

PLANNING COMMISSION MINUTES OF JANUARY 12, 2009

2007-0306 – Rite Aid [Applicant] Tikvica Family Trust [Owner]: Application for a Special Development Permit to allow an approximately 14,673 square foot pharmacy with a drive-thru. The property is located at **1010 Sunnyvale-Saratoga Road** (at E. Remington Dr.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (Mitigated Negative Declaration)(APN: 211-21-018) RK

Ryan Kuchenig, Associate Planner, presented the staff report. He said staff was able to make the findings and recommends approval of this project subject to the conditions of approval.

Comm. Klein asked about the trash enclosure with staff referring to page 4 of attachment D which shows the current proposal for the location of the trash enclosure. Comm. Klein discussed the permeable pavers on this site with staff referring to page 4 of Attachment B, condition 9.N regarding decorative paving. Mr. Kuchenig said if the Commission desires, a condition regarding permeable pavers can be included. Comm. Klein discussed with staff the ADA (Americans with Disabilities Act) compliance of the walkways and entryways.

Comm. Travis discussed with staff the location of the bike lockers, the elevation of the monument sign and what the view would look like with the bike lockers behind the sign. Mr. Kuchenig said that this is a recent change, staff does not have the details on the look of this area, and that the Commission could condition any concerns about this area.

Comm. Sulser discussed with staff the green building features included in this project asking staff to discuss what green building standards that the City would require. Mr. Kuchenig said the green building ordinance has not been adopted yet, but staff would require by conditions of approval the standards reflected in the framework adopted. Comm. Sulser further discussed green building and increasing the standards with staff with **Trudi Ryan**, Planning Officer, saying that it would be at least a year before the program would require increased levels.

Vice Chair Chang said the conditions require one of the proposed drive-thru lanes be removed which would allow an additional five parking spaces with staff confirming that the site would still be deficient in parking. Vice Chair Chang and staff discussed conditions 1.J and 1.K.

Comm. Hungerford discussed with staff the trash enclosure and roofing for the trash enclosure. Staff referred to condition 13.C in Attachment B which addresses the trash enclosure.

Chair Rowe opened the public hearing.

Galen Grant, architect with Craig and Grant Architects, represented the applicant. Mr. Grant said that they have tried to address the concerns. He thanked staff for their assistance and the Commission for their input at last month's Study Session. He said the two critical elements are the second drive-thru lane and the parking requirement. He discussed the changes that have been made to the site plan. He discussed parking and said that they think the City of Sunnyvale parking requirement is excessive. He provided a handout he created in relation to the concepts of LEED (Leadership in Energy and Environmental Design) related to parking. He discussed the benefits of having a bus stop in front of the site to lessen parking and to encourage alternative means of transportation realizing the justification for the proposed reduction to the parking requirement. He said to try and squeeze four more parking spaces onto this site as recommended would require that something else would have to give. He said they are requesting the Commission approve their request for 73 parking spaces which is as close as they can get to the requirement for 82 spaces. He discussed the recommendation for additional pedestrian connections and said they have made the connection. He said the bike racks and lockers are closer to the front door now and would be below the height of the monument sign and not visible. He said they have adjusted the location and the shape of the trash enclosure further discussing other details regarding the enclosure. He said that there is a floating roof proposed over the enclosure so there is ventilation. He said they would like the Commission's approval and reiterated that the issue of the drive-thru lane is very important to Rite Aid. He said if the Commission eliminates the second drive-thru lane the project would be sent back to the corporate real estate committee and the project would be in jeopardy of being denied and not pursued corporately. He asked that the Commission approve the two drive-thru lanes.

Comm. Sulser asked Mr. Grant what architectural changes have been made since the Study Session in December 2008. Mr. Grant said that the Commission indicated at the Study Session that some of the elements of the visible facades needed more detail which they have added, discussing the details of the changes.

Mr. Grant added that in lieu of losing the second drive-thru lane they would like to propose that the second drive-thru be a prescription drop-off only drive-thru.

Comm. Hungerford asked Mr. Grant how much flexibility there is on hours of operation for the proposed two drive-thru lanes. Mr. Grant confirmed that the proposed hours are from 9 a.m. to 9 p.m. which is two hours less than the main store. Comm. Hungerford asked if it would be possible to decrease the hours to lessen the affect of headlights later in the evening. Mr. Grant said he does not know and the representative from Rite Aid could not be here this evening. He said from past projects the screen wall around property would deter the headlights from the impacting the neighbors' properties. Mr. Grant said the obvious issue for the drive-thru lane is quick service and that the

applicant could live with one active window for transactions and the other drive-thru for prescription drop-off to keep customers moving.

