PLANNING COMMISSION MINUTES OF AUGUST 8, 2005

Study Issue: Extending Approval of Wright Avenue Single-Story Combining District **(Also scheduled for the City Council meeting of August 23, 2005)** AM

Andy Miner, Principal Planner, presented the staff report. Mr. Miner noted that the handouts provided this evening are maps of the two existing Single-Story Combining Districts (SSCD), Wright Avenue and Bobolink Circle, and additional correspondence submitted after the staff report was completed. This Study Issue, established by City Council, addresses the options available to extend the SSCD beyond seven years. In 2000, the City Council adopted changes to the Code which resulted in the opportunity for neighborhoods to submit an application to become an SSCD. There are two requirements of SSCDs that are key issues. The first is that to have an SSCD, 67% of the property owners in the neighborhood must support the decision to create the district. The second issue is that the SSCD would end, or sunset, after seven years. Council felt strongly about these issues at that time. In 2001, the Wright Avenue neighborhood submitted the first SSCD application which included 54 parcels. In 2002, Bobolink Circle was the second SSCD applied for. Staff expected to see more applications, but these are the only two SSCDs that have successfully been approved. An SSCD limits the amount of development on a property to 45% Floor Area Ratio (FAR) and it limits the height of new or remodeled homes to one story and 17 feet. City Council initially wanted to have the ability to extend these SSCD approvals on there own, but the City Attorney said that the way the ordinance was written that extensions have to be done by the property owners effected. Staff and neighbors have suggested several ideas to amend the Code, including changes that affect the length of time that an SSCD is active, changes to the fees associated with the application for an SSCD for neighborhoods that already have established an SSCD and reduction of the percentage of required property owners' approval from 67% to 51%. The current process does not allow an application to be extended until the first seven-year period has expired. Staff has reviewed the suggestions and is recommending that the City allow extensions on the SSCDs prior to the expiration, at least 6 months, and to reduce the fees for applications to reinstate. These recommendations are consistent with the City Council's reasons for initially establishing the SSCD. Other recommendations from neighbors are to eliminate the sunset provision and set no time limit for the SSCD. One neighbor did comment that letting the SSCD expire is not a bad thing. The majority of the neighbors are in support of some kind of provision to allow the SSCDs to continue.

Trudi Ryan, Planning Officer, added that staff has heard only from the Wright Avenue SSCD and not from the Bobolink Circle SSCD. There is no expressed opinion from the latter group at this time.

Chair Hungerford opened the Public Hearing.

Lou Wirtz, Sunnyvale resident living in the Wright Avenue district, said that he does not believe the staff recommendations go far enough. He does favor the elimination of the expiration date of the SSCD and does not believe there is a need for a seven-year provision. He said with the elimination of the expiration date that a neighborhood should be able to apply for a non-expiring extension district with a simple majority anytime prior to the expiration of the district. He would like to have the number of property owners required to establish or repeal an SSCD be changed to a simple majority. Even if the percentage required were changed from 67% to 55% that would reflect an overwhelming consensus of a neighborhood. He would also like to see the fee eliminated for establishing an SSCD, if not for new applicants, at least for applicants reapplying in existing districts.

Wilma Anderson, a resident in the Wright Avenue district, spoke in favor of the SSCD. She expressed her frustration with staff's decision to allow a two-story home to be built next to her one-story Eichler home. She shared pictures of her home and a neighbor's home explaining what each of them had to do to attempt to regain their privacy that was lost when the second story was added to the neighbor's home. She said since then, a lot of the time an effort has been put into establishing the stop-gap measure of a second-story overlay. She wanted to express what happened to her and does not want to have it happen to others in her neighborhood. She also said she felt that the people who do not want to have the SSCD continue should be the people that do the work to have it removed and pay the money.

Bill Callahan, a resident in the Wright Avenue district, spoke in favor of the SSCD. His concern is with the reapplication process. He said back in 2000 when the requirements for the SSCD were set, it seemed like the best deal the property owners could get at the time. Now he questions, if the majority of the property owners want to continue the SSCD, why do they have to complete a whole new reapplication. Though the fees have been reduced they are still steep. In 2001, from the 54 properties involved, only 47 were owner occupied. Of those 47 they were able to get 38 owners or 80% to support the SSCD. He said he would also like to see the required percentage of support be a simple majority rather than the 67%. He agrees that those who want the change should be the ones to make the application and pay the fees. He said it is simply a matter of economics for them and it will be difficult to come up with the fees again.

Ray Crump, is not a Wright Avenue resident, but he is interested in the SSCD and would like to have one in his Sunnyvale neighborhood. He said he supports the Wright Avenue neighbors in what they are proposing and feels that once the SSCD is established in a neighborhood that another application fee should not be required when the seven-year period expires. He suggested that if a reaffirmation by the neighbors is necessary, that a petition might be an option.

Chair Hungerford closed the public hearing.

Comm. Babcock asked staff if the sunset provision for the district was eliminated, would these two existing SSCDs still need to reapply the second time. Ms. Ryan said yes.

Chair Hungerford asked staff about Mr. Wirtz' request that the Wright Avenue residents be able to reapply for a non-expiring SSCD and that there be no fee for that. Ms. Ryan confirmed that the Commission has an option to recommend that they be allowed to reapply for a non-expiring SSCD, prior to the time expiration and not impose a fee.

Comm. Fussell asked staff what the fees for the SSCD went towards. Ms. Ryan said that the fees offset all staff time to research and prepare for the SSCD including meetings with property owners, outreach to citizens and supplies associated with doing the study.

Comm. Babcock moved for: Alternative 2, modify the zoning code to eliminate the sunset provisions of the combining district; modify Alternative 4 to modify the zoning code to allow applications for a new seven-year period to filed within nine months prior to the expiration of the zoning; Alternative 6, to eliminate the fee for applications to reinstate the single-story zoning in an area; modify Alternative 7, to reduce the required approval from the current 67% of the owners to 55% of owners.

Comm. Simons seconded.

Comm. Babcock commented that the two districts that have applied for the SSCD have done so, successfully. The Wright Avenue SSCD was essentially a test. She said eliminating the sunset clause puts the burden on those who want the change. The 55% support requirement applies to both to those who want to keep the SSCD and those who would like to change it. She said she hopes it works well.

Comm. Simons concurred with Comm. Babcock and said it was interesting that there was a resident from another part of the City interested in the SSCD. He hopes that these changes will make it easier for neighbors to work together to move towards establishing other SSCDs.

Chair Hungerford said he would be supporting this motion and acknowledged that the reapplication process is a lot of work. He said he also lives in an Eichler home and would not like to have a two-story home built near him for the same reasons that the speaker expressed.

Final Action:

Comm. Babcock made a motion for: Alternative 2, to modify the zoning code to eliminate the sunset provisions of the combining district; modify Alternative 4, to modify the zoning code to allow applications for a new seven-year period to be filed within nine months prior to the expiration of the zoning; Alternative 6, to eliminate the fee for applications to reinstate the single-story zoning in an area; modify Alternative 7, to reduce the required approval from the current 67% of the owners to 55% of owners. Comm. Simons seconded.

Motion carried unanimously, 6-0, Comm. Moylan absent.

This item is scheduled to be heard by City Council at the August 23, 2005 meeting.

ATTACHMENT H

DRAFT ORDINANCE TO AMEND SECTION 19.26.200 RESIDENTIAL SINGLE-STORY COMBING DISTRICT(S)