

Dear Momoko:

February 19, 2016

At some point I hope to send a list of discrete problems that my neighborhood in N Sunnyvale has had to deal with as a direct result of ongoing development. For now, I share my concerns about the February 4, 2016 meeting at the Sunnyvale International Church (SIC) relating to Summit Public School's request to lease 539 E Weddell to house their middle school.

I estimated about 70-100 people were in attendance. From what I saw, official presenters were there from SIC, Summit Public School and the SV Planning Commission. The bulk of the audience seemed to be parents of the Summit Denali kids, who support the plan. They did not take the floor to speak because Summit spoke for them. I have no idea how many were there from the neighborhood. I only know that a handful of residents (myself included) spoke out in clear opposition to the plan because we are dealing with overwhelming development. It's important to keep in mind that those of us who oppose this plan speak for many in the neighborhood who agree with us but who either couldn't or chose not to come.

At the meeting, when the neighbors expressed frustration with the already existing traffic problems, Summit's representative said the school proposal must be viewed as a stand-alone project. He said complaints about other ongoing development in the neighborhood were irrelevant to the Summit plan. However, his statement is not reasonable given the fact that our area has been negatively impacted by cumulative development (rapid, frenetic, ubiquitous) over the past several years, with apparently no end in sight. It is frustrating and difficult now to drive from N Sunnyvale to El Camino on Mathilda, Fair Oaks and Wolfe. What happens when current (and future) construction is finished, and the high density apartments, condos, and businesses being built along these corridors is populated? How will we access El Camino then?

To summarize just a few of our concerns:

1. First and foremost - residents in this particular area of N Sunnyvale are bending under the weight of this development and want to slow it down. Within the first week of February, I received three development notices: a mega hotel on Mathilda near 237, a 66 unit affordable housing complex on Persian by the Hindu Temple, and the SIC/Summit plan, all within arms-reach.
2. E Weddell is a narrow two lane street, not made for heavy traffic. The traffic impact from a daily drop off and pick up of several hundred students plus staff will cause congestion and delay for those using E Weddell. Summit mentioned after school activities. If kids are picked up in the late afternoon between 3 and 6 pm, that will affect workers returning home.

In addition to being a narrow two lane street, it bears mentioning that E Weddell is also dangerous. Many drivers exceed the speed limit in both directions because they can (no police presence). Drivers entering E Weddell from Fair Oaks are driving west, so much of the year, in the afternoons and evenings, they are driving directly into a blinding sun. 539 E Weddell sits directly on a curve. Speed + blinding sun + curve can spell disaster. Cars have jumped the curb in front of 539 and SIC, bringing down signage poles across the sidewalk due to reckless driving. Pedestrians are very vulnerable all along E Weddell, even though the street is heavily used by residents. When I left the meeting at 9 pm, I witnessed a handful of cars speeding by and wondered if any of the parents or Summit staff noticed.

3. Five hundred apartments are already being built on the corner of E Weddell and Fair Oaks, which will put at least 1000 cars onto E Weddell and into the neighborhood. (An apt complex of the same approximate size is also being built across Fair Oaks).

The draft traffic study has all of these cars neatly entering and exiting Fair Oaks by the one existing traffic signal. No mention was made that signal lights are timed to favor the traffic flow of main arteries, which means a green light facing E Weddell will have a short time limit, allowing only a few cars out at a time. Cars will queue and the queues could be long and slow. If this were to happen, drivers will be frustrated and looking for alternate exit routes.

I see a few other possibilities the traffic study didn't mention: (1) cars exiting the new apartment complex will turn left on E Weddell instead of right, turn north on Morse (impacting Morse), turn east on Tasman (impacting Tasman) to access Fair Oaks. (2) cars turning left on E Weddell will turn north on Morse to Persian for Fair Oaks access. (3) cars turning left on E Weddell will continue to Ross for access to Mathilda, an exit that is a nightmare in and of itself that needs to be addressed. The police call the intersection of Weddell/Persian/Ross/Mathilda/237 "The Grinder." It is nothing less than a death trap and should have been addressed, modified, reformed before any new building happened.

