CITY OF SUNNYVALE
REPORT
Administrative Hearing

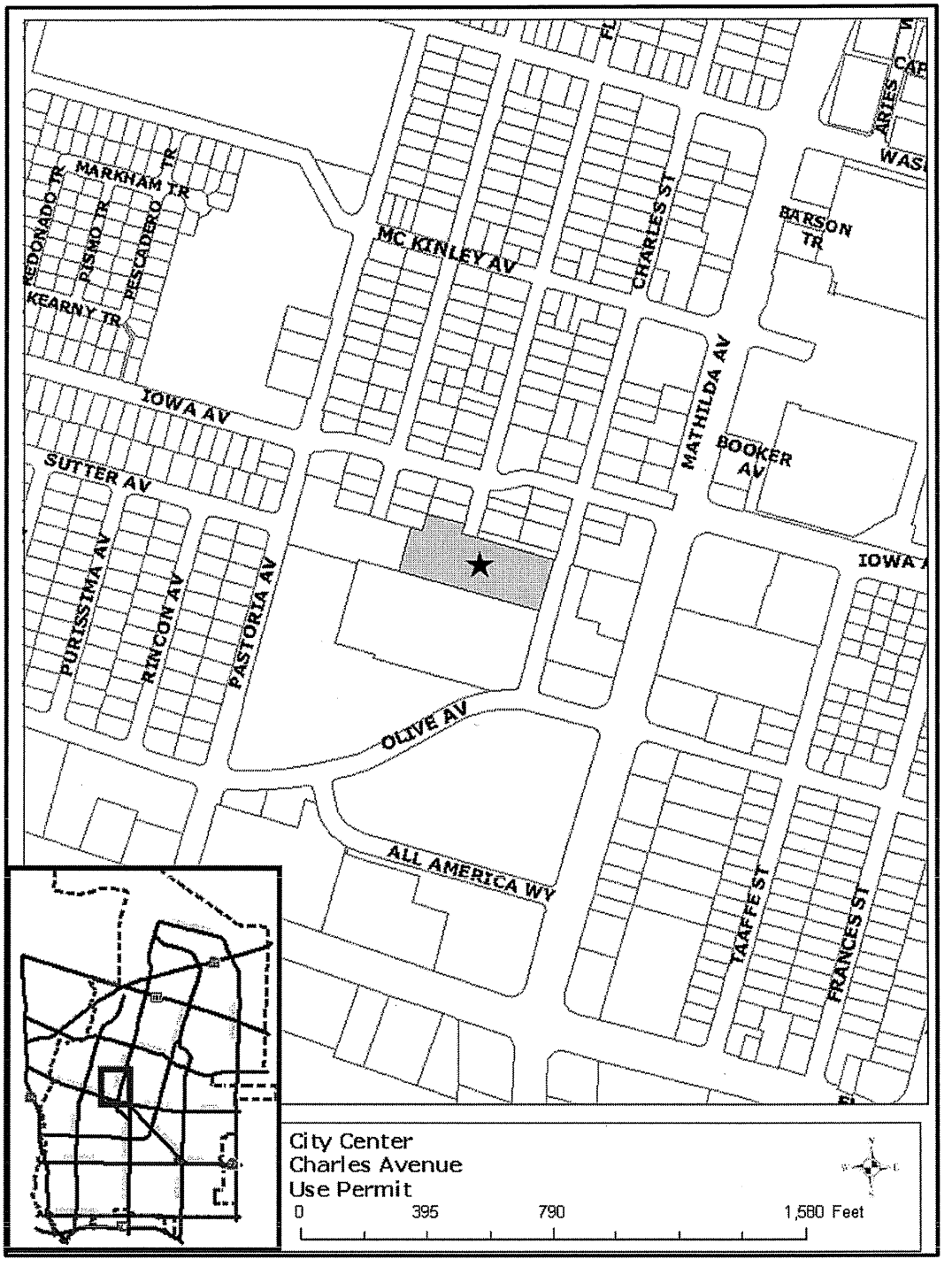
March 1, 2006

SUBJECT: **2006-0100 – Sustainable Community Gardens** [Applicant] **City of Sunnyvale** [Owners]: Application for a on a 1.8-acre site located **near the intersection of W. Olive Avenue and Charles Street** in an O/PD (Office/Planned Development) Zoning District.

