



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

---

Monday, September 12, 2016

6:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

---

**Special Meeting - Study Session - 6 PM | Special Meeting - Public Hearing 7 PM**

### **6 P.M. SPECIAL PLANNING COMMISSION MEETING (Study Session)**

#### **1 Call to Order in the West Conference Room**

#### **2 Roll Call**

#### **3 Study Session**

- A.**      [16-0880](#)      **File #:** 2014-7432  
**Proposed Project:** Sunnyvale El Camino Real Corridor Plan  
(Comprehensive Update of the 2007 Precise Plan for El Camino Real)  
Draft Vision Statement and Land Use Alternatives
- B.**      [16-0881](#)      **File #:** 2016-7706  
**Location:** 217 Moffett Park Dr. (APN: 110-34-006)  
**Zoning:** MP-I  
**Proposed Project:** Architectural review of a 5,000 square foot office  
building (previously approved) as part of a larger redevelopment  
project at 215 Moffett Prk Drive.  
**Applicant / Owner:** ArcTec, Inc. / Moffett Park Drive Owner LLC

#### **4 Public Comment on Study Session Agenda Items**

#### **5 Adjourn Study Session**

### **7 P.M. PLANNING COMMISSION SPECIAL MEETING**

#### **CALL TO ORDER**

Chair Harrison called the meeting to order in Council Chamnbars.

#### **SALUTE TO THE FLAG**

Chair Harrison led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Chair Sue Harrison  
Vice Chair Ken Rheaume  
Commissioner Larry Klein  
Commissioner Russell Melton  
Commissioner Ken Olevson  
Commissioner David Simons  
Commissioner Carol Weiss

### **ORAL COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

MOTION: Commissioner Klein moved and Commissioner Melton seconded the motion to approve the Consent Calendar.

The motion carried by the following vote:

**Yes:** 5 - Chair Harrison  
Commissioner Klein  
Commissioner Melton  
Commissioner Olevson  
Commissioner Simons

**No:** 0

**Abstained:** 2 - Vice Chair Rheaume  
Commissioner Weiss

**1.A.**     [16-0867](#)     Approve Planning Commission Meeting Minutes of August 22, 2016

**1.B.**     [16-0893](#)     **File #:** 2016-7621  
**Location:** 791 Durshire Way (APN: 309-29-057)  
**Zoning:** R-0 (Low Density Residential)  
**Proposed Project:**  
    **USE PERMIT:** to allow a large family child care home within  
    300 feet of another large family child care home.  
**Applicant / Owner:** Li Liu (applicant / owner)  
**Environmental Review:** Class 1 Categorical Exemption  
**Project Planner:** Momoko Ishijima, (408) 730-7532,  
    mishijima@sunnyvale.ca.gov  
**NOTE:** *The project has been continued to September 26, 2016 due to  
a noticing error.*

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

**2. [16-0868](#)**

Forward Recommendations to the City Council related to the adoption of the **PEERY PARK SPECIFIC PLAN** (2013-7653):

- Accept the errata to the EIR and find that none of the circumstances triggering recirculation of the EIR or subsequent environmental review have occurred under CEQA Guidelines Sections 15088.5 and 15162
- Adopt a resolution to adopt the Peery Park Specific Plan and make related amendments to the General Plan
- Introduce an ordinance to create the Peery Park Specific Plan district and rezone the parcels in the Plan Area
- Adopt a resolution to establish fees for Peery Park
- Adopt a motion to prioritize the flexible community benefits
- Support the use of \$100,000 of City Funds to provide a portion of the local match for the Peery Park Rides Grant Program.
- Direct staff to undertake the appropriate environmental analysis and community outreach and return to consider whether the Peery Park Specific Plan should be amended to include additional housing opportunities.

Principal Planner Amber Blizinski presented the staff report.

Commissioner Melton confirmed with Planning Officer Miner that staff estimates that only five percent of the Peery Park area is suitable for housing due the proximity to the airfield and County land use policies, and confirmed with Director of the Community Development Department Trudi Ryan that the City does not currently have funding set aside to conduct additional environmental analysis and community outreach to determine housing opportunities in Peery Park.

Commissioner Melton discussed with Planning Officer Miner potentially adding to the Municipal Code or Specific Plan a consequence of slowing development in Peery Park if Alternative 7 has not been achieved by a future date. Senior Assistant City Attorney Rebecca Moon added that City Council could impose a moratorium on building until additional options are studied, and Commissioner Melton commented on wanting the City to be able to maintain its leverage and keep pressure on the City and landowners to achieve Alternative 7.

