

**4            14-0198            2014 2nd Quarterly Consideration of GENERAL PLAN AMENDMENT INITIATION REQUESTS**

**File #:**            2014-7357  
**Location:**            539 E. Weddell Drive (APN: 110-14-158)  
**Proposed Project:**    Request to study a General Plan designation change from Industrial to Public Facility or other designation that would accommodate a child care center use (pre-school). Study may include other properties in the vicinity and evaluate other General Plan designations.  
**Applicant / Owner:**    New Hope International Church

**File #:**            2014-7364  
**Location:**            210 W. Ahwanee Ave. (APN: 204-03-003)  
**Proposed Project:**    Request to study a General Plan designation change from Industrial to Medium Density Residential (14-27 d.u. per acre). Study may include other properties in the vicinity and evaluate a range of General Plan residential designations.  
**Applicant / Owner:**    Saeed Erfan

**File #:**            2014-7304  
**Location:**            1024-1078 W. Evelyn Ave. (161-35-002 through 008)  
**Proposed Project:**    Request to study a General Plan designation change from Industrial to Medium Density Residential (14-27 d.u. per acre). Study may include other properties in the vicinity and evaluate a range of General Plan residential designations.  
**Applicant / Owner:**    Alto View Properties/John Travis

**Environmental Review:** Environmental Review is not required to initiate a General Plan study. The individual studies and potential future projects will be subject to the provisions of the California Environmental Quality Act (CEQA).

Chair Melton said the Planning Commission will hold a separate public hearing for each General Plan Amendment Initiation request (GPI).

Gerri Caruso, Principal Planner, provided information on the GPI for 539 E. Weddell Drive (GPI A), and said staff is recommending that the Planning Commission recommend City Council initiate a study for this application. She said staff is also recommending the study area be expanded to include the entire block

and the City's park immediately to the north of the project site, and that the study should consider the Civic Center (CC) and Commercial Neighborhood Shopping (CNS) General Plan designations and not residential in this area.

Comm. Rheume verified with Ms. Caruso the definition of Sense of Place fees.

Vice Chair Olevson noted that an Environmental Impact Report (EIR) was recently completed for a site in the general area, and confirmed with Ms. Caruso that the expanded study area would not be covered by this EIR.

Comm. Durham verified with Ms. Caruso that there are several undeveloped industrial-to-residential (ITR) properties north of the site.

Comm. Harrison discussed with Trudi Ryan, Planning Officer, the length of time a study typically takes and the process of analysis, and confirmed that the study would include an environmental impact study.

Chair Melton opened the public hearing for GPI A.

Jorge Marsal, New Hope International Church pastor, gave a presentation on his request for a GPI and said that with the surrounding residential growth, the church felt daycare and preschool should be services they offer.

Upon seeing no other speakers for this item, Chair Melton closed the public hearing for GPI A.

Vice Chair Olevson moved to recommend that City Council initiate the General Plan Amendment study for the expanded area including an analysis of CC- Civic Center and CNS- Commercial Neighborhood Shopping General Plan designations.

Comm. Rheume seconded.

Vice Chair Olevson said he initially did not think this was a good place for child care based on the information learned from the prior EIR, but that staff is recommending an expanded study area which may develop alternatives to the initial proposal. He said that because of growth in the area and neighbors' comments in prior sessions about nearby properties, he thinks this is a prime opportunity to initiate a study to see how best to use the remaining land.

Comm. Rheume said he will be supporting the initiation of a study, and agrees with staff concerns about placing a child care center near the freeway, but noted

that staff is recommending that air quality be the first part of the study that is prepared, so he believes things are covered.

Comm. Klein said he will be supporting the motion, and was on the Planning Commission when the church was initially approved in this area and when it was mainly industrial. He said the land is now transitioning to residential and thinks reevaluating the frontage along Highway 101 and conceivably creating a barrier and addressing air pollution at this site and others along Weddell would be beneficial for the City.

Chair Melton said he will be enthusiastically supporting the motion and that this is a great thing to study.

