue before the City Planning Commission.

There are additional items we still hope to present to the City Planning Commission, but were unable to include in this document today due to time constraints:

1. A survey of existing two-story additions to Eichler homes in the Fairbrae neighborhood, to demonstrate typical examples of these designs.
2. Information on the 1196 East Vanderbilt Court two-story addition. This project was started in 2010 and finalized in 2015. During our SSCD outreach effort, we heard a number of concerns regarding communication with neighbors during the application process.

The 1161 Sesame property adjacent to 1169 Sesame is currently in the process of being sold. We hope that the City planning staff will accommodate the new owners should they wish to provide comments ahead of the Planning Commission's decision.

Finally, we would like to note that if the 1169 Sesame project is approved, the scale of construction would be unprecedented within the Fairbrae Eichler neighborhood. We hope the City will be thorough in reviewing building and construction details, and will consider the concerns of neighborhood residents regarding noise, traffic, dust, and privacy impacts.

Regards,

John and Michelle Sullivan

## **Appendix: Relevant sections from the Community Design guidelines**

The City of Sunnyvale *Citywide Design Guidelines* were adopted in 1992 and amended in 2012 and 2014.

*Citywide Design Guidelines:*

**2. BUILDING DESIGN**

Buildings should enhance the neighborhood and be harmonious in character, style, scale, color, and materials with existing buildings in the neighborhood.

...

2.B7. Placement of windows and openings on second story additions should not create a direct line of sight into the living space or the back yard of adjacent properties to maintain privacy.

...

2.C1 Maintain diversity and individuality in style but be compatible with the character of the neighborhood.

## Appendix: Relevant sections from the Community Design guidelines

The City of Sunnyvale *Single Family Home Design Techniques* were adopted in 2003.

### *Single Family Home Design Techniques:*

#### **2.2 BASIC DESIGN PRINCIPLES**

...

2. Respect the scale, bulk, and character of homes in the adjacent neighborhood.
3. Design homes to respect their immediate neighbors

#### **3.6 PRIVACY AND SOLAR ACCESS**

One of the major concerns expressed by existing residents of neighborhoods when new two story homes are constructed is that of privacy intrusion. Neighbors have adjusted to each other over a period of time, and landscaping has often been strategically planted to ensure privacy between homes. New and larger homes raise the prospect of new windows near those of neighboring homes, loss of privacy in outdoor yard spaces, and the blockage of sunlight from windows and yard spaces. While the elimination of all potential conflicts may not be possible, privacy intrusions of new construction on existing homes should be mitigated wherever possible.

...

- 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. Where possible, second floor windows that might intrude on adjacent property privacy should have sill heights above eye level or have frosted or textured glass to reduce visual exposure. Bay windows should be avoided on side walls where they would intrude on adjacent residents' privacy.

...

- D. Second floor balconies and decks should be used only when they do not intrude on the privacy of adjacent neighbors. As a general rule, balconies and decks that are more than two feet above grade should try to maintain a distance of ten feet from side property lines and twenty feet from rear property lines when the adjacent use is single family residential. When allowed, the design of railings should be tailored to the privacy concerns of neighbors (e.g. balcony or deck sides overlooking adjacent windows or actively used yard space should be solid in form.) Open railings should only used where privacy concerns are minimal.

## Appendix: Relevant sections from the Community Design guidelines

The City of Sunnyvale *Eichler Design Guidelines* were adopted in 2009.

### *Eichler Design Guidelines:*

#### **1. INTRODUCTION**

##### **INTENT**

These guidelines are intended to accomplish the following:

- Preserve the unique character of Eichler homes and their neighborhood.
- Assist property owners in designing new homes, expansions, and other exterior changes to respect and complement the scale and character of existing Eichler homes and their surrounding neighborhoods.

#### **3.3 PLANNING FOR A SECOND FLOOR ADDITION**

...

Since second story additions have the potential for disrupting the scale and character of the surrounding Eichler neighborhood and negatively impacting the privacy of adjacent homes, other options for ground floor additions should be explored first. All second floor additions will receive additional scrutiny. The following guidelines are intended to provide some general assistance in the design approach for second floor additions to Eichler homes.

...

##### **3.3.3 Avoid windows looking into adjacent homes' windows and private outdoor space.**

- a) Locate large windows mainly to the front of the house wherever possible.
- b) Limit second floor windows where they would provide views into adjacent homes' living space windows and private outdoor space. Windows larger than the minimum required for emergency egress are strongly discouraged along the sides and rear of the home. Whenever possible, windows should be clerestory or frosted and textured glass.
- c) Avoid second floor balconies and bay windows on side and rear elevations.



Sullivan / Appeal of 1169 Sesame Design Approval (Addendum)

John Sullivan  
Michelle Sullivan  
[REDACTED]  
Sunnyvale CA, 94087

May 10, 2016

Noren Caliva-Lepe, Project Planner  
Trudi Ryan, Community Development Director

Dear Noren, Trudi,

The purpose of this letter is to provide an addendum to our April 26, 2016 letter appealing the the Design Review Approval for 1169 Sesame Drive.

This addendum covers items that we were not able to include in our earlier letter due to time constraints:

1. Existing two-story additions in the Fairbrae Eichler neighborhood
2. Discussion of the 1196 East Vanderbilt Court project (2011)
3. Relative lot heights adjacent to 1169 Sesame Drive

Regards,

John and Michelle Sullivan

## 1. Existing two-story additions in the Fairbrae Eichler neighborhood

[ Technically, the tract name for our Eichler neighborhood is the “Fairbrae Addition”. For clarity, we’ll continue to refer to it simply as “Fairbrae”. ]

The Fairbrae Eichler neighborhood located south of Remington Drive and east of Hollenbeck Avenue contains approximately 260 Eichler homes. It is one of the largest Eichler neighborhoods in Sunnyvale and remains relatively intact. The majority of homes in this neighborhood are low-roofed Eichler models that were constructed between 1958 and 1961.

There are a total of 11 existing two-story homes in the Fairbrae Eichler neighborhood.

