



# City of Sunnyvale

## Agenda Item

18-0887

Agenda Date: 12/10/2018

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

##### **Proposed Project:**

**PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT:** to consider a high school for 400 students (Summit School). The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

**File #:** 2017-7986

**Location:** 824 San Aleso Avenue (APN: 204-02-006)

**Applicant / Owner:** Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)

**Environmental Review:** The project is exempt from additional CEQA review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

**Project Planner:** Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

#### REPORT IN BRIEF

**General Plan:** Peery Park (PP)

**Zoning:** Peery Park Specific Plan (PPSP)

**Subdistrict:** Neighborhood Transition (NT)

**Existing Site Conditions:** One-story industrial building

#### **Surrounding Land Uses**

**North:** Apartment complex in High Density Residential Zoning (R4)

**South:** Multi-family residences (entitlement approved) in PPSP Neighborhood Transition Zoning

**East:** Single-family residences in Low Density Residential Zoning (R0)

**West:** Industrial office building, motel, and apartment complex in PPSP Mixed Commercial Edge

**Issues:** Neighborhood compatibility and parking

**Staff Recommendation:** Recommend that the Planning Commission deny the Peery Park Specific Plan Conditional Use Permit.

#### BACKGROUND

##### Description of Proposed Project

Summit Public School, a public charter school, proposes to locate a high school for up to 400 students grades 9<sup>th</sup> through 12<sup>th</sup> at 824 San Aleso Avenue. Summit School currently operates two

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schools in Sunnyvale:

- Summit Denali Middle School at 539 East Weddell Drive (Use Permit # 2015-7936) for 6<sup>th</sup> through 8<sup>th</sup> grade students; and,
- Summit Denali High School at 195 Leota Avenue (Miscellaneous Plan Permit # 2018-7420), the former St. Cyprian School, for 9<sup>th</sup> through 11<sup>th</sup> grade students. This is a temporary facility during the consideration of the subject San Aleso Avenue permanent school application.

The subject San Aleso Avenue application proposes to modify an existing 27,012-square foot industrial building for an educational use. The following interior improvements are proposed:

- Removal of a mezzanine level
- Demolition of all interior walls
- Replacement of the roof
- Interior remodel and tenant improvement
- Associated upgrades to structural, mechanical, fire safety, plumbing, electrical, ADA compliance, and other building needs.

The exterior improvements include:

- Exterior and architectural finishes
- Grading and paving
- Striping of on-site drop-off and pick-up driveway
- Mechanical lift parking structure construction
- Addition of bicycle parking
- Parking lot reconfiguration
- Utility upgrades
- Stormwater management
- Solid waste enclosure construction
- Landscaping
- Offsite improvements

**Peery Park Specific Plan Conditional Use Permit:** A Peery Park Specific Plan Conditional Use Permit (PPCUP) is required for the proposed use and site and architectural review. The PPSP-NT zoning defers to the Sunnyvale Municipal Code R-3 (Medium Density Residential) zoning for use and development standards. A high school use requires a Use Permit approval at a public hearing. The project also includes a request for an adjustment to the minimum parking requirements in order to provide 69 parking spaces, inclusive of the 22 parking spaces provided within a mechanical lift parking structure, where the City's standard requirement would be 100 parking spaces.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

### **Previous Actions on the Site**

The project site was once an orchard and was developed with the existing industrial tilt-up building in 1960. The site has been continuously used to manufacture ceramic components of communication and guidance systems since 1984.

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## **EXISTING POLICY**

The project site is subject to the purpose, intent and policies of the PPSP adopted by the Sunnyvale City Council on September 20, 2016. The PPSP includes guiding principles, district policies and a design framework. Projects in the PPSP are subject to a Plan-specific development code, design guidelines and an implementation plan.

The purpose of the PPSP is to guide both private and public investment activities in the Plan area, and to support and promote the type of investment that will enhance the beauty and vitality of this major Sunnyvale workplace district.

