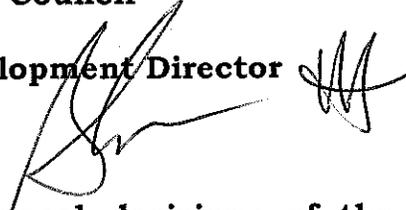




**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **December 8, 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 28, 2011 and the Zoning Administrator Hearing of November 30, 2011.**

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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 28, 2011  
456 West Olive Avenue, Sunnyvale, CA 94086

**SPECIAL START TIME – 6:30 PM**  
**Study Session – West Conference Room**

- 1. File:** 2011-7657  
**Location:** 580 N. Mary Ave.  
**Proposed Project:** Use Permit to allow a new 124,000 square foot, 5-story office building resulting in approximately 55% Floor Area Ratio (FAR) with a new 1.5-story parking structure.  
**Applicant/ Owner:** Peery-Arrillaga / A & P Children Invsllc  
**Environmental Review:** Determination Pending  
**Staff Contact:** Mariya Hodge, 408-730-7659  
[mhodge@ci.sunnyvale.ca.us](mailto:mhodge@ci.sunnyvale.ca.us)  
**Notes:** (20 minutes)
- 2. File:** 2011-7758, 2011-7759, and 2011-7760  
**Location:** 495 E. Java Drive, 1240 Crossman Drive, 549 Baltic Way  
(APNs: 110-32-020 through 110-32-029, 110-36-007, 008 and 020, 110-36-014 and 015)  
**Proposed Project:** Three Major Moffett Park Design Review and Tentative Parcel Map applications for the expansion of the NetApp campus that include modifications to the approved master site that results in a 76.4% Floor Area Ratio (FAR) and the redevelopment of two additional multi-parcel sites that result in a 75.8% FAR and 60% FAR respectively. The project results in approximately 735,859 s.f. of additional building area for a total of 2,505,354 s.f. for the entire campus and utilizes LEED (Leadership in Energy and Environmental Design) Gold design.  
**Applicant/ Owner:** NetApp  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, (408) 730-7431  
[rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:** (50 minutes)
- 3. Public Comment on** (5 minutes)  
Study Session Agenda  
Items
- 4. Comments from the Chair** (5 minutes)

**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; Commissioner Bo Chang; Commissioner Arcadi Kolchak; and Commissioner Brandon Sulser.

Members Absent: Commissioner Maria Dohadwala (excused); Vice Chair Gustav Larsson (excused); and Commissioner Nick Travis (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Ryan Kuchenig, Associate 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 November 14, 2011**

**Comm. Sulser moved to approve the minutes of November 14, 2011. Comm. Kolchak seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.**

**PUBLIC HEARINGS/GENERAL BUSINESS**

2. **FILE #:** 2011-7682  
**Location:** 1074 Robbia Dr. (APN: 211-27-044)  
**Proposed Project:** Design Review to allow a 513 square foot single-story addition resulting in a total of 2,846 square feet and a Floor Area Ratio of 47.4%.  
**Environmental Review:** Categorically Exempt Class 1  
**Staff Contact:** Noren Caliva, 408-730-7637  
[ncaliva@ci.sunnyvale.ca.us](mailto:ncaliva@ci.sunnyvale.ca.us)

**ACTION:** Comm. Sulser made a motion on 2011-7682 to approve the Design Review with modified conditions: to modify BP-1, removing the window size modification requirement. Comm. Chang seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than December 13, 2011.

3. **FILE #:** 2011-7723  
**Location:** 384 Santa Trinita Ave (APN: 205-24-001)  
**Proposed Project:** Use Permit to consider a modification to an approved Use Permit (#2008-0407) consisting of a 99,317 square-foot Research & Development office building.  
**Applicant / Owner:** Devcon Construction / Santa Trinita Office LLC  
**Environmental Review:** Categorically Exempt Class 1  
**Staff Contact:** Ryan Kuchenig, 408-730-7431  
[rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)  
**Notes:** *Applicant requests continuance to December 12, 2011.*

**ACTION:** Comm. Chang made a motion on 2011-7723 to continue this item to the December 12, 2011 meeting. Comm. Kolchak seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

**APPEAL OPTIONS:** This action serves as legal notification of the continuance of this item to the December 12, 2011 meeting.

4. **FILE #:** 2011-7063  
**Location:** 660-666 W. El Camino Real (APN: 201-22-011 & 201-23-029)  
**Proposed Project:** Special Development Permit and Vesting Tentative Map for a mixed use project consisting of 113 residential townhouse units and approximately 17,302 square feet of office/commercial space.  
**Applicant / Owner:** SummerHill Homes / Dorothy Miller Family, LP  
**Environmental Review:** Mitigated Negative Declaration  
**Staff Contact:** Ryan Kuchenig, 408-730-7431, [rkuchenig@ci.sunnyvale.ca.us](mailto:rkuchenig@ci.sunnyvale.ca.us)

**ACTION:** Comm. Sulser made a motion on 2011-7063 to adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map with modified conditions: to recommend that if this item is appealed to City Council and Council approves the project that the project is brought back to the Planning Commission for further review of the details. Comm. Chang seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than December 13, 2011.

- 5. **FILE #:** 2011-7746
- Location:** City Wide
- Proposed Project:** Zoning Code changes to implement Housing Element:
  - Provisions to allow special needs housing and emergency housing (including homeless shelters) in the M-S/POA zones as a matter of right,
  - Streamlining the review process for multi-family housing projects with less than 50 units,
  - Reducing parking requirements for senior housing, affordable housing and housing for persons with disabilities, and
  - Reasonable accommodation allowances for people with disabilities.
- Environmental Review:** Negative Declaration
- Staff Contact:** Andrew Miner, 408-730-7707, miner@ci.sunnyvale.ca.us

**ACTION:** Comm. Chang made a motion on 2011-7746 to introduce the draft ordinance in Attachment B to amend the Municipal Code to: Special Needs Housing and Emergency Housing; Multi-family Residential Development Review Procedures; Parking Standards for Senior Housing, Affordable Housing, and Housing for Persons with Disabilities; and Reasonable Accommodation Procedures. The motion also includes the following modifications: to change the parking requirement for four or more bedrooms to 2 parking spaces plus 0.15 space for each bedroom over three bedrooms; and to change the recommended reviewing body of multi-family residential projects of 50 or fewer units through a Design Review, to the Planning Commission rather than the Zoning Administrator. Comm. Sulser seconded. Motion carried 4-0, with Comm. Dohadwala, Vice Chair Larsson, and Comm. Travis absent.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council for consideration at the December 6, 2011 meeting.

- 6. **Standing Item:** Potential Study Issues
- 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** 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 tomorrow evening, 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.

**Other Staff Oral Report**

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business, the Commission meeting adjourned at 9:38 p.m.



## ZONING ADMINISTRATOR HEARING

**ACTION SUMMARY**  
**Wednesday, November 30, 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 #:** 2011-7557  
**Location:** **1271 W. El Camino Real** (APN: 161-22-010)  
**Proposed Project:** Special Development Permit to allow a pre-school for up to 100 kids and 12 employees in a 5,279 square foot tenant space within a multi-tenant commercial building on El Camino Real.  
**Applicant / Owner:** Safari Kid Preschool / Renault & Handley Employee Investment Co.  
**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 with modifications to condition AT-3 in regards to recycling and solid waste.**

**APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, December 16, 2011.**