

PLANNING COMMISSION MINUTES OF JULY 25, 2011

FILE #: 2010-7672
Location: 700 Timberpine Ave. (APN: 213-12-002)
Proposed Project: Special Development Permit and Vesting Tentative Map to allow 51 new single family homes.
Applicant / Owner: Toll Brothers / Josephine Angelo Trustee
Environmental Review: Mitigated Negative Declaration
Staff Contact: Steve Lynch, 408-730-2723
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Notes: *Continued from July 11, 2011*

Steve Lynch, Senior Planner, presented the staff report. Mr. Lynch said three revised conditions of approval were provided on the dais this evening.

Comm. Chang referred to Attachment B, condition TM-3 and discussed with staff the underground irrigation pipes located in the side yards of four homes. Staff said the homeowners of the four homes affected will have to work with the developer on what they want to do with the pipes when the eastern 10 acres no longer need the pipes.

Comm. Sulser discussed with staff the 1952 water agreements and the stormwater maintenance agreement for this site. Staff said this a unique situation, the City will not be paying to provide stormwater treatment, as the homeowners maintenance district would be responsible. **Trudi Ryan**, Planning Officer, noted that the City's position not to maintain the stormwater treatment is in the Sunnyvale Municipal Code that says any new areas have to be maintained by the owners. Comm. Sulser discussed with staff that potential home buyers would select their floor plan, with the applicant monitoring the selections to make sure there is variety in the home styles and colors. Comm. Sulser confirmed with staff that there are no planned changes for the proposed site as a result of the Lawrence Station Area Plan.

Vice Chair Larsson discussed with staff the well and noise from the underground equipment. Staff said the pump would need to meet the City noise standards. Vice Chair Larsson discussed with staff the noise barrier with staff confirming that the Commission could modify the related condition if they are concerned about the wall being made of masonry.

Comm. Dohadwala discussed with staff the building height and bulk, and whether staff had concerns about these items in regards to the home designs.

Chair Hendricks discussed with staff the installation of private landscaping, pads for the homes, and the phasing of building the homes. Chair Hendricks discussed with staff the well, who owns the well, and the location of the well and the pipes. Mr. Lynch said the well is maintained by the property owner who draws the water from it and when the water is no longer needed the remnant parcel where it is located will go to the City.

Vice Chair Larsson asked staff about the well and how do we determine when it is no longer needed. **Kathryn Berry**, Senior Assistant City Attorney, said that the Santa Clara Valley Water

District (SCVWD) maps and monitors all the agricultural wells because they are deep and are conduits for contamination. She said if a well has not been used for a year, the SCVWD would be in touch to make sure the well is properly closed and capped. She said currently the well is being used for agriculture.

Chair Hendricks opened the public hearing.

Rick Nelson, Division President with Toll Brothers, the applicant, and **Dan Hale**, project architect with Hunt Hale Jones Architects, discussed the project. Mr. Nelson provided an introduction about Toll Brothers and discussed background information on the project. He said the proposed project conforms to the zoning and they are requesting no variances. Mr. Nelson discussed related issues to the project, including the existing irrigation system for the property to the east of the project, the well and the pump. He confirmed that when the well is no longer needed that the land where the well is located would be conveyed to the City. Mr. Nelson discussed the stormwater drainage and that it would be paid for by a maintenance district. Mr. Hale discussed the project architecture and said they are providing a variety of homes that complement and fit in the existing community. He discussed the specifics of the three home designs being offered which are Spanish, European and Traditional styles.

Comm. Sulser asked the applicant how they plan to guarantee variety in the street scape if home buyers all request the same style. Mr. Nelson said they have done this in other communities by using look-a-like restrictions providing an explanation of options.

Vice Chair Larsson asked about the color palates with Mr. Hale providing explanation that there would be three different color schemes offered for each style of home. Vice Chair Larsson asked about the noise barriers with Mr. Nelson confirming that it would be acceptable to Toll Brothers if the conditions required the barrier be made of enhanced wood.

Chair Hendricks discussed with Mr. Nelson the setbacks, that there are no deviations being requested, and the construction phasing plans.

Comm. Chang discussed with Mr. Nelson that there is no fence planned for Toyon and that the owner of adjacent eastern lot will probably continue to operate the agricultural use in the same fashion as it is currently being operated.

Judy Steward, a Sunnyvale resident, spoke in support of the proposal, saying she likes the project and is glad it is for single-family homes. Comm. Chang asked about the noise from the nearby farming equipment, with Ms. Steward saying she likes the tractor sounds.

Ray Crump, a Sunnyvale resident, spoke in support of the project, and discussed his experience with residential development. He said he thinks this is a great project for Sunnyvale and that Sunnyvale has not had this kind of product available in a long time. He said he is glad to see the well situation worked out.

Jonathan van Clute, a Sunnyvale resident, expressed concerns about the project. He said he likes the open space, the skyline will be lost, and there is a flock of Canadian geese that may be affected. He said his biggest concern is increased traffic on Toyon Ave. He said he is relieved that the homes are single-family homes.

Barb Hamel, a Sunnyvale resident, said she thought these were going to be single-story homes and that she is concerned about no longer being able to see the hills. She said she is also concerned about the increased traffic and speeding, and about pesticide exposure during construction. She said she would like to see this addressed.

Mr. Nelson responded to the pesticide question and said the site assessment soil testing showed all the samples below residential standard requirements.

Chair Hendricks closed the public hearing.

Vice Chair Larsson discussed with staff traffic concerns, City programs for traffic calming, and the process for a neighborhood to request traffic assistance from the City.

Comm. Dohadwala discussed with staff traffic concerns, cul-de-sacs, street calming measures, and that the Transportation and Traffic Division helps determine the least impact on residents when determining the location of streets.

Comm. Chang moved for Alternative 1, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions. Comm. Sulser seconded.

Comm. Chang thanked applicant for working with staff, and for providing this type of product. He said the applicant addressed the issues and concerns and he is looking forward to a great project.

Comm. Sulser said he would be supporting the motion and that the different architectural styles and floor plans presented will result in a nice final product.

Vice Chair Larsson offered a Friendly Amendment regarding the noise barriers changing condition BP-15.1 to say that the wall shall be made of enhanced wood. Ms. Ryan asked the maker of the motion if the revised conditions provided on the dais this evening were the conditions approved and included in the motion. The maker of the motion said yes. The Friendly Amendment and the revised conditions provided on the dais were acceptable to the maker and seconder of motion.

Vice Chair Larsson said he would be supporting the motion.

Chair Hendricks said he would be supporting the motion, that he thinks this is a great product and that the solution for the well is a good addition. He said he is glad they provided a project with no deviations.

ACTION: Comm. Chang made a motion on 2010-7672 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with the revised conditions as recommended by staff, and modifying condition BP.15.1, that the wall shall be made of enhanced wood. Comm. Sulser seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than August 9, 2011.