Commissioner Klein verified with Principal Planner Blizinski that a green building code bonus would not allow developers to build above 120 percent Floor Area Ratio (FAR) in zone 2, and confirmed with Planning Officer Miner that 80 percent FAR is the maximum allowed in Moffett Park. He discussed with Principal Planner Blizinski the reasoning behind recommending higher densities than previously allowed, and with Director Ryan the use of Use Permits in Peery Park to approve higher densities. Director Ryan provided an example of a development outside of Peery Park built to 100 percent FAR, and Commissioner Klein noted that it is at 100

percent FAR with a Transportation Demand Management (TDM) program percentage of 35, which is the same recommended percentage for developments in Peery Park that could potentially build up to 120 percent FAR.

Commissioner Simons discussed with Principal Planner Blizinski whether building height restrictions, due to the proximity of the airport, is the main reason for recommending an emphasis on using other development standards instead of FAR, and Principal Planner Blizinski replied that many of the projects will not be affected by the height limits of the Comprehensive Land Use Plan for Moffett Federal Airfield, but the Airport Land Use Commission requested the revisions to the height map in the PPSP to be more conservative until projects are reviewed individually. Commissioner Simons discussed with Director of the Public Works Department Manuel Pineda factors contributing to a successful and aggressive TDM program and Director Pineda noted that measuring TDM is done differently across agencies and firms. Commissioner Simons noted that data for TDM programs uses a mix of new and old businesses for which it is harder to set up a trip reduction plan, but that this area is planned as a whole new development. He discussed with staff whether a viable alternative to a moratorium to achieve additional housing would be to maintain industrial zoning in the areas marked for potential residential until there is an application for a residential project and to then rezone it with a subsequent Environmental Impact Report (EIR). Director Ryan added that the Planning Commission could suggest that recommendation and that staff could discuss options with the property owners, which has not yet occurred. Commissioner Simons noted that housing should be considered for Peery Park despite the upcoming update to the Land Use and Transportation Element.

Vice Chair Rheume confirmed with Principal Planner Blizinski that an additional 0.9 million square feet is allowed under the current General Plan and includes approved and under construction projects, and confirmed that if the Peery Park Specific Plan (PPSP) is not approved developers would have to apply for a Use Permit for FARs above 35 percent and that the plan would lose various community benefits and improvements.

Commissioner Weiss discussed with Director Ryan whether there is a mechanism of protection to prevent a replay of the Town Center delay in Peery Park.

Chair Harrison opened the Public Hearing.

Mark Murray, with Lane Partners, said their proposed project at 520 Almanor is planned to be 110 percent FAR and that lowering the maximum FAR in Peery Park would require a total redesign of the project.

Curt Setzer, Principal with Simeon Commercial Properties, said most current project applicants are in compliance with the Draft PPSP and that changes to it at this point would require redesigns of their projects and greatly increase expenses.

Ann Davis, Sunnyvale resident adjacent to Peery Park, said the plan does not protect or preserve the character of nearby neighborhoods. She recommended as a community benefit enhancing the landscaping just outside the eastern border of the PPSP and said contemplated pedestrian and bicycle connections at Ferndale and Duane Avenues are not needed.

John Cordes, SNAIL resident and member of the Sunnyvale Bicycle and Pedestrian Advisory Commission speaking on his own behalf, said additional housing should be considered to address the Citywide shortage, that approval of the plan means we cannot meet Climate Action Plan requirements and would cause additional pollution and thus health issues for neighbors. He recommended 40 percent TDM, intermediate caps for development, no on-street parking and better bicycle and pedestrian connectivity.

Mike Serrone, with the Sunnyvale Sustainable and Affordable Living Coalition, encouraged moving forward with the PPSP with alternatives for housing and more affordable housing.

Peter Larko, with JP DiNapoli Companies, said his company has a project within Peery Park that has been revised as the plan evolved. He encouraged approval of the PPSP.

Commissioner Klein verified with Mr. Larko that his project is proposed at 100 percent FAR and in zone 2.

Chair Harrison closed the Public Hearing.

Commissioner Olevson confirmed with Principal Planner Blizinski that currently proposed projects exceeding the plan that have not been approved or denied will be subject to the PPSP if adopted.

Vice Chair Rheame discussed with Planning Officer Miner how the approval of the plan would be impacted if property owners are not interested in residential projects.

Commissioner Weiss and Director Pineda discussed options for enhanced landscaping on both sides of Mathilda Avenue, and confirmed with Planning Officer

Miner that the Planning Commission could make a recommendation for additional landscaping a flexible community benefit.

Commissioner Klein discussed with Director Pineda why TDM is based on project size rather than FAR.

