

Commissioner Howe moved and Commissioner Harrison seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

Yes: 3 - Chair Harrison
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 3 - Commissioner Howard
Commissioner Simons
Commissioner Weiss

Abstained: 1 - Vice Chair Rheume

1. A [17-0832](#) Approve Planning Commission Meeting Minutes of August 14, 2017

PUBLIC HEARINGS/GENERAL BUSINESS

2. [17-0626](#) Single-Story Combining District Buffer Study: Forward a Recommendation to the City Council to Introduce an Ordinance to Rezone a 50-foot wide area along the rear (eastern) property lines of 696 Sheraton Drive (APN 202-09-020), 1158 Hollenbeck Avenue (APN 202-09-019), and 1160 Hollenbeck Avenue (APN 202-09-018), and a 20-foot wide area along the side (southern) property line of 1160 Hollenbeck Avenue (APN 202-09-018) 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

Associate Planner Kelly Cha presented the staff report.

Commissioner Howe confirmed with Planning Officer Andrew Miner the number of votes required for a motion to move forward for each item on the agenda.

Commissioner Harrison asked staff to outline the petition and survey results for the property owners along Torrington Drive. Associate Planner Cha provided the results for those properties.

Chair Rheume asked staff to clarify the difference between this item and the split zoning item heard at the August 14th, 2017 Planning Commission meeting. Associate Planner Cha advised that the split zoning Ordinance could enable split zoning but that it was not recommended by the Planning Commission. Associate

Planner Cha noted that this Single Story Combining District (SSCD) Buffer Study is being heard tonight per the direction of the City Council.

Chair Rheaume asked staff about preventive measures for split zoning. Planning Officer Miner stated that split zoning can be used within an SSCD or as a Planning tool to help ensure visibility for property owners. Chair Rheaume asked staff about City residential properties that utilize split zoning. Planning Officer Miner provided an estimate and details about the use of split zoning. Planning Officer Miner commented that the Office of the City Attorney recommended to include split zoning standards in Title 19 (Zoning) of Sunnyvale's Municipal Code (SMC). Chair Rheaume noted his concern that implementing split zoning could impact future property resales. Planning Officer Miner stated that the zoning district would remain R-1 (Low Density Residential) except in the areas with split zoning which would have an R-1/S designation (Low Density Residential/Single-Story Combining District).

Commissioner Harrison clarified the petition and survey results for the property owners along Hollenbeck Avenue with Associate Planner Cha.

Chair Rheaume opened the Public Hearing.

Peter Anning, Sunnyvale resident, spoke in support of staff's recommendation for rezoning and commented on the general decimation of Eichler neighborhoods in the Bay area.

Scott McIntosh, Sunnyvale resident, spoke in support of staff's recommendation for rezoning and commented on the potential benefits of rezoning the Fairbrae properties.

Commissioner Harrison discussed with Mr. McIntosh his comment that this item is in the public interest.

Andrea Georgelos, Sunnyvale resident, spoke in opposition of staff's recommendation for rezoning and requested that the Planning Commission recommend a 50-foot buffer for the side property. Ms. Georgelos noted her opposition to the SSCD designation and a previous request to be excluded from the SSCD.

Commissioner Harrison confirmed with Ms. Georgelos that she would still request

exclusion of her properties from the SSCD and that in her opinion, that would negate the need for a buffer.

Walter Huber spoke in opposition of staff's recommendation for rezoning and noted that he only supported the original SSCD application before the three properties were excluded.

Commissioner Harrison confirmed with Mr. Huber that he would request to not have the SSCD designation on his property.

Gabriela Zuniga spoke in opposition of staff's recommendation for rezoning and requested a rezone to an R-1 designation. Ms. Zuniga commented on split zoning's potential impact on property values.

Commissioner Harrison confirmed with Ms. Zuniga that the property owner of 699 Torrington Drive is present at the public hearing.

Pete Whitfield, Sunnyvale resident, spoke in opposition of staff's recommendation for rezoning.

Commissioner Harrison confirmed with Mr. Whitfield that he would request to not have the SSCD designation on his property.

Carol Ferioli-Moe spoke in opposition of staff's recommendation for rezoning and stated an opinion that an R-1 designation makes the most sense. Ms. Ferioli-Moe commented on the available tools for privacy and questioned the burden that split zoning would impose on the smallest property.

Shian Lee presented images and information about the proposed rezoning and spoke in opposition of staff's recommendation for rezoning.

Roger Teter, Sunnyvale resident, spoke in support of staff's recommendation for rezoning.

Chair Rheaume closed the Public Hearing.

Commissioner Harrison asked staff about an alternative solution such as removing properties from the SSCD designation. Planning Officer Miner advised that a minimum of 20 properties must be added or removed per the current Ordinance.

Planning Officer Miner stated that this minimum could be reviewed if the SSCD Study Issue is amended. Commissioner Harrison discussed the subdivision of lots and redevelopment potential with Planning Officer Miner.

