

2. [17-0506](#) **File #:** 2016-7734
Location: 801-825 Ticonderoga Drive (Assessor's Parcel Number 202-18-003 through 202-18-006 and 202-18-046), 849-891 Ticonderoga Drive (202-21-018 through 202-21-025), 850-886 Somerset Drive (202-21-007 through 202-21-013), 1150 Revere Drive (202-20-004), 1150-1166 Shenandoah Drive (202-20-033 through 202-20-036), 1151-1157 Shenandoah Drive (202-20-031 and 202-20-032), 861-879 Somerset Drive (202-20-001 through 202-20-003), 1130-1194 Pimento Avenue (202-18-007 through 202-18-018), 1149-1167 Pimento Avenue (202-20-045 through 202-20-048), 1181-1199 Pimento Avenue (202-21-014 through 202-21-017), 1149-1161 Plum Avenue (202-18-023 through 202-18-025).
Zoning: R-1
Proposed Project: Introduction of Ordinance to **REZONE** 49 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)
Applicant / Owner: Molly Kauffman (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

Commissioner Weiss recused herself due to the proximity of her home to the proposed project.

Principal Planner Gerri Caruso presented the staff report.

Commissioner Howard asked staff why the east and west boundaries don't extend to South Mary Avenue and Pome Avenue. Principal Planner Caruso provided details about the boundaries and noted that lots were excluded either because they border two-story homes or those property owners did not sign the application. Principal Planner Caruso advised that the northern boundary is the end of a tract. Commissioner Howard confirmed with Principal Planner Caruso that the Director of the Community Development Department would consider a future amendment to the proposed Single Story Combining District (SSCD) to incorporate the excluded homes.

Commissioner Olevson asked staff to explain why the City recommended that the

applicant expand the SSCD boundaries after receiving the initial application. Principal Planner Caruso advised that the initial application didn't provide the protection or privacy that the applicant sought and so staff encouraged the applicant to try and garner more support so that the lots would back up to protected lots. Commissioner Olevson commented that it is unusual for the City to encourage additional rezoning. Principal Planner Caruso clarified that staff wasn't certain if they could support the initial application because it did not establish logical boundaries.

Chair Harrison asked staff to clarify the number of opposed homeowners and stated that a different number was cited in a public comment letter. Principal Planner Caruso advised that the staff survey doesn't reflect the application materials and is used to confirm that the majority of homeowners still support the application. Principal Planner Caruso provided details about the location of the homeowners who did not sign the application.

Chair Harrison asked staff why the Eichlers on the eastern boundary adjacent to a two-story townhome development were omitted from the application. Principal Planner Caruso advised that staff did not request exclusion of those Eichlers and clarified that staff only mentioned that those Eichlers back up to two-story homes.

Chair Harrison commented that staff provided a map which outlined several submitted SSCD applications and noted that all the SSCD's follow street boundaries except for one. Principal Planner Caruso clarified that one of the SSCD applications used an arbitrary boundary that did not follow a street or tract boundary and that another SSCD application used a boundary which stopped mid-block.

Chair Harrison opened the Public Hearing.

Molly Kauffman presented images and information about the proposed project. Ms. Kauffman advised that they did not attempt to include any lots which face South Mary Avenue and only included lots which face Ticonderoga Drive. Ms. Kauffman noted that they asked Principal Planner Caruso where they had erred with their initial application but weren't necessarily directed to make changes.

Commissioner Howard asked Ms. Kauffman to clarify the difference between the groups of homes that back up to Springfield Terrace. Ms. Kauffman stated that the homes on Ticonderoga which back up to Springfield Terrace are different because of a large setback which separates them from Springfield Terrace. Ms. Kauffman advised that several of the homeowners in this area signed the application but did

not pay the fee.

Chair Harrison confirmed with Ms. Kauffman that she was informed that SSCD boundaries are meant to be tract, street or project boundaries. Chair Harrison asked Ms. Kauffman to provide information about the excluded homes on South Mary Avenue that would have constituted a street boundary. Ms. Kauffman advised that there wasn't enough time for additional canvassing after they learned that the original application was unlikely to be supported by the Planning Commission. Ms. Kauffman stated an understanding that the revised boundaries would meet the SSCD requirements.

