



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO PLANNING COMMISSION

SUBJECT

File #: 2017-7556

Location: 801-819 Allison Way (APNs: 323-03-023 through 323-03-026 and APNs: 323-04-034 through 323-04-036), 1315-1381 Lennox Way (APNs: 323-03-027 through 323-03-038), 804-816 Lennox Court (APNs: 323-03-039 through 323-03-042), 801-814 Blanchard Way (APNs: 323-03-043 through 323-03-045 and APNs: 323-04-025 through 323-04-027), and 801-814 Beaverton Court (APNs: 323-04-028 through 323-04-033).

Zoning: R-1

Proposed Project: Introduction of Ordinance to **REZONE** 35 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story)

Applicant / Owner: Tom Verbure (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

REPORT IN BRIEF

General Plan: Residential Low Density

Existing Site Conditions: A cohesive residential neighborhood block consisting of 35 single story homes.

Surrounding Land Uses

North: Single family homes across West Fremont Avenue

South: Single family homes

East: Single family homes

West: Single family homes, a child care center and a religious institute

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

Staff Recommendation: Planning Commission recommend to City Council: find the project exempt from CEQA; and introduce an ordinance to rezone 35 contiguous single family home lots.

BACKGROUND

The application was signed by 28 property owners (80 percent) in the 35-lot project area. As indicated on the vicinity and noticing map (Attachment 2), the project area includes Primewood Eichler neighborhood that follows tract map 4721 boundaries. The proposed district includes single family residences at Allison way, Lennox Way, Lennox Court, Blanchard Way and Beaverton Court. A list of all the properties included in the rezoning is in Attachment 3. A project description letter from the applicant is in Attachment 4.

The request is to modify the current R-1 zoning designation (Low Density Residential) by combining it

with an “S” single-story zoning designation for R-1/S. This zoning change 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.

This application represents the fourteenth (14) single-story combining district application to be considered by the City since the enabling zoning code changes became effective January 1, 2001. Attachment 5 is a list of approved and proposed single-story districts in the City and Attachment 2 includes a Citywide map of the existing and proposed SSCDs.

The City Council is scheduled to consider this item on October 17, 2017.

EXISTING POLICY

Sunnyvale Municipal Code Section 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.” Sunnyvale 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 Planning Commission holds a hearing on each rezoning and makes a recommendation to the City Council. 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.

Members of the public have questioned whether the current application process is sufficient to assure that residents understand the implications of single-story zoning. There was 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, the administrative process was modified and staff sends out a separate request to all affected property owners to indicate their interest or opposition to the rezoning request. Staff mailed a letter to each property owner asking for confirmation of their perspective of the application; as of September 1, 2017, results of the polling are:

- 24 support the rezoning
- 0 oppose the rezoning
- 1 neutral on the rezoning
- 10 no reply

There have also been requests to analyze the effect of single-story rezoning 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. Staff conducted a study session for the Planning Commission about the history and current project review process. Due to the number of single-story applications submitted in 2016 and after hearing comments made by the public at the study session, the Planning Commission ranked 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.” City Council selected and ranked this study issue for 2017 (number 3 of 5 for CDD); however, it ranked below the line for 2017.

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 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-1 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. **Criteria met**
2. The application must be signed by at least 55 percent of the property owners in the proposed district. **Criteria met**
3. The proposed district must be clearly delineated in the application and must consist of at least 20 homes. **Criteria met**
4. At least 75 percent of the homes in the proposed district must be one-story. **Criteria met**
5. To the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary. **Criteria met**

If adopted, the single-story combining district will remain in effect unless district owners initiate a similar application process to request that it be removed.

The project meets all the code requirements for a single-story combining district. The proposed application area is in a predominantly single-story R-1 neighborhood and includes more than the minimum 20 properties. There are no two story homes in the proposed district. By using the City's GIS system and County Assessor information, staff has confirmed that 28 (80 percent) of the property owners have joined this application.

Sunnyvale Municipal Code Section 19.26.200 states that to the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary. The proposed district includes two residential blocks that follow the Primewood Tract boundary. The residential properties along the Warner Avenue to the west and Bremerton Drive to the south are comprising of non-Eichler homes but are not included in the proposed district. Although the proposed district is essentially a pocket of Eichler homes surrounded by other types of homes on three sides, staff considers this to be a reasonable proposal because it will protect the unique single-story character of this cohesive group of homes.

Several lots within the proposed district are immediately adjacent to residential lots that are not included in the proposed district. These adjacent lots can potentially have a second floor. Although there could be future privacy impacts from adjacent properties SMC 19.26.200 states that the residential single-story combining district is intended to preserve and maintain single-family neighborhoods of predominantly single-story character. The proposed district protects the visual character of the streets involved.

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 and explaining that if adopted the new development standards shall only be applicable to properties located within the district and not the adjacent properties outside the proposed district (Attachment 7). 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.
- The one-story limit will apply to all proposed structures on the property, including detached structures such as garages, accessory living units, etc.

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-1 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 unless it extends more than two feet above the ground; it would then be counted towards the floor area limit.

Legal Non-Conforming Homes

- Existing legally constructed homes that exceed 45 percent FAR, 17 feet in height, or that have existing second stories will be considered legal and non-conforming if the properties are rezoned.
- Legal non-conforming homes can be maintained and repaired subject to City building permits provided the non-conformity is not increased.

Neighborhood Density

- The proposed single-story rezoning area is an R-1 single-family zone where only one dwelling units is allowed per lot. The new zoning designation will be R-1/S. The area will remain a single-family area with only one dwelling unit allowed on each lot. Accessory dwelling units (ADUs) are allowed on lots over 8,500 square feet, and must also meet the single-story limitation. There is currently a separate study on the development criteria for ADUs; the number of stories allowed would not be affected by that study.

Eichler Design Guidelines

The area proposed for rezoning is an Eichler neighborhood and is therefore subject to the adopted Sunnyvale Eichler Design Guidelines adopted by the City Council in 2009. The Guidelines are used in support of the zoning code and provide guidance when absolute standards are inappropriate. The Guidelines focus on design issues, compatibility, and privacy concerns and still allow creativity and individuality in architectural expression. Residential design review decisions in Eichler neighborhoods

must be compatible with the Guidelines.

Rezoning Impact

By rezoning the proposed district to R-1/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 the following:

- A hearing notice was placed in the Sunnyvale SUN newspaper.
- The Planning Commission agenda was posted on the City's official-notice bulletin board and the City's website.
- The agenda and staff report were made available on the City's website and in the Office of the City Clerk.
- 187 notices were sent to the project area and surrounding property owners.
- The blocks within the proposed district were posted with hearing notices.

A neighborhood meeting was held for this project on August 31, 2017 at the Sunnyvale Community Center. Three people attended the meeting.

An information letter outlining the restrictions of the single-story combining district was also sent to the property owners in the proposed district so that those who did not attend the information meetings would have complete information (Attachment 7).

ALTERNATIVES

Recommend to City Council:

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 35 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).
3. Introduce an Ordinance with modified boundaries to rezone fewer properties.
4. Deny the rezone.

STAFF RECOMMENDATION

Recommend to City Council: 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 35 contiguous single family home lots from R-1 (Low Density Residential) to R-1/S (Low Density Residential/Single-Story).

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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. *Not Used*
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