



**REPORT TO HERITAGE PRESERVATION
COMMISSION**

Hearing Date: Nov. 2, 2011
File Number: 2011-7662

SUBJECT: **Taverna Bistro/John Hubbard**: Application for a Landmark Alteration Permit for a site located at **133 S. Murphy Avenue** in the Downtown Specific Plan (DSP) Block 2 Zoning District (APN: 209-06-004):

Motion **Landmark Alteration Permit** to allow awnings covering a rear restaurant patio area.

REPORT IN BRIEF:

Existing Site Conditions Commercial building in Heritage Landmark District

Surrounding Land Uses

North Commercial building in Heritage Landmark District

South Commercial building in Heritage Landmark District

East Commercial building in Heritage Landmark District

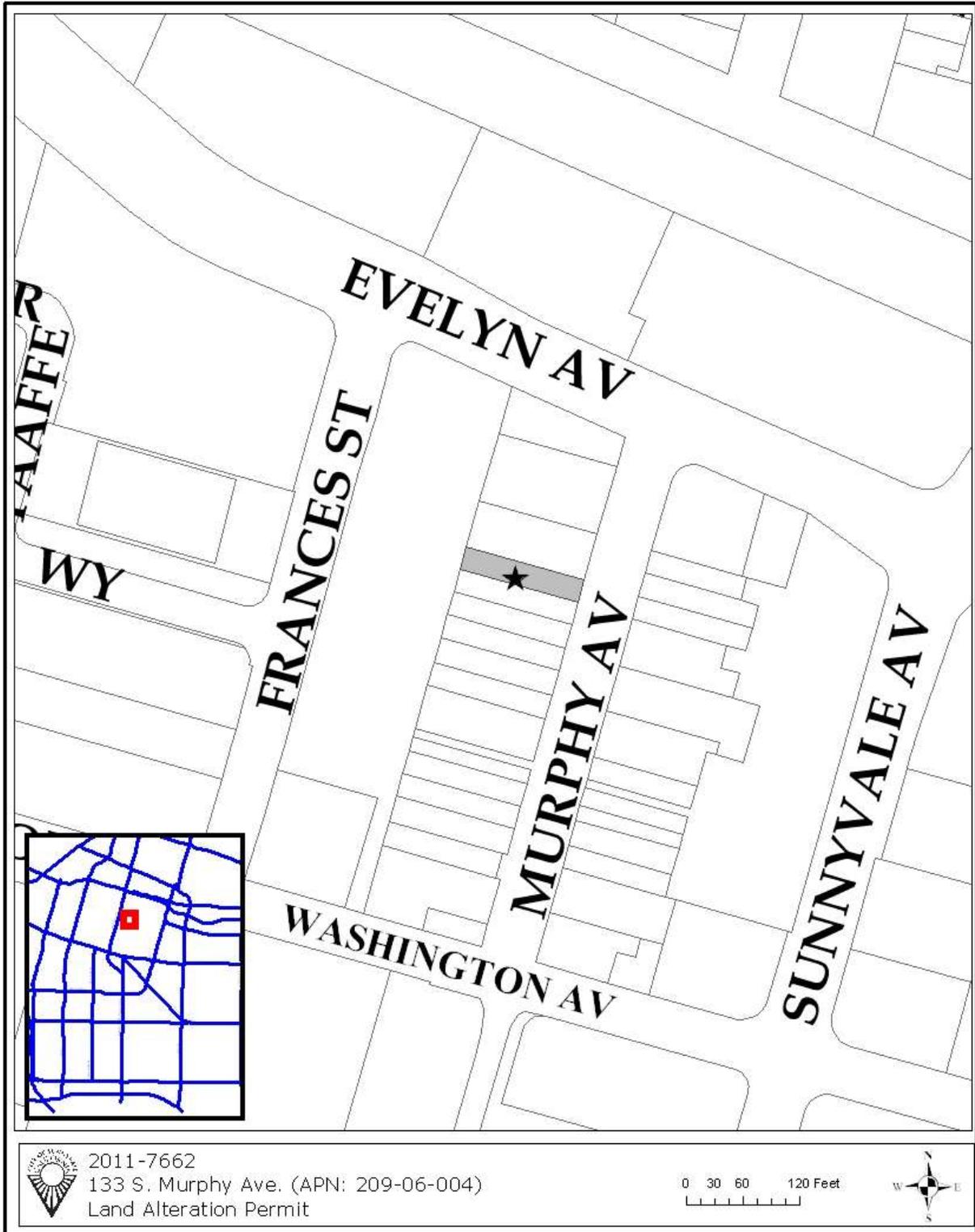
West City parking lot

Issues Compatibility with Murphy Avenue Design Guidelines

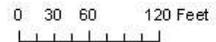
Environmental Status A Class 1 Categorical Exemption regarding minor changes to existing structures relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with modified with Conditions of Approval

VICINITY MAP



2011-7662
133 S. Murphy Ave. (APN: 209-06-004)
Land Alteration Permit



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Central Business	Same	Central Business
Zoning District	DSP-2	Same	DSP-2
Lot Size (s.f.)	3,125	Same	No min.
Gross Floor Area (s.f.)	2,625	Same	N/A
Floor Area Ratio (FAR)	84%	100%	N/A
No. of Buildings On-Site	1	Same	N/A
Distance Between Buildings	0	0	No min.
No. of Stories	2	Same	2 max.
Setbacks (First/Second Facing Property)			
Front	0'	Same	No min.
Left Side	0'	Same	No min.
Right Side	0'	Same	No min.
Rear	0' – waste enclosure 18' - bar 36' - main building	Same	No min.
Landscaping (sq. ft.)			
Total Landscaping	0	0	No min.
Parking			
Total Spaces	Provided in City parking district	Same	Same

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

BACKGROUND:

Previous Actions on the Site

The following table summarizes previous planning application related to the project site.

