DATE:       June 24, 2010

TO:         Mayor and Members of the City Council

FROM:       Hanson Hom, Community Development Director

THROUGH:    Gary Luebbers, City Manager


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
The Study Session regularly scheduled for 7:00 p.m. is canceled.

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 Harriet Rowe; and Commissioner Brandon Sulser.

Member Absent: Commissioner Dianne McKenna (unexcused absence).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Noren Caliva, Associate 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 May 10, 2010

Vice Chair Travis moved to approve the minutes of May 10, 2010. Comm. Rowe seconded. Motion carried 6-0, with Comm. McKenna absent.
PUBLIC HEARINGS/GENERAL BUSINESS

1. 2010-7260 - San Jose Korean Presbyterian Church [Applicant] Silicon Valley, LLC [Owner] Use Permit to allow a place of assembly (San Jose Korean Presbyterian Church) within an existing industrial building on a site located at 770 Lucerne Drive (Negative Declaration) (APN: 205-32-004). NC

   ACTION: Comm. Rowe made a motion on 2010-7260 to approve the Use Permit with modified conditions: modifying condition 19.a to read “A maximum of 252 seats may be installed within the sanctuary. Any future increase in the number of seats in the sanctuary is subject to Planning review and approval.” Comm. Klein seconded. Motion carried 6-0, with Comm. McKenna absent.

   APPEAL OPTIONS: This action is final unless appealed to the City Council no later than June 29, 2010.

2. Review of Proposed FY 2010-2011 Budget for Land Use Planning Program – TR

   ACTION: Comm. Klein made a motion to forward the comments of the Planning Commission regarding the Planning Program proposed budget to City Council. Comm. Rowe seconded. Motion carried 6-0, with Comm. McKenna absent.

   APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the June 29, 2010 City Council meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

  - Planning Commissioners Update on the General Plan Consolidation Advisory Committee (GPCAC)

    Comm. Klein provided an update on the GPCAC meeting of May 27, 2010. He said the meeting was very productive as the Committee looked at the goals and policies that are currently in the General Plan (GP), and considered what goals and policies should be in the GP and Council Policy Manual (CPM). He said the Committee decided for the majority of the items reviewed they would recommend to City Council that what is in the GP should stay in the
GP. He said there would be recommendation for some consolidation and the removal of repetition. He said the recommendation for some operational areas, i.e. Public Safety and Waste Management, would be to move these into the CPM. He said the Committee discussed different areas in the current GP and ways to separate the policies and goals so they make a little more sense, reflecting the visioning process that the City went through several years ago. He said a public outreach meeting to discuss the GP is set for July 13, 2010 at 7 p.m. with the location to-be-determined. He said these efforts are a step towards finalizing the recommendations that would be provided to City Council later in the year. Comm. Klein said it has taken a little time for the GPCAC to get their bearings for the direction they want to go, and that he thinks a lot of progress was made at this meeting.

- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, announced that on May 25, 2010 the City Council appointed three new Planning Commissioners, Maria Dohadwala, Glenn Hendricks, and Gustav Larsson. She congratulated them and said they would begin their terms in July.

Ms. Ryan commented about other Planning related items considered at the May 25, 2010 City Council meeting and Planning related items to be considered at the June 15, 2010 meeting.

Other Staff Oral Report

Ms. Ryan provided an update of the Land Use and Transportation Element (LUTE) and the Climate Action Plan (CAP). She said the Council appointed a sub committee to select an advisory committee, Horizon 2035, which is made up of 15 members. The first Horizon 2035 meeting will be held on June 21, 2010 and the first community outreach meeting regarding the CAP will be on June 30, 2010 in the Council Chambers. Ms. Ryan said she would keep the Commission informed and that the Planning Commission would eventually be providing formal recommendation to City Council based on recommendations from the Horizon 2035 committee.

Kathryn Berry, Senior Assistant City Attorney, provided an update on the status of the Palo Alto Medical Foundation (PAMF) litigation. She said a hearing date has been set for September 24, 2010 and would be
before Judge William Elfing in Downtown Superior Court (San Jose). She said three briefs are to be filed prior to the hearing. She said the lead attorneys are the PAMF attorneys and the City is working with them as the City is being sued.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer
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:

<table>
<thead>
<tr>
<th>location</th>
<th>910 E. California Avenue (APN: 205-34-009)</th>
</tr>
</thead>
<tbody>
<tr>
<td>file number/proposed project</td>
<td>2010-7319: Use Permit to allow a dog daycare within an existing industrial building.</td>
</tr>
<tr>
<td>applicant/owner</td>
<td>Sweet Doggies / Elizabeth Foss Trustee</td>
</tr>
<tr>
<td>environmental review</td>
<td>A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines</td>
</tr>
<tr>
<td>project planner</td>
<td>Shaunn Mendrin, 408-730-7429, <a href="mailto:smendrin@ci.sunnyvale.ca.us">smendrin@ci.sunnyvale.ca.us</a></td>
</tr>
</tbody>
</table>

**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 1, 2010.

<table>
<thead>
<tr>
<th>location</th>
<th>404 E. Evelyn Avenue (APN: 209-04-052)</th>
</tr>
</thead>
<tbody>
<tr>
<td>file number/proposed project</td>
<td>2010-7323: Special Development Permit to allow a commercial child care center for up to 30 children in an existing 1,380 square foot building.</td>
</tr>
<tr>
<td>applicant/owner</td>
<td>Samuel and Shirley Braeman / Shirley and Samuel Braeman Trustee</td>
</tr>
<tr>
<td>environmental review</td>
<td>A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines</td>
</tr>
<tr>
<td>project planner</td>
<td>Noren Caliva, 408-730-7637, <a href="mailto:ncaliva@ci.sunnyvale.ca.us">ncaliva@ci.sunnyvale.ca.us</a></td>
</tr>
</tbody>
</table>
ACTION: Approved subject to the findings and conditions of approval located in the staff report, adding condition 23 limiting the amount of children allowed in the outdoor play area to 6. Also adding condition 24 that acoustical fencing material be installed along the south fence line.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, July 1, 2010.