Address	Permit	Finaled	Notes
1196 East Vanderbilt Court	4/11/2011	5/1/2015	<i>Eichler Design Guidelines</i>
666 Winggate Drive	9/28/2006	7/18/2008	<i>Single Family Home Design Techniques</i> (non-Eichler, located at tract boundary)
586 Rockport Drive		1994	Cul-de-sac
674 Vanderbilt Drive		1991	Mid-block, lowered garage
613 Torrington Drive		1990	Corner lot
1136 Snowberry Court		1990 (?)	Mid-block
669 Winggate Drive		1979	Cul-de-sac
615 Templeton Court		1979 (?)	Cul-de-sac
679 Tiffany Court		1978	Cul-de-sac
618 Sheraton Drive		1976	Mid-block
1234 Sesame Court		1973	Cul-de-sac

Only the two most recent additions were covered under the City’s Community Design guidelines. The majority of the two-story additions in the Fairbrae neighborhood were completed more than 20 years ago.

The 1196 East Vanderbilt Court house is the only two-story addition completed in the Fairbrae neighborhood after the City adopted the *Eichler Design Guidelines* in 2009. This house includes two balconies with sliding glass doors at the front and rear of the second-story.

Because the 1196 East Vanderbilt Court house is located on a corner lot, the rear balcony mainly provides views over the driveways of the homes located to the east. However there is partial visibility into the kitchen window and rear yard of the house located at 661 Vanderbilt Drive.

The 1196 East Vanderbilt Court house appears to be in conflict with the *Eichler Design Guidelines*. We do not believe this house is a valid precedent for two-story designs in an Eichler neighborhood.

The 666 Winggate Drive house is located at the boundary of the tract map, adjacent to a number of Eichler homes. We believe this house is a remodel of an original non-Eichler house. The rear of the house faces a nearby church and school. This house should not be relevant as a precedent for two-story Eichler designs.

The remainder of the two-story homes in the Fairbrae neighborhood have been in place for multiple decades, reflecting the stability of this neighborhood over time. Despite the fact that these additions were completed before the adoption of the *Eichler Design Guidelines*, many owners used elements of existing Eichler homes in their design.

Of the 9 remaining houses constructed before 1994, three of these houses have street-facing second-story balconies. As far as we can determine, none of these 9 houses have rear or side-facing second-story balconies or decks.

Most of these houses have several rear or side-facing windows. However we believe some of these would be modified or disallowed in a new design if they provided direct views into neighboring homes, in accordance with the *Eichler Design Guidelines*.

**In summary, we believe there are no other precedents for side or rear-facing balconies or roof decks in the Fairbrae Eichler neighborhood. We believe the City should not create new precedents by approving designs with these features.**

## 2. Discussion of the 1196 East Vanderbilt Court project (2011)

In the process of collecting information for our appeal, we reached out to a number of neighbors around 1196 East Vanderbilt Court and received some surprising feedback.

Neighbors told us that no letters were sent by the City to inform them of this project. The owner did not post a sign or perform any other notifications. The first indication that neighbors received was the installation of a chain-link construction fence.

Several neighbors contacted the City but were told that nothing could be done because the permit had already been issued. The owner ran into issues during construction and this project remained partially completed until early 2015.

To confirm this account, we have reviewed the project plans and permit application from the City Planning archives. Notably, there appear to be zero comments from neighbors recorded for this project.

We have asked Planning staff if there are any records to document the design review or notification process for 1196 East Vanderbilt Court. We have been told that staff will address this matter during the hearing for 1169 Sesame Drive next week.

The 1196 East Vanderbilt Court project is the only two-story addition that has been completed in the Fairbrae Eichler neighborhood since the *Eichler Design Guidelines* were adopted by the City Council in 2009.

In accordance with the *Eichler Design Guidelines*, this project should have undergone a design review. As one of the first two-story additions to be reviewed after the *Eichler Design Guidelines* were adopted, one might expect this project would have received significant community feedback.

**We believe that 1196 East Vanderbilt Court should not be used as a precedent for the design of Eichler homes in the Fairbrae neighborhood.**

### 3. Relative lot heights adjacent to 1169 Sesame Drive

The Eichler homes located at 662 Torrington Drive, 1158 Ribier Court, and 1162 Ribier Court share rear fence lines with 1169 Sesame Drive.

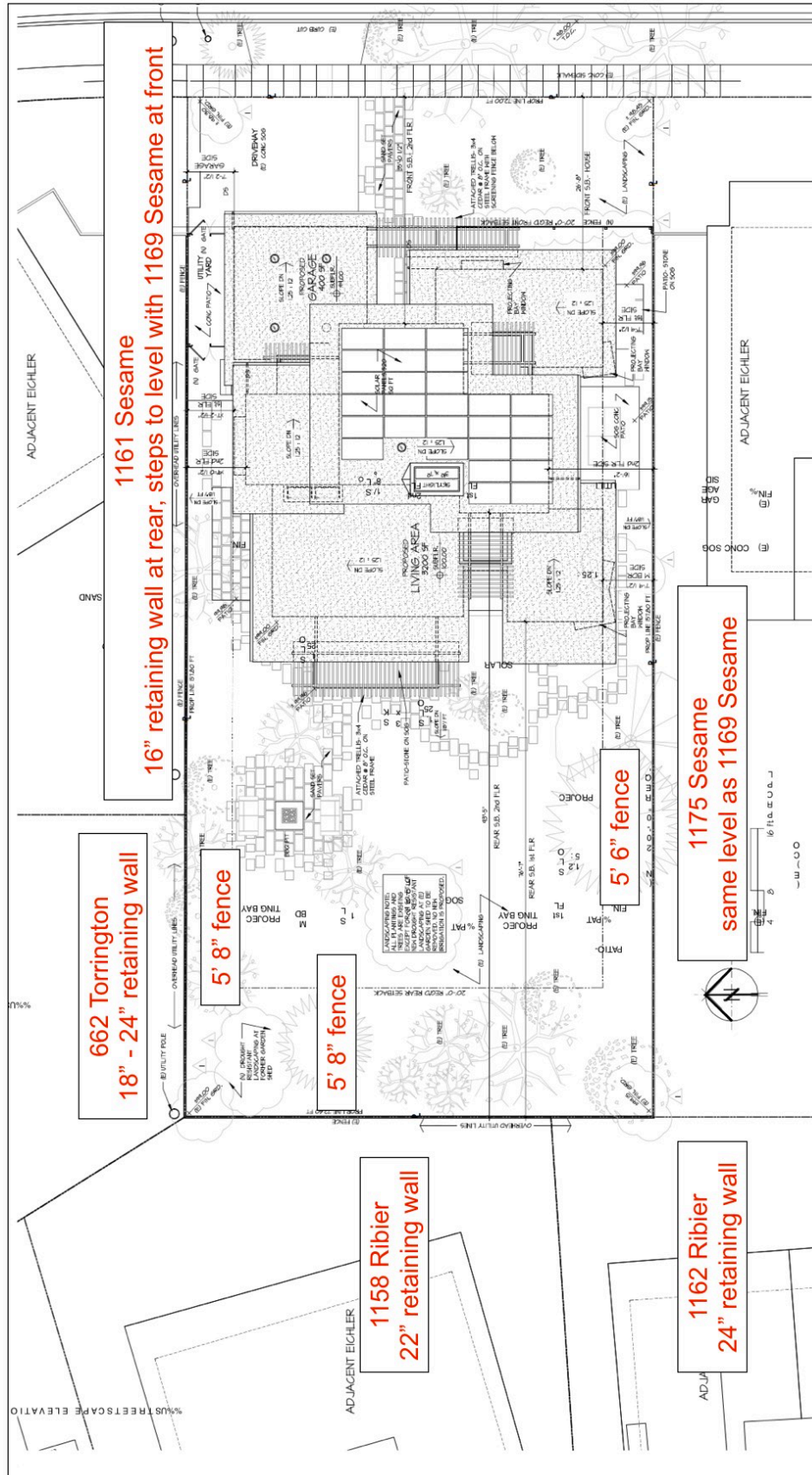
It is important to note that there is a relative difference in the lot height of these properties when considering sight lines and privacy concerns.