File Number	Brief Description	Hearing/Decision	Date
2011-7722	Freestanding planter boxes defining patio borders	Staff/Approved	10/05/11
2010-7426	Update permit for outdoor dining on Murphy Avenue sidewalk	Staff/Approved	07/01/10

File Number	Brief Description	Hearing/Decision	Date
2010-7327	Awning and sign on front facade	HPC/Approved	06/02/10
2006-1271	Permit for full liquor license	PC/Approved	03/26/07
2006-0827	Permit to allow a hookah bar in the rear dining patio	ZA/ Approved	09/13/06
2005-0269	Convert garage to additional seating area	ZA/Approved	04/18/05
2005-0031	Permit to allow live entertainment	ZA/Approved	02/16/05
2004-0222	Seating in rear patio area	Staff/Approved	04/23/04

Neighborhood Preservation Actions

The rear patio area of the site was previously covered with a solid, wooden trellis-styled cover and enclosed on the sides with wooden lattice material. The enclosure was constructed without permits and did not meet City building or fire codes. The structure was ordered to be removed by the City and was demolished in September 2011.

DISCUSSION:

Landmark Alteration Permit

The project is located in the Murphy Station Heritage Landmark District. A Landmark Alteration Permit issued by the Heritage Preservation Commission is required when any person proposes to conduct any material change in exterior appearance to a Heritage Resource or district through alteration, construction, relocation, or demolition.

The applicant is requesting approval of a Landmark Alteration Permit to build a metal patio cover over the outdoor dining area located at the rear of a restaurant, between the City parking lot and the rear wall of the building. The applicant originally proposed a fabric awning structure; however, the restaurant would like to continue the use of a portion of the rear patio as a hookah bar. The Fire Code prevents smoking under fabric awnings, so the proposal has been changed to a metal structure.

ANALYSIS:

Architecture

The existing building is a two-story Moderne structure with no setbacks. Four properties, 123, 125, 127, and 133 S. Murphy Avenue occupy the tenant spaces in building. The project is located behind Taverna Bistro located at 133 S. Murphy Avenue. (See site plan in Attachment C). Adjacent uses are commercial/restaurant uses and the City parking lot to the rear.

The applicant proposes to construct a metal patio cover over the rear dining patio. (See photo in Attachment C). The proposed structure would be very simple and minimalist in form with a nearly flat roof. It is similar to carport structures used in commercial zones and apartments. The applicant is proposing vertical fluted column covers over the patio post (See photo in Attachment C).

The patio structure would be freestanding and be placed immediately adjacent to the rear of the main building and bar area, but it would not be connected to the building. It would cover both the west side and rear patio areas (See roof plan Attachment D). The portion of the structure on the west side would have minimal visibility from the City parking lot as it would be located behind the existing solid waste enclosure. The portion behind the bar would be visible from the parking lot and Frances Street. The patio roof would partially screen and detract from significant galvanized metal mechanical venting that crosses the rear of the restaurant building (See photo Attachment E).

The perimeter of the patio would be defined by placement of a row of decorative planter boxes with metal scrolling trellis panels that were previously approved (See photo in Attachment E)

Applicable Design Guidelines and Policy Documents

The design and appearance of new construction and structures in the Murphy Station Heritage Landmark District are reviewed for compatibility in accordance with the Murphy Avenue Design Guidelines. Although the Guidelines are more general when addressing the rear areas of the District, they state that the rear areas and semi-public spaces should be recognized as opportunity areas.

The choice of materials for these facades should be harmonious with the front facades, for an integrated building design and compatible rear area streetscape.

Outdoor use is encouraged in the rear and semi-public spaces, which will pose some challenge as well as opportunities for creative design.

The Murphy Avenue Design Guidelines recommend that materials on rear facades should harmonize and integrate with the main building. The

Guidelines also state that designing for the rear areas can be challenging and calls for creativity.

The proposed structure would not demonstrate any apparent architectural era. It is a simple metal patio cover and is meant to blend into the rear streetscape behind Murphy Avenue without making a strong architectural statement and without adding to or detracting from the character of the rear of the historic building.

The applicant has chosen a solid roof to allow dining even in mildly inclement weather and allow more consistent economic use of the property. Although an attractive option, a fabric awning would not allow continuation of the hookah bar use due to conflict with a Fire Code requirement. As an alternative, a wood trellis structure or a solid roof supported by decorative stucco or stone pillars could be used.

Staff considers the minimalist approach of the metal patio cover to be acceptable. Staff does not believe that a strong architectural statement needs to be made as long as the proposed structure demonstrates high quality and attractive colors. Staff also recommends that the applicant's color be modified from white to a deeper color such as a deep brown, black or even a muted rust tone. Staff also recommends that the patio posts be left plain without faux column covers and that they be painted to go with the recommended dark color scheme.

Although the proposed patio cover will be adjacent to a Murphy Avenue heritage building, the proposed patio cover, as conditioned with staff recommended changes to the colors and columns, would enhance the economic use and look of the property, meet the Murphy Avenue Design Guidelines, and does not structurally or architecturally alter, or affect the long term preservation of the actual heritage building.

