



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

File #: 2014-7423

Location: 1071 Noriega Ave. (APNs: 161-37-017, 161-37-018)

Proposed Project: Related applications on a 0.48-acre site:

REZONE: Introduction of an Ordinance to rezone the site from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development);

SPECIAL DEVELOPMENT PERMIT: for 10 residential townhome units; and

VESTING TENTATIVE MAP: to subdivide two lots into 10 lots plus a common lot.

Applicant / Owner: Classic Communities (applicant) / Classic 1071 Noriega LP (owner)

Environmental Review: Mitigated Negative Declaration

Project Planner: Rosemarie Zulueta, (408) 730-7437, rzulueta@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Residential Medium Density

Existing Zoning: R-3 (Medium Density Residential)

Existing Site Conditions: Multi-family Residential (11 apartment units)

Surrounding Land Uses

North: Multi-family Residential (medium density)

South: Multi-family Residential (medium density)

East: Single-family Residential (low medium density)

West: Single-family Residential (low density)

Issues: Usable open space and setbacks

Planning Commission Recommendation: Alternative 2: Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with direction for staff to limit on-street parking on the project site frontage during solid waste pick-up days and to assess and consider the preservation of two existing onsite trees for privacy screening.

Staff Recommendation: Alternative 1: Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit for 10 residential townhome units and Vesting Tentative Map to subdivide two lots into 10 lots plus a common lot based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4.

BACKGROUND

Description of Proposed Project

The project includes the demolition of apartment buildings and construction of 10 townhomes with site improvements. The new units will be grouped into three three-story buildings; one building comprising six townhome units and two buildings comprising two units each (duets). The project includes the following applications.

- **Rezone**

Change under consideration: R-3 to R-3/PD.

The Planned Development (PD) Combining District designation does not change the permitted density of the site. It is a common tool utilized throughout Sunnyvale for infill/small lot developments, and is intended to allow for flexibility in meeting the City's development standards for a more successful project.

- **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review on project sites with the PD designation. An SDP also allows for consideration of deviations from specified development standards in exchange for superior design, environmental preservation or public benefit. The applicant is requesting deviations from the requirements for front and side setbacks, distance between buildings and minimum usable open space. The findings required in order to grant an SDP and deviations are discussed in Attachment 3.

- **Vesting Tentative Map**

The Tentative Map is required prior to a Final Map for the creation of 10 individual ownership lots and one common lot. The Tentative Map shows the location of the proposed lot lines, public and private streets and other improvements (see Attachment 6). A Vesting Tentative Map vests the developer's right to build the project for the life of the map and secures the approved project against future Sunnyvale Municipal Code (SMC) amendments that might otherwise affect the project. The Vesting Tentative Map is valid only in conjunction with the approved site plan and conditions of approval. The Tentative Map conditions of approval are listed in Attachment 4. The Final Map is approved by the Director of Public Works and must be in substantial conformance to the Vesting Tentative Map.

See Attachment 1 for the vicinity and noticing radius map and Attachment 2 for the project data table. A project description provided by the applicant is in Attachment 5.

Previous Actions on the Site

There have been no previous development applications on the site. The apartments currently on the site were built in the 1960s.

EXISTING POLICY

General Plan Goals and Policies: Key goals and policies from the Land Use and Transportation Chapter of the General Plan, Council Policy Manual and Citywide Design Guidelines which pertain to the proposed project are provided in Attachment 3.

ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared in compliance with California Environmental Quality Act

(CEQA) provisions and City guidelines (see Attachment 7). An Initial Study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures pertaining to soil remediation or disturbance of cultural resources.

DISCUSSION

Present Site Conditions

The 0.48-acre project site is located on the corner of Noriega Avenue and Lometa Avenue. The site is currently developed with 11 units in two, two-story apartment buildings, and related accessory structures.

Site Design and Architecture

The proposed site layout is consistent with recently approved small-lot, multi-family infill developments in the City. The three buildings are arranged around a central driveway off of Noriega Avenue that serves as the only access to the project. The proposed unit sizes are consistent with typical townhome developments and range from 1,488 to 1,924 square feet of living area with enlarged garages to meet storage requirements.

The project architecture is contemporary in style, consistent with newer developments in the area. The design includes a comprehensive material and color scheme, the use of wall projections, window detailing, defined entries and variations in garage door designs (see Attachment 6). The applicant has worked with staff to further refine exterior materials, especially on the street-facing façades, and the placement of windows.

Development Standards

The project generally complies with the applicable development standards in the SMC. The project data table in Attachment 2 summarizes the project's compliance with applicable development standards. The applicant has requested deviations from front and side setbacks, distances between buildings and minimum usable open space.

Setbacks

The project site has two street frontages and is therefore subject to a 20-foot setback from both front property lines. A portion of the project along Noriega Avenue does not meet this requirement where the six-unit building is only 15 feet from the Noriega Avenue property line. Shifting the building five feet closer to Noriega Avenue allows the project to meet garage dimension requirements, provide a required unassigned parking space and meet the side yard setback from the neighboring property.

