

base zoning.

The motion carried by the following vote:

Yes: 5 - Chair Harrison
Vice Chair Rheaume
Commissioner Howard
Commissioner Olevson
Commissioner Simons

No: 2 - Commissioner Howe
Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on April 25.

3. [17-0113](#) **File #:** 2016-7753
Proposed Project: Introduction of Ordinance to **REZONE** 29 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)
Location: 1457-1493 Firebird Way (APNs: 309-14-035 through 309-14-044 and 309-27-050 through 309-27-055), 1459-1495 Flamingo Way (309-14-045 through 309-14-047 and 309-27-044 through 309-27-049) and 677-691 Dunholme Way (APNs: 309-14-048 through 309-14-051).
Zoning: R-0
Applicant / Owner: Susann Luschas (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

Planning Officer Andrew Miner presented the staff report.

Commissioner Weiss asked if staff had attempted to follow up with the nine residents who did not reply to staff's polling letter. Planning Officer Miner stated that the polling letter is a departmental policy and is not part of the required findings, which show almost 69% participation. Planning Officer Miner advised that follow up was not conducted as the letter is meant to give residents the option to respond.

Commissioner Weiss asked if those nine residents responded to the applicant and commented that there could be a potential language barrier. Planning Officer Miner stated that the code requirement is 55% participation, which the applicant meets, and that staff's goal is to ensure the public is aware of the project and give them an additional chance to voice their opinion.

Commissioner Weiss stated that 17 of 29 property owners support the project, which is 59% participation. Planning Officer Miner stated that the code requirement is 55% participation and that the applicant is required to submit a list showing how many residents support the project, which was 20 of 29. Planning Officer Miner commented that responses to staff's letter show 17 of 29 in support of the project, and reiterated that staff's letter gives the public another opportunity for their input.

Commissioner Weiss commented that the northern boundary on Firebird Way starts mid-block, excluding 11 houses on that block. Planning Officer Miner advised that discretion can be used to determine a contiguous block and that it's not standard to require inclusion of the entire street. Planning Officer Miner stated that the northern boundary is adjacent to other properties, is not a natural feature or street, and that the Planning Commission could recommend to include all of Firebird Way. Planning Officer Miner advised that staff felt it's a logical location for the northern boundary, especially given the single-story nature of all the homes.

Commissioner Howe confirmed with Planning Officer Miner that page two of Attachment 2 shows one non-Eichler single-story residence. Commissioner Howe commented that page 3 of Attachment 4 shows the same residence and asked if the owner supported the application. Commissioner Howe noted that the applicant would answer this question.

Commissioner Howard asked staff if the Eichler Design Guidelines applied to the adjacent non-Eichler at the northern end of Firebird Way. Planning Officer Miner stated the Eichler Design Guidelines would not apply in the same way since the properties are non-Eichlers but that the context of the Eichler Design Guidelines should be used to respect the privacy of the adjacent properties.

Vice Chair Rheaume asked staff if they knew what responses were received, if any, from the property owners on Firebird Way where the boundary stops mid-block. Planning Officer Miner advised that the applicant can answer this question and provide background on the northern boundary.

Commissioner Simons confirmed with Planning Officer Miner that the 45% Floor Area Ratio (FAR) requirement applies to the non-Eichler home on the smallest lot,

should the owner want to update their home. Commissioner Simons commented that this smallest lot is 2,754 square feet, which is more than double the size of most homes in the neighborhood, and should assuage any concern regarding development rights.

Chair Harrison asked staff if the non-Eichler home would be held to the Eichler Design Guidelines. Planning Officer Miner stated staff would research and advise later during the public hearing for this item.

Chair Harrison clarified with Planning Officer Miner that the house on the smallest lot would have to come before the Planning Commission if they proposed to exceed the 45% FAR, and that if the proposed project was approved they would not be able to build a second story.

Chair Harrison asked staff if they knew the reasons for the two objections in response to staff's polling letter and Planning Officer Miner advised that staff did not have that information.

Chair Harrison opened the Public Hearing.