Address	Fence Height	Retaining Wall	Total Height
662 Torrington Drive	5' 8"	18" - 24"	7' 8"
1158 Ribier Court	5' 8"	22"	7' 6"
1162 Ribier Court	5' 8"	24"	7' 8"
1161 Sesame	5' 4" - 5' 8"	16"	6' 8" at rear, step to 5' 8" at front
1175 Sesame	5' 6"	n/a	5' 6", level with 1169 Sesame lot

The fences between these yards use retaining walls to account for the difference in lot heights. This can create a significant "walled-in" effect for the lower lots.

City zoning code allows rear fences up to 8' in height. This may be desirable for privacy, however this could create fences with a total height of nearly 10' for the lower lots.

When considering the second-story aspect of the 1169 Sesame design as seen from the rear, the relative lot heights also contribute to the overall visible height of the house.



Appendix: Sullivan / Comments from March 6, 2006 Letter

John Sullivan  
Michelle Sullivan  
[REDACTED]  
Sunnyvale CA, 94087

March 6, 2016

Noren Caliva-Lepe, Project Planner  
Trudi Ryan, Community Development Director

Dear Noren, Trudi,

The purpose of this letter is to respond to your February 26, 2016 notification of the application for a new two-story house at 1169 Sesame Drive.

My wife Michelle and I have lived at 662 Torrington Drive for 16 years. We have strong ties to the local community and very much enjoy living in the City of Sunnyvale.

We would like to respond to the 1169 Sesame project on four individual topics:

1. Compatibility of the proposed design in our neighborhood
2. Potential privacy intrusions on adjacent Eichler homes
3. Specific privacy issues for our home at 662 Torrington Drive
4. General concerns about the proposed construction

Accompanying this letter is a packet of drawings that illustrate these issues.

## 1. Compatibility of the proposed design in our neighborhood

The Introduction to the *Eichler Design Guidelines* (City of Sunnyvale, 2009) includes the following statement explaining the intent of the document:

### 1. INTRODUCTION INTENT

These guidelines are intended to accomplish the following:

- Preserve the unique character of Eichler homes and their neighborhood.
- Assist property owners in designing new homes, expansions, and other exterior changes to respect and complement the scale and character of existing Eichler homes and their surrounding neighborhoods.

**Appendix: Sullivan / Comments from March 6, 2006 Letter**

While the architectural design of the 1169 Sesame project is carefully executed, we see little similarity with the existing Eichler house that it will replace.

It does not include visible post-and-beam or extruded volume elements typical of an Eichler design. It incorporates front-facing projecting bay windows and roof decks with sliding glass windows. Much of the first floor exterior is a stucco finish.

If this house were not located in an Eichler neighborhood, a casual observer would likely see no connection to the Eichler design style.

In the context of its location at 1169 Sesame Drive, this project would be the lone two-story house among 20 single-story low-roofed Eichler homes.

The house projects a large visible volume to the street. The multiple roof lines are disjoint, including both parallel and perpendicular slopes. There are few elements that tie the design to the adjacent Eichler houses.

*Please refer to page 1 of the attached drawings, which shows the 1169 Sesame street elevation and a list of distinguishing characteristics.*

**We believe the proposed design is not reflective of the unique style of Eichler homes and that it does not complement the scale and character of the homes in the surrounding neighborhood.**

## **2. Potential privacy intrusions on adjacent Eichler homes**

The *Eichler Design Guidelines* makes a number of references to the issue of privacy and two-story homes in Eichler neighborhoods. The introduction to the *Eichler Design Guidelines* directly mentions privacy issues as one of the motivations for creating this document:

### **1. INTRODUCTION**

#### **WHY DIFFERENT GUIDELINES FOR EICHLERS?**

...

Eichler homes, because of their open floor plans and large expanses of glass, are especially vulnerable to privacy intrusions from adjacent two-story tall homes or second story additions.

Because the *Eichler Design Guidelines* repeatedly places emphasis on privacy issues, we believe this should be one of the strongest areas of attention for City planners when reviewing any new design proposal.



The introduction to section 3.3 includes text that emphasizes the need for City review:

### **3.3 PLANNING FOR A SECOND FLOOR ADDITION**

...

Since second story additions have the potential for disrupting the scale and character of the surrounding Eichler neighborhood and negatively impacting the privacy of adjacent homes, other options for ground floor additions should be explored first. All second floor additions will receive additional scrutiny. The following guidelines are intended to provide some general assistance in the design approach for second floor additions to Eichler homes.

Following this statement is a list of common problems and concerns with second floor additions to Eichler homes. The first item listed is:

- Potential privacy intrusions on adjacent Eichler windows and yards.

The intent of the introduction and list of problems is codified in section 3.3.3:

#### **3.3.3 Avoid windows looking into adjacent homes' windows and private outdoor space.**

- a) Locate large windows mainly to the front of the house wherever possible.
- b) Limit second floor windows where they would provide views into adjacent home's living space windows and private outdoor space. Windows larger than the minimum required for emergency egress are strongly discouraged along the sides and rear of the home. Whenever possible, windows should be clerestory or frosted and textured glass.
- c) Avoid second floor balconies and bay windows on side and rear elevations.