**IMPORTANT:** The pressure that Summit feels to lease, renovate and relocate to 539 E Weddell before August was palpable, and that pressure could easily move the Planning Commission and the Council to say yes. While that serves Summit, that doesn't serve the neighbors. I ask that this entire plan be shelved for the time being. There is no need to rush into it. When I encounter all of the chaos that has ensued from Council decisions (decisions I assume were thoughtfully and carefully made but turned out to be a disaster for us), I shudder to think what will happen if the planners and the Council make a hasty decision in Summit's favor.

**IMPORTANT:** The city has shamefully neglected corrections, updates, "mitigations" to existing and archaic infrastructure (as in streets, signal lights, signage, police presence). It was my impression that infrastructure comes before development.

**IMPORTANT:** I moved to Willow Ranch, which has 236 homes, in July 2009. In that time, at least six people I know were diagnosed with cancer in the park. Some died; some moved. I assume some are living here during ongoing treatment. I don't know the definition of a 'cancer cluster,' but I wouldn't be surprised if all of the toxins from traffic pollution foisted upon us have contributed to these illnesses.

I would appreciate clarification of timeline for proposal. When do the following happen:

1. amendment of general plan land use from industrial to school
2. revised zoning from industrial/service to public facilities
3. use permit for Summit

Please feel free to share this email with your supervisor Andrew Mino. Thank you for your time.

Sincerely,

Joyce Loewy,

Sunnyvale CA 94089



Momoko Ishijima &lt;mishijima@sunnyvale.ca.gov&gt;

---

## In oppose to the Summit School relocating project

---

Kiki Law   
To: mishijima@sunnyvale.ca.gov

Sun, Feb 21, 2016 at 2:32 AM

Dear Ms. Ishijima,

We are writing in regards of the Summit School relocating to E. Weddell Ct.

We are petrified to be informed that a middle school will be relocated right next to our home. Other than the traffic problem that is obviously the major issue (which our community has already voiced out), we are also extremely concerned about the noise that's going to be generated by the school and its students. We live at Jena Terrace, which is right next to the proposed school area. My husband and I work from home most of the time. We are foreseeing in horror that we will be disrupted by bell ringing every forty five minutes or so in between periods. Children's yelling, screaming, playing during recesses and all kinds of outdoor activities will also create much nuisance to the neighborhood. My mother is a chronic patient who needs a lot of sleep throughout the day. The noise will definitely affect her well-being. Not to mention there will be kids loitering after school with an increasing risk of vandalism.

In addition, real estate experts state that the value of a property will be negatively impacted if it's located in close proximity to a middle or high school due to the above reasons.

We purchased our home because of its serene surrounding environment. We would never have bought it in the first place should we know a school will appear in our backyard, literally.

Thank you for letting us voice our opinion. I really hope that you and your commission can help us to put this school relocation plan to a halt. Their proposed plan only benefits the school and the church, yet bring nothing but future problems into our neighborhood.

Sincerely,

Kiki Law & Ken Lam



Momoko Ishijima <mishijima@sunnyvale.ca.gov>

---

## Summit Plan (correction)

---

Elizabeth Padilla [REDACTED]

Mon, Feb 22, 2016 at 1:41 AM

Reply-To: Elizabeth Padilla [REDACTED] To: mishijima@sunnyvale.ca.gov,  
stran@sunnyvale.ca.gov

Cc:

- > Dear Momo:
- >
- >
- > I hope all is well. This email serves to document that I
- > am in agreement with Joyce Loewy's concerns.
- >
- > In addition, I would like to request that the city to halt
- > in the interim the General Plan Amendment from Industrial to
- > School on 3 parcels (521, 532, 539 E. Weddell Dr.) and
- > REZONING from MS-POA (Industrial) to PF (Public
- > Facilities) zoning on 3 parcels (521, 531, 539 E Weddell
- > Dr.).
- >
- > The streets E. Weddell Dr. and Morse Ave. lack the
- > infrastructure to accommodate additional traffic that Summit
- > School will bring to our area (approx. 400 cars). Five
- > hundred (500) apartments are already being built on the
- > corner of E. Weddell Dr. and Fair Oaks Ave., which will put
- > at least one thousand (1000) cars or more onto E. Weddell
- > Dr. and into the neighborhood. An apartment complex of the
- > same approximate size is also being built across Fair Oaks
- > Ave. We are also concerned for our safety due to excess
- > traffic that these new communities will bring to our area.
- >
- > Therefore, I disagree with the following report to the
- > Planning Commission: ENVIRONMENTAL REVIEW
- > A Negative Declaration has been prepared and published in
- > compliance with California
- > Environmental Quality Act (CEQA) provisions and City
- > guidelines (see Attachment 7). An initial study
- > was prepared evaluating potential impacts to land use, air
- > quality and noise and determined that the
- > proposed project would not experience or create any
- > significant environmental impacts.
- >
- > In summary, I would like to demand that the Planning
- > Division halt the General Plan Amendment and Rezoning in the
- > interim until we determine the impact of safety of the
- > community and traffic on E. Weddell Dr., Morse Ave.,
- > Persian, and Fair Oaks.
- >
- > The report that Sarah sent me specifies that the Negative
- > Declaration may be protested in person prior to 5 pm on
- > 22Feb. That it should be filed to the Department of
- > Community of Development, 456 W. Olive Avenue, Sunnyvale and
- > shall include a written statement specifying anticipated
- > environmental effects which may be significant.

