



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 16-1091, Version: 1

REPORT TO COUNCIL

SUBJECT

Proposed Project: REZONE: Introduction of an Ordinance to rezone 62 contiguous lots (61 single-family homes and a private swim club) from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single Story Combining District)

File #: 2016-7489

Location: Multiple properties bound by Hollenbeck Avenue on the west, Torrington Drive on the south, Spinosa Drive on the east and Sheraton Drive on the north and including Tiffany Court, Templeton Court and South Sage Court.

613-699 Torrington Drive (Assessor Parcel Numbers 202-09-001 through 202-09-017), 1160-1158 Hollenbeck Avenue (202-09-018 through 202-09-019), 696 Sheraton Drive (202-09-020), 674-683 Tiffany Court (202-09-021 through 202-09-026), 1130 -1150 Royal Ann Drive (202-09-027 through 202-09-032), 1127-1145 S. Sage Ct. (202-09-033 through 209-02-042), 602-654 Sheraton Drive (202-09-042 through 202-09-050) and 604-633 Templeton Court (202-09-051 through 202-09-062).

Zoning: R-1

Applicant /Owner: Erik Peterson (plus multiple owners)

Environmental Review: The ordinance being considered is categorically exempt from review pursuant to CEQA Guidelines Section 15305 (minor alterations in land use) and Section 15061(b)(3) (a general rule that CEQA only applies to projects that have the potential for causing 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

SUMMARY OF PLANNING COMMISSION ACTION

On November 7, 2016, the Planning Commission considered this request from several property owners to rezone 62 single-family properties from R-1 to the R-1/S zoning designation to limit homes in that area to single stories. The rezoning would only affect the 62 properties included in the application area, and would prohibit future additional two-story homes in the rezone area.

The proposed rezoning area includes 59 Eichler homes (55 are one story and 4 are two stories). The rezoning applicants also included 3 large non-Eichler properties including the Fairbrae Swim and Racquet Club site at 698 Sheraton Drive (1.06 acres) and two single-story single family homes at 1158 Hollenbeck Avenue (0.73 acres) and 1160 Hollenbeck Avenue (0.38 acres).

Sixteen individuals spoke in favor of the rezoning. Two individuals spoke against the rezoning for their properties (including the owner of the large residential lot at 1158 Hollenbeck Avenue and a representative of the Fairbrae Swim and Racquet Club at 696 Sheraton Drive).

The Planning Commission's initial vote to include all 62 lots in the rezoning tied 3-3. The Zoning Code requires a minimum of four votes for the Planning Commission to make a recommendation on a rezoning request. The Planning Commission considered a new motion and voted 6-0 to recommend that City Council initiate an ordinance to rezone 59 out of 62 lots (excludes three large parcels) and requested staff to identify options to address privacy concerns of seven Eichler home sites (four on Tiffany Court and three on Torrington Drive) that are adjacent to the three large lots.

For Council's consideration and per the Planning Commission's direction, staff identified two zoning options for the 3 large lots, to address privacy concerns.

1. Single Story Buffer:

As part of the proposed rezoning request, include a buffer area (40 to 100 feet wide) along the east and south edge of the three Hollenbeck lots to prohibit second stories within that area. Attachment 14 is a map and line-of-site drawings of a 40 and 100-foot buffer (Attachment 14). This option essentially requires splitting the zoning on the three affected lots. Although the City has exercised split zoning in the past, a better practice is to have zoning code provisions which explain the process and rationale for split-zoning. If the City Council desires to pursue this option, staff recommends direction to staff to prepare a zoning code amendment regarding split zoning with action on the rezoning of the three parcels that would require split zoning, with an effective date for the rezoning ordinance after the effective date of the ordinance amending the zoning code to add a provision regarding split zoning.

If such an amendment was adopted by the Council, then only the "buffer zone" will be subject to the single-story overlay.

2. R-1/PD (Planned Development) zoning:

Alternatively, the Council could direct staff to prepare a rezoning ordinance and analysis for consideration at a separate public hearing to adopt a Planned Development (PD) combining district which would allow the City to develop creative and adaptable site development standards for future development without speculating on how best to solve potential compatibility and privacy issues at this time. This solution maintains the most flexibility to accommodate the potential of lot assemblage and case by case analysis of impacts.

The following table shows what percent (approximate) of the property would be affected by different approaches.

