



File #: 19-0989, Version: 1

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Related applications on a 2.3-acre site:

USE PERMIT to demolish two existing religious institution buildings (Trinity United Methodist Church) and construct a two to three-story assisted living facility for elderly with 120 beds.

VARIANCE to allow a truck loading space within the required 10-foot landscape buffer, and an 8-foot tall perimeter wood fence in lieu of a masonry wall.

Location: 581-583 Fremont Avenue (APNs: 211-31-018 and 211-31-019)

File #: 2019-7214

Zoning: Public Facility (PF)

Applicant / Owner: Sunrise Senior Living (applicant) / St Johns Evangelical Lutheran and Trinity United Methodist Church (owners)

Environmental Review: A Class 32 Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions.

Project Planner: Shila Bagley, 408-730-7456, sbagley@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Public Facilities (P-F)

Existing Site Conditions: Religious Institution (Trinity United Methodist Church)

Surrounding Land Uses

North: Duplexes

South: Single-family Residential across Fremont Avenue

East: Multi-family Residential (Condominiums)

West: Duplex

Issues: Visual, Use, Neighborhood Compatibility

Staff Recommendation: Alternative 1: Approve the Use Permit and Variance subject to the findings in Attachment 3 and recommended conditions of approval in Attachment 4.

BACKGROUND

Description of Proposed Project

The project includes demolition of existing buildings on the site and construction of an assisted living facility building that ranges from two to three-stories above one level of underground parking. The building totals 81,549 gross square feet and 81.2% floor area ratio (FAR). The facility provides a total of 120 beds for assisted living and memory care clients. A medical clinic is not proposed as part of this application. A Use Permit is required to consider the use for the site.

The proposed project design does not meet two code requirements and requires a Variance to be approved to allow the project as currently designed to be approved. Those requests include:

- Allow a truck loading space within the required 10-foot landscaping buffer along the west property line,
- Allow an 8-foot tall wooden fence in-lieu of a masonry fence along the site perimeter.

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

Previous Actions on the Site

The existing church buildings were built in the 1960s. A Use Permit was approved in 1972 for expansion and modification of the church complex. Multiple staff level permits were granted to allow signs and accessory structures. There are no active Neighborhood Preservation complaints for the subject property.

EXISTING POLICY

General Plan Goals and Policies:

Goal LT-4: In combination with the City's Community Design Sub-Element, ensure that all areas of the city are attractive and that the city's image is enhanced by following policies and principles of good urban design while valued elements of the community fabric are preserved.

Goal LT-6: Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.

POLICY LT-6.4: Allow compatible and supporting uses such as group homes, places of assembly, community centers, recreational centers, and child-care centers in residential neighborhoods (including single-family neighborhoods) subject to review and consideration of operations, traffic, parking, and architecture.

POLICY LT-7.1: In addition to more traditional forms of housing (single-family detached, townhouses, garden apartments, and shared corridor multi-family housing), support alternative housing types including co-housing, single room occupancy units, live/work spaces, transitional housing, assisted living, and other types that may become necessary and appropriate to serve a changing population.

Goal LT-8: Create a city development pattern and improve the city's infrastructure in order to maximize healthy choices for all ages, including physical activity, use of the outdoors, and access to fresh food.

Policy HE-1.1 Encourage diversity in the type, size, price and tenure of residential development in Sunnyvale, including single-family homes, townhomes, apartments, mixed-use housing, transit-oriented development and live-work housing.

ENVIRONMENTAL REVIEW

A Class 32 Categorical Exemption (infill development) relieves this project from the California Environmental Quality Act (CEQA) provisions. Staff's analysis is included in Attachment 6. The Class 32 exemption is intended to streamline smaller projects (up to 5 acres in size) in urbanized areas that are consistent with General Plan and zoning designations and have no significant impacts on traffic, noise, air quality, or water quality. Best management practices during construction, including the preparation of a construction management plan and designation of a disturbance coordinator, are included in staff's recommended Conditions of Approval in Attachment 4.