Motion — Special Development Permit to allow a community garden.

REPORT IN BRIEF

Existing Site Conditions	Undeveloped
Surrounding Land Uses	
North	Single-family homes
South	Civic Center
East	Offices
West	Offices
Issues	Land Use Compatibility
Environmental Status	A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.
Staff Recommendation	Approval with Conditions


MARKHAM TR
KEDONADO TR
PISMO TR
PESCADERO TR
KEARNY TR
MC KINLEY AV
CHARLES ST
BARSON TR
IOWA AV
SUTTER AV
MATHILDA AV
BOOKER AV
PURISSIMA AV
RINCON AV
PASTORIA AV
OLIVE AV
ALL AMERICA WY
TAAFFE ST
FRANCES ST
City Center
Charles Avenue
Use Permit
0
395
790
1,580 Feet

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Office		Office
Zoning District	O/PD		O/PD
Lot Size (s.f.)	79.933	Same	N/A

ANALYSIS

Description of Proposed Project

The proposal is for a community garden on the undeveloped property adjacent to the City property near the northwest corner of Charles Street and Olive Avenue. The City has entered into an agreement with Sustainable Community Gardens (SCG) to develop an organic community garden for residents of the city. SCG will design, build, manage and maintain the garden community. There are expected to be 81 members of the gardens. Raised garden beds made of redwood will be built in varying sizes and will be permanently placed throughout the site. Compost bins will also be provided throughout the site. There will be gardening classes available for the members on site. The site will be fenced, with gated entries which will be locked after hours (from 6 pm to 7 am).

Background

Previous Actions on the Site: None.

Environmental Review

A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 32 Categorical Exemptions include in-fill projects.

Special Development Permit

Site Layout: The site will be fenced in its entirety, with man-gates and truck gates at one location along Charles Street, at two places along the City parking lot. The fence will be a 6' wrought iron-type fence (see Attachment E), and will be located:

- Along Charles Street 6' from the back of sidewalk
- Along City parking lot
- Along portions of the northern property line, including at the terminus of Florence Street.

The other areas will retain the existing fencing.

The area inside the fences is divided into several uses (see Attachment C). The raised garden beds run mainly through the middle of the property from the fence at Charles Street to the terminus of Florence Street. The area west of the garden beds will be used as a seed propagation area, while the open area south of the garden beds near Charles Street will be a Master Gardener's demonstration area. A decomposed granite path large enough for a small truck will run from the southwest corner of the property to Charles Street. A total of approximately 28 compost bins will be located along the north property line close to Charles Street and along the south property line near the city parking area.

The applicant is not proposing to add any lighting or generators on site, so there should be no noise or glare to the surrounding residential properties. Also, all tools will be stored in locked sheds.

Landscaping: There are 17 various trees which are proposed to be removed as part of the project. These trees run along the same area proposed for the gardens beds. The type of trees proposed to be removed includes Holly Oak and Almond. All the trees located along the perimeter of the property will be retained.

The City Arborist reviewed the site and has suggested that it may be worthwhile to retain a Holly Oak near Charles Street for use as a shady area for the gardeners (see Attachment F).

The applicant has offered to plant 24 fruit trees on site, especially along the fence line on Charles Street.

Parking/Circulation: The City has entered into an agreement with the applicant, which includes the provision of using the city parking lot. In addition, the garden area will be fenced off from Florence Street, in part to prohibit parking by gardeners on that street to access the site.

Compliance with Development Standards/Guidelines: The project meets the policy that neighborhood character is preserved or enhanced. Having a community garden near the residential area, but with easy access from other

main streets and parking in an existing lot preserves the neighborhood feel while enhancing the character of the area.