2/22/2016

City of Sunnyvale Mail - Summit Plan (correctio., )

> Therefore, would this email would suffice, or should I go  
> ahead and also print a copy of this email an stop by in  
> person to the Department of Community of Development?  
> Please advise.

>

> Sincerely,

>

> Elizabeth Padilla

>

>

> — On Fri, 2/19/16, Joyce Loewy

> wrote:

>

> > From: Joyce Loewy

> > Subject: Summit Plan (correction)

> > To: [REDACTED]

>

>

>

> "mishijima@sunnyvale.ca.gov"

> <mishijima@sunnyvale.ca.gov>

> > Cc: "Joyce Loewy"

> > Date: Friday, February 19, 2016, 11:41 AM

[Quoted text hidden]



**Summit Plan.doc**

47K



----- Forwarded message -----

From: **Marie Amilcar** <

Date: Mon, Feb 22, 2016 at 2:28 PM

Subject: summit plan

To: mishijima@sunnyvale.ca.gov

Cc: elizabeth.padilla@..., jloewy@...

Dear Momo,

my name is Marie Amilcar, I live at 1054 Jena terrace sunnyvale Ca 94089!

I am writing this letter with regards to the General Plan Amendment; proposed land use change from Industrial to school on the three parcels (521,531, and 539 E. Weddel Drive)

I must strongly object the propose plan! i would urgently request that the city of sunnyvale to halt this plan. my hope are this email will serve as document that I am, in agreement with Joyce Loewy's concerns. this Industrial company-to school will bring an average of 400 cars to our area!! keep in mind we have approximately 500 unit apartment current being built. what's change? in compliance with California Environmental quality Act (CEQA) provision and city guidelines. An initial study was prepared evaluating potential impacts to land use, air quality the list continues..

kindly consider these factors in the decision in the decision making process.

kind regards: Marie A.

22 February 2016

*Letter slightly amended from the email previously sent to Momo*

To Whom It May Concern:

I hope all is well. This email serves to document that I am in agreement with Joyce Loewy's concerns email dated 19Feb2016 (attached), Kiki Law's email dated 21Feb2016 (attached), and Marie Amilcar's email dated 22Feb2016 (attached).

In addition, I would like to request that the city to halt in the interim the General Plan Amendment from Industrial to School on 3 parcels (521, 532, 539 E. Weddell Dr.) and REZONING from MS-POA (Industrial) to PF (Public Facilities) zoning on 3 parcels (521, 531, 539 E Weddell Dr.).

The streets E. Weddell Dr. and Morse Ave. lack the infrastructure to accommodate additional traffic that Summit School will bring to our area (approx. 400 cars). Five hundred (500) apartments are already being built on the corner of E. Weddell Dr. and Fair Oaks Ave., which will put at least one thousand (1000) cars or more onto E. Weddell Dr. and into the neighborhood. An apartment complex of the same approximate size is also being built across Fair Oaks Ave. We are also concerned for our safety due to excess traffic that these new communities will bring to our area.

Therefore, I disagree with the following report to the Planning Commission: ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared and published in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (see Attachment 7). An initial study was prepared evaluating potential impacts to land use, air quality and noise and determined that the proposed project would not experience or create any significant environmental impacts.