Property	R-1/S	100 ft buffer	40 ft buffer	PD
1160 Hollenbeck	100%	100%	30%	100%
1158 Hollenbeck	100%	55%	35%	100%
698 Sheraton	100%	50%	50%	100%

Staff recommended to the Planning Commission that the three large parcels be excluded from the Single-story rezoning. The updated recommendation is to direct staff to return with the Planned Development (PD) combining district for the three lots. The PD zoning allows consideration of the specific characteristics of the adjacent Eichler homes when considering reinvestment and redevelopment proposal (e.g., one of the adjacent homes is a two-story, two of the adjacent lots are

pie-shaped with deeper lots). These parcels are significantly different than the other 59 Eichler parcels in the rezoning area, and include non-Eichler homes and a nonresidential use. Even though they are also currently zoned R-1, these non-Eichler properties are 2-5 times the required 8,000 s.f. lot of the R-1 zoning district and have significant lot depth and area to allow a two-story home without infringing on neighboring Eichlers to the rear. They also have development potential that could be beneficial to the City in the future. Staff finds that the addition of the PD combining district and the existing City project review processes are robust enough to ensure adequate public input, neighborhood compatibility and protection of privacy when future projects are proposed.

Existing Nonconforming Nonresidential Building

As part of the discussion at the Planning Commission meeting, the Fairbrae Swim Club representative noted that it would be detrimental to its use to be included in the single-story rezoning. One reason stated was because some of the Club's structures, (including a solar heating facility and light poles) already exceed the 17 foot height limit imposed in a single-story combining district.

At the meeting staff indicated that any building legally built that does not meet current development standards may be repaired, altered, enlarged or replaced without requiring a variance provided:

- (1) No increase in nonconformities will result; and
- (2) Any required permits are obtained.

However, Sunnyvale Municipal Code section 19.50.030 states that a building legally built and used for nonresidential purposes in any zoning district, which does not meet current development standards may be repaired, altered, enlarged or replaced without requiring a variance provided any repair, alteration, addition or enlargement **must comply with the latest applicable zoning standards**. This means that replacement of over height structures on the Fairbrae site would need to adhere to the new 17 foot height limit.

ALTERNATIVES

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061 (b)(3)
2. Find that the zoning amendment (rezoning) is deemed to be in the public interest and introduce an ordinance (as set forth in Attachment 6) to rezone 62 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story) pursuant to the Applicant's proposal.
3. Find that the zoning amendment (rezoning) is deemed to be in the public interest and introduce an ordinance (as set forth in Attachment 7) to rezone 59 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story) pursuant to staff's proposed modification.
4. Find that the zoning amendment (rezoning) is deemed to be in the public interest and introduce an ordinance (as set forth in Attachment 7) to rezone 59 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story); direct to staff to prepare a zoning code amendment regarding split zoning; and, create an R-1/S buffer of a specified width on 1160 and 1158 Hollenbeck Avenue and 696 Sheraton Drive that would be effective after the zoning code amendment regarding split zoning is effective.
5. Find that the zoning amendment (rezoning) is deemed to be in the public interest and introduce an ordinance (as set forth in Attachment 7) to rezone 59 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story) and direct

staff to return with a draft ordinance to rezone 1160 and 1158 Hollenbeck Avenue and 696 Sheraton Drive to R-1/PD.

6. Deny the R-1/S rezone.

A draft ordinance for Alternative 1 (the 62 lot applicant's proposal) is in Attachment 6. A draft ordinance for Alternative 2 (the 59 lot staff recommendation) is in Attachment 7.

STAFF RECOMMENDATION

Alternatives 1 and 5: 1) Find that the zoning amendment (rezoning) is exempt from CEQA and 5) Find that the zoning amendment (rezoning) is deemed to be in the public interest and introduce an ordinance (as set forth in Attachment 7 to the report) to rezone 59 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story) and direct staff to return with a draft ordinance to rezone 1160 and 1158 Hollenbeck Avenue and 696 Sheraton Drive to R-1/PD.

Staff has updated the recommendation and supports rezoning the majority of the proposed properties in the application to the R-1/S district, but recommends the properties at 1160 and 1158 Hollenbeck Avenue and 696 Sheraton Drive not be included in the single-story rezoning and be considered for the Planning Development combining district.

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. **Report to Planning Commission, November 7, 2016** (*without Attachments*)
2. Maps - Noticing, 2-story & Non Eichler homes, Proposed & Approved SSCD
3. List of addresses and APNs within the proposed district
4. Applicant's letter
5. Map showing swim club and Hollenbeck properties
6. Draft Ordinance - Applicant's Proposal with recommended CEQA and Rezoning Findings
7. Draft Ordinance - Staff Recommended Alternative with CEQA and Rezoning Findings
8. Letter from City to property owners in proposed district
9. Letters from Fairbrae Swim Club and Owner of 1158 Hollenbeck Ave.
10. Letter regarding Process
11. Letters from Property Owners supporting Single-Story Overlay
12. Letters of Support to Single-Story Overlay

Additional Attachments for Report to Council

13. Planning Commission Minutes, November 7, 2016
14. Map and Line-of-Site illustration of buffer zones
15. Letters in support of SSCD received after Planning Commission Report prepared
16. Letter opposing SSCD received after Planning Commission Report prepared
17. Applicant's Additional Letter, November 28, 2016
18. Additional Letter from Owner of 1158 Hollenbeck Ave., November 30, 2016