



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **March 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 March 9, 2009 and the Administrative Hearing of March 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 are available on the City's web site and one set of reports and draft 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
March 9, 2009
456 West Olive Avenue, Sunnyvale, CA 94086**

**The Study Session regularly scheduled for 7:00 PM
was cancelled.**

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; Andrew Miner, Principal 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 February 23, 2009

Comm. McKenna moved to approve the minutes of February 23, 2009. Comm. Klein seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2009-0022 - California Ezra Bible Academy [Applicant] Chan Yeh Trustee [Owner]:** Application for a Use Permit to allow an institution of higher learning (educational use) at an approximately 10,816 square foot tenant space within a multi-tenant industrial building. The property is located at **532 Mercury Drive** (at Midas Wy.) in an M-S (Industrial & Service) Zoning District. (Mitigated Negative Declaration) (APN: 216-44-063) NC (*Applicant requests continuance of this item to April 13, 2009.*)

ACTION: Comm. McKenna made a motion on 2009-0022 to continue this item to the April 13, 2009 Planning Commission meeting. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action serves as legal notification of the continuance of this item.

2. **2008-1022 – Bubbles Car Wash [Applicant] Behzad and Louise Askarinam [Owner]:** Appeal of a Miscellaneous Plan Permit denying canopy and ground signs for Bubbles Car Wash. The property is located at **696 West El Camino Real** (APN: 201-22-002) DO

ACTION: Comm. Klein made a motion on 2008-1022 to deny the appeal and uphold the decision of the Director of Community Development to deny the Miscellaneous Plan Permit. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final.

3. **2007-0346 - City of Sunnyvale [Applicant]:** Amendments to Title 19 to Implement the City-wide Green Building Policies. These changes implement the policies adopted by the City Council on August 26, 2008. AM

ACTION: Comm. Sulser made a motion on 2007-0346 to recommend to City Council to adopt the ordinance language, which includes ordinance revisions (including a new section 19.39 Green Building Regulations – Attachment B), the resolution adopting the Green Building Tables (Attachment C) as policy and approved Budget Supplement with an effective date of January 1, 2010. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

ACTION: Comm. McKenna made a motion on 2007-0346 to recommend that City Council consider including a more detailed purpose and intent in the ordinance to clarify what the City is hoping to achieve; to consider providing a definition of sustainability and a checklist to help better communicate what the City wants included in development and/or redevelopment; and that consideration is given to the impact transportation plays in reaching sustainable goals and what can be done to reduce impacts on the carbon footprint of the community. Comm. Sulser seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: These recommendations will be forwarded to City Council for consideration at the March 24, 2009 meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, said the Planning Commission would meet tomorrow evening, March 10, 2009, in a Joint Study Session with the Housing and Human Services Commission and the City Council.

Ms. Ryan reported the results of several Planning related items considered by City Council at the February 24, 2009 and March 3, 2009 City Council meetings.

Other Staff Oral Report - None

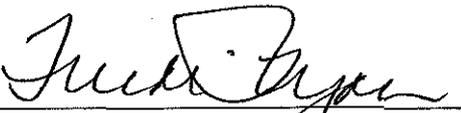
INFORMATION ONLY ITEMS

Chair Rowe commented she attended a Home and Garden Show that had good information on "greening" your home and that there is another show on April 3-5, 2009 at the Santa Clara County Fairgrounds. She said for additional information see the website at www.worldclassshows.com

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:18 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, March 11, 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. **2009-0075 – Swaray** [Applicant] **Tasman Drive LLC** [Owner]: Application for a Use Permit to allow a recreational center for children within a 5,000 square foot tenant space of an existing industrial building. The property is located at **1233 Reamwood Avenue** (at Tasman Dr.) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District. (APN: 104-58-007) RK

ACTION: Approved subject to the findings and conditions of approval located in the staff report with an added condition that a special event with more than 25 children would require a Miscellaneous Plan Permit.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, March 26, 2009.

2. **2009-0085:** Application for a Variance from Sunnyvale Municipal Code Section 19.34.030 to allow a 4' rear yard setback where 10' is required for a new detached 320 square foot one-car garage. The property is located at **340 South Bayview Avenue** (near Southwood Ave. & E. McKinley Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 209-22-017) RK

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, March 26, 2009.

3. **2009-0084 – Neil Enterprises** [Applicant] **Dhanus Technologies, Inc.** [Owner]: Application for a Use Permit to allow beer and wine service at an existing restaurant (iChaat Café). The property is located at **1208 East Arques Avenue, Unit 103** (at N. Lawrence Expwy.) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District. (APN: 216-56-002) SL

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, March 26, 2009.