**Council Meeting: August 19, 2008**

**SUBJECT: 2007-0764 – Consideration of Changes to Single-Family Home Development Standards and Accessory Utility Building Standards (Study Issue)**

## REPORT IN BRIEF

This study issue arose from two concerns expressed by residents: large single-family homes which conform to all City zoning standards but may not be in character with the surrounding neighborhood, and tall sheds which are visible from the public street. To determine the extent of the concern and identify potential tools to address the issues, staff conducted public outreach and reviewed City standards in Sunnyvale and other neighboring jurisdictions.

Staff identified the following as the community's primary issues related to single-family home development standards: compatibility with surrounding development, the need to encourage property improvements, the 20% addition rule for Design Reviews, public notification for new and remodeled homes, and appeal rights. For accessory utility buildings, the community's primary issues were the many types of structures included in the definition of accessory utility buildings; the size, height, and location of these structures; and their visibility from the public street.

Staff has developed over 40 potential tools to address the above concerns. Individual tools are analyzed in detail in Attachments H and M. The key modifications recommended by staff are identified below. Attachments I and N provide a complete list of staff's recommendations for each issue.

### SINGLE-FAMILY HOME DEVELOPMENT STANDARDS

- Reduce the gross floor area threshold for requiring public hearing review
- Modify the Single-Family Home Design Techniques
- Modify the application requirements for Design Review
- Expand the notification radius for Design Reviews requiring public notices
- Allow appeal of all two-story homes by notified property owners
- Expand the types of changes requiring Design Review to include any significant exterior modification (windows, doors, roofs, entry features, etc.)

### ACCESSORY UTILITY BUILDING STANDARDS

- Establish five categories of "accessory structures" including detached habitable spaces, detached permanent garages and carports, accessory utility buildings, open garden features, and open play equipment
- Establish separate requirements for each type of accessory structure
- Reduce the permitted height of accessory structures
- Modify the setbacks and permit process for accessory structures

## BACKGROUND

On December 15, 2006, the City Council considered a potential Study Issue on Single-Family Home Development Standards including a review of the standards for accessory utility buildings (CDD-47). This study ranked number four on the Community Development Department Study Calendar for 2007.

The Single-Family Home Development Standards study issue arose from two concerns expressed by residents: new or modified single-family homes which conform to all City zoning standards but may not be in character with the surrounding neighborhood, and tall sheds which are visible from the public street. The purpose of this study is to determine the extent of the concern and identify possible tools to address issues associated with new and expanded homes and the size and placement of accessory utility buildings such as sheds.

The two issues of single-family home development standards and accessory utility building standards are largely unrelated, although they both pertain to single-family properties. For the sake of clarity, this report addresses the two issues separately.

*Policy Background: Single-Family Home Development Standards*

The City has been addressing design issues since 1990, when the City Council approved the Community Design Sub-Element. In 1992, the City Council adopted the City-Wide Design Guidelines and created a formal Design Review process to implement the goals and policies of the Community-Design Sub-Element. Prior to 1992, only dimensional zoning criteria such as height and setbacks were reviewed. In 2000, the City Council initiated a Study Issue to consider specific design and development standards for single-family homes (RTC# 00-387). That study resulted in the City's existing policies and standards for single-family development, including the current Design Review requirements, thresholds for public hearing, notification procedures, and appeal rights. That study also established a new single-story combining zoning district and directed staff to prepare the Single-Family Home Design Techniques, a set of design guidelines for new and remodeled single-family homes. The Single-Family Home Design Techniques were adopted by the City Council in December of 2002 (RTC# 02-496) and took effect on January 13, 2003. These guidelines direct staff, the Planning Commission, the City Council, and property owners (and their designers) in addressing issues of height, bulk, architecture, and neighborhood compatibility. These are the same issues addressed by Architectural Review Boards in other cities.

*Policy Background: Accessory Utility Building Standards*

The City has been regulating accessory utility buildings in single-family zoning districts since 1985 (Ordinance #2160-85). At that time, a single accessory utility building could be constructed on a residential lot without permits, provided it did not exceed 30 square feet in area, was fully screened from view, and did not have electrical power service, heating, or cooling. Staff-level permits were required for larger accessory utility buildings up to 400 square feet in area, as well as to allow multiple accessory utility buildings on a single lot. Use Permits with a public hearing were required for accessory utility

buildings greater than 400 square feet in area. In 1991, the City Council approved several modifications to these standards (Ordinances #2359-91 and #2379-91), including establishing a detailed definition of accessory utility buildings. In 1999, the City Council revised the regulations to be generally the same as what is in use today (Ordinance #2623-99). Accessory utility buildings are divided into four categories: buildings attached to the house, detached buildings with an area of 120 square feet or less, detached buildings with an area greater than 120 square feet but no more than 450 square feet, and detached buildings with an area greater than 450 square feet. Minor modifications to the Code were approved in 2000 to allow electrical service to accessory utility buildings (Ordinance #2643-00) and to specify that garages and carports are exempt from the prohibition against placing accessory utility buildings between the face of a building and the street (Ordinance #2649-00).

## EXISTING POLICY

### General Plan Goals and Policies

### Land Use and Transportation Element

**Goal C1:** Preserve and enhance an attractive community, with a positive image and sense of place, that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

Policy C1.1: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

**Goal C2:** Ensure ownership and rental housing options in terms of style, size, and density that are appropriate and contribute positively to the surrounding area.

Policy C2.1: Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.

*Action Statement C2.1.3*: Promote the maintenance and rehabilitation of existing housing.

Policy C2.3: Maintain lower density residential development areas where feasible.

*Action Statement C2.3.2*: Promote and preserve single-family detached housing where appropriate and in existing single-family neighborhoods.

**Goal N1:** Preserve and enhance the quality character of Sunnyvale's industrial, commercial, and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

Policy N1.1: Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Policy N1.2: Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.

*Action Statement N1.2.1*: Integrate new development and redevelopment into existing neighborhoods.

*Action Statement N1.2.2:* Utilize adopted City design guidelines to achieve compatible architecture and scale for renovation and new development in Sunnyvale's neighborhoods.

Policy N1.4: Preserve and enhance the high quality character of residential neighborhoods.

**Housing and Community Revitalization Sub-Element**

**Goal C:** Ensure a high quality living and working environment

Policy C.7: Plan for the future impacts of Sunnyvale's aging housing supply.

**Goal D:** Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.

Policy D.3: Encourage construction of units that meet the needs of large families.

*Action Statement D.3.a:* Evaluate residential development in view of the needs of families requiring three or more bedrooms and ask for three or more bedrooms when the site is suitable.

**Goal G:** Provide equal opportunity for housing for all people regardless of their ethnicity, race, religion, marital status, disability, gender, sexual orientation or age.

Policy G.4: Assist people with disabilities to remain in their homes by retrofitting residences for greater accessibility.

**Community Design Sub-Element**

**Goal A:** Promote Sunnyvale's image by maintaining, enhancing, and creating physical features which distinguish Sunnyvale from surrounding communities and by preserving historic buildings, special districts and residential neighborhoods which make the City unique.

Policy A.2: Ensure that new development is compatible with the character of special districts and residential neighborhoods.

*Action Statement A.2.b:* Continue to maintain and develop zoning standards which preserve the quality of residential neighborhoods.

*Action Statement A.2.c:* Continue to encourage infill development or redevelopment which is compatible with the use, density, setbacks, height and, where possible, the predominant building style and size of the surrounding district or neighborhood.

## Zoning Code Requirements

### Single-Family Home Development Standards

The City has five zoning districts for single-family development (R-0, R-1, R-1.5, R-1.7/PD, and R-2), each with specific regulations regarding permitted setbacks, lot coverage, and Floor Area Ratio. The standards for R-0 and R-1 are very similar, differing only in side yard setbacks and minimum lot size. The R-1.5 and R-1.7/PD Zoning Districts are intended for small-lot, small home single-family development and include a maximum floor area ratio of 50%. The R-2 Zoning District is intended for duplexes on smaller lots but has many single-family homes, which are allowed by right on legal lots. The City's current development standards for single-family zoning districts are summarized in Attachment E.

The Sunnyvale Municipal Code requires all new homes and all single-family additions greater than 20% of the area of the existing house to be evaluated through the Design Review process. Most Design Reviews are conducted at the staff level without a public hearing. Planning Commission public hearings are required for applications in the R-0, R-1, and R-2 Zoning Districts requesting a Floor Area Ratio exceeding 45% or a gross floor area exceeding 4,050 square feet (Major Design Reviews). A description of the process and timelines for Administrative and Major Design Reviews is available in Attachment E.

### Accessory Utility Building Standards

The Sunnyvale Municipal Code defines an accessory utility building as:

> A detached, subordinate structure, with or without a foundation, the use of which is incidental to that of the main building on the same lot or to the use of the land, which is or has been designed for, devoted, or intended for use as a garage, carport, workshop, greenhouse, gazebo, animal shelter, playhouse, tool shed, storage shed, or other similar use but does not include structures designed for, devoted to, or intended for human occupancy. (SMC 19.12.020)

The size and location of accessory utility buildings are regulated by SMC chapter 19.40. Staff applies this section to most types of accessory structures including sheds, gazebos, greenhouses, playhouses, and detached garages and carports, but not accessory living units as defined in 19.68.040. The City's current regulations divide accessory utility buildings into four categories based on size and height, each with slightly different regulations. Accessory utility buildings which meet all applicable standards do not require planning permits, unless otherwise noted. The City's current regulations related to accessory utility buildings are summarized in Attachment K.

Permit requirements for accessory utility buildings vary. Smaller structures generally do not require Planning permits, while slightly larger structures require staff-level Miscellaneous Plan Permits. Use Permits with a public hearing and/or Variances with a public hearing are required for the largest structures. A description of the process and time lines for various accessory utility buildings is available in Attachment K. Building permits are also required for structures greater than 120 square feet in area.

## DISCUSSION – SINGLE-FAMILY HOME DEVELOPMENT STANDARDS

### Introduction to Issue

Approximately 39% of the residential units in Sunnyvale are detached single-family homes. More than 85% of these single-family homes are currently at least 40 years old. As a result, there is increasing pressure on the existing housing stock to be remodeled or reconstructed to meet current housing preferences and design styles, as well as to increase property values. Housing trends over the last 60 years appear to indicate a desire for larger homes. Homeowners also desire contemporary design styles that are significantly different than the prevailing styles of the 1950s and 1960s housing boom, during which much of Sunnyvale's existing single-family housing stock was constructed (see Attachment D for details).

The high demand for renovated homes is seen in the increasing number of Design Review applications received in recent years. In 1999 staff received approximately 65 Design Reviews, while in 2007 staff received more than 150. This number is expected to continue to increase as property values continue to rise and the City's housing stock ages. Current renovations and additions typically include higher ceilings, taller rooflines, bolder entry features, and larger second-story components. The demand for increased size and contemporary architecture has resulted in concerns about the compatibility of new and remodeled homes with existing homes in the surrounding neighborhood. Although some residents of the City's older housing units desire remodeling, others wish to maintain the character of their neighborhoods by retaining existing home size, scale, and mass.

The City's design standards are used by staff to review projects and are also used by homeowners, architects, and designers to develop plans for proposed homes. These standards are based in both the Zoning Code and the Single-Family Home Design Techniques. Concerns about the effect of new construction and remodeling of homes on neighborhoods have increased the interest in reviewing these standards and procedures to ensure that the City's design tools are effective and match the goals of the community.

### Concerns

Listed below are several concerns related to zoning requirements, design criteria, application materials, and the decision-making process for single-family home development. Some of these concerns have become clear due to Planning staff and homeowner experience with recent applications. Other concerns arose from the public outreach held for this Study Issue. The following are the primary concerns related to single-family home development:

*Compatibility with Surrounding Neighborhood*

The increased size and contemporary architecture of many new and remodeled homes have raised concerns about compatibility with existing homes in the surrounding neighborhood. Many newer homes may appear tall and bulky compared to their older counterparts (see Attachment G for illustration). Floor area, plate height, foundation height, and architectural style can all influence the appearance of size and bulk. Some residents of older homes in the City

wish to maintain the existing character of their neighborhoods and are concerned that newer, larger homes would negatively impact that character.

*Encouraging Property Improvements*

The City of Sunnyvale encourages rehabilitation of existing housing. Current regulations are intended to simplify the process of improving properties by reducing excessive restrictions or lengthy review processes which may discourage homeowners from investing in improvements. The interest in upgrading existing properties is likely to increase as Sunnyvale's housing stock ages. Requiring homeowners to match the size and style of older homes may discourage them from making investments in remodeling. While some neighborhoods have a higher expectation of preserving existing character, other neighborhoods prefer to see reinvestment and change.

Improving ADA accessibility is also desirable for many homeowners as the City's population ages. These ADA improvements may conflict with established zoning standards, and the City may require Variance applications to review modified standards for the proposed improvements.

*20% Rule for Design Review Authority*

Under SMC 19.80.030, discretionary Design Review is required only for projects which result in the addition of 20% or more to the gross floor area of the existing home. Single-family home additions and modifications which do not add 20% or more to the home are exempt from review and can apply for a Building Permit without a separate Planning permit. This exemption does not allow Planning staff to apply the Single-Family Home Design Techniques to these projects. While this exemption is intended to provide permit streamlining for minor modifications, there may be an unintended consequence of allowing significant changes to the appearance of a home without any review of the design. For example, under the current standards, a homeowner could add a significant number of windows or doors, or modify the entryway to include a tall entry arch, without triggering a Design Review requirement. Staff has traditionally applied Design Review when there is a significant change in the roof material or pitch of the roof, or where the height of the home is being increased by raising the roof, as these changes affect 100% of the home. However, this interpretation has been challenged by some property owners, as the code language identifies the addition of floor area as the trigger for Design Review.

*Public Notification*

Given increasing concerns about home size and neighborhood compatibility, some residents have shown an interest in becoming more involved in the review process for new and remodeled homes in their neighborhoods. Currently, adjacent property owners are notified of Major Design Reviews requiring a public hearing, as well as staff-level Design Reviews for two-story homes and two-story additions. Public notification for other types of projects is not currently provided, although some members of the community have expressed interest in requiring a wider notification radius for proposed projects. From 2003 to 2004, the City provided wider notification for a broader range of single-family projects; however, this process was costly, and few residents took

advantage of the notification to provide comments. Those who did comment frequently appeared to be motivated by personal conflicts instead of specific concerns regarding project design. As a result, the City Council opted to modify the public notification requirements (RTCs #02-455 and 04-450).

*Appeal Rights*

Currently, staff-level Design Reviews may only be appealed by the applicant to the Planning Commission, whose decision is final. Major Design Reviews requiring Planning Commission review may be appealed to the City Council by the applicant and by adjacent property owners, but not by other members of the community.

Given current notification procedures, neighbors of a project may be notified of the proposal and may provide comments, but may not be able to appeal the decision. Several residents have complained of this situation. Staff considers any public comments when reviewing these applications and requires modifications to the design to resolve issues and concerns that are addressed in the Single-Family Home Design Techniques (typically privacy and bulk issues). The neighbor is not notified of these changes.

**Options**

Options to address the above concerns are numerous and varied. Listed below are the key options staff has identified to address the community's concerns. These options were developed through research on the development process in other cities, response from the public, and staff experiences. A detailed description and analysis of each option is presented in Attachment H.

*A. Height-Related Zoning Standards*

1. Reduce overall height limit for homes
2. Add a height limit for one-story homes
3. Add height limits for wall plates and/or finished floors

*B. Bulk-Related Zoning Standards*

1. Adopt a "second-floor equivalent" for high-ceilings
2. Lower the FAR threshold for public hearing
3. Lower the gross floor area threshold for public hearing

*C. Setback-Related Zoning Standards*

1. Modify side yard setbacks for second stories
2. Adopt a "daylight plane" requirement
3. Modify setbacks to be based on lot size or lot width:

- Categories by width: e.g. less than 55 feet; 55 to 80 feet; greater than 80 feet
- Categories by lot area: e.g. less than 6,000 sq. ft.; 6,000 to 7,999 sq. ft.; 8,000 to 9,999 sq. ft.; 10,000 sq. ft. or greater
- Proportional: percentage of lot width or lot size

*D. Amend Single-Family Home Design Techniques to include guidelines for:*

1. Height and design of one-story homes
2. Width of second story relative to width of first story
3. Wall plate heights and/or finished floor heights
4. "Shed roof" elements
5. Second-story windows

*E. Additional Application Submittal Requirements*

1. Require certified elevation data
2. Require "streetscape" elevations including adjacent properties
3. Require a property line survey
4. Require street and sidewalk locations to be shown on plans

*F. Modified Review Process*

1. Require Design Review for any significant modification

*G. Modified Neighbor Notification*

1. Expanded notification
   a) 100 feet
   b) Entire block
   c) Single-story Design Reviews
2. Post streetscape elevation on-site on larger notice boards
3. Post plans on City Web site
4. Require "story poles" for new homes and additions

*H. Modified Appeal Rights*

1. Allow appeal of all staff-level projects
   a) By any party
   b) By adjacent property owners only

2. Allow appeal of two-story homes
    a) By any party
    b) By adjacent property owners only

### Findings from Neighboring Cities

Zoning and design review standards were reviewed for seven nearby jurisdictions. A comparison table is provided in Attachment F; however, direct comparison of the various standards is not always possible due to the variety of ways that cities and counties have chosen to regulate single-family homes. Each of the tools and options discussed above are used in some form in one or more of the communities (see Attachment F). In the past, Sunnyvale has tried to balance simplicity of regulations with addressing unique circumstances. Other communities may have stressed other priorities and design concerns.

## DISCUSSION – ACCESSORY UTILITY BUILDING STANDARDS

### Introduction to Issue

The Sunnyvale Municipal Code defines an accessory utility building as a detached subordinate structure which is not for human habitation. The definition explicitly includes garages, carports, workshops, greenhouses, gazebos, animal shelters, playhouses, and sheds (either stick-built or pre-manufactured). The language also implicitly includes any non-habitable accessory structure, including landscape features such as arbors and trellises.

In 2006 and 2007, staff received 17 Miscellaneous Plan Permit applications for accessory utility buildings each year. In 2007, five of these were related to Neighborhood Preservation enforcement actions. No Use Permit applications were received for accessory utility buildings in 2007, but one Use Permit application was processed in 2006. In 2006 and 2007, staff processed one Variance application for accessory utility buildings in each year. Staff has already received two Variance applications for accessory utility buildings in 2008 (a trapeze with a height of 25 feet, and a plant shade structure located in the front yard).

The current zoning standards for accessory utility buildings were developed with the goal of allowing utility structures which the community had already acknowledged as acceptable. Changing community standards have resulted in some residents calling for additional regulation. At the same time, other residents are not aware that permits are required for many accessory utility buildings. Community concerns about accessory utility buildings include size, height, design, visibility from the street and neighboring properties, and the types of uses being conducted in accessory buildings. There is also concern that the current definition of accessory utility buildings is overly broad and is challenging to understand and apply. Amendments to the Zoning Code would be needed to address these issues.

## Concerns

Listed below are several concerns related to accessory utility buildings, including permit requirements, process, and visual impact. Some of these concerns arose from Planning staff and homeowner experience with recent applications. Others arose from the public outreach held for this Study Issue.

*Types of Accessory Utility Buildings*

The current definition of accessory utility buildings is very broad and encompasses nearly all subordinate structures that are not intended for human habitation, including large structures such as garages and carports and small landscape features with no floor area such as trellises. It is challenging to establish a single set of regulations to reasonably address all of these structures. Staff has encountered unusual structures not listed in the current definition of accessory utility buildings, such as plant shades, swing sets, and trapezes. The existing accessory utility building requirements do not clearly address these unusual structures.

*Size, Height, and Location*

The maximum permitted height for accessory utility buildings is 15 feet (depending on location). This height limit was established in part to allow the construction of garages and carports of a reasonable size. However, accessory structures such as storage sheds with a height of 15 feet may have a negative visual impact on the property and surrounding neighborhood. Setback requirements for accessory utility buildings are generally the same as for main structures in the Zoning District. However, accessory utility buildings which are 6 feet 6 inches in height or less and 120 square feet in area or less do not require any setback from property lines. Except for garages and carports, accessory utility buildings may not be located between the face of the main building and the street.

*Visibility from the Public Street*

Accessory utility buildings that are visible from the public street can have a significant visual impact on the streetscape. This is especially true of accessory utility buildings located on corner lots. The current regulations require accessory utility buildings on corner lots to be screened to the highest point only when they are 6 feet 6 inches in height or less and 120 square feet in area or less. This is because such buildings do not require any setbacks. Current regulations do not require larger and taller accessory utility buildings on corner lots to be fully screened. Structures over 120 square feet in area must be compatible in appearance with the main structure.

## Options

Options to address the above concerns are numerous and varied. Listed below are the key options staff has identified to address the community's concerns. These options were developed through research on the requirements in other cities, response from the public, and staff experiences. A detailed description and analysis of each option is presented in Attachment M.

*A. Modified Definitions*

1. Identify several types of "accessory structures" in SMC 19.40
    - Detached habitable spaces including accessory living units
    - Detached permanent garages and carports
    - Non-habitable accessory utility buildings (sheds)
    - Open garden features (arbors, trellises)
    - Open play equipment (swing sets, trampolines)

*B. Height-Related Zoning Standards*

1. Reduce height limit for accessory structures
2. Tailor height limit to available pre-fabricated sheds
3. Add a height limit for attached accessory utility buildings

*C. Setback-Related Zoning Standards*

1. Increase setbacks for accessory structures
2. Require proportional rear setbacks tied to height
3. Require setbacks to be measured from location of roof peak, not wall

*D. Visibility-Related Zoning Standards*

1. Require screening:
    a) For all accessory structures
    b) For reducible front yard of corner lot only
    c) To prevent viewing from the street and from neighboring properties
    d) To prevent viewing from the street only
2. Allow accessory structures between the side face of building and street if fully screened

*E. Use-Related Zoning Standards*

1. No human habitation of accessory structures except "detached habitable"

*F. Modified Permit Requirements*

1. Require Planning permits for fewer or no accessory structures
2. Require Planning permits for all accessory structures

*G. Modified Neighbor Notification*

1. Require public notification for all accessory structures
    a) Adjacent property owners
    b) Expanded area (100 feet)

2. Require public notification only for large/tall structures
   a) Adjacent property owners
   b) Expanded area (100 feet)

## FISCAL IMPACT

The tables below contain the expected annual fiscal impacts as recommended by staff and the Planning Commission. Fiscal impacts for many of the tools will vary depending on the specific thresholds adopted by the City Council. In addition, the fiscal impacts of each tool will vary based on the number of applications received in a given year. Staff has prepared the attached estimates based on the number of applications received in 2007; however, it is possible the number of applications will increase as the City's housing stock continues to age and there is increasing pressure for redevelopment.

