



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 30, 2008

SUBJECT: **2007-1257 – Kensington Place Apartments** [Applicant]
Kensington-Fair Oaks Associates Joint Venture [Owners]:
Application located at **1220 N. Fair Oaks Ave.** (near Tasman
Dr.) in an R-4/PD (High-Density Residential/Planned
Development) Zoning District.

Motion Variance from Sunnyvale Municipal Code 19.44.140(c) to
allow an 8' 6" tall ground sign where 5' is allowed in a
residential zoning district.

REPORT IN BRIEF

Existing Site Multi-family residential
Conditions

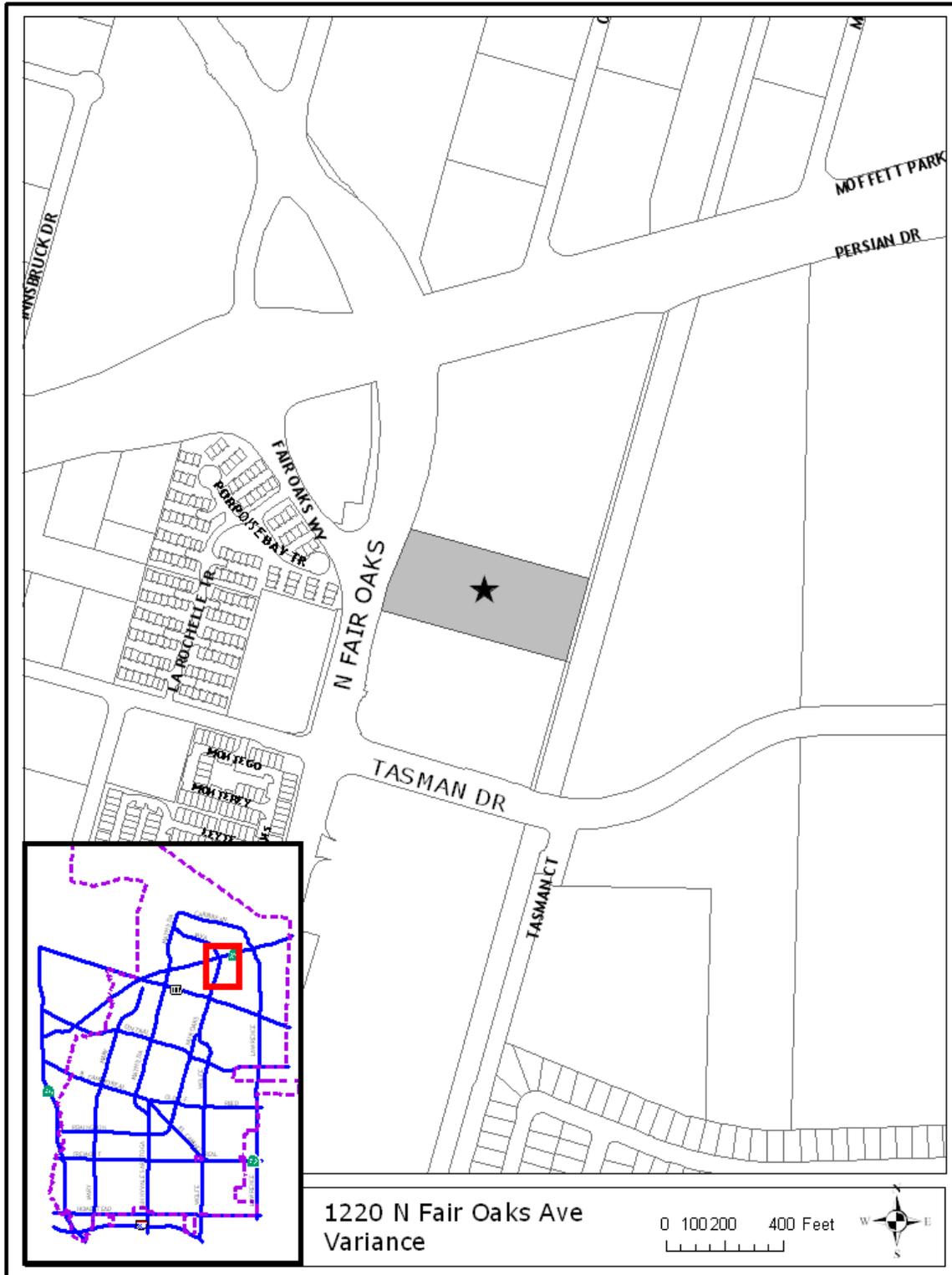
Surrounding Land Uses

North	Mobile Home Park
South	Industrial building
East	Water District easement, Mobile Home Park
West	Multi-family residential (across Fair Oaks Ave.)

Issues Ground signs

Environmental A Class 1 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
and City Guidelines.

