



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **December 2, 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 November 22, 2010 and the Zoning Administrator Hearing of November 24, 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
November 22, 2010
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. **2010-7739 - City Ventures [Applicant] Veronica and Ronald D'Amico Trustee [Owner]: Special Development Permit to allow 24 townhomes and a Vesting Tentative Map to subdivide two lots into 24 lots and one common lot for a site located at 650-660 E. Taylor Avenue. (Mitigated Negative Declaration) – NC (20 minutes)**
2. **Training – Highlights of California Chapter American Planning Association 2010 Conference – TR and GC (25 minutes)**
3. **Public Comment on Study Session Agenda Items (5 minutes)**
4. **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: Don Johnson, Director of Public Safety; Carl Rushmeyer, Lieutenant, Public Safety; Hanson Hom, Director of Community Development; Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal 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 October 25, 2010

Comm. Chang moved to approve the minutes of October 25, 2010. Comm. Hungerford seconded. Motion carried 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. 2010-7279 - Medical Marijuana Distribution (MMDs) Facilities (Study Issue) AM

Motion one.

ACTION: Vice Chair Hendricks made a motion on 2010-7279 to recommend to City Council to direct staff to return with a draft ordinance by the end of January 2011 to include new procedures, processes, regulations, and fees to allow MMDs in the City with direction on appropriate options (options listed in Attachment M). Comm. Larsson seconded. Motion carried 4-3, with Comm. Chang, Comm. Dohadwala and Comm. Hungerford dissenting.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the December 14, 2010 meeting.

Motion two.

ACTION: Comm. Larsson made a motion on 2010-7279 to recommend to City Council that MMDs be located a minimum distance of 1000 feet from residential, park, school, daycare, and places of assembly uses with an allowance to have the 1,000 foot distance limitation reduced if a natural barrier (e.g. freeway, creek) exists that effectively separates the uses. Comm. Hungerford seconded. Motion carried 5-2, with Vice Chair Hendricks and Comm. Dohadwala dissenting.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the December 14, 2010 meeting.

Motion three.

ACTION: Comm. Larsson made a motion on 2010-7279 to recommend to City Council that the number of dispensaries allowed in the first year be limited to one and that staff come up with a timely process for reviewing and renewing Use Permits related MMDs. Vice Chair Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the December 14, 2010 meeting.

2. **Select and Rank Potential 2011 Study Issues**

(Public Hearing to allow public comment in the Council Chambers, Planning Commission action will take place in the West Conference Room following Information Only items.)

Andrew Miner, Principal Planner, clarified that a list was provided to the Planning Commission of potential studies that have already been identified for next year. He said that this public hearing is an opportunity for the public to comment on just the items on the list. Mr. Miner said there are nine items for the Commission to consider this evening. He said after public comment has been received that staff is asking that the Commission defer the remainder of this public hearing item until the agenda items have been completed. He asked that the Commission then adjourn the remainder of the meeting to the West Conference Room where the Commission will select and rank the potential Study Issues. He said the portion of the meeting in the West Conference Room is open to the public.

Chair Travis opened and closed the public hearing. There were no public comments.

Chair Travis closed the public hearing.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, commented regarding Planning related items considered at the October 26, 2010, November 9, 2010 and the November 16, 2010 City Council meetings.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM

- Completion of Public Hearing Item 2 to **Select and Rank Potential Study Issues for 2011** *(Public Hearing is closed to public comment.)*

See Attachment A for results of the selection and ranking.

The Commission meeting adjourned to the West Conference Room at 10:25 p.m.

The Commission and staff took a break, reconvening in the West Conference Room at 10:40 p.m.

ADJOURNMENT

With no further business, the Commission meeting adjourned at 11:08 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer

Attachments

- A. Planning Commission Recommendations: Potential Study Issues for 2011 from November 22, 2010 Planning Commission meeting.

CITY OF SUNNYVALE
 PLANNING COMMISSION RECOMMENDATIONS
 POTENTIAL STUDY ISSUES FOR 2011
 November 22, 2010

Number	Study Issue	PC REC
RANK		
CDD 11-02	Downtown Development Policies for Parking	1
CDD 10-06	Toolkit for Commercial and Residential Mixed Use Development	2
CDD 09-08	Review Wireless Telecommunications Standards, Funding Mechanisms to Upgrade Towers, and Enforcement Options	3
CDD 09-07	Consider Revisions to Zoning Code for Conversions of Mobile Home Parks to Other Uses	4
CDD 11-04	Locations and Operation of Stand-alone Firearm Sales Businesses	5
DEFER		
CDD 09-11	Review of the Housing Mitigation Fee	Defer
CDD 11-03	Review Wireless Telecommunications Standards	Defer
DROP		
CDD 09-04	Zoning Code Requirements for Political Signs	Drop
CDD 10-07	Signage for Properties Near Freeways	Drop



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY

Wednesday, November 24, 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.
<p>ACTION: Taken under advisement until Tuesday, November 30, 2010. On that day the Hearing Officer approved the project subject to the findings and conditions located in the staff report with changes regarding occupancy, building appearance, site access and operation.</p> <p>APPEAL OPTIONS: May be appealed to the Planning Commission by Wednesday, December 15, 2010.</p>	

location	1239 Reamwood Ave (APN: 104-58-007)
file number/ proposed project	2010-7730: To allow a recreational & enrichment use (gym classes) within a vacant tenant space of an industrial building.
applicant/owner	Smash Gyms / Tasman Drive LLC
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.
<p>ACTION: Approved subject to the findings and conditions of approval located in the staff report.</p> <p>APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, December 9, 2010.</p>	