

PLANNING COMMISSION MINUTES OF SEPTEMBER 8, 2008

2008-0376 - City of Sunnyvale [Applicant]: Make amendments to Sunnyvale Municipal Code Chapter 19.44 (Signs) to clarify the use of bounce houses in commercial zoning districts. These changes implement the policies adopted by the City Council on April 29, 2008. DO (*Continued from August 25, 2008*)

Diana O'Dell, Senior Planner, presented the staff report. She said staff recommends the Planning Commission recommend to City Council that the code be amended to clarify the definition of bounce houses and how they are able to be used, and to move the regulations regarding bounce houses from the definition section to the temporary sign section in the code.

Comm. Hungerford referred to Attachment B, page 1, regarding the definition of bounce houses and large inflatable objects and asked if both bounce houses and large inflatable objects are defined elsewhere as temporary commercial signs as the restrictions apply to temporary commercial signs. **Trudi Ryan**, Planning Officer, referred to Attachment B, page 2, section 19.44.120 which indicates regulations and said that large inflatable objects and bounce house regulations are located on page 3 and are subsets of temporary commercial signs. Comm. Hungerford discussed with Ms. Ryan that the definition could include that bounce houses and large inflatable objects are a form of temporary commercial signs including the items listed under 19.44.020. Comm. Hungerford referred to Attachment B, page 4, regarding bounce house hours for display and the length of a grand opening being restricted to 16 consecutive days, suggesting the City may also want to include a restriction on the number of grand openings allowed. Ms. Ryan said the definitions of when grand openings are allowed are when there is change of management, or a new business. Comm. Hungerford asked about bounce houses in residential areas, with staff confirming that a bounce houses rented for a party at residence would not be considered a commercial sign and would be considered a toy. Ms. Ryan said staff would not regulate bounce houses in residential areas as they would not be considered a sign and that bounce houses in a public park would require a permit from Parks and Recreation to assure the space is being used appropriately.

Comm. Klein referred to Attachment B, page 3, regarding "one bounce house" and confirmed with staff that two or more bounce houses would require a Use Permit to allow for a permanent use or for a period of time. Comm. Klein referred to Attachment B, page 4, and asked staff for a clarification regarding the hours of bounce house display shown. Staff commented that the times for bounce house

display would be corrected to read, “between the hours of 12:01 a.m. on Saturday to 11:59 p.m. on Sunday”.

Chair Rowe opened the public hearing.

There were no public comments.

Chair Rowe closed the public hearing.

Comm. Klein moved for Alternative 2 to make changes to the ordinance language. He said the change would be to correct the hours in the ordinance under section 19.44.120, f.5.c to correct the hours accordingly. Vice Chair Chang seconded the motion.

Comm. Klein said that the ordinance changes would clarify some of the issues that the Planning Commission has faced in the past regarding bounce houses. He said this will help with the concept of a sign versus a bounce house. He said this should clarify what is normally allowed and when an applicant needs to apply for a Use Permit.

Vice Chair Chang said this is a good clarification and the amendments to the ordinance are timely with the holiday season coming up. He said he would be supporting the motion.

Comm. Hungerford offered a Friendly Amendment to add to section 19.44.020 a provision that makes it clear that bounce houses and large inflatable objects are considered to be temporary commercial signs. The Friendly Amendment was acceptable to the maker and seconder of the motion.

ACTION: Comm. Klein made a motion on 2008-0376 to recommend to City Council to adopt the ordinance language in Attachment B with modifications: to modify section 19.44.120, f.5.c changing the hours of bounce house display from 12:01 a.m. Saturday to 11:59 p.m. Sunday; and to add to section 19.44.020 a provision that bounce houses and large inflatable objects are considered to be temporary commercial signs. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the September 30, 2008 City Council meeting.