



Council Meeting: September 1, 2009

SUBJECT: **2009-0403:** Application for 25 parcels in Tract 2064 bounded by **Bobolink Circle and Bobwhite Avenue** in an R-0/S (Low Density Residential/Single Story) Zoning District (APNs: 309-02-020 through 309-02-044)

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

REPORT IN BRIEF

Existing Site Conditions Single Family Residential Neighborhood

Surrounding Land Uses

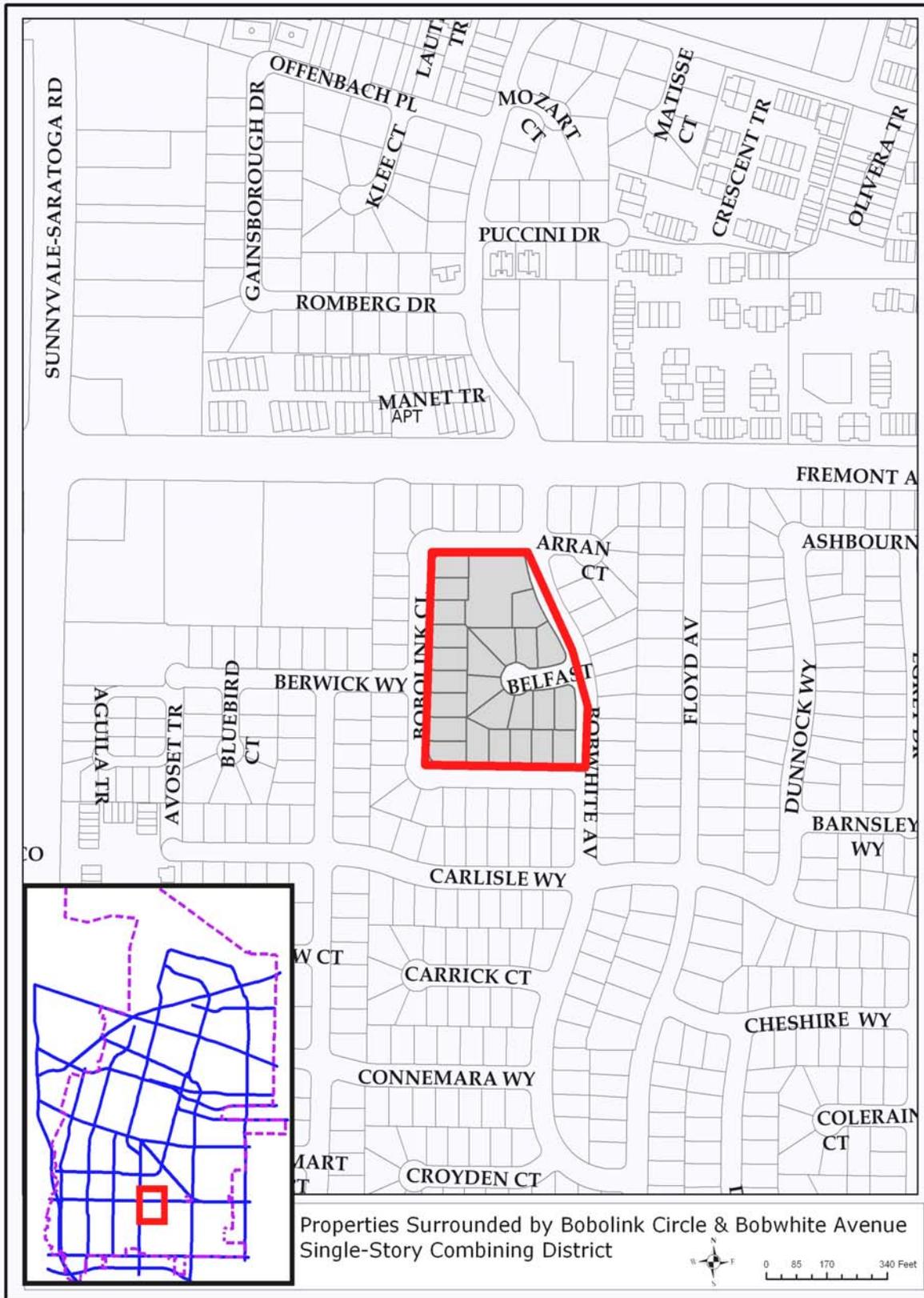
- North Single Family Residential Neighborhood
- South Single Family Residential Neighborhood
- East Single Family Residential Neighborhood
- West Single Family Residential Neighborhood

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

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

Planning Commission Recommendation Approve permanent Single-Story status

Staff Recommendation Approve permanent Single-Story status



	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-O/S	R-O /S (permanent status)	With City Council Approval
Lot Size	5,825 – 8,252 and one 0.67 acre (approx. 29,185 sq. ft. lot in the northeast corner)	Same	6,000 min.
Building Height (ft.)	N/A	17 ft. max.	30' max. (two-story)
No. of Stories	All homes in proposed district are one-story	1 story max	2 stories max.

