



City of Sunnyvale

Agenda Item

16-0772

Agenda Date: 9/12/2016

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Introduction of Ordinance to **REZONE** 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

File #: 2016-7523

Location: 576-598 West Remington Drive (APNs: 202-01-001 through 202-01-007), 575-595 Rockport Drive (APNs: 202-01-016 through 202-01-024), 585-595 Templeton Court (APNs: 202-01-025 through 202-01-028 and 202-08-035), 1104-1132 Spinosa Drive (APNs: 202-01-029 through 202-01-033, and 202-08-032 through 202-08-034), 1126-1138 Strawberry Court (APNs: 202-08-036 through 202-08-040), 1143-1153 Tangerine Way (APNs: 202-08-041 through 202-08-043)

Zoning: R-1

Applicant / Owner: Stephen Meier (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: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Residential Low Density

Existing Site Conditions: A cohesive residential neighborhood block consisting of 36 single-story homes and one two-story home.

Surrounding Land Uses

North: Single family homes across West Remington Drive

South: Single family homes across Trumbull Court

East: Single family homes across Tangerine Way

West: Single family homes across Spinosa Drive

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

Staff Recommendation: Planning Commission recommend to City Council: find the project exempt from CEQA, introduce an ordinance and approve the rezoning.

BACKGROUND

The application has been submitted by 28 property owners (75.6 percent) in the 37-lot project area. As indicated on the vicinity and noticing map (Attachment 2), the project area consists of a cohesive neighborhood bounded by West Remington Drive on the north side, Tangerine Way on the east side, Trumbull Court on the south side, Spinosa Drive on the west side and includes Templeton Drive,

16-0772Agenda Date: 9/12/2016

Rockport Drive and Strawberry Court (Attachment 2). A list of all the properties is included 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. Attachment 2 includes maps of the larger neighborhood indicating other approved and pending single-story combining districts and an existing two-story house.

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 sixth 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
- 48 Eichler homes between Vanderbilt Drive and Torrington Drive on August 9, 2016 (adjacent to the subject site)

City Council is scheduled to consider this item on October 4, 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 or 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:

16-0772Agenda Date: 9/12/2016

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 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. There are 37 properties in the rezoning application, which exceeds the minimum of 20 properties. By using the City's GIS system and County Assessor information, staff has confirmed that 28 (75.6 percent) of the property owners have joined this application, exceeding the minimum 55% required. The proposed boundaries follow logical street boundaries creating a solid residential block. There is only one existing two-story home in the neighborhood (586 Rockport Drive).

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 7). 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.
- The one story limit will apply to all proposed structures on the property, including detached structures such as garages, accessory living units, etc.

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.

16-0772Agenda Date: 9/12/2016

- 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

- 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.

Neighborhood Density

- The proposed single-story rezoning area is an R-1 single-family zone where only one dwelling unit 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. There were 160 notices 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 September 1, 2016 at the Community Center for the 37 property owners in the proposed single-story district. Seven people attended the meeting. All attendees were from the Fairbrae neighborhood area. 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).

At the time of writing the report one letter, from a property owner within the boundaries of the proposed district opposing the rezoning to R-1/S, was received. The property owner in opposition notes concerns about loss of property value and potential of future expansion for smaller-size lots. The letter is included in Attachment 8. Staff has also received letters in opposition to the single-story combining districts within the City and the letters are included in the Attachment 9.

ALTERNATIVES

Recommend to City Council:

16-0772Agenda Date: 9/12/2016

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061 (b)(3).
2. Introduce an Ordinance to Rezone 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).
3. Introduce an Ordinance to Rezone fewer properties.
4. Deny the rezone.

STAFF RECOMMENDATION

Recommend to City Council: Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3); and, 2) Introduce an Ordinance to Rezone 37 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

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Reviewed 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 Maps
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
8. Letter from property owner opposing rezoning
9. Letters of Opposition to Single-Story Overlays