



# City of Sunnyvale

## Agenda Item

16-0454

Agenda Date: 5/9/2016

### REPORT TO PLANNING COMMISSION

#### SUBJECT

**File #:** 2015-7530 and 2015-7936

**Location:** 521 E. Weddell Drive (APN: 110-14-196), 531 E. Weddell Drive (APN: 110-14-186), 539 E. Weddell Drive (APN: 110-14-158), 1010 Morse Ave. (APN: 110-14-202), Hetch Hetchy ROW (APN: 110-14-202)

#### **Proposed Project:**

**GENERAL PLAN AMENDMENT:** Proposed land use designation change (Alternative 1) from Industrial to School or (Alternative 2) from Industrial to Commercial Neighborhood on three parcels (521, 531, and 539 E. Weddell Drive), and from Industrial-to-Residential/Medium-to-High Density to Park on one parcel (1010 Morse Ave. - Seven Seas Park), and from Industrial to Park on one parcel (Hetch Hetchy ROW);

**REZONING** from MS-POA (Industrial and Service/Places of Assembly) to PF (Public Facilities) zoning or from MS-POA(Industrial and Service/Places of Assembly) to C1 (Neighborhood Business) on three parcels (521, 531 and 539 E. Weddell Drive), and from MS-ITR-R3-PD (Industrial and Service - Industrial to Residential/Medium Density Residential/Planned Development) to PF (Public Facilities) zoning on one parcel (1010 Morse Ave. - Seven Seas Park), and MS (Industrial and Service) to PF (Public Facilities) zoning on one parcel (Hetch Hetchy ROW);

**USE PERMIT** for the use of an existing building (539 E. Weddell Dr.) for a public charter middle school of up to 400 students.

**Applicant / Owner:** Sunnyvale International Church and Summit School (applicants) / Sunnyvale International Church (owner - 521 and 539 E. Weddell Drive), 1<sup>st</sup> Morning Light Chinese Christian Church (owner - 531 E. Weddell Drive), City of Sunnyvale (owner - 1010 Morse Ave.), and City and County of San Francisco (San Francisco Public Utilities Commission - Hetch Hetchy ROW).

**Environmental Review:** Negative Declaration

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

#### REPORT IN BRIEF

**Existing General Plan:** Industrial, Industrial-to-Residential/Medium-to-High Density (see map in Attachment 6)

**Existing Zoning:** MS-POA, MS-ITR-R3-PD, and MS (see map in Attachment 7)

**Existing Site Conditions:** Place of Assembly facilities (521, 531, and 539 E. Weddell Dr.), Park (1010 Morse Ave.), Public Utilities Corridor (Hetch Hetchy ROW).

#### **Surrounding Land Uses:**

**North:** Multi-family residences

**South:** U.S. 101 Freeway

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**East:** Multi-family residences, under construction (across E. Weddell Drive)

**West:** Multi-family residences, industrial, and hotel (across Morse Avenue)

**Issues:** Land Use Compatibility

**Staff Recommendation:** Recommend to City Council to:

- Adopt the Negative Declaration
- Amend the General Plan from Industrial to School on three parcels (521, 531 and 539 E. Weddell Dr.)
- Amend the General Plan from Industrial to Park on one parcel (1010 Morse Ave.),
- Introduce Ordinances to rezone the four parcels to Public Facilities (PF)
- Retain the Industrial designations for both the General Plan and zoning for the SFPUC Hetch Hetchy ROW
- Approve the Use Permit for a school at 539 E. Weddell Drive.

## **BACKGROUND**

### *General Plan and Rezone*

On August 26, 2014, the City Council approved a General Plan Amendment Initiation (RTC 14-0193) for 539 E. Weddell Drive. The action by the City Council authorized the filing of a General Plan Amendment application to study changing the land use designations of 539 E. Weddell Drive and an expanded area to include all three parcels in the E. Weddell block (total 4.87 acres) as well as the adjacent portion of the Hetch Hetchy ROW (2.4 acres) and the City's Seven Seas Park on Morse Avenue (4.3 acres) to the north. The expanded area was selected to consider the land use of the entire block; Seven Seas Park was included essentially as a clean-up item.

The General Plan Amendment, Rezoning applications and environmental documents considered by the Planning Commission in February only addressed School and Park General Plan designations and a Public Facilities zoning, whereas the City Council initiation also included direction for an analysis of commercial land use designations for the Weddell properties. This subject report includes an evaluation of commercial land use designations and potential environmental impacts.