ANALYSIS

Description of Proposed Project

The subject neighborhood consists of 25 single-story homes in Tract 2064 of the City of Sunnyvale. Three additional single-story homes have been approved but not yet constructed at 574 Bobolink Circle. The neighborhood is bounded by Bobolink Drive on the north, west and south and Bobwhite Avenue to the east. This neighborhood requested and was approved for the Single-Story Combining District in 2002.

Property owners in the subject neighborhood (72%) have requested that the Single-Story status of their neighborhood be made permanent. This neighborhood was originally rezoned to R-O/S (Low-Density Residential/Single Story) by the City Council on June 11, 2002. Prior to a Municipal Code change in 2005, Single-Story Combining Districts were only approved for a seven year time period. The current code allows the rezoning to be permanent unless an application to remove such status is initiated by the property owners in the district. This application is a follow-up request for permanent Single-Story status prior to the seven year expiration of Council's original rezone action. Although this application is being considered after the expiration date, this application was submitted prior to June 11, 2009; therefore, the current zoning designation is still in effect.

Environmental Review

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

Rezoning

In November 2000, as a result of the large home study issue, the City Council adopted changes to the Single-Family development standards in the Zoning Code. One of the adopted changes allows a neighborhood to apply for a Single-Story Combining District, which imposes building intensity and height limits upon affected properties. The intent of the Council action in creating this Combining District was to *“modify the site development regulations of the R-0, R-1, and R-2 residential zoning districts, to preserve and maintain single-family neighborhoods of predominantly single-story character (SMC Section 19.26.200).”*

The applicants have expressed a desire to maintain the one-story character of their neighborhood. Staff has confirmed that 72% of property owners have joined in this application where a minimum of 55% is required. Staff has not received any letters in opposition to the rezoning.

The Zoning Code requires that the proposed district: 1) must be clearly delineated in the application; 2) must consist of at least twenty homes; 3) at least seventy-five percent of the homes in the proposed district must be one-story; and 4) to the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary. Staff has found that the proposed district meets these criteria.

Compliance with Development Standards/Guidelines:

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

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

All setback regulations for each zoning district will remain as per the Zoning Code.

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

Fiscal Impact

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

Public Contact

Staff conducted a neighborhood meeting on Thursday, July 16, 2009 at the City of Sunnyvale Community Center. Five residents from the neighborhood attended the meeting and asked staff questions regarding the proposed rezoning application. Staff provided an overview of the application, and restated requirements of the Single-story Combining District. All residents, who attended, expresses support for the request to renew the single-story combining district.

On August 10, 2009, the Planning Commission held a public hearing, and considered the renewal request and recommended approval unanimously (6-0). The Minutes of the Planning Commission hearing can be found in Attachment C.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 99 notices mailed to property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Web site• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• Posted on the City of Sunnyvale's Web site

Conclusion

Discussion: Staff finds that the proposed district complies with the intent and criteria defined in the Zoning Code for a Single-Story Combining District. The neighborhood has met the application requirements by providing adequate property owner signatures and the proposed boundaries for the district are reasonable and follow streets and tract boundaries. The district has existed for seven years with no detrimental effect on the area. Recommended Findings and General Plan Goals are located in Attachment A.

Alternatives

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

Recommendation

Alternative 1, approve the rezoning to renew the Single-Story combining district as proposed by the applicant

Reviewed by:

Hanson Hom, Director, Community Development Department
Prepared by: Ryan M. Kuchenig

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Recommended Findings
- B. Draft Rezoning Ordinance
- C. Minutes from Planning Commission Hearing on August 10, 2009

Recommended Findings – Rezoning

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

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE 25 PARCELS SURROUNDED BY BOBWHITE AVENUE AND BOBOLINK CIRCLE, APN NOS. 309-02-020 THROUGH 309-02-044, FROM R-0 (LOW DENSITY RESIDENTIAL) DISTRICT TO R-0/S (LOW DENSITY RESIDENTIAL/SINGLE-STORY COMBINING) DISTRICT

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

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties within the R-0/S (LOW DENSITY RESIDENTIAL/SINGLE-STORY COMBINING) DISTRICT, which properties are presently zoned (R-0) (LOW DENSITY RESIDENTIAL) DISTRICT. The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director Community Development shall file a Notice of Determination with the County Clerk pursuant to CEQA guidelines.

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

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

Introduced at a regular meeting of the City Council held on _____, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

