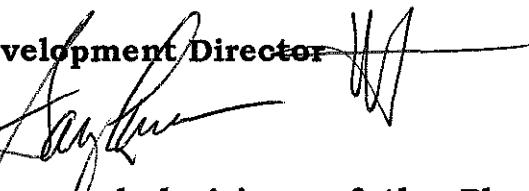




**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **February 2, 2012**

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 January 23, 2012 and the Zoning Administrator Hearing of January 25, 2012.**

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
January 23, 2012
456 West Olive Avenue, Sunnyvale, CA 94086

7:00 PM – Study Session – West Conference Room

1. **File #:** 2011-7070
Location: City-wide
Subject: Comprehensive Sign Code Revisions
Staff Contact: Andrew Miner, (408) 730-7707
aminer@ci.sunnyvale.ca.us
Notes: (45 minutes)
2. **Public Comment on** (5 minutes)
Study Session Agenda
Items
3. **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; Vice Chair Gustav Larsson; Commissioner Maria Dohadwala; Commissioner Bo Chang; Commissioner Arcadi Kolchak; and Commissioner Brandon Sulser.

Members Absent: Commissioner Nick Travis (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Mariya Hodge, 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 January 9, 2012.

1.B. File #: 2011-7758
Location: 495 E. Java Drive (APNs: 110-32-020 through 110-32-029)
Proposed Project: 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). The project results in approximately 120,996 s.f. of additional building area (Buildings 5 & 6) and a 4-story parking structure utilizing 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
Notes: ***Project 2011-7758 continued from December 12, 2011. Request continuance to February 29, 2012 to complete environmental review.***

1.C. File #: 2011-7246
Location: City-wide
Proposed Subject: Consider Revisions to Zoning Code (Title 19 of the Sunnyvale Municipal Code) for Conversions of Mobile Home Parks to Other Uses (Chapter 19.72)
Environmental Review: This action does not meet the definition of a "project" under CEQA and no additional review is required.
Staff Contact: Ernie DeFrenchi, (408) 730-2784
edefrenchi@ci.sunnyvale.ca.us

Notes:

Staff requests an indefinite continuance of this item. The item will be re-noticed for future Public Hearings when new dates have been determined.

Information on the progress of this study can be found at [mobilehomeparks.inSunnyvale.com](http://www.mobilehomeparks.inSunnyvale.com) (<http://www.mobilehomeparks.insunnyvale.com/>)

ACTIONS: Vice Chair Larsson moved to approve the consent calendar. Comm. Chang seconded. Motion carried 6-0, with Comm. Travis absent.

APPEAL OPTIONS: This action serves as legal notification of the continuance of File # 2011-7758 to February 29, 2012 and legal notification of the indefinite continuance of File # 2011-7246, which will be re-noticed for future Public Hearings when dates have been determined.

PUBLIC HEARINGS/GENERAL BUSINESS

2. **File #:** **2011-7853**
 Location: **827 Rubis Drive (APN: 201-24-037)**
 Proposed Project: Design Review for a one and two-story addition to an existing two-story home for a total of approximately 2,927 square feet (48.6% Floor Area Ratio).
 Environmental Review: Categorically Exempt Class 1
 Staff Contact: Ryan Kuchenig, 408-730-7431
 rkuchenig@ci.sunnyvale.ca.us

Comm. Dohadwala recused herself from this item and left the Council Chambers.

ACTION: Comm. Kolchak made a motion on 2011-7853 to approve the Design Review with the attached conditions. Vice Chair Larsson seconded. Motion carried 5-0, with Comm. Dohadwala recusing herself, and Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 7, 2012.

Comm. Dohadwala returned to the Council Chambers.

3. **File #:** **2011-7657**
 Location: **580 N. Mary Ave. (APN: 165-41-002)**
 Proposed Project: Use Permit for a new 124,095 sq. ft., 5-story office building resulting in approximately 55% Floor Area Ratio with a new 1.5-story parking structure.
 Applicant/ Owner: Peery-Arrillaga / A & P Children Invsllc
 Environmental Review: Mitigated Negative Declaration
 Staff Contact: Mariya Hodge, 408-730-7659
 mhodge@ci.sunnyvale.ca.us

ACTION: Comm. Chang made a motion on 2011-7657 to recommend the City Council adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions that the staff and the applicant work together to provide a sidewalk along the site's Maude Avenue frontage while minimizing the removal of trees as much as possible. Comm. Sulser seconded. Motion carried, 5-1, with Comm. Dohadwala dissenting, and Comm. Travis absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered by City Council at the February 7, 2012 meeting.

4. **Location:** City-wide
Proposed Project: Application to Association of Bay Area Governments (ABAG) for Nomination of Potential Sunnyvale Priority Development Areas
Staff Contact: Gerri Caruso, (408) 730-7591
gcaruso@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council at the January 31, 2012 Council Meeting.*

ACTION: Vice Chair Larsson made a motion to recommend to City Council to adopt the attached resolution supporting the application for five Priority Development Areas with modification: to add to the resolution, page 1, the fourth paragraph, under item (c) the language "and/or employment." Comm. Chang seconded. Motion carried 6-0, with Comm. Travis absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered by City Council at the January 31, 2012 meeting.

5. **Location:** City-wide
Proposed Project: Proposed Update to Policy 7.3.2 Including 2012 Priority Issues and Legislative Advocacy Positions
Staff Contact: Coryn Campbell, (408) 730-7475
ccampbell@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council at the February 7, 2012 Council Meeting.*

ACTION: Comm. Dohadwala made a motion to recommend to City Council to Approve Attachment A, *Proposed Policy 7.3.2 Including 2012 Priority Issues and Legislative Advocacy Positions* and Attachment B, *2011 Legislative Action Positions Proposed for Modification or Deletion*. Comm. Sulser seconded. Motion carried 6-0, with Comm. Travis absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered by City Council at the February 7, 2012 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

Trudi Ryan, Planning Officer, announced that three Residential Green Building Requirement Outreach meetings have been scheduled. Staff has invited developers, contractors, and neighborhood groups and the meetings are open to all interested persons. The meetings will take place in the West Conference Room located at 456 W. Olive Avenue, City Hall. The meeting dates and times are: Wednesday, January 25, 2012 from 6:00 to 7:00 p.m.; Thursday, January 26, 2012 from 9:00 to 10:00 a.m.; and Wednesday, February 1, 2012 from 6:00 to 7:00 p.m. Comm. Chang confirmed with staff that these meetings are the follow up and the residential piece to the Green Building Study done in 2011.

Ms. Ryan said the Planning Commission has a Study Session with the Sustainability Commission and the Board of Building Code Appeals on Monday, February 27, 2012 and a Joint Study Session with the City Council on Tuesday, March 6, 2012. The location and times are to be determined.

Ms. Ryan discussed planning related items considered by City Council at the January 10, 2012 meeting.

Vice Chair Larsson discussed with staff a Peery Park item that he read about on the City Manager's blog.

Ms. Ryan, Planning Officer, reminded the Planning Commission that the meetings in February would be on Monday, February 6, 2012 and Wednesday, February 29, 2012 as the Council Chambers are not available on either of the typical February meeting dates due to renovations in the Council Chambers.

Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned 10:00 p.m.



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, January 25, 2012

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 #:** 2011-7890
Location: 755 Dona Ave. (APN: 198-25-041)
Proposed Project: Variance to allow one covered parking space where two covered spaces are required for a 398 square foot single-story addition resulting in floor area greater than 1,800 square feet and more than 4 bedrooms.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us

ACTION: This item has been continued to the February 15, 2012 Zoning Administrator Hearing as per the applicant's request. This action serves as legal notification of the continuance of this item.

APPEAL OPTIONS: None available.