



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 17-0659, Version: 1

REPORT TO CITY COUNCIL

SUBJECT

Proposed Project: Introduce an Ordinance to **REZONE** 49 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Location: 801-825 Ticonderoga Drive (Assessor's Parcel Number 202-18-003 through 202-18-006 and 202-18-046), 849-891 Ticonderoga Drive (202-21-018 through 202-21-025), 850-886 Somerset Drive (202-21-007 through 202-21-013), 1150 Revere Drive (202-20-004), 1150-1166 Shenandoah Drive (202-20-033 through 202-20-036), 1151-1157 Shenandoah Drive (202-20-031 and 202-20-032), 861-879 Somerset Drive (202-20-001 through 202-20-003), 1130-1194 Pimento Avenue (202-18-007 through 202-18-018), 1149-1167 Pimento Avenue (202-20-045 through 202-20-048), 1181-1199 Pimento Avenue (202-21-014 through 202-21-017), 1149-1161 Plum Avenue (202-18-023 through 202-18-025).

File #: 2016-7734

Existing Zoning: R-1

Applicant / Owner: Molly Kauffman (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: Gerri Caruso (408) 730-7591, gcaruso@sunnyvale.ca.gov

SUMMARY OF PLANNING COMMISSION ACTION

The Planning Commission considered this item on June 12, 2017. The Planning Commission report is Attachment 1; minutes of the Planning Commission meeting are Attachment 8.

Several members of the public spoke on the item, both in favor and opposed to the request. Some Planning Commissioners voiced concern that the proposed rezoning boundaries did not follow recognizable features as required by code. Commissioners also discussed how the rezone boundary should follow the tract boundary, which would include adding homes along Mary Avenue into the area. The Planning Commission voted to recommend to the City Council that this item be continued so that the applicant can amend the boundaries to make them more contiguous. The vote was 4-1 (four yes, one no, one absent and one recused). The Planning Commission discussed the zoning district being more similar to the subdivision boundary. A map showing the original tract boundaries and the proposed zoning district boundaries is included as Attachment 9.

The Planning Commission's intent was for the City Council to continue the rezoning to allow the applicant to go back to the neighborhood and include more properties so the District boundaries could better conform to the original tract boundary. The Planning Commission wanted to avoid

making the applicant start over with a new application and pay the fees associated with that new application.

Subsequent to the Planning Commission hearing, staff reviewed the Municipal Code and determined that a Planning Commission action is limited to either the approval or denial of the application. Despite the Commission's intent, based on the Municipal Code, the Commission's action must be considered a recommendation to deny the application by the City Council.

If the City Council agrees with the Planning Commission recommendation regarding the inadequacy of the District's boundaries, then the City Council should deny the application and the applicant would be able to determine if they wish to submit a new application with revised District boundaries. The City Council may vote to waive the fees associated with the new application; otherwise the applicant will be required to pay the fees associated with the new application.

Alternatively, the City Council could continue the item to a date uncertain (meeting the intent of the Planning Commission) and ask the applicant to submit a plan with revised boundaries. If the City Council proceeds with this action, then the applicant would be required to pay the fee only for the new homes added to the application.

Although the Planning Commission recommended the project boundaries be expanded, staff recommends that the City Council rezone 49 contiguous homes from R-1 to R-1/S as submitted by the applicant for the reasons outlined in the Recommendation section below.

Letters from the public that were received prior to the Planning Commission hearing and City Council hearing are attached (Attachment 10).

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Find the project exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15061 (b)(3).
2. Introduce an Ordinance (Attachment 6 of this report) to Rezone 49 contiguous single family home lots 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. Continue this item to a date uncertain so that the applicant can amend the boundaries to make them more contiguous (Planning Commission recommendation). Require fees for any property added to the application.
5. Deny the rezone. Allow the applicant to resubmit a new application with revised District boundaries.
6. Waive all fees associated with a new application submitted with revised District boundaries based on a Council denial of the rezone.

STAFF RECOMMENDATION

Alternatives 1 and 2: 1) Find the project exempt from the California Environmental Quality Act

(CEQA) pursuant to CEQA Guidelines Section 15305 and 15061(b)(3); and, 2) Introduce an Ordinance to Rezone 49 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

Staff recommends Alternatives 1 and 2. Although the Planning Commission recommended the rezone request be continued to compel the applicant to add more properties in the area, including homes along Mary Avenue, staff considers the applicant's proposed boundaries to be reasonable. Section 19.26.200(d)(2) of the Municipal Code requires that to the *extent feasible*, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary. The applicant has made two attempts to create a district with reasonable boundaries that help protect the single-story character of this Eichler neighborhood. The current proposal shows boundaries that end where streets bend and change names (Somerset Drive turns into Revere Drive), tract boundaries on the north (homes change from Eichlers to ranch style) and includes homes on back-to-back block faces for privacy. The boundaries also end where homes change direction and face different streets (at Mary Avenue). Some Plum Avenue homes were not included; however, they already back up to two-story townhomes surrounding the Planned Development project at the Briggs-Stelling mansion project on Springfield Terrace.

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, 17-0506, June 12, 2017 (without attachments)
2. Vicinity and Noticing Map
3. List of addresses and APNs within the proposed district
4. Applicant's letter
5. List of approved and pending SSCD applications
6. Draft Ordinance
7. Letter from City to property owners in proposed district

Additional Attachments for Report to Council

8. Excerpt of Minutes of the Planning Commission Meeting of June 12, 2017
9. Map of Tract and Proposed Zoning District Boundaries
10. Public Comment Letters