Chair Harrison verified with Principal Planner Blizinski that the southern activity center as currently proposed is mixed use with office above retail and no housing, and that a recommendation for additional landscaping on the east side of Mathilda could be added to the flexible benefits table.

Commissioner Simons confirmed with staff that the Alternatives include accepting the errata to the EIR and do not include the modifications to the FAR tables made during the previous hearing.

MOTION: Commissioner Simons moved to Recommend to the City Council Alternatives 1, 2, 3, 4, 5, 6 and 7:

- 1) Accept the errata to the EIR (Attachment 28) and find that none of the circumstances triggering recirculation of the EIR or subsequent environmental review have occurred under CEQA Guidelines Sections 15088.5 and 15162;
- 2) Adopt a Resolution (Attachment 3) to:
  - a. Amend the General Plan to Create the Peery Park General Plan Designation;
  - b. Update the General Plan Map to Reflect the Peery Park Plan Area;
  - c. Adopt the Peery Park Specific Plan, with Modifications (Attachment 7);
  - d. Adopt the Peery Park Specific Plan Community Benefits Table; and
  - e. Repeal the Southern Pacific Corridor Specific Plan Site 2;
- 3) Introduce an Ordinance (Attachment 4) to:
  - a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts - Creation), repeal SMC Section 19.16.070 (Perry Park District Review Process); Add SMC Section 19.27.040 (Peery Park Specific Plan District); and,
  - b. Amend the Precise Zoning Plan Zoning Districts Map to add the Peery Park Specific Plan District and Rezone the Parcels in the Peery Park Specific Plan Area to Peery Park Specific Plan District; and
  - c. Rezone the Encinal Park Parcel to Public Facilities;
- 4) Adopt a Resolution (Attachment 5) to:
  - a. Amend Resolution No, 762-16 (Master Fee Schedule) to add the Peery Park Plan Review Fees, Peery Park Conditional Use Permit Fees, a Peery Park Specific Plan Fee, and Peery Park Wastewater Infrastructure Fee;
  - b. Authorize the City to impose a Sense of Place Fee and Peery Park and Water Infrastructure Fees on a project specific basis;
- 5) Make a Motion to Prioritize the Flexible Community Benefits as Recommended

by Staff, with the following recommended modification:

- a. Add to the table balanced and expanded landscaping along Mathilda Avenue;
- 6) Adopt a Motion in support the use of \$100,000 of City Funds to Provide a Portion of the Local Match for the Peery Park Rides Grant Program; and,
- 7) Direct staff to undertake the appropriate environmental analysis and community outreach and return to Planning Commission and City Council to consider whether the Peery Park Specific Plan should be amended to include additional housing opportunities, with the following recommended modifications:
- a. Explore alternatives to add housing to the EIR, including maintaining industrial zoning for, or a potential moratorium on building in the Libby Can area, while allowing the southern activity center to develop as planned.
- 8) Recommend the BPAC modification to remove on-street parking; and,
- 9) Allow the proposed maximum FAR but require 40% TDM for the largest projects.

The motion failed for lack of a second.

MOTION: Commissioner Melton moved and Commissioner Olevson seconded the motion to Recommend to the City Council Alternatives 1, 2, 3, 4, 5, 6 and 7:

- 1) Accept the errata to the EIR (Attachment 28) and find that none of the circumstances triggering recirculation of the EIR or subsequent environmental review have occurred under CEQA Guidelines Sections 15088.5 and 15162;
- 2) Adopt a Resolution (Attachment 3) to:
- a. Amend the General Plan to Create the Peery Park General Plan Designation;
  - b. Update the General Plan Map to Reflect the Peery Park Plan Area;
  - c. Adopt the Peery Park Specific Plan, with Modifications (Attachment 7);
  - d. Adopt the Peery Park Specific Plan Community Benefits Table; and
  - e. Repeal the Southern Pacific Corridor Specific Plan Site 2;
- 3) Introduce an Ordinance (Attachment 4) to:
- a. Amend Sunnyvale Municipal Code (SMC) Section 19.16.020 (Zoning Districts - Creation), repeal SMC Section 19.16.070 (Perry Park District Review Process); Add SMC Section 19.27.040 (Peery Park Specific Plan District); and,
  - b. Amend the Precise Zoning Plan Zoning Districts Map to add the Peery Park Specific Plan District and Rezone the Parcels in the Peery Park Specific Plan Area to Peery Park Specific Plan District; and
  - c. Rezone the Encinal Park Parcel to Public Facilities;
- 4) Adopt a Resolution (Attachment 5) to:
- a. Amend Resolution No, 762-16 (Master Fee Schedule) to add the Peery Park Plan Review Fees, Peery Park Conditional Use Permit Fees, a Peery Park Specific Plan Fee, and Peery Park Wastewater Infrastructure Fee;
  - b. Authorize the City to impose a Sense of Place Fee and Peery Park and Water Infrastructure Fees on a project specific basis;
- 5) Make a Motion to Prioritize the Flexible Community Benefits as Recommended

by Staff, with the following recommended modification:

