



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 17-0053, Version: 1

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## REPORT TO PLANNING COMMISSION

### **SUBJECT**

**File #:** 2015-8059

**Location:** 669-673 Old San Francisco Road (APNs: 209-17-050 & 051)

**Zoning:** R-0 (Low Density Residential)

**Proposed Project:**

**Rezone** from R-0 to R-3/PD,

**Special Development Permit** for the construction of six three-story attached townhouse units, and

**Vesting Tentative Map** to subdivide two lots into six townhouse lots and one common lot.

**Applicant / Owner:** Innovative Concepts / George Nejat

**Environmental Review:** Mitigated Negative Declaration

**Project Planner:** Ryan Kuchenig, (408) 730-7431, rkuchenig@sunnyvale.ca.gov

### **REPORT IN BRIEF**

**General Plan:** Residential Medium Density

**Existing Site Conditions:** Two Single Family Homes

**Surrounding Land Uses**

**North:** Medium Density Residential - Condominiums (Pebble Creek Condos)

**South:** Medium Density Residential - Apartments (Renaissance Apartments across Old San Francisco Road)

**East:** Low Density Residential - Single Family Home

**West:** Medium Density Residential - Condominiums (Pebble Creek Condos)

**Issues:** Setbacks

**Staff Recommendation:** Recommend that the City Council: Make the findings required by CEQA in Attachment 4, adopt the Mitigated Negative Declaration (Attachment 8); introduce the ordinance in Attachment 9 to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051) from R-0 to R-3/PD; and approve the Special Development Permit for six residential townhome units and Vesting Tentative Map to subdivide two lots into six lots plus a common lot based on the findings in Attachment 4 and with the recommended conditions of approval in Attachment 5.

### **BACKGROUND**

#### **Description of Proposed Project**

The General Plan designation for this site is Residential Medium Density; however, the current zoning is R-0 (Low Density Residential). The applicant is requesting a rezoning of the site from R-0 to R-3/PD (Medium Density Residential / Planned Development, consistent with the General Plan

designation. The application also includes the construction of six townhomes through a Special Development Permit. In addition, a Tentative Map is proposed for the subdivision of the existing two lots into six individual townhouse lots and a common lot.

- **Rezone**

Change under consideration: R-0 to R-3/PD. Under the proposed R-3/PD zoning, up to eight units could be proposed based on the size of the site. A total of six units would be the minimum number of units to meet the General Plan policy that a minimum 75% of the allowed density be considered for this site.

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. A 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 minimum front yard setbacks and distance between buildings. The findings required to grant a SDP and deviations are discussed in Attachment 4.

- **Vesting Tentative Map**

The Tentative Map is required prior to a Final Map for the creation of six 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 grants the developer the 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 2 for the vicinity and noticing radius map and Attachment 3 for the project data table.

### **Previous Actions on the Site**

There have been no previous development applications on the site. Two single-family homes currently on the site were built in the 1950s.

### **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 4.

The subject site is designated Residential Medium Density on the land use map of the General Plan. The Residential Medium Density designation was established in 1979 for the subject site and the neighboring property. The neighboring property was subsequently developed as the Pebble Creek

Condominiums.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (see Attachment 8). An Initial Study has determined that the proposed project would not experience or create any significant environmental impacts with implementation of the recommended mitigation measures. Environmental issues that required mitigation include historical and cultural resources and hazardous materials. The Mitigation Measures have been incorporated as Conditions of Approval (see Attachment 5).

## **DISCUSSION**

### **Present Site Conditions**

The approximately 14,977 sq. ft. (0.34 acre) project site is located on Old San Francisco Road and is developed with two one-story single family homes. The property is currently zoned R-0 (Low Density Residential). The project site is adjacent to two-story multi-family condominiums zoned R-3/PD to the west and north. East of the site are single family homes (R-0) that continue along Old San Francisco Road to Gail Avenue. The Renaissance Apartments (R-3) are located across Old San Francisco Road. VTA bus stops are located within (300-400 feet) of the project site. The Wolfe-Reed shopping center and Braly Park are located approximately 0.3 miles away from the site.

### **Rezoning**

In order, to redevelop the site with multi-family residential, the applicant is requesting a rezoning from R-0 to R-3/PD. The Residential Medium Density General Plan land use designation for the site allows 14-27 units per acre. The proposed R-3 zoning district, which allows up to 24 units per acre, is consistent with the General Plan designation.

Attachment 9 includes a draft zoning ordinance and map showing the proposed zoning of the property as well as the current zoning of nearby properties. The adjacent Pebble Creek Condos (north) and Renaissance Apartments (south across Old San Francisco Road) are both zoned R-3. Most of the nearby R-3 zoned property lies west of the site except for the Renaissance Apartments which extends eastward to Gail Avenue. On the north side of Old San Francisco Road, the eastern boundary for the Medium Density Residential General Plan designation ends at the project site. Adjacent to the site, low density single family uses extend further west until a pocket of R-2 zoned development that borders S. Wolfe Road.

### **Special Development Permit**

**Use:** The application is for the construction of six three-story multi-family residential townhouses. The two existing one-story single family homes will be demolished. A detached garage on the 673 Old San Francisco Road property and two sheds on the 669 Old San Francisco Road property will also be demolished.

