

**PLANNING COMMISSION MINUTES OF JANUARY 14, 2008**

**2007-1048 - Fairorchard Architectural Committee** [Applicant] **Callahan William C and Gretchen Trustee** [Owner]: Application to allow permanent status for a Single-Story Combining District for 54 parcels in Tract 1910 **located between Helena Drive, Homestead Road, Wright Avenue and Cupertino Middle School** in an R-1/S (Low-Density Residential/Single Story) Zoning District. (APN: 320-15-045) GC

**Gerri Caruso**, Principal Planner, presented the staff report. She said staff recommends approval of this application.

**Comm. Simons** discussed with staff the height limit for the homes in this neighborhood considering that some single-story Eichler roof styles within the City are peaked higher than the 17-foot maximum for the proposed district. **Trudi Ryan**, Planning Officer, discussed various scenarios regarding roof height limits in relation to Eichler homes and this neighborhood. She commented that there is a potential Study Issue going before Council for consideration at the upcoming Study Issue Workshop on January 25, 2008 regarding the possible modification of the definition of "story" which could possibly increase the height allowed per story. She said that there is another Study Issue that is pending this year regarding the development of guidelines for Eichler homes. Ms. Ryan added that the Eichler homes in the neighborhood being discussed this evening do not include the style that has a roof height in excess of 17 feet.

**Chair Sulser** referred to Attachment C, page 3 and asked why the four homes on the map directly adjacent to this proposed neighborhood are not a part of the application tonight. Ms. Ryan said the four homes were not a part of the original subdivision.

**Chair Sulser opened the public hearing.**

**Bill Callahan**, applicant, said he is pleased to present this application to make this a permanent single-story neighborhood in an effort that started eight years ago to protect the neighborhood from huge houses being built. He said in 2001 there was a lot of trepidation regarding this zoning which resulted in this seven-year sunset clause. He said after the application approval with the sunset clause, the rules changed and neighborhoods obtaining this designation would permanently retain the designation until a neighborhood decided, with a minimum of 55% support, to repeal the designation. He said in the re-canvassing of this neighborhood that they obtained signatures that provide them with 69% supporting the application.

**Wilma Anderson**, a resident of Sunnyvale and the proposed neighborhood, spoke in support of the application. She said this designation for their neighborhood has been going on for a long time. She said the neighbors have put in a lot of time, effort and money. She said it is time to get this matter settled.

**Denise Biggs**, a resident of Sunnyvale and the proposed neighborhood, spoke against this application. She said it prevents her from making improvements on her home. She said that she was not polled for the petition for the current application. She said with the first application made about seven years ago that there was a lot of intimidation from those canvassing the neighborhood. She said she did sign the original petition. She said she is opposed to this being a permanent designation and feels that it could affect the value of the homes in the neighborhood.

**Lou Wirtz**, a resident of Sunnyvale and the proposed neighborhood, spoke in support of the application. He said he was one of the people who collected signatures for the petition for this current application and does not feel he intimidated anyone. He said they did not reach everyone in the neighborhood and said he tried to reach someone at Ms. Biggs' home. He said there were some homes they could not reach and they tried to give everyone a chance. He said they were able to reach 70-85% of the homes. He said they are trying to protect the neighborhood from having any additional monster homes built in the neighborhood. He said he tried to be respectful of anyone that did not sign the petition.

**Vice Chair Rowe** asked Mr. Wirtz if there were any neighborhood meetings. Mr. Wirtz said there were no neighborhood meetings held for this application or the previous application and that information was provided while canvassing the neighborhood. He said he did try to make it clear this time while canvassing that this application would make the designation permanent until the majority of the neighborhood desired the designation change. Vice Chair Rowe confirmed with Mr. Wirtz that the 31% of the neighborhood that did not sign the petition were made up of neighbors that were either not home at the time of the canvassing or said no to signing the petition.

**Mr. Callahan** said with the current application that he and Mr. Wirtz were the only two people who collected signatures and they tried to canvas every house. He said he went out seven different times at different times of the day and different days of the week. He said he had two refusals out of all the houses he reached. He said he does not feel he and Mr. Wirtz were intimidating. He said with the original application several years ago that possibly some of the canvassers were more aggressive. He said he does not know of any other fair way to handle this issue other than by majority and he feels like they have accomplished this.

**Chair Sulser closed the public hearing.**

**Comm. Babcock moved to approve the rezoning to apply the Single-Story combining district as proposed by the applicant. Comm. Simons seconded the motion.**

**Comm. Babcock** commended the neighborhood for sticking with the process and helping the City develop the process over the past few years. She said many other neighborhoods in the City are benefiting from the work that the neighbors in this neighborhood did.

**Comm. Simons** commented that it is hard to believe that it has already been seven years since this zoning was designated for this neighborhood. He discussed the architectural uniqueness of the Eichler neighborhoods recognizing the concerns related to privacy and the ability to expand the size of the homes, commenting that basements are a good solution when more space is desired. He said that many people find the Eichler-style living extremely desirable with the single-story, indoor/outdoor living style in mind and when someone wants to change a home in one of these neighborhoods it makes a big impact on the neighbors. He said he highly supports this project.

**Vice Chair Rowe** referred to a speaker's comments and said that if the neighborhood starts changing and there are more requests to allow two-story homes that the designation of Single-Story combining district can be repealed. She said she likes this zoning designation as it imposes building intensity and height limits and said she can see why neighbors want to protect this neighborhood.

**ACTION:** Comm. Babcock made a motion on 2007-1048 to approve the rezoning to apply the Single-Story combining district as proposed by the applicant. Comm. Simons seconded. Motion carried unanimously, 7-0.

**APPEAL OPTIONS:** This action of the Planning Commission will be forwarded to the City Council as a recommendation and is scheduled to be heard by City Council at the January 29, 2008 meeting.