Expected Impact on the Surroundings: The community gardens will provide a community benefit and will provide a long-term open space for the neighborhood. The inclusion of a 6' fence along Charles Street may detract from the street feel, but the use of a wrought iron-type fence with fruit trees planted along the area will soften the feel and allow it to fit the street context.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
• Published in the *Sun* newspaper • Posted on the site • 17 notices mailed to property owners and residents adjacent to the project site	• Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library	• Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1

Prepared by:

Andrew Miner
Principal Planner

Attachments:

A. Recommended Findings
B. Recommended Conditions of Approval
C. Site and Architectural Plans
D. Letter from the Applicant
E. Fence Details
F. E-mail from City Arborist

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element Policy N1.4 – *Preserve and enhance the high quality character of residential neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project preserves the residential neighborhood because access and parking for the gardens is through the city parking lot, and the gardens will enhance the neighborhood.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as community gardens are for use consistent with uses found in residential areas.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.

B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project. Building Permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the project complies with each condition.

C. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.

D. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. FENCES

A. Final design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.

B. A 6' tall open decorative wrought iron-type fence shall be used.

3. LANDSCAPING

A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit.

B. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.

A. PARKING

a. Parking for use of the gardens shall be in the City lot, and not on Charles Street or Florence Street.

B. RECYCLING AND SOLID WASTE

a. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.

b. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

c. Submit a detailed recycling and solid waste plan to Director of Community Development for review and approval.

d. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

C. STORAGE

a. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.

b. Unenclosed storage of any vehicle shall be prohibited.

c. Unenclosed storage of any kind shall be prohibited on the premises.

d. All exterior trash shall be confined to approved receptacles and enclosures.

e. Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

ADDRESS:
~~431-434 FLORENCE~~
& ~~421 CHARLES AVE~~
SUNNYVALE, CA 94087

PARCEL # 165-04-019

NO GARDENER PARKING FLORENCE

walking path from Florence to Library

431-434 Duplex owner Silvera

421 Charles
Existing Home
owner: Silvera

SILVERA PROPERTY

Truck Gate

Alecanthus

Oak

SHED PATCH

SEED Propogation Area

SHED

Truck gate

garbage

Proposed Driveway Exists

underground high power

165' to 30D 1 property

entrance

HANDICAP PARKING

PARKING - 130 places

ORGANIC COMMUNITY GARDEN*

* NO HAZARDOUS CHEMICALS ON-SITE

MASTER GARDENERS DEMO GARDEN

Education Growing Circle

Fence to parking lot

Fence in back to conceal trees

6' set back from chain

Entrance

CHARLES

PARKINGS

ATTACHMENT

SCALE 1" = 8'

LEGEND

- 4'x16' RAISED REDWOOD PLANTER BEDS
- 4'x8' RAISED REDWOOD PLANTER BEDS
- 4'x4' RAISED REDWOOD PLANTER BEDS
- BIOSTACK COMPOST BIN
- SHED — 4'x8' (STANDARD) STORAGE SHED
- PEACE SIGN — RECYCLED CONCRETE RAISED HERB BED WITH PATH
- 4' HUMAN GATE
- 8' TRUCK GATE
- EXISTING FENCE 6'
- NEW CHAINLINK FENCE 6'
- EXISTING TREES TO REMAIN
- EXISTING TREES TO BE REMOVED
- PARMETER

A Brief Description of the Project

Sustainable Community Gardens (SCG) presents the 421 Charles site as an organic community garden for residents of Sunnyvale, and Sunnyvale residents who are members of the Senior Community Center.

- The SCG will design, build, manage, and maintain an organic community garden on the Charles site.
- There will be approximately 81 garden beds for a nominal yearly lease. Each garden bed will be a raised redwood bed and they will come in three sizes; 4' x 16', 4' x 8', and 4' x 4'.
- Each garden bed will come equipped with a hose bib.
- There will be approximately 10 handicapped accessible beds made of redwood which will be about 20 inches in height and have a 2'x 6' cap for sitting on. These will be 4' x 8' beds.
- The Master Gardeners of Santa Clara County will share the garden and create a demonstration garden to educate the community gardeners as well as other Sunnyvale residents. They will be responsible for the perimeter plantings as well.
- There will be strategically located compost bins (about 28 of them) throughout the garden and gardeners will be encouraged and educated on their use.
- There will be strategically located lockable tool sheds for shared and private tools.
- The garden will be locked during off hours (after 6pm and before 7am). Three 4' gates will be combination lock accessible by community gardeners. Two truck entrances will be available at either end (east /west) of the garden.
- Most pathways will be made with decomposed granite for wheelchair accessibility to all garden beds. Some paths will be wood chip based.

