

**PLANNING COMMISSION MINUTES OF MARCH 28, 2011**

**2010-7808 - AT&T Mobility** [Applicant] **Aircoa Equity Interests** [Owner]: Special Development Permit to allow the continued use of an existing cell on wheels site located on a vacant lot in the Lakeside Specific Plan area at **1250 Lakeside Dr. SM** (*Continued from February 28, 2011.*)

**Comm. Larsson** had recused himself from the previous related public hearing item and remained outside of the Council Chambers for this item also, due to a financial conflict of interest.

**Shaunn Mendrin**, Senior Planner, presented the staff report. He said staff recommends approval of the Special Development Permit with the recommended conditions of approval in Attachment B.

**Chair Travis opened the public hearing.**

**Matt Yergovich**, applicant representing AT&T Mobility, said they are requesting an extension on the Special Development Permit for the existing cell on wheels (COW) to remain in use on the current site until December, 2011, or as much time as possible. He said the extension would allow adequate time to select a stealth vendor and to construct the monopalm recently approved for 1217 Wildwood Avenue site.

**Comm. Sulser** asked staff about the requested deadline date. **Trudi Ryan**, Planning Officer, said that staff thinks a shorter deadline than December, 2011 is important to make sure the applicant is making progress. Ms. Ryan said that if the Commission wants a shorter deadline, they could also provide the flexibility to the Director of Community Development to extend the deadline if progress is being made. Comm. Sulser discussed the applicant's option if progress is not being made, including coming back to the Planning Commission for an additional extension before this extension expires, and otherwise Neighborhood Preservation would seek compliance.

**Steve Summers**, property owner for the monopalm site at 1217 Wildwood (Ramada Inn Sunnyvale), said that he knows AT&T is under the gun to get this project completed, however he wants staff and the Commission to know that he is still about 30 days out from finalizing his contract negotiations with AT&T. He said if the COW extension is only allowed until August 1, 2011, that the deadline would be very tight for AT&T to meet due to other delays with his contract negotiations.

**Matt Yergovich** said he requests the Commission's approval of the extension.

**Chair Travis closed the public hearing.**

**Comm. Chang** confirmed with staff that in condition GC-3 in Attachment B that staff is recommending the permit expire on August 1, 2011.

**Vice Chair Hendricks** discussed with staff possible language for a recommendation. Staff suggested that the Commission could keep the August 1, 2011 permit expiration date, and as long as there is a good faith effort on exercising the permit for the permanent facility at 1217 Wildwood, that the Director of Community Development would be allowed to allot extensions in 30-day increments up to December 1, 2011.

**Comm. Hungerford** moved for **Alternative 2 to approve the Special Development Permit with modified Conditions of Approval: as staff phrased, to include in the conditions that the permit expires on August 1, 2011 and to allow extensions not to exceed December 1, 2011, to be granted by the Director of Community Development if good faith efforts and progress are being made on 1217 Wildwood Avenue monopalm. Vice Chair Hendricks seconded the motion.**

**Comm. Hungerford** said since the Planning Commission approved the monopalm at 1217 Wildwood Avenue that the applicant should be given enough time to construct the facility and this seems to be a reasonable schedule.

**Vice Chair Hendricks** said he agrees with Comm. Hungerford and thinks this motion takes into account the involved parties' issues, staff's concern that progress being made, and provides a mechanism to help make this work.

**ACTION: Comm. Hungerford made a motion on 2010-7808 to approve the Special Development Permit with modified Conditions of Approval: to include in the conditions that the permit expires on August 1, 2011 and to allow the Director of Community Development to grant extensions not to exceed December 1, 2011 if good faith efforts and progress are being made on the facility approved for 1217 Wildwood Avenue, project 2010-7670. Vice Chair Hendricks seconded. Motion carried 6-0, with Comm. Larsson recusing himself.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than April 12, 2011.**