



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **July 22, 2009**

TO: **Mayor and Members of the City Council**

FROM: **Hanson Hom, Community Development Director** *Hanson Hom*

THROUGH: **Gary Luebbers, City Manager** *Gary Luebbers*

RE: **Opportunity for Council to appeal decisions of the Planning Commission of July 13, 2009 and the Administrative Hearing of July 15, 2009.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

Attachments: A. Planning Commission Action Summary *3 12*
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
July 13, 2009
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

1. General Plan Updates (*45 minutes*)
1. Public Comment on Study Session Agenda Items (*5 minutes*)
2. Comments from the Chair (*5 minutes*)

8:00 PM – Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Harriet Rowe presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Harriet Rowe; Vice Chair Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; Commissioner Dianne McKenna; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Staff Present: Trudi Ryan, Planning Officer; Rebecca Moon, Assistant City Attorney; Robert Walker, Assistant City Manager; Suzanne Ise, Housing Officer; Gerri Caruso, Principal Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS/CITIZENS TO BE HEARD

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. 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.

APPROVAL OF MINUTES of June 22, 2009

Comm. Klein moved to approve the minutes of June 22, 2009. Comm. Travis seconded. Motion carried 6-0-1, with Comm. McKenna abstaining, except for the Design Guidelines for the Eichler Homes item where the motion carried 5-0-2 with Comm. Hungerford and Comm. McKenna abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

1. Election of Chair

Chair Rowe opened the floor for nominations for Chair.

Comm. McKenna nominated Vice Chair Chang to serve as Chair for the 2009-2010 year. There were no further nominations.

Chair Rowe closed the nominations.

ACTION: Comm. McKenna nominated Vice Chair Chang to serve as Chair of the Planning Commission for the 2009-2010 year. Vote was unanimous, 7-0.

Chair Chang exchanged seats with outgoing Chair Rowe.

Chair Chang presided over the remainder of the meeting.

ROLL CALL was retaken.

Members Present: Chair Bo Chang; Commissioner Charles Hungerford; Comm. Larry Klein; Commissioner Dianne McKenna; Commissioner Harriet Rowe; Commissioner Brandon Sulser; and Commissioner Nick Travis.

2. Election of Vice Chair

Chair Chang opened the floor for nominations for Vice Chair.

Comm. McKenna nominated Comm. Travis to serve as Vice Chair for the 2009-2010 year. There were no further nominations.

Chair Chang closed the nominations.

ACTION: Comm. McKenna nominated Comm. Travis to serve as Vice Chair of the Planning Commission for the 2009-2010 year. Vote was unanimous, 7-0.

3. Selection of Seats

Chair Chang said that the Commission would select the seating arrangement for the 2009-2010 year. Trudi Ryan, Planning Officer, explained the process for seat selection. Vice Chair Travis said, he would choose seat three. Chair Chang asked the

Commissioners for their preference by order of seniority resulting in the following seating arrangement: Comm. McKenna, seat one; Comm. Sulser, seat two; Vice Chair Travis, seat three; Chair Chang, seat four; Comm. Klein, seat five; Comm. Hungerford, seat six; and Comm. Rowe, seat seven.

Ms. Ryan said the new seating arrangement would begin at the July 27, 2008 Planning Commission meeting.

4. Consider Creation of a Distribution List Linking E-mail Addresses to Geographic Mailing Addresses (Study Issue) – JP / RW

ACTION: Comm. Klein made a motion to recommend that City Council: provide opportunity for members of the public to voluntarily subscribe to a list serve or other database function linking e-mail addresses to physical street addresses; continue current staff efforts directed toward the implementation for systems whereby members of the public are able to subscribe, on a non-address-specific basis, to services notifying them of changes to Web site listings and other topic-based information items; create a single website identifying all possible online City transactions, as well as a link from that website to each individual website where online transactions can be made; to direct the city manager to have staff continue to use its best judgment to determine the most efficient and cost effective method, *including key word notification on e-mail*, to convey public notices, provided that specific noticing methods described in the Sunnyvale Municipal Code are adhered to. Comm. McKenna seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the July 28, 2009 Council meeting.