Susann Luschas presented images and information about the proposed project. Ms. Luschas advised that the northern boundary is a legal tract boundary and part of the code. Ms. Luschas commented that all three homes along the tract boundary donated and signed the application. Ms. Luschas stated that the whole block would have been a greater undertaking and was not feasible, noted that residents of those excluded homes did reach out to her and wanted to participate. Ms. Luschas advised that the cottage house was purchased by a family to prevent a tear down and build of a second-story home. Ms. Luschas cited an example with the recently approved Coventry Kingfisher Single Story Combining District (SSCD) and the ensuing privacy issue. Ms. Luschas explained the effect on home values using a comparative analysis of home sales between SSCD and non-SSCD areas.

Commissioner Howard stated an appreciation of Ms. Luschas's passion and attention to detail and asked if the cottage house is habitable. Ms. Luschas explained that it is habitable and that after the original owner passed away her family put it up for sale, which is when it was purchased to prevent the rebuild and now the current owner's parents are living there.

Commissioner Howard asked the applicant if they considered applying for a Heritage Preservation District and Ms. Luschas advised they did not.

Commissioner Weiss asked the applicant about the northern boundary along Firebird Way. Ms. Luschas explained that you must go door to door to truly engage residents and that due to this volume of work it's necessary to draw the smallest possible boundary.

Commissioner Weiss asked the applicant to explain the reasons for opposition to the proposed project. Ms. Luschas explained the reasons, which included uncertainty, no given reason, not wanting their name on the application, no response, concern about payment and the potential desire for a second-story.

Vice Chair Rheume thanked Ms. Luschas for her efforts and confirmed with Ms. Luschas that the assessment of the homes as being in poor condition or uninhabitable was her opinion and not an official assessment.

Chair Harrison asked if the neighborhood was bound by the Eichler Design Guidelines. Planning Officer Miner advised that all the homes are subject to the Eichler Design Guidelines except for the home noted on page two of Attachment 2. Planning Officer Miner reiterated that if the proposed project is approved the non-Eichler single-story would not be allowed to build a second story.

Chair Harrison asked the applicant if the example of the two-story home she presented was built under the Eichler Design Guidelines. Ms. Luschas stated that the home was not originally an Eichler home but a two-story farm house whose owner later modified the bedroom windows. Chair Harrison confirmed with Ms. Luschas that the property's address is 835 Dartshire Way.

Chair Harrison stated that the properties in the proposed project, except for the cottage, are already subject to the Eichler Design Guidelines and asked Ms. Luschas if the main concern is privacy. Ms. Luschas stated there are multiple reasons on the application, including privacy, historical value and preservation of architecture. Ms. Luschas stated that the Eichler Design Guidelines are not enforced.

Chair Harrison asked the applicant if the reason the Eichler Design Guidelines aren't sufficient is due to the lack of enforcement. Ms. Luschas confirmed and advised the Eichler Design Guidelines allow a two-story home to be built, which effects the view, exposure to sunlight and property value of any adjacent property.

Ms. Luschas continued her presentation of the comparative analysis of home sales, noting no discernable differences between home sales in the remaining examples. Ms. Luschas stated an opinion that there was no historical evidence that SSCD's

reduce home value or expansions/additions in the City.

Chair Harrison asked the applicant about the data related to additions. Ms. Luschas explained that if SSCD's were restricting home size than you would expect on average that homes outside the SSCD would be bigger, which is not supported by the data.

Chair Harrison closed the Public Hearing.

Commissioner Howard asked if the property on 835 Dartshire Way triggered a staff review for the proposed window modification. Associate Planner George Schroeder advised that a Design Review was completed last year for this property, that notice was provided to the neighbors and that obscured glass windows were installed to mitigate privacy concerns. Planning Officer Miner commented that this property is not included in the Eichler Design Guidelines.

Commissioner Howard asked staff about the claim that the Eichler Design Guidelines are not enforced. Planning Officer Miner stated that the Eichler Design Guidelines are enforced and the only new recent Eichler home did have an issue, so staff worked with the applicant to better meet the Eichler Design Guidelines. Planning Officer Miner stated that this will likely be an issue for any change moving forward that involves an Eichler home.

