



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **June 2, 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 May 23, 2011 and the Zoning Administrator Hearing of May 25, 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
May 23, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. **2010-7672 – Toll Brothers [Applicant] Josephine Angelo Trustee [Owner]:** Special Development Permit and Tentative Map for 51 new single-family homes at the western half of the "Corn Palace" site (10-acre) at **700 Timberpine Avenue**. SL (45 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; and Commissioner Brandon Sulser.

Members Absent: Comm. Gustav Larsson (excused absence)

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Shaunn Mendrin, Senior Planner; and Recording Secretary, Debbie Gorman.

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 May 9, 2011

Comm. Dohadwala moved to approve the consent calendar. Comm. Chang seconded. Motion carried 5-0, with Chair Travis abstaining, and Comm. Larsson absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **2011-7171 - The Rock Church [Applicant] The Dorricott Family Partnership [Owner] - Use Permit to allow a new community-serving place of assembly within an existing industrial building located at 929 Weddell Court. (Negative Declaration) NC**
(Continued from May 23, 2011.)

ACTION: Comm. Hungerford made a motion on 2011-7171 to adopt the Negative Declaration and approve the Use Permit with modified conditions: to modify condition 11 adding the word "final" parking agreement. Comm. Sulser seconded. Motion carried 6-0, with Comm. Larsson absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 7, 2011.

3. **2010-7706 - AT&T [Applicant] Business Ventures LLC [Owner]: Special Development Permit to allow a wireless telecommunication facility for a new 60' slimline pole with 9 antennas at 1225 Innsbruck Dr. (Mitigated Negative Declaration) SM**

ACTION: Comm. Chang made a motion on 2010-7706 to approve the Special Development Permit with modified Conditions of Approval: to have staff review the existing landscaping and require a large tree be planted if the site is considered under landscaped. Vice Chair Hendricks seconded. Motion carried 4-2, with Comm. Hungerford and Comm. Sulser dissenting, and Comm. Larsson absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 7, 2011.

4. Review of Proposed FY 2011-2012 Budget for Planning Program – TR

ACTION: Comm. Sulser made a motion that the comments made by the Planning Commission regarding the Planning Program Budget be forwarded to the City Council. Comm. Hungerford seconded. Motion carried 6-0, with Comm. Larsson absent.

APPEAL OPTIONS: This recommendation of the Planning Commission will be included in the minutes and forwarded to the City Council.

5. Standing Item: Potential Study Issues

- Philanthropy Protocol
- Other

Trudi Ryan, Planning Officer, discussed the existing Philanthropy Protocol policy provided for review.

Comm. Dohadwala said she no longer sees a need to propose a study issue regarding this subject as what has been provided shows that a policy exists. She said she is concerned that the public does not know about this protocol. **Ms. Ryan** said that this topic is different from most study issues, however a potential study might be to determine whether to allocate staff resources to promote or market for philanthropy in the City. Ms. Ryan said analysis would be needed as currently the City does not have this type of program. Comm. Dohadwala said that the City might consider adding another commission to bring an awareness into the Community about what can be done to help the City.

Chair Travis asked if anyone would like to support this topic as a study issue, with Comm. Dohadwala indicating interest in this issue as a potential study issue. No other Commissioners supported the issue at this time. There were no other potential study issues proposed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan said the City Council recently renamed Capella Way to Olson Way in honor of the Olson family and that a small renaming ceremony was held last week.

Other Staff Oral Report

Ms. Ryan advised the Planning Commission that an informational workshop would be held in the City Council Chambers on Thursday, May 26, 2011 at 7 p.m. to look at the Draft of the Consolidated General Plan. She said Vice Chair Hendricks, Comm. Hungerford and Comm. Sulser have all served on the consolidation committee. She said this meeting is open to the public and board and commission members are encouraged to attend. She said the draft is also available on the City website at: GeneralPlan.InSunnyvale.com

Vice Chair Hendricks said this is exciting stuff and encouraged others to check this information out!

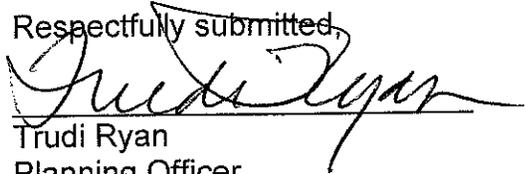
Comm. Chang asked staff if there are any updates on the downtown. Ms. Ryan said there are no formal updates available.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned at 9:37 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY Wednesday, May 25, 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:

FILE #: 2010-7702
Location: 451 E. Washington Ave. (APN: 209-04-030)
Proposed Project: Special Development Permit to allow construction of a new single-family home.
Applicant / Owner: Brigido and Sylvia Figueroa
Environmental Review: Categorically Exempt Class 1
Staff Contact: Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us.

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

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, June 9, 2011.

FILE #: 2011-7209
Location: 927 E. Duane Ave. (APN: 205-12-003)
Proposed Project: Special Development Permit to allow the continuation of an existing restaurant with live entertainment and extended closing hours until 2:00am
Applicant / Owner: La Ronda Restaurant / Joseph Kovalik Trustee & et al
Environmental Review: Categorically Exempt Class 1
Staff Contact: Steve Lynch, 408-730-2723, slynch@ci.sunnyvale.ca.us

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

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, June 9, 2011.

FILE #: 2011-7240
Location: 319 Bishop Ave. (APN: 209-31-062)
Proposed Project: Variance to allow a one car garage where two covered spaces is required for a single family home.
Environmental Review: Categorically Exempt Class 5
Staff Contact: Shaunn Mendrin, 408-730-7429, smendrin@ci.sunnyvale.ca.us

ACTION: Taken under advisement until Thursday, May 26, 2011. On that day the Zoning Administrator reviewed the information provided by the applicant at the hearing and revisited the project site. Based on an analysis of all available information, the project was denied.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, June 10, 2011.

FILE #: 2011-7241
Location: 447 De Guigne Dr. (APN: 205-26-019)
Proposed Project: Use Permit to allow an institution of higher learning within a multi-tenant industrial building.
Applicant / Owner: Frank Liu / Christian Leadership Institute
Environmental Review: Categorically Exempt Class 1
Staff Contact: Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us

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

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, June 9, 2011.