DISCUSSION

Present Site Conditions

The 2.3-acre project site is currently developed with two single-story religious institution buildings (Trinity United Methodist Church) and a community garden at the rear of the site. The site is surrounded by one-story duplexes and one to two-story condominiums.

Proposed Use

The project consists of 90 units, including 50 assisted living units and 40 memory care units. The units range in size from studios to two-bedroom units, with a maximum of 120 beds. All units, except those in the memory care portion of the building, will have a wet bar area with a sink and a small refrigerator, but no cooking facilities. The project will include a commercial kitchen that serves all residents, and numerous common spaces, including dining rooms, a bistro, a lounge, a living room, and activity rooms. At the busiest time during the morning shift (7 a.m. to 3 p.m.), a total of 45 employees will be present.

Sunnyvale Municipal Code Section 19.24.020 provides that “The P-F public facilities zoning district is reserved for the construction, use and occupancy of governmental, public utility and educational buildings and facilities, and other uses compatible with the public character of the district.” Zoning Table 19.24.030 lists a number of uses that are allowed in P-F zones with a use permit, including “rest homes”. Section 19.12.190(13) defines a “rest home” as “an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.” “Rest home” is a somewhat old-fashioned term for what would now be called “senior assisted living”. Staff has determined that the proposed project falls within the meaning of a “rest home” in Table 19.24.030, and as such, the use is compatible with P-F zoning and subject to a use permit.

P-F zones are reserved for uses that provide essential services or benefits to the public or to segments of the public. It is important to note, however, that P-F zoning is not the same as dedicating private property to public use (which is a “taking” under the Constitution). There is no requirement that owners of property in P-F zones make their property open to the public generally, and they are not required to provide public services for free or low cost. The City Council, in Table 19.24.030, has identified a variety of profit-making activities that are compatible with P-F zoning, including medical offices, private schools, and private child care facilities. “Rest homes” are one of these identified uses that is considered, by its nature, to provide a public benefit.

Development Standards

Architecture and Site Layout

The proposed building is oriented towards Fremont Avenue and steps from three stories at the south closer to Fremont Avenue to two stories near the existing residential neighborhood to the north. Parking is provided underground with limited surface parking at both the front and rear of the building. The applicant has stated the operator of the facility will maintain the community garden at the rear of the property. These gardens will likely be managed by a third-party gardening group that will be selected by the applicant. The management of the garden will likely be similar to the Sunnyvale Community Garden. Individuals will be able to apply for garden plots and will be required to enter into an agreement with the organization or property owner governing access, use, and maintenance responsibilities. Access to the garden may be limited to garden members for security reasons. Staff has included this requirement as Condition of Approval PF-6.

The proposed architecture is considered Californian, a common architectural style that is inspired by Mediterranean and Spanish Colonial styles. Exterior materials used are a combination of stucco, stone veneer, and concrete tile roofing. The light stucco walls are simple and traditional and allows the other architectural elements such as balconies, varied window styles, articulating wall planes,

corniced parapets and window trims to enhance the building. Windows are a combination of single-hung and fixed, with exterior grids that are recessed into the wall by two inches and are further enhanced with 2-inch window trim. Both parapet and tile sloped roofs create variation in roof forms and is consistent with developments in the area. The warm color palette and varied materials are compatible with the surrounding developments. The appearance of the building is enhanced with a variety of decorative elements including wrought iron arbor, Juliette balconies, and exposed rafters. The main entrance on the south side of the building has a one-story porte-cochere that provides a visual focal point. See Attachment 9 for the project's design intent and Attachment 12 for photos of the colors and materials board, which will also be provided at the public hearing.

The building is wrapped around a central courtyard, creating two protected landscaped areas for the residents of the facility. A small terrace on the third story would provide additional recreational areas. Two pedestrian pathways extend from Fremont Avenue and Manet Drive, wrap around along the building, and connect to the community garden in the rear. The pedestrian pathways will be flush with the grade to facilitate elderly and disabled pedestrian movements. See Attachment 7 for Project Site and Architectural Plans. One reason for the Variance request to allow the truck loading area to be moved into the 10-foot landscaped buffer is to ensure the sidewalk around the building is consistent, with no points of conflict.