Matthew Tippet, Sunnyvale resident, noted his concerns about the SSCD process. Mr. Tippet cited that the Eichler Design Guidelines are explicitly intended to protect the Eichler neighborhood ambience and style while the Single Family Home Design Techniques guide homeowners to protect the quality of the neighborhood. Mr. Tippet stated that combined, these two documents cover privacy, natural light and solar access and noted that the design process involves rework and discussion. Mr. Tippet stated that implementing an SSCD without a sunset clause is concerning because it restricts the City from evolving with the community and it will be much harder to remove due to community fear of a lack of protection from future two-story homes.

Christina Cary, Sunnyvale resident, spoke in support of the proposed project. Ms. Cary spoke about the natural sunlight and unique Eichler glass quality, as well as her concern about the potential for residents of a second-story addition to look directly into their home and reduce the natural light.

Commissioner Howard confirmed with Ms. Cary that she has not reviewed the standards for adding a second story to an existing home in the City.

Judy Faulhaber, Sunnyvale resident, spoke in support of the proposed project. Ms. Faulhaber noted her concern that the value and privacy of an Eichler home would be diminished if a two-story addition was completed behind it.

Commissioner Howard confirmed with Ms. Faulhaber that she has not reviewed the standards for adding a second story to an existing home in the City.

Chair Harrison confirmed with Ms. Faulhaber that she has not been in a second-story home built with techniques to minimize the impact and viewed an adjacent Eichler home.

Deborah Gamble, Sunnyvale resident, spoke to her concerns about the right of homeowners who have purchased homes in the City. Ms. Gamble noted that the guidelines should address the concerns of Eichler homeowners. Ms. Gamble cited that the Sunnyvale Municipal Code prohibits construction that would reduce sun exposure to an adjacent property more than 10%. Ms. Gamble advised that their second story has high set windows and that they can view their neighbor's home more easily from their first floor. Ms. Gamble commented that the home directly behind them sold within one weekend during their second story construction.

Commissioner Howard asked Ms. Gamble about her experience with the second-story addition process. Ms. Gamble advised that they built their second story to the guideline specifications so they only had to make minor changes. Commissioner Howard confirmed with Ms. Gamble that she felt that the construction standards were reasonable.

James Bullis, Sunnyvale resident, noted his concerns about a second story home blocking their view and infringing on their quality of life because of the Eichler glass design. Mr. Bullis noted that Mr. Eichler designed the neighborhood as a whole and distributed an Eichler magazine to the Planning Commissioners with an example from Foster City.

Chair Harrison confirmed with Mr. Bullis that he has not been in a second-story home built with techniques to minimize the impact and viewed an adjacent Eichler home.

Commissioner Howard advised Mr. Bullis that based on the Eichler magazine's photo, the buildings would not comply with the City's zoning standards and thanked him for sharing.

Barbara Bullis, Sunnyvale resident, discussed the value of Eichler homes based on preservation of privacy, light and the view of nature that is incorporated into the architectural design. Ms. Bullis stated her concern that potential buyers may seek to purchase Eichler homes elsewhere if they are not guaranteed that the one-story neighborhood feel would be preserved with an SSCD designation.

Aditya Agarwal, Sunnyvale resident, spoke in opposition to the proposed project. Mr. Agarwal recommended that the Planning Commission deny the application based on the absence of overwhelming neighborhood support and logical boundaries, questionable public interest and misinformation amongst residents about the existing process. Mr. Agarwal commented on the exclusion and inclusion of Eichler homes from the application which already border two-story houses.

Commissioner Howard confirmed with Planning Officer Andrew Miner that the Eichler Design Guidelines are enforceable policies. Planning Officer Miner commented that the Eichler Design Guidelines are policies and not ordinance restrictions, and are therefore more general in nature. Planning Officer Miner confirmed that the image of the last home as presented by Mr. Agarwal predates the Eichler Design Guidelines and wouldn't be consistent with those policies today.

Diana Kunze, Sunnyvale resident, spoke in opposition of the proposed project. Ms. Kunze commented that the rezoning of Eichler neighborhoods could be a trend and that their neighbors weren't knowledgeable about the SSCD process. Ms. Kunze stated an opinion that a single-story designation doesn't support multi-generational families who want to share a home.

Commissioner Howard asked Ms. Kunze if she shared the concern about the visibility of neighbors and the impact on the experience of an Eichler home. Ms. Kunze stated that she did not share this concern because of the large trees between the lots and noted that an adjacent two-story home wouldn't affect their privacy.