### Table 1: Staff Recommendations

| Tool | Summary | Personnel Hours | Personnel Expenses | Materials Expenses | Consultant Expenses | Total |
|---|---|---|---|---|---|---|
| B1 | 2nd Floor Equivalent | 225 | $15,300 | $105 | | $15,405 |
| B3 | Public Hearing Threshold | 75 | $5,100 | $35 | | $5,135 |
| C3 | Setback | | - | - | | $0 |
| D1 | Height/Design | 20 | $1,360 | | $1,500 | $2,860 |
| D2 | Width | | | | | $0 |
| D3 | Wall Plates | | | | | $0 |
| D4 | Shed Roof | | | | | $0 |
| D5 | Windows | | | | | $0 |
| E1 | Elevation Data | | | | | $0 |
| E2 | Streetscape | | | | | $0 |
| E4 | Plan Location | | | | | $0 |
| F1 | Design Review | 100 | $6,800 | | | $6,800 |
| G1 | Notification | | | $450 | | $450 |
| G2 | Notice Boards | 60 | $4,080 | | | $4,080 |
| H2 | Appeal | 75 | $5,100 | $35 | | $5,135 |
| I2 | SMC 19.80 | | | | | $0 |
| | **Totals** | **555** | **$37,740** | **$625** | **$1,500** | **$39,865** |

**Table 2: Planning Commission Recommendations**

| Tool | Summary | Personnel Hours | Personnel Expenses | Materials Expenses | Consultant Expenses | Total |
|---|---|---|---|---|---|---|
| B1 | 2nd Floor Equivalent | 225 | $15,300 | $450 | | $15,750 |
| B3 | Public Hearing Threshold | 75 | $5,100 | $750 | | $5,850 |
| C3 | Setback | | - | - | | $0 |
| D1 | Height/Design | 20 | $1,360 | | $1,500 | $2,860 |
| D2 | Width | | | | | $0 |
| D3 | Wall Plates | | | | | $0 |
| D4 | Shed Roof | | | | | $0 |
| D5 | Windows | | | | | $0 |
| E1 | Elevation Data | | | | | $0 |
| E2 | Streetscape | | | | | $0 |
| E4 | Plan Location | | | | | $0 |
| F1 | Design Review | 100 | $6,800 | | | $6,800 |
| G1 | Notification | | | $900 | | $900 |
| G2 | Notice Boards | 60 | $4,080 | | | $4,080 |
| H2 | Appeal | 150 | $10,200 | $300 | | $10,500 |
| I2 | SMC 19.80 | | | | | $0 |
| | **Totals** | **630** | **$42,840** | **$2,400** | **$1,500** | **$46,740** |

Due to a calculation error, the fiscal impact for staff's recommendation was incorrectly listed as $24,040 in the staff report presented to the Planning Commission. The actual total annual cost for the staff recommendation presented to the Planning Commission is $39,865 (see Table 1). The modifications requested by the Planning Commission (described on page 15) are estimated to increase the fiscal impact to a total cost of $46,740, as indicated in Table 2 above.

The fiscal impact for staff's recommendation on amending the Accessory Utility Building Standards is unknown, as many types of accessory utility buildings are currently exempt from permit requirements and are not tracked by staff. However, the fiscal impact is estimated to be minimal.

**Funding Source**

Any action of the Council that results in increased staff hours or expenses would require a budget modification, which would be brought to Council along with an ordinance making the approved changes effective. The source for such

a budget modification would be the General Fund 20-Year Resource Allocation Plan Reserve or increased fees, or a combination of the two.

According to section 7.1B.5 of the Fiscal Sub-Element of the General Plan:

- User fees should be used to recover the cost of services that benefit specific segments of the community
- User fees should be established at a level which reflects the full cost of providing those services
- The City Council may determine for any service whether a subsidy from the General Fund is in the public interest

Certain planning permits require payment of a fee, which offsets the costs of processing the application. The fees for most of the single-family home Design Review and Miscellaneous Plan Permit reviews do not cover all the costs. Staff is currently working on a fee study to determine costs of a variety of development services (e.g. building, planning, and engineering). Adjustments to fee levels will be considered when staff presents the findings to Council later this fiscal year.

## PUBLIC CONTACT

Staff conducted the public outreach process with three goals in mind: to inform the community of the City's current standards and review procedures, to gather information on residents' key concerns regarding single-family homes and accessory utility buildings, and to get feedback on the potential tools identified by staff.

A public outreach meeting was held on December 6, 2007. This meeting was advertised in the Sun newspaper and on the City of Sunnyvale's web site. Written notification was sent to the City's neighborhood associations as well as to any residents who had requested individual notification through earlier discussions with staff (including the proponents of the Study). Approximately 20 people attended the outreach meeting. Staff also received several e-mail messages and phone calls. Below is a summary of the public input. Additional information is available in Attachments O and Q.

Notice of the Negative Declaration and the public hearings for this project were published in the Sun newspaper. Notification of the hearings was also provided to the City's neighborhood associations and to individuals who attended the public outreach meeting. The staff report was posted on the City of Sunnyvale's Web site and provided at the Reference Section of the City of Sunnyvale Public Library. The Planning Commission Agenda was posted on the City of Sunnyvale's Web site.

### Single-Family Home Development Standards

A majority of the residents who provided comments had concerns about the size of new homes and additions and the effect these large homes may have on

neighboring property owners' quality of life. In general, comments focused on a need for increased notification of neighbors and requiring public hearings for more Design Review applications. New two-story homes and second-story additions were the primary concern. Residents also expressed concerns about side setbacks, plate heights, and the relationship of new and remodeled homes to the existing context of the neighborhood. Some expressed frustration that the City granted permits for developments they found to be out of character with the surrounding neighborhood.

**Accessory Utility Building Standards**

In general, comments on accessory utility buildings focused on height and visibility. Most of the residents who provided comments felt that the current height limit of 15 feet for accessory utility buildings is too tall. Residents suggested limiting height to a maximum of 10 feet. Several of the residents who participated in the public outreach meeting noted that setbacks for accessory utility buildings should vary based on height, and that buildings on corner lots may need additional setbacks. Participants expressed surprise that detached garages and carports, gazebos, arbors, and trellises are currently classified as accessory utility buildings. Some stated that these structures require different height and setback regulations than do sheds. One speaker stated that rear setback requirements should be reduced, as Sunnyvale's requirements are more restrictive than those in other cities. Participants also noted that it is difficult to find pre-manufactured sheds that meet the City's requirements.

**Staff Comment**

The residents who attended the public outreach meeting and sent messages generally felt the City's regulations are not restrictive enough. However, staff notes that there are also many residents who find the current regulations too restrictive. When working with applicants at the One-Stop Permit Center, staff frequently encounters residents who state that they should be able to construct the home they desire on their property without restriction. Others complain that the processing time for Design Review applications is too long or the process is too difficult. Frequently, staff encounters applicants who do not think permits should be required to install a pre-manufactured shed in their yard. In fact, it appears many City residents are unaware that accessory utility buildings require permits. Although none of these views were represented at the public outreach meeting, it is important to note that not all residents support making the regulations more restrictive.

Community participants in the outreach process clearly stated a desire for increased neighborhood participation in the review of single-family development. Incorporating additional community input is a departure from previous City Council actions to streamline and simplify the development review process. The staff recommendation attempts to balance these traditional values with the newer values of community participation.

## ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City guidelines. The Negative

Declaration has been filed with the Santa Clara County Clerk-Recorder's Office for review and comment (see Attachment B).

## PLANNING COMMISSION PUBLIC HEARING

On July 14, 2008, the Planning Commission held a public hearing to consider the proposed changes. The minutes of this hearing are provided in Attachment P. Several members of the public spoke at the hearing. In general, the speakers expressed support for increased regulation, particularly with regard to public notification and hearing thresholds. However, one speaker supported reduced regulation of accessory utility buildings, stating that Sunnyvale's regulations are already more restrictive than those in neighboring jurisdictions.

The Planning Commission requested changes to Attachments I and N to clarify the proposed second-story combined side yard setbacks and to clarify which proposed regulations are in addition to, not in lieu of, existing regulations. (Staff recommends additional minor modifications to the setbacks for narrow lots in the R-1 Zoning District – see Attachment I). The Planning Commission recommended increasing the notification radius for two-story projects and public hearing items to 200 feet rather than the 100-foot radius recommended by staff. This change results in additional property owners gaining appeal rights. The Planning Commission also requested an addition to the Single-Family Home Design Techniques stating that roof-mounted solar additions are encouraged on single-family homes. The Planning Commission did not modify the staff recommendation for accessory utility building standards.

## ALTERNATIVES

1. Adopt the Negative Declaration and direct staff to prepare an ordinance, modify the Single-Family Home Design Techniques, modify application submittal requirements and return with a budget modification for approximately $46,740 to add appropriate funding to the Land Use Planning Program 242 budget, consistent with the anticipated fiscal impact of the tools selected by the Planning Commission. These changes, as detailed in Attachments I and N, include:

   Single-Family Home Development Standards (Attachment I)

   a. Reduce the gross floor area threshold for requiring public hearing review to 3600 s.f.
   b. Modify the Single-Family Home Design Techniques to better address issues of bulk
   c. Modify the application requirements for Design Review to require more information on the streetscape
   d. Expand the notification radius for Design Reviews requiring public notices to 200 feet
   e. Allow appeal of all two-story homes by notified property owners
   f. Expand the types of modifications requiring Design Review to also include any significant exterior modification (windows, doors, roofs, entry features, etc.)

Accessory Utility Building Standards (Attachment N)

g. Establish five categories of "accessory structures" including detached habitable spaces, detached permanent garages and carports, accessory utility buildings, open garden features, and open play equipment
h. Establish separate requirements for each type of accessory structure
i. Reduce the maximum height of accessory structures to 10 feet without a Use Permit
j. Modify the setbacks and permit process for accessory structures to clearly specify distance from property line based on size and height of structure.

2. Adopt the Negative Declaration and modify the tools and budget modification request included in Alternative 1.
3. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.
4. Make no changes to the current single-family home development standards and accessory utility building standards.

## RECOMMENDATION

Staff recommends Alternative 1 to prepare zoning code modifications, new single-family design techniques, and new application submittal requirements to address issues of bulk, visibility and community notice/information with the modifications recommended by the Planning Commission. The zoning code modifications will require staff to also return with a budget modification (approximately $46,740), which will cover the costs of additional staff time needed to process new applications and address more issues when reviewing single-family home construction and remodels. The funding source for the budget modification is recommended to be the General Fund 20-year RAP.

On pages 8-10 and 12-13, staff presented several lists of options intended to address the community's concerns about single-family home development and accessory utility buildings. Staff's recommendation includes tools from each of those lists. The recommended tools will modify the City's Zoning Ordinance, design guidelines, application requirements, and processes.

In evaluating potential regulations, staff considered the impact of each regulation on process duration, difficulty, cost, and property rights. Staff's recommendation seeks to achieve a reasonable balance among community values.

In general, the recommendations for single-family home development standards strengthen the review process by allowing more public participation, lowering thresholds for review, providing new definitions and requirements for building forms, and addressing varying property sizes throughout the community. Recommended changes include:

- Reduce the gross floor area threshold for requiring public hearing review
- Modify the Single-Family Home Design Techniques
- Modify the application requirements for Design Review

- Expand the notification radius for Design Reviews requiring public notices
- Allow appeal of all two-story homes by notified property owners
- Expand the types of changes requiring Design Review to include any significant exterior modification (windows, doors, roofs, entry features, etc.)

The changes recommended for accessory utility building standards are generally intended to simplify the zoning requirements by differentiating between types of accessory structures, and to address potential visual impacts by modifying requirements for height, size, and setbacks. Recommended changes include:

- Establish five categories of "accessory structures" including detached habitable spaces, detached permanent garages and carports, accessory utility buildings, open garden features, and open play equipment
- Establish separate requirements for each type of accessory structure
- Reduce the maximum height of accessory structures
- Modify the setbacks and permit process for accessory structures

Detailed lists of the modifications recommended by staff and the Planning Commission are provided in Attachment I (single-family home development) and Attachment N (accessory utility buildings). Staff believes the proposed modifications will assist in addressing concerns about notification and community participation without creating an overly burdensome review process for applicants.

Reviewed by:

_____
Hanson Hom, Director, Community Development Department
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Mariya Hodge, Assistant Planner

Approved by:

_____
Amy Chan
City Manager

## Attachments

A. Study Issue Paper
B. Negative Declaration
C. Illustrated Glossary of Development Terms
D. Statistics on Single Family Home Development in Sunnyvale
E. Existing Single Family Development Standards in Sunnyvale
F. Summary of Single Family Development Standards in Neighboring Cities
G. Illustration of Impacts Related to Plate Heights and Raised Foundations
H. Analysis of Proposed Tools for Single-Family Home Development
I. Staff Recommendation for Single-Family Home Development Standards
J. Statistics on Accessory Utility Building Applications in Sunnyvale
K. Existing Accessory Utility Building Standards in Sunnyvale
L. Summary of Accessory Utility Building Standards in Neighboring Cities
M. Analysis of Proposed Tools for Accessory Utility Buildings
N. Staff Recommendation for Accessory Utility Buildings
O. Public Comments Received Prior to Planning Commission Hearing
P. Minutes of Planning Commission Hearing on July 14, 2008
Q. Public Comments Received After Planning Commission Hearing

# Proposed New Council Study Issue

| | |
|---|---|
| **Number** | CDD-47 |
| **Status** | Pending |
| **Calendar Year** | 2007 |
| **New or Previous** | New |
| **Title** | Single-family Home Development Standards |
| **Lead Department** | Community Development |
| **Element or SubElement** | Land Use and Transportation Element and Community Design |

**1. What are the key elements of the issue? What precipitated it?**

This issue was precipitated by residents concerned with two projects in their neighborhood: a large single-family home expansion and a shed built on a corner lot. The concern is that although the projects conform to City zoning standards it appears that they are too large, the setbacks appear too small and the height of the accessory building appears too tall for the neighborhood. The lot for the remodeled home is much larger than the surrounding properties, enabling a larger home to be built. The current zoning regulations require a public hearing with the Planning Commission for new and remodeled homes exceeding a floor area ratio (FAR) of 45% or a gross floor area of 4050 s.f. The study would examine the setback requirements--perhaps based on property size and/or width--and would examine the thresholds requiring a public hearing (FAR and/or house size). In addition, the heights of accessory structures will be studied to determine if modifications to the setback or height limits should be implemented.

In 2005-2006 staff conducted 147 Design Reviews that did not require a public hearing and 17 that were reviewed by the Planning Commission (approximately 10% of the total Design Reviews).

A related potential study issue is CDD-24 (Setback Requirements for Smaller lots). CDD-24 is narrower in focus in that it deals only with setback and only smaller lots. This study could include the items discussed in CDD-24 with no change in the estimated staff hours.

**2. How does this relate to the General Plan or existing City Policy?**

LAND USE AND TRANSPORTATION ELEMENT

*Policy N1.1* Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Action Statement N1.1.5: Establish and monitor standards for community appearance and property maintenance.

Action Statement N1.2.2: Utilize adopted City design guidelines to achieve compatible architecture and scale for renovation and new development in Sunnyvale's neighborhoods.

**COMMUNITY DESIGN SUB-ELEMENT**

*Policy A.2* Ensure that new development is compatible with the character of special districts and residential neighborhoods.

Action Statement A.2a. Maintain design guidelines and policies for new construction in historic districts which define acceptable building styles, shapes, rooflines, colors, materials, fenestration and setbacks and develop new guidelines as needed.

Action Statement A.2b. Continue to maintain and develop zoning standards which preserve the quality of residential neighborhoods.

3. **Origin of Issue**

| | |
|---|---|
| **Council Member(s)** | Moylan |
| **General Plan** | |
| **City Staff** | |
| **Public** | |
| **Board or Commission** | none |

4. **Multiple Year Project?** No **Planned Complete Date** 2007

5. **Expected participation involved in the study issue process?**

| | |
|---|---|
| **Does Council need to approve a work plan?** | No |
| **Does this issue require review by a Board/Commission?** | Yes |

**If so, which?**
Planning Commission

| | |
|---|---|
| **Is a Council Study Session anticipated?** | No |

**What is the public participation process?**
Specific outreach to the neighborhood that raised the concern and general outreach to the entire community with a series of meetings to discuss issues and options. Normal public notification and public hearing process.

6. **Cost of Study**

**Operating Budget Program covering costs**
242 Land Use Planning

**Project Budget covering costs**

**Budget modification $ amount needed for study**

**Explain below what the additional funding will be used for**

7. **Potential fiscal impact to implement recommendations in the Study approved by Council**

| | |
|---|---|
| **Capital expenditure range** | None |
| **Operating expenditure range** | $500 - $50K |
| **New revenues/savings range** | $500 - $50K |

**Explain impact briefly**
Changes in the thresholds to review single family home developments could result in more

items being heard at public hearing, both increasing operating costs and revenues.

8. **Recommendation for this calendar year**

**Board or Commission ranked this study issue ____ of ____**

**Board or Commission ranking comments**
This issue was suggested after the Planning Commission made their recommendations to the City Council.

**Staff Recommendation** None

**If 'For Study' or 'Against Study', explain**

9. **Estimated consultant hours for completion of the study issue**

**Managers**

| Role | Manager | | | | Hours |
|---|---|---|---|---|---|
| Lead | Ryan, Trudi | Mgr CY1: | 40 | Mgr CY2: | 0 |
| | | Staff CY1: | 250 | Staff CY2: | 0 |
| Interdep | Berry, Kathryn | Mgr CY1: | 10 | Mgr CY2: | 0 |
| | | Staff CY1: | 0 | Staff CY2: | 0 |

**Total Hours CY1: 300**
**Total Hours CY2: 0**

**Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.**

**Reviewed by**

Trudi Ryan — 12/4/06

**Department Director** — **Date**

**Approved by**

[signature] — 12/4/06

**City Manager** — **Date**

STATE OF CALIFORNIA - THE RESOURCES AGENCY

DEPARTMENT OF FISH AND GAME
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



RECEIVED
APR 2 2
PLANNING DIVISION

# CEQA Filing Fee No Effect Determination Form

**Applicant Name:** City of Sunnyvale **Date Submitted:** March 31, 2008

**Applicant Address:** 456 W. Olive Avenue, Sunnyvale, CA 94088

**Project Name:** Consideration of Changes to Single-Family Home Development Standards and Accessory Utility Building Standards (Council Study Issue)

**CEQA Lead Agency:** City of Sunnyvale
**CEQA Document Type:** Negative Declaration
**SCH Number and/or local agency ID Number:** N/A

**Project Location:** City-wide

**Brief Project Description:** In 2006, the City Council initiated a study on single-family home development standards and accessory utility building standards. The purpose of this study is to address issues associated with large home construction, and the size and placement of accessory utility buildings (i.e. sheds). The study proposes modifications to the City's zoning ordinance as well as to its Single-Family Home Design Techniques.

**Describe clearly why the project has no effect on fish and wildlife:** The proposed modifications will affect permitted height, architectural compatibility with surroundings, and the City's review process for single-family homes and sheds. The proposed modifications do not rezone any properties or increase the permitted density or lot coverage. No additional construction or other physical changes to the environment will result. As a result, there is no possibility of an effect on fish or wildlife.

**Determination:** Based on a review of the Project as proposed, the Department of Fish and Game has determined that for purposes of the assessment of CEQA filing fees [F&G Code 711.4(c)] the project has no potential effect on fish, wildlife and habitat and the project as described does not require payment of a CEQA filing fee. This determination does not in any way imply that the project is exempt from CEQA and does not determine the significance of any potential project effects evaluated pursuant to CEQA.

Please retain this original determination for your records; you are required to file a copy of this determination with the County Clerk after your project is approved and at the time of filing of the CEQA lead agency's Notice of Determination (NOD). If you do not file a copy of this determination with the County Clerk at the time of filing of the NOD, the appropriate CEQA filing fee will be due and payable.

Without a valid No Effect Determination Form or proof of fee payment, the project will not be operative, vested, or final, and any local permits issued for the project will be invalid, pursuant to Fish and Game Code Section 711.4(c)(3).

DFG Approval By: _____ Date: April 18, 2008

Charles Armor
Regional Manager
Bay Delta Region

ATTACHMENT B
Page 3 of 17

E-14710

PLANNING DIVISION
CITY OF SUNNYVALE
P.O. BOX 3707
SUNNYVALE, CALIFORNIA 94088-3707

File Number: 2007-0764
No. 08-06

**NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION**

---

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

**PROJECT TITLE:**

Consideration of changes to single-family home development standards and accessory utility building standards (Council Study Issue).

**PROJECT DESCRIPTION AND LOCATION (APN):**

In 2006, the City Council initiated a study on single –family home development standards and accessory utility building standards. The purpose of this study is to address issues associated with large home construction and the size and placement of accessory utility buildings such as sheds. The study proposes modifications to the City's Zoning ordinance as well as to its Single-Family Home Design Techniques. The Proposed modifications will affect permitted height, architectural compatibility with surroundings, and the City's review process. The proposed modifications do not re-zone any properties or increase the permitted density or lot coverage. No additional construction or other physical changes to the environment will result.

**WHERE TO VIEW THIS DOCUMENT:**

The **Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, June 24, 2008**. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a **Negative Declaration** will be considered by the adopting authority, whose action on the protest may be appealed.

**HEARING INFORMATION:**

A public hearing on the project is scheduled for:

**Monday, May 12, 2008 at 8:00 p.m.** and **Tuesday, June 24, 2008 at 7:00 p.m.** in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

**TOXIC SITE INFORMATION:**

(No) listed toxic sites are present at the project location.

Circulated On April 17, 2008

Signed: _____
Andrew Miner, Principal Planner

| | |
|---|---|
| Project Title | Consideration of changes to single-family home development standards and accessory utility building standards (Council Study Issue) |
| Lead Agency Name and Address | City of Sunnyvale<br>P.O. Box 3707, Sunnyvale, CA 94088-3707 |
| Contact Person | Mariya Hodge |
| Phone Number | 408-730-7659 |
| Project Location | City-wide |
| Project Sponsor's Name | City of Sunnyvale |
| Address | 456 W. Olive Avenue<br>Sunnyvale, CA 94088 |
| Zoning | R-0, R-1, R-1.5, R-1.7/PD, R-2 |
| General Plan | Residential Low Density, Residential Low-Medium Density |
| Other Public Agencies whose approval is required | None |

**Description of the Project:** In 2006, the City Council initiated a study on single-family home development standards and accessory utility building standards. The purpose of this study is to address issues associated with large home construction and the size and placement of accessory utility buildings such as sheds. The study proposes modifications to the City's zoning ordinance as well as to its Single-Family Home Design Techniques. The proposed modifications will affect permitted height, architectural compatibility with surroundings, and the City's review process. The proposed modifications do not re-zone any properties or increase the permitted density or lot coverage. No additional construction or other physical changes to the environment will result.

**Surrounding Uses and Setting:**
The study pertains to the City's five single-family zoning districts, which are R-0, R-1, R-1.5, R-1.7/PD, and R-2. These zoning districts are located throughout the City. Uses in these zoning districts are primarily low-density residential (single-family homes) and low-medium density residential (including duplexes).