MOTION: Vice Chair Olevson moved to recommend that City Council initiate the General Plan Amendment study for the expanded area including an analysis of CC- Civic Center and CNS- Commercial Neighborhood Shopping General Plan designations. Comm. Rheume seconded. The motion carried by the following vote:

**Yes: 7 -** Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheume  
Commissioner Simons

**No: 0**

Gerri Caruso, Principal Planner, presented information on the GPI for 210 W. Ahwanee Avenue (GPI B), and said that in addition to the staff recommendation that City Council initiate a study for this application, she said staff is also recommending the study area be expanded to include the three adjacent industrial sites and the remaining parcels to the ends of each block.

Comm. Durham discussed with staff the general difference in number of vehicle trips between industrial and residential zoning designations.

Chair Melton opened the public hearing for GPI B.

Saeed Erfan, the applicant, and Kate Holden, Mr. Erfan's colleague, discussed their reasoning for submitting the GPI request.

Tom Donahue, a Sunnyvale property owner, said he supports the GPI and asked about the scope of the analysis and whether the study area includes San Aleso.

Lisa Korff, a Sunnyvale resident, said she supports the idea of medium density residential for this site and asked if the study would look at how the parcel would interact with the existing homes behind it.

Chair Melton closed the public hearing for GPI B.

Comm. Klein verified with Ms. Caruso that the industrial properties on San Aleso are considered part of the Peery Park Specific Plan, and that Council has indicated it would consider them for residential.

Comm. Durham moved to recommend that City Council initiate the General Plan Amendment study for the expanded area including an analysis of CNS-Commercial Neighborhood Shopping, Residential Low Medium Density (RLM 7-14 dwelling units per acre), Residential Medium Density (RMED 14-27 dwelling units per acre) and Residential High Density (RHI 27-45 dwelling units per acre).

Comm. Klein seconded.

Comm. Durham said it is a good idea to study this area, which has three industrial properties surrounded by housing. He also said that studying this issue is the best thing to do to determine the best use of the property in the future.

Comm. Klein said these three properties are sandwiched between high-density

residential and that it only makes sense to evaluate whether industrial is the best use, or whether residential or commercial uses are viable options, and that it is best to let the study figure it out.

Comm. Harrison said she will be supporting the motion and that it seems the usefulness of an industrial designation may have reached its end and doing a study to determine the best alternative is a good idea.

Chair Melton said he will be supporting the motion and thanked the speakers who participated in the public hearing.

MOTION: Comm. Durham moved to recommend that City Council initiate the General Plan Amendment study for the expanded area including an analysis of CNS- Commercial Neighborhood Shopping, Residential Low Medium Density (RLM 7-14 dwelling units per acre), Residential Medium Density (RMED 14-27 dwelling units per acre) and Residential High Density (RHI 27-45 dwelling units per acre). Comm. Klein seconded. The motion carried by the following vote:

**Yes: 7 -** Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Rheaume  
Commissioner Simons

**No: 0**

Comm. Rheume recused himself due to a potential conflict of interest.

Gerri Caruso, Principal Planner, presented information on the GPI for 1024-1078 W. Evelyn Avenue (GPI C), and said that in addition to the staff recommendation that City Council initiate a study for this application, staff is also recommending the study area be expanded to include the entire industrial block between Mary Avenue and Bernardo. She said staff is also recommending that the study area be expanded further to include the two remaining commercial service blocks to the east of Mary Avenue to complete a study of Evelyn Avenue and its remaining industrial uses.

Comm. Harrison clarified with Ms. Caruso that the study would look at what zoning designations would be most appropriate for this area.

Comm. Durham discussed with Trudi Ryan, Planning Officer, whether zoning changes affect property values and how General Plan Amendments (GPA) affect property owners who may not want to rezone their property.

Comm. Klein confirmed with Ms. Caruso the location of the only blocks designated C-4 remaining within the City and that the study would look at the impact of rezoning these properties.

Chair Melton opened the public hearing for GPI C.