## **ENVIRONMENTAL REVIEW**

A Program-level Environmental Impact Report (EIR) was prepared for the PPSP which identifies potential impacts resulting from the proposed development intensities in the PPSP. Certification of the EIR included a Mitigation Monitoring and Reporting Program (MMRP) with provisions to reduce the potentially significant impacts to a less than significant level, although some impacts will remain significant and unavoidable after mitigation. A Statement of Overriding Considerations was adopted in conjunction with the General Plan Amendment and the PPSP in acknowledgment of the presence of the remaining significant and unavoidable impacts. The adopted Statement of Overriding Considerations is deemed by the certification of the EIR to be applicable to subsequent projects that are consistent with or that implement the PPSP's goals and objectives. As the lead agency, the City of Sunnyvale implements the adopted MMRP for each subsequent project that includes the approved mitigation measures of the EIR.

The project is within the scope of the PPSP Program EIR and is therefore exempt from additional CEQA review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168(c) (2) and (4) and Public Resources Code Section 21094(c). The City has completed a checklist and determined that no new anticipated environmental impacts will occur and no new mitigation measures are required (Attachment 5). The Program EIR MMRP has been included as applicable for this project (Attachment 6). The Peery Park Specific Plan EIR is available for review on the Peery Park Specific Plan project webpage and a link has been provided as Attachment 8.

## **DISCUSSION**

### **Present Site Conditions**

The 27,012-square foot building on 1.5 acres is currently utilized by Pacific Ceramics for ceramics manufacturing. The project site is located mid-block on the east side on San Aleso Avenue. The existing building has a paved parking lot in the front and rear (east and west) of the building with a 20-foot wide drive aisle access to the rear on the south side. There are two driveways on San Aleso Avenue. The site plan can be seen in Attachment 9.

The site is surrounded by existing multi-family residential (Ahwanee Garden Apartments) to the north, single family residences to the east, an approved multi-family townhouse development to the south, and a mix of commercial, industrial, motel, and multi-family uses to the west.

### **Peery Park Specific Plan Conditional Use Permit**

#### **Use:**

Summit Public School is an established public charter school with eight schools in the Bay Area and three schools in Washington. The school emphasizes college preparatory education to a diverse community.

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Summit School proposes a high school facility for 400 students (grades 9<sup>th</sup> through 12<sup>th</sup>) at the project site. The school proposes 25 full-time staff with 17 classrooms with a maximum of 400 students.

The school would operate on a year-round basis, Monday through Friday, with the regular school year beginning in August and ending in June. The summer school would operate during the summer months. The school hours are proposed to be 7:00 a.m. to 6:00 p.m. The instruction hours are from 7:45 a.m. to 3:25 p.m. and students who participate in extracurricular activities would depart by 5:00 p.m. After-school activities consist of office hours with teachers and club activities. After-school athletic clubs will occur offsite at other facilities and locations. (See Attachment 10)

The school curriculum at the High School level does not include Physical Education (PE). However, the applicant proposes to close the gate at the south drive aisle during school hours to allow the drive aisle to be utilized for outdoor activities and breaks. A parking lot management plan and safety and operational requirements related to the mechanical parking lift structure have been added as conditions of approval. The 22-space parking lift is proposed to be utilized by school staff and teachers only, and the operation of the parking lift will only be permitted outside of the peak drop off and pick up hours (See Attachment 4).

Staff finds that it is appropriate to locate a charter high school adjacent to current and future residential uses as long as the school is designed and operated in a manner that will reasonably address the potential negative impacts on neighboring residents. Schools are normally located in residential areas because that is where children live. The Summit Denali High School will meet a need for Sunnyvale parents who wish to provide their children with an alternative learning environment, especially middle income and lower income families who cannot afford the cost of a private school. Summit's educational model differs from the suburban high school environment that is probably familiar to many Sunnyvale residents. Summit's high school will not have a gymnasium or outdoor sports teams onsite, and therefore requires a smaller footprint than a typical high school.

#### **Architecture:**

The architecture of the existing tilt-up building is a simple rectilinear shape and design with barrel roofs. The applicant proposes to replace the roof with a flat roof with roof top screening for mechanical equipment. The exterior façade will be updated from the existing design to a contemporary design with the use of varying heights and depth in wall sections, articulated with warm color palette choices, metal shades, and wainscoting at the base. Interior tenant improvement and construction are proposed as listed in the Description of Proposed Project section of this report.

