REPORT TO MAYOR AND COUNCIL

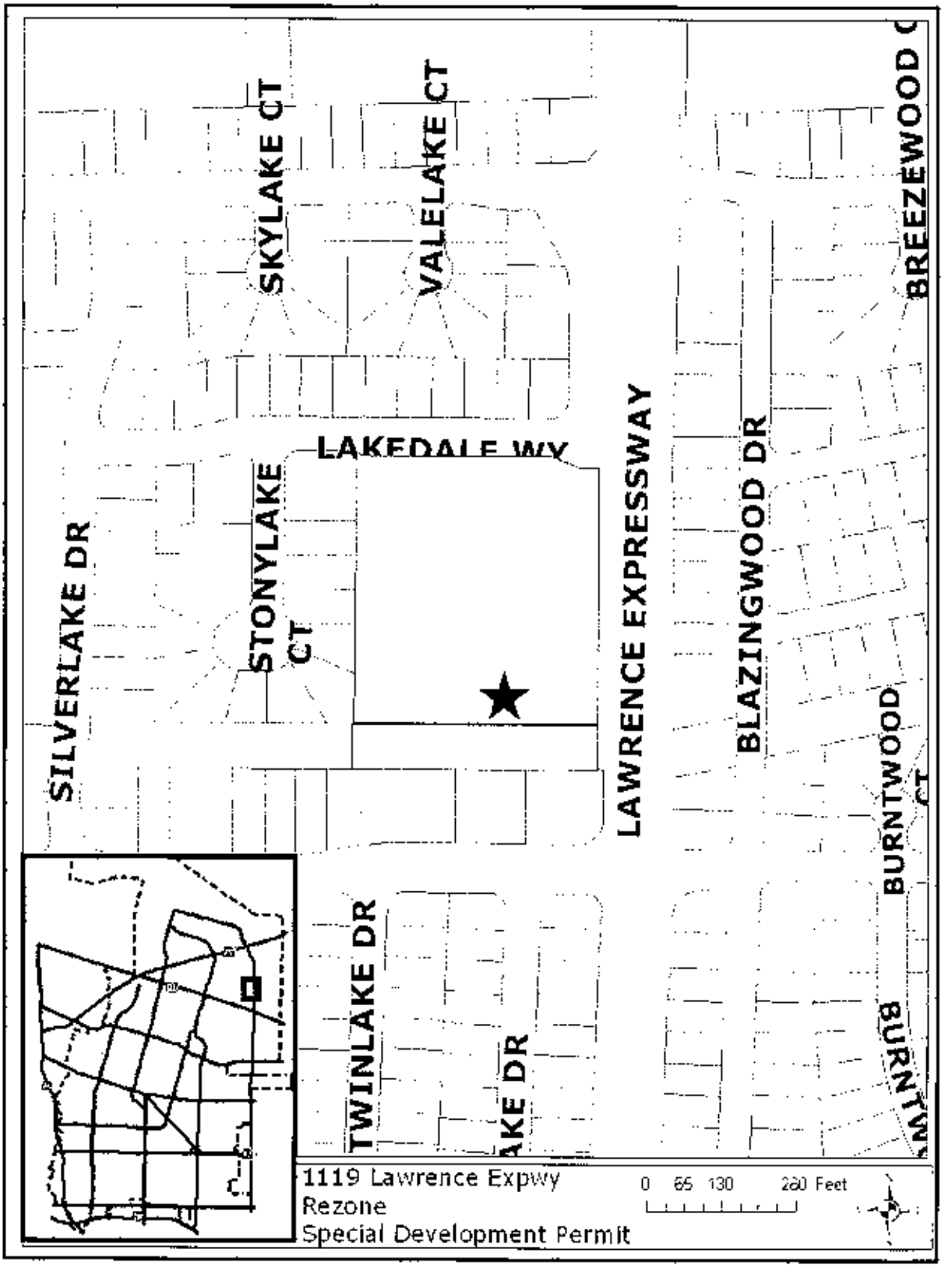
NO: 08-223

**Council Meeting: July 15, 2008**

| | |
|---|---|
| **SUBJECT:** | **2008-0148 – Goodwill Industries** [Applicant] **Dick's Lakewood Corp.** [Owner]: Application for related proposals located at **1119 Lawrence Expwy**. (near Lakehaven Dr.) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. |
| Introduction of an Ordinance | **Rezone** to amend Title 19 of the Municipal Code to allow donation trailers in the C-1 Zoning District, and |
| Motion | **Special Development Permit** to allow a donation trailer to be located on-site. |

**REPORT IN BRIEF**

| | |
|---|---|
| **Existing Site Conditions** | Neighborhood shopping center |
| **Surrounding Land Uses** | |
| North | Single-family residences (across Lakedale Wy.) |
| South | Single-family residences (across Lakehaven Dr.) |
| East | Single-family residences (across Lawrence Expwy.) |
| West | Single-family residences |
| **Issues** | Appropriateness of use in C-1 Zoning District; aesthetics; traffic and circulation. |
| **Environmental Status** | A Negative Declaration has been prepared in compliance with CEQA provisions and City Guidelines. |
| **Planning Commission Recommendation** | Allow donation centers in the C-1 Zoning District on sites of 4 acres or more with approval of a Use Permit; Remove the 1.5-mile separation requirement for donation centers; Require all donation centers to be reviewed by the Planning Commission; Adopt a Council Policy on Donation Trailers for Used Goods; and Approve the Special Development Permit with conditions. |
| **Staff Recommendation** | Adopt the Planning Commission's recommendation on the related applications. |


SKYLAKE CT
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BREEZEWOOD C
LAKEDALE WY
SILVERLAKE DR
STONYLAKE CT
LAWRENCE EXPRESSWAY
BLAZINGWOOD DR
BURNTWOOD CT
TWINLAKE DR
BURNTW
1119 Lawrence Expwy
Rezone
Special Development Permit
0 65 130 260 Feet

**Project Data Table**

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---|---|---|---|
| **General Plan** | Commercial Neighborhood Shopping | Same | Commercial Neighborhood Shopping |
| **Zoning District** | C-1/PD | Same | C-1/PD |
| **Lot Size (s.f.)** | Main parcel: 4.43 acres<br>Service station parcels: 1.22 acres<br>Hetch Hetchy ROW: 0.4 acres | Same | min. |
| **Gross Floor Area (s.f.)** | 55,099 (excluding service stations) | Same | 73,638 max. |
| **Lot Coverage (%)** | 26.2% (excluding service stations) | Same | 35% max. |
| **Floor Area Ratio (FAR)** | 26.2% (excluding service stations) | Same | No max. |
| **No. of Buildings On-Site** | 3 | Same | No max. |
| **No. of Stories** | 1 | Same | 2 max. |
| **Parking** | | | |
| **Total Spaces** | 441 (434 currently striped) | Same | 245 min. |
| **Standard Spaces/ % of Total** | 393 | Same | 221 min. |
| **Compact Spaces/ % of Total** | 41 (9%) | Same | 10% max. |
| **Accessible Spaces** | 7 (existing condition) | Same | 9 min. |
| **Aisle Width (ft.)** | 26 | Same | 26 min. |

## BACKGROUND

The proposed project is to regularize the use of an existing Goodwill donation trailer at Dick's Lakewood Shopping Center. Donation trailers are currently prohibited in the C-1 (Neighborhood Shopping) Zoning District, where Dick's Lakewood Center is located. As a result, the applicant has requested a Zoning Code text amendment to allow consideration of "donation centers for used goods" in the C-1 Zoning District.

Dick's Lakewood Center was constructed in 1959 and has a long history of Planning permits for a wide variety of commercial uses. In November of 1986, the Planning Commission approved Special Development Permit #5814, which serves as a master use permit for the site.

At some point, a Goodwill donation trailer was established on the site without permits. It is not known when this use began, but the operator and members of the neighborhood believe it to have been operating prior to 1982. At that time, donation trailers were not permitted anywhere in the city. In 1982 the Zoning Code was modified to allow consideration of donation trailers in the C-2 Zoning District with approval of a Use Permit, provided a minimum of a 1.5-mile separation was maintained between any such trailers. In 1989, Goodwill submitted an application for a Use Permit to allow the donation trailer use. However, staff determined that this use could not be permitted in the C-1 Zoning District and the application was withdrawn. It is not known whether the Goodwill trailer continued to operate continuously at the site after withdrawing the application, or whether the trailer use was discontinued at that time and re-established at a later date.

In 1999, the entire Zoning Code was reorganized and land uses were placed in table format. As part of that effort, allowable uses were evaluated for all zoning districts and donation centers were added as uses allowed with a Use Permit in the Regional Business (C-3) and Service Commercial (C-4) Zoning Districts.

## EXISTING POLICY

City policies related to this issue include:

### Land Use and Transportation Element

> **Policy C1.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

***Action Statement C1.1.4*** Require that commercial activities be conducted primarily within a building.

**Policy N1.3** Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.

***Action Statement N1.13.2*** Support convenient neighborhood commercial services that reduce automobile dependency and contribute positively to neighborhood character.

**Solid Waste Sub-element**

**Policy B.1.** Reduce generation of solid waste by providing source reduction programs and promoting source reduction behavior.

***Action Statement B.1b.*** Encourage and facilitate private source reduction programs, services, and facilities.

## DISCUSSION

The project involves two proposals – a Zoning Code text amendment and a Special Development Permit – which will be discussed separately.

### Rezoning (Text Amendment to Title 19)

**Change under Consideration:** Amend the use tables for Neighborhood Commercial (C-1) to allow "donation centers for used goods." The applicant has suggested a minimum site size of three acres.

**Analysis:** In 1982, the Zoning Code was modified to allow consideration of donation centers (including trailers) for used goods in the C-2 Zoning District. Prior to 1982, several trailers were illegally operating in the City. It was determined that allowing these facilities was a community benefit as it promoted re-use of clothing and household goods and provided a convenience to residents. The change excluded all other zoning districts due to concerns about compatibility with residential neighborhoods. In 1999, donation centers were added as uses allowed with a Use Permit in the C-3 and C-4 Zoning Districts. The applicant is requesting the City revisit this determination, and has suggested that a minimum site size of three acres be implemented to consider such uses in the C-1 Zoning District. There is currently no minimum site size for donation trailers in the C-2, C-3, or C-4 Zoning Districts.

Size: There are approximately 37 sites (shopping centers as well as single-use sites) in the C-1 Zoning District. C-1 zones are all located on the edge of residential areas, typically on arterial streets. Nine of the sites exceed the three-acre threshold suggested by the applicant (however, all of these sites are

also greater than four acres; none are between three and four acres in size). Five sites are between two and three acres in size. Larger sites will generally have more flexibility regarding appropriate areas to locate outdoor activities such as donation trailers without impacting circulation, visibility or required parking.

Location: About 94% of the properties zoned Highway Commercial (C-2) are located along the four-mile stretch of El Camino Real. There are four C-2 sites not located along El Camino Real, at least 1.5 miles from El Camino. Two of these properties are across the street from each other and six properties are adjacent to each other. The Zoning Code currently requires donation centers to maintain a minimum separation of 1.5 miles. Given this requirement, El Camino Real would accommodate, at most, three donation centers. Up to four donation centers could be located at the other C-2 sites. Neighborhood Commercial (C-1) sites are located throughout the community, generally 1/2 to one mile apart. Larger sites (over 4 acres) are at least a mile apart (traveling distance), except in one situation. There are two sites in the City which are zoned C-3: the Caltrain station with parking, and the adjacent Murphy Square, both on Evelyn Avenue. These sites are approximately 2/3 of a mile from El Camino Real and 3/4 of a mile from the next nearest C-2 site. The 22 properties in the City which are zoned C-4 are also located on Evelyn Avenue. These sites are about 2/3 of a mile from El Camino Real and are up to 1/3 of a mile from the C-3 sites. These zones are illustrated on Attachment J.

| Zoning District | Acres - Citywide |
|---|---|
| C-1 | 103 |
| C-2 | 298 |
| C-3 | 4 |
| C-4 | 15 |

Even though there are significantly more properties in the City which are zoned C-2, the current separation requirement would result in fewer donation centers allowed on C-2 sites than in the C-1 Zoning District.

Development and Use Criteria: In 1982 when donation centers were added as a use allowed with a Use Permit, the City Council also adopted policy statements about appearance and operation of donation trailers. This policy, although approved by the City Council, never made it into the formal Council Policy manual (see Attachment G). These or similar criteria could be included in a Zoning Code text amendment to be applied to any future donation center approvals. Alternatively, a new policy could be approved by the City Council for inclusion in the Council Policy Manual.

The Planning Commission expressed concern about potential after-hours donations or waste dumping at donation sites. Security cameras were observed in other communities at the donation centers. A policy could be established to require after-hours surveillance along with warning signs about the surveillance to reduce after-hours activities. Security cameras would typically require electricity and a permanent location to install the cameras. It is possible that battery-powered cameras could be mounted on trailers; however, there is a risk of vandalism or theft of these cameras.

In recent months it has come to staff's attention that there are several donation trailers that are operating in the City without approved Use Permits. The operators have indicated that they have been in use for several years. There have been no complaints about these facilities until the complaint about the trailer at the Dick's Lakewood Center and a recent complaint about a trailer at Civic Square on El Camino Real. Use Permits with conditions for appearance and safety have the potential to minimize some of the issues raised in recent complaints. All of the operators have indicated a desire to keep their facilities neat and indicate that they frequently check for after-hours activity. Staff is following up on these other donation centers.

Other Cities' Regulations: Staff surveyed 12 other jurisdictions in the area. Los Gatos does not permit donation trailers at all; Palo Alto only permits them on a temporary basis (45 days). The other 10 cities appear to allow donation trailers in a range of commercial zoning districts (see Attachment I for summary), but generally require some form of Use Permit. Several communities noted that donation centers for used goods and recycling centers are treated alike, which is not the case in Sunnyvale.

Staff Recommendation: Staff recommends that the Zoning Code be amended to allow "donation centers for used goods" in C-1 Zoning Districts, on sites greater than 4 acres, subject to approval of a Use Permit. Further, staff recommends that the 1.5-mile separation requirement be deleted for donation trailers in all commercial zoning districts. Staff also recommends that a Council Policy on appearance and operations be re-adopted (Attachment H), with the addition of a requirement for frequent after-hours monitoring by operators (see further discussion under Special Development Permit below).

## Special Development Permit

**Description of Use:** The applicant proposes to operate a trailer for the donation of used household goods in the parking lot of the subject site. The operating hours for collection of goods will be 9:00 a.m. to 5:00 p.m., 7 days a week. During that time, an attendant will be present at the trailer to collect items. When the trailer is full, it will be removed and replaced with a new

trailer. The applicant states that a supervisor will visit the site each day during operating hours to inspect the site for cleanliness, and a Goodwill security truck will visit the site once each night to deter unauthorized activity and to pick up any after-hours donations or other discarded items in the vicinity of the trailer.

**Site Layout:** The subject site is a commercial shopping center located on the west side of Lawrence Expressway between Lakedale Way and Lakehaven Drive (see page 2). The main shopping center building includes 13 tenant spaces. There are also two adjacent service stations which are located on separate parcels on the southeast and southwest corners of the site. A portion of the shopping center parking lot (between the main building and the service stations) is located in the Hetch Hetchy right-of-way. The Goodwill donation trailer is currently located on the Hetch Hetchy right-of-way parcel located directly adjacent to the property line of the Shell service station (southeast corner of the site—see Attachment D). It occupies an area shown on the plans as having seven parking spaces; however, those spaces do not currently appear to be striped.

**Parking:** Th e project plans show 441 parking spaces, seven of which are occupied by the Goodwill donation trailer and are not striped. Based on the size of the shopping center, a total of 245 parking spaces are needed to meet the City's minimum parking requirements. The City's records indicate the shopping center is approved for 32% restaurant use. Considering parking for this use separately, the total required parking for the shopping center is 424 spaces. The applicant states that even during peak weekend use, no more than three customers drop off items at one time, resulting in a demand for three parking spaces. An additional parking space is needed for the Goodwill employee who operates the trailer. Considering the existing uses on the site and the estimated parking needed for the trailer, staff has determined that the amount of on-site parking is adequate.

**Circulation:** The applicant proposes to leave the trailer in its current location adjacent to the property line of the Shell service station near the southeast corner of the site. This places the trailer near the main driveway of the shopping center. Staff is concerned that this location makes the trailer a potential barrier to effective circulation into and out of the center. Patrons of the trailer may not park in designated striped parking spaces, instead opting to stop their vehicles in the drive aisles near the trailer. Access into and out of the center could be temporarily obstructed by such vehicles. To prevent circulation impacts, staff recommended requiring the applicant to relocate the trailer to the northeast corner of the parking lot as shown in Attachment F. This area is located away from driveways and has the added benefit of being separated from Lawrence Expressway by a masonry wall, which would reduce the potential

visual impacts of the trailer from the public street. However, the Planning Commission does not support this recommendation, as the location proposed by staff is closer to adjacent residences. The Planning Commission recommends allowing the trailer in its current location near the Shell station.

**Compliance with Development Standards/Guidelines:** If the City Council chooses to introduce an Ordinance to allow donation trailers in the C-1 Zoning District, the proposed project will be compliant with Zoning requirements. If the City Council chooses not to introduce the recommended Ordinance, approval of the Special Development Permit for the subject donation trailer is not an option, as it is prohibited by the current Zoning Code. If Council adopts the recommended policy on donation centers, the project (as conditioned) would be compliant; however, if provisions are added or modified, modifications to the application could be necessary. The proposed project, as conditioned, is compliant with all City development standards and guidelines. Staff recommends design changes and security measures to address potential visual impacts.

**Expected Impact on the Surroundings:** As conditioned, the project will not have a detrimental impact on the subject site or the surrounding area. The proposed location for the donation trailer is away from neighboring residences, reducing the potential for visual and noise impacts. The conditions of approval recommended by staff include skirting and landscaping to camouflage the wheels of the trailer and security measures to reduce after-hours donations and dumping of other materials. These conditions will further reduce the potential visual impacts of the project and prevent it from having a detrimental effect on the site and surrounding neighborhood.

**Staff Recommendation:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Recommended Findings and General Plan Goals are located in Attachment A. Recommended Conditions of Approval are located in Attachment B.

## Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project will not create any significant environmental impacts (see Attachment C, Negative Declaration). The determination is based on the contemplated change to the Zoning Code allowing a minor addition to the use of land in limited circumstances.

## FISCAL IMPACT

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

**PUBLIC CONTACT**

| Notice of Negative Declaration and Public Hearing | Staff Report | Agenda |
|---|---|---|
| • Published in the *Sun* newspaper<br>• Posted on the site<br>• 108 notices mailed to the property owners and residents adjacent to the project site | • Posted on the City of Sunnyvale's Web site<br>• Provided at the Reference Section of the City of Sunnyvale's Public Library | • Posted on the City's official notice bulletin board<br>• Posted on the City of Sunnyvale's Web site |

**Planning Commission Study Session:** The Planning Commission held a study session on the issue of modifications to the C-1 Zoning District at their meeting of May 12, 2008. At the meeting, the Commissioners expressed concerned with the security of unattended donation centers and after-hours donations, dumping or vandalism. Security cameras had been observed in other communities and it was suggested that this be evaluated as an option.

