



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**January 14, 2008**

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

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

**REPORT IN BRIEF**

**Existing Site Conditions**      Single Family Residential Neighborhood

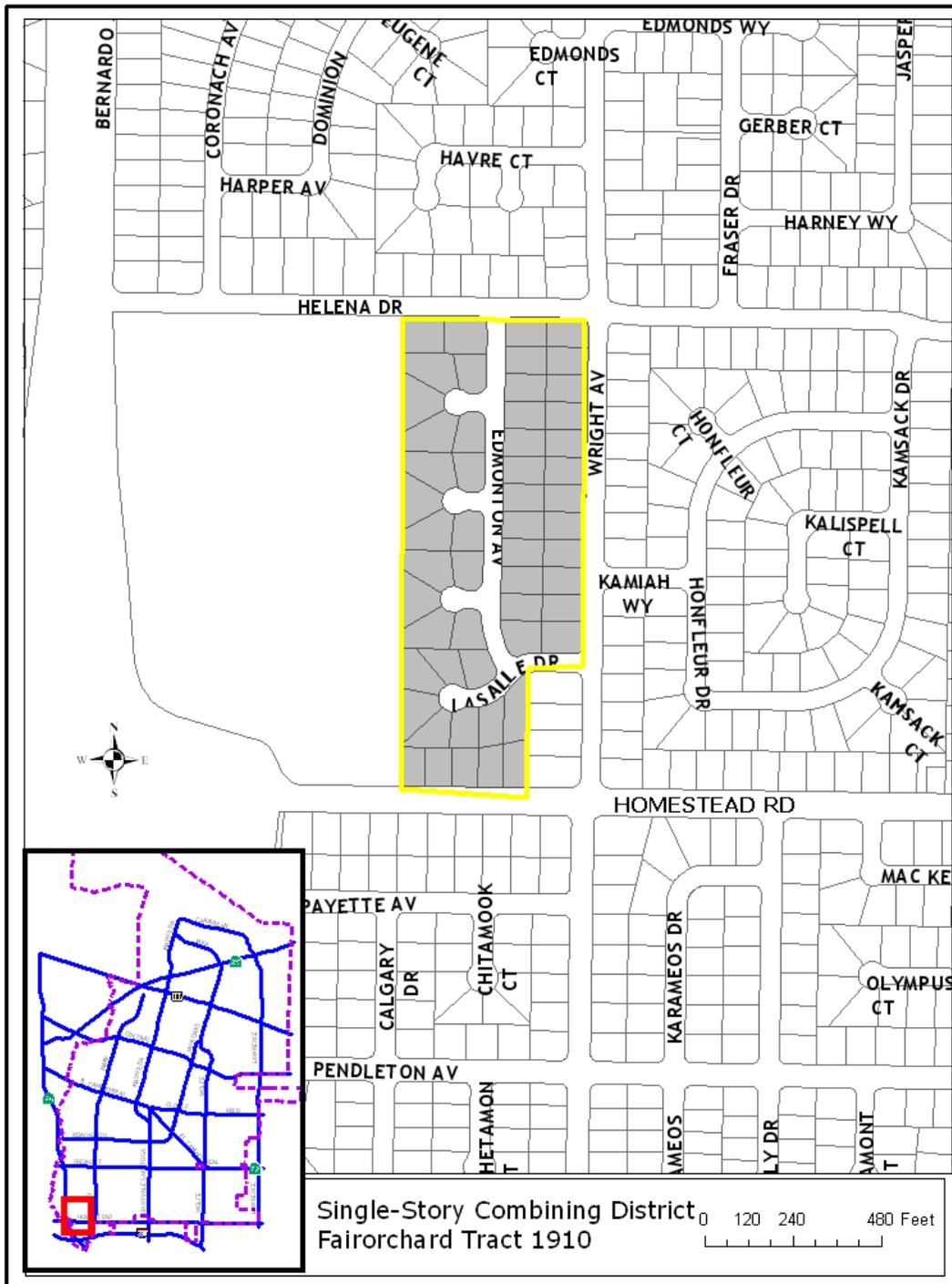
**Surrounding Land Uses**

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

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

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

**Staff Recommendation**      Approve permanent Single-Story status



**PROJECT DATA TABLE**

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

**ANALYSIS****Description of Proposed Project**

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

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

**Background**

In November 2000, as a result of the large home study issue, the City Council adopted changes to the Single-Family development standards in the Zoning Code. One of the adopted changes allows a neighborhood to apply for a Single-

Story Combining District, which imposes building intensity and height limits upon affected properties.

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

### **Environmental Review**

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

### **Rezoning**

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

**Objective:** The intent of Council's action creating the Single-Story Combining District was to "*modify the site development regulations of the R-0, R-1, and R-2 residential zoning districts, to preserve and maintain single-family neighborhoods of predominantly single-story character* (SMC Section 19.26.200)." The applicants have expressed a desire to maintain the one-story character of their neighborhood and this rezoning request implements both the intent of the ordinance and the desire of at least 55% of the property owners within the proposed district as required by the Zoning Code. The rezoning request would be in effect until repealed by the City Council. The neighborhood does not need to reapply at some future date in order to maintain the single-story status.

