## APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
October 22, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086

### 7:00 PM - Study Session – West Conference Room

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<tr>
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<th>File #:</th>
<th>Location:</th>
<th>Proposed Project:</th>
<th>Applicant/Owner:</th>
<th>Environmental Review:</th>
<th>Staff Contact:</th>
<th>Notes:</th>
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<tbody>
<tr>
<td>1.</td>
<td>2012-7531</td>
<td>636 West Fremont Ave. (APNs: 323-07-041 &amp; 323-07-042)</td>
<td>REZONE a 2.3-acre site from a mix of R-1 and R-2/PD zoning to a mix of R-0/PD and R-2/PD zoning; TENTATIVE MAP to subdivide one lot into 18 single-family lots and one common lot; and SPECIAL DEVELOPMENT PERMIT to allow development of 18 new single-family homes.</td>
<td>Classic Communities, Inc. / District Advisory Board Northern California</td>
<td>Mitigated Negative Declaration</td>
<td>Mariya Hodge, 408-730-7659, <a href="mailto:mhodge@ci.sunnyvale.ca.us">mhodge@ci.sunnyvale.ca.us</a></td>
<td>(25 minutes) This item is scheduled to be considered by Planning Commission in a public hearing on 10/22/12 and by City Council on 12/4/12.</td>
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<td>2.</td>
<td>2012-7646</td>
<td>1175 Willow Avenue, # 5 (APN: 213-01-031)</td>
<td>SPECIAL DEVELOPMENT PERMIT to allow 16 townhouses VESTING TENTATIVE MAP to create three residential lots with 16 condominium townhouses and one common lot.</td>
<td>Willow Avenue, Sunnyvale LLC / Joe Mendes et al</td>
<td>Categorically Exempt Class 1</td>
<td>Gerri Caruso, (408) 730-7591, <a href="mailto:gcaruso@ci.sunnyvale.ca.us">gcaruso@ci.sunnyvale.ca.us</a></td>
<td>(20 minutes) This item is scheduled to be considered by Planning Commission in a public hearing on 11/26/12.</td>
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<td>3.</td>
<td>Public Comment on Study Session Agenda Items</td>
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<td>4.</td>
<td>Comments from the Chair</td>
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<td>(5 minutes)</td>
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<td>5.</td>
<td>Adjourn Study Session</td>
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Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.
CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Gustav Larsson; Vice Chair Maria Dohadwala; Commissioner Bo Chang; Commissioner Glenn Hendricks; Commissioner Arcadi Kolchak; and Commissioner Russell W. Melton; Commissioner Ken Olevson.

Staff Present: Trudi Ryan, Planning Officer; Suzanne Ise, Housing Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; and Joey Mariano, Recording Secretary.

SCHEDULED PRESENTATION - none

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker’s card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

CONSENT CALENDAR

1.A. Approval of Minutes: October 8, 2012


1.B. File #: 2012-7113
Location: City-wide
Proposed Project: Food Truck Location and Operation Requirements: A study to update the City's current regulations for food truck operations.
Environmental Review: Categorically Exempt Class 5
Staff Contact: Rosemarie Zulueta, (408) 730-7437, rzulueta@ci.sunnyvale.ca.us
Notes: Staff requests continuance to 11/26/12.
For more information visit FoodTrucks.inSunnyvale.com

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** 2011-7246  
   **Location:** City-wide  
   **Proposed Project:** Introduce an Ordinance to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code Relating to Conversions of Mobile Home Parks to Other Uses  
   **Environmental Review:** This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15307.  
   **Staff Contact:** Ernie DeFrenchi, 408-730-2784, edefrenchi@ci.sunnyvale.ca.us  
   **Notes:** This item is scheduled to be considered by City Council on 11/20/12.

Suzanne Isé, Housing Officer, presented the staff report.

