



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, January 16, 2008

2007-0768 – Avi Meyers [Applicant/Owner]: Application for related proposals for a property located at **Ontario Drive** (no address) on a vacant 9,375 square foot lot in an R-3 (Medium-Density Residential) Zoning District. (APN: 323-34-006) MH;

- **Parcel Map** to subdivide one lot into four condominium lots and two common lots;
- **Use Permit** to allow four condominium units;
- **Variance** from Sunnyvale Municipal Code section 19.38.030 to allow individual trash service where a centralized trash enclosure is required.

In attendance: Avi Meyers, Applicant; Bob Dutton, Contractor; Gerri Caruso, Administrative Hearing Officer; Mariya Hodge, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Mariya Hodge, Project Planner, stated that the applicant proposes to construct four townhome-style condominium units on an undeveloped parcel. The resulting three-story building will have 8,450 square feet of floor area and will include four attached units, each with a two-car garage and a private front patio area. The project includes a Parcel Map to allow four condominium lots and one common lot, as well as a Variance to allow individual trash service where a centralized trash enclosure is required. Ms. Hodge stated that the applicant did contact staff regarding Condition of Approval 19.C. regarding the pole.

Ms. Caruso opened the public hearing.

Bob Dutton, Contractor, received and reviewed a copy of the staff report. Mr. Dutton stated that they have two concerns one regarding the power pole and the other concerning ADA access. Mr. Dutton stated that the power pole is not owned by them and they would have to get approval to have it relocated. Mr. Dutton stated that in order to provide ADA access they would be required to install a 35 foot long ramp. Mr. Dutton went on to say that it will be difficult to provide that type of access. He also asked the hearing officer if this was an ADA requirement as he was under the impression that they are required to provide an ADA accessible unit. He also mentioned that they have no concerns with the additional conditions.

Avi Meyers, Applicant, stated that when an outside party is required to do something in order for a project to go forward it can be very problematic.

Ms. Caruso closed the public hearing.

Ms. Caruso wanted to know where the ADA requirement originated. Ms. Hodge stated that the building division requested this condition with their PRC comments.

Ms. Caruso approved the application subject to the Findings and Conditions of Approval located in the staff report with modifications to:

19.C. Boundary lines are not required to be undergrounded. However, the pole located in the rear of the subject property shall be removed and overhead boundary lines shall be extended directly from the pole located at 1623 Ontario Drive to the pole located at 1635 Ontario Drive. Subject to input from PG&E, the Director of Community Development shall have the authority to waive the requirement to remove the pole if it is determined that removal is not practical. The Director of Community Development's decision regarding a waiver may be appealed within 15 days of such decision, even if the standard appeal period for the Use Permit/Parcel Map/Variance has elapsed. However, such appeals shall be restricted to the issue of this Condition of Approval alone.

13.A. All facilities in the common area are to be fully accessible and meet ADA and building code requirements.

5.B. Roof material shall be 50-year dimensional composition shingle or other highly dimensional roof material with final selection to be approved by the Director of Community Development.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:15 p.m.

Minutes approved by:

Gerri Caruso

Principal Planner