PLANNING COMMISSION MINUTES OF APRIL 10, 2006

2005-1048 – Jeffery Morris [Applicant] **Morris Associates IX** [Owner]: Application on a 2.1-acre site for related proposals located at **595 Lawrence Expressway** (at Duane Ave) in an M-S (Industrial & Service) Zoning District. (Negative Declaration) (APN: 205-23-017) JM; **(Continued from March 27, 2006.)**

- **Special Development Permit** to construct a new 22,590 square-foot shopping center,
- **Rezone** from M-S (Industrial & Service) to M-S/PD (Industrial & Service/Planned Development) Zoning District

Jamie McLeod, Associate Planner, presented the staff report. She clarified that the street to the west of the site is Stewart Drive not San Xavier Drive as indicated on page 2 of the March 27, 2006 portion of this report. The report this evening is the same report provided to the Planning Commission on March 27, 2006 except there is a five page addendum report included, dated April 10, 2006. The addendum report addresses some of the outstanding items that were the basis for the request for the continuance from March 27, 2006. She provided a correction to the square footage listed on the coversheet of the addendum report advising that the numbers should be "22,682 square-foot shopping center." She said the slight increase in square footage raises no issues for lot coverage or Floor Area Ratio (FAR). She said three issues involved with this site were tree preservation and landscaping, trash enclosures, and parking as it relates to the usage on the site. Based on a follow up meeting staff had with the applicant since the March 27, 2006 version of the report, staff is recommending modification to the original Conditions of Approval (COA) 9.A and 9.H and the addition of a new COA 9.N. The changes are related to four existing Japanese Maple trees and other mature landscaping on the site. Ms. McLeod said staff is recommending approval of the project with the modified COAs as indicated in the report.

Comm. Babcock said that she is having difficulty understanding why the ingress and egress to the site are proposed the way they are as the design does not seem optimal. Ms. McLeod said the proposed ingress and egress are the same as the existing and that the circulation was discussed with transportation staff. She said that this site is almost a peninsula which makes access to the site difficult. She said the transportation staff was concerned about "stacking" of vehicles turning into and out of the site and felt that the proposed design is optimal. **Trudi Ryan**, Planning Officer, addressed a concern about the trash enclosure's proposed location at the entries to the site. Ms. Ryan said staff's recommendation is to redesign the two trash enclosures to be fully enclosed, attached to the building and surrounded by landscaping to help better integrate the trash enclosures with the architecture. Comm. Babcock asked about the allowable percentage of uses on the site and why there is a restriction to 30% restaurant use when actually 40% could be allowed. Ms. McLeod said that different types of restaurants have different types of parking requirements, i.e. fixed seats,

restaurants with a bar, or fast food, and the first 30% restaurant usage could be approved at the staff level with the additional 10% (up to 40% restaurant usage) requiring approval through a Miscellaneous Plan Permit (MPP) to make sure the parking requirements are being met. Ms. Ryan added that a precise definition of fast food is included in the zoning code.

Comm. Klein asked staff about the entrance to the site from Stewart Drive and if a left hand turn could safely be made onto the site from Stewart Drive. Ms. McLeod said that the transportation staff reviewed this location and determined that they would not support a left hand turn from Stewart onto the site unless the entrance was at the most southern point of the site due to "stacking." Comm. Klein referred to Attachment B, COA 12.A that requires that employees park on site and asked what staff's reasoning was for this requirement. Ms. McLeod said this requirement was based on a concern of impact on neighboring sites, but that there could be flexibility with the requirement.

Chair Hungerford referred to Attachment D, the site and architectural plans, and asked if the staff or applicant had designated any of the particular buildings for restaurant use. Ms. McLeod said no particular space has been designated for restaurant use. Chair Hungerford clarified with staff that the back of the three buildings bordering on Lawrence Expressway would face Lawrence and that the back of the buildings would have some type of aesthetically pleasing façade. Ms. Ryan referred to page 3 of Attachment D and said that this plan shows some of the detailed architecture planned for the buildings. Ms. McLeod said the applicant would be providing examples of the proposed colors during the applicant presentation. Chair Hungerford said that he wanted to make sure that the back of the building's aesthetics were being considered since they face Lawrence Expressway.

Chair Hungerford opened the public hearing.

Ken Rodrigues, project architect, introduced the owner Jeffery Morris, landscape architect Jim Lauderbaugh, and Hwai Chen also from Kenneth Rodrigues and Partners. He said the team is present to answer questions. He said that this site, previously an office building, is now being reconsidered as a retail project. He provided a PowerPoint presentation and addressed the landscaping situation, commenting that four trees will need to be relocated. Mr. Rodrigues also addressed the architecture, elevations, materials to be used and discussed the color palette. He said they are attempting to make this site a "pedestrian walkable project." He said that he thinks this project will have a lot more pedestrian activity than normal retail and that allowing 40% restaurant usage is appropriate. Mr. Rodrigues said that pedestrian oriented projects like this need to be allowed more flexible uses. He said he is not trying to create a parking problem, but he would like staff, the Planning Commission and City Council to evaluate these more pedestrian walkable projects and determine that the parking needs may be different than El Camino Real which is retail and more auto oriented. He said that he sees a lot of foot traffic in the proposed site area during the day from the neighboring Research and Development uses. He said he would like to see the restaurant usage allowed boosted up another 10 %.

