



**Council Meeting: September 11, 2007**

**SUBJECT: 2006-0271 Rezoning Study for Existing Places of Assembly Sites on Residentially Zoned Properties to the Public Facility Zoning District (Study Issue)**

**REPORT IN BRIEF**

The study is an outgrowth of the City Council adoption of the Places of Assembly in Industrial and Commercial Zoning Districts approved in March 2006. The 2006 Study (RTC 06-074) determined that existing Places of Assembly in Residential Zoning district should be protected and preserved through the rezoning of those properties to the Public Facility (PF) Zoning District. The 2006 study noted the possible loss of places of assembly uses in residential neighborhoods through conversion to residential development. The 2006 study also created new zoning requirements for these uses attempting to locate within the City's Industrial Zoning Districts. This study aims to preserve property currently occupied by Places of Assembly uses through rezoning to the Public Facility zoning district based on certain appropriate criteria discussed in this report.

Staff has researched the issue and recommends properties be rezoned to PF based on size, location and noted site specific considerations. Prior to Planning Commission review, staff recommended the rezoning of 6 properties that were over 2.2 acres in size (excluding the ITR Zoned property at 42-460 Persian Drive).

On August 27, 2007, the Planning Commission reviewed the study and voted unanimously to reduce the minimum area for rezoning to 1.5 acres. A total of 11 sites would be included in this rezoning. The ITR zoned site at 420-460 Persian Drive was excluded as originally recommended by staff. Staff has modified their recommendation to include these 11 properties (as identified in Attachment D).

**BACKGROUND**

On March 22, 2006, the City Council (RTC 06-074) adopted modifications to the Sunnyvale Municipal Code that included revised definitions and use tables, as well as specific policies for locating assembly and recreation related uses. On October 24, 2006, the City Council (RTC 06-333) initiated the rezoning of specific *industrial* properties to a new Places of Assembly (POA) Combining

District (Attachment #F). This follow-up study, examines the possible rezoning of existing "community serving" places of assembly in *residential* areas to the Public Facility (PF) Zoning District.

In 2003, a 3.01-acre site at Iowa Ave and Mary Avenue was redeveloped from a religious place of assembly to 34 housing units. Currently pending is an application for a 4.4-acre site (occupied by a religious place of assembly) at W. Fremont Avenue and Pome Avenue for approximately 43 housing units.

The property located at 805-822 W. Fremont Avenue (corner of Fremont Ave and Pome Avenue) was removed from consideration from this study upon direction by City Council at the meeting of March 22, 2006. (Attachment H includes City Council Minutes).

As noted in the previous study, changing the zoning on properties currently used as places of assembly would help protect those uses as they would be less likely to be converted to residential uses. This report completes the rezoning study requested by Council in 2006.

## **EXISTING POLICY**

### **General Plan**

#### **Land Use and Transportation Element**

**GOAL N1** Preserve and enhance the quality character of Sunnyvale's industrial, commercial and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

**Policy N1.1** Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

**Action Statement N1.1.1** Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

**Policy N1.14** Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

**Action Statement N1.14.3** Encourage multiple uses of some facilities (e.g. religious institutions, schools, social organizations, day care) within the capacity of the land and the roadway system.

**Action Statement N1.14.5** Maintain and promote convenient community centers and services that enhance neighborhood

cohesiveness and provide social and recreational opportunities.

### **Legislative Management Element**

**Policy 7.3B.3** Prepare and update ordinances to reflect current community issues and concerns in compliance with State and Federal laws.

**Action Statement 7.3B.3b** Consider changes to ordinances to reflect changes in community standards and State and Federal laws.

### **Zoning Code**

Title 19 of the City of Sunnyvale's Municipal Code includes the Residential Zoning and Public Facility development standards (see Attachment B for the existing Zoning Code use tables).

### **LEGAL ISSUES**

#### **Religious Institutions Land Use and Institutionalized Persons Act (RILUPA)**

The Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), passed in 2000, prohibits zoning and landmarking laws that: *(1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions; (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination; (3) totally exclude religious assemblies from a jurisdiction; or (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.*

The study does not examine modifications to the Code related to permitting requirements for Place of Assembly or changes specific to religious facilities. Currently, religious uses are considered "Places of Assembly – Community Serving" and are not treated differently than non-religious uses with similar impacts.

#### **AB 2292 – Residential Densities**

Assembly Bill 2292, adopted in 2002, prohibits a city or a county from reducing, requiring, or permitting the reduction of a parcel's residential density to a lower residential density that is below the density used to determine compliance with the housing element, unless the city or county makes written findings supported by substantial evidence that:

- The reduction is consistent with the general plan, including the housing element.
- The remaining sites identified in the housing element are adequate to accommodate the community's regional share of housing needs.

The study considers reducing the development capability of certain residentially zoned properties by rezoning them to the Public Facilities Zoning District. The City's Housing and Community Revitalization Sub-Element sets goals and expected growth opportunities in the City of Sunnyvale. Existing properties that are occupied by assembly uses on residential property were not factored in as potential locations for housing growth. Therefore, staff finds that the proposed rezoning would not affect housing goals previously set forth in the Housing Element. However, locations within the City's ITR area were noted as potential locations for new housing. Two sites identified within this study contain this designation. If rezoned to the Public Facilities zoning district, the required Findings above would need to be made.

## **DISCUSSION**

The intent of the study to rezone certain specified residential property to Public Facilities Zoning District was originally identified in the Places of Assembly (POA) study from 2005 (adopted in 2006). The strategy was identified as a way to preserve assembly uses at appropriate locations where they already had been established. Rezoning particular sites would preserve these assembly uses in appropriate areas while limiting the possibility for conversion to residential development. The rezoning would help ensure that these sites are available for place of assembly type uses in the future and discourage relocating to less compatible areas of the city.

The original POA study generally prevented places of assembly to be located within the City's industrial zoned property. A new zoning district designation was created and applied to certain industrially zoned property. Through this Place of Assembly (POA) combining district, places of assembly could be considered on a case by case basis in limited industrial areas. This rezoning study aims to preserve locational opportunities for places of assembly uses on sites that are more compatible with their neighborhood and reduce pressure to relocate in commercial and industrial areas.

Places of Assembly can include a variety of uses. The Municipal Code defines Places of Assembly as either "business serving" or "community serving." The intent of the original study was to also consider recreational and education uses which contain similar characteristics to assembly uses. The follow-up study, as directed by Council, was intended to examine "community serving – places of assembly" and the possibility for rezoning. Attachments C, D & E include all type of places of assembly in residential zoning districts, including recreational/educational uses. When identifying these uses in the residential neighborhoods, it was discovered that a majority of the uses were religious facilities, which are considered "community serving – places of assembly." To a lesser degree, recreational/educational uses and community organizations

such as the Fairbrae Swim & Racquet Club and Salvation Army are also located on residential zoned property. In some cases, educational uses are found on these sites as a secondary use to a religious facility. In other situations, schools are the principal use of the site.

Each of these assembly uses provides a valuable resource to the community; however, this study was intended to only examine sites occupied by places of assembly that are community serving. A definition for this type of assembly from the City's Municipal Code has been provided below:

**S.M.C. 19.12.170** *"Places of assembly—community serving" means permanent headquarters and meeting facilities for civic, social and fraternal organizations (not including lodging), political organizations and other membership organizations. This category includes religious uses and facilities operated for worship; promotion of religious activities, including houses of worship and education and training; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the primary use. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other related operations (such as recreational camps) are classified according to their respective activities.*

It should also be noted that some of these facilities principally defined as "community serving-places of assembly" may also include a combination of uses that are educational and recreational in nature.

Survey of Existing Conditions: Staff completed a more specific evaluation process as part of this rezoning study. The evaluation classified sites in terms of size, location, current zoning and potential for redevelopment.

A map of the places of assembly on residentially zoned property is located in Attachment C. The map demonstrates that these uses are located throughout residential neighborhoods within the City. Some are located on major arterials and others are centrally located along smaller collector streets.

The sizes of the properties designated in Attachment C vary considerably. A listing of the properties is included in Attachment D. The potential number of housing units that could be built on the sites differs for each site partly due to overall size of the property but also due to the current zoning. The designated zoning districts also vary from low density (R-0 or R-1) to high density (R-4). Based on the zoning district, the allowable densities for these sites can range from 1 unit per 8,000 square feet to 1 unit per 1,200 square feet. The last column in Attachment D indicates the maximum number of units that could be developed on each site, which vary from 1 unit to 114 units. In general, the

larger properties have a higher development potential. A large site coupled with an R-4 zoning designation can be redeveloped with the most units. A Council policy requires that new development to be built to 75 percent of the maximum allowable density. Other site specific layout constraints and the need to meet Zoning standards for parking, landscaping, useable open space, etc. could further influence the development capability.

When evaluating the sites, the preservation value for an assembly use should be balanced with the potential contribution to the City's housing supply.

### **Effect of Rezone**

Rezoning would preserve assembly uses and existing land use patterns. Rezoning to the Public Facilities zoning district would lessen opportunities for residential development.

The PF zoning district would allow additional places of assembly type uses (See Permitted Use table in Attachment B). Development standards for the PF zoning district such as lot coverage, floor area ratio, setbacks, and height require conformance to the most restrictive zoning district abutting the property. There is currently no minimum lot area requirement for the PF Zoning District; however, the smallest parcel zoned PF, not adjacent to another PF zoned property is approximately 1.2 acres. This site is occupied by a fire station. The smallest property currently zoned PF, occupied by a place of assembly (religious facility), is approximately 2.2 acres.

### **Sign Code**

The Municipal Code (Section 19.44) contains specific requirements for the approval of new signs on properties. The sign ordinance acknowledges the differences between residential and non-residential neighborhoods through separate allowances and restrictions. To protect the integrity of residential neighborhoods, properties that are zoned residential are more restricted in terms of allowable signage. In summary, non-residential uses (such as places of assembly) in residential zoning districts are currently allowed half the allowable signage in terms of area, height and copy. As a result of rezoning to the Public Facilities Zoning District, the allowable sign area for these properties would increase and match similar assembly uses already currently zoned Public Facilities.

### **Site Characteristics & Rezone Options**

There are a number of options or criteria when considering the rezoning of specific properties to Public Facilities Zoning District. Staff has provided various considerations when evaluating the inventory of sites. Attachment E includes a table with possible criteria to consider when evaluating the

possibility of rezoning these properties. Based on those site characteristics, staff has provided the following options or criteria to consider for rezoning:

**According to Size**

Staff examined certain factors when determining a specific square footage threshold for evaluating the possibility of rezoning sites to Public Facilities. First, staff examined the sites that were utilized for these uses on residentially zoned property. Staff finds that smaller properties are less suitable for long term usage by places of assembly and could be better integrated within a neighborhood through residential conversion. Staff notes a natural break of assembly uses occurs at 30,000 square feet. An option for rezoning could be to target certain properties over 30,000 square feet. This would result in the rezoning of approximately 20 properties. Alternatively, the City could establish a 1-acre threshold which would result in the rezoning of 18 properties. A 2.2-acre minimum level could be established for rezoning which would affect 7 properties. This threshold could be considered appropriate as the smallest PF zoned existing property that contains a place of assembly is 2.2 acres in size. Many of these existing properties are combined with an adjacent parcel to create a larger site. Attachment H includes maps of the residentially zoned sites under consideration according to size and location.

**According to Location***Arterial or centrally located*

Another option for rezoning that should be examined is the appropriateness of the specific location. Currently, places of assembly are located throughout residential neighborhoods, including along arterials and collector streets in the middle of single family neighborhoods. When evaluating possibilities for rezoning according to location, it may be appropriate to consider certain long term land use constraints and impacts that are sometimes associated with places of assembly. Assembly uses can often have unique peak periods of operation and activity. When place of assembly uses are located centrally within a neighborhood, the impacts associated with spill-over parking and traffic and general on-site operations can disrupt a larger residential area. A strategy for rezoning could be to remove these centrally located sites from consideration and eventually convert them to residential development. The spillover impacts can be better absorbed along major streets. Assembly uses may be more appropriate along the edges of residential neighborhoods, similar to other transitional uses, where impacts to residential neighborhoods are lessened. Sites located on major arterials may be more appropriate to preserve through the Public Facility rezoning.

*ITR Zoned Sites*

It is also important to note other long term land-use objectives of the site that have already been established on a property and its surrounding area. For

example, two of the sites are currently located within the ITR (Industrial to Residential) combining district. These properties have already been strategically planned for conversion to high density residential uses as approved in the Futures Study in the early 1990's. These sites have high development potential due to their relative size and R-4 Zoning designation. Certain surrounding industrial properties have been recently converted to medium and high density residential uses. Due to this existing objective for the site, it may be desirable to retain the site for possible future residential development. As noted in the "Legal Issues" section of this report, certain findings are required to be made by state law if these sites are included in the rezoning. The potential loss of these sites for future housing could affect the established housing objectives set forth in the City's Housing and Community Revitalization Sub-Element.

**According to # of Potential Dwelling Units**

A third option for preserving the sites for places of assembly would be to rezone those sites based on the potential number of housing units. As identified earlier in the report, the number of residential units varies based on the size and allowable density of the existing zoning district. Smaller sites with less development potential may be better suited for eventual integration into a neighborhood through residential redevelopment. If a threshold of 10 or more units is set for possible rezoning, a total of 16 properties would be considered. If the threshold is set for 20 or more units, the pool of properties to be rezoned is 9 properties.

**ENVIRONMENTAL REVIEW**

A Negative Declaration was prepared for the prior Study Issue efforts and remains in compliance with the California Environmental Quality Act provisions and City Guidelines. The initial study determined that the proposed project would not create any significant environmental impacts (see Attachment I, Initial Study).

**FISCAL IMPACT**

A number of uses may be considered and allowed within the Public Facilities Zoning District. If the use of a current property is exempt, the rezoning will not change the assessed value of the property. The rezoning will likely enable the site to remain tax exempt. Residential properties have a higher value per square foot and rezoning to a lower intensity zoning district could, in the long term, affect property values. There is no fiscal impact as a result of the study as the current use of the property is not affected.



**PUBLIC CONTACT**

Public notices for this project and the environmental document were distributed to all properties affected by the rezoning. Noticing included posting of the Planning Commission agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web site, advertising in the Sun newspaper and availability of the report in the Sunnyvale Library and the City Clerk's office. A courtesy notice was also sent to the Chamber of Commerce.

**Planning Commission Study Session**

A Planning Commission study session was held on Monday, July 9<sup>th</sup>. The Commission noted an interest in setting a size threshold of 30,000 square feet. Also noted was an interest in including the two ITR zoned properties with places of assembly in the proposed rezoning. The Commission noted that in addition to properties located on arterials, those sites visible from a freeway or major arterial could also be included for possible rezoning.

