

EXCERPT

Planning Commission

Meeting Minutes - Final

3 [14-0816](#) **File #:** 2014-7423
Location: 1071 Noriega Ave. (APNs: 161-37-017, 161-37-018)
Proposed Project: Related applications on a 0.48-acre site:
REZONE: Introduction of an Ordinance to rezone the site from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development);
SPECIAL DEVELOPMENT PERMIT: for 10 residential townhome units; and
VESTING TENTATIVE MAP: to subdivide two lots into 10 lots plus a common lot.
Applicant / Owner: Classic Communities (applicant) / Classic 1071 Noriega LP (owner)
Environmental Review: Mitigated Negative Declaration
Project Planner: Rosemarie Zulueta, (408) 730-7437, rzulueta@sunnyvale.ca.gov

Rosemarie Zulueta, Associate Planner, presented the staff report.

Comm. Klein and Ms. Zulueta discussed the applicant's response to, and the staff opinion on, including a centralized trash enclosure in the design of the site. Comm. Klein verified with Ms. Zulueta that complaints have not been made by residents living in projects with multiple trash carts with an on-street staging area, and discussed the staff opinion regarding allowing the requested deviation for distance between buildings.

Comm. Simons discussed with Ms. Zulueta where the trash carts would be placed on the street, and confirmed that parking would be allowed in the trash collection area. Comm. Simons stated that it would be more logical to prohibit parking in that area, to which Ms. Ryan responded that the Solid Waste Division is aware of these concerns.

Comm. Rheume inquired about the proposed tree removal in the rear setback, to which Ms. Ryan replied that the applicant could better answer that question.

Comm. Durham and Ms. Ryan discussed what parking is like in the evenings, and confirmed with Ms. Zulueta that eleven is the maximum number of units allowed in the R-3 zoning designation for this size of project site.

Chair Melton noted that he is also struggling with the placement of trash carts, and confirmed with Ms. Zulueta that this item will be heard by City Council on November 11. Chair Melton also confirmed with Ms. Zulueta that the separation between the duets was created to split up the bulk of it, which created the need for a deviation.

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Chair Melton opened the public hearing.

Jim Pollart, with Classic Communities, presented information on the proposed project and addressed the Commissioners' concerns.

Chair Melton closed the public hearing.

Comm. Simons moved to recommend to City Council Alternative 2 to adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit for 10 residential townhome units and Vesting Tentative Map to subdivide two lots into 10 lots plus a common lot with modified conditions:

- 1) Prohibit parking on the section of the street planned for trash containers on the day of trash collection.

Comm. Harrison seconded.

Comm. Simons said that the problems with this project are minor and with regard to trash collection, it is one of these things where there may be too many cars on the street and he likes to see things nicely fixed for the future. He said he appreciates the improvements in the detail and that oftentimes plans are so generic you cannot tell if the architectural improvements are there or whether the project will be extremely limited in architectural amenities. He added that he can make the findings, and that he enjoys finding out that we have caused problems when trying to improve them, as with the changes that were made to reduce the bulk of the building.

Comm. Harrison said she can make the findings and appreciates the applicant handling the neighbors' concerns and showing them visually how the setback will be less impactful on them. She said she also appreciates the project meeting policy LT-3.2 which encourages home ownership options, which is being proposed in a neighborhood that is close to transit, schools and shopping.

Comm. Klein said he will be reluctantly supporting the motion, and that the garbage enclosure issue is somewhat resolved with the added modification but that staff has noted that this has not been done before and research needs to be completed before implementing this plan. He said he was taken aback by the number of deviations requested, and that the reasoning for a lot of them goes back to the reduction from eleven units to ten and not wanting to reduce the project further. He said that now there are ten much larger ownership units created to reduce mass,

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which is a goal of the Design Guidelines, and that if Variances result from reducing mass they should try to be removed. He said that while he has issues with some of the reasoning in the staff report, he generally likes the design and details that have been added since the study session, and that the lack of neighbors in attendance is not a touchstone for how the neighborhood will ultimately feel about this project. He said that he is happy that the developer worked on the privacy issue and that it is clearer to the neighbors, and that he hopes the trash enclosure issue is resolved going forward. He added that the design details, architecture and colors are nice additions, and he looks forward to the project moving forward.

Comm. Durham said he will be supporting the motion, and that the staff report notes that there are currently no Citywide policies to limit on-street parking on residential streets during trash and recycling pick-up days, and that the issue may not fly once it gets through to the next stage. He said the building and construction fits in well and will be an improvement to the neighborhood, and that it will work well with the zero lot line construction to the immediate east. He added that it would have been nice to cut back one unit but that a problem with reducing the size of these buildings is the size of storage for cars. He said 80% of the ground floor of three-story units on Lometa is designated to car parking and that if you can reduce that you can reduce the whole unit.

Comm. Rheume said he will be supporting motion, that he likes the design and can make the findings. He said he likes the fact that the applicant worked with the neighbors on reducing the setback abutting the single-family homes on Noriega. He said he struggles with making the assumption that when a neighbor spoke at the study session she was okay with taking out the trees in the rear. Comm. Rheume offered a friendly amendment to preserve the trees in the rear behind the two duets.

Comm. Simons asked if he could modify the amendment to have the applicant work with the City Arborist to evaluate the condition of the trees, to which Comm. Rheume agreed.

Comms. Simons and Harrison accepted the friendly amendment.

Ms. Ryan interjected that the applicant's arborist report notes that the trees are small, young and in excellent condition. Comm. Simons said he would still like to recommend this condition because the City arborist is an independent arbiter with no economic involvement.

Chair Melton said he will be supporting the motion and that we are doing a good job

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to provide City Council with a solid recommendation. He said he can make the findings and that the project will be a nice addition to, and a good capital injection into, the neighborhood. He said he appreciates that the applicant has proposed a nice-looking development with sumptuous detail and rich, visually-appealing colors, and that it will work well with the existing neighborhood. He said he also appreciates that the applicant did a good job protecting the privacy of the neighbors and single-family residences, and said that Comm. Simons has come up with a good idea for City Council to consider regarding trash collection on the street.

MOTION: Comm. Simons moved to recommend to City Council Alternative 2 to adopt the Mitigated Negative Declaration; introduce the ordinance in Attachment 8 to Rezone 1071 Noriega Ave. (APNs: 161-37-017 and 161-37-018) from R-3 to R-3/PD; and approve the Special Development Permit for 10 residential townhome units and Vesting Tentative Map to subdivide two lots into 10 lots plus a common lot with modified conditions:

- 1) Prohibit parking on the section of the street planned for trash containers on the day of trash collection; and
- 2) Applicant works with the City Arborist to evaluate the condition of the two trees at the rear of the site.

Comm. Harrison seconded. The motion carried by the following vote:

Yes: 6 - Chair Melton
Commissioner Durham
Commissioner Harrison
Commissioner Klein
Commissioner Rheume
Commissioner Simons

No: 0

Absent: 1 - Vice Chair Olevson