

PLANNING COMMISSION MINUTES OF JUNE 9, 2008

2008-0238 - Dale Meyer Associate [Applicant] Nikoley Richard L and Beatrice F [Owner]: Application for related proposals located at **127 W. California Avenue** (near N. Murphy Ave.) in an R-3 (Medium Density Residential) Zoning District. (APN: 204-043-007) SB;

- **Rezone** from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District,
- **Special Development Permit** to allow 5 town homes,
- **Tentative Map** to subdivide one lot into five lots and one common lot.

Surachita Bose, Associate Planner, presented the staff report. She said staff recommends that the location of buildings A and B be switched so that the two townhome building is located adjacent to the right property line. She said since the writing of the staff report, that staff was contacted by a current resident of the property who was concerned that they had not been informed regarding the project and had not received a copy of the notice. She said staff researched the list of addresses that were mailed notices and records indicate that mailings were made to the neighbors and two notices were posted at the site 21 days before the hearing. Ms. Bose said that, overall, staff believes that this project meets the intent of General Plan and recommends approval of the project.

Comm. Babcock discussed with staff the zoning of the adjacent lot, which is R-3, and the zoning in the neighborhood. Comm. Babcock discussed with staff the front and side yard setbacks and staff's reasoning for not recommending the side setbacks near the single-family neighbors be closer to the requirement. Comm. Babcock discussed with staff about possibly making the units smaller to help meet the setback requirements with staff confirming that it would be within the Planning Commission's purview, and would reduce the size of the units significantly.

Comm. Klein referred to condition 2.B regarding the requirement of obtaining approval from the Crime Prevention Division which staff said is included in most Conditions of Approval. Comm. Klein discussed the roofline and the three unit building with the long, straight roofline and whether there was color differentiation. Ms. Bose said all three units are the same color and staff received input from an architectural consultant on the proposal and felt this was a balanced design.

Comm. Simons commented that the non-driveway side of building and the roofline have little detail and is almost monolithic confirming with staff that it is possible to add more detail and that the project architect could probably provide more information. Comm. Simons commented that the sidelights of the front doorways would look better if the windows were changed. Ms. Bose said the architect could provide input. Comm. Simons and staff discussed the entryway with Comm. Simons stating that the entryway needs to be a full entryway.

Comm. Hungerford said he has an issue with the facade of the two units that are facing California Avenue. He said the two windows are odd placed and unsymmetrical. Comm. Hungerford discussed with staff the units that are not facing California Avenue and whether there are sidewalks providing access to front doors. Ms. Bose commented about sidewalks, and confirmed that there are no separate sidewalks that lead to the units in the back and the driveway would be used to access the back units. Comm. Hungerford discussed with staff that by switching buildings A and B that the impact of the townhomes on the adjacent property owner's backyard is reduced. Ms. Bose said the neighbors were concerned about the impacts to their backyard.

Vice Chair Rowe said she is concerned about the trash pick up. **Trudi Ryan**, Planning Officer, said tonight's action cannot waive the condition requiring the applicant to process a Variance application before this project is considered by City Council. Vice Chair Rowe asked about the open space and whether there are any amenities in this area. Ms. Bose said currently there is common open space with landscaping and said that amenities could be added as a requirement in the conditions. Vice Chair Rowe discussed parking with staff and options for requiring that the garage interior be maintained for parking.

Chair Sulser asked why this application came to the Planning Commission when the Variance for a trash enclosure has not been applied for and there is not a central trash area designed into the project. Ms. Ryan said that staff gave the applicant the option of moving forward to the public hearing without the Variance request as staff identified that this location may be appropriate for the use of carts instead of a trash enclosure. Chair Sulser confirmed with staff that if the Variance application were denied, the project would have to be referred back to the Planning Commission as the conditions require that the Variance be in place before going to City Council.

Comm. Simons confirmed with staff that if the Commission determines there are too many changes needed to approve the project that it would be an option to continue this project to a later date.

Chair Sulser opened the public hearing.

Dale Meyer, architect for the project addressed issues that the Commission discussed including the trash issue, the design of this project, the lot coverage, the height, and the landscaping area. He addressed the staff recommendation to flip the buildings and said they have no problem with switching the location of building A and B. Mr. Meyer said, regarding the open space, that the current landscape plan has three benches and he could add a barbeque to the area. Mr. Meyer also commented about the sidelights on the entryway and said they could easily continue the sidelights down. He commented regarding modifying the roofline and said they could make a change and that they felt that the breaking up of the materials on the facade provided enough variation. He said the two small windows on the front elevation are unsymmetrical as there is a staircase and dropping the window lower would result in seeing the side of the steps. Mr. Meyer provided a picture showing a home similar in design to the proposed units as a sample.

