



## CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES  
Wednesday, January 30, 2008

**2007-1257 - Kensington Place Apartments** [Applicant] **Kensington-Fair Oaks Associates Joint Venture** [Owners]: Application for a Variance from Sunnyvale Municipal Code 19.44.140(c) to allow an 8' 1" tall ground sign where 5' is allowed in a residential zoning district. The property is located at **1220 N. Fair Oaks Ave.** (near Tasman Dr.) in an R-4/PD (High-Density Residential/Planned Development) Zoning District. (APN: 110-29-025) MH

In attendance: Blaise Descollonges, Applicant; Gerri Caruso, Administrative Hearing Officer; Mariya Hodge, Project Planner; Luis Uribe, Staff Office Assistant.

**Ms. Gerri Caruso**, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

**Mariya Hodge**, Project Planner, noted a correction to the project description. The proposed project is for a Variance to allow a ground sign with a height of 8' 6" where 5' is the maximum allowed on a property with residential uses. The applicant proposes to remove the site's existing ground sign and install new ground signs attached to trellises located at the front of the property.

Staff notes that only one ground sign is permitted on the subject site per Sunnyvale Municipal Code section 19.44.140(a). Variances may be granted only for ground sign height, and not for the number of permitted signs. The applicant originally proposed two ground signs on two trellises, but considered them to be a single sign with two sides. Staff does not support this interpretation and finds that only one of the proposed signs may be permitted. As a result, this report considers the issue of ground sign height only. Ms. Hodge noted that after the report was duplicated, staff received an email that was in objection of the project.

**Ms. Caruso opened the public hearing.**

**Blaise Descollonges**, Applicant, received and reviewed a copy of the staff report. Mr. Descollonges stated that he believes the Master Sign Agreement provisions of SMC section 19.44.090 would allow the Hearing Officer the flexibility to grant him more than one ground sign. He requested Ms. Caruso modify the recommended Conditions of Approval to allow two signs.

Mr. Descollonges stated that if Ms. Caruso cannot use the Master Sign Agreement to allow two ground signs, he would like to install a sign along Fair Oaks Avenue that lists the address only and call it an address sign which is exempt from permit requirements.

**Ms. Caruso closed the public hearing.**

**Ms. Caruso stated that she will approve the Variance to allow the requested sign height, but took the application under advisement until Tuesday, February 12, 2008 to review the code and previous sign ordinance updates relating to the Master Sign Agreement and address sign options.**

**Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.**

The meeting was adjourned at 2:24 p.m.

After concluding the hearing, Ms. Caruso performed additional research regarding Master Sign Agreements and address signs. Ms. Caruso was not able to find any evidence to support the applicant's interpretation of the Master Sign Agreement provisions, and therefore determined that two ground signs could not be allowed. Ms. Caruso determined that a separate address sign may be allowed as long as it conforms to the requirements for exempt address signs in SMC section 19.40.020(1).

**On February 12, 2008, Ms. Caruso issued a decision to approve the Variance with the findings in Attachment A, and with the Conditions of Approval in Attachment B with the following modifications:**

- **Condition of Approval #3A is modified to read: "One ground sign shall be allowed on the subject property. Two separated sign faces are not permitted, except for an address sign as noted in Condition of Approval #3C below. The ground sign shall be attached to a trellis in either of the two locations specified on the proposed plans, with the preferred location to be selected by the applicant.**
- **An additional Condition of Approval (#3C) is added as follows: "In accordance with Sunnyvale Municipal Code section 19.44.020(1), an address sign may be placed in one of the two proposed trellis locations at a height of up to 8' 6" as measured from the top of the adjacent public curb."**

Minutes approved by:

**Gerri Caruso**

Principal Planner