

City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

June 30, 2015

To Whom This May Concern:

This is an appeal to the Planning Commission's June 22nd 2015 approval of the 1026 Lois Avenue project, Location: 1026 Lois Avenue, 94087 (APN: 198-34-011).

There is overwhelming neighborhood opposition to this project, both written and voices have been expressed at the numerous hearings to date regarding this project. The Planning Commission denied a Design Review for a two-story home with a 50% FAR project at this site in October, 2014. In effect, the FAR that the Planning Commission specifically outlined as problematic in the October hearing was not completely addressed in the new design. The proposed structure is still at 50% FAR.

We are in an R-O zoning district. I still feel strongly that the re submittal of this application should have been flagged at the staff level. The "modifications" the applicant have implemented are merely manipulations as the FAR remains the same. Mass is mass, the only way to reduce it is to eliminate it. Not nip, chop and shift it around. We again kindly ask elected city officials to adhere to the 45% FAR guideline that is put in place by the City of Sunnyvale.

Even with the manipulations, this proposed project violates several of the Design Principles set forth by the city, "Things to Know for Additions or New Construction of Single-Family or Duplex Homes" (last revised May, 2014)

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

- The proposed home is at 50% FAR. It exceeds the generous 45% FAR per R-O 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). Please take into account that the average FAR for the adjacent neighbors' homes is at 24%.
- 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.

2.2.3 Design homes to respect their immediate neighbors

- 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.
- All the immediate homes near the proposed project are single story homes. From the invasion of privacy perspective, this proposed 50% FAR, 2 story structure places the properties that are adjacent (2 homes), behind (2-3homes) & in front (2 homes) of 1026 Lois Avenue at a disadvantage. **These are key issues that directly impact the rights of the nearby property owners to fully enjoy *their* properties.**

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 two (2) 36" box trees. These new box trees will pale in comparison to the shade and character the historic tree currently provides.

Integral but not Incidental:

Along with this appeal application, I have included a copy of the Palo Alto Weekly (June 26, 2015, page 18, "The Eichler Uprising"). There clearly is an issue of preserving neighborhood integrity that is happening in not only our area, but also to our neighbors to the north. The applicant at 1026 Lois is at odds with his neighbors, sowing the seeds of neighborhood discord.

Please take a moment to read about the rising struggle with design, FAR guidelines and maintaining neighborhood harmony, order and integrity with our neighbors to the north (Page 18, Palo Alto Weekly, attached with this appeal application). Let their story be a cautionary tale for our beloved Sunnyvale.

City staff, Planning Commission and a few elected City Council members imply that the applicant has the "right" to build the "dream home" he is proposing. What rights do we, the residents/voters have? We have submitted ourselves to the process wholly and forcefully yet we have nothing from the city to show for it.

City officials have been elected to act on the best interests of their constituency. Several members of the City Council have elected, to date, to act in the best interest of one property owner who is new to Sunnyvale against your constituency. This can be reversed and restore our faith in our city government by simply ensuring that basic guidelines are enforced, namely 45% FAR and neighborhood compatibility.

Summary:

The applicant is impervious to the ethos and spirit of the Cherry Chase community. His approach to his "dream home" is out of line with the ethos and spirit of our community. So far, the city is rewarding his behavior by allowing him to exceed the 45% FAR.

We the community do not wish to be tugged into how city officials interpret the guidelines. This is not a personal matter with the applicant. It is about the Cherry Chase community that has taken decades to foster and nurture into the neighborhood we cherish and take pride in.

We are simply asking elected city officials execute the **required care in the design of new construction to avoid overwhelming the neighborhood with structures that are at great odds with the scale and bulk of existing nearby homes and to minimize their impact on the livability of their immediate neighbors** (Sunnyvale Single Family Home Design Techniques. Cannon Design Group, 2003). With this appeal, please review this application with care and adhere to the guidelines and metrics put in place by

the City and limit the Floor to Area Ratio of this proposed structure to 45%, thus maintaining the order and character of our neighborhood as clearly stated in the guidelines.

Thank you for your consideration.

