



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **June 23, 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 June 13, 2011 and the Zoning Administrator Hearing of June 15, 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
June 13, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. **2009-0799** - Consolidate the 22 documents of the General Plan into one comprehensive General Plan. This project involves the rewriting and reorganizing of existing text and policies. (Negative Declaration) DO (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; Commissioner Gustav Larsson; and Commissioner Brandon Sulser.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Jim Craig, Superintendent of Field Services, Public Works; Steve Lynch, Senior Planner; 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 23, 2011

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

PUBLIC HEARINGS/GENERAL BUSINESS

2. **2011-7072 - Sanjeev Acharya [Applicant/Owner] Jacqueline A Elardo et al [Owner]:** Special Development Permit and Vesting Tentative Map to subdivide one lot into four lots and construct four single family homes at **110 Connemara Way.** (Mitigated Negative Declaration) SL

ACTION: Comm. Chang made a motion on 2011-7072 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions: to modify the language in condition PS-1 to read, "The plans shall be revised to address Planning Commission's decision 'and are' subject to the review and approval by the Director of Community Development..." Comm. Sulser seconded. Motion carried 7-0. Comm. Sulser seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 28, 2011.

3. **2011-7231- Challenger School [Applicant] Sunnyvale School District [Owner]:** Use Permit to allow the expansion of an existing private school (Challenger Elementary School) including four new classrooms located at **1185 Hollenbeck Avenue.** RK

ACTION: Comm. Hungerford made a motion on 2011-7231 to approve the Use Permit with attached conditions. Comm. Dohadwala seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 28, 2011.

4. **2011-7104 - Pulte Homes [Applicant] Carr Crhp Ca Props LLC [Owner]:** Special Development Permit and Vesting Tentative Map to allow approximately 161 townhomes located at **955 Stewart Dr.** (Mitigated Negative Declaration) SM
(Continued from April 25, 2011)

ACTION: Vice Chair Hendricks made a motion on 2011-7104 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Vesting Tentative Map with modified conditions; to accept the revised conditions and corrected numbering to BP-8a, TM-2, and PF-7; to add to condition PF-7 that both "soil and water" be included in the investigations done by the City consultant; to add to condition BP-33 "HAZ-5" regarding excavated soils as shown in the 2007 East Sunnyvale EIR Mitigation Measures; to modify the Mitigated Negative Declaration, Attachment C, number 48, to check the "No Impact" box regarding Geology and Soils, and number 67 to check the "Less than Significant with Mitigation" box regarding Hazards and Hazardous Materials; to modify condition BP-11.e.iii regarding six Sycamore trees adding language that staff has the flexibility to review the plans and require a 2 to 1 ratio of replacement trees if the trees cannot be moved; to modify TM-2 from the revised conditions memo, to add a sentence that "The additional phase studies for the park area be completed within 24 months of approval of the Vesting Tentative Map, prior to dedication."; and to add a condition that the foam trim used in the project has to be at least as durable as wood. Comm. Hungerford seconded. Motion carried 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than June 28, 2011.

5. **2010 Urban Water Management Plan (UWMP) Update and Adoption of Resolution – JC**

ACTION: Comm. Chang made a motion to recommend to City Council to adopt the attached Resolution approving the 2010 Urban Water Management Plan as presented and direct staff to forward the UWMP to the California State Department of Water Resources. Vice Chair Hendricks seconded. Motion carried 7-0.

APPEAL OPTIONS: This recommendation of the Planning Commission will be forwarded to the City Council for consideration at the June 28, 2011 Council meeting.

6. Standing Item: Potential Study Issues

Vice Chair Hendricks discussed with staff cell towers and whether there are guidelines about the aesthetics of telecommunication facilities that are not stand-alone (not towers). Ms. Ryan said the zoning code and the City-wide Design Guidelines both address the aesthetics of telecommunication sites: the zoning code includes priorities for incorporation into buildings over free-standing towers and the City-wide Design Guidelines address general architectural character. Vice Chair Hendricks said that he is not going to propose a Study Issue, however he would like training at a Study Session to learn more about telecommunication sites as he said some of them are not very attractive. Ms. Ryan said there are facilities around the City that predate the current standards and these may be some of the sites of concern.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, discussed Planning related items considered by City Council at the Council meeting of May 24, 2011 and the Budget Workshop of June 2, 2011. She said that the City Council would take action on the Budget at their June 28, 2011 Council meeting.

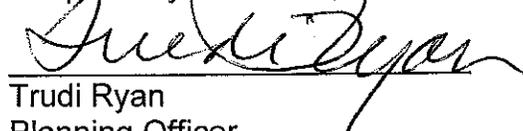
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned at 10:22 p.m.

Respectfully submitted,



Trudi Ryan
Planning Officer



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, June 15, 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 #:	2010-7890
Location:	921 E. Arques Ave. (APN: 205-26-016)
Proposed Project:	Use Permit to allow new 12,000 sq. ft. multi-tenant shopping center on a portion of the property.
Applicant / Owner:	Kevin Mattos / Ivo Dukanovic Trustee & et al
Environmental Review:	Categorically Exempt Class 32
Staff Contact:	Steve Lynch, 408-730-2723, slynch@ci.sunnyvale.ca.us.

ACTION: Taken under advisement until Thursday, June 23, 2011.

APPEAL OPTIONS: None.

FILE #:	2011-7294
Location:	1235 Reamwood Ave. (APN: 104-58-007)
Proposed Project:	Use Permit to allow a place of assembly use within a tenant space of an industrial building.
Applicant / Owner:	India Heritage Foundation / Tasman Drive LLC
Environmental Review:	Categorically Exempt Class 1
Staff Contact:	Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us.

ACTION: Approved subject to the findings and conditions of approval located in the staff report with a correction to condition GC-5.E regarding the Parking Management Plan table.

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, June 30, 2011.

FILE #:	2011-7252
Location:	1183 W. El Camino Real (APN: 161-23-003)
Proposed Project:	Special Development Permit to allow a minor modification to the conditions of approval for a night club/karaoke bar to allow 2 a.m. closing time instead of 12 a.m.
Applicant / Owner:	Sense Music Studio/ Henry Nigro Et Al
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 with a modification to condition GC-4, adding a 6 month review period as required by the original Special Development Permit.

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, June 30, 2011.