



Council Meeting: January 29, 2008

SUBJECT: **2007-1048 - Fairorchard Architectural Committee**
[Applicant] **Callahan William C and Gretchen Trustee**
[Owner]: Application for 54 parcels in Tract 1910 **located between Helena Drive, Homestead Road, Wright Avenue and Cupertino Middle School** in an R-1/S (Low-Density Residential/Single Story) Zoning District. (APN: 320-15-045)

Introduction of an Ordinance Application to allow permanent status of a Single-Story Combining District.

REPORT IN BRIEF

Existing Site Conditions Single Family Residential Neighborhood

Surrounding Land Uses

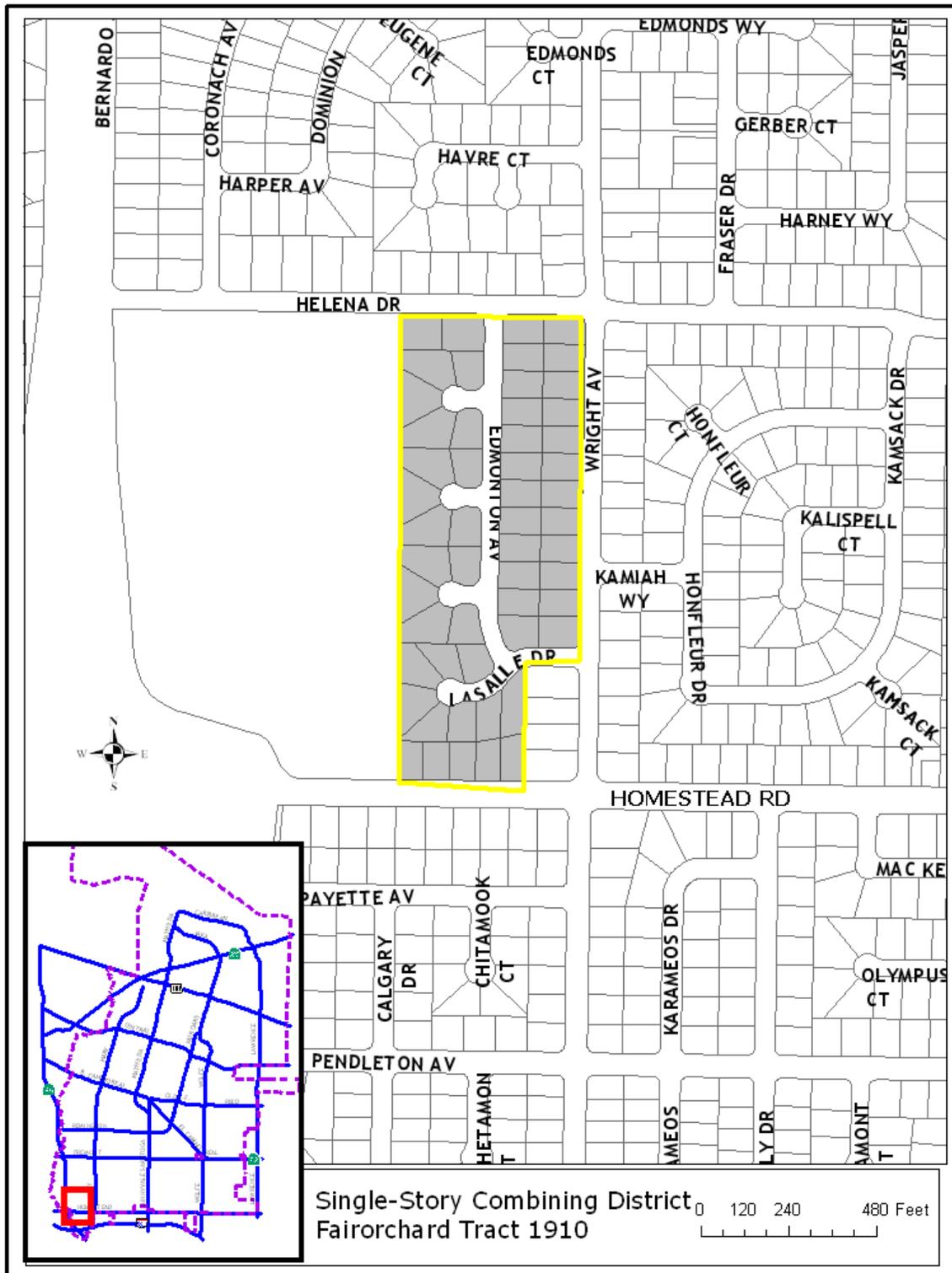
North Single Family Residential Neighborhood
South Single Family Residential Neighborhood
East Single Family Residential Neighborhood
West Middle School

