



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, September 11, 2017

6:30 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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**Special Meeting - Study Session - 6:30 PM | Special Meeting - Public Hearing 7 PM**

### **6:30 P.M. STUDY SESSION**

**Call to Order in the West Conference Room**

**Roll Call**

**Study Session**

**A. [17-0859](#)**

**File #:** 2016-7573

**Location:** 623-625 N. Pastoria Avenue (APN's: 165-41-029,  
165-41-030)

**Zoning:** PPSP/MIC

**Proposed Project:**

**PEERY PARK PLAN REVIEW PERMIT** to construct a new  
52,755 sq. ft. three-story office building with one level of  
underground parking. The two existing industrial buildings totaling  
23,520 sq. ft. will be demolished.

**Applicant / Owner:** Arc Tec, Inc., / George And Josefa Yagmourian  
Trustee

**Environmental Review:** The project is exempt from additional CEQA  
review per CEQA Guidelines section 15168(c)(2) and (4). The project is  
within the scope of the Peery Park Specific Plan Program EIR as no new  
environmental impacts will occur and no new mitigation measures are  
required.

**Project Planner:** Ryan Kuchenig, (408) 730-7431,  
rkuchenig@sunnyvale.ca.gov

**Public Comment on Study Session Agenda Items**

**Adjourn Study Session**

### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Chair Rheume called the meeting to order at 7:01 PM in the Council Chambers.

**SALUTE TO THE FLAG**

Chair Rheume led the salute to the flag.

**ROLL CALL**

- Present:** 6 - Commissioner Sue Harrison  
 Chair Ken Rheume  
 Commissioner Daniel Howard  
 Commissioner Ken Olevson  
 Commissioner David Simons  
 Vice Chair Carol Weiss
- Absent:** 1 - Commissioner John Howe

Status of absence; Commissioner Howe’s absence is excused.

**ORAL COMMUNICATIONS**

**CONSENT CALENDAR**

Commissioner Simons clarified the number of required votes and process for abstentions with Senior Assistant City Attorney Rebecca Moon and Planning Officer Andrew Miner.

Commissioner Harrison moved and Commissioner Simons seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

- Yes:** 3 - Commissioner Harrison  
 Chair Rheume  
 Commissioner Olevson

**No:** 0

- Absent:** 1 - Commissioner Howe

- Abstained:** 3 - Commissioner Howard  
 Commissioner Simons  
 Vice Chair Weiss

- 1. A [17-0857](#) Approve Planning Commission Meeting Minutes of August 28, 2017

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. [17-0865](#) Study of Accessory Dwelling Unit Development Standards: Forward a Recommendation to the City Council to Adopt an Ordinance Amending Sunnyvale Municipal Code Section 19.68.040 (Accessory Dwelling Units), Adopt a Resolution Amending the Master Fee Schedule to Impose Transportation Impact Fees for Accessory Dwelling Units, and Find that these Actions are Exempt from CEQA.  
**Project Planner:** Shila Behzadiaria, (408) 730-7456, sbehzadiaria@sunnyvale.ca.gov

Assistant Planner Shila Behzadiaria presented the staff report.

Commissioner Howard asked staff about the difference between new construction of an Accessory Dwelling Unit (ADU) and a conversion ADU. Planning Officer Andrew Miner explained that there are some differences in the requirements for newly built ADUs compared to conversion ADUs, as required by state law. Housing Officer Suzanne Ise advised that the State law prevents the City from imposing a minimum lot size requirement on conversion ADUs. Commissioner Howard asked about parking requirements for converting a garage into an ADU and Planning Officer Miner explained that any parking spaces eliminated by the permitted ADU must be replaced on the site. Commissioner Howard asked staff about unit size maximums related to State law. Planning Officer Miner provided information about the scope of this study.

Commissioner Howard asked staff about preventive measures for renting out portions of a home. Planning Officer Miner provided details about short term rental unit requirements. Housing Officer Ise provided details about the requirements for a conversion ADU.