Comm. Hendricks and Kathryn Berry, Senior Assistant City Attorney, discussed a letter that was provided on the dais from an attorney. Ms. Berry said the letter is regarding the 85% in-place value provision which she said is already included in our ordinance, reasonable cost of relocation, the reality of the difficulty of moving mobile homes, the question of the fairness of the burden being on the owners, and the Map act. Comm. Hendricks confirmed with Ms. Berry that staff believes the City is not moving the Ordinance further away from State Law. Comm. Hendricks discussed with Ms. Isé some of the modifications to the current ordinance and the different situation that exists with Mobile Home Parks from other types of housing. Comm. Hendricks discussed the vacancy rates in Mobile Home Parks which is usually about 3% and how relocation would be difficult if you had a park with possibly 800 homes. Comm. Hendricks discussed with staff that typically Mobile Home Parks have lower-income households and had staff discuss the 90-day notice that park owners must provide to park residents before filing any application related to a conversion.

Comm. Kolchak discussed with staff the mobile homes in the City, and how many are located in the three parks that are zoned commercial instead of residential confirming that there are about 137 spaces of the nearly 4,000 spaces. Comm. Kolchak discussed with staff varying distance references in the report regarding relocation assistance. Ms. Isé clarified the different distances and how they apply.

Comm. Melton asked about the mobility of mobile homes and how over time they become less mobile discussing with staff the inventory of mobile homes in the City, and what percentage are probably unmovable. Staff and Commissioner Melton discussed the age of mobile homes and the rights of property owners and renters in mobile home parks.

Comm. Olevson discussed with staff the justification for mobile home renter’s eligibility for relocation assistance.
Comm. Hendricks commented that the recommended changes have resulted from experience the City has had with previous mobile home park conversions and asked staff to comment. Ms. Isé said yes, the changes are motivated by two previous relocations noting examples. Ms. Berry commented that she was working for the City during the most recent conversion and commented about the social, human and economic factors involved in a conversion. She said the old ordinance does not fit today and this study is an effort to bring the ordinance up to date.

Comm. Larsson said that at the study session for this item that staff indicated that often the relationship of renters to owners in mobile home parks is more casual and not like your typical apartment renter asking staff to comment. Ms. Isé agreed that casual rental arrangements are common, and noted examples. Ms. Berry commented about eminent domain law related to this subject. Chair Larsson confirmed with staff that State law views mobile home parks closures under special consideration versus apartments.

Chair Larsson opened and closed the public hearing as there were no members of the public that wished to speak.

Comm. Melton referred to page 15 of Attachment C regarding the findings and the “loss of an investment” to mobile home owners and asked if the word “substantial” could be added to better describe the loss of investment. Comm. Melton referred to page 20 of Attachment C and said it would be helpful if there was a good definition of “in-place value” included in the recommendation.

Comm. Hendricks moved for Alternative 1, to recommend the City Council introduce the attached draft Ordinance (Attachment C) to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to the Conversions of Mobile Home Parks to Other Uses with one change, to add a final definition of "In-place Value" in the document. Comm. Chang seconded the motion.

Comm. Hendricks said this was an interesting process and he enjoyed the study session. He said what he finds interesting is the history of the ordinance and said that this recommendation is fine tuning of an ordinance put in place years ago. He said this provides more clarity for the various groups involved in a Mobile Home Park Conversion. He said there was a lot of good discussion in the Study Session. He said he thinks the proposed changes are good and based on sound, practical experience with Mobile Home Park Conversions.

Comm. Chang said that he thinks the recommendation is a good step forward, and that separating the park closure from future land use by involving the Housing Commission is a key element as it deals with the human aspect of the conversion. He said having a specialist to assist with conversions is also a key. He said he is looking forward to the implementation by City Council.

Comm. Melton asked for a friendly amendment to remove recommendation "J" on page 10 of the report regarding benefits to renters.

Comm. Hendricks did not accept the friendly amendment.
Chair Larsson said he would be supporting the motion. He noted that mobile homes make up about 7% of the City's housing stock and that the City needs to take additional measures to take care of people who are displaced by a closure with this type of housing.

Comm. Melton said he would be supporting the motion. He said one conclusion he came to was that even if there’s no long-term contract in place, there is an implied long-term relationship which means there are societal concerns that need to be addressed.

Vice Chair Dohadwala said she would be supporting the motion as it brings clarity to the process. She said these recommendations will reduce insecurities between involved parties. She said this is an interdisciplinary subject and all the departments have come together to address this issue.

**ACTION:** Comm. Hendricks made a motion on 2012-7246 to recommend to City Council Alternative 1, to introduce a draft Ordinance (Attachment C) to Amend Certain Sections of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to the Conversions of Mobile Home Parks to Other Uses, with an additional recommendation to include the definition of “in-place value”. Comm. Chang seconded. Motion carried 7-0.

**APPEAL OPTIONS:** This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on November 20, 2012.
3. File #: 2011-7760  
Location: 549-641 Baltic Way (APNs: 110-36-014 & 015)  
Proposed Project: MAJOR MOFFETT PARK DESIGN REVIEW for the redevelopment of the site and expansion of the NetApp Campus (Site 3) with two new 5-story R&D office buildings (15 & 16), which results in approximately 483,326 square feet of floor area and 60% Floor Area Ratio, utilizing LEED Gold design.  
VESTING TENTATIVE MAP to allow the subdivision of two lots into three lots, creating two individual lots around the building footprints and a common lot for parking, landscaping and amenity area.

Applicant/Owner: NetApp  
Environmental Review: Mitigated Negative Declaration  
Staff Contact: Ryan Kuchenig, (408) 730-7431, rkuchenig@ci.sunnvyale.ca.us

Trudi Ryan, Planning Officer, presented the staff report.

Comm. Melton asked staff to provide a brief overview of the Moffett Park Development Reserve and its application. Ms. Ryan provided an overview and said the reserve was intended to encourage the development of Class A office space. Ms. Ryan said this project is outside the core area. Comm. Melton asked about the balanced growth profile. Ms. Ryan discussed the balanced growth profile and said until this project is built, there is no effect to the profile.

Comm. Hendricks discussed with staff the environmental review and catch basins for storm water drainage on the site.

Comm. Kolchak asked staff about transportation and traffic and if there are any mitigation plans for the west bound off-ramp from 237. Ms. Ryan explained the Transportation Impact Fees (TIF). Kathryn Berry, Senior Assistant City Attorney, referred to page 22 in Attachment C, and said there are four projects that are identified that would eligible for the TIF including the west bound off-ramp from 237.

Chair Larsson said it looks like the applicant is splitting the lots into three lots with a shared parking area asking staff if this is a concern if one of the lots were sold and if there is anything the Commission should keep in mind for this type of development. Ms. Ryan explained this arrangement is common in residential development and that there are a number of commercial/industrial sites that have similar arrangements.

Comm. Hendricks asked staff further about traffic and transportation impacts referring to page 12 of the report regarding Valley Transportation Authority (VTA) Plan 2035. He asked if there are any specifics about when traffic impacts would be addressed. Ms. Ryan said that if there are TIF fees collected on future developments, that there must have sufficient fees before starting a project. Ms. Ryan said the City has Capital Improvement projects, priorities, and estimations, and when projects are done is decided by City Council based on many factors.

Chair Larsson opened the public hearing.
Tom Gilman, Principal with DES Architects representing Net App, provided a Power Point presentation for the project. He discussed the proposal, entrances, pedestrian access, and elevations. He noted the flood zones and grades relevant to the building footprints and said the Caribbean Gateway is big and inviting. He mentioned play fields, parks, views of the Bay, and the proposed 183-foot wide green space, which is a third more than previously proposed. Mr. Gilman said the fashion of the building runs east-west and works well with passive solar. He discussed the variety of proposed architecture throughout the campus and discussed the scale and the human aspect.

Comm. Hendricks said the Commission has previously seen these plans in Study Session and that he thinks the Commission provided positive comments. Comm. Hendricks discussed the pedestrian access for the project with Mr. Gilman. Comm. Hendricks said he would not use one of the proposed crosswalks based on the location. Ms. Ryan discussed the mid-block crosswalks. Comm. Hendricks commented about the mid-block crosswalks and said that the streets are not very walkable. Ms. Ryan provided suggestions that would make it easier for pedestrians. Comm. Hendricks also commented about the walkability of the parking lot. Mr. Gilman discussed the sidewalks. Comm. Hendricks referred to page 6 of the report and discussed with Mr. Gilman the insulated low-emissivity glass. Comm. Hendricks confirmed with the applicant that there are no concerns with the Conditions of Approval.

Vice Chair Dohadwala asked Mr. Gilman about the parking lot and said there seems to be no obvious pedestrian walkways. Mr. Gilman discussed the pedestrian plan for the parking lot. Vice Chair Dohadwala said she is looking for some type of walkway in the middle of the parking lot. Ms. Ryan commented that possibly a parking space could be used from each row to allow a walkway across the parking lot.

Comm. Hendricks said that finding a way to decoratively pave or paint the walkways would help guide people through the area on the preferred path.

Chair Larsson asked Mr. Gilman about the 9 feet of fill. Mr. Gilman discussed the arced roadway and that the area would come back down and meet grade at the street. Chair Larsson asked the applicant if they have concerns about sea level rise over the next 30 to 40 years. Mr. Gilman noted that the projected midcentury sea level rise at 30 years is 55 feet and the site should be okay. Chair Larsson discussed the parking and why the parking is at the maximum. Mr. Gilman discussed the dense facility use and the parking. He said these parking spaces will definitely be used. Chair Larsson discussed with Mr. Gilman that the bike parking is also at the maximum.

Comm. Hendricks said he was happy until the Mr. Gilman’s last comment about the dense use of the facility and that the parking is at the maximum. Paul Friesen with NetApp further discussed the parking noting that the parking does meet the industry standards. Comm. Hendricks further discussed the parking with staff.

Chair Larsson closed the public hearing.

Comm. Hendricks moved for Alternative 1 to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review and Vesting Tentative Map with attached conditions. Comm. Chang seconded the motion.
Comm. Hendricks said this is a fabulous project. He said the applicant is proposing to meet LEED Gold standards and the project is near light rail which is where we should have projects of increased density. He said he likes the walkability and bike-ability. He said he would like to see the applicant work on the pedestrian linkage and more foliage to help guide people where to walk. He said he likes the culmination of all pieces.

Comm. Chang said this is a good project. He said he likes the LEED Gold feature of the project and the pedestrian access. He said it would be great to get capital projects going at the same time as this project to help alleviate traffic impacts.

Comm. Melton said he would be supporting the motion and that he can make the findings in Attachment A. He discussed the mid-block crosswalks and said he believes NetApp will provide massive education to the employees regarding vehicle, bike and pedestrian safety.

Comm. Kolchak said he would be supporting the motion. He said he also hopes the traffic will be mitigated in the area. He said he hopes if needed that a surface parking garage structure might be added with pedestrian and bike access around the parking lots. He said he is looking forward to seeing this go forward.

Vice Chair Dohadwala said she would be supporting the motion. She says she has seen good designs in this area. She said she is concerned about traffic impacts and that NetApp needs more parking on the site, which makes her question whether the Transportation Demand Management programs are working in the City. She said, for now everything looks good. She said she has some concern about a wind problem developing in the vast, open parking lot space.

Chair Larsson said he would be supporting the motion. He said he can see the connection of the buildings and that this will be a nice gateway project to this area. He said generally he is not a fan of adding more parking; however Net App is managing the space well. He said there could be more traffic in the future as companies use their space differently, which could be an issue down the road.

**ACTION:** Comm. Hendricks made a motion to approve 2011-7760 Alternative 1; Adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review and Vesting Tentative Map with attached conditions. Comm. Chang seconded. Motion carried 7-0.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than November 5, 2012.

Comm. Hendricks asked staff about further guidance regarding the total amount of development desired in the Moffett Park area and whether it makes sense to ask Council how much do we want to allow before mitigations are built. Ms. Ryan said, to a small extent this is a Balanced Growth Profile question. Ms. Ryan said she would think about options and report back to the Planning Commission before proposing this to Council. Ms. Ryan suggested the question is about transportation enhancements and the timing of those enhancements.
Andrew Miner, Principal Planner, presented the staff report. He said two letters were received after the report was completed and are provided on the dais. He said that one letter is from Mackenzie and Albritton LLP, representing Verizon, expressing concern about the type of permit that would be filed for telecommunications facilities in the public right-of-way, and another letter from a neighbor. Mr. Miner said also provided on the dais is a revised proposed draft ordinance changing the permit type from a Use Permit to a Design Review.

Comm. Melton discussed with staff the Joint Pole Association and whether they are a private association. Comm. Melton commented that he thinks, aesthetically, that joint poles are a disaster. Mr. Miner indicated that the City does not have authority on the placement of poles in the right of way. He said staff has included in this study proposed criteria to help lessen the aesthetic impact of wireless equipment mounted on poles. Kathryn Berry, Senior Assistant City Attorney, discussed a case referred to in the Mackenzie and Albritton LLP letter and commented about City poles. Mr. Miner further discussed City poles, undergrounding of utilities and residential neighborhoods, and heights of light poles and joint poles. He said the wireless companies are looking for height. Comm. Melton commented that on his street, there are joint poles with street lights attached.

Vice Chair Dohadwala said she is happy to hear that the wireless poles are not permitted in the backyard of residential areas and discussed with staff the undergrounding of utilities in regards to wireless carriers and Use Permits versus Design Reviews. Trudi Ryan, Planning Officer, provided an example of a Design Review. Ms. Berry provided further clarification about what is in the City’s purview regarding cell towers which includes regulating the time, place, manner and aesthetics of the poles. Ms. Berry discussed what the City cannot impose or prohibit and the considerations that must be balanced by the City. Ms. Berry said the residential areas are not well covered by cell service. Mr. Miner added issues are not the same in industrial areas and residential areas, and discussed how microcells versus macrocells are meant to augment the existing network.

Comm. Hendricks discussed with staff utility poles in residential backyards, easements on residential properties and the public right-of-way. Comm. Hendricks asked staff about light poles, joint poles and aesthetics. Ms. Berry and Mr. Miner addressed the issues of reviewing the aesthetics and differences of light poles and joint poles. Mr. Miner commented about the differences in leases and who can collect fees. Ms. Berry discussed the proposed ordinance and the 300-foot notice to allow public input about the aesthetics in the Design Review process. Comm. Hendricks further discussed aesthetics and the approval process with staff. Ms. Berry noted legal aspects. Comm. Hendricks expressed concern about aesthetics being the only tool to regulate and yet we cannot define what designs should
Chair Larsson opened the public hearing.

Randy Okumura, External Affairs with AT & T, said he appreciates the discussion and the ordinance and the lead that Sunnyvale is taking on this issue. He commented about the time it takes to process an application. He said he supports the notion of the encroachment permit with some flexibility in the design. He said he respects that the Planning Commission has many different designs and configurations to consider.

Mei-Ling Stefan, a Sunnyvale resident, said she understands this study was motivated by microcell applications and discussed her concern about 65 foot cell towers and macrocell criteria. She discussed the different types of permits for different types of cell applications including Use Permits and Miscellaneous Plan Permits. She said she would like the proposed ordinance to specify that it is for microcells only, and would like a decrease in the allowed height of the poles from the stated 65 feet. She said she thinks antennas look better on light poles than on utility poles. She said smaller antennas would create less impact than larger antennas and she hopes the Design Review for aesthetics would also include review of the structural integrity of the related pole.