Craig Horne, a nearby resident, said he has talked with many of the neighbors and that there is a consensus that they do not need another drug store in the vicinity. He said the architecture is plain and generic. He said the existing building has unique architecture and he would like to see a better use that would promote community than the drug store. He said there is heavy traffic in this area. He said if this project is approved they would like to see modifications suggesting that the drive-thru be eliminated or at least reduced to one drive-thru. He offered other suggestions including changing the layout of the building or providing a coffee stand.

Greg Scoble, a nearby resident, said he is in agreement with Mr. Horne. He said he likes the look of the current building better than the proposed building and if it cannot be kept that some family businesses would better serve the community. He said he attended the community meeting and said the plans look pretty good. He suggested changes to the plans including a more subtle Rite Aid sign rather than the proposed red sign, a smaller monument sign, less parking and more landscaping.

Jane Chien, a neighbor adjacent to the east side of the proposed development, said her home looks directly into this parking lot. She said the current building on the site is about 100 feet from her property and about 25 feet high. She said she thinks the proposed plans have the building at about 34 feet high and the drive-thru lane would be about 25 feet from her property. She said that the view from her home would be the view of the drive-thru. Ms. Chien said she thinks this would negatively impact her property value. She addressed her additional concerns including increased traffic to the area, increased noise in the early hours and late into the evening, with deliveries beginning at 7 a.m. and the store not closing until 11 p.m. She said she is concerned about possible loitering, littering, and vandalism. She commented that there is currently a Rite Aid about a mile away and she wonders if this development would bring value to the community. She said if the project is approved she agrees with the removal of one of the drive-thru lanes, and supports the reduction of the square footage of the building and to limiting the delivery hours.

Comm. Hungerford asked Ms. Chien if she knows what the hours were of the business that used to be on this site, California Buffet. Ms. Chien said she is not sure and that the site was generally quiet by about 9 p.m.

James Stokes, a nearby resident, said he likes the architecture of the existing building and would like to see similar architecture if possible. He said he would like to see businesses with drive-thru lanes that increase car lights kept more in commercial areas that already exist such as El Camino Real rather than in the residential areas. He suggested that the signage for Borders on El Camino Real be an example of more

subdued colors on signage rather than the proposed red, and asked that parking lot lighting be subdued to help this site blend into the community as much as possible.

Mr. Grant commented on the speakers' comments. He said that this project would result in the closing of the current Rite Aid on El Camino Real to relocate it to the proposed site. He commented that the proposed architecture goes beyond the typical prototype for Rite Aid and was aimed to be more consistent with the neighborhood. He said that drug stores generate very little traffic, the parking lots are never full, and that loitering and noise do not tend to be problems for this type of business. He said that the recommendation of no drive-thru lane would result in this project not being developed. He said moving the building towards the corner would not work. He said he appreciates the recommendation to reduce parking. Mr. Grant said the red color on the Rite Aid signage is a corporate color commenting that the signage issues are handled separate from this hearing. He said they could lower the monument sign to about 5 feet in height. Mr. Grant said that the face of building closest to Ms. Chien's residence is 26 feet high and the taller part of the building is on the opposite corner. He said delivery hours with Rite Aid occur between 7 a.m. and 10 a.m. and not all day adding that they want to be good neighbors. He said eliminating the second drive-thru would not affect the location of the building. He said shortening the hours would be an operational issue that would need to be discussed with Rite Aid. Mr. Grant said that a drug store tends to be a quieter use than most retail. He said they could look at the Borders' sign as a suggestion. He said he agrees that subduing the parking lot lighting is a good idea.

Vice Chair Chang asked Mr. Grant if a tandem window on the drive-thru had been considered. Mr. Grant said it does not speed things up.

Mr. Grant asked the Commission to consider the drop-off prescription lane as the second drive-thru and said he would appreciate the Commission's willingness to accept the proposed 73 parking spaces as adequate for this site. Mr. Grant introduced the applicant, **Brent Nicholson**, and a colleague, **Kenton Russell**.