Commissioner Harrison clarified with Planning Officer Miner that per the staff recommendation, the front door of the ADU should not be on the same plane as the front door of the main home.

Vice Chair Weiss asked staff about the maximum number of ADUs that could be permitted. Housing Officer Ise and Senior Assistant City Attorney Rebecca Moon advised that the state law prohibits cities from imposing a strict cap on the number of ADUs that can be developed. Planning Officer Miner and Housing Officer Ise provided details about the current number of ADUs in the City.

Vice Chair Weiss confirmed the deed restriction requirements with Planning Officer Miner.

Vice Chair Weiss clarified with Planning Officer Miner that an ADU can legally be used as a short-term rental if the owner lives on the property and has obtained a short-term rental permit from the City.

Commissioner Simons discussed the Transportation Impact Fee (TIF) with Planning Officer Miner and Senior Assistant City Attorney Moon. Senior Assistant City Attorney Moon advised that the City Council determines allocation of TIF funds, but that a study issue could be proposed to analyze the use of TIF fees generated through ADU permits for purposes such as ecopasses.

Commissioner Simons confirmed with Housing Officer Ise that a change in the owner-occupancy requirement would not retroactively nullify any active deed restrictions.

Commissioner Simons commented on the need for more on street parking as indicated by residents. Planning Officer Miner provided details about the parking requirements for new and conversion ADUs and advised that on-street parking is public parking, and that no changes to the current parking requirements for ADUs are being proposed at this time.

Commissioner Olevson asked staff how reducing the minimum lot size for ADUs would affect other requirements such as Floor Area Ratio (FAR), setbacks and height restrictions for a new ADU. Assistant Planner Behzadaria stated that each project will be reviewed to ensure compliance with those standards as well. Planning Officer Miner advised that all the same standards will apply.

Commissioner Olevson asked staff why the number of available lots for ADUs should increase if only a small percentage of lots currently have ADUs. Housing Officer Ise advised that the primary reason is for owners whose properties are smaller than the current minimum lot size and want an ADU, usually to house extended family members. Housing Officer Ise noted that staff has determined that the proposed new lot sizes are a reasonable compromise. Commissioner Olevson asked staff about further justification for this change. Planning Officer Miner advised that the goal is to allow further opportunities, which will accomplish the goal of adding housing.

Commissioner Olevson stated an understanding that ADUs will have a negligible impact on transportation issues and asked staff about the consideration for different

TIF rates. Planning Officer Miner stated that the closest factor already in use is the multi-family rate and that renting an ADU likely means the use of a car, so an ADU should be subject to those fees.

Chair Rheume confirmed with Assistant Planner Behzadiaria that the deed restriction would not apply for a new owner if the 20-year period has already been met.

Chair Rheume asked staff about enforcement for owners who rent both units within an active 20-year deed restriction. Planning Officer Miner advised that it is difficult to track but noted that the goal is to inform future property owners about the standard and not develop a trend towards two rental units.

Commissioner Harrison asked staff about addressing concerns regarding unpermitted ADUs. Planning Officer Miner stated that it is outside the scope of this study, and that it would be difficult for staff to identify and track these instances.

Chair Rheume opened the Public Hearing.

Kevin Jackson, Sunnyvale resident, discussed his concerns with the need to balance additional parking with safe street configuration for cyclists.

Commissioner Howard asked questions of Mr. Jackson regarding his opinion on parking.

Sue Serrone, Sunnyvale resident, spoke in support of reducing minimum lot sizes for ADUs in pursuit of the goal to add more housing and suggested further reduction of the minimum lot sizes.

Commissioner Simons confirmed with Ms. Serrone that in her opinion it would not be an impediment to build an ADU if it was tied to an obligation for street improvements.

Daryoush Nafar, Sunnyvale resident, spoke in support of ADUs and encouraged the Planning Commission to lessen regulations.

Ladan Dalla Betta, Sunnyvale resident, spoke in support of reducing minimum lot sizes for ADUs and noted the current difficulties of meeting ADU requirements.