Staff Approval with conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential High Density	Same	Residential High Density
Zoning District	R-4/PD	Same	R-4/PD
Lot Size (s.f.)	181,645	Same	8,000 min.
Gross Floor Area (s.f.)	208,936	Same	No max.
No. of Units	186	Same	max.
Density (units/acre)	44.6 (existing)	Same	36 max.
Signs			
Number of Wall Signs	0	Same	One wall sign or one ground sign per street frontage
Number of Ground Signs	1	Same	
Ground Sign Height	5'	8' 6"	5' max.
Ground Sign Area	26 sq. ft. per face, 52 sq. ft. total	30 sq. ft per face, 60 sq. ft. total	Max. 32 sq. ft. per face. 64 sq. ft. total
Ground Sign Copy Height	4.3"	10.6"	12" max.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The proposed project is for a Variance to allow a ground sign with a height of 8' 6" where 5' is the maximum allowed on a property with residential uses. The applicant proposes to remove the site's existing ground sign and install new ground signs attached to trellises located at the front of the property.

Staff notes that only one ground sign is permitted on the subject site per Sunnyvale Municipal Code section 19.44.140(a). Variances may be granted only for ground sign height, and not for the number of permitted signs. The applicant originally proposed two ground signs on two trellises, but considered

them to be a single sign with two sides. Staff does not support this interpretation and finds that only one of the proposed signs may be permitted. As a result, this report considers the issue of ground sign height only.

Background

In 2004, a Miscellaneous Plan Permit was approved to allow 12 decorative trellises near the recreation building at the front of the property and others throughout the site. No signs were included in this approval, although the plans submitted by the applicant indicated an area reserved for future signage. In 2007, the property owner applied for a Miscellaneous Plan Permit to add signs to two of the trellises. Staff determined the proposed signs to be ground signs as defined by Sunnyvale Municipal Code, that only one ground sign would be permitted, and that a Variance was required to allow sign height exceeding 5 feet. As a result, the property owner withdrew the Miscellaneous Plan Permit application and submitted the subject application for a Variance.

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2007-0616	Miscellaneous Plan Permit to allow two new ground signs on existing trellises	Staff Review / Withdrawn	12/12/2007
2005-0690	Miscellaneous Plan Permit for landscaping modifications	Staff Review / Approved	07/11/2005
2004-0761	Miscellaneous Plan Permit for exterior remodel of existing buildings including the addition of trellises	Staff Review / Approved	10/08/2004
1991-0186	Special Development Permit to construct a new apartment complex	City Council / Approved	07/09/1991
1991-0185	General Plan Amendment from Industrial to Residential High Density	City Council / Approved	07/09/1991
1991-0184	Re-Zone from M-S to R-4/PD	City Council / Approved	07/09/1991

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 modifications to existing facilities.

Variance

Site Layout: The subject site is a 4.2 acre lot with five multi-family residential buildings and one recreation building. The site has two driveways taking access directly from Fair Oaks Avenue. The site has an existing ground sign located along the front property line near the recreation building. The grade of the subject site in the front setback and around the ground sign is approximately 5 inches higher than the top of the adjacent curb.

Surrounding Area: The subject site is located on Fair Oaks Avenue between Tasman Drive and State Highway 237. Adjacent properties include multi-family residential buildings, mobile home parks, and industrial buildings. Just north of the subject site, Fair Oaks Avenue rises in grade to create an overpass above Highway 237. To the west of the subject site is an exit ramp from Highway 237 on to Fair Oaks Avenue.

Justifications: The applicant has addressed the three required findings for a Variance in Attachment D - Applicant's Variance Justifications. The applicant states the following:

- The subject site is not located in typical residential neighborhood. Surrounding industrial uses, busy streets, freeway entrances, and overpasses create an environment which is not residentially-scaled. As a result, typical residential signage is not appropriate for this site.
- The property can be approached from three directions: traveling north on Fair Oaks Avenue, traveling south on Fair Oaks Avenue, and traveling east on Fair Oaks Way/Persian Drive. Given the location and orientation of the site, a ground sign with a height of 5' or less is not readily visible from the street. Approaching from the north, the rise of the overpass and a concrete median along the light-rail line block visibility of the existing sign. Approaching from the south, the sign is blocked by a landscaping berm. Approaching from the west, the existing sign cannot be seen due to its orientation. The proposed split-face sign with increased height provides enhanced viewing from all three approaches.
- The trellis structures approved in 2004 to hold the signs have been constructed, and adding a new signage structure would be expensive and would detract from the overall appearance of the site by creating a confusing design.

- The proposed signs will provide increased visibility while remaining compatible with residential uses. The proposed project is the simplest and most attractive solution for providing directional signage to this site.

Staff concurs that the configuration of streets surrounding the subject site creates a unique circumstance in which the view of signage is obstructed. The site can be approached from three directions: traveling north on Fair Oaks Avenue, traveling south on Fair Oaks Avenue, and traveling east on Fair Oaks Way/Persian Drive. The existing 5’ tall ground sign is not readily visible from the west due to its orientation, and has limited visibility from the north and south due to obstructions by landscaping and roadways. As a result, the site is not able to achieve adequate signage. Additional signs are not an option due to Code limitations, therefore increasing the height of the ground sign is the only option to provide adequate signage for directional and identification purposes.