Issues Appropriateness of Single-Story Combining District with restricted development standards;

Environmental Status A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Planning Commission Recommendation Approve permanent Single-Story status

Staff Recommendation Approve permanent Single-Story status



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|------------------------------|--------------------------------------|-----------------|--------------------------------|
| General Plan | Low Density Residential | Same | Same |
| Zoning District | R-1 | Same | Same |
| Lot Size (s.f.) | Varies by parcel (7,000-11,700) | Same | 8,000 min. |
| Building Height (ft.) | Varies by parcel (14-28 feet) | 17 max. | Currently 30 max. |
| No. of Stories | Varies by parcel (1 to 2 stories) | 1 story max. | Currently 2 stories max. |

ANALYSIS**Description of Proposed Project**

The subject neighborhood consists of 54 homes in Tract 1920 of the City of Sunnyvale. The neighborhood is bounded by Helena Drive on the north, Homestead Road on the south, Wright Avenue on the east and Cupertino Middle School on the west. This neighborhood was the first in Sunnyvale to request and be approved using the Single-Story Combining District tool that was created by Council in 2000.

Property owners in the subject neighborhood (69%) have requested that the Single-Story status of their neighborhood that was approved in 2001 be made permanent. This neighborhood was originally rezoned to R-1/S (Low-Density Residential/Single Story) by the City Council on July 24, 2001. Prior to a Municipal Code change in 2005, Single-Story Combining Districts were only approved for a seven year time period. The current code allows the rezoning to be permanent unless an application to remove such status is initiated by the property owners in the district. This application is a follow-up request for permanent Single-Story status prior to the seven year expiration of Council's original rezone action.

Background

In November 2000, as a result of the large home study issue, the City Council adopted changes to the Single-Family development standards in the Zoning Code. One of the adopted changes allows a neighborhood to apply for a Single-Story Combining District, which imposes building intensity and height limits upon affected properties.

The Planning Commission considered this rezoning application at a public hearing on January 14, 2007. The Commission took public testimony and heard from several project supporters and one member of the public who spoke in opposition to the rezoning. The Commission conducted minor discussion on the appropriateness of the action and recommended approval of the rezoning by a vote of 7-0. Draft minutes from that hearing are attached.

Previous Actions on the Site: Other than the previously approved rezoning to R-1/S (Low Density Residential/Single-Story) in 2001, there are no other related planning actions for this neighborhood.

Environmental Review

A Class 5 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 5 Categorical Exemptions include minor alterations in land use limitations which do not result in any change in land use or density.

Rezoning

Change under Consideration: There would be no zoning change with this application. The subject neighborhood was zoned Low Density Residential/Single-Story in 2001. This application has been made in order to be granted permanent Single-Story status where the previous action had a seven year time limit.

Objective: The intent of 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 (SMC Section 19.26.200)."* The applicants have expressed a desire to maintain the one-story character of their neighborhood and this rezoning request implements both the intent of the ordinance and the desire of at least 55% of the property owners within the proposed district as required by the Zoning Code. The rezoning request would be in effect until repealed by the City Council. The neighborhood does not need to reapply at some future date in order to maintain the single-story status.

Staff has confirmed that 69% of property owners have joined in this action to qualify the application where a minimum of 55% is required. Staff has received no letters in opposition to the rezoning.

The Zoning Code requires that the proposed district must be clearly delineated in the application and must consist of at least twenty homes. In addition, at least seventy-five percent of the homes in the proposed district must be one-

story. To the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary. Staff has found that the proposed boundaries of the district of 54 properties are reasonable and follow the City's street pattern and tract boundaries. At least seventy-five percent of the homes in the proposed district are one-story.

Compliance with Development Standards/Guidelines:

For sites within the single-story combining district, the following development regulations shall apply in lieu of the otherwise applicable site development regulations:

- (1) The maximum height shall be seventeen feet.
- (2) There shall be a limit of one habitable floor. Habitable floors include lofts, mezzanines and similar areas but exclude basements.
- (3) The maximum floor area ratio (FAR) shall be forty-five percent.