Unlike more general design guidelines related to the style of architectural design or external appearance of a house, we believe the principles stated in section 3.3.3 are straightforward to interpret and apply.

The proposed design of the 1169 Sesame house includes 3 roof decks and a number of rear-facing windows. The rear roof deck provides views of four neighboring homes to the west and south. The two front roof decks provide views of the neighboring homes to the north and south. All of the adjacent neighbors are affected by these features.

*Please refer to page 2 of the attached drawings, which shows the 1169 Sesame site plan and indicates the location of roof decks, rear windows and adjacent homes.*

**It is difficult to see in the 1169 Sesame design proposal where any serious considerations were made for the privacy of adjacent Eichler homes, or to address the specific items in section 3.3.3 of the *Eichler Design Guidelines*.**

As the owner of an adjacent home whose privacy would be impacted by the proposed 1169 Sesame house, I can attest that it has taken a significant amount of time and effort to collect and review drawings and plans, to understand the City guidelines and zoning rules, and to respond constructively.

As day-to-day experts in the City of Sunnyvale planning and zoning rules -- and with full access to the architectural drawings for any proposed construction -- we encourage the City planners to proactively consider the criteria in section 3.3.3 based on the design for any proposed house without first or necessarily requiring notice or feedback from affected neighbors.

**We request that the City planners reject the 1169 Sesame application and require the owner to reapply with an updated design for the second story that complies with the intent and specific criteria of the *Eichler Design Guidelines* section 3.3.3.**

### **3. Specific privacy issues for our home at 662 Torrington Drive**

While we hope that the City planners take the action of rejecting or requiring changes to the 1169 Sesame design based on the privacy impact to all of the surrounding homes, we believe it is important to document specific issues that affect our home.

Our house at 662 Torrington Drive is a typical Eichler model with a central atrium and a flat roof. The house retains the original design and floor plan with minimum external modifications. The primary living spaces (master bedroom, kitchen / dining area, living room) are located at the rear of the home with full floor-to-ceiling glass windows.

The proposed 1169 Sesame two-story house includes a large rear bedroom window and a roof deck with a sliding glass door that offer mostly unobstructed views into the private living spaces at the rear of our home.

*Please refer to pages 3 and 4 of the attached drawings, which show the rear facing view of 662 Torrington and illustrate the views from the 1169 Sesame bedroom window and rear deck.*

Privacy in Eichler homes is not absolute. Any Eichler owner who has performed maintenance on their roof quickly discovers how much they can see into adjacent homes in all directions. Similarly, we are all aware we have little protection from an intrusive neighbor who covertly peeks above or through back yard fences.

**Appendix: Sullivan / Comments from March 6, 2006 Letter**

A reasonable standard for privacy in Eichler homes is that we should not be exposed during our neighbors, and our own, regular day-to-day activities. We believe the bedroom window and the roof deck both fail to meet this standard.

**We request the following changes to the current 1169 Sesame design:**

- 1. For the roof deck, add planters or a shading feature that ties the roof line to the overhead trellis, blocking views over the roof to our house.**
- 2. Replace the rear windows and bedroom window with clerestory windows that do not provide direct views into our house or yard.**

*Please refer to pages 5 and 6 of the attached drawings, which show a view from the rear yard of 662 Torrington highlighting the location of the roof deck and windows, and illustrating the proposed changes.*

**4. General concerns about the proposed construction**

We have some additional questions about the proposed design and construction:

1. Existing trees on the property provide some visual coverage. Will there be an arborist report on the condition of these trees with recommendations on how to protect them during basement excavation and house construction?
2. Will a boundary survey be performed before the basement excavation begins?
3. Does the basement require a sump pump? Is there a drainage plan that takes into account the property elevation relative to adjacent lots? Do the owners plan to have backup power such as batteries or a generator?
4. The outline of the house will be visible for a significant distance. Is there an exterior lighting plan or any City requirements on externally visible lighting?

## Conclusion

Thank you for hearing our comments on this application.

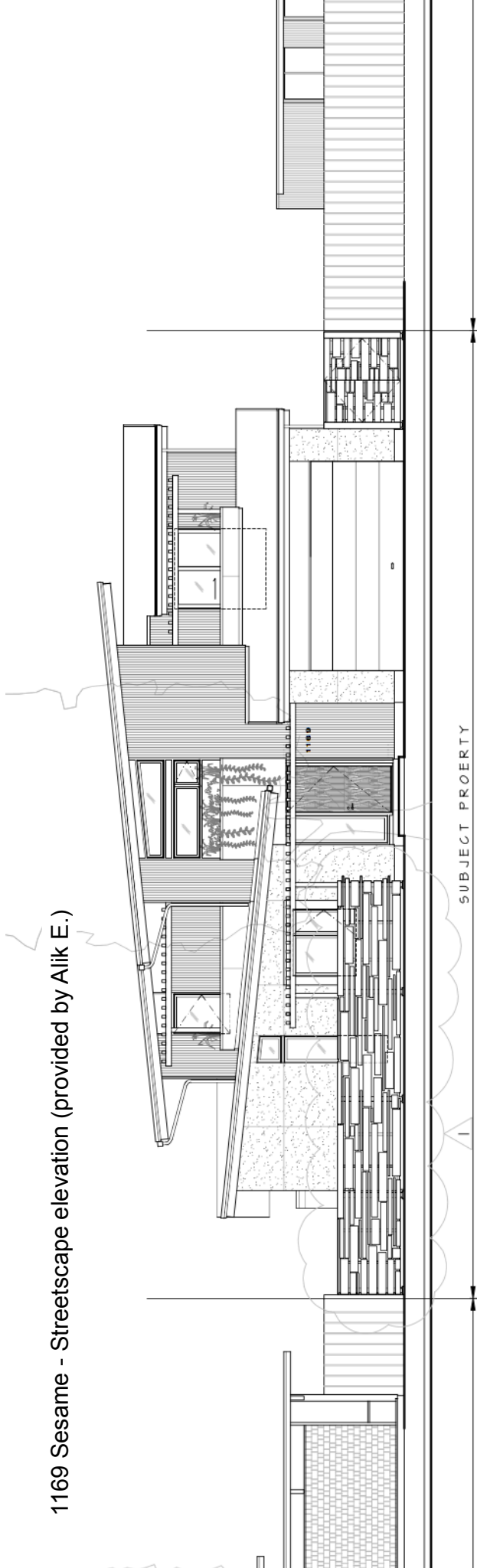
We ask the City to recognize that a project like this has a significant impact on the character of our neighborhood. A two-story house designed with minimal consideration for the privacy of adjacent Eichler homes will affect the daily lives of their occupants for decades to come.

