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Andrew Miner - Fwd: Single-Story Combining Districts

From: Jamie McLeod
To: Miner, Andrew; Ryan, Trudi
Date: 7/20/2005 2:44 PM
Subject: Fwd: Single-Story Combining Districts

FYI

>>> William Gaugler <drgaugler@mac.com> 7/20/2005 2:38:31 PM >>>
To: Jamie McLeod, Associate Planner
Department of Community Development
City of Sunnyvale

In regard to your Policy Review on Single-Story Combining Districts, since I am unable to attend the Community Outreach Meeting, the Planning Commission, and the City Council hearings, because I am the 24-hour caregiver for my wife, who is in her fifteenth year of Alzheimer's, I wish to share the following observations:

In conference with my fellow Architectural Committee Members for Eichler Tract No. 1910, recommendations were made for modest modification of 19.26.200 to bring it into accord with the wishes of the residents of this neighborhood. The modified text will be presented to you for transmission to the Planning Commission and the City Council for consideration.

The substance of the recommended changes in the text is that our Single-Story Combining District be continued without repeating the initial costly and time-consuming procedure for establishing such a district. Little change in ownership of properties within Eichler Tract No. 1910 has occurred since re-zoning, and the prevailing opinion among the residents of this neighborhood is that they wish to retain current status. In these times of economic difficulty it seems both reasonable and fair that neither the home owners nor the City of Sunnyvale should carry the burden of additional expenses.

We will be grateful for the support that you and your colleagues can give us in this matter.

Sincerely yours,

Dr. William M. Gaugler
Professor Emeritus
Past Associate Chairman for the History of Art
San José State University

REC'D 7/21/

Once again the city is performing an act of diligence. The Planning Commission should be either abolished or staffed with intelligent individuals having community interests in mind. Not the special interest money.

The covenants for the Edmonton (and other) properties are specific with respect to the property descriptions and use.

On purchasing of the property, that covenant became binding with respect to all items with exception of those items that were subsequently deemed to be no longer enforceable through local, appellate and / Supreme court decisions.

I have not seen the court system rescind the condition of a single story residence.

The city, possibly without knowledge, is assisting the supporters of Otto Lee and the Helen Wang Family Trust. i.e. the Cupertino development group, that if you take the time to verify, has spent assets in getting various officials elected in various communities. The mausoleums then follow.

The individual on Wright that built the monster just laughed at the neighbor saying she could do just as she pleased as there she had "influence". History has shown her to be correct.

I spoke with Mr. Lee prior to the election and he confirmed his support base as well as the San Jose Mercury articles revealing this support. He also stated he was an "honest attorney", which really confused me. I commented we did not want another Cupertino and he looked shocked. His campaign manager went on the attack.

The mausoleum type residences all attract the same type of personalities and have the same problems for neighbors. Here is the general overview.

a) The setbacks are reminiscent of the Baltimore slums.
b) The owners biggest pride is that they got city approval.
c) Neighbors yard and gardens are diminished because of light blocking. Because of setbacks the mausoleums have little yard.
~~d) The high windows provide access to all neighbors.~~
e) Always lots of concrete.
e) They never use their garages. The 2 stories in my neighborhood have 7-9 cars on the street and driveway. One person even rents out the garage as a bedroom.
f) On completion, all the relatives / extended families / room for rent (to make the payments) move in (generally 5-9 persons) and chaos reins.
g) One also has converted his garage to a shoddy office with FEDEX trucks at all times.
h) There is even a two story convalescent home in operation. Now there is an approval worthy of a real alert planning commission.

i) Applicant backgrounds need to be checked for the what and who their associations are. There is most always the silent partnership (both money and labor) that would share when the property is sold.

These individuals have no intent to become permanent members of the community.

j) And as for the residents that want to build on a second story, they knew the rules when the bought.

Duane Barber
1607 Edmonton Ct
Sunnyvale, Ca.

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Andrew Miner - FW:

From: "Wirtz, Lou" <lou.wirtz@lmco.com>
To: Jamie McLeod <JMcLeod@ci.sunnyvale.ca.us>, <aminer@ci.sunnyvale.ca.us>, <gcaruso@ci.sunnyvale.ca.us>
Date: 7/22/2005 6:07 PM
Subject: FW:
CC: William Gaugler <drgaugler@mac.com>, Bill Callahan <billcallsv@yahoo.com>

Planners,

Attached are the proposed wording and justification for an extension process for the single story combining district. I promised during the meeting to send it to you. The proposal was based upon the flyer that was sent out which we (Callahan, Gaugler, and Wirtz) interpreted (misinterpreted?) as limited to only extending approval. It was also made without any knowledge of the other options that are currently under consideration besides an extension.

There are features within the several options that I feel are preferable to options within the extension I enclosed. Two favorable features include elimination of the sunset provision and elimination of the fee for combining district extensions. Other ideas that should be explored more include reducing the required percentage of owners when making an application (or extension), reducing the fees (if fees cannot be eliminated entirely), and providing a reasonable timeframe prior to expiration for a renewal application (if sunset provisions aren't eliminated) to provide a seamless process.