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
6. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
7. Earlier Analysis Used. Identify and state where they are available for review.
8. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
9. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
10. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Hazards & Hazardous Materials | ☐ Public Services |
| ☐ Agricultural Resources | ☐ Hydrology/Water Quality | ☐ Recreation |
| ☐ Air Quality | ☐ Land Use/Planning | ☐ Transportation/Traffic |
| ☐ Biological Resources | ☐ Mineral Resources | ☐ Utilities/Service Systems |
| ☐ Cultural Resources | ☐ Noise | ☐ Mandatory Findings of Significance |
| ☐ Geology/Soils | ☐ Population/Housing | |

## DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☒

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

| | |
|---|---|
| Signature | March 31, 2008<br>Date |
| Mariya Hodge<br>Printed Name | City of Sunnyvale<br>For *(Lead Agency)* |

| | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source |
|---|---|---|---|---|---|
| 1. **AESTHETICS.** Would the project: | | | | | |
| a. Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ | 2, 17 |
| b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ | 2, 17 |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☒ | 2, 17 |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ | 2, 17 |
| 2. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | 3 |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation. | ☐ | ☐ | ☐ | ☒ | 3 |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☐ | ☒ | 3 |
| d. Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ | 3 |
| e. Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ | 3 |
| 3. **BIOLOGICAL RESOURCES:** | | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ | 111 |

| | | | | | |
|---|---|---|---|---|---|
| b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ | 111 |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ | 111 |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ | 111 |
| 4. **CULTURAL RESOURCES.** Would the project: | | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5 | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ | 111 |
| 5. **LAND USE AND PLANNING.** Would the project: | | | | | |
| a. Physically divide an established community? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental | ☐ | ☐ | ☐ | ☒ | 111 |

| | | | | | |
|---|---|---|---|---|---|
| effect? | | | | | |
| c. Conflict with any applicable habitat conservation plan or natural communities conservation plan? | ☐ | ☐ | ☐ | ☒ | 17 |
| 6. **MINERAL RESOURCES.** Would the project: | | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ | 19 |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ | 19 |
| 7. **NOISE.** Would the project result in: | | | | | |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ | 16 |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ | 16 |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | 16 |
| d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | 16 |
| 8. **POPULATION AND HOUSING.** Would the project: | | | | | |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | 111 |
| 9. **PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| the public services: | | | | | |
| a. Schools? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Police protection? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Fire protection? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Parks? | ☐ | ☐ | ☐ | ☒ | 111 |
| e. Other services? | ☐ | ☐ | ☐ | ☒ | 111 |
| 10. MANDATORY FINDINGS OF SIGNIFICANCE | | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ | 111 |
| 11. GEOLOGY AND SOILS. Would the project: | | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |

| | | | | | |
|---|---|---|---|---|---|
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| iv) Landslides? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| b. Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| d. Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| 12. **UTILITIES AND SERVICE SYSTEMS.** Would the project: | | | | | |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| e. Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing | ☐ | ☐ | ☐ | ☒ | 20, 111 |

| | | | | | |
|---|---|---|---|---|---|
| commitments? | | | | | |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ | 22 |
| g. Comply with federal, state, and local statues and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ | 22 |
| 13. **TRANSPORTATION/TRAFFIC.** Would the project: | | | | | |
| a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | ☐ | ☐ | ☐ | ☒ | 111 |
| e. Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | 111 |
| f. Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ | 111 |
| g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ | 12 |
| 14. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project? | | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |

| | | | | | |
|---|---|---|---|---|---|
| mile of an exiting or proposed school? | | | | | |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| 15. RECREATION | | | | | |
| a. Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | 13 |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | 13 |
| 16. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | | | | | |
| a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non- | ☐ | ☐ | ☐ | ☒ | 2, 111 |

| | | | | | |
|---|---|---|---|---|---|
| agricultural use? | | | | | |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| 17. **HYDROLOGY AND WATER QUALITY.** Would the project: | | | | | |
| a. Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ | 24, 87 |
| b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ | 25 |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☒ | 24 |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site? | ☐ | ☐ | ☐ | ☒ | 24 |
| e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ | 24 |
| f. Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ | 24 |
| g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ | 111 |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | 56 |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of | ☐ | ☐ | ☐ | ☒ | 56 |

| | | | | | |
|---|---|---|---|---|---|
| the failure of a levee or dam? | | | | | |
| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | 24 |

**Mariya Hodge** **3/31/2008**
Completed By Date

**City of Sunnyvale General Plan:**

2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element.
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element

26. **City of Sunnyvale Municipal Code:**
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation

**Specific Plans**

43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan

**Environmental Impact Reports**

48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)
51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

**Maps**

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

**Lists/Inventories**

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

**Legislation/Acts/Bills/Codes**

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III

**Transportation**

71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pegnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short Range Transit Plan
82. Santa Clara County Transportation Plan
83. Traffic Volume Studies, City of Sunnyvale Public

works Department of Traffic Engineering Division
84. Santa Clara County Sub-Regional Deficiency Plan
85. Bicycle Plan

**Public Works**
86. Standard Specifications and Details of the Department of Public Works
87. Storm Drain Master Plan
88. Sanitary Sewer Master Plan
89. Water Master Plan
90. Solid Waste Management Plan of Santa Clara County
91. Geotechnical Investigation Reports
92. Engineering Division Project Files
93. Subdivision and Parcel Map Files

**Miscellaneous**
94. Field Inspection
95. Environmental Information Form
96. Annual Summary of Containment Excesses (BAAQMD)
97. Current Air Quality Data
98. Chemical Emergency Preparedness Program (EPA) Interim Document In 1985?)
99. Association of Bay Area Governments (ABAG) Population Projections
100. Bay Area Clean Air Plan
101. City-wide Design Guidelines
102. Industrial Design Guidelines

**Building Safety**
103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
105. Uniform Plumbing Code, (Including the California Plumbing Code)
106. Uniform Mechanical Code, (Including the California Mechanical Code)
107. National Electrical Code (Including California Electrical Code)
108. Title 16 of the Sunnyvale Municipal Code

**Additional References**
109. USFWS/CA Dept. F&G Special Status Lists
110. Project Traffic Impact Analysis
111. Project Description
112. Project Development Plans
113. Santa Clara County Airport Land Use Plan
114. Federal Aviation Administration

# GLOSSARY OF DEVELOPMENT TERMS

This report uses a number of development and construction terms which may not be familiar to all readers. Brief definitions and illustrations are provided below.

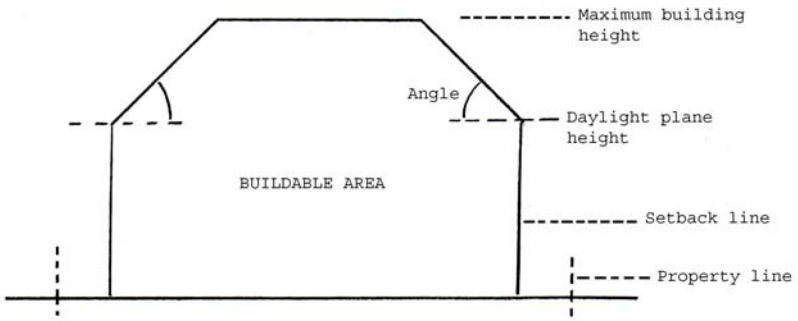
**Arbor:** An open frame or lattice structure used in yards and gardens to provide shade and support vines. Arbors are typically less than 50% covered. Some are small and intended as decorative landscape features. Others are larger and extend over seating areas or spas. Arbors are sometimes known as "pergolas." (See illustration at right.)

Arbor

**Carport:** A roofed, open-sided structure where automobiles are parked and stored. While a carport may have one or more walls, it is not fully enclosed like a garage.

**Ceiling height:** The distance between the finished floor of a room and the overhead upper surface of the room. Where flat ceilings are used directly on top of the wall plate, ceiling height and plate height are the same. Where cathedral ceilings are used, ceiling height may exceed plate height by taking advantage of unused space between the wall plate and the roof form. (See 'Floors, Ceilings, and Plates' illustration on page 6.)

**Daylight plane:** A "daylight plane" requirement is an alternate method of calculating setbacks. Rather than establishing a specific number of feet required for side setbacks, the daylight plane requirement creates a three-dimensional building envelop in which all structures must fit. To calculate the daylight plane, a line is drawn towards the center of the lot from each property line sloping up at a designated angle. The goal of the daylight plane is to relate setbacks to height and provide substantial light and air between buildings while allowing for flexibility in design. (See illustration below.)




Daylight Plane

**Elevation drawing:** A drawing or plan showing a two-dimensional side view of the exterior of a building. Separate elevations are provided for each building side. (See illustration below.)

Elevation Drawing

**Finished floor:** The floor structure of a home has several layers, including a structural sub-floor. The finished floor is the top of the uppermost flooring layer. Finished floor levels vary depending on the foundation type and individual home design, generally ranging from 4 inches above grade to 3 feet above grade. Typically, homes on a slab foundation have lower finished floors than homes on a raised foundation, but levels can vary dramatically from one home to the next. (See 'Floors, Ceilings, and Plates' illustration on page 6.)

**Floor area, gross:** Commonly known as "square footage," gross floor area is the total size of a home in square feet. Gross floor area for single-family residential uses in Sunnyvale is measured from the outside of the exterior walls, and includes garage areas. Basements are not included in gross floor area provided they extend no more than two feet above grade.

**Floor Area Ratio (FAR):** The relationship between the gross floor area of a home and the size of the lot on which the home is located. In Sunnyvale, FAR is expressed as a percentage. For example, a 3,000 square foot home on a 6,000 square foot lot would have a Floor Area Ratio of 50% (3,000 ÷ 6,000 = 0.5).

**Front yard:** See "reducible front yard" and "required front yard."

**Garage:** A fully-enclosed building or portion of a building where automobiles are parked and stored.

**Gazebo:** A small structure, usually roofed but open sided, which is used in yards or gardens for outdoor seating. Gazebos are also known as "pavilions." They are typically more than 50% covered. (See illustration at right).

Gazebo

**Grade:** The height or level of the earth on a property. Grade may be measured relative to sea-level (as elevation) or relative to another site-specific level such as the top of the adjacent public street curb.

**Gross floor area:** See "floor area, gross."

**Lot coverage:** Commonly known as the "building footprint," lot coverage is the portion of a lot's area which is covered by buildings. In Sunnyvale, sheds and other detached structures count toward lot coverage, while paved areas which are not part of a structure (such as driveways) do not count toward lot coverage. Lot coverage and FAR are the same for a one-story home (since all of the home's floor area sits on the ground floor), but are not the same for a two-story home. For example, if a 6,000 square foot lot has a two-story home with a floor area of 3,000 square feet, where 1,500 square feet is on each level, the lot coverage would be 25% (1,500 ÷ 6,000 = 0.25).

**Notice board:** A notice posted on a site to inform the public of a proposed development. In Sunnyvale, notice boards are attached to a wooden stake driven into the ground at the front of a lot near the street. A rigid poster material is attached to the stake including a copy of the public notice related to the development application.

**Pavilion:** See "gazebo."

**Pergola:** See "arbor."

**Perspective drawing:** A drawing or plan showing a three-dimensional view of the exterior of a building. Perspectives may show a building from any angle, but are frequently prepared to show a building from the viewing angle of a pedestrian. (See illustration at right.)

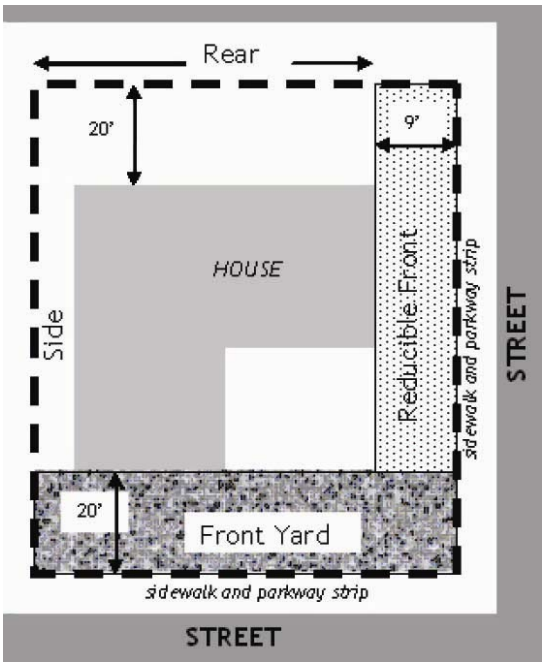
Perspective Drawing

**Plate height:** The distance between the finished floor of a home and the top of the wall plate. Plate height may differ from interior ceiling height, as cathedral ceilings can be used to create higher ceilings in the space between the wall plate and the roof form. As a result, plate height is more likely than ceiling height to correctly approximate exterior wall height and visual impacts. See "ceiling height," "finished floor," and "wall plate." (See 'Floors, Ceilings, and Plates' illustration on page 6.)

**Rear yard:** A yard extending across the full width of the lot at the rear, directly opposite the required front yard. (See 'Yards' illustration at right.)

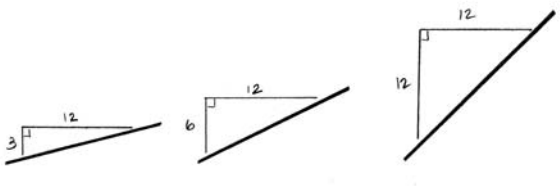
**Reducible front yard:** On corner lots there are two front yards. The reducible front yard, often considered by residents to be a side yard, is located along the wider street frontage. (See 'Yards' illustration at right.)

**Required front yard:** A yard extending across the full width of the lot at the front (along the street). On corner lots, the required front yard is located along the narrower of the two street frontages. (See 'Yards' illustration at right.)



Yards

**Roof pitch:** The slope of a roof's surface, which is generally expressed in inches of vertical "rise" per 12 inches of horizontal distance (or "run"). Roof pitches are written as 3/12 or 4/12, for example, and are spoken as "four twelve" or "four in twelve." The typical roof pitch for Ranch-style homes in Sunnyvale is 4/12. Many of the City's older homes such as Eichlers have lower roof pitches such as 1/12 and 2/12. (See illustration at right.)

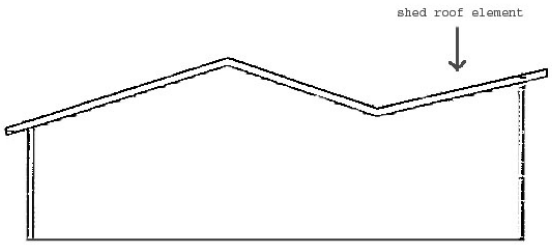


Roof Pitches

**Shed, pre-manufactured:** A detached structure used for storage which is purchased in a completed state where no assembly or little assembly is required prior to installation. Pre-manufactured sheds are readily available at hardware and garden stores. They are typically constructed of metal or plastic, are relatively inexpensive, and come in a variety of sizes and shapes.

**Shed, stick-built:** A detached structure used for storage which is individually constructed and assembled for a specific lot rather than purchased in a pre-manufactured state. "Stick-built" sheds are typically constructed of wood.

**Shed roof form:** Typical residential roof forms have a peak at the center of the structure and slope downwards toward the sides of the structure. However, a "shed" roof form continues to slope upward as it approaches the side of the structure. This roof form results in a roof peak located at the side of the structure rather than in the center, and results in a taller wall on one side. (See illustration.)




Shed Roof Form

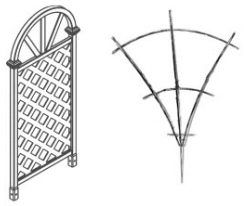
**Side yard:** A yard which is not a front or rear yard and extends between the front and rear of a property along the sides. Note that the wider street frontage on a corner lot is the reducible front yard, not a side yard. See "reducible front yard." Required side yard depths for single-family properties vary by Zoning District. (See 'Yards' illustration on page 4.)

**Streetscape elevation:** An elevation drawing that shows the front of a proposed home as well as the existing home on either side, including relative heights, roof levels, and foundation levels. (See illustration below.)

Streetscape Elevation

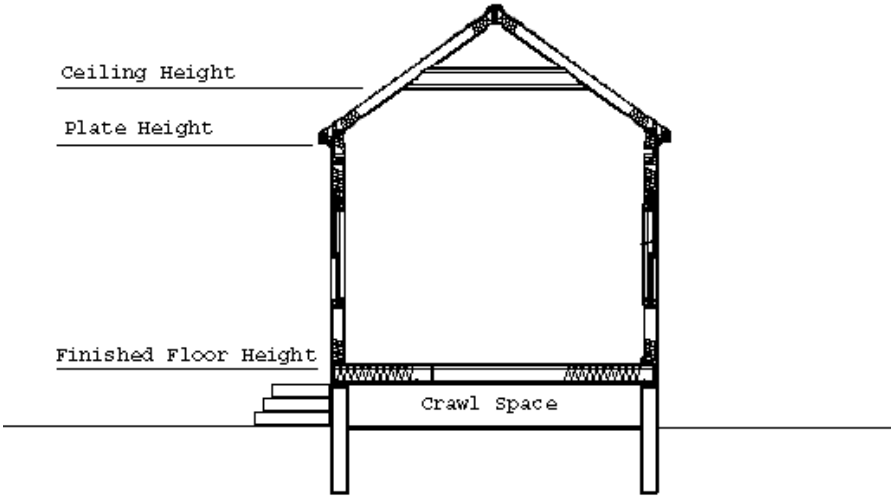
**Story poles:** "Story poles" are a temporary structure intended to show a full-sized model of a proposed home in its actual location on the property. Wooden poles are installed to outline the building's corners and roof peaks. Plastic snow fencing is typically required to be attached to the poles to run along roof ridges and mimic walls. Story pole requirements are common in cities where residents are concerned with viewsheds. They are less common in urban settings.

**Trellis:** A lattice for supporting vines or other plants. A trellis is typically a flat structure without any floor area or covering. (See illustration below.)



Trellises

**Wall plate:** The wall plate is a horizontal beam at the top of a wall upon which the roof rafters rest. See "plate height." (See 'Floors, Ceilings, and Plates' illustration below.)

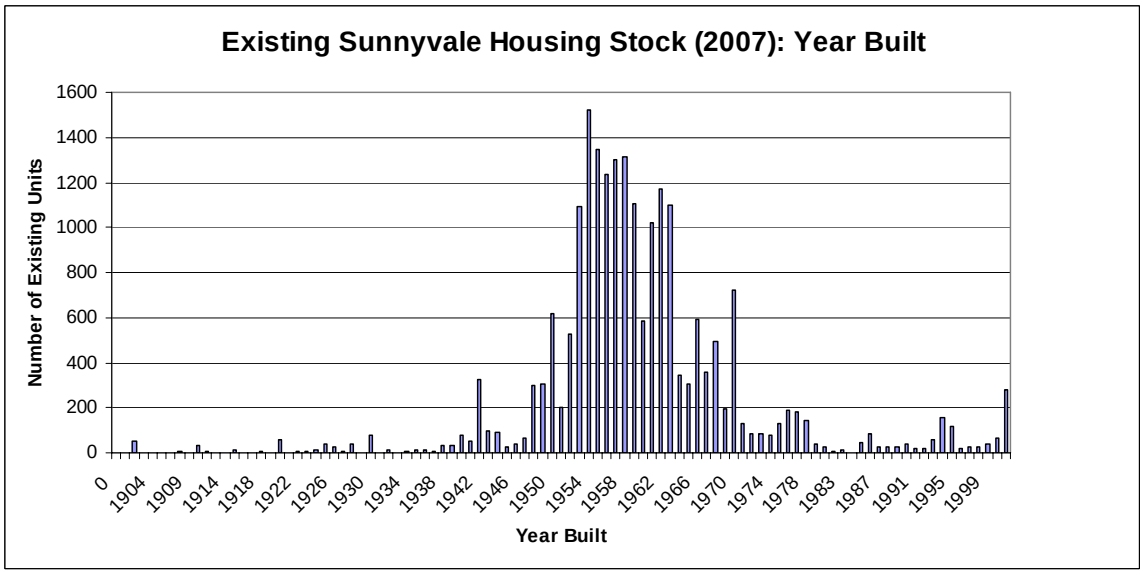



Floors, Ceilings, and Plates

# SUNNYVALE HOUSING STATISTICS

## Number and Type of Existing Dwelling Units in Sunnyvale (2007)

| | Unit Count | Percent of Total |
|---|---|---|
| **Ownership Opportunity** | **30,814** | **56%** |
| Single-family Detached (Includes Accessory Living Units) | 21,274 | 39% |
| Single-Family Attached (Townhomes and Condos) | 5,613 | 10% |
| Mobile homes | 3,927 | 7% |
| **Rental Housing** | **24,327** | **44%** |
| Duplexes | 1,598 | 3% |
| Three or more units (All Apartments Including Mixed Use) | 21,480 | 39% |
| Specialty Housing (includes Senior Housing) | 1,249 | 2% |
| **Total Dwelling units:** | **55,141** | |




Housing Units Aged 40 Years or Older in 2008: 85.4%
Housing Units Aged 50 Years or Older in 2008: 52.1 %
Housing Units Aged 60 Years or Older in 2008: 7.5%

# TRENDS IN DESIGN AND HOUSE SIZE

- **1890-1930s** - Single story homes with garages in the rear. Victorian, Spanish Mission, and Craftsman style bungalows. Typical size is less than 1,200 sq. ft.
- **1940s-1950s** – Wartime style housing. Single-story, typically with flat roofs. This time period includes early Eichler styles and houses such as those built in Victory Village and Lakewood Village. Typically under 1,200 sq. ft. in size.
- **1960s** – Ranch style homes, mainly single-story but with some two-story designs. Average size is increased to approximately 1,500 to 1,700 sq. ft.
- **1970s and 1980s** – There is no distinctive architectural style for these decades. More new two-story homes and second-story additions are being built than in previous decades. Typical size is 1,800 to 2,500 sq. ft., plus numerous homes over 3,000 sq. ft.
- **1990s and 2000s** – Trend towards major reconstruction of houses. Transitioning neighborhoods of homes built in the 40s and 50s see a higher percentage of reconstruction in styles significantly different than what was previously existing. Average home size of new construction and reconstruction is approximately 2,500 to 3,000 sq. ft. More new homes have 3-car garages during this period.

# SUNNYVALE DESIGN REVIEW STATISTICS

**Design Review Applications Filed 2000-2007**

| Year | Total | Administrative | Major (PC Hearing) | % Major |
|---|---|---|---|---|
| **2000** | 110 | 110 | 0 | 0.0% |
| **2001** | 109 | 108 | 1 | 0.9% |
| **2002** | 142 | 134 | 8 | 5.6% |
| **2003** | 134 | 126 | 8 | 6.0% |
| **2004** | 148 | 130 | 18 | 12.2% |
| **2005** | 165 | 153 | 12 | 7.3% |
| **2006** | 144 | 128 | 16 | 11.1% |
| **2007** | 153 | 139 | 14 | 9.2% |

**Gross Floor Area Requested – 2007**
(based on 147 applications)

| Floor Area Range | % of Applications |
|---|---|
| 2,600 sq. ft. or less | 55.6% |
| 2,601 to 2,800 sq. ft. | 13.9% |
| 2,801 to 3,000 sq. ft. | 10.4% |
| 3,001 to 3,200 sq. ft. | 4.9% |
| 3,201 to 3,400 sq. ft. | 6.3% |
| 3,401 to 3,600 sq. ft. | 4.2% |
| 3,601 to 3,800 sq. ft. | 0.0% |
| 3,801 to 4,050 sq. ft. | 3.5% |
| 4,051 sq. ft. or more | 1.4% |

**AVERAGE FLOOR AREA = 2,533**

**Floor Area Ratio (FAR) Requested – 2007**
(based on 147 applications)

| FAR Range | % of Applications |
|---|---|
| 25 or less: | 8.3% |
| Over 25 - 30: | 13.9% |
| Over 30 - 35: | 21.5% |
| Over 35 - 40: | 25.7% |
| Over 40 - 45: | 20.8% |
| Over 45 - 50: | 2.1% |
| Over 50 - 55: | 4.9% |
| Over 55 - 60: | 2.1% |
| Over 60: | 0.7% |

**AVERAGE FAR = 37%**

# EXISTING SINGLE-FAMILY HOME DEVELOPMENT STANDARDS

| | ***R-0*** | ***R-1*** | ***R-1.5*** | ***R-1.7 /PD*** | ***R-2*** |
|---|---|---|---|---|---|
| ***Min. Lot Area*** | 6,000 sq. ft. | 8,000 sq. ft. | 4,200 sq. ft. | 2,600 - 4,000 sq. ft. (min. area 2 acres) | 8,000 sq. ft. |
| ***Max. Density*** | 7 dwelling units per acre (du/ac.) | 7 du/ac. | 10 du/ac. | 14 du/ac. | 12 du/ac. |
| ***1st Story Front Setback*** | 20' | 20' | 20' | 20' | 20' |
| ***2nd Story Front Setback*** | 25' | 25' | 20' | 20' | 25' |
| ***1st Story Side Setback*** | 4' min.<br>12' total | 6' min.<br>15' total | 4' min.<br>12' total | 4' min. [1]<br>12' total | 4' min.<br>12' total |
| ***2nd Story Side Setback*** | 7' min.<br>18' total | 9' min.<br>21' total | 7' min.<br>18' total | 7' min.<br>18' total | 7' min.<br>18' total |
| ***Rear Setback [2]*** | 20' | 20' | 20' | 20' | 20' |
| ***Max. Height*** | 30' | 30' | 30' [3] | 30' | 30' |
| ***Max. Lot Coverage*** | 45% - 1 story<br>40% - 2 story | 45% - 1 story<br>40% - 2 story | 40% | 40% | 40% |
| ***Max. FAR*** | None (over 45% requires public hearing) | None (over 45% requires public hearing) | 50% | 50% | None (over 45% requires public hearing) |
| ***Min. Lot Width (Interior)*** | 57' | 76' | 42' | No min. – as determined by SDP | 76' |

[1] When the R-1.7/PD district was established in 1991, one 4-foot side yard was required (no combined requirement). This provision was modified in 1999 when the Zoning Code was restructured; the Planning Commission commented that they preferred a more restrictive standard with the ability to grant deviations using the Special Development Permit process.