The project does not meet the required 12-foot side yard setback at Lot 4 (opposite of Noriega Avenue). The rear yard setback has been applied to the yard opposite Lometa Avenue to be more compatible with adjacent single-family properties. The applicant is requesting this side yard setback deviation to allow the preservation of two mature cedar trees fronting Noriega Avenue and to provide larger usable open space areas for the duet units.

Distance Between Buildings

The Zoning Code requires a 26-foot separation between buildings on the same lot. The project includes a deviation from this requirement between the two duet buildings, which are separated by 11.5 feet instead of the required 26 feet. The result is larger yard areas for the duet units. While the project could be redesigned to have one building instead of two, this separation serves to break up

mass and bulk (consistent with the Citywide Design Guidelines) and serves as a transition to the adjacent single-family neighborhood.

The building separation requirement applies to all types of development; not just residential. Deviations from this requirement have been granted to similar infill townhome projects on small lots.

Usable Open Space

The project provides 254 square feet of usable open space per unit, which is below the 400-square feet required minimum area. The six-plex units include decks on the second floor, but each one is only 73 square feet, which is seven square feet short of the minimum required size to be counted as usable open space.

Some of the difficulty in providing usable open space is the tension between providing the minimum required density and site design requirements such as pedestrian and vehicular access, parking, setbacks and onsite stormwater management. Meeting all code standards is especially difficult on smaller corner lot developments such as the project site. Although the project is above the 75 percent minimum density set by the General Plan, the project already has a net loss of one unit when compared to the existing 11-unit project. Reducing the number of units to meet usable open space and other requirements would result in a larger net loss of units.

The SMC does not allow counting front yards for usable open space. However, Citywide Design Guidelines discourage “walling off” projects from the street and encourage visible entryways, which put yard areas in front of units. Previously approved projects have been granted half credit for usable open space areas within the front yard of the project site. Granting a deviation for half credit to this project would result in 426 square feet of usable open space per unit, which would be above the 400 square feet per unit required.

Landscaping and Tree Preservation

The project exceeds the 425-square foot minimum landscaped area requirement per unit and provides 794 square feet per unit. The project would also result in less impervious surface area than currently on the site.

There are 10 existing trees on the project site, three of which meet the definition of a “protected tree” in the SMC. A tree survey conducted for the site stated that most of the trees are in fair to excellent condition, but many of them are within the proposed driveway or building footprints. Seven trees are proposed to be removed including one “protected tree,” and three trees are proposed to be preserved, including two “protected trees.” These two protected trees are cedars that front Noriega Avenue and contribute significantly to the existing streetscape.

At the Planning Commission public hearing on October 13, 2014, the Commissioners expressed some concerns regarding two smaller trees (a cedar tree that is 7.2 inches in diameter and an almond tree that is 6.5 inches in diameter) on the west side of the property being proposed for removal (see photos in Attachment 10). Commissioners questioned why these two trees are proposed for removal and recommended the City Arborist review them for potential preservation. Although these trees are not directly within the proposed building footprints, the applicant is proposing to excavate this area in order to lower the height of the units and minimize privacy impacts to adjacent properties. The trees are not likely to survive with that extent of grading. Because these trees are fairly small, they provide minimal privacy screening. The applicant is proposing to plant

additional replacement trees throughout the project site.

In order for newly planted trees to achieve immediate effect, staff recommends condition of approval BP-8 in Attachment 4, which requires any protected trees approved for removal shall be replaced with at least 36-inch box specimen trees and that at least 10 percent of all new trees shall be 24-inch box or larger.

Trash and Recycling Facilities

The project proposal is to have individual trash and recycling carts and pick-up service for each unit. The units in the six-plex fronting Lometa Avenue have enlarged garages (479 to 489 square feet) for storage of individual solid waste carts. The proposed duet units have enclosed private rear yards where the carts can be stored. The carts for all units are proposed to be placed at the curb on Noriega Avenue and Lometa Avenue on pick-up days (see Attachment 6 for Trash Management Plan). Environmental Services and Public Works staff have determined that the preliminary plan satisfies established guidelines for trash and recycling collection in townhome complexes. On-street cart staging has been approved for other more recently approved townhome projects.

During the Planning Commission Study Session, Commissioners and neighbors expressed concerns with the visual impact of the carts on the street and the potential conflicts between pick-up service and perceived limited on-street parking. The Planning Commission gave the direction to explore an option for on-site centralized staging of carts for pick-up days, or to limit on-street parking on pick-up days either through striping the curb red or through parking signs to ensure carts could be serviced.

Given the proposed layout and constraints in meeting the required development standards (parking, usable open space, emergency vehicle access, etc.) in smaller corner lot developments, staff identified the area adjacent to the driveway entrance on Noriega Avenue and the accessible parking space as an option for a centralized cart staging area. This option, however, would result in an increase in impervious surfaces and loss of landscaping. A minimum area of 22 feet wide by 9 feet deep would need to be paved for the cart staging. The applicant has chosen to forego this option as this landscaped area defines the entry to the development and contributes to the streetscape. Providing a centralized trash enclosure would result in a loss of one or more units, smaller units, less usable open space/landscaping or reduced setbacks between the proposed buildings and adjacent single-family properties in order to meet the turnaround requirements for collection vehicles per the *Solid Waste & Recycling Design Guidelines for Multi-family Residential Projects*. Staff considers the on-street staging to be the most appropriate solution for solid waste management while still achieving other benefits of the project.