- a. Add to the table additional landscaping to the east side of Mathilda Avenue;
- 6) Adopt a Motion in support the use of \$100,000 of City Funds to Provide a Portion of the Local Match for the Peery Park Rides Grant Program; and,
- 7) Direct staff to undertake the appropriate environmental analysis and community outreach and return to Planning Commission and City Council to consider whether the Peery Park Specific Plan should be amended to include additional housing opportunities, with the following recommended modification:
  - a. Explore alternatives to add housing to the plan area in a timely manner to ensure it is reviewed prior to projects submitted in those areas.

Commissioner Melton said this project has been discussed at length and should be moved into the hands of the City Council. He said it was continued from a previous agenda and since that meeting he received clarity on the number of potential new jobs made possible by Peery Park and that only five percent of Peery Park can be utilized as housing due to County land use restrictions and the Moffett airfield. He said asking staff to explore options for housing and adding the community benefit for additional landscaping on the east side of Mathilda allows him to be able to make the findings, and that he is comfortable with the maximum FARs and TDM levels as staff recommends.

Commissioner Olevson said the PPSP as a consolidated document was much clearer and did well in summarizing all the work that has been done in the last couple of years. He said he is disappointed that applicants with major projects in the area will not be grandfathered in but he suspects an appeal directly to City Council on specific projects might satisfy some of their needs. He said the Alternatives are clear and he is not comfortable changing them so dramatically from the dais.

Vice Chair Rheaume said he is supporting the motion and thanked staff for all of the work done on this project. He said he is comfortable with the proposed maximum FARs and TDMs and would like to see how the 35 percent TDM level works out for projects outside of Peery Park before increasing them elsewhere. He said the FARs as proposed provide the ability for more open space, and that Peery Park is unique and he does not want to use Moffett Park as a cookie cutter to shape Peery Park.

Commissioner Klein said he is reluctantly supporting the motion and that while he understands what staff is attempting to do with increasing heights and FAR levels they still worry him because they do not necessarily lead to open space and ultimately increase density on specific sites. He said he understands that there are



a lot of tools put in place to reduce trips per site and to increase amenities, and that this is a good first step. He noted that there is a backlog of developers who have listened to staff over three years and waited long for approval, and that a large portion of what the plan is trying to entitle is each of these projects. He said we are foregoing the community benefits we were hoping to get when the plan was initially envisioned because some projects have already been approved within the last few years, and he is pleased to be taking a step back to achieve the right vision for amenities and housing in the area. He said he hopes staff can get the housing portion studied for the final recommendation to Council and he worries about whether Peery Park will be completely built out too quickly. He said the long term vision needs to be reevaluated, but that the tools put in place are flexible enough for developers to be able to meet the plan and TDM goals, which he wishes were higher. He said we need to get the plan moving forward so projects awaiting approval will feed into community benefits and meet green and TDM goals.

Commissioner Weiss commended staff on the work that has gone into the report, and said it is very promising for the future of Sunnyvale to have a far reaching plan rather than piecemeal development. She said it will be exciting to watch as various pieces become part of a whole integrated unit, that she can make the findings and she looks forward to staff coming back to us with a solid recommendation for how to add housing to the plan.

Commissioner Simons said he will not support the motion, and noted that the responsibility of the cost of TDM programs is on the owners of a project. He said the city is maxed out in terms of traffic, that adding a large number of people to one area will greatly increase traffic and that the cost also involves wear and tear on the streets. He said coordinating with a developer to reduce single occupancy traffic has benefits to residents and workers in the area, and that while there will be some improvements, they are not enough to counteract what is going on in this part of the city. He said if business goes down, the cost for mitigating extra traffic does as well, but that during times of prosperity we pay for infrastructure, road repair and maintenance. He said this is a long term issue and hopes the City can better concentrate on sustainability.

Chair Harrison said she supports the motion and that it is too bad that so many projects in Peery Park have gone forward without providing the community benefits we need, but to delay the plan any further would do the same. She said the plan makes TDM programs feasible as changes to the roadway and bike paths, the Transportation Management Association and shuttle stops make it possible to reduce trips.