[2] All residential Zoning Districts allow a one-story encroachment into the rear setback (up to 10 feet), provided the area of encroachment is less than 25% of the required rear yard area.

[3] Walls facing side yards limited to 12' height when located within 12' of property lines. Second-story wall height limited to 21' exclusive of roof structure.

# EXISTING DEVELOPMENT PROCESS

**Major Design Review (Planning Commission Hearing)**

- New single-family homes or additions in the R-0, R-1, or R-2 Zoning Districts resulting in a gross floor area greater than 4,050 square feet;
- New single-family homes or additions in the R-0, R-1, or R-2 Zoning Districts resulting in a Floor Area Ratio (FAR) greater than 45%;
- Note: A Special Development Permit with public hearing is required for all new homes and significant modifications located in the R-1.7/PD Zoning District and any other Planned Development (PD).

Processing time: 6 to 8 weeks (longer if the applicant requests more time to address staff comments).

Public Notification: Published in the newspaper, posted on the site, and mailed to adjacent property owners and residents.

Public Hearing: Planning Commission

Appeal Rights: Applicants or adjacent property owners may appeal to the City Council.

**Administrative Design Review (Staff-Level Review)**

- New single-family homes which do not require a Major Design Review.
- Single-family home additions which do not require a Major Design Review but result in the addition of 20% or more to the gross floor area of the existing home.

Processing time: Staff responds with the first set of comments in 10 working days. Total processing time varies based on the number of issues and the applicant's response to staff feedback.

Public Notification: None for new single-story homes or single-story additions. For new two-story homes or second-story additions, notification is mailed to adjacent property owners and residents.

Public Hearing: None

Appeal Rights: Applicants may appeal to the Planning Commission. The Planning Commission's decision is final.

**No Design Review Required**

- All other single-family home modifications resulting in less than 20% addition to the existing floor area. This may include modifications to the front façade such as new entries, windows, or doors.

Under SMC 19.80.030, these projects are exempt from Design Review Planning staff does not have any authority to review design or require modifications for aesthetic purposes. If no Design Review is required, applicants may proceed directly to the Building Permit process.

# Single-Family Development Regulations in Neighboring Jurisdictions

*Note: Jurisdictions have various zoning districts which do not necessarily correspond in name. Staff has organized the comparison by approximate lot size. Some cities have fewer or differently structured single-family zoning districts, therefore comparisons are not available for all districts.

| Sunnyvale Zoning District: | R-0 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FRONT SETBACK | | SIDE SETBACK | | REAR SETBACK | | LOT COVERAGE | | MIN. LOT AREA | FAR | HEIGHT | DENSITY |
| | 1st story | 2nd story | 1st story | 2nd story | 1st story | 2nd story | One story | Two story | | | | |
| Campbell (R1-6) | 20' | same | 5' or 1/2 bldg wall height | same | 5' or 1/2 bldg wall height | same | 40% | same | 6,000 sf | 45% | 35' (2.5 stories) | < 6 d.u./acre |
| Cupertino (R1-6) | 20' | 25' | 5' min (15' total) | 10' min (25' total) | 20' | 25' | 45% | same | 6,000 sf | 45% | 28' | unknown |
| San Jose (R1-8) | 25' | same | 5' (interior) | 12.5' (corner) | 20' (interior) | 20' (corner) | By setback | same | 5,445 sf | 45% | 35' (2.5 stories) | 8 d.u./acre |
| Santa Clara City (R1-6L) | 20' | same | 5' | same | 5' | same | 40% | same | 6,000 sf | No max. | 25' (2 stories) | 1 unit/ 6,000 sf |
| Santa Clara County (R1-6) | 25' | same | 6' | same | 25' | same | unknown | unknown | 6,000 sf | unknown | 35' (2 stories) | 1 unit/ 6,000 sf |

| Sunnyvale Zoning District: | R-1 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FRONT SETBACK | | SIDE SETBACK | | REAR SETBACK | | LOT COVERAGE | | MIN. LOT AREA | FAR | HEIGHT | DENSITY |
| | 1st story | 2nd story | 1st story | 2nd story | 1st story | 2nd story | One story | Two story | | | | |
| Campbell (R1-8) | 20' | same | 5' or 1/2 bldg wall height | same | 5' or 1/2 bldg wall height | same | 40% | same | 8,000-9,000 sf | 45% | 35' (2.5 stories) | < 4.5 d.u./acre |
| Cupertino (R1-7.5) | 20' | 25' | 5' min (15' total) | 10' min (25' total) | 20' | 25' | 45% | same | 7,500 sf | 45% | unknown | unknown |
| Los Altos (R1-10) | 25' | same | 10' (int.) 20' (ext.) | 17.5' (int.) | 25' | same | 35% | same | 10,000 sf | 35% | 27' (2 stories) | 1 unit / 10,000 sf |
| Mountain View (>10,000/>65w) | 20' | 25' | 5' min (12' total) | 10' min (25' total) | 15-40' or 20% depth | 20-40' or 25% depth | No max. | No max. | 10,000 or more | 40% | 1st Story 24', 2nd Story 28' | unknown |
| San Jose (R1-5) | 25' | same | 5' (interior) | 12.5' (corner) | 20' (interior) | 20' (corner) | By setback | same | 8,000 sf | 45% | 35' (2.5 stories) | 5 d.u./acre |
| Santa Clara City (R1-8L) | 20' | same | 6' | same | 20' | same | 40% | same | 8,000 sf | No max. | 25' (2 stories) | 1 unit / 8,000 sf |
| Santa Clara County (R1-8) | 25' | same | 8' | same | 25' | same | unknown | unknown | 8,000 sf | unknown | 35' (2 stories) | 1 unit / 8,000 sf |

| Sunnyvale Zoning District: | R-1.5 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FRONT SETBACK | | SIDE SETBACK | | REAR SETBACK | | LOT COVERAGE | | MIN. LOT AREA | FAR | HEIGHT | DENSITY |
| | 1st story | 2nd story | 1st story | 2nd story | 1st story | 2nd story | One story | Two story | | | | |
| Cupertino (R1-5) | 20' | 25' | 5' min (10' total) | 10' min (25' total) | 20' | 25' | 45% | same | 5,000 sf | 45% | 28' | unknown |
| Mountain View (>6,000/65w) | 20' | 25' | 5' min (12' total) | 7' min (15' total) | 15-40' or 20% depth | 20-40' or 25% depth | unknown | unknown | 5,001 sf | 45%-41% | 30-45' | 10 d.u./acre |
| Santa Clara County (R1) | 25' | same | 5' | same | 25' | same | unknown | unknown | 5,000 sf | unknown | 35' (2 stories) | 1 unit / 5,000sf |

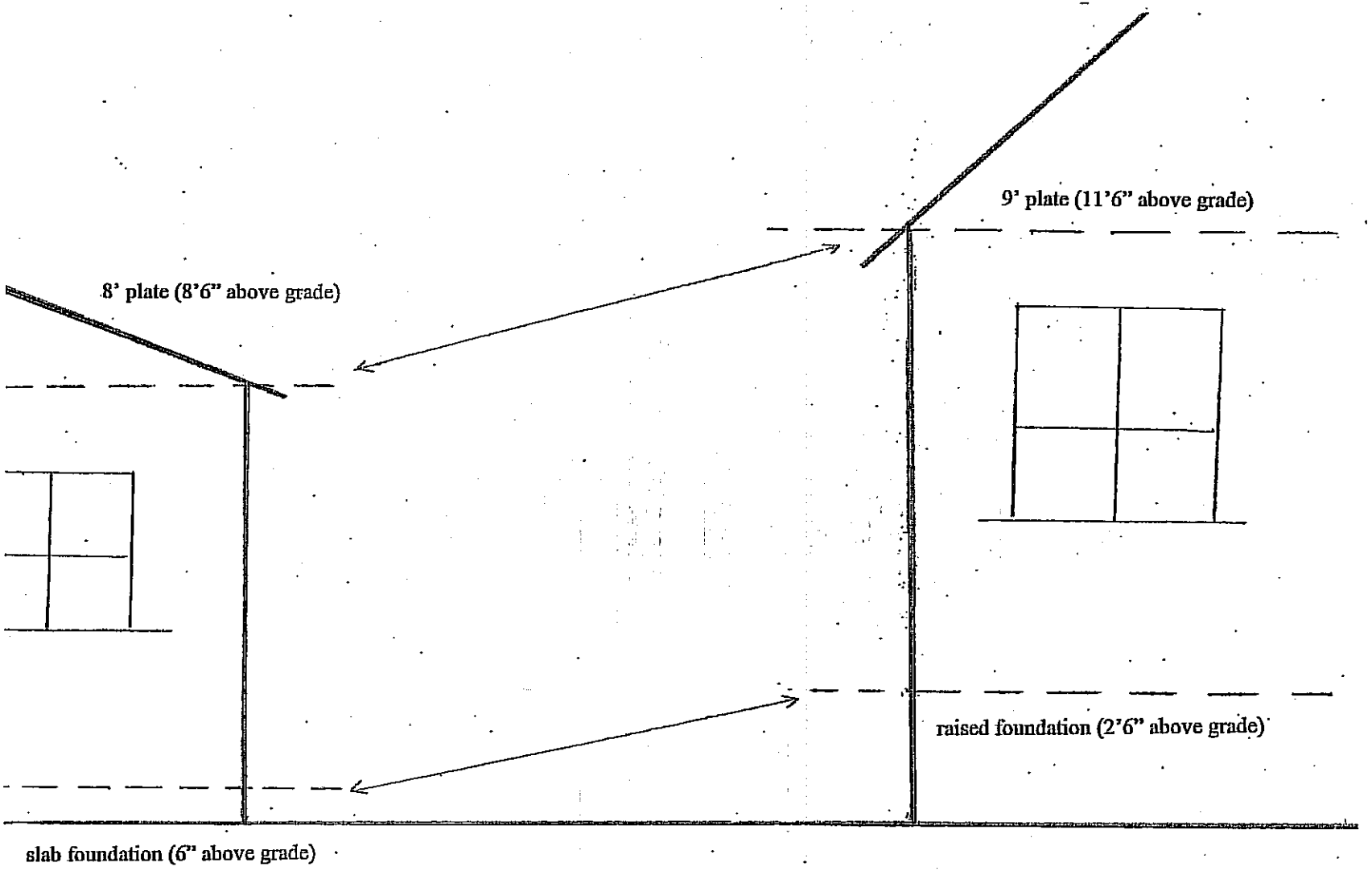
| Sunnyvale Zoning District: | R-1.7/PD | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FRONT SETBACK | | SIDE SETBACK | | REAR SETBACK | | LOT COVERAGE | | MIN. LOT AREA | FAR | HEIGHT | DENSITY |
| | 1st story | 2nd story | 1st story | 2nd story | 1st story | 2nd story | One story | Two story | | | | |
| Mountain View (<5,000/40w) | 20' | 25' | 5' min | 5' min (12' total) | 15-40' or 20% depth | 20-40' or 25% depth | unknown | unknown | <5,000 sf | 45% | 1st Story 24', 2nd Story 28' | unknown |

| Sunnyvale Zoning District: | R-2 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FRONT SETBACK | | SIDE SETBACK | | REAR SETBACK | | LOT COVERAGE | | MIN. LOT AREA | FAR | HEIGHT | DENSITY |
| | 1st story | 2nd story | 1st story | 2nd story | 1st story | 2nd story | One story | Two story | | | | |
| Campbell | 20' | same | 5' or 1/2 bldg wall height | same | 5' or 1/2 bldg wall height | same | 40% | same | 6,000 sf | 55% | 35' (2.5 stories) | 14-20 d.u./acre |
| Mountain View (small lot) | 7'-15' | 15' | 12' | 18' | 12' | 18' | 35% | same | 6,000 sf (interior lots) 7,000 sf (corner lots) | 45% | 30-45' | 10 d.u./acre |

## DEVELOPMENT TOOLS AND REGULATIONS USED IN OTHER CITIES

| | Campbell | Cupertino | San Jose | Santa Clara | Los Altos | Mountain View | SUMMARY |
|---|---|---|---|---|---|---|---|
| Additional second story setbacks | No | Yes, odd method | No | No | Yes, sides only | Yes, and proportional | 3 of 6, various methods |
| Limit 2nd story area | No | Yes, 45% of first | No, but hearing threshold @ 60% | No | No | No | 1 limit and 1 hearing threshold |
| FAR limit | Yes, 50% | Yes, 45% or 750 sf | No | No, lot coverage only | Yes, combined with GFA limit | Yes, by lot size, smaller FAr for larger lots | 4 of 6, various methods |
| FAR threshold | Yes, 45% | yes, 2 staff-level thresholds depending on FAR | Yes, 45% staff, 65% CC | No | No | No | 3 of 6 |
| FAR sliding scale | No | No | No | No | Yes - varies by lot size with odd calc method | Yes | 2 of 6, categorized by lot size |
| Daylight plane | No, but setback = 1/2 building wall height | Yes, for 1st story only | No | No | Yes | No | 1 for 1st story only, 1 general |
| Second-floor equivalent | No | Yes | No | No | No | No | 1 only |
| Height, curb or grade | grade | grade | grade | grade | grade | curb | 5 grade, 1 curb |
| Height limit | 35', 2.5 stories | Yes, 28' | Yes, 35-45' | Yes, 25' | 27' typical, 20' for flag lots or lots where LC exceeds 30% | 28' for two story | Varying from 25-35' |
| Height threshold | No | No | Yes, 30' | No | No | No | Only one, 30' |
| Plate height limit | No | No | No | No | No | Yes, 15' | Only one, 15' |
| Plate height threshold | No | No | No | No | No | No | None |
| Finished floor limit | No | No | No | No | No | No | None |
| Finished floor threshold | No | No | No | No | No | No | None |
| One-story height limit | No | Yes, see daylight plane | No | No | Yes, 20' requires DR | Yes, 24' | 3 of 6 |
| One-story height threshold | No | No | No | No | No | No | None |
| Building story defn limit height | No, but includes 1/2 story defn | Not in main defn but in defn of first floor (20 ft limit) | No, but includes 1/2 story defn | No | No | No | None |
| Gross floor area limit | No | No | No | No | Yes, for some lot sizes (combined with FAR) | No | 1 of 6, for some lot sizes only |
| Gross floor area threshold | No | No | No | No | No | No | None |
| Public notification | Yes, 10 days | 2 weeks for 2-story | Unknown | Unknown | Two-story only | Unknown | Various, generally 2 weeks |
| Public hearings required | Some admin, some architectural review committee hearings | No | Only for exceeding height or FAR threshold | Arc Review Committee for some items only | No | Dev. Rev. for small lots, subdivision, and exceptions only | None require hearings for all projects, generally there are thresholds but few projects require hearings |
| Streetscape elevation | Unknown | Yes | Unknown | No | No | No | One only |
| Notice boards | No | Yes | Unknown | No | No | No | One only |
| Plans on web | No, but hearing notices are on web | No | No, but list of pending projects is on web | No | No | No | None |
| Story poles | No | Yes, for 2 story | No | No | No | No | One only |
| Appeal rights | Yes, anyone | Yes, anyone | Only for hearing items, adjacent only | Yes, anyone | Yes, anyone | Yes, not clear for whom | All have some appeal rights, generally they are open to the public at large, commonly for hearing items only |
| Processing time | 2+ months | 5-10 weeks | Unknown | 4+ weeks | Unknown | Unknown | Various, 4 to 10 weeks |
| Other notes | | | | Small Lot Standard exception for side setbacks | | Proportional setbacks for three lot sizes/widths, height controls by overall plus plate | |

ATTACHMENT F
Page 2 of 2




ATTACHMENT G
Page 1 of 1

# ANALYSIS OF TOOLS FOR SINGLE-FAMILY HOME DEVELOPMENT

## A. Height-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. Reduced overall height limit** |
| *Description:* | Reduce the overall permitted height of homes from the current 30 feet as measured from the top of the nearest public curb; one option is a 28-foot limit. |
| *Benefits:* | Could reduce visual impacts by reducing permitted heights. |
| *Drawbacks:* | May be overly restrictive, particularly for lots with grades significantly higher than the top of curb. Could result in complicated or awkward roof designs or increase the number of Variance applications. Would create legal non-conforming homes (number not known). |
| *Fiscal Analysis:* | This tool limits the permitted height of homes, which may affect property valuation. It does not impact the review process, so no additional fiscal impact to the City is expected. |

| | |
|---|---|
| ***Potential Tool:*** | **2. Height limit for one-story homes** |
| *Description:* | Limit the height of one-story homes as measured from the top of the nearest public curb. Except for the Single Story combining district (which has a height limit of 17 feet) there is currently no separate height limit for one-story homes. A height limit of 17 feet for single-story remodels and new single-story homes would be consistent with the Single Story combining district. However, staff notes that this height limit is a challenge with most architectural styles other than low roof-pitch designs such as Eichler homes. Establishing a single-story height limit which differs from the Single Story combining district limit, such as 20 feet, is an option. Alternatively, the Single-family Design Techniques could be modified to recommending a 20-foot maximum height for one-story homes (see tool D.1 below). |
| *Benefits:* | Recognizes that a tall one-story home can have similar visual impacts as a two-story home yet is not required to meet two-story setback requirements. Addresses compatibility in height when shorter homes are adjacent. |
| *Drawbacks:* | May be seen as unfairly restricting one-story homes relative to two-story homes; may encourage construction of two-story homes to gain additional permitted height. |
| *Fiscal Analysis:* | This tool limits the permitted height of homes, which may affect property valuation. It does not impact the review process, so no additional fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **3. Height limits for wall plates and/or finished floors** |
| *Description:* | Limit the height of walls as measured from the finished floor to the top of plate. One option is to establish a 9 or 10-foot maximum plate height.<br><br>Limit finished floor height related to grade, curb, or the finished floors of adjacent properties. One option is to establish a finished floor height limit of 3 feet above the top of the nearest public curb. |
| *Benefits:* | Recognizes that raised foundations, high finished floors, and high plates can result in taller homes which may be out of scale with surrounding development. |
| *Drawbacks:* | Higher plates and raised foundations are considered to be high-quality features which are desired by many homeowners. Prohibiting them may discourage reinvestment in existing homes. Limiting finished floor heights may also increase the need for Variances for homes located in flood plain areas, where higher finished floors are needed. |
| *Fiscal Analysis:* | This tool limits the plate and foundation heights, which may affect property valuation. Limiting finished floor heights has the potential to increase the number of Variance applications received, which would result in a fiscal impact to the City. However, the number of additional Variance applications is not known. |

## B. Bulk-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. "Second-floor equivalent" for high ceilings ***** |
| *Description:* | Adopt a "second floor equivalent," which requires certain high-ceiling areas to be counted as additional floor area. For example, a 100-square foot area with a ceiling height over 10 feet may count as 200 square feet. |
| *Benefits:* | Recognizes that higher ceilings can have an impact on bulk. |
| *Drawbacks:* | May discourage vaulted ceilings and other high-ceiling areas which homeowners find desirable. |
| *Fiscal Analysis:* | This tool could limit high ceilings, which may affect property valuation. It may result in more homes exceeding the threshold for Planning Commission Design Review, thus increasing hours needed to process applications. Staff does not currently track ceiling heights. However, staff estimates that approximately 15 additional Design Reviews per year would require public hearings as a result of this regulation (assuming current hearing thresholds and application volumes), resulting in an increase of approximately 225 staff hours ($15,300) and $105 in materials costs per year to process applications. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **2. Lower public hearing threshold – FAR** |
| *Description:* | Reduce the Floor Area Ratio (FAR) threshold for public hearing, which is currently 45%. One option is a 40% FAR threshold. |
| *Benefits:* | Provides neighbor notification and allows for public comments and appeals on additional projects. |
| *Drawbacks:* | Public hearings require additional staff time and affect Planning Commission agendas;<br>Increases the processing time and difficulty for some applicants. |
| *Fiscal Analysis:* | This tool is estimated to result in public hearings for approximately 30 additional projects per year. The additional staff time required to implement this tool is estimated at 450 hours ($30,600). Assuming current notification procedures remain in place, the additional materials costs for public notification related to this tool are estimated at $210. |

| | |
|---|---|
| ***Potential Tool:*** | **3. Lower public hearing threshold - gross floor area ***** |
| *Description:* | Reduce the gross floor area threshold for public hearing, which is currently at 4,050 square feet (which is 45% of a 9,000 square foot lot). One option is 3,600 square feet (45% of an 8,000 square foot lot). |
| *Benefits:* | Provides neighbor notification and allows for public comments and appeals on additional projects |
| *Drawbacks:* | Public hearings require additional staff time and affect Planning Commission agendas;<br>Increases the processing time and difficulty for some applicants. |
| *Fiscal Analysis:* | This tool is estimated to result in public hearings for approximately 5 additional projects per year. The additional staff time required to implement this tool is estimated at 75 hours ($5,100). Assuming current notification procedures remain in place, the additional materials costs for public notification related to this tool are estimated at $35. |

*** Indicates tool is recommended by staff

## C. Setback-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. Second-story setbacks** |
| *Description:* | Increase the required front and side yard setbacks for second-story elements. Does not modify the required setbacks for first stories of two-story homes. One option is to require that the combined side yard setback be increased, which would still allow one side of the home to be built straight up; another option is to require an additional setback for each side of a second story regardless of the first floor setback ("wedding cake" style). |
| *Benefits:* | May reduce bulk of second stories;<br>Provides more space between neighbors and two-story elements. |
| *Drawbacks:* | The first option does not require a difference in setback between first and second stories, therefore it may not prevent tall two-story walls;<br>May limit reasonable second-story floor plans with either option, but particularly with the second option requiring a "wedding cake" design. |
| *Fiscal Analysis:* | This tool limits the size of the second floor and therefore the total size of the home on the lot, which may affect property valuation. It does not impact the review process, so no additional fiscal impact to the City is expected. |

| | |
|---|---|
| ***Potential Tool:*** | **2. "Daylight plane" requirement** |
| *Description:* | Adopt a "daylight plane" requirement as an alternate method of calculating setbacks. Daylight planes require that a line be drawn towards the center of a lot from each property line sloping up at a designated angle. A proposed home must fit within the three-dimensional building envelope formed by these angles. |
| *Benefits:* | Limits development to an acceptable 3-D building envelope with the goal of tying setbacks to height and providing substantial light and air between buildings;<br>May provide more flexibility in design than typical method of setback calculation. |
| *Drawbacks:* | More difficult for residents to understand and for staff to administer;<br>May not provide significant benefits over the existing method of calculating setbacks. |
| *Fiscal Analysis:* | This tool results in an alternate method of calculating setbacks. It does not impact the review process, but may require additional staff time to explain, calculate and review compliance with the daylight plan. The number of additional required staff hours is unknown. |

*** Indicates tool is recommended by staff

***Potential Tool:*** **3. Setbacks related to lot size or width *****

*Description:* Establish side yard setbacks related to the size or width of the lot rather than to the Zoning District. Options include:

- Categories by width
- Categories by lot size
- Proportional (% of width or size—e.g. based on width: 7% first floor, 21% total)
- Establishing limited exceptions for certain lot sizes or widths (such as very small or very large lots)

**EXAMPLES**

| | **Based on width** | **Based on lot size** | **Limited Exceptions** |
|---|---|---|---|
| **1st floor Setback** | | | |
| 4 min / 10 total | ≤52 ft | <5,700 s.f. | Lots ≤ 5,700 s.f. |
| 4 min / 12 total (current R-0 standard) | >52 ft to 70 ft | >5,700 to 7,200 s.f. | -- |
| 6 min / 15 total (current R-1 standard) | >70 ft. | >7,200 to 10,000 s.f. | -- |
| 6 min / 18 total | >80 ft. | > 10,000 s.f. | Lots >10,000 s.f. |

*Benefits:* Recognizes that larger lots may require larger side setbacks to avoid the appearance of a wide home dominating the lot. Also recognizes that small and narrow lots face design challenges, particularly with side setbacks, which may result in narrow homes with garages dominating the front elevation.