We appreciate that the City has put an ongoing effort into working with the Eichler community and developing the *Eichler Design Guidelines*. The 1169 Sesame project appears to be a test of how the City will move forward on these ideas in the future.

Regards,

John and Michelle Sullivan

# 1169 Sesame - Streetscape elevation (provided by Alik E.)



## *Eichler Design Guidelines, City of Sunnyvale (2009)*

### **3.7 Planning for a New House**

Constructing new houses in established Eichler neighborhoods offers special challenges and opportunities. Typical Ranch and Mediterranean Style homes found elsewhere in Sunnyvale would look distinctly out of place among the crisp design style and flat or shallow-sloped roofs of the Eichler neighborhood. Conversely, modern style homes, which might look awkward in more traditional neighborhoods can feel quite at home among the Eichlers.

The planning and design of a new house in an Eichler neighborhood should focus on standing out by way of superior modern design, not by use of a distinctly different architectural style.

Since every home has a different setting, each new home proposal will be evaluated in the context of that unique neighborhood context. The applicant must demonstrate how the design will relate to and complement nearby Eichler homes.

**Applicants for new houses should review all of the other design guidelines in this document to assist in understanding the Eichler Style, and in creating a design that is a sympathetic neighbor.**

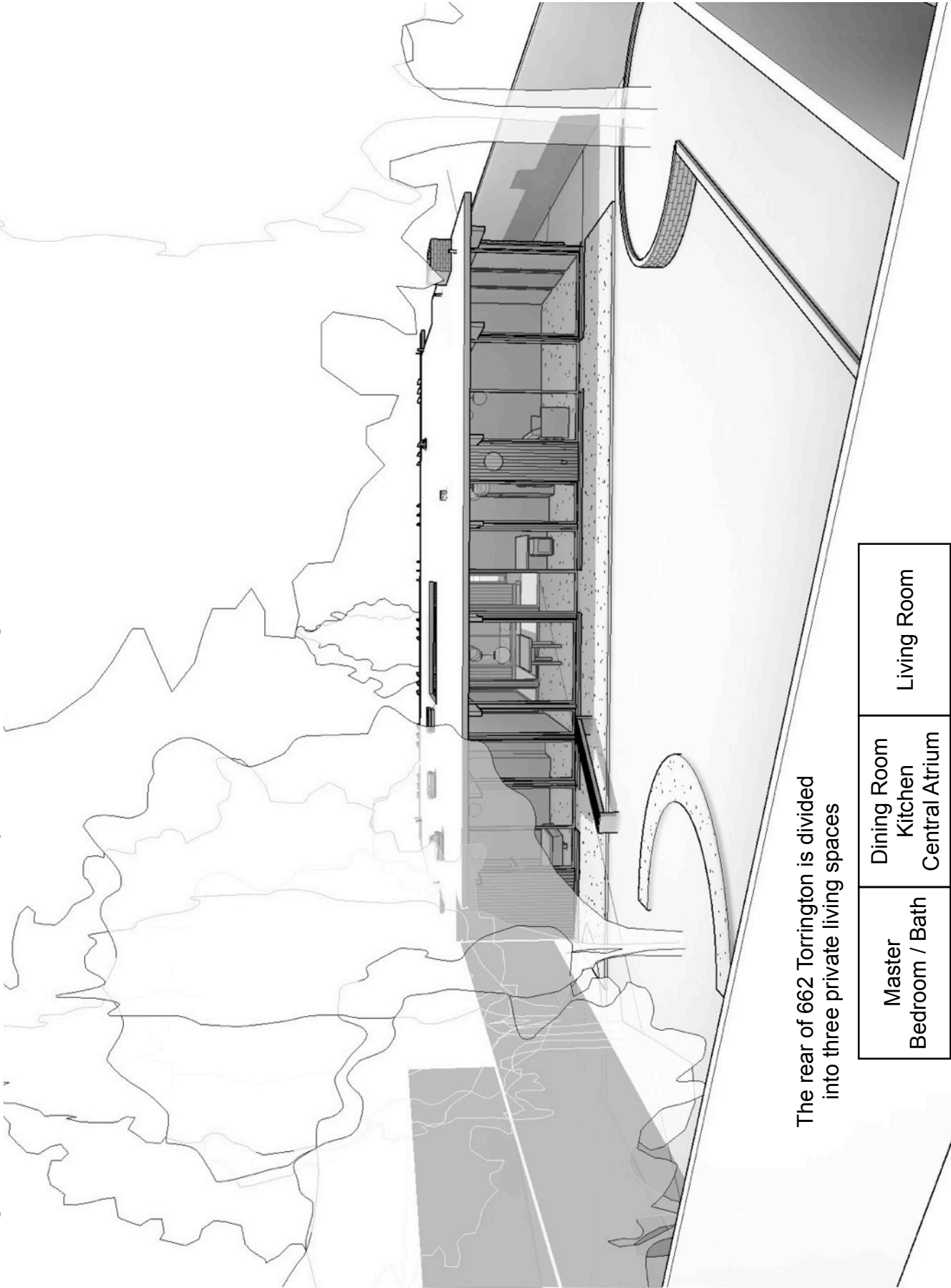
There are currently 20 single-story original Eichler homes located on both sides of Sesame Drive between Torrington Drive and Vanderbilt Drive.

The nearest two-story house is a remodeled Eichler with a second-story addition located at 1196 Vanderbilt Court E.

Distinct features of the proposed 1169 Sesame Drive house compared to surrounding homes:

- Carefully designed contemporary style with minimal Eichler influences.
- Does not relate to or reference the original house in the location.
- Will be the only two-story house on Sesame Drive, with a large visible volume from the street view.
- Has discontinuous roof lines, including roof slopes parallel and perpendicular to the street dissimilar to adjacent Eichler homes
- Does not utilize visible post-and-beam construction or extruded-volume elements common to Eichler homes.
- Incorporates front-facing projecting bay windows and roof decks with sliding glass doors, which are not common to Eichler homes.
- The first floor exterior is primarily a stucco finish.