The motion carried by the following vote:

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

**No:** 1 - Commissioner Simons

3. [16-0731](#) **Proposed Project:** Introduction of Ordinance to **REZONE** 28 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
**File #:** 2016-7431  
**Location:** 662-678 Vanderbilt Drive (Assessor Parcel Numbers 202-06-026 through 202-06-030), 1202-1204 Sesame Drive (202-08-003 through 202-08-006), 1218-1234 Sesame Court (202-08-001, 202-08-002 and 202-06-043 through 202-06-048) and 661-677 Winggate Drive (202-06-034 through 202-06-042)  
**Zoning:** R-1  
**Applicant / Owner:** Baerbel Schumacher (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

Principal Planner Gerri Caruso presented the staff report.

Vice Chair Rheaume commented on the varying lot sizes in the project area and confirmed with Principal Planner Caruso that if the rezone is approved each home would be subject to the 45 percent maximum Floor Area Ratio (FAR) rule so that, theoretically, a 10,000 square foot lot could have a 4,500 square foot home built upon it. He also confirmed the lead applicant's address, and that City Council did not discuss a limit on the number of single-story overlay applications to be considered in their original Ordinance discussion.

Commissioner Melton verified with Principal Planner Caruso that this application meets all of the requirements laid out in the Municipal Code, and that the decision of the Planning Commission would be based upon whether the finding can be

made that approving the application would be an overall community benefit to Sunnyvale. They confirmed that a group of property owners following the same application criteria could apply to have the single-story overlay removed, and Principal Planner Caruso noted that there was originally a sunset rule that required applicants to reapply for the overlay after seven years that was subsequently removed. Commissioner Melton discussed with Principal Planner Caruso how the properties were combined into a single application, and he commented on a smaller number of houses in an application being easier to review.

Commissioner Klein discussed with Principal Planner Caruso whether consideration was given to having the City do the outreach to neighbors to collect signatures for an application and Principal Planner Caruso described a previously undone alternative process for outreach and signature collection. Planning Officer Andrew Miner added that a study issue could be proposed to review the cost and implementation of alternative processes. Commissioner Klein verified the fee for a single-story overlay application in Los Altos with Principal Planner Caruso .

Commissioner Weiss discussed with staff how much staff time is dedicated to each application, and confirmed with Planning Officer Miner that the fee has not been increased since initially adopted, except for annual cost of living increases. Commissioner Weiss confirmed with Principal Planner Caruso that the thresholds for participation are 75 percent in Palo Alto and two-thirds in Los Altos.

Chair Harrison opened the Public Hearing.

Applicant Baerbel Schumacher presented information about the project application.

Peter Gaudette, Sunnyvale resident, discussed his support of the single-story overlay application and the privacy issues second story homes create for Eichler homes.

Gene Manheim, Sunnyvale resident, discussed his concern with the process of obtaining signatures for an application and suggested the decision on this application and other single-story overlay applications be put on hold until an improved process emerges.

Commissioner Simons discussed with Mr. Manheim his recommendation for anonymous voting.

Julia Filippova, Sunnyvale resident, said the process does not fairly measure residents' will and should be revised. She said the decision on rezoning should be

placed on hold until a new process is available.

Lena Govberg, Sunnyvale resident, said she opposes the rezoning and that the process should be revised as it creates conflict within the community. She suggested a third party study the costs, benefits and long term impacts of single-story overlays to inform residents' decisions, and said privacy can be achieved through thoughtful design.

Commissioner Simons and Ms. Govberg discussed her approved second story home being grandfathered in to the neighborhood if the rezone is approved, and Ms. Govberg discussed her concern with restricting residents to single-story homes, particularly those on small lots.

Eran Dor, Sunnyvale resident, noted the number of two-story homes in the neighborhood and the varying lot sizes, and said owners of larger lots keep the potential of their property when an overlay is in place, while owners of small lots lose their property's potential.

D.J. Defrospero, Fairbrae neighborhood resident, encouraged a recommendation to City Council for approval of the application.

Alik Eliashberg, Sunnyvale resident, suggested a secret ballot to improve a flawed process that impacts individual property rights.

Carole Pappas, Sunnyvale resident, discussed her concern with two-story homes infringing on the privacy of Eichler homes.

Mike Serrone, Sunnyvale resident, said all of the rules were followed in completing the application, and he encouraged a recommendation to City Council for approval of the application.

Vice Chair Rheaume confirmed with Mr. Serrone his home's address.

Applicant Baerbel Schumacher said she appreciates having this process, that there will always be tension between desires to change and preserve communities and that there is sufficient housing styles in the Bay Area for each to coexist.

Chair Harrison closed the Public Hearing.

Vice Chair Rheaume confirmed with Planning Officer Miner that a study issue could initiate Council's review of the single-story overlay application process.