Compliance with Development Standards

The project meets most applicable development standards, except for landscape buffer and perimeter fence requirements. For height, lot coverage and setback requirements, the P-F zoning district applies the more restrictive standards of any abutting residential district, which is R-2.

Height and Setbacks

While the height limit in the R-2 zoning district is 30 feet, buildings within the P-F zone are permitted additional height if increased setbacks are proposed (1-foot additional height for every half-foot increased setback). The proposed project, which includes 6 feet of additional setback, is permitted with a height of 42 feet, which is consistent with the code. The increased height results in a smaller building footprint and allows for the retention of the community garden at the back of the site.

Parking and Circulation

The proposed project generally maintains the existing site access, with one driveway on each street frontage. The driveway along Fremont Avenue is designed as a two-way driveway and will be the primary vehicular access to the site. The driveway along Manet Drive will be limited to entering vehicles only as required by the Transportation and Traffic Division of Public Works.

A hammerhead turnaround is provided on the northwest corner of the property for service vehicles to turn around and exit through Fremont Avenue. An emergency access road is provided along the site perimeter, which will be made of grass pavers and with no gate. Other vehicles access will be restricted with signage.

The Sunnyvale Municipal Code requires one space for every four residents for assisted living, for a total of 30 spaces to be used by employees, visitors and residents. The project includes a total of 63 parking spaces, with 57 spaces located underground, two spaces on the ground floor near the building entrance, and four spaces adjacent to the community garden. Therefore, the parking provided complies with the parking requirement and provides adequate parking to meet the parking demands of the facility and community garden.

The project also complies with bicycle parking requirements by providing four secured spaces in the underground parking level and two racks near the building entrance. areas) and 2 Class II bicycle spaces (one bicycle rack).

Adequate pedestrian circulation is also provided. A five-foot wide pedestrian walkway with enhanced paving is proposed around the building, to the community garden and to the public sidewalk. Bollard lights are proposed along the pedestrian walkways, seating nodes and in the courtyard for nighttime use.

Off-Site Improvements

The project requires a four-foot street dedication in the form of an easement to expand the sidewalk along Fremont Avenue. New curbs, gutters, tree wells and sidewalks will be installed per City standards.

The applicant is also proposing a variety of off-site safety improvements such high visibility striping for two crosswalks (on the north leg crossing Manet Drive and on the east leg crossing Fremont Avenue), and a fair share contribution of \$8,000 to replace and install four ADA compliant push buttons and control units at the intersection of Manet Drive and Fremont Avenue. The applicant will also install a new 30-foot curb radius at the northeast corner of Manet Drive and Fremont Avenue in order to slow down traffic turning from Fremont Avenue to Manet Drive.

Landscaping and Tree Preservation

The project complies with minimum landscaping requirements by providing 34,235 square feet (34%) of landscaping across the site. While there are no usable open space requirements specified, other assisted living facilities throughout the City have provided up to 150 square feet per unit. The project provides 380 square feet of usable open space per unit within the building courtyards, community garden area and along the walkable emergency access road. Therefore, staff finds that adequate landscaping and usable open space is provided.

There is a total of 17 trees on-site, of which six are considered to be protected trees per the City's Tree Preservation Ordinance (36 inch circumference measured 4.5 feet from the ground). The applicant is proposing to remove five protected trees that are interior to the site, either due to the poor health of the tree or conflicts with the development of site. The Holly Oak tree along the Fremont Avenue frontage will be retained and protected during construction.

