

PLANNING COMMISSION MEETING OF APRIL 25, 2011

2011-7102 - Classic Communities [Applicant] **Sisters Of Notre Dame De Namur** [Owner]: Special Development Permit and Vesting Tentative Map for 14 single family homes located at **1330 Sunnyvale-Saratoga Rd.** (Mitigated Negative Declaration) RK

Ryan Kuchenig, Associate 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.

Comm. Sulser discussed parking spaces with staff including that the language in Alternative 1, "and reduced number of compact spaces", should be omitted and that one parking space was converted to two motorcycle spaces. **Trudi Ryan**, Planning Officer, said Sunnyvale does not have a standard for motorcycle parking, and staff's opinion is that it is helpful to have motorcycle parking spaces.

Comm. Larsson discussed with staff "PCE" contamination mentioned in the Mitigated Negative Declaration. Staff said that the cleanup going on should eliminate this situation and there should be no more contaminates.

Comm. Chang discussed unit 12 with staff including the setbacks, the repositioning of the unit as a response to neighbors' concerns, and the Open Space requirements for the project.

Vice Chair Hendricks had staff clarify several setback deviations including why staff thinks the deviations should be allowed.

Comm. Dohadwala discussed with staff the parking management plan and why 12 spaces are reserved. Staff explained that six of the units do not have the two required uncovered parking spaces in front of their garages and the 12 spaces conditioned provide an equal amount of parking for all units. Staff said there are other spaces available for guests. **Comm. Dohadwala** suggested the requirement be removed. **Ms. Ryan** agreed that if the 12 spaces are not reserved that there would be more flexibility, and noted that this condition is an attempt to find a balance for the six units without the two uncovered parking spaces.

Chair Travis opened the public hearing.

Scott Ward, with Classic Communities, Inc., said they have developed about 600 homes in Sunnyvale over the years. He said it has been a tumultuous four years since

Classic Communities last presented a project before the Planning Commission, discussing the tough economic times and other changes affecting housing development. He said this project is zoned for 15 units; however they are only able to deliver 14 units as a result of certain challenges. He said they are monitoring the PCE cleanup closely and would not close on the property unless the problem has been resolved. He said the primary concern of nearby residents was the garage orientation of unit 12, which has been repositioned. He discussed issues that the Planning Commission brought up at the Study Session including motorcycle parking, solid waste, and a pedestrian gate. He requested a modification of condition PS-1.a pertaining to the eave depth, asking that the wording be changed to obligate Classic Communities to study increasing the eave depth, rather than requiring the increase, explaining the reasons. He said he hopes this development is a valuable addition to the neighborhood.

Comm. Sulser said a member of the public contacted him and was concerned about the deviation on the second-story setback making the design look boxy. Mr. Ward said most of the proposed second-floor living areas are about 1,000 square feet and increasing the second-story setbacks would cut the living area almost in half. Mr. Ward said that the proposed design is typical of the Mediterranean-style homes and other features would reduce the boxy look.

Vice Chair Hendricks discussed with staff condition PS-1.a regarding eave depth. Vice Chair Hendricks asked Mr. Ward about the absence of solar options. Mr. Ward discussed Classic Communities' previous offerings of solar options on other projects, and commented that this project well exceeds the green building requirements. Vice Chair Hendricks asked staff about details of the project including a Knox-box for Public Safety at the pedestrian gate. Mr. Ward said the anticipated construction length of this project should not be more than a year.

Comm. Chang asked Mr. Ward to further discuss the hazardous waste intervention, confirming that a State regulatory agency would be the certifier that the site is clear of issues.

Comm. Larsson asked further the about the PCE issue with Mr. Ward explaining there is a comprehensive remediation program occurring. Comm. Larsson discussed the eave depth issue with staff and Mr. Ward.

Comm. Dohadwala discussed the eave depths and said that the added depth has aesthetic value and provides more protection to the homes. Mr. Ward commented that

there is about a 1 to 1 ½ foot eave and, if this is extended, the eave could encroach on property lines. Mr. Ward said that Classic Communities would like to further study the eave depth issue. Comm. Dohadwala discussed with Mr. Ward fencing and the height of the wall on Saratoga-Sunnyvale Road.

