

PUBLIC HEARINGS/GENERAL BUSINESS

2. [17-0431](#) **File #:** 2017-7095
Location: 1103-1129 Royal Ann Court (APNs:202-10-022 through 202-10-035), 1104-1125 North Sage Court (APNs:202-10-011 through 202-10-021), 1104-1136 Hollenbeck avenue (APNs:202-10-038 through 202-10-044), 602-696 West Remington Drive (APNs:202-10-045 through 202-10-063), 611-699 Sheraton Drive (APNs:202-10-002 through 202-10-005, 202-10-036 and 202-10-037), 1115-1123 Smyrna Court (APNs:202-10-006 through 202-10-010) and 1103 Spinosa Drive (APN: 202-10-001).
Zoning: R-1
Proposed Project: Introduce an Ordinance to **REZONE** 63 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Applicant / Owner: Howard Mueller (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.

Commissioner Weiss confirmed with Assistant Planner Vashist that staff did not have additional information about the two residents in opposition to the proposed application.

Commissioner Weiss noted that 48 of 63 homeowners signed in support of the application and asked staff to explain the 82.5% calculation. Assistant Planner Vashist advised that 52 of 63 homeowners signed the original application and confirmed that staff received 51 surveys.

Commissioner Howard commented on the rezoning impact section of the staff report and asked staff if the general impact on the City, such as housing, was analyzed. Planning Officer Andrew Miner stated that there wouldn't be a direct

impact on housing units and noted that the building heights would be limited.

Chair Harrison commented on the background of the single-story overlay as it relates to the public interest. Planning Officer Miner stated that the City Council decided that single story combining districts (SSCD's) are in the public interest when the ordinance was adopted to allow SSCD's. Planning Officer Miner noted that there is no separate SSCD policy and that the Planning Commission reviews each specific application to determine if it meets the public interest finding.

Commissioner Howard confirmed with Planning Officer Miner that Accessory Dwelling Units (ADU's) count towards regional housing quotas. Planning Officer Miner stated that SSCD's do not affect ADU's because ADU's are based on a minimum lot size. Commissioner Howard asked if the height restriction would make it more difficult to incorporate an ADU and Planning Officer Miner advised that there are multiple ways to create an ADU.

Commissioner Howard asked Planning Officer Miner if carports can be converted to living space using the Eichler Design Guidelines provided there are two covered parking spaces which are required. Planning Officer explained that changes to an Eichler home subject to the Eichler Design Guidelines must be consistent with those policies. Commissioner Howard asked about typical expansions for homes within a SSCD and Planning Officer Miner advised that homes usually expand into the backyard.

Chair Harrison presented information about the purpose of the residential SSCD and the public interest as found by the City Council.

Commissioner Simons commented on the smallest lot in the application and confirmed with staff that any home under 45% Floor to Area Ratio (FAR) wouldn't necessarily come before the Planning Commission. Commissioner Simons confirmed with staff that the Planning Commission would review a proposed project that exceeds 3,600 square feet floor area and that a basement counts towards a floor area limit only if less than half of the basement is above ground.

Chair Harrison opened the Public Hearing.

Howard Mueller presented images and information about the proposed project.

Chair Harrison asked Mr. Mueller for additional information about the two residents who opposed the application. Mr. Mueller advised that one resident was generally against all zoning restrictions.

Baerbel Schuhmacher, Sunnyvale resident, spoke in support of the proposed project.

Commissioner Howe clarified with Ms. Schuhmacher that she was part of the SSCD which was the second district in the Fairbrae neighborhood.

Stephen Meier, Sunnyvale resident, spoke in support of the proposed project, noting that the SSCD would preserve the neighborhood character.

Darienne Stewart, Sunnyvale resident, spoke in support of the proposed project, noting that the character of the Eichler neighborhood should be preserved.

Nick Steinmeier, Sunnyvale resident, spoke in support of the proposed project.

Howard Mueller presented additional information about the proposed project.

