



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 16-1143, Version: 1

REPORT TO COUNCIL

SUBJECT

Proposed Project: Introduction of Ordinance to **REZONE** 54 contiguous lots (53 single-family homes and a lot owned by the California Water Service) from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story)

File #: 2016-7467

Location: Multiple properties bound by Panama Park on the west, Dartshire Way on the south, Mallard Way on the east and Carlisle Way on the north including Coventry and Cornwall Courts.

1403-1457 Mallard Way (APNs: 309-11-039 through 309-11-041, 309-11-053 to 309-11-055, and 309-11-022), 800-862 Carlisle Way (APNs: 309-11-036 through 309-11-038 and 309-12-013), 321-361 Dartshire Way (APNs: 309-11-023 through 309-11-025 and 309-12-029 through 309-12-032), 854-870 Cornwall Court (APNs: 309-11-042 through 309-11-052), 812-827 Coventry Court (APNs: 309-12-019 through 309-12-026), and 1402-1458 Kingfisher Way (APNs: 309-11-026 through 309-11-035, 309-12-014 through 309-12-018, and 309-12-027 through 309-12-028).

Zoning: R-0

Applicant / Owner: Paul Healy (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

SUMMARY OF PLANNING COMMISSION ACTION

On November 28, 2016, the Planning Commission considered this request by several property owners to rezone 54 contiguous lots (53 single-family homes and a lot owned by the California Water Company, or "Cal Water") from R-0 to the R-0/S zoning designation to limit homes in that area to single stories. The rezoning would only affect the 54 properties included in the application area, and would prohibit future additional two-story homes.

The proposed rezoning area includes 51 Eichler homes (50 one story and 1 two story) and 2 non-Eichler two story homes. The rezoning area includes a 0.77 acre Cal Water property at 800 Carlisle Way.

Six individuals spoke in favor of the rezoning at the Planning Commission hearing. A representative of Cal Water spoke against the rezoning for their property due to concerns that it could limit their ability to expand water facilities on the site.

The Planning Commission voted 4-2 to recommend that City Council initiate an ordinance to rezone

54 lots including the Cal Water lot.

California Water Service Property

As part of the discussion at the Planning Commission meeting, the Cal Water representative noted that a rezoning to R-0/S could negatively impact the use of the property for water utility service.

Sunnyvale Municipal Code (SMC) 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.

Staff considers the impact of the R-0/S rezoning to have minimal impact on the future use of the Cal Water property. Sunnyvale Municipal Code section 19.12.030 defines building as any structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind. This means that although a building on the Cal Water site would need to adhere to the new 17 foot height limit, other types of equipment or accessory structures not meeting the definition of a building could be authorized through a use permit (SMC section 19.40.020(e)).

ALTERNATIVES

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061 (b)(3).
2. Introduce an Ordinance to Rezone 53 contiguous single family homes and a lot owned by California Water Service from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).
3. Introduce an Ordinance with modified boundaries 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) Introduce an Ordinance to Rezone 53 contiguous single family homes and a lot owned by California Water Service from R-0 (Low Density Residential) to R-0/S (Low Density Residential/Single-Story).

Prepared by: Aastha Vashist, Assistant Planner

Reviewed by: Gerri Caruso, Principal Planner

Reviewed by: Andrew Miner, Planning Officer

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. **Report to Planning Commission, November 28, 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 and Findings
6. Email from California Water Service
7. Letter from the City to property owners in proposed district

8. Letters of support to Single-Story overlay

Additional attachments for Report to Council

9. **Excerpt of Planning Commission Minutes, November 28, 2016**