



**Council Meeting: October 8, 2013**

**SUBJECT: Discussion and Possible Action on Adoption of Resolutions to Approve the Annexation of Two Island Areas Located within the City of Sunnyvale Urban Service Area but Currently under the County of Santa Clara's Jurisdiction (Central Expressway and Butcher's Corner), and a Finding of Categorical Exemption Under the California Environmental Quality Act**

**BACKGROUND**

The Local Agency Formation Commission (LAFCO) of Santa Clara County and the County of Santa Clara Planning Division are encouraging the City of Sunnyvale to annex island areas that are currently unincorporated but within the Urban Service Area (USA) of Sunnyvale.

On August 27, 2013 the City Council adopted two resolutions to initiate the annexation process for two island areas located within the City of Sunnyvale Urban Service Area but currently under the County of Santa Clara's jurisdiction (Central Expressway and Butcher's Corner); RTC 13-201.

On September 10, 2013 the City Council and Planning Commission held a joint study session to discuss the Butcher's Corner island area general plan and zoning designations. At this study session staff presented information on the proposed annexations and site information for Butcher's Corner. Staff also discussed potential development standards that may be allowed on the site based on the General Plan Designation (Residential High Density), Precise Plan for El Camino Real (ECR) policies and zoning (R-3/ECR, Medium Density Residential with the ECR combining district).

**EXISTING POLICY**

**Land Use and Transportation Element**

**Policy LT-4.1** – Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

**Housing Element**

**Goal HE-4 Adequate Housing Sites** – Provide adequate sites for the development of new housing through appropriate land use and zoning to address the diverse needs of Sunnyvale's residents and workforce.

**ENVIRONMENTAL REVIEW**

The annexations are categorically exempt under CEQA Guideline 15319(a) as they are annexations of existing facilities.

**DISCUSSION**

Staff has received the necessary (corrected) documentation from LAFCO (Attachment D & E) to process the annexations for two island areas (Central Expressway and Butcher's Corner).

The following steps are required to complete the annexation of the island areas into the City of Sunnyvale:

1. A public hearing to adopt resolutions to initiate the annexation process for two sites (*completed on August 27, 2013*).
2. A second public hearing to adopt a resolution approving the annexations (*action associated with this RTC*).
3. Sending the signed resolutions to LAFCO.
4. Recordation of Certificates of Completion (within 7-10 days after receiving the resolution) by LAFCO. This step results in the properties formal incorporation into the City of Sunnyvale.

**Central Expressway Island Area**

The first site is a 4.3 acre segment of Central Expressway (Attachment D) known as SV01 on the LAFCO letter (Attachment F). This site is (and will continue to be) owned and maintained by the County of Santa Clara. The annexation of this site merely cleans up the incorporated area within the USA boundary for Sunnyvale.

To the north of this site are properties within the City of Mountain View; Residential Mobile Home (RMH) and Medium Density Residential/Planning Development (R-3/PD) zoned properties within the City of Sunnyvale are to the south. Since the road is public right-of-way, and will remain as such, it does not need to be designated under a specific zoning district.

**Butcher's Corner Island Area**

The second island site, SV03 (Attachment E), is 5.3 acres and referred to as Butcher's Corner by City staff. This site contains six parcels and is currently developed with two residential homes, several accessory structures and an orchard. Four of the parcels within this island site were owned by the Butcher family (the parcels were recently purchased by De Anza Properties). The remaining two parcels are City owned and are located on the east edge of the site adjacent to the public right-of-way and developed with asphalt paving next to the Wolfe Road sidewalk.

The four De Anza Properties parcels are pre-zoned Residential Medium Density/Precise Plan for El Camino Real (R-3/ECR) and designated Residential High Density (RHI) in the General Plan. The site is also within the area

designated as a Node in the Precise Plan for El Camino Real. The two City-owned parcels, totaling 1,200 square feet, are pre-zoned Residential High Density/Precise Plan for El Camino Real (R-4/ECR) and designated Residential High Density (RHI) in the General Plan. No action to change the General Plan designation or rezone the parcels is necessary with the annexation.

### **General Plan Initiation**

At the September 10, 2013 study session meeting the City Council discussed studying the Butcher's Corner parcels to determine what the appropriate zoning and General Plan designations would be for those parcels. The Cortese-Knox-Hertzberg Act states that a change in General Plan or zoning designations of annexed property may not occur for a period of two years unless the City Council makes a finding that a substantial change has occurred in circumstances that necessitate a departure from the pre-zoning in the application to LAFCO. This provision is in the law to protect property owners from sudden or dramatic changes in land use policies on newly annexed properties. For example, the City Council may find that the change of ownership and owner's interest in resolving the policies constitute a substantial change to proceed with amending General Plan and Precise policies or zoning for the property.

