



City of Sunnyvale

Agenda Item

18-0488

Agenda Date: 7/23/2018

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Rezone - Change the zoning from R-1 (Low Density Residential) to R-0 (Low Density Residential) for two lots.

File #: 2018-7309

Location: 932 Eleanor Way and 1358 Hampton Drive (APNs: 313-01-033, 313-01-034)

Zoning: R-1

Applicant / Owner: Cyrus Fakhari (applicant and owner)

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Project Planner: Shétal Divatia, (408) 730-7637, sdivatia@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Residential Low Density

Existing Site Conditions: Two single family lots with a single-family home on each lot.

Surrounding Land Uses

North: Single family homes (across Eleanor Way)

South: Single family home

East: Single family homes

West: Single family homes (across Hampton Drive)

Issues: Preservation of a large lot single-family neighborhood

Staff Recommendation: Planning Commission recommend to City Council: Determine the project is exempt from CEQA and deny the request to rezone the two parcels.

BACKGROUND

The project consists of two single family residential lots located in Sunnyvale's Raynor Park neighborhood. This neighborhood can generally be identified as the area bound by El Camino Real on the north, Wolfe Road on the west, Marion Drive on the south and Peterson Middle School on the east. Much of this neighborhood was created and developed in the 1940s as part of Santa Clara County and was annexed to Sunnyvale in 1970s. This neighborhood has a distinct character with larger lots zoned R-1 on the eastern side of the project sites and smaller R-0-zoned lots on the western side. There is an absence of sidewalks and a mix of single family home styles. The two subject lots are at the end of a block and abut an R-0 zoning district (on the south and west sides) and the R-1 district on north and east sides (see maps in Attachments 2, 4 and 5).

Although many Raynor Park lots are at least 9,000 s.f. in size, the Raynor area was originally zoned R-0 (Low Density Residential) upon annexation which required a minimum lot size of 6,000 square feet. In 1996, at the request of the neighborhood, a portion of this neighborhood was rezoned to R-1 (Low Density Residential) zoning district which has a minimum lot size requirement of 8,000 square feet. The rezoning addressed concerns of losing the large-lot character of this neighborhood

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(Attachment 8 - 1996 Raynor Park Rezone Map). The lower lot size allowed by the original R-0 zoning district created opportunities for subdivision. For example, two adjacent 9,000 s.f. lots could be subdivided into three 6,000 s.f. lots. The concern at the time was that this type of subdivision pattern could change the character of the large-lot neighborhood.

The applicant has indicated that the rezoning request for the two lots is to allow a future subdivision into three lots that would meet the R-0 (Low Density Residential) zoning standards. If the rezoning is approved a subdivision that meets the Zoning and Subdivision standards/codes could be considered through the Zoning Administrator Hearing process.

The City Council is scheduled to consider this rezoning on August 23, 2018.

EXISTING POLICY

The General Plan is the primary policy plan that guides the physical development of the City. When used together with a larger body of City Council policies, it provides direction for decision-making on City services and resources. The recently adopted Land Use and Transportation Chapter within the General Plan created an integrated set of policies to guide land use, development, and transportation choices with a horizon year of 2035.

GENERAL PLAN

Both the R-0 and R-1 zoning districts zones are consistent with the General Plan land use designation of Low Density Residential; therefore, the proposed rezone does not require a General Plan Amendment (Attachment 4 - General Plan Map of Site and Vicinity).

LAND USE AND TRANSPORTATION CHAPTER

Goal LT-1: Coordinated Regional and Local Planning- Protect the quality of life, the natural environment, and property investment, preserve home rule, secure fair share of funding, and provide leadership in the region.

Policy LT-1.3: Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.

GOAL LT-6: Protected, maintained, and enhanced residential neighborhoods - Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.

Policy LT-6.2: Limit the intrusion of incompatible uses and inappropriate development in and near residential neighborhoods, but allow transition areas at the edges of neighborhoods

Goal LT-7: Diverse Housing Opportunities- Ensure the availability of ownership and rental housing options with a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the health of the community

Policy LT-7.2: Determine the appropriate residential density for a site by evaluating the site planning opportunities and proximity of services (such as transportation, open space, jobs, and supporting commercial and public uses).

Policy LT-7.3: Encourage the development of housing options with the goal that the majority of housing is owner-occupied.

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ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states that *a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which 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 activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

The rezoning of the two lots could result in a three-lot subdivision thereby creating one additional single-family lot. It can be seen with certainty that one additional single-family home on the project site will not have a significant impact on the environment. In addition, a Class 2 Categorical Exemption (CEQA Guidelines, Section 15303(a)) applies to the construction of up to three single family residences in a residential zone in urbanized areas.

DISCUSSION

The two lots proposed for rezoning abut both the R-0 and R-1 zoning districts. The request to move the zoning line for the R-0 district to include both lots may be considered reasonable by some as it allows for one additional home at a time when additional housing is desired by housing advocates. The R-0 zoning has a smaller minimum lot size requirement, which would allow the properties to be split from two to three lots. On the other hand, there may be the perspective that this rezoning could be a catalyst for similar rezoning requests which, if approved, undermine the purpose of the 1996 R-1 zoning.

Since 1996 the Raynor Park neighborhood has experienced intensification of individual lots as the original 800 square foot homes were expanded or rebuilt with larger homes. These larger homes have been built on both R-0 and R-1-zoned sites. The surrounding land uses and zoning types are visible on the zoning map in Attachment 4.

The following table summarizes the lot size requirements and project proposal.

