



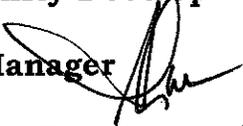
NO: 08-365

**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **December 4, 2008**

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

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

THROUGH: **Gary Luebbers, City Manager** 

RE: **Opportunity for Council to appeal decisions of the Planning Commission of November 24, 2008 and the Administrative Hearing of November 26, 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

*[Faint, illegible text]*



**DRAFT MINUTES  
SUNNYVALE PLANNING COMMISSION  
November 24, 2008  
456 West Olive Avenue, Sunnyvale, CA 94086**

**7:30 PM – Special Start Time  
Study Session – West Conference Room**

Meeting called to order.

- 1. Review of Study Issues Selection and Ranking Process (20 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.

**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; Andrew Miner, 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.

**APPROVAL OF MINUTES of November 10, 2008**

**Comm. McKenna moved to approve the minutes of November 10, 2008. Comm. Travis seconded. Motion carried unanimously, 7-0.**

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 1. 2008-1165 - Title 19 - Amendments to Automobile/Vehicle Service and Repair in Residential Districts DH**

**ACTION: Comm. Klein made a motion on 2008-1165 to recommend to City Council to introduce the ordinance. Comm. McKenna 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.**

- 2. Update of the Water Resource Sub-element JC**

**ACTION: Comm. McKenna made a motion on the Update of the Water Resource Sub-element to recommend to City Council to adopt by resolution the updated Water Resources Sub-element to the Environmental Management Element of the Sunnyvale General Plan. Comm. Hungerford 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.**

- 3. 2008-0487 - Parking Requirements for Medical Office Buildings (Study Issue)  
RZ**

**ACTION: Comm. McKenna made a motion on 2008-0487 to recommend to City Council to introduce an ordinance to amend the zoning code to: add a definition for medical clinics to include ancillary services such as retail, classes, etc.; require a Use Permit for new medical clinics; establish a parking requirement for medical clinics the same as medical office (1:200 gross floor area); and require a parking management plan as a condition of approval for new medical clinics. Comm. Klein seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the December 9, 2008 City Council meeting.**

**4. Select and Rank Potential Study Issues for 2009**  
*(Public Hearing to allow public comment in the Council Chambers, Planning Commission action will take place in the West Conference Room following Information Only items.)*

**Trudi Ryan**, Planning Officer, clarified that a list was provided to the Planning Commission of potential studies that have already been identified for next year. She said that this public hearing is an opportunity for the public to comment on just the items on the list. She said if the public feels there are additional items related to Community Development that the City Council should consider, that the time to bring up the new items would be at the Council public hearing regarding Study Issues in January 2009. Ms. Ryan said there are 26 items for the Commission to consider this evening. She said after public comment has been received that staff is asking that the Commission defer the remainder of this item until the agenda items have been completed. She asked that the Commission then adjourn the remainder of the meeting to the West Conference Room where the Commission will select and rank potential Study Issues. She said the portion of the meeting in the West Conference Room is open to the public.

**Chair Rowe opened the public hearing.**

There were no public comments.

**Chair Rowe closed the public hearing.**

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

**Trudi Ryan**, Planning Officer, commented that on November 18, 2008 the City Council considered a condominium conversion on Brookfield Avenue. She said the City Council accepted the Planning Commission recommendation for this item. She said the Council also considered related applications for a site at Lawrence Station Road. She said the Council certified the Environmental Impact Report and adopted a revised mitigation measure for the diesel particulate matter impact. She said the Council also considered a Mixed Use zoning district and modified the district requirements from the Planning Commission recommendation. She said, for the same site, the Council approved the related applications for the General Plan Amendment, the SDP, and the Vesting Tentative Map.

Other Staff Oral Report

None

**INFORMATION ONLY ITEMS**

**Chair Rowe** wished everyone happy holidays and said she would not be at the last meeting of the year. She said Vice Chair Chang would be in charge of the December 8, 2008 meeting.

**ADJOURN PUBLIC HEARING TO THE WEST CONFERENCE ROOM**

- Completion of Public Hearing Item 4 to **Select and Rank Potential Study Issues for 2009** (*Public Hearing is closed to public comment.*)

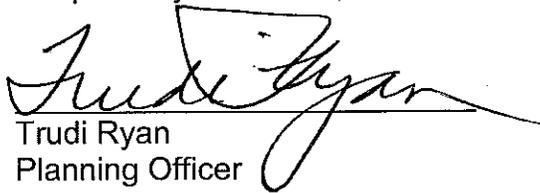
***See Attachments A and B for results to the selection and ranking.***

The Commission meeting was adjourned to the West Conference Room at 9:20 p.m.

**ADJOURNMENT**

With no further business, the Commission meeting was adjourned at 10:35 p.m.