The Council also discussed the ECR combining district in that location. There are approximately 25 parcels located within the Eastern Node of the Precise Plan for El Camino Real with various General Plan and zoning designations ranging from Low Density Residential to Highway Commercial. Based on this range of designations and the concerns raised in the study session, if the Council were to initiate a General Plan Amendment study, it would be appropriate to study the entire Eastern Node vs. only the Butcher's Corner parcels. A map of the Eastern Node properties has been provided (Attachment C).

### **FISCAL IMPACT**

#### **Annexation**

The County of Santa Clara has agreed to cover all of LAFCO's costs related to the annexation of these island parcels (if the annexations are completed before the end of 2013) because they wish to incorporate the land into the appropriate USA (Attachment F). Recent discussions held between City and LAFCO staffs indicate that LAFCO would waive the already incurred fees for preparation of the documents; however, they are unsure at this time if additional funds will be budgeted in 2014. Fees could range from \$1,000 to \$5,000. As the County and LAFCO are preparing the documentation needed to process the annexations, minimal staff time should be required. Additionally, should the Butcher parcels be annexed into the City, the City would receive property taxes and utility user tax. Because the properties have been essentially agricultural (including two homes) and have been owned by the same family for well over 100 years, these revenues would be minimal. As the property was sold recently, there will be a

reassessment of the property increasing the property tax estimate; if the property is redeveloped there will be a reassessment.

### **General Plan Amendment Study**

A General Plan Amendment study, if initiated by the City Council, has both fiscal and timing implications. If the study is conducted as a city-sponsored study, staff would charge time to the Policy Planning budget resulting in less staff time available for other policy items such as Study Issues. It may also affect the timing of the study as staff already has other Study Issues and policy projects they are currently working on. If an EIR is required, the City would need to allocate at least \$250,000. However, if the owner of the Butcher's Corner parcels wants to accelerate the study and pay the fees for an applicant sponsored General Plan Amendment study, staff could charge time to the Development Services portion of the Planning Budget, the property owner would finance the EIR (managed by city staff). Similar to a city-sponsored study, a property owner initiated study would affect the timing of other studies. If the owner agreed to pay for the EIR, it would most likely cover the possible General Plan changes and include the proposed project on the Butcher's Corner parcels.

### **PUBLIC CONTACT**

Public contact was made in the following ways:

1. Posting of the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety;
2. Making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site;
3. Publication of a notice in the newspaper 21 days prior to both hearings;
4. Meeting notices were sent to all property owners within 300 feet of the parcels to be annexed into the City prior to both hearings; and
5. Neighborhood Associations were notified of the hearing.

In early 2013 staff discussed the annexation with representatives from the Butcher family who indicated that the family had no objection to the City proceeding with the annexation of the properties. The current owner (John Vidovich of De Anza Properties), does not object to annexation, but recently requested that it be deferred (Attachment H).

In addition, 13 members of the public spoke at the September 10, 2013 study session. Twelve of those speakers live in neighborhoods surrounding the Butcher's Corner parcels and voiced their concerns regarding traffic, loss of views, school overcrowding, parking, density, and safety mainly in regards to the preliminary project that had been submitted to the City for the Butcher's Corner parcels. The new property owner also spoke at the meeting and stated that he plans to work with the surrounding neighborhoods before submitting an application for development to the City.

**ALTERNATIVES**

1. Find that the project is categorically exempt from CEQA pursuant to guideline 15319(a).
2. Adopt the resolution to approve the annexation of the Central Expressway Island Area (SV01).
3. Adopt the resolution to approve the annexation of the Butcher's Corner Island Area (SV03).
4. Postpone the annexation of the Butcher's Corner Island Area.
5. Do not adopt one or either of the resolutions and take no further action on either of the annexations at this time.

**RECOMMENDATION**

Staff recommends the City Council adopt Alternatives 1, 2 and 4 to find that the project is categorically exempt from CEQA, approve the annexation of the Central Expressway island area and postpone the decision on the Butcher's Corner annexation.

