



File #: 18-0882, Version: 1

REPORT TO CITY COUNCIL

SUBJECT

File #: 2018-7048

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

Proposed Project: Appeal by a neighbor of a decision by the Planning Commission to conditionally approve related applications on a .34-acre site:

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

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

SUMMARY OF COMMISSION ACTION

This Special Development Permit and Vesting Tentative Map were first considered by the Planning Commission on July 9, 2018; however, a continuance was granted by request of the applicant to a later date to allow for revisions to the plans. A subsequent public hearing was held with the Planning Commission on August 13, 2018. The Report to the Planning Commission (PC) can be found in Attachment 11. Minutes of the August 13, 2018 Planning Commission public hearing can be found in Attachment 12. The project was approved by the Planning Commission with a vote of 7-0 with the following modification to the Conditions of Approval (COAs):

- Staff shall review the paint color of the garage doors to ensure it is not too light with respect to the rest of the building (Added to COA PS-1).

As stated in the Planning Commission report, a similar six-unit project was reviewed for the project site by the City Council in April of 2017. That project also included a rezone of the site from the R-0 to R-3/PD zoning district. The City Council approved the rezone request but denied the Special Development Permit and Tentative Map based on the scale and design. The City Council did not recommend a reduction in the unit count of the project, but noted that scale of the buildings appeared too large and should be reduced to decrease the massing.

APPEAL

On August 24, 2018, the project was appealed by a neighbor of the project site. The letter of appeal is included as Attachment 13. The appellant notes concern regarding the project size, architectural massing and scale, location of parking, and conformance to City guidelines as reasons for the appeal. The appellant also notes inconsistencies in the project plans.

The applicant has submitted a letter in response to the appeal, which is included in Attachment 14.

STAFF COMMENTS ON APPEAL

The appeal letter refers to the size of the previous project that was reviewed by Planning Commission and City Council in April, 2017, as 75% FAR, while the new project is listed as 81%. The previous project plans listed an incorrect tabulation under "Total" for floor area. When each of the units are added up together from that 2017 plan, the total floor area result is 13,615 square feet (90.9% FAR). The project plans for the current project have always included a correct tabulation for each of the units at approximately 12,190 square feet (81.4% FAR). It should be noted that the Zoning Code does not have FAR standards for developments in R-3 zoning. FAR is not a good measurement of massing due to factors such as the number of bedrooms in each unit, differing heights of floors, roof design, overhangs, etc.

Regarding parking, staff finds that the parking spaces are appropriately located on the site. A location in front of the building near the street would be less desirable for safety and circulation. The parking spaces would have to be accessed from a sloped driveway. The building as currently designed would need to be shifted and result in a setback deviation. Landscaping in the front of the buildings, as currently designed, provides for a better street presence for the project. Furthermore, a carport at the rear would not meet required setbacks.

As stated in the report to the Planning Commission, the project was modified to address the concerns of the Planning Commission and City Council with respect to mass and design. Further changes to the windows were made to address privacy concerns of the neighbors. A total of 1,425 square feet was removed compared to the previous project. The total floor area of the third story was reduced by 1,350 square feet. The second story was reduced by 307 square feet. A total of 232 square feet of the displaced area was reconfigured within the first floor/garage and entrance areas.

The four end units that were reduced from four to three bedrooms were reduced in size more than the two middle units that retained four bedrooms. Nonetheless, each of the units were reduced in size to varying degrees. It was estimated at the hearing that the reduction of floor area was approximately 8% from the first project; however, the floor area difference has been clarified and recalculated to an approximately 9.5% decrease from the previous project.

There are no deviations proposed as part of the project. The first project included requests for deviations from setbacks and separation between the buildings. Because of the reduction in floor area, the massing of the buildings has been improved through a more proportional and less top-heavy design. To address further design concerns, an additional horizontal siding material was introduced to the façade. The front entries of the units facing the street have been enhanced and added landscaping berms further softens the appearance to the public street. Several trees have been added to the rear to buffer the development from the existing neighborhood.

The project is situated in a neighborhood of mixed development with two-story condominiums to the west and north and one and two-story single family development to the east. Four-story apartments are situated directly across the street. The proposed three story buildings are designed slightly below grade to better blend in with the adjacent development.

Staff agrees with the appellant that the delay of the earlier scheduled Planning Commission hearing was mostly due to inconsistencies within the project plans that caused confusion. Further clarifications and corrections were needed to make sure that the civil, landscaping and architectural site plans were consistent and represent the intended proposal. In addition, the dates referenced within certain plan pages needed to be updated to reflect the latest proposal. The applicant also

requested time to respond to concerns from neighbors.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration, and affirm the approval of the Special Development Permit and Vesting Tentative Map subject to the recommended conditions of approval in Attachment 4.
2. Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration, and affirm the approval of the Special Development Permit and Vesting Tentative Map subject to modified conditions of approval in Attachment 4.
3. Grant the appeal and reverse the Planning Commission's determination to adopt the Mitigated Negative Declaration; and, deny the Special Development Permit and Vesting Tentative Map.

STAFF RECOMMENDATION

Alternative 1: Deny the appeal and affirm the Planning Commission's determination to adopt the Mitigated Negative Declaration, and affirm the approval of the Special Development Permit and Vesting Tentative Map subject to the recommended conditions of approval in Attachment 4 of the report.

Staff finds that project has been adequately redesigned to address the City Council's direction as part of the denial action for the previous Special Development Permit. Further improvements have also been incorporated to respond to neighbors and to better integrate the project with the surrounding development.

Prepared by: Ryan Kuchenig, Senior Planner

Reviewed by: Gerri Caruso, Principal Planner

Reviewed by: Andrew Miner, Assistant Director of Community Development

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

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
9. Excerpt of Minutes from the Planning Commission Meeting on July 9, 2018
10. Letter from the Applicant to the Planning Commission

Additional Attachments for Report to Council

11. Report to Planning Commission 18-0648, August 13, 2018 (without attachments)
12. Excerpt of Minutes of the Planning Commission Meeting of August 13, 2018
13. Appeal Letter
14. Applicant Response Letter to Appeal
15. Public Comment Letters Regarding the Appeal