I will be out of town next week but plan to put some additional viable options together based upon the concepts mentioned and hopefully submit them early in the first week of August, prior to the next hearing. Thanks,

Lou W

-----Original Message-----
From: lou.wirtz@comcast.net [mailto:lou.wirtz@comcast.net]
Sent: Wednesday, July 20, 2005 10:21 PM
To: Wirtz, Lou
Subject:

SUBMITTED BY LON WERTZ AT OUTREACH MTG 7/21

19.26.200. Residential single-story combining district (S).

(a) There is hereby created a combining district to be known as S combining district, which may be combined with the R-0, R-1 and R2 residential zoning districts. The residential single-story combining district is intended to modify the site development regulations of the R-0, R-1 and R-2 residential zoning districts, to preserve and maintain single-family neighborhoods of predominantly single-story character.
(b) The single-story combining district may be established at the discretion of the city council to overlay the R-0, R-1 or R-2 zoning districts in accord with Chapters 19.92 and 19.98. Where the combining district is in effect, the regulations established by this section shall apply instead of the comparable regulations set forth in this title.
(c) All single-story combining districts shall expire automatically seven years after their effective date. Within the final year prior to expiration of a single-story combining district, property owners within the district may apply for an extension of the single-story combining district. In order to apply, the applicants must demonstrate, by providing documentation, including a written list of signatures, that a majority of the property owners in the district support continuation of the district. Upon expiration of a single-story combining district, property owners within the district may apply for another single-story combining district, following the same procedures as for an original application.
(d) In addition to the procedures for adopting a zone change set forth in Chapters 19.92 and 19.98, the following special provisions are required when applying for a single-story combining district:
(1) An application to establish a single-story combining district shall be initiated by owners of property within the proposed district. In order to apply, the applicants must demonstrate, by providing documentation, including a written list of signatures, that at least sixty-seven percent of the property owners in the proposed district support creation of the district and that they understand they are requesting a zoning map amendment. An application to repeal an existing single-story combining district must also be supported by sixty-seven percent of the property owners within the district.
(2) The proposed district must be clearly delineated in the application and must consist of at least twenty homes. In addition, at least seventy-five percent of the homes in the proposed district must be one-story. To the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary.
(e) Areas with a single-story combining district shall be designated on the zoning map by the symbol "S" following the underlying zoning district designation.
(f) For sites within the single-story combining district, the following development regulations shall apply in lieu of the otherwise applicable site development regulations:
(1) Height. The maximum height shall be seventeen feet, as defined in Section 19.12.030(10).
(2) Habitable Floor Limitations. There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines and similar areas but exclude basements.
(3) The maximum floor area ratio shall be forty-five percent. (Ord. 2731-03 § 1; Ord. 2650-00 § 2).

Justification for Extension of the Residential Single Story Combining District (S)

The current municipal code, 19.26.200, has a seven year sunset provision for expiration, a provision for repeal of the district prior to the seven year limit, but no provision to extend the time limit for the district. Additionally, the code currently mandates that the district expire (presumably the district must then be re-zoned) before residents can apply for a new single story combining district. The new application must be accomplished following the same procedure used to establish the original district and the significant additional costs would needlessly be incurred a second time by the residents (and the city?) when in fact the intent is to maintain a status quo.

The proposed change would allow for a majority of the residents of the district to apply efficiently for a time extension at minimum cost and trouble to them and the city of Sunnyvale. The city would not have to go through a "yo-yo" process of re-zoning to a previous zoning, only later to re-zone to the single story combining district. Residents of the district would not be forced, especially in these difficult times, to provide additional money to cover the costs of such a repetitive process. The sunset and repeal provisions would remain unchanged and in force to guard against any change in the demographics of the district. Thus, the original intent behind those provisions remains intact. The proposed change is a true win-win scenario for both the city and its residents.

Andrew Miner - Re: Study/Wright Ave. Single Story Combining District

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From: Jamie McLeod
To: [redacted]
Date: 8/1/2005 7:54 AM
Subject: Re: Study/Wright Ave. Single Story Combining District
CC: Caruso, Gerri; Miner, Andrew; Ryan, Trudi

Dear Nelle Gartner,

Thank you for your comments on the Wright Avenue study issue. They will be included in the staff report.

Regards,
Jamie

Jamie McLeod, Associate Planner
Dept. of Community Development
City of Sunnyvale
456 West Olive Ave.
Sunnyvale, CA 94088-3707
(408) 730-7429

>>> [redacted] 07/23/05 8:18 PM >>>
Jamie-

This is in response to th property owner's notice I received at my home at 1029 La Salle Ave. regarding extending approval of Wright Ave. single story combining (tract 1910)

FOR YOUR RECORDS- I do not want this extension upon the expiration. I never signed for this to begin with, although my name appears as though I did. Very confusing! Many homes around me, including 1 on my cul-de-sac have 2nd story additions already, and it is not fair or equitable to myself and the other current homeowners to limit the value of homes by disallowing additions.
This all began with 1 tear down on Wright Ave. around the corner from my home. Before the new home was even completed, the signatures against this began out of fear. The "monster home" looks lovely today, while the adjoining signature gatherer's homes look like they sadly need paint and improvement.

To sum it up, homeowner's in this tract 1910 should have the right if they want, to build second story addition's to their homes.

Thanks for your attention to this matter.

Nelle Gartner