

3. [16-0941](#) **Proposed Project:** **REZONE:** Introduction of Ordinance to rezone 54 contiguous lots (53 single-family homes and a lot owned by the California Water Service) from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)
- File #:** 2016-7467
- Location:** Multiple properties bound by Panama Park on the west, Dartshire Way on the south, Mallard Way on the east and Carlisle Way on the north including Coventry and Cornwall Courts. 1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022), 800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs:309-11-023 through 309-11-025 and 309-12-029 through 309-12-032), 854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028).
- Zoning:** R-0
- Applicant / Owner:** Paul Healy (plus multiple owners)
- Environmental Review:** The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA)
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Assistant Planner Aastha Vashist presented the staff report.

Commissioner Weiss verified with Assistant Planner Vashist that the California Water Service Company (Cal Water) responded to staff regarding the Rezone request after the staff report was completed, and that the owner of the property at 835 Dartshire was contacted.

Vice Chair Rheaume discussed with Senior Assistant City Attorney Rebecca Moon the finding of public interest as it relates to land use.

Commissioner Weiss verified with Planning Officer Andrew Miner that there is no conflict between Single Story Combining Districts (SSCD) and new State regulations on accessory dwelling units. Planning Officer Miner said under a SSCD homeowners could still build an accessory dwelling unit as long as the building remains under 17 feet in height.

Chair Harrison opened the Public Hearing.

Applicant Paul Healy provided information about the application.

Galen Kim Davis, Sunnyvale resident, spoke in support of the application.

Chris Wilson, representing Cal Water, said the use of the property owned by the company is not for residential purposes, and that the company objects to rezoning. He requested the Cal Water property be exempted from the Rezone, or that a planned development be put in place.

Sheau Voon Lee, Sunnyvale resident, spoke in support of the application.

Terry Grossman, Eichler homeowner, spoke in support of the application.

Mei-Ling Stefan, Sunnyvale resident, spoke in support of the application.

Susan Luschas, Sunnyvale resident, spoke in support of the application.

Eberhard Waiblinger, Sunnyvale resident, spoke in support of the application.

Holly Lofgren, Sunnyvale resident, spoke in support of the application.

Mr. Healy provided final comments about the proposed application and said he would like to see the Cal Water property kept within the proposed district and

suggested the company apply for a Variance for height for any water structure improvements.

Chair Harrison closed the Public Hearing.

Chair Harrison confirmed with staff that Cal Water could apply for a Use Permit for additional public utilities on their property and that it would not be subject to the height limit of an approved SSCD.

MOTION: Commissioner Howe moved and Commissioner Melton seconded the motion for Alternatives 1. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and, 2. Introduce an Ordinance to Rezone 54 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).

Commissioner Melton said he can make the required findings and that he is tracking the discussion about the Cal Water property and is comfortable with where we are heading. He said he wishes the applicants all the best as they move forward to City Council.

Commissioner Weiss said the Housing Element includes policy A-1 which encourages diversity in the type, size, price and tenure of residential development, and that this Rezone request does not follow this policy. She said she does not want to see Sunnyvale become a gated community south of El Camino Real, and that she recognizes all procedures were followed, so with reluctance she supports the motion.

Commissioner Simons said he supports the motion and understands Commissioner Weiss' comment, but that this is not a motion dictating architectural look and feel except for the height of the house. He said you can build large homes with basements on these lots and that varying architecture is doable. He said these applications are mainly about privacy and he supports the intent of the single story overlay.

Chair Harrison said she is not supporting the motion and referred to the City Attorney's research on the interpretation of "public interest." She said she has heard arguments saying SSCDs limit development and depress property values, and opposing arguments saying allowing second stories depress single story property values. She said there is no definitive study showing whether SSCDs are a benefit to the entire public or a narrow benefit to a few people. She said she

understands the concerns over privacy but the Eichler Design Guidelines address every aspect of privacy and aesthetics, and that this SSCD would be redundant, limiting and not in the interest of Sunnyvale.

Vice Chair Rheume said he is not supporting the motion and that the guidelines in place address the privacy issues.

The motion carried by the following vote:

**Yes: 4 -** Commissioner Howe  
Commissioner Melton  
Commissioner Simons  
Commissioner Weiss

**No: 2 -** Chair Harrison  
Vice Chair Rheume

**Absent: 1 -** Commissioner Olevson