Chair Rowe closed the public hearing.

Comm. Klein confirmed with staff that the monument sign would be reviewed at a later date and is not part of this application. Comm. Klein confirmed with staff that the issue of the subdued lighting in the parking lot is covered in the conditions. Comm. Klein said that he was surprised that there was no art in private development requirement or this site. Ms. Ryan said that the site does not meet threshold of two acres or being a significant intersection in terms of artwork requirements.

Chair Rowe asked staff about the 12 foot easement on the Remington side in case the street is widened. She asked if the street is widened would this currently landscaped area become cement sidewalks and an asphalt parking lot. Ms. Ryan said there would

still be landscaping and sidewalk. Chair Rowe confirmed with staff that the City does not have the option to decline this as a drug store as long as it meets the zoning. Chair Rowe confirmed with staff that if this building is built and then the business closes could the building sit empty for years. Ms. Ryan said yes. Ms. Ryan clarified that the permit is good for two years and there is an additional year extension available before the applicant would have to return for additional approval in a public hearing.

Comm. Klein moved for alternative 2, to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions. The modified conditions are: to add a condition 9.Q that the two decorative walkways from Remington be made of permeable pavers to address the impervious surface issue; to modify condition 12.D to include that the applicant work with staff and the Director of Community Development on the placement of the bicycle lockers, locating them closer to the building if possible. Vice Chair Chang seconded the motion. Vice Chair Chang offered a Friendly Amendment regarding the condition 2.A.1 to change the allowed times of delivery to be between 7 a.m. and 9 p.m. Comm. Klein did not accept the Friendly Amendment, as the Sunnyvale standard hours are 7 a.m. to 10 p.m. and this applicant has said that the applicant's delivery hours are 7 a.m. to 10 a.m. **Vice Chair Chang said he would still second the motion.**

Comm. Hungerford offered a Friendly Amendment that condition 13.C include language that the solid waste and recycling enclosure have a cover over it and that it can be the suspended type of cover or enclosed cover. This was acceptable to the maker and seconder of the motion.

Comm. Klein said he was able to make the findings, that he understands the applicant's concerns, but thinks the second drive-thru impacts the neighbors. He said keeping cars further away from the residents seems to be the right thing to do. He said regarding the applicant's parking issues, that they are receiving a variance from the code and if Rite Aid decides not to stay that it is important to have a parking situation that is closer to the City requirements. He said regarding Rite Aid relocating to this site, that he thinks this will be a benefit to the community. He said he applauds the applicant for being LEED certified. He said the signage issues will be handled later and the modifications the applicant has made from the original design are good.

Vice Chair Chang said he would be supporting the motion. He said he agrees that this project has improved since the Planning Commission reviewed it in Study Session, and he hopes this business will be of value to the community. He said that the drive-thru will be one of the first in the City and encouraged the applicant to continue to work with staff to find solutions to any issues.

Comm. Hungerford said he would be supporting the motion. He said that this is a tough intersection for cyclists. He clarified that his Friendly Amendment was not to require the cover be the carport type, but that basically the area have a cover over it whether it be the carport type or the enclosed type.

Comm. McKenna said she would not be supporting the motion. She said that she does not think the plans presented tonight are very different from what was presented at the Study Session and that the architecture seems more like a box store. She said she would like to have seen architecture that was more community oriented. She said regarding LEED certification that she thinks drive-thru lanes are not considerate of the environment, and suggested alternatives.

Chair Rowe said she would be supporting the motion though she is sorry to see the current building go as she prefers the architecture. She said the proposed architecture is not unique and resembles much the architecture that Planning Commission often considers. She said that she thinks this project will serve a purpose, that all four corners of this intersection are commercial so she can support this project.

ACTION: Comm. Klein made a motion on 2007-0306 to adopt the Mitigated Negative Declaration and approve the Special Development Permit with modified conditions: to add a condition 9.Q that the two decorative sidewalks from Remington be made of permeable pavers to address the impervious surface issue; to modify condition 12.D to include that the applicant work with staff and the Director of Community Development on the placement of the bicycle lockers, locating them closer to the building if possible; and to modify condition 13.C to include language that the solid waste and recycling enclosure have a cover over it, either suspended or enclosed. Vice Chair Chang seconded. Motion carried, 6-1, with Comm. McKenna dissenting.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than January 27, 2009.