In summary, I would like to demand that the Planning Division halt the General Plan Amendment and Rezoning in the interim until we determine the impact of safety of the community and traffic on E. Weddell Dr., Morse Ave., Persian, and Fair Oaks.

The report that Sarah sent me specifies on pg. 46 that the Negative Declaration may be protested in person prior to 5 pm on 22Feb. That it should be filed with the Department of Community Development, 456 W. Olive Avenue, Sunnyvale and shall include a written statement specifying anticipated environmental effects which may be significant. Therefore, would this email suffice, or should I go ahead and also print a copy of this email and stop by in person to the Department of Community of Development? Please advise.

Sincerely,

Elizabeth Padilla and Sayed Sadat  
1056 Jena Terrace, Sunnyvale, CA 94089  
Mobile: (650) 862-0676

Post email note per a City Park Neighbor Suresh Sukha (\_\_\_\_\_) on 22Feb2016:

The City of Sunnyvale should also cite air quality impact in light of the present new regulations regarding smoking and the second hand effects. The tail pipe emissions in both directions clearly falls into a distance thus to be invoked by applicable laws. The City is clearly rushing headlong into this project without due studies.

Re: Fw: Summit Plan Letter from Joyce Loewy - Yahoo Mail

**Re: Fw: Summit Plan Letter from Joyce Loewy** Sunday, February 21, 2016 2:33 AM

**wy**

**From:** "Kiki Law" <[redacted]@com>  
**To:** "Elizabeth Padilla" <[redacted]@com>  
**Cc:** marieamilcar@ [redacted] "Ken Lam"  
karimabelho@ [redacted] faycal.belhocine@ [redacted]  
kakristourch@ [redacted] more ...



Re: Fw: Summit Plan Letter from Joyce Loewy - Yahoo Mail

We have sent this following letter to Ms. Momoko Ishijima. Please add our concern to the existing batch. Thank you!

**Amendments (Regarding noise issue)**

Dear Ms. Ishijima,

We are writing in regards of the Summit School relocating to E. Weddell Ct.

We are petrified to be informed that a middle school will be relocated right next to our home. Other than the traffic problem that is obviously the major issue (which our community has already voiced out), we are also extremely concerned about the noise that's going to be generated by the school and its students. We live at Jena Terrace, which is right next to the proposed school area. My husband and I work from home most of the time. We are foreseeing in horror that we will be disrupted by bell ringing every forty five minutes or so in between periods. Children's yelling, screaming, playing during recesses and all kinds of outdoor activities will also create much nuisance to the neighborhood. My mother is a chronic patient who needs a lot of sleep throughout the day. The noise will definitely affect her well-being. Not to mention there will be kids loitering after school with an increasing risk of vandalism.

In addition, real estate experts state that the value of a property will be negatively impacted if it's located in close proximity to a middle or high school due to the above reasons.

We purchased our home because of its serene surrounding environment. We would never have bought it in the first place should we know a school will appear in our backyard, literally.

Thank you for letting us voice our opinion. I really hope that you and your commission can help us to put this school relocation plan to a halt. Their proposed plan only benefits the school and the church, yet bring nothing but future problems into our neighborhood.

Sincerely,

Kiki Law & Ken Lam

On Sat, Feb 20, 2016 at 12:15 PM, Elizabeth Padilla <  
Dear Fellow City Park Neighbors:

We would like to thank you for attending the meeting yesterday to discuss our concerns regarding the Summit School relocating to our area. I have attached the following:

ATTACHMENT 1 - Ms. Joyce Loewy's Letter dated 19Feb: As per our meeting yesterday, please find attached the letter that Ms. Joyce Loewy submitted to the Planning Commission Associate Planner Momoko (Momo) Ishijima via email at [mishijima@sunnyvale.ca.gov](mailto:mishijima@sunnyvale.ca.gov) on 19Feb. Ms. Loewy wanted Momo to have a thumbnail sketch of the neighborhood opposition to the plan prior to the meeting on 22Feb. Momo confirmed with Ms. Loewy that she had submitted her letter to the Planning Commission for their consideration.

If you are in agreement with Ms. Loewy's letter, you are welcome to resubmit her letter to Momo and inform her that you are in agreement and add your additional concerns. You are also welcome to just submit your concerns. Please refer to the second attachment for Momo's contact details.

Re: Fw: Summit Plan Letter from Joyce Loewy - Yahoo Mail

contact details.

