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September 8, 2017

Via email only with attachments
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94088

PlanningCommission@sunnyvale.ca.gov
Council@sunnyvale.ca.gov
SDivatia@sunnyvale.ca.gov

Re: File #2017-7565 (Planning Hearing-9/11/17) (Council Hearing-10/17/17)
Application to rezone 26 lots from R-O, R-O/PD to
R-O/S (Low Density Residential Single Story)

Dear Members of the Planning Commission and City Council:

I represent the interests of an affected property owner in opposition to the application to rezone selected properties currently zoned RO and R-O/PD to R-O/S (Low Density Residential Single Story). The address of the property of my client is 1666 Swallow Drive (APN 313-41-028) The written response to the Survey of the City signed by the Trustee of the Forsling Trust objecting to the application is enclosed. I have also included a Plat Map for orientation, the green lots being those on the application within the proposed zone with my client's lot in yellow.

While there are a myriad of reasons to object to this application the simple reason is that it is unnecessary and unreasonably restricts the current rights of peripheral property owners on Swallow Drive such as my client. Please consider:

1. The proposed rezoning would cause a disparity in that it mixes two (2) Tracts, Tract#1829 La Linda Meadows and Tract #5171 Fairpark Addition; the former having been developed in 1957 and the latter in 1973. The latter has 19 Eichler designed homes ranging from approximately 1800 square feet to 2200 square feet. The older homes in the La Linda Meadows range from 1338 to 1524 square feet. The design and architecture are clearly different from a neighborhood compatibility standpoint.
2. The applicants of the proposed single story rezoning are predominantly Eichler designed homes. These homes are already subject to the Eichler Design Guidelines adopted by the City on July 28, 2009 which accomplish the goal of this application.
3. The applicants gerrymandered the proposed rezoning area to include 5 homes on Swallow Drive to meet the minimum standards of "at least 20 homes" for the creation of the district. Otherwise the 19 Eichler homes alone fail to qualify for the submission.
4. The proposed single story height restriction limitations force the limited 5 homes on Swallow Drive in the La Linda Meadows Tract to increase the footprint of the home

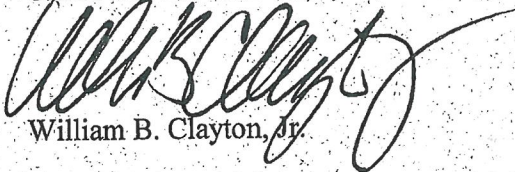
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- thereby decreasing their yards and recreational area, if they wish to expand to homes to the even the current size of the Eichler counterparts. Existing zoning could allow the Swallow Drive homes to increase size with a second story without increasing the footprint, or compromising the back yard areas.
5. My client's next door neighbor to the North at 1658 Swallow Drive (APN 313-41-029) has already built a second story allowing their square footage to increase to 2676, double the size of my client's property. This parcel is outlined in red on the plat map next to my client's yellow parcel. A corresponding picture of my client's home and this neighbor is included for reference. This proposed rezoning would have an individualized, significant and adverse economic impact on my client. The effect of the approval of this application could be argued to be analogous to an economic "taking" without public necessity.
 6. Parcels 70 and 71, included in this application as part of the district appear to be an anomaly. The effect of rezoning pursuant to this application would appear to be an effort to restrict development under the auspices of a Low Density Residential Single Story application.
 7. While no traffic studies are available, it is presumed that the traffic pattern and daily trips are higher on Swallow Drive rather than on the protected Eichler Lorne Way Cul de Sac. This underscores desirability of larger back yards on the Swallow Drive lots from a child safety standpoint and the wisdom of keeping the current zoning to allow for a second story.
 8. My client, whose trust is the property owner is an original owner of this property, requests that the application be denied as submitted. She is purely a peripheral property owner and objects to the proposed restrictions on her property as oppressive and harmful to her financial and beneficial usage of her property.

Thank you for your consideration.

Very truly yours,

CLAYTON & McEVOY, P.C.



William B. Clayton, Jr.

WBC/wc

Attachments

Survey

Platt Map; Book 313, page 41

Photograph 1666 Swallow Drive Sunnyvale CA

Cc: Shetal Divatia, AICP
Senior Planner
Community Development Department

copy



Sunnyvale

File No: 2017-7565

SURVEY

Date: August 16, 2017

Stephanie Pestarino Trustee
653 San Miguel Ave
Santa Clara, CA 95050-5157

The City of Sunnyvale has received an application to rezone your property from R-O (Low Density Residential) to R-O/S (Low Density Residential/Single Story). The application was submitted by 16 property owners (61.5%) in the 26-lot rezoning area. The application includes some Eichler homes on Lorne Way and Homestead Road.

After reviewing this information, please fill out this survey form and mail it back to the City of Sunnyvale in the pre-addressed, pre-stamped envelope by September 1, 2017.

Properties Included: Twenty-six lots on Lorne Way, Homestead Road and Swallow Drive bound by Swallow Drive on the west and Calabasas Creek on the east. See Map on the back.

1666, 1674, 1682, 1690, 1698 Swallow Dr.,
1104-1107, 1109-1113, 1115-1117, 1119 and 1121 Lorne Wy.,
1103, 1105, 1107, 1109, 1111 and 18771 E. Homestead Rd.

(APN: 313-41-005 thru 313-41-028, 313-41-070 and 313-41-071)

I support the Single Story Rezoning	
I do not support the Single Story Rezoning	✓
I have no position	

Owner Signature [Signature] trustee for Erling Family Trust Date 8/28/17

If you have any questions or comments, please contact the Project Planner, Shetal Divatia, Senior Planner, at (408) 730-7637 or sdivatia@sunnyvale.ca.gov

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

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TRACT NO 5:71
FAIRPARK ADDITION

TRA DET. MAP 813
LAWRENCE E. STONE - ASSESSOR
Controlled map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2014-2015

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



TRACT NO 1829
LA LINDA MEADOWS UN. NO 1

1666 Swallow Drive

ATTACHMENT 10

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Legend

-  1666 Swallow Dr
-  Homestead &