Comm. Simons discussed the architecture with Mr. Meyer including the style. Comm. Simons provided pictures showing some samples of architecture and options of different materials and scales that could be options for breaking up the three unit townhome on the non-driveway side. Comm. Simons said that he was having difficulty with the road side for both buildings. Comm. Simons discussed possible options for the balancing of the two windows on the front elevation with Mr. Meyer explaining some of the difficulties in changing the windows.

Comm. Klein asked Mr. Meyer for clarification about the stairways going into unit 5 and 3 and commented about the odd placement of the windows on the front elevation. Mr. Meyer referred to Attachment C, page 3, P2 and described the floor plans. Comm. Klein asked if there were any issues with increasing the size of the windows. Mr. Meyer said he thinks that there may be a way the windows can be changed. Comm. Klein asked about the open space to rear of building B. Mr. Meyer said the area is flush with the driveway and said there is a retaining wall and landscaping.

Comm. Simons further asked Mr. Meyer about raising the entryway to the second level and having steps going up to the second level. Mr. Meyer said it could be done and the concern is that the proposed design allows the guest parking spaces to be in the back and the impact on the feel of the neighborhood for the front setback would be affected. Mr. Meyer further explained his concerns with changing the entryway.

Patrice Navarro, a Sunnyvale resident and tenant of the existing site asked what would happen to the tenants that currently live on this site. Ms. Navarro said that she received a notice about the project and spoke with other tenants on the site who said they did not receive a notice of the project. She said the people she spoke with were unaware of the proposed project, and said that there were two signs posted and one was removed. She asked if this project is approved, how long it would be before their apartments would be torn down.

Mr. Meyer responded to Ms. Navarro's question by advising what processes are still ahead and the estimated length of time the processes may take. He said they still need to go through the public hearing process with the Planning Commission for a Variance for the trash enclosures, and that it would be a couple of months before the project would be considered by City Council. He said once the project is approved, that they would start the construction documents, which would take several months. He said then the project would need to go out for bid. He said the demolition of the apartment might possibly begin early next year unless something changes. Ms. Ryan commented that unlike mobile home parks where there are prescribed methods for protecting tenants that this project does not fall into that area. Ms. Ryan said she can take the speaker's contact information and provide it to the Housing Division who can contact Ms. Navarro and find out if the tenants are eligible for something or at least offer some suggestions. **David Nikoley**, Project Manager for the owner, said that they plan on crediting one month's rent as part of the eviction plan.

Chair Sulser closed the public hearing.

Vice Chair Rowe commented about the three guest parking spaces and said that homeowners cannot stay in the guest parking for more than 48 hours, which could block the use for guests, asking staff if this is normal. Ms. Ryan said what is normal is changing and what staff has tried to recently do is to indicate that the percentage of spaces that should be guest parking. Ms. Ryan said the guest parking is defined by the Homeowners Association. Vice Chair Rowe said she is concerned about parking and if the trash totes are eventually approved that the parking would be difficult when the totes are on the street.

Comm. Simons requested that the Commission discuss what the issues are to determine if there is consensus for modifications before making the motion. Comm. Simons confirmed some of the Commissioners are concerned about the setback of the second floor of the proposed development with respect to the single-family neighbors. Comm. Babcock confirmed that if the homes are being considered three-story that she has a problem with the middle story.

Comm. Simons confirmed that some of the Commissioners feel the roofline on the non-garage side is too linear; that the sidelights of the front door should go all the way down to the bottom of the door; that the front windows need to be changed; and that mitigation for runoff could be addressed with pervious pavers and used to add color as design.