Development Standards

The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code pertaining to physical development such as setbacks, height and floor area ratio. Buildings in the Murphy Station Heritage Landmark District are allowed to build at zero setbacks, cover 100% of the lot, forgo any landscaping and construct a maximum of two stories.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor changes to existing structures.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • Five notices mailed to property owners adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Web site • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • Posted on the City of Sunnyvale's Web site

CONCLUSION

Findings and General Plan Goals: Staff was able to make the required Findings. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

ALTERNATIVES

1. Approve the Landmark Alteration Permit as modified by the Conditions of Approval for a metal cover over the rear outdoor dining area of the existing restaurant.
2. Approve the Landmark Alteration Permit for a patio cover over the rear outdoor dining area of the existing restaurant with modified conditions.
3. Deny the Landmark Alteration Permit.

RECOMMENDATION

Recommend Alternative 1 to the Heritage Preservation Commission.

Reviewed by:


Shaun Mendrin
Senior Planner

Prepared by Gerri Caruso, Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Elevations and Photos
- D. Roof Plan
- E. Supporting Photos (roof equipment and planter boxes)

RECOMMENDED FINDINGS

Landmark Alteration Permit

General Plan Goals and Policies that relate to this project are:

Community Character Chapter:

Goal CC-5 Protection of Sunnyvale's Heritage: To enhance, preserve and protect Sunnyvale's heritage including natural features, the built environment and significant artifacts. (*Previously Heritage Preservation Goal 6.3B/adopted 1995*)

Policy CC-5.5: Encourage a commercially strategic mix of uses on Murphy Avenue.

1. The action proposed is consistent with the purposes of the Heritage Preservation Ordinance:

Murphy Station Heritage Landmark District exemplifies the link between preservation and economic development. A strategic mix of commercial uses is encouraged on Murphy Avenue in order to insure economic success that then results in maintenance and preservation of the heritage properties. The project site is an approved restaurant that allows service of full liquor, entertainment, outdoor street and patio dining and use as a hookah bar. Covering the patio dining area allows economic use of the property almost year round.

2. The action proposed will not be detrimental to a structure or feature of significance as a heritage resource:

Although the proposed patio cover will be attached to the heritage building located on Murphy Avenue, the proposed patio cover, as conditioned, enhances the use and look of the property, meets the Murphy Avenue Design Guidelines, and does not structurally or architecturally alter, or affect the long term preservation of the actual heritage structure.

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
NOVEMBER 2, 2011**

Heritage Preservation Commission 2011-7662
133 S. Murphy Avenue
Landmark Alteration Permit for an Outdoor Dining Patio Cover

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. PERMIT EXPIRATION:

The Landmark Alteration Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an

extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] [PLANNING]

- GC-3. CONDITIONS OF APPROVAL ON PLANS:
The Conditions of Approval of this Landmark Alteration Permit shall be reproduced on the second page of the plans submitted for Building Permit approval. [COA] [PLANNING]
- GC-4. TITLE 25:
Provisions of Title 25 of the California Administrative Code shall be satisfied with dependence on mechanical ventilation. [SDR] [BUILDING]
- GC-5. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:
The subject site shall comply with all conditions of approval and requirements of planning applications **2006-0827, 2006-1271 and 2011-7722** regarding operation of the rear patio, bar and hookah bar area including the requirement for additional mechanical ventilation for the smoking area.[COA] [PLANNING]

PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT.

- PS-1. EXTERIOR MATERIALS REVIEW:
The patio cover is required to be constructed of high quality metal materials. Final exterior building materials and color scheme are subject to review and approval by the planning commission/director of community development prior to submittal of a building permit. [COA] [PLANNING]
- PS-2. REQUIRED REVISIONS TO PROJECT PLANS:
The plans shall be revised to address comments from the Heritage Preservation Commission. [COA] [PLANNING]
- PS-3. PATIO COVER COLORS:
The exterior patio colors shall be modified from white to a deeper color such as a DEEP brown, black or even a muted rust tone. The final color scheme shall be submitted for review and approval by the director of community development prior to issuance of a building permit. [COA] [PLANNING]

PS-4. PATIO COVER DESIGN:

The patio cover shall be designed to address the following:

- A. To be consistent with the simple structural design of the patio cover, the patio posts shall be left straight and plain without faux column covers and shall be fabricated in or painted a dark color in accordance with the final approved color scheme.[COA] [PLANNING]
- B. The interior roof of the patio cover may be left white to provide a light interior. [COA] [PLANNING]
- C. No fabric curtains, draped ceiling or similar fabric application may be installed unless first reviewed and approved by the director of community development and considered for fire code compliance. [COA] [PLANNING]
- D. The patio cover, posts or perimeter planters shall not extend over the property lines including the north property line. [COA] [PLANNING]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

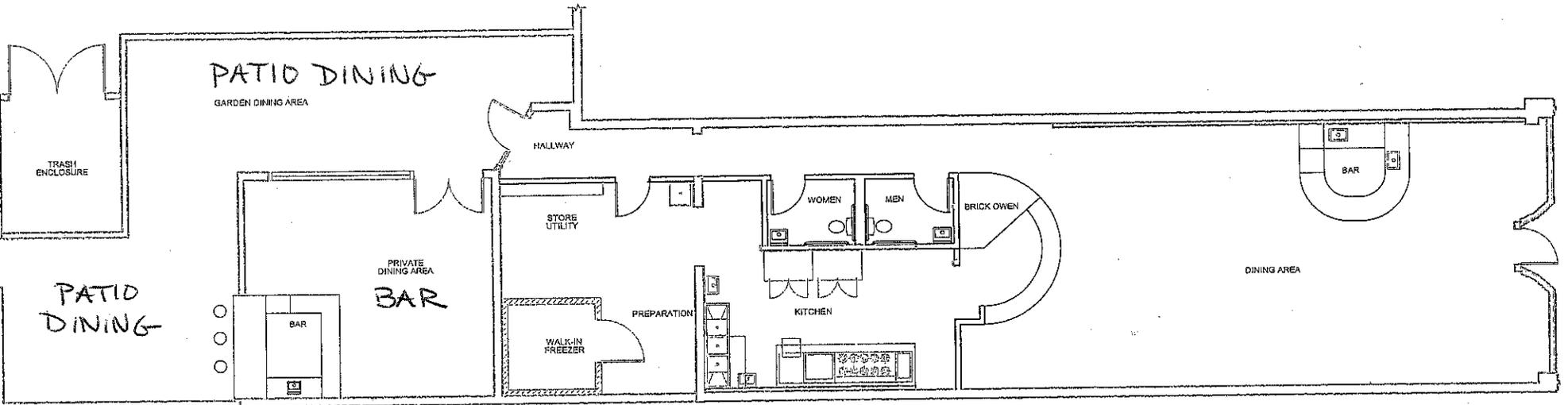
BP-1. BUILDING PERMIT REQUIRED: BUILDING PERMIT PLANS SHALL BE SUBMITTED FOR REVIEW:

- A. Submitted plans shall conform to provisions of the 2010 versions of the California Building, Electrical and Plumbing Codes. [SDR] [BUILDING]
- B. Provide complete structural, electrical, plumbing and architectural plans for Building Permit submittal. [SDR] [BUILDING]
- C. All California fire code, California building code, and other appropriate codes shall be followed for the appropriate occupancy classification, Group 'A' occupancy. [SDR] [FIRE]
- D. Provide a site plan that clearly and accurately shows the location of the existing building, proposed patio cover and the setbacks from all property lines. [SDR] [BUILDING]
- E. Provide a full existing and proposed floor plan with Building Permit submittal. [SDR] [BUILDING]

- F. Provide the required number of approved fire extinguishers (minimum size 2a10bc). [SDR] [FIRE]
 - G. All means of egress systems, exit signs, and emergency lighting shall comply with the provisions of the California fire code. [SDR] [FIRE]
 - H. Trash enclosures within 5 feet of building exterior walls or overhangs require fire sprinklers. [SDR] [FIRE]
- BP-2. OUTDOOR HEATING:
Any outdoor heating devices shall be installed with building/fire permits and according to manufacturer's specifications. Equipment shall be approved for use in California and, if applicable, be compliant with canopy fabric use specifications. [SDR] [FIRE]

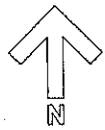
AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

- AT-1. CHANGE OF COLORS REQUIRES APPROVAL:
Any future change in the approved color scheme shall first be submitted for review and approval by the director of community development. [COA] [PLANNING]
- AT-2. SIGNS REQUIRE APPROVAL:
Any exterior signs located on the rear of the building or within the patio shall be in conformance with the Sunnyvale municipal code and the murphy avenue design guidelines and require a separate sign permit. [COA] [PLANNING]
- AT-3. PATIO COVER MAINTENANCE:
The patio cover shall be maintained at all times in a clean condition without chipped or scratched paint and shall be repainted at any time that wear is apparent within or from outside of the property. [COA] [PLANNING]



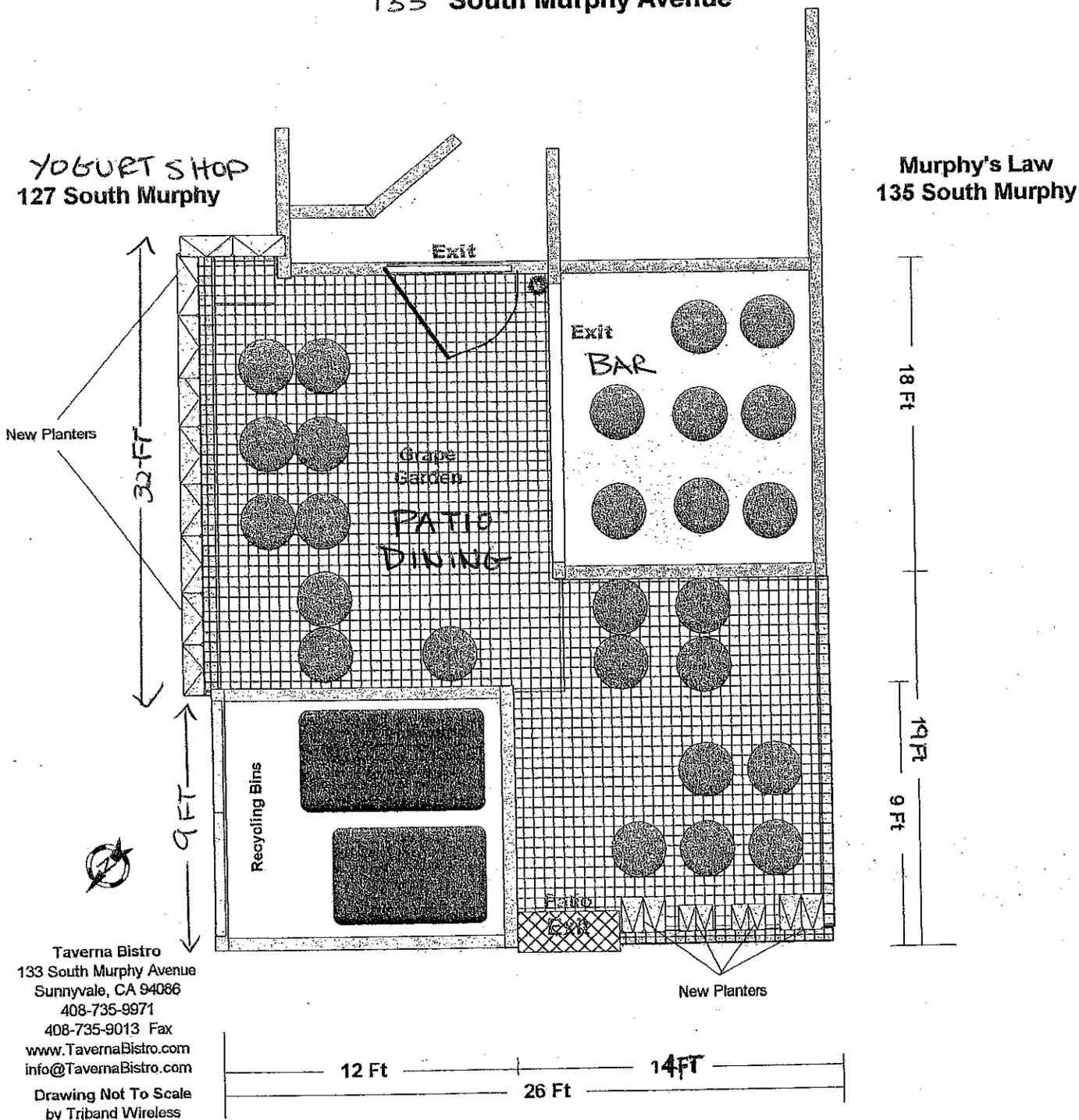
MURPHY AVENUE.