Emerson Stewart, Sunnyvale resident, spoke in support of reducing minimum lot sizes for ADUs.

Valerie Soares, Sunnyvale resident, discussed her concerns with existing ADUs and asked the Planning Commission to consider removing the minimum lot sizes for ADUs and the deed restriction.

Commissioner Howard discussed the request for removal of the deed restriction with Ms. Soares. Commissioner Weiss clarified that the 20-year deed restriction is tied to the property, not the owner.

Josie Johnson, Sunnyvale resident, spoke in support of reducing minimum lot sizes for ADUs.

Chair Rheaume closed the Public Hearing.

MOTION: Commissioner Howard moved Alternative 3 – Consider other minimum lot sizes than those shown in Alternative 1. Commissioner Howard suggested that there should be no minimum lot size.

This motion failed for lack of a second.

MOTION: Commissioner Simons moved and Commissioner Harrison seconded the motion for Alternative 1 – Introduce an ordinance to reduce the minimum lot size for ADUs to 8,000 square feet in the R-1 zone and to 7,000 square feet in the R-0 zone (Attachment 7).

Commissioner Simons stated an opinion that issues need to be mitigated and that hopefully future mitigation would occur.

Commissioner Harrison stated an opinion that this proposal is moderate in regards to lot size and considers resident concerns as well as the need for more flexibility with ADUs. Commissioner Harrison commented that this is not permanent since future ADU revision can be considered. Commissioner Harrison stated that this change can create additional housing for the City.

Commissioner Howard spoke about the need for residents to expand their homes with ADUs. Commissioner Howard commented that if large minimum lot sizes for

ADUs are maintained then residents will circumvent the rules. Commissioner Howard stated an opinion that streamlining the ADU process to align new construction and conversion of existing space would be of benefit.

Commissioner Olevson stated an opinion that based on public comments and the staff report any changes should be incremental, such as reducing the minimum lot sizes for ADUs. Commissioner Olevson commented that the outcome of this change should be analyzed before additional reductions or elimination of a minimum lot size. Commissioner Olevson stated that he will be supporting the motion.

Chair Rheame stated that he will be supporting the motion and agrees with the reduction of minimum lot sizes for ADUs as an incremental change. Chair Rheame stated that staff has done a thorough job.

Planning Officer Miner recommended that Alternative 13 be included in the motion. Commissioner Simons modified the motion to include Alternative 13. Commissioner Harrison accepted the modification.

MOTION: Commissioner Simons moved and Commissioner Harrison seconded the motion for Alternatives 1 and 13 –

- 1. Introduce an ordinance to reduce the minimum lot size for ADUs to 8,000 square feet in the R-1 zone and to 7,000 square feet in the R-0 zone (Attachment 7)
- 13. Find that the amendments to Municipal Code Section 19.68.040 are exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15378(b)(4)

The motion carried by the following vote:

- Yes:** 5 - Commissioner Harrison  
 Chair Rheame  
 Commissioner Olevson  
 Commissioner Simons  
 Vice Chair Weiss
- No:** 1 - Commissioner Howard
- Absent:** 1 - Commissioner Howe

MOTION: Vice Chair Weiss moved and Commissioner Simons seconded the motion for Alternative 6 –make permanent the owner-occupancy requirement and deed

restriction.

Vice Chair Weiss stated an opinion that this modification is important to preserve the quality of single family neighborhoods. Vice Chair Weiss commented that the quality, appearance, sense of community and place are all impacted by having an owner on site. Vice Chair Weiss stated an opinion that this should not be a burden as the property can be sold with a rental unit.

Chair Rheume clarified with Vice Chair Weiss that her suggestion is to make permanent the owner-occupancy requirement and deed restriction.

Commissioner Simons noted his agreement with Vice Chair Weiss's comments. Commissioner Simons stated an opinion that the main problem in residential neighborhoods is unoccupied Airbnb rentals and noted that a more complicated enforcement issue could develop if owners are not on site. Commissioner Simons stated that he will be supporting the motion.