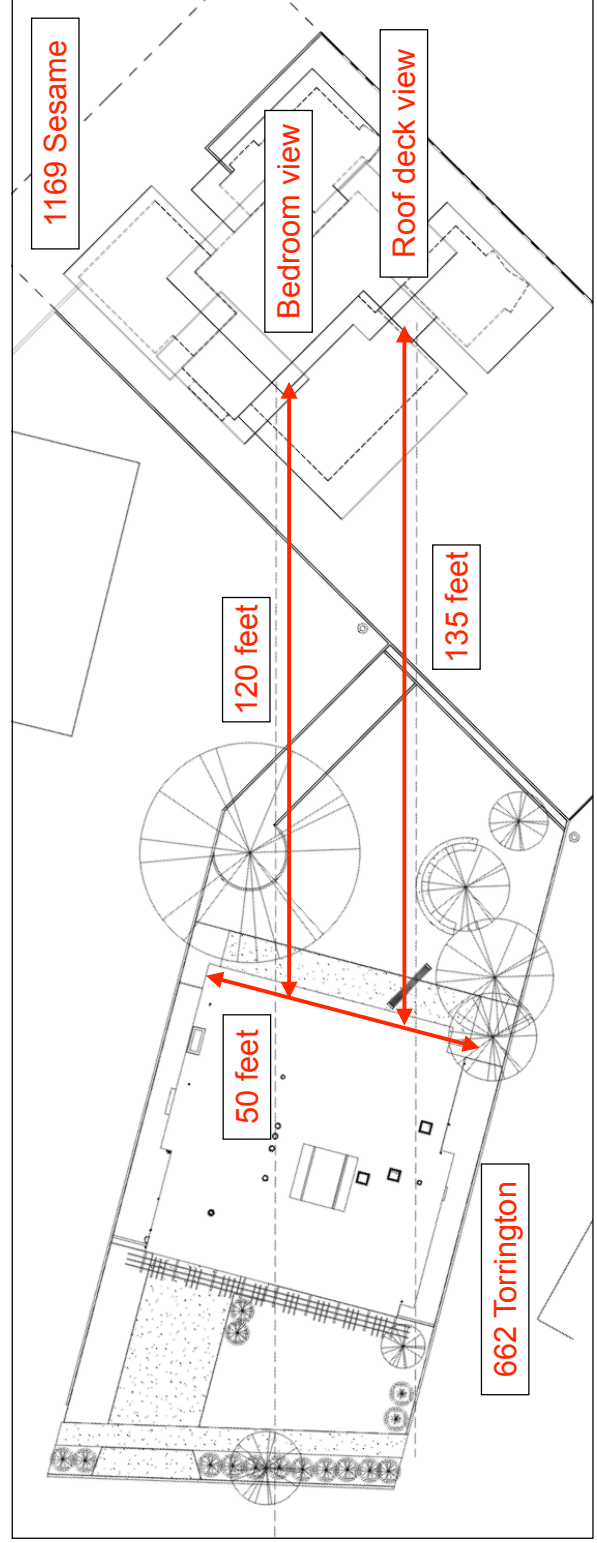
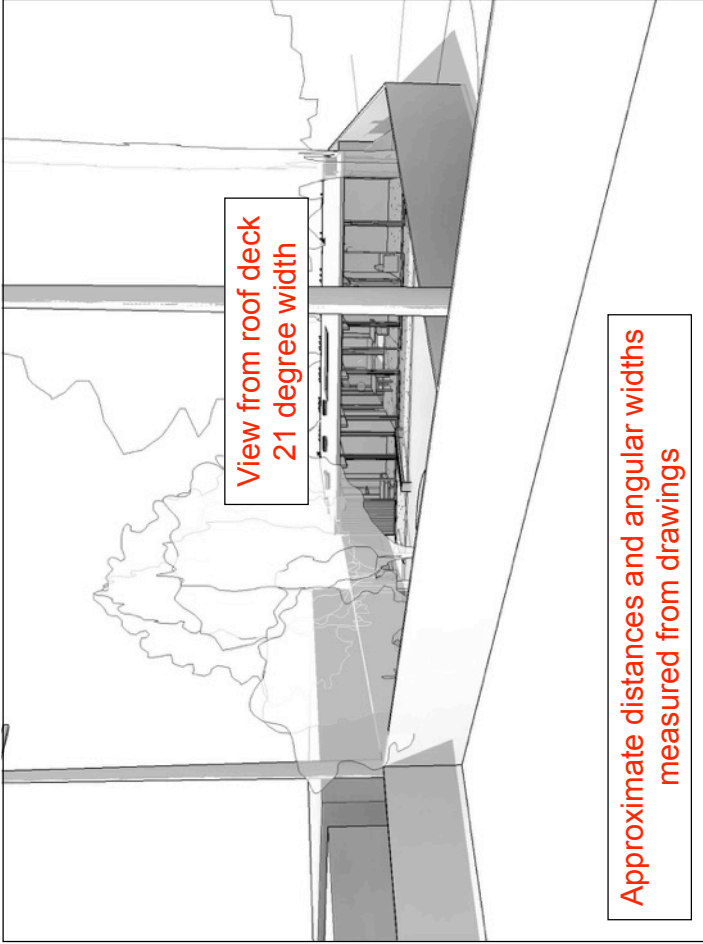




