

PLANNING COMMISSION MINUTES OF SEPTEMBER 8, 2008

2006-0492 – Application for related proposals located at **199 N. Sunnyvale Avenue** (at E. California Ave.) in an R-2/PD (Low-Medium Density/Planned Development) Zoning District. (Negative Declaration) (APN: 204-49-001) NC; *(Continued from August 25, 2008)*

- **Special Development Permit** to allow three new two-story single family homes with a shared driveway;
- **Parcel Map** to subdivide one lot into three lots.

Noren Caliva, Assistant Planner, presented the staff report. She said staff recommends the Planning Commission adopt the Negative Declaration and approve the Special Development Permit and Parcel Map subject to the conditions in Attachment B.

Comm. Sulser asked staff about the existing home on the site which used to be listed on the Sunnyvale Heritage Resources Inventory and asked why it was originally listed in the inventory. **Gerri Caruso**, Principal Planner, said that the 100 block of Sunnyvale Avenue originally had a number of unique homes that were built early in Sunnyvale's history and that the streetscape had been listed. Ms. Caruso said that over time, the street lost integrity as some of the homes were moved, and said that the existing home does not stand on its own to meet the criteria as a heritage resource.

Vice Chair Chang asked staff how many other developments count the reducible side yard towards the open space. **Trudi Ryan**, Planning Officer, said that it is not common, and that the Commission has considered some projects where other areas are counted towards useable open space, confirming that this would be a deviation. Ms. Ryan said that with a Special Development Permit that this deviation can be considered. Vice Chair Chang referred to page 8 of the report and discussed with staff what the sizes of the homes would be if the modifications are approved. Staff provided a correction to the report and said the information listed on page 8 for Lot 1 is actually for Lot 3, and the information for Lot 3 is actually for Lot 1.

Comm. Hungerford asked staff about the visual impact of fencing the reducible front yard along California Avenue. Ms. Caliva said there is a fence proposed that will run along the corner vision triangle line and the area behind that fencing will be the useable open space. Comm. Hungerford further discussed the fence with staff including the length, height, closeness of the fence along the sidewalk,

and a conceptual landscaping plan, which will be reviewed during the final building permit phase.

Comm. Klein thanked staff for the Supplemental Project Data Table provided for the meeting this evening. Comm. Klein referred to Attachment B, page 3 condition 8.D regarding pervious pavers or concrete and asked how much impervious surface there would be on the site. Staff explained that the condition could be further clarified and could read “pervious pavers or pervious concrete” and said the only impervious area would be where the building envelope is. Comm. Klein referred to condition 8.A.1 and asked about trees, the numbers being removed and protected. Staff said there were six protected trees with two being preserved, three being removed and one already removed. Comm. Klein asked about the three additional trees to be removed and their replacements. Staff said that a landscaping plan will be reviewed by the City arborist, unless the Commission wants to designate specific size or species of replacement trees.

Chair Rowe opened the public hearing.

Scott Zazueta, of DZ Design Associates, Inc. represented the owners. He said they started working with staff on this project three years ago to come up with the best design for this site and project. He said staff has been very helpful. He said the architectural style is Spanish Revival, which is the existing style and the owner chose to maintain the style throughout the project. He said this is in the R-2 zoning district which, through the Planned Development process, allows the property to be split into three lots. He said they decided to request the three lots based on staff direction and discussion. He discussed the deviations requested. He said the existing structure on the property is in distressed condition. He discussed the impervious area, plans for the different lots, pervious concrete, and permeable pavers. He said they are trying to keep more drainage on site to allow water to filter into the water system with the hopes of less impact on the storm drains in this neighborhood. He said they have decided to do as much as they can to build green including the reuse of the existing tiles on building three, designing the HVAC (Heating, Ventilation and Air Conditioning) system to be 15% better than the State standard. He said they would receive LEED (Leadership and Energy in Environmental Design) credits for the use of permeable pavers. Mr. Zazueta said the owners of the project have operated a restaurant in Sunnyvale for 30 years and have chosen to do this project as loyalty to the community for their support over the years. He said this project will contribute to the local economy and asked that the Commission approve the project this evening.