Respectfully,



Iztok Marjanović

7/6/2015

Attached:

1. One (1) copy of the June 26, 2015 issue of the Palo Alto Weekly
2. Neighborhood FAR data sheet provided by the City of Sunnyvale

Street Address			LandSqFt	Total Floor Area	FAR
1066	Lois	Av	6000	2425	40

1062	Lois	Av	6000	1774	30
1058	Lois	Av	6000	2930	49
1054	Lois	Av	6000	1991	33
1050	Lois	Av	6000	2411	40
1046	Lois	Av	6000	1201	20
1042	Lois	Av	6000	1699	28
1038	Lois	Av	6000	1356	23
1034	Lois	Av	6000	1486	25
1030	Lois	Av	6000	1706	28
1026	Lois	Av	6000	2983	50
1022	Lois	Av	6000	1192	20
1018	Lois	Av	6000	1691	28
1014	Lois	Av	6000	1700	28
1010	Lois	Av	6000	1654	28
1006	Lois	Av	6000	1564	26
1002	Lois	Av	6414	1356	21
1051	Merrimac	Dr	6261	1356	22
1055	Merrimac	Dr	6000	1666	28
1059	Merrimac	Dr	6000	1700	28
1063	Merrimac	Dr	6000	1698	28
1067	Merrimac	Dr	6130	1486	24
1071	Merrimac	Dr	6634	1356	20
1075	Merrimac	Dr	7050	2022	29
	W				
1074	Knickerbocker	Dr	6000	1486	25
	W				
1070	Knickerbocker	Dr	6000	2220	37
	W				
1066	Knickerbocker	Dr	6000	2319	39
	W				
1062	Knickerbocker	Dr	6000	1549	26
	W				
1058	Knickerbocker	Dr	6000	1501	25
	W				
1054	Knickerbocker	Dr	6000	1192	20
	W				
1050	Knickerbocker	Dr	6261	1474	24
1051	Lackawanna	Ct	6261	1356	22
1055	Lackawanna	Ct	6000	1201	20
1059	Lackawanna	Ct	6000	1799	30
1063	Lackawanna	Ct	6000	1660	28
1067	Lackawanna	Ct	5750	1516	26
1071	Lackawanna	Ct	9750	1795	18
1074	Lackawanna	Ct	7650	1486	19

1070	Lackawanna	Ct	9550	1569	16
1066	Lackawanna	Ct	6000	1720	29
1062	Lackawanna	Ct	6000	1356	23
1058	Lackawanna	Ct	6000	1486	25
1054	Lackawanna	Ct	6000	1845	31
1050	Lackawanna	Ct	6261	2130	34
1051	Manhattan	Ct	6261	2036	33
1055	Manhattan	Ct	6000	1489	25
1059	Manhattan	Ct	6000	1356	23
1063	Manhattan	Ct	6000	1747	29
1067	Manhattan	Ct	6037	1201	20
1071	Manhattan	Ct	9737	1577	16
1074	Manhattan	Ct	7838	1950	25
1070	Manhattan	Ct	9737	1804	19
1066	Manhattan	Ct	6037	1322	22
1062	Manhattan	Ct	6000	1356	23
1058	Manhattan	Ct	6000	1702	28
1054	Manhattan	Ct	6000	1533	26
1050	Manhattan	Ct	6261	1334	21
1067	Lois	Av	7931	1486	19
1068	Merrimac	Dr	6123	1798	29
1057	Hickorynut	Ct	7118	1486	21
1061	Hickorynut	Ct	7250	1356	19
1065	Hickorynut	Ct	11790	2309	20
1069	Hickorynut	Ct	11287	1501	13
1068	Hickorynut	Ct	8575	1907	22
1064	Hickorynut	Ct	8909	2497	28
1060	Hickorynut	Ct	7200	1486	21
1056	Hickorynut	Ct	6414	1356	21
1058	Merrimac	Dr	6000	1988	33
1054	Merrimac	Dr	6000	1129	19
1055	Lois	Av	6212	1972	32
1059	Lois	Av	9260	2255	24
1063	Lois	Av	10086	2188	22
1074	Lois	Av	6350	1356	21
1070	Lois	Av	6000	1726	29



THE EICHLER UPRISING

Palo Alto looks for ways to promote architectural — and neighborhood — harmony

Story by Gennady Sheyner | Photos by Veronica Weber

The dust had barely settled from Frank Ingle's first architectural battle when the next one came knocking on his door.

