



# City of Sunnyvale

## Agenda Item

17-0703

Agenda Date: 8/14/2017

### REPORT TO PLANNING COMMISSION

#### SUBJECT

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

#### BACKGROUND

On December 6, 2016, the City Council approved a Single-Story Combining District for 59 properties in the R-1 Zoning District within the Fairbrae neighborhood (Planning File No. 16-1091). The City Council action included two other components in that action:

- 1) Direct staff to prepare a Zoning Code amendment to enable split zoning (two or more designations) on a single lot; and
- 2) Allow the three properties along Hollenbeck Avenue to have two zoning districts to create a buffer of a specified distance from the newly established single-story district.

This report addresses the enabling legislation for split zoning; the buffer study is being considered as a separate item (File No. 17-0626).

The City Council is scheduled to consider this item with the buffer study on September 12, 2017.

#### EXISTING POLICY

##### **Council Policy Legislative Management-Goals and Policies**

**POLICY 7.3B.3** Prepare and update ordinances to reflect current community issues and concerns in compliance with state and federal laws.

##### **Land Use and Transportation Element of the General Plan**

**POLICY 51:** Enforce design review guidelines and zoning standards that ensure the mass and scale of new structures are compatible with adjacent structures, and also recognize the City's vision of the future for transition areas such as neighborhood Village Centers and El Camino Real nodes.

**POLICY 97:** Prepare specific area plans and special zoning tools (including but not limited to specific plans, precise plans, design guidelines, specialized zoning, and sense of place plans) to guide change in areas that need special attention.

**POLICY 100:** Use specialized zoning districts and other zoning tools to address issues in the community, and update as needed to keep up with evolving values and new challenges in the community.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section, Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The proposed zoning amendment merely authorizes the creation of parcels that have two or more zoning designations. Any future projects relying on this provision will be subject to review under CEQA.

**DISCUSSION**

Split zoning is defined as the situation when a parcel or a subdivided lot contains two or more zoning designations. Currently, the Sunnyvale Municipal Code (SMC) contains a provision that describes how to determine the location of district boundary that splits a parcel or a subdivided lot (Attachment 3, SMC Section 19.16.030), affirming that the condition exists on several properties in the City. The proposed ordinance (Attachment 2), however, clarifies and explicitly enables actions to designate a property with two or more zoning designations.

Although the zoning amendment was initiated as part of the single-story buffer study for the properties in the Fairbrae neighborhood, the proposed zoning ordinance can be used anywhere in the City subject to a rezoning request on a case-by-case basis.

**FISCAL IMPACT**

The proposed amendments to the Sunnyvale Municipal Code associated with split zoning would have no fiscal impact.

**PUBLIC CONTACT**

As of the date of staff report preparation, staff has received no comments on the Ordinance to include the split zoning provision in the Sunnyvale Municipal Code.

**Notice of Public Hearing, Staff Report and Agenda:**

- Published in the *Sun* newspaper
- Posted on the City of Sunnyvale's Web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library
- Agenda posted on the City's official notice bulletin board

**ALTERNATIVES**

Recommend that the City Council:

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).
2. Introduce the Ordinance with modifications.
3. Do not amend the Sunnyvale Municipal Code and make no changes related to split zoning.

**STAFF RECOMMENDATION**

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 the California Environmental Quality Act (CEQA) Pursuant to

---

**17-0703**

**Agenda Date: 8/14/2017**

---

CEQA Guidelines Section 15061(b)(3).

Prepared by: Kelly Cha, Associate Planner  
Reviewed by: Rosemarie Zulueta, Acting Principal Planner  
Reviewed by: Andrew Miner, Planning Officer  
Reviewed by: Trudi Ryan, Community Development Director  
Approved by: Kent Steffens, Assistant City Manager  
for Deanna J. Santana, City Manager

**ATTACHMENTS**

1. *Not Used (reserved for Report to Council)*
2. Draft Ordinance
3. Sunnyvale Municipal Code Section 19.16.030 (Zoning Districts - Boundaries)