



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO THE ZONING ADMINISTRATOR

File #: 2014-7602

Location: 688 Morse Avenue (APNs: 204-16-055)

Applicant / Owner: Huijang Jaing (applicant) / Santa Cruz Capital Llc (owner)

Proposed Project:

TENTATIVE PARCEL MAP & USE PERMIT to subdivide one lot into two lots and build two new two-story single-family homes totaling 2,877 s.f. each (including garage).

VARIANCE to allow a shared zero-lot line side yard setback.

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

Issues: Site Layout, Tree Preservation

Recommendation: Deny the Use Permit, Tentative Parcel Map, and Variance. If the Zoning Administrator decides to approve the Use Permit, Tentative Parcel Map, and Variance, the recommended Conditions of Approval are included in the Attachment 3.

PROJECT DESCRIPTION

Description of Proposed Project: The applicant proposes to demolish an existing single-family residence with accessory structures and construct two new two-story, single-family residences. The existing 8,184 s.f. lot would be subdivided into two separate equal size lots (4,092 s.f. each). A Parcel Map is required for the subdivision and a Use Permit is required for the construction of the new residences, and to evaluate compliance with development standards. The proposed lot size of 4,092 s.f. for each lot is less than the minimum required in the R-3 Zoning District; however, a Use Permit may allow for lot area (and other development standards) to be less than the minimum requirement. A Variance is also requested to allow the shared zero lot-line between the new properties. A Project Data Table is included in Attachment 2.

Site Layout: The proposed layout would split the lot into two equal size lots. Two attached two-story single family homes (or duet) would be constructed with a shared zero property line. The two proposed homes mirror each other with identical floor plans, while slightly off-set from each other to the street. Each home would maintain a two-car garage with separate driveways and would maintain separate private yards with no shared common area. While each home provides a vehicular entrance directly off the public street, the front doors are located behind the garage and face separate side patios. Separate walkways lead from the driveway to the main entrances.

Except for a shared zero lot line between the properties, each property would meet all other required setbacks. The property exceeds front and rear yard setbacks for each story, as noted in the Project Data Table. At the closest point to the side property line, the homes slightly exceed the minimum first

story setback (6' 1") and meet the minimum second story side (9') yard setbacks; however, much of the first and second stories are set back further from the property line.

Each home totals approximately 2,877 s.f. (including a 440 s.f. two-car garage) with five bedrooms and five bathrooms, and each site maintains an overall lot coverage of 39.9% and a 70% FAR. Unlike other single-family zoning districts, the R-3 zoning district does not require Planning Commission review for single family homes greater than 45% Floor Area Ratio (FAR). Site and Architectural Plans are included in Attachment 4.

Architecture: The proposed architectural design can be considered modern or contemporary. A stacked stone veneer material is proposed to extend vertically up the façade adjacent to the garage doors and wraps around the corners of the building. Cedar shiplap siding with a natural stain is positioned prominently on the front and side second-story elevations. Beige painted stucco is utilized within each story along all sides of the building. On each story, a wood fascia (painted dark brown) is utilized to cap a flat roof which extends one to two feet from the building. Metal shade awnings are positioned above the second story windows and balcony doors of each unit, facing the street. The building height peaks at approximately 22' 3". A project rendering is included in Attachment 5.

Landscaping: The project meets landscaping and usable open space requirements for the R-3 zoning district. Each home would maintain a private rear yard of 852 s.f. and 1,005 s.f. respectively. Minimal front yard landscaping is provided due to the layout of the two car garages and driveways that face the public street. A side patio is provided for each unit near the main entrances. A six-foot wood fence is proposed around the entire site, and between the private yards of the two new homes. A three-foot wood fence will be located along the site property lines within the first 20 feet of the property line. Eight existing trees are proposed to be removed on the site. Five of these trees meet the City definition of a protected tree. These trees are either in fair or good condition but are also near or within the proposed building footprint. Replacement trees are required based on City policy as noted in the Conditions of Approval. Three additional protected street trees at the front of the site are planned to be preserved. As further discussed in the "Neighborhood Impacts/Compatibility" section of this report, staff is concerned about the long-term viability of these trees based on the current design. The City Arborist has noted that these street trees are particularly unique to the area (Jacaranda and silk floss). If the project is approved, tree protection measures are included in the Conditions of Approval.

Parking: Each home provides side-by-side two-car garages with two uncovered spaces in each of the driveways. The driveways angle away from each other towards the street due to the location of three street trees. As stated in the landscaping section, these trees are considered unique and recommended for preservation.

Neighborhood Impacts / Compatibility: Based on the density allowed in the R-3 Zoning District, up to four units could be built on this lot; however, development potential is limited due to the difficulty in meeting certain development standards. A General Plan Policy further recommends that 75% of the allowable density be considered, which would be three units for this site. Three units was previously proposed; however, the applicant chose to reduce the number of units to two, due to design limitations to meet certain development standards and the desire to provide larger single-family style units. The existing layout of neighboring single-family homes have also limited the design

options of the second story portions of the homes on this property due to solar access requirements. Although the proposal does not meet the City's General Plan policy to build 75% of the allowable density, staff can support the number of units that are proposed, as the proposed density provides as a transition between similarly zoned medium density (R-3) properties to the south (along Morse Avenue) and lower density R-0 single family properties to the north and east.