**Planning Commission Public Hearing**

The Planning Commission public hearing took place on August 27, 2007. No members of the public spoke at the hearing. The Commission voted to reduce the minimum lot size for rezoning from 2.2 acres to 1.5 acres. The Commission had some questions regarding the recommended 2.2 acre threshold and the omission of the site along Persian Drive. The recommended 1.5 acre threshold would expand the pool of sites to be rezoned from 6 to 11 properties. The draft minutes of the Planning Commission hearing have been included as Attachment J of this report.

**ALTERNATIVES***Rezoning:*

1. Introduce an ordinance to rezone properties based primarily on property size
  - a. greater than 1.5 acres, except for properties zoned ITR (total of 11 properties)
  - b. greater than 2.2 acres, except for properties zoned ITR (total of six properties)
  - c. greater than 1.5. acres (total of 12 properties)
  - d. greater than 2.2. acres (total of seven properties)
  - e. greater than 1 acre (total of 18 properties)
  - f. greater than 30,000 s.f. (total of 20 properties)
2. Introduce an ordinance to rezone properties based primarily on location
  - a. on a major street (total of eight properties)
  - b. on any street (total of up to 34 properties)

3. Introduce an ordinance to rezone properties based primarily on residential redevelopment potential
  - a. 20 or more residential units (total of nine properties)
  - b. 11 or more residential units (total of 16 properties)
4. Introduce an ordinance to rezone properties as deemed appropriate.
5. Do not rezone any properties.

### **RECOMMENDATION**

Staff recommends Council rezone the properties described in Alternative 1a in accordance with the Planning Commission recommendation. The original staff recommendation prior to Planning Commission consideration is included in Alternative 1b.

Staff is recommending rezoning all property greater than 1.5 acres in size with the exception of the ITR zoned property. The property located in the City's ITR area (420-460 Persian Drive) should remain under its current zoning. Staff has modified the original recommendation to reflect the Planning Commission action to add more properties in the PF zoning district. Given the general concern expressed by the community of providing an adequate number of sites for places of assembly, staff finds this to be a reasonable approach for long-term preservation of place of assembly sites.

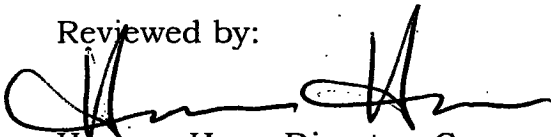
A total of 11 properties would be rezoned under this recommendation. This recommendation would include 11 of the 12 largest properties noted in Attachment D. The property located on Persian Drive is not included in staff's recommendation for rezoning. Two of the five additional sites recommended by the Planning Commission were noted as being "along major streets and not mid-neighborhood," as noted in Attachment E. Although, not determined to meet this criteria, the three other locations are either located along major collector streets or are adjacent to PF Zoned land.

Staff finds that retaining the larger properties in the City's inventory of residentially zoned sites will preserve adequate locations for assembly uses. Staff has found that communities vary in terms of how much land is utilized by place of assembly uses, and no data has been found to determine what is considered an ideal allocation for such uses.

Originally, the Planning Commission expressed a desire to include more sites, as noted from the Planning Commission Study Session. Staff finds that these smaller properties should remain as potential opportunities for redevelopment. Staff also notes that these properties are not characteristic of the City's current inventory of PF Zoned parcels occupied by places of assembly. Through rezoning 11 properties to the Public Facilities Zoning District, staff finds that

the goal of preserving locations for "Community Serving – Places of Assembly" is met. Existing residentially zoned property can continue to be used as places of assembly and new assembly uses can be considered; however, staff finds that an adequate supply for infill residential development should remain within these locations. Furthermore, staff finds that for the reasons stated in the report, ITR locations should remain as opportunities for new residential development and aide the City's housing goals. The recommended parcels are located along or near major streets and are appropriate locations for current and future assembly uses.

Reviewed by:

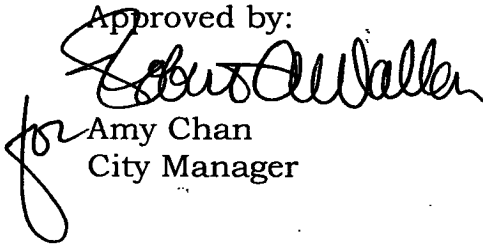


Hanson Hom, Director, Community Development Department

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Ryan Kuchenig, Principal Planner

Approved by:



Amy Chan  
City Manager

### **Attachments**

- A. Negative Declaration
- B. Zoning District Use Tables (PF & Residential Zoning Districts)
- C. Map of Places of Assembly on Recreationally Zoned Property in Sunnyvale
- D. Data Table of Places of Assembly Uses on Residentially Zoned Property
- E. Matrix of Rezoning Criteria
- F. Map of (POA) Combining District Sites
- G. Ordinance (including maps of staff recommended sites for rezoning)
- H. Maps of Sites Based on Evaluated Criteria for Size and Location
- I. Minutes from March 22, 2006 City Council Meeting
- J. Draft Minutes from the August 27, 2007 Planning Commission Meeting

## **Attachment A**

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



**NOTICE OF INTENT TO ADOPT  
NEGATIVE DECLARATION**

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 **Study Issue** by the **City of Sunnyvale**.

**PROJECT DESCRIPTION AND LOCATION (APN):**

**2007-0271 – City of Sunnyvale Study Issue to examine the rezoning of residentially zoned sites occupied by Place of Assembly/ Recreation to Public Facilities (PF) Zoning District.** The City is following up on a 2006 study to determine whether certain sites should be rezoned in an effort to preserve existing uses within a Public Facilities (PF) zoning designation. The previous study noted the loss of Assembly uses in residential neighborhoods and the subsequent conversion of these sites to residential developments. The purpose of the study is to consider preserving these uses in logical locations as a means of discouraging relocation to less compatible areas (industrial property) or locations outside the City. Properties will be evaluated based on several criteria to determine their appropriateness for rezoning.

**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, August 14, 2007**. 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:**

**E-14211**

A public hearing on the project is scheduled for:

**Monday, July 23, 2007 at 8:00 p.m. & Tuesday, August 14, 2007** 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 July 2, 2007

Signed: 

Andrew Miner, Principal Planner



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

### **NEGATIVE DECLARATION**

This **Negative Declaration** has been prepared in compliance with the provisions of the California Environmental Quality Act of 1970, as amended, and Resolution #193-86.

#### **PROJECT TITLE:**

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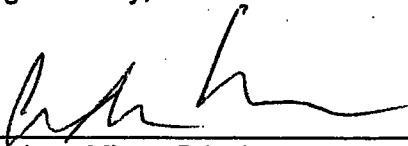
#### **FINDINGS:**

The Director of Community Development of the City of Sunnyvale, California, hereby determines that an environmental impact report is not required. There are sufficient environmental controls incorporated into the zoning regulations to ensure no significant detrimental effect.

The above determination is based upon the initial study conducted in this matter, information provided by the applicant in an "Application for Environmental Finding" that the above determination is based on the fact that the use is in keeping with not in conflict with the adopted General Plan, The Zoning Ordinance and the Subdivision Ordinance and that sufficient environmental controls are incorporated in the Zoning and Subdivision regulations as to ensure no significant detrimental effect.

This **Negative Declaration** may be protested in writing by any person prior to 5:00 p.m. on **Tuesday, August 14, 2007**. Such 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.

Circulated On July 2, 2007

Signed:   
Andrew Miner, Principal Planner

Adopted On \_\_\_\_\_

Verified: \_\_\_\_\_  
Andrew Miner, Principal Planner

**E-14211**

**Environmental Checklist Form**

Project Title	Rezoning Study – PF Rezoning of Certain Residential Sites
Lead Agency Name and Address	City of Sunnyvale PO Box 3707 Sunnyvale, CA 94088-3707
Contact Person	Ryan M. Kuchenig
Phone Number	408-730-7431
Project Location	Specific Residential Zoned Sites within Sunnyvale occupied by Places of Assembly and Recreation
Project Sponsor's Name	City of Sunnyvale
Address	456 W. Olive Ave Sunnyvale, CA 94088
Zoning	Residential
General Plan	Residential
Other Public Agencies whose approval is required	None

**Description of the Project: 2007-0271** – The study is to consider the rezoning of certain residentially zoned property occupied by places of assembly to the Public Facilities zoning district. The study identifies certain criteria based on size, location and other characteristics specific to the property as a basis for rezoning to Public Facilities zoning district. The majority of property utilized by Places of Assembly were originally identified in the earlier study completed in March of 2006. Additional properties have since been added for consideration. As identified with the original study, certain residentially zoned sites occupied by these uses have been converted to residential development and then relocate to less compatible area or locations outside the city. The intent of the study is to preserve these sites for Places of Assembly and Recreation uses. Upon rezoning, the permit process would remain the same.

Further environmental review will be required to be undertaken for specific project applications at each designated location. If the City Council chooses to maintain the existing zoning designations or rezone any of the affected properties, there will be no environmental impact since the action will not involve any construction, redevelopment or

**Environmental Checklist Form**

removal of any buildings. The project does not propose any physical changes or construction to the environment.

**Surrounding Uses and Setting:**

Most residential properties are surrounded by residential sites and more often are low density. Commercial sites are, in some cases, located near the identified properties

**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.



**Environmental Checklist Form**

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 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.

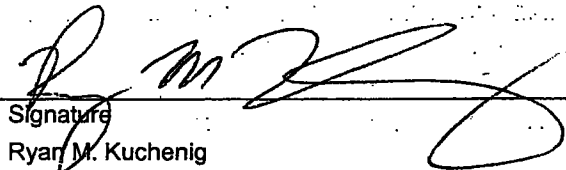
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics             | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hydrology/Water Quality 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

**DETERMINATION: (To be completed by the Lead Agency)**

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. ☐

## Environmental Checklist Form



Signature

Ryan M. Kuchenig

Printed Name

August 25, 2007

Date

City of Sunnyvale

For (Lead Agency)

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1. <b>AESTHETICS.</b> Would the project:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
2. <b>AIR QUALITY:</b> 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3
3. <b>BIOLOGICAL RESOURCES:</b>					

## Environmental Checklist Form

Project Number: 2007-0251  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
<b>3. BIOLOGICAL RESOURCES:</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	41
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
<b>4. CULTURAL RESOURCES. Would the project:</b>					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

## Environmental Checklist Form

Project Number: 2007-0271  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
<b>5. LAND USE AND PLANNING.</b> Would the project:					
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
<b>6. MINERAL RESOURCES.</b> 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
<b>7. NOISE.</b> 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
d. A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16
<b>8. POPULATION AND HOUSING.</b> Would the					

## Environmental Checklist Form

Project Number: 2007-0211  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See discussion
9. <b>PUBLIC SERVICES.</b> 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111,
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
10. <b>MANDATORY FINDINGS OF SIGNIFICANCE</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

**Environmental Checklist Form**

**ATTACHMENT** A  
10 of 17

Project Number: 2007-0271  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
<b>11. GEOLOGY AND SOILS.</b> Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC

**E-14211**

## Environmental Checklist Form

Project Number: 2007-0211 of 17

Project Address: Citywide

Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
<b>12. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 111
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	25, 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 commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22

## Environmental Checklist Form

Project Number: 2007-0271  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
<b>13. TRANSPORTATION/TRAFFIC.</b> 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111, see discussion
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12
<b>14. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project?					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC



## Environmental Checklist Form

Project Number: 200702701  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
<b>15. RECREATION</b>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See Discussion 13
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13
<b>16. AGRICULTURE RESOURCES:</b> 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:					

## Environmental Checklist Form

Project Number: 2007-0271  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
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-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	94
<b>17. HYDROLOGY AND WATER QUALITY.</b> Would the project:					
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 87
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	25
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24

## Environmental Checklist Form

Project Number: 2007-0271  
Project Address: Citywide  
Applicant: City Of Sunnyvale

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	56
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	56
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24

## Discussion:

**8 c. Population and Housing** The result of the study could potentially reduce the number of housing units that could be built on a specific site that is rezoned. The proposed zoning would eliminate the site as a potential site for residential redevelopment. The result of the rezone, would require prospective homebuilders to look elsewhere in the community for redevelopment.

**13 a. Transportation and Traffic** The proposal retains the requirement for a Use Permit process of each site to evaluate on a case by case basis possible traffic issues that could result from a particular assembly or recreational use. The proposal does not create additional locations for potential assembly uses but instead retains the ability for the site to be occupied for such uses.

Ryan M. Kuchenig

06/25/2007

Completed By

Date

**Environmental Checklist Form**

Project Number: 2007-0271  
Project Address: Citywide  
Applicant: City Of Sunnyvale

**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

**Environmental Checklist Form**

Project Number: 2007-0271

Project Address: Citywide

Applicant: City Of Sunnyvale

17 of 17

- 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 B**

**TABLE 19.24.030**  
**Permitted, Conditionally Permitted and**  
**Prohibited Uses in Office Public Facilities Zones**

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

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

OFFICE AND PUBLIC FACILITIES ZONES	O	P-F
<i>1. Office/Care Facilities</i>		
A. Administrative, professional, medical, and research and development offices	P	UP
B. Financial institutions such as banks and savings and loan associations	UP	N
OFFICE AND PUBLIC FACILITIES ZONES	O	P-F
<i>1. Office/Care Facilities</i>		
C. Hospitals	N	UP
D. Rest homes and convalescent hospitals	UP	UP
<i>2. Public Facilities</i>		
A. Buildings and facilities used by government agencies for government purposes	UP	P
B. Buildings and facilities used by federal, state or local government agencies (except city of Sunnyvale), for nongovernmental purposes	UP	UP
C. Public service buildings and accessory uses	UP	UP
D. Public utility buildings and service facilities	UP	UP
<i>3. Personal Service</i>		
A. Child care centers with occupancy of 30 or fewer persons	UP	MPP
B. Child care centers with occupancy of 31 or more persons	UP	UP
<i>4. Education, Recreation and Places of Assembly</i>		
A. Education – Recreation and Enrichment	N	UP
B. Education – Primary and High School	N	UP
C. Education – Institution of Higher Learning	UP	UP
D. Recreational and Athletic Facilities	N	UP
E. Places of Assembly – Business Serving	UP	UP
F. Places of Assembly – Community Serving	UP	UP
G. Cardrooms	N	N
H. Private golf courses	N	UP
<i>5. Residential/Boarding/Lodging</i>		
A. Residential uses	UP	UP
<i>6. Other</i>		
A. Adult business establishments	N	N

B. Outside display of merchandise or products	N	N
C. Electric distribution substations	N	UP
D. Electric transmission substations	N	UP
E. Massage establishments <sup>1</sup>	P	P
F. Recycling centers <sup>2</sup>	UP	UP
G. Salt extraction	N	UP
H. Storage or parking of commercial or industrial vehicles	N	N
I. Storage or parking of public utility vehicles	N	N
J. Storage of materials, supplies or equipment for commercial or industrial purposes	N	N
<b>OFFICE AND PUBLIC FACILITIES ZONES</b>	<b>O</b>	<b>P-F</b>
K. Storage of materials, supplies or equipment for public utility purposes	N	N
L. Storage, warehousing, handling, processing or assembling merchandise or products	N	N

**Footnotes**

<sup>1</sup> Subject to provisions of Chapter 9.41.