SITE/FLOOR PLAN



PATIO DINING AREA PLAN

133 South Murphy Avenue



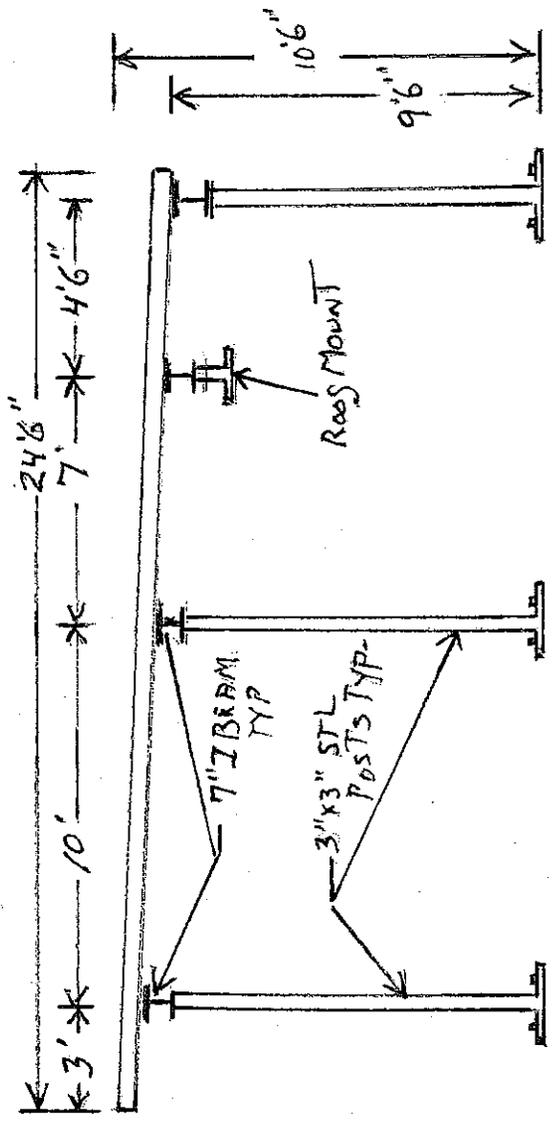
Taverna Bistro
133 South Murphy Avenue
Sunnyvale, CA 94086
408-735-9971
408-735-9013 Fax
www.TavernaBistro.com
info@TavernaBistro.com

Drawing Not To Scale
by Triband Wireless

South Francis
City Parking Lot

SIDE ELEVATION
PROPOSED ALUMINUM AWNING

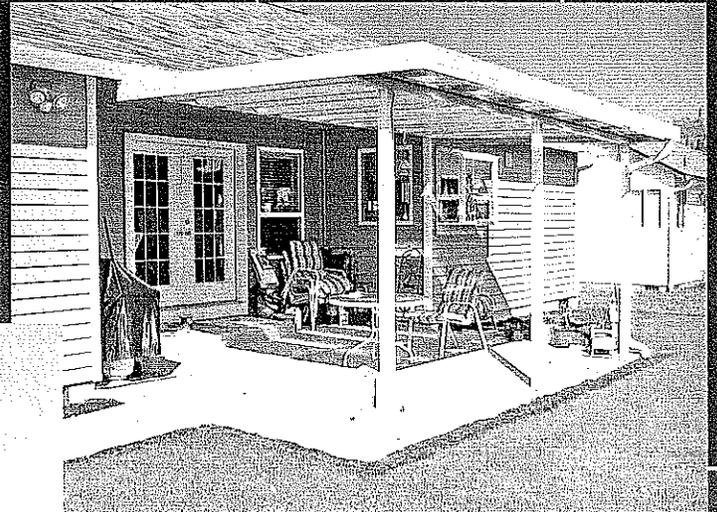
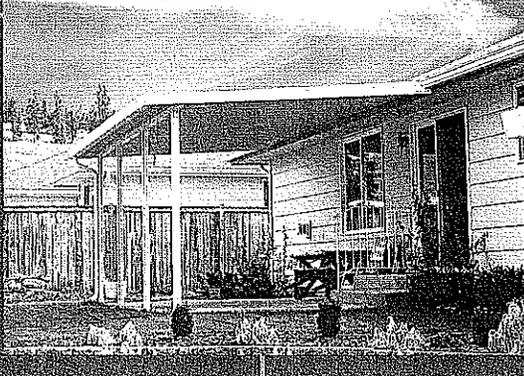
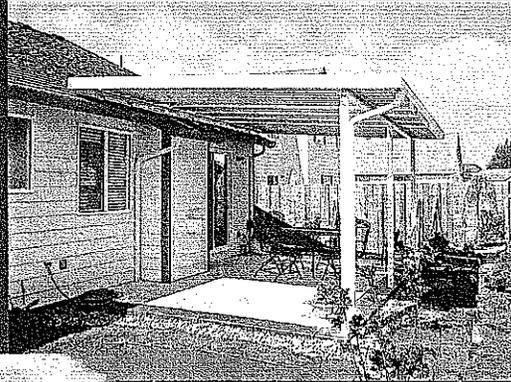
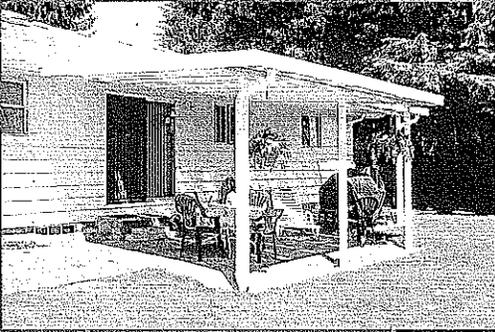
133 S. MURPHY AVE