**Planning Commission Public Hearing:** The Planning Commission considered the subject application at a public hearing on June 9, 2008. The applicant stated that Goodwill is not in agreement with item #3.A.1 of the proposed Council Policy requiring the exterior appearance of trailers to be reviewed by the Director of Community Development. Goodwill has recently completed a "re-imaging" process resulting in a standardized appearance for all trailers, and the applicant stated that requiring them to deviate from that standard would be overly burdensome.

One member of the public also spoke at the hearing, stating that the alternative location for the trailer proposed by staff in Attachment F is not desirable. He believes the proposed alternative location is too close to adjacent residences and will result in noise and air quality issues for surrounding single-family homes. He recommended leaving the trailer in its current location, which is generally acceptable to the surrounding community. The Planning Commission concurred with the resident's comments and recommended the applicant be permitted to leave the trailer in its current location, striking Condition of Approval #4.A.

The Planning Commission expressed concerns about controlling after-hours donations, as well as the potential for people rummaging through materials which may be left on the site after hours. The Planning Commission requested modifications to the proposed Council Policy and to the Conditions of Approval

for the Special Development Permit to address these issues. Changes include requiring signage which lists contact phone numbers for the trailer operator and the City's Neighborhood Preservation Division; requiring a large "No Dumping" sign to be posted on the rear doors of donation trailers which shall be visible to the public when the doors are closed; and revising the language of some of the Conditions of Approval to strengthen them.

The Planning Commission further recommended that Use Permits for donation trailers require a public hearing by the Planning Commission rather than an Administrative Hearing determined by the Director of Community Development.

Finally, the Planning Commission recommended the City Council consider revising the City's current anti-dumping ordinance (located in Title 8 (Health and Safety) of the Municipal Code) to prohibit rummaging. This type of policy modification is typically handled through the Study Issue process. Staff notes that some of the concerns with rummaging are addressed in the proposed Council Policy (as amended by the Planning Commission). The provisions put the responsibility on the operator to assure a site is kept in a neat condition and that periodic inspections and timely clean-up of after hours donations and dumping are required. The donation trailer policy would not be able to address consequences to individuals who rummage, only a modification to the city's municipal code would provide that authority.

These Planning Commission recommendations on the application are included in the attached Conditions of Approval, Draft Ordinance, and Draft Council Policy.

## ALTERNATIVES

1. Adopt the Negative Declaration;
2. 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, to delete the 1.5-mile separation requirement for donation trailers, and to require a Use Permit approved by the Planning Commission for all donation trailers; and adopt a Council Policy on Donation Centers as modified by the Planning Commission on June 9, 2008;
3. Alternative 2 with modifications;
4. Do not introduce an Ordinance to amend Title 19.
5. Approve the Special Development Permit to allow a donation trailer at the proposed location on the subject site with the attached conditions as recommended by the Planning Commission;

6. Alternative 5 with modifications (which could include changing the location of the proposed trailer);
7. Deny the Special Development Permit for the proposed donation trailer.
8. Support the Planning Commission recommendation that the City Council consider modifications to the anti-dumping regulations to also address the issue of rummaging (e.g. a potential study issue).

**RECOMMENDATION**

Staff recommends Alternatives 1, 2, and 5 in accordance with the Planning Commission's June 9, 2008 action on the related applications including the Zoning Text amendment, Council Policy on Donation Trailers, and Use Permit.

Staff makes no recommendation on a potential study issue concerning rummaging.

Reviewed by:

Hanson Hom, Director, Community Development Department
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Mariya Hodge, Assistant Planner

Approved by:

for Amy Chan, City Manager

**Attachments**

A. Recommended Findings
B. Recommended Conditions of Approval
C. Negative Declaration
D. Site Plan and Photos Submitted by Applicant
E. Justification Letter Submitted by Applicant
F. Revised Site Plan Recommended by Staff
G. 1982 Council Policy statement on Donation Centers for Used Household Goods
H. Draft Council Policy on Donation Centers for Used Goods

I. Summary of other Cities' Regulations on Donation Centers
J. Map of Commercial Properties in Sunnyvale
K. Draft Ordinance
L. Minutes of Planning Commission Hearing on June 9, 2008

**Recommended Findings – Special Development Permit**

Goals and Policies that relate to this project are:

**Land Use and Transportation Element**

**Policy C1.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

> ***Action Statement C1.1.4*** Require that commercial activities be conducted primarily within a building.

**Policy N1.3** Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.

> ***Action Statements N1.13.2*** Support convenient neighborhood commercial services that reduce automobile dependency and contribute positively to neighborhood character.

**Solid Waste Sub-element**

**Policy B.1.** Reduce generation of solid waste by providing source reduction programs and promoting source reduction behavior.

> ***Action Statement B.1b.*** Encourage and facilitate private source reduction programs, services, and facilities.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

   The subject Special Development Permit would further the City's goal of reducing solid waste by allowing a private donation center for used goods. As conditioned, the donation trailer would provide a conveniently-located donation site, would fit in with the character of the shopping center, and would not have a negative impact on surrounding residences.

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.

   The subject Special Development Permit would allow an existing facility to continue operation. As conditioned, the donation trailer would not have detrimental impacts on the subject site or the surrounding neighborhood. There is sufficient parking at the center to allow spaces to be occupied by the donation trailer use. Requiring design upgrades

(Condition of Approval #2) and requiring measures to control after-hours donations (Condition of Approval #5) reduce the potential visual impacts of the donation trailer, resulting in a use which fits in with the character of the shopping center and the surrounding residential neighborhood.

## 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. The project shall be in conformance with the plans approved at the public hearing(s). Any expansion or modification of the approved use requires approval by separate application at a public hearing. The Director of Community Development may require or authorize the relocation of the trailer if circulation or site visibility issues are of concern.

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

C. 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.

D. Comply with the requirements of all previously approved Special Development Permits for the subject site.

### 2. DESIGN AND LANDSCAPING

A. The plans shall be revised as follows:

1. Provide skirting around the base of the trailer to camouflage wheels. The material shall be solid and shall match or blend with the trailer color. Skirt details shall be approved by the Director of Community Development. Fabric skirting shall be replaced at least every five years.

2. Provide potted landscaping around all sides of the trailer that are exposed to public view from a street or parking lot. The open end of the trailer is exempt from this requirement. The landscaping shall be intensive in nature, including long rows or dense clusters of planter boxes with live plant materials. The portable landscaping is subject to approval by the Director of Community Development, and shall be maintained in a neat and healthy condition at all times.

## 3. LIGHTING AND SECURITY

A. Area security lighting activated by motion sensors shall be provided in the vicinity of the trailer.

B. Provide photocells for on/off control of security and area lights.

C. Exterior security lights shall be equipped with vandal resistant covers.

D. An attendant shall be present during all trailer operation hours.

## 4. PARKING AND CIRCULATION

A. ~~Relocate the donation trailer to the northeast corner of the shopping center parking lot as shown on the revised plans in Attachment F.~~ *(The Planning Commission recommends removal of this condition.)*

B. The donation trailer use may occupy a maximum of 7 parking spaces as shown on the approved plans.

C. Employees and patrons shall park in designated striped parking spaces. Vehicles associated with the donation trailer use shall not obstruct drive aisles at any time.

## 5. RECYCLING, WASTE, AND AFTER-HOURS DONATION

A. All recycling and solid waste materials shall be confined to approved receptacles and enclosures. Unenclosed storage of materials on the property and in the vicinity of the trailer is prohibited.

B. *(As modified by the Planning Commission - see underlined sections)* Effective measures shall be taken to prevent after-hours donations and other unauthorized dumping of materials on the site. These shall include:

1. Skirting to cover the area beneath the trailer as described in Condition of Approval 2.A.1;

2. Security lighting as described in Conditions of Approval 3.A-3.C;

3. Signage discouraging after-hours donation and other dumping, which shall include operating hours; contact information for the operator of the trailer; contact information for the City to assist the public in lodging complaints; and a large "No After-Hours Donations and No Dumping" sign to be located on the rear doors of the trailer to be visible when doors are closed. The text of the required signs shall be reviewed by the Director of Community Development (see Condition of Approval 6.A);

4. Other measures as identified and needed to prevent after-hours donations and other unauthorized dumping of materials.

C. During operating hours, the area surrounding the donation trailer shall be maintained in a neat and clean condition with items quickly sorted and stowed within the trailer.

D. At least once each evening, a field check shall be performed to check for after-hours donations and other items which may have been deposited at the trailer. Any materials left after hours should be removed during field checks and shall be removed no later than 9:00 a.m. No donations, trash, or other unenclosed materials shall remain on the site for a period exceeding 12 hours.

**6. <u>SIGNS</u>**

A. Obtain required Planning and Building permits for the signage described in Condition of Approval 5.B.3, as well as any other signage installed for this use.

# Attachment C

# Negative Declaration

PLANNING DIVISION
CITY OF SUNNYVALE
P.O. BOX 3707
SUNNYVALE, CALIFORNIA 94088-3707

File Number: 2008-0148
No. 08-11

# NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

E-14852

This form is provided as a notification of an intent to adopt a Negative Declaration which has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

## PROJECT TITLE:

Application for a **Rezone** and **Special Development Permit** by **Goodwill Industries**.

## PROJECT DESCRIPTION AND LOCATION (APN):

**2008-0148 – Goodwill Industries** [Applicant] **Dick's 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 on-site.

## WHERE TO VIEW THIS DOCUMENT:

The **Negative Declaration**, its supporting documentation and details relating to the project are on file and available for review and comment in the Office of the Secretary of the Planning Commission, City Hall, 456 West Olive Avenue, Sunnyvale.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday,** July 15, 2008. Protest shall be filed in the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. A protest of a Negative Declaration will be considered by the adopting authority, whose action on the protest may be appealed.

## HEARING INFORMATION:

A public hearing on the project is scheduled for:

**Monday, June 9, 2008** at 8:00 p.m. and **Tuesday, July 15, 2008** at 7:00 p.m. in the Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale.

## TOXIC SITE INFORMATION:

(No) listed toxic sites are present at the project location.

Circulated On June 13, 2008

Signed: /FOR
Gerri Caruso, Principal Planner

*Environmental Checklist Form* E-14852

Project Number: 2008-0148
Project Address: City-wide
Applicant: City of Sunnyvale

| | |
|---|---|
| Project Title | Consideration of Zoning Code text amendment to permit donation trailers for used household goods in the C-1 Zoning District |
| Lead Agency Name and Address | City of Sunnyvale<br>P.O. Box 3707, Sunnyvale, CA 94088-3707 |
| Contact Person | Mariya Hodge |
| Phone Number | 408-730-7659 |
| Project Location | City-wide |
| Project Sponsor's Name | City of Sunnyvale |
| Address | 456 W. Olive Avenue<br>Sunnyvale, CA 94088 |
| Zoning | C-1, C-2, C-3, C-4 |
| General Plan | Commercial Neighborhood Shopping, Commercial General Business, Commercial Central Business |
| Other Public Agencies whose approval is required | None |

**Description of the Project:** Currently, trailers for the donation of used household goods are permitted in Sunnyvale only in the C-2 (Highway Business), C-3 (Regional Business), and C-4 (Service Commercial) Zoning Districts, where donation trailers may be located with approval of a Use Permit. Donation trailers must maintain a minimum separation of at least 1.5 miles. The proposed project would modify the Zoning Code to allow donation trailers in the C-1 (Neighborhood Business) Zoning District as well. The City is considering removing the 1.5-mile separation requirement for donation trailers as a part of this Zoning Code amendment. Under the proposed project, donation trailers would continue to require approval of a Use Permit in all commercial Zoning Districts.

Surrounding Uses and Setting:
This project pertains to the City's four commercial zoning districts: C-1 (Neighborhood Business), C-2 (Highway Business), C-3 (Regional Business), and C-4 (Service Commercial). C-1 properties are located throughout the City. C-2 properties are located primarily along El Camino Real. C-3 and C-4 properties are located primarily along Evelyn Avenue. Uses in the C-1, C-2 and C-3 Zoning Districts include retail, restaurant, office, personal service, and other uses compatible with commercial zoning. Uses in the C-4 Zoning District are typically service businesses such as self-storage, equipment rental, and auto repair.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
6. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
7. Earlier Analysis Used. Identify and state where they are available for review.
8. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
9. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
10. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

*Environmental Checklist Form*

E-14852

Project Number: 2008-0146
Project Address: City-wide
Applicant: City of Sunnyvale

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agricultural Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Geology/Soils
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation/Traffic
- ☐ Utilities/Service Systems
- ☐ Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☒

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Signature — Date: June 4, 2008

Mariya Hodge — Printed Name

City of Sunnyvale — For *(Lead Agency)*

*Environmental Checklist Form* E-14852

Project Number: 2008-0148
Project Address: City-wide
Applicant: City of Sunnyvale

| | Potentially Significant Impact | Less than Sig. With Mitigation | Less Than Significant | No Impact | Source |
|---|---|---|---|---|---|
| 1. **AESTHETICS.** Would the project: | | | | | |
| a. Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ | 2, 17, 111 |
| b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ | 2, 17, 111 |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☒ | 2, 17, 111 |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ | 2, 17, 111 |
| 2. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | 3, 111 |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation. | ☐ | ☐ | ☐ | ☒ | 3, 111 |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☐ | ☒ | 3, 111 |
| d. Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ | 3, 111 |
| e. Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ | 3, 111 |
| 3. **BIOLOGICAL RESOURCES:** | | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ | 111 |

*Environmental Checklist Form*

E-14852

Project Number: 2008-0148
Project Address: City-wide
Applicant: City of Sunnyvale

| | | | | | |
|---|---|---|---|---|---|
| b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ | 111 |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☒ | 111 |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ | 111 |
| 4. **CULTURAL RESOURCES.** Would the project: | | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5 | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☒ | 111 |
| 5. **LAND USE AND PLANNING.** Would the project: | | | | | |
| a. Physically divide an established community? | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental | ☐ | ☐ | ☐ | ☒ | 2, 12, 111 |

| | | | | | |
|---|---|---|---|---|---|
| effect? | | | | | |
| c. Conflict with any applicable habitat conservation plan or natural communities conservation plan? | ☐ | ☐ | ☐ | ☒ | 17, 111 |
| 6. **MINERAL RESOURCES.** Would the project: | | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| 7. **NOISE.** Would the project result in: | | | | | |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ | 16, 111 |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ | 16, 111 |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | 16, 111 |
| d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☐ | ☒ | 16, 111 |
| 8. **POPULATION AND HOUSING.** Would the project: | | | | | |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ | 111 |
| 9. **PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| the public services: | | | | | |
| a. Schools? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Police protection? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Fire protection? | ☐ | ☐ | ☐ | ☒ | 111 |
| d. Parks? | ☐ | ☐ | ☐ | ☒ | 111 |
| e. Other services? | ☐ | ☐ | ☐ | ☒ | 111 |
| 10. **MANDATORY FINDINGS OF SIGNIFICANCE** | | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☒ | 111 |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☐ | ☒ | 111 |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ | 111 |
| 11. GEOLOGY AND SOILS. Would the project: | | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |

| | | | | | |
|---|---|---|---|---|---|
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| iv) Landslides? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| b. Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| d. Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ | UBC, UPC, UMC, NEC |
| 12. **UTILITIES AND SERVICE SYSTEMS.** Would the project: | | | | | |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☐ | ☒ | 20, 111 |
| e. Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing | ☐ | ☐ | ☐ | ☒ | 20, 111 |

| | | | | | |
|---|---|---|---|---|---|
| commitments? | | | | | |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☐ | ☒ | 22, 111 |
| g. Comply with federal, state, and local statues and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ | 22, 111 |
| 13. **TRANSPORTATION/TRAFFIC.** Would the project: | | | | | |
| a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | ☐ | ☐ | ☐ | ☒ | 2, 12, 111 |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ | 2, 12, 111 |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ | 111, 113, 114 |
| d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? | ☐ | ☐ | ☐ | ☒ | 2, 12, 111 |
| e. Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | 2, 12, 111 |
| f. Result in inadequate parking capacity? | ☐ | ☐ | ☐ | ☒ | 2, 37, 111 |
| g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | ☐ | ☐ | ☐ | ☒ | 12, 111 |
| 14. HAZARDS AND HAZARDOUS MATERIALS. Would the project? | | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |

| | | | | | |
|---|---|---|---|---|---|
| mile of an exiting or proposed school? | | | | | |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands | ☐ | ☐ | ☐ | ☒ | UFC, UBC, SVMC |
| **15. RECREATION** | | | | | |
| a. Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☐ | ☒ | 17, 111 |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ | 111 |
| 16. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | | | | | |
| a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non- | ☐ | ☐ | ☐ | ☒ | 2, 111 |

*Environmental Checklist Form*

E-14852

Project Number: 2008-0148
Project Address: City-wide
Applicant: City of Sunnyvale

| | | | | | |
|---|---|---|---|---|---|
| agricultural use? | | | | | |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use | ☐ | ☐ | ☐ | ☒ | 2, 111 |
| **17. HYDROLOGY AND WATER QUALITY.** Would the project: | | | | | |
| a. Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☒ | 24, 87, 111 |
| b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☒ | 25, 111 |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☒ | 24, 111 |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site? | ☐ | ☐ | ☐ | ☒ | 24, 111 |
| e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☒ | 24, 87, 111 |
| f. Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ | 24, 111 |
| g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ | 111 |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ | 56, 111 |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of | ☐ | ☐ | ☐ | ☒ | 56, 111 |

| | | | | | |
|---|---|---|---|---|---|
| the failure of a levee or dam? | | | | | |
| j) Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ | 24, 111 |

**Mariya Hodge** — **6/4/2008**

Completed By — Date

**City of Sunnyvale General Plan:**

2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element.
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element

26. **City of Sunnyvale Municipal Code:**
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation

Specific Plans

43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan

**Environmental Impact Reports**

48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)
51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

**Maps**

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

**Lists/Inventories**

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

**Legislation/Acts/Bills/Codes**

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III

**Transportation**

71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pegnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short Range Transit Plan
82. Santa Clara County Transportation Plan
83. Traffic Volume Studies, City of Sunnyvale Public

works Department of Traffic Engineering Division
84. Santa Clara County Sub-Regional Deficiency Plan
85. Bicycle Plan

**Public Works**
86. Standard Specifications and Details of the Department of Public Works
87. Storm Drain Master Plan
88. Sanitary Sewer Master Plan
89. Water Master Plan
90. Solid Waste Management Plan of Santa Clara County
91. Geotechnical Investigation Reports
92. Engineering Division Project Files
93. Subdivision and Parcel Map Files