A total of 106 new trees are proposed on-site, which exceed the Sunnyvale tree replacement standards. The replacement trees will primarily be planted along the site perimeter and street frontage. The north property line (rear) will include 13 Bronze Loquat trees which are evergreen trees and were selected to prevent any conflict between the tree branches and the overhead power lines. The eastern property line (right) will include of 49 24-inch box Italian Cypress trees for screening. The Italian Cypress trees will be trimmed to a hedge size where there is a conflict with the existing trees on the adjacent property on the right. In response to input from the Planning Commission, staff consulted with the City Arborist regarding the suitability of Italian Cypress trees. The City arborist indicated that although Italian Cypress trees are not native to California, they do very well in this

climate, they are fast-growing, and one of the top-rated screening trees. Italian Cypress trees also have non-invasive roots, which help to reduce potential conflicts with the root systems of the adjacent large trees to the right. Along the west property line seven 24"-box Holly Oak trees are proposed to match the existing Holly Oak trees on the adjacent properties. The Landscaping plan is in Attachment 7 (Sheets L-1 to L-4).

Solar Access and Shadow Analysis

The project complies with solar shading requirements where the three-story portion of the proposed building will shade 1.5 to 8% of the adjacent one-story duplex buildings to the west, where a maximum of 10% is permitted.

Green Building

The project complies with the green building requirements by achieving at least 80 Green Point Rated Checklist points.

Solid Waste and Recycling Access

The trash enclosure will be located at the northwest corner of the property and exceeds minimum setback requirements by providing a 20-foot rear setback and 40-foot side setback. The enclosure will be 6 feet in height and will be made of masonry material with plastered wall finish and a trellis roof. Staff finds the trash enclosure design to be compatible with the design of the main building.

Art in Private Development

The project, as a non-residential development on a site of over two acres in size, is required to install publicly visible art, as required by SMC 19.49.040. Staff has included this requirement as Condition of Approval BP-14. The final location and design will be reviewed and approved by the Arts Commission.

Variance Request- Landscaping Buffer and Fence

Location of loading area

A 10-foot landscape buffer is provided along the site perimeter, which primarily includes trees, groundcover and bioswale areas. A portion of the landscaping buffer along the west property line (left) closest to Manet Drive includes a loading space for delivery trucks as required by the Zoning code. The project is seeking a Variance to allow the loading space within the required 10-foot landscape buffer in order to allow a continuous sidewalk to be included around the building. Other options for loading space were found to be infeasible due to conflicts with sidewalk/walkways and potential privacy and noise concerns to adjacent neighbors. Staff finds that the proposed loading space location is reasonable, as it is the closest to the building's service door and there are no residential buildings immediately adjacent to this location.

Fence material

The Sunnyvale Municipal Code requires an 8-foot decorative masonry wall for a non-residential use adjacent to residential uses. Staff visited the site with the City Arborist, who expressed concerns with the footings required for a masonry wall would negatively impact the roots of the adjacent trees. The applicant is requesting a Variance to allow a wood fence rather than masonry. The applicant had conducted a fence assessment provided in Attachment 13. The fence assessment identifies measure for tree-friendly fence construction. Staff also finds the wooden fence material to be appropriate, given the reduced impacts on the adjacent trees and visual compatibility with the adjacent residential

neighborhood. See Attachment 5 for the applicant's Variance justification.

Neighborhood Compatibility

Staff finds that the proposed use, along with the publicly-accessible gardens, is consistent with the intent of the P-F zoning district and creates a transition from Fremont Avenue, to the adjacent duplexes and multi-family development. An assisted living facility may have less noise and traffic impacts on the adjoining residential uses compared to other allowed uses that are identified for the PF Zoning District, such as schools, hospitals and office uses.

In addition, the project's building massing and architecture respects the scale and style of the surrounding uses. The use of a base, middle and top with varied roof forms of parapet and sloped roofs also reduce the building's mass and scale and creates visual interest. High quality colors and materials are utilized and will contribute positively to the streetscape.

Staff also finds the proposed deviations to be reasonable given the unique characteristics of the property, minimal impacts to neighbors, and does not constitute a special privilege.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected. Additional fees include Traffic Impact Fee, as noted in the Conditions of Approval.