SIDE VIEW

Beauty as durable as
the company that makes it!

ATTACHMENT C
Page 4 of 6



Patio Covers • Carports



Amerimax
BUILDING PRODUCTS, INC.

When it comes to quality, beauty, and durability, no one covers you like Amerimax.

Your patio cover or carport enhances the beauty of your home, while protecting your property. That's why you should trust Amerimax, a leader in high-quality building products for more than 50 years. With Amerimax, you get

state-of-the-art products, a Lifetime Limited Warranty, one of the strongest paint warranties in the business, and uncompromising service. Low maintenance aluminum, means you'll enjoy a lifetime of virtually carefree ownership.

Solid roof patio covers for all-season protection

A solid roof is your best choice for providing you and your outdoor furniture with maximum protection against the elements. You'll be able to use and enjoy your outdoor living space even when the weather isn't ideal.

Carports

Your car, RV, or boat is a costly investment. Safeguard your valuable property from harsh weather with the strength and durability of an Amerimax carport. Whether it's attached or a freestanding design, you'll have reliable protection for years to come.

Amerimax patio covers and carports feature:

- Strong, long-lasting, and low in maintenance
- Heavy header-beam construction
- Weather-resistant Aluma-Shield paint finish
- Easy clean-out gutter available
- Limited lifetime warranty
- Customized design to your home
- Professional engineering for your climate
- Termite/insect resistant components
- Requires no painting

No matter what your outdoor shelter and coverage needs... Amerimax has you covered.

(Features vary from product to product.)



Amerimax

BUILDING PRODUCTS, INC.

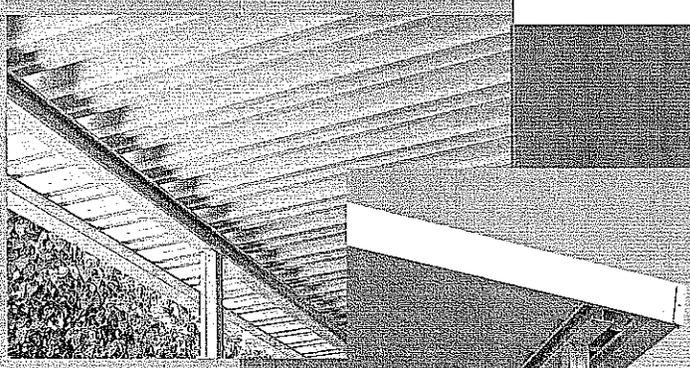
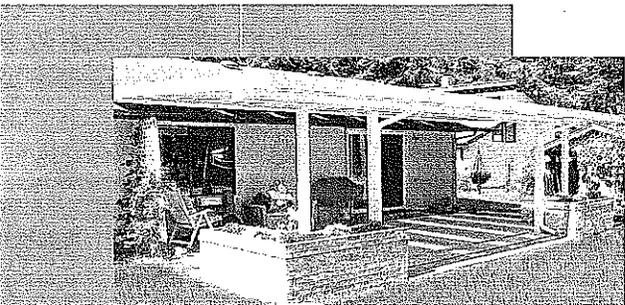
www.Amerimaxbp.com