Vice Chair Hendricks discussed with Mr. Ward the hazardous chemical concerns and what is being done to make sure the soil vapor issue does not return. Mr. Ward said the source of the concern has been identified, a nearby dry cleaner, and the exposure has been mitigated.

Bob Close, a Sunnyvale resident, thanked the applicant for the outreach meeting in January. He said he still has concerns about the traffic at the entrance to the property and asked what the City would do to make sure this area is safe. He asked for clarification on the gradation of the boundary wall. **Ms. Ryan** addressed the question about gradation to the boundary wall, saying the developer would need to work with neighbors if the wall is to be modified on the property line. Ms. Ryan said the two driveways have been reviewed by the transportation staff, and they did not identify concerns with the proposed design. **Vice Chair Hendricks** further discussed with staff the boundary wall and acoustical analysis.

Mr. Ward said he thinks there is opportunity to work with neighbors on the wall height dimension issues. He said Classic Communities is open to leaving existing fences and walls if requirements are met for the noise mitigation. Ms. Ryan said there is a series of conversations regarding the fences. Mr. Ward said they are open to working with staff on any fence issues.

Comm. Larsson discussed with staff the development to the south and the wall height on this side of the project.

Chair Travis closed the public hearing.

Ms. Ryan clarified that the staff recommendation in Alternative 1 is to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions.

Vice Chair Hendricks moved for Alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to modify condition PS-1.a requiring the developer to study the increase in eave depth and obtain approval from the Director of

Community Development for the appropriate eave depth; to add a condition under BP-9 that the applicant work with the neighboring property owner regarding location and design of the wall, subject to the approval of the Director of Community Development. Comm. Chang seconded the motion.

Comm. Dohadwala moved for a Friendly Amendment to modify BP-19 regarding the parking management plan, that a total of six parking spaces be reserved throughout the development for the six units without parking areas in front of the garages, instead of 12 spaces. Staff agreed this modification provides more flexibility and respectfully requested the Commission accept the amendment. Vice Chair Hendricks discussed the parking with Comm. Dohadwala. The maker and the seconder of the motion did not accept the Friendly Amendment.

Vice Chair Hendricks said this is an infill development project and not an ideal plot of land, so there are certain tradeoffs. He said he can make the findings, that he likes the porous driveways, that he thinks this is a good project, and a good balance.

Comm. Chang commended the developer and said that it is nice to see a single-family home product proposed again. He said he is looking forward to seeing this project completed.

Comm. Sulser said he would be supporting the motion. He commented about the four setback deviations, and said that for this project, he can support the deviations as they make the units more livable.

Comm. Larsson moved to amend the motion to modify condition BP-19.b to read “a total of six spaces” instead of 12 spaces. **Comm. Dohadwala** seconded the motion.

Comm. Larsson said he agrees with Comm. Dohadwala’s previous comments about parking management and he thinks this modification provides more flexibility for the development.

Comm. Dohadwala said she supports this amendment as parking spaces add heat where landscaping could be added and she looks to promoting shared parking.

Vice Chair Hendricks discussed that he would not support the amendment to the motion as he thinks it creates a two-tier situation for the unit owners.

Comm. Sulser said he would be supporting the amendment as it adds flexibility.

The Commission voted on the amendment. The amendment carried 4-2 with Vice Chair Hendricks and Comm. Chang dissenting, and Commissioner Hungerford absent. Ms. Ryan said this action modifies the original motion.

Vice Chair Hendricks agreed with Comm. Sulser about his comments regarding the deviations and said no one should take this as precedence for how the Commission might vote on other projects.

ACTION: Vice Chair Hendricks made a motion on 2011-7102 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to modify condition PS-1.a requiring the developer to study an increase in eave depth to determine the appropriate eave depth requirement subject to the approval of the Director of Community Development; to add a condition under BP-9 that the applicant work with the neighboring property owner regarding location and design of the wall subject to the approval of the Director of Community Development; and to modify condition BP-19.b to read, "A total of six spaces that are located throughout the development shall be reserved for the six units without parking area in front of the garages". Comm. Chang seconded. Motion carried 6-0, with Comm. Hungerford absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than May 10, 2011.