



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **April 1, 2010**

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 22, 2010 and the Administrative Hearing of March 24, 2010.**

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 the Planning Commission meeting videos are available on the City's web site. 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 22, 2010

456 West Olive Avenue, Sunnyvale, CA 94086

**7:15 PM - Special Start Time
Study Session – West Conference Room**

1. **Overview of Neighborhood Enhancement Action Team (NEAT) DH (30 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 Chair Chang presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Bo Chang; Commissioner Charles Hungerford; Commissioner Larry Klein; Commissioner Dianne McKenna; Commissioner Harriet Rowe; and Commissioner Brandon Sulser.

Members Absent: Vice Chair Nick Travis (excused absence)

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Shaunn Mendrin, 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 8, 2010

Comm. McKenna moved to approve the minutes of March 8, 2010. Comm. Rowe seconded. Motion carried 6-0, with Vice Chair Travis absent.

PUBLIC HEARINGS/GENERAL BUSINESS

- 1. 2009-0710: Water-Efficient Landscape Ordinance – Amendment to Municipal Code Title 19 (Zoning) to comply with State law (Water Conservation in Landscaping Act of 2006, AB 1881). RZ (*Staff requests continuance to April 12, 2010.*)**

ACTION: Comm. Rowe made a motion on 2009-0710 to continue this item to the April 12, 2010 meeting. Comm. McKenna seconded. Motion carried 6-0, with Vice Chair Travis absent.

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

- 2. 2009-0911: Special Development Permit for an approximate 700 square foot one and two story addition to an existing home for an approximate total of 2,406 square feet and 44% Floor Area Ratio for a site located at 532 Fern Ridge Court (APN: 323-31-008) SM**

ACTION: Comm. Hungerford made a motion on 2009-0911 to deny the Special Development Permit and Design. Comm. Klein seconded. Motion carried 6-0, with Vice Chair Travis absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than April 6, 2010.

3. **2009-0672:** Application for a Design Review to construct a new two story single family home with an attached garage totaling an approximate 2,323 square feet with an Floor Area Ratio of 52% for a site at **693 W. McKinley Avenue** (APN: 165-12-059) SM

ACTION: Comm. Rowe made a motion on 2009-0672 to deny the Design Review and provide direction to staff and the applicant where changes should be made. Comm. Klein seconded the motion. Motion failed 3-3 with Chair Chang, Comm. McKenna and Comm. Sulser dissenting, and Vice Chair Travis absent.

ACTION: Comm. Klein made a motion on 2009-0672 to continue this item to the April 12, 2010 meeting to allow additional time for the applicant to consider modifications to the design, in regards to articulating the west side setback of the second story addition on the Waverly Street side to reduce the overall second story massing. Comm. Sulser seconded. Motion carried 6-0, with Vice Chair Travis absent.

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

4. **2009-0942:** Design Review to allow a 100 square foot first floor addition and a new 1,017 square foot second floor for a total of 3,294 square feet resulting in an Floor Area Ratio of 55% for a site located at **727 Kenley Way** (APN: 309-45-034) SL

ACTION: Comm. McKenna made a motion on 2009-0942 to approve the Design Review with the attached conditions. Comm. Rowe seconded. Motion carried 6-0, with Vice Chair Travis absent.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than April 6, 2010.

5. 2009-0454: Work Plan for Lawrence Station Area Plan 2010-2011 (Study Issue) SB

ACTION: Comm. Rowe made a motion on 2009-0454 to recommend to City Council: to approve the proposed Work Plan for Lawrence Station Area Plan (Attachment A); to approve the proposed schedule for Lawrence Station Area Plan (Attachment B); and to direct the City Manager to continue pursuing additional grant opportunities, as they become available. Comm. Sulser seconded. Motion carried 6-0, with Vice Chair Travis absent.

APPEAL OPTIONS: This recommendation will be forwarded on to City Council and is scheduled to be considered at the April 27, 2010 City Council meeting.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

City Council Meeting Report

Trudi Ryan, Planning Officer, commented on Planning related items considered by the City Council at the March 9, 2010 meeting and Planning related items scheduled to be considered at the March 23, 2010 Council meeting.

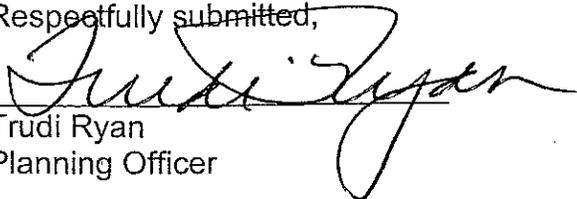
Other Staff Oral Report

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:28 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, March 24, 2010

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:

location	829 Borregas Avenue (APN: 204-03-045)
file number/ proposed project	2008-1173: Application for a Special Development Permit to allow a 1,413 square foot addition to an existing 7,140 square foot commercial building for a total of 8,553 square feet. (near W. Ahwanee Ave.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.
environmental review	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
applicant/owner	Reyad Katwan/Abdallah Saah
project planner	Steve Lynch, 408-730-2723, slynch@ci.sunnyvale.ca.us

ACTION: Approved subject to the findings and conditions of approval located in the staff report with two added conditions regarding outdoor dining and blocking vehicle access.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, April 8, 2010.

location	544 Lawrence Expressway (APN: 216-44-086)
file number/ proposed project	2010-7069: Use Permit to allow a general liquor license in an existing restaurant (Madhuban).
applicant/owner	Ishan, LLC / Lawrence Oakmead Center LLC
environmental review	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
project planner	Mariya Hodge, 408-730-7659, mhodge@ci.sunnyvale.ca.us.

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 8, 2010.