



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-1108, Version: 1

REPORT TO PLANNING COMMISSION

SUBJECT

File #: 2015-7736

Location: 701, 711, 717, 729, E. Evelyn Avenue (APNs 209-01-009, -010, -011, -012, -013, -014, -029)

Zoning: M-3/ITR/R-3/PD (General Industrial/Industrial-to-Residential/Medium Density Residential/Planned Development)

Proposed Project: Related applications on an 11.41-acre site:

SPECIAL DEVELOPMENT PERMIT: To allow a modification to the previously-approved Special Development Permit (2014-7656) for a 204-townhome unit development to add a 0.37-acre parcel and 11 additional units at 711 E. Evelyn Avenue, including extending the previously-approved Variance for concierge trash service to the modified area. The modified overall project would total 11.41 acres and 215 townhome units.

VESTING TENTATIVE MAP: To allow a modification to the previously-approved Vesting Tentative Map (2014-7656) to include the 711 E. Evelyn Avenue parcel in the project and add an additional lot, two common area parcels, and 11 condominium units; and reconfigure the location of six previously-approved lots and 27 condominium units on and around the included parcel.

Applicant / Owner: D.R. Horton (applicant)/D.R. Horton Bay, Inc., Sunnyvale Welding and Fabrication Co., William G. Peterson Trustee Et al. (owners)

Environmental Review: Mitigated Negative Declaration

Project Planner: George Schroeder, (408) 730-7443, gschroeder@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Industrial to Medium Density Residential

Zoning: M-3/ITR/R-3/PD

Existing Site Conditions: An auto repair building, two industrial buildings, and a vacant site under construction associated with the previous project approval (2014-7656)

Surrounding Land Uses

North: Industrial across railroad tracks

South: Multi-family across Evelyn Avenue.

East: Recently approved, but not built townhome project/Multi-family across Wolfe Road overpass

West: Mobile homes across Sunnyvale East Channel

Issues: Distance between buildings, front yard average setback

Staff Recommendation: Approve with conditions

BACKGROUND

Description of Proposed Project

For the adjacent parcels at 701, 717, and 729 E. Evelyn Avenue, the Planning Commission adopted a Mitigated Negative Declaration and approved a Special Development Permit, Vesting Tentative Map, and Variance for a 204-townhome unit project (2014-7656) on February 9, 2015. Subsequently, the applicant purchased a 0.37-acre parcel at 711 E. Evelyn Avenue adjacent to and surrounded on three sides by the previous approval site, and is proposing to integrate the newly acquired parcel within the development, and to revise the site plan on and around the new parcel.

The overall project site is comprised of four legal lots totaling 11.41 acres. The area of the previous plan to be modified area consists of two acres (including the 0.37 acre parcel) on the southern portion of the 11.41 acre overall site, located along the entire E. Evelyn Avenue street frontage for the project site. The northern portion of the overall site is to remain as originally approved.

The proposed project includes demolition of the existing buildings, reconfiguration of 27 previously-approved units, construction of 11 additional townhomes (condominium-style ownership), and associated site improvements.

The project includes the following applications:

- **Special Development Permit**

A Special Development Permit (SDP) is required for site and architectural review on project sites within a Planned Development zoning district. An SDP also allows for consideration of deviations from specified development standards (siting, bulk, and parking) in exchange for superior design, environmental preservation or public benefit.

The applicant is requesting a deviation from Sunnyvale Municipal Code (SMC) Section 19.34.030, which requires a 20-foot average front yard setback, and Section 19.48.030, which requires a 26-foot distance between three-story buildings.

The project complies with density requirements. A maximum of 273 units can be considered with the current zoning of the property. General Plan Policy HE-4.3 requires new developments to build to at least 75% of the maximum density, or 204 units minimum for the site. Therefore, the project meets the policy on minimum number of units.

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 recording a Final Map to include the 711 E. Evelyn Avenue parcel in the project and add an additional lot, two common area parcels, and 11 condominium units; and reconfigure the location of six previously-approved lots and 27 condominium units on and around the included parcel.

A total of 215 townhome units are proposed with condominium (air space) ownership.

The Tentative Map shows the location of the proposed lot lines, public and private streets and other improvements (see Attachment 7). 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.