The proposed layout notes the preservation of the three existing street trees. The applicant's consulting arborist notes that these trees should survive with appropriate tree protection measures. In consultation with the City Arborist, staff is still concerned that the proposed driveway locations are too close to these trees, and the trees will have difficulty surviving. An alternative layout has been previously recommended that would utilize one driveway along the north end of the site. This layout would require reconfiguration of the homes with one or both garages located at the back of the site. In addition to allowing more space for the existing trees, it would provide for a more aesthetically appealing streetscape, since more front yard area could be devoted to landscaping. The layout would reduce the private rear yard area, but adequate space could be allocated to meet required development standards.

The proposed two single family homes are approximately 2,877 s.f. (including garage), which is larger than most single family homes in the area. As stated, earlier, lot coverage standards have been met; however, the overall FAR (70%) for each site is much higher than single family homes in the immediate area. The second story floor area is approximately 76% of the floor area of the first floor (including the garage) and the Single Family Design Guidelines recommend that second story floor area should not exceed 35% of the first story floor area in predominantly single story neighborhoods. The surrounding neighborhood to the north and east is predominantly single story, while two-story multifamily development is located further south of the site in a higher density area; therefore, a higher ratio may be justified. Nonetheless, if approved, staff is recommending that the second story floor area be reduced to 60% of the first story floor area (Condition of Approval PS-1).

Tentative Map

Description of Tentative Map: The Tentative Map calls for the subdivision of the existing lot into two private ownership lots. Each lot will be maintained separately with no common areas.

Easements: A stormwater easement dedication is provided along the front of the site crossing the subdivided property.

Public Contact: 85 notices were sent to surrounding property owners and residents adjacent to the subject site in addition to standard noticing practices, including advertisement in the Sunnyvale Sun Newspaper and on-site posting. No comments were received from the public by staff.

Environmental Determination: A Categorical Exemption Class 3 (new construction or conversion of small structures) exempts this project from CEQA provisions.

FINDINGS

Use Permit

In order to approve the Use Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. (Finding not met)

Although the proposed development allows for a transition in density between single-family uses and nearby multi-family development, the site layout and scale of the proposed homes is out of character with the immediate neighborhood. An alternative layout with one primary driveway off the public street that runs along the north side of the site is preferred. This would allow for increased landscaping and may ensure the long-term survival of the existing mature street trees. An alternative layout could be considered that would enable all development standards to be met.

Policy LT-4.2: Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.

Policy HE-4.1: Provide site opportunities for development of housing that responds to diverse community needs in terms of density, tenure type, location and cost.

LT-2.2b: Encourage development of diversified building forms and intensities.

LT-4.4a: Require infill development to complement the character of the residential neighborhood.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties. (Finding not met)

Given the predominant one-story single-family pattern within the adjacent neighborhood, the proposed mass and overall size of the attached single-family homes are out of scale. Reductions in the size of the second-floor areas for each unit would enable the homes to better blend in with surrounding development.

Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the General Plan. In this case, staff finds that the Tentative Map is not in conformance with the General Plan, since staff was able to make at least one of the following findings.

- 1) That the subdivision is not consistent with the General Plan.
- 2) That the design or improvement of the proposed subdivision is not consistent with the General Plan.
- 3) That the site is not physically suitable for the proposed type of development.
- 4) That the site is not physically suitable for the proposed density of development.
- 5) That the design of the subdivision or proposed improvements is likely to cause substantial

- environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - 7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
 - 8) That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Staff was able to make Finding #2 because the site layout does not complement the character of the surrounding neighborhood and therefore the design or improvement of the proposed subdivision is not consistent with the General Plan. Given the limited street frontage of the site, a more optimal layout with one driveway is recommended and would better contribute to the visual appearance of the development. An alternative layout could also enable all development standards to be met without the need of a Variance.

Variance

In order to approve the Variance, the following findings must be made:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. **(Finding Not Met)**

Since the property is being redeveloped, the proposed site layout could be modified such that a Variance for side yard setbacks would not be necessary. A single driveway with a flag lot configuration and detached single family homes could be positioned on the respective lots, while meeting minimum setback and other development standards.

2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. **(Finding Not Met)**

Granting of the Variance would be detrimental to the public welfare as the proposed layout could set a precedent for similar site design in future redevelopment. Although a common site design in the past for duplexes, the site layout results in a less appealing streetscape view, due to a predominant use of parking area along the front elevation and the fact that the front entrances are also completely hidden from view.

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. **(Finding Not Met)**

Staff is not able to make this finding as no similar variances have been granted for this request in the immediate area. An alternative lot configuration could be designed that would enable each of the homes to meet the required setbacks and result in the homes to be positioned adequately

away from established neighboring development.

ALTERNATIVES

1. Deny the Use Permit, Parcel Map and Variance..
2. Approve the Use Permit, Parcel Map, and Variance subject to the recommended Conditions in Attachment 3.
3. Approve the Use Permit, Parcel Map and Variance with modifications

RECOMMENDATION

Alternative 1. Deny the Use Permit, Parcel Map, and Variance.

Staff cannot make the Findings for the Use Permit, Parcel Map, and Variance; therefore, cannot support the project as proposed. The proposed lot configuration with two driveways off the public street and a front yard area dominated for parking use does not contribute to a desirable streetscape. An alternative layout with one driveway along the north side of the site is recommended, and would contribute to a more aesthetic view from the street. This alternative layout would increase the potential area for landscaping, while also improving the likelihood for survival of the existing street trees. Further reduction of the second story of each home is also recommended to be more compatible with single family development in the surrounding neighborhood.

Prepared by: Ryan Kuchenig, Senior Planner

Approved by: Amber Blizinski, Principal Planner

ATTACHMENTS

1. Vicinity and Noticing Map
2. Project Data Table
3. Standard Requirements and Recommended Conditions of Approval
4. Site and Architectural Plans
5. Project Rendering