
File #: 16-0911, Version: 1

REPORT TO CITY COUNCIL

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) (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).

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

SUMMARY OF PLANNING COMMISSION ACTION

On September 12, 2016, the Planning Commission considered this request to rezone 37 single-family properties to the R-1/S zoning designation to limit homes in that area to single stories. The rezoning would only affect the 37 homes included in the application area, and would prohibit future additions resulting in two stories.

One property owner in the affected area spoke in favor of the rezone. Eight individuals spoke against the rezoning, including two property owners within the affected area, stating that the Single Story Combining District (SSCD) limits the potential use of the properties especially for smaller size lots, limits the expansion to meet the needs of the families with young children or aging parents, intrudes on property rights, reduces property values, and is unattractive for future buyers. Two of the individuals also discussed concerns with the information in the letter used to obtain support for the application. Several of the speakers recommended that the City Council consider a study issue about the process and impacts of SSCD before making any more decisions on these types of applications.

Four of the seven Planning Commissioners voted to recommend to Council to rezone the properties to R-1/S. The remaining three Commissioners voted against recommending the rezone as they were unable to make the required finding that the zoning amendment is in the public interest. One Commissioner voiced concern about the integrity of the process and information provided to

residents. The Planning Commission Minutes are in Attachment 10.

POLICY CONSIDERATIONS

Municipal Code Section 19.26.200(b) states that the single-story combining district may be established at the discretion of the City Council to combine with the R-0, R-1 or R-2 zoning districts. Submittal of the minimum application requirements does not guarantee nor imply an automatic approval. The City Council may approve a zoning amendment upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest. The language of the finding is broad and undefined and the City Council can take into consideration any aspect of the rezoning that it considers in the public interest.

Recently members of the public have questioned if the current application process is sufficient to assure residents understand the implications of single-story zoning. There is a suggestion that a more rigorous application process, such as an independent poll of property owners by staff, would better validate interest by property owners in the proposed zoning district. Based on the feedback, staff plans to modify a few administrative processes and request that property owners confirm their interest or opposition to the rezoning request after the outreach meeting and prior to scheduling the Planning Commission and City Council public hearings. There have also been requests to analyze the effect of single-story rezonings on the citywide housing stock and property values.

The single-story combining district was created in 2000 as part of a larger study to consider changes to single-family home design criteria and development standards. The Planning Commission has considered four single-story rezoning applications this year (compared to three from 2000-2015) and five other applications are pending. Staff recently conducted a study session for the Planning Commission about the history and current project review process. Due to the number of single-story applications this year and after hearing comments made by the public at the study session, the Planning Commission has forwarded a study issue for consideration in 2017 to relook at the process and to determine what factors should be considered as part of determining "in the public interest."

ALTERNATIVES

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061(b)(3) and that the zoning
2. Make the finding that the zoning amendment (rezoning) is deemed to be in the public interest (as set forth in Attachment 6) and 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) (Attachment 5).
3. Introduce an Ordinance to Rezone fewer properties.
4. Deny the rezone.

STAFF RECOMMENDATION

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) that the zoning amendment (rezoning) is deemed to be in the public interest (as set forth in Attachment 6 to the report) and 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).

The draft ordinance with a map of the area is in Attachment 5.

Prepared by: Aastha Vashist, Assistant Planner
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. Report to Planning Commission, September 12, 2016 (without attachments)**
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. Submittal from property owner opposing rezoning
- 9. Letters from Property Owners/Residents (updated for Report to Council)**

Additional Attachments for Report to Council

10. Planning Commission Minutes, September 12, 2016