ATTACHMENT 2 - Public Hearing Notice: For your reference, I have attached the City of Sunnyvale, Notice of Public Hearing which reflects date when the upcoming Planning Commission Hearing will be held (22Feb at 8 pm). You will also find Momo's contact details.

Please find below the link of San Jose Mercury News that was posted on 11Feb2016 (front page under Crimes and Courts) regarding the city litigating Summit School:

[http://www.mercurynews.com/crime-courts/ci\\_29502146/sunnyvale-private-school-and-city-headed-court-march](http://www.mercurynews.com/crime-courts/ci_29502146/sunnyvale-private-school-and-city-headed-court-march)

#### ACTION PLAN:

Please be advised that the Public Hearing is for reviewing the rezoning from "Industrial" to "Public Facility". The school cannot relocate to Weddell drive until the rezoning is changed. We need to request from the city to halt the rezoning in the interim. If not, the school may be relocating to our area as soon as this summer!

1) If feasible, please make every effort to attend the upcoming Public Hearing this Monday at 8 pm. It will be held at the Council Chambers, City Hall, 456 W. Olive Avenue, Sunnyvale, CA.

2) Please write to Momo (Planning Commission) regarding our concerns prior the Public Hearing.

By attending the upcoming Public Hearing and writing to the city, they cannot ignore us and we have an opportunity to voice our concerns. This is our only opportunity to make a difference and let the city know that we are serious.

Sincerely,

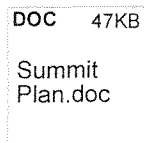
Elizabeth Padilla and Sayed Sadat

**Summit Plan (correction)**

Friday, February 19, 2016 11:41 AM

**From:** "Joyce Loewy" <[redacted]@com>  
**To:** "elizabeth.padilla" <[redacted]@[redacted]>  
 "sayedsdt" <[redacted]@[redacted]>  
 "mishijima@sunnyvale.ca.gov" <mishijima@sunnyvale.ca.gov>  
**Cc:** "Joyce Loewy" <[redacted]@[redacted]>

1 Files 47KB Download All



Save

Hi Momo: Am resending this because I typed your email address incorrectly. Joyce Loewy

-----  
---- Forwarded Message -----

**From:** Joyce Loewy <[redacted]@[redacted]>  
**To:** "elizabeth.padilla" <[redacted]@[redacted]>; "mishimima@sunnyvale.ca.gov" <mishimima@sunnyvale.ca.gov>  
**Cc:** Joyce Loewy <[redacted]@[redacted]>  
**Sent:** Friday, February 19, 2016 11:28 AM  
**Subject:** Summit Plan

Hi Elizabeth:

Enclosed is a draft letter I am forwarding to Momo Ishijima (SV Planning Commission) prior to Monday's rezoning meeting. I want Momo to have a thumbnail sketch of the neighborhood opposition to the plan prior to the meeting.

Also enclosed is a link to the story that was on the front page of The Sunnyvale Sun on Feb 12, 2016.

[http://www.mercurynews.com/crime-courts/ci\\_29502146/sunnyvale-private-school-and-city-headed-court-march](http://www.mercurynews.com/crime-courts/ci_29502146/sunnyvale-private-school-and-city-headed-court-march)

Dear Momoko:

February 19, 2016

At some point I hope to send a list of discrete problems that my neighborhood in N Sunnyvale has had to deal with as a direct result of ongoing development. For now, I share my concerns about the February 4, 2016 meeting at the Sunnyvale International Church (SIC) relating to Summit Public School's request to lease 539 E Weddell to house their middle school.

I estimated about 70-100 people were in attendance. From what I saw, official presenters were there from SIC, Summit Public School and the SV Planning Commission. The bulk of the audience seemed to be parents of the Summit Denali kids, who support the plan. They did not take the floor to speak because Summit spoke for them. I have no idea how many were there from the neighborhood. I only know that a handful of residents (myself included) spoke out in clear opposition to the plan because we are dealing with overwhelming development. It's important to keep in mind that those of us who oppose this plan speak for many in the neighborhood who agree with us but who either couldn't or chose not to come.

At the meeting, when the neighbors expressed frustration with the already existing traffic problems, Summit's representative said the school proposal must be viewed as a stand-alone project. He said complaints about other ongoing development in the neighborhood were irrelevant to the Summit plan. However, his statement is not reasonable given the fact that our area has been negatively impacted by cumulative development (rapid, frenetic, ubiquitous) over the past several years, with apparently no end in sight. It is frustrating and difficult now to drive from N Sunnyvale to El Camino on Mathilda, Fair Oaks and Wolfe. What happens when current (and future) construction is finished, and the high density apartments, condos, and businesses being built along these corridors is populated? How will we access El Camino then?

To summarize just a few of our concerns:

1. First and foremost - residents in this particular area of N Sunnyvale are bending under the weight of this development and want to slow it down. Within the first week of February, I received three development notices: a mega hotel on Mathilda near 237, a 66 unit affordable housing complex on Persian by the Hindu Temple, and the SIC/Summit plan, all within arms-reach.
2. E Weddell is a narrow two lane street, not made for heavy traffic. The traffic impact from a daily drop off and pick up of several hundred students plus staff will cause congestion and delay for those using E Weddell. Summit mentioned after school activities. If kids are picked up in the late afternoon between 3 and 6 pm, that will affect workers returning home.

In addition to being a narrow two lane street, it bears mentioning that E Weddell is also dangerous. Many drivers exceed the speed limit in both directions because they can (no police presence). Drivers entering E Weddell from Fair Oaks are driving west, so much of the year, in the afternoons and evenings, they are driving directly into a blinding sun. 539 E Weddell sits directly on a curve. Speed + blinding sun + curve can spell disaster. Cars have jumped the curb in front of 539 and SIC, bringing down signage poles across the sidewalk due to reckless driving. Pedestrians are very vulnerable all along E Weddell, even though the street is heavily used by residents. When I left the meeting at 9 pm, I witnessed a handful of cars speeding by and wondered if any of the parents or Summit staff noticed.

3. Five hundred apartments are already being built on the corner of E Weddell and Fair Oaks, which will put at least 1000 cars onto E Weddell and into the neighborhood. (An apt complex of the same approximate size is also being built across Fair Oaks).

The draft traffic study has all of these cars neatly entering and exiting Fair Oaks by the one existing traffic signal. No mention was made that signal lights are timed to favor the traffic flow of main arteries, which means a green light facing E Weddell will have a short time limit, allowing only a few cars out at a time. Cars will queue and the queues could be long and slow. If this were to happen, drivers will be frustrated and looking for alternate exit routes.

I see a few other possibilities the traffic study didn't mention: (1) cars exiting the new apartment complex will turn left on E Weddell instead of right, turn north on Morse (impacting Morse), turn east on Tasman (impacting Tasman) to access Fair Oaks. (2) cars turning left on E Weddell will turn north on Morse to Persian for Fair Oaks access. (3) cars turning left on E Weddell will continue to Ross for access to Mathilda, an exit that is a nightmare in and of itself that needs to be addressed. The police call the intersection of Weddell/Persian/Ross/Mathilda/237 "The Grinder." It is nothing less than a death trap and should have been addressed, modified, reformed before any new building happened.

**IMPORTANT:** The pressure that Summit feels to lease, renovate and relocate to 539 E Weddell before August was palpable, and that pressure could easily move the Planning Commission and the Council to say yes. While that serves Summit, that doesn't serve the neighbors. I ask that this entire plan be shelved for the time being. There is no need to rush into it. When I encounter all of the chaos that has ensued from Council decisions (decisions I assume were thoughtfully and carefully made but turned out to be a disaster for us), I shudder to think what will happen if the planners and the Council make a hasty decision in Summit's favor.

**IMPORTANT:** The city has shamefully neglected corrections, updates, "mitigations" to existing and archaic infrastructure (as in streets, signal lights, signage, police presence). It was my impression that infrastructure comes before development.

**IMPORTANT:** I moved to Willow Ranch, which has 236 homes, in July 2009. In that time, at least six people I know were diagnosed with cancer in the park. Some died; some moved. I assume some are living here during ongoing treatment. I don't know the definition of a 'cancer cluster,' but I wouldn't be surprised if all of the toxins from traffic pollution foisted upon us have contributed to these illnesses.

I would appreciate clarification of timeline for proposal. When do the following happen:

1. amendment of general plan land use from industrial to school
2. revised zoning from industrial/service to public facilities
3. use permit for Summit

Please feel free to share this email with your supervisor Andrew Mino. Thank you for your time.