<sup>2</sup> Recycling centers must be located in convenience zones, (the area within a one-half mile radius of a supermarket) as defined in Public Resources Code Section 14509.4.



**TABLE 19.18.030**  
**Permitted, Conditionally Permitted and Prohibited Uses in Residential Zones**

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

- P = Permitted use
- MPP = Miscellaneous Plan Permit required
- UP = Use Permit required
- SDP = Special Development Permit required
- N = Not permitted, prohibited

RESIDENTIAL ZONES	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
<b>1. Residential</b>								
A. Single-family dwellings	P	P	SDP	P	UP	UP	UP	P <sup>1</sup>
B. Single room occupancy (SRO) facilities	N	N	N	N	N	UP	UP	N
C. Two-family dwelling (duplex)	N	UP	SDP	P	P	P	UP	P <sup>1</sup>
D. Multiple-family dwellings (3 or more units, or more than 1 main building)	N	N	N	UP	UP	UP	UP	UP
E. Boarding for less than three persons	P	P	P	P	P	P	P	P
F. Facilities caring for 6 or fewer persons, as declared by state to be residential use	P	P	SDP	P	UP	UP	UP	P
G. Residential mobilehome park site	N	N	N	N	N	N	N	P
<b>2. Agricultural Uses</b>								
A. Agricultural homes, buildings and uses	UP	UP	SDP	UP	UP	UP	UP	UP
<b>3. Education, Recreation, and Places of Assembly</b>								
A. Education – Recreation and Enrichment	N	N	N	N	N	N	N	N
B. Education – Primary and High School	UP	UP	SDP	UP	UP	UP	UP	UP
C. Education – Institution of Higher Learning	N	N	N	N	N	N	N	N
D. Recreational and Athletic Facilities	N	N	N	N	N	N	N	N
E. Places of Assembly – Business Serving	N	N	N	N	N	N	N	N
F. Places of Assembly – Community Serving	UP	UP	SDP	UP	UP	UP	UP	UP
G. Private Parks, Playgrounds and Recreation (not open to general public)	UP	UP	SDP	UP	UP	UP	UP	UP
H. Public Parks and Playgrounds	P	P	P	P	P	P	P	P
<b>4. Commercial Uses</b>								
A. Child care/day care center/nursery schools	UP	UP	SDP	UP	UP	UP	UP	P <sup>2</sup>
B. Cardrooms	N	N	N	N	N	N	N	N
C. Hotels or motels	N	N	N	N	N	N	UP	N
D. Small family day care	P	P	P	P	P	P	P	P
E. Large family day care	UP	UP	UP	UP	UP	UP	UP	UP
F. Rest homes	UP	UP	N	UP	UP	UP	UP	N
G. Vehicle repair	N	N	N	N	N	N	N	N
<b>5. Accessory Uses</b>								
A. Accessory living units	MPP	N	N	MPP <sup>3</sup>	N	N	N	N
B. Accessory utility buildings as permitted by Chapter 19.40	P <sup>4</sup> MPP <sup>4</sup>	P <sup>4</sup> MPP <sup>4</sup>	MPP <sup>4</sup>	MPP <sup>6</sup>	MPP <sup>6</sup>	MPP <sup>6</sup>	MPP <sup>6</sup>	MPP <sup>6</sup>
C. Retail, if incidental to other permitted uses and combined with residential use	N	N	N	N	UP	UP	UP	UP

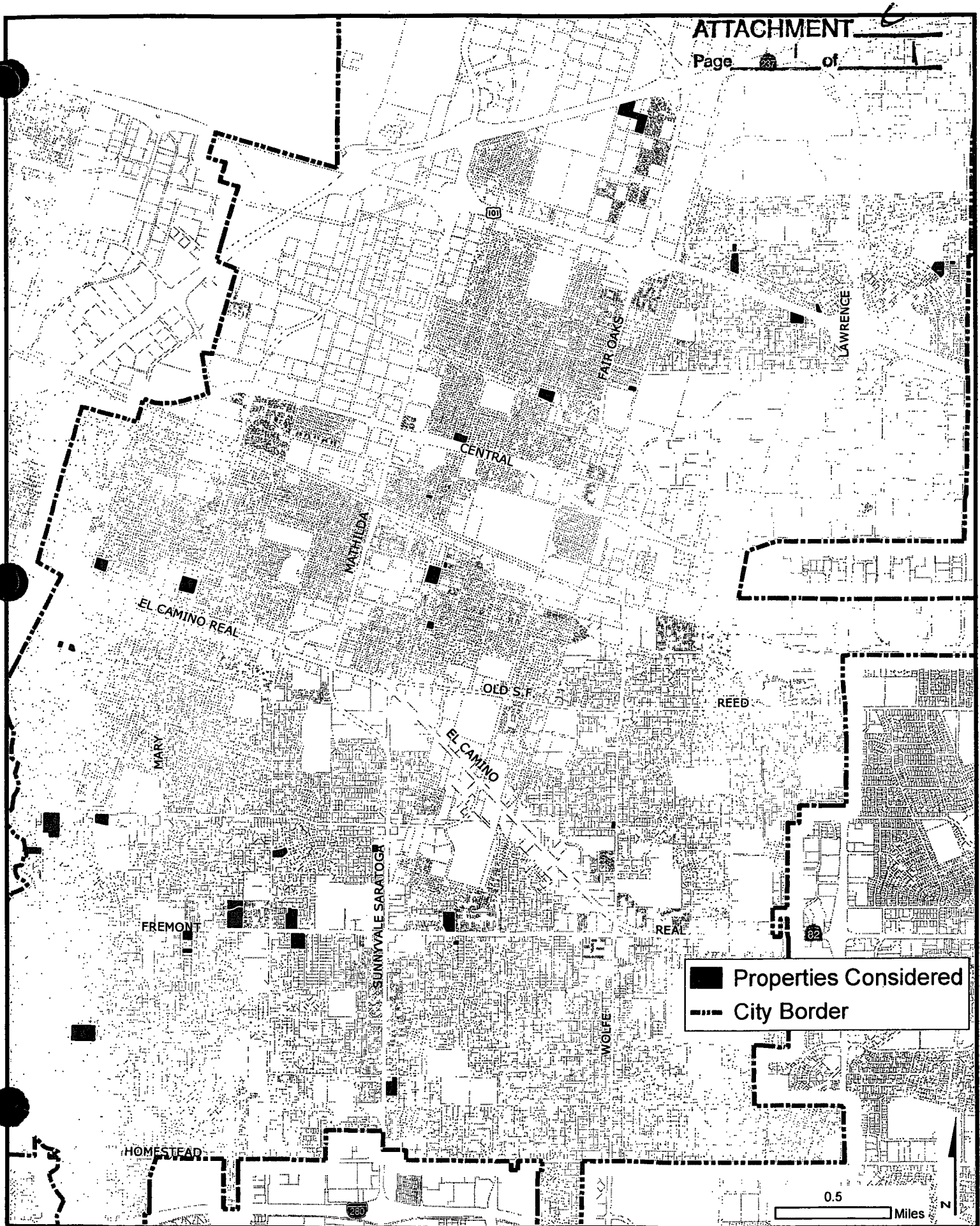
RESIDENTIAL ZONES	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
D. Storage or parking of commercial, industrial or public utility vehicles	N	N	N	N	N	N	N	N
6. Temporary Uses								
A. Residential sales office for new on-site housing development	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP
B. Construction yard	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP <sup>2</sup>
7. Other Uses								
A. Administrative, professional and medical offices	UP	UP	UP	UP	UP	UP	UP	N
B. Adult business establishments	N	N	N	N	N	N	N	N
C. Electric distribution substations	UP	UP	SDP	UP	UP	UP	UP	UP
D. Electric transmission substations	N	N	N	N	N	N	N	N
E. Massage establishments	N	N	N	N	N	N	N	N
F. Public service buildings and accessory uses	UP	UP	SDP	UP	UP	UP	UP	UP
G. Public utility buildings and service facilities	UP	UP	SDP	UP	UP	UP	UP	UP
H. Recycling centers	N	N	N	N	N	N	UP	N
I. Storage of materials, supplies or equipment used for nonresidential purposes	N	N	N	N	N	N	N	N
J. Storage of materials or equipment between the face of the main building and a street-unless fully screened from view <sup>5</sup>	N	N	N	N	N	N	N	N
K. Any use which is obnoxious, offensive or creates a nuisance	N	N	N	N	N	N	N	N

**Footnotes**

1. For use by owner and/or operator only.
2. For use by mobile home park occupants only.
3. Maximum of two dwelling units per parcel.
4. Processing requirements vary, see Chapter 19.40.
5. Does not apply to vehicles which are currently licensed and operable. Screening must meet requirements of Chapter 19.46.
6. Required to comply with setback, height, and lot coverage requirements of underlying zone.

## **Attachment C**

# Properties Considered to be Rezoned to Public Facility



## **Attachment D**

Places of Assembly- Community Serving in Residential Zoning Districts 1 of 7

	ADDRESS	ZONING	ON-SITE USES	MAJOR STREET?	LOT SIZE	POTENTIAL # OF UNITS
1	1025 The Dalles Ave	R-1	ST. LUKE LUTHERAN CHURCH	WRIGHT	191,881	23
2	1112 S Bernardo Ave	R-1	UNITARIAN UNIVERSALIST FELLOWSHIP & CONGREGATIONAL COMMUNITY CHURCH OF SUNNYVALE	BERNARDO & REMINGTON	184,999	23
3	771 W Fremont Ave	R-1	CHURCH OF JESUS CHRIST LATTER DAY SAINTS	FREMONT	148,104	18
4	420-460 Persian	R-4/ITR/PD	HINDU TEMPLE	MORSE & 237	137,214	114
5	445 S Mary Ave	R-3	CROSSWALK COMMUNITY CHURCH, SUNNYVALE CHRISTIAN SCHOOL	MARY & EL CAMINO	107,593	59
6	653 W Fremont Ave	R-0/R-1	SUNNYVALE SEVENTH-DAY ADVENTIST, KWONG WAH BAPTIST CHURCH	FREMONT	104,108	13
7	583 E Fremont Ave	R-2	UNITED METHODIST, THE VERY GOOD CHURCH OF SILICON VALLEY, & ST. JOHN'S LUTHERAN, GOSPEL CHINESE CHURCH	FREMONT & MONET	100,841	28
8	709 Lakewood Dr	R-0	LAKEWOOD VILLAGE BAPTIST CHURCH	LAWRENCE	83,591	13
9	1575 Albatross Ave	R-2/PD	FIRST CHURCH OF CHRIST, SCIENTIST	HARWICK & SUNNYVALE	81,893	22
10	455 E Maude Ave	R-3	TEMPLO EL MONTE HOREB	SUNNYVALE & MAUDE	72,745	40
11	1050 W Remington	R-3	SUNNYVALE CHURCH OF CHRIST	REMINGTON & LIME	70,132	19
12	1251 Sandia Ave	R-0/PD	VALLEY FAITH	LAWRENCE	67,518	11
13	494 S. Bernardo	R3	LITTLE RASCALS PRE-SCHOOL	ECR	63,162	35
14	636 W Fremont Ave	R-2PD	CHURCH OF THE NAZARENE	FREMONT	58,317	16
15	1028 E Ahwanee Ave	R-2	CONGREGATIONAL CHRISTIAN CHURCH OF SAMOA	101 & LAWRENCE	54,593	15
16	425 Tasman	R-4ITR/PD	DAESUNG PRESBYTERIAN CHURCH	TASMAN & MORSE	52,708	45
17	696 Sheraton	R-1	FAIRBRAE SWIM & RACQUET CLUB	SHERATON & HOLLENBECK	46,175	5

ATTACHMENT D

Page 2 of 2

	ADDRESS	ZONING	ON-SITE USES	MAJOR STREET?	LOT SIZE	POTENTIAL # OF UNITS
18	125 E Arques Ave	R-0	ST. MARK LUTHERAN	CENTRAL & SUNNYVALE	44,600	7
19	1302 Warner *	R-0	APPLESEED MONTESSORI	FREMONT	35,283	5
20	1161 S Bernardo Ave	R-1	SALVATION ARMY WORSHIP & FAMILY SERVICES	BERNARDO	34,941	4
21	1050 Tilton	R2	EDUCATIONAL SUCCESS TUTORS	REMINGTON	18,242	5
22	1210 Brookfield Ave	R-3	FIRST ORTHODOX PRESBYTERIAN	ECR & BERNARDO	15,558	8
23	1350 Warner *	R-0	FOUNTAIN OF JOY CHURCH	FREMONT	14,978	2
24	575 Britton Ave	R-3	FULL ASSEMBLY OF GOD CHURCH	DUANE & FAIR OAKS	13,284	7
25	878 Lakewood	R0	THE PRE-K ACADEMY	101 & LAWRENCE	12,425	2
26	719 Lakehaven Dr	R-0	KOREAN BUDDHIST CHURCH, SAN JOSE CHONG WON SA-	LAWRENCE & LAKEHAVEN	12,275	2
27	1228 Brookfield Ave	R-3	UNITY MISSIONARY BAPTIST CHURCH	ECR & BERNARDO	11,145	6
28	402 Carroll Ave	R-2	TRIUMPHANT LIFE CHURCH, MONTESSORI CHRISTIAN PRE-SCHOOL	DOWNTOWN SP	10,464	2
29	853 Gary	R1	CHILD DEVELOPMENT ACADEMY PRESCHOOL	WOLFE	9,201	1
30	1302 Lillian Ave	R-0	MAHABODHI SOCIETY OF USA	FREMONT	9,195	1
31	161 N Murphy Ave	R-2	ST. HERMAN OF ALASKA ORTHODOX	DOWNTOWN SP	6,500	1
32	1239 Oak Creek *	R-0	Religious- large 2 story SFH	SANDIA	5574.00	1
33	305 E Washington *	DSP	SAMOAN FIRST ASSEMBLY OF GOD	DOWNTOWN SP	4970.00	1

## **Attachment E**

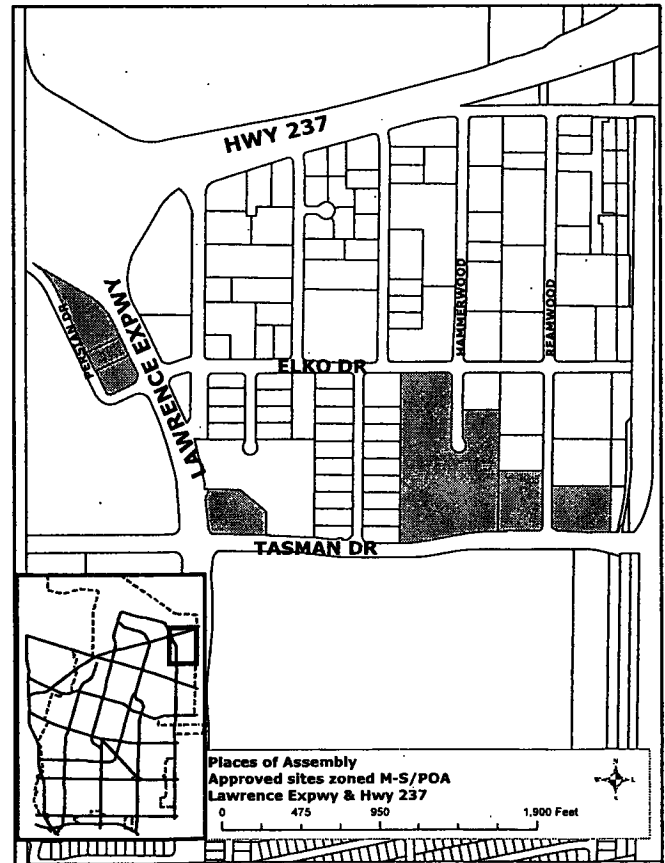
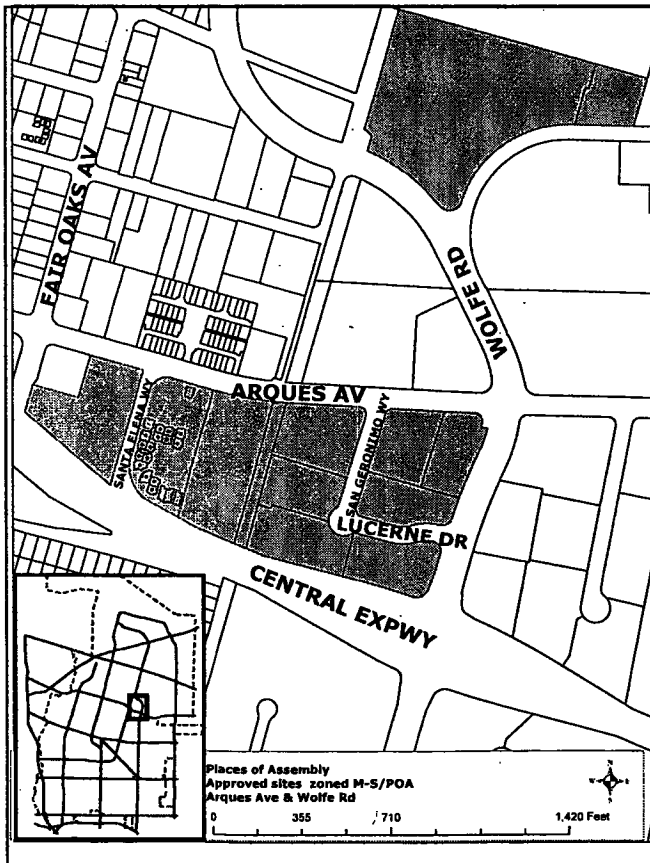
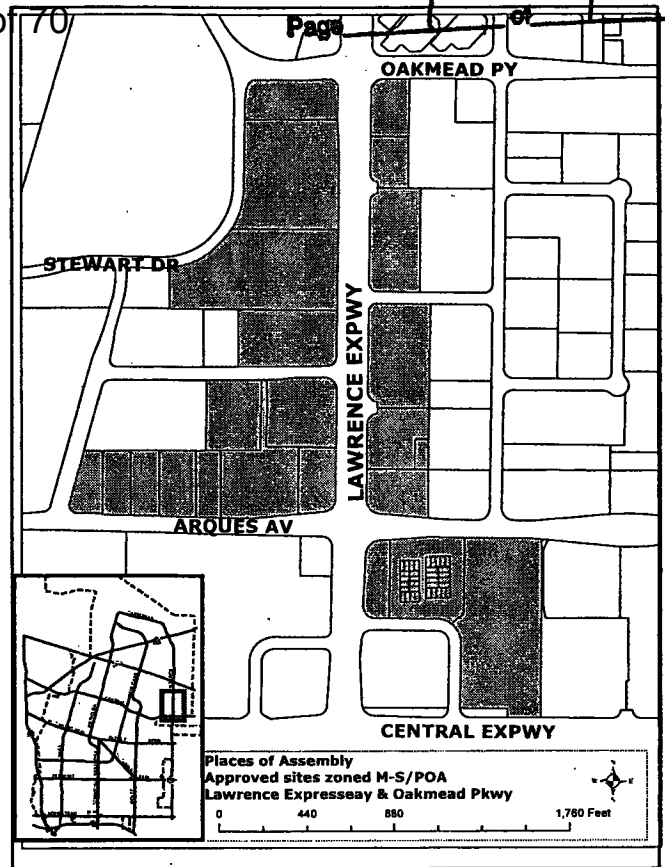
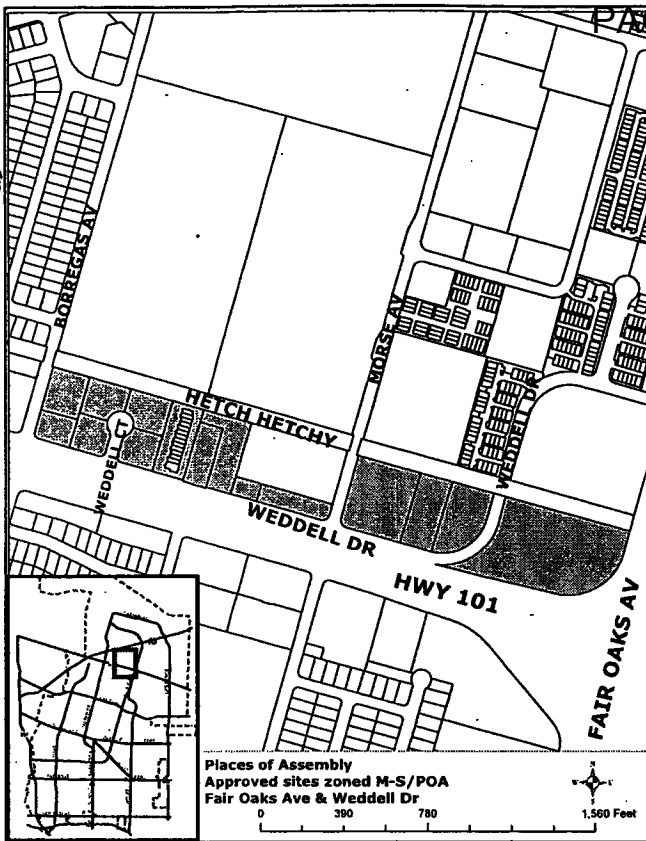


## Evaluated Criteria for Rezoning

	ADDRESS	USE	SIZE OF PROPERTY ■ <30,000 s.f. ■ 30,000s.f. - 1a.c. ■ 1a.c. - 2.2 a.c. ■ >2.2 a.c.	LOCATION ALONG MAJOR STREET & NOT MID-NEIGHBORHOOD	POTENTIAL # OF UNITS ■ <5 ■ 6-10 ■ 11-19 ■ >20
1	1025 The Dalles Ave.	ST. LUKE LUTHERAN CHURCH	■	x	■
2	1112 S Bernardo Ave	UNITARIAN UNIVERSALIST FELLOWSHIP & CONGREGATIONAL COMMUNITY CHURCH OF SUNNYVALE	■	x	■
3	771 W Fremont Ave	CHURCH OF JESUS CHRIST LATTER DAY SAINTS	■	x	■
4	420-460 Persian	HINDU TEMPLE	■		■
5	445 S Mary Ave	CROSSWALK COMMUNITY CHURCH SUNNYVALE CHRISTIAN SCHOOL	■	x	■
6	653 W Fremont Ave	SUNNYVALE SEVENTH DAY ADVENTIST KWONG WAH BAPTIST CHURCH	■	x	■
7	583 E Fremont Ave	UNITED METHODIST THE VERY GOOD CHURCH OF SILICON VALLEY & ST. JOHN'S LUTHERAN GOSPEL CHINESE CHURCH	■	x	■
8	709 Lakewood Dr	LAKEWOOD VILLAGE BAPTIST CHURCH	■		■
9	1575 Albatross Ave	FIRST CHURCH OF CHRIST, SCIENTIST	■	x	■
10	455 E Maude Ave	TEMPLO EL MONTE HOREB-	■	x	■
11	1050 W Remington	SUNNYVALE CHURCH OF CHRIST	■		■
12	1251 Sandia Ave	VALLEY FAITH	■		■
13	494 S. Bernardo	LITTLE RASCALS PRE-SCHOOL	■		■
14	636 W Fremont Ave	CHURCH OF THE NAZARENE	■		■
15	1028 E Ahwanee Ave	CONGREGATIONAL CHRISTIAN CHURCH OF SAMOA	■		■
16	425 Tasman	DAESUNG PRESBYTERIAN CHURCH	■		■
17	696 Sheraton	FAIRBRAE SWIM & RACQUET CLUB-	■		■

	ADDRESS	USE	SIZE OF PROPERTY ■ <30,000 s.f. ■ 30,000s.f. - 1a.c. ■ 1a.c. - 2.2 a.c. ■ >2.2 a.c.	LOCATION ALONG MAJOR STREET & NOT MID-NEIGHBORHOOD	POTENTIAL # OF UNITS ■ <5 ■ 6-10 ■ 11-19 ■ >20
18	125 E Arques Ave	ST. MARK LUTHERAN	■		■
19	1302 Warner	APPLESEED MONTESSORI	■		■
20	1161 S Bernardo Ave	SALVATION ARMY WORSHIP & FAMILY SERVICES-	■		■
21	1050 Tilton	EDUCATIONAL SUCCESS TUTORS	■		■
22	1210 Brookfield Ave	FIRST ORTHODOX PRESBYTERIAN	■		■
23	1350 Warner	FOUNTAIN OF JOY CHURCH	■		■
24	575 Britton Ave	FULL ASSEMBLY OF GOD CHURCH	■		■
25	878 Lakewood	THE PRE-K ACADEMY	■		■
26	719 Lakehaven Dr	KOREAN BUDDHIST CHURCH, SAN JOSE CHONG WON SA	■		■
27	1228 Brookfield Ave	UNITY MISSIONARY BAPTIST CHURCH-	■		■
28	402 Carroll Ave	TRIUMPHANT LIFE CHURCH, MONTESSORI CHRISTIAN PRE- SCHOOL	■		■
29	853 Gary	CHILD DEVELOPMENT ACADEMY PRESCHOOL-	■		■
30	1302 Lillian Ave	MAHABODHI SOCIETY OF USA-	■		■
31	161 N Murphy Ave	ST. HERMAN OF ALASKA ORTHODOX	■		■
32	1239 Oak Creek	Religious- large 2 story SFH	■		■
33	305 E Washington	SAMOAN FIRST ASSEMBLY OF GOD-	■		■

## **Attachment F**



## **Attachment G**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN RESIDENTIALLY-ZONED PROPERTIES, LOCATED AT 1025 THE DALLES AVENUE, 1112 S. BERNARDO AVENUE, 771 W. FREMONT AVENUE, 445 S. MARY AVENUE, 653 W. FREMONT AVENUE, 583 E. FREMONT AVENUE, 709 LAKEWOOD DRIVE, 1575 ALBATROSS AVENUE, 455 E. MAUDE AVENUE, 1050 W. REMINGTON, AND 1250 SANDIA AVENUE, TO THE PUBLIC FACILITY ZONING DISTRICT**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

**SECTION 1. AMENDMENT OF PRECISE ZONING PLAN.** The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended in order to include certain properties greater than 1.5 acres within the PF (PUBLIC FACILITY) ZONING DISTRICT, which properties are presently located at and zoned as follows:

<u>Location</u>	<u>Zoning District</u>
1025 The Dalles Avenue	R-1 (Low Density Residential)
1112 S. Bernardo Avenue	R-1 (Low Density Residential)
771 W. Fremont Avenue	R-1 (Low Density Residential)
445 S. Mary Avenue	R-3 (Medium Density Residential)
653 W. Fremont Avenue	R-0/R-1 (Low Density Residential)
583 E. Fremont Avenue	R-2 (Low-Medium Density Residential)
709 Lakewood Drive	R-0 (Low-Density Residential)
1575 Albatross Avenue	R-2/PD (Low-Medium Density Residential/Planned Development)
455 E. Maude Avenue	R-3 (Medium Density Residential)
1050 W. Remington	R-3 (Medium Density Residential)
1251 Sandia Avenue	R-0/PD (Low-Density Residential/Planned Development)

The locations of the above properties are set forth on the scale drawing(s) attached as Exhibit "A." The property located 420-460 Persian zoned ITR (Industrial to Residential) is excluded.

**SECTION 2. 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.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**SECTION 4. 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 once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice 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 \_\_\_\_\_, 2007, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

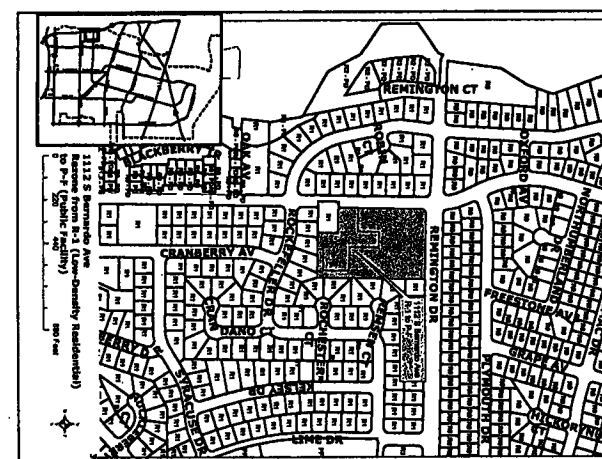
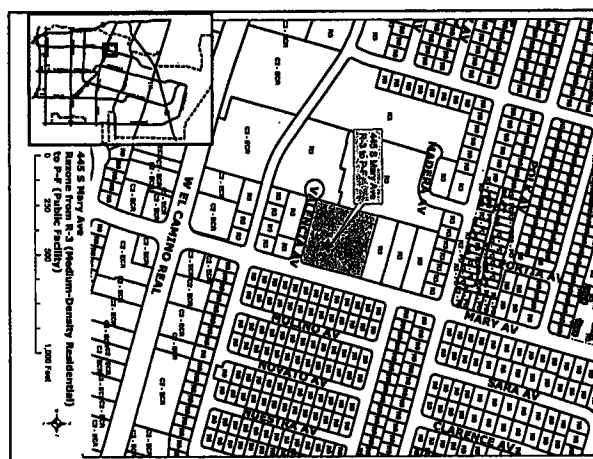
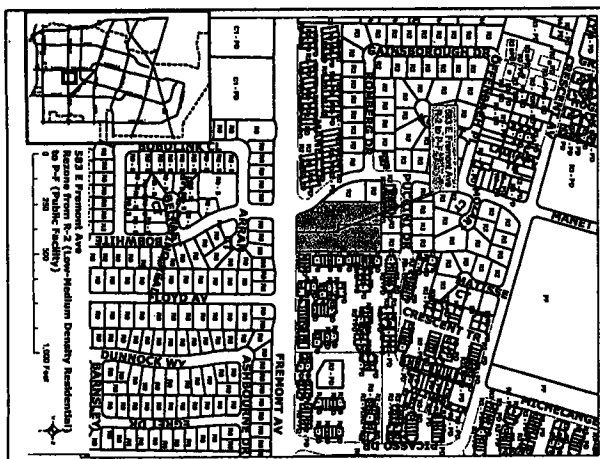
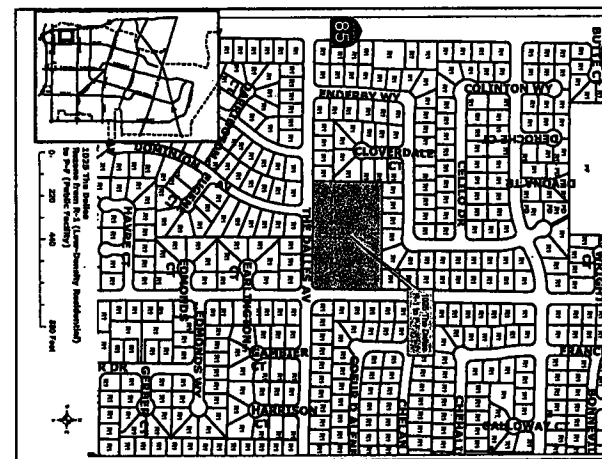
\_\_\_\_\_  
City Clerk

SEAL

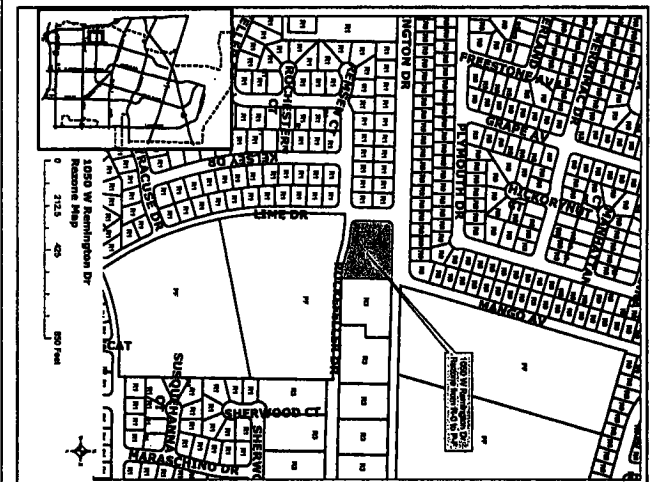
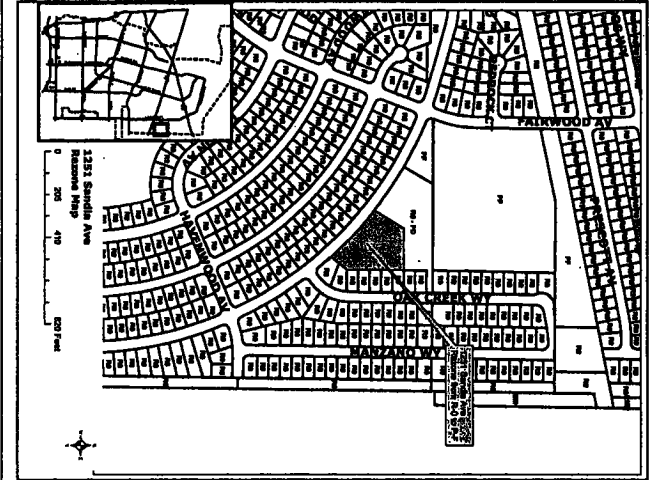
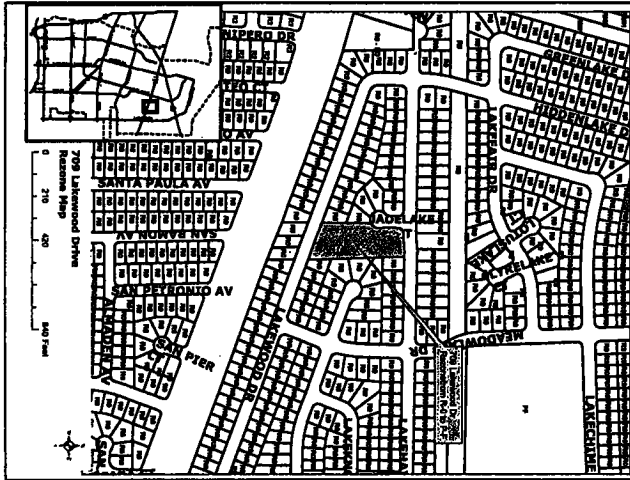
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

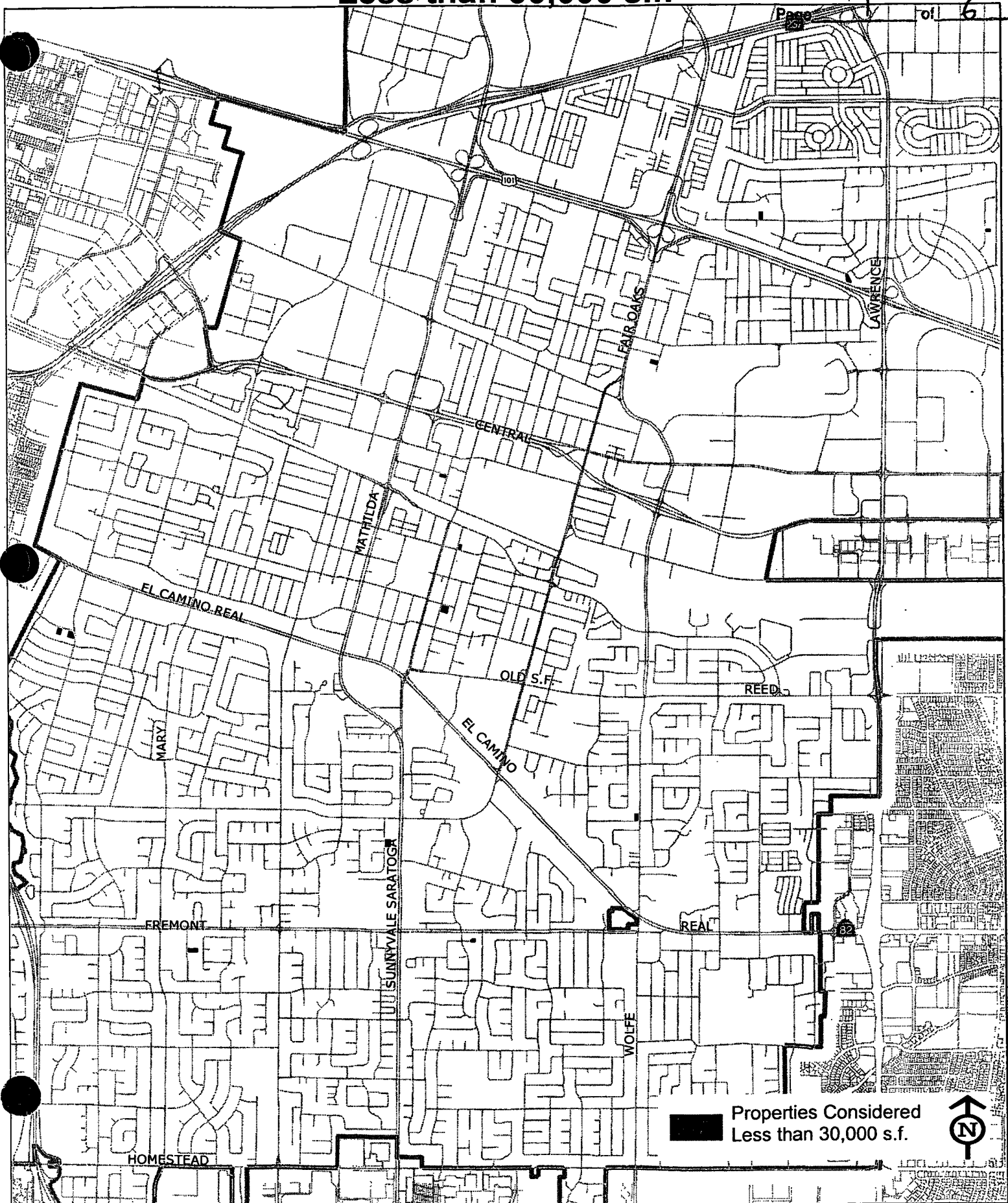






## **Attachment H**

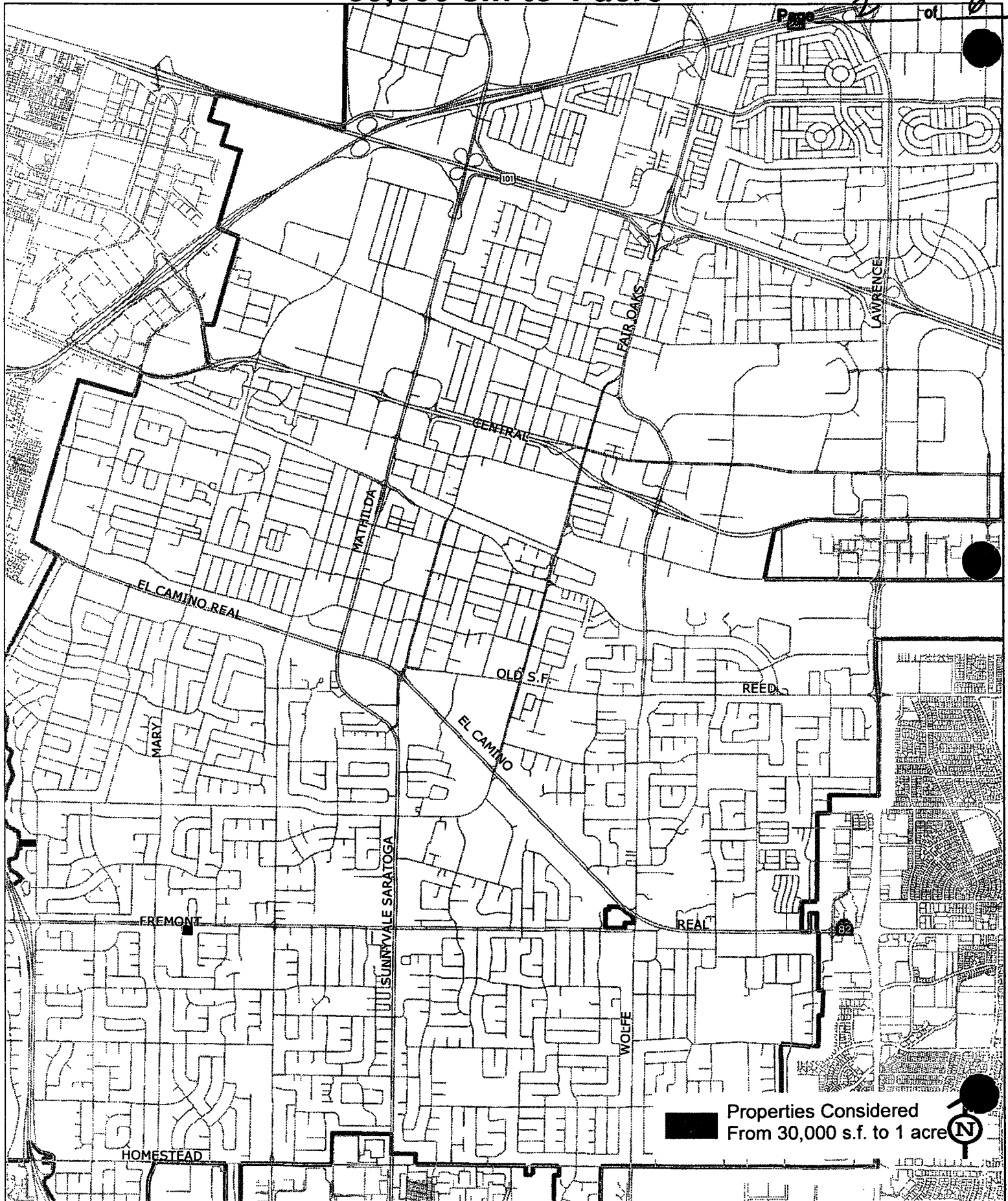
# Properties Considered to be Rezoned to Public Facility Less than 30,000 s.f.

ATTACHMENT HPage 1 of 6

# Properties Considered to be Rezoned to Public Facility 30,000 s.f. to 1 acre

ATTACHMENT H

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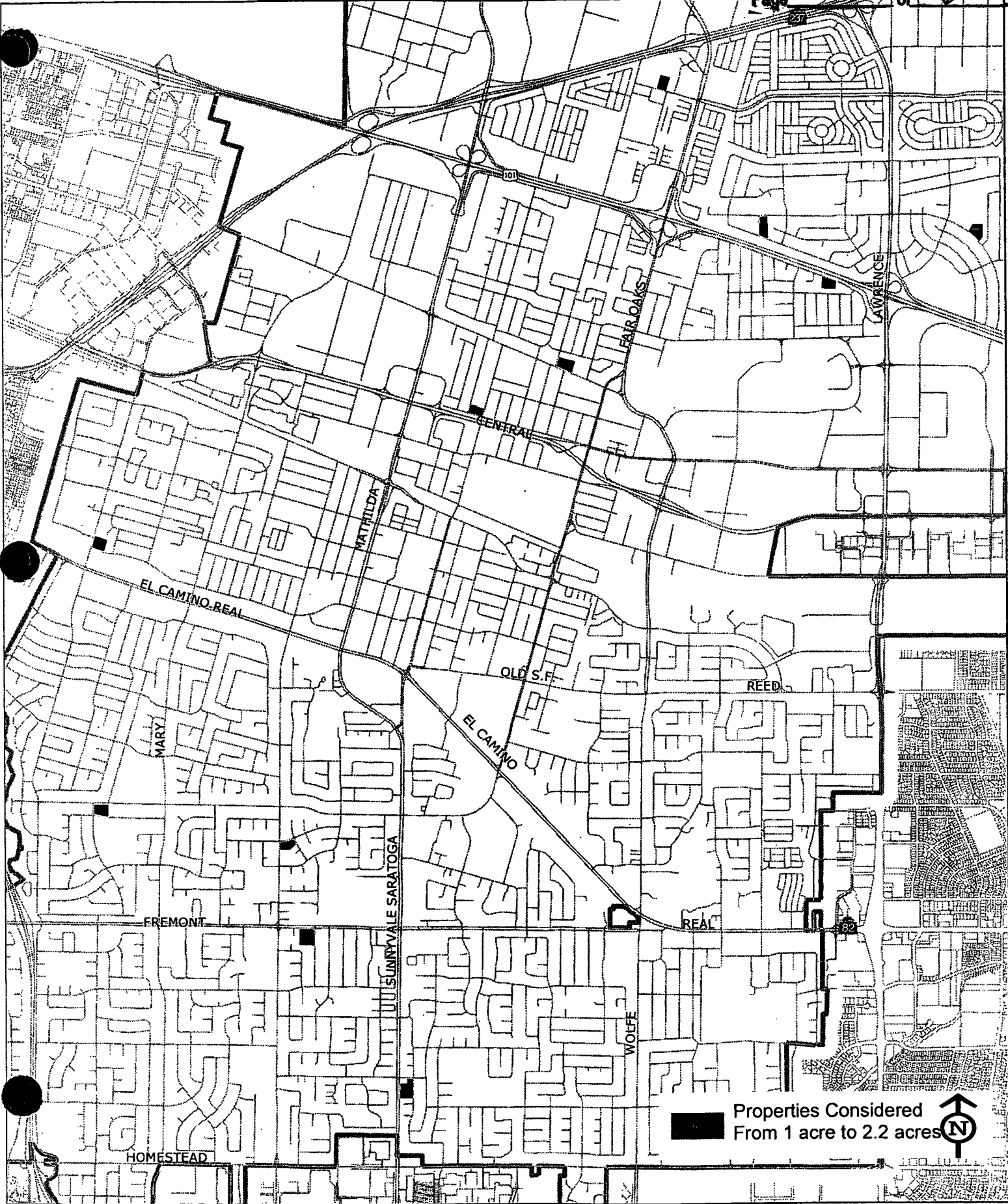


# Properties Considered to be Rezoned to Public Facility

## 1 acre to 2.2 acres

ATTACHMENT 7

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# Properties Considered to be Rezoned to Public Facility

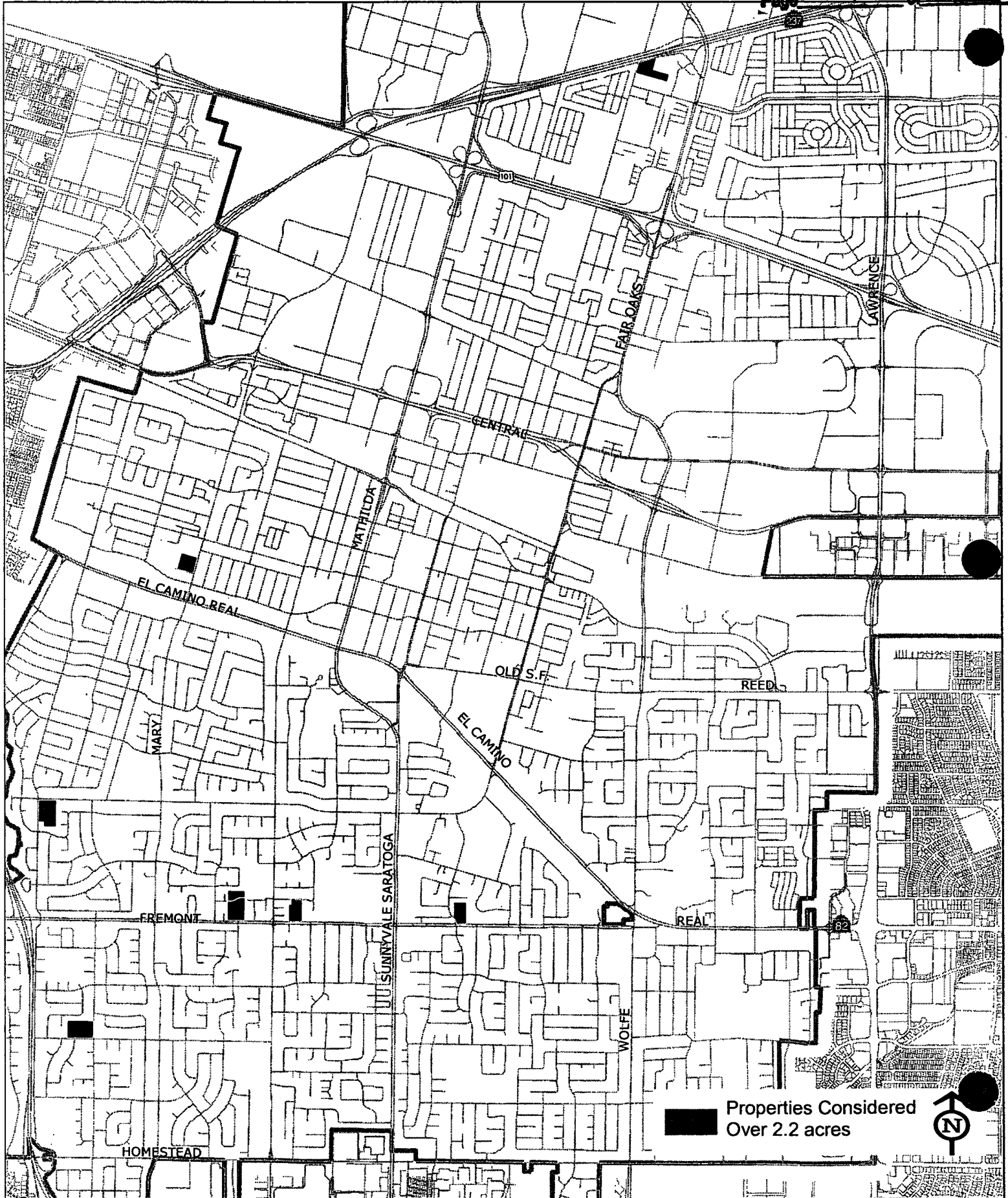
## Over 2.2 acres

Page

4

of

6



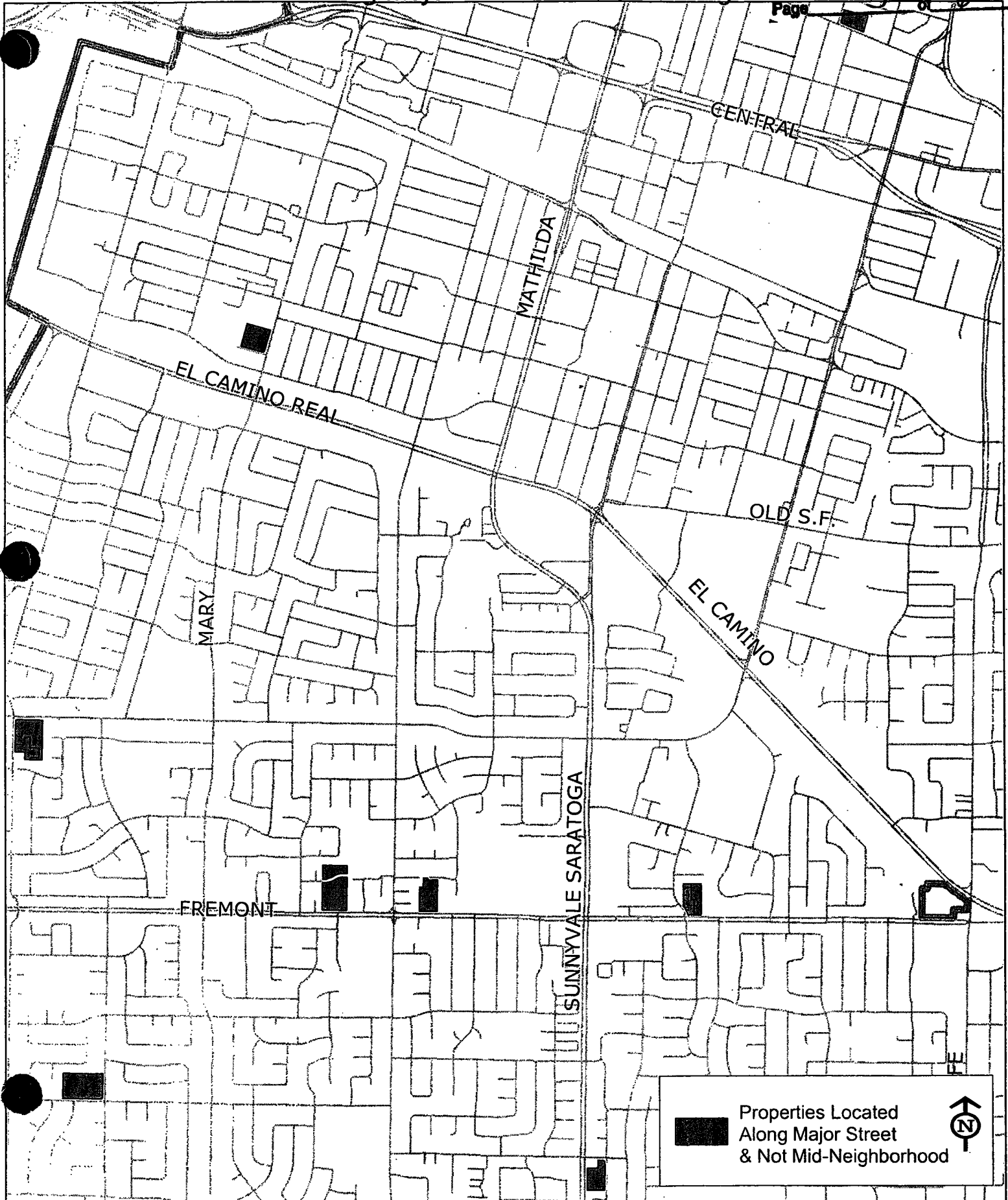


# Properties Considered to be Rezoned to Public Facility

ATTACHMENT #

Location Along Major Street & Not Mid-Neighborhood

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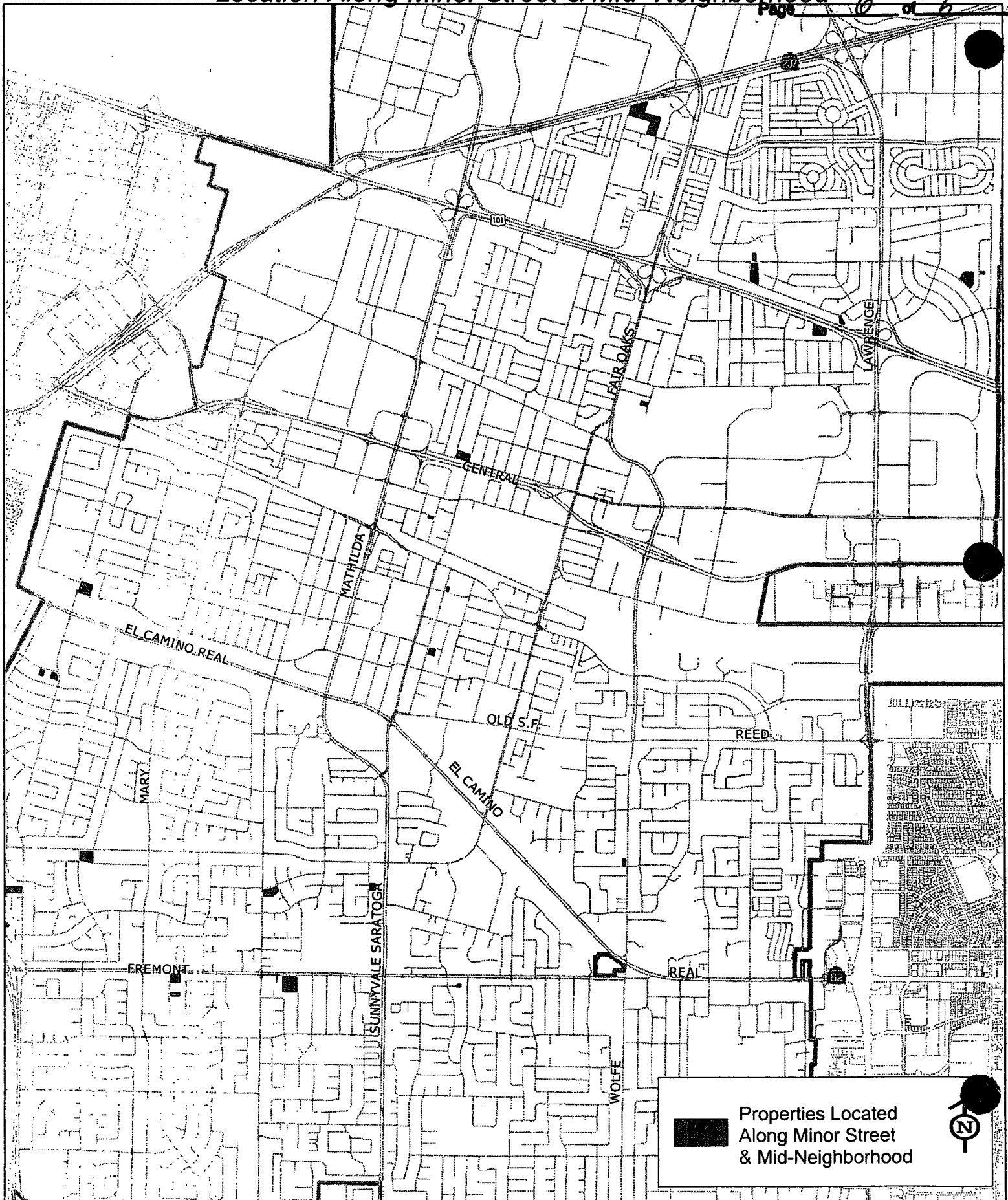


# Properties Considered to be Rezoned to Public Facility

ATTACHMENT 4

Location Along Minor Street & Mid-Neighborhood

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## **Attachment I**

4.

RTC 06-074

Study Issue: Places of Assembly located within Industrial and Commercial Zones

Page 1 of 9

Principal Planner, Andrew Miner presented the staff report.

Councilmember Moylan asked if rezoning existing Places of Assembly would be problematic, because it does affect the existing properties and as pointed out in a citizen letter, could lower the property values at these locations

Planning Officer Ryan stated that by adding the combining district to the manufacturing zones clarifies that these are the locations the City will consider for Places of Assembly (which may affect the properties located in or adjacent to the zoning district). Planning Officer Ryan stated no property would become non-conforming and that industrial uses may continue to utilize their space in the same manner (per zoning) they had before the Combining Places of Assembly District was added to them.

Planning Officer Ryan stated that changing the zoning to Public Facility for the Places of Assembly, currently located in residential zones, allow for the facilities to become conforming zoning within the new zoning district. She stated this zoning change would affect how the facility will be used in the future, but would allow for a greater number of uses from a non-residential standpoint. Planning Officer Ryan stated that a designated Public Facility Use located in a Public Facility zone however, would be subject to a Use Permit. She stated that this is not the case in a residential zone, where some uses do not require a Use Permit.

Councilmember Moylan asked about balancing the need to preserve the Class C office space. Planning Officer Ryan stated that zoning change allows for up to 200 acres; however, the City has about 2,000 acres of industrial land. She stated that the locations where Places of Assembly appear are the reuse of Class C office space as these spaces tend to be large enough to allow for assembly uses. Planning Officer Ryan stated that Class A or B office buildings could still locate within the Public Facility Zoning, because the underlying M-S (industrial and service) Zoning District would still be in place allowing for the option to covert from Class C to Class A or B. Director Paternoster stated there is a lot of Class B and C office space available, and staff carefully identified areas where Class A office space would be less likely to locate.

Councilmember Hamilton identified that there is more Class A (at Evelyn and Mathilda) than shown on the map included with the staff report. Planning Officer Ryan clarified that those locations were added after the map was created which was in 2002.

Councilmember Hamilton stated that the motion the Planning Commission made regarding this item was to reduce the amount of acreage from 168 acres for the PD overlay starting with the Woods property. She stated her figures state 164 acres and asked staff what was the correct amount of the reduction that the Planning Commission requested.

Planner Miner stated that at the Planning Commission meeting, they did not take specific action to remove any properties; instead they said they would like to see a reduction in the number, specifically in the "Woods", but did not list particular sites that should be reduced. He stated specific sites would be part of the rezoning study that staff would take back to the Planning Commission.

Councilmember Hamilton asked if any environmental testing had been done on the site at the corner of Wolfe and Stewart Avenue, just west of Lowes Home Improvement and identified on the map as a shaded area included in Attachment K, page 5. Planning Officer Ryan stated that staff has not actually looked at sites; rather staff has identified sites to consider, and the environmental review would be part of the analysis to identify whether or not there were any reasons the zoning district should not be applied.

Councilmember Hamilton confirmed with staff that it was possible the sites listed in the staff report could change in the rezoning process, but Planning Officer Ryan stated that staff will not

look at any more sites than what is listed.

Page 2 of 9

Director Paternoster stated that what Council is being asked to do this evening is to initiate the rezoning of those properties listed in the report within the overlay district in the M-S zones, and the rezoning in residential zones. He stated that the initiation does not rezone the properties; rather what occurs is that staff begins the process of notifying the property owners; undertaking the Environmental Review; going to the Planning Commission for their review, and then back to City Council for action. Director Paternoster stated that only upon Council's action would the rezoning actually take place and that Council will have the opportunity to decide which properties should or should not be rezoned when the item comes back to them.

Councilmember Hamilton asked how many property owners had contacted them with concerns about this rezoning. Planning Officer Ryan stated one facility had contacted staff with concerns about this study.

Councilmember Chu asked if all the properties on Attachment L (page 2) were individually notified that a study potentially might be initiated. Planning Officer Ryan stated that staff notified these properties that the current study tonight was occurring.

Councilmember Chu asked if the property owners for the Combining Districts (Attachment K) were notified. Planning Officer Ryan stated that those property owners have not been notified, but Director Paternoster stated that they will be notified along with a re-notification that will be sent to all the properties in Attachment L should Council initiate the rezoning study tonight.

Councilmember Chu asked if the Planning Commission comments had specific areas they wished to reduce within the "Woods" based on their comments to reduce the acreage. Planning Officer Ryan stated that the Planning Commission felt that overall the amount of land identified for potential receiving of the Places of Assembly Combining District was too much and that it should be reduced. She stated the Planning Commission specifically said they felt the first place to look for reduction was the "Woods" to evaluate if that area should be included in the designation, but they did not pick any particular properties.

Councilmember Chu asked if there were a percentage factor or acreage number on the five maps for other use. Planning Officer Ryan stated that they did not do that level of detail on the report. Councilmember Howe confirmed with staff that the existing moratorium covered industrial and commercial properties within the City. Councilmember Howe asked if this item were passed as staff is recommending, would Places of Recreation or Places of Assembly be allowed at commercial centers such as the one behind Walgreen Drug Store. Planning Officer Ryan stated that they could accept an application at such locations and that they would require a Use Permit.

Mayor Swegles opened the Public Hearing at 8:02 p.m.

Sara Cordell and Jim Thayer representing Trinity Church of Sunnyvale, stated their opposition of Alternative 1, Option D ("PF" zoning). They stated that the rezoning is unnecessary and will create a loss of property values. They requested that Trinity Church be exempt from this option since the church has already entered into a contract to sell the property.

Councilmember Moylan asked Mr. Thayer if he saw any conditions in which the rezoning would be necessary and Mr. Thayer stated he saw none. Mr. Thayer stated the proposed rezoning would prevent churches from selling their property or relocating due to greatly reduced property values.

Councilmember Moylan stated that staff is suggesting Public Facility (PF) zoning to assist with keeping churches in neighborhoods. He cited numerous cases where churches were redeveloped into residential housing and stated that staff feels a trend exists that when a church moves, the land is turned into housing. Councilmember Moylan asked Mr. Thayer if he thought that was a problem. Mr. Thayer stated it was unlikely to happen within Sunnyvale because he contacted numerous churches in the City and none of them have entered into contracts to sell their

property.

Councilmember Hamilton asked Mr. Thayer who the buyer is and/or for what purpose did they plan to use the site. Mr. Thayer stated he found out about the PF zoning from the developer who told them that they will not be able to build because of this item being voted on this evening. Councilmember Hamilton confirmed with Mr. Thayer that they are selling to a developer for residential development.

Councilmember Hamilton told Mr. Thayer that the rezoning to Public Facility would not preclude Trinity Church from reselling their property. Mr. Thayer stated that it did prevent them from getting the price they could today from a residential developer.

Councilmember Chu asked Mr. Thayer if the church will be selling the entire parcel or just a portion of the property. Mr. Thayer stated the church is planning on selling the entire property in order to relocate (preferably in the City of Sunnyvale). Councilmember Chu asked Mr. Thayer how large the parcel is, and Mr. Thayer stated it is just over four acres.

Mayor Swegles verified with Mr. Thayer that he was a board member of the church.

Kristi Scudder, Trinity Church Director of Business and Finance, spoke in opposition of the PF zoning. She stated that they were not notified of the January 12 public outreach meetings, which they felt was a key point to share their concerns, and also were not notified of the special meeting on March 6 and only found out about the meeting through their developer. She stated that because they are a long-standing member of the community and wish to continue to remain a member of the community they are requesting immediate release from the rezoning included in this recommendation.

Councilmember Chu asked for a show of hands of individuals from Trinity Church and those who are not members but are in favor of the request by Trinity Church.

Councilmember Howe asked Ms. Scudder where they are in the process of selling the property, and what steps does the church need to take in order to sell the property. Ms. Scudder stated the process began about three years ago when there was a desire to grow in size. About a year ago, they received congregation approval and sent out 60 packets to developers and then interviewed the top five. She stated they signed the contract (which requires a 90-day feasibility study) on February 1, 2006. She stated they hope to close escrow by the end of 2006.

Councilmember Howe asked Ms. Scudder if there has been any formal application to the City from the developer for a residential project on the church site. Ms. Scudder stated they have met with the City throughout the process, but to her knowledge nothing formal has been submitted. Councilmember Howe confirmed with Mr. Scudder that the church would have to agree to the development and that they have not agreed at this point. Ms. Scudder stated that they expect to know whether or not the project is feasible by the end of the feasibility study, which is May 1, 2006.

Major Ken Hood stated that the Salvation Army did receive the notice of the Public Meetings regarding Public Facilities in Industrial Areas, but no where in the notice did it state anything about rezoning residential facilities into public facilities. Major Hood stated had he been aware of the topic, he would have attended the meeting. Major Hood asked staff what they have in mind with the proposal PF zoning regarding new regulations and signage issues. Major Hood stated this zoning will impact the property values of the facility and limit the types of buyers that can or want to purchase the facility.

Major Hood asked staff about regulations and rules they would need to abide by if they were changed from residential to public facility. Director Paternoster stated that the use would be protected as a non-conforming use so it would not change anything for the existing use. Director Paternoster stated that the intent of staff is to protect specific land uses in the City in order for those uses to continue.

Councilmember Hamilton asked Director Paternoster if the sale of a property or an improvement would trigger a change in the regulations for the property. Director Paternoster stated that the use goes with the land, and as an example if a non-conforming building were torn down, the building would have to conform to the regulation of the current zoning.

James Johnstone, Jon Sanders, Karen Miller, Jim Asselin, Linda Olson, Jeff Howery, Melvin Oldeen, Arthur Schwartz spoke in opposition to the "PF" zoning and requested Trinity Church be released from the rezoning of this property.

Mayor Swegles stated that he has heard two speakers state that the notice they received did not mention the potential rezoning study of residential sites, and he asked staff what the notices did state. Planning Officer Ryan stated that the notices invited interested parties to the Outreach Meetings, but the notice of Public Hearing was general and did not state what the entire study embodied. Director Paternoster stated that this is a research project and to make sure the community has input, they hold Outreach Meetings, which occurs long before the staff recommendation on the study is made. He stated that if Council proceeds with the rezoning this evening, then there will be legal noticing requirements.

Tom Greene spoke in opposition to the rezoning of residential property and requested immediate release of Trinity Church from this rezoning.

Councilmember Howe confirmed with Mr. Greene that there is a legally binding contract in place between the church and a developer to sell the property subject to a 90 day clause.

Philip Payne spoke in opposition to the "PF" rezoning and stated the zoning change would be a hindrance to the community as it would keep the churches from being able to grow and improve due to lower property values.

Cathy Handzel stated that in the City of Sunnyvale Quarterly Report there was a notification of the January 12 meeting at 2 p.m. and 7 p.m., but that from the title of the notification there was no indication that rezoning of churches would be discussed. She clarified that the Trinity Church is not looking to make a profit in the sale, rather to enhance what it can offer.

Lynn Aisalva, representing the Fairbrae Swim and Racquet Swim Club (a private member-owned facility) questioned the appropriateness of the "PF" rezoning for this facility. She stated they did receive a notice about industrial properties, which had no relevance to their property. Ms. Aisalva stated that she is requesting that they be removed from the list.

Councilmember Hamilton stated that the designation of Places of Assembly inclusion stretches beyond churches in that it covers community-serving facilities, and confirmed with staff that the swim facility was on the list, because it was the only one of its nature in the City.

Planning Officer Ryan stated that what they are looking at this evening is not whether or not rezoning should occur, rather whether Council wants staff to discuss and examine rezoning. She stated that if Council identifies properties on the list that they do not want staff to pursue any further, they can make that determination this evening. She stated that if Council approves staff recommendation this evening, then staff would start noticing, talking with property owners and would develop a revised list of recommended properties to be rezoned and then presented to Council for consideration in the future.

Councilmember Hamilton confirmed with staff that rezoning to a Public Facility does not automatically open the facility to the public.

Councilmember Moylan disclosed he was a member of Fairbrae Swim Club and asked City Attorney David Kahn if he needed to recuse himself. City Attorney Kahn stated he did not.

Kara LaPierre, Director of Economic Vitality for Silicon Valley Leadership group, stated that her

organization's position on the appropriate use of land is an attempt to balance need of residential development with jobs and other public uses such as Places of Assembly. She stated it is important to have good location specific criteria in addition to a Use Permit process. Ms. LaPierre stated her organization supports the Council in pursuing the rezoning study to look at the uses in the Commercial and Industrial Districts for Places of Assembly.

Councilmember Chu asked Ms. LaPierre if any elements of the policy statement (Attachment J) dated January 22, 2004 have changed since that date. Ms. LaPierre stated that the Council does have the current policy position (as Attachment J) of her organization. She stated her organization believes in appropriate evaluation and thinks it is important to weigh the appropriateness of the land use (especially anything with sensitive receptors) by looking at how the space was previously used and how it is and is currently being used. She stated that Council should look at how much land they can rezone or allow an alternative use, so that in the future if a fabrication plant wanted to move in it would be appropriate with the uses that have been allowed.

Councilmember Chu stated that staff is attempting to follow the balancing principles mentioned by Ms. LaPierre since they are recommending changing zoning on 200 acres out of 2,000 acres with the remaining acres reserved for industrial use.

JoAnn Markham-Allen, Facility Manager for Dionex Corporation, stated she heard about the discussion this evening by word of mouth. She stated the corporation was totally against the rezoning and feels they may need to take a look at whether Sunnyvale is a place for them to own and operate their business. She stated that they do have manufacturing (with some chemicals used) and questioned the rationale in having a mixed-use facility next to some of their buildings where chemicals are used. Ms. Markham-Allen stated that Council should delay any votes or decisions as the business community has not been properly notified.

Councilmember Hamilton verified with Ms. Markham-Allen that she understood that the issue tonight is to look at studying this issue, and verified that her corporation was within one of the proposed areas.

Councilmember Chu asked Ms. Markham-Allen what Dionex manufactures and she stated that they make instruments that measure finite levels of substances.

Councilmember Chu asked Ms. Markham-Allen what the address of the corporation was and she stated they have multiple locations at Titan Way, up and down Lakeside and Mercury Drive.

Director Paternoster stated that there will be formal Public Hearings if this item does go forward, with both the Planning Commission and the City Council. He also stated that the purpose of the study is to try and protect industrial areas from intrusion by non-industrial uses. Director Paternoster stated that on the other hand staff does need to find locations for this use; therefore, staff is looking for compatible areas that accommodate mixed-uses.

Keith Claxton, Real Estate Broker for Trinity Church, stated that many of the industrial buildings in the City are older, functionally obsolete and nearly 20% are vacant. He applauded staff's efforts to recycle this land.

Councilmember Howe confirmed with Mr. Claxton that there was a valid contract of sale between the church and a developer of residential properties.

Werner Gans stated that the City can't afford to give up land for industrial and manufacturing locations. However, he does agree with the staff report and endorses the in-depth study.

Harriet Rowe stated that a friendly amendment for exclusion would be appropriate for Trinity Church since they had been working on selling their property for a year before this study issue began. She stated that she did not support the rezoning of residential sites and felt new homes would be more beneficial to the City and its residents. She supported looking at something that will work for both sides and supported the combining district.

Councilmember Chu asked Ms. Rowe if there was active discussion at the Public Hearings regarding existing churches converted into Public Facilities. She stated there were a couple of comments, but not much discussion. She stated that she believes that the PF zoning is a good idea but that each location should be considered individually, such as the swim club.

Nicholeen Nagrodsky-Scott stated she is in favor of industrial planning, and wanted Council to know there are five churches within three blocks of Trinity Church on Fremont Avenue.

Chuck Nolan stated he is not a member of Trinity Church, but in the interest of fairness he thinks they should have a right to proceed on the sale of their property. He stated he is in favor of utilizing industrial places for Places of Assembly.

No one else wished to speak and Mayor Swegles closed the Public Hearing at 9:35 p.m.

Mayor Swegles polled each Councilmember to see if they wished to continue with all three remaining agenda items or continue any items due to the length of the meeting.

Councilmember Hamilton, Howe, Moylan, and Chu stated they would like to continue with the items on the agenda. Mayor Swegles confirmed that with four affirmative votes, they would continue with the remaining agenda items.

Councilmember Hamilton confirmed with Director Paternoster that the Combining District is for the purpose of adding a new use. Director Paternoster stated that currently in residential zones, Places of Assembly and residential uses are permitted; therefore an overlay zone in this area would not create any change.

Councilmember Howe asked if the staff recommendation were approved as recommended, what would happen to the piece of property at Trinity Church. Planning Officer Ryan stated that for the short term nothing would happen as the existing R-2 zoning would remain on the property. She stated staff would conduct the study (which would include this location and several other properties) and return to Council with a recommendation on the properties that staff thinks should be rezoned.

Planning Officer Ryan provided a several points of clarification:

- Should Council approve the staff recommendation to pursue rezoning of existing Places of Assembly in residential zones, staff would accept and process the application until the property is rezoned.
- Places of Assembly are identified in many ways such as churches, community centers, lodge halls, and business associations.
- Council has a couple of options regarding the current moratorium. Council could cancel the moratorium, in which staff may accept applications for Places of Assembly, or Council could choose to extend the moratorium. Should Council wish to extend the moratorium, it would have to occur at the next Council meeting in order to allow for proper noticing of the item.
- The tables in the proposed Ordinance do not mention a swim and tennis club type of facility, which was an oversight on staff's part. Within the Draft Ordinance - Attachment 7 (page 3, item 3G), Council may wish to add "Recreation Uses" to "Private Parks and Playgrounds" as a Use Permit item. Additionally, "Recreational and Athletic Facilities" (page

9, item 4D), is currently listed as not permitted in Public Facilities zoning district however, Council may want to include this item as a Use Permit item.

Mayor Swegles asked if a developer for the Trinity Church site submitted a plan for housing and it was accepted, would that exclude them from final change in zoning. Planning Officer Ryan stated essentially they would be excluded if staff had already reviewed the application under the current regulations (which allow for residential use), and the project were approved prior to a change in zoning.

Mayor Swegles asked if Council extended the moratorium would that affect the Trinity Church property and Planning Office Ryan stated it would not as the moratorium is just for Industrial and Commercial areas.

Planning Officer Ryan stated she neglected to state that that signs could be twice as large in a Public Facility zoned area as in a residential area.

Councilmember Chu stated that on Attachment L (Potential Rezoning of Residential Sites to Public Facility – PF) there is not a star on page 1 for the Fairbrae Swim and Tennis Club, but the address is listed on page 2 and asked if a study ensues what would be the guiding principle, the map or the listing. Planning Officer stated that the listing attempted to capture properties in the residential zone, whereas the map intended to be more inclusive of all Places of Assembly; however staff missed the swim club location on the map. She stated that Council may wish to decide on this business location as part of their motion.

Councilmember Chu asked the City Attorney Kahn if Council can actually vote on rezoning properties and initiating a rezoning of residential sites for Community-Serving places of Assembly since this item is noticed as a study issue regarding Places of Assembly located within Industrial and Commercial Zones. He stated that the staff recommendation does mention a rezoning of residential sites, but the item is entitled Commercial and Industrial Zoning districts.

City Attorney Kahn stated that Council could vote on this item because the description in the Agenda and staff recommendation does discuss the possible rezoning of Public Facilities.

Councilmember Hamilton moved and Councilmember Howe seconded to approve Alternative No. 2:

Approve Alternative No. 1. Council approves modifications to the Sunnyvale Municipal Code to adopt a specific policy on locating these uses, to initiate rezoning specific properties to a POA Combining District and to rezone existing Community Serving Places of Assembly in residential areas to the Public Facility (PF) Zoning District with modifications.

**with modification listed as:**

Remove Trinity Church from the list based on the fact that they have a legal and binding contract to sell their property currently signed and in place.

City Attorney Kahn stated that instead of listing Trinity Church by name, the modification should be stated as, "exclusion of any property where there currently is a binding legal and valid contract for sale in place on or before March 21, 2006".

Councilmember Hamilton accepted the verbiage correction to her modification.

Councilmember Howe offered a friendly amendment to identify the timeframe for exclusions from the proposed zoning in which the exclusions for binding contracts must be as of February 1, 2006 and currently in existence.

Councilmember Howe changed his friendly amendment to state that the timeframe for exclusions for binding contracts must be in effect as of February 1, 2006 and currently in existence, and all



contracts requesting exclusion must be presented to the City Attorney within the next seven days from this Council meeting which would be March 28, 2006.

City Attorney Kahn stated he would recommend tonight (March 21) as the cutoff date for having signed and valid contract.

Councilmember Howe clarified his friendly amendment to state that the timeframe for exclusions for binding contracts must be in effect as of February 1, 2006 through March 21, 2006, and all contracts requesting exclusion during this timeframe must be presented to the City Attorney within the next seven days from this Council meeting, which would be March 28, 2006.

Councilmember Hamilton accepted the friendly amendment.

City Manager Chan suggested that the Council consider that seven days may be a very short timeframe for staff to notify affected properties and for those individuals to submit their contracts to the City Attorney.

Councilmember Howe stated any locations with a valid contract that did not make it to the City within the seven days, would still have the benefit of attending the public hearings and presenting their valid contract (within the designated time allowed) at that time.

City Attorney Kahn stated since Council is simply initiating the rezone study, it would be appropriate to exempt Trinity Church from the study. He stated if other agencies with valid contracts exist, they would be considered during the time of the rezone and Council would apply similar criteria in addressing an exemption.

Councilmember Howe asked Councilmember Hamilton to restate her original motion.

Councilmember Hamilton restated her motion and Councilmember Howe seconded the motion approve Alternative No. 2 restated as:

Approve Alternative No. 1: Council approves modifications to the Sunnyvale Municipal Code to adopt a specific policy on locating these uses, to initiate rezoning specific properties to a POA Combining District and to rezone existing Community Serving Places of Assembly in residential areas to the Public Facility (PF) Zoning District with modifications

**with modifications listed as:**

Remove Trinity Church from the rezone list based on the finding that they have a legal and binding contract currently signed and in place, and they will be exempt from the rezone study.

Mayor Swegles confirmed that Councilmember Howe withdrew his friendly amendment.

Councilmember Chu made a friendly amendment that item D (Initiate rezoning study of residential sites identified in Attachment L, on which Community Serving Places of Assembly are now located, to "PF" Zoning District) within Alternative No. 1 be a separate vote from the other elements.

Councilmember Hamilton rejected the friendly amendment.

Councilmember Chu stated that rezoning of residential sites to "PF" Zoning District is a separate issue and should be voted on separately, because it is taking away rights whereas, the other elements of Alternative No. 1 give rights.

Vice Mayor Lee stated rezoning of industrial areas could limit the potential of future industrial business uses. He stated that the industry is changing and that industrial space should be preserved. Vice Mayor Lee also stated that the rezoning could unintentionally affect current industrial business property values as mentioned by the speaker representing Dionex Corporation. He stated he will not be supporting the motion.

Mayor Swegles stated he agrees with the motion and exclusion for Trinity Church.

Director Paternoster stated the amendment to the text is an Ordinance (which creates the new overlay district for example) and will need to be read by the City Clerk.

City Clerk Katherine Bradshaw Chappelle read the title of the Ordinance into the record.

Motion carried 5-2 by roll call (Councilmember Chu and Vice Mayor Lee dissented with Councilmember Spitaleri and Vice Mayor Lee teleconferencing).

Councilmember Hamilton moved and Councilmember Howe seconded to have Council revisit extending the moratorium at the next Council Meeting of March 28, 2006.

Motion carried 7-0 by roll call (Councilmember Spitaleri and Vice Mayor Lee teleconferencing).

Mayor Swegles called a five-minute recess at 10:15 p.m. and then reconvened the meeting at 10:20 p.m.

Mayor Swegles asked Councilmember Spitaleri and Vice Mayor Lee if they wished to continue to teleconference given the lateness of the hour. Vice Mayor Lee and Councilmember Spitaleri stated they would continue the teleconferencing for the entire meeting.

## ATTACHMENT J

**2007-0271 – City of Sunnyvale Study Issue** to examine the rezoning of residentially zoned sites occupied by Place of Assembly/ Recreation to Public Facilities (PF) Zoning District. RK (*Continued from July 23, 2007.*)

**Andrew Miner**, Principal Planner, gave a brief description of the study issue. On March 22, 2006 the City Council adopted some action strategies of how to address places of assembly in the city. On October 24, 2007 the City Council rezoned specific industrial properties to the new Places of Assembly (POA) combining district. As apart of the 2006 strategies it was determined that those properties located in residentially zoned areas that are used as a POA facility should be studied to determine if those properties should be rezoned to a PF (Public Facilities) zone to protect those areas since we are limiting the locations that could go in the industrial area. After reviewing the conditions staff recommends re-zoning all properties that are 2.2 acres in size or greater for a change to the PF Zoning District except for one property that is in the ITR area on Persian Drive. Mr. Miner stated that the reason staff choose 2.2 acres is because that is the size that is most likely to be converted to a residential use where you would have a loss of the POA type facility that is similar to what else you would find in other POA locations. Staff recommends alternative 1.B.

**Comm. Babcock** stated that in the Planning Commission study session the commission noted an interest in setting the size thresh hold at 30,000 square feet and wanted to know why the staff report was dramatically different?

**Trudi Ryan**, Planning Officer, stated that staff differed with Planning Commission opinion. What staff looked at was the potential for redevelopment of the site and trying to balance the needs to preserve sites for public facilities but also assuring that we were not inadvertently running afoul of any of our housing element goals and having some flexibility in addressing those in the future. Ms. Ryan stated that staff has been contacted by property owners who were concerned that the value of the property was important to them but that was not a factor in the staff decision. Staff does want to preserve the largest of the sites that would have the bigger potential and the biggest impact on the community should these change from POA to residential uses.

**Comm. Babcock** wanted to know if there was any concern about the six recommended sites being in the same southern corner of the city and if it would be better to have a balance of POA throughout the city especially with all the residential units located in the northern part of Sunnyvale?

**Trudi Ryan**, Planning Officer, stated that there is balance in the northern part of the community through the POA combining district. The risk of those

redeveloping was seen as less because of the size and location of those properties.

**Comm. Klein** wanted to know how the 114 potential units at the Hindu Temple site fits into the grand scheme of things as far as additional homes, when this area already has quite a few residential developments?

**Ms. Ryan** gave information on state housing laws to the Planning Commission. She stated that in the past, when staff calculated the potential sites, we have excluded residentially zoned properties that are currently occupied by places of worship with the exception of the ITR zoned sites that had POA on them. This would not be the only site that has POA on it that is zoned ITR, we have included those in projections of future growth. Even though we allowed POA there, we were using that as our way of demonstrating to the state that we have sufficient land zoned to accommodate our fair share of housing. In the current housing element we had a requirement for a seven and a half year planning period of about 3,500 housing units, in that time period we had about 2,600 housing units that were actually built. In this next seven and a half year cycle the allocation, currently in draft mode, the number is around 4,400 so the amount keeps increasing. State law says that when you rezone a property from residential to non-residential you have to make a finding that you can still meet your housing goal allocation. In the current housing element it shows this ITR site as a source for housing.

**Comm. Klein** wanted to know why the POA's located on Weddell were not included in this list. **Ms. Ryan** stated that those sites are located in an MS Zoning district and that this list only includes residential zoned sites.

**Chair Sulser** opened and closed the public hearing.

**Comm. Babcock** moved for Alternative 1.C. with an amendment that reads greater than 1.5 acres which **Comm. Babcock** believes will give us 11 sites and feels that this will give us a better balance through out the entire city. **Vice Chair Rowe** seconded the motion

**Comm. Babcock** said that this is something that has been studied for quite some time and thinks it's important that we maintain these pieces of land for POA. She would like to see the Places of Assembly spread through out the city and she feels the 1.5 acres will allow quite a few different alternatives.

**Trudi Ryan**, Planning Officer, reviewed the properties that are included in the 1.5 acres. **Ms. Ryan** stated that it would include properties 1-12 on the attachment D list. **Ms. Ryan** wanted to know if item number four on the attachment D list would be included.

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**Comm. Babcock** stated that she meant to exclude item number four. **Ms. Ryan** mentioned that there is a re-zone ordinance there and that the commission is making the finding that there are sufficient sites available to meet our regional housing need allocation. **Comm. Babcock** stated that she can make the finding and that there is more than sufficient opportunities available including the ones that we have already approved that were not in ITR.

**ACTION:** **Comm. Babcock** made a motion on 2007-0271 to move alternative 1.C. with an amendment to read greater than 1.5 acres. Vice Chair Rowe seconded. Motion carried unanimously 6-0.

**APPEAL OPTIONS:** This item is scheduled to be heard by the City Council on September 11, 2007.