Commissioner Howard asked Mr. Mueller if the residents would consider pursuing a more formal heritage preservation designation in the future. Mr. Mueller advised that the Eichler Design Guidelines and SSCD requirements together shape the continuity of the City's communities and that the requirements for heritage designations can be onerous. Mr. Steinmeier advised that their organizing committee focused on only discussing the SSCD designation with residents.

Commissioner Howard asked Mr. Mueller if he had concerns regarding the City's code as it relates to privacy and second story developments. Mr. Mueller stated an opinion that SSCD's remove privacy concerns and noted he wasn't aware of any privacy concerns once an SSCD is implemented.

Commissioner Howard asked Mr. Mueller for his comments if a homeowner in a SSCD needed extra space and only had the option to build up. Mr. Mueller commented that a homeowner could build out to the 45% FAR and that with an appropriate lot size an ADU can be created.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion to recommend Alternatives 1 and 2 to the City Council –

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

2. Introduce an Ordinance (Attachment 6) to Rezone 63 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Commissioner Howe stated that this proposed SSCD will complete the SSCD designations in the area and that it's homogenous to the neighborhood. Commissioner Howe commented that these are all single-family homes, that there is overwhelming community support, and that the City Council has stated that SSCD's are in the public interest.

Commissioner Olevson stated that he will be supporting the motion and commented that the Planning Commission doesn't receive many applications that don't request any variations. Commissioner Olevson stated that the City Council has set a policy and that this application meets all the requirements.

Vice Chair Rheume stated that he respectfully will not be supporting the motion. Vice Chair Rheume thanked staff for their presentation and the applicant for their thorough review and submission. Vice Chair Rheume noted that he cannot make the findings that this application is in the best interest of the public.

Commissioner Simons stated an opinion that single story overlays are very beneficial for neighborhoods to continue the look and character long term. Commissioner Simons noted that privacy concerns are also pertinent to non-Eichler neighborhoods. Commissioner Simons commented on his concern for stable, protected neighborhoods and stated that he will be supporting the motion.

Commissioner Howard stated an opinion that this is the best SSCD application he has seen and commented on the policy set forth by the City Council. Commissioner Howard stated his inclination to support the motion and complete the SSCD Fairbrae area but noted that the City is amidst a worsening housing crisis. Commissioner Howard commented on the jobs to housing ratio of the Land Use and Transportation Element (LUTE) and that commercial growth is outpacing housing growth. Commissioner Howard stated that ADU's have been implemented in part to help the housing shortage. Commissioner Howard provided job and housing growth statistics for Santa Clara and San Mateo Counties. Commissioner Howard stated that theoretically the restrictions of an SSCD should not reduce housing opportunities but that he must give priority to the housing crisis.

Commissioner Weiss stated an opinion that the values expressed tonight are not unique to Eichler homeowners and that all homeowners in the City have the same desires for a stable neighborhood and privacy. Commissioner Weiss stated that the

Design Guidelines mitigate many resident concerns. Commissioner Weiss commented that this is the 12th SSCD application before the Planning Commission and that continuing this pattern will not encourage a diverse, welcoming and open City. Commissioner Weiss noted that she will be supporting the motion with great reluctance, as the applicant met the requirements and followed procedure.

Chair Harrison stated that she will be supporting the motion and that this application on a microlevel has the least deviations of all the SSCD applications. Chair Harrison stated that it is homogenous and that there is only a small amount of dissent. Chair Harrison noted her support of Commissioner Howard's discussion about the need for housing and a lack of flexibility for providing housing while creating SSCD's. Chair Harrison noted a shared concern with Commissioner Weiss's statement about the overall impact on the City. Chair Harrison stated that based on the City Attorney's judgment, the adoption of the SSCD ordinance set a policy which defines SSCD's as in the public interest and that policy needs to guide her decision.

The motion carried by the following vote:

Yes: 5 - Chair Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Simons
Commissioner Weiss

No: 2 - Vice Chair Rheume
Commissioner Howard

Planning Officer Miner advised that this item goes to the City Council on June 20.