

To: City Council, Planning Commission, & Kelly Cha
From: Scott McIntosh, 683 Tiffany Court
Date: June 9, 2017
Subject: SSCD Split Zone, North-South Buffer Zone Line Option

Thank you for holding the Split Zoning Study on June 7th at Fairbrae Swim Club. At this meeting a Split Zone Line was presented that ran both North-to-South & East-to-West as drawn below. This Buffer Zone or line provides privacy protection for the Eichler homes though largely prevents the smallest property owner on Hollenbeck Avenue from building 2 stories, due to the narrow width of their property. See below:



To enable all the Hollenbeck properties to build 2nd stories and develop in future, I recommend a North-to-South Buffer Zone or Split Zone Line location option as drawn below:



This Split Zone Line runs in a North-to-South direction only, and provides necessary privacy for the most affected properties in the SSCD, which are located on Tiffany Court.

This North-to-South Buffer Zone retains the property owners' rights on Hollenbeck Avenue to develop their land in the future and protects the privacy of adjacent properties most affected within the Single-Story Combining District.

Since the Eichler homes are prevented from building 2 stories due to the SSCD passed by City Council, a Buffer Zone is reasonable and required for their protection. See drawing of homes contained in the SSCD with North-to-South Buffer Zone below:



The North-to-South Buffer Zone allows only the Hollenbeck Properties to develop there properties in the future and build 2nd stories. See drawing of 2nd Story District with Buffer Zone below:



The homes on Tiffany Court are 2 feet lower in elevation in the backyard than the homes on Hollenbeck Avenue. This reduced elevation results in a line-of-sight reduction for Sunlight into our homes and backyards. The Sun sets in the West directly over the back fence which a 2nd story home on Hollenbeck Avenue would block without an adequate Buffer Zone. For this reason the homes on Tiffany Court need a larger Buffer Zone than the homes on Torrington Avenue.

See Picture of elevation change at backyard of center Tiffany Court home and center Hollenbeck home:



The homes on Tiffany Court also need protection due privacy and exposure issues due to the back of there homes being entirely glass-walled from floor to ceiling, including the Master bedroom, Kitchen and Living Room. See picture of windows below:



The City Council has an obligation to provide a Buffer Zone or Split Zoning Code that protects the Property Rights & Privacy Rights of the unique Eichler homes contained within the SSCD. These homes have significant Privacy requirements and Sunlight requirements, with walls of glass, which a 2nd story addition nearby would negatively impact.

The City Council also has an obligation to protect the Property Rights of the homes on Hollenbeck Avenue. These homes have the right to develop there properties in the future, but since they were removed from the SSCD requirements by City Council, it is very reasonable to require a buffer zone as a mitigation. This buffer zone will prevent 2nd story development on a modest percentage of the property area, at the back of the lot. This is reasonable as long as it does not unnecessarily prevent desired development in the future.

The North-South Split Zoning presented preserves the property rights of the Eichler homes most impacted by 2nd story development, along Tiffany Court and all the homes on Hollenbeck Avenue, enabling potential future development of those lots.

The North-South Split Zoning represents a fair compromise of the most impacted Eichler properties in the Single Story Combined District, while minimally impacting the homes right next door, on Hollenbeck Avenue which have been zoned differently, even though they are bounded within the same distinct street boundary.

The width of the Buffer Zone should be 50 feet minimum, or possibly 63 feet or so, the width of the roadway, as discussed by others, as long as it does not impact the Hollenbeck properties unnecessarily.

Thank you for implementing this Split Zoning Code, in the City of Sunnyvale.

Scott McIntosh
683 Tiffany Court
Sunnyvale, CA
94087

June 23, 2017

To: The Planning Commission

Regarding: Hollenbeck SSCD Split Zoning Study

Committee Members,

My name is Carol Ferioli-Moe and my family home at 1160 Hollenbeck, as well as all of the properties under consideration, were part of our family ranch for over 100 years.

