



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **February 19, 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 February 9, 2009. (There was no Administrative Hearing on February 11, 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.

2009 FEB 19 10:21

Attachment: A. Planning Commission Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
February 9, 2009
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

Meeting called to order.

- 1. Update on State Bills AB 32 (the Global Warming Solutions Act) and SB 375**
(25 minutes) SM
- 2. Update on Planning Activities** (20 minutes) TR
- 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; Gerri Caruso, Principal Planner; Steve Lynch, Senior 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 26, 2009

Comm. McKenna moved to approve the minutes of January 26, 2009. Comm. Klein seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2008-1312:** Application for a Design Review to allow demolition of an existing single family home and construction of a new two story single family home resulting in approximately 50% Floor Area Ratio (FAR) where 45% FAR may be allowed without Planning Commission review. The property is located at **960 Marion Way** (near Dunford Ave) in an R-1 (Low Density Residential) Zoning District. (APN: 313-26-068) SL

ACTION: Comm. Klein made a motion on 2008-1312 to approve the Design Review with the attached conditions. Comm. McKenna seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 24, 2009.

2. **2008-1245 – Mid-Peninsula Housing Coalition [Applicant] Santa Clara County [Owner] City of Sunnyvale [Lessee]:** Applications for related proposals for a 2.6 acre site located at **660 S. Fair Oaks Avenue** (at Garland Ave) in an R-4 (High-Density Residential) Zoning District. (Mitigated Negative Declaration) (APN: 211-02-022) GC;
 - **Rezone** from R-4 (High Density Residential) Zoning District to R-4/PD (High Density Residential/Planned Development) Zoning District;
 - **Special Development Permit** to allow 124 senior housing units with underground parking.

ACTION: Comm. McKenna made a motion on 2008-1245 to recommend to City Council to adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 660 S. Fair Oaks Avenue from R-4 to R-4/PD and approve the Special Development Permit with modified conditions: that there be the addition of a Construction Management Plan which would include parking and traffic use of Garland Avenue both during and after the construction; to add a condition that the applicant agree to rent at least 20% of the units at an affordable rate for very low income seniors and 10% for low income seniors as defined by the HUD Section 8 program income limits; and that the proposal for 35% compact parking spaces be reconsidered to a percentage closer to 10%.

The Commission provided suggestions to Council that: the garage be visually smaller above ground, with no more than two stories above grade with possibly underground or shared parking; that the Eastern side of the garage be considered for the addition of a trellis with vegetation to address the aesthetics; that fencing on the North side of the garage be considered as protection from overflow into the northern property; to increase the Eastern setback as the current setback is barely adequate; articulating the building, if possible, to achieve more space; that more variety on the façade be considered; to move the generator to a different location on site possibly closer to the garage; that the center driveway be considered for traffic flow for the clinic; and that the appropriate number of Class 2 enclosed bike racks be added to the parking structure.

Comm. Travis seconded. Motion carried unanimously, 4-3, with Chair Rowe, Comm. Hungerford and Comm. Klein dissenting.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 3, 2009 meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said that on January 27, 2009 the City Council considered an appeal for a shed located on Davenport Court that the Planning Commission had denied. The applicant has since modified the application proposing a smaller shed and staff changed their recommendation to approve the project based on the redesign. The

Council approved the appeal for the shed based on the redesign. She said the Council also considered an application for five townhouses on California Avenue and approved the project with most of the changes suggested by the Planning Commission. She said the Council also considered a two-lot subdivision request located on Dunholme which was approved.

Ms. Ryan said tomorrow evening, February 10, 2009, the Council would consider an appeal of a Planning Commission decision denying the sale of beer and wine at a gas station on N. Fair Oaks Avenue, and would consider a Study Issue regarding Business Identification on Ground Signs and Size of Street Address Numbers.

Other Staff Oral Report - None

INFORMATION ONLY ITEMS - None

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:38 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Trudi Ryan", written over a horizontal line.

Trudi Ryan
Planning Officer