Previous Actions on Subject Properties

The former use of the included 0.37 acre parcel at 711 E. Evelyn Avenue was an automobile repair business within a 2,200 square foot, one-story building built in 1963. Several discretionary permits have been approved for uses over the life of the building, including automobile tow service and storage and hazardous materials storage. The other two industrial buildings along the frontage at 717 and 729 E. Evelyn Avenue and recently demolished office/R&D buildings at 701 E. Evelyn were previously approved for demolition as part of 2014-7656.

EXISTING POLICY

General Plan Goals and Policies: Key goals and policies from the Land Use and Transportation Chapter of the General Plan which pertain to the proposed project are provided in Attachment 3.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (see the initial study in Attachment 5). An Initial Study has determined that the modified project would not create any significant environmental impacts with implementation of the recommended mitigation measures pertaining to noise, biological resources, historic and cultural resources, and hazards and hazardous materials. The mitigation measures are similar to those included in the previous project approval.

The Santa Clara Valley Water District (SCVWD) has also concluded that the modified project will not result in an increased runoff into the Sunnyvale East Channel and that an encroachment permit from SCVWD is not required. It was also confirmed that the project is consistent with the SCVWD Guidelines and Standards for Land Use near Streams, based on the proposed siting of buildings and landscaping/open space adjacent to the Channel. The City does not have a plan for trails along this stretch of the Channel.

DISCUSSION

Present Site Conditions

The overall 11.41 acre project site currently includes two one-story industrial buildings and the auto repair building. The two existing industrial buildings on the 717 and 729 E. Evelyn Avenue parcels will be demolished as originally approved assuming the modification is approved. The office buildings at the rear of the site, formerly addressed as 701 E. Evelyn Avenue, have been demolished to accommodate the previously-approved northern portion of the project. The overall site backs up to railroad tracks along the north property line and the Sunnyvale East Channel along the west property line. An existing PG&E easement runs along the western boundary of the site, abutting the

Sunnyvale East Channel, containing high voltage power lines and lattice towers.

Site Design and Architecture

The modified project includes full demolition of all three existing buildings and construction of 38 three-story townhomes (condominium-style ownership) with seven buildings that span across the 711, 717, and 729 E. Evelyn parcels (southern portion of the project site). These will be merged together and subdivided to accommodate the revised project. Eleven of the 38 townhomes are net new in addition to the 204 previously-approved townhomes, bringing the total overall unit count to 215 townhomes. The other 27 townhomes units were previously approved but are now proposed in a different configuration to accommodate the new 0.37 acre parcel. Several unit types are proposed which generally range between 1,842 square feet to 2,571 square feet and contain two to four bedrooms. Each unit includes a two-car garage with either side-by-side or tandem parking. Guest surface parking spaces are included within the modified project area, close to the townhome units.

The internal buildings are clustered around courtyards or green spaces that are connected by walkways to the E. Evelyn Avenue public sidewalk. Pedestrian walkways allow for access throughout the site and to the public sidewalk. The revised plan includes direct pedestrian walkway access (with decorative paving) from buildings in the northern portion of the project (to remain as previously approved) to the public sidewalk. This addresses the Planning Commission's previous condition of approval (Condition PS-3a, 2014-7656) that required enhanced pedestrian access for townhomes located further away from the public sidewalk.

The buildings along E. Evelyn Avenue are oriented to frame the street with walkways connecting the units to the public sidewalk. Courtyard and picnic areas consistent with the approved northern portion of the site are provided adjacent to the townhome units. Several units also contain private balconies. Two driveways will provide vehicular access to E. Evelyn Avenue. Two other internal driveways are proposed behind the E. Evelyn Avenue-facing buildings and between new condo buildings to connect to the northern portion of the site.

The project architecture in the modified area is consistent with the previously approved project. The architectural style can be considered Contemporary with a mix of exterior materials, including stucco, stone, brick, horizontal wood, and composition shingle roofing. Detailing includes window trim, shutters, exposed rafters, wooden balconies, and decorative wall projections. The buildings are designed with varying wall and roof planes that help to distinguish the units. A range of colors help to accent the architectural style and add visual interest. The overall design theme is consistent throughout the development, with differences in material and color applications between the buildings. See Attachment 6 for the project plans.

Development Standards

The project complies with most of the applicable development standards in the SMC, such as side and rear yard setbacks, parking, lot coverage, landscaping, and solar access. The project data table in Attachment 2 summarizes the project's compliance with applicable development standards. The applicant has requested a deviation for the average front yard setback and distance between buildings.