Compliance with Development Standards/Guidelines: The proposed project meets all requirements with the exception of ground sign height. The requested Variance would allow a ground sign with a total height of 8’ 6” as measured from the top of the adjacent curb instead of a maximum of 5’ as required by Code. Multiple ground signs are not permitted by Code and cannot be approved through a Variance, therefore only one sign may be allowed.

Expected Impact on the Surroundings: The proposed ground sign would not have a detrimental impact on the surrounding neighborhood. The proposed sign is attractive, uses high-quality materials, and is compatible in scale with surrounding development.

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 • 503 notices mailed to property owners and residents 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

Staff has not received any public comments related to the subject application.

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Variance and is recommending approval. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Staff recommends the Conditions of Approval in Attachment B.

Alternatives

1. Approve the Variance with the conditions of approval in Attachment B.
2. Approve the Variance with modified conditions.
3. Deny the Variance.

Recommendation

Alternative 1

Prepared by:

Mariya Hodge

Project Planner

Reviewed by:

Andrew Miner

Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Variance Justifications
- E. Photographs of the Subject Site

Recommended Findings - Variance

1. There are exceptional or extraordinary circumstances or conditions which apply to the site of the sign which do not apply generally to the property, improvements or uses in the same zoning district. (*Finding made.*)

The subject site is located in an industrial area with a wide range of uses. This area is characterized by large industrial buildings, busy streets, freeway entrances, and overpasses. As a result, the surrounding environment does not have a typical residential scale. While some other properties in the R-4 Zoning District are also located in industrial neighborhoods, the configuration of streets and highways surrounding the subject site creates a unique circumstance and obstructs the view of low signage by passing motorists. Restricting the subject site to the typical residential sign height of 5' would result in signage which is out of scale with surrounding development and not readily visible.

2. The granting of the variance applied for is necessary for the preservation and enjoyment of a substantial property right necessary to the proposed use of the property, in that only such a variance would avoid an undue hardship resulting from an unintended limitation on the ability of a given use to advertise by means of on-site signage. (*Finding not made.*)

The subject site can be approached from three directions: traveling north on Fair Oaks Avenue, traveling south on Fair Oaks Avenue, and traveling east on Fair Oaks Way/Persian Drive. The existing 5' tall ground sign is not readily visible from the west due to its orientation, and has limited visibility from the north and south due to obstructions by landscaping and roadways. As a result, the subject site is not able to achieve adequate directional signage. Additional signs are not an option due to Code limitations, therefore increasing the height of the ground sign is the only option to provide adequate signage for directional and identification purposes.

3. The granting of the variance applied for 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 made.*)

The proposed ground sign is attractive, uses high-quality materials, and is compatible in scale with surrounding development. The proposed ground sign would not have a detrimental impact on the surrounding neighborhood.

Recommended Conditions of Approval - Variance

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Variance 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.
- D. The Variance shall expire if the use is discontinued for a period of one year or more.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Comply with all requirements of previously approved Special Development Permit #1991-0186, Miscellaneous Plan Permit #2004-0761, and Miscellaneous Plan Permit #2005-0690, except as modified herein.
- B. Obtain building permits as required for sign installation.

3. SIGNS

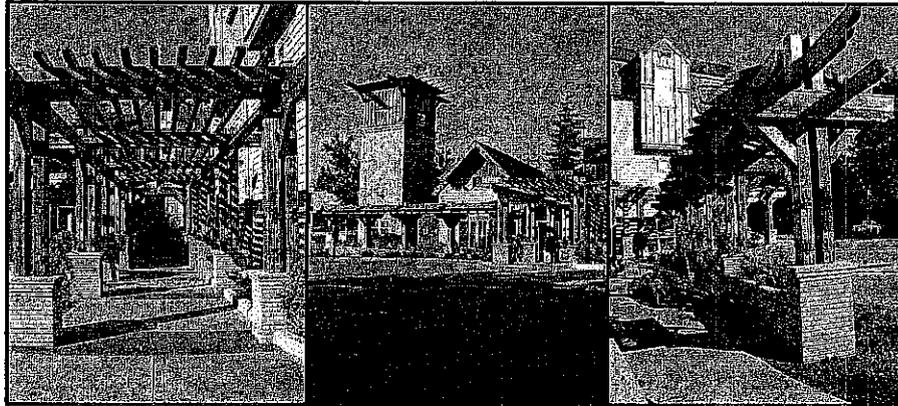
- A. One ground sign shall be allowed on the subject property. Two separated sign faces are not permitted. The ground sign shall be attached to a trellis in either of the two locations specified on the proposed plans, with the preferred location to be selected by the applicant.
- B. The height of the ground sign shall not exceed 8' 6" as measured from the top of the adjacent public curb.

- C. Sign area and copy height shall comply with Sunnyvale Municipal Code requirements.
- D. Any modifications to the color, materials, or design of the proposed sign are subject to review and approval by the Director of Community Development.
- E. Any illumination of the ground sign shall be reviewed and approved by the Director of Community Development. Exterior illumination sources shall be shielded to prevent glare.

