

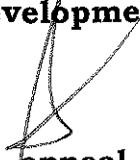


**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **November 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 November 14, 2011 and the Zoning Administrator Hearing of November 16, 2011.**

Attached is the "Appeal Report" which is presented in the form of an Action Summary from the Planning Commission Hearing and an Action Summary from the Zoning Administrator Hearing. Both summaries 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 Hearing Action Summary
B. Zoning Administrator Hearing Action Summary



**ACTION SUMMARY
SUNNYVALE PLANNING COMMISSION
November 14, 2011
456 West Olive Avenue, Sunnyvale, CA 94086**

The Study Session regularly scheduled for 7:00 PM is canceled.

8:00 PM - Public Hearing – Council Chambers

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 Arcadi Kolchak; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Members Absent: Commissioner Maria Dohadwala (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Jack Witthaus, Transportation and Traffic Manager; 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 October 24, 2011

Vice Chair Larsson moved to approve the minutes of October 24, 2011. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.

PUBLIC HEARINGS/GENERAL BUSINESS

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

ACTION: Vice Chair Larsson made a motion on 2011-7502 to deny the appeal and uphold the Zoning Administrator's decision to approve the Special Development Permit with attached conditions. Comm. Travis seconded. Motion carried 6-0, with Comm. Dohadwala absent.

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

3. **FILE #:** 2011-7661
Location: 704 Town and Country (APN: 209-07-003)
Proposed Project: Special Development Permit to allow the development of one residential building and one mixed use building with 133 rental units and 8,131 s.f. of ground floor commercial space and 235 parking spaces located on Blocks C and D.
Applicant / Owner: CP 3 Town And Country Sunnyvale
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, 408-730-7429, smendrin@ci.sunnyvale.ca.us

ACTION: Comm. Sulser made a motion on 2011-7661 to adopt the Mitigated Negative Declaration and approve the Special Development Permit with the modified conditions to those provided on the dais including two additional revisions provided orally by staff and one modification by the Commission. The oral staff revisions are: to add to condition BP-8 on page 6 of Attachment B, a new "g" that says, "All street furniture including street trees, tree grates, tree lighting and irrigation as required by the Downtown Specific Plan not covered by planning application 2010-7493; and to strike the language "Mitigation Measure" from condition BP-22 on page 11 of Attachment B. The Commission modification is to add a condition that the applicant work with staff to reduce the amount of stucco on the facades of the buildings. Vice Chair Larsson seconded the motion. Motion carried 6-0, with Comm. Dohadwala absent.

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

4. **Subject:** Update/Review Corner Vision Triangle Municipal Code Ordinance (Study Issue)
Staff Contact: Jack Witthaus 408-730-7330,
jwitthaus@ci.sunnyvale.ca.us

ACTION: Vice Chair Larsson made a motion to recommend to City Council to Direct staff to prepare a revision to the Sunnyvale Municipal Code to include the provisions related to intersection and driveway sight triangles identified in Alternative 1, items a-e. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This recommendation will be provided to City Council for consideration of this item at the December 6, 2011 City Council meeting.

5. **Select and Rank Potential 2012 Study Issues**
(Public Hearing to allow public comment in the Council Chambers, Planning Commission action will take place in the West Conference Room following Information Only items.)

Ms. Ryan discussed Study Issues, and said this is an opportunity for any member of the public to comment on any of the potential Study Issues before the Commission selects and ranks the items.

Chair Hendricks opened and closed public hearing.

Chair Hendricks said that the Planning Commission received on the dais, a copy of an email from a member of the public expressing support of one of the Study Issues.

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

Comm. Sulser discussed with staff the lockable storage requirement and why the storage must be separate from the unit to count towards the required space. Ms. Ryan added that sometimes, if there are extra closets, a portion of the requirement may be allowed within a unit.

No potential Study Issues for 2013 were proposed.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan congratulated Comm. Dohadwala on the birth of her son. She said that Comm. Dohadwala would return to the Commission meetings in January 2012.

Ms. Ryan reminded the Commission that there is a Joint Study Session with the Planning Commission, City Council, the Bicycle and Pedestrian Advisory Commission, and the Sustainability Commission scheduled for November 29, 2011. She said staff would be providing the Draft Land Use and Transportation Element (LUTE) and the Climate Action Plan (CAP) that the Horizon 2035 Committee has been working on.

Kathryn Berry, Senior Assistant City Attorney, said that the City was notified that the Palo Alto Medical Foundation (PAMF) project which was challenged, went to Superior Court and the City prevailed. She said the challengers took the project to the Court of Appeal and the City prevailed again. Ms. Berry said the PAMF project has been under construction during the Court challenges.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM

- Completion of Public Hearing Item 5 to **Select and Rank Potential Study Issues for 2012** (*Public Hearing is closed to public comment.*)

The Commission meeting adjourned at 9:53 p.m. and reconvened in the West Conference Room for Study Issue ranking at 10:07 p.m. The Planning Commission discussed the potential study issues, selected those to be considered, and ranked them in preference. The outcome of their ranking is shown in Attachment A.

ADJOURNMENT

With no further business, the Commission meeting adjourned at 10:51 p.m.

Attachment:

- A. Selection and Ranking of Potential Study Issues for 2012

**Planning Commission Study Issue Ranking
November 22, 2010**

	STUDY ISSUE TITLE	PC Rank
CDD 12-09	Pedestrian Plans for ITR Areas	1
CDD 12-06	Regulations for Telecommunication Facilities Located in the Public Right of Way	2
CDD 11-02	Downtown Development Policies for Parking	3
CDD 09-11	Review of the Housing Mitigation Fee	4
CDD 12-01	Requiring Solar Panel Installation as Part of Re-roofing Projects	5
CDD 12-05	Food Truck Location and Operation Requirements	6
LCS 09-01	Explore opportunities to Develop a Community Theater ...	Defer
CDD 12-08	Use of Redwood Trees Relative to Water Conservation	Defer
ESD 12-03	Impact of Sea Level Rise	Defer



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, November 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:

- FILE #:** 2011-7673
Location: **333 W. Maude Ave., Suite 201** (APN: 204-53-023)
Proposed Project: Special Development Permit to allow a deviation from parking requirements for a medical office use within an existing 1,095 square foot office condominium.
Applicant / Owner: Patricia Vorreiter / John and Patricia Vorreiter Trustee
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 Thursday, December 1, 2011.

- FILE #:** 2011-7720
Location: **554 Crescent Ave.** (APN: 211-32-013)
Proposed Project: Use Permit and Parcel Map for condominium purposes to subdivide an existing duplex.
Applicant / Owner: Anita Connor / Neva Farmer Trustee
Environmental Review: Categorically Exempt Class 15
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: This item may be appealed to the Planning Commission by Thursday, December 1, 2011.