The rear of 662 Torrington is divided  
into three private living spaces

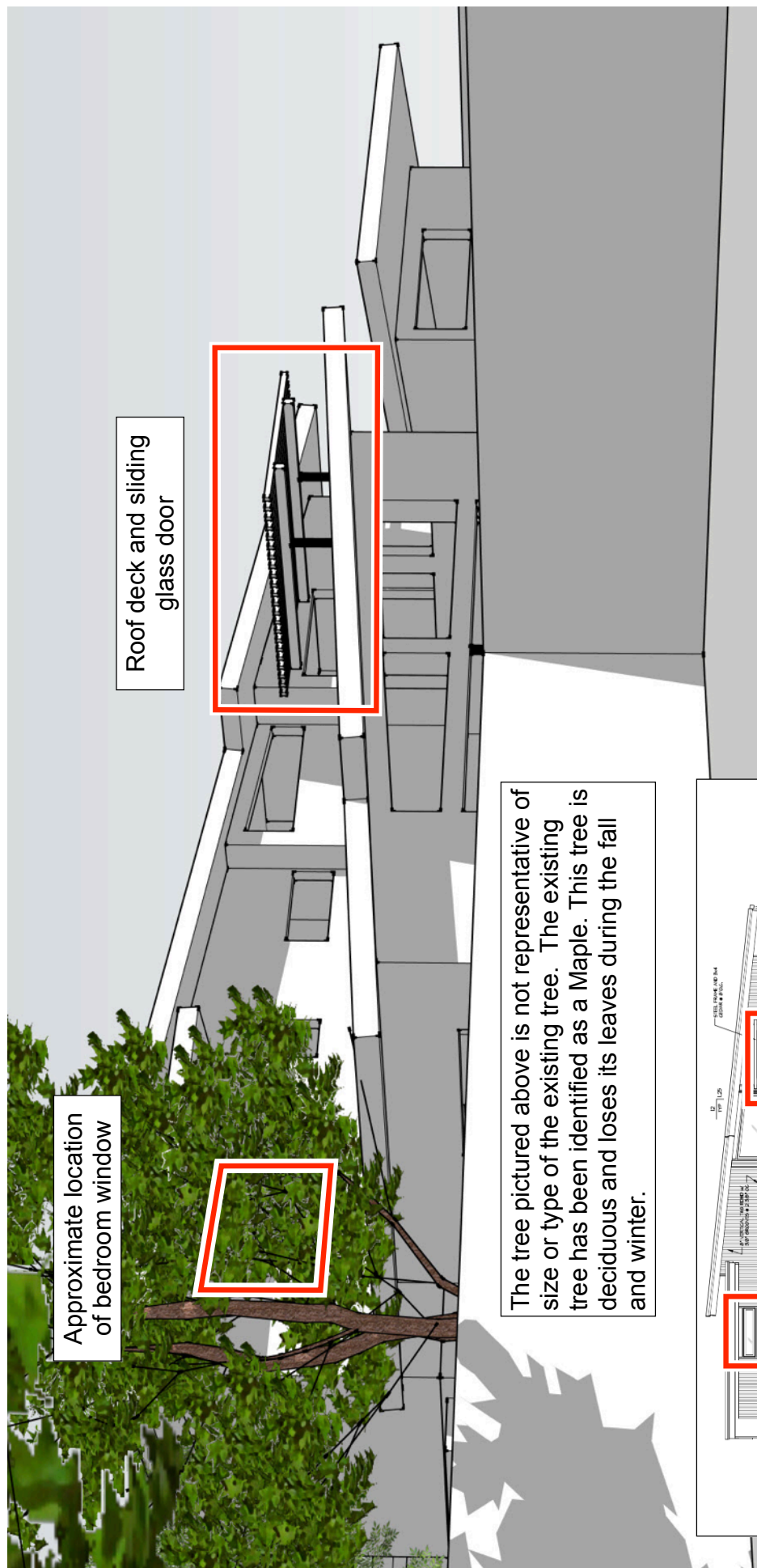
Master Bedroom / Bath	Dining Room Kitchen Central Atrium	Living Room
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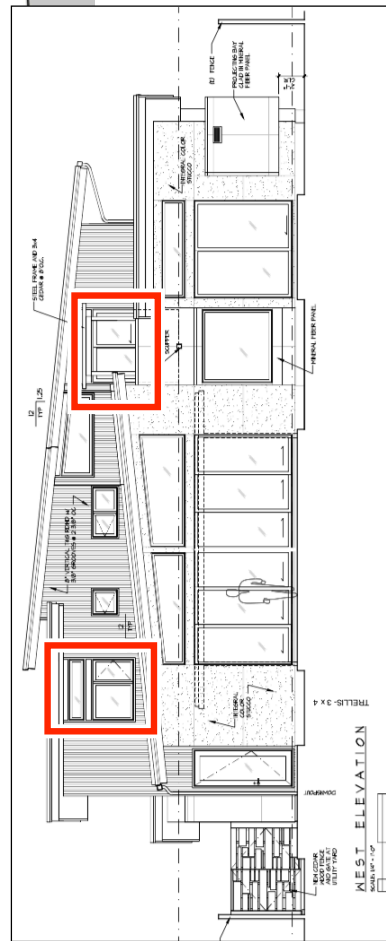




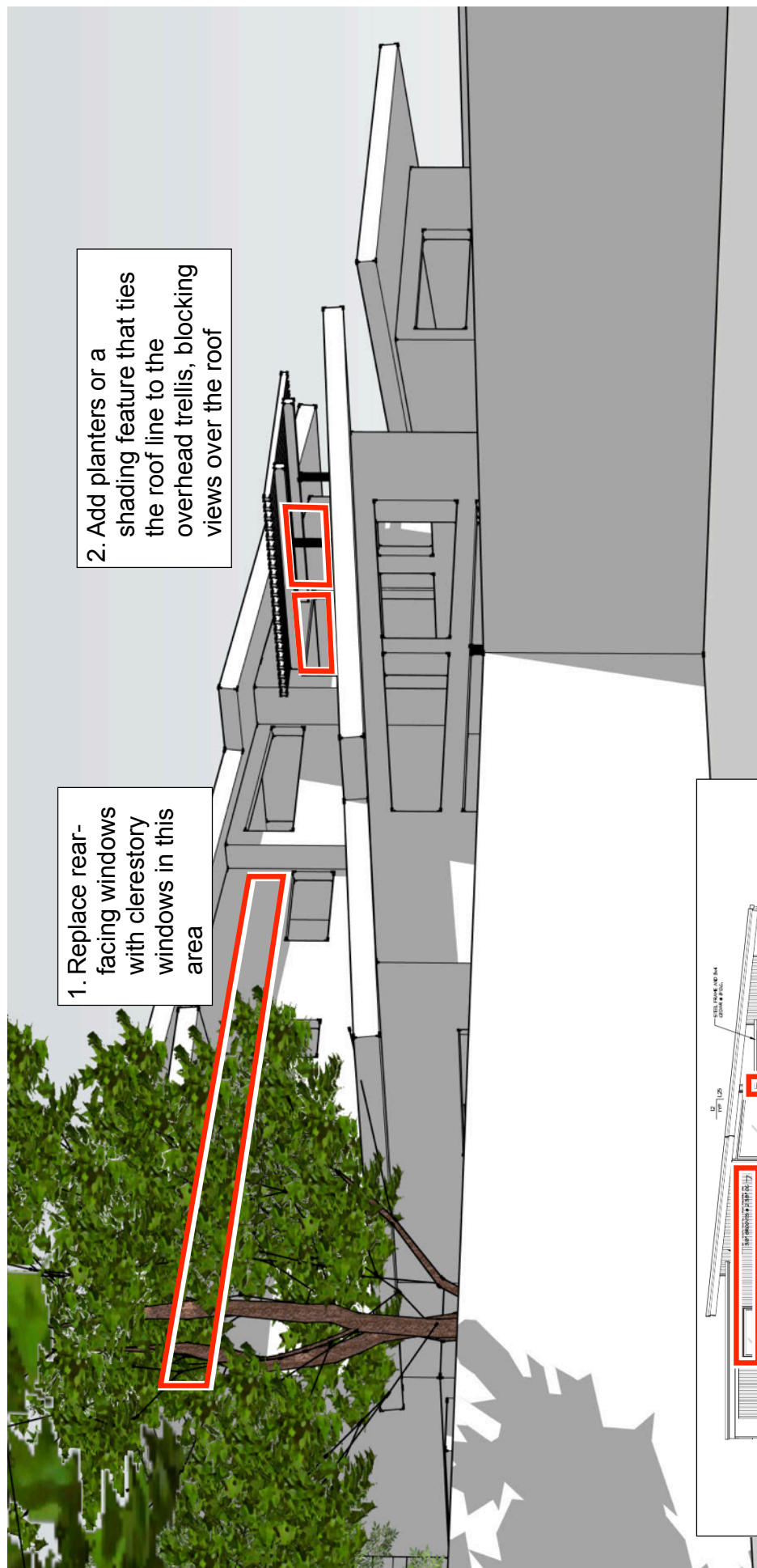
1169 Sesame - Perspective sketch from 662 Torrington rear yard viewpoint (provided by Alik E.)