Respectfully submitted,

  
Trudi Ryan  
Planning Officer

**Attachments**

- A. Planning Commission Potential Study Issues for 2009
- B. CDD potential Study Issues for 2009: Recommendations from Planning Commission

**PLANNING COMMISSION POTENTIAL STUDY ISSUES FOR 2009  
SELECTION**

		For Study	No Rec.	Defer	Against
CDD-02	Consider Revisions to Zoning Code for Conversions of Mobile Home Parks to Other Uses	X			
CDD-03	Increasing Minimum Dimensions for Usable Open Space	X			
CDD-04	Limitations on Signage for Alcohol Sales				X
CDD-07	Auto Mall on Freeway			X	
CDD-08	Centralized Trash Enclosure Requirements for Attached Housing				X
CDD-09	Pilot Program on Multi-family Rental Housing Inspection			X	
CDD-10	Aesthetic Standards and Funding Mechanism to upgrade Telecommunication Towers Combine 10,11,16,44 Comprehensive Look at Telecomm Towers	X			
CDD-11	Develop a Plan for Use of City Property for Wireless Telecommunications Facilities	C w/10			
CDD-12	BMR In Lieu Fee Requirements Modification	X			
CDD-13	Setback Requirements for Smaller Lots				X
CDD-15	Parking Lot Shading Standards				X
CDD-16	Review and Update Design Criteria for Wireless Telecommunications Facilities	C w/10			
CDD-17	Definition of a Story as it Relates to Single-Story Combining Districts				X
CDD-20	Preservation of Large "Service Commercial" properties				X
CDD-21	Regulations for the Prevention of Noise Pollution	X			
CDD-23	Better Define Sunnyvale Neighborhood Planning Areas				X
CDD-26	Downtown Specific Plan Update			X	
CDD-29	Requirements for Water Permeable Concrete in New Projects	X			
CDD-30	Coordinating Zoning for Projects Located Near City Borders				X
CDD-31	Zoning Code Requirements for Political Signs				X
CDD-33	Study Affordable Housing Incentives for Transit-oriented Development		X		
CDD-35	Examine BMR Current Policy and Requirements	X			
CDD-36	Review Front Yard Fence Requirements and Policies	X			
CDD-43	Review of the Housing Mitigation Fee	X			
CDD-44	Enforcement of Telecommunications Towers and Facilities				
CDD-45	Determine Appropriate Review Standards for Alternative Energy Sources	C w/10			
		X			

**CDD Potential Study Issues for 2009: Recommendations from Planning Commission**

STUDY ISSUE TITLE	Ranking										Total	Rank
	Rowe	Chans	Klein	Hungerford	Sulser	McKenna	Travis					
CDD-45	Determine Appropriate Review Standards for Alternative Energy Sources	2	7	2	2	1	3	2	19	1		
CDD-21	Regulations for the Prevention of Noise Pollution	10	9	1	1	4	1	1	27	2		
CDD-03	Increasing Minimum Dimensions for Usable Open Space	5	4	3	3	7	8	5	35	3		
CDD-12	BMR In Lieu Fee Requirements Modification	9	3	6	5	5	6	3	37	4		
CDD-10	Aesthetic Standards and Funding Mechanism to upgrade Telecommunication Towers - Combine 10,11,16,44 Comprehensive Look at Telecomm Towers	3	8	5	4	9	5	4	38	5		
CDD-35	Examine BMR Current Policy and Requirements	8	2	7	6	6	4	6	39	6T		
CDD-43	Review of the Housing Mitigation Fee	7	6	4	8	3	2	9	39	6T		
CDD-02	Consider Revisions to Zoning Code for Conversions of Mobile Home Parks to Other Uses	4	1	9	10	2	7	7	40	8		
CDD-36	Review Front Yard Fence Requirements and Policies	1	5	10	9	10	10	10	55	9		
CDD-29	Requirements for Water Permeable Concrete in New Projects	6	10	8	7	8	9	8	56	10		

ATTACHMENT B  
Page 1 of 1



## ADMINISTRATIVE HEARING

**ACTION SUMMARY**  
**Wednesday, November 26, 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:

**2008-1135 – Vintners Distributors Inc.** [Applicant/Owner]: Application for a Use Permit to allow the sale of beer and wine at an existing Chevron automobile service station convenience store. The property is located at **296 N. Fair Oaks Avenue** (at E. Arques Ave.) in an M-S (Industrial and Service) Zoning District. (APN: 205-31-006) MH

**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, December 11, 2008.**

**2008-1113 – California Water Service** [Applicant/Owner]: Application for a Use Permit to allow co-location of an antenna on an existing telecommunications monopine resulting in two users. The property is located at **800 Carlisle Way** (near Kingfisher Wy) in an R-0 (Low Density Residential) Zoning District. (APN: 309-12-013) RK

**ACTION: Approved with two added conditions regarding emergency contact and prior approval for a generator.**

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