5. **2008-0489:** Update of the Housing and Community Revitalization Sub-Element of the General Plan (2009 through 2014) and adoption of a Negative Declaration under CEQA. SI, SB (*Continued from June 22, 2009.*)

ACTION: Comm. McKenna made a motion on 2008-0489 to recommend to City Council to amend the General Plan by adopting the 2009-2014 Housing and Community Revitalization Sub-element as shown in Attachment B, to replace the current Housing and Community Revitalization Sub-element and adopt the Negative Declaration provided in Attachment C. Comm. Sulser seconded. Motion carried 6-1, with Comm. Klein dissenting.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the August 11, 2009 Council meeting.

6. Council Referral of: **Follow-up to Council Study Issue (RTC 09-090):** Determine Enforceability of CC&Rs for Violations to City Code and Project Approvals - RZ *(Referred from the June 23, 2009 City Council meeting, RTC 09-164.)*

ACTION: Planning Commission provided comments on the report. Trudi Ryan, Planning Officer, said that the discussion and recommendations noted from this evening would be forwarded to City Council and that the Planning Commission would be advised of the date the Council would be considering this item.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Vice Chair Travis congratulated Planning Officer **Trudi Ryan** on her recent 20-year anniversary of working for the City of Sunnyvale.

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan commented about planning related items considered by City Council at their June 23, 2009 meeting and planning related items to be considered at the City Council meeting of July 14, 2009.

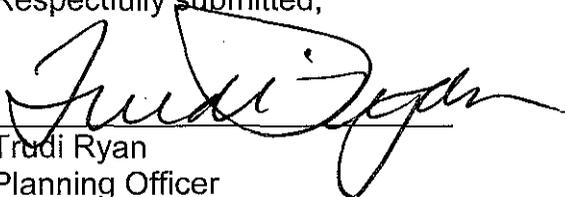
Other Staff Oral Report - None

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 11:00 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, July 15, 2009

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

location	1004 Essex Avenue (APN: 110-11-001)
file number/ proposed project	2009-0384: Application for a Variance from the Sunnyvale Municipal Code section 19.48.020 to allow a front yard fence in the driveway vision triangle.
project planner	Shaunn Mendrin, 408-730-7429, smendrin@ci.sunnyvale.ca.us.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, July 30, 2009.

location	1257 Tasman Drive (APN: 104-58-007)
file number/ proposed project	2009-0452: Application for a Use Permit to allow a recreational use (fitness training studio).
applicant/owner	Catalyst Athletics / Tasman Drive LLC
project planner	Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, July 30, 2009.

location	731 S. Wolfe Road (APN: 211-05-030)
file number/ proposed project	2009-0398: Application for a Special Development Permit to allow a banquet/party hall adjacent to an existing restaurant (Athidi).
applicant/owner	Athidi Restaurant / Wolfe Reed Properties LLC Et Al
project planner	Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us.

ACTION: The application was taken under advisement until Thursday, July 16, 2009. On that day, the Administrative Hearing Officer approved the application subject to the findings and conditions of approval located in the staff report with a modification to condition 3.A. regarding amplified noise from recorded entertainment.

APPEAL OPTIONS: May be appealed to the Planning Commission by Friday, July 31, 2009.

location	810 Parnell Place (APN: 316-04-069)
file number/ proposed project	2009-0441: Application for a Use Permit to allow an 8' tall side yard fence.
project planner	Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us.

ACTION: Approved the application subject to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, July 30, 2009.

location	589 Endicott Drive (APN:323-29-027)
file number/ proposed project	2009-0443: Application for a Use Permit to allow an 8'-3" tall side yard fence.
project planner	Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us.

ACTION: Approved subject to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, July 30, 2009.