

PLANNING COMMISSION MINUTES OF JUNE 13, 2011

2011-7104 - Pulte Homes [Applicant] **Carr Crhp Ca Props LLC** [Owner]: Special Development Permit and Vesting Tentative Map to allow approximately 161 townhomes located at **955 Stewart Dr.** (Mitigated Negative Declaration) SM (*Continued from April 25, 2011*)

Shaunn Mendrin, Senior Planner, presented the staff report. He said revised Conditions of Approval (COAs) were provided, clarifying three COAs. He said staff recommends to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions, with the modifications as noted in the revised COAs provided on the dais this evening.

Comm. Larsson clarified with staff that the numbering on the revised conditions should be corrected and are BP-8a, TM-2, and PF-7. Comm. Larsson referred to Attachment C, page 17, number 48 regarding Geology and Soils and said no boxes were checked. Staff confirmed that the “No Impact” box should have been checked.

Vice Chair Hendricks asked staff for clarification about the status of the soil screening. Mr. Mendrin discussed the soil testing completed by the applicant and that the City would be completing their own testing on the park area. Vice Chair Hendricks discussed with staff soil testing, Environmental Screening Levels in areas other than the park on the site. **Kathy Berry**, Senior Assistant City Attorney, added that records and samples of soil and groundwater are considered. She said groundwater is a different issue from soil as it runs under multiple properties, and clean-up is expensive. She said the State standards are getting stricter. She discussed options that the City looked at to protect the City from liability. Ms. Berry said she is comfortable with the conditions, however she is never comfortable regarding possible City liability in future. Vice Chair Hendricks asked staff how developments like this fit with the City’s Urban Water Management Plan (UWMP). **Trudi Ryan**, Planning Officer, said that this site was already contemplated in the UWMP for this type of use for this site.

Comm. Sulser asked staff about park dedication saying normally developers provide the in-lieu fees rather than providing land for a park. Mr. Mendrin said that staff was able to provide input regarding the land designated for the park and that the land can be configured with other future parkland. Ms. Ryan said several departments get involved to look at these issues. Comm. Sulser discussed with staff trees, the moving of trees, and tree removals related to the site with staff saying the tree situation can be reconsidered when the landscape plan is reviewed. Comm. Sulser said he does not like deviations and asked about the minor deviation on the building height and whether this site is in a flood plain. Staff said this is not in a flood plain and the project will only require minor grading for pad preparation.

Comm. Hungerford referred to Attachment B, page 13, BP-33, HAZ-2 regarding Vapor Barriers discussing with staff which agencies would be monitoring the plans for remediation. Staff said the intent of the reference to the vapor barrier was to reference the mitigation and monitoring plan as the whole mitigation has to be satisfied. Comm. Hungerford said that this condition should be made very clear. Comm. Hungerford confirmed with staff that measure HAZ-5 in the same section regarding excavated soils was omitted in error and that it should be added. Comm. Hungerford referred to the Attachment C, the Mitigated Negative Declaration, page 22, number 67 and said that the "No Impact" box was checked and he thinks it would be better to check, the "Less than Significant with Mitigation." Mr. Mendrin agreed and said it would be appropriate to modify the item.

Chair Travis opened public hearing.

Erika Salum, with Pulte Homes, explained the process Pulte Homes has gone through to acquire this property and this proposal. She said Pulte Homes completed a similar community in 2009 in Sunnyvale, Danbury Place, and said they are hoping to replicate that success on this site. She said they will be dedicating land for a park and that they are very excited to build this community. She said the design team is present with her tonight to answer questions.

Comm. Hungerford asked the applicant about the proposed use of foam. Ms. Salum discussed the use of foam in developments and said that the product used is very high-quality, used in almost all of their townhomes, less maintenance, and is as durable as wood. Comm. Hungerford confirmed with the applicant that they would be agreeable to a revised condition requiring that the foam used be at least as durable as wood.

Vice Chair Hendricks asked about the parking and said that the majority of the parking is on the east side. He said those on the west and the north sides are further from parking. Ms. Salum agreed that the majority of the parking is on the east and south sides and that they tried to provide more parking on the other sides. Mr. Mendrin said that there are a lot of easements on the east property line which limits the uses to or open space. Vice Chair Hendricks asked if there are any requirements on how close parking is to a residence. Staff said there is no standard, only that the parking is on the proposed site. Ms. Ryan said it is in the purview of the Planning Commission to ask for modifications to the site plan.

Comm. Sulser said he likes the proposed architecture and had Ms. Salum discuss the various designs in the development including the different building styles and elevations. **Juan Torres**, representing with the architect KTG Y Group, confirmed that there are seven building types with three different color schemes, incorporated in each building, with three elevations with a different use of materials, e.g. stone, and stucco.

