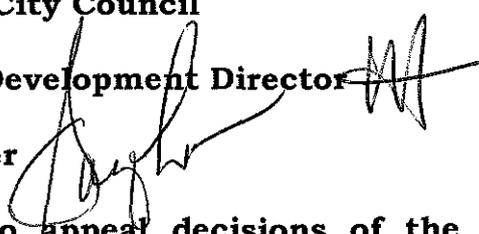




**COMMUNITY DEVELOPMENT DEPARTMENT  
OFFICE MEMORANDUM**

DATE: **April 23, 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 April 13, 2009 and the Administrative Hearing of April 15, 2009.**

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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  
April 13, 2009  
456 West Olive Avenue, Sunnyvale, CA 94086**

**7:00 PM – Study Session – West Conference Room**

1. **Heritage Resource Nomination for Southwood and Fairorchard Neighborhoods** (2008-0926) MH, DO (*15 minutes*)
2. **Draft Design Guidelines for Eichler Homes** (2008-0861) DO (*30 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 Dianne McKenna; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Member Absent: Commissioner Larry Klein (excused)

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; 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 March 9, 2009**

**Comm. Travis moved to approve the minutes of March 9, 2009. Vice Chair Chang seconded. Motion carried, 6-0, with Comm. Klein absent.**

**PUBLIC HEARINGS/GENERAL BUSINESS**

1. **2008-1240** – Appeal by the applicant of a decision of the Director of Community Development of a Condition of Approval of a Miscellaneous Plan Permit for a 3-foot front yard fence located at **1384 La Bella Ave.** (APN: 323-08-019) RK (***Applicant requests continuance to April 27, 2009.***)

**ACTION: Comm. McKenna made a motion on 2008-1240 to continue this item to the April 27, 2009 Planning Commission meeting. Comm. Hungerford seconded. Motion carried, 6-0, with Comm. Klein absent.**

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

2. **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 (***Continued from March 9, 2009.***)

**ACTION: Comm. McKenna made a motion on 2009-0022 to adopt the Mitigated Negative Declaration and approve the Use permit with modified conditions; to add a condition that all enrolled students shall be provided with a copy of the most current Site Safety Plan for review and sign off. Vice Chair Chang seconded. Motion carried, 4-2, with Chair Rowe and Comm. Sulser dissenting, and Comm. Klein absent.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 28, 2009.**

3. **2008-1259 – M Design Group [Applicant] Muhammed Irfan Et Al [Owner]:** Application for related proposals located at **585 Old San Francisco Road** (near S Fair Oaks Ave) in an R-3/PD (Medium-Density Residential/Planned Development) Zoning District. (APN: 209-33-003) SL;
- **Tentative Parcel Map** to subdivide one lot into 6 condominium lots and 1 common lot.
  - **Special Development Permit** to allow 6 new town homes.
  - **Variance** to allow individual solid waste bin carts.

**ACTION: Comm. Hungerford made a motion on 2008-1259 to deny the Special Development Permit, Variance, and Tentative Map. Comm. McKenna seconded. Motion carried, 5-1, with Vice Chair Chang dissenting, and Comm. Klein absent.**

**APPEAL OPTIONS: This action is final unless appealed to the City Council no later than April 28, 2009.**

#### 4. Planning Commission – 2009 Work Plan

**ACTION: Comm. McKenna made a motion to approve the 2009 Work Plan for the Planning Commission. Comm. Sulser seconded. Motion carried, 6-0, with Comm. Klein absent.**

**APPEAL OPTIONS: Not applicable.**

#### NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

#### City Council Meeting Report

**Trudi Ryan**, Planning Officer, reported the action taken by City Council regarding several Planning related items considered at the Council meetings of March 10, 2009, March 24, 2009, and April 7, 2009.

Other Staff Oral Report - None

**INFORMATION ONLY ITEMS**

- Uncodified Zoning Ordinance – Time Extensions affecting the expiration and allowed extensions of various permits and legally established uses as permitted through Title 19, Zoning Code

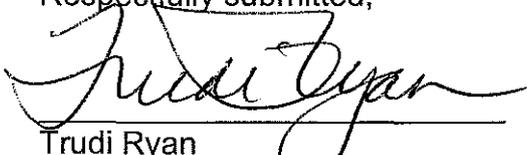
The Commission reviewed the above Report to Council and had no comments to forward to City Council.

**Chair Rowe** said when she was at the recent 2009 Planners' Institute that Trudi Ryan was mentioned as being widely recognized in her efforts in the area of Planning.

**ADJOURNMENT**

With no further business, the Commission meeting was adjourned at 10:23 p.m.

Respectfully submitted,



Trudi Ryan  
Planning Officer



## ADMINISTRATIVE HEARING

**ACTION SUMMARY**  
**Wednesday, April 15, 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. **2009-0105:** Application for a Use Permit to allow an approximate 9'6" tall fence (6'9" fence, 9" grade, and 2' retaining wall) in the reducible front yard area. The proposed fence will extend the line of an existing fence and add a new section (refer to previous permit 2007-0822). The property is located at **734 Liverpool Way** (at Goldfinch Wy.) in an R-0 (Low Density Residential) Zoning District. (APN: 309-46-008) 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, April 30, 2009.**

2. **2009-0164:** Application for a modification of a Special Development Permit to allow a Floor Area Ratio (FAR) of 55.2% where 51.7% FAR was originally allowed. The property is located at **386 Pescadero Terrace** (near W. McKinley Ave.) in an R-1.7/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 165-46-089) NC

**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, April 30, 2009.**