David Weingaertner, Sunnyvale resident, spoke in support of the proposed project. Mr. Weingaertner stated that it shouldn't be an issue to have the Eichler Design Guidelines exist in conjunction with the SSCD designation. Mr. Weingaertner stated that he was out of town for several weeks and thus unable to return the staff survey by the deadline.

Chair Harrison confirmed with Mr. Weingaertner that he has not been in a second-story home built with techniques to minimize the impact and viewed an adjacent Eichler home.

Commissioner Howard clarified with Mr. Weingaertner that he knows two Eichler homeowners whose adjacent neighbors are completing two-story additions behind them.

Gopal Parupudi, Sunnyvale resident, commented that the reason he chose this neighborhood was for the Eichler neighborhood feel. Mr. Parupudi stated an opinion that it's about the perception that someone could be looking in your home and that the perception of privacy would be lost. Mr. Parupudi commented that an SSCD would maintain the neighborhood consistency despite the potential limit on additional square footage.

Chair Harrison asked Mr. Parupudi if he is familiar with the Eichler Design Guidelines and Single Family Home Design Techniques in regards to privacy and sunlight. Mr. Parupudi stated that he is aware of these guidelines and plans to read them more thoroughly. Mr. Parupudi advised that the fear is that neighbors will not build their second-story additions per the guidelines and stated that he does not have trees as a natural barrier between lots.

Commissioner Howard asked Mr. Parupudi if the presence of an SSCD was favorable in his search for an Eichler home. Mr. Parupudi advised that he wasn't initially aware of the SSCD designation but did subsequently ask the realtor which Eichler homes had an SSCD designation, because he wanted to have the Eichler neighborhood feel preserved.

Commissioner Howard asked Mr. Parupudi if he was concerned with maintaining the architectural consistency of the neighborhood. Mr. Parupudi confirmed and cited that privacy is his additional concern.

Laurie Hughes, Sunnyvale resident, spoke in support of the proposed project. Ms. Hughes stated that a second-story behind her home would be obtrusive and stated an opinion that a potential buyer wouldn't like that either.

Molly Kauffman presented additional information about the proposed project.

Commissioner Olevson stated that the City has set guidelines for approval of SSCD's and commented that the boundaries appear contorted in this application. Commissioner Olevson asked Ms. Kauffman to reiterate why the Eichler homes along South Mary Avenue were not included in the application, as that would present a more logical boundary. Ms. Kauffman stated an understanding that their suggested boundary should meet the requirements and advised that they hadn't considered going out to South Mary Avenue. Ms. Cary advised that they wanted to approach the smallest number of homeowners and didn't realize the significance of the boundaries. Ms. Cary stated that they enlarged the boundaries based on staff's suggestion.

Chair Harrison closed the Public Hearing.

Commissioner Howe asked staff about the results of the staff survey. Principal Planner Caruso advised that the application results carry more weight and that the staff survey began after multiple SSCD applications were received last year. Planning Officer Miner commented that it is not uncommon to have a poor return rate with the staff survey. Commissioner Howe asked staff about the results of the

application. Principal Planner Caruso stated that 77% of homeowners signed in support of the application but that since then one homeowner withdrew their support, so now that is approximately 75% of homeowners.

Commissioner Howe asked staff if the applicant could amend their application and include the homes on South Mary Avenue without additional fees, if the Planning Commission chose to recommend continuation of this item due to the boundary issues. Planning Officer Miner confirmed that this action is possible. Planning Officer Miner commented that staff's initial concern was that the original application did not remove the possibility of two-story additions behind the lots and thus recommended expansion. Planning Officer Miner provided additional details about the different application boundaries. Planning Officer Miner advised that the code states that the SSCD boundary must follow the street or tract to the extent feasible and that the applicant has made every attempt to meet that standard.

Commissioner Howard commented that based on the staff survey, 51% of homeowners supported the application and with three additional homeowners in support, that number increases to 57%. Commissioner Howard stated that in the staff survey results of the previous two applications 58% of homeowners supported the Firebird SSCD and 76% of homeowners supported the Fairbrae SSCD.

Chair Harrison disclosed that as part of a site visit she visited an Eichler home not within the application that backs up to a two-story home, as well as a two-story home designed with the Single Family Home Design Techniques that was adjacent to a single-story home.