USE PERMIT JUSTIFICATION

1) Attains the Objectives and purposes of the General Plan of the City of Sunnyvale:

EXISTING POLICY

From the Open Space Sub-element:

Goal A: Manage a comprehensive open space program that is responsive to public need, delivers high quality customer service and exemplifies the city's commitment to leadership in environmental affairs.

Policy A.1: Encourage active citizen involvement in the development and management of open space.

Action Statements:

A.1.a. Provide opportunities for public participation in planning the development and management of open space.

A.1.d. Investigate and pursue avenues for citizen involvement in the implementation of open space programs, such as landscape plantings and park beautification activities.

Goal B: Acquire and develop open space identified as high priority through land dedication or purchase.

Policy B.4: Identify revenue sources and increase revenues, where possible, which can be allocated to parks and open space operating budgets and capital improvements.

Sustainable Community Gardens a Sunnyvale citizens non-profit corporation has been given the opportunity to design, build, and maintain community gardens for the citizens of Sunnyvale. A grant from the Satterberg Foundation will pay for the building of the garden, and ongoing garden bed lease payments will finance the maintenance and water costs.

Action Statements:

B.4.c. Encourage contributions, grants and loans for open space acquisition and development through the community and other foundations, civic organizations, and individuals.

Goal C: Maintain a system of parks that assures all residents, workers and visitors access to recreational opportunities by providing neighborhood parks, athletic/play fields and special use facilities.

C.1.e. Consider acquisition or lease of sites to assure that accessible open space is maintained in each existing neighborhood and provided to any new neighborhoods.

Policy C.4: Provide, develop and maintain Special Use Parks and Facilities.

Action Statements:

C.4.c. Provide for a balance between general recreation uses and special interest uses in parks and facilities.

Community gardens are a special interest use of park and facilities. The 421 Charles site will become a 91 garden bed site maintained by the Sustainable Community Gardens organization.

And is desirable to the public welfare:

We have a mailing list of over 200 interested Sunnyvale citizens in gardening on the site. Gardening activities are known to be healthy for the body and soul, and because we will be an organic garden, healthy food will result for families involved.

ATTACHMENT E
Page 1 of 2

From: <jsalans@aol.com>
To: <Aminer@ci.sunnyvale.ca.us>
Date: 2/17/2006 10:43:59 AM
Subject: Fencing document

Please find attached a page from a website/company we willprobably use to purchase the fence. There are 9 styles and we are most likely going with the first "Bennington". We are also thinking of the "Hunter Green" color.

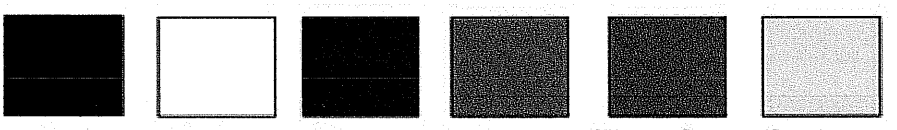
Let me know if you have any more questions.

Thank you,

Josh Salans

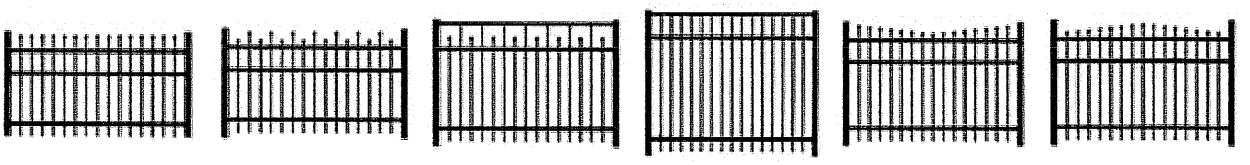
Residential WIDE Pricing
(Vertical Pickets = 5/8" x 1")

Sample stick pictures below show 3 horizontal rails. However, all the fence panels below are available in 2, 3 and 4 rail configurations except the Essex is not available in a 2 rail because of its style. See pricing grid below. Posts are not included with each panel; they are a separate cost. Styles 7 & 8 have double pickets and, therefore, more product than styles 1 - 6 and 9.