Commissioner Howard commented that less regulation could stimulate growth of ADUs but noted resident concerns with real estate for profit. Commissioner Howard commented that potentially in the future incentives for ADUs as affordable housing units could be analyzed. Commissioner Howard stated an opinion that this will be favorable for the City and that he will be supporting the motion.

Commissioner Olevson noted his concern that allowing an ADU with a 20-year restriction is insufficient due to the change of character in the land use. Commissioner Olevson stated that he will be supporting the motion and commented that a future homeowner could remove the ADU and apply to have the deed restriction removed.

Commissioner Harrison stated that she will not be supporting the motion. Commissioner Harrison stated an opinion that ADUs in her neighborhood are rented to family members. Commissioner Harrison commented on the concerns presented but stated an opinion that those concerns do not match the City's current reality. Commissioner Harrison commented that a 20-year deed restriction is a moderate stance.

Chair Rheume stated that he will be supporting the motion and noted his agreement with the comments provided by Commissioner Weiss, Commissioner Olevson and Commissioner Simons.

The motion carried by the following vote:

**Yes:** 5 - Chair Rheaume  
Commissioner Howard  
Commissioner Olevson  
Commissioner Simons  
Vice Chair Weiss

**No:** 1 - Commissioner Harrison

**Absent:** 1 - Commissioner Howe

MOTION: Commissioner Simons moved and Commissioner Olevson seconded the motion for Alternatives 11 and 12 –

11. Modify the requirement that the entry door of ADU not face the public street (included in proposed ordinance, Attachment 7)

12. Clarify the ADU requirements in the zoning code

Commissioner Simons stated an opinion that this is a logical, non-controversial addition that would be required to support the Alternatives which have already passed.

Commissioner Olevson stated that he fully supports not having two front doors face the street to avoid neighborhood degradation.

Commissioner Howard asked for clarification on Alternative 12. Senior Assistant City Attorney Moon advised that Alternative 12 is superfluous and does not need to be included. The motion was modified to exclude Alternative 12.

MOTION: Commissioner Simons moved and Commissioner Olevson seconded the motion for Alternative 11 – Modify the requirement that the entry door of ADU not face the public street (included in proposed ordinance, Attachment 7).

The motion carried by the following vote:

**Yes:** 6 - Commissioner Harrison  
Chair Rheume  
Commissioner Howard  
Commissioner Olevson  
Commissioner Simons  
Vice Chair Weiss

**No:** 0

**Absent:** 1 - Commissioner Howe

MOTION: Commissioner Simons moved for Alternative 9 – Adopt a Resolution amending the Master Fee Schedule to establish the TIF for ADUs to be same as the senior housing rate, or other specific rate.

Commissioner Simons provided details about his request regarding fees and Planning Officer Miner advised that it would best be addressed as a study issue. Commission Simons modified his motion.

MOTION: Commissioner Simons moved and Commissioner Howard seconded the motion for Alternative 8 – Adopt a Resolution amending the Master Fee Schedule to establish the TIF for ADUs to be same as the multi-family rate (Attachment 8).

Commissioner Simons noted his disappointment that Alternative 9 cannot accommodate his request and that a study issue would be needed per staff's recommendation.

Commissioner Howard noted that this rate would be consistent with the TIF for a small apartment unit and less expensive than the single-family rate.

Senior Assistant City Attorney Moon recommended that the motion include Alternative 14. Commissioner Simons modified the motion to include Alternative 14. Commissioner Howard accepted the modification.

MOTION: Commissioner Simons moved and Commissioner Howard seconded the motion for Alternatives 8 and 14 –

8. Adopt a Resolution amending the Master Fee Schedule to establish the TIF for ADUs to be same as the multi-family rate (Attachment 8)

14. Find that amendments to the Master Fee Schedule are exempt from CEQA

The motion carried by the following vote:

**Yes:** 6 - Commissioner Harrison  
Chair Rheaume  
Commissioner Howard  
Commissioner Olevson  
Commissioner Simons  
Vice Chair Weiss

**No:** 0

**Absent:** 1 - Commissioner Howe

Planning Officer Miner advised that this item goes to the Housing and Human Services Commission on September 20th, 2017 and to the City Council on October 17th, 2017.

