

**PUBLIC HEARINGS/GENERAL BUSINESS**

2.        [18-0190](#)        **Proposed Project:**    General Plan Amendment Initiation request to study changing the General Plan from Public Facility (P-F) to Medium Density Residential.  
                                 **File #:** 2018-7040  
                                 **Location:** 1050 West Remington Drive (APN: 202-26-007)  
                                 **Zoning:** P-F  
                                 **Applicant / Owner:** Catalyst Development Partners (applicant) / Church of Christ of Sunnyvale (owner)  
                                 **Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).  
                                 **Project Planner:** Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Assistant Planner Aastha Vashist presented the staff report.

Commissioner Howe asked staff about the land survey completed by the applicant's surveyor. Planning Officer Andrew Miner explained that the survey, which lists the property acreage as 1.41 acres, is an opinion letter and not an independent survey.

Commissioner Howe confirmed with Planning Officer Miner that the County lists the property acreage as 1.6 acres.

Commissioner Howe asked staff if the County would have completed a survey. Planning Officer Miner stated that surveys are not always completed by the County

and that staff cannot determine if 1.41 or 1.6 acres is accurate.

Commissioner Howe asked how staff will determine the acreage. Planning Officer Miner stated that staff would require an official survey from a licensed surveyor. Commissioner Howe confirmed with Planning Officer Miner that any inherent assumptions would be included in the survey.

Commissioner Howe confirmed with Planning Officer Miner that the survey would include any land dedications, such as for road widening.

Commissioner Howard confirmed with Planning Officer Miner that a General Plan Amendment (GPA) would be funded by the applicant.

Vice Chair Weiss disclosed that she met with the applicant and the minister of the Church of Christ of Sunnyvale.

Vice Chair Weiss asked staff why an official survey was not already completed. Planning Officer Miner provided background about the timing of information provided by the applicant and the 2007 City Council policy on Public Facilities (PF) Zoning Districts. Planning Officer Miner explained that staff was initially unsupportive of the application until they received notice about the acreage discrepancy. Planning Officer Miner stated that the applicant must prove that the site is less than 1.5 acres with an official survey.

Vice Chair Weiss asked staff if there are other interested parties for this property. Planning Officer Miner commented on two potential interested parties and advised that the GPA would study the proposed project's impact on the availability of PF zoning designations.

Chair Rheume disclosed that he met with the applicant.

Commissioner Harrison asked staff how long it will take to complete and review the survey. Planning Officer Miner advised that the applicant can provide this information.

Commissioner Harrison confirmed the timing for a future GPA initiation application and the status of the fees paid by the applicant with Planning Officer Miner.

Chair Rheume opened the Public Hearing.

Todd Deutscher, president of Catalyst Development Partners, presented images and information about the proposed project.

Commissioner Harrison asked Mr. Deutscher if other offers have been made to purchase the property. Mr. Deutscher advised that they have not received any offers and stated an understanding that language in the church's deed prevents them from selling the property to other religious institutions.

Commissioner Howe confirmed with Planning Officer Miner that the property owners were notified in 2007 of the potential rezone to PF.

Commissioner Howe confirmed with Mr. Deutscher that the Church of Christ of Sunnyvale was operating in 2007.

Commissioner Simons asked staff why 1.5 acres was chosen as the PF threshold. Planning Officer Miner provided background about this decision. Commissioner Simons commented that it was based on a grouping of properties that were of a significant size for Places of Assembly (POA) use.

Vice Chair Weiss asked staff about the legality of restricting ownership of the property to other religious institutions. Senior Assistant City Attorney Rebecca Moon stated that it would be unlikely for such a deed restriction to be lawful but that the bylaws would need to be reviewed by City legal counsel.

Susan Englert, President of the Board of Trustees of the Unitarian Universalist Fellowship of Sunnyvale (UUFS), requested that the property's PF zoning be maintained and noted UUFS's interest in purchasing the property. Ms. Englert spoke to needs met by PF zoning.

Vice Chair Weiss confirmed with Ms. Englert that she visited the property site. Vice Chair Weiss noted the building's condition and associated required upgrades. Ms. Englert provided information about UUFS's financial capabilities.

Dean Chu, Sunnyvale resident, provided information about the City Council's 2007 decision on PF based on his experience as a Councilmember at the time, and requested that the property's zoning be maintained as PF.

Janet Werkman, Sunnyvale resident, discussed her concerns with the crisis of

affordability for housing and community organizations. Ms. Werkman asked that the PF criteria be reexamined to potentially rezone the smaller parcels currently used for POA.

Craig Salling, Sunnyvale resident, discussed his concerns with the redevelopment of PF to housing and requested that the property's zoning be maintained as PF.

Phil Nies, Sunnyvale resident, asked the Planning Commission to support Alternative 3. Mr. Nies commented on the 2007 City Council decision and the current need for PF.

Thomas Gates, Sunnyvale resident, discussed his questions and concerns with the proposed project's potential impact on traffic, parking, crime, property values and taxes.

Lilia Gates, Sunnyvale resident, asked why the proposed project is exempt from California Environmental Quality Act (CEQA) requirements.

Ginger Wolnik asked the Planning Commission to support Alternative 3 and commented on the need for PF. Ms. Wolnik noted the increasing land values and changing City demographics.

Margaret Lawson, Sunnyvale resident, spoke in support of retaining the PF designation and asked the Planning Commission to consider the City's history and the needs of future organizations.

Bob Lawson, Sunnyvale resident, spoke in opposition of rezoning the property. Mr. Lawson spoke to the need for PF and provided information about the 2007 City Council decision.

Tara Martin-Milius, Sunnyvale resident, requested that the PF designation be retained and spoke to the need for PF-zoned properties. Ms. Martin-Milius asked that the policy be reevaluated to protect all PF zoning. Ms. Martin-Milius commented that perhaps the City could have first refusal rights to purchase PF properties when offered for sale to use the property as a park, or other use.

Melinda Hamilton, Sunnyvale resident, spoke in opposition of rezoning the property. Ms. Hamilton spoke about the needs met by PF and commented on associated problems if PF are eliminated.

Mr. Deutscher presented additional information about the proposed project.

Commissioner Harrison clarified with Mr. Deutscher that the POA Usage Summary poll examines the availability of space offered by schools and the utilization frequency.

Chair Rheume closed the Public Hearing.

Commissioner Harrison asked staff if the potential reduction in the site's acreage was due to an increase in street size. Planning Officer Miner advised that staff cannot make a definitive determination.

Commissioner Howard asked staff for information about the GPA initiation process. Planning Officer Miner provided background about this process and the next steps.

Commissioner Howard asked staff about the legality of first refusal rights. Senior Assistant City Attorney Moon advised that it is unlikely to be legal but that eminent domain is an option.

Planning Officer Miner provided information to Chair Rheume about what the GPA study would likely examine.

Chair Rheume asked staff to clarify why they initially did not support the application. Planning Officer Miner stated that staff's understanding was that the site was 1.6 acres and thus over the threshold. Planning Officer Miner stated that the applicant must prove that the property is less than 1.5 acres.

MOTION: Commissioner Howe moved and Commissioner Harrison seconded the motion for Alternative 3 – Deny the request to initiate a General Plan Amendment (GPA) study and retain the land use designation for the subject property as Public Facilities.

Commissioner Howe stated an opinion that some sites should be saved for POA use as they are needed in the community. Commissioner Howe commented on the 2007 City Council policy.

Commissioner Harrison stated that the intent of the 2007 City Council policy was not to set the limit at 1.5 acres but to achieve a better balance in the City. Commissioner

Harrison stated an opinion that the policy was built on the premise of retaining POA use on parcels large enough to support that use.

Vice Chair Weiss commented on churches as neighborhood resources. Vice Chair Weiss stated that this is a difficult decision because the City has a housing shortage and the proposed project would provide four below market rate townhomes. Vice Chair Weiss stated that POA have become an endangered resource. Vice Chair Weiss stated the importance of the 2007 City Council policy and noted that the reason behind the decision was not the acreage. Vice Chair Weiss stated that she will be supporting the motion.

Commissioner Simons commented on the original zoning of churches in the City and the impetus for the zoning change in 2007. Commissioner Simons stated his concern over the current trend towards residential land use and noted his sensitivity towards spot zoning. Commissioner Simons commented on the 1.5-acre threshold as a function of the 11 properties which were rezoned. Commissioner Simons stated an opinion that PF zoning is not intended for one church to hold on to a property indefinitely. Commissioner Simons stated that a GPA initiation would postpone a logical future transfer of this property to another PF use. Commissioner Simons stated that he will support the motion.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson commented on available PF in the City and that PF will be lost if rezoned, due to the current price of land. Commissioner Olevson stated an opinion that there is no reason to consider changing the current designation. Commissioner Olevson stated his appreciation of the current owner's desire to maximize their assets but that from a land use perspective the PF zoning should remain.

Commissioner Howard stated that the City needs more housing but that the placement should be strategic and this is not the best location. Commissioner Howard stated that in this case a study doesn't make sense and would not be good use of staff time. Commissioner Howard commented on the increased need for space as the City's population grows and changes occur in religious denominations. Commissioner Howard stated that he will be supporting the motion.

Chair Rheaume stated that this is a difficult decision. Chair Rheaume commented on the need for housing but also the need for services provided by POA. Chair Rheaume noted that it is pertinent to conduct a study before deciding that PF zoning is more important than housing. Chair Rheaume stated that he will not be supporting

the motion.

The motion carried by the following vote:

**Yes:** 6 - Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Howe  
Commissioner Olevson  
Commissioner Simons

**No:** 1 - Chair Rheaume

Planning Officer Miner advised that this item the City Council on goes to May 8, 2018.