



# City of Sunnyvale

## Agenda Item

16-0560

Agenda Date: 7/11/2016

### REPORT TO PLANNING COMMISSION

#### SUBJECT

**File #:** 2016-7234

**Location:** 657-661 Vanderbilt Drive (APNs 202-07-001 through 202-07-002), 1188-1197 East Vanderbilt Court (202-07-003 through 202-07-008), 1190-1199 West Vanderbilt Court (202-07-009 through 202-07-014 ), 1176-1198 Hollenbeck (202-07-015 through 202-07-021), 1156-1168 Regia (202-07-22 through 202-07-028), 1154 -1170 Ribier (202-07-029 through 202-07-036), 662 Torrington (202-07-037) 1153-1193 Sesame (202-07-038 through 202-07-045)

**Zoning:** R-1

**Proposed Project:** Introduction of Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

**Applicant / Owner:** John Sullivan (plus multiple owners)

**Environmental Review:** The Ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alteration in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA).

**Project Planner:** Gerri Caruso (408) 730-7591, gcaruso@sunnyvale.ca.gov

#### REPORT IN BRIEF

**General Plan:** Residential Low Density

**Existing Site Conditions:** A cohesive residential neighborhood block consisting of 45 single story homes, one existing two-story home and one approved design review for one new two-story home.

#### **Surrounding Land Uses**

North: Single family homes across Torrington Drive

South: Single family homes across Vanderbilt Drive

East: Single family homes across Sesame Drive

West: Single family homes across Hollenbeck Avenue

**Issues:** Preservation of a single-family neighborhood of predominantly single-story Eichler homes.

**Staff Recommendation:** Planning Commission recommend to City Council: introduce an ordinance and approve the rezoning.

#### BACKGROUND

The application has been submitted by 39 property owners (86 percent) in the 45-lot project area. As indicated on the vicinity and noticing map, the project area consists of the entire block bounded by Torrington Drive on the north side, Sesame Drive on the east side, Vanderbilt Drive on the south side, Hollenbeck Avenue on the west side and includes Regia Court, Ribier Court, West Vanderbilt

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Court and East Vanderbilt Court (Attachment 2). A list of all the properties included is in Attachment 3. A project description letter from the applicant is in Attachment 4.

The request is to modify the current R-1 zoning designation (Low Density Residential) by combining it with an "S" single-story zoning designation for R-1/S. This would limit the existing single family homes in the project area to one story and 45 percent Floor Area Ratio (FAR). Other City site development standards and density would remain the same. The proposed district consists of 45 single-story homes, one existing two-story home and one approved design review for a new two-story home.

A draft ordinance with the proposed district map is in Attachment 5 and the recommended finding for the rezoning is in Attachment 6.

This application represents the fifth Single-Story combining district application to be considered by the City since the enabling zoning code changes became effective January 1, 2001. The existing single-story districts include:

- 54 Eichler homes on Wright Avenue, Edmonton Avenue and La Salle Drive on July 31, 2001
- 25 homes on Bobolink Circle and Bobwhite Avenue on June 11, 2002
- 116 Eichler homes located between Fremont Avenue and Ticonderoga Drive and between Pome Avenue and Mary Avenue on May 15, 2007
- 36 Eichler homes on Dartshire Way and Devonshire Way on April 19, 2016

The City Council is scheduled to consider this item on August 9, 2016.

### **EXISTING POLICY**

#### **Sunnyvale Municipal Code 19.26.200**

The intent of the Council's action creating the Single-Story Combining District was to "modify the site development regulations of the R-0, R-1, and R-2 residential zoning districts to preserve and maintain single-family neighborhoods of predominantly single-story character."

### **ENVIRONMENTAL REVIEW**

The action being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15305 as it is a minor alteration in land use in an area with an average slope of less than 20% and will not result in any changes in land use of density. In addition, the Ordinance is exempt under the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the activity is not subject to CEQA. (Section 15061(b)(3)).

### **DISCUSSION**

The action under consideration is a rezoning to add a Single-Story combining district to an existing R-1 single-family neighborhood. The following items must be met in order to consider an application for a Single-Story combining district:

1. The zoning for the underlying district must be R-0, R-1 or R-2;
2. The application must be signed by at least 55 percent of the property owners in the proposed

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district;

3. The proposed district must be clearly delineated in the application and must consist of at least 20 homes;
4. At least 75 percent of the homes in the proposed district must be one-story; and
5. To the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary.