Commissioner Howard asked staff about the study issue for Single-Story Overlay Districts and if there will be a revision to ensure privacy standards in the future. Planning Officer Miner advised that likely this study issue won't be pursued this year due to the current study issue rankings. Planning Officer Miner explained that there is interpretation involved with privacy issues as related to the Eichler Design Guidelines and that any action staff takes is appealable to the Planning Commission.

Chair Harrison commented that the Planning Commission hasn't seen this percentage of rental properties or properties in poor conditions with the other SSCD projects. Chair Harrison stated that if a neighborhood is in decline it may be eligible for a Community Development Block Grant (CDBG) designation and asked for staff comments about the state of the properties in the proposed project. Planning Officer Miner gave examples of CDBG neighborhoods in the City and advised that the property values of this neighborhood may not identify it as a target for CDBG designation. Planning Officer Miner stated that this is not criteria used for a rezone of a SSCD.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion for Alternatives 1 and 2 – Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); Introduce an Ordinance (Attachment 6 of this report) to Rezone 25 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Howe stated that residents want to protect their neighborhoods and privacy and should be allowed to do so. Commissioner Howe stated that the application has an overwhelming number of votes in support of the proposed project.

Commissioner Olevson stated that he can make the findings and that the applicant has done a fine job of obtaining consensus from the neighbors. Commissioner Olevson commented that usually he has high concerns about an owner being able to build on their lot but in this case the project meets all the criteria and policy goals set forth by the City Council, so he will be supporting the motion.

Commissioner Howard commented that the City Council may approve a zoning amendment upon finding that it is deemed to be in the public interest. Commissioner Howard stated that there is a housing crisis for young people in the City, which is an ever-present burden that can prevent home ownership. Commissioner Howard stated that if a family wanted to expand their home to relocate their aging parents, that would make an apartment available in the City, which is in the public interest. Commissioner Howard stated an opinion that preservation trumps the housing crisis and that the Eichler homes are magnificent and speak to the history of California. Commissioner Howard noted that appendix B of the Eichler Design Guidelines outlines that Eichler homes in a Heritage Resource District receive more consideration and encouraged Eichler owners to consider this designation. Commissioner Howard commented that he spoke with Eichler owners in a SSCD and they felt that the SSCD was good enough. Commissioner Howard stated an opinion that the SSCD's are undermining preservation and providing an incentive to tear down and rebuild, due to the height limitations. Commissioner Howard noted that the City is trying to respect the concerns of residents and use the Eichler Design Guidelines but also should encourage heritage preservation. Commissioner Howard commented that properties in the Green Meadow Neighborhood in Palo Alto have a higher value because they obtained national landmark registration. Commissioner Howard stated a concern that SSCD's are potentially undermining historic preservation efforts and stated he would support the motion if the Planning Commission recommended to City Council that SSCD's should have a future limit, to give residents an opportunity to consider historic preservation or landmark status.

Vice Chair Rheume commented that he will not be supporting the motion and stated an opinion that this project is not in the best interest of the community. Vice Chair Rheume stated an opinion that this is not a continuous block due to the exclusion of part of Firebird Way. Vice Chair Rheume noted an agreement of Commissioner Howard's statement that the SSCD's are undermining the desire for Eichler preservation. Vice Chair Rheume noted an appreciation of the applicant's efforts. Vice Chair Rheume stated that based on the data presented by Ms. Luscha it appears that the neighborhood is trending toward rental and a single-story overlay would only help precipitate this change. Vice Chair Rheume stated an appreciation of the applicant's work to determine if the SSCD's impacted home values but that the findings were inconclusive due to insufficient data.

Commissioner Simons commented that only through serious effort can you engage residents and complimented the applicant for her efforts. Commissioner Simons noted that the data rich, metrics oriented PowerPoint presentation by the applicant was useful and unusual. Commissioner Simons advised that the reason the single-story overlay was created is because Eichler homes didn't meet the age criteria for heritage designation. Commissioner Simons commented that single-story overlay protected the privacy of Eichler neighborhoods but also any neighborhood that met the criteria. Commissioner Simons stated that the project does have a contiguous block along Firebird Way, which is appropriate given the development layout, and that other developments in the City have architectural changes within a given block. Commissioner Simons stated he can make the findings and will be supporting the project. Commissioner Simons noted that there is concern for development and housing limitations but commented that most City homes can double in size without a public hearing, which should mitigate this concern.

