DRAFT MINUTES

SUNNYVALE PLANNING COMMISSION

The Planning Commission met in regular session in the Council Chambers, City of Sunnyvale, 456 W. Olive Avenue, Sunnyvale, CA on **May 23, 2005** at 8 p.m. with Chair Moylan presiding.

ROLL CALL

Members Present: Chair Chris Moylan; Vice Chair Chuck Hungerford; Commissioner Laura Babcock; Commissioner Larry Klein; Commissioner David Simons; and Commissioner Brandon Sulser

Members Absent: Commissioners James Fussell (excused absence)

Staff Present: Trudi Ryan, Planning Officer; Gerri Caruso, Principal Planner; Rebecca Moon, Assistant City Attorney; and Deborah Gorman, Recording Secretary

SCHEDULED PRESENTATION

None

PUBLIC ANNOUNCEMENTS

None

CITIZENS TO BE HEARD

A letter was received in the mail and provided to the Planning Commissioners from Jared Sinclair expressing his opinion and support for an open-air mall in downtown Sunnyvale. Chair Moylan said he appreciates and acknowledges Mr. Sinclair's input. Trudi Ryan, Planning Officer, said that this feedback would be communicated to Mr. Sinclair on behalf of the Planning Commission.

APPROVAL OF MINUTES of May 9, 2005

Comm. Sulser made a motion to approve the minutes of May 9, 2005. Comm. Klein seconded. Motion carried unanimously, 6-0 with Comm. Fussell absent.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2004-0963** – Appeal of the Administrative Hearing Officer's approval of an application for a Variance from Sunnyvale Municipal Code (SMC) section 19.34.030 to allow a 17-foot front yard second-story setback where 25 feet is required and SMC section 19.56.020 to allow shading of a nearby structure that exceeds 10 percent. Approval of the variance would allow a first and second-story addition to a one-story home resulting in a total of 1,737 square feet. The property is located at **321 Flora Vista Avenue** in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 209-24-062) KD

ACTION: Comm. Babcock made a motion on Item 2004-0963 for Alternative 1. to deny the appeal and uphold the Hearing Officer's approval of both Variances and Design Review. Comm. Sulser seconded. Motion carried unanimously, 6-0 with Comm. Fussell absent.

APPEAL OPTIONS: Item is appealable to City Council no later than June 7, 2005.

2. **2005-0287** – Application for a Design Review on a 9,920 square-foot site to allow a new two-story home totaling 4,302 square feet exceeding the 4,050 square foot threshold requiring Planning Commission review. The property is located at **1339 Navarro Drive** (near Bryant Wy) in an R-1 (Low-Density Residential) Zoning District. (APN: 313-12-028) GC

ACTION: Comm. Sulser made a motion on Item 2005-0287 for Alternative 1. to approve the design review with recommended conditions. Comm. Klein seconded. Motion carried unanimously, 6-0 with Comm. Fussell absent.

APPEAL OPTIONS: Item is appealable to City Council no later than June 7, 2005.

3. **Review of Proposed Fee Schedule Relating to Planning for Fiscal Year 2005-2006**

ACTION: Comm. Simons made a motion to accept the staff recommendation to forward the fee schedule as presented to the Planning Commission; to look at the goal of being revenue neutral for Planning Permits in the future; to examine potential fees for monitoring Conditions of Approval (COA) requiring follow up by staff (e.g. TDM program review, testing, site visits). Comm. Sulser seconded. Motion carried unanimously, 6-0 with Comm. Fussell absent.

APPEAL OPTIONS: Item is not appealable as recommendation will be taken to City Council for Public Hearing on June 7, 2005 and on June 21, 2005 for formal action.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Chair Moylan commented that this meeting is Rebecca Moon, Assistant City Attorney's, last meeting that she will be regularly supporting. He thanked her for her support and will miss her.

- STAFF ORAL COMMENTS

Trudi Ryan also thanked Ms. Moon for her support and said that we hope to still have her staff the Planning Commission, occasionally, as she provides backup to returning Senior Assistant City Attorney, Joan Borger.

City Council Meeting Report

Ms. Ryan stated that there were two planning related items on the May 17th Council Agenda previously reviewed by the Planning Commission.

One was an application for a subdivision map for condominium purposes for an industrial property on Gibraltar Avenue in the Moffett Park Specific area. The Planning Commission granted the appeal of the applicant (previously denied at the Administrative Hearing) with a 4-3 vote. The City Council appealed the Planning Commission's decision to the City Council. Council voted 4-2 to deny the appeal and uphold the decision of the Planning Commission to approve the subdivision, modifying the decision by only allowing six condominium units instead of eight. They also imposed a condition that will appear in the CC & Rs that if four of the six condominium owners vote to sell it will force the other two to sell. This helps protect the long-range goals of the Moffett Park Specific Plan. Comm. Simons asked about CC&Rs and whether they are enforceable after modifications especially for industrial and housing. Ms. Ryan explained about CC & Rs and yes these are enforceable.

The second item was for a Use Permit at 715 North Pastoria Ave. to add a covered storage area. The City Council approved this item in accordance with action taken by Planning Commission.

Comm. Sulser asked about the Frances Street Transit Center Project which was also discussed at the May 17th meeting. Ms. Ryan said the conceptual design was accepted with some modifications to the plan to provide some additional pedestrian protection.

Other Staff Oral Report

Ms. Ryan commented that the Planning Division has been doing some interviewing and hopes to be able to announce some additional staff soon.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer