

March 20, 2015

City of Sunnyvale

456 W Olive Ave,

Sunnyvale, CA 94086

**To Whom This May Concern:**

This is an appeal to the Planning Commission's approval of the 1026 Lois Avenue project, File #: 2014-7624 Location: 1026 Lois Avenue (APN: 198-34-011), which took place during the public hearing on March 9<sup>th</sup>, 2015.

During the initial hearing of this matter on October 13<sup>th</sup>, 2014, the Planning Commission denied a Design Review for a two-story home with a 50% FAR at 1026 Lois Ave. In effect, the FAR that the Planning Commission specifically outlined as problematic during the October 13<sup>th</sup>, 2014 hearing was not completely addressed in the revised design presented during the subsequent March 9<sup>th</sup>, 2015 hearing.

Furthermore, even with design revisions outlined on Page 3 of the staff report following the March 9<sup>th</sup>, 2015 hearing, this proposed project still violates several of the Design Principles set forth by the city as stated in "Things to Know for Additions or New Construction of Single-Family or Duplex Homes" (last revised May, 2014). We are in R-0 zoning district and we strongly feel that the resubmittal of this application should have been flagged at the staff level.

Planning Commission chose to disregard an overwhelming neighborhood opposition to this project, both in written and verbal forms expressed prior to and during the March 9<sup>th</sup>, 2015 hearing. Planning Commission also chose to reward builder's disrespectful behavior towards the norms of the Cherry Chase community, disregarding the key human element of encouraging good neighborly relations.

Following are the items we feel violate city construction codes and show blatant disregard of the community spirit we all cherish so much in our beloved Cherry Chase neighborhood:

### **2.2.2 Respect the scale, bulk and character of homes in the adjacent neighborhood**

- The proposed home is at 50% FAR. It not only exceeds the generous 45% FAR per the R-0 zoning. This proposed home will no doubt stand out as it nearly doubles the FAR in a neighborhood where the average FAR is 25.56% (per data sheet provided by the city).
- This proposed home is a 2-3 progression leap to what is currently in the neighborhood, displaying blatant disrespect to the scale, bulk and character of the neighborhood.
- The plans depict 10' tall wall plates for the first story that are at least 2' taller than the adjacent houses. Given the higher finished floor height, the wall plates will be more likely 3' taller than the adjacent homes. This is a significant change in scale and must be considered.
- Streetscape elevation on Page A-4 appears to be drawn at a smaller scale to minimize the height difference. It also shows the eave line of the adjacent homes at about 9' high where it is probably closer to 8' high. This is deceptive and disguises the height difference between the new construction and the adjacent homes.
- During the hearing, questions were raised by commissioners regarding the eave height. Staff was not certain whether or not the homes in the neighborhood were built on slab foundations or not. This oversight may have changed the outcome of their decision.

### **2.2.3 Design homes to respect their immediate neighbors**

Although the balcony feature has been removed, neither the staff nor the applicant took a proactive role in addressing the other privacy screening issues. These include:

- No fencing or tree diagrams in the proposal to address privacy screening issues.
- The finished first floor is set at 22 inches from grade, considerably higher than the adjacent homes, making any fencing ineffective. This greatly compromises adjacent neighbors' privacy. A 6' tall fence would in effect be 4' tall from the floor. Therefore, someone on the first floor could easily look over the fence. This fence height would stand at the same height as the middle of the window. Not a desirable feature.

- There are three (3) rather large windows, rearward facing, on second story of the proposed home. Privacy screening solutions are not addressed for the rearward facing neighbors.
- With the 10' tall walls on the higher floor level, many more of the windows will be visible over the top of the fence. This will exacerbate the impression of a privacy impact and look bulky from the side with 4'-5' of the first floor visible above the fence.
- The combined noise levels (decibels) generated by the two (2) outside air conditioning units on the north side of the property and the way to mitigate it with consideration to the adjacent neighbor is not addressed.

## 2.2.7 Preserve mature landscaping:

- The proposal includes the removal of a protected tree. Mature trees add value and character to a neighborhood. The Planning Commission suggested that the applicant replace the protected tree with the **possibility** of two (2) 36" box trees. These new box trees will pale in comparison to the shade and character the historic tree currently provides.

Pertinent facts presented to the Planning Commission on this project during the recent March 9<sup>th</sup>, 2015 hearing were simply not true or dismissed. We urge the city to accept this appeal and to overturn the decision made by the Planning Commission until the owner of the 1026 Lois Ave property addresses all the above-mentioned concerns and deviations.

Thank you very much.

Sincerely,

Neighbors

DAVID KLERANOV 1034 LOIS AVE  
 TATYANA KLERANOV 1034 LOIS AVE  
 Jeanne Waldman 1050 Manhattan Ct  
 CLAUDIA, MILAGROS RICHTER 794 LOIS AVE  
 LEE + MARY PERKINS 799 LOIS AVENUE  
 Lorraine Nishikawa 703 Raymond Ave  
 Annie + Mario Huang 802 LOIS AVE  
 Paul Clark + Yyou Chen 1030 Lois Ave  
 GANESAN VENKATARAMAN 1023 MANGO AVE  
 DAVID & MARYAM Mokhiber 1022 LOIS AVE  
 Iztok Marjanovic 1050 Manhattan Ct  
 Joan Costor 1053 Manhattan Ct  
 Earl Aldridge 1057 Manhattan Ct

See + Mary Perkins  
 Lorraine Nishikawa  
 Annie Smith  
 P. Clark  
 V. Ganesan  
 D. Mokhiber  
 Y. Chen  
 Joan Costor  
 Earl Aldridge