Vice Chair Chang asked Mr. Zazueta if the owner is open to the redesign proposed by staff. Mr. Zazueta said that they just saw the recommendations today and that they have already reduced the square footage of the houses many times. He said that reducing the homes further, as recommended by staff, would result in the loss of square footage that would make the houses unusable, losing bedrooms and bathrooms.

Comm. Sulser asked the applicant to comment further about the disrepair of the existing house. Mr. Zazueta explained that one of the first things they looked at was whether the existing house could be retained or not. He said after their full evaluation they felt that if they started tearing into the house they were going to find more and more problems. He said that they do not know how much of the exterior of the house could actually remain, that there are a lot of plumbing and drain pipes on the exterior of the house, and that there is a basement that looks like it is about to collapse. He said they feel the house is not a good candidate to have it remain.

Comm. McKenna said she was not on the Planning Commission at the time this project was previously discussed at a study session and said from reading the comments (page 14 of the report for comments regarding the February 25, 2008 Study Session) that some questions were apropos. She asked the applicant to comment about why the proposal is for three houses rather than two. Mr. Zazueta said initially, they considered two lots, and after review determined that in this zoning district and neighborhood it was better to build three smaller homes and provide more affordable housing versus two large homes. Comm. McKenna asked staff to comment about the appropriateness of two versus three houses on this corner. Ms. Ryan responded that part of the discussion was Council Policy in the Housing Element to build at a minimum of 75% of the minimum density, which she said is a difficult policy with some sites. She said the difference between two and three units is the difference of 100% or 66%. She said when there were two units, staff was concerned with the size of second unit and made suggestion that if the original house cannot be saved that they might want to consider whether three units would fit on the site. Comm. McKenna asked the applicant about the general comments from the study session discussing how each of these concerns has been mitigated by the proposed project.

Chair Rowe referred to the two proposed houses facing California Avenue and asked what would be in the space where the driveway is. Mr. Zazueta explained that a fence would be seen and hopefully landscaping in the landscape strip. He said they have a preliminary landscape plan, but they will be working with Planning on the final landscape plan.

Ashish Kelkar, a Sunnyvale resident and neighbor, said that the north wall of his home faces the south wall of the proposed development. He said he worked with Ms. Caliva and the architects have taken most of their concerns and feedback into consideration. He said his privacy concerns have been addressed with the windows. He said he has one concern about the plum tree on the south wall which he thinks is proposed to be removed and said the tree provides good foliage and privacy. He requested that the tree not be removed. He said he is thankful that the applicant has taken his previous concerns into consideration.

Chair Rowe asked staff to comment. Ms. Caliva said that the arborist report indicates that the tree is in decline, is on the fence line, and that removal is recommended. Ms. Caliva said staff would give consideration to Mr. Kelkar's comment when considering the final landscape plans.

Comm. McKenna asked that staff would examine the tree and see how much in decline the tree actually is.

Darab Ghaffary, a Sunnyvale resident, spoke in support of the project. He commended the efforts of the architect. He commented that the applicant is making efforts to be environmentally green by reusing tiles, and donating some of the interior items to the heritage foundation. He said he likes the design of the project and that the elevation seems to have a good street presence. He said that all in all he thinks this is a good project.

Mr. Zazueta commented regarding some of the discussion. He addressed the landscaping comments and said they would be providing a wood fence and landscaping. He assured Mr. Kelkar that if the tree cannot be saved that his privacy will be maintained and there would be some sort of screening between the properties.

Chair Rowe closed the public hearing.

