



ADMINISTRATIVE HEARING

ACTION SUMMARY
Wednesday, August 27, 2008

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room and the Garden Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

1. **2006-1251 – Nexcycle** [Applicant] **Safeway Stores Incorporated** [Owner]: Application for a renewal of a Special Development Permit to allow a recycling facility in an existing shopping center parking lot (Loehmann's Plaza). The property is located at **1601 Hollenbeck Avenue** (near Homestead Rd.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (323-26-014) SB

ACTION: Approved the application with the addition of a condition acknowledging that the applicant met the standards from the prior hearing and a condition to see if an alternative location within the parking lot can be found.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

2. **2008-0623** - Application for a Use Permit to allow a concrete sound wall with a height of up to 11' from grade and up to approximately 15' 7" from the top of curb along the rear property lines of two existing residences. The properties are located at **1258 and 1259 Albion Lane** (at W. Fremont Ave. and US Hwy 85) in an R-0 (Low Density Residential) Zoning District. (APNs: 320-28-038 and 320-28-039) MH

ACTION: Approved the application with the color of the fence to be similar to their neighbor's fence. If the applicant, prior to construction, chooses to modify the fence to a split face, it can be done without additional review and any other changes would have to be discussed with staff.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

3. **2008-0757:** Application for a Use Permit to allow an approximately 9' tall fence in the reducible front yard. The property is located at **1627 Edmonton Avenue** (near Helena Dr.) in an R-1/S (Low Density Residential/Single Story) Zoning District. (APN: 320-15-007) RZ

ACTION: Approved the third proposal submitted by the applicant subject to the findings and conditions of approval located in the staff report.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

4. **2008-0772 – Co-Al Hospitality DBA Wingstop** [Applicant] **Pacific Retail Trust** [Owner]: Application for a Special Development Permit to allow beer and wine service at a new restaurant within an existing shopping center (Loehmann's Plaza). The property is located at **1661 Hollenbeck Avenue** (near W. Homestead Ave.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 323-26-033) RZ

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

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

5. **2008-0782 - Ed Bozorghadad** [Applicant] **1st Interstate Bk Ca, Ttee** [Owner]: Application for a Use Permit to allow the sale of beer and wine at an existing gas station and convenience store. The property is located at **1198 West El Camino Real** in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District. (APN:198-17-016) MH

ACTION: Approved subject to the Findings and Conditions of Approval located in the staff report with the following additional Conditions of Approval: 1) prohibit sale of single servings of beer and wine; 2) if future floor plan changes occur, the applicant shall be required to submit a Miscellaneous Plan Permit for staff to review the layout specifically related to the sale of alcohol; 3) the applicant shall be in compliance with all conditions of approval of the previous permit #2008-0019 that are related to security measures, including lighting and a panic alarm, prior to the Department of Community Development approving any licensing by the California Alcoholic Beverage Control (ABC).

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

6. **2008-0783 - Ed Bozorghadad** [Applicant] **Ali and Parisa Bozorghadad Trustee** [Owner] Application for a Use Permit to allow the sale of beer and wine at an existing gas station and convenience store. The property is located at **1005 West El Camino Real** (at S. Mary Ave.) in a C-2/ECR (Highway

Business/ Precise Plan for El Camino Real) Zoning District. (APN: 161-41-010)
MH

ACTION: Approved subject to the Findings and Conditions of Approval located in the staff report with the following additional Conditions of Approval: 1) prohibit sale of single servings of beer and wine; 2) the applicant shall be in compliance with all conditions of approval of the previous permit #2007-1320 that are related to security measures, including lighting and a panic alarm, prior to the Department of Community Development approving any licensing by the California Alcoholic Beverage Control (ABC); 3) on site parking shall be maintained to have no fewer spaces available for parking than was approved through the previous Special Development Permit # 2003-0849; 4) maintain the site in a clean manner, free of debris and noise, to avoid impacts on adjacent residential uses.

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, September 11, 2008.

7. **2008-0802** – Application for a Variance from Sunnyvale Municipal Code section 19.46.060 to allow interior modifications to the floor plan of an existing home which would result in less than the required 2 covered parking spaces. The property is located at **1291 Brookings Lane** (near Belleville Wy.) in an R-1 (Low Density Residential) Zoning District. (APN: 320-29-050) RK

ACTION: The Administrative Hearing Officer took the application under advisement until Thursday, August 28, 2008. On that day the Administrative Hearing Officer denied the application due to the inability to make the findings.

APPEAL OPTIONS: May be appealed to the Planning Commission by Friday, September 12, 2008.