Lot size	Existing R-1 Zone Density - 7 du/ac. Min. lot size = 8,000 s.f.	Proposed R-0 Zone Density - 7 du/ac. Min. lot size = 6,000 s.f.
Combined Lot Size - 21,826 s.f. (Lot 1 = 9,713 s.f.; Lot 2 size = 12,826 s.f.)	2 lots	3 lots

ANALYSIS

The proposed rezoning to the R-0 (Low Density Residential) zoning district would allow a subdivision of the two lots into three lots. Consideration of the rezoning request requires examination of the existing zoning, lot size, street orientation of the homes and the effect of a possible subdivision at this end of block location as well as the possible change to the neighborhood character.

Option 1: Retain the existing R-1 (Low Density Residential) Zoning:

Both the lots meet the R-1 (Low Density Residential) zoning district's minimum lot size requirement of

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8,000 square feet, and the residential structures on these lots meet the development standards including setbacks, lot coverage and floor area ratio (FAR). These lots were rezoned from R-0 to R-1 as part of a larger rezoning study for the Raynor Park neighborhood in 1996 to preserve the large lot character of the neighborhood. The purpose of the rezoning study was to address the neighborhood's concern that subdivision of existing lots into smaller lots would affect the neighborhood. The study and rezoning occurred 22 years ago, and although change has occurred in the neighborhood, some of the issues regarding potential subdivisions may still be relevant.

Following are Sunnyvale's General Plan goals and policies that support maintaining the R-1 zoning:

GOAL LT-6: Protected, maintained, and enhanced residential neighborhoods - Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.

Denial of the rezoning request would prevent a subdivision that would reduce the number of large lots in this neighborhood and could set a precedence for similar rezoning requests and similar subdivisions in the future which would then change the urban design and residential character of this large-lot neighborhood.

Option 2: As proposed, rezone the two lots from the R-1 to the R-0 Zoning District:

The two subject lots are at the edge of the both R-1 and R-0 portions of the Raynor Park neighborhood and could relate to either zoning district. Lot 1 is adjacent to R-0 zoned lots on Hampton Drive. The requested rezone for the two lots, if approved, could potentially result in a three-lot subdivision as shown in the Survey Plan submitted by the applicant (Attachment 2 - Applicant's Rezone Request, Page 3). This three-lot subdivision would result in one lot on Eleanor Way, a second lot at the corner of Eleanor Way and Hampton Drive and a third lot on Hampton Drive.

Based on the applicant's preliminary plan, the corner lot and the new lot on Hampton Drive would be consistent with the existing R-0 lots facing the Hampton Drive streetscape. It would extend the R-0 streetscape to the end of the block. The third lot facing Eleanor Way would be located at a three-way intersection. The applicant notes that this end of street condition is similar with that found at the end of Hampton Drive and Marion Way at the southern edge of Raynor Park neighborhood where the R-0 and R-1 zones come together.

Following are Sunnyvale's General Plan goals and policies that address this option:

Goal LT-7: Diverse Housing Opportunities - Ensure the availability of ownership and rental housing options with a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the health of the community.

Policy LT 7.2: Determine the appropriate residential density for a site by evaluating the site planning opportunities and proximity of services (such as transportation, open space, jobs, and supporting commercial and public uses).

Policy LT 7.3: Encourage the development of housing options with the goal that the majority of housing is owner-occupied.

If the rezoning is approved, the applicant's plan to subdivide is consistent with the General Plan by placing more housing nearer to services as the site is near El Camino Real which has a variety of services and serves as a major transportation corridor. A potential three-lot subdivision would also

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provide an additional owner occupied housing opportunity.

FISCAL IMPACT

No fiscal impact other than normal fees, impact fees and taxes are expected if, and when, the rezone results in a subdivision and construction of new home(s).

PUBLIC CONTACT

Notice of Public Hearing

- Published in the Sun newspaper
- Posted on the site
- 64 notices mailed to property owners and residents within 300 feet of the project site

See Attachment 3 for a map of the vicinity and mailing area.

Staff Report

- Posted on the City's website
- Provided at the Reference Section of the City's Public Library

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- Posted on the City's official notice bulletin board
- Posted on the City's website

Public Contact: Staff has not received comment(s) from the public to date.

ALTERNATIVE

Recommend to City Council:

1. Determine that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and make the Findings (Attachment 9) to Approve the Rezone for the two parcels from R-1 (Low Density Residential) to R-0 (Low Density Residential) as requested by the applicant
2. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and deny the request to rezone the two parcels.

STAFF RECOMMENDATION

Recommend to City Council, Alternative 2: Determine the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and Deny the Rezone for the two parcels from R-1 (Low Density Residential) to R-0 (Low Density Residential).

The two lots are in Raynor Park's R-1 zoning district that was specifically rezoned to R-1 zone by the City Council in 1996, to not allow further subdivision of the large lots in this neighborhood. The proposed rezoning could allow a future subdivision of the two lots to three lots. Although, this subdivision would result in a net increase of one lot thereby increasing ownership housing opportunity while maintaining the streetscape and character found of the R-0 zoned lots and homes on Hampton Drive, it would negate the intent of the R-1 rezoning and could also set a precedence for future requests for rezoning and subdivisions that would adversely impact the large-lot character of this neighborhood.

If the Planning Commission finds that the rezoning that would potentially allow an additional housing unit would not adversely affect the neighborhood character, it is appropriate to recommend rezoning

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to R-0.

Prepared by: Shétal Divatia, Senior Planner
Reviewed by: Gerri Caruso, Principal Planner
Reviewed by: Andrew Miner, Planning Officer
Reviewed by: Trudi Ryan, Director of Community Development
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. *Not used, reserved for Report to City Council*
2. Applicant's Rezone Request
3. Vicinity and Noticing Map
4. General Plan Map of Site and Vicinity
5. Zoning Map of Site and Vicinity
6. Aerial View of Site and Neighborhood
7. Draft Rezone Ordinance
8. 1996 Raynor Park Rezone Boundary Map
9. Recommended Findings