



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **May 7, 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 27, 2009 and the Administrative Hearing of April 29, 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
April 27, 2009
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM – Study Session – West Conference Room

1. **2007-1293** – Review of Revised Architectural Plans for **Palo Alto Medical Foundation** located at **301 and 401 Old San Francisco Road**, and **420, 428 and 448 Kinney Court**. SL (45 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 Vice Chair Bo Chang presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Vice Chair Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; Commissioner Dianne McKenna; Commissioner Brandon Sulser; and Commissioner Nick Travis.

Member Absent: Chair Harriet Rowe (unexcused)

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Gerri Caruso, Principal Planner; Andrew Miner, Principal Planner; Diana O'Dell, Senior Planner; Surachita Bose, 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.

CONSENT CALENDAR

1.A. APPROVAL OF MINUTES of April 13, 2009

Comm. McKenna moved to approve the minutes of April 13, 2009. Comm. Hungerford seconded. Motion carried, 5-0-1, with Comm. Klein abstaining, and Chair Rowe absent.

1.B. 2009-0171 - Application for a Use Permit to allow a large family day care within 300 feet of an existing large family day care. The property is located at **750 Morse Avenue** (between E. Ferndale Ave. and Glendale Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 204-17-033) RK

Comm. McKenna made a motion on 2009-0171 to approve the Use Permit with the attached conditions. Comm. Travis seconded. Motion carried, 6-0, with Chair Rowe absent.

PUBLIC HEARINGS/GENERAL BUSINESS

2. 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 (*Continued from April 13, 2009.*)

ACTION: Comm. McKenna made a motion on 2008-1240 to deny the appeal and uphold the approval of the Miscellaneous Plan Permit including the Condition of Approval to require the fence to be located entirely on private property, and to modify condition 1.B that any portion of the fence located within the public right of way shall be removed within 30 days. Comm. Sulser seconded. Motion carried 6-0, with Chair Rowe absent.

APPEAL OPTIONS: This decision is final.

3. Heritage Resource Nomination for Southwood and Fairorchard Neighborhoods (2008-0926) MH, DO

ACTION: Comm. Klein made a motion on 2008-0926 to recommend to City Council that no further action be taken with the Southwood neighborhood and that the Fairorchard neighborhood be designated a Heritage Housing District and added to the Heritage Resources Inventory. Comm. McKenna seconded. Motion carried 6-0, with Chair Rowe absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the May 12, 2009 Council meeting.

4. **2008-0486 - Lawrence Station Transit Village Study Issue** to review and analyze current and future development feasibility in the area around the existing Caltrain station near Lawrence Expressway for the purpose of increasing transit ridership. (Study Issue) SB

ACTION: Comm. Sulser made a motion on 2008-0486 to recommend to City Council that action be taken on the following: to adopt study goals and principles to guide the development of a Station Area Plan; to direct staff to develop a comprehensive Station Area Plan for the Lawrence Station Transit Village study area; to proceed to negotiate a Memorandum of Understanding (MOU) between the cities of Sunnyvale and Santa Clara to develop a comprehensive and joint Station Area Plan; to adopt the Resolutions to apply for and accept the Caltrans grant and accept the VTA (Valley Transportation Authority) grant (Attachment F and G); to pursue additional grant opportunities to raise funds for a comprehensive study; and for staff to return to Council with a work program, including a detailed schedule, budget and MOU, when adequate funding for the study becomes available or in nine months, whichever is sooner. Comm. McKenna seconded. Motion carried 6-0, with Chair Rowe absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the May 12, 2009 Council meeting.

5. **2009-0126 - Application for a Design Review** to allow an approximately 1,200 square foot second story addition to a single story home resulting in a Floor Area Ratio (FAR) of approximately 55% where 45% FAR may be allowed without Planning Commission review. The property is located at **1125 London Avenue** (at Vireo Ave.) in an R-0 (Low Density Residential) Zoning District. (APN: 313-42-024) NC

ACTION: Comm. Sulser made a motion on 2009-0126 to approve the Design Review with the conditions in Attachment B. Comm. Klein seconded. Motion carried 6-0, with Chair Rowe absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than May 12, 2009.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS

Comm. McKenna commented that she was pleased to receive in her Planning Commission packet this week the Environmental Sustainability Principles for Local Governments from the League of Conservation Voters of Santa Clara County.

- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, reported on action taken by City Council regarding Planning related items considered at the Council meetings of April 14, 2009 and April 21, 2009. She also said that a decision of the Planning Commission from the April 13, 2009 Commission meeting regarding a denial of a Special Development Permit for six town homes has been appealed to City Council. Ms. Ryan said she would keep the Commission informed of when this item would be considered by City Council.

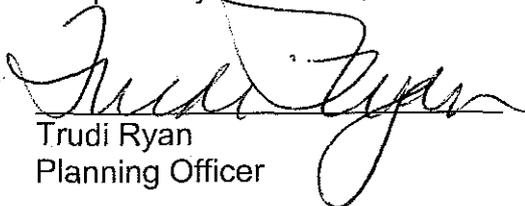
Other Staff Oral Report - None

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 9:40 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, April 29, 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:

2009-0189: Crosswalk Church [Applicant] First Baptist Church of Sunnyvale [Owner] Application for a Use Permit for a new 1,060 square foot modular classroom to replace an approximately 740 square foot fire-damaged classroom at an elementary school at Crosswalk Church located at **445 S. Mary Avenue** (APN: 161-40-004)RK

ACTION: Approved project to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, May 14, 2009.

2009-0204: Bird Rock Investment, LLC. [Applicant] Special Development Permit to allow compact parking spaces for medical office use where none are allowed. Located at **1560 Sunnyvale-Saratoga Road** (APN: 309-40-048)DO

ACTION: Approved project to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, May 14, 2009.

2009-0212: All Star Kung Fu [Applicant] David Farley Trustee [Owner] Special Development Permit to allow a martial arts studio in an approximately 2,200 square foot tenant space within a multi-tenant building (Spalding Square). Located at **413 E. El Camino Real, Suite B** (APN: 211-01-029)RK

ACTION: Approved project to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, May 14, 2009.