



**AGENDA**  
**SUNNYVALE PLANNING COMMISSION**  
**October 13, 2008**  
**456 W. Olive Avenue, Sunnyvale, CA 94086**

**6:30 PM – SPECIAL START TIME**  
**Study Session – West Conference Room**

1. Overview of Study Issue Process *(20 minutes)*
2. **Public Comment on Study Session Agenda Items** *(5 minutes)*
3. Comments from the Chair *(5 minutes)*

**7:00 PM – SPECIAL START TIME**  
**Public Hearing – Council Chambers**

**CALL TO ORDER/SALUTE TO THE FLAG**

**ROLL CALL**

**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.

**PUBLIC HEARINGS/GENERAL BUSINESS**

1. **2008-0482 - Determine the Enforceability of CC&Rs (conditions, covenants & restrictions) for Violations to City Code and Project Approvals** – Study Issue to determine the various issues associated with residential common interest developments (i.e., townhomes, condominiums, or detached single-family homes with common areas); how these issues can be better addressed; and the level of involvement the City could undertake in the enforcement of CC&Rs. RZ

*Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.*

**The items listed below will begin after 8:00 PM**

**CONSENT CALENDAR**

- 2.A. APPROVAL OF MINUTES of September 22, 2008**
- 2.B. 2008-0851** - Application for a Design Review to allow a 340 square foot addition resulting in a total Floor Area Ratio (FAR) of approximately 46.5% where 45% FAR may be allowed without Planning Commission Review. The property is located at **1381 Arleen Avenue** (near Carlisle Wy.) in an R-0 (Low Density Residential) Zoning District. (APN: 309-08-026) SB
- 2.C. 2008-0761 – Arbor Terrace Apartments** [Applicant] **EQR-Connor LLC** [Owner]: Application for a Special Development Permit to allow the conversion of an existing laundry room to a new studio apartment. The property is located at **555 East El Camino Real** (S. Fair Oaks Ave.) in an R-4/ECR (High Density Residential/Precise Plan for El Camino Real) Zoning District. (APN: 211-01-041) SB (*Staff requests continuance to November 10, 2008*)

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 3. 2006-0712 – Trumark Companies** [Applicant] **Ray Street Office, LLC.** [Owner]: Application for related proposals on a 6.63 acre site located at **1275 and 1287 Lawrence Station Road** (near Elko Drive) in an M-S (Industrial & Service) Zoning District. (APNs: 110-15-045, 110-15-044) GC, SL
- a. Resolution** to Certify the Environmental Impact Report
  - b. Introduction of an Ordinance** to Amend Title 19 of the Sunnyvale Municipal Code (Zoning) to create a Mixed Use Zoning Combining District (MU), which may be combined with the R-3, R-4, and R-5 Residential Zoning Districts.
  - c. General Plan Amendment** to change the land use designation from Industrial to Very High Density Residential,
  - d. Rezone** the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use),
  - e. Special Development Permit** to allow development of 338 condominium units and 16,000 square feet of commercial space,
  - f. Vesting Tentative Map** for condominium purposes.

- 4. 2008-0637 – Downtown Sunnyvale Mixed Use, LLC.** [Applicant/Owner]: Application located at **2502 Town Center Lane** in the DSP-18 (Downtown Specific Plan Block 18) Zoning District. (APN: 209-34-009, 010, 015, 016, 017, 018 and 209-35-001, 005, 007, 010, 011, 012) SL

- **Resolution to Consider** a General Plan Amendment to Block 18 of the Downtown Specific Plan to allow an increase in the number of stories from five to six (no height increase).
- **Resolution to Consider** a General Plan Amendment to Block 18 of the Downtown Specific Plan to allow an increase in the allowed sign area and type.
- **Introduction of an Ordinance to Amend** Title 19.28.090, 19.28.100(c), and 19.28.130 of the Sunnyvale Municipal Code in accordance with the Specific Plan Amendment.
- **Special Development Permit** for: **a)** review of architecture for Block 6 (between Sunnyvale Ave, Washington Ave, Murphy Ave, and McKinley Ave); **b)** to modify condition of approval G11.d.3 to exclude designated outdoor dining from the 90,000 square foot restaurant limitation; and **c)** to modify condition of approval G11.d to remove the 425 seat limitation for any one auditorium in the cinema.

**5. Proposed Study Issues and Budget Issues for 2008**

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS
  - City Council Meeting Report
  - Other Staff Oral Report

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

**Notice to the Public:**

*Agenda information is available by calling (408) 730-7440. Agendas and associated reports are also available on the City's web site at <http://www.sunnyvale.ca.gov>, or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting. Please contact Community Development Department, Planning Division office at 408/730-7440 for specific questions regarding the agenda.*

*PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the City at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Planning Division at (408) 730-7440. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)*

**VISUAL PRESENTATION**

To assist you in utilizing the technology available in the Council Chambers, the publication “How to Make Your Presentation More Effective” may be helpful.

Ask the Project Planner for a copy. Copies are also available on the table located at the back of the Council Chambers prior to scheduled Planning Commission and City Council meetings. You may also pick up a copy at the One Stop Permit Center or the City Clerk’s Office during normal business hours, or visit the City’s website at: <http://www.sunnyvale.ca.gov>.

**PLANNING COMMISSION SCHEDULED PUBLIC HEARING DATES FOR 2008:**

January 14	May - <i>Cancelled</i>	October 13
January 28	June 9	October 27
February 11	June 23	November 10
February 25	July 14	November 24
March 10	July 28	December 8
March 24	August 11	December - <i>Cancelled</i>
April 14	August 25	January 12, 2009
April 28	September 8	January 26, 2009
May 12	September 22	February 9, 2008

- \* Joint Study Session with City Council
- \*\* City Council Study Issue Workshop
- \*\*\* Special Planning Commission Meeting

Planning Commission typically meets the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month. Study Sessions are held at 7:00 p.m. in the West Conference Room. Public Hearings are held at 8:00 p.m. in the Council Chambers. Public Hearings are broadcast on KSUN.

Channel 15 – KSUN

Monday, Oct. 13, 2008	Planning Commission Meeting – (Live) 8:00 p.m.
Thursday, Oct. 16, 2008	Planning Commission Meeting (Replay of Oct. 13, 2008) 8:00 p.m.
Saturday, Oct. 18, 2008	Panning Commission Meeting (Replay of Oct. 13, 2008) 11:00 a.m.
Sunday, Oct. 19, 2008	Planning Commission Meeting (Replay of Oct. 13, 2008) 11:00 a.m.

## **GUIDELINES FOR ADDRESSING THE PLANNING COMMISSION**

### **Public Announcements – Beginning of Meeting**

- 3 minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of Planning Commission interest that occur in the City annually. (Only announce one time for the year).

### **Public Hearings – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable).
- Speakers are requested to give their name (address is optional).
- Anyone interested in addressing the Planning Commission (may only speak one time).
- Closing remarks by the applicant (if applicable).
- Time limit of 3 minutes per person (to be extended at discretion of Chair). Please make comments brief and be prepared to provide new input.

### **Citizens to be Heard**

- Any item relevant to the Planning Commission.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a Speaker Card to the Recording Secretary.
- Items not on the agenda.
- Items that do not fall within the scope of the Public Announcement section.
- Time limit of 3 minutes, 15 minutes total for this category (to be extended or continued to end of Planning Commission business, at the discretion of the Chair). Limit to one appearance during this section.

If you wish to provide the Planning Commission with copies of any handout materials you are presenting, please provide sufficient copies for each Planning Commission member, the Recording Secretary and other staff present.