The proposed mechanical parking lift structure has a simple rectilinear shape and the exterior façade will be metal panels on the walls. The parking structure will be enclosed on all sides except at the ground level facing the parking lot where there will be metal fencing and gates for vehicle access.

#### **Vehicle and Pedestrian Circulation:**

The proposal for vehicle and pedestrian circulation at the site is for arriving vehicles to use the south driveway which leads to the rear parking lot for drop off and pick up.

The proposed project includes the striping of a drop-off and pick-up area at the rear of the property on the east side of the building. The main entrance for students will be located adjacent to the drop off zone. A separate visitor entrance and parking will be provided facing San Aleso Avenue. Vehicles

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would enter the site through the south driveway (which would be limited to one-way ingress) and exit out of the north driveway.

The Transportation Impact Analysis (TIA) prepared by Hexagon, the City's project traffic consultant, found that the drop-off zone should allow for a five-vehicle drive up at the drop off zone to accommodate the expected number of arriving vehicles, and would be sufficient and not result in vehicles to spill onto San Aleso Avenue. A recommended condition of approval is to require the development of a drop-off and pick-up plan including recommendations identified in the TIA (See Attachment 4 and 7). The TIA recommendations also include the following operational improvements:

- Improve sidewalks on the east side of San Aleso Avenue;
- Install yellow high visibility ladder crosswalk at San Aleso Avenue and Ahwanee Avenue;
- Replace existing crossings at San Aleso Avenue and Mathilda Avenue with yellow high visibility ladder crosswalk;
- Install school crossing push button at San Aleso Avenue and Mathilda Avenue;
- Prohibit on-street parking on the east side within 20 feet of north driveway;
- Install school safety signs; and,
- Other safety recommendations for staff, parents and student drivers

The TIA prepared by Hexagon provided recommendations for on-site circulation and off-site improvements related to school safety, and the study concluded that there was no significant impact to the area traffic due to the use of the site as a high school. The traffic impacts are discussed more fully in the TIA and CEQA checklist (Attachment 5 and 7).

### **Development Standards**

The following section includes clarification on development standard application and the request for adjustment to minimum parking requirements. The project complies with all development standards other than parking standards.

### **Parking**

The project proposes to provide 69 parking spaces on site, with 22 of the spaces of those provided inside a mechanical parking lift structure located in the rear of the property. The front parking lot along San Aleso Avenue will accommodate 19 surface parking spaces and the rear parking lot will have 28 surface parking spaces with one parking space identified as compact. The mechanical lift parking will only be utilized by staff and teachers.

SMC section 19.46.100 requires 0.25 parking spaces per student for high school use. The project is deficient 31 parking spaces, plus there is one compact parking space that is substandard in size.

The project includes a request for an adjustment to minimum parking ratio requirement, which may be granted by the approving body, for this application the Planning Commission, if one or more characteristics are present at the site [SMC section 19.46.130(d.)] (See Attachment 3). Findings (b) and (f) are the most applicable to the project; it allows for adjustment to the parking requirement if there is a parking management plan, and if the proposed use has an unusual characteristic that results in less parking demand.

Summit commissioned a parking study by Kimley Horn to collect parking data on five Summit high

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schools in the Bay Area of similar student size and grades as the proposed Sunnyvale school. (See Attachment 11). The parking study found that the parking demand for Summit high schools were less than the Sunnyvale minimum parking requirement at a weighted average of 0.13 parking spaces per student (versus the Sunnyvale requirement of 0.25 parking spaces per student). Utilizing the Summit school ratio, the parking requirement would be 52 parking spaces rather than 100 spaces, and the 69 spaces provided for the proposed project (0.1725 spaces per student) would exceed the parking usage at other Summit schools by 17 parking spaces.

