



**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **February 21, 2008**

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

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

THROUGH: **Amy Chan, City Manager**  

RE: **Opportunity for Council to appeal decisions of the Planning Commission of February 11, 2008 and the Administrative Hearing of February 13, 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  
February 11, 2008  
456 West Olive Avenue, Sunnyvale, CA 94086**

**Study Session – West Conference Room**

Meeting called to order.

1. **2008-0097** - Proposed revisions to the approved landscape plan for **Redwood Square** (Sunnyvale Town Center Redevelopment Project) SL (*45 Minutes*)
2. **Public Comment on Study Session Agenda Items** (*5 minutes*)
3. 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; Steve Lynch, Senior Planner; Mariya Hodge, Assistant Planner; and Debbie Gorman, Recording Secretary.

**SCHEDULED PRESENTATION** - None

**PUBLIC ANNOUNCEMENTS** - None

**CITIZENS TO BE HEARD** - None

**APPROVAL OF MINUTES of January 28, 2008**

**ACTION:** Comm. Simons made a motion to refer the minutes back to staff to re-review the meeting tape of January 28, 2008 regarding the motion for project 2007-1290. Vice Chair Rowe seconded. Motion carried, 6-0-1, Comm. Klein abstaining.

## **PUBLIC HEARINGS/GENERAL BUSINESS**

Trudi Ryan, Planning Officer, said the first three public hearing items on the agenda were advertised to be heard this evening and the schedule has changed for all three agenda items. She said the items will be renoticed and no action is required tonight on agenda items 1, 2, and 3.

1. Update of the Seismic Safety and Safety Sub-Element (*Item will be renoticed, no action required*)
2. **2007-1322**: Application for a Design Review to allow a new 6,400 square foot one-story home where 4,050 square feet may be allowed without Planning Commission review. The property is located at **1320 Norman Drive** (at Bryant Wy.) in an R-1 (Low Density Residential) Zoning District. (APN: 313-02-022) RK (*Application being revised and will be renoticed, no action required*)
3. **2007-1302** – Application for a Design Review to allow a 1,745 square foot two-story addition to an existing residence resulting in 3,845 square feet and 62% FAR (Floor Area Ratio) where 45% may be allowed without Planning Commission review. The property is located at **1035 Daisy Court** (near Smoke Tree Wy.) in an R-0 (Low Density Residential) Zoning District. (APN: 213-15-002) MH (*Application being revised and will be renoticed, no action required*)
4. **2007-0928** – Appeal of a decision of the Administrative Hearing Officer regarding an application for a Variance from Sunnyvale Municipal Code section 19.46.050 to allow one covered and one uncovered parking where two covered and two uncovered parking spaces are required, in conjunction with a 400 square foot addition. The property is located at **697 Lakehaven Drive** (near Hiddenlake Dr.) in an R-0 (Low Density Residential) Zoning District. (APN: 110-16-115) NC

**ACTION:** Vice Chair Rowe made a motion on 2007-0928 to deny the appeal and uphold the decision by the Administrative Hearing Officer, and deny the Variance. Comm. Klein seconded. Motion carried unanimously, 7-0.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than February 26, 2008.

5. **2007-0822** – Appeal of a decision of the Administrative Hearing Officer regarding an application for a Use Permit to allow an existing nine-foot seven-inch tall wood fence in the reducible front yard. The property is located at **734 Liverpool Way** (near Goldfinch Wy) in an R-0 (Low-Density Residential) Zoning District. (APN: 309-46-008) MH

**ACTION:** Comm. Babcock made a motion on 2007-0822 to uphold the decision of the Administrative Hearing Officer to approve the Use Permit with the design shown in Attachment D and the attached Conditions of Approval with modifications; that the conditions include that the fence height shall not exceed 5'9" from the existing grade level and 5'5" from the sidewalk at the existing grade. Vice Chair Rowe seconded. Motion carried 6-1, Comm. Hungerford dissenting.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than February 26, 2008.

