

**PLANNING COMMISSION MINUTES OF JUNE 9, 2008**

**2008-0148 – Goodwill Industries** [Applicant] **Dicks Lakewood Corp.** [Owner]: Application for related proposals located at **1119 Lawrence Ave.** (near Lakehaven Dr.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 110-23-110) MH;

- **Rezone** to consider an amendment to Title 19 of the Sunnyvale Municipal Code to allow donation trailers in the C-1 Zoning District,
- **Special Development Permit** to allow a donation trailer to be located onsite.

**Trudi Ryan**, Planning Officer, presented the staff report. She said staff recommends that the Planning Commission recommend to City Council the Zoning Code be modified to allow donation trailers in the C-1 zone, that the distance requirement of a 1.5 mile radius be eliminated, and that the Council Policy adopted in 1985 be updated and included in the Council Policy Manual.

**Comm. Simons** referred to Attachment B, condition 6.A regarding signage and asked if the contact information for the responsible parties to be contacted if there are problems could be required to be posted on the trailers. He said he would also like to have signage put on the large trailer doors indicating “No Dumping.” Ms. Ryan said that it would be appropriate to add these requirements to the conditions.

**Comm. Hungerford** confirmed with staff that the recommendation is to omit the 1.5 mile radius distance between trailers and to add a minimum size of a 4-acre area where trailers would be stationed. Ms. Ryan clarified that the 4-acre criteria would only apply in the C-1 zoning district. Comm. Hungerford asked how many sites would be eligible with this 4-acre criterion with staff commenting it would be approximately nine sites in the C-1 zoning district. Comm. Hungerford referred to Attachment F, page 1 regarding the recommendation to move the trailer from the current location commenting that the proposed location seems to be located too close to residences. Staff discussed the location recommended by staff and said that if the Commission does not feel the recommended location is appropriate that other sites could be explored.

**Comm. Babcock** asked why staff is recommending the elimination of the 1.5 mile separation between trailers. Ms. Ryan discussed staff’s reasoning including that there are currently three existing donation trailers, only one permitted, that have been in the locations for many years and there have been no complaints. Ms. Ryan said staff feels the 1.5 radius is a big distance between trailers. Comm.

Babcock said if the radius is removed there is nothing to limit and protect from an over concentration of trailers. Ms. Ryan said language could be added to the policy to limit over concentration.

**Comm. Klein** asked staff about including security cameras on the site and asked why staff is recommending that the cameras not be required due to a battery related issue. Ms. Ryan discussed staff's thinking regarding security cameras and other issues related to cameras that resulted in staff not requiring cameras. She said that the operator would be required to obtain a Use Permit for a trailer, that it is up to the operator to maintain the site, and if there were problems with the site that the Use Permit could be revoked. Ms. Ryan added that for this particular application there is a condition allowing the Director of Community Development to require or authorize a relocation of a trailer if there are issues. Comm. Klein discussed the proposed position of the trailer with staff and asked if when trailers are full whether the trailer is replaced or emptied on site. Comm. Klein expressed concerns about moving the trailer and the impact on the residents.

**Vice Chair Rowe** said she is concerned about the signage regarding dumping and asked staff if Sunnyvale has a non-dumping ordinance and whether there are fines. Ms. Ryan said she was not sure about an ordinance and said the wording in the conditions can be modified to make the language stronger to discourage after-hour dumping.

**Comm. Chang** discussed with staff that nine additional donation trailers could be added in the C-1 zoned sites, staff's recommendation of a 4-acre size minimum be required, and the recommendation that the 1.5 mile radius be removed. Ms. Ryan said if the 1.5 mile radius is retained that possibly only three additional donation trailers could be added in the C-1 zoning. Comm. Chang discussed with staff the number of stores where on-site donations can be dropped off with staff indicating there may be three stores that receive donations. Comm. Chang discussed with staff the interest level of applicants to add more sites and discussed whether there complaints about the proposed site and other sites. Ms. Ryan said complaints are generally about after-hour problems.

**Chair Sulser opened the public hearing.**

**Barbara Alvarenga**, Director of Community Resources for Goodwill Industries, asked the Planning Commission to approve the recommendation from the Planning Division. She discussed the value of the donation trailer on this site and commented that in 2007, at this site alone, Goodwill received 327,717 pounds of good quality donations. She expressed concern regarding a policy in

Attachment G, page 3, Issue C1.a regarding the exterior color of the trailers stating that they just recently changed their brand image and colors and that they would like to keep consistent throughout the Santa Clara County as they rotate the trailers.

**Comm. Hungerford** discussed the location of the trailer with Ms. Alvarenga. She said the trailer has been at the existing location for so long that they do not have the information of where it might have been previously located.

**Arthur Schwartz**, a resident of Sunnyvale, commented that the staff recommended location has problems and said he sees no advantage to move the trailer. He asked the Planning Commission to let the trailer remain in the current location.

