

**Absent:** 1 - Vice Chair Rheume

**Abstained:** 1 - Chair Harrison

1. A [17-0776](#) Approve Planning Commission Meeting Minutes of July 24, 2017

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. [17-0703](#) Split Zoning: Forward a Recommendation to the City Council to Introduce an Ordinance to Create Section 19.16.025 (Split-Zoned Parcels) of Chapter 19.16 (Precise Zoning Plans - Zoning Districts-Zoning Maps) of the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3).  
**Project Planner:** Kelly Cha, (408) 730-7408, kcha@sunnyvale.ca.gov

Associate Planner Kelly Cha presented the staff report.

Commissioner Howard asked staff about the use of split zoning outside of Single Story Combining Districts (SSCD's). Planning Officer Andrew Miner provided details about the uses of split zoning beyond SSCD's. Commissioner Howard asked about the use of split zoning by adjacent cities. Planning Officer Miner advised that it is used by other cities and noted that under certain circumstances split zoning is an effective tool.

Commissioner Howard clarified with Planning Officer Miner about the creation of the split zoning Ordinance.

Commissioner Harrison commented on the distinct line created with split zoning and its relation to the property boundary. Planning Officer Miner advised that a rezoning map is subsequently created which shows the line and defines the distance between property lines. Commissioner Harrison asked staff about split zoning flexibility for a more complex project. Planning Officer Miner stated that there is the potential to lose flexibility by having a fixed line on the zoning map, but that the zoning boundary could be changed as part of the project.

Commissioner Howe commented on the additional action taken by the City Council on the Fairbrae area and the creation of split zoning. Commissioner Howe stated an opinion that implementing split zoning for the Fairbrae area would be due to its SSCD designation. Commissioner Howe asked staff about the impact on the proposed split zoning designation if the SSCD designation is removed in the future. Planning Officer Miner advised that the whole area would be changed if all the properties included in the SSCD reverted and commented that currently, the entirety of those properties would have to revert. Commissioner Howe stated an

opinion that split zoning would encumber those property owners. Planning Officer Miner commented on the potential use for a Planned Development (PD) zoning but noted potential issues and stated that a split zoning line would be included in a future rezone.

Commissioner Olevson noted his opinion that a great deal of work has been undertaken to enable residents in the SSCD to extend their reach and that the split zoning option seems akin to spot zoning. Planning Officer Miner explained that staff is basing this policy on direction from the City Council and provided an explanation as to why this item is not spot zoning. Planning Officer Miner advised that an SSCD application has been submitted which includes a large property adjacent to smaller Eichler homes and that split zoning would establish a buffer while still giving that homeowner opportunity to redevelop. Planning Officer Miner provided details about the Classics project on Fremont Avenue and Pome Avenue.

Commissioner Simons commented on the potential for split zoning to cause issues with subdivision of lots and the impact of setbacks on partial lots. Commissioner Simons asked staff about new homes that fall under low-density residential zoning requirements. Planning Officer Miner stated that redevelopment to new homes would not be protected by the Eichler Guidelines, which only apply to homes designated in an Eichler neighborhood. Planning Officer Miner advised that existing policy would apply to a second story development next to a single-story property to ensure a compatible design.

Commissioner Simons commented on zoning changes in the City, subsequent effects on homes, and changes in triggers for public hearings.

Commissioner Harrison asked staff about a use case where a large lot has split zoning but the applicant does not want to subdivide along the line. Planning Officer Miner advised that the applicant would work with staff to make the property lines consistent with the zoning boundaries. Commissioner Harrison commented on the potential for this scenario in a mixed-use development. Planning Officer Miner advised that staff can guide those developments and noted that those actions are discretionary.

Vice Chair Weiss opened the Public Hearing.

Laurie Ferioli stated an opinion that other Cities do not use split zoning and that it will create patchwork zoning areas. Ms. Ferioli requested that the proposed ordinance not be adopted.

Vice Chair Weiss closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Simons seconded the motion for Alternative 1 – Introduce an Ordinance to Create Section 19.16.025 (Split-Zoned Parcels) of Chapter 19.16 (Precise Zoning Plans - Zoning Districts-Zoning Maps) of the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3).

Commissioner Howe stated that the Planning Commission may question split zoning but it is per the direction of the City Council. Commissioner Howe stated an opinion that this issue can be addressed within the SSCD and that applicants can apply for a variance as allowed by the Municipal Code.

