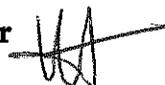




**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **April 13, 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 April 9, 2012 and the Zoning Administrator Hearing of April 11, 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
April 9, 2012
456 W. Olive Avenue, Sunnyvale, CA 94086

7:00 PM - Study Session – West Conference Room

1. **File #:** 2012-7124
Location: 811 Mulberry Lane (APN: 198-28-019)
Proposed Project: Design Review for a 1,200 square foot second-story addition to an existing 2,447 square foot single-family home resulting in (gross floor area) square feet and 52.7% floor area ratio in a n R-0 (Low Density Residential) Zoning District.
Environmental Review: Categorically Exempt Class 1
Staff Contact: Shaunn Mendrin, 408-730-7429, smendrin@ci.sunnyvale.ca.us
Notes: (20 minutes)
2. **Subject:** Review of 2012 Planners Institute
Notes: (30 minutes)
3. **Public Comment on Study Session Agenda Items** (5 minutes)
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; Vice Chair Gustav Larsson; Commissioner Arcadi Kolchak; and Commissioner Brandon Sulser.

Members Absent: Commissioner Bo Chang (excused); Commissioner Maria Dohadwala (excused); and Commissioner Nick Travis (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Diana O'Dell, 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 March 26, 2012.**

ACTIONS: Vice Chair Larsson moved to approve the consent calendar. Comm. Sulser seconded. Motion carried 3-0, with Comm. Kolchak abstaining and Comm. Chang, Comm. Dohadwala, and Comm. Travis absent.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. File #: 2012-7119**
Location: 880 Lori Ave. (APN: 165-25-071)
Proposed Project: Use Permit to allow a Large Family Day Care (LFDC) within 300 feet of another LFDC.
Applicant/Owner: Lee Miller / Gary and Li Chiao Miller Trustee
Environmental Review: Categorically Exempt Class 1
Staff Contact: Elise Lieberman, 408-730-7440, elieberman@ci.sunnyvale.ca.us

ACTION: Vice Chair Larsson made a motion on 2012-7119 to approve the Use Permit with modified conditions: to add a condition that requires at least one parking space always be available in the driveway for use by day care parents. Comm. Kolchak seconded. Motion carried 4-0, with Comm. Chang, Comm. Dohadwala and Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 24, 2012.

- 3. File #: 2011-7719**
Location: 153 E. Fremont Ave. (APN: 211-34-001)
Proposed Project: Appeal of a decision by the Zoning Administrator approving with conditions a Special Development Permit to allow live entertainment (amplified acoustic music) at Da Kine Café. Tulip After School/Da Kine Café / Soo Lee et al
Appellant/Applicant/ Owner:
Environmental Review: Categorically Exempt Class 1
Staff Contact: Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us

ACTION: Vice Chair Larsson made a motion on 2011-7719 to grant the appeal and approve the Special Development Permit with the conditions listed in Attachment B (including new Conditions of Approval #PC-1 and AT-6) and other modifications: to add to condition GC-4.b that if there are valid complaints for more than five separate events at the Café that an earlier review process would be triggered. Comm. Sulser seconded. Motion carried 4-0, with Comm. Chang, Comm. Dohadwala and Comm. Travis absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 24, 2012.

4. **File #:** 2011-7829
Location: 411, 425 North Fair Oaks Avenue and 599 East Taylor Avenue (APN: 204-38-046 and 204-38-047)
Proposed Project: Application on a 0.4 acre site. Rezone from R-3 (Medium Density Residential) to R-3/PD, Special Development Permit to construct eight townhome units and a Vesting Tentative Map to create eight townhouse lots and one common lot.
Applicant/Owner: Silicon Valley Builders, LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Diana O'Dell, (408) 730-7257
dodell@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council at the 4/24/12 Council meeting.*

ACTION: Comm. Sulser made a motion on 2011-7829 to recommend to City Council to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 411, 425 N. Fair Oaks Avenue and 599 E. Taylor Avenue from R-3 to R-3/PD and approve the Special Development Permit and Vesting Tentative Map with modified conditions: adding that staff have the flexibility to work with the applicant on the landscaping making the best effort to maintain the English Walnut and Chinese Pistache trees; and staff have the flexibility to determine whether it is better to stripe the trash cart area as a "no parking" area or to allow parking at certain times. Vice Chair Larsson seconded. Motion carried 4-0, with Comm. Chang, Comm. Dohadwala and Comm. Travis absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on April 24, 2012.

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

No new items were added.

NON-AGENDA ITEMS AND COMMENTS

- **COMMISSIONERS ORAL COMMENTS**

Vice Chair Larsson commented that this past weekend he attended a workshop hosted by the American Planning Association Northern California Chapter regarding land use legal principles, and CEQA (California Environmental Quality Act) and environmental review. He said there is a third workshop for Planning Commissioners coming up and based on the strength of this workshop, he highly suggests attendance.

- **STAFF ORAL COMMENTS**

City Council Meeting Report

Trudi Ryan, Planning Officer, discussed Planning related items considered by City Council at their April 3, 2012 meeting.

Ms. Ryan announced that Planning staff is available to make presentations regarding the Draft Land Use and Transportation Element (LUTE) and the Draft Climate Action Plan (CAP) to any interested groups. Please contact Gerri Caruso at gcaruso@ci.sunnyvale.ca.us or call the Planning Division at (408) 730-7440 for more information.

Ms. Ryan said that the City Council formed a subcommittee for the selection of a Citizen Advisory Committee (CAC) for the Lawrence Station Area Plan. She said the CAC would include two planning commissioners.

Other Staff Oral Report

Chair Hendricks confirmed with staff that the City would be holding outreach meetings at the Sunnyvale Community Center on April 17, 2012 regarding the El Camino Real Bus Rapid Transit Project.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting adjourned 9:55 p.m.



ZONING ADMINISTRATOR HEARING

ACTION SUMMARY
Wednesday, April 11, 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 #:** 2012-7135
Location: 1055 Dunford Way (APN: 313-10-004)
Proposed Project: Use Permit to allow an annual three month theater festival at Full Circle Farm including temporary structures such as a stage and audience seating area within a P-F (Public Facility) Zoning District.
Applicant / Owner: Festival Theatre Ensemble / Santa Clara Unified School District
Environmental Review: Categorically Exempt Class 1
Staff Contact: Gerri Caruso, 408-730-7591, gcaruso@ci.sunnyvale.ca.us

ACTION: Approved subject to the findings and conditions of approval located in the staff report with revised conditions. That the Traffic/Parking Management Plan and Exterior Lighting Plan be submitted 60 before performances commence.

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, April 26, 2012.

- FILE #:** 2012-7155
Location: 438 W. Maude Ave. (APN: 165-28-019)
Proposed Project: Use Permit for an auto repair facility within an existing industrial building in an M-S (Industrial and Service) Zoning District.
Applicant / Owner: Fenders Collision / Vedanta Society
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 or approval located in the staff report with added conditions regarding vehicle storage and improving landscaping.

APPEAL OPTIONS: This item may be appealed to the Planning Commission by Thursday, April 26, 2012.