Commissioner Melton discussed with staff whether results of a secret ballot could be kept confidential.

Chair Harrison discussed with Planning Officer Miner whether there is a process by which a property owner can request a rezone for their property, and discussed the limits to changing buildings in a heritage district. They also discussed the process by which a property becomes part of a heritage district.

Commissioner Weiss confirmed with Planning Officer Miner that the Planning Commission could recommend to City Council a moratorium on single-story overlay district applications until a study issue on the process is completed.

MOTION: Commissioner Melton moved and Commissioner Klein seconded the motion to recommend to City Council Alternatives:

- 1) Find the project exempt from CEQA pursuant to CEQA Guidelines Section 15305 and 15061(b)(3); and,
- 2) Introduce an Ordinance to Rezone 28 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Melton said this application has gone through the appropriate process and the Planning Commission must make the finding that it is in the public interest, which he has concluded it is. He said a number of interesting questions have been brought up by members of the public that may need to be discussed in a separate conversation, that the application is in line with City policy and that this provides an opportunity for the Planning Commission to declare that we are seeing a lot of single-story overlay applications and we need to take a look at the process.

Commissioner Klein said he was able to make the findings and that the applicants followed the process, paid the fees and had 89 percent support. He said he understands the issues raised by the public about the process and restricting homes, but that many of the properties are very large and have space to add square footage while staying within zoning requirements. He said he can see some issues with the process creating conflict, such as a two-story homeowner not being a part of the process, and that there are corrections City Council can make, which requires a study issue by staff. He stated that the Eichler Design Guidelines are not the same as zoning standards and many things can be done to a redeveloping home that may make it incompatible with the surrounding neighborhood. He noted that the single-story overlay district was a solution brought about 15 years ago and is a process put in place to protect the vision of neighborhoods.

Vice Chair Rheume said he does not support the motion, and that while he agrees with enforcing policy, rezoning needs to be based on what is in the best interest of the public. He said this application is dividing the community and it is the responsibility of the Planning Commission to help put in place a process that works best for everyone in the community before moving forward with single-story overlays. He said the Dartshire and Devonshire Ways overlay application consisted of same sized lots of perfect rectangles and everyone within the area in agreement, but that some lots in this application are 60 percent larger than others and he questions whether it is in the best interest of the public to hold them to the same rules. He noted that one applicant states she is looking for privacy and openness, which can still be achieved without the overlay. He said the City does not have anything in place that determines that there are too many overlays, that Sunnyvale needs more housing and we are now limiting the size of homes in different neighborhoods. He added that he cannot make the findings.

Commissioner Olevson said neighbors in opposition to the application have raised substantial points that need to be explored, but changing the rules midstream is not the way government should act toward citizens. He said he appreciates the homeowners who feel they are being restricted from future improvement of their own property, but that we have rules put in place 15 years ago implemented by the people those rules are for so there would be a process we could count on to make changes. He said he is supporting the motion because 89 percent of people signed the petition and followed all of the rules.

Commissioner Simons said he supports the motion, and complimented the initiating applicant for obtaining 89 percent of support within the group. He said the value in an Eichler neighborhood is based on having privacy, which becomes compromised by new two-story homes. He commended the members of the public who voiced their opposition to the application, noted that 55 percent support may be too low and said his concern with changing the process is that it may make it more expensive for neighbors to pursue an overlay. He said it was quite a burden for the applicants to get to where they are tonight and that there should be a process to support a certain style of living in Sunnyvale. He added that a 4,000 square foot home would still be allowed under this zoning with only one story.

Commissioner Weiss said she appreciates and values privacy and shares concerns about living next door to a monster house, but that she is uncomfortable with the recent trend of increasingly more Eichler neighborhoods applying to be rezoned from R-1 to R-1/S. She said the future implication of these applications is that southwest of El Camino Real Sunnyvale will have more exclusive neighborhoods into the indefinite future at a time when we are actively looking for

ways to increase housing stock by less obvious means, such as accessory dwelling units. She said this type of zoning eliminates many such possibilities except where the lot size is unusually large, and that rezoning is only one tool to combat the lack of privacy or construction of monster homes. She said because the applicants have completely followed the process she will be voting yes, and added that this is a multifaceted issue that needs to be studied.

Chair Harrison said she is not supporting the motion, and that while the applicants have followed all of the steps in the process, she cannot make the finding that this application is in the public interest. She said there are many democratic implications to these applications, that when a parcel owner requests a rezone for only their property it does not affect their neighbors, but that here we have parcel owners requesting to rezone their neighbors. She said the process has not been studied thoroughly and that we do not have data on whether a two-story home negatively affects the property value of its neighbors.