Subsequently, the Sunnyvale International Church submitted an application (2015-7530) requesting a General Plan land use designation of School for the three parcels at 521, 531, and 539 E. Weddell Drive and a designation of Park for the Seven Seas Park at 1010 Morse Ave. Subsequent to that application, Summit Public Schools also submitted a separate companion application (2015-7936) to rezone the area to PF (Public Facilities) and a Use Permit application to locate a public charter middle school at 539 E. Weddell Dr. See Attachment 1 for a map of the vicinity and mailing area for notices. Summit Public Schools currently operates a charter middle school at 495 Mercury Drive in Sunnyvale, which is an industrial area where schools are not permitted. The Santa Clara Superior Court recently issued a tentative order finding that Summit is not legally operating a school at the Mercury Drive location. However, the Court did not give a deadline for Summit to relocate. In its tentative order, the Court directed the parties to cooperate to find a suitable alternate location for the school. Staff have been working with Summit for more than two years to find another site. The Weddell site was identified as an appropriate location because it is an area that is transitioning away from industrial uses and will be convenient for families in the 101 corridor who are Summit's target population.

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On February 22, 2016, the Planning Commission considered the General Plan land use amendment and Rezoning application and recommended a denial of the General Plan amendment to School and Rezoning to PF (Public Facilities) for the three parcels on E. Weddell Dr. (521, 531 and 539 E. Weddell Dr.) Instead, Planning Commission recommended that staff explore a General Plan designation of Commercial and a C1 zoning. Planning Commission also commented that the Hetch Hetchy ROW should be considered for designation to Park with this project as it relates to the John. W. Christian Greenbelt. The Use Permit was not before the Planning Commission at the hearing on February 22, 2016. The Planning Commission recommended approval of the General Plan designation for Park and zoning of PF for the park at 1010 Morse Ave.

As part of the Planning Commission action, staff recommends that the Planning Commission's February 22, 2016 action be rescinded and that a new recommendation be presented to the City Council. The Planning Commission is not obligated to change any portion of the prior recommendation, however rescinding the prior action complies with proper rules of order and allows the Planning Commission to consider all of the items in a new public hearing.

### **Industrial General Plan Designation**

Land used for industrial purposes occupies approximately 2,500 acres or about 25 percent of Sunnyvale's developable land area. The industrial land use category is implemented by the following zoning districts: the M-S, Industrial and Service District; the M-3, General Industrial District; and, by the Moffett Park Specific Plan zoning categories. Office support area, research and development, product assembly, and warehousing are considered "light" industrial uses and are usually found in the M-S Zoning Districts. These uses are typical for businesses such as advanced electronics, computers, communication manufacturing, machine shops and biotech research. Development occurs on medium to small lots or as part of a campus-style complex with landscaping as a significant feature. Excluding the Industrial to Residential (ITR) sites, industrial properties are essentially Moffett Park, Peery Park, Lawrence Station area, the Woods (north of Tasman, east of Lawrence Expressway), Oakmead (east of Lawrence) and a large area west of Lawrence Expressway referred to as Oakmead West. Smaller pockets of industrially zoned property are also found: along W. Evelyn Avenue, the railroad, and Weddell Avenue west of the subject properties; and, between Central Expressway and Kifer Road.

### **History of Land Uses in Project Vicinity**

All of the subject sites have had a General Plan designation of Industrial since the first General Plan was adopted for Sunnyvale in 1957. In 1990, the general plan and zoning designations for the area north of Hetch Hetchy were changed to residential to address a goal to provide a better jobs housing ratio. The properties located south of the Hetch Hetchy Right-of-Way (ROW) were left with an Industrial designation to provide a buffer from U.S. Highway 101 for the future new residential areas north of the Hetch Hetchy ROW. The City of Sunnyvale acquired the future Seven Seas Park parcel on Morse Avenue in 1990, for conversion into a park at such time as the area transitioned from industrial to residential.

In 2006, the Council initiated a General Plan Amendment for the subject sites on East Weddell Drive to consider Commercial or Public Facilities designations; no formal applications were ever filed and the authorization to submit a formal application expired.

Also in 2006, the Council selected a study issue for determining appropriate locations for places of assembly uses in industrial areas. The Council added the Place of Assembly (POA) combining

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district to the three properties along East Weddell Drive and retained the base industrial designation. Uses such as places of worship, community centers and other meeting facilities are allowed in POA zones with a Use Permit. Uses not allowed in MS-POA designated areas include child care and schools.