PUBLIC CONTACT

Notice of Public Hearing

- Published in the *Sun* newspaper
- Posted on the site
- 1,047 notices mailed to property owners and residents within 300 feet of the project site

Staff Report

- Posted on the City's website
- Provided at the Reference Section of the City's Public Library

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City's website

Public Contact: As of the date of staff report preparation, staff has received 20 written comment, many in support of the proposed developments. However, some of the comments have outlined concerns regarding the height, construction noise, and late night emergency vehicle traffic. Since the mailing of public hearing notices, staff has not received any correspondence or phone calls from neighbors.

Community Outreach Meeting - June 13, 2019

The applicant conducted a community outreach meeting on site at the Trinity United Methodist church on June 13, 2019. The meeting was attended by 33 neighboring residents. The applicant gave a presentation with an overview of the project, and then opened the forum for questions and answers. There was general support for providing an alternative living option for seniors. However, some attendees noted that the project may exacerbate existing issues with traffic congestion,

particularly on E Fremont Avenue in the morning and around school time. Other comments included concerns about height and frequent 911 call.

Planning Commission Study Session - July 8, 2019 and September 23, 2019

Staff presented the project to the Planning Commission at a study session on July 8, 2019. The Planning Commissioners provided comments on the perimeter fence, trees, architectural details, and inquired about the residents' transportation. The commissioners were concerned about the height of the proposed building, the amount of impervious surface, and the compatibility of the use within the P-F Zoning District. Two members of the public also stated concerns regarding disruptive noise from the underground parking, 911 vehicles, and traffic impacts. According to the applicant, on average three to four emergency calls in a month is anticipated, based on the other Sunrise assisted living facilities in Sunnyvale. In the worst-case scenario, there may be eight to ten emergency calls in a month.

In response to the comments, the applicant has revised their plans to redesign the look of the building, including a different roof style, a larger stone treatment that matches the scale of the building, revisited the planting palette, and expanded the use of permeable paving. An additional study session was scheduled for Planning Commissioners on September 23, 2019 to provide feedback on the revised design of the building.

The Planning Commissioners were generally supportive of the project. The commissioners provided feedback regarding the size of the screening trees. Some commissioners were not certain the proposed use would serve the general public. For that, the applicant has provided a summary of public benefit they would offer in Attachment 10, including the community garden and available meeting rooms within the building. One member of the public also stated concerns regarding the privacy impact of the three-story building and suggested the building to be shifted closer to Fremont Avenue.

ALTERNATIVES

1. Approve the Use Permit and Variance subject to the findings in Attachment 3 and recommended conditions of approval in Attachment 4.
2. Approve the Use Permit and Variance based on the findings in Attachment 3, and modified conditions of approval.
3. Do not make the required findings and direct staff where changes should be made.
4. Deny the project.

STAFF RECOMMENDATION

1. Alternative 1: Approve the Use Permit and Variance subject to the findings in Attachment 3 and recommended conditions of approval in Attachment 4.

Staff finds that the proposed use is consistent with the General Plan goals and policies. that the proposed assisted living facility is consistent with the intent of the P-F Zoning District, as it provides a community-based living alternative for older adults and people with disabilities who require long-term services and supports. This type of use provides services that is needed by the aging population of the Sunnyvale. The applicant's voluntary proposal to provide a community garden and available meeting rooms in the building further help to meet the intent of the P-F Zoning District.

Prepared by: Shila Bagley, Associate Planner

Reviewed by: Noren Caliva-Lepe, Principal Planner

Approved by: Andrew Miner, Assistant Director of Community Development

ATTACHMENTS

1. Noticing and Vicinity Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Applicant's Variance Justifications
6. CEQA Class 32 Categorical Exemption Analysis
7. Project Site and Architectural Plans
8. Project Description Letter
9. Design Intent
10. Applicant's Public Benefit Summary
11. Letters Received from the Public
12. Photo of the Colors and Materials Board
13. Fence Assessment