3. [17-0756](#) **File #:** 2017-7556  
**Location:** 801-819 Allison Way (APNs: 323-03-023 through 323-03-026 and APNs: 323-04-034 through 323-04-036), 1315-1381 Lennox Way (APNs: 323-03-027 through 323-03-038), 804-816 Lennox Court (APNs:323-03-039 through 323-03-042), 801-814 Blanchard Way (APNs:323-03-043 through 323-03-045 and APNs: 323-04-025 through 323-04-027), and 801-814 Beaverton Court (APNs:323-04-028 through 323-04-033).  
**Zoning:** R-1  
**Proposed Project:** Introduction of Ordinance to **REZONE** 35 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
**Applicant / Owner:** Tom Verbure (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).  
**Project Planner:** Aastha Vashist (408) 730-7458, avashist@sunnyvale.ca.gov

Assistant Planner Aastha Vashist presented the staff report.

Chair Rheaume opened the Public Hearing.

Tom Verbure, applicant, presented images and information about the proposed project.

Commissioner Harrison discussed the impact of two-story developments with Mr. Verbure.

Vice Chair Weiss commented that most of the lot sizes in this neighborhood would allow Accessory Dwelling Units (ADU's) and asked Mr. Verbure for his comments on the potential impact of ADU's. Mr. Verbure stated an opinion that ADU's would not be practical in Eichler backyards.

Commissioner Olevson commented that less than a third of these Eichler homes are backed by other Eichler homes and that surrounding neighborhoods could build two story homes. Commissioner Olevson asked the applicant how that impacts their desire for privacy. Mr. Verbure provided details about the lot depths as a mitigating factor and the benefits of restricting two story homes adjacent to Eichler homes.

Chair Rheume commented that two-thirds of these properties could have a second story built next to them and asked for the applicant's comments. Mr. Verbure stated that many residents are concerned about retaining the Eichler character. Chair Rheume reiterated that the Eichler Guidelines would dictate the requirements for any additions to Eichler homes.

Commissioner Howard clarified with Mr. Verbure that the Eichler homes in their neighborhood are elevated between the street and house level.

Commissioner Howard confirmed with Mr. Verbure the feasible options for expanding an Eichler home. Commissioner Howard asked the applicant about concerns in preventing second story developments for future homeowners. Mr. Verbure advised that all the residents in the neighborhood are in favor of this application and that they want to preserve their Eichler homes.

Commissioner Howard commented on the deeper lots and asked the applicant if a buffer zone would make sense. Mr. Verbure confirmed.

Commissioner Simons provided details about this particular Eichler neighborhood.

Commissioner Howard confirmed with Mr. Verbure that they had not considered

applying for a historical preservation district designation. Commissioner Howard discussed the process for historical preservation with Mr. Verbure.

Lou Wirtz, Sunnyvale resident, spoke in support of the rezone request and requested that the Planning Commission recommend approval.

Vice Chair Weiss confirmed with Mr. Wirtz that he was not familiar with the Single Family Home Design Techniques. Vice Chair Weiss suggested that those guidelines could mitigate privacy concerns regarding second story developments. Mr. Wirtz requested single story protection for the Eichler homes and noted that no homeowner has voiced objection to the SSCD application.

Chair Rheume closed the Public Hearing.

Commissioner Howard commented on a two-story development cited in Attachment 4 and asked for staff comments. Planning Officer Miner provided details about that application and confirmed that the development met the standards of the Eichler Design Guidelines.

