

PUBLIC HEARINGS/GENERAL BUSINESS

2. [18-0648](#) CONTINUED FROM THE JULY 9, 2018 PUBLIC HEARING
- Proposed Project:** Related applications on a .34-acre site:
 SPECIAL DEVELOPMENT PERMIT and VESTING
 TENTATIVE MAP to allow a three-story six-unit townhouse
 development.
- Location:** **669 & 673 Old San Francisco Rd.** (APNs 209-17-050 &
209-17-051)
- File #:** 2018-7048
- Zoning:** R-3/PD
- Applicant / Owner:** Innovative Concepts / George Nejat
- Environmental Review:** Mitigated Negative Declaration
- Project Planner:** Ryan Kuchenig, (408) 730-7431,
rkuchenig@sunnyvale.ca.gov

Senior Planner Ryan Kuchenig presented the staff report.

Commissioner Howe asked staff about the exclusion of the City Council minutes in the staff report. Senior Planner Kuchenig advised that previous project proposals and associated minutes are generally excluded. Commissioner Howe asked staff about the changes in massing and square footage. Senior Planner Kuchenig provided an approximation of the change in square footage per unit. Commissioner Howe asked staff for the overall statistics to ensure that the proposed project meets the City Council's direction. Senior Planner Kuchenig stated that the City Council's direction was to enhance the proposed project's design and reduce the massing.

Vice Chair Simons confirmed with Senior Planner Kuchenig that staff would agree to the use of a darker color for the garage doors to maintain overall architectural continuity.

Commissioner Weiss confirmed with Senior Planner Kuchenig that a Homeowners Association is required for four or more units. Commissioner Weiss confirmed with Senior Planner Kuchenig that 400 square feet is the minimum required size for a two-car garage.

Commissioner Harrison asked staff if guest parking could be considered a nuisance, as suggested in a public comment letter. Senior Planner Kuchenig advised that guest parking is not specifically considered a nuisance. Assistant Director Andrew Miner provided examples of items that would be considered a nuisance as they generate noise beyond what is allowed by the noise ordinance.

Commissioner Harrison confirmed with Senior Planner Kuchenig that there are no setback requirements for uncovered parking adjacent to other properties.

Commissioner Harrison asked staff to clarify the wording for the consideration of deviations associated with a Special Development Permit (SDP). Assistant Director Miner commented that the applicant is not requesting any deviations and referred to the SDP Findings in Attachment 3. Senior Planner Kuchenig provided examples of typical SDP justifications to Commissioner Harrison.

Chair Howard opened the Public Hearing.

Jeff Guinta, representing Innovative Concepts, presented information about the proposed project.

Vice Chair Simons confirmed with Mr. Guinta that he is amenable to the use of a darker color for the garage doors.

Erik Stauffer discussed his concerns with the proposed project's height, massing, placement of the front doors, neighborhood compatibility, demolition materials, recycling process, drainage, parking and protection for the existing trees.

Maria Hamilton, Sunnyvale resident, discussed her concerns with the proposed project's size, scale, neighborhood compatibility, density and location.

Gene Hoyle, Sunnyvale resident, discussed his concerns with the proposed project's mass, scale, neighborhood compatibility and the transition between adjacent uses.

Mr. Guinta presented additional information about the proposed project.

Chair Howard closed the Public Hearing.

Commissioner Howe asked staff about previous actions on the site. Senior Planner Kuchenig provided information about the options that City Council had for the approved rezone. Senior Planner Kuchenig returned to Commissioner Howe's earlier question and advised that the proposed project has been reduced by 8% Floor Area Ratio (FAR). Commissioner Howe confirmed with Senior Planner Kuchenig that massing has been reduced, mainly through reconfiguration of the upper stories to create a more balanced building.

Commissioner Harrison clarified with Senior Planner Kuchenig that the current solar ordinance does not apply to the shading of a patio or deck.

Commissioner Harrison clarified the intention of the Planned Development (PD) overlay with Senior Planner Kuchenig. Senior Planner Kuchenig stated that the applicant eliminated the request for deviations because of the redesign. Assistant Director Miner advised that a PD designation allows for design flexibility and the opportunity to request deviations instead of variances.

Chair Howard confirmed the adjacent zoning and density buildouts with Senior Planner Kuchenig. Chair Howard confirmed with Senior Planner Kuchenig that the applicant chose to recess the building to make the height more compatible with the neighborhood. Assistant Director Miner provided information about the height variations between the proposed project and adjacent uses. Chair Howard confirmed with Assistant Director Miner that 30 feet is the building height maximum in an R-0 zone.

MOTION: Vice Chair Simons moved and Commissioner Howe seconded the motion for Alternative 2 – Make the findings required by CEQA in Attachment 3, adopt the Negative Declaration; approve the Special Development Permit and Vesting Tentative Map with modified findings or conditions –

Staff shall review the garage door color to ensure that it is not too light with respect to the rest of the building.

FRIENDLY AMENDMENT: Commissioner Howe offered a friendly amendment that staff will have final determination of the garage door color. Vice Chair Simons

accepted the friendly amendment.

Vice Chair Simons stated that he can make the findings and that the proposed project now meets the City Council's requests. Vice Chair Simons stated that the building height will be less than the 30-foot maximum and that the Conditions of Approval have protective measures for the neighborhood trees. Vice Chair Simons responded to a public comment and noted that the front doors should lead directly to the street to have a street presence. Vice Chair Simons stated that the final design has greatly improved and that many recommendations have been incorporated.

Commissioner Olevson stated that he will be supporting the motion and thanked members of the public for presenting written and oral comments. Commissioner Olevson commented that many of the policies cited by members of the public have been superseded by the City Council's action to rezone this site to R-3/PD. Commissioner Olevson noted that the applicant has met all the requirements and that the proposed project should be approved per City Council policies.

Commissioner Howe stated that he can make the findings as required by CEQA to adopt the Negative Declaration. Commissioner Howe commented that the City Council decided to rezone this site to R-3/PD and that a building height is allowed of up to 30 feet. Commissioner Howe noted that the massing has been improved by an 8% FAR reduction and that the proposed project should be approved as it meets City Council policy.

Chair Howard stated that he will be supporting the motion and can make the findings. Chair Howard commented that the City Council approved the rezone but requested project revisions. Chair Howard noted that the improved proposed project has addressed the concerns of the City Council. Chair Howard stated an opinion that the applicant has tried to harmonize the R-3 development with the adjacent residential zoning.

Commissioner Weiss stated that she can make the findings for the Special Development Permit and the applicable Goals and Policies of the General Plan. Commissioner Weiss commented that the applicant has made every effort to make the proposed project compatible with the existing residential neighborhood and has not requested any deviations. Commissioner Weiss noted that the usable open space per unit exceeds the 400-square foot requirement and that the proposed project will add to the housing stock and increase availability for housing ownership.

Commissioner Weiss noted her concern regarding the lack of affordable housing in the proposed project but stated that it is not required.

Commissioner Harrison stated that she will be supporting the motion and noted that the applicant has not requested any deviations. Commissioner Harrison commented that the SDP complies with the planned residential density for the area. Commissioner Harrison noted that the project has improved by eliminating the requested deviations, reducing the massing and increasing the diversity of materials.

The motion carried by the following vote:

Yes: 7 - Commissioner Weiss
Chair Howard
Commissioner Howe
Commissioner Olevson
Vice Chair Simons
Commissioner Rheaume
Commissioner Harrison

No: 0

Assistant Director Miner stated that this decision is final unless appealed to the City Council within 15 days or called up by the City Council within 15 days.