Comm. Klein moved for Alternative 2 to adopt the Negative Declaration and approve the Special Development Permit and Parcel Map with modified conditions: to modify condition 8.K that the applicant replace any removed trees with a 36 inch box replacement as deemed by the City arborist; to modify condition 8.L to include that the City arborist review the health of the trees and keep any protected trees depending on the landscaping plan; and Lots 3, 2, 1 that the plans be modified to include the following conditions that "Lot 1 – Modify the second floor wall to be 20' from the rear property line. Reconfigure the floor plan accordingly."; "Lot 2 – Modify

second floor wall to be 25' from front property line. Reconfigure the floor plan accordingly.”; and “Lot 3 – Modify first floor front entry and wall to be 20' from the front property line. Modify second floor wall to be 25' from the front property line. Reconfigure the front entry and floor plan accordingly.”
Vice Chair Chang seconded the motion.

Comm. Klein said that this project has been reviewed several times and the issue of two versus three houses on the site has been discussed at length. He commended the applicant for making efforts to mitigate some of the issues previously discussed. He said there are still quite a few deviations on this prominent property. He noted that it is good that the applicant is working toward LEED points. He said the current neighbor may be fine with the proposed deviations, but it does not mean that a future neighbor might not have issue with the deviations. He said the applicant has come a long way and with the conditions and the changes that he feels this will be a better project and a good site location.

Vice Chair Chang said he would be supporting the motion. He commended the owner for the changes that have been made and the LEED efforts. He said he is not completely satisfied with this result, but said he feels this is the best we can come up with at this point. He said the deviation regarding the open space may set a precedent in the neighborhood.

Comm. Sulser said he would be supporting the motion. He said he likes to see projects comply with the development standards. He said he likes the green building elements of this project and said he is excited about the Spanish architecture. He complemented the applicant for the good job on the architecture.

Comm. Hungerford asked staff what is the square footage of each house as proposed. Ms. Caliva said that has been provided on the Supplemental Data Project Data Table explaining the livable area and garage space of each unit. Ms. Ryan said that the livable area for the three units is approximately 1700 square feet, 1348 square feet and 1300 square feet, and that each house has a garage that is greater than 400 square feet.

Comm. McKenna said she was not on the Planning Commission when the Study Session occurred and only has the notes from the first Study Session to review. She said that the motion is cutting the size of the houses down quite significantly. She said the amount of the square footage of the houses makes them almost condominium size. She said when the project went from two to three units that is where the problems occurred. She said she feels the applicant has

made many efforts to accommodate and if we were going say “its not going to work”, that it should have been said a long time back.

Comm. Travis said he was not part of the Commission when this project first came up. He said he agrees with Comm. McKenna. He said that he was in support of this project until the setback issues and the removal of considerable square footage occurred. He said he would not be supporting the motion to change the setbacks.

Comm. Klein said, to clarify notes from the Study Session, that one of the issues brought forth was the setback issue. He said there are still quite a few deviations and that is probably why staff gave options to the Commission if they could not support the deviations.

Comm. Hungerford said this has been a tough issue and ultimately he decided to support the motion. He said the deviation that bothers him is the second floor setback deviation which will result in a second story that is too close to a single-family home.

Chair Rowe said that even with the reduction of the square footage that these houses are still very good, affordable housing size homes. She said these houses are attractive, complimentary to the neighborhood, and will provide housing for those who cannot afford larger homes.

ACTION: Comm. Klein made a motion on 2006-0492 to adopt the Negative Declaration and approve the Special Development Permit and Parcel Map with modified conditions: to add a condition 8.K that any “protected trees”, (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size; to add a condition 8.L that the City Arborist shall assess the health of all protected trees on-site, in an attempt to preserve as many as possible; that the plans be modified to include the following conditions that “Lot 1 – Modify the second floor wall to be 20’ from the rear property line. Reconfigure the floor plan accordingly.”; “Lot 2 – Modify second floor wall to be 25’ from front property line. Reconfigure the floor plan accordingly.”; and “Lot 3 – Modify first floor front entry and wall to be 20’ from the front property line. Modify second floor wall to be 25’ from the front property line. Reconfigure the front entry and floor plan accordingly.” Vice Chair Chang seconded. Motion carried, 5-2, Comm. McKenna and Comm. Travis dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than September 23, 2008.