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File #: 18-0559, Version: 1

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

**Proposed Project:** Related applications on a .34-acre site:

**SPECIAL DEVELOPMENT PERMIT** and **VESTING TENTATIVE MAP** to allow a three-story six-unit townhouse development.

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

**File #:** 2018-7048

**Zoning:** R-3/PD

**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:** Visual

**Staff Recommendation:** Recommend that the Planning Commission: Make the findings required by CEQA in Attachment 4, adopt the Mitigated Negative Declaration (Attachment 7); 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 project site is .34 acres in size and is currently developed with two single family homes. The application includes the redevelopment of the site with 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.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the 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**

A proposal to rezone the site from R-0 to R-3/PD and Special Development Permit/Tentative Map for six townhouses was considered by the Planning Commission and City Council in March and April of 2017. Ultimately, the City Council approved the rezone but denied the Special Development Permit/Tentative Map, based on concerns with the architectural design. Specifically, it was noted that the upper story massing appeared too large and that building materials needed to be improved. A PD combining district rezoning is no longer being requested. The project as proposed meets the R-3 standards.

**EXISTING POLICY**

**General Plan Goals and Policies: 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.

**ENVIRONMENTAL REVIEW**

A Mitigated 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 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 4).

**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-3/PD (Medium Density/ Planned Developed). 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.

### **Special Development Permit**

**Use:** The application is for the construction of six three-story multi-family residential townhouses. The existing two 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 all applicable development standards in the SMC, such as setbacks, density, lot coverage, parking, landscaping, usable open space and solar access. The "Project Data Table" in Attachment 2 summarizes the project's compliance.

### **Site Layout and Architecture**

The proposal would combine two lots and replace the two existing driveways positioned adjacent to a shared property line with one new centralized driveway off Old San Francisco Road. Two three-story three-unit buildings are proposed centrally on the site. Each building is slightly angled away from the front property line while parallel to the east and west property lines.

The proposed architectural design is contemporary in style. The previous proposal included a predominantly stucco material. This revised design includes a combination of stucco and horizontal wood siding material along the façade and stacked stone treatment within 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 also be utilized for balconies and window treatment including trim and faux shutters.

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. In response to privacy concerns raised by neighbors to the north (Pebble Creek Condos), the third story bedroom windows for each building were modified to a raised sill height.

To address concerns raised at the City Council hearing as part of the previous proposal, each of the end units (total of four) were reduced in size through the removal of one bedroom, resulting in the four end units now having three bedrooms while the two middle units retain four bedrooms. This modification reconfigures and reduces floor area within the second and third stories to improve massing and enable the overall design to appear less top-heavy. Overall, each of the units are smaller by approximately 100 to 300 feet compared to the previous project. All six units retain two car 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.

### **Setbacks**

The previous proposal included a deviation to the front setback. This revised proposal meets all setback requirements. A list of the proposed setbacks is listed in the Project Data Table in Attachment 2.

### **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 555 sq. ft. of landscaped area per unit where a minimum of 425 sq. ft. per unit 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 and a common area at the rear corner of the site. In response to comments from a recent study session, the entire area has been modified to utilize pervious pavers.

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 on site, plus four new street trees. To provide screening and improve privacy between the adjacent properties, nine of these trees would be located along the rear property line and eight within the yards of the individual units. 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. In response to concerns raised by neighbors to the north, the proposed plan increases the landscape buffer at the rear from four feet behind the driveway and parking area to eight feet. The proposed species of these buffer trees (*Lagerstroemia Indica Natchez*) has also been coordinated with the adjacent complex.

In response to recommendations made at a recent Planning Commission study session, enhancements have been made to improve the visual appearance of the homes along Old San Francisco Road. Landscaping has been added through a raised berm with shrubs to soften the south facing elevation. The number of steps to the entrance has also been reduced from three to one.

### **Usable Open Space**

The project exceeds the minimum usable open space requirement with approximately 500 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 northeast corner of the site, as currently designed with a decorative paved (pervious) surface.

### **Trash and Recycling Access**

The project will utilize service similar to single family homes with curbside pickup along the public street. The previous proposal required trucks to enter the site and back up into the right-of-way. City staff recommended that the location for this service be modified so that trucks are no longer entering the private street, but rather would pick up along Old San Francisco. This service would be similar to single-family homes east the site. The bins will be brought to locations by homeowners to curbside locations as shown on the provide site plans.

### **Density**

The project would create six lots for individual ownership and a common lot for the drive aisle and open space at the north end of the site. The unit count is within the R-3 standard of an average of 1,800 sq. ft. per dwelling unit. The project exceeds the minimum standard with 2,496 sq. ft. per dwelling unit. The common lot provides each property with access to a public street. The proposed subdivision meets the City's General Plan policy for building at least 75% of the allowable density for the R-3 Zoning District.

### **FISCAL IMPACT**

The project is subject to Park In-lieu and Traffic Impact Fees, as noted in the Conditions of Approval. The project is also subject to payment of school impact fees to the Santa Clara Unified School District.

### **PUBLIC CONTACT**

- Public Hearing Notice
- Published in the *Sun* newspaper
- Posted on the site
- 1,526 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 letters from neighbors noting concerns with the proposal (See Attachment 8). The comments note concerns with increased population, traffic, three-story design, and the impact to the value of nearby single family homes. Additional concerns note concerns with the location of parking for the new development, smoking by new

residents and request for additional landscaping and reduced construction hours.

### **Outreach Meeting**

An outreach meeting was held at Braly Park on March 29, 2018. Approximately 15-20 people, mostly neighbors of the project site, attended the meeting. Neighbors noted concerns related to the increased number of units proposed for the site, as well as privacy impacts and lack of parking. Increased landscaping was also recommended. As noted in the staff report, the applicant has since modified the project to reduce privacy impacts, including higher sill height windows, increased landscape buffer area, and added additional trees at the rear of the site.

### **ALTERNATIVES**

1. Make the findings required by CEQA in Attachment 3, adopt the Negative Declaration; 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 3 and with the recommended conditions of approval in Attachment 4.
2. Make the findings required by CEQA in Attachment 3, adopt the Negative Declaration; approve the Special Development Permit and Vesting Tentative Map with modified findings or conditions.
3. Make the findings required by CEQA in Attachment 3, adopt the Negative Declaration; 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.

### **STAFF RECOMMENDATION**

Alternative 1: Recommend that the City Council: Make the findings required by CEQA in Attachment 4, adopt the Negative Declaration; 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, Assistant Director of Community Development

### **ATTACHMENTS**

1. Vicinity and Noticing Radius Map
2. Project Data Table
3. Findings for Approval and General Plan Goals and Policies
4. Recommended Conditions of Approval
5. Project Plans and Tentative Map
6. Project Rendering
7. Mitigated Negative Declaration
8. Letters from Interested Parties