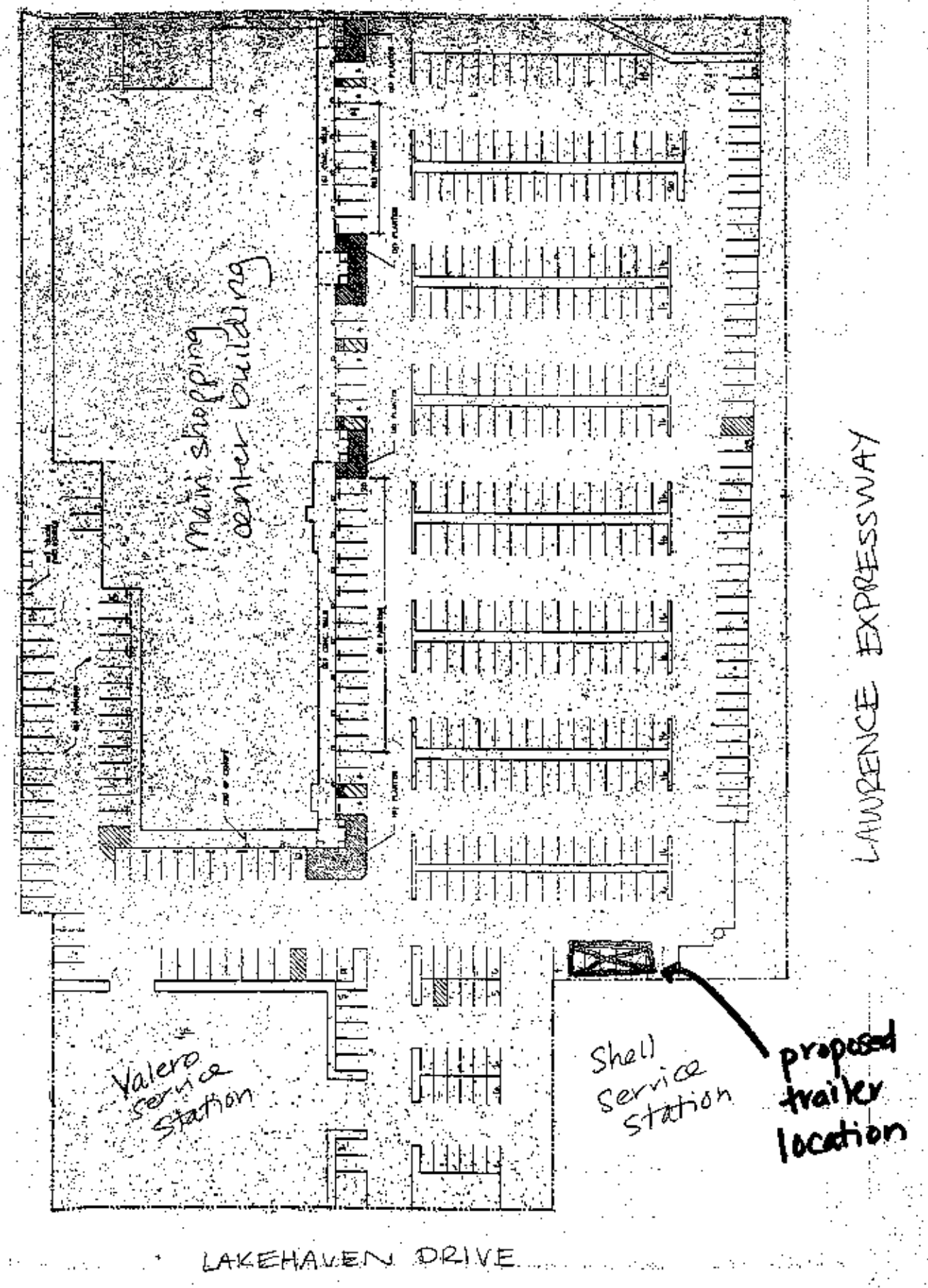
**Miscellaneous**
94. Field Inspection
95. Environmental Information Form
96. Annual Summary of Containment Excesses (BAAQMD)
97. Current Air Quality Data
98. Chemical Emergency Preparedness Program (EPA) Interim Document in 1985?)
99. Association of Bay Area Governments (ABAG) Population Projections
100. Bay Area Clean Air Plan
101. City-wide Design Guidelines
102. Industrial Design Guidelines

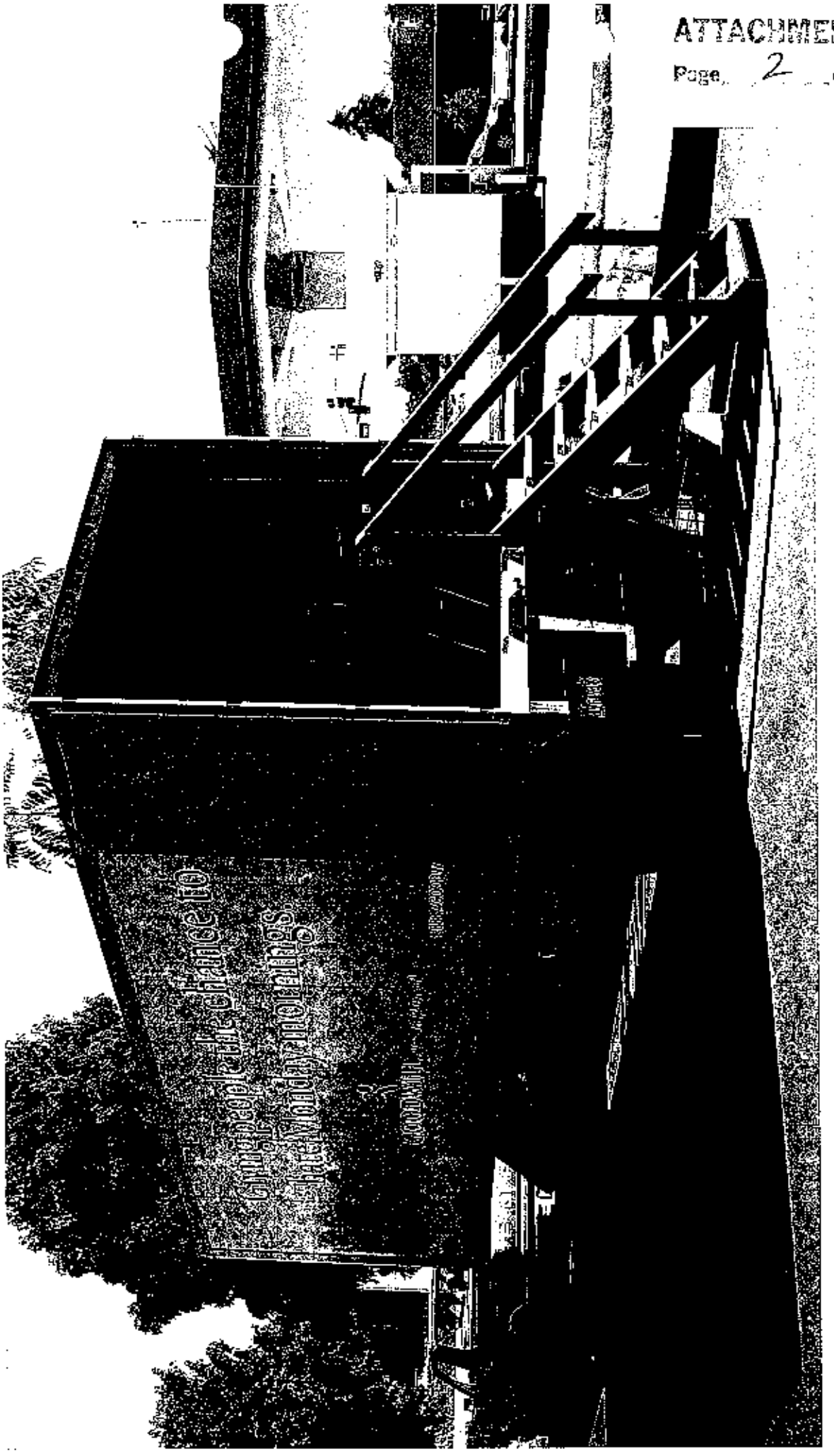
**Building Safety**
103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
105. Uniform Plumbing Code, (Including the California Plumbing Code)
106. Uniform Mechanical Code, (Including the California Mechanical Code)
107. National Electrical Code (Including California Electrical Code)
108. Title 16 of the Sunnyvale Municipal Code