Regarding the Butcher's Corner island area, the applicant and residents have expressed a desire to defer annexation until further discussion can occur on the development options for the property. Staff previously recommended proceeding with the annexation (Alternative 3) as it is generally accepted that a municipality should assume primary land use authority over all properties within its jurisdiction. The County also supports this position by offering to assume the fees for annexation. The Council has the authority to approve the annexation; however, proceeding with the annexation is not time sensitive, and the Council could adopt Alternative 4 to postpone action on that annexation at this time.

Independent of the decision on annexation, the City Council could direct staff to schedule for a future Council meeting initiation of a General Plan Amendment study for the properties within the Eastern Node.

Reviewed by:

Hanson Hom, Director, Community Development Department

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Amber El-Hajj, Senior Planner

Approved by:

Gary M. Luebbbers

City Manager

**Attachments**

- A. Resolution to Adopt the Annexation of the Central Expressway Island Area
- B. Resolution to Adopt the Annexation of the Butcher's Corner Island Area
- C. Map of the Eastern Node of the Precise Plan for El Camino Real
- D. Information and Map from LAFCO on the Central Expressway Island Area
- E. Information and Map from LAFCO on the Butcher's Corner Island Area
- F. Letter from LAFCO dated May 2, 2011
- G. Meeting Minutes from the September 10, 2013 Joint City Council/Planning Commission Study Session
- H. Letter from the Butcher's Corner Property Owner, John Vidovich of De Anza Properties

# **Attachment A**

RESOLUTION NO. \_\_\_\_\_-13

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE TO APPROVING ANNEXATION OF A  
PORTION OF CENTRAL EXPRESSWAY FROM  
BERNARDO AVENUE TO MIDDLEFIELD AVENUE**

WHEREAS, the City Council of the City of Sunnyvale desires to conduct proceedings pursuant to the Cortese Knox Hertzberg Government Reorganization Act of 2000 (Act), commencing with Section 56000 of the Government Code, for the annexation of an unincorporated island to the City and the concurrent detachment from any special districts presently providing services to the subject property; and

WHEREAS, the unincorporated island that the City desires to annex is depicted on Exhibit "A" attached hereto and incorporated herein by reference, and is designated as Parcel SV-01, and

WHEREAS, the territory has a zoning designation of P-F and is consistent with the City's adopted General Plan. Pursuant to provisions of Section 56375(e) of the Act, this zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council; and

WHEREAS, the City Council of the City of Sunnyvale desires to conduct proceedings pursuant to the Cortese Knox Hertzberg Government Reorganization Act of 2000 (Act), commencing with Section 56000 of the Government Code, for the annexation of an unincorporated island to the City; and

WHEREAS, the unincorporated island that the City desires to annex is depicted on Exhibit "A" attached hereto and incorporated herein by reference, and is located within the unincorporated area of the County consisting of a portion of Central Expressway from Bernardo Avenue to Middlefield Avenue, referred to as "Parcel SV-01")' and

WHEREAS, the annexation of the territory would constitute an annexation which does not exceed 150 acres, and at a duly noticed public hearing on August 27, 2013 the City Council initiated the annexation proceedings for the territory pursuant to Government Code Section 56375.3; and

WHEREAS, as provided in Government Code Section 56757, the City Council of the City shall be the conducting authority for the reorganization, and at the duly noticed public hearing on October 8, 2013 the City Council approved annexation of the territory pursuant to Government Code Section 56375.3; and

WHEREAS, the County Surveyor has found the attached Exhibit "A" map for the territory to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO's annexation policies; and

WHEREAS, the City Council has complied with the California Environmental Quality Act incident to its consideration of the annexation, as described below.

THE CITY COUNCIL OF THE CITY OF SUNNYVALE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. As Lead Agency under CEQA, the City finds that the annexation of this island is a Class 19 exempt project pursuant to Article 19 of the CEQA Guidelines (Guideline 15319). The parcels are developed, consistent with both the County zoning and the City’s pre-zoning of the area.

SECTION 2. The City Council makes the following findings and determinations:

- a. The territory is less than 150 acres, is contiguous to and surrounded by the City and is within the City’s urban service area and sphere of influence; and
- b. Based on the facts that public utility services are available to the territory to be annexed, public improvements are present, and physical improvements are present upon the parcels making up the territory, the City Council finds and determines that the territory is substantially developed or is developing; and
- c. The territory does not include prime agricultural lands; and
- d. The territory will benefit from the annexation or is receiving benefits from the City, and
- e. The annexation does not split lines of assessment or ownership and will not create islands or areas which in which it would be difficult to provide municipal services; and
- f. The territory meets all the requirements of Section 56375.3 and Section 56757 of the Act.

SECTION 3. The City Council of the City of Sunnyvale hereby approves annexation of the territory to the City of Sunnyvale and concurrent detachment of the territory from any special districts identified in Exhibit “A” attached hereto, effective October \_\_\_\_\_, 2013.

Adopted by the City Council at a regular meeting held October 8, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

# **Attachment B**

## RESOLUTION NO. \_\_\_\_\_-13

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO APPROVE ANNEXATION OF SIX PARCELS LOCATED NEAR THE INTERSECTION OF WOLFE ROAD, AT EL CAMINO REAL AND FREMONT AVENUE, KNOWN AS THE "BUTCHER PROPERTY" (AND ALSO INCLUDES TWO CITY-OWNED PARCELS)**

WHEREAS, the City Council of the City of Sunnyvale desires to conduct proceedings pursuant to the Cortese Knox Hertzberg Government Reorganization Act of 2000 (Act), commencing with Section 56000 of the Government Code, for the annexation of an unincorporated island to the City; and

WHEREAS, the unincorporated island that the City desires to annex is depicted on Exhibit "A" attached hereto and incorporated herein by reference, and is located within the unincorporated area of the County near the intersection of Wolfe Road at El Camino Real and Fremont Avenue, and includes four parcels privately owned, known as the Butcher's Corners" and two small parcels owned by the City of Sunnyvale, collectively referred to as "Parcel SV-03")' and

WHEREAS, the territory is consistent with the City's adopted General Plan, and has been pre-zoned by the City with the designation R-3, which zoning will take effect upon annexation. Pursuant to provisions of Section 56375(e) of the Act, pre-zoning designation shall remain in effect for two years following annexation unless specific actions are taken by the City Council; and

WHEREAS, the annexation of the territory would constitute an annexation which does not exceed 150 acres, and at a duly noticed public hearing on August 27, 2013 the City Council initiated the annexation proceedings for the territory pursuant to Government Code Section 56375.3; and

WHEREAS, as provided in Government Code Section 56757, the City Council of the City shall be the conducting authority for the reorganization, and at the duly noticed public hearing on October 8, 2013 the City Council approved annexation of the territory pursuant to Government Code Section 56375.3; and

WHEREAS, the County Surveyor has found the attached Exhibit "A" map for the territory to be in accordance with Government Code Section 56757, the boundaries to be definite and certain, and the proposal to be in compliance with LAFCO's annexation policies; and

WHEREAS, the City Council has complied with the California Environmental Quality Act incident to its consideration of the annexation, as described below.

THE CITY COUNCIL OF THE CITY OF SUNNYVALE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. As Lead Agency under CEQA, the City finds that the annexation of this island is a Class 19 exempt project pursuant to Article 19 of the CEQA Guidelines (Guideline

15319). The parcels are developed, consistent with both the County zoning and the City’s pre-zoning of the area.

SECTION 2. The City Council makes the following findings and determinations:

- a. The territory is less than 150 acres, is contiguous to and surrounded by the City and is within the City’s urban service area and sphere of influence; and
- b. Based on the facts that public utility services are available to the territory to be annexed, public improvements are present, and physical improvements are present upon the parcels making up the territory, the City Council finds and determines that the territory is substantially developed or is developing; and
- c. The territory does not include prime agricultural lands; and
- d. The territory will benefit from the annexation or is receiving benefits from the City, and
- e. The annexation does not split lines of assessment or ownership and will not create islands or areas which in which it would be difficult to provide municipal services; and
- f. The territory meets all the requirements of Section 56375.3 and Section 56757 of the Act.

SECTION 3. The City Council of the City of Sunnyvale hereby approves annexation of the territory to the City of Sunnyvale and concurrent detachment of the territory from any special districts which territory is identified in Exhibit “A” attached hereto and incorporated herein by reference, effective \_\_\_\_\_, 2013.