KENSINGTON PLACE APARTMENTS

1220 N. FAIR OAKS AVENUE SUNNYVALE, CA 94089

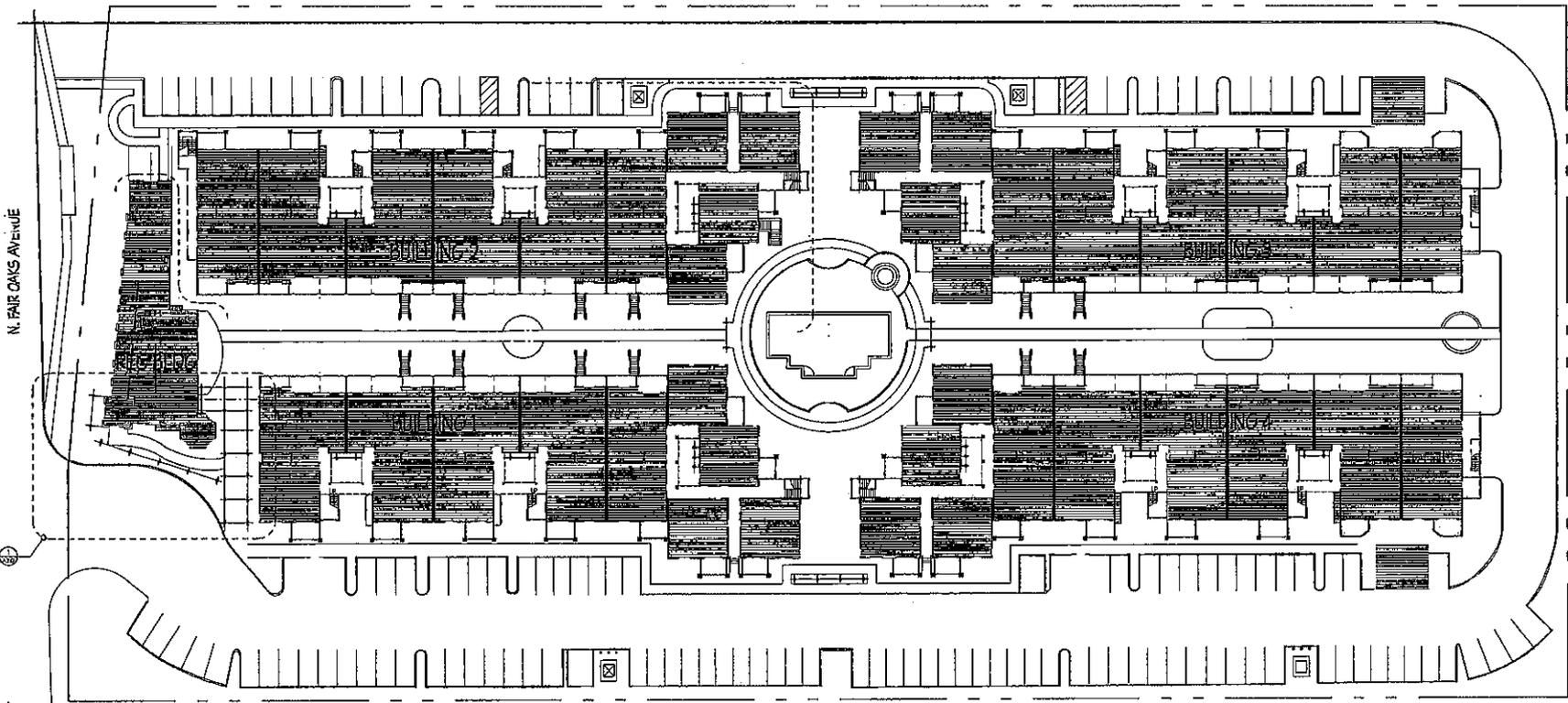
MONUMENT SIGN VARIANCE FOR:
KENSINGTON-FAIR OAKS ASSOCIATES



ABBREVIATIONS LIST

SYMBOLS	ABBREVIATIONS	GENERAL SCOPE OF WORK	GENERAL SCOPE OF WORK	LIST OF DRAWINGS	SITE DATA
ANGLE AID F E G H I J K L M N O P Q R S T U V W X Y Z AA AB AC AD AE AF AG AH AI AJ AK AL AM AN AO AP AQ AR AS AT AU AV AW AX AY AZ BA BB BC BD BE BF BG BH BI BJ BK BL BM BN BO BP BQ BR BS BT BU BV BW BX BY BZ CA CB CC CD CE CF CG CH CI CJ CK CL CM CN CO CP CQ CR CS CT CU CV CW CX CY CZ DA DB DC DD DE DF DG DH DI DJ DK DL DM DN DO DP DQ DR DS DT DU DV DW DX DY DZ EA EB EC ED EE EF EG EH EI EJ EK EL EM EN EO EP EQ ER ES ET EU EV EW EX EY EZ FA FB FC FD FE FF FG FH FI FJ FK FL FM FN FO FP FQ FR FS FT FU FV FW FX FY FZ GA GB GC GD GE GF GG GH GI GJ GK GL GM GN GO GP GQ GR GS GT GU GV GW GX GY GZ HA HB HC HD HE HF HG HH HI HJ HK HL HM HN HO HP HQ HR HS HT HU HV HW HX HY HZ IA IB IC ID IE IF IG IH II IJ IK IL IM IN IO IP IQ IR IS IT IU IV IW IX IY IZ JA JB JC JD JE JF JG JH JI JJ JK JL JM JN JO JP JQ JR JS JT JU JV JW JX JY JZ KA KB KC KD KE KF KG KH KI KJ KK KL KM KN KO KP KQ KR KS KT KU KV KW KX KY KZ LA LB LC LD LE LF LG LH LI LJ LK LL LM LN LO LP LQ LR LS LT LU LV LW LX LY LZ MA MB MC MD ME MF MG MH MI MJ MK ML MM MN MO MP MQ MR MS MT MU MV MW MX MY MZ NA NB NC ND NE NF NG NH NI NJ NK NL NM NO NP NQ NR NS NT NU NV NW NX NY NZ OA OB OC OD OE OF OG OH OI OJ OK OL OM ON OO OP OQ OR OS OT OU OV OW OX OY OZ PA PB PC PD PE PF PG PH PI PJ PK PL PM PN PO PP PQ PR PS PT PU PV PW PX PY PZ QA QB QC QD QE QF QG QH QI QJ QK QL QM QN QO QP QQ QR QS QT QU QV QW QX QY QZ RA RB RC RD RE RF RG RH RI RJ RK RL RM RN RO RP RQ RR RS RT RU RV RW RX RY RZ SA SB SC SD SE SF SG SH SI SJ SK SL SM SN SO SP SQ SR SS ST SU SV SW SX SY SZ TA TB TC TD TE TF TG TH TI TJ TK TL TM TN TO TP TQ TR TS