My family has always believed in being good neighbors. In fact, the land currently occupied by the Fairbrae Swim and Racquet Club was gifted by my grandfather, J.E. Nunes, to the Eichler community as a special place for community recreation and camaraderie.

It is not our desire to change the face of this neighborhood which is today zoned R1. But someday, we may want to expand the current 3 bedroom home by adding a second story. This is not an unreasonable desire for a Sunnyvale homeowner. Yet, the Split Zoning decision that is under consideration by this Committee, will make that impossible.

In December, the City Council met to consider a request to change the homes covered in the SSCD Split Zoning Study from R1 to R1S. While the three properties facing Hollenbeck were not originally part of this study they were bundled in despite the fact that these properties have always been unique and the owners never chose to participate in the the Eichler life style.

At that meeting, Council members acknowledged the uniqueness of those three properties yet arbitrarily and unilaterally decided that adding a 50 foot (or greater) setback would be just fine; without considering the negative impact that a setback of that size would have.

They also failed to take into consideration the fact that the three properties facing Hollenbeck are significantly different. Where a 50 foot setback will have a negative impact for the other, larger properties, it will be catastrophic for our family property.

Your staff's report clearly shows that the 50 foot setback that our City Council so cavalierly proposed as "the solution" will leave my family with only 30.8% of their property on which to expand their home with a second story, should they choose to do so.

With that restrictive criteria, the setback would come into the middle of the kitchen on one side of the house and through the bedroom and into the hall on the other. Leaving us only an unusable sliver in the middle of the house to build a very unattractive tower.

This decision, takes away from us, the right that all Sunnyvale home owners are afforded... the right to utilize their property as needed.

We acknowledge that everyone's rights are important but this split zoning decision grants new rights to a group of neighbors at the expense of the three properties on Hollenbeck.

It is the job of the City to protect the rights of ALL its citizens in a fair and equitable manner. The SSCD Split Zoning proposal does not and cannot protect our right. In fact, if this proposal passes, the City will have taken away from my family any realistic ability to utilize our land to expand our home in the future.

I respectfully request that you consider the extraordinary and significant negative impact this decision will have on the properties on Hollenbeck and leave these three properties zoned R1.

Respectfully submitted,

Carol Ferioli-Moe
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cferioli.moe@sbcglobal.net

From: Andrea Georgelos
To: [Kelly Cha](#); [Gerri Caruso](#); [Rosemarie Zulueta](#); [Trudi Ryan](#); [PlanningCommission AP](#)
Subject: Split Zoning for Properties Abutting a SSCD near Hollnebeck
Date: Sunday, June 25, 2017 10:20:19 PM

Dear Members of the Planning Commission and City Staff,

We have lived in the Fairbrae Addition for almost thirteen years (we live at 689 Torrington Drive) and we are writing relating to the split-zoning that was approved and directed by the City Council on December 6, 2016 - with relation to RTC 16-109-1.

On December 6, 2016, the City Council approved the Single Story Combining District (the "SSCD") within the area generally bound by Hollenback Avenue, Sheraton Drive, Royal Ann Drive, and Torrington Drive; however, the City Council approved the SSCD, while also excluding three lots (696 Sheraton Drive; 1158 Hollenbeck Avenue; 1160 Hollenbeck Avenue).

Our house is one of the seven homes that is adjacent to the three excluded properties (the "Adjacent Homes"); we are specifically adjacent to the southern most lot on Hollenbeck (1160 Hollenbeck); our back yard faces into that property's backyard.

I attended the December 6th meeting, and wrote a letter and spoke at that meeting. We opposed the SSCD generally; and we added that if the three properties noted above were excluded from the SSCD, we wanted our property also excluded (as we would have none of the "benefit" of the SSCD we objected to and all of the burden).

Instead of honoring our request, the City Council directed Staff to research an appropriate split-zone - and specifically noted that Staff should consider a minimum 50 foot split-zone/set back as a buffer for the Adjacent Homes.