Ingle owns a home on Richardson Court, an Eichler alcove in Palo Alto's Midtown neighborhood that has all the defining characteristics of such communities: squat structures, low-pitched roofs, floor-to-ceiling glass doors and a passionate opposition to newer, taller houses that loom over their neighbors and undermine the Eichler vibe.

Last year, Ingle and his neighbors in the Faircourt tract protested a two-story home slated to go up next to Ingle's Eichler, at 808 Richardson. At 27 feet, the new residence would be nearly three times as tall as Ingle's. And the new home's Mediterranean design, with a stucco exterior, gabled roof and columns in the front, was as unappealing to the neighbors as its size.

But while Ingle and his neighbors saw the new house as incompatible with their Eichler block, city planners rejected their appeal. The next step would be to file an appeal with the City Council, a long-shot that comes with a \$400 application fee.

After calculating his odds, Ingle decided against it. To his knowledge, he told the Weekly, no individual-review appeal has ever been pulled for discussion from the council's consent calendar, a list of items that the council approves with a single vote and with no deliberation. Instead, Ingle reached a deal with the property owner next door, who agreed — among other things — to make a concession toward Ingle's privacy by making the upper windows of the new home opaque.

Then, just months after the 808 Richardson saga came to a grudging end, came 809 Richardson. The building's design included vertical columns, a pitched roof, and a height more than twice that of the neighboring homes. Once again, Ingle and his neighbors are upset and are asking the city to step in. In a letter to the council earlier this month, Ingle argued that the height alone violates the city's design guidelines for single-family homes and "would be immediately disallowed if (the guidelines) were followed."

Their feeling of upset is common these days in Palo Alto, where construction and political pendulums are swinging in opposite directions. With the real estate market surging and building on the rise, neighbors are increasingly challenging proposed developments that they believe degrade

their neighborhood character, whether it's a three-story commercial development on University Avenue or a single-family home on an Eichler block. Appeals from citizens have become a staple of council meetings, as have debates about architectural styles, design guidelines and compatibility.

The council's slow-growth "residentialists," who succeeded last November in winning a bare majority on the nine-member body, are leading these conversations. Earlier this month, Mayor Karen Holman and Councilman Tom DuBois each referred to the city's existing process for reviewing the design of single-family homes as "broken." Both support exploring new laws to protect Eichler tracts and other aesthetically distinct communities from tall or stylistically dissonant intruders. Both voted in early May to halt a previously approved development at 429 University Ave. after hearing an appeal from a resident who claimed the building's mass and modernist design would overwhelm the modest Victorians around the corner, on narrow Kipling Street.

Holman told the Weekly that the council today has "more sensitivity to aesthetic and compatibility

issues."

"Whether it's residential or commercial, this council is more attuned to these types of concerns," Holman said.

Such words give residents like Ingle hope that the story of 809 Richardson Court will end differently than that of 808 Richardson. "Now that the residentialists have been elected and now that they are on board, in principle, they might straighten this thing out," Ingle told the Weekly.

Contacted about this article, the homeowner at 809 Richardson, Zhiqiang Guan, said that he has been working with neighbors to accommodate their wishes.

"We have changed the design many times to consider the neighborhood and to follow the building guidelines," Guan wrote to the Weekly. The architect for the project, Roger Kohler, who was also the architect for 808 Richardson, deferred comment to Guan.

Ingle's concerns are by no means unique to Faircourt.

In April, Eichler owners from five different sections of Palo Alto launched a joint effort to secure protection from unwelcome newcomers, including in the form of a ban on two-story homes.

They're hoping to join residents in sections of Charleston Meadows and Barron Park to the south and Channing Park to the north who, in the boom years of the late 1990s and early 2000s, successfully petitioned to institute these bans by adopting what is known as a "single-story overlay."