In 1992, a Use Permit and Variance (1992-0141) was approved to allow the Catholic Diocese to utilize 531 E. Weddell Dr. for community and worship activities with offsite parking provided on the Hetch Hetchy ROW. Although the ownership has changed, this site has been continually used for worship activities.

In 2006, Use Permits (2005-0803 and 2005-0804) were approved to allow churches to be located at 521 and 539 E. Weddell Drive with a three-year time limit prior to the POA designation. In 2010, these approvals were extended with no sunset date.

In 2014 construction of Seven Seas Park was completed and the park was opened for public use.

### **EXISTING POLICY**

The proposed General Plan Amendment and Rezoning requests a change from an Industrial land use designation to a designation that is more compatible with or supportive of nearby residential uses.

The Land Use and Transportation Chapter of the General Plan contains a number of goals and policies about distinct neighborhoods for residential, commercial and industrial uses. The General Plan also addresses neighborhood preservation and protection from incompatible uses, providing an adequate and diverse housing stock and providing a strong and balanced economic base.

**Goal LT-2 Attractive Community** - Preserve and enhance an attractive community, with a positive image and a sense of place, that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

- **Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

**GOAL LT-4 Quality Neighborhoods and Districts** - Preserve and enhance the quality character of Sunnyvale's industrial, commercial, and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

- **Policy LT-4.1** Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.
- **Policy LT-4.2** Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.
- **Policy LT-4.3** Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.
  - **Policy LT-4.14** Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.
- **LT-4.14c** Encourage multiple uses of some facilities (e.g. religious institutions, schools,

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social organizations, day care) within the capacity of the land and roadway systems.

**GOAL LT-6 Supportive Economic Development Environment** - Sustain a strong local economy that contributes fiscal support for desired City Services and provides a mix of jobs and commercial opportunities.

- **Policy LT-6.1** Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.

In addition to the goals and policies mentioned above, the following goals and policies of the Land Use and Transportation Chapter of the General Plan pertain to the proposed Use Permit for a public charter middle school at 539 E. Weddell Dr.

**COMMUNITY VISION GOAL - V. Diverse Population** - To celebrate the diversity of the population and to provide equal opportunity for all residents to participate fully in community life.

**COMMUNITY VISION GOAL - VII. Quality Education** - To support and work cooperatively with the educational institutions which serve Sunnyvale so as to provide the opportunity for a quality education for all youth, and life-long learning for all residents.

**GOAL CC-10 High Quality Recreation Programming** - The city strives to develop and implement passive and active recreation and enrichment programs that:

- Encourage creative expression, education, skill development and personal enrichment
- Contribute to the creation of a healthy community; and promote community participation in recreation for all ages.
- **Policy CC-10.7** Encourage the use of recreational and open space facilities and services for educational activities of schools that serve Sunnyvale students first, and secondarily the schools that serve students of surrounding communities.

## **DISCUSSION**

### **Present Site Conditions**

The three properties along Weddell Drive are separated from the Seven Seas Park site by the Hetch Hetchy ROW (see map in Attachment 1).

**521 E. Weddell Drive** (APN: 110-14-196): The 34,948 square foot building on 2.3 acres is utilized by the Sunnyvale International Church. One reason the church requested the General Plan Amendment and Rezone is to offer a broader range of services, possibly including daycare and preschool services at the church, which are not allowed under the current zoning. The church explained their interest in the change in general plan designation and zoning is to allow consideration of a child care center or preschool, as the church sees a need for this service in the growing residential area in their neighborhood. The child care or preschool uses would require a use permit and would be considered under a separate application and environmental review if the proposed General Plan Amendment and Rezoning are approved.

**531 E. Weddell Drive** (APN: 110-14-186): The 21,100 square foot building on 1.2 acres is utilized by the First Morning Light Chinese Christ Church. This church has not expressed any desire for expanded or modified use on their site.

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539 E. Weddell Drive (APN: 110-14-158): The 19,402 square foot building on 1.4 acres is utilized by the Sunnyvale International Church for overflow worship activities. Summit Public Schools, a public charter school proposes to lease the site and open a middle school of up to 400 students the first year (Grade 6 through 9) and 300 students in subsequent years (Grade 6 through 8), which requires a Use Permit under either the proposed PF (Public Facilities) zoning or proposed C1 (Neighborhood Business) zoning. The project proposes the location of two modular classroom buildings, approximately 960 square feet in size, in the south parking area for one year.

