



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **May 6, 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 April 26, 2010 and the Administrative Hearing of April 28, 2010.**

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**

April 26, 2010

456 West Olive Avenue, Sunnyvale, CA 94086

7:00 PM - Study Session – West Conference Room

1. **BAAQMD** (Bay Area Air Quality Management District) **Update** - GC (20 minutes)
 - **Clean Air Plan**
 - **CEQA Guidelines**
 - **Process to approve**
2. **Design Review - Questions and Answers – SM** (25 minutes)
3. **Public Comment on Study Session Agenda Items** (5 minutes)
4. **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; Shaunn Mendrin, Senior 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 April 12, 2010

Vice Chair Travis moved to approve the minutes of April 12, 2010. Comm. Klein seconded. Motion carried 6-0-1, with Comm. Rowe abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2009-0672:** Application for a Design Review to construct a new two story single family home with an attached garage totaling an approximate 2,323 square feet with an Floor Area Ratio of 52% for a site at **693 W. McKinley Avenue** (APN: 165-12-059) SM (*Continued from April 12, 2010*)

ACTION: Comm. McKenna made a motion on 2009-0672 to approve the Design Review with the conditions in Attachment B. Comm. Sulser seconded. Motion carried 6-1, with Comm. Rowe dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than May 11, 2010.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Hungerford commented about the General Plan Consolidation Advisory Committee meeting of April 22, 2010. He explained the Committee's goals and core issues with the consolidation including reducing the size of the Plan, keeping the key elements, and making the Plan user-friendly. He said the Committee debated the issues with most of the members feeling that nothing should be taken out of the Plan except possibly duplicate information, and information that does not really belong in the Plan. Comm. Hungerford said a second big issue is what the Plan should look like including a heavy emphasis on having an electronic version, however the law requires there be a paper version. He said the format is being explored. He said at the next meeting the Committee would be exploring what can be done electronically and costs. He said the next meeting is on May 27, 2010 at 7 p.m. located in the West Conference Room in City Hall and said that it is open to the public.

Comm. McKenna said that she recalls a General Plan document from the County of Santa Clara years back that looked like a newspaper. She suggested that the Committee take a look at the newspaper style format for the General Plan and consider this style with links to a more

extensive General Plan. Comm. Hungerford said the Committee did see examples of a couple of Plans similar to her suggestion.

Comm. Rowe said that the IT (Information Technology) Department would need to provide input on the cost of keeping links updated if an extensive version of the General Plan is available through links.

Trudi Ryan, Planning Officer, said staff is recruiting for a different committee called *Horizon 2035*. She said this committee would assist staff in crafting the goals and policies associated with the Land Use and Transportation Element and the Climate Action Plan. She said any interested resident, business owner, or property owner of Sunnyvale, 16 or older, is eligible to apply. Ms. Ryan said additional information could be found on the City website at Horizon2035.insunnyvale.com and encouraged interested persons to submit their application by the April 30, 2010 deadline.

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan, Planning Officer, commented about Planning related items to be considered at the April 27, 2010 City Council meeting.

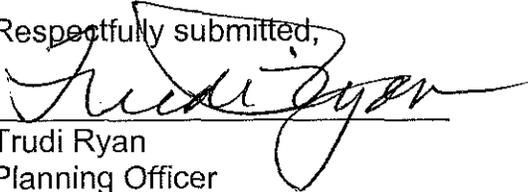
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 8:40 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, April 28, 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:

location	484 N. Mathilda Avenue (APN: 204-32-004)
file number/ proposed project	2010-7053: Special Development Permit to allow modification to a previously approved permit for a recycling center.
applicant/owner	Nexcycle / Lucky (del) Nocal Lease Investor LLC
environmental review	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
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 with modifications to condition 2 changing the time frame from two years to one and condition 6 regarding future modifications to the hours of operation.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, May 13, 2010.

location	930 E. California Ave. (APN: 205-35-003)
file number/ proposed project	2010-7176: Use Permit to allow a new vehicle towing yard.
applicant/owner	Fortes Bros. Towing / Hickey Properties LLC
environmental review	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
project planner	Steve Lynch, 408-730-2723, slynch@ci.sunnyvale.ca.us.

ACTION: Approved subject to the findings and conditions of approval located in the staff report with modifications to condition 2 changing the time frame from two years to one and condition 6 changing the hours of operation to 24 hour.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, May 13, 2010.