



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 16-0169, Version: 1

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### REPORT TO CITY COUNCIL

#### **SUBJECT**

**File #:** 2015-8091

**Location:** 748-838 Dartshire Way and 747-837 Devonshire Way (APNs 309-28-001, 309-28-002, 308-28-003, 309-28-036)

**Zoning:** R-0

**Proposed Project:** Introduction of Ordinance to Rezone 36 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)

**Applicant / Owner:** Martin Griffiths

**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) (not a project that may have a significant effect on the environment).

**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 35 single story homes and one two-story home.

#### **Surrounding Land Uses**

North: Single family homes across Dartshire Way

South: Single family homes across Devonshire Way

East: Single family homes across Kingfisher Way

West: Single family homes across Flicker Way

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

**Planning Commission Recommendation:** City Council introduces the ordinance and approves the rezoning.

**Staff Recommendation:** City Council introduces the ordinance and approves the rezoning.

#### **BACKGROUND**

The application has been submitted by 26 property owners (72 percent) in the 36-lot project area. As indicated on the vicinity and noticing map, the project area consists of the entire block located on the south side of Dartshire Way and north side of Devonshire Way between Kingfisher Way and Flicker Way (Attachment 1). A list of all the properties included is in Attachment 2. A project description letter from the applicant is in Attachment 3.

The request is to modify the current R-0 zoning designation (Low Density Residential) by combining it with an "S" single-story zoning designation for R-0/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 35 single-story homes and one two-story home.

A draft ordinance with the proposed district map is in Attachment 4 and the findings for the rezoning are in Attachment 5.

This application represents the fourth 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; and
- 116 homes located between Fremont Avenue and Ticonderoga Drive and between Pome Avenue and Mary Avenue on May 15, 2007.

### **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-0 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 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 overlay 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-0 neighborhood. By using the City's GIS system and County Assessor information, staff has confirmed that 26 (72 percent) of the property owners have joined this action. The proposed boundaries follow logical street boundaries creating a solid residential block. There is only one two-story home in the neighborhood (3 percent).

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-0 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. If the basement extends more than two feet above the ground it will 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.
- 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 area is an R-0 single-family zone where only one dwelling units is allowed per lot. The new zoning designation will be R-0/S. The area will remain a single-family area with only one dwelling unit allowed on each lot.

### Eichler Design Guidelines

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

By rezoning the proposed district to R-0/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 City Council 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. 168 notices were sent to the project area and surrounding property owners within 300 feet. The block was posted with hearing notices.

A neighborhood information meeting was conducted by staff on February 24, 2016 at the Community Center for the 36 property owners in the proposed single-story district. Fifteen people attended the meeting. Nine attendees were from the project area, and six were from other Eichler 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 6).

The Planning Commission considered this project at a public hearing on March 14, 2016. The Commission took public comments and recommended approval of the rezoning. Three people spoke in support of the zoning change at the hearing.

### ALTERNATIVES

1. Introduce an Ordinance to Rezone 36 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).
2. Deny the rezone.

### RECOMMENDATION

Alternative 1: Introduce an Ordinance to Rezone 36 contiguous single family home lots from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).

Prepared by: Gerri Caruso, Principal Planner  
Reviewed by: Andrew Miner, Planning Officer  
Reviewed by: Kent Steffens, Assistant City Manager  
Reviewed by: Walter Rossmann, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

### ATTACHMENTS

1. Vicinity and Noticing Map
2. Project data by lot

3. Applicant's letter
4. Draft ordinance
5. Findings
6. Letter from City to property owners in proposed district
7. Planning Commission Minutes, March 14, 2016