MOTION: Commissioner Simons moved and Commissioner Harrison seconded the motion for Alternatives 1 and 2 –

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3)
2. Introduce an Ordinance (Attachment 6 of this report) to Rezone 35 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Commissioner Simons commented that this neighborhood consists of beautiful, high quality Eichler homes and that it could qualify for a historical district if a majority of homeowners were interested.

Commissioner Harrison commented that this application meets the intent of the Single Story Combining District (SSCD) in that the homeowners are almost 100% in agreement to restrict second story development in their neighborhood.

Commissioner Harrison noted that these residents have presented their desire to retain the neighborhood character and will not gain additional benefits from this restriction. Commissioner Harrison stated that all the SSCD guidelines have been met and that she will be supporting the motion.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson commented that this application meets all the City Council established criteria for an SSCD. Commissioner Olevson noted that it follows a tract and has substantial support from the homeowners.

Commissioner Howard commented on his concern with SSCD's given the housing crisis and noted his agreement with Commissioner Simons that this district is worthy of historical preservation. Commissioner Howard stated an opinion that allowing SSCD's can potentially undermine future historical preservation and that he will not be supporting the motion for this reason.

Vice Chair Weiss stated that she will be supporting the motion because it meets the SSCD criteria. Vice Chair Weiss stated an opinion that the Single Family Home Design Techniques are sufficient and that SSCD's are redundant. Vice Chair Weiss noted that SSCD's make it difficult for residents to accommodate growing families but that she will reluctantly be supporting the motion.

Chair Rheume stated that he will be supporting the motion and noted his agreement with the comments made by Commissioner Harrison. Chair Rheume noted that only 13 of the 35 properties will be protected all on sides. Chair Rheume stated that he can make the findings for the SSCD.

The motion carried by the following vote:

- Yes:** 5 - Commissioner Harrison  
Chair Rheume  
Commissioner Olevson  
Commissioner Simons  
Vice Chair Weiss
- No:** 1 - Commissioner Howard
- Absent:** 1 - Commissioner Howe

Planning Officer Miner advised that this item goes to the City Council on October 17th, 2017.

4. [17-0758](#) File #: 2017-7565

**Location:** 1666-1698 Swallow Drive (Assessor Parcel Number 313-41-010 thru 012, 313-41-027 and 028), 1104-1121 Lorne Way

(APNs 313-41-013 thru 026), 1103-1111 Homestead Road (APNs 313-41-005 thru 009) and 18771 East Homestead Road (APNs 313-41-070 and 071).

**Zoning:** R-0 and R-0/PD for 18771 Homestead Road

**Proposed Project: REZONE** Introduction of Ordinance to **REZONE** 24 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story) and one single family home lot (with 2 assessor parcels) from R-0/PD (Low Density Residential/Planned Development) to R-0/S/PD (Low Density Residential/Single-Story) (25 lots total)

**Applicant / Owner:** Craig Milito (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).

**Project Planner:** Shétal Divatia (408) 730-7637,  
sdivatia@sunnyvale.ca.gov

Senior Planner Shetal Divatia presented the staff report.

Planning Officer Andrew Miner commented that this is a difficult Single Story Combining District (SSCD) application due to the lack of properties needed to meet the minimum 20 lot requirement. Planning Officer Miner provided the rationale for the staff recommendation to deny the rezone.

Commissioner Howard confirmed with Senior Planner Divatia that this application contains the only Eichler tract in this neighborhood.

Chair Rheume opened the Public Hearing.

Craig Milito, applicant, presented images and information about the proposed project.

Commissioner Harrison confirmed with Mr. Milito that they feel a second story development would impede the peaceful nature of their neighborhood and the ability of children to play. Commissioner Harrison clarified with Mr. Milito that their concern

is in regards to the development proposal for the large lot at 18771 East Homestead and that they would prefer single family homes at that location.

Vice Chair Weiss confirmed with Mr. Milito that their concern pertains to the potential for Lorne Way to extend to Homestead Road. Planning Officer Miner provided details about the 18771 East Homestead lot. Planning Officer Miner stated that the Department of Public Works (DPW) would not allow the extension of Lorne Way to Homestead Road and that regardless, that aspect would be within the Planning Commission's purview.

