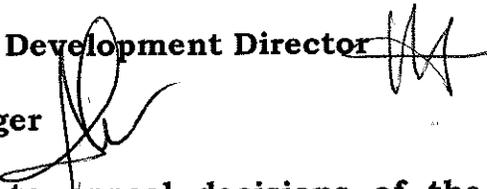


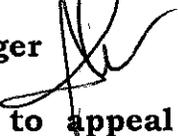


**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **February 4, 2010**

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 January 25, 2010 and the Administrative Hearing of January 27, 2010.**

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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 the Planning Commission meeting videos are available on the City's web site. One set of reports and draft 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  
January 25, 2010  
456 West Olive Avenue, Sunnyvale, CA 94086**

**SPECIAL START TIME - 7:15 PM  
Study Session – West Conference Room**

1. Overview of State Landscaping Water Conservation Regulations *(30 minutes)*
2. Public Comment on Study Session Agenda Items *(5 minutes)*
3. Comments from the Chair *(5 minutes)*

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

The Planning Commission met in regular session with Chair 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; Commissioner Dianne McKenna; Commissioner Harriet Rowe; and Commissioner Brandon Sulser.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, 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 January 11, 2010**

**Comm. Rowe moved to approve the minutes of January 11, 2010. Vice Chair Travis seconded. Motion carried, 7-0.**

## PUBLIC HEARINGS/GENERAL BUSINESS

1. **2009-0762:** Design Review to allow an approximate 358 square foot single story addition to the rear of the house for a total of 2,879 square feet and a 52% Floor Area Ratio for a site located at **1564 Grackle Way** (APN: 309-33-008) SM

**ACTION:** Comm. McKenna made a motion on 2009-0762 to approve the Design Review with the conditions in Attachment B. Comm. Klein seconded. Motion carried, 7-0.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than February 9, 2010.

2. **2009-0851:** Clearwire LLC [Applicant] C P K Family LP et al [Owner] - Special Development Permit to allow a fourth wireless telecommunications carrier including three panel antennas and three microwave dishes within an approximate 13' tall cupola (Friendship Inn) for a site located at **958 E El Camino Real** (APN: 313-02-034) RK

**ACTION:** Vice Chair Travis made a motion on 2009-0851 to approve the Special Development Permit with attached conditions. Comm. Rowe seconded. Motion carried, 7-0.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than February 9, 2010.

## NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

**Trudi Ryan** said there were no Planning related items on the January 12, 2010 City Council meeting agenda. She said at the January 26, 2010 Council meeting, there is an agenda item to select two Councilmembers for the General Plan Consolidation Advisory Committee. She said the annual Study Issue Workshop is scheduled for Friday, January 29, 2010 beginning at 8:30 a.m. in the Council Chambers.

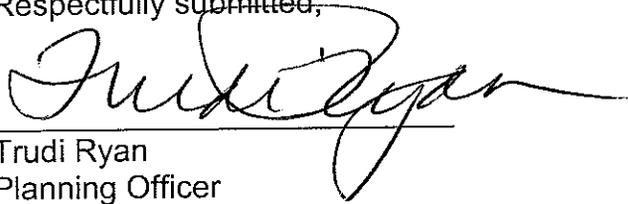
Other Staff Oral Report

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business, the Commission meeting was adjourned at 8:24 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Trudi Ryan", written over a horizontal line.

Trudi Ryan  
Planning Officer



## ADMINISTRATIVE HEARING

### ACTION SUMMARY

Wednesday, January 27, 2010

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>                              | 590 Old San Francisco Road (APN: 211-01-023)                                                                                                                                          |
| <b>file number/<br/>proposed<br/>project</b> | <b>2009-0896:</b> Special Development Permit to demolish an existing 3,150 square foot restaurant building and construct a new 7,200 square foot retail building and shopping center. |
| <b>applicant/owner</b>                       | William Jacobson / Old San Francisco Rd LLC                                                                                                                                           |
| <b>environmental<br/>review</b>              | A Class 3 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 with a modification to condition 6.D regarding the preservation of two existing trees and added condition 4.D. regarding the hours of operation.

**APPEAL OPTIONS:** May be appealed to the Planning Commission by Thursday, February 11, 2010.

|                                          |                                                                                                                                |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>location</b>                          | 1651 Belleville Way (APN: 320-01-002)                                                                                          |
| <b>file number/<br/>proposed project</b> | <b>2009-0898:</b> Special Development Permit to add 16 bedrooms to an existing 170-unit apartment complex.                     |
| <b>applicant/owner</b>                   | <b>Brookside Oaks Apartments / The Oakbrook Company</b>                                                                        |
| <b>environmental<br/>review</b>          | A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines |
| <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, February 11, 2010.

|                                          |                                                                                                                                |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>location</b>                          | 677 Torrington Drive (APN: 202-09-012)                                                                                         |
| <b>file number/<br/>proposed project</b> | <b>2009-0927:</b> Use Permit to allow a 110 square-foot, 9'3" tall shed in the front yard.                                     |
| <b>environmental<br/>review</b>          | A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines |
| <b>project planner</b>                   | <b>Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us.</b>                                                                  |

**ACTION: Approved subject to the findings and the conditions of approval located in the staff report and added condition 5 that the work be completed by June 1, 2010.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 11, 2010.**

|                                          |                                                                                                                                                       |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>location</b>                          | 477 E. Evelyn Avenue (APN: 209-04-054)                                                                                                                |
| <b>file number/<br/>proposed project</b> | <b>2009-0940:</b> Use Permit to allow expansion of an existing physical therapy office into the adjacent tenant space in an existing office building. |
| <b>applicant/owner</b>                   | Breakthrough Physical Therapy / Evelyn Ave Assocs LLC                                                                                                 |
| <b>environmental<br/>review</b>          | A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines                        |
| <b>project planner</b>                   | <b>Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us.</b>                                                                                         |

**ACTION: Approved subject to the findings and revised conditions of approval located with the minutes of this item.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 11, 2010.**

|                                          |                                                                                                                                    |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>location</b>                          | 1183 W El Camino Real (APN: 161-23-003)                                                                                            |
| <b>file number/<br/>proposed project</b> | <b>2009-0345:</b> Special Development Permit to allow a nightclub with entertainment, including karaoke, with full liquor service. |
| <b>applicant/owner</b>                   | Virginia Joe/Henry Nigro Et Al                                                                                                     |
| <b>environmental<br/>review</b>          | A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines     |
| <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 adding condition 3.F. requiring that the business provide an employee manual to employees.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 11, 2010.**