1010 Morse Ave. (APN: 110-14-202): The 4.3-acre Seven Seas Park is a City of Sunnyvale public park, completed in 2014.

Hetch Hetchy Right-of-Way (ROW): The 2.4-acre parcel serves as the Right-of-Way (ROW) for the San Francisco Public Utilities Commission Hetch Hetchy water pipeline for the City and County of San Francisco. The John W. Christian Greenbelt, a green space, is designated on portions of the ROW and extends across the City of Sunnyvale in a general east-west direction. Part of the ROW parcel is improved with approximately 90 parking spaces and the First Morning Light Chinese Christ Church has an agreement for use of these parking spaces. The eastern part of the parcel is located adjacent to the East Weddell Project by Raintree, which is a multi-family housing development under construction. No changes to the use or construction is proposed for this site with this project.

### **General Plan and Zoning**

The table in Attachment 2 summarizes the existing and possible General Plan and Zoning designations for each site and shows the staff recommended designations.

### **Loss of Industrial Property**

Competition for industrially zoned land has been high in recent years and is expected to continue in the near term. Although located near a major arterial, the subject properties could be considered unattractive to prospective tenants due to their relatively isolated location close to residential uses and other properties that have transitioned away from industrial uses. Under the current zoning, the three parcels on E. Weddell Drive could also be occupied by non-manufacturing uses such as a hotel or self-storage use (with approval of a Use Permit).

The proposed General Plan Amendment and Rezoning would not constitute a loss of significant industrial land as the land uses have already shifted to community-serving type uses and are located adjacent to residential neighborhoods. Staff finds the change in land use designations compatible with the uses that have been present at the sites for a number of years and protects these community-serving uses.

### **E. Weddell Dr.**

For the three parcels on East Weddell Drive the current General Plan land use designation is Industrial and the zoning is MS-POA (Industrial and Service/Places of Assembly). The general area is transitioning from industrial uses to medium to high density residential uses. The project site has been utilized for community services and worship facilities for over 15 years. One of the property owners contemplates expanding services to the community to be able to provide child care and school uses, which are currently not permitted under the Industrial designation. The base MS zoning would permit industrial, research and development, office, warehouse and manufacturing uses; the POA combining district also allows consideration of places of assembly uses but not schools.

School/PF designations: The proposed project is for the three parcels on E. Weddell Dr. to be designated School in the General Plan and the companion zoning to be PF (Public Facilities).

The PF zoning district is reserved for the construction, use and occupancy of governmental, public utility and educational uses and facilities, and other uses compatible with the public character of the district. Community Serving places of assembly such as places of worship, educational uses and child care centers as well as professional and medical offices and residential uses with approval of a Use Permit. The School designation is consistent with the General Plan category of many other places of worship and schools in Sunnyvale.

Commercial Neighborhood/C1 designations: The Commercial Neighborhood land use designation would also allow churches, schools and child care centers with a Use Permit. The C1 zoning allows retail and personal services as permitted uses, which could serve the newly constructed residential communities in an area where commercial retail is not located close by. However, at this time, the churches own the properties and have an established congregation at these locations and do not have plans to sell the properties.

Staff is concerned with the viability of neighborhood retail uses at this location. These types of businesses prefer location on well trafficked streets, near other retailing/service operations. The nature of retailing is changing; some of the more successful businesses are dining options which tend to generate more vehicle traffic. The shopping center at Tasman Dr. and N. Fair Oaks Ave. has been slow to fill with tenants, indicating potential challenges for retailers in the vicinity.

Staff Recommendation E. Weddell: To allow places of assembly (community serving), such as churches and child care centers, staff recommends a General Plan designation of School and the PF (Public Facilities) zoning district.

### **Seven Seas Park**

The existing land use designation for the Seven Seas Park at 1010 Morse Avenue is Industrial-to-Residential/Medium-to-High Density in the General Plan with a zoning designation of MS-ITR-R3-PD (Industrial and Service - Industrial to Residential/Medium Density Residential/Planned Development). The proposed General Plan land use designation is Park with a zoning designation of PF (Public Facility). There are no use changes or construction proposed for these parcels and the changes in the land use designations would accurately reflect the existing and future public park use.

Staff Recommendation Seven Seas Park: Staff recommends a General Plan designation of School and the PF (Public Facilities) zoning district.