The International Traffic Engineer (ITE) manual lists urban and suburban schools, based on nationwide averages. The 2010 ITE parking generation survey notes the average peak parking demand for suburban high schools as 0.23 vehicles per student; this survey is based on the average of eight sites with schools of 800 or more students. Staff researched the high school parking requirements of other cities and found that there is a wide range of minimum parking requirements. Of the parking regulations based on the number of students (at least in part) and excluding San Francisco, the lowest adopted parking requirements would suggest a minimum of 59 spaces at 0.15 spaces per student (Santa Clara) and the highest ratio (Cupertino) would require 165 spaces at 0.4125 spaces per student. Some cities (e.g., Mountain View and Daly City) determine the parking requirement on an ad hoc basis according to a parking study. Thus, this Project would likely meet parking requirements for a high school in some cities but not others. (See Attachment 14)

The Summit parking study finds that although on-street parking exists for a majority of the surveyed schools, those on-street parking spaces are not used by Summit students. This is a crucial point in review of the San Aleso Avenue site because on-street parking should not be used to offset the parking deficit. If more students drive to the school than parking provided for them, the overflow could impact adjacent businesses or residents. It is possible that a shortage of on-site parking spaces may discourage students without parking permits to drive to school, and some information exists that due to increased legal restrictions on teenage drivers, younger people are driving less or waiting until 18 or even later to obtain a driver's license. However, the impact of additional students driving to the site could be felt by surrounding property owners, tenants, and residents should the parking demand out-strip the supply. San Aleso Avenue is signed for no parking south of the project site during 8pm to 6am.

To address the possibility of more cars arriving to the school than the parking provided on site, staff and the applicant have discussed several parking management tools to reduce the likelihood of off-site parking and to ensure the use does not impact the neighborhood.

The parking management plan, which is a recommended condition of approval, will "run with the land" and apply to future high school use of the property. The parking management plan should include:

- Written parking rules that prohibit both students and staff from parking off site and enforcement of those rules through a student/employee disciplinary process;
- School policy promoting alternative transportation options - public transit, carpool, bicycle or walking;
- Annual notice to neighbors providing a point of contact at Summit should students park in the neighborhood;
- Education of student drivers and parking rules;
- Education of students, staff and families of the drop off and pick up procedures;

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- Enforcement by school staff with parking and flag monitors during drop off and pick up (See Attachment 10).

Off-site parking in residential areas is an issue at other business facilities in Sunnyvale. As a proactive measure, staff is recommending a separate condition that the applicant pay for the up-front costs associated with a residential parking permit system study and implementation. A cash deposit would be required prior to occupancy and held for a period of five years. If during the five-year period, the Director of Community Development and the Director of Public Works determine that there are off-site parking issues, the permit parking study would be initiated and assuming it is supported by the neighborhood, a preferential parking zone would be created on the affected residential streets. All costs for establishment of a preferential parking zone would be borne by Summit. To minimize the impact of permit parking restrictions on residents, the posted restrictions could be limited to school hours.

Conditions of approval have been included to ensure the parking management items are enforceable and in effect for Summit School or potential future school uses. A condition has also been added to require the school to engage nearby uses on San Aleso Avenue to utilize their parking lots for special events (if necessary) or stagger the event times to ensure sufficient parking, which could occur only a few times throughout the school year.

Despite the operational controls proposed to be in place by the school and the results of the parking study by Kimley Horn, staff cannot support the finding to allow an adjustment to the minimum parking requirement under Findings (b) and (f). Concerns for neighborhood impact and deficiency of 31 parking spaces remain. (See Attachment 3) Regardless of the applicant's assurances that the school would enforce parking rules on employees and students, the burden would largely fall on neighboring residents to identify violations and notify the school. It would be difficult for the City to independently verify or corroborate violations, which would make enforcement challenging.

If the Planning Commission can make the findings for approval of the parking adjustment, staff has included the aforementioned conditions of approval to address operations relevant to parking in Attachments 3 and 4.

### **Setbacks**

The proposed project does not include a change in the building foot print or increase in floor area. The existing industrial building has a legal nonconforming side setback of 0.6-foot on the north side, where the requirement is a minimum six feet and a total combined side yard setback of 15 feet (SMC section 19.34.030.) The setback on the south side is 31 feet and the project complies with the combined side yard setback requirement. The project will maintain the legal nonconforming side setback on the north side.