Google™ Keyword: Alumawood Shade Structures

Dealer imprint here

KOOL METAL AWNING INC.
3505 KIFER ROAD
SANTA CLARA, CALIF. 95051
(408) 245-6597

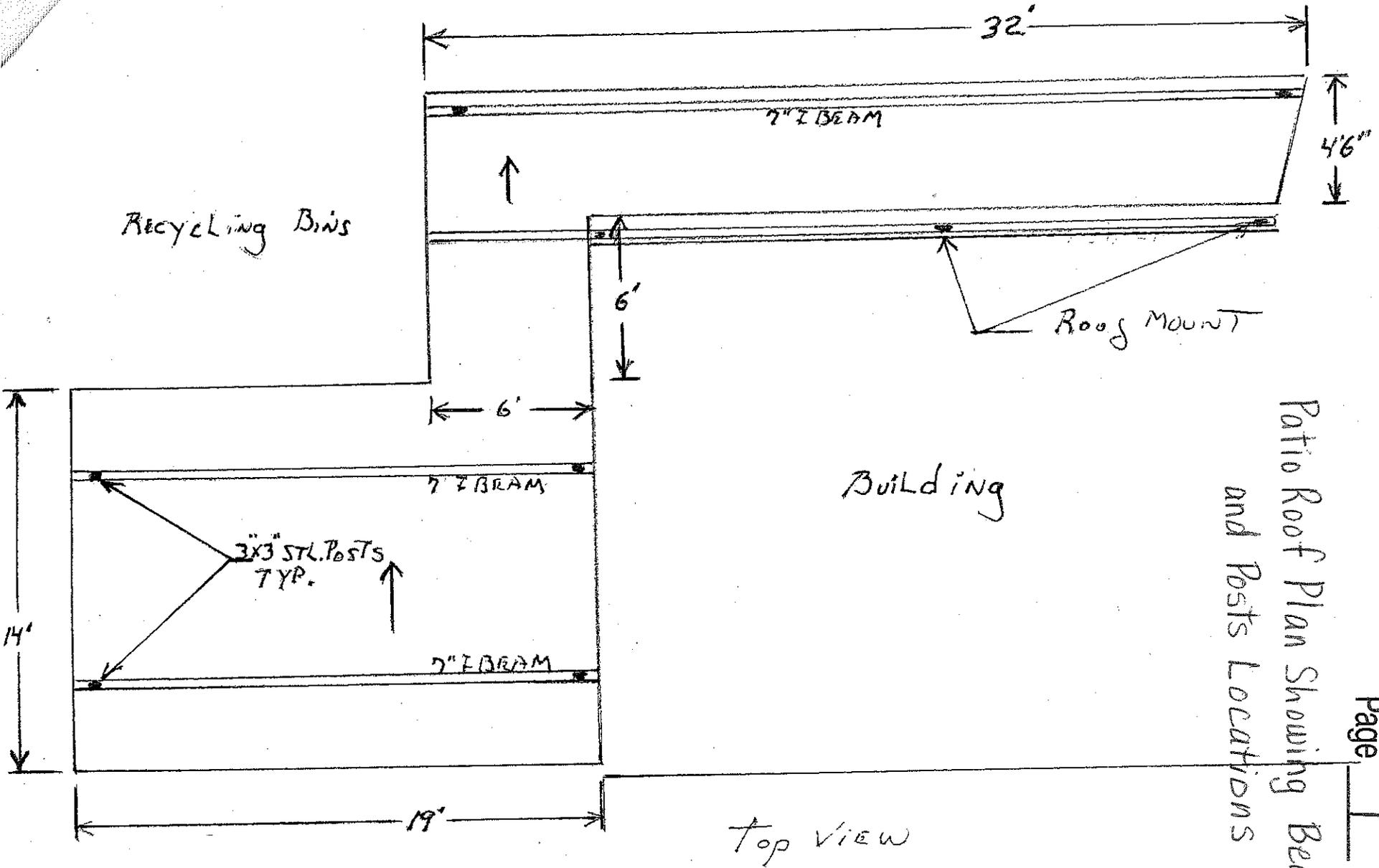
ATTACHMENT C
Page 5 of 6



Amerimax — Reshaping the way America thinks about patios.