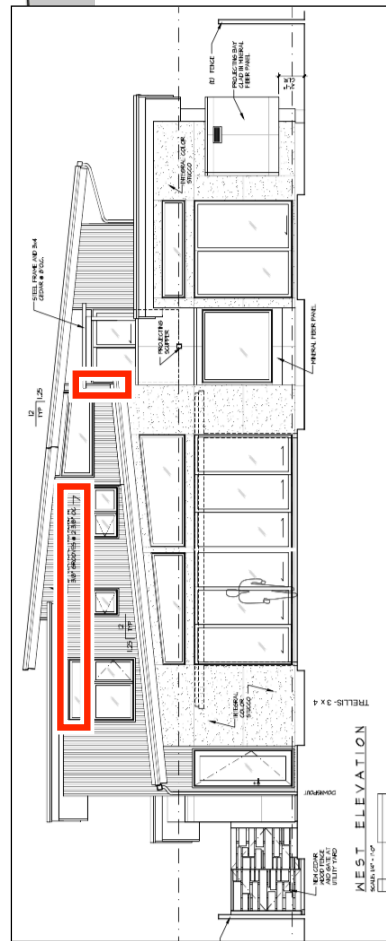
## Specific privacy issues for 662 Torrington



1169 Sesame - Perspective sketch from 662 Torrington rear yard viewpoint (provided by Alik E.)



Proposed changes to  
1169 Sesame to address  
662 Torrington privacy  
issues



ERIK PETERSEN  
GENERAL CONTRACTOR  
STATE LICENSE B 705044  
1150 ROYAL ANN DRIVE  
SUNNYVALE, CA. 94087  
408-738-0773

April 26,2016

To  
Noren Caliva-Lepe  
Associate Planner

Re Design Review Approval-1169 Sesame Drive;

Pleas consider this letter my official appeal of the approval of the new two-story project (file no. 2016-70310) at 1169 Sesame Drive.

There are so many things wrong with this project;

-There is no reason to demolish existing Eichler home...granted there are some issues with improper plumbing work performed by previous owner, which can be addressed during a REMODEL.

-I vehemently object to the scale of this project. In previous letters to you I expressed concern that Sunnyvale does not require "story poles" be erected to show the true scale of proposed build. I have included several pictures of a home at 1623 Wright Avenue that was constructed in 2000, bracketed by two single-story Eichler homes. The scale of this home is similar to what is proposed at 1169 Sesame. It completely dwarfs the neighboring homes. I suggest you and your staff take a drive over there. Although there were no Eichler guidelines in place at the time, the project still did not follow established Sunnyvale guidelines.

-In reference to the photos of the second story addition at 1196 Vanderbilt Ct., which was completed in 2014, the city did not enforce established Eichler guidelines, and neighbors were not made aware that they could appeal the project. There are so many projects in town that appear to not follow established guidelines. Why are these rules and codes not followed?

I have read the self-serving letter from Ian Ayers to staff dated March 17,2016; Mr. Ayers is being paid a great deal of money to push through a design which he knows is not a good fit for this neighborhood. This "monster house" is more of a trophy for the applicants, than a necessity. There is ample room on this lot to either add footage to the rear of existing footprint, or conversely, demolish existing home (which I am against),

and build a single-story above a full occupancy basement. Better still, applicants can sell the home and build in a more appropriate area, such as Saratoga, Lost Altos, etc. Also, they were less than honest with neighbors regarding their plans for this property. There was some talk of a second story addition early on, then suddenly here is the sign in front of 1169 proposing a full demolition and new build. This really comes down to ego; in this neighborhood, the new home will say "LOOK AT ME", while building in a more appropriate area, it would be just "another" nice home. And why should the wishes of one "affluent" owner outweigh the overwhelming objections of area residents to this project?

More troubling, it seems that Mr. Ayers feels he can manipulate planning staff to his client's benefit. The changes to original plans are minimal at best; his agenda of course is to push his client's wishes. Of far greater concern is the appearance that the city is not following its own Citywide Design Guidelines and Single-Family Design Techniques. Why are you not following your own rules? I would like to believe that this process is fair and unbiased, but what I am seeing is something else. Also, Mr. Ayers is a hypocrite; He has designed some beautiful single-story Eichler remodels in our area, and has advocated for keeping our Eichler neighborhoods true to their original single-story designs, yet here he is doing this. As usual, it is all about money.

I look forward to addressing the Planning Commission at upcoming hearings

Sincerely,

Erik Petersen



















