



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 18-0779, Version: 1

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

**Proposed Project:** General Plan Amendment Initiation request to study changing the General Plan designation for a portion of the site from Public Facility (P-F) to Medium Density Residential.

**Location:** 1050 West Remington Drive (APN: 202-26-007)

**File #:** 2018-7569

**Zoning:** P-F

**Applicant / Owner:** Catalyst Development Partners LLC (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)

#### BACKGROUND

A study was conducted in 2007 (RTC No. 2007-0271) to consider whether to preserve properties with place of assembly uses by rezoning those properties to the Public Facility (P-F) zoning district if they met specific size, location and site specific considerations. The Zoning Code defines:

*“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. Sunnyvale Municipal Code (SMC) Section 19.12.170*

The City Council study and rezoning ordinance was adopted on September 28, 2007 with the aim of preserving locational opportunities for place of assembly uses on sites that are compatible with their neighborhood. Council approved the Planning Commission and staff recommendation and rezoned eleven residentially-zoned properties, all 1.5 acres or greater in size (including the subject property) to the Public Facilities zoning district. As part of the adoption of the Land Use and Transportation Chapter of the General Plan in 2017, the General Plan land use map designation for these sites was changed to Public Facility.

A General Plan Amendment Initiation request was submitted by the applicant earlier this year (2018-7050) requesting to change the General Plan designation of the entire site from Public Facility (P-F)

to Medium Density Residential. The Planning Commission considered the item on April 9, 2018 and voted 6-1 to recommend denying the request to initiate a General Plan Amendment (GPA) study and retain the land use designation for the subject property as Public Facilities. Twelve residents spoke against the proposed project (see Attachment 13). The applicant withdrew the application prior to the scheduled City Council hearing. The applicant has since revised the request to change the General Plan designation of half of the property to Medium Density Residential, while retaining the other half of the site, near the West Remington and Lime Drive intersection, as Public Facilities.

Refer to Attachment 7 for the rezoning study Report to Council and Attachment 8 for the rezoning ordinance.

## **PROCESS**

General Plan Amendment Initiation (GPI) requests are heard on a quarterly basis through a recommendation from the Planning Commission and then action by the City Council. The process for considering a General Plan amendment begins with a written request from a property owner or applicant. If City Council approves the GPI, a formal application for a General Plan Amendment (GPA) can be filed by the property owner/applicant. While staff is processing the GPA application, the applicant may also file a project application and related items as applicable for concurrent processing. However, the City Council would need to approve the GPA and related rezoning before a project could be scheduled for a Planning Commission hearing.

Staff received a second GPI request from the applicant on July 18, 2018 requesting to change the General Plan designation for a portion of the corner lot (at Remington and Lime) from Public Facility (P-F) to Medium Density Residential (RMED) that would allow residential development at a maximum of 24 dwelling units per acre. The applicant indicates that the site is 1.41 acres; however, the City and County records suggest the site is 1.61 acres. For purposes of discussion about the GPI, the applicant has submitted a site plan that shows conceptually how 16 three-story townhomes could be designed at a density of 24 dwelling units per acre (if the site is 1.41 acres). Half of the site (0.71 acres) is proposed for residential use and other half (0.71 acres) is proposed to be retained for Public Facilities uses. Refer to Attachment 2 for the applicant's letter and Attachment 3 for the conceptual site plan. Attachment 12 is a letter from the applicant's engineer concluding that the property acreage is approximately 1.41 acres. An engineering survey was not completed.

The City Council is scheduled to consider this item on November 13, 2018.

## **EXISTING POLICY**

The General Plan is the primary policy plan that guides the physical development of the City. When used together with a larger body of City Council policies, it provides direction for decision-making on City services and resources. The recently adopted Land Use and Transportation Chapter within the General Plan created an integrated set of policies to guide land use, development, and transportation choices with a horizon year of 2035.

## **COMMUNITY VISION CHAPTER**

**Goal I. Long-Range Planning-** To engage in long-range physical, fiscal and economic development planning so as to create and sustain an outstanding quality of life in a community with appropriate balances between jobs and residences, development and supporting infrastructure, and the demand for services and the fiscal ability to provide them.

