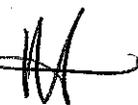




**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **February 5, 2009**

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 January 26, 2009 and the Administrative Hearing of January 28, 2009.**

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 stamp: RECEIVED FEB 10 2009)



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
January 26, 2009
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

Meeting called to order.

1. **2007-1293** – Review of Draft Environmental Impact Report for **Palo Alto Medical Foundation** located at **301 and 401 Old San Francisco Road**, and **420, 428 and 448 Kinney Court**. GC/TR (35 minutes)
2. Review of City Council 2009 Study Issues/Budget Issues Workshop TR (10 minutes)
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 Harriet 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; Mariya Hodge, Associate 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 January 12, 2009

Comm. Klein moved to approve the minutes of January 12, 2009 with modifications. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2008-0485 Business Identification on Ground Signs and Size of Street Address Numbers (Study Issue) –MH**

ACTION: Comm. McKenna made a motion on 2008-0485 to recommend to City Council staff's recommendation as shown in Alternative 1 of the report with modifications: for staff to perform additional research on property frontage lengths to determine if there are a significant number of sites that would fall below the 300-foot standard and if so, allow the flexibility to slightly reduce the proposed 300-foot requirement for a second ground sign; for staff to review appropriate spacing between ground signs including distance from existing signs on neighboring sites; to require that where a directional identifier such as East or West is included with the address number that the direction be displayed after the number. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the February 10, 2009 meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Ms. Ryan said that she provided an update to the Planning Commission regarding the Study Issue Workshop of January 23, 2009 at tonight's Study Session. Ms. Ryan said that on January 13, 2009 the City Council considered a report that the Commission had provided recommendation to Council regarding exploring the development of a Human Rights Relations

Board. Ms. Ryan reminded the Planning Commission that there would be a Joint Study Session with the City Council, the Housing and Human Services Commission and the Planning Commission on March 3, 2009 in the Library Program Room from 5:00 p.m. to 7:00 p.m. to discuss findings for the Housing and Community Revitalization Sub-element.

Other Staff Oral Report - None

INFORMATION ONLY ITEMS

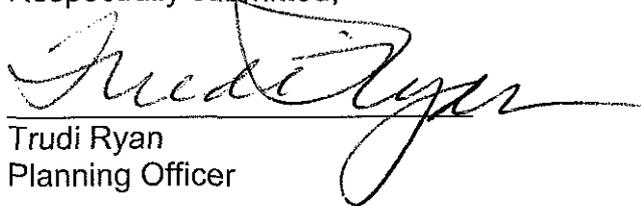
Comm. Klein said that he recently had the privilege of attending the Lunar New Year celebration at the Chung Tai Zen Center of Sunnyvale, which was a project previously approved by the Planning Commission. He suggested that if the other Commissioners get the chance to visit the Center that they should, as it is impressive what they have done with the site and how they have worked with their neighbors and other churches in the community. He said they have done a good job being a part of the community and bringing in people from Sunnyvale and other neighboring communities.

Chair Rowe wished everyone who celebrates the Chinese New Year a Happy New Year.

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 8:50 p.m.

Respectfully submitted,



Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, January 28, 2009

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. **2008-1296: Super Burrito** [Applicant] **Pacific Retail Trust** [Owner]: Application for a Use Permit to allow beer and wine service at an existing restaurant. The property is located at **1671 Hollenbeck Avenue** (Loehmann's Plaza at Hollenbeck Ave.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 323-26-033) EH

ACTION: Approved subject to the findings and conditions of approval located in the staff report with an added condition regarding the hours of operation.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 12, 2009.

2. **2008-1236 - Appleseed Montessori** [Applicant] **Dal Development Co LLC**. [Owner]: Application for a Variance from Sunnyvale Municipal Code section 19.34.060 to allow an approximately 6.5' tall fence (masonry and wrought iron) within the corner vision triangle. The property is located at **1302 Warner Avenue** (at W Fremont Ave) in an R-1 (Low Density Residential) Zoning District. (APN: 323-03-052) EH

ACTION: Approved subject to the findings and conditions of approval located in the staff report with an added condition regarding landscaping.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, February 12, 2009.