



**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: February 7, 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 28, 2008 and the Administrative Hearing of January 30, 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 28, 2008  
456 West Olive Avenue, Sunnyvale, CA 94086**

**7:00 PM - Study Session – West Conference Room**

Meeting called to order.

1. **2007-1293 – Hawley, Petersen and Snyder [Applicant] Palo Alto Medical Foundation [Owner]** Application for related proposals for a new Camino Medical Office Building located at **301 and 401 Old San Francisco Road** in and R-2/O-PD (Low-Medium Density Residential/Office Planned Development) Zoning District. JM *(25 minutes)*
2. **Review of City Council Workshop on Study Issues** *(15 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 Sulser presiding.

**ROLL CALL**

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

Absent: Commissioner Larry Klein (unexcused absence)

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; and Joey Mariano, Recording Secretary.

**SCHEDULED PRESENTATION** - None

**PUBLIC ANNOUNCEMENTS** – None

## CITIZENS TO BE HEARD

**Kevin Jackson**, Citizen and Chair for the Bicycle and Pedestrian Advisory Commission, stated his concern regarding First Amendment Rights issues related to communications to Council by Board and Commission members. He noted that he intends to speak at tomorrow's City Council meeting regarding the policy as he feels that Board and Commission members should be able to address any concern to the City Council, as Commissioners are representatives of the public. He urged the Planning Commission to attend tomorrow night's Council meeting and asked that Planning Commissioner's express their concern regarding this Policy.

**Comm. Simons** noted Kevin Jackson's statement is regarding tomorrow's City Council Hearing and the staff recommendation on Boards & Commission's speech rights.

**Ms. Ryan** clarified that tomorrow evening's item is regarding the provisions of the Council Policy including an analysis by the City Attorney noting it is the sixth item on the City Council Agenda.

**Arthur Schwartz**, resident of Sunnyvale, also noted the importance of this Policy and would like the expertise of all Boards & Commission members input be restored to the City's decision making process.

## **APPROVAL OF MINUTES of January 14, 2008**

**ACTION:** Vice Chair Rowe made a motion to approve the minutes of January 14, 2008. Comm. Babcock seconded. Motion carried 6 – 0 with Comm. Klein absent.

## PUBLIC HEARINGS/GENERAL BUSINESS

1. **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; (***Applicant requests indefinite continuance***)
  - **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.

**ACTION:** Vice Chair Rowe made a motion to continue Planning file # 2006-0492 indefinitely. Comm. Chang seconded. Motion carried 6 – 0 with Comm. Klein absent.

**APPEAL OPTIONS:** This action serves as the legal notification of the continuance of this item.

2. **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; **(Staff requests continuance)**

- **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.

**ACTION: Comm. Hungerford made a motion on 2007-0462 to continue this item to February 11, 2008. Vice Chair Rowe seconded. Motion carried 6 – 0 with Comm. Klein absent.**

**APPEAL OPTIONS: This action serves as the legal notification of the continuance of this item.**

3. **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;

**ACTION: Comm. Simons made a motion on 2007-1290 to approve the Use Permit with modified conditions: Condition 2A to reflect “seasonal, holiday, symbolic architecture”; a maximum of 10 poles (up to five on each side); with poles a maximum height of 14 feet. Vice Chair Rowe seconded. Motion carried unanimously 6 – 0 with Comm. Klein absent.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 12, 2008.**

#### **NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS' ORAL COMMENTS
- STAFF ORAL COMMENTS

#### **City Council Meeting Report**

**Ms. Ryan** noted the upcoming Planning items that are being heard at City Council.

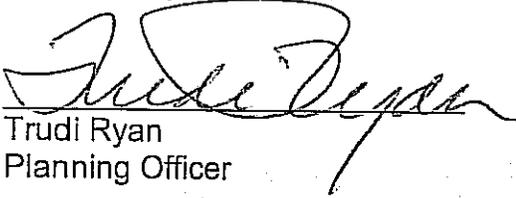
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 9:17 p.m.

Respectfully submitted,



Trudi Ryan  
Planning Officer



## ADMINISTRATIVE HEARING

### ACTION SUMMARY

Wednesday, January 30, 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. **2007-1338 - American Kickboxing Academy** [Applicant] **Murray Garnet Trustee** [Owner]: Application for a Special Development Permit to allow a recreational use at the Fremont Corners Shopping Center. The property is located at **168 E. Fremont Ave** (near Sunnyvale-Saratoga Rd.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 309-01-006) SL

**ACTION: Approved subject to the Findings and Conditions of Approval located in the staff report.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 14, 2008.**

2. **2007-1287** - Application for a Special Development Permit to allow an 8' 10" tall accessory utility building (arbor) with a 0' rear yard setback at a single-family residence. The property is located at **514 Cottage Grove Terrace** (near Yukon Dr.) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 323-47-020) NC

**ACTION: Approved subject to the Findings and Conditions of Approval located in the staff report.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 14, 2008.**

3. **2007-1257 - Kensington Place Apartments** [Applicant] **Kensington-Fair Oaks Associates Joint Venture** [Owners]: Application for a Variance from Sunnyvale Municipal Code 19.44.140(c) to allow an 8' 1" tall ground sign where 5' is allowed in a residential zoning district. The property is located at **1220 N. Fair Oaks Ave.** (near Tasman Dr.) in an R-4/PD (High-Density Residential/Planned Development) Zoning District. (APN: 110-29-025) MH

**ACTION:** The Administrative Hearing Officer approved the height of the sign and took the application under advisement until Monday, February 4, 2008 to review the code and previous sign ordinance updates relating to the Master Sign Agreement option.

**APPEAL OPTIONS:** May be appealed to the Planning Commission by Tuesday, February 19, 2008.