On Monday night, these residents could get a big lift when the council votes on waiving a city fee charged to neighborhoods that apply for these changes. The fee, which currently stands at about \$8,000, is routinely cited by neighborhood leaders as the biggest barrier to adopting the protection that they say their tracts urgently need.

Ben Lerner, who lives on Janice Way in the Palo Verde neighborhood, was one of many residents to make this case recently. He called the fee a "significant impediment" to applying for a single-story overlay and argued that waiving the fee would actually save the city money because it would avert a long succession of individual appeals from residents challenging proposed two-story homes.

"As our Mid-century Modern neighborhoods are an important part of our city's heritage, preserving them is in the city's interest," Lerner wrote. "Thus, we would like to ask the city to either waive, or significantly reduce, the fees charged for a single-story overlay application."

The council briefly discussed the idea during its budget hearings on June 8 and 15. While the idea garnered some initial support, members decided not to move ahead with the waiver until they study the issue further. At the June 8 discussion, Councilman Pat Burt observed that while the city hasn't had any proposals for such protections in recent years, that could quickly change once the fee is waived.

"We can go from none to a small avalanche," Burt said.

He noted that the city had a series of proposals for single-story overlays in the late 1990s, when there was a "big escalation" in remodels and rebuilds. A similar climate exists today.

"They tend to come in waves and we're in a wave period right now," Burt said.

The small-in-stature Eichler has always punched above its weight in Palo Alto.

Built to be affordable, it typically includes floor-to-ceiling windows in the rear that are intended to blur the line between indoors and outdoors. And because Eichlers and Eichler-like homes typically come in bunches —

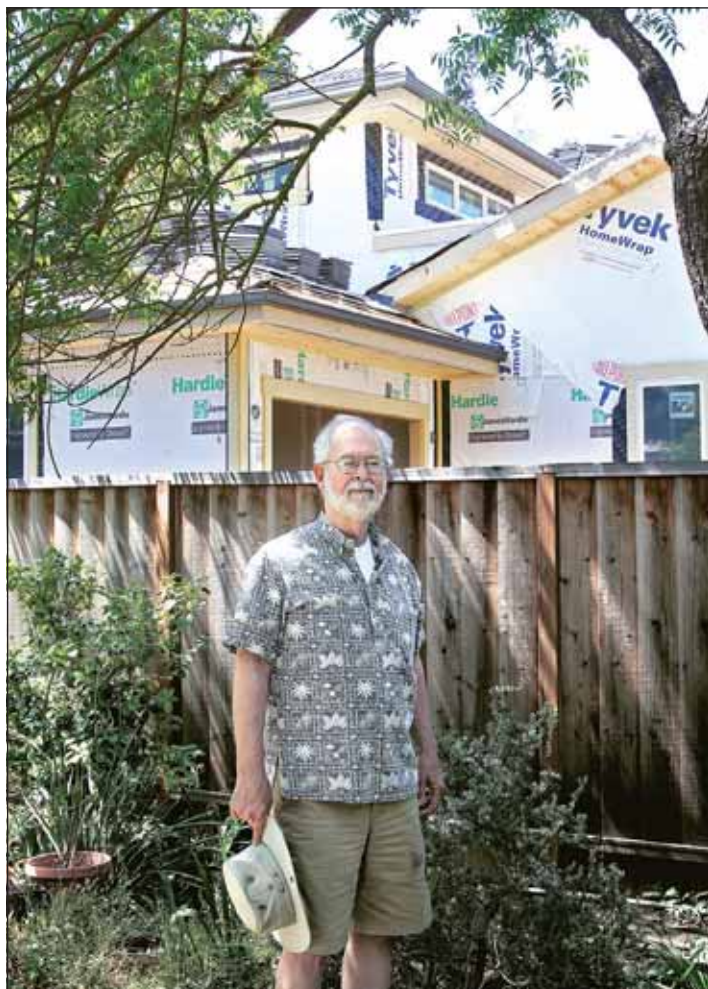
whether it's a block, a cul de sac or an entire neighborhood — they are unusually communal in spirit. You can find plenty of Victorians in University South or Colonials in Crescent Park, but Eichler is the only architecture style that is synonymous with community.

