



**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **August 5, 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 26, 2010. (The July 28, 2010 Administrative Hearing was canceled as there were no items scheduled.)**

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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 26, 2010**

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

**7:00 PM - Study Session – West Conference Room**

1. **CEQA** (California Environmental Quality Act) Training – (45 minutes)
1. **Public Comment on Study Session Agenda Items** (5 minutes)
2. Comments from the Chair (5 minutes)

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

The Planning Commission met in regular session with Chair Travis presiding.

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

**ROLL CALL**

Members Present: Chair Nick Travis; Vice Chair Glenn Hendricks; Commissioner Maria Dohadwala; Commissioner Gustav Larsson; and Commissioner Brandon Sulser.

Members Absent: Commissioner Bo Chang (excused absence); and Commissioner Charles Hungerford (excused absence).

Staff Present: Gerri Caruso, Principal Planner; Kathryn Berry, Senior Assistant City Attorney; Ryan Kuchenig, 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 July 12, 2010**

Vice Chair Hendricks moved to approve the minutes of July 12, 2010 with Comm. Larsson abstaining from voting on project 2009-0679 as he had recused himself on this item during the public hearing. Comm. Sulser seconded. Motion carried 5-0, except for project 2009-0679 where the motion carried 4-0-1 (with Comm. Larsson abstaining), and Comm. Chang and Comm. Hungerford absent.

**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  
(Continued from July 12, 2010)

**ACTION:** Comm. Sulser made a motion on 2010-7357 to adopt the Negative Declaration and approve the Special Development Permit with modified conditions: to clearly label the drive-thru aisle by painting "drive-thru" on the aisle, and to label the four parking spaces identified (those adjacent to cars 7, 8 and 9 on page 2 of Attachment E) as employee parking. Vice Chair Hendricks seconded. Motion carried 5-0, with Comm. Chang and Comm. Hungerford absent.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than August 10, 2010.

2. **2010-7378:** Design Review to allow a single-story addition of 123 square feet resulting in 2,936 square feet and approximately 49% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review for a site located at **878 Tartarian Way**. (APN: 201-33-007) RK

**ACTION:** Comm. Dohadwala made a motion on 2010-7378 to approve the Design Review with the attached conditions. Vice Chair Hendricks seconded. Motion carried 5-0, with Comm. Chang and Comm. Hungerford absent.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than August 10, 2010.

## NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

### **City Council Meeting Report**

**Gerri Caruso**, Principal Planner, commented regarding Planning related items considered at the July 20, 2010 City Council meeting and items to be considered at the July 27, 2010 Council meeting.

**Comm. Sulser** said that at the July 20, 2010 City Council meeting the Council considered approval of a monopine. He said he heard there were concerns over the materials used and asked staff to comment. Ms. Caruso said she would check into the concerns and respond to the Planning Commission by email.

**Vice Chair Hendricks** asked staff about an item being considered by City Council at the July 27, 2010 meeting that the Planning Commission provided recommendation on. He said he noticed that the staff recommendation differs from the Planning Commission recommendation and asked how often that occurs. Ms. Caruso said there are times, not very often, where staff will move forward to City Council with a different recommendation.

### **Other Staff Oral Report**

## INFORMATION ONLY ITEMS

### ADJOURNMENT

With no further business, the Commission meeting was adjourned at 9:10 p.m.

Respectfully submitted,

  
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Gerri Caruso  
Principal Planner