Adopted by the City Council at a regular meeting held on October \_\_\_\_, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

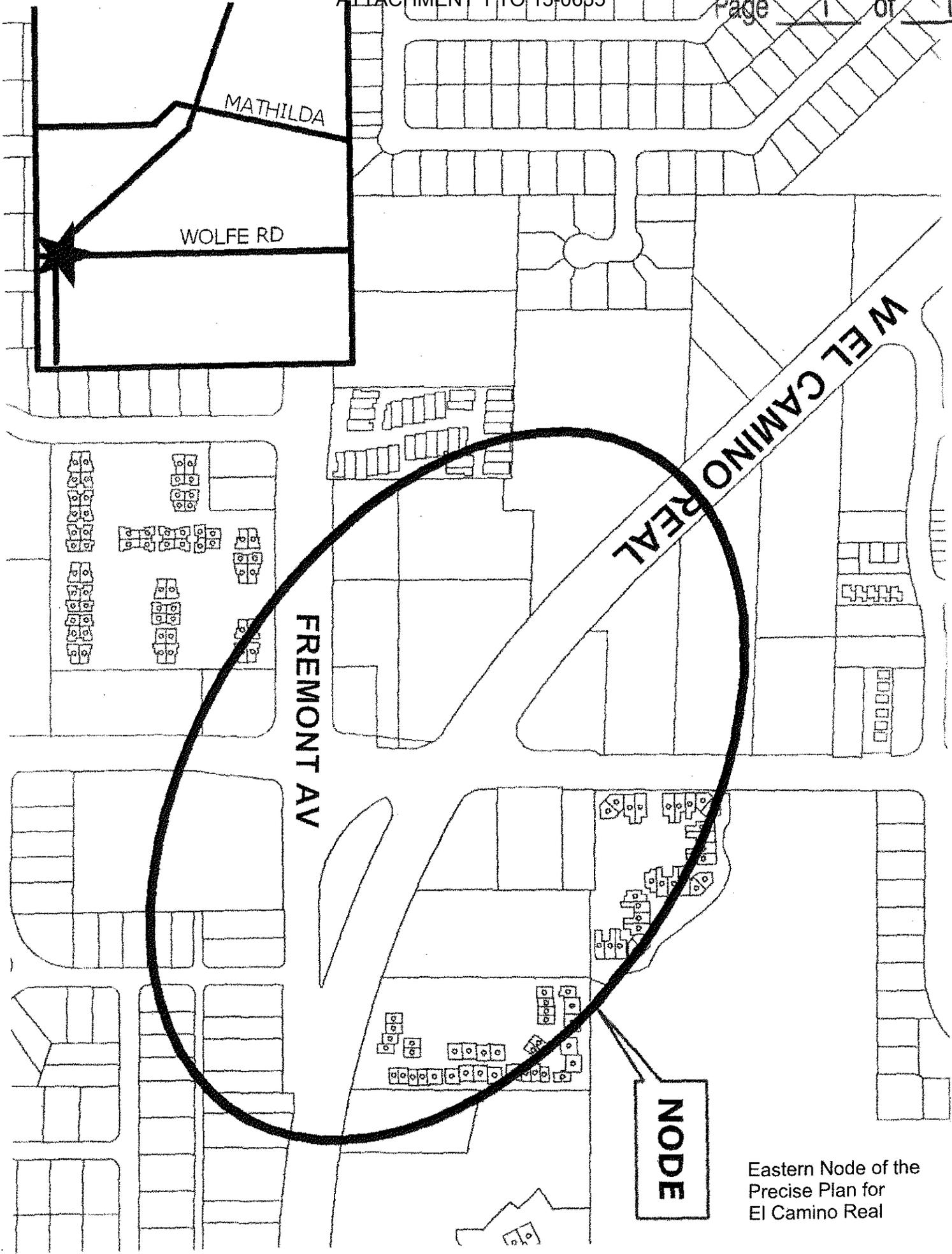
\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

# **Attachment C**



**NODE**

Eastern Node of the  
Precise Plan for  
El Camino Real

# **Attachment D**

**County of Santa Clara**  
**Planning and Development**  
**Office of the County Surveyor**  
County Government Center  
70 West Hedding Street, E. Wing, 7<sup>th</sup> Floor  
San Jose, California 95110  
(408) 299-5730



RECEIVED  
SEP 10 2013  
PLANNING DIVISION

September 5, 2013

Ms. Neelima Palacherla, Executive Officer  
LAFCO  
70 W. Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

**SUBJECT: Sunnyvale Pocket Annexation No. 2 "SV01 - Central Expressway"**

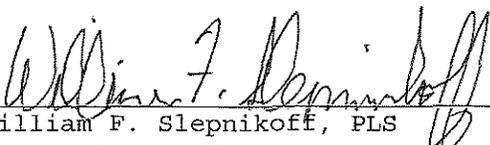
The attached Exhibit "A" dated June 24, 2013 of the territory proposed to be annexed to the City of Sunnyvale entitled:

**Sunnyvale Pocket Annexation No. 2 "SV01 - Central Expressway"**

is in accordance with Government Code Section 56757 (c)(2). The boundaries of said territory are completely surrounded by the City of Sunnyvale and City of Mountain View and are definite and certain. The proposal is in compliance with the Local Agency Formation Commission's road annexation policies.