Lot Coverage

Lot coverage is used to gauge the visual bulk and mass of a project. The project would result in 34%

lot coverage, where 40% maximum is permitted. Therefore, the proposed lot coverage complies with the code requirement.

Front Yard Average Setback

The project includes a deviation from SMC Section 19.34.030, which requires an average front yard setback of 20 feet. The minimum front yard setback requirement of 15 feet is met for the two buildings along the street frontage, but the average setback is 18.9 feet. The deviation for the average setback allows sufficient area for internal driveways and walkways to meet code requirements. The lot line along Evelyn also curves in towards the north, which contributes to difficulties in meeting the average setback. Additionally, the intent of the average setback is met since the frontage buildings include numerous wall offsets and articulation to provide visual relief from the street. The proposed setback would also be similar to the townhome development across Evelyn to the south (Holly Terrace) which was approved for less than a 20-foot average front yard setback in 2003. Therefore, staff finds that the requested deviation is reasonable and helps to promote a positive and cohesive street presence.

Distance between Buildings

SMC 19.48.030 requires a building separation of 26 feet between three-story buildings. The proposed project will require a deviation from this standard for six of the seven buildings within the modified area, but the building separation standard is met between the previously-approved buildings in the northern portion of the project that are not being modified. The proposed distance between buildings in the modified area range from 10 feet (at building edges) to 47 feet (across driveway and green space).

Deviations from this requirement are not uncommon for townhome projects, and a building separation deviation was approved for the buildings in the northern portion of the previous project. Reducing the distance between buildings on this site helps to concentrate the mass of the buildings towards the center of the site and helps to open up more land available for open space areas. Therefore, staff finds that the requested deviation is reasonable for the site and will not result in significant visual impacts.

Parking

Parking requirements are based on the type of assigned spaces, such as one or two-car garages, and number of bedrooms. A minimum of 536 total parking spaces (average of 2.49 spaces per unit) are required per Sunnyvale Municipal Code (SMC) Section 19.46, including 430 minimum assigned spaces and 106 minimum unassigned spaces. The proposed project includes a total of 599 parking spaces, including 430 garage spaces (363 side-by-side garage spaces and 67 tandem garage spaces, allowed per SMC Section 19.46.060) and 169 unassigned surface parking spaces. Compact parking stalls consist of less than 10% of the total unassigned parking spaces and are located primarily on the periphery of the project area. Therefore, the project complies with the parking requirements.

Landscaping and Tree Preservation

The project exceeds the minimum landscaped area requirement by providing a total of 150,734 square feet of landscaping (30% of the site), where 99,447 square feet is required (20% of the site). The project has been designed to comply with water-efficient landscaping requirements by using 80% low water or no water plantings and less than 25% turf.

A supplemental arborist report was prepared for the modified and additional area. The supplemental report recommends removal of five additional protected trees immediately to the west of the 0.37-acre parcel that were not included in the original report. Three of the trees are Coast Redwood and the other two are London Plane. All five trees are in fair condition and are recommended for removal due to conflict with the proposed site improvements and grading of the site above the flood plain. The City's Tree Replacement Standards require a minimum of ten 24-inch box trees to be planted to offset the loss of the additional protected trees. The proposed project includes 117 24-inch box trees in the modified area, which will mitigate the loss of the existing protected trees in accordance with the City's Tree Replacement Standards.

Usable Open Space and Community Room

The usable open space layout and community room previously approved in the northern portion of the project are to remain. The additional 11 units do not require an increase to the size of the community room. Useable open space in the modified area is provided within the courtyards between buildings, and picnic spaces/green spaces behind buildings. Several units also contain private balconies. The project exceeds the minimum usable open space requirement by providing approximately 556 square feet per unit, where 400 square feet minimum is required.

Pursuant to staff's request, the applicant submitted an alternative site plan option that includes passive recreational open space in place of a proposed duplex building (Lot 28) at the eastern portion of the modified area (see Attachment 6). The option preliminarily includes a picnic area with tables and outdoor kitchen underneath a wood trellis. This option was requested since this area is in a location that would provide recreational space within close proximity to units in the modified area and better tie the northern and southern end of the project together.

This option was presented at a Planning Commission study session and most of the Planning Commissioners preferred that the two units be retained since they would contribute to the City's housing stock and that the recreational area may not be frequently used. However, it was noted that if the duplex building was to remain, that there are adequate recreational areas elsewhere in the project. The project includes several other recreational areas in the project including informal picnic space in the courtyards between buildings and landscaped paseo, a dog park, and a central community recreation area containing a tot lot, lawn area, and a community room. There are no existing trees in the location of the duplex building.