*Drawbacks:* This tool would result in more restrictive requirements for large lots, and nonconforming setbacks would be created on larger properties. This method of calculating setbacks could also be more difficult for residents to understand.

*Fiscal Analysis:* This tool results in an alternate method of calculating setbacks. It may increase or decrease the required setbacks for some lots, which may affect property valuation. It could reduce Variance applications for narrow/small lots. However, it could also increase Variance applications for wide/large lots. Additional fiscal impact to the City is possible, depending on the increase or decrease in Variances.

*** Indicates tool is recommended by staff

## D. Single-Family Home Design Techniques

| | |
|---|---|
| ***Potential Tool:*** | **1. Height and design of one-story homes ***** |
| *Description:* | Develop detailed design guidelines specifically related to the height and design of one-story homes. Current design guidelines focus more extensively on the impacts of two-story homes and additions. This tool could also include a recommended height for one-story homes (see tool A.2, which evaluates a zoning code change in height). |
| *Benefits:* | Recognizes that a tall one-story home could have the same visual impact as a two-story home yet is not thoroughly addressed by the currently adopted Design Techniques. |
| *Drawbacks:* | Significant additions to the Design Techniques require additional staff time and the assistance of an architectural consultant. |
| *Fiscal Analysis:* | All tools listed in this section require revisions to the Single-Family Home Design Techniques, which must be presented to the Planning Commission and City Council for approval. This tool is expected to require an additional 20 hours of staff time ($1,360) and 10 hours of consultant time ($1,500). |

| | |
|---|---|
| ***Potential Tool:*** | **2. Width of second story relative to first story ***** |
| *Description:* | Adopt a design guideline recommending the width of a second story relative to width of the first story. For example, the width of a second story in any dimension may not be more than 80% the width of the corresponding first story. |
| *Benefits:* | Reduces bulk of second stories by reducing likelihood of tall two-story walls;<br>Allows some first and second floor walls to be aligned to provide more flexibility for applicants. |
| *Drawbacks:* | May limit reasonable second-story floor plans; may limit opportunities for certain architectural styles. |
| *Fiscal Analysis:* | This tool requires a revision to the Single-Family Home Design Techniques as proposed in tool D.1 above. The expected fiscal impact to the City is analyzed in D.1. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **3. Wall plate heights and/or finished floor heights ***** |
| *Description:* | Adopt design guidelines to encourage lower wall plates and lower finished floors, as well as to encourage applicants to maintain a reasonable relationship between their plate heights and finished floor heights and those of adjacent homes. |
| *Benefits:* | Recognizes that tall walls and ceilings impact the appearance of overall height as well as bulk;<br>Recognizes that raised foundations and high finished floors can result in homes which are out of scale with surrounding development. |
| *Drawbacks:* | High wall plates and raised foundations are desired by many homeowners and are difficult to discourage;<br>Applicants may need to submit information on the height of neighboring homes' wall plates and finished floors to assist staff in evaluating compliance with the guideline, which could be overly burdensome. |
| *Fiscal Analysis:* | This tool requires a revision to the Single-Family Home Design Techniques as proposed in tool D.1 above. The expected fiscal impact to the City is analyzed in D.1. |

| | |
|---|---|
| ***Potential Tool:*** | **4. "Shed roof" elements ***** |
| *Description:* | Adopt design guidelines discouraging the use of "shed roof" elements on single-family homes and establishing additional recommended setbacks for shed roof elements. |
| *Benefits:* | Recognizes that shed roof forms may result in tall walls facing property lines, which increase the appearance of height and bulk;<br>Recognizes that shed roof designs are often incompatible with surrounding rooflines. |
| *Drawbacks:* | Limits opportunities for contemporary architecture. |
| *Fiscal Analysis:* | This tool requires a revision to the Single-Family Home Design Techniques as proposed in tool D.1 above. The expected fiscal impact to the City is analyzed in D.1. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **5. Second-story windows ***** |
| *Description:* | Strengthen the language of the existing Design Techniques regarding rear and side second-story windows not needed for egress. All such windows would be required to be high-sill or frosted. |
| *Benefits:* | Provides additional privacy for neighbors adjacent to new two-story homes and two-story additions. |
| *Drawbacks:* | May be overly restrictive and inflexible. Many applicants may desire larger windows in second-floor rooms. |
| *Fiscal Analysis:* | This tool requires a revision to the Single-Family Home Design Techniques as proposed in tool D.1 above. The expected fiscal impact to the City is analyzed in D.1. |

## E. Additional Application Submittal Requirements

| | |
|---|---|
| ***Potential Tool:*** | **1. Certified elevation data ***** |
| *Description:* | Require certified elevation data to be submitted with all Design Review applications to clearly indicate the elevation of the nearest public curb and the proposed elevation of the first floor and roof peak of the structure. |
| *Benefits:* | Prevents applicants from intentionally or unintentionally providing incorrect information about grade and height. |
| *Drawbacks:* | Requires applicants to provide additional information, which may increase the cost and difficulty of projects. |
| *Fiscal Analysis:* | This tool requires applicants to provide additional information with Design Review applications. It may simplify planning review and building inspections. No significant fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **2. "Streetscape" elevations ***** |
| *Description:* | Require all Design Review applicants to provide a streetscape elevation showing the front of their home and the homes on either side, including relative building heights and foundation levels. |
| *Benefits:* | Provides clearer visual information for neighbors and decision-makers reviewing plans to assist them in visualizing the proposed home in context. |
| *Drawbacks:* | Requires applicants to provide additional information, which increases the cost and difficulty of projects. |
| *Fiscal Analysis:* | This tool requires applicants to provide additional information with Design Review applications. It may simplify planning review. No significant fiscal impact to the City is expected. |

| | |
|---|---|
| ***Potential Tool:*** | **3. Property line survey** |
| *Description:* | Require all Design Review applicants to provide an official property line survey to clearly establish the proposed setbacks. |
| *Benefits:* | Prevents applicants from providing incorrect information about property lines. Applicants generally assume fences indicate property lines, but this is not always the case. |
| *Drawbacks:* | Significantly increases costs and project time lines, as property line surveys are expensive and may be difficult to obtain. |
| *Fiscal Analysis:* | This tool requires applicants to provide additional information with Design Review applications. It may simplify planning review and building inspection. No significant fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **4. Street and sidewalk locations on plans ***** |
| *Description:* | Require all Design Review applications to show streets and sidewalks on plans, not just lot lines, to clearly establish the location of property lines relative to the curb. |
| *Benefits:* | Prevents applicants from intentionally or unintentionally providing incorrect information about property lines. |
| *Drawbacks:* | Requires applicants to provide additional information, which may slightly increase costs and difficulty of projects. |
| *Fiscal Analysis:* | This tool requires applicants to provide additional information with Design Review applications. It may simplify planning review and building inspection. No significant fiscal impact to the City is expected. |

## F. More Inclusive Review Process

| | |
|---|---|
| ***Potential Tool:*** | **1. Design Review for any significant modification ***** |
| *Description:* | Require Design Review for any significant exterior modification which changes the exterior appearance of the home, including but not limited to: exterior materials; the number, placement, or design of windows and doors; and the height, pitch, or material of the roof. |
| *Benefits:* | Allows staff to conduct Administrative (staff-level) Design Reviews for exterior changes that may have a significant visual impact but do not add 20% to the floor area. These modifications are currently exempt from review. To be most effective, clear standards of significance are needed to guide the public and staff. Many of these Design Reviews can be handled over the counter, causing no delay to applicants. |
| *Drawbacks:* | Significant visual impact is subjective, therefore this tool has the potential to create uncertainty regarding whether a project requires Design Review;<br>Lack of a clear guideline regarding which applications require Design Review has the potential to frustrate applicant's expectations regarding process and time line. |
| *Fiscal Analysis:* | This tool will result in additional Design Review applications and will therefore require additional staff time. Staff does not currently track modifications that do not require Design Review, therefore the number of applications that will result is unknown. Staff estimates that many of the more modest exterior changes can be handled during the building permit review at the One-Stop counter. Significant exterior changes may number over 10 per year. Each additional Design Review application would require about 10 staff hours. The estimated fiscal impact is approximately $6,800 per year. |

*** Indicates tool is recommended by staff

## G. Modified Neighbor Notification

| | |
|---|---|
| ***Potential Tool:*** | **1. Expanded notification ***** |
| *Description:* | Expands the public notification requirements for Design Reviews. Options include:<br>▪ Notify a 100-foot, 200-foot, or other radius from subject property lines<br>▪ Notify the entire block on which the home is located<br>▪ Add notification for single-story staff-level Design Reviews. |
| *Benefits:* | Provides notification to a broader area and/or for a larger number of applications to allow for additional public comments and participation on proposed single-family development. |
| *Drawbacks:* | Requires increased staff time and materials costs;<br>Increases processing time and has the potential to reduce projects eligible for popular "One-Stop" permitting service;<br>Notification without appeal rights may be perceived as having limited effectiveness. |
| *Fiscal Analysis:* | The fiscal impact of this tool depends on the noticing option selected. The annual fiscal impacts of several key options are presented below.<br>• 100-foot radius for public-hearing and two-story items only (approximately 30 applications per year):<br>▪ Negligible addition to staff hours; $450 in materials<br>• 200-foot radius for public-hearing and two-story items only (approximately 30 applications per year) *(ADDED BY PLANNING COMMISSION)*:<br>▪ Negligible addition to staff hours; $900 in materials<br>• Notify entire block for public-hearing and two-story items only (approximately 30 applications per year):<br>▪ Negligible addition to staff hours; $900 in materials<br>• Adjacent notification for all Design Reviews (approximately 150 applications per year which also includes one-story additions and homes):<br>▪ 120 staff hours ($8,160) plus $1,050 in materials<br>• 100-foot radius for all Design Reviews (approximately 150 applications per year):<br>▪ 120 staff hours ($8,160) plus $2,250 in materials<br>• Block notification for all Design Reviews (approximately 150 applications per year):<br>▪ 120 staff hours ($8,160) plus $4,500 in materials |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **2. Notice boards with streetscape elevation ***** |
| *Description:* | Require larger notice boards including a streetscape elevation to be posted on the site for all Design Reviews requiring public notification. |
| *Benefits:* | Provides clear visual information for neighbors passing by the subject site and allows them to view the proposed changes without visiting the City's offices during business hours. |
| *Drawbacks:* | Requires applicants to provide additional information, which increases the cost and difficulty of projects;<br>May require increased staff time and materials if notices are posted by staff. |
| *Fiscal Analysis:* | This tool requires applicants to provide additional information with Design Review applications. It also requires staff to prepare and post larger and more complex notices. This will result in additional staff hours and materials costs which will vary depending on the size and design of notice board selected. Staff estimates 2 additional hours per permit. Given current notification procedures, the estimated number of affected permits would be approximately 30, resulting in an additional fiscal impact of $4,080. |
| | |
| ***Potential Tool:*** | **3. Plans posted on City Web site** |
| *Description:* | Post proposed plans on the City's Web site for all Design Reviews requiring public notification. |
| *Benefits:* | Facilitates easy review of plans by neighbors without visiting the City's offices during business hours. |
| *Drawbacks:* | Requires significant additional staff time for posting and web site management;<br>Requires applicants to provide electronic copies of all materials which may increase costs and difficulty of projects. |
| *Fiscal Analysis:* | Planning staff does not currently have the ability to post large documents on the City's Web site. This tool would require the Information Technology Division to significantly increase the Web space devoted to the Planning Division. In addition to any time and costs needed for IT to provide additional space, this tool would require an estimated 300 hours of additional Planning staff time per year ($20,400). |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **4. "Story poles"** |
| *Description:* | Require the construction of "story poles," which include a basic wood framing of the proposed home or addition to show its height, bulk, and location. |
| *Benefits:* | Provides clear visual information for neighbors to assist them in visualizing the proposed home in context. |
| *Drawbacks:* | Significantly increases costs and project time lines for applicants;<br>Requires increased staff time to inspect installed poles for compliance;<br>Story poles are temporary structures that are unattractive and may pose a hazard to residents and neighbors. |
| *Fiscal Analysis:* | The fiscal impacts of this tool vary depending on the types of applications required to construct story poles. Assuming only proposed two-story homes are required to construct story poles, this tool is expected to require an additional 60 hours of staff time per year ($4,080) to advise applicants on the requirement and inspect poles for compliance with plans. |

*** Indicates tool is recommended by staff

## H. Modified Appeal Rights

| | |
|---|---|
| ***Potential Tool:*** | **1. Appeal of all staff-level projects** |
| *Description:* | Expand appeal rights to allow appeal of staff-level Design Reviews by non-applicants. Options including allowing appeal by any party, allowing appeal by adjacent property owners only, allowing a single level of appeal to the Planning Commission, or allowing two levels of appeal to both the Planning Commission and the City Council. |
| *Benefits:* | Provides neighbors and/or other members of the public with appeal rights for all Design Reviews. |
| *Drawbacks:* | Appeal rights without notification have little benefit. Additional notification would be needed to inform neighbors of all projects and their appeal rights;<br>Public hearings for appeals demand additional staff time and affect Commission and Council agendas;<br>Single-family appeals can be motivated by personal issues unrelated to project design, therefore appeal rights may not contribute significantly to improving design. |
| *Fiscal Analysis:* | The fiscal impact of this tool varies depending on the option selected. Assuming two levels of appeal are permitted and given current application volumes, this tool has the potential to result in up to 278 additional public hearings per year. This would require up to 4,170 hours of additional staff time ($283,560) and up to $1,946 in additional materials costs. If notification is provided for all Design Review applications to establish appeal rights, additional fiscal impacts will result as described in section G.1 above. |

| | |
|---|---|
| ***Potential Tool:*** | **2. Appeal of two-story homes only ***** |
| *Description:* | Allow appeal of staff-level Design Reviews by non-applicants only for new two-story homes and second-story additions. Options including allowing appeal by any party, allowing appeal by adjacent property owners only, allowing appeal by all property owners within the notification radius, allowing a single level of appeal to the Planning Commission, or allowing two levels of appeal to both the Planning Commission and the City Council. |
| *Benefits:* | Provides neighbors and/or other members of the public with appeal rights for two-story Design Reviews, which are the most likely to cause concern;<br>Notification of adjacent property owners is already provided for these applications, making it easy for staff to add information on appeal rights. |
| *Drawbacks:* | Public hearings for appeals demand additional staff time and affect Commission and Council agendas;<br>Single-family appeals can be motivated by personal issues unrelated to project design, therefore appeal rights may not contribute significantly to improving design. |
| *Fiscal Analysis:* | The fiscal impact of this tool varies depending on the option selected. Assuming two levels of appeal are permitted for adjacent property owners and given current application volumes, this tool has the potential to result in up to 60 additional public hearings per year if every project were appealed to the maximum extent. This could require up to 900 hours of additional staff time ($61,200) and $420 in additional materials costs. Staff estimates this tool is most likely to result in approximately 5 additional public hearings per year, requiring 75 hours of additional staff time ($5,100) and $35 in additional materials costs per year. If notification were expanded beyond the current "adjacent" standard and all notified property owners were allowed to appeal, fiscal impacts of this tool would increase accordingly. |

*** Indicates tool is recommended by staff

## I. Miscellaneous Code Modifications

| | |
|---|---|
| ***Potential Tool:*** | **1. Define "adjacent" properties** |
| *Description:* | Add a definition of "adjacent" properties to SMC 19.80 for the purpose of establishing the appropriate radius for project notification and appeal rights. |
| *Benefits:* | Several residents have raised questions about what counts as an adjacent property for notification purposes, especially with regards to properties located across the street. This tool would provide a clear definition in the Code. |
| *Drawbacks:* | None anticipated. Definition is not necessary if the Council opts for a different notification radius other than adjacent. |
| *Fiscal Analysis:* | This tool provides additional clarification in the language of the Zoning Code; no additional fiscal impact to the City is expected. |
| | |
| ***Potential Tool:*** | **2. Reference Design Technique in SMC 19.80 ***** |
| *Description:* | Modify SMC 19.80.020 and 19.80.050 to include reference to the Single-Family Home Design Techniques. The Single-Family Design Techniques are considered a sub-set of the City-wide Design Guidelines, which are currently referenced. |
| *Benefits:* | The current language would clearly state that any sub-set of the City-wide Design Guidelines including Single-Family Home Design Techniques will be used, as appropriate, for design review. |
| *Drawbacks:* | None anticipated. |
| *Fiscal Analysis:* | This tool clarifies the current code language. No additional fiscal impact to the City is expected. |

**Note:** The combined annual fiscal impact of the tools recommended by staff is estimated to be $39,865 assuming current application volumes and procedures. The modifications recommended by the Planning Commission (including 200-foot notification for some Design Review applications) result in a minor increase in fiscal impact for many of the tools presented. The annual fiscal impact of the recommended tools as modified by the Planning Commission is estimated to be $46,740.

*** Indicates tool is recommended by staff

# STAFF RECOMMENDATION (AS MODIFIED BY PLANNING COMMISSION): SINGLE-FAMILY HOME DEVELOPMENT

The modifications recommended by staff are listed below. All of the recommendations apply to the R-0, R-1, R-1.5, R-1.7/PD, and R-2 Zoning Districts unless otherwise stated. *Text in italics represents modifications recommended by the Planning Commission.*

| **BULK AND SETBACKS** | |
|---|---|
| **Current Standard** | **Proposed Standard** |
| Planning Commission hearing required for homes with a gross floor area exceeding 4,050 square feet in the R-0, R-1, and R-2 Zoning Districts. | Planning Commission hearing required for homes with a gross floor area exceeding 3,600 square feet in the R-0, R-1, and R-2 Zoning Districts. |
| The combined side yard setback requirements in each single-family Zoning District are the same for lots of all sizes and widths. | Increase the combined side yard setback requirement to *18 feet on the first story and 24 feet on the second story* for lots having a width greater than 80 feet in the R-0, R-1, and R-2 (single-family homes only) Zoning Districts. See page 5. |
| | Reduce the combined side setback requirement to 10 feet *on the first story and 16 feet on the second story* for lots having a width less than 55 feet in the R-0 and R-2 (single family homes only) Zoning Districts.<br><br>Reduce the combined side setback requirement to 12 feet on the first story and 18 feet on the second story for lots having a width less than 55 feet in the R-1 Zoning District. See page 5. |
| *A 20-foot front yard setback and a 20-foot rear yard setback are required for single-lot development in all single-family Zoning Districts.* | *No change is recommended to the front yard or rear yard setbacks for single-family Zoning Districts (see table on page 5).* |

| | |
|---|---|
| Two-story elements require an additional 5-foot front setback in the R-0, R-1, and R-2 Zoning Districts. Two-story elements require an additional 6 feet of combined side yard setback in all single-family Zoning Districts. | *In addition to the minimum setbacks required by the Zoning Code*, adopt a Design Technique recommending the width of a second story not exceed 80% of the width of the first story. |
| Each building story counts only once toward the calculation of gross floor area, regardless of ceiling height. | Any area with a ceiling height exceeding 10 feet would be counted twice for the purpose of calculating floor area. |
| The Single-Family Home Design Techniques focus primarily on regulating the bulk of two-story homes. | Work with an architectural consultant to establish clearer Design Techniques for one-story homes. |
| **HEIGHT** | |
| **Current Standard** | **Proposed Standard** |
| Maximum building height of 30 feet for structures in single-family Zoning Districts. | Adopt a Design Technique recommending a maximum height of 20 feet for single-story homes. |
| No limit on height of wall plates. | Adopt a Design Technique recommending a maximum wall plate height of 9 feet. |
| No limit on height of finished floors relative to grade. | Adopt a Design Technique recommending finished floor heights not exceed 3 feet above the top of the adjacent public curb, except as otherwise required to meet Building Code requirements. |
| No limit on height of exterior walls; "shed roof" elements permitted. | Adopt a Design Technique discouraging the use of shed roof elements on single-family homes and recommending additional setbacks for shed roof elements. |

| ***SOLAR ADDITIONS*** | |
|---|---|
| ***Current Standard*** | ***Proposed Standard*** |
| *The Single-Family Home Design Techniques do not reference solar additions.* | *Adopt a Design Technique stating: "Roof-mounted solar installations are encouraged on single-family homes, and Design Review should not discourage these installations."* |
| **APPLICATION SUBMITTAL** | |
| **Current Requirement** | **Proposed Requirement** |
| Elevations are required for Design Review applications showing the subject home (existing and proposed) but not adjacent properties. | Require streetscape elevations (existing and proposed) for all Design Review applications showing the front of the subject home and one home on each side. |
| Elevation data is not required on plans submitted for Design Review. | Require certified elevation data on all plans submitted for Design Review |
| Plans submitted for Design Review must show property lines and improvements on the subject property. | In addition to property lines, require all plans submitted for Design Review to show street and sidewalk locations. |
| **PUBLIC NOTIFICATION** | |
| **Current Procedure** | **Proposed Procedure** |
| Design Reviews for new one-story homes and single-story additions require no public notification. | No change recommended. |
| Design Reviews for new two-story homes, second-story additions, single-family homes over the FAR threshold, and single-family homes over the gross floor area threshold require mailed notification to owners of adjacent properties. | Design Reviews for new two-story homes, second-story additions, single-family homes over the FAR threshold, and single-family homes over the gross floor area threshold require mailed notification to owners of properties located within ~~*100*~~ *200* feet of the subject property. |

| | |
|---|---|
| Design Reviews for new two-story homes and second-story additions require a posted notification on the property including a brief description of the project. | Design Reviews for new two-story homes, second-story additions, single-family homes over the FAR threshold, and single-family homes over the gross floor area threshold require a larger notice board to be posted on the property including a proposed streetscape elevation. |
| **APPEALS** | |
| **Current Regulation** | **Proposed Regulation** |
| Design Reviews for single-story projects which do not require a public hearing may be appealed by the applicant only. | No change recommended. |
| Design Reviews for two-story projects which do not require a public hearing may be appealed by the applicant only. | Design Reviews for two-story projects which do not require a public hearing can be appealed by the applicant or by the owner of any property within the notification radius *(200 feet recommended by Planning Commission).* |
| Design Reviews for projects which require a public hearing may be appealed by the applicant or by the owner of an adjacent property. | No change recommended. |
| **REVIEW PROCESS** | |
| **Current Standard** | **Proposed Standard** |
| Design Review is required only for new homes and for additions which increase the gross floor area of the existing home by 20% or more. | *In addition to the 20% standard currently in place*, require a Design Review for any significant modification which changes the exterior appearance of the home, including but not limited to: exterior materials; the number, placement, or design of windows and doors; and the height, pitch, or material of the roof. |

# SUMMARY OF PROPOSED DEVELOPMENT STANDARDS

| | | *R-0* | *R-1* | *R-1.5* | *R-1.7 /PD* | *R-2* |
|---|---|---|---|---|---|---|
| ***Min. Lot Area*** | | 6,000 sq. ft. | 8,000 sq. ft. | 4,200 sq. ft. | 2,600 - 4,000 sq. ft. (min. area 2 acres) | 8,000 sq. ft. |
| ***Max. Density*** | | 7 dwelling units per acre (du/ac.) | 7 du/ac. | 10 du/ac. | 14 du/ac. | 12 du/ac. |
| ***1st Story Front Setback*** | | 20’ | 20’ | 20’ | 20’ | 20’ |
| ***2nd Story Front Setback*** | | 25’ | 25’ | 20’ | 20’ | 25’ |
| ***1st Story Side Setback*** | ***Lot width <55’*** | 4’ min.<br>10’ total | 6’ min.<br>12’ total | 4’ min.<br>12’ total | 4’ min.<br>12’ total | 4’ min.<br>10’ total |
| | ***Lot width ≥55’ and ≤80’*** | 4’ min.<br>12’ total | 6’ min.<br>15’ total | 4’ min.<br>12’ total | 4’ min.<br>12’ total | 4’ min.<br>12’ total |
| | ***Lot width >80’*** | 4’ min.<br>18’ total | 6’ min.<br>18’ total | 4’ min.<br>12’ total | 4’ min.<br>18’ total | 4’ min.<br>18’ total |
| ***2nd Story Side Setback*** | ***Lot width <55’*** | 7’ min.<br>16’ total | 9’ min.<br>18’ total | 7’ min.<br>18’ total | 7’ min.<br>18’ total | 7’ min.<br>16’ total |
| | ***Lot width ≥55’ and ≤80’*** | 7’ min.<br>18’ total | 9’ min.<br>21’ total | 7’ min.<br>18’ total | 7’ min.<br>18’ total | 7’ min.<br>18’ total |
| | ***Lot width >80’*** | 7’ min.<br>24’ total | 9’ min.<br>24’ total | 7’ min.<br>18’ total | 7’ min.<br>18’ total | 7’ min.<br>24’ total |
| ***Rear Setback [1]*** | | 20’ | 20’ | 20’ | 20’ | 20’ |
| ***Max. Height*** | | 30’ | 30’ | 30’ [2] | 30’ | 30’ |
| ***Max. Lot Coverage*** | | 45% - 1 story<br>40% - 2 story | 45% - 1 story<br>40% - 2 story | 40% | 40% | 40% |
| ***Max. FAR*** | | None (over 45% requires public hearing) | None (over 45% requires public hearing) | 50% | 50% | None (over 45% requires public hearing) |
| ***Min. Lot Width (Interior)*** | | 57’ | 76’ | 42’ | No min. – as determined by SDP | 76’ |

[1]All residential Zoning Districts allow a one-story encroachment into the rear setback (up to 10 feet), provided the area of encroachment is less than 25% of the required rear yard area.

