

PLANNING COMMISSION MINUTES OF JUNE 22, 2009

2008-0861: Draft Design Guidelines for Eichler Homes (Study Issue) - Consider adopting Eichler Design Guidelines for applicable Eichler neighborhoods in the City. This action also includes potential modifications to the City's Single Family Design Techniques to address non-Eichler homes immediately adjacent to Eichler homes. (Negative Declaration) DO (*Continued from June 8, 2009.*)

Trudi Ryan, Planning Officer, disclosed that she owns an Eichler Home and left the Council Chambers. **Comm. Hungerford** disclosed that he owns an Eichler Home and left the Council Chambers.

Diana O'Dell, Senior Planner, presented the staff report. She said staff recommends approval of the Design Guidelines in Attachment A.

Comm. Klein requested staff discuss the Single Story Combining District (SSCD) for the public's benefit. Ms. O'Dell discussed the SSCD including that this designation would need to be initiated by the public for their neighborhood.

Comm. Sulser discussed with staff the concern about "regulation creep" including that the current Single Family Design Techniques (SFDT) are less specific than the proposed Eichler Design Guidelines (EDG), which aim to maintain key characteristics of the Eichler.

Vice Chair Chang discussed with staff second-story homes next to Eichlers indicating that the main issues become privacy and solar access. Staff said that second-story additions are allowed in any neighborhood without the SSCD designation.

Chair Rowe discussed with staff about new houses being built next to Eichlers and the ground level differences, with staff commenting that large scale grading down of a lot is not usually recommended.

Chair Rowe opened the public hearing.

Robert S. Hoop, a Sunnyvale resident, commented that the EDGs have some good features, and urged the Commission to take as strict a control and enforcement as legally possible to preserve the Eichler construction and appearance of the neighborhoods.

Dr. Patrick Shea, a Sunnyvale resident, said his neighborhood initiated and implemented the SSCD designation two years ago. He referred to supplemental information provided on the dais which includes specific changes he would like made regarding the EDG and SFDT. Some of the changes included not requiring the atrium

enclosure first when adding on to the Eichler, the foam roofing reduction, and adding the section on privacy and solar access to the existing SFDT. **Chair Rowe** confirmed with Dr. Shea that the requirement in the EDGs to enclose the atrium first when adding to an Eichler home, not be required as it is restrictive to the homeowner.

Glenn Hendricks, a Sunnyvale resident, urged the Commission to not adopt the EDGs, and that there be only one document for houses in the City, without singling out Eichlers. He said it is unclear what problem is trying to be resolved with this study. He said he thinks the real issue is infill and "next-fill". He commented that there is a large fee required when applying for a SSCD. **Comm. Klein** asked staff about the fee for SSCD and staff said it is a per lot fee.

Wilma Anderson, a Sunnyvale resident, said that Sunnyvale is losing the Eichler neighborhoods and the EDGs are a good place to start to protect them. She said she has a foam roof on her house that has provided years of energy savings, and provided a handout on the dais regarding Eichlers. She commented that these are only guidelines and it will be important what the Planning staff does with them.

Comm. Sulser asked staff to discuss the issue of foam roofs. Ms. O'Dell said that the concern is not with several inches of foam, but when the foam is about a foot thick. She said staff is open to modifying the comment as staff supportive of efficient energy.

Allan Pratt, a Sunnyvale resident, discussed that there is a fine line between the EDGs being too flexible and strict enough. He said the language needs to be careful and clear making suggestions regarding setbacks, foam roofs, solar and privacy intrusion issues, intent and the outcome desired.

Bret Flesner, a Sunnyvale resident, said he was initially supportive of the development of the EDGs and that he no longer supports the guidelines as he thinks they are too subjective and prohibitive restricting owner's rights and obligations. He encouraged the City to find alternative ways to promote and support revitalization for the Eichler neighborhoods.

Chaoyang Zheng, a Sunnyvale resident, said he lives in an Eichler and discussed the privacy issues with two-story homes built near Eichlers. He said fortunately there is a SSCD and in his neighborhood allowing only one-story homes to be built behind Eichlers. He commented that it was not easy to obtain the SSCD designation as there were many signatures to collect and fees associated with the request.

Carole Pappas, a Sunnyvale resident, said she recently wanted to enclose the atrium on her Eichler and it would have required changing the windows, the look of the home, and a lot of expense due to the need to install heating. She said the atrium is not intended to be a living space and she does not think it should be the recommendation

for the first option for expanding the home. She also spoke in favor of allowing the foam roofs. She said that she feels there is conflict with some of the guidelines.

Laura Swan, a Sunnyvale resident, said she has a non-Eichler home in an Eichler neighborhood and asked how these guidelines affect homeowners in her situation. **Comm. Klein** asked staff to explain with staff saying that no changes would be required to the existing non-Eichler, and that future changes would be reviewed for general compatibility.

Cedric McNicol, a member of the public, said he works in the foam roofing business, and said that he thinks the foam depth recommendation should be removed from the guidelines as there are specific standards and building codes that must be met. He said the foam roofing systems that he works with are only 1 ½ inches thick.

Bill Callahan, a Sunnyvale resident, spoke in the support of the EDGs with some minor language modifications and said that he would like to see something to help keep the Eichler neighborhoods intact. He said he hopes the Commission passes the guidelines in some form.