The motion carried by the following vote:

**Yes: 5 -** Commissioner Klein  
Commissioner Melton  
Commissioner Olevson  
Commissioner Simons  
Commissioner Weiss

**No: 2 -** Chair Harrison  
Vice Chair Rheame

4. [16-0772](#) **Proposed Project:** Introduction of Ordinance to **REZONE** 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)  
**File #:** 2016-7523  
**Location:** 576-598 West Remington Drive (APNs: 202-01-001 through 202-01-007), 575-595 Rockport Drive (APNs: 202-01-016 through 202-01-024), 585-595 Templeton Court (APNs: 202-01-025 through 202-01-028 and 202-08-035), 1104-1132 Spinosa Drive (APNs: 202-01-029 through 202-01-033, and 202-08-032 through 202-08-034), 1126-1138 Strawberry Court (APNs: 202-08-036 through 202-08-040), 1143-1153 Tangerine Way (APNs: 202-08-041 through 202-08-043)  
**Zoning:** R-1  
**Applicant / Owner:** Stephen Meier (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.

Chair Harrison opened the Public Hearing.

Applicant Stephen Meier provided information about the project application.

Lowell Gass, Fairbrae neighborhood resident, discussed his opposition to the application, said the 55 percent threshold is too low and property owners should have the right to build a second story.

Gene Manheim, Sunnyvale resident, discussed his opposition to the application and suggested expediting the study issue on the application process while putting on hold all future single-story overlay applications.

Alik Eliashberg, Sunnyvale resident, suggested the City holistically study the impact of single-story overlays to better inform residents' decisions.

Lena Govberg, Sunnyvale resident, discussed her opposition to the application and suggested the process be revised and include a sunset clause.

Eran Dor, Sunnyvale resident, discussed his opposition to the application and said it creates the risk of decreasing property values and is not in the public interest.

Nathan Gardner, Torrrington Drive resident, urged the Planning Commission to recommend that future applications are set aside until a study issue is completed.

Paul Bankhead, Tangerine Way resident, spoke in opposition to the application and said single-story overlays restrict property rights and that the Eichler Design Guidelines contain protections for privacy. He said a group of unaffected neighbors outweigh the voices of direct neighbors affected by projects.

Kristen Robins, Sunnyvale resident, said it is important to preserve the character of Eichler homes and encouraged the approval of the application.

Julia Filippova, Sunnyvale resident, spoke in opposition to the application and said privacy concerns can be addressed by other means.



Nancy Lane, Sunnyvale resident, spoke in support of the application and said two-story homes create valid privacy concerns for Eichler homeowners.

Applicant Stephen Meier provided additional information about the application and addressed several concerns of neighbors.

Chair Harrison closed the Public Hearing.

MOTION: Commissioner Melton moved and Commissioner Klein seconded the motion to recommend to City Council Alternatives:

- 1) Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and,
- 2) Introduce an Ordinance to Rezone 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Commissioner Melton said the Planning Commission enforces the policy of the City, ensures rules are followed and the application is in good order, and then focuses on whether findings can be made. He noted that people interpret public interest differently, that if somebody was applying for the entire City to be converted to have a single-story overlay it would not be in the public interest, but that this application is for a small subset of houses in a certain neighborhood and, given that, he finds that it is in the public interest to rezone these homes. He said very interesting questions have been raised about impacts and the worthiness of the policy and process that need to be investigated, and noted the original version of the single-story overlay district had a sunset policy that was removed by City Council. He added that he looks at the merits of each application on its own, and he believes this is not an instance of confirmation bias in his decision.

Commissioner Klein said these neighbors are going through the appropriate process to protect the qualities of their neighborhood with a smaller percentage of support than seen on the previous agenda item, but with more than the City requires. He said the application is for a set of single-story homes, that there were qualifications of paying fees and looking at how many two-story homes are in the neighborhood, and that the policy may be reevaluated.

Vice Chair Rheame said he is not supporting the motion and that while the job of the Planning Commission is to enforce City policy, one of those policies is to determine whether a rezone application is in the best interest of the public. He said the more we discuss it the less it seems to be in the best interest of the public, and that because Sunnyvale is continually changing, the definition of 'best interest'

continually changes. He said there may be needed changes to the process but that determining whether an application is in the best interest of the public does not need to change and he cannot make that finding.

Commissioner Weiss said she will not be supporting the motion and cannot make the findings because all of the rules were not followed. She said the process depends on integrity and honesty, that all Planning Commissioners were present when we voted on the 1169 Sesame project and there are items here presented as truths that we all know are not so. She said it makes her wonder about what else was presented to neighbors to convince them to sign the petition, and that approving this application jeopardizes the whole process.