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

The Zoning Code requires that the proposed district must be clearly delineated in the application and must consist of at least twenty homes. In addition, at least seventy-five percent of the homes in the proposed district must be one-story. To the extent feasible, the proposed district shall follow a recognizable feature such as a street, stream, or tract boundary. Staff has found that the proposed boundaries of the district of 54 properties are reasonable and follow

the City’s street pattern and tract boundaries. At least seventy-five percent of the homes in the proposed district are one-story.

**Compliance with Development Standards/Guidelines:**

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

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

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

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

**Fiscal Impact**

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

**Public Contact**

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

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

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**Conclusion**

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**Discussion:**

As previously discussed, the purpose of the Single-Story combining district is to “*modify the site development regulations of the R-0, R-1, and R-2 residential zoning districts, to preserve and maintain single-family neighborhoods of predominantly single-story character (SMC Section 19.26.200)*”. The code goes on to state that the Single-Story combining district may be established at the discretion of the City Council, that is to say that just because the required majority of property owners in an area request district status, the Council determines when the Single-Story status is appropriate.

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

**Findings:** Staff was able to make the required Findings. Findings are located in Attachment A.

**Alternatives**

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

**Recommendation**

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Recommend Alternative 1 to the City Council.

Prepared by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

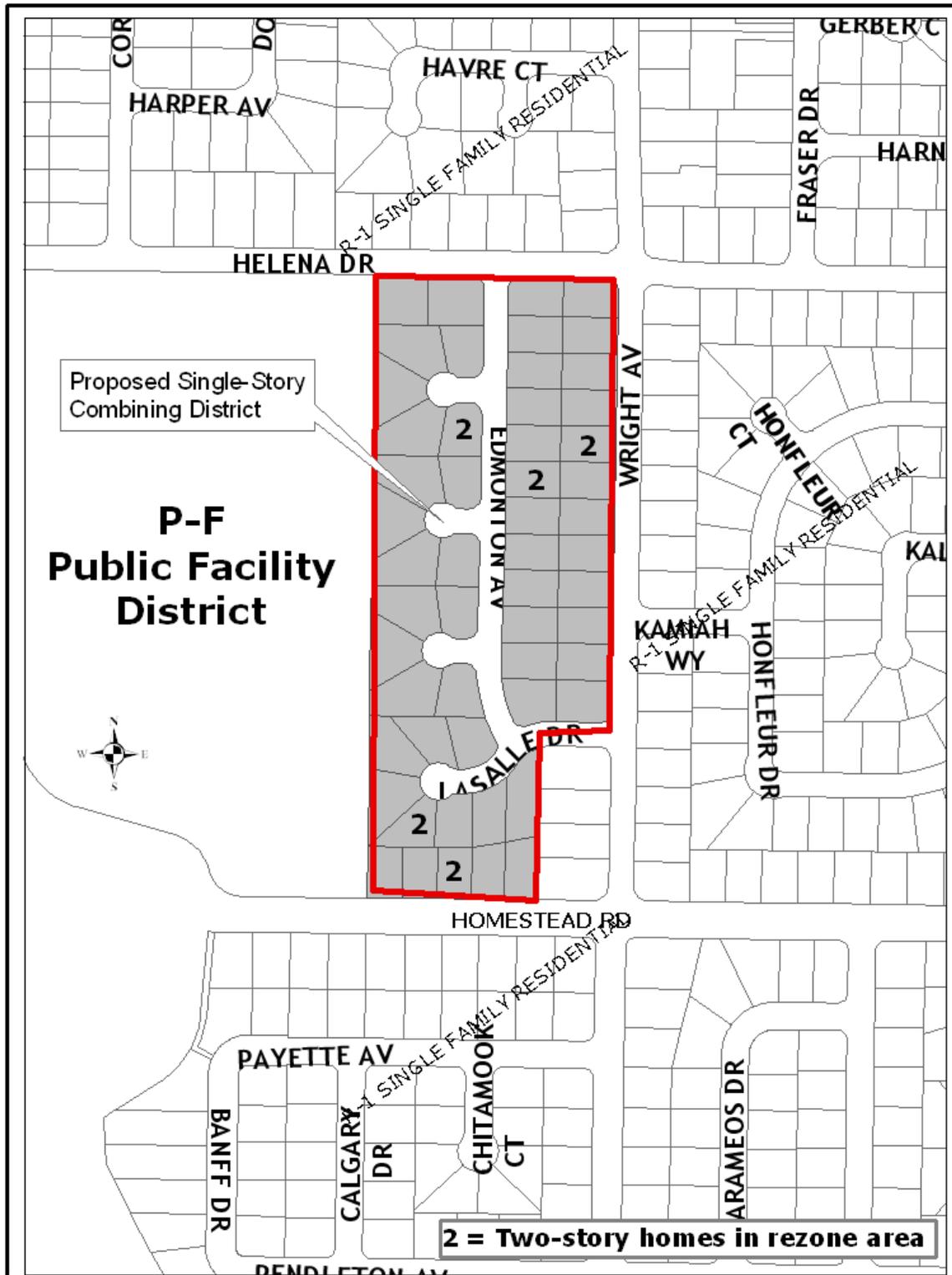
- A. Recommended Findings
- B. Map of two story homes in the rezoning area
- C. Draft Rezoning Ordinance

### **Recommended Findings**

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

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



**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

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

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

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

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

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
SEAL

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

