



**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **October 22, 2009**

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

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

THROUGH: **Gary Luebbers, City Manager** 

RE: **Opportunity for Council to appeal decisions of the Planning Commission of October 12, 2009 and the Administrative Hearing of October 14, 2009.**

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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  
B. Administrative Hearing Action Summary



**DRAFT MINUTES  
SUNNYVALE PLANNING COMMISSION**

**October 12, 2009**

**456 West Olive Avenue, Sunnyvale, CA 94086**

**The Study Session regularly scheduled for 7:00 PM  
is cancelled.**

**8:00 PM – Public Hearing – Council Chambers**

The Planning Commission met in regular session with Chair Bo Chang presiding.

**CALL TO ORDER/SALUTE TO THE FLAG**

**ROLL CALL**

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

Members Absent: Commissioner Dianne McKenna (excused); Commissioner Harriet Rowe (excused).

Staff Present: Trudi Ryan, Planning Officer; Deputy Chief Mark Stivers, Department of Public Safety; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Steve Lynch, Senior Planner; Jenny Shain, Department of Community Services, Part-time Manager, Special Projects; 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 September 28, 2009**

**Comm. Sulser moved to approve the minutes of September 28, 2009. Comm. Klein seconded. Motion carried 4-0-1, with Vice Chair Travis abstaining, Comm. McKenna absent, and Comm. Rowe absent.**

**PUBLIC HEARINGS/GENERAL BUSINESS**

1. **2009-0066: La Ronda Night Club [Applicant] Maple Leaf Investments II LLC [Owner]** - Appeal of a decision of the Administrative Hearing Officer by a Council Member for a Special Development Permit to allow the expansion of an existing restaurant with live entertainment (La Ronda Night Club) into an existing restaurant space for an additional 534 square feet. The property is located at **927 E. Duane Avenue** (in Fair Oaks Plaza Shopping Center) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 205-12-001) SL **(Continued from September 14, 2009.)**

**ACTION: Comm. Klein made a motion on 2009-0066 to grant the appeal and approve the Special Development Permit subject to the conditions of approval by the Administrative Hearing Officer with modified conditions: to change the hours in condition 2.D that the rear doors shall be kept shut at all times from "9:00 a.m. to midnight" all days of the week; that 80% of the tables will be set up during normal hours of operation; and as part of the compliance review, that the applicant be required to provide dBA (decibel A) and dBC noise logs as part of the six month review. Comm. Travis seconded. Motion carried, 4-1, with Comm. Hungerford dissenting, and Comm. McKenna and Comm. Rowe absent.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than October 27, 2009.**

2. **2009-0599: Clearwire LLC [Applicant] J J and W CO [Owner]** - Application for a project located at **1175 Aster Avenue** in an M-3/ITR/R-3/PD (General Industrial/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. Special Development Permit to allow installation of three panels and three microwave dishes on an existing 65' tall telecommunications monopole and associated ground equipment. (APN:213-01-034) NC

**ACTION: Comm. Sulser made a motion on 2009-0599 to approve the Special Development Permit with attached conditions. Comm. Klein seconded. Motion carried, 5-0, with Comm. McKenna and Comm. Rowe absent.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than October 27, 2009.**

**3. Amendment of General Plan Open Space and Recreation Sub-Element to Incorporate New Policies Identified During Parks of the Future Study – JS, SB**

**ACTION:** Comm. Hungerford made a motion to recommend to City Council to approve the attached resolution (Attachment A) enacting a General Plan Amendment to add five policies identified through the Parks of the Future Study to the Open Space and Recreation Sub-Element of the General Plan with modifications: to add language to the guidelines clarifying that it may not be possible to include all the minimum requirements for smaller parks in each category; and to make sure the design guidelines clearly reflect the universal amenities that would be included in all parks. Comm. Sulser seconded. Motion carried, 5-0, with Comm. McKenna and Comm. Rowe absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council and is scheduled to be considered at the October 27, 2009 Council meeting.

**4. Amendment of Ordinances 18.10 and 19.74 Relating to Park Dedication: Raising the Facility Standard from 1.25 Acres per 1,000 Population to 3.0 Acres over Three Years – JS, SB**

**ACTION:** Comm. Klein made a motion to recommend to City Council: to adopt the attached amendments to City Municipal Code Title 18 (Subdivisions) Chapter 18.10, Parks and Open Space Dedication and Title 19 (Zoning) Chapter 19.74, Park Dedication Fees for Rental Housing Projects; raising the facility standard from the existing standard of 1.25 acres per 1,000 additional residents to 3.0 acres per 1,000 over three years; to adopt amendments to City Municipal Code and, to direct staff to reevaluate the acreage requirements for housing densities as soon as possible when there is more current information on persons per dwelling unit. Comm. Sulser seconded. Motion carried, 5-0, with Comm. McKenna and Comm. Rowe absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council and is scheduled to be considered at the October 27, 2009 Council meeting.