John Travis, the applicant, said he is not looking to change the zoning right away, but wants to look at what would be more beneficial for him in the future.

David and Marie Hamilton, owners of a business at the subject site, discussed their concern with where in the City the many small business tenants at this site will go if the zoning is changed.

Rick Marchetti and Ron Gates, owners of property at the site, discussed their concerns for how the property can be used if the area is rezoned, and said that they would like the GPI go forward to see their future options.

James Bond, a business owner at the site, said he thinks rezoning the area would be detrimental to businesses.

Daniel Bohannon, son of a property owner at the site, said their property has been completely refurbished, is fully occupied, and that they are unsure about the impacts of rezoning.

Chair Melton closed the public hearing for GPI C.

Comm. Durham confirmed with Ms. Caruso that if the area is zoned residential and existing industrial uses remained, they would become legal but nonconforming. Comm. Durham and Ms. Caruso also discussed the potential standards the existing businesses would be subject to if they border newly-designated residential properties.

Comm. Klein discussed with Ms. Ryan whether the Use Permit process would be affected if properties become legal nonconforming, and Ms. Ryan discussed what uses and development would be allowed if the site is zoned industrial-to-residential (ITR) or just residential.

Comm. Simons moved to recommend that City Council not initiate a General Plan Amendment study for GPI C.

Comm. Klein seconded.

Comm. Simons said this area has an extremely successful grouping of businesses and he cannot pick a better strip of higher-performing, nice looking businesses that serve a function in City. He said these services are all over the place in the City and it is useful to have different types of businesses in this one spot. He said if a change is initiated he is concerned that it would cause a great deal of business uncertainty, which makes it very difficult for businesses to get loans and make improvements that might be desired. He said in the future this may be desirable, but to study it now is premature, and that services in this pocket would not be benefitted by study initiation at this time.

Comm. Klein said after hearing the public comments and feedback from the applicant regarding rezoning the sites as residential being a long-term goal, he thinks evaluating this site for conversion right now does not seem like a good use of City funds. He said he sees a dwindling resource of this type of zoning and that says to him this is needed zoning, which is appropriately sandwiched between larger office space in Perry Park and a large amount of residential to the south. He said in the future this might be considered, but that in the short term initiating a study is not the best plan, so he will be supporting the motion.

Comm. Durham said he will be supporting the motion, and that there is no real reason to do this now as businesses seem happy and are doing well in the neighborhood. He said trying to get auto body shops located elsewhere in the City

will be impossible, that this is a good location with one side bounded by train tracks and a through street, and that it is close to transit for workers who may not want to drive.

Comm. Harrison said she will be supporting the motion, and that this application is different than the others in these are a contiguous set of uses, not a tiny pocket of land completely surrounded by residential. She said we need that kind of land use in the City to maintain the General Plan goals of having diversity of uses.

Vice Chair Olevson said he will be supporting the motion and that there is limited space available for the current designation. He said once we get the study going and if an ITR designation is applied, the City may end up without space for small, successful businesses. He said we have heard from business owners that this area works and they are putting money back into their businesses for success in the future. He also said he is sensitive to the idea that once a study is initiated and a business asks for a loan, the uncertainty would make lenders less likely to loan, so he does not see the need for a study at this time.

Chair Melton said he will be supporting the motion, and that typically with GPIs he is usually in favor of initiating them based on the concept that studying things and creating more options for the City is a good thing. He said sometimes an argument is made that initiating a study means not necessarily committing to the decision in the future, and that he was on fence going into this but was persuaded by Comm. Simons' argument that this is a great business pocket and that doing something that might tip over the apple cart without a compelling argument is a reason to support the motion.

MOTION: Comm. Simons moved to recommend to City Council to not initiate a General Plan Amendment study for GPI C. Comm. Klein seconded. The motion carried by the following vote:

**Yes: 6 -** Chair Melton  
Vice Chair Olevson  
Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Commissioner Simons

**No: 0**

**Recused: 1 -** Commissioner Rheaume