Harriet Rowe, resident of Sunnyvale, said she has a problem with the deviations allowed with many of the projects that come before the Planning Commission. She addressed several of the proposed deviations. She referred to Attachment A, page 1, and said that overall she likes the idea of this site being commercial and that there is a need for it. She said that architecturally the project design bothers her as the spaces appear to be like "little boxes" and that she would also like to see the proposed colors be more subdued. She said she is sorry to see the original building go.

Chair Hungerford closed the public hearing.

Vice Chair Fussell asked staff if the Planning Commission allowed up to 40% restaurant usage, what would be the impact. Ms. McLeod said that it depends on the type of restaurant as code has different parking ratios for fast food versus more sit down service type restaurants. She said the concern of staff is that if there was 40% fast food allowed with no reviewing then the site could become underparked. Ms. Ryan clarified that the COAs allow up to 40% restaurant use, but anything over 30% would be at staff's discretion and that 40% restaurant usage is a high percentage of food establishments. Vice Chair Fussell clarified with staff that after 30% restaurant usage, staff would need to review the usage through an MPP to assure there is adequate parking, but that the restaurant use could go to 40% without a public hearing. Ms. Ryan added that COA 4.C requires that under certain circumstances a separate Special Development Permit is required, including restaurants with hours after 10 p.m. as there is a neighboring hotel and the uses need to not result in a troublesome neighbor for the hotel.

Comm. Babcock asked if it is possible that the Planning Commission could request restaurant usage to 40%, but only a certain percentage could fall under the fast food category. Ms. Ryan said that the Planning Commission could do that, but that even 30% fast food will be stretching the parking limits. Ms. Ryan added that the applicant indicated that this is a pedestrian area, but that staff does not see this as a pedestrian area. Comm. Babcock asked what percentage of restaurants usage is at the Cherry Chase center on El Camino Real. Ms. Ryan said that the Cherry Chase area is about 30% restaurant usage.

Chair Hungerford commented that originally it bothered him that the backs of the buildings faced Lawrence Expressway and he is glad that the backs of the buildings will be architecturally attractive. He said currently there are trees that screen the building from the cars on Lawrence Expressway, but that these trees are scheduled to be removed. He said one thought would be to leave the trees where they are and move the building, but if the back of the buildings are designed attractively then the screening may not be needed. Chair Hungerford asked staff if the issue ever came up of how much land would be lost by keeping the trees and moving the buildings. Ms. McLeod said yes, but after much review and discussion with the applicant, Planning staff and City arborist that to get the maximum usage of the site that it would be best to push the buildings out towards the edges of the site to allow more onsite circulation and parking.

Maintaining the trees would further reduce parking and the usage of the site. Ms. Ryan commented that office buildings and a retail sites have different landscaping needs and the landscaping in a retail site has to grow up and above to shade the parking lot, but also to allow visibility of the buildings and signage.

Comm. Babcock moved with the staff recommendation to adopt the Negative Declaration, introduce an Ordinance, and approve the Special Development Permit with the conditions in Attachment B of the March 27, 2006 staff report with modifications to COA 9.A, 9.H, and new COA 9.N as reflected in the addendum staff report of April 10, 2006. Vice Chair Fussell seconded.

Comm. Babcock complimented the applicants for working hard with staff to preserve the trees and landscaping and said she believes that this will be a nice project for City.

Chair Hungerford said that he originally was not going to support this project because he did not like the idea of the buildings not facing streets. He said that this project is on a peninsula-like site that posed some difficulties for the applicants and that he appreciates that the applicant struggled with the issues to preserve the maximum number of trees and make this an attractive project. He said he will be supporting the motion.

Comm. Klein said he will be supporting the motion. He said he thinks the project may help enable the pedestrian feel, but that he thinks that customers will drive to the site more than they will walk to the site. He said parking could become an issue as it will take time for the site to change to more of a pedestrian area. He commended the applicant for working with staff and the neighbors to work through some of the previous issues.

Final Action:

Comm. Babcock made a motion on 2005-1048 to recommend to Council to adopt the Negative Declaration, introduce an Ordinance, and approve the Special Development Permit with the conditions in Attachment B of the March 27, 2006 staff report with modifications to Conditions of Approval (COA) 9.A, 9.H, and new COA 9.N as reflected in the addendum staff report of April 10, 2006. Vice Chair Fussell seconded.

Motion carried unanimously, 5-0, Comm. Simons absent.

This item is to be heard by City Council on April 25, 2006.