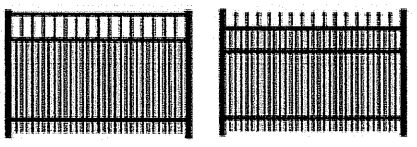


Black White Bronze Green Hunter Green Sandstone

ALL FENCE PANEL WIDTHS CAN BE EASILY CUT DOWN ON-SITE

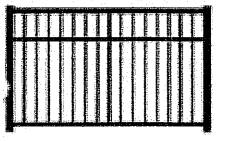


Style 1 BENNINGTON | **Style 2 BERKSHIRE** | **Style 3 ESSEX** (Essex not available in 2-rail config.) | **Style 4 SAYBROOK** | **Style 5 NEWPORT** | **Style 6 CITADEL**



Style 7 HORIZON (DOUBLE PICKET) | **Style 8 FALCON** (DOUBLE PICKET)

Residential WIDE fence panels are available with 2 horizontals, 3 Horizontals and 4 horizontals. Posts are NOT included with each fence panel. See pricing grid below.



Style 9 STORRS

each Residential WIDE fence panel section	36" high	42" high	48"high	54"high	60"high	72"h
72" wide sections Styles 1 - 6 & 9	$51.00 (2 Rail)	$61.00 (2 Rail)	$67.00 (2 Rail)	must move up to 3 rail	must move up to 3 rail	must move up to 4 rail
72" wide sections Styles 1 - 6 & 9	$66.00 (3 Rail)	$70.00 (3 Rail)	$75.00 (3 Rail)	$81.00 (3 Rail)	$84.00 (3 Rail)	$97.00 (4 Rail)
96" wide sections Styles 1 - 6 & 9	$88.00 (3 Rail)	$93.00 (3 Rail)	$101.00 (3 Rail)	$106.00 (3 Rail)	$112.00 (3 Rail)	$129.00 (4 Rail)
72" wide sections (DOUBLE PICKETS) Styles 7 & 8	$104.00 (3 Rail)	$113.00 (3 Rail)	$124.00 (3 Rail)	not available	145.00 (3 Rail)	$174.00 (4 Rail)

All Posts include standard post caps. Ornamental Ball Caps are extra.

ATTACHMENT F
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Andrew Miner - Re: Questions

From: Steve Sukke
To: jsalans@aol.com; Miner, Andrew
Date: 2/16/2006 12:08 PM
Subject: Re: Questions
CC: Dunn, Leonard; Wiser, Loren

Hi Josh,

The design is clear of how you would like to develop the lot and are preserving the tree buffer on the south side of the lot. There is a volunteer Holly Oak tree near the Charles side center of the lot that I suggested to Andy, could have been an oasis of shade for the gardeners vs just the south side of the lot. Albeit the tree does not require a permit to be removed due to its size, this friendly suggestion is our opinion only not something we have the authority to mandate.

We are not involved in how the design was developed or will be implemented, and we know the design is a consensus of volunteers ideas. Your priorities, and intentions for the lot are a noble cause and we have otherwise fully supported the plan.

I had also suggested to Andy that we could have some street trees planted along the Charles frontage for you. The right of way appears to extend to about 4-5 feet behind the sidewalk. He said the fence set back would be at least that far back and there would be space for a couple of trees between the light pole and the north fence line. We would wait until your fence line and grading next to the sidewalk is complete and possibly when this area is landscaped. The tree type is yet to be determined.

We are also a ready supplier of tree pruning chips. You get what you get at the time of the request meaning what ever is in the trucks, which is often a Heinz 57 mix of wood, leaves and seed pods. A call to our office 730-7505 will route the message for where and when.

If you still need to meet, I can make some time again the week of 2/26.

Regards,
Steve

>>> Andrew Miner 02/16/06 9:36 AM >>>
Steve-

See Josh Salans' reply below about retaining any oak tree in the center of the property. Do you have any comment? Thanks.

Andy

ATTACHMENT F
Page 2 of 2

>>> <jsalans@aol.com> 02/15/06 6:04 PM >>>
You and Steve are interested in keeping some of the center scrub oaks? Please, they are in the way of gardeners and not good shade based on our design. Which ones are you specifically looking at? Can you talk/show and tell me about this more on Friday (before 1:45pm or after 4pm?)? Let me know what time works for you.