



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **November 20, 2008**

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

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

THROUGH: **Amy Chan, City Manager** *[Signature]*

RE: **Opportunity for Council to appeal decisions of the Planning Commission of November 10, 2008 and the Administrative Hearing of November 12, 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
November 10, 2008
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

Meeting called to order.

1. **Update of the Water Resource Sub-element JC** (*25 minutes*)
2. **2008-1056:** Application for related proposals located at **615 Dunholme Way** (near Floyd Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 309-16-007) NC
(*20 minutes*);
 - **Parcel Map** to subdivide one lot into two lots;
 - **Rezone** from R-0 (Low Density Residential) to R-0/PD (Low Density Residential/Planned Development) Zoning District;
 - **Special Development Permit** to construct an additional single-family home.
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 Rowe presiding.

CALL TO ORDER/SALUTE TO THE FLAG

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: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Rosemarie Zulueta, Assistant Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS/CITIZENS TO BE HEARD

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

Trudi Ryan, Planning Officer, said that the Housing and Planning Divisions are working on an update to the Housing and Community Revitalization Sub-element of the General Plan. She said staff would be conducting a community outreach meeting on Thursday, December 4, 2008 at the Senior Center in the Laurel Room. She said there would be information mailed out to groups that have been identified, i.e. providers of affordable housing, advocacy groups, neighborhood associations, and other interested parties. She said the Planning Commissioners are welcome to attend as observers.

Ms. Ryan said there would also be a series of outreach meetings regarding the requirements for a sustainability program that the City Council adopted earlier this year. She said the first meeting would be November 12, 2008 at the Community Center regarding non-residential developments. She said there will be additional meetings for non-residential developments, and multiple and single-family residential developments. She said anyone interested in attending the meetings should contact Ryan Kuchenig in the Planning Division at (408) 730-7431.

1.A. APPROVAL OF MINUTES of October 27, 2008

Comm. Klein moved to approve the minutes of October 27, 2008. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

- 1. 2008-0741 – Appeal of a decision by the Director of Community Development denying a Tree Removal Permit for an Oak tree located in the rear yard of a single-family residence. The property is located at 1384 La Bella Ave. (near Cascade Dr.) in an R-1 (Low Density Residential) Zoning District. (APN: 323-08-019) EH (Continued from October 27, 2008)**

ACTION: Comm. Sulser made a motion on 2008-0741 to grant the appeal and approve the Tree Removal Permit with modified conditions: that condition 1 be modified that the required replacement tree be a minimum of a 24-inch box size instead of a 15-gallon size. Comm. Klein seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final.

2. 2008-0761 – Arbor Terrace Apartments [Applicant] EQR-Connor LLC [Owner]: Application for a Special Development Permit to allow the conversion of an existing laundry room to a new studio apartment. The property is located at 555 East El Camino Real (S. Fair Oaks Ave.) in an R-4/ECR (High Density Residential/Precise Plan for El Camino Real) Zoning District. (APN: 211-01-041) SB (*Continued from October 13, 2008*)

ACTION: Comm. Sulser made a motion on 2008-0761 to approve the Special Development Permit with modified conditions: to add a condition that the applicant work with staff and the Director of Community Development to find a location for a 300 cubic foot lockable storage as required by the City. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than November 25, 2008.

3. 2008-0482 - Determine the Enforceability of CC&Rs (conditions, covenants & restrictions) for Violations to City Code and Project Approvals – Study Issue to determine the various issues associated with residential common interest developments (i.e., townhomes, condominiums, or detached single-family homes with common areas); how these issues can be better addressed; and the level of involvement the City could undertake in the enforcement of CC&Rs. RZ (*Continued from October 13, 2008*)

ACTION: Comm. McKenna made a motion on 2008-0482 to recommend to City Council to adopt Alternative C. 1-5, D.1-3 and E to develop tools for HOA (Homeowners' Associations) education assistance and to include specific COAs (Conditions of Approval) to address common issues in CIDs (common interest developments) with a modification to Alternative C.3 that the wording be changed to "Recommend HOAs and Homeowners use mediation services". Comm. Travis seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the December 16, 2008 City Council meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said the City Council met in a public hearing on October 28, 2008 and considered the Mary Avenue Extension Environmental Impact Report (EIR) and project approval. She said the Council certified the EIR and approved the project in accordance with the staff recommendation, which is to proceed to the next levels of design and analysis. She said the Council added a condition to explore what it would take to designate the extension for buses and HOV (High Occupancy Vehicle) use only. She said that designation would presumably require legislative change, as local jurisdictions do not have the authority to make the designation. Ms. Ryan said Chair Rowe was present at the meeting to represent the opinions of the Planning Commission on the item.

Other Staff Oral Report

None

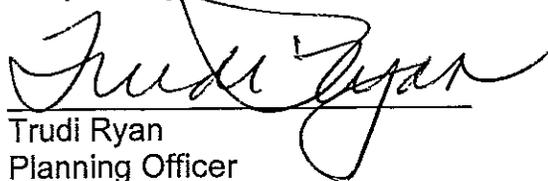
INFORMATION ONLY ITEMS

Chair Rowe congratulated the latest class of SNAP (Sunnyvale Neighborhoods Actively Prepare) students that graduated this past week. She said she served as a victim again. She said if anyone is interested in learning more about this program they can contact the Sunnyvale Public Safety Department and ask about the SNAP program.

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:28 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY

Wednesday, November 12, 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. **2008-1088**: Application for a Use Permit to allow a new 165 square foot trellis in the front yard between the house and street. The property is located at **788 East Ahwanee Avenue** (near San Junipero Dr.) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 205-03-006) EH

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 Monday, December 1, 2008.

2. **2008-1091 - Cheese Steak Shop** [Applicant] **Sunnyvale Civic Square LLC** [Owner]: Application for a Special Development Permit to allow a new fast food restaurant in an existing shopping center (Civic Square). The property is located at **832 West El Camino Real** (at Hollenbeck Ave.) in aC-2/ECR (Highway Business/ Precise Plan for El Camino Real) Zoning District. (APN: 201-21-005) EH

ACTION: Approved with minor changes to the conditions regarding parking and the hours of operation.

APPEAL OPTIONS: May be appealed to the Planning Commission by Monday, December 1, 2008.