There are no citywide policies to limit on-street parking during solid waste and recycling pick-up days on residential streets. Limiting the use of the public right-of-way for trash service would set a precedent, and might be better addressed through a study issue to reexamine SMC requirements or the established guidelines for solid waste and recycling facilities.

Parking

Each unit is provided two covered spaces in an enclosed garage. Five unassigned spaces are provided and one of them is accessible per building code. Staff recommends condition of approval GC-5, which prohibits any conversion or addition that would result in additional bedrooms unless additional unassigned spaces can be provided per the Zoning Code.

The project would provide more onsite parking than the existing use (from 13 covered assigned

spaces to 20 covered assigned spaces) and would eliminate the curb cuts and driveways on Lometa Avenue. This may result in more on-street parking than currently available.

FISCAL IMPACT

The project would result in a net decrease in units, and therefore no transportation impact fee or park in-lieu fee is required. Reinvestment in the property and sale of the townhome units will increase property taxes.

PUBLIC CONTACT

Notice of Public Hearings

- Published in the *Sun* newspaper
- Posted on the site
- 765 notices were mailed to property owners and residents within 1,000 ft. of the project site
- Notices were emailed to the Sunnyvale West Neighborhood Association and interested parties

Staff Report

- Posted on the City's Web site
- Provided at the Reference Section of the City's Public Library
- Made available at the City's One-Stop Permit Center and the Office of the City Clerk

Agenda

- Posted on the City's official notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety
- Posted on the City's Web site

Outreach Meeting

The applicant conducted a community outreach meeting on July 17, 2014 at the Sunnyvale Community Center. There were approximately 12 attendees. Neighboring residents expressed concerns about privacy, impact to on-street parking and trash cart pick-up on the street. To address potential privacy impacts, the proposed duet buildings closest to the adjacent single-family homes are set back farther than the existing apartment buildings. The third floor of the duets is stepped back even further and includes clerestory windows at the rear elevation for additional privacy. Attachment 6 includes a site section illustrating the existing and proposed privacy impacts to adjacent single-family homes.

Planning Commission Study Session

A Planning Commission study session was held for this project on July 28, 2014. The Commissioners noted concerns regarding the street staging of the trash carts (as previously discussed), the pedestrian connection from the duet buildings to Noriega Avenue and surface treatment of the driveway aisle. The applicant has revised the plans to enhance the driveway and parking areas with a color stamped asphalt treatment and to delineate a pedestrian path from the duet buildings to Noriega Avenue in response to the Commissioners' concerns. Attachment 5 includes the applicant's written response to the Planning Commission's concerns.

Planning Commission Public Hearing

The Planning Commission considered this project at a public hearing on October 13, 2014. No members of the public spoke at the hearing. The Planning Commission voted in support of the

project with the recommendation for Council to direct staff to limit on-street parking along the project frontage during trash pick-up days. The Commission also recommended a condition of approval for the City Arborist to review the two existing trees on the west side of the project site for potential retention as they were thought to contribute towards privacy screening between adjacent properties. The draft public hearing minutes are included in Attachment 9.

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit for 10 residential townhome units and Vesting Tentative Map to subdivide two lots into 10 lots plus a common lot based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4.
2. Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with modified findings or conditions.
3. Adopt the Mitigated Negative Declaration; do not introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018); and deny the Special Development Permit and Vesting Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

STAFF RECOMMENDATION

Alternative 1: Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit for 10 residential townhome units and Vesting Tentative Map to subdivide two lots into 10 lots plus a common lot based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends Alternative 2: Adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with direction for staff to limit on-street parking on the project site frontage during solid waste pick-up days and to assess and consider the preservation of two existing onsite trees for privacy screening.

Staff does not recommend the Planning Commission project changes. The locations for the trash carts were found acceptable by the Public Works and Environmental Services staff. There are currently no citywide policies or provisions to limit on-street parking during solid waste pick-up days, and requiring this condition on the project would be precedent-setting. The two trees in question provide minimal screening because of their small size. The applicant is proposing these trees for removal in order to grade the area and lower the proposed building heights to minimize privacy impacts to adjacent homes. The applicant will be planting additional replacement trees throughout the project site.

Prepared by: Rosemarie Zulueta, Associate Planner
Reviewed by: Trudi Ryan, Planning Officer
Reviewed by: Hanson Hom, Director, Community Development
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Vicinity and Noticing Radius Map
2. Project Data Table
3. Recommended Findings for Approval and General Plan Goals and Policies
4. Recommended Conditions of Approval
5. Applicant's Project Description and Response to Concerns from the Planning Commission Study Session
6. Project Plans dated August 22, 2014
7. Mitigated Negative Declaration
8. Draft Rezoning Ordinance
9. Planning Commission Minutes from October 13, 2014
10. Photos of Trees in West (Rear) Yard