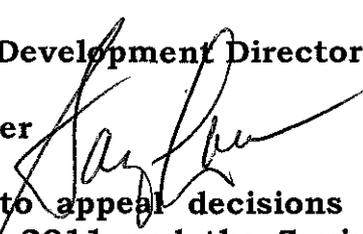


**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **March 24, 2011**

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 March 14, 2011 and the Zoning Administrator Hearing of March 16, 2011.**

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
March 14, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. **2011-7104 – Pulte Homes** [Applicant] **Equity Office** [Owner]: Special Development Permit and Vesting Tentative Map to Allow 161 Townhome Units on an Existing MS/ITR (Industrial and Service/Industrial-to-Residential) Property at **955 Stewart Drive**. (Negative Declaration) SM (20 minutes)
2. **Park Dedication Requirement: Study of an Increase in Park Dedication Standard to 5 acres per 1,000 Population – CM and RZ** (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: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Mariya Hodge, Associate Planner; and Debbie Gorman, Recording Secretary.

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

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 or you may orally make a request to speak. 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.

CONSENT CALENDAR

1.A. APPROVAL OF MINUTES of February 28, 2011

Comm. Chang moved to approve the consent calendar. Vice Chair Hendricks seconded. Motion carried 6-0, with Chair Travis abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **2011-7018: Sudip Ghosh [Applicant] Craig Albright Trustee [Owner]:** Special Development Permit for an approximately 2,998 square foot, three-story medical office building (dental) at **303 W. El Camino Real**. (Negative Declaration) RK

ACTION: Vice Chair Hendricks made a motion on 2011-7018 to adopt the Negative Declaration and approve the Special Development Permit with modified conditions: to modify the language of condition BP-13 changing the height of the masonry wall to "4-6 feet"; and to modify the language of condition BP- 12.f that the height of the existing property line wall be changed to "3 feet or less of a 10 foot distance from the property line." Comm. Chang seconded. Motion carried 6-1, with Comm. Hungerford dissenting.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than March 29, 2011.

3. **2010-7456 and 2010-7738: Taylor Morrison CA LLC [Applicant/owner]** Application for related proposals on a 7.3-acre site at **1044 E. Duane Avenue**: (Continued from February 28, 2011.)

- **General Plan Amendment** from ITRHI (Industrial to Residential High Density) to ITRMED (Industrial to Residential Medium Density);
- **Rezone** from M-S/ITR/R-4/PD (Industrial and Service/Industrial to Residential/High Density Residential/Planned Development) to M-S/ITR/R-3/PD (Industrial and Service/Industrial to Residential/Medium Density Residential/Planned Development);
- **Special Development Permit** to allow 132 townhome-style condominium units;
- **Vesting Tentative Map** to allow 132 condominiums and 32 common lots.
(Addendum to previously certified EIR) MH

ACTION: Vice Chair Hendricks made a motion on 2010-7456 and 2010-7738 to recommend City Council adopt a Resolution to certify the EIR Addendum; adopt a resolution to amend the General Plan designation for 1044 East Duane Avenue from ITRHI to RMED; introduce an Ordinance to Rezone 1044 East Duane Avenue from M-S/ITR/R-4/PD to R-3/PD; and approve the Special Development Permit and Vesting Tentative Map with modified conditions. The modified conditions are: to modify condition PS-1.e to include language that the Director of Community Development is authorized to except a minor deviation from the 50% requirement for tree shading of parking lot areas; to modify condition PS-1.a to read that "the proposed composition shingle roofing on the Modern Rowhouse-style and Arts and Crafts-style buildings shall be replaced with standing seam metal, tile or an alternative material as approved by the Director of Community Development"; to add a condition that the applicant work with staff to widen the footprint of the sidewalk area at the corner of East Duane Avenue and Duane Avenue to enhance the pedestrian friendliness of the area. Comm. Chang seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation will be provided to the City Council for their consideration at the March 29, 2011 meeting.

4. Standing Item: Potential Study Issues

Vice Chair Hendricks said he would like to propose the Planning Commission look at a possible regulation that would require solar panels on any new roof built in the City and/or when roofs are re-roofed or maintenance is done above a certain threshold, and that the work be done within a certain amount of time. He said that he would also like the possible regulation to include exceptions of when not to require the solar panels. Ms. Ryan said staff would write up the item and put it on a future agenda so the Planning Commission can vote whether to support the item as a potential study issue.

Ms. Ryan said she owes the Commission information from Comm. Dohadwala's study issue suggestion from the Planning Commission meeting on February 28, 2011.

Comm. Sulser said he was interested in possibly rezoning the industrial property with the service station on it, that is directly adjacent to the 1044 E. Duane Avenue site. He said he would be interested in exploring a more commercial zoning district for the property. He asked staff if a service station could be built under both industrial and commercial. Ms. Ryan said a service station or a retail use could be allowed with the existing zoning and that a Miscellaneous Plan Permit (MPP) would be required for a retail use. She said under Commercial zoning an MPP might not be required for retail. Comm. Sulser said he would be interested in a commercial zoning for the site.

Ms. Ryan said staff would put these items on a future agenda so they may be further discussed.

Chair Travis opened and closed the public hearing.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. Larsson commented about the Planner's Institute that he and Vice Chair Hendricks recently attended. He said he was pleased to find that the City staff is already doing many of the best practices discussed in the sessions. **Vice Chair Hendricks** agreed.

- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, provided an update on the status of the planning for the Onizuka site.

Ms. Ryan discussed Planning related items considered by City Council at the Council meeting on March 1, and March 8, 2011.

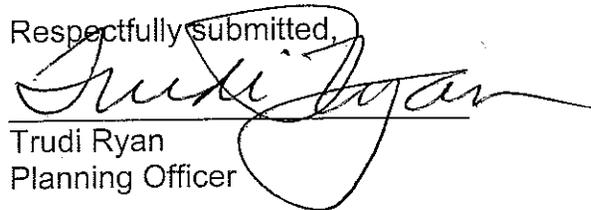
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned at 10:17 p.m.

Respectfully submitted,



Trudi Ryan
Planning Officer



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, March 16, 2011

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	704 Daffodil Ct. (APN: 211-07-002)
file number/ proposed project	2010-7918: Use Permit to allow modifications to an existing telecommunications facility (AT&T) at Braly Park including the installation of three new panel antennas and associated equipment on a PG&E tower. An additional cabinet is to be placed within the existing enclosure at the base of the tower.
applicant/ owner	AT&T / City of Sunnyvale
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, or rkuchenig@ci.sunnyvale.ca.us

ACTION: Approved subject to the findings and conditions of approval located in the staff report with added language to the findings. Stating that "The project *as conditioned* meets the guidelines described above".

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, March 31, 2011.