6. **2007-1259:** Application for a Special Development Permit to allow a 176 square foot single-story addition to a single-family residence resulting in 45.6 % Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission Review. The property is located at **506 Davenport Ct.** (near Yukon Dr.) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 323-31-025) RZ

**ACTION:** Comm. Klein made a motion on 2007-1259 to approve the Special Development Permit with modified conditions; to modify condition 1.G to include allowing the applicant six months to remove the accessory utility building; and add to the conditions that the height of the family room addition be up to and not exceed 13 feet. Comm. Babcock seconded. Motion carried unanimously, 7-0.

**APPEAL OPTIONS:** This action is final unless appealed to the City Council no later than February 26, 2008.

7. **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; (*Continued from January 28, 2008*)

- **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. Babcock made a motion on 2007-0462 to adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions: to investigate with staff the addition of a northern egress from the retail parking onto the fire lane, noting that the addition may remove several retail parking spaces; for the applicant to work with staff to minimize the number of palm trees on the site; and that an additional 10 trees be required to be preserved along the northern boundary of the site unless an on-site arborist verifies that they cannot be saved during the site grading. Comm. Klein seconded. Motion carried unanimously, 7-0.

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 26, 2008.**

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS' ORAL COMMENTS
- STAFF ORAL COMMENTS

**City Council Meeting Report**

Ms. Ryan discussed several projects that were recently heard by City Council that had previously been reviewed by the Planning Commission. She also advised of several upcoming items that Council would be reviewing that the Planning Commission has already considered.

**Other Staff Oral Report**

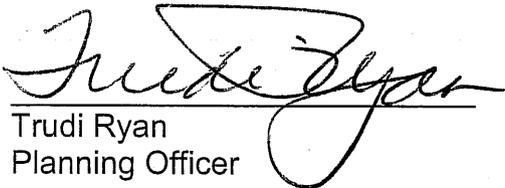
Ms. Ryan said the 2008 Planners Institute is coming up in March and she is still waiting to hear from Commissioners who would be interested in attending the conference. She said she would be looking at the budget to see how many Commissioners would be able to attend this year.

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business, the Commission meeting was adjourned at 11:10 p.m.

Respectfully submitted,

  
Trudi Ryan  
Planning Officer



## ADMINISTRATIVE HEARING

### ACTION SUMMARY

Wednesday, February 13, 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:

**2007-1306** – Application for a Use Permit to allow a 7' 7" tall fence in the side yard. The property is located at **594 E Fremont Avenue** (near Floyd Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 309-03-035) 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 28, 2008.**

**2007-1341- Whispering Wind Center** [Applicant] **Tasman V LLC** [Owner]: Application for a Use Permit to allow a recreational use (spa and fitness center) in a 10,000 square foot tenant space and to establish a revised parking plan for the site. The property is located at **1237 Reamwood Avenue** (at Tasman Dr.) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District. (APN: 104-58-007) JM

**ACTION: Taken under advisement until Tuesday, February 19, 2008 to review pending parking issues. On that day, the Administrative Hearing Officer continued the item to the March 12, 2008 Administrative Hearing.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, March 11, 2008.**

**2007-1352 - Senzala Brazilian Cuisine** [Applicant] **Mike and Kulwinder K Atkar** [Owner]: Application for a Special Development Permit to allow live entertainment and full liquor service at an existing restaurant. The property is located at **250 East Java Drive** (at Geneva Dr.) in an MP-TOD (Moffett Park – Transit Oriented Development) Zoning District. (APN: 110-33-030) RZ

**ACTION: Taken under advisement until Tuesday, February 19, 2008 to explore more restricted conditions. On that day, the Administrative Hearing Officer approved the application with a modified condition regarding the hours of operation.**

**APPEAL OPTIONS: May be appealed to the Planning Commission by Wednesday, March 5, 2008.**