## **LAND USE AND TRANSPORTATION CHAPTER**

**Goal LT-1: Coordinated Regional and Local Planning-** Protect the quality of life, the natural environment, and property investment, preserve home rule, secure fair share of funding, and provide leadership in the region.

*POLICY LT-1.3: Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.*

**Goal LT-7: Diverse Housing Opportunities-** Ensure the availability of ownership and rental housing options with a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the health of the community

*POLICY LT-7.3: Encourage the development of housing options with the goal that the majority of housing is owner-occupied.*

**Goal LT-11: Supportive Economic Development Environment-** Facilitate an economic development environment that supports a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

*POLICY LT-11.2: Support a full spectrum of conveniently located commercial, mixed-use, public, and quasi-public uses that add to the positive image of the community.*

**Goal LT-14: Special and Unique Land Uses to Create a Diverse and Complete Community-** Provide land use and design guidance so that special and unique areas and land uses can fulfill their distinctive purposes and provide a diverse and complete community fabric.

*POLICY LT-14.9: Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions, schools, hospitals, large medical clinics) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure they do not have a negative effect on the surrounding area.*

*POLICY LT-14.11: Maintain and promote conveniently located public and quasi-public uses and services that enhance neighborhood cohesiveness and provide social and recreational opportunities.*

## **ENVIRONMENTAL REVIEW**

The decision to initiate a General Plan Amendment study does not require environmental review under the California Environmental Quality Act (CEQA) because the mere initiation of a study does not constitute a project under CEQA pursuant to CEQA Guidelines Section 15378 (a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. If initiated, the proposed GPA and associated Rezoning (RZ) would be subject to the provisions of CEQA.

## **DISCUSSION**

The applicant's request is to amend the General Plan designation for the east half of the site from Public Facilities to Medium Density Residential and retain the other half (street corner side) as Public Facilities (refer to Attachments 2 and 3). The City Council may approve a General Plan Amendment upon finding that the amendment, as proposed, changed, or modified is deemed to be in the public interest.

The subject site is bounded by West Remington Avenue to the north, Lime Drive to the west and Rockefeller Drive to the south and currently operates as a religious use. It is immediately bordered to the east by the Parkwood Apartments, an 80-unit multi-family residential complex. The surrounding land uses are summarized in Table 1 below:

Direction	Existing Uses	Zoning	General Plan Designation
<b>North</b> (across Remington)	Single-Family houses	R-0	Low Density Residential (RLO)
<b>North</b> (across Remington)	Sunnyvale Middle School	P-F	Public Facilities (PF)
<b>South</b> (across Rockefeller)	De Anza Park & Stratford School	P-F	Public Facilities (PF)
<b>West</b> (across Lime)	Single-Family houses	R-1	Low Density Residential (RLO)
<b>East</b> (adjacent)	Multi-Family housing	R-3	Medium Density Residential (RMED)

The applicant considers medium density residential as the best use of the property because the proposed density and use would be consistent with properties to the east in the same block. The project would have limited traffic impact, while also generating additional housing for the City. Refer to Attachment 2 for the applicant's GPI request letter.

The applicant has indicated a desire to pursue a residential development at R-3 density, which will allow up to 24 dwelling units per acre. A conceptual project proposal was submitted with the GPI application to illustrate the request (Attachment 3).

#### Property Size

The applicant estimated the subject property as 1.41 acres in size; however, City and County records suggest it is 1.61 acres. A review of the site dimensions in the Assessor's parcel map and the letter from the applicant's engineer (Attachment 11) suggests that the site is approximately 1.41 acres, which is less than the 2007 1.5-acre threshold used in qualifying residentially zoned sites to be rezoned to P-F. The letter is an opinion and not a final surveyor's calculation of lot area.

#### Proposed Split to Residential and Public Facilities

The applicant requests to change the General Plan Designation for the eastern half portion of the property, located adjacent to a multi-family development into Medium Density Residential. The conversion would allow 16 to 19 dwelling units on the site, while still preserving the other half of the site (0.71 to 0.80 acres) for Public Facilities uses. The proposal promotes the City's General Plan Policy of encouraging a diversity of residential development in Sunnyvale and preserving Public Facilities within a residential zoning district.

Maintaining the corner site for a community-serving place of assembly would be a compatible use with the surrounding residential neighborhood. The applicant's conceptual site plan shows a 6,000-square foot two-story building with on-site surface parking.

The Public Facilities (P-F) zoning district has no minimum requirement for the lot size and width, and no maximum requirements for Floor Area Ratio and number of stories. Nevertheless, P-F zoned lots should meet the building height, setbacks and lot coverage standards for the most restrictive abutting zoning district.

The General Plan currently designates the entire site as Public Facilities which provides for public and quasi-public services such as parks, schools, places of assembly, child-care facilities, civic facilities, and public works facilities. Public facility uses are crucial to the education, recreation, and operation of the community. The General Plan identifies preserving adequate land area for these spaces as a high priority and states that a change of a public facility designation to another nonpublic designation should only be considered when adequate facilities or resources are available to serve the community. A Complete Community is referenced in the Community Vision Chapter of the General Plan as a place to live, work, and play; it is further described in the Citywide Vision Goals:

*A complete community provides its residents not only employment opportunities to realize income, but also leisure activities to stimulate the mind, body and spirit.*

Currently, there are 22 Public-Facilities designated sites owned by religious institutes in residential neighborhoods in Sunnyvale with a total of 60.8-acres. Thirteen of these sites exceed 1.5 acres.

The subject property is located between low density and medium density zoning districts that comprise a residential neighborhood. While the existing religious use may no longer be feasible in this location, it does not preclude other assembly uses such as another church, community serving use or a child care facility to be on the property. The City has conducted several studies in past years and confirmed the need for adequate sites for Place of Assembly uses and has determined that they are desirable and compatible uses with residential neighborhoods.

Child care and pre-school uses are also appropriate uses in the P-F zone (see Attachment 10 for list of uses permitted, conditionally permitted or not permitted in the P-F zoning district), and within the past year, staff has received preliminary review and formal applications for child care and pre-school facilities on sites less compatible for that use, such as on El Camino Real, in the middle of a single-family residential area, and near industrial uses. There is clearly an interest in the community for more child care facilities, and the subject site could be a well-located site for that use. A child care/pre-school use requires a Use Permit to operate in the P-F zoning district.

#### *Guidelines for Commercial Child Care Centers*

The City has also undertaken number of steps to encourage and promote child care facilities in Sunnyvale including amending various sections of the SMC in 2015. The Guidelines for Commercial Child Care Centers, which were also adopted by the City Council in 2015, identify the Public Facilities district as the most compatible areas for child care since it is reserved for the use and occupancy of educational buildings and facilities and other uses compatible with the public character of the district (Attachment 9). In addition, as noted earlier, there are specific General Plan policies that support the preservation and continuation of the public and quasi-public uses on this site.

#### **Residential Options to Consider**

Based on the existing land use patterns and General Plan goals and policies, there are several GPI study options, including studying conversion of a portion or the entire site to medium density residential (an R-3 zoning designation) as initially proposed by the applicant, or study alternatives

such as low-density designations (R-0 & R-1 zoning) or a low-medium density residential designation (R-1.7/PD, R-1.5 and R-2 zoning), or maintaining the Public Facilities zoning designation for the entire site.

The following densities and number of dwelling units would be allowed for each Low, Low Medium, and Medium residential zoning designation for a half of the site, as requested by the applicant, and the entire site. The range of units reflects the two different numbers for lot size (1.41 acres and 1.61 acres).

Zoning District	Max. Units/Acre	Units Allowed (for half of the site)	Units Allowed (for entire site)
R-0 (low density)	7	5	10-11
R-1 (low density)	7	5	10-11
R-1.5 (low-medium)	10	7-8	14-16
R-1.7/PD (low-medium)	14	11-13	23-26
R-2 (low-medium)	12	8-9	17-19
R-3 (medium)	24	17-19	34-38

#### *Medium Density Residential*

Townhomes, apartments, and condominiums are typical within the Medium Density Residential General Plan designation. Medium density neighborhoods and developments are appropriate along arterials and residential collector streets, and may also be located near industrial or commercial areas. The subject site is bordered on the east by properties with Residential Medium Density (see Attachment 5 and 6).

If the site is found suitable for residential use, the R-3 zoning designation can be considered with a potential of 17-19 dwelling units (depending on the actual size of the property).

#### *Low-Medium Density Residential*

The Low-Medium density is also a reasonable transition between the Medium density residential on the east and the Low density residential area to the north and west. There are three zoning districts under the Low-medium density residential general plan designation: R-1.5, R-1.7/PD, and R-2. The Low-Medium Residential General Plan designation supports small lot single-family, duplex, and smaller multi-family neighborhoods, designed around parks or schools, and located along neighborhood streets or residential collector streets. The R-2 district is often thought of as a duplex district but can also result in small lot single-family homes, and lower density townhouse developments.

#### *Low Density Residential*

This designation primarily preserves existing single-family neighborhoods designed around parks or schools and located along neighborhood streets or residential collector streets. The corresponding zoning districts are R-0 and R-1. The areas north and west of the subject site have the Low Density Residential General Plan designation and are zoned R-0 and R-1, respectfully.

## **FISCAL IMPACT**

There are no fiscal impacts associated with initiating a General Plan Amendment study. All fees and costs for the development processing, related special studies and CEQA analysis would be covered by the applicant.

## **PUBLIC CONTACT**

### **Notice of Public Hearing**

- Published in the Sun newspaper
- Posted on the site
- 260 notices mailed to property owners and residents within 300 feet of the project site

See Attachment 1 for a map of the vicinity and mailing area.

### **Staff Report**

- Posted on the City's website
- Provided at the Reference Section of the City's Public Library

### **Agenda**

- Posted on the City's official notice bulletin board
- Posted on the City's website

**Public Contact:** Staff has not received any correspondence or phone call from neighbors at the time of writing of this report.

## **ALTERNATIVES**

Recommend to City Council:

1. Initiate the GPA study to analyze changing the land use designation for a half of the site from Public Facilities to Medium Density Residential and retaining the other half as Public Facilities, as requested by the applicant.
2. Initiate the GPA study to analyze changing the land use designation for a half of the site from Public Facilities to a range of Low Density to Low-Medium Density Residential and retaining the other half as Public Facilities.
3. Initiate the GPA study to analyze changing the land use designation for the entire site from Public Facilities to Medium Density Residential
4. Initiate the GPA study to analyze changing the land use designation for the entire site from Public Facilities to a range of Low Density to Low-Medium Density Residential.
5. Deny request to initiate a General Plan Amendment (GPA) study and retain the land use designation for the subject property as Public Facilities.

## **STAFF RECOMMENDATION**

Recommend to City Council, Alternative 1: Initiate the GPA study to analyze changing the land use designation for a half of the site from Public Facilities to Medium Density Residential and retaining the other half as Public Facilities, as requested by the applicant.

Conversion of half of the site to residential use and retention of the other half for Public Facilities use provides a reasonable balance between the goals of addressing the City's need for additional

housing and retaining an appropriately located, developable sized lot for community serving uses. The City has policies supporting both residential uses and Places of Assembly uses in the community, recent City studies as well as follow up rezoning and General Plan designation actions demonstrate the City's strong commitment to community-serving uses like churches and child care centers in residential areas.

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Reviewed by: Andrew Miner, Planning Officer

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

## **ATTACHMENTS**

1. *Not used, reserved for Report to City Council*
2. Applicant's GPI request Letter
3. Applicant's Conceptual Site Plan
4. Vicinity and Noticing Map
5. General Plan Map of site and vicinity
6. Zoning Map of site and vicinity
7. Report to City Council - September 11, 2007
8. Ordinance 2846-07 dated September 28, 2007
9. Guidelines for Commercial Child Care Centers adopted August 2015
10. Use Table for PF zoning district
11. Existing Religious Institute sites in Residential neighborhoods
12. MacKay & Soms (Engineers), Acreage Review dated March 26, 2018
13. Excerpt of Planning Commission Hearing minutes- April 9, 2018
14. Site Survey dated October 2018