



# City of Sunnyvale

## Agenda Item

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**19-0152**

**Agenda Date: 2/26/2019**

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### **REPORT TO CITY COUNCIL**

#### **SUBJECT**

CONTINUED FROM DECEMBER 4, 2018.

Consideration of Useable Open Space in Required Front Yards: Introduce an Ordinance to Amend Section 19.37.100 (Usable Open Space Design Requirements) of Chapter 19.37 (Landscaping, Irrigation and Useable Open Space) and Section 19.12.160 ("O") of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3). (Study Issue)

#### **SUMMARY OF COMMISSION ACTION**

The Useable Open Space (UOS) Study Issue was considered by the Planning Commission on January 14, 2019. No members of the public spoke during the public hearing.

The Planning Commission voted 5-2 to recommend to the City Council in accordance with the Staff recommendation, with one modification that the Ordinance should state that allowing useable open space in the required front yard should not preclude planting of large-species trees, as such trees aid in establishing a sense of place, enhanced pedestrian shading, and noise reduction from the public street.

#### **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. Introduce an Ordinance to Amend Chapter 19.37 (Landscaping, Irrigation and Useable Open Space), including but not limited to (a) Medium, high and very high density multi-family residential zoning districts (R-3, R-4 and R-5), (b) Up to 50% of the required front yard may be counted toward the useable open space requirement, (c) Useable open space in the required front yard would not be a permitted use for a project with a front yard setback deviation or Variance, and Section 19.12.160 ("O") of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code (Attachment 3 to this report), and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
2. Introduce an Ordinance with modifications to the staff recommendation, and Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

3. Do not introduce an Ordinance and make no changes to the current standards of practice for UOS requirements.

**STAFF RECOMMENDATION**

Alternative 1: Introduce an Ordinance to Amend Chapter 19.37 (Landscaping, Irrigation and Useable Open Space), including but not limited to (a) Medium, high and very high density multi-family residential zoning districts (R-3, R-4 and R-5), (b) Up to 50% of the required front yard may be counted toward the useable open space requirement, (c) Useable open space in the required front yard would not be a permitted use for a project with a front yard setback deviation or Variance, and Section 19.12.160 ("O") of Chapter 19.12 (Definitions) of the Sunnyvale Municipal Code (Attachment 3 to this report), and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Staff recommends amending the requirement that prohibits front yard area to be counted towards the UOS requirement, without the added language from the Planning Commission recommendation. The staff recommendation provides criteria on when to allow UOS in the required front yard in specified multi-family residential zoning districts (unless provided for through an area plan, such as Downtown Specific Plan). The new regulations would simplify the permitting process by eliminating the need for deviations and additional calculations and provide clarity on when useable open space is appropriate in this area of the site.

Additionally, the staff recommendation would not adversely impact the City's efforts to maintain and preserve a good street environment for residential neighborhoods, and would continue to provide adequate amenities for residents. The elimination of the location requirement that prohibits UOS in the required front yard would also ease the challenges in meeting minimum density requirements (especially for smaller projects).

Staff is not concerned that allowing UOS in the required front yard would result in a development being "pushed back" on a property, or sited closer to adjacent buildings than currently allowed because the project would still have to comply with other applicable development standards, including the minimum setback requirements.

Although the Planning Commission included language in their recommendation on the intent of the Ordinance modifications, staff does not believe it is necessary to include the additional language because no changes to other open space, or development requirements have been made with this study issue that would preclude growth of large trees in the front yard setback area. Sunnyvale has numerous policies and programs that encourage attractive and pedestrian-friendly development and preservation of quality of life in residential neighborhoods, which promotes quality landscaping. As additional information, staff notes that trees are not typically effective noise buffers; tall, wide and dense barriers are needed to reduce or abate noise. Trees can provide a sense of place and shading.

If the City Council opts to follow the Planning Commission recommendation, staff suggests the following language be added to the Ordinance:

**Section 19.37.100 (c) Location.** Useable open space may not be located in any required front yard area for projects with a front yard setback variance or deviation. Otherwise, up to 50% of the required front yard area may be counted toward the useable open space requirements, unless, in the opinion of the city arborist, there would be insufficient front yard space to support healthy growth of a large-species tree that would otherwise be appropriate for the site.

Prepared by: Kelly Cha, Associate Planner

Reviewed by: Amber Blizinski, Principal Planner

Reviewed by: Andrew Miner, Assistant Director, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Report to Planning Commission 18-0724, January 14, 2019 (without attachments)
2. Study Issue Paper
3. Draft Ordinance
4. UOS Regulations from the Sunnyvale Municipal Code
5. Summary Table of Approved Projects with a UOS Deviation
6. Open Space and UOS Regulations from other Jurisdictions

### **Additional Attachments for Report to Council**

7. Excerpt of Minutes of the Planning Commission Meeting of January 14, 2019