Chair Larsson closed the public hearing.

Comm. Melton discussed with staff Design Review permits and the decision makers for these reviews. Comm. Melton discussed with staff points brought up by the speaker including structural integrity of poles, and the 65 foot pole height.

Chair Larsson discussed with staff macrocells and poles. He noted that with the many changes cellular technology, that the ordinance should not specify only microcells.

Comm. Hendricks asked staff about the revised draft ordinance in regards to changing Use Permits to Design Reviews with staff saying the revision of the permit type to a Design Review is clearer.

Chair Larsson discussed with staff about revoking different types of permits including Use Permits or encroachment permits. Ms. Berry explained that an encroachment permit is normally temporary.

Comm. Melton made a motion that included the revised ordinance on the dais, to recommend to City Council Alternatives 1 and 2 with modifications to: 1. Adopt Design Guidelines for Wireless Facilities on Joint Poles in the Right-of-way. 2. Introduce an ordinance to amend the Zoning Code to regulate telecommunication facilities located in the right-of-way with the following permit requirements:
   a. Require a Design Review with Public Hearing for wireless applications on utility or light poles located in Heritage Landmark or Resource areas, within 300 feet of a Heritage Landmark or Resource or adjacent to a park or school, or if the Director of Community Development determines that the facility creates a visual impact or is not in keeping with the visual character of the surrounding area based on criteria defined in the Zoning Code.
b. Design Review with Public Hearing for any other pole facility other than that described in a.

Comm. Hendricks seconded the motion.

Comm. Melton said he learned a lot from this study and thinks the staff and citizen oversight about what is aesthetically acceptable is good. He said he likes the concept that the City retains the rights for time, place and manner for situations regarding structural integrity.

Comm. Hendricks said he thinks this issue came about because there is a gap in the code and he likes the fact that the City is putting something in place. He said he has concerns about the aesthetics.

Chair Larsson said he would be supporting the motion and he is glad we are using an existing process.

Comm. Kolchak said he would be supporting the motion and commended Comm. Melton on his comments. He said it is important to have solid guidelines.

Vice Chair Dohadwala said she would be supporting the motion and that she agrees with Comm. Hendricks that there was a gap in the code that this fills.

ACTION: Comm. Melton made a motion on 2012-7246 to recommend to City Council Alternatives 1 and 2 with modifications to: 1. Adopt Design Guidelines for Wireless Facilities on Joint Poles in the Right-of-way. 2. Introduce an ordinance to amend the Zoning Code to regulate telecommunication facilities located in the right-of-way with the following permit requirements:

a. Require a Design Review with Public Hearing for wireless applications on utility or light poles located in Heritage Landmark or Resource areas, within 300 feet of a Heritage Landmark or Resource or adjacent to a park or school, or if the Director of Community Development determines that the facility creates a visual impact or is not in keeping with the visual character of the surrounding area based on criteria defined in the Zoning Code.

b. Design Review with Public Hearing for any other pole facility other than that described in a.

Comm. Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on November 13, 2012.
NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Melton and Trudi Ryan, Planning Officer, discussed a cut-off time for written comments to the Planning Commission.

Vice Chair Dohadwala and Ms. Ryan discussed Place of Assembly uses.

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan discussed Planning-related items considered by City Council at their October 16, 2012 meeting and discussed Planning-related items that would be considered at the October 30, 2012 meeting.

Ms. Ryan informed the Commission of the hiring of two planners.

Ms. Ryan welcomed new Planning Commissioner Olevson.

INFORMATION ONLY ITEMS

None

ADJOURNMENT

With no further business, the Commission meeting adjourned 11:56 p.m.

Respectfully submitted,

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Trudi Ryan
Planning Officer