### **Hetch Hetchy ROW**

The existing land use designation for the Hetch Hetchy Right-of-Way (ROW) is Industrial in the General Plan with a zoning designation of MS (Industrial and Service). Staff contacted representatives of the real estate property management division of the San Francisco Public Utilities Commission (SFPUC) to discuss the General Plan Amendment and rezoning studies. SFPUC have expressed strong concerns about designating their property as Park in Sunnyvale's General Plan. While SFPUC provides their land for joint use, including trails and other park-like facilities, each request is evaluated on a case by case basis. SFPUC is concerned that a designation of Park may give an impression that there is an implicit approval for that use. Currently the General Plan

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designations are more specific than the companion zoning designation of Public Facilities. Staff recommends no change to the General Plan and zoning on this parcel at this time. If, in the future, the General Plan designation is changed to a more general category such as public facility, the map designation can be revisited.

Staff Recommendation Hetch Hetchy: Staff recommends no changes-retain the General Plan designation of Industrial and MS zoning district.

### **Balanced Growth Profile**

The City Council has directed staff to include the Balanced Growth Profile (BGP) for information when considering General Plan land use changes. The BGP shows actual trends against a longer term projection for balanced growth of housing and job producing uses and the public infrastructure which supports that growth. The proposed changes to the land use designations will not materially change the Balanced Growth Profile. The sites on Weddell would represent a potential for 75,450 square feet of industrial development, however they are not currently providing a significant number of jobs in the community. Although the Seven Seas Park site is currently designated residential there are no potential residential units associated with the property.

### **USE PERMIT 539. E. WEDDELL**

#### **Description of Proposed Project**

Summit Public School, a public charter school, proposes to locate a middle school for up to 400 students at 539 E. Weddell Dr. The school plans to relocate the middle school from their current site on Mercury Dr. and for the first year, offer education for 6<sup>th</sup> through 9<sup>th</sup> grade and from the second year, offer education for 6<sup>th</sup> through 8<sup>th</sup> grade for 300 students.

On-site development improvements and alterations consist of the following:

- ADA compliance upgrades, as necessary;
- Required fire code upgrades, as required;
- New exit doors, where necessary;
- Newly painted surfaces (interior and exterior)
- Upgrades to restrooms, cabinets, counters, plumbing, whiteboards, and other building needs;
- Placement of two modular classrooms (for one year) in the south parking lot;
- Striping of on-site drop-off and pick-up driveway; and
- Addition of bicycle parking for students and staff.

### **Present Site Conditions**

The 19,402 square foot building on 1.4 acres is owned by the Sunnyvale International Church, and currently utilized for overflow worship activities by the church but remains vacant for most of the week day. The project site is a corner lot located at a bend of E. Weddell Dr. The existing building is located on the east side with parking provided on the north, south, and west of the building. There are two driveways, one on the northeast and one on the southwest, both exiting on to E. Weddell Dr. There is no on-street parking along the frontage of the project site as E. Weddell Dr. is a two-lane street with a designated Class II Bikeway. The site plan can be seen in Attachment 10.

### **Use Permit Review**

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



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community.

Summit School initially proposes a program for 6<sup>th</sup> through 9<sup>th</sup> grade with 400 students at the project site. Summit is actively searching for site for a high school (grades 9-12); after the first year, the enrollment would be reduced to 6<sup>th</sup> through 8<sup>th</sup> grade with 300 students. The school proposes 25 full time staff the first year and 20 full time staff in subsequent years. The Use Permit and associated environmental review have been processed 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 is available during the summer months. The school hours for the middle school (6<sup>th</sup> through 8<sup>th</sup> grade) are proposed to be 8:00 a.m. to 3:00 p.m. For the first year only, the 9<sup>th</sup> grade will operate from 9:00 a.m. to 4:00 p.m. After school activities consists of office hours with teachers and clubs. After school athletics clubs will be offsite at other facilities and locations. (See Attachment 12)

The school curriculum includes Physical Education (PE) twice a week for each student. 50% of the PE classes will be indoor yoga and calisthenics classes. The other 50% will be exercises outdoors. Since the project site does not have an open space area, the school proposes an area in the parking lot to be coned off for the 45-minute PE classes during the first year. After the first year, the 9<sup>th</sup> grade modular classrooms will be removed and the south parking lot area will be improved and utilized for outdoor activities. A parking lot management plan and safety and operational requirements related to the PE classes have been added as a conditions of approval. The applicant does not propose to utilize the Seven Seas Park or the Hetch Hetchy ROW for the PE classes.