Below is a comparison of select project data with and without the open space:

	As Proposed	With Alternative Open Space Option	Required/Permitted
No. of Units	215	213	273 max.
Density (units/acre)	18.8	18.6	24 max.
Meets 75% min?	Yes	Yes	204 min.
Total Landscaping	150,734 (30%)	152,835 (31%)	99,447 (20% min.)
Landscaping/Unit	701	718	425 min.
Useable Open Space/Unit	556	571	400 min.

The alternative open space option increases landscaping and useable open space by 2,101 square feet, or the size of the duplex building footprint. The reduction of units would still meet the minimum density specified by the General Plan. The applicant is not proposing this alternative, but the Planning Commission may consider incorporation of the open space option with modified conditions of approval.

Trash and Recycling Facilities

A Variance for concierge trash service was approved for the previous project, and it is also proposed in the modified area since it will be part of the overall development. Through the proposed SDP for a modified project approval, the concierge trash service can be extended. All previous conditions of approval will apply.

Concierge trash service is a hybrid of the individual cart and collective trash enclosure service options permitted in the SMC. Residents are given two bags, one black bag for garbage and one clear for recycling. Bags are set out on scheduled pick-up days, which are typically once or twice a week based on the needs of the residents. During non-pick-up days, the bags are stored within the garages. A trash hauler, typically a small (non-commercial) truck, collects the bags and transports them to a trash compactor. The previously-approved trash compactor is located at the southeast corner of the overall site, adjacent to the Wolfe Road overpass and away from the Evelyn Avenue street frontage. The compactor will be screened with a concrete masonry enclosure and landscaping. The solid waste collection service would then collect the trash and recycling from the single trash compactor location. The homeowner's association will manage and be responsible for the concierge trash service.

The expanded use of the previously-approved concierge trash service will not negatively impact neighboring sites. The service provides convenient and adequate trash and recycling service for the entire development.

Green Building

A minimum of 80 Build It Green points are required for new multi-family residential construction. With 110 points or greater, the project may increase building height, lot coverage, or density. A GreenPoint Rated checklist was prepared by the applicant with 120 points targeted. The applicant proposes to utilize the incentive to increase building height from 35 feet to 40 feet, as measured from the top of the nearest public street curb along Evelyn Ave. The tallest building is approximately 39 feet in height from finished grade, or 39 feet, 11 inches from the top of the nearest curb.

Below Market Rate Housing

The project complies with the 12.5% below market rate (BMR) requirement, by providing 26 BMR units within the entire 215 unit development. A fee will be paid for the fractional difference (0.875).

FISCAL IMPACT

The project is subject to payment of park in-lieu fees to the City and school impact fees to the Sunnyvale School District and Santa Clara Unified School District. Other standard fees and taxes apply.

PUBLIC CONTACT

Notice of Public Hearings

- Published in the *Sun* newspaper
- Posted on the site
- 771 notices were mailed to property owners and residents within 1,000 ft. of the project site

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

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City's Web site

Outreach Meeting

The applicant held a community outreach meeting the evening of October 15, 2015 in the Sunnyvale Community Center, but there were no attendees.

Planning Commission Study Session

A Planning Commission study session was held for this project on November 9, 2015. The Planning Commissioners were generally supportive of the project as it would provide for a more cohesive site plan, and acquisition of the 0.37-acre parcel was noted as a preference at the previous February 9, 2015 Planning Commission hearing. Staff presented the alternative open space option in place of the proposed duplex building along the east side of the project as shown in Attachment 6. The Planning Commissioners generally preferred the units as proposed by the applicant. See the Useable Open Space discussion above.

ALTERNATIVES

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit with deviations for average front yard setback and distance between buildings and Vesting Tentative Map with the attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration 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.

RECOMMENDATION

Alternative 1, adopt the Mitigated Negative Declaration and approve the Special Development Permit with deviations for average front yard setback and distance between buildings and Vesting Tentative Map based on the findings in Attachment 3 and with the recommended conditions of approval in Attachment 4.

Prepared by: George Schroeder, Associate Planner

Reviewed by: Gerri Caruso, Principal Planner

Approved by: Andrew Miner, Acting Planning Officer

ATTACHMENTS

1. Vicinity and Noticing Radius Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Initial Study
6. Open Space Option
7. Project Plans