Many of these communities have been around since the early 1950s, when builder Joseph Eichler began developing his eponymous tracts in areas like Fairmeadow and Greenmeadow in south Palo Alto and in various sections of Midtown. (According to Ward Winslow's "Palo Alto: A Centennial History," the first local Eichlers actually appeared in 1949 in Barron Park, which was not part of Palo Alto at the time.) The last large-scale residential tract was Royal Manor, along Louis Road between Loma Verde Avenue and East Meadow Drive. Construction began in 1957, with homes selling for \$21,000 to \$24,000. Today, Eichlers typically list for more than \$2 million and, occasionally, for more than \$4 million.

The single-story overlay made its debut in July 1992 in the Walnut Grove neighborhood next to Greenmeadow near Palo Alto's southern border. According to Bob Moss, a long-time land-use watchdog who has researched the topic in recent months, neighbors rallied against a two-story, 4,000-square-foot home that was slated to go up in their midst and that they believed would destroy their backyard privacy. Because the new home would have violated a restriction of the development's covenant, the homeowners association sued to stop the project. Moss wrote in his report on overlays. Then they took things a step further and requested an overlay.

"They were upset at the costs of the lawsuit and wanted city enforcement of the CC&Rs (covenants, conditions and restrictions) by applying an overlay single-family zone so that they wouldn't have to pay for a lawsuit," Moss wrote.

Other neighborhoods followed suit. Greenmeadow I and II adopted the city's largest single-story-overlay zone in 1993, covering 249 lots. The 27-lot tract Greenmeadow III immediately followed. Over the next decade, single-story overlays were adopted for two sections of Charleston Meadows, a neighborhood along Charleston Road between El Camino Real and Alma Street; a 16-lot tract called Blossom Park (the city's smallest single-story-overlay zone), just west of Charleston Meadows; a small section of Barron Park, west of El Camino; Meadow Park, bounded by East Meadow Drive, Fabian Way and



Frank Ingle stands in his Palo Alto front yard, where a two-story home under construction next door can be seen.

Cover Story

Middlefield Road; Greer Park along U.S. Highway 101; Garland in central Palo Alto; and Channing Park, a subset of the Duveneck/St. Francis neighborhood.

The city last approved a single-story overlay in October 2004, for Midtown's Allen Court. Following a familiar script, a neighbor learned that the house next door was to be replaced with a two-story home. Anxiety followed, as did a threat of a lawsuit. Yet victory in this case had to be eeked out. Of the 22 homes on the Allen Court tract, only 12 favored the zone change.

The council was similarly divided and struggled to find the right balance between protecting the neighborhood's character and protecting the property rights of its residents. While then-Councilman Jack Morton argued in favor of preservation, then-Councilwoman Judy Kleinberg warned that in lieu of overwhelming neighborhood support, the council is "close to the bone on interfering with people's property rights." The council voted to approve the overlay 5-4.

At the time, Palo Alto didn't have a clear standard for gauging neighborhood support for a single-story overlay. That changed in 2005, when the city revised its zoning ordinance and specified that single-story overlay requests must have the support of 70 percent of the property owners in the district (the threshold is only 60 percent where properties are restricted by deeds). The 70 percent threshold would also apply to requests that an existing overlay be removed.

According to a report from the Department of Planning and Community Environment, the city has adopted 12 single-story-overlay zones. The only application ever shot down was the potential 13th, on Star Circle in the Fairmeadow neighborhood. The Planning and Transportation Commission decided in 2010 not to move the application along after city-administered surveys showed inadequate levels of support for the change.

Anne Knight, a resident who circulated a petition to ban two-story buildings, argued in front of the commission that such buildings run counter to the Eichler philosophy and urged the city to "think what's best for the whole community." Another resident,



Across the street from Frank Ingle's Midtown neighborhood Eichler, a two-story house is being proposed where a one-story Eichler now stands. Eichlers and other one-story homes have until now defined the neighborhood's aesthetic.

