

**PUBLIC HEARINGS/GENERAL BUSINESS**

2.        [16-0942](#)        **File #:** 2016-7578  
**Location:** 1156-1198 Sesame Drive (APNs: 202-08-007 through 202-08-016), 1136-1160 Snowberry Court (APNs: 202-08-022 through 202-08-031), and 614-646 Torrington Drive (APNs: 202-08-017 through 202-08-021)  
**Proposed Project:** Introduction of Ordinance to **REZONE** 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
**Zoning:** R-1  
**Applicant / Owner:** Francois Cornillon (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).

Assistant Planner Aastha Vashist presented the staff report.

Commissioner Weiss discussed opposition to the project with Assistant Planner Vashist and confirmed that the reasons for opposition are unknown.

Commissioner Olevson noted that in recent Single Story Combining District applications there have been instances where adjacent non-Eichler homes could pose future privacy issues. Commissioner Olevson confirmed with Planning Officer Andrew Miner that there are no proposed non-Eichler properties within the project site area.

Chair Harrison confirmed with Planning Officer Miner that school district improvements are not subject to the City's regulations.

Chair Harrison opened the public hearing.

Applicant Francois Cornillon presented images and information about the proposed project.

Chair Harrison commented that the Commissioners have to find the rezoning to be in the public interest, affecting the prosperity of a significant number of people or the whole community, as opposed to benefiting a particular number of individuals. Chair Harrison asked the applicant to provide evidence that the rezoning affects the

prosperity of the whole community, considering that 11 of the 14 properties are not protected because of their proximity to the school. Mr. Cornillon advised the rezoning proposal is in the public interest as it relates to the heritage of the City and that these unique Eichler homes warrant preservation.

Chair Harrison commented that this project does not create a historical district and the height limitations go beyond the Eichler Design Guidelines. Chair Harrison noted that she will need further information to demonstrate that the rezoning meets the public interest.

Commissioner Weiss stated that in order to maximize privacy the project area would have to be expanded to include bordering areas where homeowners can build above a single story. Mr. Cornillon advised that there is a minimum distance between the fence and the school, should the school decide to build adjacent to the project site. Commissioner Weiss noted that Trumbull Court and Utica Court are not part of the single story overlays.

Commissioner Howe asked staff if teacher housing built on the school site would be exempt from the Single Story Combining District. Planning Officer Miner advised that if the school property was zoned with the Single Story Combining District any non-scholastic buildings would not be exempt.

Vice Chair Rheume asked staff to outline the total number and percentage of homes subject to recent Single Story Combining District rezoning request and the number of opposed individuals. Planning Officer Miner advised over 50% of the Eichler homes are included in recent rezoning and that staff would provide calculations.

Michael Wimble, Sunnyvale resident, spoke in favor of the application.

William Borucki, Sunnyvale resident, spoke in favor of the application.

Chair Harrison asked Mr. Borucki why he believes the single story overlay is of public benefit beyond the Eichler Design Guidelines. Mr. Borucki stated there are already two story homes in this area and while those homes must be consistent with the Eichler Design Guidelines, they have a detrimental effect on the privacy of Eichler homes.

Josephine Borucki, Sunnyvale resident, spoke in favor of the application.

Mr. Cornillon presented information about the current state of privacy for the homes

in the application.

Chair Harrison closed the public hearing.

Commissioner Melton confirmed with Planning Officer Miner that the Planning Commission's vote on this item is a recommendation to City Council, that Alternatives 2 - 4 would require four votes to pass and that Alternative 1 would require a majority to pass.

Commissioner Melton asked staff where the single story overlay districts ranked in the recent study issues rankings and Planning Officer Miner stated staff will obtain that information.

Commissioner Melton confirmed with Planning Officer Miner that the City Council determined single story overlay districts were in the public interest when the ordinance was implemented.

Planning Officer Miner answered Vice Chair Rheaume's earlier question, advising that 204 of the 265 homes proposed within the Single Story Combining District supported the application and that 460 Sunnyvale homes are currently zoned in a Single Story Combining District, including 25 non-Eichler homes. Planning Officer Miner clarified that the 61 homes that did not support the application did not necessarily oppose the application.

**MOTION:** Commissioner Melton moved and Commissioner Howe seconded the motion to recommend to City Council Alternative 1 – find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3).

Commissioner Melton commented that staff did a great job compiling the environmental review in the staff report.

The motion carried by the following vote:

**Yes: 6 -** Chair Harrison  
Vice Chair Rheaume  
Commissioner Howe  
Commissioner Melton  
Commissioner Olevson  
Commissioner Weiss

**No: 0**

**Absent: 1 -** Commissioner Simons

MOTION: Commissioner Melton moved and Commissioner Howe seconded the motion to recommend to City Council Alternative 2 – introduce an Ordinance to Rezone 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Melton thanked Commissioner Howe for his second and the neighbors for coming to the Public Hearing. Commissioner Melton noted he can make the findings on this application and that the rezoning is in the public interest.

Commissioner Howe commented that the project is in the public interest and that hopefully the City Council ranks the importance of this study issue.

Vice Chair Rheaume noted he will not support this motion since he cannot make the findings and does not believe it's in the best interest of the City. Vice Chair Rheaume commented that this there are strict two story addition guidelines to protect privacy and that this rezone would prevent homeowners from investing in their property. Vice Chair Rheaume noted that he appreciated the neighborhood's passion.

Commissioner Olevson stated he will support the motion because City Council approved this policy and the applicant has met all the criteria. Commissioner Olevson noted this rezone could prevent homeowners from building future expansions for additional family space.

Commissioner Weiss commented that the right to privacy is an implied right, not an absolute right, and this rezone request benefits one demographic at the expense of another. Commissioner Weiss stated that regardless of issue, the process was followed and she will support the motion.

Chair Harrison noted she will not support the motion because the applicant is not seeking to designate a historic district, which could be in the public interest. Chair Harrison stated she cannot make the findings that a single story overlay is in the public interest and that the application as it stands will not provide the desired privacy.

The motion carried by the following vote:

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

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

**Absent:** 1 - Commissioner Simons

Planning Officer Miner advised that this item goes to the City Council in January and that the Single Story Combining District was ranked first in the Planning Commission study issue rankings.