Chair Rheaume asked for comments about the reason for this SSCD request. Mr. Milito stated that their goal is to preserve the neighborhood and keep the single-story nature and uniformity of the properties.

Deborah Iturralde spoke in opposition of the proposed rezone and provided details about the hardship it would pose for smaller homes. Ms. Iturralde requested that her home be excluded from the application.

Commissioner Simons discussed the potential for larger homes to be developed adjacent to this neighborhood with Ms. Iturralde.

Stephanie Pestarino spoke in opposition of the proposed rezone and requested that the Planning Commission support staff's recommendation. Ms. Pestarino discussed her concerns regarding negative impact on property values and the lack of a minimum of 20 lots.

Rene Vargas-Voracek, Sunnyvale resident, spoke in support of the proposed rezone and discussed his concerns with the development potential for the lot at 18771 East Homestead and adherence to the Eichler Guidelines.

Commissioner Harrison clarified with Mr. Vargas-Voracek about his understanding of the restrictions that would be imposed if the SSCD application is approved. Commissioner Harrison confirmed with Mr. Vargas-Voracek that his desire is to restrict the lot at 18771 East Homestead.

Amer Siddiquee, Sunnyvale resident, spoke in opposition of the proposed rezone and discussed his concerns with the burden placed on the non-Eichler homes on Swallow Drive.

John Savanyo, Sunnyvale resident, spoke in support of the proposed rezone if it only applies to the Eichler homes. Mr. Savanyo discussed his concerns with privacy and the Eichler Design Guidelines.

Commissioner Harrison confirmed Mr. Savanyo's familiarity with the Eichler Design Guidelines. Mr. Savanyo clarified that his concern stems from the lack of prevention for building two story homes.

Volker Joehnk, Sunnyvale resident, spoke in support of the proposed rezone and asked the Planning Commission to consider Option 2.

David Berbessou, Sunnyvale resident, spoke in support of the proposed rezone and asked the Planning Commission to consider Option 2. Mr. Berbessou discussed his concerns with privacy, development potential of the lot at 18771 East Homestead and subsequent impacts on traffic.

Craig Milito presented additional information about the proposed project and asked the Planning Commission to consider Option 2.

Chair Rheaume closed the Public Hearing.

Commissioner Simons asked staff about the process to modify the required 20 lot minimum. Planning Officer Miner stated that this would need to be examined as a study issue and that it could be incorporated in the SSCD study issue. Planning Officer Miner provided details about the lot at 18771 East Homestead and clarified that is it one legal lot.

Commissioner Howard clarified with Planning Officer Miner that a maximum of seven housing units would be permitted at 18771 East Homestead.

Commissioner Harrison confirmed with Planning Officer Miner that DPW is not supportive of extending Lorne Way to Homestead Road. Planning Officer Miner provided details about access for the potential development at 18771 East Homestead.

Vice Chair Weiss asked staff about the qualification of this neighborhood as a historic district. Planning Officer Miner provided details about the application and initiation process for a historic district.

MOTION: Commissioner Olevson moved and Commissioner Harrison seconded the motion for Alternatives 1 and 4 –

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3)
4. Deny the rezone

Commissioner Olevson noted his appreciation that the Eichler homeowners want to maintain the character of their cul-de-sac but stated his concern of restricting non-Eichler homes and a Planned Development (PD) lot. Commissioner Olevson commented that this SSCD application does not meet the City's criteria, as unrelated properties have been grouped to meet the minimum 20 lot requirement. Commissioner Olevson stated that he will recommend to the City Council to deny the rezone.

Commissioner Harrison stated that she cannot make the finding that to the extent feasible the proposed SSCD district shall follow a recognizable feature such as a street, stream, or tract boundary. Commissioner Harrison commented on the concern presented regarding the extension of Lorne Way but noted that City staff agrees with that concern. Commissioner Harrison noted that the minimum 20 lot requirement should be reviewed within the context of the SSCD Study Issue and wished the applicant good luck.