Commissioner Weiss acknowledged the work that went into the applicant's presentation and thanked the applicant. Commissioner Weiss stated she is not comfortable in supporting the motion because the site doesn't represent a contiguous area, there isn't strong community support and there are a large percentage of rentals in the site. Commissioner Weiss stated an opinion that the whole process of single-story overlays should be reexamined and that she cannot support the motion.

Chair Harrison commented that she will not be supporting the motion and can't find that it's in the public interest considering the existing guidelines. Chair Harrison stated an appreciation of the applicant's data and presentation. Chair Harrison commented that in her Planning Commission experience the privacy issues to a

rear yard are very strongly considered and that the Eichler Design Guidelines help enforce this privacy. Chair Harrison stated support of Commissioner Howard's comments on the value of preserving Eichler homes but noted that the single-story overlay is redundant and more restrictive in a way that doesn't benefit the whole of the public.

The motion failed by the following vote:

- Yes:** 3 - Commissioner Howe
Commissioner Olevson
Commissioner Simons
- No:** 4 - Chair Harrison
Vice Chair Rheaume
Commissioner Howard
Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on April 25.

Commissioner Olevson asked for a point of order and commented that all the Planning Commission has done is to not make a recommendation. Senior Assistant City Attorney Rebecca Moon confirmed that the Planning Commission needs to take another vote to reach an affirmative decision.

Commissioner Simons clarified with Senior Assistant City Attorney Moon that it's more appropriate to make a recommendation to take an action on the application. Planning Officer Miner advised that the Planning Commission could make a motion for Alternative 4, which is to deny the rezone.

MOTION: Commissioner Howard moved and Vice Chair Rheaume seconded the motion for Alternative 4 - Deny the rezone.

Commissioner Howard stated he encourages the City to embrace preservation.

Commissioner Simons recommended that the applicant have more community members present at the public hearing. Commissioner Simons stated that historically the Planning Commission has missed the justification for the single-story overlay and that he respectfully disagrees with the motion.

Commissioner Howard stated he encourages the petitioner and any other applicant considering a SSCD to also consider a Heritage Preservation District.

Vice Chair Rheume clarified that voting yes on this motion means recommending to the City Council to deny the application.

The motion carried by the following vote:

Yes: 4 - Chair Harrison
Vice Chair Rheume
Commissioner Howard
Commissioner Weiss

No: 3 - Commissioner Howe
Commissioner Olevson
Commissioner Simons

Planning Officer Miner advised that this item goes to the City Council on April 25.

4. [17-0129](#) **Proposed Project:** Related General Plan Amendment and Rezoning applications:

GENERAL PLAN AMENDMENT: Proposed land use designation change from Industrial to: Residential Low-Medium Density (7-14 du/ac), Medium Density (14-27 du/ac), or High Density (27-45 du/ac); or Commercial Neighborhood Shopping for 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site.

REZONE: Introduction of an Ordinance to rezone 210 W. Ahwanee Avenue, a 0.41-acre site; 214 W. Ahwanee Avenue, a 0.31-acre site; and 220 W. Ahwanee Avenue, a 1.18-acre site from Industrial and Service with a Planned Development combining district (M-S/PD) to Low-Medium (R-2/PD), Medium (R-3/PD), or High (R-4/PD) Density Residential with a Planned Development combining district; or Industrial and Service with a Planned Development combining district (M-S/PD) to Neighborhood Business with a Planned Development combining district (C-1/PD).

File #: 2016-7082

Location: 210, 214, and 220 W. Ahwanee Avenue (APNs: 204-03-003, 204-03-002, and 204-03-043).

Current Zoning: M-S/PD

Applicant / Owner: M Designs Architects/Tapti LLC - Kishore Polakala (210 W. Ahwanee Avenue), City of Sunnyvale/Multiple property owners (214 and 220 W. Ahwanee Avenue)

Environmental Review: Mitigated Negative Declaration

Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov