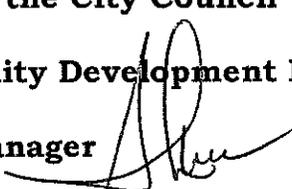


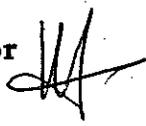


**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **September 22, 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 September 12, 2011 and the Zoning Administrator Hearing of September 14, 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
September 12, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

No Study Session

**SPECIAL START TIME
7:00 PM - Public Hearing – Council Chambers**

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

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.

The Planning Commission met in regular session with Chair Hendricks presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

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

Members Absent: Commissioner Nick Travis (excused).

Staff Present: Gerri Caruso, Principal Planner; Kathryn Berry, Senior Assistant City Attorney; and Debbie Gorman, Recording Secretary.

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.

Faye Rachford, Energy Upgrade California, stated that the City is hosting a homeowner's workshop on September 22, at the Senior Community Center at 7:00 p.m. She noted that the community could learn options on how to save energy as well as programs offered by Energy Upgrade California to receive rebates. She further stated that registration is available at the City Housing Division website.

CONSENT CALENDAR

1.A. APPROVAL OF MINUTES of August 22, 2011

Comm. Sulser moved to approve the minutes of August 22, 2011 as amended. Comm. Chang seconded. Motion carried 5-0, with Comm. Dohadwala abstaining, and Comm. Travis absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **FILE #:** 2011-7410
 Location: 725 Gail Ave. (APN: 211-09-064)
 Proposed Project: Appeal of a decision by the Director of Community Development approving a fence with conditions in the front yard. The property is located in an R-1 (Low Density Residential Development) Zoning District.
 Environmental Review: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
 Staff Contact: Steve Lynch, 408-730-2723,
 slynch@ci.sunnyvale.ca.us

ACTION: Vice Chair Larsson made a motion on 2011-7410 to deny the appeal and uphold the decision of the Director of Community Development to approve the Miscellaneous Plan Permit with conditions of approval. Comm. Sulser seconded. Motion carried 5-1, with Chair Hendricks dissenting, and Comm. Travis absent.

APPEAL OPTIONS: This action is final.

3. **Standing Item:** Potential Study Issues

No potential study issues were discussed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Caruso discussed Planning Commission related items to be considered by City Council at the September 13, 2011 meeting, Green Building Ordinance updates, Moffett Park Design Reviews along with the related development agreements

Other Staff Oral Report

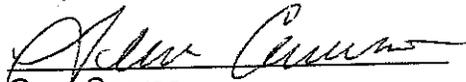
INFORMATION ONLY ITEMS

Kathryn Berry, Senior Assistant City Attorney, commented on the Palo Alto Medical Foundation lawsuit. She noted that the City and applicant prevailed on that case; however, the petitioners appealed and the court hearing is scheduled for September 22, 2011 at 9:30. She further noted that although it is a private project, the City is named as a party.

ADJOURNMENT

With no further business, the Commission meeting adjourned at 7:32 p.m.

Respectfully submitted,


Gerry Caruso
Principal Planner



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY

Wednesday, September 14, 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 #:** 2011-7502
Location: **1697 S. Wolfe Rd.** (APN: 309-51-027)
Proposed Project: Special Development Permit to allow the sale of beer and wine at an existing Arco automobile service station convenient store.
Applicant / Owner: ARCO / Silicon Valley Fuels
Environmental Review: Categorically Exempt Class 1
Staff Contact: Noren Caliva, 408-730-7637, ncaliva@ci.sunnyvale.ca.us

ACTION: This item was taken under advisement until Tuesday, September 20, 2011. On this day the Zoning Administrator approved the item with modified conditions of approval requiring a security plan from the applicant.

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Tuesdays, October 5, 2011.

- FILE #:** 2011-7505
Location: **150 N. Taaffe St.** (APN: 204-50-015)
Proposed Project: Variance to allow a reduced front yard setback of 14' for a covered porch where 20' is required.
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.

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Tuesday, September 28, 2011.

3. **FILE #:** 2011-7522
Location: **500 Lawrence Expwy., Units H-I** (APN: 216-44-118)
Proposed Project: Use Permit for an education-recreation & enrichment use (yoga studio) within two tenant spaces in an existing shopping center.
Applicant / Owner: Manton Wong / Manton and Johanna Wong
Environmental Review: Categorically Exempt Class 1
Staff Contact: Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us

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

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Tuesdays, September 28, 2011.