If adopted, the single-story combining district will remain in effect unless district owners initiate a similar application process to request that it be removed.

The proposed application meets all of the code requirements and is in an R-1 neighborhood. By using the City's GIS system and County Assessor information, staff has confirmed that 39 (86 percent) of the property owners have joined this application. The proposed boundaries follow logical street boundaries creating a solid residential block. There is only one existing two-story home in the neighborhood (1196 East Vanderbilt Court) and one recently approved Design Review for a new two-story home (1169 Sesame Drive) which are 4% of homes in the proposed district.

A letter was sent to the property owners in the proposed district providing them with a detailed outline of the new development limits for a single-story district (Attachment 6). The following development regulations will apply:

#### Single Story Limit

- There will be a limit of one habitable floor (story). Habitable areas are interiors conditioned for human occupancy (e.g. meet standards for heat, insulation, light and minimum ceiling heights).
- Lofts, mezzanines and similar areas will be prohibited as well as attics that meet habitable standards.

#### Building Height Limit

- The maximum building height will be 17 feet (currently 30 feet).

#### Maximum Gross Floor Area

- The maximum floor area ratio (FAR) of each home will be 45 percent, the same for any one story home in the R-1 zoning district.
- No future home additions beyond 45 percent FAR will be permitted unless a Variance is granted.

A basement is not considered a story unless it extends more than two feet above the ground; it would then be counted towards the floor area limit.

#### Legal Non-Conforming Homes

- Existing legally constructed homes that exceed 45 percent FAR or 17 feet in height will be considered legal and non-conforming if the properties are rezoned.
- Legal non-conforming homes can be maintained and repaired subject to City building permits as long as the non-conformity is not increased.

#### Existing Two-Story Homes

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- Existing two-story homes that were legally constructed with City building permits will be considered legal and non-conforming.
- Existing second stories cannot be expanded or increased in height but can be maintained and repaired subject to City building permits.
- Additions can be made to the first floor; however, the FAR of the entire home will be limited to 45 percent.
- The approved Design Review for a two-story home at 1169 Sesame Drive must be vested by securing a building permit within two years of the approval date on May 16, 2016.

#### Neighborhood Density

- The proposed single-story rezoning area is an R-1 single-family zone where only one dwelling units is allowed per lot. The new zoning designation will be R-1/S. The area will remain a single-family area with only one dwelling unit allowed on each lot. Accessory dwelling units are allowed on lots over 9,000 square feet, but must also meet the single story limitation.

#### Eichler Design Guidelines

- The area proposed for rezoning is an Eichler neighborhood and is therefore subject to the adopted Sunnyvale Eichler Design Guidelines.

By rezoning the proposed district to R-1/S, no impacts are expected to immediate surrounding properties or those in the vicinity of the proposed district.

#### **FISCAL IMPACT**

There is no development related to this application. No fiscal impacts other than normal fees and taxes associated with owning a single-family home are expected.

#### **PUBLIC CONTACT**

Public contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk. 101 notices were sent to the project area and surrounding property owners. The block was posted with hearing notices. A neighborhood information meeting was conducted by staff on June 23, 2016 at the Community Center for the 45 property owners in the proposed single-story district. Six people attended the meeting. Four attendees were from the project area, and two were from other neighborhoods interested in the single-story rezoning process. An information letter outlining the restrictions of the Single-Story Combining District was sent to the property owners in the proposed district so that those who did not attend the information meeting would have complete information (Attachment 7).

#### **ALTERNATIVES**

Recommend to City Council:

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Section 15305 and 15061b) (3).
2. Introduce an Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).
3. Deny the rezone.

#### **STAFF RECOMMENDATION**

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Recommend to City Council: Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and 15061b)(3); and, 2) Introduce an Ordinance to Rezone 45 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Prepared by: Gerri Caruso, Principal Planner

Reviewed by: Andrew Miner, Planning Officer

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. *Not Used*
2. Vicinity and Noticing Map
3. List of addresses and APNs within the proposed district
4. Applicant's letter
5. Draft Ordinance
6. Recommended Finding
7. Letter from City to property owners in proposed district