



**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **September 23, 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 September 13, 2010 and the Zoning Administrator Hearing of September 15, 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 Zoning Administrator Hearing. The Planning Commission draft minutes and Action Summary from the Zoning Administrator 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. Zoning Administrator Hearing Action Summary



**DRAFT MINUTES  
SUNNYVALE PLANNING COMMISSION  
September 13, 2010  
456 West Olive Avenue, Sunnyvale, CA 94086**

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

1. **2010-7126: Increasing Minimum Dimensions for Usable Open Space** (Study Issue)  
RZ (20 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 Travis presiding.

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

**ROLL CALL**

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

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Surachita Bose, 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 August 23, 2010**

**Comm. Sulser moved to approve the minutes of August 23, 2010. Comm. Chang seconded. Motion carried 7-0, except for project 2010-7108 where the motion carried 6-0-1, with Comm. Larsson abstaining.**

**PUBLIC HEARINGS/GENERAL BUSINESS**

1. **2010-7379:** Design Review to allow first and second floor additions to an existing single family home resulting in a floor area ratio of 51% (approximately 3,048 square feet of floor area) for a site located at **972 Bluebonnet Drive** in an R-0 zoning district. (APN 213-04-025) SM

**ACTION:** Comm. Sulser made a motion on 2010-7379 to approve the Design Review with the conditions in Attachment B. Vice Chair Hendricks seconded. Motion carried 6-1, with Comm. Dohadwala dissenting.

**APPEAL OPTIONS:** This action is final unless appealed to City Council no later than September 28, 2010.

2. **2010-7125:** Centralized Trash Enclosure Requirements for Attached Housing (Study Issue) (Negative Declaration) SB

**ACTION:** Comm. Chang made a motion on 2010-7125 to recommend to City Council to: adopt the Negative Declaration (Attachment B); introduce an ordinance amending Section 19.38.030 (Attachment J); and adopt the design requirements for trash storage/collection facilities (Attachment I). Comm. Hungerford seconded. Motion carried 6-1, with Comm. Sulser dissenting.

**APPEAL OPTIONS:** This item is scheduled to be considered by City Council at the October 12, 2010 City Council meeting.

3. **2009-0799:** Advisory Committee Recommendations for the General Plan Consolidation Project DO

**ACTION:** Comm. Chang made a motion on 2009-0799 to recommend to City Council to accept the recommendations made by the Advisory Committee, including maintaining the Committee to provide feedback as requested by staff and direct staff to proceed with the consolidation work. Vice Chair Hendricks seconded. Motion carried 7-0.

**APPEAL OPTIONS:** This item is scheduled to be considered by City Council at the September 28, 2010 City Council meeting.

#### 4. Potential Study Issues – AM

**ACTION:** Comm. Hungerford made a motion to propose a study issue regarding design guidelines for free standing cell phone towers with an emphasis on cell phone towers in residential areas. Comm. Dohadwala seconded. Motion carried 6-1, with Vice Chair Hendricks dissenting.

#### NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

**Trudi Ryan**, Planning Officer, reminded the Planning Commissioners that there would be a Joint Study Session with the City Council and the Planning Commission regarding Medical Marijuana Dispensaries scheduled for September 14, 2010 at 6 p.m. in the West Conference Room.

**Ms. Ryan** said there would be an outreach meeting regarding the Climate Action Plan on September 29, 2010 in the Council Chambers, which the Horizon 2035 Committee is sponsoring. She said this meeting is open to the public.

#### **City Council Meeting Report**

**Ms. Ryan** said that the City Council would be considering changing the amount of time for rebuttal at the end of the public hearing for land use items. She said currently applicants and appellants have 10 minutes for rebuttal and staff is recommending five minutes.

**Ms. Ryan**, Planning Officer commented regarding Planning related items considered at the August 31, 2010 City Council meeting and items to be considered at the September 14, 2010 Council meeting.

#### **Other Staff Oral Report**

#### INFORMATION ONLY ITEMS

#### ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:09 p.m.

Respectfully submitted,

  
Trudi Ryan  
Planning Officer



## ZONING ADMINISTRATOR HEARING

**ACTION SUMMARY**  
**Wednesday, September 15, 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>	<b>351 Britton Ave.</b> (APN: 205-30-024)
<b>file number/ proposed project</b>	<b>2010-7193:</b> Special Development Permit to allow second carrier (Clearwire) to install 3 panel antennas and 3 microwave dishes on an existing 60-foot tall monopole, with associated ground equipment within existing enclosure.
<b>applicant/owner</b>	<b>Clearwire, LLC. / Anna and Edward Brugge Trustee</b>
<b>environmental review</b>	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
<b>project planner</b>	<b>Steve Lynch, 408-730-2723, slynch@ci.sunnyvale.ca.us</b>

**ACTION: Approved subject to the findings and conditions of approval located in the staff report.**

**APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, September 30, 2010.**

<b>location</b>	<b>940 W. Evelyn Ave</b> (APN: 165-20-018)
<b>file number/ proposed project</b>	<b>2010-7515:</b> Use Permit to allow an existing unpermitted 10'-tall electrified security fence along the front and side property lines.
<b>applicant/owner</b>	<b>United Rentals / Lisa J Sims</b>
<b>environmental 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: This Item has been continued to the September 29, 2010 Zoning Administrator Hearing as requested by the applicant.**

<b>location</b>	<b>955 Stewart Dr.</b> (APN: 205-22-014)
<b>file number/ proposed project</b>	<b>2010-7549:</b> Parcel Map to subdivide one lot into three lots within an existing industrial area.
<b>applicant/owner</b>	<b>Pulte Homes / Carr Crhp Ca Props LLC</b>
<b>environmental review</b>	A Class 15 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
<b>project planner</b>	<b>Shaunn Mendrin, 408-730-7429, smendrin @ci.sunnyvale.ca.us</b>

**ACTION: Approved subject to the findings located in the staff report and revised conditions of approval dated September 13, 2010.**

**APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, September 30, 2010.**