TT TU TV TW TX TY TZ UA UB UC UD UE UF UG UH UI UJ UK UL UM UN UO UP UQ UR US UT UU UV UW UX UY UZ VA VB VC VD VE VF VG VH VI VJ VK VL VM VN VO VP VQ VR VS VT VU VV VW VX VY VZ WA WB WC WD WE WF WG WH WI WJ WK WL WM WN WO WP WQ WR WS WT WU WV WW WX WY WZ XA XB XC XD XE XF XG XH XI XJ XK XL XM XN XO XP XQ XR XS XT XU XV XW XX XY XZ YA YB YC YD YE YF YG YH YI YJ YK YL YM YN YO YP YQ YR YS YT YU YV YW YX YY YZ ZA ZB ZC ZD ZE ZF ZG ZH ZI ZJ ZK ZL ZM ZN ZO ZP ZQ ZR ZS ZT ZU ZV ZW ZX ZY ZZ	<p>GENERAL SCOPE OF WORK</p> <p>INSTALL TWO MONUMENT SIGNS AT BUILDING ENTRY.</p> <p>NOTE: FOR INFORMATION NOT SHOWN, REFER TO LENSENING PLACE APPROVED REVISED SET SEE 10/26/04 PDS 01 10004-1009</p>	<p>GENERAL SCOPE OF WORK</p> <p>OWNER: KENSINGTON FAIR OAKS JOINT VENTURE A CALIFORNIA GENERAL PARTNERSHIP NORTHWESTERN PARTNERSHIP MANAGEMENT COMPANY BANK OF AMERICA CENTER, SUITE 2000 555 CALIFORNIA STREET, SAN FRANCISCO, CA 94104</p> <p>CONTACT: NICE DRAKOTE TEL: 650.955.5200 FAX: 650.955.5911</p> <p>ARCHITECT: BRYANCO STAMBER ARCHITECTURE ANDREW BRYANCO, ARCHITECT 50 WILMUT AVE. SAN CARLOS, CA 94080</p> <p>CONTACT: ELISE DECCOLLONNES TEL: 650.801.5885 FAX: 650.822.0101</p>	<p>ARCHITECTURAL:</p> <p>A0 0 TITLE SHEET A1.0 SITE PLAN A2 0 STREET VIEWS A3 0 TRELLIS ELEVATION</p> <p>LOCATION MAP</p>	<p>SITE INFORMATION</p> <p>SITE ADDRESS: 4428 ACRE +/- DENSITY II 8 UNITS/ACRE ZONING: P-4 BUILDINGS 1, 2, 3, & 4 THREE STORY PLUS MEZZANINE LEVEL</p> <p>NET GROSS: 8,1 (203,816 S.F.) TYPE: 14 HOUR (866 LUMBS FULLY SPRINKLERED)</p> <p>GARAGES: 8-1 TYPE 1 BUILDINGS 1 & 4 (39,600 S.F.) BUILDINGS 2 & 3 (60,300 S.F.) 69,000 S.F.</p> <p>RECREATIONAL LEASING OFFICE 8-2A-3 (37,000 S.F.) TYPE: 1A (ONE STORY FULLY SPRINKLERED)</p> <p>SYMBOLS</p> <p>EXTERIOR ELEVATIONS ELEVATION NUMBER SHEET NUMBER</p> <p>ARCHITECTURAL DETAILS DETAIL NUMBER SHEET NUMBER</p> <p>LEGEND NOTES NOTE NUMBER</p>	





N. FAIR OAKS AVENUE



1 TRELLIS ELEVATION

 SCALE 1" = 20'

VARIANCE FOR:

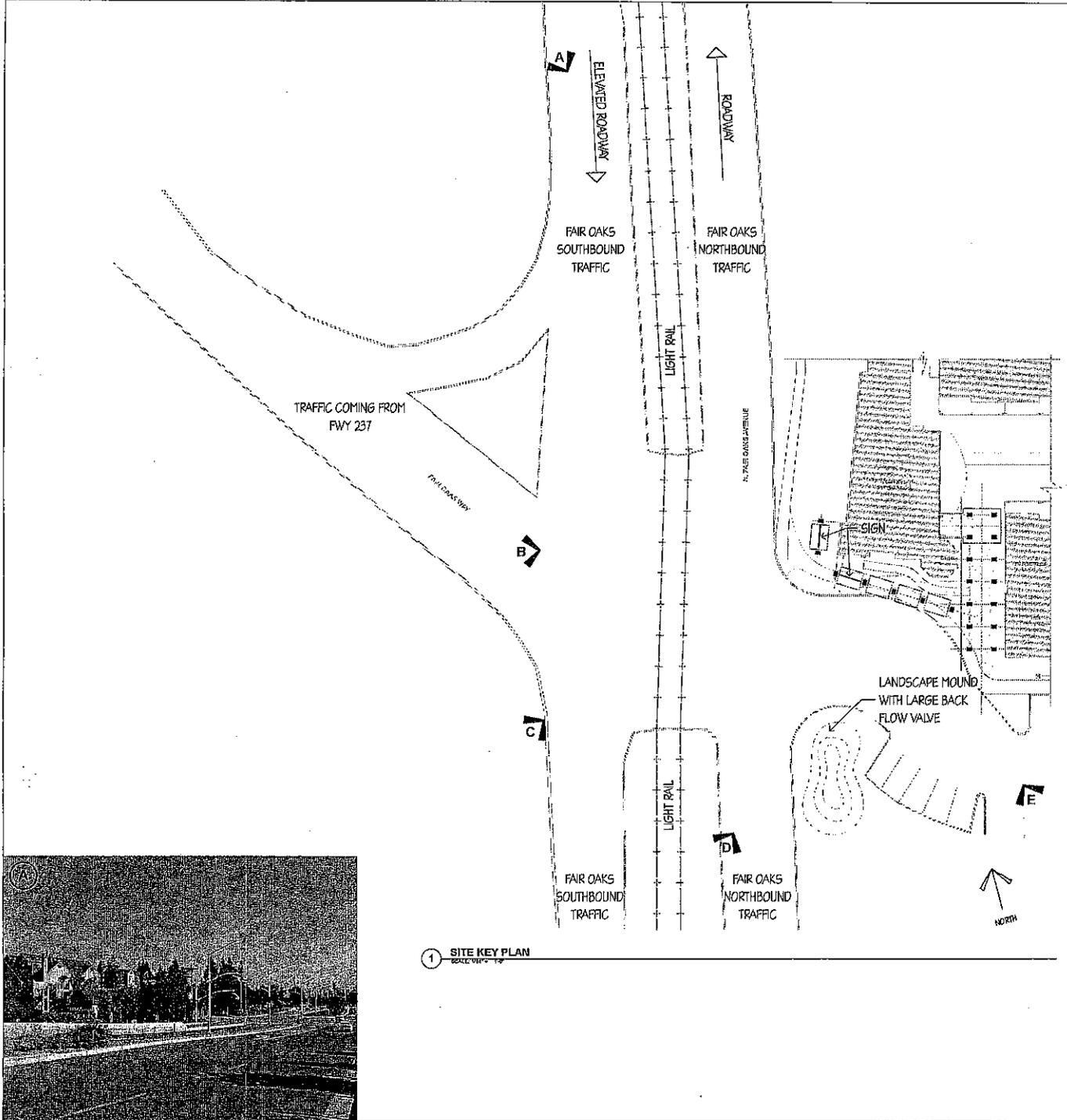
 ON PLACE APARTMENTS

 6070 ORNIA AVENUE

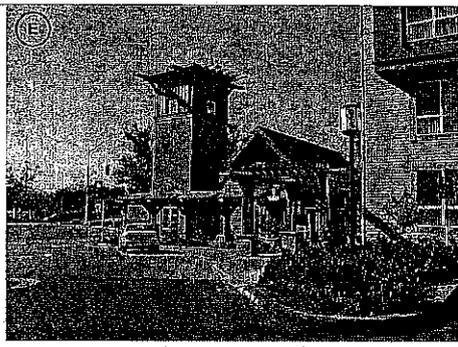
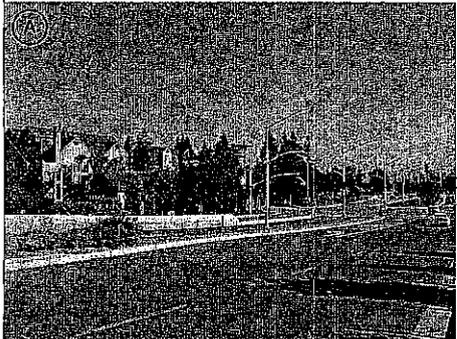
 ORNIA, CA 94089

 ATTACHMENT C

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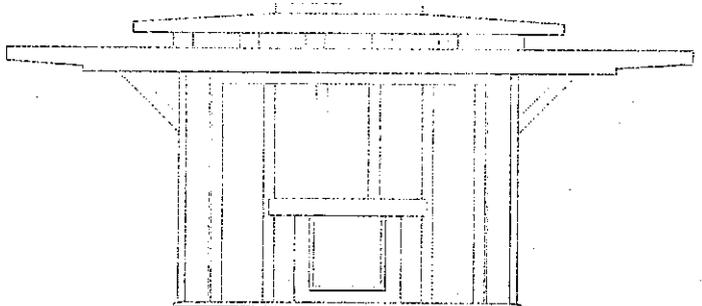


1 SITE KEY PLAN