[2] Walls facing side yards limited to 12’ height when located within 12’ of property lines. Second-story wall height limited to 21’ exclusive of roof structure.

# SUNNYVALE ACCESSORY UTILITY BUILDING STATISTICS

| Complaints and Permits Related to Accessory Utility Buildings | | | | |
|---|---|---|---|---|
| | **2005** | **2006** | **2007** | **2008 YTD (as of 5/1/08)** |
| **Complaints** received by Neighborhood Preservation Program | 28 | 32 | 51 | 21 |
| **Miscellaneous Plan Permits** received by Planning | 8 | 17 | 17 | 6 |
| **Use Permits** received by Planning | 0 | 1 | 0 | 1 |
| **Variances** received by Planning | 1 | 1 | 1 | 2 |

# EXISTING ACCESSORY UTILITY BUILDING STANDARDS

| ACCESSORY UTILITY BUILDINGS ATTACHED TO THE HOUSE | | |
|---|---|---|
| *Height, Size & Location* | **Requirements** | **Exceptions** |
| ▪ ***Side yard*** | 3' side setback. | None |
| | AUB length cannot exceed 20% of the length of the wall of the principal structure to which it is attached. No more than one AUB per side yard. | Variance |
| | Must meet lot coverage, rear yard coverage, and rear yard encroachment requirements. | MPP |
| ▪ ***Rear yard*** | Must meet side and rear setbacks for the Zoning District. | Variance |
| | Must meet lot coverage (45%) and rear yard encroachment (25%) requirements. | MPP |
| | The floor area of the AUB must not exceed 20% of the floor area of the existing house. | MPP |
| ▪ ***Front yard*** | Use Permit required (except for permanent garages and carports, which may be permitted by MPP). | None |
| **DETACHED ACCESSORY UTILITY BUILDINGS** | | |
| *Height, Size & Location* | **Requirements** | **Exceptions** |
| ▪ ***Rear or side yard*** <br> ▪ ***≤120 sq. ft. in area*** <br> ▪ ***< 6'6" in height*** | 2' setback from any other building. | None |
| | No setbacks required unless the AUB contains pool or spa equipment, in which case the setback requirements for the Zoning District must be met. | Variance |
| | If located on a corner lot and adjacent to the street side, must be screened to the highest point. | Variance |
| | Must meet lot coverage (45%) and rear yard encroachment (25%) requirements. | MPP |
| ▪ ***Rear or side yard*** <br> ▪ ***≤120 sq. ft. in area*** <br> ▪ ***>6'6" in height*** | 10' rear yard setback. | MPP |
| | Must meet side setback requirements for the Zoning District. | Variance |
| | Must meet lot coverage (45%) and rear yard encroachment (25%) requirements. | MPP |
| | 15' maximum height. | Variance |
| ▪ ***Rear or side yard*** <br> ▪ ***> 120 sq. ft. and ≤450 sq. ft. in area*** | 10' rear yard setback. | Variance |
| | Must meet side setback requirements for the Zoning District. | Variance |
| | Must meet rear yard encroachment (25%) requirement. | Variance |
| | 15' maximum height. | Variance |
| ▪ ***Rear or side yard*** <br> ▪ ***A single AUB or total of all AUBs is > 450 sq. ft. in area*** | Use Permit required. | None |
| | The total floor area of all AUBs on the site must not exceed 800 sq. ft. | Variance |
| ▪ ***Front yard*** | Use Permit required (except for permanent garages and carports, which may be permitted by MPP). | None |

General regulations related to all accessory utility buildings are located in SMC section 19.4.020.

# EXISTING DEVELOPMENT PROCESS

**Use Permit Required (Administrative Public Hearing)**

- Any accessory utility building located between the face of the main building and the street, except permanent garages and carports;
- A single accessory utility buildings exceeding 450 square feet in area, or a lot on which the total of all accessory utility buildings exceeds 450 square feet in area.

The Use Permit process typically takes 6 to 8 weeks. Notice of the public hearing is published in the newspaper and posted on the site, and written notification is mailed to adjacent property owners and residents. A staff report is prepared including staff's recommendation. The Administrative Hearing Officer considers the application at a public hearing, during which testimony is taken from staff, the applicant, and members of the public. The applicant or any member of the public may appeal the Hearing Officer's decision to the Planning Commission.

**Variance Required (Administrative Public Hearing)**

- Any accessory utility building exceeding 15 feet in height;
- Accessory utility buildings which do not meet the side setback, rear yard encroachment, screening, or other zoning regulations identified in the table above.

The Variance process is similar to the Use Permit process as described above.

**Miscellaneous Plan Permit Required (Staff-Level Review)**

- Accessory utility buildings in the side or rear yard which do not meet rear setbacks, lot coverage, or other zoning regulations identified in the table above.

The MPP process typically takes 10 working days to respond with the first set of comments. The total processing time varies based on the number of issues and the applicant's response to staff feedback. The applicant or any member of the public may appeal the staff decision to the Planning Commission to be considered at a public hearing. However, no public notification is required for staff-level permits for accessory utility buildings, so members of the public are not likely to be aware of their appeal rights.

**No Planning Permit Required**

- Accessory utility buildings meeting all requirements as listed in the table above.

If no Planning permit is required, applicants may proceed directly to the Building permit process.

## Accessory Utility Building Standards in Neighboring Cities

| | Permit required | Max. Width/ Length | Max. Height | Max. Size | Max. Rear Yard Coverage | Permitted Location | Clearance from main structure | Setbacks | | | Other Requirements |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Side | Rear | Front | |
| **Campbell** | Permitted with Zoning clearance | None | 14' | 1,000 sq. ft. max. for first structure; 200 sq. ft. max. for every subsequent structure | None | Side and rear yards in rear half of lot | 10' min if in rear;<br><br>5' min if in side;<br><br>10' min from other structures | Same as for main structures in Zoning District | | None | ≥ 120 sq ft must be architecturally compatible with main structure |
| **Cupertino** | None | None | Varies based on setback – see "other req's" section. | None | 30% | Side and rear yards in rear half of lot | ≤ 6' tall: 5' max,<br><br>>6' tall: 5' min | 3' | 3' | None | Structures up to 7' tall require a 3' rear/side setbacks; height may be increased 1' for each 1.5' of additional setback up to 20' max height. (15' limit on wall height.) |
| **Los Altos** | None | 5' wide; 16' long | 12' (18' if within main structure) | None | None | ≤ 6' tall: Side or Rear Yard<br><br>> 6' tall: Rear Yard<br><br>See "other req's" section | 5' min | 5' if in side<br><br>2.5' if in rear | 2.5' if in rear | None | Must be screened from off-site view with solid fencing<br><br>Structures in the rear yard setback are subject to a daylight plane (6' height at property line and increasing at a 4:10 slope) |

ATTACHMENT L
Page 1 of 2

## Accessory Utility Building Standards in Neighboring Cities

| | Permit required | Max. Width/ Length | Max. Height | Max. Size | Max. Rear Yard Coverage | Permitted Location | Clearance (from main structure) | Setbacks | | | Other Requirements |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Side | Rear | Front | |
| **Mountain View** | None | 30% of lot width<br><br>50% of lot width if set back 7 ft. from rear line | 16'<br>(9' wall) | 300 sq. ft. max. (Small)<br><br>500 sq. ft. max. (Large) | Small: 17.5%<br><br>Large: 30% | Side and rear yards in rear half of lot | 10' | 7' or same as main (None for garage or if small & entirely in rear) | None | None | Shed with gabled façade: must be located on the narrower side of building |
| **San Jose** | None | None | 16' max (Sloped roof: midpoint height 12' max.) | Max. 200 sq. ft. per structure (650 garage); Total of all structures max. 650 sq. ft. | 30% | None | 6' | None | None | 60' (garage only 25') | Corner lots: no structures within 10' of side prop. line on street side<br><br>Height can be increased with special use permit |
| **Santa Clara (City)** | None | None | 12' | 480 sq. ft. max | 40% | Side and rear yards; Front yards for carports/ garages only | 6' | 3' if in rear yard | 5' if in rear yard | Garage: 20' | Prohibited in any easements without encroachment permit |
| | | | | | | | | Same as for main structures if in side yard | | | |
| **Santa Clara (County)** | None | None | 12'. | None | 30% | Rear yard | 6' | 3' | 3' | 75' | Trellises/unenclosed structures may be placed closer than 6' to a dwelling but must comply with setback requirements |

ATTACHMENT 4
Page 2 of 2

# ANALYSIS OF TOOLS FOR ACCESSORY UTILITY BUILDINGS

## A. Modified Definitions

| | |
|---|---|
| ***Potential Tool:*** | **1. Identify different types of "accessory structures" ***** |
| *Description:* | Reorganize SMC chapter 19.40 as "accessory structures" with 5 different categories of structures, each having its own requirements:<br>▪ Detached habitable spaces including accessory living units<br>▪ Detached permanent garages and carports<br>▪ Non-habitable accessory utility buildings (sheds and other roofed structures)<br>▪ Open garden features (arbors, gazebos, trellises)<br>▪ Open play equipment (swing sets, trampolines) |
| *Benefits:* | Creating multiple categories of structures may help clarify the regulations and increase the chance of appropriately addressing all proposals;<br>Detached parking structures may be better suited to the regulations for main structures, and removing them from the definition allows the height of accessory utility buildings to be reduced without presenting a hardship;<br>Many landscape features such as trellises have no floor area and less visual impact and may be unfairly restricted by the current regulations. |
| *Drawbacks:* | Creating multiple categories of accessory structures could result in overly complex regulations which are even more difficult to understand and administer. |
| *Fiscal Analysis:* | This tool revises the definition of accessory utility buildings. If regulations increase in complexity, additional staff time may be required to interpret and explain the regulations. If regulations decrease in complexity or become easier to understand and administer, staff time savings may result. |

*** Indicates tool is recommended by staff

## B. Height-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. Reduced height limit ***** |
| *Description:* | Reduce total permitted height of accessory utility buildings. One option is to reduce from 15 to 10 feet. Another option is to establish a height threshold (such as 10 feet) above which a Use Permit is required. |
| *Benefits:* | Reduces visual impact of accessory utility buildings;<br>Many members of the community have stated that 15 feet is too tall. |
| *Drawbacks:* | Decreasing the permitted height for an accessory utility building that meets all setbacks may be overly restrictive when a main building with a height of 30 feet could be placed in the same location. Creates an unknown number of legal non-conforming buildings. Reducing height of all structures currently covered by the accessory utility building regulations may include play structures with vertical features above 10 feet. |
| *Fiscal Analysis:* | This tool decreases the permitted height of accessory utility buildings. It does not impact the review process. If a height threshold is established, additional Use Permit applications may be received at a cost of approximately 15 staff hours per application. |

| | |
|---|---|
| ***Potential Tool:*** | **2. Height limit based on pre-fabricated sheds** |
| *Description:* | Tailor height limits for accessory utility buildings to the heights of readily-available pre-manufactured sheds, most of which exceed 7 feet in height. |
| *Benefits:* | Very few accessory utility buildings are custom-built today – most are pre-fabricated. Sizes and heights have increased over time, and it is now difficult to find pre-manufactured accessory utility buildings which are 6 ft. 6 inches or shorter (the City's height limit for many exempt sheds). |
| *Drawbacks:* | Basing regulations on availability of a commercial product rather than on standards acceptable to the community may be considered arbitrary. |
| *Fiscal Analysis:* | This tool modifies the permitted height and size of accessory utility buildings. It does not impact the review process, so no additional fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **3. Apply a height limit to attached accessory utility buildings ***** |
| *Description:* | Establish a height limit for attached accessory utility buildings. One option is to keep the height requirement the same as for attached sheds. Another option is a height beneath the eave of the main building to which the accessory utility building is adjacent or attached. |
| *Benefits:* | The structure of the current regulations has the unintended effect of providing height limits for detached accessory utility buildings only. The height of attached structures is not regulated. |
| *Drawbacks:* | Depending on the height limit established, it could become difficult to integrate an attached accessory utility building into the existing roofline. |
| *Fiscal Analysis:* | This tool establishes a height limit for attached accessory utility buildings. It does not impact the review process. However, if a heights height threshold is established, additional Use Permit applications may be received at a cost of approximately 15 staff hours per application. |

## C. Setback-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. Modified side or rear setbacks ***** |
| *Description:* | Increase or decrease required setbacks for accessory utility buildings. Options include requiring utility buildings to meet the same setbacks as main structures or establishing separate but increased setback requirements. |
| *Benefits:* | Increased setbacks may reduce the visual impact of accessory utility buildings by keeping them further from property lines.<br>Decreased setbacks may simplify the process for many residents and reduce the number of accessory utility buildings needing permits. |
| *Drawbacks:* | Residents prefer to keep yard areas open by locating accessory utility buildings along property lines rather than in the middle of the yard, therefore increased setbacks may not be desirable.<br>Decreased setbacks may permit large or tall accessory utility buildings to be located close to property lines, which may result in significant visual impacts. |
| *Fiscal Analysis:* | This tool modifies the required setbacks for accessory utility buildings. Depending on the setbacks selected, the number of permit applications for accessory utility buildings may increase or decrease. Minimal fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **2. Proportional rear setback based on height ***** |
| *Description:* | Codify the current staff practice tying rear setback to height. Staff generally asks for a 3-foot rear setback for each 1 foot of additional height over 6 feet 6 inches, but has discretion on a case-by-case basis. Options include varying rear setback by height for all shed types and sizes, or for smaller sheds only. |
| *Benefits:* | Streamlines the permitting process by reducing discretion;<br>Gives residents clearer expectations regarding the setbacks that will be required;<br>Allows additional applications to take advantage of Planning permit exemptions by meeting required setbacks. |
| *Drawbacks:* | Reducing discretion may result in standards that are overly inflexible. |
| *Fiscal Analysis:* | This tool modifies the required setbacks for accessory utility buildings. Given 2007 application volumes, this tool could result in approximately 8 fewer Miscellaneous Plan Permit applications for accessory utility buildings per year. This could result in an annual savings of up to 40 staff hours ($2,720). |
| | |
| ***Potential Tool:*** | **3. Measure setbacks from location of the roof peak** |
| *Description:* | Measure accessory utility building setbacks from the location of the roof peak, not from the outside walls, to ensure there is an adequate setback for the tallest portion of the structure. |
| *Benefits:* | Recognizes that the tallest portion of the accessory utility building is the portion with the greatest visual impact;<br>Addresses the issue of reverse-sloping "shed roofs" by requiring greater setbacks. |
| *Drawbacks:* | Requires redefining setback measurements for one type of structure only, which makes regulations increasingly complicated and confusing;<br>This method of measurement is more difficult for applicants to correctly install and for the Neighborhood Preservation Program to verify. |
| *Fiscal Analysis:* | This tool modifies the method of measuring height for accessory utility buildings. It does not impact the review process, so no additional fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

## D. Visibility-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. Require screening ***** |
| *Description:* | Require accessory utility buildings to be fully screened from public view and/or from the view of neighboring properties. Options include requiring screening of all accessory utility buildings, requiring screening only of those buildings located on corner lots, screening from both public streets and neighbors, or screening only from public streets. |
| *Benefits:* | Reduces visibility of accessory utility buildings from the public street, which is a concern expressed by some residents.<br>May reduce visibility of accessory utility buildings from adjacent properties. |
| *Drawbacks:* | Requiring screening has the potential to encourage taller fences to meet the screening requirement, which may have a greater impact on the neighborhood than the accessory utility building. |
| *Fiscal Analysis:* | This tool requires screening for certain accessory utility buildings. It does not impact the review process, so no additional fiscal impact to the City is expected. |
| | |
| ***Potential Tool:*** | **2. Accessory utility buildings on corner lots located between side building face and street** |
| *Description:* | Allow accessory utility buildings to be located between the side face of a building and the public street on a corner lot if fully screened. |
| *Benefits:* | Current regulations prohibit accessory utility buildings in some portions of the reducible front yard (between the face of the main building and the street) but allow them in other portions of the reducible yard where they may still be visible. Allowing them anywhere in the reducible yard if screened more clearly addresses visual impacts.<br>May be less restrictive for owners of corner lots. |
| *Drawbacks:* | Permitting accessory utility buildings between the side face of the building and the street without requiring screening could result in negative visual impacts, while requiring screening could encourage taller fences to meet the screening requirement. |
| *Fiscal Analysis:* | This tool expands the permitted locations for accessory utility buildings on corner lots. It does not impact the review process, so no additional fiscal impact to the City is expected. |

*** Indicates tool is recommended by staff

## E. Use-Related Zoning Standards

| | |
|---|---|
| ***Potential Tool:*** | **1. No human habitation of accessory utility buildings ***** |
| *Description:* | Clarifies that human habitation is not permitted in accessory utility buildings. |
| *Benefits:* | Assists in code enforcement cases to more clearly stating that it is not permitted to have human habitation of sheds and garages, which detracts from neighborhood character. |
| *Drawbacks:* | None anticipated. |
| *Fiscal Analysis:* | This tool regulates the use of accessory utility buildings and other non-habitable accessory structures on single-family properties. It has the potential to result in a modest decrease hours needed for code enforcement. No additional fiscal impact to the City is expected. |

## F. Modified Permit Requirements

| | |
|---|---|
| ***Potential Tool:*** | **1. Permits for all accessory structures** |
| *Description:* | Require permits for all accessory structures to allow for staff review and to establish broader appeal rights. |
| *Benefits:* | Allows staff to track all accessory utility buildings;<br>Establishes appeal rights for every accessory utility building. |
| *Drawbacks:* | Requires additional staff time;<br>Increases time, cost, and process difficulty for many applicants;<br>May be overly restrictive, particularly as it pertains to small accessory structures such as dog houses and landscape features. |
| *Fiscal Analysis:* | This tool is likely to require significant additional staff resources for processing of permits. However, staff does not currently track the number of accessory utility buildings not requiring permits, therefore the specific fiscal impact of this tool is unknown. There may be hundreds of structures meeting the current definition of accessory utility building which are currently exempt from review each year. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **2. Reduce staff discretion and eliminate or reduce permits for accessory structures** |
| *Description:* | Establish standards requiring less staff discretion by eliminating or reducing permit requirements for accessory utility buildings |
| *Benefits:* | Decreases staff resources needed for permit processing and code enforcement;<br>Decreases time and cost of permit process for applicants;<br>Creates clearer expectations for property owners. |
| *Drawbacks:* | Eliminating permit requirement for all accessory utility buildings may result in structures with significant visual impacts;<br>Eliminating discretion may result in overly inflexible standards. |
| *Fiscal Analysis:* | The fiscal impact of this tool depends on the standards adopted. If all permit requirements for accessory utility buildings are eliminated, staff is expected to receive approximately 15 to 20 fewer Miscellaneous Plan Permit applications per year, resulting in an annual savings of up to 100 staff hours ($6,800). |

## G. Modified Neighbor Notification

| | |
|---|---|
| ***Potential Tool:*** | **1. Notify neighbors of all accessory structure proposals** |
| *Description:* | Require notification of adjacent neighbors for all accessory structures requiring Planning permits. Options include notification before approval of any structure to allow comments, or notification at the time of approval to establish appeal rights. |
| *Benefits:* | Allows for public comments and participation for proposed accessory structures;<br>Allows neighbors to exercise their appeal rights by informing them of the project and appeal deadlines. |
| *Drawbacks:* | Requires additional staff time and materials for notification;<br>May increase the time required for approval of accessory structures;<br>Is likely to increase the number of appeals received, which will result in additional staff time and costs. |
| *Fiscal Analysis:* | Assuming an estimated 20 accessory utility building applications per year, this tool could result in 20 staff hours ($1,360) and up to $300 in materials costs per year. Up to 40 additional public hearings could be required for appeals, which could result in up to 600 staff hours ($40,800) and up to $600 in materials costs. |

*** Indicates tool is recommended by staff

| | |
|---|---|
| ***Potential Tool:*** | **2. Notify neighbors of large/tall accessory structures** |
| *Description:* | Require notification of adjacent neighbors for large or tall accessory structures. Height and floor area thresholds would be established for notification. Options include notification before approval of any structure to allow comments, or notification at the time of approval to establish appeal rights. |
| *Benefits:* | Allows for public comments and participation for large or tall accessory structures, which are the most likely to result in concerns;<br>Allows neighbors to exercise their appeal rights by informing them of the project and appeal deadlines. |
| *Drawbacks:* | Requires additional staff time and materials for notification;<br>May increase the time required for approval of accessory utility buildings;<br>Notification may increase the number of appeals received, resulting in additional staff time and costs. |
| *Fiscal Analysis:* | The fiscal impact of this tool varies depending on the height and floor area thresholds established. The fiscal impact is likely to be less than the impact described in G.1 above, but could still be significant depending on the thresholds established for notification. |

**Note:** The annual fiscal impact of the tools recommended by staff is unknown, as many types of accessory utility buildings are currently exempt from permit requirements and are not tracked. The recommended tools may reduce the number of permits processed resulting in a cost savings, they may increase the number of permits processed resulting in additional costs, or they may have no impact. If an increase or decrease in permits results, staff estimates the fiscal impact to be minimal. The Planning Commission did not recommend any changes to the list of tools recommended by staff.

*** Indicates tool is recommended by staff

# STAFF RECOMMENDATION FOR ACCESSORY UTILITY BUILDINGS (NO CHANGE BY PLANNING COMMISSION): PROPOSED NEW REGULATIONS

**19.40.010. Purpose.**

The purpose of this chapter is to regulate and establish standards for accessory structures, including accessory utility buildings, within R-0, R-1, R-1.5, R-1.7/PD, and R-2 residential zones.

