



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **January 24, 2008**

TO: **Mayor and Members of the City Council**

FROM: **Hanson Hom, Community Development Director** 

THROUGH: *for* **Amy Chan, City Manager** 

RE: **Opportunity for Council to appeal decisions of the Planning Commission of January 14, 2008 and the Administrative Hearing of January 16, 2008.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and 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 Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
January 14, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

**SPECIAL START TIME 6:45 PM
Study Session – West Conference Room**

Meeting called to order.

1. **2007-0462 – Essex Property Trust [Applicant] DI Tasman LP [Owner]:** Application for related proposals on a 6.5-acre site located at **615 Tasman Drive** (near N. Fair Oaks Ave.) in a C-2/PD (Highway Business/Planned Development) Zoning District. (Negative Declaration) (APN: 110-29-038) JM; *(25 minutes)*
 - **Special Development Permit** to allow residential mixed use development with 290 condominium apartment units and 51,308 square feet of commercial use, and
 - **Parcel Map** to subdivide one lot into 290 condominium units and six commercial condominium units on a common lot.
2. **2007-1290 – Trinity Church of Sunnyvale [Applicant/Owners]:** Application for a Use Permit to consider architectural modifications of two existing buildings for a religious facility. The property is located at **477 North Mathilda Avenue** (near W. Maude Ave.) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District. (APN: 165-28-022) RK; *(20 minutes)*
3. **2006-0492 -** Application for related proposals on an 11,807 square foot site located at **199 N. Sunnyvale Avenue** (at E. California Ave.) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (Mitigated Negative Declaration) (APN: 204-49-001) NC; *(15 minutes)*
 - **Special Development Permit** to construct three new two-story single-family homes ranging from 2,353 square feet to 2,977 square feet, and
 - **Parcel Map** to subdivide one lot into three lots.
4. **Public Comment on Study Session Agenda Items** *(5 minutes)*
5. **Comments from the Chair** *(5 minutes)*

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Sulser presiding.

ROLL CALL

Members Present: Chair Brandon Sulser; Vice Chair Harriet Rowe; Commissioner Laura Babcock; Commissioner Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; and Comm. David Simons.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Noren Caliva, Assistant Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of December 10, 2007

ACTION: Comm. Klein made a motion to approve the minutes of December 10, 2007 with modifications. Vice Chair Rowe seconded. Motion carried, 6-0-1, Comm. Simons abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2007-1048 - Fairorchard Architectural Committee [Applicant] Callahan William C and Gretchen Trustee [Owner]:** Application to allow permanent status for a Single-Story Combining District for 54 parcels in Tract 1910 **located between Helena Drive, Homestead Road, Wright Avenue and Cupertino Middle School** in an R-1/S (Low-Density Residential/Single Story) Zoning District. (APN: 320-15-045) GC

ACTION: Comm. Babcock made a motion on 2007-1048 to approve the rezoning to apply the Single-Story combining district as proposed by the applicant. Comm. Simons seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action of the Planning Commission will be forwarded to the City Council as a recommendation and is scheduled to be heard by City Council at the January 29, 2008 meeting.

2. **2007-0724:** Application for related proposals for a property located at **1005 Lakehaven Drive** (near Lakeside Dr) in an R-0 (Low-Density Residential) Zoning District. (APN: 110-23-052) NC;
- **Variance** from Sunnyvale Municipal Code section 19.48.020 to allow a fence greater than three feet high in the driveway vision triangles.
 - **Appeal** of a decision by the Director of Community Development denying a Miscellaneous Plan Permit to allow a four-foot fence in the required front yard.

ACTION: Vice Chair Rowe made a motion on 2007-0724 to deny the appeal and uphold the decision of the Director of Community Development to deny the Miscellaneous Plan Permit, and deny the Variance. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action on the Miscellaneous Plan Permit is final and the action on the Variance is final unless appealed to the City Council no later than January 29, 2008.

