



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **May 8, 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 April 28, 2008 and the Administrative Hearing of April 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
April 28, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 - Study Session – West Conference Room

Meeting called to order.

1. **Land Use and Transportation Element Work Plan** (*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; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of March 24, 2008

Comm. Klein moved to approve the minutes of March 24, 2008. Vice Chair Rowe seconded. Motion carried unanimously, 7-0.

APPROVAL OF MINUTES of April 14, 2008

Vice Chair Rowe moved to approve the minutes of April 14, 2008. Comm. Babcock seconded. Motion carried, 6-0-1. Comm. Hungerford abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2007-1244 - T-Mobile** [Applicant] **City of Sunnyvale** [Owner]: Application for a Use Permit to allow the replacement of three existing T-Mobile antennas and add three additional antennas on an existing PG&E tower including radio equipment within an existing cabinet. The property is located at **675 Gail Avenue, Braly Elementary School** (near Iris Ave) in a P-F (Public Facility) Zoning District. (Negative Declaration) (APN: 211-07-001) NC (*Application withdrawn. Prior application still valid.*)

Trudi Ryan, Planning Officer, said this application was filed, however a prior approval of a different application gave permission for six antennas and only three had been installed. This application has been withdrawn as the prior application is still valid.

ACTION: No action required.

2. **2007-0463 - Michael Kirkish** [Applicant/Owner]: Application for related proposals on three parcels totaling 46, 212 square feet located at **408 Flora Vista Avenue, 421 South Bayview Avenue and 420 Flora Vista Avenue** (near E. Iowa Ave.) in R-2 (Low Medium Density Residential) and R-0 (Low Density Residential) Zoning Districts. (Mitigated Negative Declaration) (APN: 209-24-016) SB;
 - **Tentative Map** to subdivide three lots to nine lots,
 - **Rezone** from R-0 (Low Density Residential) and R-2 (Low Medium Density Residential) to R-1.5/PD (Low Medium Density Residential/Planned Development) and R-2/PD (Low Medium Density Residential/Planned Development) Zoning Districts, and
 - **Special Development Permit** to allow six new single family homes.

ACTION: Comm. Simons made a motion on 2007-0463 to adopt the Negative Declaration and introduce an Ordinance to Rezone 421 S. Bayview Avenue, 408 and 420 Flora Vista Avenue from R-2 and R-0 to R-2/PD and R-1.5/PD and approve the Vesting Tentative Map for lots 1-9 with the modification to remove lot 6 and approve the Special Development Permit for five new single family homes on lots 1-5 with modified conditions: to add language that single family lots are intended for lots 7 and 8; to add language that the driveway widths will be 11 feet and the paved areas in front of the garages would be made of pervious materials for stormwater runoff and if other stormwater runoff requirements are needed in the future then additional requirements can be added; that five units be developed on S. Bayview with a maximum of three driveways on the proposed sites on Bayview; to modify condition 8 to include that new trees added shall be native species and as large as appropriate for placement on the lot; to follow through on the planned details that add differentiation to the homes including window and door styles, rafter details, garage door styles, molding used on the buildings, garage building styles which contribute to increasing the architectural detail; that all units will not exceed a 50% FAR (Floor Area Ratio); that the applicant continues to work with staff to address the privacy issues for the second story windows on both the northern most and southern most houses on Bayview, and also in the future the northern and southern houses on Flora Vista when those plans come through; that the lot sizes would be consistent with the Bayview Avenue lot widths and give any extra space to lot 9. Comm. Babcock seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be heard at the June 10, 2008 City Council meeting. (Item was advertised for June 3, 2008 and is to be continued to the June 10, 2008 meeting.)

3. **2007-1322:** Application for related properties located at **1320 Norman Drive** (at Bryant Way) in an R-1 (Low Density Residential) Zoning District. (APN: 313-02-022) RK;
- **Design Review** to allow a new 6,554 square foot one-story home and accessory living unit where 4,050 square feet may be allowed without Planning Commission review,
 - **Variance** from Sunnyvale Municipal Code Section 19.34.060 to allow encroachment into the required 40-foot corner vision triangle.

ACTION: Comm. Babcock made a motion on 2007-1322 to approve the Design Review and deny the Variance with the attached conditions. Comm. Klein seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than May 13, 2008.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS' ORAL COMMENTS

Comm. Simons commented to Comm. Babcock that they only have three more Commission meetings before their terms are up as Planning Commissioners.

- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan, Planning Officer, said there will be only one Planning Commission meeting in May which is scheduled for May 12, 2008. She said normally a second meeting would have been scheduled for the fourth Monday, however the date falls on Memorial Day and the meeting is cancelled.

Ms. Ryan said that on April 22, 2008 Council consider an appeal regarding uncovered parking on Lakehaven Drive. The Council upheld the decision of the Planning Commission and denied the appeal.

Ms. Ryan commented that on April 29, 2008 that the Council will consider a staff report regarding revisiting the implementation of the Sign Code. The Council had reviewed the Sign Code in 2005 and asked staff to report back in three years with feedback regarding status of the Sign Code revisions. Staff found that the revised regulations from 2005 seem to be working, and that businesses seem to be pleased with the increased height and size that is permitted for wall and ground signs. Staff is recommending returning to Planning Commission and City Council with an ordinance to clarify the rules regarding bounce houses.

Other Staff Oral Report

Ms. Ryan discussed several of the items scheduled for upcoming meetings.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, April 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:

2008-0332: Application for a Use Permit to allow an approximately 8' 6" tall fence in the reducible front yard. The property is located at **721 Haverhill Drive** (near Quetta Ave) in an R-0 (Low Density Residential) Zoning District. (APN: 201-09-019) RZ

ACTION: Approved with an added condition to install and maintain additional landscaping between the retaining wall and the back edge of the sidewalk.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, May 15, 2008.