

PLANNING COMMISSION MINUTES OF AUGUST 8, 2011

FILE #: 2011-7377
Location: 628 E. Taylor Avenue (APN: 205-30-019)
Proposed Project: Special Development Permit to allow 10 townhome-style condominiums and Vesting Tentative Map to allow 10 condominium units and one common lot.
Applicant/Owner: City Ventures / Steven Hussey Trustee & Et Al
Environmental Review: Mitigated Negative Declaration
Staff Contact: Noren Caliva, 408-730-7637
ncaliva@ci.sunnyvale.ca.us

Noren Caliva, Associate Planner, presented the staff report.

Comm. Travis referred to Attachment G, a letter from the applicant, and discussed the solar shading deviation with staff.

Vice Chair Larsson opened the public hearing.

Phil Kerr, Vice President of Development with City Ventures, the applicant, said this project complements the project that City Ventures is building next door. Mr. Kerr addressed the solar shading deviation which is for 36 minutes on December 21st and said that the owner of the adjacent building said he has no concern with the shading and no plans to add solar panels to the building. Mr. Kerr said he could request a letter from the adjacent owner confirming this if needed.

Vice Chair Larsson closed the public hearing.

Comm. Dohadwala asked staff if the Commission could require the applicant provide a letter from the adjacent owner confirming that he has no concern with the solar shading deviation. **Trudi Ryan**, Planning Officer, said a condition of approval for this requirement could be added. Comm. Dohadwala referred to Attachment B, condition BP-20.5 and discussed with staff that air-conditioning would be used for the units, rather than natural ventilation, with Comm. Dohadwala expressing concern about a possible lack of ventilation. Staff said the building requirements should be sufficient to address this issue as current requirements must be met.

Vice Chair Larsson discussed with staff solar access, the code, and that the maximum shading of 10% is the requirement per building.

Comm. Sulser moved for **Alternative 1, to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions. Comm. Travis** seconded the motion.

Comm. Sulser said that the addition of this project to the neighboring project works for this site as the two sites are narrow lots and the combined projects are better overall. He said he is comfortable with the minor deviations.

Comm. Travis said he agrees with Comm. Sulser and thinks the addition of this project to the neighboring development keeps this area going in the right direction. He said he is looking forward to seeing the development and that the deviations are not frightening.

Comm. Dohadwala offered a Friendly Amendment requiring the applicant provide a letter from the adjacent owners stating that they have no objection to the solar access deviation. The maker of the motion did not accept the Friendly Amendment. Comm. Dohadwala made a formal motion to amend the motion to include the requirement of a letter from the adjacent owner stating that they have no objection to the solar access deviation. The motion died for lack of a second.

ACTION: Comm. Sulser made a motion on 2011-7377 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with attached conditions. Comm. Travis seconded. Motion carried 6-0, with Chair Hendricks absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than August 23, 2011.