The proposed mechanical parking lift structure complies with the required setback requirement of an accessory structure with a six-foot side yard setback on the north side and 10 feet to the rear property line (SMC section 19.40.040.)

### **Floor Area Ratio**

The PPSP establishes a baseline Floor Area Ratio (FAR) of 35% for non-residential uses. The existing building is 27,012 square feet and 41% FAR. The project proposes removal of a mezzanine

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level and the proposed floor area will be 25,590 square feet and 39% FAR. The FAR is reduced by 2%, however, the legal nonconforming floor area will remain. No deviation or exception is required for this standard.

### **Building Height/Stories**

The existing industrial building has a barrel roof and the height at the highest point measures 26 feet. The existing building also includes a mezzanine level. The proposed project removes the barrel roof and the mezzanine level and proposes a one-story building with a flat roof measuring 16 feet eight inches, and 21 feet eight inches to the roof screen, which complies with the PPSP building height requirements of two stories and 30 feet adjacent to existing housing and within 75 feet from the parcel line.

The proposed mechanical parking lift structure is proposed to be 19 feet six inches in height. Although the structure is three “mechanical” levels, the structure has no windows and is not meant to be occupied other than at the ground level where the vehicles are accessed. Staff determination is that the parking structure complies with the PPSP building height requirements.

### **Landscaping and Tree Preservation**

The existing building is surrounded by paved parking with very little landscaping other than at the front of the property where there is a planter strip with ivy and street trees. The existing landscaping is 4% of the site which is a legal nonconforming condition. The project proposes to preserve the existing street trees and increase landscaping to 17% with the installation of landscaping and trees on the perimeter and around parking. A preliminary landscape plan has been submitted which indicates that the legal nonconforming condition would remain but greatly improved. No protected trees are proposed to be removed. Staff will review the final landscaping plan prior to building permit submittal. The project is required to meet the City’s standards for water efficient landscaping.

The parking structure is proposed to be screened with fast growing bamboo on the north side where there is no existing landscaping. On the east side, there are mature trees and landscaping on the adjoining residential properties that provide screening of the parking structure. The project also proposes to install eight-foot precast walls along the north and east property lines. The development on the south side will be installing a six-foot wall along the south property line. (See Attachment 12)

### **FISCAL IMPACT**

Normal fees and taxes are expected. A school is not subject to housing mitigation fees; Transportation Impact Fees apply for net new peak hour trips; and the project is subject to all building permit related fees and taxes. Additionally, projects within the PPSP are required to pay: PPSP Fee and fair share contributions towards Transportation Mitigation Fees (noted in PPSP EIR). Staff has determined that the Project is exempt from other Peery Park mitigation fees because there is no net increase in floor area.

Standard fees are established in the annually adopted fee resolution and ad hoc fees are calculated on a project by project basis. The estimated fees required for this project are included in Attachment 4.

### **PUBLIC CONTACT**

**Neighborhood Outreach Meeting:** A neighborhood meeting was held on August 1, 2018. The meeting was held at the Summit Denali Middle School with approximately 50 members of the public



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and Summit School families in attendance. The following comments were received from the public:

- Code requirements for earthquake safety and fire code?
- Is Summit School a charter school or public school?
- Will the students be bused for special events?
- What is the current use of the building?
- What type of wall will be installed in the rear?
- Will the powerlines be undergrounded?
- What is the drop off and pick up process?
- What outside areas will the students use?
- What is the mezzanine area and why will it be removed?
- What is the floor area difference between Summit Denali Middle School and High School?
- What is the proposed parking, how many staff and students will be driving?
- Ahwanee Apartments manager expressed concern related to traffic during drop off time as apartment tenants are leaving
- Motels are not safe
- Bell schedule should be staggered with Bishop Elementary and Columbia Middle School
- What is the cap on student count?
- Can there be speed bumps on San Aleso?
- Can the driveway allow left turn out so not all traffic goes on Ahwanee?
- What type of events will there be? How often?
- What kind of money is behind the project? Who is funding the project?
- A lot of current students take public transit or bicycle to school - neighbors please keep an open mind. School locations are difficult to find
- Where is the public transportation near San Aleso?