SCALE: 1/8" = 1'-0"



TRANCE FOR:
N PLACE APARTMENTS
VENUE
BERNIA

ATTACHMENT C
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**KENSINGTON PLACE
 APARTMENTS**

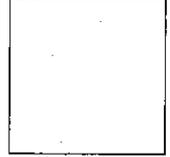
9'-0" WIDE X 3'-4" TALL = 30 SQ. FT.

BACKGROUND COLOR



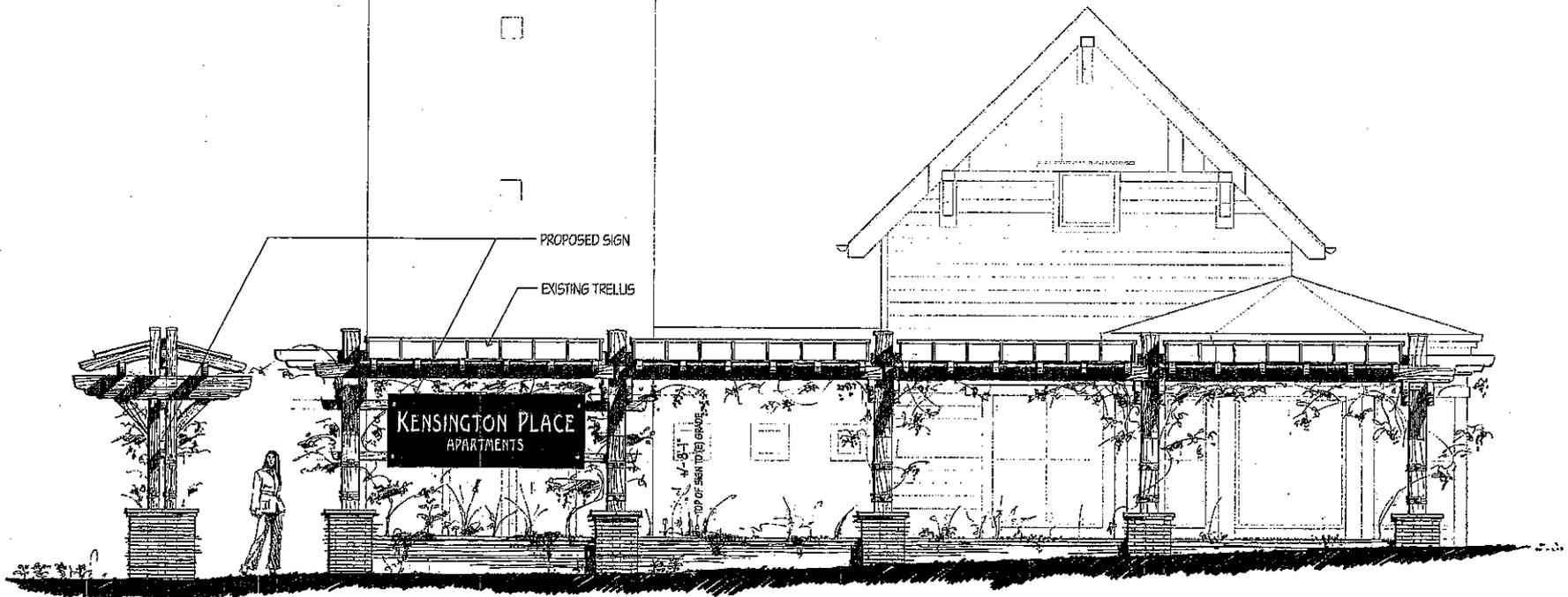
WESCOTT NAVY: (8M1624)
 BACKGROUND COLOR ALSO
 USED FOR APARTMENT DECK
 AND STAIR RAILS