### **Development Standards**

The project complies with most of the applicable development standards in the SMC, such as density, lot coverage, parking, landscaping, usable open space and solar access. The applicant has requested a deviation from the required minimum front yard setback and minimum separation between buildings. The "Project Data Table" in Attachment 3 summarizes the project's compliance.

## Site Layout and Architecture

The project site combines two lots and would replace two existing driveways positioned adjacent to a shared property line with one centralized driveway off Old San Francisco Road. Two three-story three-unit buildings are proposed on the site. Each building is slightly angled away from the front property line while parallel to the east and west property lines. To further improve privacy to the neighboring development, Condition of Approval PS-1a requires that the third story bedroom windows along the north elevation for each building (end units facing Pebble Creek Condos) that are closest to the private street shall either be modified with opaque glass or raised sill height.

The proposed architectural design is contemporary in style with the use of predominately stucco façade material and stacked stone treatment along the much of the first story. The stone wraps from the interior private street side elevations to the south side facing Old San Francisco Road. Wood material will be utilized for balconies and window treatment including trim and faux shutters. After the study session, the design along the south (Old San Francisco) elevation has been enhanced including extending the stacked stone treatment vertically up to the second story which further defines the entries of the units. Arched entrances are provided for the middle units at the garage level which lead to a covered stairwell to the second floor. Covered exterior entrances are provided for the rear units, similar to the front units, but face the interior street so that additional privacy is provided with respect to the neighboring property to the north.

Each of the units contain four bedrooms and range from approximately 2,200 sq. ft. to 2,300 sq. ft., including area devoted to garages. The project is in a flood zone that requires living space to be elevated; therefore, no living area is proposed for the first floor of the units.

The R-3 zoning district has a maximum height limit of 35 feet; however, since the project site is adjacent to a single family residential zoning district, Sunnyvale Municipal Code further restricts the height of townhouse uses to 30 feet (which is measured from top of the public curb). The height of the proposed buildings meets this standard at 29 feet when measured from the top of public curb. The site will be graded down slightly; therefore, the height of the home, when measured from the interior private street, is slightly taller (31 feet 3 inches), but meets the zoning requirement. Under the current R-0 zoning, the maximum height of a two-story single family home is also 30 feet.

## Setbacks

The project meets most development setback standards except for the first story front yard setbacks. A projection of one of the buildings (west side) is set back 17 feet from the front property line. Overall, this building maintains an average first story setback of 19 feet 11 inches. The building on the east side is setback 20 feet with an average setback of 22 feet 8 inches. The upper stories of each building exceed front yard setbacks. The side yards meet the minimum 12-foot setback on each side. Rear stairways of the units are positioned three feet within the required setback of 9 feet, as allowed by Municipal Code. The required 20-foot rear setback of the site is met with each building ranging no closer than 22 feet 8 inches to 28 feet 8 inches from the property line.

## Distance Between Buildings

The Zoning Code requires a 26-foot separation between buildings on the same lot. The proposed buildings meet this requirement at the first story; however, cantilevered upper stories project closer to each other to a reduced distance of 22 feet 1 inch. Given the shape of the lot and limited configuration options, it was prioritized that the project design ensures the setbacks to adjacent properties met the zoning standard, with the deviation request limited to an internal dimension. The

cantilevered design and architectural detailing of the upper stories along the interior elevations further enhance the overall project design. 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.

### **Parking**

Each unit provides two covered spaces within an enclosed garage. The garages exceed 450 sq. ft. in area to accommodate storage of solid waste and recycling carts as well as bicycle parking. The project provides the required guest parking with four spaces located towards the rear of the site.

### **Landscaping and Tree Preservation**

The project meets landscaping requirements by providing approximately 593 sq. ft. of area per unit where 425 sq. ft. per unit minimum is required. The proposed landscaping plan shows decorative pervious paving within the vehicular driveway entrance and through the private drive aisle.

Decorative pavers are also planned to be utilized for the pedestrian walkways leading up to the front units as well as guest parking spaces at the rear.

There are two significant size trees on the site that are in poor condition and planned to be removed. Four other smaller fruit trees in poor condition would also be removed.

Several trees are located just beyond the property line to the west and north. Per the Conditions of Approval, tree protection measures are required to ensure these trees are not impacted during construction. Approximately 23 trees of varying size are to be added to the site. To provide screening and improve privacy between the adjacent properties, 11 of these trees would be located within the side yards and six trees at the rear property line. These trees were selected based on input from residents of the neighboring development and the City Arborist.

The applicant discussed the condition of the six-foot wooden fence with the property management of the neighboring Pebble Creek Condos development, and it was agreed that a one-foot lattice would be added to the existing fence along the north and west property lines. Currently, the applicant is proposing to keep the six-foot wooden fence along the eastern boundary abutting the single-family home. Similar six-foot fences are proposed between the individual yards of the proposed units. Per Condition of Approval PS-1b, two to three additional trees shall be planted along the north elevation to further buffer the project site from the neighboring property. The exact number, size, species, and location will be determined in consultation with the City Arborist.