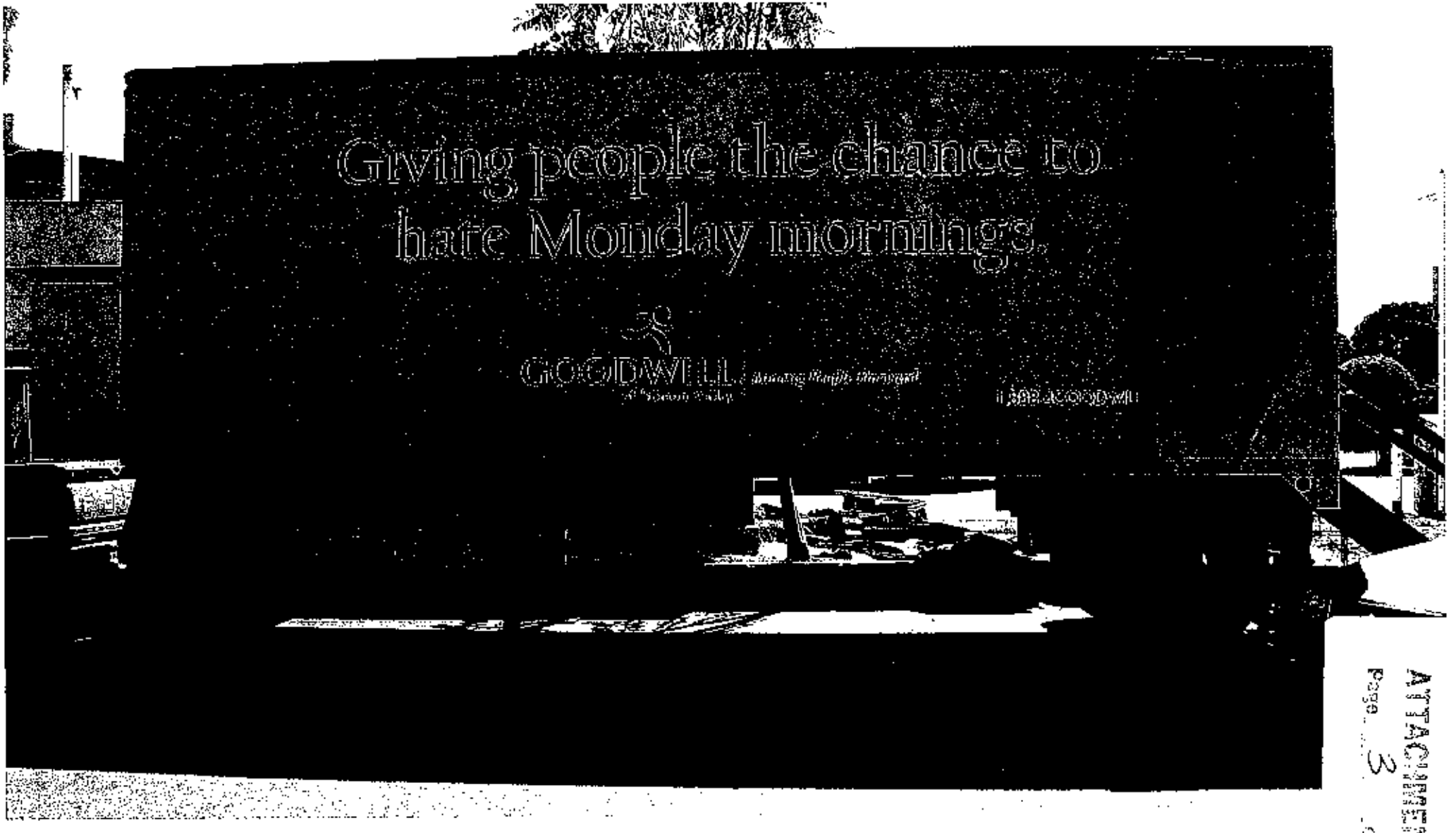
**Additional References**
109. USFWS/CA Dept. F&G Special Status Lists
110. Project Traffic Impact Analysis
111. Project Description
112. Project Development Plans
113. Santa Clara County Airport Land Use Plan
114. Federal Aviation Administration

# Attachment D

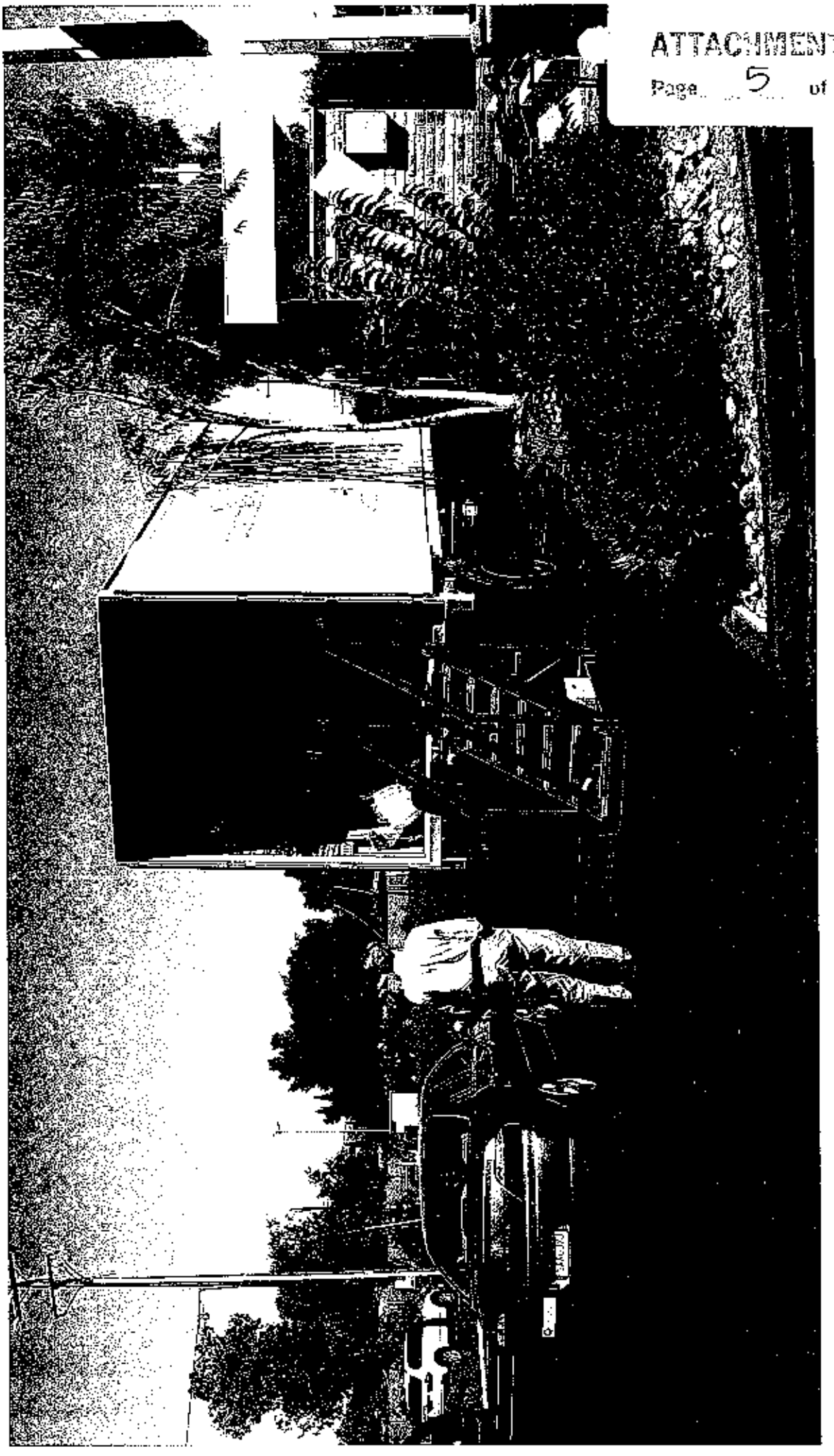
## Site Plan and Photos Submitted by Applicant


LAKEDALE WAY
main shopping center building
LAWRENCE EXPRESSWAY
Valero service station
Shell service station
proposed trailer location
LAKEHAVEN DRIVE


Giving people the chance to
Enter Monday morning




ATTACHMENT D
Page 3 of 5



# Attachment E

# Justification Letter Submitted by Applicant

Goodwill Industries of Silicon Valley
PERMIT JUSTIFICATION

Goodwill Industries of Silicon Valley is requesting the City of Sunnyvale to allow donation acceptance from the community at Lakewood Shopping Center. Shopping Center is located at 1119 N Lawrence Expressway, Sunnyvale Ca 94089 (APN 110.23.110).

- Shopping Center has a total of 430 parking spaces. Goodwill Industries only needs 5 parking spaces to continue to receive donations from the public.
- Lakewood Shopping Center is located at a C1 zone. We are asking to that the City allow Donation trailers at C1 zones with a size of 3 acres or more. Currently Lakewood Shopping Center is 4.43 acres.
- Donations from the City of Sunnyvale assist Goodwill Industries of Silicon Valley in supporting the many programs we offer for people with disabilities and various barriers to employment.
- All reusable, recyclable items will be resold at our stores vs going into the landfills and negatively affecting the environment.
- In 2007 Goodwill Industries of Silicon Valley assisted the City of Sunnyvale by diverting **321,717 lbs** pounds of donations that otherwise would have end up at the Landfill.

Goodwill Industries will commit to:

- We are placing flower boxes next to our trailers in Sunnyvale to ensure no discarded items are left underneath the trailer overnight.
- We would make sure that the trailer is open 7 days a week from 9 AM to 5 PM.
- A Goodwill Supervisor will visit the location each day between 0900-500pm to ensure site is kept clean.
- Goodwill Security, in a truck will visit the location each night and pick up any discarded items left near, under or around area. They will also report any suspicious activity to security or police.
- Transportation hours of operation have been extended from 0600am-0100am to ensure compliance in all locations seven days a week.
- We will provide you with a Certificate of Insurance that reflects the amount of general liability and medical expense insurance coverage carried by Goodwill Industries. We normally carry one million dollars of general liability insurance.

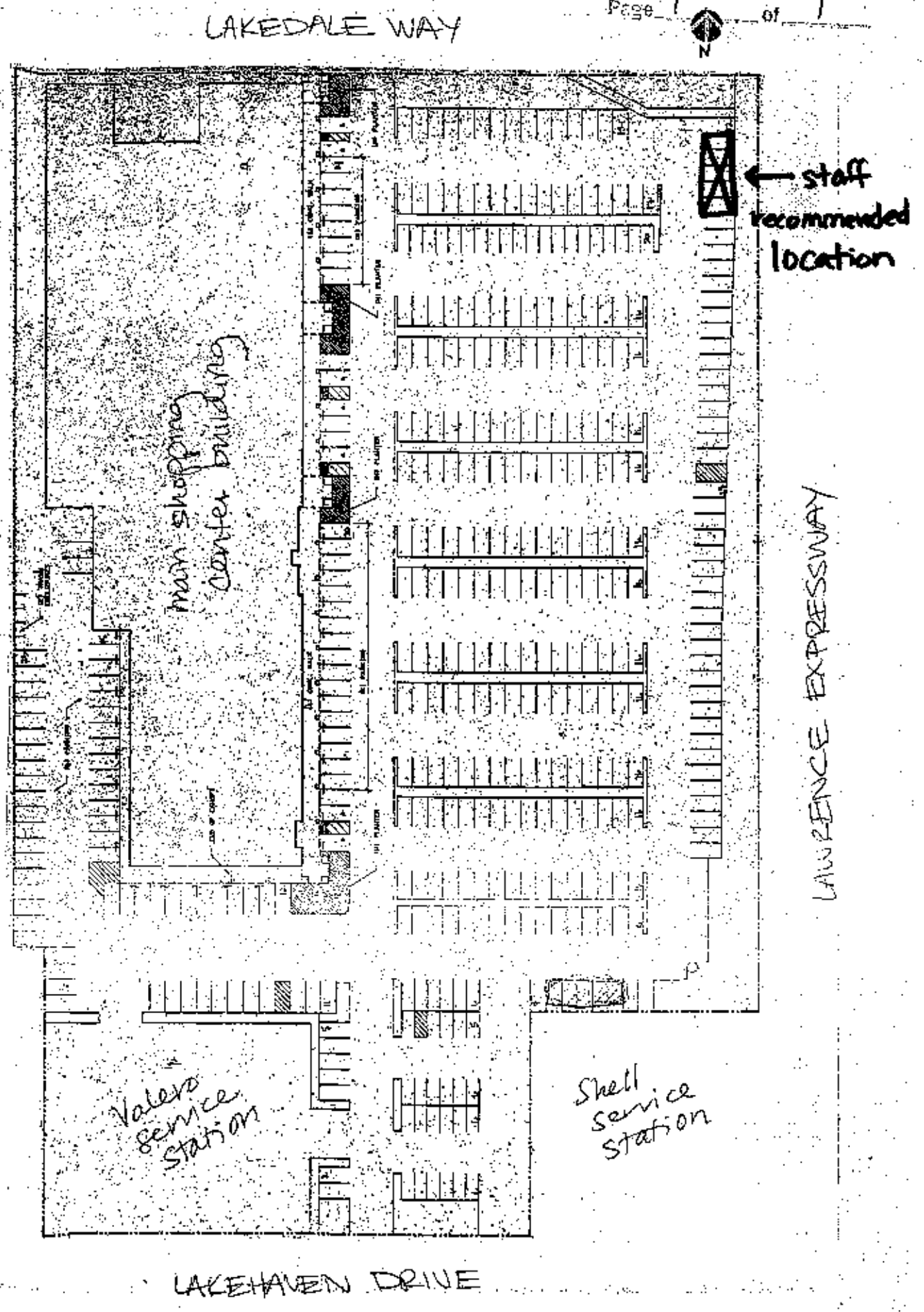
Please see attached picture of our trailers

# Attachment F

## Revised Site Plan Recommended by Staff

**(not recommended by the Planning Commission)**

ATTACHMENT F
Page 1 of 1



# Attachment G

# 1985 Council Policy Statement on Donation Centers for Used Household Goods

SUBJECT:

Trailer Donation Center for Used Household Goods

POLICY PURPOSE:

Municipal Code Section 19.32.110(b)(21) permits the use of permanent trailers in C-2 and C-2/PD zones for the collection of discarded household goods. Policy statements below contain operation, location and appearance standards for this use. The purpose of this policy is to maintain the high quality of Sunnyvale's development standards.

POLICY STATEMENTS:

It is the policy of the City of Sunnyvale that each application for a Use Permit or Special Development Permit for a trailer use, as specified in Municipal Code Section 19.32.110(b)(21), shall comply with the following conditions:

| ISSUE | REGULATION |
|---|---|
| **A. OPERATIONS:** | |
| 1. Status of Operators | A1. The profit or non-profit status of a trailer operator shall not be a factor in granting any required permit. |
| 2. Attendant | A2. An attendant shall be present during all trailer business hours, and is responsible for placing items inside the trailer as well as providing general maintenance. |
| 3. Hours of Operation | A3. Flexible standards shall be established for trailer hours of operation. |
| 4. After-hours Donations | A4. Provisions shall be made for the control of after-hours donations. Strategies may include:<br>a. Post a sign on the trailer that warns against littering.<br>b. Post hours of operation.<br>c. Provide after-hours field security checks. If items have been deposited, dispatch a truck to pick them up. |
| 5. Public Safety | A5. Comply with Municipal Fire Codes. |

| ISSUE | REGULATION |
|---|---|
| **B. LOCATION:** | |
| 1. Acceptable Sites | B1. A trailer is permitted only in the parking lot of a shopping center. |
| 2. Setbacks | B2. A trailer shall maintain minimum setback distances equal to requirements for buildings in a C-2 or C-2/PD zone. |
| 3. Parking and Circulation | B3.a. Minimum parking standards shall be maintained for the affected shopping center, unless approval of a variance is granted. |
| | B3.b. A parking space shall be designated for the trailer attendant. Provisions shall also be made to maintain adequate loading and unloading space. |
| | B3.c. Vehicular and pedestrian movements shall not be impaired by the trailer's location. |
| | B3.d. The trailer's location shall not interfere with the ease of access to the retail stores. |
| 4. Visibility of Buildings and Signs | B4. The trailer shall not block the view of any buildings or signs. |
| 5. Attendant's Security | B5. Placement of the trailer shall be sensitive to the attendant's safety. The trailer opening may face a public street for security reasons. |
| **C. APPEARANCE:** | |
| 1. Trailer Exterior | C1.a. Exterior trailer colors shall be approved by the Director of Community Development. |
| | C1.b. A portable skirt shall be erected to screen the trailer wheels and undercarriage from street or parking lot view. The material shall be solid and painted to match or blend with the trailer color. Skirt details shall be approved by the Director of Community Development. |

| ISSUE | REGULATION |
|---|---|
| 2. Landscaping | C2.a. Portable landscaping shall be installed around all sides of the trailer that are exposed to public view from a street or parking lot. The open end of a trailer is exempt from this requirement. The landscaping shall be intensive in nature, including long rows or dense clusters of planter boxes with live trees and shrubs. Details of the portable landscape theme are subject to approval by the Director of Community Development. |
| | C2.b. The portable landscaping shall be maintained in a healthy condition. A maintenance program, including manual irrigation methods, shall be presented for approval to the Director of Community Development. |
| 3. Site Improvements | C3. Minor site improvements, such as parking lot repairs, can be imposed, if they are directly related to the trailer use. |
| 4. Signing | C4. Allowable signing area for a trailer shall be consistent with Code requirements for commercial uses. |

# Attachment H

# Proposed Council Policy on Donation Centers for Used Goods

DRAFT for
COUNCIL POLICY MANUAL

# Policy x.x.x Donation Trailers for Used Household Goods

## POLICY PURPOSE:

Municipal Code section 19.20.030 allows the use of permanent trailers for the collection of used household goods in the C-1, C-2, C-3, and C-4 Zoning Districts with approval of a Use Permit or Special Development Permit. The policy statements below provide operation, location, and appearance standards for this use. The purpose of the policy is to maintain the high quality of Sunnyvale's commercial and residential areas by reducing the potential impacts associated with donation trailers.

## POLICY STATEMENT:

It is the policy of the City of Sunnyvale that each application for a Use Permit or Special Development Permit for a donation trailer use, as defined in Municipal Code section 19.12.050, shall comply with the following conditions:

### 1. OPERATIONS

#### A. Status of Operators

(1) The profit or non-profit status of a donation trailer operator shall not be a factor in granting any required permit.

#### B. Attendant

(1) An attendant shall be present during all donation trailer hours of operation, and is responsible for placing items inside the trailer as well as providing general maintenance.

#### C. Hours of Operation

(1) Flexible standards shall be established for donation trailer hours of operation.

#### D. After-Hours Donations

(1) Provisions shall be made for the control of after-hours donations. Strategies may include:

(a) Post a sign on the trailer that warns against littering;
(b) Post a sign on the trailer providing contact information for the operator as well as contact information for the City's Neighborhood Preservation Division to allow surrounding residents to easily report any problems *(recommended addition by the Planning Commission)*;
(c) Post hours of operation;
(d) Provide after-hours field security checks. If items have been deposited, dispatch a truck to pick them up

DRAFT for
COUNCIL POLICY MANUAL

**E. Public Safety**

(I) Comply with Municipal Fire codes.

**2. LOCATION**

**A. Acceptable sites**

(I) A donation trailer is permitted only in the parking lot of a shopping center or other large commercial site.

**B. Visibility of Trailer**

(I) Donation trailer locations shall be selected to minimize visual impacts without compromising the safety of the attendant. It may be necessary for the trailer opening to face the public street or the parking lot for security reasons.

**B. Proximity to Residential Uses**

(I) Care shall be taken to minimize potential adverse impacts on adjacent residential uses by appropriately sited donation trailers.

**C. Parking and Circulation**

(I) Minimum parking standards shall be maintained for the affected site unless otherwise approved by a Variance.
(II) In addition to parking spaces occupied by the donation trailer and any parking needed for patrons, an additional parking space shall be maintained for the trailer attendant.
(III) The donation trailer shall be located to maintain adequate loading and unloading space.
(IV) Vehicular and pedestrian circulation shall not be impaired by the trailer's location.

**D. Visibility of Buildings and Signs**

(I) The trailer shall not block the view of any buildings or signs.

**3. APPEARANCE**

**A. Trailer Exterior**

(I) Exterior trailer colors shall be approved by the Director of Community Development.
(II) A portable skirt shall be erected to screen the trailer wheels and undercarriage from street and parking lot view. The material shall be solid and shall match or blend with the trailer color. Skirt details shall be approved by the Director of Community Development. If the skirt is

constructed of fabric, the fabric material shall be replaced at least every five years.

**B. Landscaping**

(I) Portable landscaping shall be installed around all sides of the trailer that are exposed to view from a street or parking lot. The open end of the trailer is exempt from this requirement. The landscaping shall be intensive in nature, including long rows or dense clusters of planter boxes with live trees and shrubs. Details of the portable landscaping theme are subject to approval by the Director of Community Development.

(II) Portable landscaping shall be maintained in a neat and healthy condition at all times. A maintenance program, including manual irrigation methods, may be required for review and approval by the Director of Community Development.

**C. Site Improvements**

(I) Minor site improvements, such as parking lot repairs, can be imposed if they are related to the trailer use.

**D. Signage**

(I) Signs which are part of the vehicle's paint scheme, such as the organization's name painted name on the side of the trailer, shall be exempt from the Municipal Code sign requirements.

(II) Any additional signage not part of the vehicle's paint scheme shall be considered a ground sign or wall sign subject to the Municipal Code sign requirements for commercial uses. All signs shall be reviewed and approved by the Director of Community Development.

((Adopted: RTC # (date) Amended: RTC # (date) etc.)

Lead Department: Community Development

For reference, see also:

I verify that the content presented in this policy represents the direction given or action taken by Council.

_____ *[signature]* _____ Date _____

Director, _____ [*Department name*] ____

# Attachment I

# Summary of Other Cities' Regulations on Donation Centers

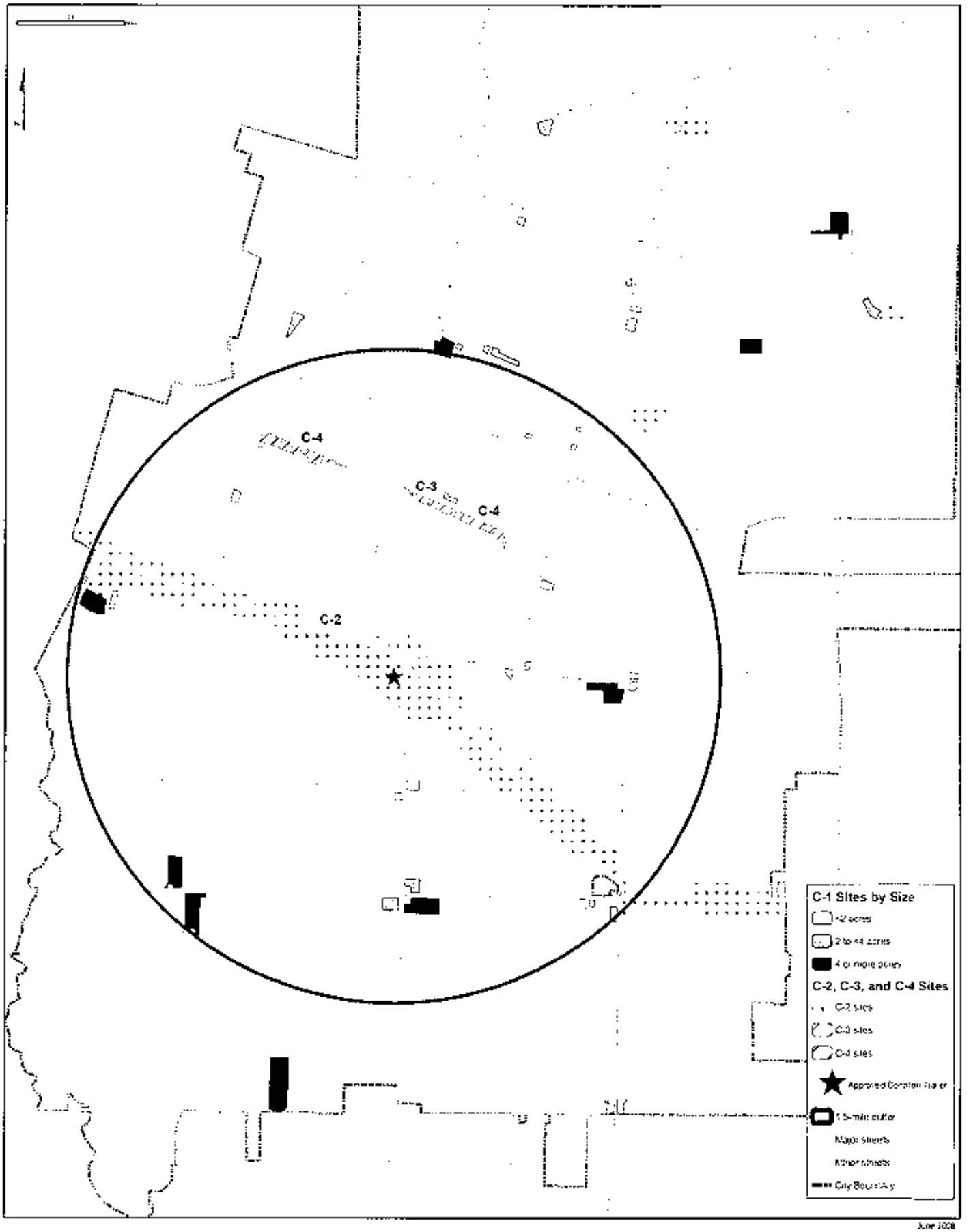
# DONATION CENTERS
# SURVEY OF OTHER CITIES

| City | Permitted? | Where (zoning district) | Permit Type | Notes |
|---|---|---|---|---|
| Campbell | yes | C-1<br>C-2 | Conditional Use Permit | |
| Cupertino | yes | CG (general commercial) | Use permit | |
| Fremont | yes | C-N (neighborhood commercial)<br>C-C (community commercial)<br>C-B-D (central business)<br>C-R (regional commercial)<br>C-G (general commercial)<br>C-T (thoroughfare commercial) | Conditional Use Permit | |
| Los Altos | yes | Commercial Zone | Use permit | would only be part of a use permit for larger store |
| Los Gatos | no | n/a | n/a | |
| Milipitas | yes | CO<br>C2 | Conditional Use Permit | |
| Mountain View | yes | Any Commercial or Industrial zone | Conditional Use Permit | |
| Palo Alto | no (except temporary use) | Any Commercial Zone | Temporary (45 days or less) temporary use permit, longer than 45 days it would be considered a structure and have to comply with building code | |
| San Francisco | yes | C-2<br>C-3<br>C-M | Conditional Use Permit | |
| Santa Clara | yes | Any Commercial or Industrial zone | Special Permit or temporary permit for shorter time | In industrial zone it would be a staff decision, in the commercial zone it would be a City Council decision |
| Santa Rosa | yes | CD<br>CN | Less than a year: Temporary Use Permit<br>More than a year: Conditional Use Permit | |
| Saratoga | yes | Any Commercial Zone | Conditional Use Permit | |
| Sunnyvale | yes | C-2 (Highway Commercial)<br>C-3 (Regional Retail)<br>C-4 (Service Commercial) | Use permit | 1.5 mile seperation |

# Attachment J

# Map of Commercial Zoning Districts in Sunnyvale

# City of Sunnyvale
## Commercial Sites and Donation Trailers




June 2008

# Attachment K

# Draft Ordinance

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TABLE 19.20.030 OF SECTION 19.20.030 (PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED USES IN COMMERCIAL ZONES) OF CHAPTER 20 (COMMERCIAL ZONING DISTRICTS) OF ARTICLE 3 (ZONING DISTRICTS, USES AND RELATED DEVELOPMENT REGULATIONS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO ALLOW DONATION CENTERS FOR USED GOODS IN THE NEIGHBORHOOD COMMERICAL (C-1) ZONING DISTRICT AND TO ELIMINATE THE SEPARATION REQUIREMENT**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. TABLE 19.20.030 AMENDED. Table 19.20.030 of Section 19.20.030 (Permitted, conditionally permitted and prohibited uses in commercial zones) of Chapter 20 (Commercial Zoning Districts) of Article 3 (Zoning Districts, Uses and Related Development Regulations) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended as follows:

**TABLE 19.20.030**

**Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zones**

In the table, the letters and symbols are defined as follows:

**P** = Permitted use
**UP** = Use permit required
**MPP** = Miscellaneous plan permit
**N** = Not permitted, prohibited

| COMMERCIAL ZONES | C-1 | C-2 | C-3 | C-4 |
|---|---|---|---|---|
| **I. Retail Commercial** | | | | |
| **A.** Bakeries | P[1] | P[1] | P[1] | P[1] |
| **B.** Drive-through retail sales businesses, except restaurants | UP | UP | UP | N |
| **C.** Retail sales businesses | P[1] | P[1] | P[1] | N |
| **D.** Outside display of merchandise or products in connection with a retail sales business | MPP | MPP | MPP | N |
| **E.** Donation centers for used goods[2] | UP | UP | UP | UP |
| *[Remainder of Table - text unchanged]* | | | | |

[1] Uses which are greater than 10,000 square feet, propose significant changes to the exterior of an existing building, or include construction of a new building require a Use Permit.

[2] ~~Donation centers shall have a minimum separation of 1.5 miles~~Use Permits for donation centers shall be determined by the Planning Commission at a public hearing and shall be reviewed for compliance with Council Policy on operations, location and appearance. Donation centers in C-1 are only allowed on sites of 4 or more acres.

*[Remainder of Footnotes - text unchanged]*

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. CEQA–NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development may file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental review, if required by CEQA, and potential impacts may be determined at that time.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation:
(SEAL)

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

# Attachment L

# Minutes of Planning Commission Hearing on June 9, 2008

## 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 if $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.