Commissioner Howard noted his agreement with the comments made by Commissioner Harrison. Commissioner Howard commented that the property at 18771 East Homestead will be subject to great scrutiny, require Planning Commission approval and that the residents have done a good job raising their concerns. Commissioner Howard commented on not meeting the minimum 20 lot requirement and stated that he will be supporting the motion.

Vice Chair Weiss commented that she is sensitive to the concerns raised by residents, such as increased traffic, need for quiet and the desire for a safe place for children to play. Vice Chair Weiss stated that it doesn't appear that Lorne Way will be extended and that developers may understand the limitations of the lot at 18771 East Homestead. Vice Chair Weiss stated that she will be supporting the motion because the criteria have not been met.

Commissioner Simons stated that he will not be supporting the motion and cited the cost of submitting an application. Commissioner Simons recommended to put this item on indefinite hold so that potentially in the future the applicant can return

without additional application fees.

Chair Rheume stated that he will be supporting the motion and noted his agreement with Commissioner Harrison that he cannot make the finding for a recognizable tract boundary. Chair Rheume stated that there are alternatives to address the neighborhood's concerns and noted his appreciation that neighbors want to ensure that each other's concerns are addressed.

The motion carried by the following vote:

**Yes:** 5 - Commissioner Harrison  
Chair Rheume  
Commissioner Howard  
Commissioner Olevson  
Vice Chair Weiss

**No:** 1 - Commissioner Simons

**Absent:** 1 - Commissioner Howe

Planning Officer Miner advised that this item goes to the City Council on October 17th, 2017.

### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

Commissioner Simons proposed a study issue regarding techniques designed to reduce stormwater runoff.

Chair Rheume opened the Public Hearing.

Chair Rheume asked there if were any objections to adding this as a study issue.

Vice Chair Weiss asked if this could be incorporated under the Climate Action Plan. Commissioner Simons advised that this pertains more to zoning and land use impact. Commissioner Harrison asked if this study issue would identify areas for flooding. Commissioner Simons clarified that it just pertains to stormwater retention.

Chair Rheume confirmed that there were no objections to adding this as a study issue.

Commissioner Howard proposed a study issue regarding flexibility with variances for

setbacks for Accessory Dwelling Units (ADU's) while providing a lower income housing unit in the ADU. Planning Officer Andrew Miner and Senior Assistant City Attorney Rebecca Moon provided feedback about this idea and noted that the ramifications would have to be studied.

Chair Rheume asked there if were any objections to adding this as a study issue.

Commissioner Harrison stated her opposition to the proposed study issue.

Chair Rheume took an informal vote and all Planning Commissioners were opposed except for Commissioner Howard.

Commissioner Simons proposed a study issue for a density incentive bonus that would still meet setback requirements and zoning restrictions but not require a Public Hearing.

Chair Rheume asked there if were any objections to adding this as a study issue.

Commissioner Harrison stated her opposition to the proposed study issue.

Chair Rheume took an informal vote and all Planning Commissioners were opposed except for Commissioner Simons.

Commissioner Harrison proposed an ADU study issue that would consider density bonuses, green building incentives, legalizing illegal ADU's, lowering the required lot size and increasing housing.

Chair Rheume took an informal vote and all Planning Commissioners were in favor of the proposed study issue.

Chair Rheume closed the public hearing.

### **NON-AGENDA ITEMS AND COMMENTS**

#### **-Commissioner Comments**

Commissioner Harrison thanked the Planning Commission for approving the gravity fed sewer system for her ADU.

#### **-Staff Comments**

Planning Officer Miner advised that Split Zoning Ordinance and the Hollenbeck

Single Story Combining District Buffer Study will be heard tomorrow at the September 12th, 2017 City Council Meeting.

**ADJOURNMENT**

Chair Rheume adjourned the meeting at 10:21 PM.