



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **July 22, 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 July 12, 2010. (The July 14, 2010 Administrative Hearing was canceled as there were no items scheduled.)**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing. The Planning Commission draft minutes 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



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
July 12, 2010**

456 West Olive Avenue, Sunnyvale, CA 94086

7:00 PM - Study Session – West Conference Room

1. **Development policies for redevelopment of sites within the downtown** (case study: 2010-7388 – 205 E. Washington Ave.) MH (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 Maria Dohadwala; Commissioner Glenn Hendricks; Commissioner Charles Hungerford; Commissioner Gustav Larsson; and Commissioner Brandon Sulser.

Staff Present: Trudi Ryan, Planning Officer; David Kahn, City Attorney; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; Steve Lynch, 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 June 28, 2010

Comm. Hungerford moved to approve the minutes of June 28, 2010. Vice Chair Travis seconded. Motion carried 4-0, with Comm. Dohadwala, Comm. Hendricks and Comm. Larsson abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

- 1. 2010-7357- Watry Design Inc. [Applicant] TWM Industries [Owner]: Special Development Permit to allow a new drive-thru at an existing fast-food restaurant (Carl's Jr.) for a site located at 1051 E. El Camino Real (APN: 213-38-002). RK (*Applicant requests continuance to July 26, 2010*)**

Trudi Ryan, Planning Officer, said the applicant has asked for a continuance to July 26, 2010 to allow time to provide additional information to staff. She says staff agrees and recommends the continuance.

ACTION: Comm. Sulser made a motion on 2010-7357 to continue this item to the July 26, 2010 Planning Commission meeting. Comm. Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This action serves as legal notification of the continuance of this item to the July 26, 2010 Planning Commission meeting.

- 2. 2010-7048 - O'Brien Homes/Sunnyvale Associates LLC and TRE B of A v WL Homes: Architectural and landscaping modifications for a previously approved project. Previous project included 242 condominium townhomes and a tentative map, as a specific project component of the Duane ITR General Plan Amendment and EIR Study for a site located at 920 - 962 East Duane Avenue (APN: 205-55-001 through 040). SL (*Continued from June 28, 2010*)**

ACTION: Vice Chair Travis made a motion on 2010-7048 to approve the Special Development Permit with the Conditions of Approval located in the report. Comm. Sulser seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than July 27, 2010.

3. **2009-0679 - Clearwire LLC [Applicant] Roman Catholic Welfare Corp Of San Jose Church of the Resurrection [Owner]:** Application for a Use Permit to allow the collocation of three antennas and one microwave dish on an existing 65' monopine with associated ground equipment (Resurrection Parish Church) for a site located at **1399 Hollenbeck Avenue (APN: 323-06-005)**. RK

ACTION: Comm. Sulser made a motion on 2009-0679 to approve the Use Permit with modified Conditions of Approval located in the report: to amend condition 15 to include that Clearwire also be required to provide an initial test for decibels and RF emissions in the surrounding neighborhood while the new antennas are being tested and before the facility is activated for commercial service. Motion carried, 6-0 with Comm. Larsson recusing himself.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 27, 2010.

4. **2010-7150 - Rezone Study Extending Place of Assembly Zoning to Properties along Mathilda Avenue in Peery Park - AM**

ACTION: Comm. Hendricks made a motion on 2010-7150 to recommend to City Council: take no action and do not change the zoning of the property. Vice Chair Travis seconded. Motion carried 4-3, with Chair Chang, Comm. Larsson, and Comm. Sulser dissenting.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at their meeting of July 27, 2010.

5. Election of Chair

Comm. Chang said it has been a pleasure and a privilege to serve with this Commission as the Chair this past year. He said the Commissioners have been very professional and dedicated.

Ms. Ryan said Council Policy is that each year the Boards and Commissions select their chair and vice chair at the end of their first meeting in July to allow time for the chairs and vice chairs to receive training. She explained the election process.

ACTION: Comm. Sulser nominated Vice Chair Travis to serve as the Chair of the Planning Commission for the 2010-2011 year. Vote was unanimous, 7-0.

6. Election of Vice Chair

Chair Chang asked staff the seniority of the Commissioners.