### **Usable Open Space**

The project exceeds the minimum usable open space requirement with approximately 511 sq. ft. of area per unit proposed, where 400 sq. ft. per unit is required. Each unit includes a private rear patio. In addition to the private patio areas, common useable open space is provided at the rear of the site.

### **Trash and Recycling Access**

The project will maintain individual carts for garbage and recycling. A staging area is proposed to be located on the site at two locations adjacent to the driveway off Old San Francisco Road.

Environmental Services and Public Works staff have determined that the preliminary plan satisfies established guidelines for trash and recycling collection in townhome developments.

### **Vesting Tentative Map**

The Vesting Tentative Map supports the development of housing ownership opportunities. The map would allow six lots to be created for individual ownership and a common lot for the drive aisle and open space at the north end of the site. The project has less than minimum lot size (8,000 sq. ft.) in the R-3 zoning district; however this allowed provided the project does not exceed the R-3 standard of an average of 1,800 sq. ft. per dwelling unit. The project exceeds the minimum with 2,496 sq. ft. per dwelling unit. The common lot provides each property with access to a public street. The Vesting Tentative Map meets all Sunnyvale Municipal Code requirements for subdivision of property.

### **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**

- Public Hearing Notice
- Published in the *Sun* newspaper
- Posted on the site
- 1601 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

As of the date of staff report preparation, staff has received six comments from the neighbors noting concerns with the proposal (See Attachment 10). Some of these comments were received before the development was reduced from seven to six units and setbacks were modified. The preliminary landscaping plan has also been modified to provide increased screening between properties.

### **Outreach Meeting**

An outreach meeting was held at Braly Park on April 4, 2016. Approximately 18 people, mostly neighbors of the project site, attended the meeting. Neighbors cited concerns with the compatibility of the proposed change in zoning and density of the development. Concern was mentioned that the application request would encourage rezoning of more nearby single family uses to higher density. Additional concerns related to traffic, noise, air quality and possible spill-over parking of the proposal.

### **Planning Commission Study Session**

A study session was held with the Planning Commission on April 11, 2016 and February 27, 2017. At the first study session, the proposal had included seven townhomes. Commissioners provided comments related to the site layout and architecture of the project. Specifically, concerns were noted regarding the design of the homes and orientation of the entrances to the units.

In response to comments concerns and input from the Planning Commission, the applicant has reduced the number of units from seven to six. Enhancements to the elevations have been made to better relate to the street. Modifications have also been made to the setbacks of the buildings, as noted previously in the report. Also, as stated previously in the report, the landscape plan has been modified to address screening concerns. The species of the trees has been determined based on the recommendation of nearby residents and arborist.

The second study session included a review of the current project for six units. Planning Commissioners noted improvements to the overall design compared to the previous proposal and provided additional comments regarding the colors and various architectural detailing of the project. Additional comments related to: the landscaping and proposed tree selection; the flood zone; and, trash management. Discussion also included the surrounding zoning of the project site. Also at the study session, two members of the public noted concerns about the compatibility of the proposed zoning change as well as environmental impacts related to traffic, noise and air quality.

## **ALTERNATIVES**

Recommend the City Council:

1. Make the findings required by CEQA in Attachment 4, adopt the Negative Declaration; introduce the ordinance in Attachment 9 to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051) from R-3 to R-3/PD; and approve the Special Development Permit for six residential townhome units and Vesting Tentative Map to subdivide two lots into six lots plus a common lot based on the findings in Attachment 4 and with the recommended conditions of approval in Attachment 5.
2. Make the findings required by CEQA in Attachment 4, adopt the Negative Declaration; introduce the ordinance in Attachment 9 to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051) from R-3 to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with modified findings or conditions.
3. Make the findings required by CEQA in Attachment 4, adopt the Negative Declaration; do not introduce the ordinance in Attachment 9 to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051); and deny the Special Development Permit and Vesting Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

## **RECOMMENDATION**

Alternative 1: Recommend that the City Council: Make the findings required by CEQA in Attachment 4, adopt the Negative Declaration; introduce the ordinance in Attachment 9 to the report to Rezone 669 & 673 Old San Francisco Road (APNs: 209-17-050 & 051) from R-0 to R-3/PD; and approve the Special Development Permit for six residential townhome units and Vesting Tentative Map to subdivide two lots into six lots plus a common lot based on the findings in Attachment 4 to the report and with the recommended conditions of approval in Attachment 5 to the report.

Prepared by: Ryan Kuchenig, Senior Planner

Reviewed by: Gerri Caruso, Principal Planner  
Reviewed by: Andrew Miner, Planning Officer  
Reviewed by: Trudi Ryan, Director, Community Development  
Reviewed by: Kent Steffens, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. *Not Used (reserved for Report to Council)*
2. Vicinity and Noticing Radius Map
3. Project Data Table
4. Findings for Approval and General Plan Goals and Policies
5. Recommended Conditions of Approval
6. Project Plans and Tentative Map
7. Project Renderings
8. Mitigated Negative Declaration
9. Draft Rezoning Ordinance
10. Letters from Interested Parties