LETTER COLOR



BRUSHED ALUMINUM:
 METALLIC SILVER (3M1220-120)

2 MONUMENT SIGN INFORMATION
NOT TO SCALE



1 TRELLIS ELEVATION
SCALE: 1/8" = 1'-0"

VARIANCE FOR:
 N PLACE APARTMENTS
 VENUE
 RNIA 94089

ATTACHMENT C
 Page 4 of 4

Attachment D

Applicant's Variance Justifications

**RE: MONUMENT SIGN VARIANCE APPLICATION FOR KENSINGTON APARTMENTS,
1220 N. FAIROAKS AVENUE, SUNNYVALE, CALIFORNIA**

- (1) There are exceptional or extraordinary circumstances or conditions which apply to the site of the sign which do not apply generally to property, improvements or uses in the same zoning district;

The Kensington Apartments lie within an area of commercial buildings, warehouses, large scale avenues and fast moving traffic. Though a challenge, it has always been the Owners' intention to improve this area and to make it more inviting to live in. While this property is zoned residential, it is not surrounded by the human scale quality of a typical residential neighborhood. There in lies the root of the problem in strictly applying the signage ordinance in this circumstance.

By looking more closely at the topography of the site frontage and Fair Oaks Avenue, one realizes that a complying monument sign would be obscured and lost behind the concrete barriers of the elevated road. As can be seen in the site plan, this property can be approached from three directions. A single sign, under five-feet tall, would not be practically visible to traffic traveling along Fair Oaks Avenue, in either direction.

By raising the sign slightly and separating the two sign faces, the monument sign becomes reasonably visible to oncoming traffic. By remaining within the total allowable sign area, using a simple and elegant font and integrating the sign within the landscape trellis we get a discrete and simple solution to a complicated problem.

The property is likely to be approached from one of three directions. Each of these presents its own unusual circumstance:

- **Southbound Fair Oaks approach** (see photo A, on sheet A2.0)-This is the most difficult approach to solve. As a car descends the route 237 overpass, the driver's sight to the property is obscured by a concrete wall running along the light rail system. As soon as the wall ends, one would see our sign and be able to safely enter the left hand turn lane. This is one situation where the existing monument sign accomplished the same thing.
- **Route 237 approach** (see photo B, on sheet A2.0)-Much of the approaching traffic is likely to come from route 237. The existing monument sign cannot be seen from this approach. Our proposed sign is immediately visible, when one needs to decide which way to turn at the traffic light, while remaining discrete enough not to conflict with the residential feel of the property.
- **Northbound Fair Oaks approach** (see photo D, on sheet A2.0)-As one approaches the property from this direction, their view of the property is blocked by the topography of the sight and some landscaping. We have placed minimal landscaping here to hide a large back flow valve. By elevating the sign slightly, we make it visible to the oncoming traffic, so that a turn can be safely made into the property.

Kensington Franabents
1220 N. Fairbanks Ave.
Sunnyvale, California
Monument Sign Variance Application
November 27, 2007
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Our intention, in this proposed monument sign solution, is to simply and elegantly deal with all of the issues listed above.

Lastly, in 2004, the owners applied for and were granted a permit for the renovation of the property. Included in the approval were construction documents that depicted a new trellis structure, intended to house the monument sign. The monument sign was noted in these drawings. Today, the Owners have built, at significant cost, this inviting structure. Building a separate monument sign, at this point, would result in unnecessary additional costs and a much less desirable design for the neighborhood.

- (2) The granting of the variance applied for is necessary for the preservation and enjoyment of a substantial property right necessary to the proposed use of the property, in that only such a variance would avoid an undue hardship resulting from an unintended limitation on the ability of a given use to advertise by means of on-site signage;

It is our opinion that our proposed design offers the neighborhood a discrete and appealing monument sign. On the other hand a separate compliant sign would be adding an unnecessary structure that would make the property appear more like a business than a home.

Further, leaving the existing trellis without the intended sign makes one wonder as to its purpose and resulting awkwardness.

The proposed sign would certainly not be detrimental to the neighborhood and would only serve to improve it.

- (3) The granting of the variance applied for will not be materially detrimental to the public welfare or injurious to property, improvements or uses within the immediate vicinity and within the same zoning district.

Granting a variance in this situation would solely be an acceptance that the ordinance, as written, could not serve its intended purpose in this unusual situation. It is our contention that the proposed sign exceeds the municipal code's function to guide the development of Sunnyvale in a pleasing direction.

Attachment E

Photographs of the Subject Site



Photograph taken from Fair Oaks Avenue approaching the site from the south. The existing ground sign is visible beyond the crosswalk.



Photograph taken from Fair Oaks Way approaching the site from the west.



Photograph taken from Fair Oaks Avenue approaching the site from the north.