5. 2007-0764: Zoning Code Amendments for Single-Family Home Development Standards  
- DO

**ACTION:** Comm. Klein made a motion on 2007-0764 to recommend to City Council to Adopt Ordinance A as in Attachment A, which implements those portions of the Council's 2008 action relating to policy changes 1-4; to adopt Ordinance B as in Attachment B, which implements an alternative form of proportional setbacks; and to adopt the proposed modifications to the Single Family Home Design Techniques as described in Attachment E with modifications: to add language to the ordinance in Attachment A to be consistent with the recently recommended fence ordinance; and to add language to the Design Techniques in Attachment D that the three foot additional setback for second stories applies to both sides and the rear of the home. Vice Chair Travis seconded. Motion carried, 5-0, with Comm. McKenna and Comm. Rowe absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council and is scheduled to be considered at the October 27, 2009 Council meeting.

6. 2007-0764: Zoning Code Amendments for Accessory Structures - DO

**ACTION:** Vice Chair Travis made a motion on 2007-0764 to recommend to City Council to adopt the Ordinance in Attachment A, which implements staff's recommended modifications to the shed ordinance. Comm. Sulser seconded. Motion carried, 5-0, with Comm. McKenna and Comm. Rowe absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council and is scheduled to be considered at the October 27, 2009 Council meeting.

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

**Ms. Ryan** discussed the Joint Study Session of the Planning Commission and the City Council on October 6, 2009 consolidating the General Plan and said that she would brief the Commissioners who were unable to attend later. She said City Council would be considering a report regarding the General Plan Consolidation at their October 20, 2009 meeting.

Other Staff Oral Report

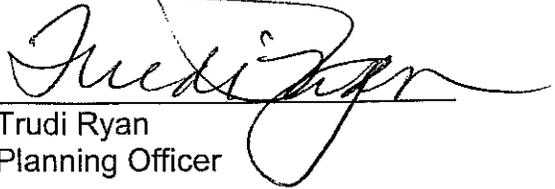
**Gerri Caruso** said staff is updating the Land Use and Transportation Element and part of the update process is to collect community input. She said three outreach meetings are scheduled for November as follows: Thursday, November 5, 2009 at 7:00 p.m. at the Washington Park Building; Saturday, November 7, 2009 at 10:00 a.m. at the Senior Center; and Thursday, November 12, 2009 at 7:00 p.m. at the Fair Oaks Park Building.

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business, the Commission meeting was adjourned at 11:15 p.m.

Respectfully submitted,

  
Trudi Ryan  
Planning Officer



## ADMINISTRATIVE HEARING

**ACTION SUMMARY**  
**Wednesday, October 14, 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:

<b>location</b>	<b>1119 Lawrence Expressway (APN: 110-23-110)</b>
<b>file number/ proposed project</b>	<b>2009-0509:</b> Use Permit to allow a second carrier to add three panel antennas and three microwave dishes and a GPS antenna on the existing roof.
<b>environmental review</b>	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
<b>applicant/owner</b>	<b>BCI Sites for Clearwire / Dicks Lakewood Corp</b>
<b>project planner</b>	<b>Shaunn Mendrin, 408-730-7429, smendrin @ci.sunnyvale.ca.us.</b>

**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, October 29, 2009.**

<b>location</b>	<b>1209 W Remington Drive (APN: 198-43-024)</b>
<b>file number/ proposed project</b>	<b>2009-0508:</b> Use Permit and Variance to allow a second carrier add three panel antennas and three microwave dishes on an extension of the existing lattice tower and associated radio cabinet on the ground.
<b>environmental review</b>	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
<b>applicant/owner</b>	<b>BCI Sites For Clearwire / Pacific Gas And Electric Company</b>
<b>project planner</b>	<b>Shaunn Mendrin, 408-730-7429, smendrin @ci.sunnyvale.ca.us.</b>

**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, October 29, 2009.**

<b>location</b>	<b>455 East Maude Avenue</b> (APN: 204-14-040)
<b>file number/ proposed project</b>	<b>2009-0634:</b> Use Permit to allow a 1,380 square foot addition to the sanctuary building and other site improvements at El Monte Hored Church.
<b>applicant/owner</b>	El Monte Hored Church
<b>environmental review</b>	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
<b>project planner</b>	<b>Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us.</b>

**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, October 29, 2009.**

<b>location</b>	<b>720 Kifer Road</b> (APN: 205-48-002)
<b>file number/ proposed project</b>	<b>2009-0523:</b> Use Permit to extend an existing 96-foot tall PG&E tower to 100 feet to allow a second carrier to add three panel antennas, three microwave dishes and associated ground equipment
<b>environmental review</b>	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
<b>applicant/owner</b>	Clearwire LLC / Pacific Gas and Electric
<b>project planner</b>	<b>Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us.</b>

**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, October 29, 2009.**