Anna Thayer, said she wants new families who move into the community to "have a choice" when it comes to their properties.

'It was obvious that the developers had no interest in the integrity of the neighborhood, or the impact their structure had on the property values or the privacy of the adjacent homes.'

— Gilbert Chu, resident, Los Arboles

"When they buy their home for a million dollars, they should have the right to do what they want to do with that home," Thayer told the planning commission, which voted not to recommend the zone change.

After the Fairmeadow application was shot down, the movement to ban two-story buildings went on a five-year hiatus. Then, in April, a letter began circulating in various parts of Midtown urging residents to "HELP PRESERVE OUR EICHLER NEIGHBORHOOD CHARACTER." Eichler homes, the letter noted, were "designed to create a neighborhood with

community feeling and backyard privacy."

"Through our front doors we have easy access to our neighbors, while our backyards are a private extension of our indoor living space," the letter stated. "The intense development pressures facing Palo Alto put these aspects of our neighborhood at risk. A single-story overlay will help to protect the privacy and neighborhood character that we have today."

Lynn Drake, one of six homeowners who co-signed the letter, has firsthand experience with the development pressures. A resident of Royal Manor and a board member at the Eichler Swim and Tennis Club, she and her neighbors were aghast last year when they learned about a two-story mansion planned for 3558 Louis Road, across the street from the club. Club officers submitted a letter in opposition, stating that members are "concerned that our club not become an anachronism, divorced from its architectural heritage as an integral part of a neighborhood."

After much back and forth with the applicant, the project architect made a few concessions, replacing a gabled roof with a flat one and creating a larger setback for the second story. Even so, the size of the new house still makes it look "imposing," Drake told the Weekly. This project, she said, is part of

a citywide trend in which Eichlers are being replaced.

"Because of the economic times, people are really taking advantage of the hot real estate market, and they seem to have no trouble knocking down a house and putting up a massive house in its place," Drake said.

Aesthetics and privacy aren't the only concerns; so is a loss of community. Neighbors say they are worried that some of these houses are being purchased and flipped by applicants who never intend to be part of the community.

"There is concern that there will be people coming in who don't re-

ally care about the neighborhood and that's part of the issue," Drake said. "Will they be renting them out? We already have Airbnb issues."

Drake said many of her neighbors support adopting a single-story overlay and she expects Royal Manor to clear the 70 percent threshold for approval that the city requires to grant the zone change. So far, 53 percent of the residents have signed on to support the overlay. And in going door to door, around 80 percent have informally said that they favor the restriction, Drake said — some just haven't submitted a written response yet.

But while the zone change is popular, the fee associated with the zone change is another story. It's tough for small neighborhoods to raise \$8,000, she said.

Similar sentiments stir in Los Arboles, an Eichler enclave in the Palo Verde neighborhood. Gilbert Chu, a Los Arboles resident who teaches medicine and biochemistry at the Stanford University Medical Center, wrote in a June 8 letter to the council that he has seen developers "buy houses in other parts of Palo Alto for the land, tear down the existing structure, and then construct the largest possible structure."

"It was obvious that the developers had no interest in the integrity of the neighborhood, or the impact their structure had on the property values or the privacy of the adjacent homes," Chu wrote.

(continued on next page)



Lynn Drake's living room showcases the Eichlers' typical design elements, including floor-to-ceiling windows that provide a view of the backyard.



Members of the Eichler Swim & Tennis Club on Louis Road strongly opposed the design of a two-story home across the street in a predominantly Eichler neighborhood. The club was built by developer Joseph Eichler as a gathering spot for the surrounding Eichler community.



Lynn Drake, a resident of the Royal Manor subdivision, sits at her dining table in her Mid-century Modern Eichler on June 24.

Cover Story

Eichler uprising

(continued from previous page)

Los Arboles resident Rebecca Thompson told the City Council on June 1 that support for the single-story overlay in Los Arboles is expected to easily clear 70 percent. The fee, however, presents a barrier.