Comm. Dohadwala discussed with the applicant how the buildings are laid out on the property and the road servicing the site. Ms. Salum said they worked with staff and determined that the road was the best solution to separate the public and private property. Mr. Mendrin agreed, adding that the park was too integrated into the development and staff wanted the park to feel like a public park. Comm. Dohadwala discussed the park and the absence of a fence. Ms. Salum said a fence is included around the Community Center to make it clear it is private property. Comm. Dohadwala further discussed options about the park and development with staff saying the intent is to make the park clearly available to the public. Comm. Dohadwala said her other concern is with the parking and asked about signage to direct visitors to appropriate parking areas. Ms. Salum and staff said parking signage could be further discussed and that the Homeowner's Association may want to include parking signs. Staff agreed signage would be helpful.

Vice Chair Hendricks asked about the parkland. Ms. Ryan discussed the process of the land becoming a park and related considerations. Vice Chair Hendricks discussed with staff the private road within the development, that this is the only access from the Indian Wells side, a possible fence by the park, and said that it is difficult to know how this park area will ultimately end up.

Ms. Salum said that Pulte Homes looks forward to building another community in Sunnyvale.

Chair Travis closed the public hearing.

Comm. Hungerford referred to the revised COAs provided on the dais regarding TM-2, park and soil contamination. He commented that he thinks the condition requiring a letter from the Regional Water Quality Control Board (RWQCB) acknowledging that the City has not and did not contribute to groundwater contamination is very important. He asked staff if there would be additional soil testing in the park area. Mr. Mendrin said the applicant's second soil study showed everything was fine, however the City will hire a consultant to do another study. Ms. Berry referred to the revised conditions which say the developer will pay for the consultant the City hires for soil testing. Ms. Berry said that a requirement for groundwater investigation should probably be added.

Mr. Mendrin clarified that the correct numbering for the revised conditions in the memo provided on the dais tonight are BP-8a, TM-2, and PF-7.

Vice Chair Hendricks made a motion for Alternative 2 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions. He said the modifications are: to accept the revised conditions and corrected numbering to BP-8a, TM-2, and PF-7

provided by staff on the dais this evening; **to add to condition PF-7 that both “soil and water” be included in the investigations done by the City consultant; to add to condition BP-33 “HAZ-5” regarding excavated soils as shown in the 2007 East Sunnyvale EIR Mitigation Measures; to modify the Mitigated Negative Declaration, Attachment C, number 48 to check the “No Impact” box regarding Geology and Soils, and number 67 to check the “Less than Significant with Mitigation” box regarding Hazards and Hazardous Materials. Comm. Hungerford seconded the motion.** Staff said two other changes were discussed. Staff said the first was **to modify condition BP-11.e.iii regarding six Sycamore trees adding language that if there is difficulty relocating them that staff would have the flexibility to review plans and require a 2 to 1 ratio of replacement trees if trees need to be removed. This modification was acceptable to the maker and the seconder.** Staff said the second change was **to modify TM-2 from the revised conditions memo, to add a sentence that “The additional studies for the park area be completed within 24 months of approval of the Vesting Tentative Map and prior to dedication.”** One additional modification was **to add a condition that the foam trim used in the project has to be at least as durable as wood. All modifications were acceptable to the maker and the seconder of the motion.**

Vice Chair Hendricks said this project was reviewed closely at the study session and overall he thinks this is a good project. He said he is concerned about the parking and said that the applicant is meeting the letter of the law, but maybe not the spirit of the law. He said parking may be a potential challenge for residents.

Comm. Hungerford agreed that this project was looked at carefully at the study session. He said he appreciates that the applicant went with some of the recommendations provided at the study session. He said he thinks this project is well-designed acknowledging that this is an ITR zone (Industrial-to-Residential).

Comm. Sulser said he would be supporting the motion. He said he likes the architecture and he thinks this is only the Monterey-style architecture that we have had proposed in an ITR area. He said he is looking forward to seeing this project built. He said this project requests three deviations and they are all are fairly minor, which is good compared to similar projects that often have more deviations.

ACTION: Vice Chair Hendricks made a motion on 2011-7104 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to accept the revised conditions and corrected numbering to BP-8a, TM-2, and PF-7; to add to condition PF-7 that both “soil and water” be included in the investigations done by the City consultant; to add to condition BP-33 “HAZ-5” regarding excavated soils as shown in the 2007 East Sunnyvale EIR Mitigation Measures; to modify the Mitigated Negative Declaration, Attachment C, number 48, to check the “No Impact” box regarding Geology and Soils, and number 67 to check the “Less than Significant with Mitigation” box regarding Hazards and Hazardous Materials; to modify condition BP-11.e.iii regarding six Sycamore trees adding language that staff has the flexibility to review the plans and require a 2 to 1 ratio of replacement trees if the trees cannot be moved; to modify TM-2 from the revised conditions memo, to add a sentence that “The additional studies for the park area be completed within 24 months of approval of the Vesting Tentative Map, prior to dedication.”; and to add a condition that the foam trim used in the project has to be at least as durable as wood . Comm. Hungerford seconded. Motion carried 7-0.

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