Commissioner Olevson commented that regardless of the buffer distance, based on the line of sight drawings the line of sight from the second story is into the adjacent property. Commissioner Olevson noted that the Planning Commission has imposed landscaping in previous applications to mitigate this issue and asked staff why this was not considered. Associate Planner Cha advised that landscaping is not a requirement in the rear yard for single-family homes. Planning Officer Miner commented on the greater potential for interruption in the line of sight with a greater buffer distance and noted the additional options for screening opportunities.

Commissioner Harrison discussed the potential for high sill windows with Planning Officer Miner.

Commissioner Howe commented that four votes are required for the Planning Commission to move forward with a recommendation to the City Council. Commissioner Howe stated that the SSCD for the Fairbrae area was approved but that the exclusion of three properties has eliminated a clear solution. Commissioner Howe reiterated that less than 20 properties cannot currently be removed from the SSCD and commented on the difference between buffer distances.

MOTION: Commissioner Howe moved the staff recommendation for Alternatives 1, 3 and 6 –

1. Rezone 50 feet of the rear properties at 696 Sheraton Drive, 1158 Hollenbeck Avenue and 1160 Hollenbeck Avenue adjoining 675, 679, 683, and 682 Tiffany Court from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single-Story Combining District (R-1/S);
 3. Rezone 20 feet of the side property of 1160 Hollenbeck Avenue adjoining 689, 695, and 699 Torrington Drive from Low Density Residential Zoning District (R-1) to Low Density Residential Zoning District/Single-Story Combining District (R-1/S);
- and,
6. Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3).

This motion failed for lack of a second.

MOTION: Commissioner Harrison moved and Commissioner Olevson seconded the motion for Alternatives 5 and 6 –

5. Do not rezone the three properties at 696 Sheraton Drive, 1158 Hollenbeck Avenue, and 1160 Hollenbeck Avenue, and make no changes to zoning district boundaries
6. Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3)

Commissioner Harrison commented that based on public opinion the entirety of the Fairbrae area doesn't want the SSCD designation and that the closest action the Planning Commission can take is to recommend that the three properties are not rezoned with split zoning. Commissioner Harrison stated an opinion that there are large properties with redevelopment potential to single-family homes. Commissioner Harrison noted that the combination of solar shading requirements, setbacks and Design Guidelines could prohibit a large second story development if split zoning were implemented. Commissioner Harrison stated that there may be future potential for a change in the entire block.

Commissioner Olevson stated an appreciation of the practical reasons outlined by Commissioner Harrison. Commissioner Olevson commented that the City has created an SSCD designation which allows residents in a contiguous area to create additional restrictions beyond the original zoning for their properties. Commissioner Olevson stated an opinion that now residents are looking to exert influence beyond that area and commented that land use should respect the rights of all owners. Commissioner Olevson stated an opinion that this is not a taking legally but that it is a taking practically. Commissioner Olevson stated that his recommendation to the City Council is that these properties not be rezoned.

Commissioner Howe asked staff to outline the number of lots that would legally exist if the three properties were split. Planning Officer Miner advised that the Fairbrae Swim and Racquet Club could be split into five lots, 1158 Hollenbeck Avenue into three lots and 1160 Hollenbeck Avenue into two lots.

Commissioner Howe commented on the potential for multiple lots and their adjacent nature to the rear of the existing Eichler homes. Commissioner Howe stated that the majority of Fairbrae residents agreed to the SSCD designation, that three properties were excluded and that now potentially ten lots could back up to the existing Eichler homes.

Chair Rheume stated that he will be supporting the motion and noted his agreement with the statements made by Commissioner Harrison and Commissioner Olevson. Chair Rheume commented that City Council approved the SSCD with the exclusion of three properties and that now additional zoning is being considered for those three properties. Chair Rheume stated an opinion that it would not be in the best public interest and that the existing guidelines sufficiently address privacy concerns. Chair Rheume commented that he doesn't personally support the SSCD and that additional zoning shouldn't be added.

Commissioner Howe stated an opinion that the majority of the Planning Commission should move forward with a recommendation and that he will reluctantly support the motion. Commissioner Howe stated an opinion that it is a taking despite that legally it is not a taking.

The motion carried by the following vote:

Yes: 4 - Chair Harrison
Vice Chair Rheume
Commissioner Howe
Commissioner Olevson

No: 0

Absent: 3 - Commissioner Howard
Commissioner Simons
Commissioner Weiss

Planning Officer Miner advised that this item goes to the City Council on September 12th, 2017 along with the Split Zoning Ordinance.

3. [17-0818](#) Nomination of a Planning Commission Representative to the Climate Action Plan (CAP 2.0) Advisory Committee (CAC)

Environmental Services Department Regulatory Programs Division Manager Melody Tovar presented the staff report.

Chair Rheume opened the Public Hearing.

Chair Rheume closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Olevson seconded the