See below the written summary of the Motion that was approved by the City Council on December 6, 2016 - as summarized in the Meeting Minutes

MOTION: Councilmember Klein moved and Vice Mayor Larsson seconded the motion to approve Alternatives 1 and 4: 1) Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061 (b)(3), and 4) Find that the zoning amendment (rezoning) is deemed to be in the public interest and introduce an ordinance (as set forth in Attachment 7) to rezone 59 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story); direct to staff to prepare a zoning code amendment regarding split zoning; and, create an R-1/S buffer of a specified width on 1160 and 1158 Hollenbeck Avenue and 696 Sheraton Drive that would be effective after the zoning code amendment regarding split zoning is effective; with a 50 foot setback.

Mayor Hendricks confirmed as a clarification with the maker that the intent

is to direct staff to research the issue with 50 feet as the starting point or minimum, and based on feedback and community input, staff might come back with another recommendation.

City Council Meeting: Upon recent review of the audio and video of the meeting on December 6th, I was reminded of several things:

a. the City Council's purpose in approving the directed split-zone as it relates to the excluded properties was to:

(i) provide protection to the SSCD applicants and the Adjacent Homes that was intended by the SSCD ordinance;

(ii) provide certainty to the Adjacent Homes that the split-zoning will provide the protection of the SSCD (as opposed to a Planned Development); and

(iii) provide some flexibility to the three excluded properties (there was much discussion regarding the Fairbrae Swim Club which was not a residence).

b. the City Council's approved Motion referenced a minimum consideration of a 50 foot setback for the split-zone;

c. in the Mayor's comments during the discussion period of the Motion, he stated his starting minimum point would have been 60 or 75 feet, but he accepted 50 feet as a starting point.

d. City Staff estimated that this second step of formalizing the split-zone would not take very long, since they did not think it was a tremendous amount of work and that the City Attorney had already started researching the issue on how to formalize the split-zone.

e. the Mayor asked how long it would take City Staff to formalize the split-zone, he asked if it would take a year, City Staff quickly said no - not that long; they would just need to do some outreach and schedule it before the Planning Commission.

f. the over-riding reason the split zone was selected by the City Council, instead of a planned development for the three excluded properties, was to provide the Adjacent Homes certainty and the protections of an SSCD and to eliminate any uncertainty associated with the three excluded properties.

Community Meeting: Despite the direction and discussion of the City Council, what we learned at the June 7, 2017 community meeting (7 months after the City Council Meeting) was the following:

a. City Staff still had no recommendation yet for the set back for the split-zone (or at least they did not share it with the members of the community).

b. There are currently no 2nd story limits in place for the three excluded properties - and if plans were submitted in the last 7 months to build a second story, there would be no limitations for those 3 excluded properties.

c. That a City Council Hearing will not be scheduled until some time in September related to the split zoning - a full 10 months or more from the original hearing; and during this entire time, there are no protections for the Adjacent Homes that the City Council moved to provide - all despite the fact that City Staff assured the Council and the public that the split-zone process wouldn't take very long.

d City Staff made its community outreach presentation based upon "protect property rights of 3 large [excluded] lots" and "achieve goals of the SSCD" - when in fact, the overriding concern and discussion of the December 6th City Council Meeting was protecting the Adjacent Homes, providing certainty for the Adjacent Homes, achieving the goals of the SSCD and providing some flexibility to the three excluded properties (as opposed to having a planned development zoning which provided the greatest flexibility).

Although we opposed the SSCD entirely, we are now at a point where excluding the three Hollenbeck properties resulted in imposing limitations upon the Adjacent Homes, while allowing some level of 2nd story building rights for properties that face into our backyards.

Therefore, we request either a sufficient split-zone set back implemented immediately to provide the Adjacent Homes with the SSCD protections; or we would like our property excluded from the SSCD - along with the three excluded properties.

