

**Present:** 6 - Chair Russell Melton  
Vice Chair Sue Harrison  
Commissioner Larry Klein  
Commissioner Ken Olevson  
Commissioner Ken Rheaume  
Commissioner Carol Weiss  
**Absent:** 1 - Commissioner David Simons

### **ORAL COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

MOTION: Commissioner Klein moved and Vice Chair Harrison seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Commissioner Simons

**1.A**     [16-0696](#)     Approve Planning Commission Meeting Minutes of June 27, 2016

### **PUBLIC HEARINGS/GENERAL BUSINESS**

**2**        [16-0560](#)        **File #:** 2016-7234  
**Location:** 657-661 Vanderbilt Drive (APNs 202-07-001 through 202-07-002), 1188-1197 East Vanderbilt Court (202-07-003 through 202-07-008), 1190-1199 West Vanderbilt Court (202-07-009 through 202-07-014 ), 1176-1198 Hollenbeck (202-07-015 through 202-07-021), 1156-1168 Regia (202-07-22 through 202-07-028), 1154 -1170 Ribier (202-07-029 through 202-07-036), 662 Torrington (202-07-037) 1153-1193 Sesame (202-07-038 through 202-07-045)  
**Zoning:** R-1  
**Proposed Project:** Introduction of Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
**Applicant / Owner:** John Sullivan (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:** Gerri Caruso (408) 730-7591,  
gcaruso@sunnyvale.ca.gov

Planning Officer Andrew Miner presented the staff report.

Commissioner Olevson verified with Planning Officer Miner that there have been no objections from homeowners who may have been constrained by approval of the combining district.

Commissioner Rheaume confirmed with Planning Officer Miner that if an addition to an existing two-story home brings the Floor Area Ratio (FAR) above 45 percent, the project would need to be considered by the Planning Commission for approval. Planning Officer Miner added that if a single-story home has a proposed FAR beyond 45 percent it would also go beyond 45 percent lot coverage which would require a Variance.

Commissioner Weiss confirmed with Planning Officer Miner that if half or more of a proposed basement is below ground it would not count toward FAR.

Commissioner Klein and Planning Officer Miner discussed the process of creating a flag lot on a subject property and confirmed that any home on a flag lot or accessory living unit would need to comply with the same requirements of the single story combining district.

Chair Melton opened the Public Hearing.

Applicant Donald Buck provided information about the single-story combining district application.

Stephen Meier, co-sponsor of the petition, suggested as a process improvement having access to the names of spouses on deeds of trust provided by the County.

Joe Ragey, co-sponsor of the petition, provided background information about the process of gathering support for the application.

Commissioner Klein further discussed the approval process with Mr. Ragey.

Maria Hamilton, Sunnyvale resident, spoke in support of the application.

Eran Dor, Sunnyvale resident, spoke in opposition to the application.

Applicant Donald Buck discussed how remodeling Eichler homes with original-looking Eichler features allows the home to adapt to and enhance the community.

Chair Melton closed the Public Hearing.

MOTION: Commissioner Klein moved and Commissioner Olevson seconded the motion for Alternatives:

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Section 15305 and 15061b)  
(3); and,
2. Introduce an Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Klein said this application is about neighbors getting together to preserve their quality of life and that it helps protect the community and its specific vision for this block. He said he understands the concerns about restricting homeowners who want to build additions, but that they will still be able to add onto their homes, just not in the form of a second story. He said the R-1/S zoning designation is not only for Eichler homes and there is a process for citizens to preserve their privacy, vision, and community. He applauded the applicants for being proactive and not waiting until the first or second two-story home is built in their neighborhood to apply for the combining district. He added that he was able to make the findings that the neighbors followed the process, got the required signatures and paid the fees.

Commissioner Olevson said he supports the motion and that he approaches any recommendation to City Council that will change the property rights for existing owners with great caution. He said he is impressed by the near unanimity for the application and by the current owners' willingness to restrict themselves to maintain a lifestyle they find important. He said while the overlay would limit future growth in terms of height and building size, the current owners say it is what they want and that there are ways to increase living space without building up. He said with the support of 87 percent of the neighbors and taking at face value the comments of

those who did not sign the petition he can support the motion.

Vice Chair Harrison said that although she completely agrees with all of the points made by Mr. Dor, the applicants followed the process and she will support the motion.

Commissioner Weiss said she is impressed by the neighbors gathering together to discuss the combining district, which will preserve the sense of a very special neighborhood in terms of architecture and heritage.

Chair Melton commended the applicants who are implementing a policy tool that exists in in the Municipal Code, and that a finding that should be made is that the application is deemed to be in the public interest. He said this is a broad finding and he looks at whether the benefits outweigh the negatives, of which there are not many on this application. He said several things could change the equation on another application, including if there was substantially more opposition to an overlay within the contemplated district, if there was no broad commonality of architecture or if there was overreach in terms of geography, none of which he sees on this application, so he is supporting the motion.

The motion carried by the following vote:

**Yes:** 6 - Chair Melton  
Vice Chair Harrison  
Commissioner Klein  
Commissioner Olevson  
Commissioner Rheume  
Commissioner Weiss

**No:** 0

**Absent:** 1 - Commissioner Simons

- 3      [16-0376](#)      Forward a recommendation to the City Council to Introduce an Ordinance to Amend Chapter 19.56 (Alternative Energy Systems) of the Sunnyvale Municipal Code related to the Solar Access Requirements Study Issue (2016-7279), and Find that the Action is Exempt from CEQA.

Principal Planner Amber Blizinski presented the staff report.

Commissioner Klein discussed with Senior Assistant City Attorney Rebecca Moon solar access rights in California and legislation enacted by local governments to preserve access to sunlight. They also discussed whether economic loss resulting from a new project would make it appealable or would have to go through the court,