



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **November 4, 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 October 25, 2010 and the Zoning Administrator Hearing of October 27, 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 Zoning Administrator Hearing. The Planning Commission draft minutes and the Zoning Administrator Hearing Action Summary 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 Draft Minutes
B. Zoning Administrator Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
October 25, 2010
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. Training – Brown Act and Ex Parte Communications – TR and KB (*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 Bo Chang; Commissioner Maria Dohadwala; Commissioner Charles Hungerford; Commissioner Gustav Larsson; and Commissioner Brandon Sulser.

Staff Present: Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; Rosemarie Zulueta, Assistant 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 September 27, 2010

Comm. Hungerford moved to approve the minutes of September 27, 2010. Comm. Chang seconded. Motion carried 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2010-7625:** Use Permit to allow a large family day care (LFDC) within 300 feet of another LFDC for a site located at **790 Mahogany Lane** (APN: 213-19-022) NC

ACTION: Vice Chair Hendricks made a motion on 2010-7625 to approve the Use Permit with a modified condition, changing the hours of operation in condition AT-1.a to read, "7 a.m. to 7 p.m." Comm. Chang seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than November 9, 2010.

2. **2010-7126:** Increasing Minimum Dimensions for Usable Open Space (Study Issue)
– RZ

ACTION: Comm. Chang made a motion on 2010-7126 to recommend to City Council to make no changes to the Zoning Code. Comm. Larsson seconded. Motion carried 7-0.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the November 16, 2010 meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Andrew Miner, Principal Planner, commented regarding Planning related items considered at the September 28, 2010, October 5, 2010, and the October 19, 2010 City Council meetings and items to be considered at the October 26, 2010 Council meeting.

Mr. Miner reminded the Commissioners about their Joint Study Session with City Council and the Bicycle and Pedestrian Advisory Commission, scheduled for October 26, 2010 at 5:45 p.m. in the City Library regarding the Land Use and Transportation Element and the Climate Action Plan.

Other Staff Oral Report

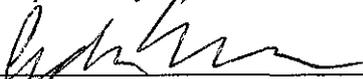
Kathryn Berry, Senior Assistant City Attorney, reported that a decision had been made at a hearing regarding the Palo Alto Medical Foundation (PAMF) lawsuit. She said the lawsuit involved the Environmental Impact Report (EIR), the demolition and reconstruction of certain buildings, and the construction of a parking structure for PAMF, formerly the Camino Medical Group. She said that the PAMF attorneys had done most of the briefing, as this is a private project, with some assistance from the City of Sunnyvale. She said the judge ruled in favor of PAMF and the EIR. Ms. Berry said it would be up to the petitioners who filed the lawsuit, whether or not the case would be taken up on appeal to the Sixth District. Ms. Berry said that currently the EIR is holding.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 8:46 p.m.

Respectfully submitted,



Andrew Miner
Principal Planner



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, October 27, 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	295 E. Washington Avenue (APN: 209-05-011)
file number/ proposed project	2010-7661: Special Development Permit to allow a nightclub within a 2,400 square foot tenant space in a multi-tenant commercial building.
applicant/ owner	GS Group Holdings, LLC / George Smith
environmental review	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
project planner	Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us.

ACTION: This item has been continued to the November 10, 2010 Zoning Administrator Hearing as per the applicant's request.

APPEAL OPTIONS: None