Sincerely,

Joyce Loewy,

Sunnyvale CA 94089

0001

[http://www.mercurynews.com/crime-courts/ci\\_29502146/sunnyvale-private-school-and-city-headed-court-march](http://www.mercurynews.com/crime-courts/ci_29502146/sunnyvale-private-school-and-city-headed-court-march)

*San Jose Mercury News*

## CRIME AND COURTS

# Sunnyvale: School and city headed to court in March over zoning issues

*By Victoria Kezra*

[vkezra@community-newspapers.com](mailto:vkezra@community-newspapers.com)

POSTED: 02/11/2016 06:09:44 AM PST

UPDATED: 02/11/2016 10:54:47 AM PST

Summit School: Denali has plans to expand and open a second location on Weddell Drive, but school officials say they need to retain its current location on Mercury Drive an extra three years to accommodate all of their students.

However, the city has already initiated litigation against the school for opening in August 2013 and continuing to operate in an industrial zone. The matter has been pending in the courts since November 2013, with a trial set for March 7.

"The city has been working in good faith with Summit Public Schools to evaluate alternate locations for their school. Meanwhile, Summit Public Schools has refused to commit to a date for when they will cease operating Summit Denali at the Mercury Drive location which has made it necessary to proceed to a trial to assure compliance with the city's zoning ordinance," said Sunnyvale communications officer, Jennifer Garnett in an email. "The city has agreed to postpone the trial date a number of times to allow Summit Public Schools time to find an alternate location and avoid disrupting the educational program."

The school opened in 2013 in north Sunnyvale as a charter middle school serving grades 6 through 8. Charter schools receive public funding, but are not a part of any school district. Denali's emphasis is on individualized learning where students work at their own pace.

Roughly 300 students attend the school in a 20,480 square foot building on Mercury Drive. The student body has grown since its opening and school staff are hoping to expand Denali to teach grades 9 through 12. The school hopes leasing the Weddell Drive site will open the door for expansion.

"As the school grows to serve grades 6-12 we know we need space for the kind of demand for the school present in the community and we know this is an incredibly tight and challenging real estate market," said Kevin Bock, Executive Director of Summit Denali.

School officials hope to acquire a second location to accommodate the anticipated increase in students. Until then, Denali is asking the city to allow the school to stay at Mercury Drive for three more years.

The current site is zoned for industrial businesses. Businesses such as childcare and schools are not permitted to operate there and the school submitted an application for a zoning change in March 2013 prior to opening. The school rescinded its application in July 2013 and a month later Summit Public Schools Board of Directors voted that the school, as a charter, was considered a "school district" and therefore exempt from the city's zoning rules.

"The city has told us from the beginning that a school's not allowed here due to zoning, so we're...continuing to work with the city to try and find a short-term solution," said Bock.

A month after opening, the city sent Summit a declaration of public nuisance and told it to cease operating at the Mercury Drive location. The school did not close and on Oct. 31, 2013 the city filed sued it saying it was in violation of the city municipal code.

The trial was postponed once in 2014 in order to give Denali time to find another location and to avoid disrupting the students' academic year.

In a summary adjudication, the court found that the school did not have legal authority to exempt itself from local zoning requirements. Summit argues that the school's presence doesn't affect the surrounding property in the industrial zone as evidenced by Sunnyvale Kindercare located less than half a mile from Summit Denali and that shutting down the school would cause hardship to the students who currently attend.

According to Garnett, Sunnyvale Kindercare was established prior to the city's zoning ordinance change that prohibited schools and day cares in industrial zoning. Current zoning would not allow for a day care in that location.

Summit Denali parents have been very passionate about keeping the Mercury Drive location. Parents have been present at recent city council meetings expressing their concern and frustration during public comment.

"My boys are eager to go to school. I attribute this to the strong teaching staff and leaders of Denali. Please allow Dennali to stay at the Mercury Drive site for three more years," said Sue Johnson, a parent at a Jan. 12 meeting.

Gabriella Enriquez also told the council through a translator that "Denali has had a big impact" on her family.

"My son attends the school and since he has been attending, he has taken pride in his matriculation and has taken pride in his academics and schooling," she said. "He has the motivation to improve and to take advantage of academics going forward."