"Many of our residents are the original Eichler owners, they have lived here since the 1960s, they are on fixed incomes and they feel the fee is burdensome," Thompson said. "Asking them to pay has become a very uncomfortable topic among our neighborhoods. In a sense, the fee is the only barrier to us moving forward" with the single-story overlay.

Richard Willits, a Greer Road resident and one of the co-signers of the April letter, characterized the fee as a "poll tax." The fee would make sense, he said, if a single individual or company benefited from the zone change. In this case, the application comes from a neighborhood that has already invested time and effort in organizing and polling its members. The groups are calling for the zone change because they "feel threatened," Willits said.

David Hammond, who lives in the Greer Park neighborhood, also used the word "threatened" to describe his block's reaction to a two-story house that the city approved last year at 1066 Metro Circle, next door to his home. Last December, he and his neighbors beseeched the council to halt the project, which they said was too large for the Eichler-style block.

"We have to consider what will happen to a neighborhood if the scale of the house becomes so big," resident Annette Isaacson told the council on Dec. 1, just before the council voted to schedule a full hearing on the resident's appeal for February.

Property owner Jean Wong countered at the December meeting that her proposal had already received at least three different approvals from the city for what she characterized as a "small house." Wong told the council she had already made a series of concessions to the neighbors, including making the house smaller, removing windows and expanding the distance from neighboring properties.

"All we're trying to do is build a house that we're legally allowed to do," Wong said.

The February hearing never took place. Hammond told the council earlier this month that the Wongs decided to "become better neighbors and redesign the house as one story." But as a result of this experience, he said, his neighborhood has joined four others to pursue single-story overlays. He asked the council to waive the fee.

"You might say that fees for zoning change are normal," Hammond said. "They're normal for individual developers who can factor them into their budget, but for us, it's really an unpredictable fee."

The fee is actually a combination of different fees that collectively total \$7,930 and that could be raised even further. This includes an initial deposit of \$5,905, against which city staff time is charged, and a legal-review fee of \$1,352 that the city charges for noticing, record management and records retention, according to a report from the planning department. If a request proves particularly complex or controversial and requires more time, the applicant can be billed for additional time to recover costs.

Yet the fee has one unusual attribute: It has never been collected. In all 12 successful applications for single-story overlays, no fee was charged. Though the zone changes were requested by neighborhoods, they were officially initiated by the city's Planning and Transportation Commission at no charge to the neighborhoods. This surprising fact first came to light in Moss' report on the overlay districts and was later confirmed in the report from the planning department.

Thus, in addition to political momentum, the Eichler groups launching the revolt against two-story residences have precedent on their side.

'All we're trying to do is build a house that we're legally allowed to do.'

— Jean Wong, property owner, Greer Park neighborhood

On June 8 and 15, Councilman Tom DuBois made a case for either capping the fee or scrapping it altogether. Processing zone changes that protect neighborhoods should not be based on cost recovery, DuBois said, but should be "almost a fundamental act that the city should be handling."

The city's individual-review process for new homes isn't working, he said, and as a result the council has to deal with a rash of costly and time-consuming appeals. And when it comes to a single-story overlay, which can fix some of these problems, "We're asking citizens to jump through a bunch of hoops," he said.

"There are policy issues that we should think about, but I think we're also in a heated real estate market and we can't afford to take a year," DuBois said. "People are asking for this now. There are groups going through all the steps and are ready to apply and are asking for help in the waiving of the fee."

DuBois made the proposal again on June 15. This time, Councilwoman Liz Kniss joined him in advocating for the waiver. Though the council refrained from deciding then and there because the topic wasn't on its agenda, Kniss made it clear that when the time comes, she'll vote to eliminate the fee and "have it be an even playing field for everyone in the community."

"I quite honestly think that if



Eichlers on Holly Oak Drive are part of the Los Arboles development in south Palo Alto. A number of residents on the street are pushing for a single-story overlay, which would prevent the construction of two-story homes.

they qualify with the 60 or 70 percent rule, I think we should continue our policy from the past," Kniss said.

In deploring the mansion next door, Eichler owners typically start with size before moving on to style. It's not just second stories that are stirring anxieties; it's also gabled roofs, stucco walls, columns, arches and other design elements that butt up awkwardly against an Eichler's sleeker aesthetic.

