



# City of Sunnyvale

## Meeting Minutes - Final Planning Commission

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Monday, April 9, 2018

6:00 PM

Council Chambers and West Conference  
Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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Special Meeting - Study Session - 6:00 PM | Special Meeting - Public Hearing 7 PM

### **6 P.M. STUDY SESSION**

Call to Order in the West Conference Room

Roll Call

Study Session

A. [18-0321](#) California Housing Laws Overview

Public Comment on Study Session Agenda Items

Adjourn Study Session

### **7 P.M. PLANNING COMMISSION MEETING**

#### **CALL TO ORDER**

Chair Rheaume called the meeting to order at 7:07 PM in the Council Chambers.

#### **SALUTE TO THE FLAG**

Chair Rheaume led the salute to the flag.

#### **ROLL CALL**

**Present:** 7 - Chair Ken Rheaume  
Vice Chair Carol Weiss  
Commissioner Sue Harrison  
Commissioner Daniel Howard  
Commissioner John Howe  
Commissioner Ken Olevson  
Commissioner David Simons

#### **ORAL COMMUNICATIONS**

**CONSENT CALENDAR**

Commissioner Howe moved and Vice Chair Weiss seconded the motion to approve the Consent Calendar. The motion carried by the following vote:

**Yes: 7 -** Chair Rheume  
Vice Chair Weiss  
Commissioner Harrison  
Commissioner Howard  
Commissioner Howe  
Commissioner Olevson  
Commissioner Simons

**No: 0**

**1.A**      [18-0317](#)      Approve Planning Commission Meeting Minutes of March 26, 2018

**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](mailto: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 Rheaume 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 Rheaume about what the GPA study would likely examine.

Chair Rheaume 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 Rheame stated that this is a difficult decision. Chair Rheame commented on the need for housing but also the need for services provided by POA. Chair Rheame noted that it is pertinent to conduct a study before deciding that PF zoning is more important than housing. Chair Rheame 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 Rheume

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

3.      [18-0183](#)      **Proposed Project:**    A request for a Downtown Specific Plan Amendment Initiation to study changes to the development intensities and standards for Block 20 of the Downtown Specific Plan to increase the number of allowable residential units, an increase to the square footage of office allowed, and an increase in building height to allow up to five stories.  
**File #:** 2018-7034  
**Location:** 510 and 528 S. Mathilda Ave. (APNs: 209-29-060 and 061) and 562 and 566 S. Mathilda Ave. (APNs: 209-29-057 and 067)  
**Zoning:** DSP (Block 20)  
**Applicant / Owner:** SiliconSage Builders, LLC (applicant and owner 562 and 566 S. Mathilda Ave.) and Shawn Karimi (applicant and owner 510 and 528 S. Mathilda Ave.)  
**Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a).  
**Project Planner:** Cindy Hom, (408) 730-7411, [chom@sunnyvale.ca.gov](mailto:chom@sunnyvale.ca.gov)

Chair Rheume recused himself due to the proximity of his home to the proposed project.

Associate Planner Cindy Hom presented the staff report.

Commissioner Simons asked staff about improvements to the walkability and pedestrian feel of the public sidewalk in relation to a building's first floor. Associate Planner Hom advised that the Specific Plan Initiation (SPI) would study revised



development standards and an appropriate streetscape. Commissioner Simons confirmed with Planning Officer Andrew Miner that language can be added to that effect.

Commissioner Howe commented on the increase in building heights in the Downtown Specific Plan (DSP) and asked staff if the maximum heights are equivalent on both sides of the street. Planning Officer Miner advised staff that will look up this information.

Vice Chair Weiss opened the Public Hearing.

Sanjeev Acharya, representing SiliconSage Builders, LLC, presented information about the proposed project at 562 and 566 S. Mathilda Avenue.

Commissioner Simons confirmed with Mr. Acharya that they are amenable to work with staff on improvements to the first-floor architecture and shade plan.

Commissioner Harrison confirmed with Mr. Acharya that the existing Mezzetta office building would be demolished.

Shawn Karimi, representing Sunnyvale Imaging Center, presented information about the proposed project at 510 and 528 S. Mathilda Avenue.

Bill Weaver, Sunnyvale resident, spoke in opposition to the request for increased building height to allow up to five stories. Mr. Weaver requested that no additional residential or commercial square footage be added and that parking be increased if these additions are made.

Planning Officer Miner returned to Commissioner Howe's question and provided information about Downtown building height maximums. Commissioner Howe clarified with Planning Officer Miner that the requested building heights would match what is currently allowed on the adjacent block along Mathilda Avenue.

Apurva Samudra, Sunnyvale resident, spoke in opposition to the request for increased building height to allow up to five stories and additional office space. Mr. Samudra commented on existing residential complexes, parking issues and the potential impact on quality of life.

Melinda Hamilton, Sunnyvale resident, spoke in support of the staff

recommendation, especially the limit on building heights. Ms. Hamilton commented on the adjacent residential uses, building heights in Downtown and the need for pedestrian friendly streetscapes.

Anthony Ho stated an opinion that to accommodate 65 dwelling units per acre the proposed project will need four floors or more and a building height above 40 feet.

Anne Langer, Sunnyvale resident, requested that the building height limit not be increased for the proposed project.

Sonal Gupta, Sunnyvale resident, spoke in opposition to the request for increased building height to allow up to five stories and stated that it would negatively impact the quality of life. Ms. Gupta commented that an increase in office space will impact the walkability of Downtown.

Laurel Ashcraft, Sunnyvale resident, spoke in opposition to the request for increased building height to allow up to five stories. Ms. Ashcraft discussed her concerns regarding traffic safety in the Taaffe neighborhood.

Mr. Acharya presented additional information about the proposed project at 562 and 566 S. Mathilda Avenue.

Commissioner Howard asked what proportion of employees currently use public transportation for their commute. Mr. Acharya provided information about current parking availability and estimated that 50% of employees use personal cars for their commute.

Mr. Karimi presented additional information about the proposed project at 510 and 528 S. Mathilda Avenue.

Vice Chair Weiss closed the Public Hearing.

Commissioner Howard confirmed with Senior Assistant City Attorney Rebecca Moon that the applicant could leverage density bonuses to attain an increased building height.

Commissioner Howard confirmed the SPI study process and next steps with Senior Assistant City Attorney Moon.

Commissioner Harrison commented on the proposed 65 dwelling units per acre with a 3-story height limit and asked staff how 75% of the maximum number of units will be met. Planning Officer Miner explained that the density would be addressed in conjunction with the building height as part of the Downtown Specific Plan (DSP) amendment and that the maximum would be 65 dwelling units per acre.

MOTION: Commissioner Howe moved and Commissioner Simons seconded the motion for Alternative 2 – Alternative 1, with modifications, such as applicants' requests for additional height or that the land uses to be studied would only apply to their properties –

Concurrently, study improvements to the first-floor architecture, first-floor retail, pedestrian shading plan and proposed sidewalk widths.

Commissioner Simons commented on the potential need for engineered fill tree wells and that genetic estate sized trees should be planted to provide enough shade. Commissioner Simons noted that the pedestrian view will be enhanced by improving the architectural details.

Commissioner Olevson stated that he will be supporting the motion. Commissioner Olevson commented on Downtown changes over time and noted his appreciation of incrementally studying the perimeter of the project to ensure compatibility and optimum use.

Commissioner Howard stated that he will be supporting the motion and that this project moves the City in the right direction by providing housing. Commissioner Howard noted that he would be open to studying a 50-foot height limit if it could be achieved while respecting the adjacent heritage district.

Commissioner Harrison stated that she will be supporting the motion. Commissioner Harrison commented that the block to the north of the proposed project is limited to three stories and that it would be illogical to have a building height increase away from the central highest point.

Vice Chair Weiss stated that she will be supporting the motion, especially with the building height limitation. Vice Chair Weiss stated an opinion that a building height of five or six stories would severely impact the historic district, which is central to Downtown Sunnyvale.

The motion carried by the following vote:

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

**No: 0**

**Recused: 1 -** Chair Rheume

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

#### **STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

Commissioner Simons and Commissioner Olevson discussed information regarding the need for commissioners to be issued City e-mail addresses as presented at the Planning Commissioners Academy.

Vice Chair Weiss asked staff about the possibility of a study issue to protect all properties zoned PF regardless of acreage. Planning Officer Miner stated that it would be an appropriate study issue. Senior Assistant City Attorney Moon advised that the City could not implement first rights of refusal but that eminent domain is a potential option. Planning Officer Miner advised that staff will present a write up at a future Planning Commission meeting.

#### **NON-AGENDA ITEMS AND COMMENTS**

##### **-Commissioner Comments**

Vice Chair Weiss noted her concerns that the Church of Christ of Sunnyvale is unable to sell their property to another religious denomination. Senior Assistant City Attorney Moon stated that a deed restriction for this purpose is likely invalid and that the church should seek their own legal counsel.

##### **-Staff Comments**

#### **ADJOURNMENT**

Chair Rheume adjourned the meeting at 9:52 PM.