MOTION: Commissioner Howe moved to recommend Alternative 1 to the City Council but the motion did not receive a second.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the motion to recommend to the City Council that this item be continued so that the applicant can amend the boundaries to make them more contiguous.

Commissioner Howe commented that the boundaries in this application have been challenging and suggested that the applicant better define the boundaries and potentially amend their application if they have a second public hearing with the Planning Commission.

Planning Officer Miner advised that this recommendation will go to the City Council but that this item will not necessarily be continued. Commissioner Howe summarized the two potential options and Senior Assistant City Attorney Rebecca Moon confirmed that the City Council has ultimate discretion.

Commissioner Olevson stated that the Planning Commission has been evaluating the pros and cons of this application and that the City Council has given clear guidelines regarding the Planning Commission's authority in evaluating SSCD's. Commissioner Olevson stated an opinion that most SSCD's applications are unambiguous but that this application does not have well defined boundaries per City Council policy. Commissioner Olevson advised that his recommendation to the City Council is to ask that the applicant expand their boundaries to follow those guidelines.

Vice Chair Rheume stated that he will not be supporting the motion but that he respects the motion. Vice Chair Rheume commented that on a microlevel he cannot make the findings that this SSCD is in the best interest of the public. Vice Chair Rheume commented that the boundaries are difficult in this application but noted his appreciation of the applicant's efforts and commended all the neighbors. Vice Chair Rheume commented on the resident concerns that an SSCD designation will detract from property values and stated an opinion that the impact cannot currently fully be assessed. Vice Chair Rheume noted his concern for the homes that were excluded as well as the homeowners who signed the application but did not pay the fees.

Commissioner Howard stated that he will be supporting this motion but noted his concern that SSCD's are generally not in the public interest. Commissioner Howard stated that he focused on the technical qualities of this application and noted that consistency should be attained by including all instances of Eichlers that back up to two-story homes. Commissioner Howard provided details about those homes and commented that there is a high level of disagreement with this application as compared to previous applications. Commissioner Howard noted that the Alternate 4 map, as provided by Mr. Tippet, could have been a possibility if the Planning Commission had moved forward on this item. Commissioner Howard stated that the lack of neighborhood support with the limited boundary lines weakens the application and that Commissioner Howe's recommendation to the City Council is sound. Commissioner Howard thanked the applicants and residents for the thorough discussion.

Chair Harrison stated that she will be supporting the motion. Chair Harrison stated that she cannot make the required finding for the SSCD application that to the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream or tract boundary. Chair Harrison commented that she would have supported a motion which denied the request but that with this motion the fees will not be wasted, should the City Council agree with the Planning Commission's

recommendation.

The motion carried by the following vote:

Yes: 4 - Chair Harrison
Commissioner Howard
Commissioner Howe
Commissioner Olevson

No: 1 - Vice Chair Rheaume

Absent: 1 - Commissioner Simons

Recused: 1 - Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on July 11th.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

Chair Harrison opened the Public Hearing.

Commissioner Howard asked if the Planning Commission could discuss SSCD resident education and the current restrictions and noted the lack of understanding as cited in Mr. Tippet's letter. Chair Harrison clarified with Commissioner Howard that the focus would be residential education but that the SSCD study issue already exists. Principal Planner Caruso stated that education is provided during the outreach meeting and is included in the staff survey but that staff could further emphasize this information. Planning Officer Miner stated that the 2016 Planning Commission-sponsored SSCD study issue was ranked by the City Council but fell below the line, and that if it returns to the Planning Commission they can incorporate additional language about resident education, but in the meantime staff can incorporate feedback for future applications.

Chair Harrison asked staff about the applicant's letter to the community that cited intrusion of privacy, reduction in natural lighting and reduction in potential or actual solar power generation as the potential impacts of a second story addition. Chair Harrison stated that solar power generation is regulated and noted her concern about dissemination of this misinformation. Chair Harrison commented that per Senior Assistant City Attorney Rebecca Moon natural lighting is not a right but that this has been extended to actual or potential solar generation. Planning Officer Miner advised that the staff survey is sent due to previous concern that residents may feel pressured during the applicant's outreach and that inaccurate information could be presented by the applicant. Chair Harrison commented that only one or