In that sense, a single-story overlay is a limited tool. It takes care of the height issue but does little to ensure architectural "compatibility," which is an overarching goal of the City Council's residentialist majority. The current push to enable single-story overlay districts is thus just the first battle in the council's broader effort to contain the style skirmishes taking place throughout the city.

One month after the council voted 5-4 to shoot down the modernist building at 429 University because it wasn't compatible with its Victorian neighbors (with the residentialist faction supplying the five votes), DuBois and Holman began calling for the council to go beyond single-story overlays and consider other types of restrictions. Chief among these are conservation (or preservation) overlays, which would apply to architecturally distinct neighborhoods and would require new homes to share the defining characteristics of their blocks.

"A single-story overlay keeps two-story homes from intruding into an Eichler neighborhood, but it does not preclude a Colonial Revival or Tuscan single-family home from coming into the neighborhood," Holman told the Weekly. "What a conservation district would do that is more specific than a single-story overlay is that it would identify the particular characteristics of a neighborhood ... and further protect the neighborhood from change in character."

Such districts are far from new on the Peninsula. Sunnyvale and Cupertino each have specific design guidelines for new homes going up in Eichler tracts, including requirements that two-story homes must meet to minimize

privacy concerns (these include a greater setback for second stories and glazed windows). Cupertino adopted its standards in 2001 upon request from the Fairgrove neighborhood, where residents were concerned about the changing character of their Eichler development. Sunnyvale adopted its Eichler Design Guidelines in 2009. They apply to all homes built by Eichler after 1950 and to all non-Eichler homes in designated neighborhoods that have a distinct Eichler vibe.

Palo Alto may soon follow suit. During the June 8 discussion of single-story-overlay districts, DuBois and Holman urged their colleagues to consider other design guidelines that would provide neighborhood protection. Some on the council, including Greg Scharff, Liz Kniss and Marc Berman, felt this would be going too far too fast. They pointed to the planning department's already massive workload and said the additional restrictions should be deferred until later.

"I think we've already bitten off more than we can chew as a council and staff," Berman said. "If we don't prioritize anything, we're not going to get anything done."

The new report from the planning department backs up this concern. It emphasized that staff already has "more than a full load" on its plate for the coming year, with a giant slate of parking and traffic initiatives now preparing to roll out. This workload would only increase if the department is inundated with zone-change requests. City Manager James Keene warned the council on June 8 that implementing these requests could take significant time and effort, particularly if they are controversial. And if the fee is waived for single-story overlays, the number of these requests could shoot up.

"Fees don't only exist as cost recovery, they are also used as a method to ration demand," Keene said.

Ultimately, the council agreed by a 5-1 vote, with Kniss dissenting, to take a closer look at conservation and preservation districts (Councilman Eric Filseth was absent, while Vice Mayor Greg Schmid and Councilman Cory Wolbach both recused themselves

from the discussion because they live in Palo Verde and can be affected by a single-story overlay). Currently, Palo Alto's zoning code doesn't include any language for neighborhoods looking to establish conservation districts or other zoning designation aimed at preserving their distinct architectural styles. That could change in the next year or two.

The reforms still face plenty of challenges. Just as in the past, any proposal to restrict architecture styles is likely to confront opposition from advocates of property rights and architectural diversity.

Despite these concerns, the council is likely to hand the Eichler coalition a victory on June 29, when it considers waiving the fee for single-story overlays. The topic of conservation districts will likely resurface after the council's July recess, either at a committee level or as part of the city's broader effort to upgrade its land-use bible, the Comprehensive Plan. For the council's staunchest residentialists, the conversation can't come soon enough.

"Our committee agenda is pretty full, but it gets to the real issue, which is that the residential review process is broken," DuBois said on June 8.

Holman agreed. The city's Comprehensive Plan, she said, "talks pretty explicitly and fairly frequently about the importance of recognizing individual neighborhoods that have individual characteristics."

"I think it's incumbent for the council to support that and to support the members of the community who want to support that," Holman said. ■

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About the cover:

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