Commissioner Simons stated that he will be supporting the motion and commented that the impacts of split zoning are no different than the impacts from the creation of easements for utilities. Commissioner Simons noted his concern about creating a new process but stated that split zoning could be a useful tool for transition zoning. Commissioner Simons commented that without appropriate tools the same discussion will recur for high density residential projects developed along El Camino Real adjacent to single-story properties.

Commissioner Olevson stated that he will not be supporting the motion. Commissioner Olevson commented that the City Council directed staff to analyze this issue, propose a solution and that now the Planning Commission makes their recommendation. Commissioner Olevson commented that his recommendation is to stay with the existing regulations and noted that the existing standards address privacy concerns, transitions between zoning districts and new development regulations. Commissioner Olevson stated an opinion that split zoning is spot zoning by another name and that it is not in the public interest for unrelated neighbors to request property changes. Commissioner Olevson noted that in some instances City parcels have been owned by generations of families.

Commissioner Howard recommended that the City Council not proceed with this Ordinance. Commissioner Howard noted his shared concerns with Commissioner Olevson about imposing restrictions on adjacent properties. Commissioner Howard stated an opinion that the only use case presented is an ad hoc extension of the SSCD process and that split zoning would be more effectively addressed within the SSCD Study Issue.

Commissioner Harrison noted that she shares the same concerns as Commissioner Howard and Commissioner Olevson. Commissioner Harrison stated

an opinion that split zoning could generally be a useful tool in situations with mixed-use designation and provide clarity for developers but also noted that the lack of flexibility could present an issue. Commissioner Harrison commented that split zoning could be useful or problematic.

Vice Chair Weiss noted her concerns about this recommendation and stated an opinion that existing policies like the Single Family Home Design Techniques can be used to mitigate issues. Vice Chair Weiss stated that large projects should be managed individually and not in a blanket fashion. Vice Chair Weiss stated that she will not be supporting the motion.

The motion failed by the following vote:

**Yes:** 2 - Commissioner Howe  
Commissioner Simons

**No:** 4 - Chair Harrison  
Commissioner Howard  
Commissioner Olevson  
Commissioner Weiss

**Absent:** 1 - Vice Chair Rheume

MOTION: Commissioner Olevson moved and Commissioner Howard seconded the motion for Alternative 3 – Do not amend the Sunnyvale Municipal Code and make no changes related to split zoning.

Commissioner Olevson stated that for reasons already stated the existing Ordinance should not be modified.

Commissioner Harrison stated that she will be supporting the motion and noted that the existing Ordinance should support flexibility in future use cases with mixed-use zoning. Commissioner Harrison commented that flexible use designations such as in the Lawrence Station Area Plan would be a better tool than split zoning.

Commissioner Simons stated an opinion that the City needs better planning tools to handle discrepancies between zoning borders. Commissioner Simons commented on the potential for future issues with parking limits and noted that logical transitions are needed between different zoning districts. Commissioner Simons stated that he will be supporting the motion.

Vice Chair Weiss stated that she will be supporting this motion and noted that the Planning Commission has recommended an SSCD Study Issue, which would enable the creation of more tools.

The motion carried by the following vote:

**Yes:** 5 - Chair Harrison  
Commissioner Howard  
Commissioner Olevson  
Commissioner Simons  
Commissioner Weiss

**No:** 1 - Commissioner Howe

**Absent:** 1 - Vice Chair Rheume

Planning Officer Miner advised that this item goes to the City Council on September 12th.

Planning Officer Miner clarified the protocol for Item 3 and noted that the Public Hearing will be opened for public comments.

3. [17-0816](#) REQUEST FOR CONTINUANCE TO AUGUST 28, 2017  
Single-Story Combining District Buffer Study: Forward a Recommendation to the City Council to Introduce an Ordinance to Rezone a portion of 696 Sheraton Drive, 1158 Hollenbeck Avenue, and 1160 Hollenbeck Avenue from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single-Story Combining District (R-1/S), and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15305 and 15061(b) (3).  
**Project Planner:** Kelly Cha, (408) 730-7408, [kcha@sunnyvale.ca.gov](mailto:kcha@sunnyvale.ca.gov)

Planning Officer Andrew Miner provided details about the reason for the requested continuance and noted that specific recommendations will be provided for this item at the August 28th, 2017 Planning Commission meeting.

Commissioner Howard asked staff how this item will be effected by the City Council's decision on split zoning. Planning Officer Miner stated that if the City Council approves split zoning then they will take action on the impacted properties. Planning Officer Miner stated that if City Council denies split zoning they can analyze another method to create a buffer, should there be an interest in creating a buffer.

Vice Chair Weiss opened the Public Hearing.

Vice Chair Weiss closed the Public Hearing.