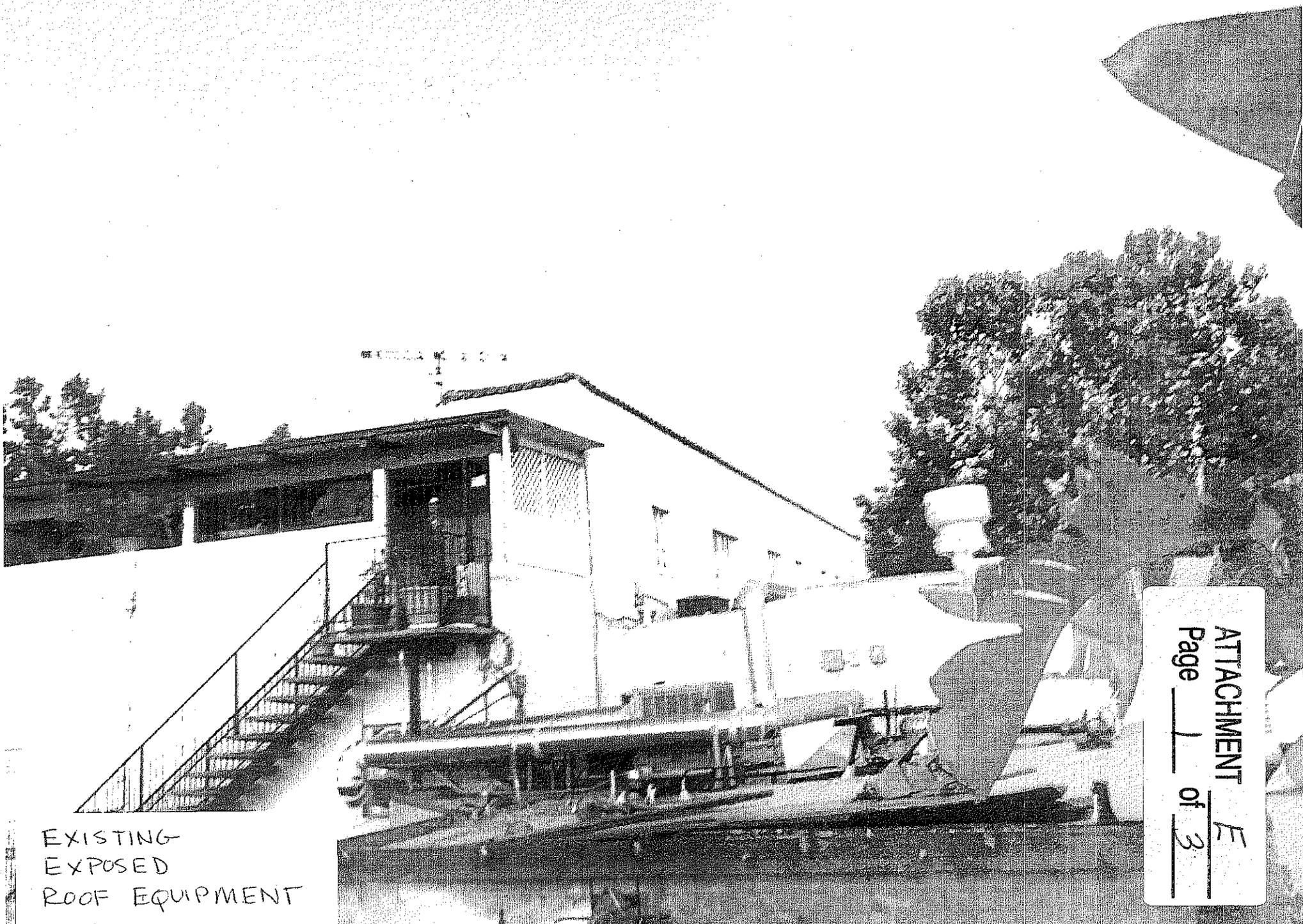
PROPOSED
FAUX
COLUMN
COVERS

PROPOSED ALUMINUM AWNING - 494 sq. ft.
ROOF PLAN



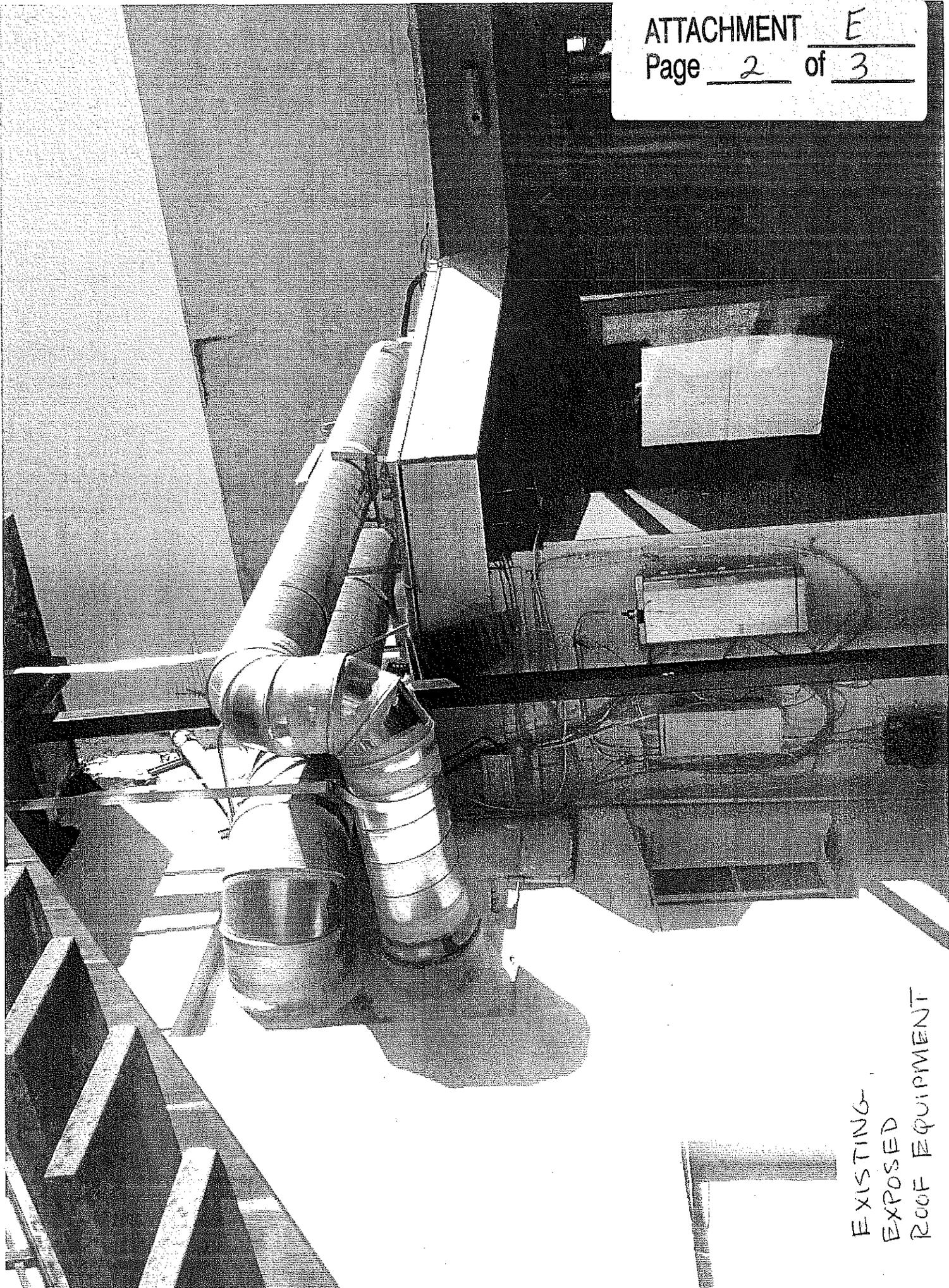
Patio Roof Plan Showing Beams
and Posts Locations

133 S. MURPHY AVE.



EXISTING
EXPOSED
ROOF EQUIPMENT

ATTACHMENT E
Page 1 of 3



EXISTING
EXPOSED
ROOF EQUIPMENT



APPROVED
PATIO PERIMETER
PLANTER BOX