**19.40.015. Definitions and types of accessory structures.**

(a) Accessory structure. A subordinate structure, with or without a foundation, the use of which is incidental to that of the main building or to the use of the land on the same lot. Accessory structures are typically detached but may also be attached to or immediately adjacent to the main structure. Types of accessory structures include:

(1) Detached habitable space. An accessory structure which is detached from the main structure and is designed for, devoted to, or intended for human occupancy. Detached habitable spaces include accessory living units as regulated in 19.68, as well as detached bedrooms.

(2) Detached permanent carport or garage. An accessory structure which is detached from the main structure and is designed for, devoted to, or intended for the storage of vehicles.

(3) Accessory utility building. An accessory structure, either attached or detached, which is not designed for, devoted to, or intended for human occupancy and is not a detached garage, detached carport, open garden feature, or open play equipment. Accessory utility buildings include tool sheds, storage sheds, workshops, greenhouses, animal shelters, greenhouses, covered and/or enclosed gazebos, enclosed play houses, and other similar uses.

(4) Open garden feature. An accessory structure which is unenclosed, is less than 50% covered, and is primarily intended as a decorative garden feature. Open garden features may include arbors, trellises, and some gazebos. Garden features which are at least 50% covered are classified as accessory utility buildings as defined in 19.40.015(a)(3).

(5) Open play equipment. An accessory structure which is unenclosed and is primarily intended as a play area for children. Play equipment may include swings, trampolines, and jungle gyms. Play houses and other enclosed play

equipment are classified as accessory utility buildings as defined in 19.40.015(a)(3).

**19.40.020. General requirements for accessory structures.**

a) Except for pump, filtration or related mechanical equipment for a pool or spa, no natural gas-fueled or electrical heating or air-conditioning apparatus, pump or other mechanical equipment may be installed in any accessory structure, except in detached habitable spaces;

(1) Accessory structures used to house pool or spa equipment must meet the setback requirements of the zoning district in which the site is located.

(b) The height of an accessory structure (except detached habitable spaces) shall be determined by measuring the vertical distance from the average finished grade within five feet of the accessory structure, or within five feet of the main building, whichever is less, to the highest point of the accessory structure. The height of detached habitable spaces shall be determined in the same way as for main structures as set forth in 19.12.030.

(c) No accessory structure, regardless of size or location, may drain onto adjacent property.

(d) No accessory structure shall be located within a public utility easement unless it has a floor area of thirty square feet or less.

(e) Except for permanent garages, permanent carports, and open garden features, no accessory structure shall be placed or maintained between the face of any main building and any public street, unless otherwise approved by a use permit. Open garden features located between the face of the main building and the street require approval of a miscellaneous plan permit.

(f) All accessory structures greater than one hundred twenty square feet shall be compatible in exterior appearance with the principal structure on the premises. The director of community development is authorized to require such modifications to the exterior of such a structure as are necessary to achieve a compatible appearance.

(g) The area (square footage) of an accessory structure is determined by measuring the floor area from the outside dimensions of the structure exclusive of eaves, overhangs or other projections.

(h) Accessory structures are counted toward permitted lot coverage and rear yard coverage. No accessory structure shall cause lot coverage or rear yard coverage to be exceeded unless otherwise approved by a use permit.

(i) Except for permanent garages, permanent carports, and open garden features, no accessory structures shall be visible from any public street unless otherwise approved by a miscellaneous plan permit.

(j) Except for attached accessory utility buildings as regulated in Table 19.40.050, accessory structures must maintain a minimum two-foot clearance from any other building.

(k) Except for permanent garages, permanent carports, and detached habitable spaces, no accessory structure may exceed 10 feet in height unless otherwise approved by a use permit.

(l) Except for detached habitable spaces, no accessory structure may exceed 450 square feet in area, nor may the total of all accessory structures on a lot exceed 450 square feet, unless otherwise approved by a use permit.

(m) No accessory structure may exceed 800 square feet in area, nor may the total of all accessory structures on a lot exceed 800 square feet.

(n) Except for detached habitable spaces as defined in 19.40.050, no accessory structure may be designed for, intended for, devoted to, or used for human habitation.

**19.40.030. Requirements for detached habitable spaces.**

Detached habitable spaces may be constructed subject to the requirements in Table 19.40.030.

**Table 19.40.030**

| **DETACHED HABITABLE SPACES** | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤7’ | None | None | None | Not permitted |
| >7’ up to 8’ | Zoning District std. | Zoning District std. | None | Not permitted |
| >8’ up to 9’ | Zoning District std. | Zoning District std. | None | Not permitted |
| >9’ up to 10’ | Zoning District std. | Zoning District std. | None | Not permitted |
| >10’ | Zoning District std. | Zoning District std. | MPP | Not permitted |

**19.40.040. Requirements for detached garages and carports.**

Detached garages and carports may be constructed subject to the requirements in Table 19.40.040.

**Table 19.40.040**

| DETACHED GARAGES AND CARPORTS | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤ One Story | Zoning District std. | Zoning District std. | MPP | Permitted |
| > One Story | Zoning District std. | Zoning District std. | Not permitted | N/A |

**19.40.050. Requirements for attached accessory utility buildings**

Accessory utility buildings may be attached to or immediately adjacent to the main structure subject to the requirements in Table 19.40.050, provided:

(1) There is no more than one accessory utility building per side yard;

(2) The length of the accessory utility building does not exceed twenty percent of the length of the wall of the principal structure to which it is attached (or immediately adjacent).

**Table 19.40.050**

| ACCESSORY UTILITY BUILDINGS WHICH ARE ATTACHED TO OR IMMEDIATELY ADJACENT TO THE MAIN STRUCTURE | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤10’ | 3’ * | Zoning District std. | None | Use Permit |
| >10’ | 3’ * | Zoning District std. | Use Permit | Use Permit |

* The side setback may reduced to 2’ if a one-hour fire wall is provided on the side of the shed closest to the side property line and a parapet wall is provided between the shed and the wall of the main structure to which it is attached/ adjacent.

**19.40.060. Requirements for detached accessory utility buildings.**

Detached accessory utility buildings may be constructed subject to the requirements in Tables 19.40.060(a) and 19.40.060(b).

**Table 19.40.060(a)**

| DETACHED ACCESSORY UTILITY BUILDINGS ≤ 120 SQUARE FEET | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤7’ | None | None | None | Use Permit |
| >7’ up to 8’ | Zoning District std. | 4’ | None | Use Permit |
| >8’ up to 9’ | Zoning District std. | 7’ | None | Use Permit |
| >9’ up to 10’ | Zoning District std. | 10’ | None | Use Permit |
| >10’ | Zoning District std. | 10’ | Use Permit | Use Permit |

**Table 19.40.060(b)**

| DETACHED ACCESSORY UTILITY BUILDINGS > 120 SQUARE FEET | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤7’ | Zoning District std. | Discretionary (MPP) | MPP | Use Permit |
| >7’ up to 8’ | Zoning District std. | 10’ | MPP | Use Permit |
| >8’ up to 9’ | Zoning District std. | 10’ | MPP | Use Permit |
| >9’ up to 10’ | Zoning District std. | 10’ | MPP | Use Permit |
| >10’ | Zoning District std. | 10’ | Use Permit | Use Permit |

**19.40.070. Requirements for open garden features.**

Open garden features may be constructed subject to the requirements in Table 19.40.070.

**Table 19.40.070**

| OPEN GARDEN FEATURES | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤7’ | None | None | None | MPP |
| >7’ up to 10’ | Zoning District std. | Discretionary (MPP) | MPP | MPP |
| >10’ | Zoning District std. | 10’ | Use Permit | Use Permit |

**19.40.080. Requirements for open play equipment.**

Open play equipment may be constructed subject to the requirements in Table 19.40.080.

**Table 19.40.080**

| **OPEN PLAY EQUIPMENT** | | | | |
|---|---|---|---|---|
| **Height** | **Side Setback** | **Rear Setback** | **Permit** | **In Front of Main Structure?** |
| ≤7’ | None | None | None | Use Permit |
| >7’ up to 10’ | Zoning District std. | Discretionary (MPP) | MPP | Use Permit |
| >10’ | Zoning District std. | 10’ | Use Permit | Use Permit |

# STAFF RECOMMENDATION FOR ACCESSORY UTILITY BUILDINGS: COMPARISON OF EXISTING AND PROPOSED REGULATIONS

| TYPES OF ACCESSORY STRUCTURES | |
|---|---|
| **Current Regulation** | **Proposed Regulation** |
| Detached garages and carports are accessory utility buildings with the same requirements as sheds, except they may be located between the face of a main building and the street without a Use Permit. | Detached garages and carports must meet the requirements for main structures in the Zoning District. |
| Open garden structures such as arbors, gazebos, and trellises are accessory utility buildings with the same requirements as sheds. They are not permitted between the face of a main building and the street without a Use Permit. | Garden structures which are unenclosed and <50% covered are subject to separate regulations as follows:<br><br>In front of main structure: MPP required<br><br>Side/rear:<br>≤7' tall = No permit required<br>>7' tall and ≤10' tall = MPP required, must meet side/reducible setbacks<br><br>>10' tall = Use Permit |
| Play equipment including swing sets and trampolines are considered to be accessory utility buildings with the same requirements as sheds. They are not permitted between the face of a main building and the street without a Use Permit. | Play equipment which is unenclosed is subject to separate regulations as follows:<br><br>In front of main structure: Use Permit<br><br>Side/rear:<br>≤7' tall = No permit required<br><br>>7' tall and ≤10' tall = MPP required, must meet side/reducible setbacks<br><br>>10' tall = Use Permit |

| **HEIGHT LIMIT** | |
|---|---|
| **Current Regulation** | **Proposed Regulation** |
| <u>For detached accessory utility buildings</u>:<br>Height ≤15' = Permitted<br>Height >15' = Variance required<br><br><u>For attached accessory utility buildings</u>:<br>Same as for main structures in Zoning District | <u>For attached and detached accessory structures, not including permanent garages & carports</u>:<br>Height ≤10' = Permitted<br>Height >10' = Use Permit required<br>Height >Zoning District limit = Variance<br><br><u>For permanent garages & carports</u>:<br>Limited to one story. |
| **SETBACKS AND PERMIT REQUIREMENTS (Accessory Utility Buildings)** | |
| **Current Regulation** | **Proposed Regulation** |
| Accessory utility buildings having a floor area ≤120 square feet:<br><br><u>Side or rear yards</u>:<br><6'6" tall = No permit required<br>>6'6" tall = Must meet side setback of Zoning District. No permit required if meeting rear setback, otherwise MPP required.<br>(No regulation established for accessory utility buildings exactly equal to 6'6" tall).<br><br><u>Between face of building and street</u>:<br>Use Permit required, except permanent garages and carports which may be permitted by MPP. | Accessory utility buildings (not including permanent garages and carports, open garden structures, and open play equipment) having a floor area ≤120 square feet:<br><br><u>In front of main structure</u>:<br><br>Use Permit required<br><br><u>Side/rear</u>:<br>≤7' tall = No permit required, no side/rear setback required<br>Between 7' and 10' tall = No permit required, must meet side setback of Zoning District, rear setback varies with height.<br>>10' tall = Use Permit required, must meet side and rear setbacks of Zoning District. |
| Accessory utility buildings having a floor area >120 square feet and ≤450 square feet:<br><br><u>Side or rear yards</u>:<br>No permit required. Must meet side and rear yard setbacks.<br><br><u>Between face of building and street</u>:<br>Use Permit required, except permanent garages and carports which may be permitted by MPP. | Accessory utility buildings (not including permanent garages and carports, open garden structures, and play equipment) having a floor area >120 square feet and ≤450 square feet:<br><br><u>Side or rear yards</u>:<br>≤7' tall = MPP required, must meet side setback of Zoning District.<br>>7' tall = MPP required, must meet side and rear setbacks of Zoning District.<br><br><u>Between face of building and street</u>:<br>Use Permit required |

| | |
|---|---|
| Accessory utility buildings having a floor area >450 square feet and ≤800 square feet, or where the total area of all accessory utility buildings on the site is >450 square feet and ≤800 square feet:<br><br>Use Permit required. | Accessory structures having a floor area >450 square feet and ≤800 square feet, or where the total area of all accessory structures on the site is >450 square feet and ≤800 square feet:<br><br>Use Permit required. |
| Accessory utility buildings >800 square feet, or where the total area of all accessory utility buildings on the site is >800 square feet:<br><br>Not permitted | Accessory structures >800 square feet, or where the total area of all accessory structures on the site is >800 square feet:<br><br>Not permitted |
| **GENERAL REQUIREMENTS** | |
| **Current Regulation** | **Proposed Regulation** |
| Except for pump, filtration or related mechanical equipment for a pool, or spa, no natural gas-fueled or electrical heating or air-conditioning apparatus, pump or other mechanical equipment may be installed in an accessory utility building. | Except for pump, filtration or related mechanical equipment for a pool or spa, no natural gas-fueled or electrical heating or air-conditioning apparatus, pump or other mechanical equipment may be installed in any accessory structure, except in detached habitable spaces:<br><br>(1) Accessory structures used to house pool or spa equipment must meet the setback requirements of the Zoning District in which the site is located. |
| Any accessory utility building containing pool or spa equipment must meet all setbacks for the Zoning District. | |
| The height of an accessory utility building shall be determined by measuring the vertical distance from the average finished grade within five feet of the accessory utility building, or within five feet of the main building, whichever is less, to the highest point of the accessory building. | The height of an accessory structure (except detached habitable spaces) shall be determined by measuring the vertical distance from the average finished grade within five feet of the accessory structure, or within five feet of the main building, whichever is less, to the highest point of the accessory structure. The height of detached habitable spaces shall be determined in the same way as for main structures as set forth in 19.12.030. |
| No accessory utility building, regardless of size or location, may drain onto adjacent property. | No accessory structure, regardless of size or location, may drain onto adjacent property. |

| | |
|---|---|
| No accessory utility building shall be located within a public utility easement unless it has a floor area ≤30 square feet. | No accessory structure shall be located within a public utility easement unless it has a floor area ≤30 square feet. |
| Except for permanent garages or permanent carports, no accessory utility building shall be placed or maintained between the face of any main building and any public street, unless otherwise approved by a Use Permit. | Except for permanent garages, permanent carports, and open garden features, no accessory structure shall be placed or maintained between the face of any main building and any public street unless otherwise approved by a Use Permit. Open garden features located between the face of the main building and the street require approval of a Miscellaneous Plan Permit. |
| Accessory utility buildings may be visible from the public street, except for accessory utility buildings ≤120 square feet in area and ≤6'6" in height, which require no Planning permit but must be screened to the highest point if located in the reducible front yard of a corner lot. | Except for permanent garages, permanent carports, and open garden features, no accessory structures shall be visible from any public street unless otherwise approved by a Miscellaneous Plan Permit |
| All accessory utility buildings >120 square feet shall be compatible in exterior appearance with the principal structure on the premises. The Director of Community Development is authorized to require such modifications to the exterior of such a building as are necessary to achieve a compatible appearance. | All accessory structures >120 square feet shall be compatible in exterior appearance with the principal structure on the premises. The Director of Community Development is authorized to require such modifications to the exterior of such a structure as are necessary to achieve a compatible appearance. |
| Any parcel with >450 square feet of gross floor area devoted to accessory utility building use shall provide and maintain on-site covered parking for at least two automobiles. | Any parcel with >450 square feet of gross floor area devoted to accessory structures shall provide and maintain on-site covered parking for at least two automobiles. |
| The area of an accessory utility building is determined by measuring the gross floor area exclusive of eaves, overhangs or other projections. | The area of an accessory structure is determined by measuring the gross floor area from the outside dimensions of the structure exclusive of eaves, overhangs or other projections. |
| Accessory utility buildings must meet lot coverage requirements and rear yard encroachment requirements unless otherwise approved by an MPP. | Accessory structures must meet lot coverage requirements and rear yard encroachment requirements unless otherwise approved by a Use Permit (eliminate MPP option). |

| | |
|---|---|
| For accessory utility buildings ≤120 square feet, a 2' setback must be maintained between the accessory utility building and any main structure except as provided below:<br><br>Accessory utility buildings may be attached or immediately adjacent to the main structure provided there is no more than one shed per side yard and the length of the shed is ≤20% of the length of the wall to which it is attached or adjacent. | All accessory structures must maintain a minimum of a 2' setback from any main structure, except as provided below:<br><br>Accessory utility buildings may be attached or immediately adjacent to the main structure provided there is no more than one such accessory utility building per side yard and the length of the accessory utility building is ≤20% of the length of the wall to which it is attached or adjacent. |
| **PUBLIC NOTIFICATION** | |
| **Current Regulation** | **Proposed Regulation** |
| Consistent with most types of MPPs, no public notification is provided for MPPs for accessory utility building applications. Use Permits and Variances for accessory utility buildings require public notification. | No change recommended. |
| **APPEALS** | |
| **Current Regulation** | **Proposed Regulation** |
| Any member of the public may appeal an MPP decision, including those for accessory utility buildings (although no notification is provided). Any member of the public may appeal a Use Permit or Variance decision, including those for accessory utility buildings. | No change recommended. |
| **STRUCTURE OF ZONING CODE** | |
| **Current Regulation** | **Proposed Regulation** |
| Regulations are presented as text in paragraph form. | Regulations shall be presented in tables to add clarity. |

# Comments Received at Outreach Meeting

**Single-Family Development Standards & Accessory Utility Buildings**
**December 6, 2007, 7:00 p.m.**
**Community Center Neighborhood Room**

## SINGLE-FAMILY DEVELOPMENT STANDARDS

Notification

- Notification of projects is a very important issue for residents.
- Adjacent property notification may be too limited. Consider expanded notification to entire block, several surrounding blocks, or 300'
- Notification is mainly needed for 2-story homes.
- Residents question what qualifies as an "adjacent" home for current notification practices.
- There is a need to get more people involved in outreach for study issues like this one. How can this be done?
- Is there a better way to inform new and potential residents of the rules and regulations regarding additions and new homes?
  - Should the County Assessor provide information on City requirements at the time of title transfer?
  - Should the City provide information/handouts to real estate agents?
  - Should a regulations summary be provided in a "Welcome to Sunnyvale" packet?

Two-story homes

- Two-story homes are the key concern when it comes to size/height.
- Some are poorly designed which is their main problem.
- Some are well-designed but are on lots too small for the size of the home.
- Consider requiring hearings for all two-story homes to give neighbors more chance to participate.
- Hearings on two-story homes are especially needed if located in neighborhoods with predominantly singe-story homes.
- Consider notifying residents within a mile of the proposed home or anyone whose view of the hills may be obstructed by a two-story home or addition.

Setbacks

- Suggestion to measure side setbacks from eave lines, not walls, to prevent eaves from being too close to property lines.

Height
- Higher plate heights are desired today and this is a concern.

Neighborhood Character and Compatibility
- The neighborhood context of the home should be key to evaluating design and size.
- There is a need to look closely at adjacent homes.
- What can we do to address context in the code language?
- Design matters a great deal in making a larger home acceptable.

Size/Floor Area Ratio
- Question about what other cities require.
- Question about how basements are treated. Should they be counted towards floor area?
- Suggestion to base the allowed FAR or total size on a percentage of the size of neighboring homes (for example, a new home or addition cannot result in more than 125% of the average home size or FAR in the surrounding neighborhood).

Individual property rights
- There is a perception that developers receive more favorable treatment than single-family homeowners when it comes to Variances and deviations from the code. Residents feel there is a need to balance the rights of developers and individuals.

# Comments Received at Outreach Meeting

**Single-Family Development Standards & Accessory Utility Buildings**
**December 6, 2007, 7:00 p.m.**
**Community Center Neighborhood Room**

## ACCESSORY UTILITY BUILDING STANDARDS

Height and Setback

- Outreach participants generally agree 15' height limit is too tall, except possibly for garages and carports.
- Other cities seem to have maximum heights of about 10'.
- Consider reducing maximum height to less than 15' at the property line and increasing allowed height with setback
- If the shed height is lower, it is more acceptable to be closer to the property line. Establish standards that vary maximum height with setback.
- Corner lots should require additional setback for sheds in rear/reducible yards that may be visible from the street.
- Suggestion that a height of 10' at peak may be acceptable if located 5' back from property line.

Design

- Design and context also matter for sheds.
- Suggestion to require Design Review of sheds with height over 10'.

Types of Accessory Utility Buildings

- Gazebos, arbors, and trellises are not the same as sheds and should be exempted from this code section.
- Suggestion to create different standards for pre-built sheds versus "stick-built." It is difficult to find pre-built sheds that meet City standards.

**Mariya Hodge - Comments on Single Family Home Development Standards**

**From:** CARL SANDWICK
**To:** <MHodge@ci.sunnyvale.ca.us>
**Date:** 12/12/2007 10:20 PM
**Subject:** Comments on Single Family Home Development Standards
**CC:** Tara Martin Milius

To whom it may concern,

The PDF presentation seem extremely general in specifics. In general guidelines, I suppose this would be OK in the public comment section. But if I came up and said a building was just plain too tall, I expect I would be asked 'how tall is too tall?' I remember we said the same thing about a multi-unit development across the street, and we were ignored. If the neighbors were ignored about something across the street, I expect we would be ignored about our neighbors if they insisted on building a 'Mac Mansion' next door. My memories of sitting in on the planning commission meetings left me with the feeling on helplessness. The presentation seems nice, but I have feeling of sour grapes reading your generalizations presented via Tara's neighborhood new letter.

The generalizations for the small lot standards (page 3) look good in the first two statements. Setting a 'small lot standard' scares me as another tool to be used by exploitative developers. The illustrated plat mat leaves me with the impression that all the homes on that map should be common wall units. (45 foot by 110 foot lots) To have common wall developments should require a home owners group to deal with the issues of close living. This example looks bad as separate titled lots.

I would like more specifics on the section on 'Types of Accessory Utility Buildings', page 5. The last words I remembered for the neighborhood preservation meeting only mentioned the 120 square foot limit on sheds. Can one neighbor complain about (older) existing structures on someone else property? In my case, I have no issues near me, but I am wondering for the sake of discussion.

Thanks for listening to me rant and rave. Yours,

Carl Sandwick

**Mariya Hodge - Requirements for new homes**

**From:**
**To:** <mhodge@ci.sunnyvale.ca.us>
**Date:** 12/18/2007 4:26 PM
**Subject:** Requirements for new homes

I appreciate being able to express my concerns.

PLEASE stop allowing monster houses in our neighborhoods. One was built around the corner from us on Helena, between Kamsack and Samedra, just recently. It is HUGE and completely stucco. It stands out like a sore thumb and now blocks the light to its next door neighbor. There is NO yard left. This house is extremely tall, it looks commercial. I understand they made a "mistake" in the house being taller than the plans and the project was slowed down for approval. The project was approved and now we are stuck with the eyesore forever. Why doesn't Sunnyvale stick with its own rules. It seems that if you just build it then eventually the city approves it. I am disgusted.

There was another one built years ago on Wright between Homestead and Helena. All you see from the street are the garages - YUCK! Again, it dwarfs the neighboring homes. It used to have a big tree in front which blocked it but the owner cut it down. Again, the rules are broken. You can cut the tree down and not get caught or pay a fine. Send them to jail - that might stop the lawbreakers!!

Sunnyvale planners please wise up and look at places like Carmel where they save the trees and new or remodels are in keeping with the character of the city.

The good news - some larger homes fit in beautifully. Look at the one on the 1000 block of Enderby. It is set back from the street, has staggered levels ( not a block of stucco), a garden proportional to the size of the house. It beautifies the neighborhood.

