



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **October 2, 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 September 22, 2008 and the Administrative Hearing of September 24, 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
September 22, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM Study Session – West Conference Room

Meeting called to order.

1. **2008-0482** - Determine the enforceability of CC&Rs for violations to City Code and project approvals (Study Issue). *(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 Rowe presiding.

ROLL CALL

Members Present: Chair Harriet Rowe; Vice Chair Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; Commissioner Dianne McKenna; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Staff Present: Hanson Hom, Community Development Director; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Andrew Miner, Principal Planner; Jack Witthaus, Transportation and Traffic Manager; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of September 8, 2008

Comm. McKenna moved to approve the minutes of September 8, 2008. Comm. Klein seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

- 1. 2007-0065 – Application for a Design Review to allow a new two-story single family residence for a total of approximately 3,095 square feet and 55% FAR (Floor Area ratio) where 45% FAR may be allowed without Planning Commission review. The property is located at 688 Conway Road (near Hollenbeck Ave) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 202-06-017) NC (*Continued from September 8, 2008*)**

ACTION: Comm. McKenna made a motion on 2007-0065 to approve the Design Review with attached conditions. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than October 7, 2008.

- 2. 2008-0756 – International Technological University [Applicant] DPM San Aleso LLC [Owner]: Application for a Use Permit to allow an institute of higher learning to occupy approximately 9,156 square feet of tenant space within two existing industrial office buildings. The property is located at 744 & 756 San Aleso Avenue (near N. Mathilda Ave.) in an M-S (Industrial & Service) Zoning District. (Mitigated Negative Declaration)(APN: 204-01-007 & 204-01-015) RK**

ACTION: Comm. Klein made a motion on 2008-0756 to adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions; to add a condition 5.B that the applicant review with staff the landscaping for possible addition of a pass through or sidewalk going with the natural flow that the students are already taking; and to add language to the beginning of condition 10.3 that the applicant work with staff and the fire marshal to evaluate the condition of buildings in excess of 3600 square feet in relations to the need for fire sprinklers. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than October 7, 2008.

3. **2008-0637– Downtown Sunnyvale Mixed Use, LLC** [Applicant/Owner]: Application for a revised site plan that includes the proposed location of an additional level of parking in the Block 6 area (Washington Ave. and Sunnyvale Ave.) of the Sunnyvale Town Center Redevelopment project. The property is located at **2502 Town Center Lane** (project is generally bounded by Iowa Avenue to the south, Sunnyvale Avenue to the east, Washington Avenue to the north, and Mathilda Avenue to the west.) in the DSP-18 (Downtown Specific Plan Block 18) Zoning District. (APN: 209-34-009, 010, 015, 016, 017, 018 and 209-35-001, 005, 007, 010, 011, 012) SL

ACTION: Comm. Sulser made a motion on 2008-0637 to approve the Special Development Permit for revisions to the site plan with the amended conditions. Vice Chair Chang seconded. Motion carried, 6-1, Comm. Hungerford dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than October 7, 2008.

4. **Mary Avenue Extension Project Environmental Impact Report Certification and Project Approval, Recommendation to City Council JW**

ACTION: Comm. Klein made a motion to recommend to City Council to certify the final EIR of the Mary Avenue Extension Project and formally approve the project with suggestions; that staff monitor traffic growth on the South Mary corridor looking at traffic issues in the neighborhoods; and that staff continue to investigate traffic calming opportunities on Mary Avenue south of Central. Comm. Travis seconded. Motion carried, 6-1, Comm. McKenna dissenting,

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the October 28, 2008 City Council meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS' ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Caruso said on September 9, 2008 that the City Council participated in a Study Session regarding an update of the Downtown improvements, and considered the Work Plan for the Housing Sub-element in public hearing, which they approved. She said on September 16, 2008 there were no Planning related public hearing items and commented that the Council did have a Study Session regarding the Housing Strategy.

Other Staff Oral Report

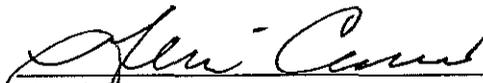
INFORMATION ONLY ITEMS

Ms. Caruso reminded the Planning Commission that the Grand Opening of the Sunnyvale Historical Museum is scheduled for this Saturday, September 27, 2008 from 12 p.m. to 4 p.m. at Heritage Park, 550 E. Remington Drive.

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 12:12 p.m.

Respectfully submitted,



Gerri Caruso
Principal Planner



ADMINISTRATIVE HEARING

ACTION SUMMARY

Wednesday, September 24, 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:

2008-0881: Valero [Applicant] **Mohan S and Hardev K Dhanota** [Owner]: Application for a Special Development Permit to allow the sale of beer and wine at an existing gas station and convenience store. The property is located at **698 N Fair Oaks Avenue** (at Caliente Dr) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 205-01-010) NC

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, October 9, 2008.