Also, if a split-zone cannot be immediately implemented, we expect the City to impose a moratorium on any potential approvals for second story plans on those three excluded properties - pending the City Council hearing on the split-zone.

We are very disheartened to learn this process has taken so long - which has the potential result of eviscerating the direction of the City Council on December 6, 2016.

Thank you,
Andrea Georgelos
689 Torrington Drive

Andrea Georgelos

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June 25, 2017

Shian Lee
1158 Hollenbeck Ave
Sunnyvale, CA 94087

City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94088

Planning Commissioners and Staff:

New information has been uncovered which shows that **MAJORITY** residents of our block **DID NOT** support SSCD just prior to Council Meeting, Dec. 2016. A few of the property owners believe these crucial information were conveniently omitted during the application and hearing process, and they have only been discovered recently. In the spirit of the “democracy,” I strongly urge staff and commissioners to revert to the original R-1 zoning for **OUR BLOCK ONLY**, for reasons listed below:

1. NO Majority Support :

There are 17 properties within our block, only 8 actual owners supported SSCD by the time of Council Meeting. That’s **ONLY 47%** support for **OUR BLOCK**. Majority support is only possible because our voices were silenced by the predominant residents of the other block in the same application.

2. No Privacy Issue :

Pictures provided by staff will show that most, if not all, of the back yard of neighbors are **NOT** visible 40 feet from the back fence at 16 Ft. high. Even at the current R-1 setback (30 ft.), it’s even less visible. If anyone does not agree, ask for pictures from their yard, it’s hard to believe their pictures will show invasion of privacy.

3. Good Old Days :

Prior to SSCD application, neighbors were happy because everyone **KNEW** adjacent properties can build a max of 30 ft. high when we purchased our home. After SSCD, however, neighbors are no longer happy and the community is falling apart.

Why change something which had no issue and make people turn on each other?

I understand Council Members have already instructed staff to study split zoning, however it's **NOT** too late to make the right decision for our block and the City of Sunnyvale. Based on the fact there isn't a majority support, staff and Planning Commissioners can recommend the original R-1 setbacks without change or a PD to have the matter decided when it is a **REAL** concern.

I've provided information to Ms. Kelly Cha in case the city needs detailed information, or feel free to contact me for any questions.

Respectfully,
Shian Lee







From: Peter Anning
To: [Kelly Cha](#)
Subject: Single-Level Overlay for Fairbrae Neighborhood. Feedback
Date: Wednesday, June 28, 2017 12:39:25 PM

Kelly:

I believe we were told to send any thoughts we might have to you in regard to the single-story overlay and set-back zoning for the Fairbrae neighborhood. I'm sorry this is causing so much stress.

I have lived in my Torrington Drive home on and off since 1961, when my parents moved our family to Sunnyvale from the L.A. area, and have been living in it permanently for 19 years. I support the single-story overlay zoning on our block and signed the petition and paid the fee.

The Fairbrae swim and tennis courts weren't there when the neighborhood was developed, and neither was the smaller of two houses on Hollenbeck (forgive me, I don't have the site maps in front of me). So in my mind, the owners of those two properties can't use the argument "The Eichler owners should have known their backyards could back up to a 2-story home when they bought their homes." -- in more than a few cases, that is simply not true. And while I understand that the owners of both of the properties on Hollenbeck have dreams of becoming millionaires by demolishing their homes and replacing them with 5 to 8 two-story houses, with all the single story homes that surround them, up and down Hollenbeck as well as across the street, this kind of development would stick out like a sore thumb. And the Fairbrae swim and tennis club being developed or building a taller club house is simply not realistic.

I don't see how a set-back on these properties would work, but I also have to admit that the final decision won't affect me. My home's neighbors on all sides are within the single-story overlay zone and not adjacent to the two residence or the swim club.

Thank you for the opportunity to reply!

-- **Peter Anning**
p.anning@att.net