This is the only issue that would make us leave Sunnyvale after living here over 25 years. If a monster goes in next door or beside us, we will move!! If you continue like this, Sunnyvale will lose its charm. You cannot think only of this generation and their greed, you must consider future generations.
Thank you for reading this.
Pat and David Schaechter 1605 Honfleur Dr

# Public Comments Received
## City of Sunnyvale Council Study Issue
## Single-Family Home Development Standards

From: Mariya Hodge, Assistant Planner
Date: December 18, 2007

Staff received a phone call from Elizabeth Moran, who stated that she lives in the San Miguel Neighborhood and received a copy of staff's outreach presentation from her Neighborhood Association President.

Mrs. Moran stated that she agrees with the suggestions in the staff presentation, and believes all of these measures should be taken, including reducing permitted home sizes and heights as well as increasing notification.

Mrs. Moran stated that she believes neighbor notification of projects is sadly lacking, and improving notification is the most important step the City can take.

She does not believe Web postings are very effective, since many residents, especially seniors, do not use the Web.

She stated that placing advertisements in the Sun newspaper is not very effective, since not everyone receives this paper. She stated that the entire San Miguel neighborhood has been dropped from Sun delivery, and other neighborhoods have as well. Adding a second newspaper might give better coverage to all neighborhoods.

Mrs. Moran believes mailings to neighbors are the best way to accomplish notification, and she believes these should be increased. She stated that she was shocked when only 15 nearby homes were notified of the Taylor Woodrow project in their neighborhood, which would have a widespread traffic impact on the whole area. More neighbors need to be notified of all projects so they can participate in the process.

# Public Comments Received
## City of Sunnyvale Council Study Issue
## Single-Family Home Development Standards

From: Mariya Hodge, Assistant Planner
Date: May 23, 2008

Staff spoke at the One Stop Counter with a resident who stated he had attended the outreach meeting in December. He was interested in learning more about staff's recommendation, particularly with regard to required setbacks for two-story homes. Staff outlined the proposed recommendation briefly, informing the resident that staff is recommending increasing the combined side setback requirement for large/wide lots.

The resident stated that he was disappointed by this news, as he does not believe the requirements need to be more stringent. He stated the following:

- He is purchasing a large lot in the City and was planning to build a larger home there, but increased side setback requirements would seriously limit his desired floor plan;
- Although there are some larger lots in the City, these are appropriate for larger homes, and additional setbacks beyond what we currently require aren't necessary;
- Requiring additional setbacks may depress property values, prevent homes in Sunnyvale from selling as rapidly, and prevent homes in Sunnyvale from being upgraded or improved.
- If homeowners are not able to build what they want because of overly-stringent requirements, homeowners may move elsewhere and turn their Sunnyvale properties into rentals, which over time could also cause a decline in Sunnyvale property values.

# Public Comments Received
## City of Sunnyvale Council Study Issue
## Single-Family Home Development Standards

From: Mariya Hodge, Assistant Planner
Date: May 27, 2008

Staff exchanged several messages with Paul Johnston, owner of The Shed Shop on El Camino Real. Mr. Johnston stated that he attended the outreach meeting in December and was interested in learning more about staff's recommendation. Staff outlined the proposed recommendation briefly. Mr. Johnston stated the following in response:

- Code changes should be made that will allow homeowners to install a shed that meets the required setbacks without obtaining a permit;
- The current staff practice tying rear setback to height (3 feet of rear setback required for each 1 foot in height above 6 feet 6 inches) to be too restrictive;
- While few cities if any allow a zero rear setback for sheds, most permit small rear setbacks such as 3 or 5 feet. A few have requirements that tie rear setback to height, but typically use a 1 to 1 ratio as opposed to Sunnyvale's 3 to 1 policy;
- Sunnyvale should adopt a "middle ground" policy where sheds of medium height (7 to 10 feet) may be permitted with small rear setbacks;
- Santa Clara and Cupertino have reasonable code requirements related to accessory structures, and similar codes would be welcome in Sunnyvale.

**Mariya Hodge - Re: Council Study Issue: Single-Family Development Standards**

**From:** ronyamaguchi
**To:** <MHodge@ci.sunnyvale.ca.us>
**Date:** 5/28/2008 10:21 PM
**Subject:** Re: Council Study Issue: Single-Family Development Standards

Dear Miraye,

Thank you for informing me about the City of Sunnyvale's review of current home standards. I feel the current home standards are a good balance between property owner's rights and limiting the "monster" home. I might be wrong, but I thought the current building standards were put in place in response to past concerns about "monster" homes and I do not think further restrictions are necessary. I am concerned that if more restrictive building standards are put in place, that Sunnyvale residual property will be less desirable because people will not be able to update or build new homes that they desire. This will in turn lead to property values declining in Sunnyvale neighborhoods.

For those concerned about new construction fitting into the style or character of the neighborhoods, restricting the size of the home will not necessarily address those issues. I caution the City of Sunnyvale is trying to dictate what is proper home style. As more limitations are put in place, pretty soon the residual home will have no style or character at all.

Sincerely,

Ron Yamaguchi

**From:** Tappan Merrick
**To:** Mariya Hodge <MHodge@ci.sunnyvale.ca.us>
**CC:**
**Date:** 6/14/2008 12:07 PM
**Subject:** Re: Single family development standards

Dear Mariya,
I have just returned from a three week vacation to find your June 3 e-mail to me. While I don't have specific alternate suggestions, I do have a couple of general issues which might still be incorporated into the single family development standards being proposed.

First, many of us have moved from different parts of the country where living space is significantly greater than here in Sunnyvale. In the Midwest, South and East, basements and attics are typically not included in square feet of living space, although, in reality they are being used. The house I grew up in, an old Victorian built in 1890, had two living floors, with about 3,000 square feet, plus a basement, plus an attic. Total square feet was about 6,000. Out here, when you get a 1,500 square foot house, you get a 1,500 sqaure foot house. Thus, people that move out here have a greater expectation for storage space than we, now native Californians, do. This might explain some of the demand for garages as storage space, while we keep $50,000 to $100,000 worth of cars out on our driveways and parked on the street.

What I am suggesting is that the City develop storage standards for single family homes that are more realistic than any that currently exist. First, single story (or any story homes, for that matter) homes should provide sigificant storage space between the roof and the top living floor so that residents can store holiday ornaments, old books, childrens' things, etc. without having to resort to storing in their garages. These attic spaces should approach 6 feet high at thier peak, with pull down stairs, and a light. The attic should be required to have at least one solar fan, if not two (at about $400 per fan). They should be built with signifcantly sturdy materials to withstand the weight of stored materials. plus the weight of one grown adult. Houses should also be built with a storage space located in the back yard to accommodate lawn mowers and tools.

Second, based upon my own personal experiences with my house, all electrical should be grounded. The electrical panel should be large enough to not only meet the current needs of the house, but a 50% increased need over the years as technologies change. A house wide surge protector should also be added to the panel, to protect against loss of valuabe computer equipment. Electrical outlets should be on the outside of each house, on each side, to better accommodate electrical lawn mowers and gardening equipment.

Thanks for listening.

Tap Merrick

## PLANNING COMMISSION MINUTES OF JULY 14, 2008

**2007-0764:** Consideration of Changes to Single-Family Home Development Standards and Accessory Utility Building Standards (Study Issue) MH

**Mariya Hodge**, Assistant Planner, presented the staff report. She said staff's recommendations are provided in Attachments I and N. She provided two corrections referring to Attachment N, page 3, item I, and said the item should include the phrase at the end of sentence "except detached habitable spaces." She also referred to Attachment N, page 10, the second row in the table, the second column and said the text should be removed and replaced with the text, "No change to current text".

**Comm. Hungerford** referred to page 15 of the report and asked staff for clarification on the Alternatives section. He referred to Alternative 1.a and confirmed that the threshold of gross floor area that would trigger a public hearing would be 3,600 square feet versus the current trigger of 4,500 square feet. Ms. Hodge said the other current trigger is over 45% FAR and staff is not recommending any change to the 45%. Comm. Hungerford said the report also refers to a rule that if a single–family home addition proposal is 20% or more that the expansion triggers a staff level review. Ms. Hodge confirmed that under the current rules, any addition under 20% would not require review which has resulted in some problems, i.e. windows, doors, entryways, rooflines. Ms. Hodge said staff is recommending modification to the rules, referring to Attachment F, which includes exterior modifications that would require a staff level Design Review. She said it is possible to keep both the 20% expansion and also require Design Review for significant exterior modifications. Comm. Hungerford discussed the noticing of projects and Ms. Hodge said staff is recommending an increase in noticing to 100 feet from the current requirement of noticing just the adjacent neighbors. Comm. Hungerford discussed with staff what the definition of an accessory building would be, with staff referring to Attachment N, page 1, item a.3. Comm. Hungerford asked about the proposed budget modification for an annual modification of about $24,000 with **Trudi Ryan**, Planning Officer, explaining that the monies would be used for the administration of the new code provisions.

**Comm. Klein** referred to Attachment I, page 1, regarding setbacks and discussed the proposed changes with staff. He said he is having some issues with old and new code and some of the proposed modifications. Ms. Ryan said, to summarize, staff is recommending modifications to side yard setbacks, no

from the grade, with staff indicating that this would be inconsistent with the current building code. Comm. McKenna commented that she thinks there is often dynamic tension between existing homes and what someone wants their remodel to be and there are positives in keeping with the character of a neighborhood and also value in diversity. She commented that she thinks staff did a great job putting the thoughts together for this report.

**Vice Chair Chang** referred to Attachment H, page 2, item B and discussed with staff how the calculations are made for the second-floor equivalent for high ceilings. Staff commented that high ceilings are desirable to residents, but can increase bulk. The recommendation would result in double counting these areas which may discourage vaulted ceilings. Ms. Hodge said this would be a zoning standard and not a design technique. Vice Chair Chang and staff further discussed this issue.

**Comm. Sulser** discussed with staff that the recommendations and design standards would result in additional Design Reviews each year. Ms. Ryan said there would be additional public hearings and staff level Design Reviews. Ms. Hodge further clarified that staff feels there would be about 10 additional public hearings and 10 to 20 additional staff level reviews per year.

**Comm. Hungerford** referred to Attachment I, page 1, row three, regarding two-story elements with staff confirming that column two would be added to the current standards. Comm. Hungerford requested that a clarification be included that the existing setbacks would be retained in addition to this new standard. Staff noted that this would be a design technique, not a zoning standard, and continued to explain how the current standard and proposed standard work.

**Comm. Klein** asked staff about further setbacks for homes with third stories. Ms. Ryan said that currently third stories are not allowed in the zoning districts being discussed and are only allowed with a Special Development Permit. Comm. Klein and staff discussed third stories and staff commented that if a design technique were developed for third stories then the message to the public would be that third stories are okay.

**Chair Rowe opened the public hearing.**

**Deborah Marks,** a resident of Sunnyvale, said she and others in the City have been concerned about large homes and large sheds being built in the neighborhoods. She said she is glad this became a Study Issue and said she had attended an Outreach Meeting for this issue. Ms. Marks said that at the Outreach Meeting there had been discussion of possibly limiting the size of

modifications to front or rear yard setbacks, modifications to how floor area is calculated, lowering the threshold for Planning Commission review, and modifying the standards and process for Design Review. Comm. Klein said that one of the things this proposal does is equate the R-0, R-1 and R-2 zoning districts which are currently different from the side yard setback standpoint. Ms. Hodge said the three mentioned zoning districts are considered to be the single-family zoning districts. She said staff is not proposing to make the setbacks the same or take away the differentiation between the three zones. She further discussed the three zones and the items that are similar and those that are not. Ms. Ryan said the proposed changes to side setbacks will primarily affect the very wide and the very narrow lots. Comm. Klein clarified with staff that the lots that range from 55 feet wide to 80 feet wide should remain the same. Comm. Klein further discussed the lot widths with staff and the percentage of narrower or wider lots in the City. Comm. Klein asked how the second story of a home would play into these numbers. Ms. Ryan said that staff's suggestion would be a proportional reduction for the second story as well, so if two feet are reduced on the first story that there would also be a two foot reduction on the second story, and discussed additional examples with Comm. Klein. Comm. Klein referred to Attachment N, page 7, and discussed height requirements for accessory structures. Comm. Klein asked if shed vendors provide and build sheds within the local regulations with staff commenting that there may be a representative that can address this question during the public hearing tonight.

**Comm. McKenna** discussed with staff whether the 80% of the second story rule has a positive impact on FAR. Ms. Hodge said the 80% could result in a reduction of FAR in some cases. Comm. McKenna discussed with staff whether basements are included in FAR calculations. Staff said that the basements are not included in FAR unless a certain amount of the basement protrudes above the grade and that This calculation method is one way to discourage bigger buildings above ground. Comm. McKenna asked if staff had reviewed the shapes of roofs and how the shape might affect solar installations. Ms. Hodge said that staff have not looked at roof pitch specific to solar installations as part of this study, but added that staff feels that the flattening of roofs makes a design look bulkier. Ms. Ryan said staff recently completed a Solar Study Issue regarding how to encourage the use of solar, and an ordinance to implement those provisions. Comm. McKenna asked if requiring landscaping plans and their implementation within a certain amount of time could be considered with home additions. Ms. Ryan said that the Commission may want to revisit this issue, but that the current code provisions are that the front yard needs to be neat and clean and is not required to be landscaped. Comm. McKenna discussed measuring building heights for accessory structures from the curb rather than

houses to about 3,500 or 3,600 square feet and asked if this could be considered. Ms. Marks also requested that the recommended 100 feet for noticing be changed to the whole block being notified.

**Paul Johnston,** President of the Shed Shop, said that one of the first things they discuss with clients are the local regulations for the City they are building the shed in. He said he is attending this public hearing to recommend several small changes to the code. He said there are a couple of items in the proposed code that most homeowners in Sunnyvale view as overly restrictive. Mr. Johnston referred to Attachment N, page 5, regarding the height and rear setback of accessory structures. He said the current height limit is 15 feet and the proposed height limit is being reduced to 10 feet. He referred to Attachment L which shows the height limits in neighboring communities. He said he would like to request the 12 feet be considered as a maximum height. He also referred to Attachment L where the rear setbacks are addressed. He said he would recommend a 5 foot rear setback instead of the 10 foot recommendation from staff. Comm. Klein asked Mr. Johnston about what he provides to clients regarding local regulations. Mr. Johnston said that he provides a full list of rules for each City. Comm. Klein asked Mr. Johnston, as far as sales of sheds, what the normal height of a shed is. Mr. Johnston said they sell wood sheds and that the typical shed height is eight to 11 feet tall.

**Eleanor Hanson**, a resident, said that she thinks this report is a masterful piece of work. She said she thinks this is one of the five most important Study Issues that staff will work with in this decade. She said she thinks there should be more public hearings on this issue. She said she would also like there to be extensive outreach on this issue to the public. Ms. Hanson said there is a lot of interest in this subject and the Outreach Meeting in December 2007 was very well attended. She requested there be additional extensive outreach and that staff and the Commission plan for ways to educate the public regarding changes.

**Comm. Klein** asked staff what the Commission would be ruling on tonight. Ms. Ryan said the Commission should be making a recommendation that includes direction, hopefully, for a new ordinance. She said, due to the complexity of the issues, this public hearing and the City Council hearing of August 12, 2008 are hearings for the concepts of the issue to be presented. She said, based on the direction of these public hearings, there would probably be another set of public hearings for the actual ordinance. She said it would be staff's intent to advertise the public hearings, and have articles in the Quarterly Report and on the City's website. Ms. Ryan commented about two points that came up from speakers. Ms. Ryan said, regarding the height of sheds, that staff is not recommending a

maximum of 10 feet, just a maximum of 10 feet without a Use Permit. She said that the Commission may feel that the maximum shed height without a Use Permit may need to be different. Ms. Ryan clarified, regarding sizes of homes in the neighborhood, that staff includes the square footage of the garage in the calculation of the square footage of a home and not just the living area.

**Comm. Hungerford** clarified with staff that an accessory building over 10 feet tall would require a Use Permit. Comm. Hungerford asked about Mr. Johnston's request to reduce the rear setback from 10 to five feet and asked if a Variance would be required to place a structure closer than 10 feet to the rear of the site. Staff referred to Attachment N, page 5 and said there are some instances where the rear setback is discretionary through a staff level permit. In other instances, it varies based on the height of the structure.

**Arthur Schwartz**, a resident, commented that he thinks the rear setback from property lines for sheds, in some instances, should go to zero feet if the shed does not intrude on the neighbors. He said many residents have small backyards. Mr. Schwartz also commented about solar systems, and that the way the roof pitches and which way the collectors face. He said he feels that homes should be prepared to receive south facing collectors. He said he thinks this is a fine document.

**Chair Rowe closed the public hearing.**

**Chair Rowe** commented that there was a request from the public that site plans be posted on the website. Ms. Hodge said that currently if a plan goes to a public hearing then the plans are posted on the website. Ms. Hodge said she thinks the request was for site plans where the public is notified of the plans, but there is not a public hearing, i.e. two-story homes. Ms. Hodge said that currently members of the public would need to come to City Hall to see these two-story plans that do not go to public hearing. Chair Rowe said she would like some consideration to be given about the feasibility of posting these plans that do not go to a public hearing. Chair Rowe referred to Attachment M, page 5, regarding requiring screening and asked if staff considered other types of screening such as landscaping. Ms. Hodge said that landscaping could be used and staff's concern is that if a code requirement is put in requiring screening that applicant's may use that as a justification for taller fences.

**Comm. Hungerford moved to direct staff to prepare an ordinance to modify the Single-Family Zoning Standards and Single-Family Design Techniques, which includes the guidelines for accessory utility buildings in accordance with the staff recommendations with several modifications. Comm. Klein**

**seconded the motion. Comm. Hungerford said one modification would be to expand the types of modifications requiring a Design Review, but also to keep the 20% threshold.** Comm. Hungerford said he agreed with public speaker who requested that the notification radius for Design Reviews be expanded. After discussion and recommendation from Comm. Klein **the modification would be to expand the notification radius for Design Reviews requiring public notices to 200 feet. The two modifications were acceptable to the maker and seconder of the motion.**

**Comm. Sulser** proposed a Friendly Amendment requesting a maximum FAR for the R-0 zoning district be set at 60% which he felt would help with the decision making process for Design Reviews. The Commission and staff discussed this request which was initially accepted by the maker and the seconder of the motion. Comm. McKenna said she feels that the 60% would then become the ceiling and would result in applicants aiming for the 60% FAR rather than the 45% trigger for a public hearing. After further consideration the maker of the motion said he would not accept the Friendly Amendment.

**Chair Rowe** asked staff about the changes to the FAR in relation to the size of lot. Staff said the changes to small and large lots are only in the combined side setbacks which would still result in a 45% hearing threshold regardless of the zoning district or size of lot.

**Comm. McKenna proposed a Friendly Amendment, that the Design Reviews do not discourage solar.** Ms. Ryan suggested that **language could be added to the design techniques that solar installations are encouraged and Design Reviews should not discourage solar installations. The Friendly Amendment was acceptable to the maker and seconder of motion.**

**Comm. Klein referred to Attachment I, page 1, item 3 regarding the current and proposed standards for "Two-story elements". He said he wanted to make sure that the "Current Standard" language for this item carries over to the "Proposed Standard" and is included with the "Adopt a Design Technique" language.** Comm. Klein discussed with staff first and second floor setbacks. **He proposed a Friendly Amendment, referring to Attachment I page 1, item 4 that the language be clarified that the proportional changes to the combined side setbacks for small and large lots apply to the second story side setbacks as well as the first; and, referring to Attachment I, that and item be added to clarify that the staff's recommendation does not propose changes to the front and rear setback requirements. The Friendly Amendments were acceptable to the maker of the motion.**

**Chair Rowe** referred to Attachment N, page 3 regarding detached habitable spaces and asked staff if someone would be able to construct a habitable space that is between 7 and 8 feet in height. Staff said the minimum interior height for habitable space is 7 feet and the overall height is measured from the adjacent grade. Chair Rowe referred to Attachment N, page 2, item g, regarding the general requirements for accessory structures. Chair Rowe proposed a Friendly Amendment that would change the measuring of the floor area from the outside dimensions of the structure measuring from the walls, measuring from the full width with the eaves being considered. Staff commented that the method of measuring size in the building code and the zoning code would then be different, which could cause problems for structures near the 120 square foot trigger for building permits. Ms. Ryan said the amendment could be made though it might be confusing. After further discussion no amendment was requested.

**Comm. Hungerford** commented that he thought Comm. McKenna's previous suggestion to require a landscaping plan was a good idea. Comm. McKenna said that she thinks a landscaping plan should be incorporated into the building plans and that the landscaping plan would need to be completed within a reasonable amount of time. Ms. Ryan said since there is currently no landscaping requirement at all, she thinks that a landscaping plan would require another study and said if the majority of the Commissioners agree that it may be revisited as a Study Issue or be further discussed at a future date.

**Chair Rowe** summarized the highlights of the motion and the modifications.

**Comm. Hungerford** commented that this was a well written report, an important issue, and a significant document, and with the modifications this is a recommendation that the Commission can make to the City Council.

**Comm. Klein** said he would be supporting the motion. He said he applauds staff for listing all of the potential tools and then going through the appropriate steps on how each could be implemented. He said some of the issues seen by the Planning Commission would be resolved with expanded noticing and educating the community on changes in their neighborhoods. He said hopefully these changes will simplify the Commission's, staff's and the applicants' lives by resolving some of the issues that have previously come up.

**Comm. Travis** commended staff on the thoroughness of the report and said he would be supporting the motion.

**Vice Chair Chang** said he would be supporting motion and said he thinks this is a very comprehensive report. He said the outreach to the community was very important for receiving input towards this issue.

**ACTION: Comm. Hungerford made a motion on 2007-0764 to recommend that City Council direct staff to prepare an ordinance, modify the Single-Family Home Design Techniques, modify application submittal requirements and return with a budget modification for approximately $24, 040 (subject to change to address Planning Commission modifications) to add appropriate funding to the Land Use Planning Program 242 budget, consistent with the staff's recommendations in Attachment I and N with the following modifications: on page 4 of Attachment I , item 1, to clarify that a Design Review will still be required for any addition which results in an increase of 20% of the existing floor area, as well as for projects resulting in a significant modification to the exterior appearance of the home; on page 3 of Attachment I under "Public Notification," item 2, to increase the recommended notification radius to 200 feet for new two-story homes and second-story additions; on page 3 of Attachment I, add a new recommended Design Technique stating that "Roof-mounted solar installations are encouraged on single-family homes, and Design Review should not discourage these installations"; on page 1 of Attachment I, item 3, to clarify that the recommended Design Techniques on second story width is in addition to the required setbacks in the City's zoning standards; on page 1 of Attachment I, item 4, to clarify that the proportional changes to the combined side setbacks for small and large lots apply to the second story side setbacks as well as the first story side setbacks; and on page 1 of Attachment I, to add an item to clarify that the staff's recommendation does not propose changes to the front and rear setback requirements. Comm. Klein seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the August 12, 2008 City Council Meeting.**

ATTACHMENT 9

Page 1 of 1

**Mariya Hodge - RE: Rescheduled dates for Single-Family Development Standards**

Received in response to the Planning Commission's recommendation.

**From:** "Paul Johnston"
**To:** "Mariya Hodge"
**Date:** 7/16/2008 9:42 AM
**Subject:** RE: Rescheduled dates for Single-Family Development Standards

Hello Mariya,

Thanks for letting me know the result; I know you are trying to be helpful, but we are very disappointed and discouraged. Our most popular shed model will continue to be very difficult, if not impossible for Sunnyvale residents to own. The photo below of a 10x12 shed in a neighboring city is 9 ft. 7 inches tall. It meets the local codes, including a permit for the electrical. The customer uses the shed for her pottery. However, if her home were in Sunnyvale, she would not be able to have such a shed because of the 10 ft. rear set-back; her yard is not deep enough. This seems a shame; it's unfair to us and unfair to Sunnyvale residents who wish to own such a shed.

Paul