Per the Local Agency Formation Commission and the State Board of Equalization, this Pocket annexation does not require a legal description.



  
William F. Slepnikoff, PLS  
Deputy County Surveyor

Date signed: September 5, 2013

Attachments:  
Exhibit "A" (PSV-2)

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith

CITY OF MOUNTAIN VIEW

CENTRAL EXPY

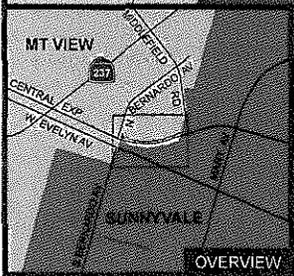
CITY OF SUNNYVALE

N BERNARDO AVE

MIDDLEFIELD RD

S BERNARDO AVE

EVELYN AVE



Page 2 of 2 ATTACHMENT D

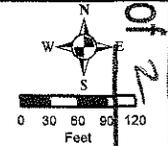


**County of Santa Clara**  
 Department of Planning and Development  
 Office of the County Surveyor  
 County Government Center, East Wing  
 70 West Hedding Street, 7th Floor  
 San Jose, California 95110

TITLE: **EXHIBIT "A"**  
**Sunnyvale Pocket Annexation No. 2**  
**SV01 - Central Expressway**  
**4.3 Acres +/-**  
 Prepared by the Office of the County Surveyor  
 June 24, 2013  
 Gwendolyn Gee, County Surveyor

LEGEND:

	Area of Annexation
	Sunnyvale Incorporated Lands
	Mountain View Incorporated Lands
	Unincorporated Lands
	Sunnyvale U.S.A./S.O.I.



# **Attachment E**

**County of Santa Clara**  
**Planning and Development**  
**Office of the County Surveyor**  
County Government Center  
70 West Hedding Street, E. Wing, 7<sup>th</sup> Floor  
San Jose, California 95110  
(408) 299-5730



RECEIVED

SEP 10 2013

PLANNING DIVISION

August 30, 2013

Ms. Neelima Palacherla, Executive Officer  
LAFCO  
70 W. Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, CA 95110

**SUBJECT: Sunnyvale Pocket Annexation No. 1 "SV03 - Butcher's Corner"**

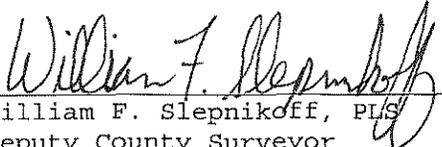
The attached Exhibit "A" dated June 24, 2013 of the territory proposed to be annexed to the City of Sunnyvale entitled:

**Sunnyvale Pocket Annexation No. 1 "SV03 - Butcher's Corner"**

is in accordance with Government Code Section 56757 (c)(2). The boundaries of said territory are completely surrounded by the City of Sunnyvale and are definite and certain. The proposal is in compliance with the Local Agency Formation Commission's road annexation policies.

Per the Local Agency Formation Commission and the State Board of Equalization, this Pocket annexation does not require a legal description.



  
\_\_\_\_\_  
William F. Slepnikoff, PLS  
Deputy County Surveyor

Date signed: August 30, 2013

Attachments:  
Exhibit "A" (PSV-1)

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith

CITY OF SUNNYVALE

WOLFE RD

EL CAMINO REAL

211-25-011

211-25-034

211-25-035

211-25-036

211-25-039

211-25-038

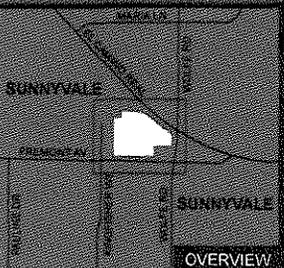
KINGFISHER TER

FREMONT AVE

KINGFISHER WAY

WOLFE RD

CITY OF SUNNYVALE



OVERVIEW



### County of Santa Clara

Department of Planning and Development  
Office of the County Surveyor

County Government Center, East Wing  
70 West Hedding Street, 7th Floor  
San Jose, California 95110

TITLE:

