



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **July 21, 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 July 11, 2011 and the Zoning Administrator Hearing of July 13, 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
July 11, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

1. **Training – Wireless Telecommunication Facilities - AM (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 Vice Chair Hendricks presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Vice Chair Glenn Hendricks; Commissioner Bo Chang; Commissioner Maria Dohadwala; Commissioner Arcadi Kolchak; Commissioner Gustav Larsson; and Commissioner Brandon Sulser.

Members Absent: Chair Nick Travis (excused absence)

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

SCHEDULED PRESENTATION - None

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 June 27, 2011
- 1.B. 2011-7331 - Design Review to allow a one-story addition at 920 Mockingbird Ln. resulting in 2,843 square feet and 48.2% Floor Area Ratio (FAR), where 45% FAR may be allowed without Planning Commission review. NC

Comm. Sulser moved to approve the Consent Calendar. Comm. Chang seconded. Motion carried 5-0, with Comm. Kolchak abstaining on item 1.A. and recusing himself on item 1.B., and Chair Travis absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. 2010-7672 - Toll Brothers [Applicant] Josephine Angelo Trustee [Owner]: Special Development Permit and Vesting Tentative Map to allow 51 new single-family homes at 700 Timberpine Ave. (Mitigated Negative Declaration) SL (*Staff requests continuance to July 25, 2011.*)

ACTION: Comm. Chang made a motion on 2010-7672 to continue this item to the Planning Commission meeting of July 25, 2011. Comm. Dohadwala seconded. Motion carried 6-0, with Chair Travis absent.

APPEAL OPTIONS: This action serves as legal notification of the continuation of this item to the July 25, 2011 Planning Commission meeting.

3. 2011-7290 - Design Review for a new two-story home on a vacant lot at 718 Hibernia Ct. resulting in 3,004 square feet and 50% Floor Area Ratio (FAR), where 45% FAR may be allowed without Planning Commission review. SM (*Continued from June 27, 2011.*)

ACTION: Comm. Sulser made a motion on 2011-7290 to approve the Design Review with modified conditions: to strike condition PS-1.a allowing the plate height for the second floor to remain at 9 feet; and to modify condition PS-1.c striking the requirement for high sill windows on the left side and for the applicant to obtain a letter from the immediate neighbor on the right side indicating that there is no objection to the lower sill windows, allowing the second story windows as proposed. Comm. Dohadwala seconded. Motion carried 6-0, with Chair Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than July 26, 2011.

4. **2011-7340** - Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for three of six trees at **1402 Kelowna Ct. RK**

Vice Chair Hendricks recused himself and left the Council Chambers as he knows the appellant.

ACTION: Comm. Sulser made a motion on 2011-7340 to deny the appeal and uphold the decision of the Director of Community Development to deny a portion of the Tree Removal Permit. Comm. Larsson seconded. Motion carried 4-1, with Comm. Dohadwala dissenting, Vice Chair Travis recusing himself, and Chair Travis absent.

APPEAL OPTIONS: This action is final.

Vice Chair Hendricks returned to the Council Chambers for Agenda remainder of the meeting.

5. **2011-7296** - **Classic Communities** [Applicant] **GMMSC Partners** [Owner]: Special Development Permit and Vesting Tentative Map to allow 17 townhome units on an existing industrial property at **1060 Morse Ave. SM**

ACTION: Comm. Larsson made a motion on 2011-7296 to continue this item to the July 25, 2011 Planning Commission meeting to: address the deviations in usable open space, including pursuing the deck option; get more information on how the deviations relate to other projects; and, address the deviation in required parking. Comm. Dohadwala seconded. Motion carried 6-0, with Chair Travis absent.

APPEAL OPTIONS: This action serves as legal notification of the continuation of this item to the July 25, 2011 Planning Commission meeting.

6. **Standing Item: Potential Study Issues** – No new items discussed.

7. **Election of Chair**

Trudi Ryan, Planning Officer, said Council Policy is that each year the Boards and Commissions select a chair and vice chair at the end of their first meeting in July to allow time for the chairs and vice chairs to receive training. She explained the election process.

ACTION: Comm. Larsson nominated Vice Chair Hendricks to serve as the Chair of the Planning Commission for the 2011-2012 year. Vote was unanimous, 6-0, with Comm. Travis absent.

8. Election of Vice Chair

ACTION: Comm. Chang nominated Comm. Larsson to serve as the Vice Chair of the Planning Commission for the 2011-2012 year. Vote was unanimous, 6-0, with Comm. Travis absent.

9. Selection of Seats

Ms. Ryan explained the seating selection process and said the seniority of the Commissioners are: Comm. Sulser, Comm. Chang, and Comm. Travis, Comm. Dohadwala, Comm. Hendricks, Comm. Larsson (determined in 2010 through a selection process) and Comm. Kolchak.

The commissioners selected their seats for the 2011-2012 year. The results of the selection resulted in the following seating arrangement: Comm. Kolchak, seat one; Comm. Dohadwala, seat two; Comm. Chang, seat three; Chair Hendricks, seat four; Vice Chair Larsson, seat five; Comm. Sulser, seat six; and Comm. Travis, seat seven.

Ms. Ryan said the new seating arrangement would begin at the July 25, 2011 Planning Commission meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

Ms. Ryan congratulated Comm. Hendricks and Comm. Larsson on their election to Chair and Vice Chair, respectively.

City Council Meeting Report

Ms. Ryan discussed Planning related items considered by City Council at the June 28, 2011 meeting.

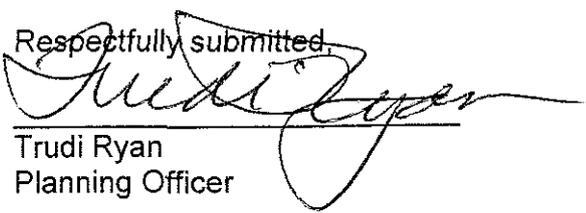
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned at 10:04 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, July 13, 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 #: 2011-7424
Location: **311 Town and Country** (APNs: 209-07-03,04,05,06,09,08,14,15,16,17,18)
Proposed Project: Parcel Map to modify parcel lines for four lots created under the approved Tentative Map 2010-7493.
Applicant / Owner: BRE Properties & SandHill Development / Capella Holdings LLC
Environmental Review: Categorically Exempt Class 5
Staff Contact: Shaunn Mendrin, 408-730-7429, smendrin@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, July 28, 2011.

FILE #: 2011-7351
Location: **1109 Lorne Way** (APN: 313-41-024)
Proposed Project: To allow an addition to a home with a 10'-6" combined side yard setback where 12' is required.
Applicant / Owner: Jacqueline Brooks / Jonathan D Halderman and Jacqueline D Brooks
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. If within 7 days, no neighbor requests the hearing to be re-opened due to a noticing error, the decision will stand as determined at the hearing.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, July 28, 2011.