

## PLANNING COMMISSION MINUTES OF APRIL 13, 2009

**2008-1259 – M Design Group** [Applicant] **Muhammed Irfan Et Al** [Owner]: Application for related proposals located at **585 Old San Francisco Road** (near S Fair Oaks Ave) in an R-3/PD (Medium-Density Residential/Planned Development) Zoning District. (APN: 209-33-003) SL;

- **Tentative Parcel Map** to subdivide one lot into 6 condominium lots and 1 common lot.
- **Special Development Permit** to allow 6 new town homes.
- **Variance** to allow individual solid waste bin carts.

**Steve Lynch**, Senior Planner, presented the staff report with staff recommending approval of the Special Development Permit, Variance, and Tentative Map with modified Conditions of Approval (COAs). He said the modifications provided on the dais, are three changes to the CC&Rs (Conditions, Covenants and Restrictions) reflecting recent Council action. He said also on the dais are two letters received from neighbors after the report was completed.

**Comm. Hungerford** confirmed with staff that part of the Commission's action tonight is to review the proposed design.

**Comm. Sulser** had staff clarify information regarding the trash carts, Build it Green (BIG) certification, and the proposed building height in relation to product type, i.e. town home or condominium.

**Vice Chair Chang** discussed fire access with staff.

**Chair Rowe** asked staff about the height of the proposed building and neighboring building, and concern from a member of the public that larger vehicles would not be able to fit in the garage.

**Chair Rowe opened the public hearing.**

**Malika Junaid**, representing the applicant, addressed questions regarding the BIG checklist and presented a PowerPoint presentation regarding the proposed development. She provided information on pervious surfaces, neighboring properties, the building orientation considering the privacy of the Blackwood Terrace residents, and the efforts made to limit the footprint of the building. She discussed the underground parking, and said they have addressed the COAs. She discussed the green building features including drivable grass, the cool roof, solar panels, siding material, landscape options, and privacy and security. The applicant's architect, **Chip Jessup**, provided details about the proposed landscaping options.

**Chair Rowe** discussed with the applicant the fencing, privacy screening, slope on the property, parking in relation to the trash carts, and the garage height.

**Comm. Hungerford** discussed with the applicant previous paving and parking, and limiting the grass to less than 30% to meet green building goals. Comm. Hungerford asked about the façade of the unit being solid with the applicant saying there would be trees and siding to make the wall area more attractive.

**Comm. Sulser** commended the applicant on the architecture and green building features. He discussed with the applicant the Variance for the trash carts, and possible impacts on the existing bike lane, and said he is still undecided on whether the findings can be met.

**Comm. McKenna** discussed with the applicant why six condominiums were proposed with Ms. Junaid explaining that one unit must be accessible for handicapped and that the unit resulted in a slight overage in lot coverage.

**Jeff Jones**, a Sunnyvale resident, spoke against the project as proposed addressing the deviations listed in the report. He said he would like to see the applicant redesign the project as it is oversized and does not fit into the neighborhood.

**Andrew Mangogna**, a Sunnyvale resident, spoke against the project as proposed. He said he is not opposed to developing this lot, however the current proposal is intrusive, affects the neighbors' privacy, has too many units, and the mitigation is inadequate.

**Marjorie Lane**, a Sunnyvale resident, said she has concerns about the project including privacy, security, and issues regarding the garage and the walkway. She said she would like the property developed, however the current proposal needs to be rethought.

**Garrison Wu**, a Sunnyvale resident, said he welcomes the development, is excited about the green building plans, however he has concerns regarding security and privacy.

**Chair Rowe** discussed with Mr. Wu about the way his unit is situated in relation to the proposed project.

**Julian Dong**, a Sunnyvale resident, said he is concerned about the density of the project, and the affects on traffic and on his home value. He said he does not like the design and he hopes the Commission will require the project be redesigned and decreased in size.

**Arthur Schwartz**, a Sunnyvale resident, commented about his likes and dislikes of the project. The pros include green building, and native vegetation; the cons include architecture incompatibility, lack of a central garbage collection, and the garage and driveway slope. He said he thinks this project needs to be redesigned with four or five units.

**Ms. Junaid** responded to neighbors' concerns commenting that the proposed vegetation is native and drought tolerant. She said the architectural design is within Sunnyvale's guidelines and that this neighborhood does not have a prevailing style. She said the zoning allows deviations and that six units are not excessive in relation to the adjacent properties. She addressed security and privacy concerns, landscaping and fencing, garage and driveway slope, the recycling of the existing building, parking, and said there would be a Homeowners Association.

**Comm. Sulser** discussed with the applicant the proposed native vegetation, the grade, the driveway slope, the grading and drainage plan, and the garage.

**Vice Chair Chang** discussed with the applicant the rear yard setback and the accessibility lift in relation to the setback.

**Chair Rowe** discussed with the applicant that there is a two car garage for each unit, the elevation being three feet from grade, the fence height, and other garage issues.

**Chair Rowe closed the public hearing.**

**Trudi Ryan**, Planning Officer, commented that there is a 1% increase in lot coverage as an incentive for projects that would put solar panels on the property. She said if 10% of the electrical needs are met with solar then the project would be eligible for the 1% increase in lot coverage.

**Comm. Hungerford** discussed with staff the minimum density, with City policy being that a site should be built at least 75% of what the zoning would permit, which would be a minimum of four or five units for this project, where six are allowed.

**Comm. McKenna** asked staff further about the garage height with staff replying that this is a level of detail that would come later.

**Comm. Hungerford** commented that he thought the height of the project was set and if the garage needed more height that the result would be digging deeper. Staff said there are some risks involved with planning approvals as the fine engineering has not been done.

**Comm. McKenna** commented that she thinks this project is too much for this site.

**Comm. Hungerford moved for Alternative 3 to deny the Special Development Permit, Variance, and Tentative Map. Comm. McKenna seconded the motion.**

**Comm. Hungerford** said that he thinks there are too many units for the size and configuration of the lot, that there are privacy issues, and that he does not care for the architecture, which is a subjective issue.

**Comm. McKenna** said she agrees with Comm. Hungerford, and likes the architecture, but does not think it fits the neighborhood. She said she likes the green building plans, but this is too much for the property. She said the garbage cans will also be an impact.

**Comm. Travis** said he has flip-flopped on his thoughts about this project. He said he likes a lot of the aspects of this project, and cannot get around the privacy issue. He said if this proposal were for four units he could support it.

**Comm. Sulser** said he has problems with the project and would be supporting the motion due to the privacy issues for the neighbors. He said he likes the architecture and the green building proposed.

**Vice Chair Chang** said he agrees there are privacy and security issues and thinks these can be mitigated. He said he can make the three findings and would not be supporting the motion. He said the project is good and it could be modified to meet the neighbors' and applicant's wants.

**Chair Rowe** said she feels there were some unanswered questions regarding height of the catwalk and privacy issues, and that beauty is in the eye of the beholder regarding the architecture. She said she has concerns about straight walls, and her main concern is the applicant is trying to get too many houses on a small lot. She said that she thinks this project needs some reworking.

**ACTION: Comm. Hungerford made a motion on 2008-1259 to deny the Special Development Permit, Variance, and Tentative Map. Comm. McKenna seconded. Motion carried, 5-1, with Vice Chair Chang dissenting, and Comm. Klein absent.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 28, 2009.**