

PLANNING COMMISSION MINUTES OF JUNE 13, 2011

2011-7072 - Sanjeev Acharya [Applicant/Owner] **Jacqueline A Elardo et al** [Owner]: Special Development Permit and Vesting Tentative Map to subdivide one lot into four lots and construct four single family homes at **110 Connemara Way**. (Mitigated Negative Declaration) SL

Steve Lynch, Senior Planner, presented the staff report. He said staff recommends to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Vice Chair Hendricks asked staff about pesticides in the ground with staff saying the applicant completed two phases of soil sampling which showed no contamination.

Comm. Hungerford referred to page 6 of the report saying staff had clarified to him in an email that the Council policy regarding Small Lot Single Family Developments referred to homes adjacent to the project. **Trudi Ryan**, Planning Officer, further clarified that the Council policy deals with the perimeter of the subject site. Comm. Hungerford said he recalled a policy that says new residential projects should be built-out to at least 75% of the permitted density and asked if three houses were built, would the 75% minimum be met. Staff said yes.

Chair Travis opened the public hearing.

Richard Haro, project designer representing the applicant, said they met with staff and the neighbors and have made concessions on aspects of the design based on the input from neighbors. He said they have tried to follow the guidelines, have tried to use a variety of materials, and that they are happy to present this project.

Comm. Larsson asked Mr. Haro if the plans presented reflect the modifications to the windows based on the concerns of the neighbors. Mr. Haro said yes, and explained that they met with neighbors, discussed the modifications and the neighbors were happy.

Vice Chair Hendricks said that he feels this project is compact on the lot. Mr. Haro discussed details of the project, and said they gave up yard space to have a bigger center court area, and that the project is not out of character with the neighborhood. Mr. Haro said this site is a buffer zone between the busy street as it transitions into the residential area, and that the project provides four extra parking spaces beyond the requirement.

Mike Honey, a Sunnyvale resident and board member of the neighboring Homeowner's Association (HOA), said he would only be speaking on his own behalf. He said the

neighboring residential was one of the first planned unit developments in Santa Clara County. He said parking was a key issue as the residents of the proposed units will not be able to park on the street, or in the parking lot across the street for the nearby clubhouse. He said he agrees that this is a crowded development, and he would prefer to see three units built. He said his HOA owns property in front of the proposed site and granted a driveway for this development which provided enough space for four units. He said he wishes the applicant were saving more trees. He said that the majority of the HOA concerns have been addressed and that the applicant said they would include in their CC&Rs (Covenants, Conditions and Restrictions) that the homeowners are to use their garages for parking. He said in the end he thinks the applicant has done a good job.

Comm. Hungerford commented that the complex next door is wonderful and has a lot of trees. Comm. Hungerford discussed with Mr. Honey the concern of the HOA regarding the second-story windows. Mr. Honey, speaking only for himself, that he thinks the issue with windows on second-story has been addressed. He said he thinks the applicant has done the best they can.

Mr. Haro said they worked with the homeowners in the adjacent complex. He said the second-story windows and parking were their main concerns and modifications were made to address the concerns. He said the applicant has worked hard to satisfy the needs of the City and the neighborhood. He said they are happy with the proposal and that **Sanjeev Acharya** wants to be a recognized developer of quality homes in Sunnyvale.

Vice Chair Hendricks asked staff if the residents of these units will be allowed to make a left hand turn out of the driveway with staff saying yes. Mr. Haro added that this corner has a lot of space and will allow for making a safe turn.

Comm. Sulser asked staff about the rear setback deviation, noise mitigation from Sunnyvale/Saratoga Road and whether noise could be reduced if the project were redesigned. Mr. Lynch said that moving the homes could possibly reduce the sound, however a sound wall, at least six feet tall, would be still be required.

Chair Travis closed the public hearing.

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 the motion.

Comm. Chang thanked the applicant for working with staff. He said there were some concerns with the deviations requested however according to staff the deviations are

within the City guidelines as conditioned. He asked the applicant to work with the HOA to mitigate any parking and noise issues. He said he looks forward to seeing this project completed.

Comm. Sulser said he would be supporting the motion and that this is an attractive project. He said he is always concerned about granting deviations, however the deviations are minor. He said this project is a tight fit, but the zoning allows for higher density single-family homes.

Vice Chair Hendricks said he would be supporting the motion as he can make the findings. He said he feels the project is compact, however he said there are no facts to justify saying no to the project as it is within the City's parameters. He said he appreciates that the applicant worked with neighbors.

Comm. Hungerford said he would be supporting the motion though he thinks three homes would have been better. He said he agrees with Vice Chair Hendricks and that it is a just a feeling that the project is compact. He said he agrees that the project fits into the neighborhood. Comm. Hungerford offered a **Friendly Amendment, to modify the language in condition PS-1 to read, "The plans shall be revised to address Planning Commission's decision 'and are' subject to the review and approval by the Director of Community Development..."** The Friendly Amendment was acceptable to the maker and the seconder of the motion.

ACTION: Comm. Chang made a motion on 2011-7072 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to modify the language in condition PS-1 to read, "The plans shall be revised to address Planning Commission's decision 'and are' subject to the review and approval by the Director of Community Development...". Comm. Sulser seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 28, 2011.