**Ms. Alvarenga** thanked the Planning Commission and staff for their time and said she looks forward to an approval of this application.

**Chair Sulser closed the public hearing.**

**Vice Chair Rowe** discussed the proposed trailer location with staff and determined that Attachment F, page 1 shows staff's recommended location of the trailer and Attachment D, page 1 shows the applicant's proposed location.

**Kathryn Berry**, Senior Assistant City Attorney, responded to an earlier question from Vice Chair Rowe and stated that the City has an anti-dumping ordinance. Ms. Berry said that the penalty for the first offense is \$50, \$100 for the second offense, \$150 for the third offense and if the offense is a misdemeanor that the penalty is \$1000.

**Comm. Simons** moved for Alternatives 1, 3 and 6. He said the modifications are: to add language to condition 6 that any donation trailer include signage with the contact information for the responsible owner and the City telephone number for lodging complaints. Ms. Ryan clarified with Comm. Simons that he would also like this change made to the policy. Comm. Simons said he would also like an additional signage modification that on the large trailer doors that when they are closed that there would be large signage that says "NO DUMPING." Comm. Simons said he would also like to add a recommendation to extend any fines to rummaging and that it would be the same as dumping. Comm. Simons disclosed that he talked to people in Lakewood Village and one of the problems has been late night rummaging and damage including landscape destruction. Ms. Ryan said that the Commission cannot specifically include an action regarding rummaging as it was not noticed for this hearing. She said a recommendation can be provided to

**Council that they consider modifying the dumping regulations to include rummaging. Comm. Simons agreed. Comm. Simons said he would recommend that a public hearing be required for any new donation trailer applications and that any new trailers would have to be approved by the Planning Commission unless it is required that the application go to City Council. Comm. Simons said his last modification would be that the Planning Commission recommend that placement of the existing trailer remain the same and not be moved next to the pedestrian over bridge on the north side of the lot. Vice Chair Rowe seconded the motion.**

**Comm. Simons** said he knows there are good and bad things about having these trailers in the neighborhood. He said the donation trailers provide a great service to the community. He said there is the situation of mitigating the problems and he thinks having the contact information will be helpful. Comm. Simons said he can support this application and keeping the donation trailers in the City. He said he feels requiring a public hearing for new trailers will help alleviate problems and allow public input.

**Vice Chair Rowe** confirmed with staff that the Alternatives being approved are 1, 3 and 6. She said she agrees with this motion.

**Comm. Klein** said he would be supporting motion. He said it is commendable to have donation trucks in the City to help reduce solid waste. He said that one site visit per evening is critical due to the problem of donations being left after hours as he found on his site visit this evening there were already after-hour donations being left by the trailer. He said he agrees that the location of the trailer should remain where it is as this has been a successful location.

**Comm. Hungerford suggested a Friendly Amendment to add the word “Effective” to the beginning of COA 5.B.** He said the point of allowing donation trailers is to provide opportunity for people to donate goods and to not allow these areas to become dumping areas or nuisances. He further discussed this addition with Comm. Simons and staff commenting that it would be the responsibility of the operator of the trailer to come up with whatever needs to be done to make sure the measures are effective. **Comm. Simons asked for a slight twist to the amendment to include effective mitigation after the fact.** Ms. Ryan confirmed with Comm. Hungerford that the addition of COA 5.B.4 would state that **“other measures as identified and needed to comply with this condition” would be included** which would put the responsibility on the trailer operator. **The maker and seconder of the motion agreed to the Friendly Amendment.**

**ACTION:** Comm. Simons made a motion on 2008-0148 to adopt the Negative Declaration; introduce an Ordinance to amend Title 19 to allow donation trailers in the C-1 Zoning District for sites of 4 acres or greater with approval of a Use Permit, and to delete the 1.5-mile separation requirement for donation trailers; and adopt a Council Policy on Donation Centers with modifications; to approve the Special Development Permit to allow the proposed donation trailer on the subject site with the attached conditions with modifications: to add language to the policy and Condition of Approval (COA) 6 requiring that any donation trailer have signage with contact information for the responsible owner and the City telephone number for lodging complaints regarding the trailer; to add language to COA 6 that the large doors on the back of the donation trailer, when closed, include large signage that indicates "No Dumping"; to recommend to City Council that the dumping regulations include anti-rummaging regulations; that a public hearing and Planning Commission approval, or City Council approval, be required for the addition of any new donation trailer; that the proposed donation trailer remain at the existing site and not be moved to the north side of the lot; to add to COA 5.B the word "Effective" measures shall be taken; and to add a COA 5.B.4 that "other measures as identified and needed to comply with this condition". Vice Chair Rowe seconded. Motion carried unanimously, 7-0.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council for consideration at the July 15, 2008 City Council Meeting.