All setback regulations for each zoning district will remain as per the Zoning Code. Existing two-story homes would not be allowed to expand on the second story, but could increase FAR up to 45% with first story additions.

Expected Impact on the Surroundings: No impacts are expected to properties surrounding the proposed district. Properties within the district would be restricted to height restrictions and development standards as previously discussed.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The Planning Commission considered this rezoning application at a public hearing on January 14, 2007. The Commission took public testimony and heard from several project supporters and one member of the public who spoke in opposition to the rezoning. The Commission conducted minor discussion on the appropriateness of the action and recommended approval of the rezoning by a vote of 7-0. Draft minutes from that hearing are attached.

| Notice of Negative Declaration and Public Hearing | Staff Report | Agenda |
|---|--|--|
| <ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 142 notices mailed to the property owners and residents within 300 ft. of the project site | <ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website |

After notices were mailed to properties in and around the rezoning site, staff received two phone calls asking for clarity on what the rezoning meant and one inquiry from a two-story home owner in the neighborhood about development limits on their home.

Conclusion

Discussion:

As previously discussed, the purpose of the Single-Story combining district is 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 (SMC Section 19.26.200)*”. The code goes on to state that the Single-Story combining district may be established at the discretion of the City Council, that is to say that just because the required majority of property owners in an area request district status, the Council determines when the Single-Story status is appropriate.

Staff finds that the purpose of the Single-Story Combining District is met with this application. The neighborhood has met the application requirements by providing adequate property owner signatures and the proposed boundaries for the district are reasonable and follow streets and tract boundaries. The district has existed for seven years with no detrimental effect on the area.

Findings: Staff was able to make the required Findings. Findings are located in Attachment A. Staff recommends that Council approve the Single-Story rezoning as proposed by the applicant and recommended by the Planning Commission.

Alternatives

1. Approve the rezoning to apply the Single-Story combining district as proposed by the applicant and recommended by the Planning Commission.
2. Deny the rezoning.

Recommendation

Alternative 1.

Reviewed by:

Hanson Hom, Director, Community Development

Prepared by: Gerri Caruso, Principal Planner

Reviewed by: Trudi Ryan, Planning Officer

Approved by:

Amy Chan

City Manager

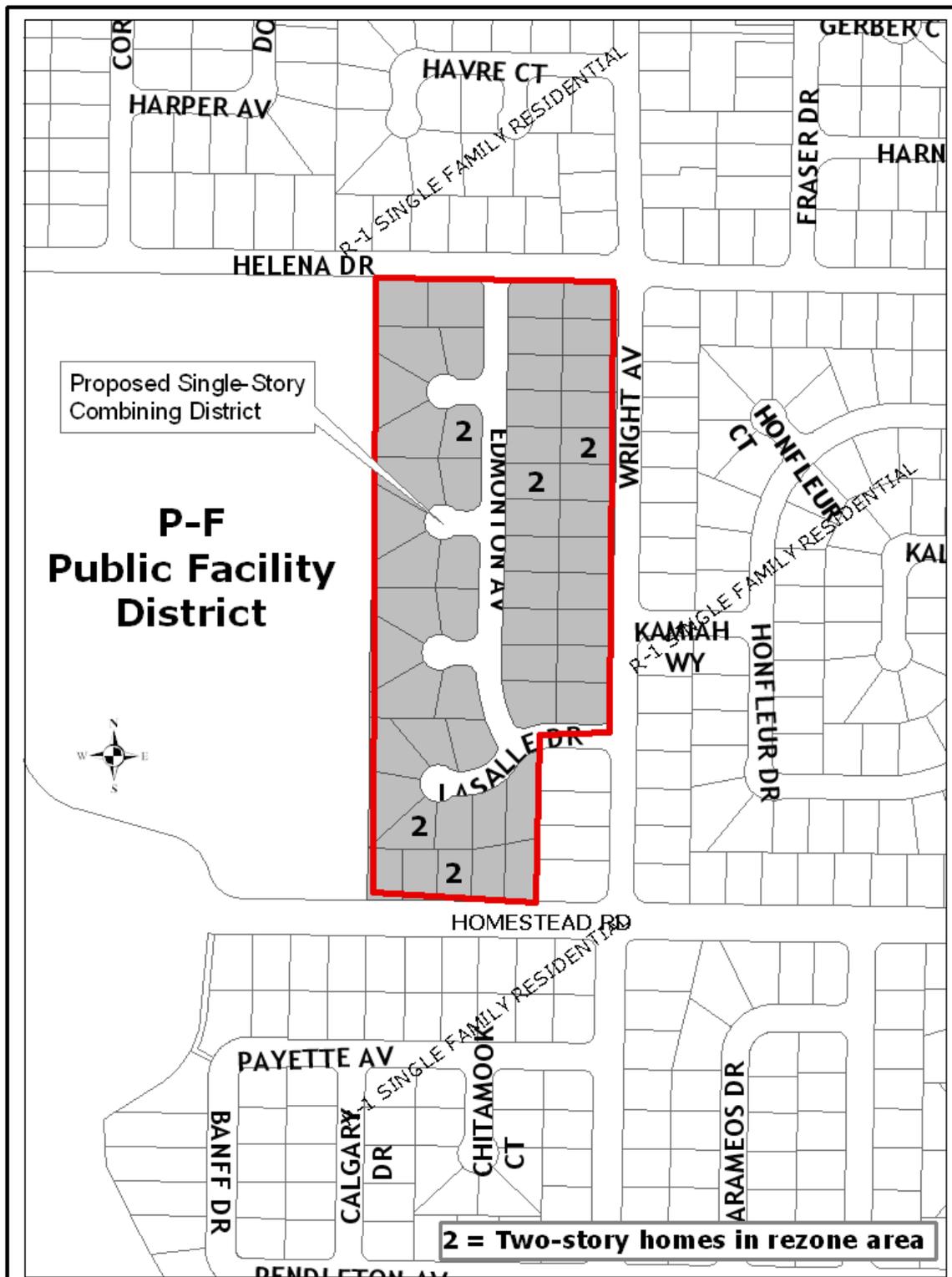
Attachments:

- A. Recommended Findings
- B. Map of two story homes in the rezoning area
- C. Draft Rezoning Ordinance
- D. Draft minutes from Planning Commission hearing 1/14/08

Recommended Findings

Findings Rezoning: The City Council may approve an amendment to the precise zoning plan upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest.

The proposed rezoning for use of the Single-Story combining district, as proposed by the applicant, is in the public interest as it would achieve preservation of a predominantly single-story residential neighborhood where the property owners in the proposed district desire a single-story character.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE 54 PARCELS IN SUBDIVISION TRACT 1910 FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-1/S (LOW DENSITY RESIDENTIAL/SINGLE-STORY COMBINING) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code), hereby is amended in order to include certain properties within the R-1/S (LOW DENSITY RESIDENTIAL/SINGLE-STORY COMBINING) ZONING DISTRICT which properties are presently zoned R-1 (LOW DENSITY RESIDENTIAL) ZONING DISTRICT. The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA EXEMPTION. The City Council hereby determines that this action is exempt from California Environmental Quality Act provisions. A Class 5 Categorical Exemption relieves this project and includes minor alterations in land use limitations which do not result in any change in land use or density.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2008, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

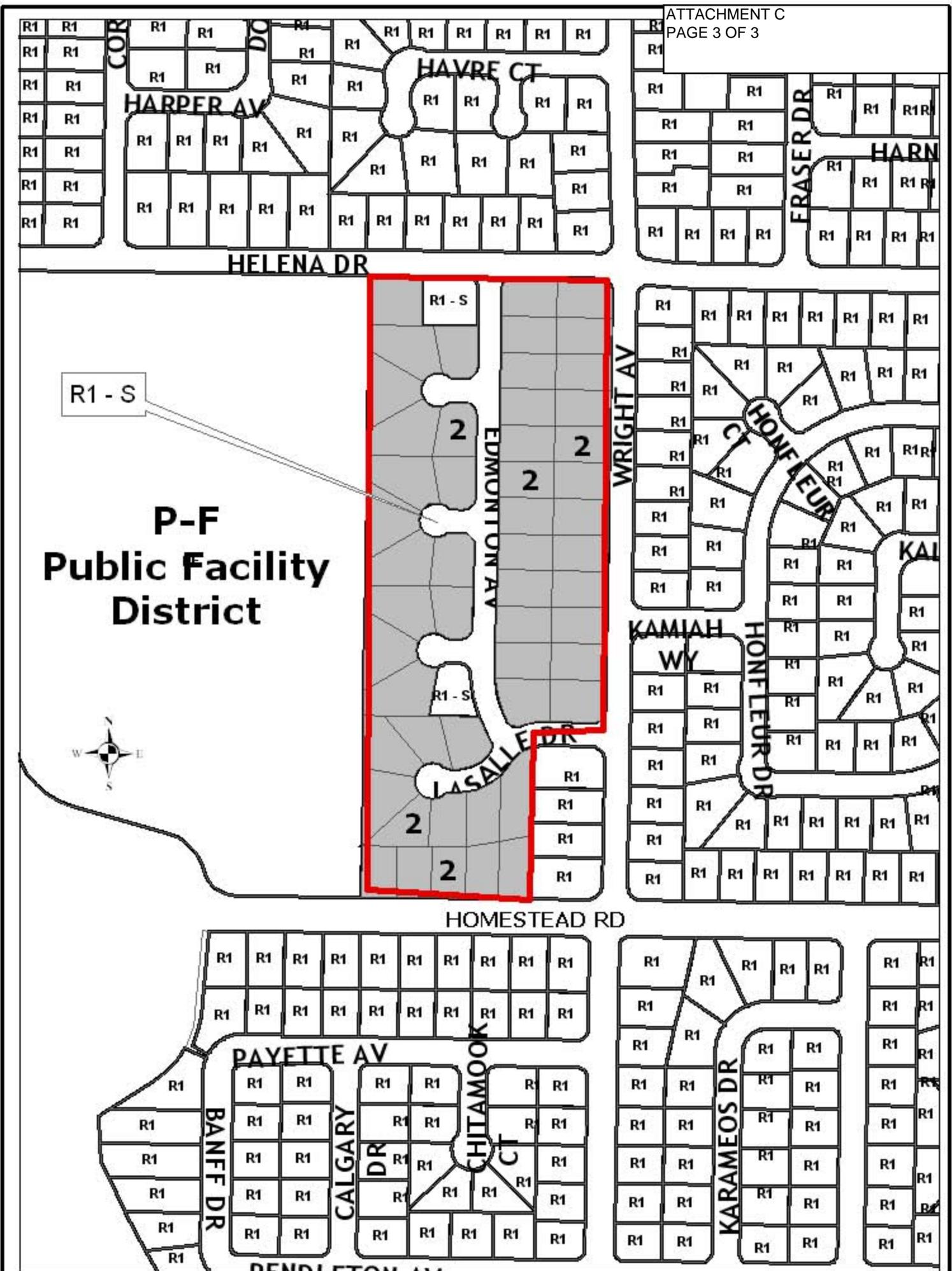
APPROVED:

City Clerk
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney



R1 - S

P-F
Public Facility
District



PLANNING COMMISSION MINUTES OF JANUARY 14, 2008

2007-1048 - Fairorchard Architectural Committee [Applicant] Callahan William C and Gretchen Trustee [Owner]: Application to allow permanent status for a Single-Story Combining District for 54 parcels in Tract 1910 located between Helena Drive, Homestead Road, Wright Avenue and Cupertino Middle School in an R-1/S (Low-Density Residential/Single Story) Zoning District. (APN: 320-15-045) GC

Gerri Caruso, Principal Planner, presented the staff report. She said staff recommends approval of this application.

Comm. Simons discussed with staff the height limit for the homes in this neighborhood considering that some single-story Eichler roof styles within the City are peaked higher than the 17-foot maximum for the proposed district. **Trudi Ryan**, Planning Officer, discussed various scenarios regarding roof height limits in relation to Eichler homes and this neighborhood. She commented that there is a potential Study Issue going before Council for consideration at the upcoming Study Issue Workshop on January 25, 2008 regarding the possible modification of the definition of "story" which could possibly increase the height allowed per story. She said that there is another Study Issue that is pending this year regarding the development of guidelines for Eichler homes. Ms. Ryan added that the Eichler homes in the neighborhood being discussed this evening do not include the style that has a roof height in excess of 17 feet.