### EXHIBIT "A" Sunnyvale Pocket Annexation No. 1 SV03 - Butcher's Corner 5.5 Acres +/-

Prepared by the Office of the County Surveyor  
June 24, 2013  
Gwendolyn Gee, County Surveyor

LEGEND:



Area of Annexation

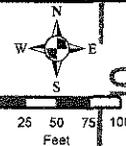


Sunnyvale Incorporated Lands



Unincorporated Lands

211-25-011 Assessor's Parcel Number



ATTACHMENT E  
Page 2  
2

# Attachment F



May 2, 2011

Hansom Hom  
Director of Community Development  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94088-3707

**RE: Status of Unincorporated Lands within the City of Sunnyvale's Urban Service Area Boundary (i.e. Unincorporated Islands)**

Dear Mr. Hom:

In late October 2010, the Local Agency Formation Commission (LAFCO) of Santa Clara County directed its staff to develop an inventory of the remaining unincorporated islands and to report back to the Commission on each city's plans regarding its islands.

### **Three Unincorporated Islands Remains in the City of Sunnyvale**

The City has three unincorporated islands within its Urban Service Area (USA). See table below and attached maps.

SUNNYVALE	
Island ID #	No. of Acres
SV01	4.3
SV02	12.0
SV03	5.3
<b>Total</b>	<b>21.6</b>

### **Annex Islands that Qualify for the Streamlined Annexation Process**

Island SV01 consists of a segment of Central Expressway. Island SV02 consists of a segment of the Caltrain/Union Pacific railroad tracks and right-of-way. Island SV03 consists of residential development. All three islands are eligible for annexation through the streamlined annexation process. Islands such as these are substantially developed

and create inefficiencies / confusion in terms of provision of emergency and other municipal services. Furthermore, residents of such islands are politically disenfranchised from the city government that surrounds them.

Annexation of such islands is a high priority for LAFCO and the County. In order to encourage these annexations, LAFCO continues to waive its fees for island annexations and the County continues to provide financial incentives including covering the costs for preparing Assessor and Surveyor reports and maps, paying the State Board of Equalization filing fees, and budgeting for road improvements in islands approved for annexation. As you may be aware, the law streamlining the annexation process for qualified unincorporated islands sunsets on January 1, 2014.

We encourage the City to take advantage of this process and the incentives currently being offered by both the County and LAFCO for such annexations. Please provide us with an update on the City's plans and time-line for annexing these three islands.

### **A Response from the City is Greatly Appreciated**

LAFCO staff is willing to work with and assist the City in resolving these island issues. We would appreciate knowing the City's annexation and/or urban service area amendment plans for these islands as soon as possible and no later than June 10, 2011. If you have any questions or concerns or would like to meet to discuss the City's plans, I can be reached at (408) 299-5127 or at [neelima.palacherla@ceo.sccgov.org](mailto:neelima.palacherla@ceo.sccgov.org) or you may contact Dunia Noel, LAFCO Asst. Executive Officer, at (408) 299-5148 / [dunia.noel@ceo.sccgov.org](mailto:dunia.noel@ceo.sccgov.org). Thank for you for your time and consideration.

Sincerely,

  
Neelima Palacherla  
LAFCO Executive Officer

Attachment:

Maps of Unincorporated Islands in City's Urban Service Area prepared by the Santa Clara County Planning Office

Cc:

Gary Luebbers, City Manager, City of Sunnyvale

Sunnyvale City Council Members

Jody Hall Esser, Director, Dept. of Planning & Development, Santa Clara County

LAFCO Members

# **Attachment G**

**CITY OF SUNNYVALE**  
**CITY COUNCIL JOINT STUDY SESSION WITH PLANNING COMMISSISON**  
**REVISED SUMMARY**

Discuss General Plan and Zoning of the "Butcher" Property at El Camino Real / Wolfe  
Road / Fremont Avenue

Location: West Conference Room

**September 10, 2013**

The City Council and Planning Commission met in joint study session at City Hall in the Council Chambers Room, 456 W. Olive Avenue, Sunnyvale, California on September 10, 2013, with Mayor Spitaleri presiding.