3. **2007-1096** - Application for a Design Review to allow a 1,569 square foot two-story addition to an existing one-story home for a total of 3,789 square feet and 46.8% FAR (Floor Area Ratio) where 45% may be allowed without Planning Commission review. The property is located at **1649 Kamsack Drive** (near Kalispell Ct.) in an R-1 (Low-Density Residential) Zoning District. (APN: 320-16-048) GC

ACTION: Comm. Simons made a motion on 2007-1096 to approve the Design Review subject to modified Conditions of Approval; to condition the roofing request for the metal roof based on a concurrent application for the solar panel addition only, otherwise the roof needs to be of similar material on all sides; to condition the roofing request that if the metal roof is included that it be similar in color, matching the tone of the existing composition roof or shingles taking into consideration a possible change in color over time; to remove the rear deck and review and modify the windows on the second story of the rear of the house considering the same privacy issues as were considered for the second story windows on the side of the house; and to include in the conditions that the colors meet traditional arts and crafts palettes. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than January 29, 2008.

4. **2007-1196** – Application for a Design Review to allow a 1,372 square foot two-story addition to an existing one-story home for a total of 3,355 square feet resulting in a 54% FAR (Floor Area Ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at **1509 Mallard Way** (near Durshire Wy.) in an R-0 (Low Density Residential) Zoning District. (APN: 309-29-037) RK

ACTION: Comm. Chang made a motion on 2007-1196 to approve the Design Review subject to the Conditions of Approval. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than January 29, 2008.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS' ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan said that on December 11, 2007 the Planning staff presented the Solar Study, previously heard by the Planning Commission, to City Council and said Council adopted the same items that the Planning Commission and staff recommended. She said on December 18th the Council considered an appeal of a Design Review for a home on Hampton Drive that the Planning Commission had denied and the City Council upheld the decision of the Planning Commission and denied the Design Review. She said the Council also considered an appeal for a Design Review for a home on Devona Terrace and Council denied the appeal supporting the action of the Planning Commission. She said the Parking Study Issue report scheduled for consideration at the December 18th meeting was continued to the February 12, 2008 Council meeting.

Ms. Ryan said at the January 8, 2008 Council meeting, outgoing Councilmember Dean Chu was recognized. She said the City's newest Councilmember, David Whittum took his Oath of Office and was seated for his first Council meeting. Ms. Ryan said, at this same meeting, that Council gave authorization for a grant application for \$200,000 to be submitted to the Department of Energy for the Solar American Cities initiative. She said the list of potential Study Issues were also presented and discussed, with the actual Study Issue Workshop scheduled for January 25, 2008. She said after the Council selects and ranks the Study Issues that staff will return to the Planning Commission with the workplan for 2008.

Ms. Ryan said that on January 15, 2008 the City Council would recognize outgoing mayor Otto Lee, and the new Mayor, Tony Spitaleri and new Vice Mayor, Melinda Hamilton.

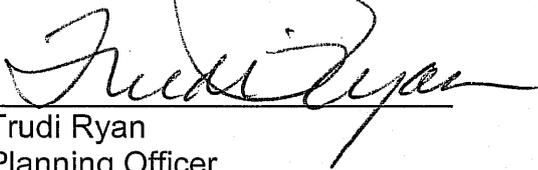
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:35 p.m.

Respectfully submitted,



Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY

Wednesday, January 16, 2008

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:

1. **2007-0768 – Avi Meyers** [Applicant/Owner]: Application for related proposals for a property located at **Ontario Drive (no address)** on a vacant 9,375 square foot lot in an R-3 (Medium-Density Residential) Zoning District. (APN: 323-34-006) MH;
 - **Parcel Map** to subdivide one lot into four condominium lots and two common lots;
 - **Use Permit** to allow four condominium units;
 - **Variance** from Sunnyvale Municipal Code section 19.38.030 to allow individual trash service where a centralized trash enclosure is required.

ACTION: Approved with modifications to the Conditions of Approval regarding relocation of utilities and ADA Access.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, January 31, 2008.

2. **2007-1083** – Application for a Special Development Permit to allow an accessory utility building (arbor) with a one-foot side-yard setback where 4 feet is required. The property is located at **1464 Yukon Drive** (near Crater Lake Ct.) in an R-2/PD (Low Medium-Density Residential/Planned Development) Zoning District. (APN: 323-47-025) NC

ACTION: Denied due to the inability to make the Findings.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, January 31, 2008.