**Planning Commission Study Session:** Planning Commission Study Session was held on August 13, 2018. The following comments were received from the Planning Commissioners and from the public:

- Building architecture should be updated to be more attractive, especially as it relates to the new housing developments
- The building has no windows and natural light should be increased into the classroom space
- The closing of the rear parking lot and campus provides little outdoor space for students to recreate
- Concern related to 30% reduction in parking with driving age students
- Use must be considered for school, whether or not operated by Summit and all the great programming could be disregarded by a different group
- Needs photo simulations on how the parking structure would look from adjoining neighbors
- Concern about proximity of parking lift to the adjoining neighborhood
- Need actual data on why the parking limitation would work
- There is no easy transit and if there are bicycle lanes along San Aleso Avenue and Ahwanee
- Concern about traffic and parking limitations in the neighborhood
- Lack of green space onsite
- Columbia Middle School has 700 students on a larger campus

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In response to the input received at the Neighborhood Outreach Meeting and Planning Commission Study Session, the applicant has made improvements to the building architecture, provided parking analysis by Kimley Horn, and provided more information on school policies related to reducing vehicle trips.

**Notice of Public Hearing, Staff Report and Agenda:**

- Published in the *Sun* newspaper
- Posted on the City of Sunnyvale's Web site
- Agenda made available at the Reference Section of the City of Sunnyvale's Public Library
- Agenda posted on the City's official notice bulletin board
- 938 notices were sent to property owners and tenants within 1,000 feet of the project site
- Email notice sent to S.N.A.I.L., Morse Park and Lowlanders neighborhood associations
- A copy of the report was available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website

As of the date of staff report preparation, and since the mailing of notices, staff has received two letters in support of the project (See Attachment 13).

**ALTERNATIVES**

1. Make the required Findings to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional environmental review is required; and approve the Peery Park Specific Plan Conditional Use Permit subject to the PPSP Mitigation Monitoring and Reporting Program in Attachment 6, adopt the Findings in Attachment 3 including the adjustment to the minimum parking requirements and adopt the recommended Conditions of Approval set forth in Attachment 4.
2. Alternative 1 with modified Conditions of Approval.
3. Do not make the CEQA Findings and direct staff as to where additional environmental analysis is required.
4. Deny the Peery Park Specific Plan Conditional Use Permit and provide direction to staff and applicant on where changes should be made.

**STAFF RECOMMENDATION**

Alternative 4: Deny the Peery Park Specific Plan Conditional Use Permit.

Staff supports the redevelopment of an existing industrial manufacturing building to a school use. The PPSP has identified the Neighborhood Transition sub-district to allow for land uses consisting of multi-family residential and other associated and supporting uses. The 400-student high school use has been found to be in conformance with the environmental impacts that were analyzed in the PPSP EIR and there are no new environmental impacts.

A key issue for the proposal is the request for a parking adjustment, especially given the limited off-site parking and residential uses nearby. The applicant has provided the parking study by Kimley Horn of other Summit high schools in the area and the school's assertive alternative transportation policy, permit parking and enforcement rules. On balance, however, staff cannot support the parking adjustment request of 31 parking spaces despite the inclusion of the parking management plan and recommended conditions of approval. Concerns for neighborhood impact and parking remain. Therefore, staff does not recommend making the findings to approve the parking adjustment.

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Prepared by: Momoko Ishijima, Associate Planner

Approved by: Andrew Miner, Assistant Director of Community Development

**ATTACHMENTS**

1. Vicinity and Noticing Map
2. Project Data Table
3. Recommended Findings
4. Standard Requirements and Recommended Conditions of Approval
5. CEQA Checklist for PPSP EIR Compliance
6. PPSP EIR - Mitigation Monitoring and Report Program (MMRP)
7. Transportation Impact Analysis by Hexagon
8. Link to the Peery Park Specific Plan
9. Site and Architectural Plans
10. Project Description Letter
11. Summit School Parking Study by Kimley Horn
12. Simulation of parking structure as viewed from adjoining property
13. Letters from Summit School Students and Family
14. Parking Ratio Comparison by City