Comm. Simons made a motion for **Alternative 2** that the **Planning Commission** recommend that the **City Council** introduce an ordinance to **Rezone 127-133 W. California Avenue** from **R-3** to **R-3/PD** and approve the **Special Development Permit** and **Tentative map** for five units and one common lot with modified conditions: to add to the conditions that the setback for the second-story shall meet the setback requirements; that the roofline on the non-garage sides of the building have added gables to make them look less linear with staff defining what proportion they should be in relation to the windows on both the two unit and three unit parts of the project; the sidelights to the front door shall be full length; that the windows by the two front doors should be horizontally even and balanced vertically; to modify **COA 1.E** that the pervious driveway shall be required to address any required mitigation of storm water runoff and if there is any other requirements of storm water then it will trigger additional mitigation; and different colors of the pervious driveway shall define a walkway area within the driveway on both sides of the driveway all the way to the rear of the property and define the entryways; to recommend that gloss sealant be used on the colored pervious material to make the material look higher contrast; and to modify condition **9.G** to add that the new trees installed, “shall be native as large as appropriate a species for the placement on the development”. Vice Chair Rowe said she would like to add a condition that amenities are included in the common area that would be sufficient to meet the needs of the homeowners ingathering for general board meetings and social gatherings. She said the applicant has currently proposed benches and she would like the common area to be more sufficient to allow for gatherings. The consensus was that the three benches were adequate.

Comm. Klein seconded the motion and asked for a clarification about meeting the setbacks for the second floor and the third floor. **Comm. Simons, Comm. Klein** and staff discussed the setbacks and determined that the second floor would have a 9 foot setback and the third floor would have a 12 foot setback. **Comm. Klein** proposed this as a **Friendly Amendment** which was acceptable to the maker of the motion.

Comm. Klein asked for a **Friendly Amendment** that the conditions include that the location of buildings **A** and **B** be switched as staff recommended. This was acceptable to the maker of the motion.

Comm. Klein asked for a **Friendly Amendment** requesting differentiation of color between the units. **Comm. Simons, Comm. Klein** and staff discussed

this amendment and determined that the conditions should include that the middle unit of the three unit townhome should have a different color and/or style of materials used to differentiate where one unit begins subject to the approval of the Director of Community Development. This was acceptable to the maker of the motion.

Chair Sulser reopened the public hearing.

Mr. Meyer suggested that an easy way to address the concerns about the middle unit might be to take the middle unit and change the horizontal siding on the middle unit to stucco. The maker of the motion and the seconder agreed that the Friendly Amendment, as previously accepted, would allow for this option.

Chair Sulser closed the public hearing.

Comm. Simons commented that at the beginning of this public hearing he felt there were too many changes that needed to be addressed to recommend approval of the project. He said he thinks this will be a nice project with the changes that have been made.

Comm. Klein said he agrees and he does not like to make this many changes on the dais. He commented that the Planning Commission would see this project again related to the trash enclosures. He said fixing how this project looks from the street will benefit how it fits into the community and he likes the different design of the architecture.

Vice Chair Rowe said she will support the motion and she is disappointed that requiring more amenities in the common area was not added to the conditions. She further expressed the need for having enough amenities in a common area even for small developments and said that the absence of additional amenities is not enough for her to turn down the whole project.

ACTION: Comm. Simons made a motion on 2008-0238 to recommend that the City Council introduce an Ordinance to Rezone 127-133 W. California Avenue from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map for five units and one common lot with modified conditions: to add to the conditions that the setback for the second-story meet the setback requirements with the minimum setback for the second floor being a 9-foot setback and the minimum for the third floor being a 12-foot setback; to add to the conditions that the roofline on the non-garage sides of the buildings have added gables resulting in a less linear look with staff defining the proportions of the gables in relation to the windows on both the two unit and three unit parts of the project; to add to the conditions that the sidelights of the front door be full length; to add to the conditions that the two windows on either side of the front doors be horizontally aligned; to modify COA 1.E, to address mitigation of storm water runoff, that a pervious driveway be required and if there is any other requirements for storm water then it will trigger additional mitigation; to add to the conditions that different colors of the pervious driveway be used to define a walkway area within the driveway on both sides all the way to the rear of the property and defining the entryways; to recommend that gloss sealant be used on the colored pervious material to make the material look higher contrast; to modify COA 9.G adding that the new trees installed, "shall be native as large as appropriate a species for the placement on the development"; to add to the conditions that the location of buildings A and B be switched as staff recommended; to add to the conditions that the middle unit of the three unit townhome have different color and/or style of materials used to differentiate where one unit begins and another ends, subject to the approval of the Director of Community Development. Comm. Klein seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration. This item was originally scheduled to be heard at the July 15, 2008 City Council Meeting and staff will request an indefinite continuance to allow time for the applicant time to prepare a Variance request for trash enclosures. This item will be renoticed when it is completed.