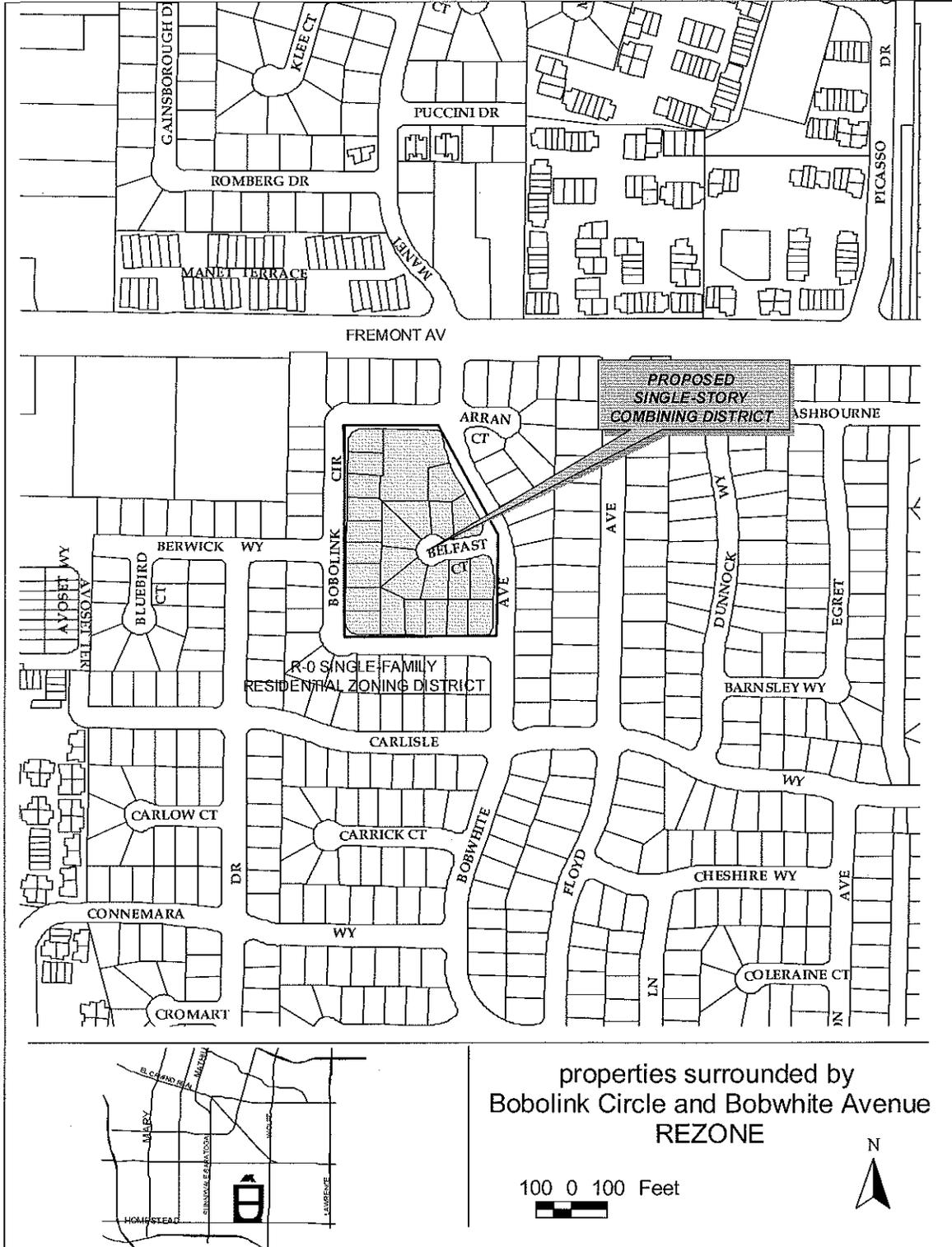
City Clerk
Date of Attestation _____
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

EXHIBIT "A"



PLANNING COMMISSION MINUTES OF AUGUST 10, 2009

2009-0403: Application for 25 parcels in Tract 2064 bounded by **Bobolink Circle and Bobwhite Avenue** in an R-0/S (Low Density Residential/Single Story) Zoning District to allow permanent status for a Single-Story Combining District. (APN: 309-02-028) RK (*Continued from July 27, 2009.*)

Comm. Rowe recused herself and left the Council Chambers as her home is too close in proximity to the project location.

Ryan Kuchenig, Associate Planner, presented the staff report and said the Commission would be considering a recommendation to City Council and that Council would be reviewing this project on September 1, 2009.

Chair Chang opened the public hearing.

Craig Laverone, applicant, said that there has been overwhelming support for the approval of this application. He said that when they were collecting signatures in support of this requested action that there were only a couple of people against this. He said there was 77% support plus potential additional support from those they were unable to contact.

Chair Chang closed the public hearing.

Comm. Hungerford moved for **Alternative 1**, to recommend to City Council to approve the rezoning to apply the **Single-Story combining district** as proposed by the applicant. **Comm. Sulser** seconded the motion.

Comm. Hungerford said there is a very impressive percentage of property owners in favor of this combining district, that this has been done before in this neighborhood and he thinks the Commission should support the motion.

Comm. Sulser said that an overwhelming super majority of the residents in this neighborhood want this zoning to be made permanent and he thinks the Commission should support this request and let the residents have the sort of neighborhood they want.

Comm. Klein said he would be supporting the motion. He said this is finalizing something that began many years ago that was initially temporary and can now be permanent. He said a Single-Story overlay helps to protect the character of a neighborhood.

ACTION: Comm. Hungerford made a motion on 2009-0403 to recommend to City Council to approve the rezoning to apply the Single-Story combining district as proposed by the applicant. Comm. Sulser seconded. Motion carried 5-0, with Comm. Rowe recusing herself and Comm. McKenna absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the September 1, 2009 Council meeting.