Ms. Ryan said the seniority of the four most senior Commissioners is: Comm. Hungerford, Comm. Sulser, Comm. Chang, and Comm. Travis. She said the City Council modified the appointment process and the three new commissioners were appointed at the same time. She said that before the start of tonight's meeting she wrote the three new Commissioner's names on pieces of paper and had **Kathryn Berry**, Senior Assistant City Attorney, select the names for seniority purposes. The seniority of the three new commissioners for this year is: Comm. Dohadwala, Comm. Hendricks and Comm. Larsson.

Chair-elect Travis nominated Comm. Hungerford for Vice Chair. Comm. Hungerford respectfully declined the nomination as he will term out as a commissioner in June 2011. Comm. Hungerford nominated Comm. Dohadwala for Vice Chair. Comm. Dohadwala respectfully declined the nomination saying she would like a little more time as a Commissioner before taking the responsibility of the Vice Chair. Comm. Sulser nominated Comm. Hendricks who accepted the nomination.

ACTION: Comm. Sulser nominated Comm. Hendricks to serve as the Vice Chair of the Planning Commission for the 2010-2011 year. Vote was unanimous, 7-0.

7. Selection of Seats

Ms. Ryan explained the seating selection process. The results of the selection resulted in the following seating arrangement: Comm. Larsson, seat one; Comm. Chang, seat two; Vice Chair Hendricks, seat three; Chair Travis, seat four; Comm. Sulser, seat five; Comm. Hungerford, seat six; and Comm. Dohadwala, seat seven.

Ms. Ryan said the new seating arrangement would begin at the July 26, 2010 Planning Commission meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Hungerford said he would like to add to a future agenda the discussion of a possible Study Issue resulting from this evening's Study Session regarding parking requirements in the downtown district. Ms. Ryan recommended the issue be included on the August 9, 2010 Planning Commission agenda to allow staff time to prepare the Study Issue paper.

Comm. Hungerford reported about the General Plan Consolidation Advisory Committee meeting of June 24, 2010. He said there is an Outreach meeting to receive input from the public regarding the reformatting of the General Plan scheduled for July 13, 2010 from 7 to 8 p.m. in The Sequoia Room at the Senior Center. He said on July 29, 2010, the Advisory Committee would meet for the last time to discuss primarily the format and visual appearance of the consolidated documents. He said the meeting is open to the public, begins at 7 p.m., and is located in the West Conference Room in City Hall. He said a sub-committee has also been formed to work on the technical issues related to the consolidation, e.g. the website.

- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, commented regarding Planning related items considered at the June 29, 2010 City Council meeting. She said one of the issues discussed was the extension of the moratorium affecting the sale and distribution of medical marijuana in Sunnyvale. She said the City Website contains more information on Sunnyvale's plans for considering this issue and that Andrew Miner, Principal Planner, is the staff contact for the item.

Ms. Ryan said the Land Use and Transportation Element Advisory Committee, named Horizon 2035, would be holding a meeting open to the public scheduled for July 22, 2010, 6:30 to 8:30 p.m. located Council Chambers. She said guest speaker, Don Weden, is scheduled to make a presentation called "Cities for All Ages". She said Mr. Weden is a Retired Principal Planner formerly with Santa Clara County.

Other Staff Oral Report

Kathryn Berry, Senior Assistant City Attorney, commented about the medical marijuana situation in Sunnyvale. She said the reason Sunnyvale has considered a moratorium is because Mountain View and Santa Clara have both had shops open in their City without permits. Mountain View sued the shop owner of "Buddy's", and they had to close down. She said the shop owner of "Buddy's" has now opened up a store in Sunnyvale, without permits, and the Department of Public Safety has cited the owner. Ms. Berry said she would keep the Commission informed.

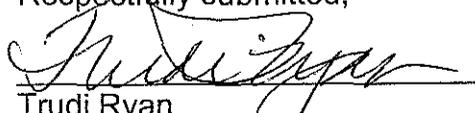
Comm. Hendricks asked if the owner was the same person who had recently attended the meetings with City Council and seemed to indicate that he wanted to work with the City through the proper means. Staff said yes.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 11:12 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer