

PLANNING COMMISSION MINUTES OF JULY 12, 2010

2010-7150 - Rezone Study Extending Place of Assembly Zoning to Properties along Mathilda Avenue in Peery Park – AM

Andrew Miner, Principal Planner, presented the staff report. He said staff recommends the rezoning of three properties along Mathilda Avenue as shown in the Draft Ordinance in Attachment D.

Comm. Sulser asked staff whether more Place of Assembly (POA) zoned land is necessary in light of the land already rezoned to POA. He discussed with staff the sizes of existing and potential POA parcels and the different types of uses that would be appropriate in a POA zone. He discussed with staff the neighboring Maxim site. Comm. Sulser asked about the staff recommendation and why staff is not recommending parcel number 9 on Indio Way. Mr. Miner discussed various sites being considered as potential POA sites and the concern of compatibility with existing uses. He said the City does not want to affect opportunities for industrial by introducing “sensitive receptors”. Comm. Sulser commented that he is concerned about the irregular border to the POA sites.

Trudi Ryan, Planning Officer, said staff is looking at protecting the long-term use of the certain parcels and that the recommendation is based on the lots that front Mathilda Avenue.

Comm. Hendricks asked whether nearby Business would face restriction if the City rezones certain parcels POA. Mr. Miner said that the City wants a balance, allowing POA opportunities while not infringing on the industrial purposes. Mr. Miner discussed some of the requirements placed on POAs, including a hazardous safety plan. Ms. Ryan said that the POA rezoning does not change the zoning requirements for industrial, however industrial user’s insurance or reporting requirements to State agencies could be affected. Comm. Hendricks said that one of the options staff provided is to take no action until the Peery Park Specific Plan is completed asking staff what that timeframe is for the plan. Mr. Miner said the plan is on hold due to budget constraints. Comm. Hendricks asked if staff sees any major problem with recommending waiting for the Peery Park study to occur. Ms. Ryan said no, that not making any changes at this time is also a valid perspective.

Comm. Larsson referred to Attachment C and discussed with staff the acreage related to POAs. He said it appears POA zoning was introduced near the end of 2006 and asked staff how much of the acreage was already being used for POAs at that time. Staff said that before the POA zoning in 2006, excluding Peery Park, there was originally 14.6 acres of property with that use on in it, and now there is 19.82 acres of property with that use on them, showing the POA zoned areas are being filled up fairly slowly.

Comm. Dohadwala referred to the maps in the report and discussed with staff the POA information availability to the public. Mr. Miner discussed the process for applying for a Use Permit. Ms. Ryan commented that Sunnyvale has approximately 200 acres zoned for POA and this study is to consider adding properties in the Mathilda Avenue area.

Chair Chang opened the public hearing.

Roberta Meneken, a Sunnyvale resident, spoke in opposition of the rezone. She read statements from the report supporting the position of taking no action and asked whether anymore POA zoned areas were needed. She asked the Planning Commission to take no action and do nothing to change the current zoning of the properties on Mathilda between Maude and Central Expressway. She agreed that the City should avoid making any land use decisions for property that will ultimately be part of a Peery Park Specific Plan and said she would like to have the City look for other revenue producing projects to use our tax dollars and time.

Chair Chang closed the public hearing.

Comm. Larsson asked staff if all POA uses are tax exempt. Staff said that just some of the uses are tax exempt.

Comm. Hendricks moved for Alternative 3 to recommend to City Council to take no action and do not change the zoning of the property until the Peery Park Specific Plan is complete. **Vice Chair Travis seconded the motion.**

Comm. Hendricks said that he does not see the need for adding the POA sites at this time and that there does not seem to be any harm in waiting for the Peery Park Specific Plan to be completed.

Vice Chair Travis said Comm. Hendricks made good points. Vice Chair Travis said that he often thinks that industrial-zoned land gets the short end of the stick and with the current amount of POA zoned land available that he does not see any reason to rush to rezone the additional acres.

Comm. Hungerford said he would be supporting the motion though he has gone back and forth on whether to recommend rezoning. He said considering the report and the public testimony, he thinks it would be better to look at this issue as a whole when the Peery Park Specific Plan is completed.

Comm. Susler said he would not be supporting the motion as he would prefer to move forward with the rezoning as we do not know when the Peery Park study is going to happen. He said he thinks it is appropriate for the proposed area to have

transitional uses. Comm. Sulser said there are not many POAs on the northwest side of Sunnyvale and he is reluctant to leave Trinity Church orphaned.

Comm. Larsson said he was on the fence with this decision and has decided not to support the motion. He said he would prefer to examine the zoning in the context of the entire Peery Park, however he is not sure if it will happen in the near future, there are already two POA properties in the area, and he would like to recommend moving forward with the rezoning.

Chair Chang said this is a challenging decision, as Mathilda Avenue is a main venue for Sunnyvale, and there is already a POA in this area near the industrial uses. He said the City needs to look at every source of opportunity and consider the organizations that want to make Sunnyvale their home. He said he would not be supporting the motion.

ACTION: Comm. Hendricks made a motion on 2010-7150 to recommend to City Council: take no action and do not change the zoning of the property. Vice Chair Travis seconded. Motion carried 4-3, with Chair Chang, Comm. Larsson, and Comm. Sulser dissenting.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at their meeting of July 27, 2010.