Chair Sulser referred to Attachment C, page 3 and asked why the four homes on the map directly adjacent to this proposed neighborhood are not a part of the application tonight. Ms. Ryan said the four homes were not a part of the original subdivision.

Chair Sulser opened the public hearing.

Bill Callahan, applicant, said he is pleased to present this application to make this a permanent single-story neighborhood in an effort that started eight years ago to protect the neighborhood from huge houses being built. He said in 2001 there was a lot of trepidation regarding this zoning which resulted in this seven-year sunset clause. He said after the application approval with the sunset clause, the rules changed and neighborhoods obtaining this designation would permanently retain the designation until a neighborhood decided, with a minimum of 55% support, to repeal the designation. He said in the re-canvassing of this neighborhood that they obtained signatures that provide them with 69% supporting the application.

Wilma Anderson, a resident of Sunnyvale and the proposed neighborhood, spoke in support of the application. She said this designation for their neighborhood has been going on for a long time. She said the neighbors have put in a lot of time, effort and money. She said it is time to get this matter settled.

Denise Biggs, a resident of Sunnyvale and the proposed neighborhood, spoke against this application. She said it prevents her from making improvements on her home. She said that she was not polled for the petition for the current application. She said with the first application made about seven years ago that there was a lot of intimidation from those canvassing the neighborhood. She said she did sign the original petition. She said she is opposed to this being a permanent designation and feels that it could affect the value of the homes in the neighborhood.

Lou Wirtz, a resident of Sunnyvale and the proposed neighborhood, spoke in support of the application. He said he was one of the people who collected signatures for the petition for this current application and does not feel he intimidated anyone. He said they did not reach everyone in the neighborhood and said he tried to reach someone at Ms. Biggs' home. He said there were some homes they could not reach and they tried to give everyone a chance. He said they were able to reach 70-85% of the homes. He said they are trying to protect the neighborhood from having any additional monster homes built in the neighborhood. He said he tried to be respectful of anyone that did not sign the petition.

Vice Chair Rowe asked Mr. Wirtz if there were any neighborhood meetings. Mr. Wirtz said there were no neighborhood meetings held for this application or the previous application and that information was provided while canvassing the neighborhood. He said he did try to make it clear this time while canvassing that this application would make the designation permanent until the majority of the neighborhood desired the designation change. Vice Chair Rowe confirmed with Mr. Wirtz that the 31% of the neighborhood that did not sign the petition were made up of neighbors that were either not home at the time of the canvassing or said no to signing the petition.

Mr. Callahan said with the current application that he and Mr. Wirtz were the only two people who collected signatures and they tried to canvas every house. He said he went out seven different times at different times of the day and different days of the week. He said he had two refusals out of all the houses he reached. He said he does not feel he and Mr. Wirtz were intimidating. He said with the original application several years ago that possibly some of the canvassers were more aggressive. He said he does not know of any other fair way to handle this issue other than by majority and he feels like they have accomplished this.

Chair Sulser closed the public hearing.

Comm. Babcock moved to approve the rezoning to apply the Single-Story combining district as proposed by the applicant. Comm. Simons seconded the motion.

Comm. Babcock commended the neighborhood for sticking with the process and helping the City develop the process over the past few years. She said many other neighborhoods in the City are benefiting from the work that the neighbors in this neighborhood did.

Comm. Simons commented that it is hard to believe that it has already been seven years since this zoning was designated for this neighborhood. He discussed the architectural uniqueness of the Eichler neighborhoods recognizing the concerns related to privacy and the ability to expand the size of the homes, commenting that basements are a good solution when more space is desired. He said that many people find the Eichler-style living extremely desirable with the single-story, indoor/outdoor living style in mind and when someone wants to change a home in one of these neighborhoods it makes a big impact on the neighbors. He said he highly supports this project.

Vice Chair Rowe referred to a speaker's comments and said that if the neighborhood starts changing and there are more requests to allow two-story homes that the designation of Single-Story combining district can be repealed. She said she likes this zoning designation as it imposes building intensity and height limits and said she can see why neighbors want to protect this neighborhood.

ACTION: Comm. Babcock made a motion on 2007-1048 to approve the rezoning to apply the Single-Story combining district as proposed by the applicant. Comm. Simons seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action of the Planning Commission will be forwarded to the City Council as a recommendation and is scheduled to be heard by City Council at the January 29, 2008 meeting.