**City Councilmembers Present:**

Mayor Anthony (Tony) Spitaleri  
Vice Mayor James Griffith  
Councilmember Christopher Moylan  
Councilmember David Whittum  
Councilmember Jim Davis  
Councilmember Tara Martin-Milius  
Councilmember Patrick Meyering

**City Councilmembers Absent:**

None

**Planning Commissioners Present:**

Maria Dohadwala, Chair  
Russell Melton, Vice Chair  
Ken Olevson

**Planning Commissioners Recused:**

Glenn Hendricks  
Gustav Larsson

**Planning Commissioners Absent:**

Bo Chang

**City Staff Present:**

City Manager, Gary Luebbbers  
City Attorney, Joan Borger  
Assistant City Manager, Robert Walker  
Director of Community Development, Hanson Hom  
Planning Officer, Trudi Ryan  
Senior Planner, Shaunn Mendrin  
Senior Planner, Amber El-Hajj  
Director of Public Works, Kent Steffens

**Visitors/Guests Present:**

Members of the public

**Call to Order:**

Mayor Spitaleri called the meeting to order at 5:48 p.m.

**Study Session Summary:**

Community Development Director, Hanson Hom presented information about the General Plan and Zoning of the former Butcher property, using a PowerPoint slide presentation.

Councilmembers asked questions, made comments and requested additional information; summarized below.

- Development scenarios under current county zoning and City R-3 zoning
- County deadline and fees association with island annexations
- Overview of the processes for a General Plan Amendment study, development review application and environmental analysis
- Clarification of Project Review Committee (PRC) and terms used to provide feedback to applicants
- Review of the R-3 zoning district and El Camino Real (ECR) combining zoning district development standards including number of housing units and maximum height
- Comments on the Grand Boulevard Initiative
- Clarification of what preliminary plan means in terms of details
- Review of the non-residential Floor Area Ratio (FAR) requirements for ECR
- Discussion of features that contribute to an “attractive street”
- Clarification on the genesis of the annexation effort

**Public Comment:**

Fourteen members of the public spoke about the Butcher property. Residents of nearby neighborhoods expressed concerns with the preliminary plans they had seen including: height, potential for graffiti, noise, effect on nearby property values, traffic quantity, flow & safety, effect of retail on Fremont Avenue, access to property from El Camino Real, distance to schools, impact to school enrollment, 300 year old oak tree, cumulative effects with other projects (e.g. Apple campus further south), and lack of transit friendly features. Residents suggested the Council: defer annexation, buy the property for a city park, revise the Precise Plan for El Camino Real and rezone to R-2. A couple of speakers expressed concern that there are other areas of the city where residents were ignored and noted that the issue is an intersection of rights (property owner and community). The property owner spoke expressing a desire to work with the community to achieve a plan that the community is satisfied with.

**Adjournment:**

Mayor Spitaleri adjourned the meeting at 7:07 p.m.

Respectfully submitted,  
Trudi Ryan, Planning Officer

## **Attachment H**

## De Anza Properties

September 23, 2013

City of Sunnyvale  
Honorable Mayor and City Council  
456 W. Olive Avenue  
Sunnyvale, CA 94088

Re: Butchers Corner

Dear Mayor Spitaleri and City Council Members:

I have met with the neighborhood. 75 people attended our weekend meetings; these people represented hundreds of residents from at least 5 or 6 associations. A unanimous consensus was reached on two items in particular. One is that Annexation should be delayed until the neighborhood understood its implications. My opinion is that this is a trust issue and granting the neighborhood the delay is a goodwill gesture. I, as the property owner request the same and I expect your thoughtful and kind consideration in this matter. Secondly all the neighbors strongly object to the requirement that commercial (retail) be mandated on this property. They think it creates undue traffic, does not fit this portion of El Camino and is just plain inappropriate for the site. Lastly they recognize that the commercial component increases the density, height, and bulk of the building.

I appreciate the opportunity to work with the neighbors. I think any council action to accommodate the items above will help us all move forward. The project we will apply for is going to change from our preliminary design and I ask that the city staff and council give us time to work out all other aspects of the project. As part of the next phase we intend on meeting with the directly impacted neighbors next door (King Fisher) to discuss the reduction in height, movement east of buildings and/or the entry and any shadow effect. This group is generally considerate and reasonable and I expect to make good progress.

While it is unusual the entire group wants to understand the traffic and they are asking us to provide technical studies. I think as the project changes we will provide this information. This neighborhood is well organized and very much together on reviewing this project. If the council unanimously accommodated both the reinterpretation of the commercial requirement and the annexation I think it would be a positively neutral political move that would earn appreciation for the present pro-business city Council. They all understand jobs, progress, and the eventual build out of the Butcher property.

Sincerely,



John Vidovich