Commissioner Olevson said he will be supporting the motion, and noted that the Planning Commission consists of volunteer citizens ensuring applicants follow the policies and procedures of the City. He said in this case the policy is a single-story overlay that has a specific process to be approved, which the applicants have followed. He added that the process could be substantially improved to better protect homeowners who are negatively affected by it.

Commissioner Simons said he supports the motion, and said there was a reference to policies in other cities and that with one in particular the process involved those who wanted to do an addition getting their neighbor's approval. He said one problem with that is that one neighbor may allow a second story next to their home and then be denied when they wanted to add a small bedroom by that same neighbor, and that we want to remove those emotional factors and make it measurable with rules. He said it was a good idea to come up with second story guidelines but that the amount of effort to specify every possible thing people might want to do for their second story was too difficult. He said it is unfortunate that the discussion has gone in an unreasonable direction and he does not buy into the idea that second stories should be allowed because it is a property right. He said these are relatively large lots that will allow the construction of large homes or additions on just a single story, and that this may be an alert to Eichler homeowners about the conflict between them and people wanting to build density for the justification of getting extra housing. He said you can add a lot of square footage to homes and that will not turn them into multi-family homes and that this neighborhood will remain single family. He said he hopes the same mistakes made previously do not occur now due to inexperience.

Chair Harrison said she is not supporting the motion because it is not in the public interest. She said approval of this application requires different criteria than an Environmental Impact Report, and that there are no facts on whether the public will

be positively or negatively affected by this situation. She said we do not know the resale values of homes in this situation, what future market conditions will be like, the affect on the maintenance of the properties or the desireability of the neighborhood. She said she understands that a majority of people living here now like it the way it is, but that without a sunset provision we do not know what effect this will have on this tract or the City.

The motion carried by the following vote:

**Yes: 4 -** Commissioner Klein  
Commissioner Melton  
Commissioner Olevson  
Commissioner Simons

**No: 3 -** Chair Harrison  
Vice Chair Rheume  
Commissioner Weiss

#### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

Commissioner Melton proposed a study session to discuss the number of single-story overlay district applications in the pipeline, which may inform a recommendation to City Council to slow down these applications, and suggested having a conversation about the rezone application for Wright Avenue several years ago. He also proposed a study issue to reevaluate the single-story overlay district process, particularly as it pertains to the 55 percent threshold, the fee, the finding to be made, whether there is a better finding than whether it is in the public interest, what would happen if every application were approved, the right definition of tract boundary, whether we are following a logical process, whether a sunset should be reinstituted and lot size commonality.

Commissioner Weiss added to that proposal examining the method by which votes are solicited and collected, which party should do it and whether it is possible to keep all applications pending until City Council has reached a determination.

Chair Harrison suggested adding to the discussion the topic of anonymous voting, and conducting a market evaluation of whether limiting development to one story makes the entire tract less valuable or makes certain houses more valuable. She said there may be some other area in the country where this has been done and there is a long term result.

Vice Chair Rheume requested staff put together a list of pros and cons of single-story overlay districts.

Commissioner Simons requested that the discussion also include the costs of changing the process and the complication it may create for the City.

Planning Officer Miner said he will capture all of these requests in a staff-written white paper, and will add to the discussion a review of the Eichler Design Guidelines.

### **NON-AGENDA ITEMS AND COMMENTS**

#### **-Commissioner Comments**

Commissioner Klein noted that this meeting is his final one before joining City Council. He discussed his history on the Planning Commission and encouraged people to become engaged in their community. He thanked City Council for appointing him to the Planning Commission, thanked the Planning Commission for the discussions on critical issues of the City and thanked staff for continuously improving staff reports. He also thanked the members of the public for attending meetings and speaking about their concerns, and said his experience on the Planning Commission has been very rewarding.

Commissioner Simons thanked Commissioner Klein for his service on the Planning Commission and said he appreciates being able to work with respectable people such as he.

Chair Harrison said she appreciates that Commissioner Klein has been her mentor.

#### **-Staff Comments**

Planning Officer Miner thanked Commissioner Klein for his careful consideration of applications and the time he has dedicated to serving on the Planning Commission. He announced that on September 22 there will be an All-Commission Congress to discuss the Land Use and Transportation Element, and announced a special Planning Commission meeting on October 17 to consider the Lawrence Station Area Plan. He also discussed the recently heard and upcoming Planning-related City Council items.

Senior Assistant City Attorney Rebecca Moon noted that a final approval from the Finance Department was received last week for the Town Center Development.

### **ADJOURNMENT**

Chair Harrison adjourned the meeting at 11:09 p.m.