Moses Huang, a Sunnyvale resident, said he has some problems with the guidelines. He said he thinks the guidelines do not meet the code and referred to some examples. He said the guidelines would require exception to the code and he thinks if homeowners follow the guidelines they may not be properly retrofitted. **Comm. Travis** confirmed with staff that the guidelines have been reviewed by the Building code staff and there are no conflicts between the guidelines and the Building code.

Gary Ding, a Sunnyvale resident, said he has serious concerns with the regulations and asked that anyone in the audience that agreed with him to stand. **Chair Rowe** asked **Kathryn Berry**, Assistant Senior City Attorney, to comment who advised that it was up to the Chair whether it would be helpful to see how many in the audience would stand, and that the testimony was more specific. Chair Rowe said the Commission would use the staff report, letters from interested parties, and the public testimony to help them make their decision.

Fern Wollrich, a Sunnyvale resident, said she does not support the guidelines, and thinks more careful consideration needs to be given to them. She mentioned concerns including, who would administer the guidelines, that staff would need to have an Eichler expert, and that this would cost money during tight economic times. She said she does not support that the atriums be enclosed as the first area to expand when remodeling, and said the flat roof on her Eichler is terrible.

Chair Rowe closed the public hearing.

Comm. Klein discussed with staff the public comments including the reasoning for closing in the atriums first, the foam thickness on roofs, and references to setbacks and fences.

Comm. Travis discussed with staff further the recommendation for atrium closures, and that clarifying language could be added that the intent is to encourage homeowners to think of other options that are less visually obtrusive and that atrium closure is not required.

Vice Chair Chang discussed with staff the process for proposing a second-story addition and the affects on privacy to Eichler homeowners.

Chair Rowe discussed points made by some of the speakers including limiting second floor windows, non-Eichlers adjacent to Eichlers, concerns about steeper pitched roofs, and the use of certain types of wood and vertical grooved wood siding. Chair Rowe asked staff about streamlining the process for securing a SSCD designation, with **Kathryn Berry** adding that the Commission could recommend to City Council that the fee issue be reviewed. Chair Rowe discussed with staff issues regarding windows on Eichlers, landscaping, parking standards, and the possibility of providing perspective buyers with documents related to the EDGs.

Comm. Klein moved for **Alternative 2**, to recommend that **City Council** adopt the enclosed **Eichler Design Guidelines** with the additional wording located in **Attachment E** with modifications and/or with the additional privacy and solar policies for the **Single Family Design Techniques** as located on pages 6 and 7 of this report. The modifications are: to clarify in the guidelines that enclosing the atrium is an option, not a requirement when making an addition on a home; and to modify guideline 3.6.3.a by removing the text regarding foam roofing. **Comm. Travis** seconded the motion and offered a friendly amendment, as requested in Dr. Shea's e-mail, to add to the bullet list of guideline 3.6.2, plastic tubing radiant heating on the floor as a potential option. The friendly amendment was accepted by the maker of the motion.

Comm. Klein said he thinks one of the public said it best, that it is difficult to put the rules in place and also give the homeowners the flexibility to improve their homes. He said staff, at the direction of the Council, has created guidelines that help the homeowner and staff look at proposed additions and projects. He said staff has put certain guidelines on top of other guidelines which help better define what can and cannot be done providing direction to create something that fits in the neighborhood. He said we are trying to preserve an aspect of the community and commended those who have come out tonight and provided their input.

Comm. Travis said he thinks this document is a balance between differing opinions and is a good step in preserving an architectural part of our city. He said he is still concerned about privacy issues.

Comm. Klein commented that he thinks it is imperative that the cost for a neighborhood to apply for a SSCD be an applicable fee and not exorbitant. **Andrew Miner**, Principal Planner, said that the comment about the SSCD would not be part of this motion, however the comment would be provided to City Council adding that the fee for the SSCD is \$117 per lot in the neighborhood. **Comm. Klein** commented that the Council could look at the fee and that he does not think the current fee is exorbitant.

Vice Chair Chang said he would be supporting the motion and said that this document is a living document that can be updated along with energy technology from 50 years ago and still keep the Eichler design.

Chair Rowe discussed why the guidelines are being considered. She said she agrees that the general guidelines can assist to protect the Eichler neighborhood without the stricter requirements of the Heritage Resource District designation. She said this is a compromise and it is difficult to make everyone happy and hopefully we have addressed some of the issues.

ACTION: **Comm. Klein** made a motion on 2008-0861 to recommend that City Council adopt the enclosed Eichler Design Guidelines with the additional wording located in Attachment E with modifications and/or with the additional privacy and solar policies for the Single Family Design Techniques as located on pages 6 and 7 of this report. The modifications are: to clarify in the guidelines that enclosing the atrium is an option, not a requirement, when making an addition on a home; to modify guideline 3.6.3.a by removing the text regarding foam roofing; and to add to the bullet list of guideline 3.6.2, plastic tubing radiant heating on the floor as a potential option. **Comm. Travis** seconded. Motion carried, 5-0-1, with **Comm. Hungerford** abstaining, and **Comm. McKenna** absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the July 28, 2009 Council meeting.