**Architecture:** The applicant is not proposing any major physical improvements to the interior or exterior of the buildings. The proposal does not include any building modifications due to the similarity between the past uses of the site (assembly type uses). Two modular classrooms, totaling 960-square feet, will be placed in the south parking lot for one year and removed after the first year. Interior tenant improvement and construction is proposed as listed in the Description of Proposed Project section of this report.

**Parking/Onsite Circulation:** The total number of parking spaces proposed for the project site is 39, which meets the City parking requirements for a primary school (K through 8<sup>th</sup> grade) of three parking spaces per classroom. The project proposes 10 classrooms (learning centers). A condition has been added to require the school to engage the adjacent churches and other nearby uses on E. Weddell Dr. to utilize their parking lots for special events (if necessary), which could occur only a few times throughout the school year.

The proposed project includes the striping of a drop-off and pick-up area on the north side of the building. The main entrance will be located adjacent to the drop off zone. Vehicles would enter the site through the south driveway (which would be limited to one-way ingress) and exit out of the north driveway. The On-site Queuing Analysis by Kimley Horn, the project traffic consultant, found that the maximum queue for the drop-off period would be 300 feet for the expected number of arriving vehicles, and would be sufficient as not to spill onto E. Weddell Dr. A recommended condition of approval is to require the development of a drop-off and pick-up plan. Other schools in Sunnyvale have used this approach.

**Landscaping and Tree Preservation:**

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The landscaping at the project site consists of turf, mulch, and raised planter areas. A preliminary landscape plan has been submitted which indicates compliance with the Municipal Code standards for landscaping. The project is designed with approximately 20% of the lot area as landscaping, which complies with the 20% minimum landscaping requirement (Attachment 10).

There are 24 trees on site, and a number of mature trees located on the adjacent property along the side property line on the west side. The project does not propose the removal of any trees. Staff will review the final landscaping plan prior to building permit submittal.

SMC Section 19.37.070 states that at least 50 percent of the parking areas must be shaded within 15 years after the establishment of the lot. The preliminary landscaping plan demonstrates compliance with the shading requirement by providing 86 percent shading of the parking area. The project is required to meet the City's standards for water efficient landscaping.

Staff Recommendation Use Permit: Staff recommends approval of the Use Permit subject to adoption of the Negative Declaration and the recommended Conditions of Approval.

### **ENVIRONMENTAL REVIEW**

A Negative Declaration was prepared and circulated prior to the Planning Commission meeting on February 22, 2016. As a result of the Planning Commission's direction to look at a commercial designation instead of Public Facilities/School, staff undertook further environmental analysis. An initial study was prepared evaluating potential impacts to land use, air quality and noise and determined that the proposed project for church and school uses under Public Facilities/School designations would not experience or create any significant environmental impacts. As discussed below, a commercial designation would require a focused EIR to evaluate greenhouse gas impacts.

A second Negative Declaration has been prepared and published in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (see Attachment 9).

**Initial Study:** The project's proposed land use designations of School/Park General Plan and PF Zoning are intended to enable the operation of the school and to otherwise reflect the existing church land uses and ownerships at the site. Other than the project, there are no plans to redevelop or repurpose any of the existing uses, and the church uses are expected to remain in place for the foreseeable future. For environmental analysis, the initial study considered the long term expected use of the five sites to be park (Seven Seas Park), places of worship (521 and 531 and E Weddell), school (539 E Weddell) and the Hetch Hetchy right-of-way for water distribution. Any other uses of these sites would require separate environmental review.

**Traffic:** A Traffic Impact Analysis (TIA) was prepared by Kimley Horn for the project (Attachment 16).

### **General Plan and Zoning**

Given the existing and long term anticipated use of the sites, the traffic analysis concludes that there are no significant impacts at the existing plus project conditions or cumulative conditions.

### **Use Permit**

There would be a noticeable increase in trips in the vicinity in the a.m. and p.m. for school related drop off and pick of students, however, the TIA concludes that there are no significant impacts at the existing plus project or cumulative conditions with the proposed school. All study intersections will

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operate at acceptable level of service (LOS) and the project will not add sufficient traffic to the freeway segment or on-ramps to cause a significant impact. The cumulative scenario includes all approved and pending projects in the area.

Although not required under CEQA, the TIA also included operational vehicle queuing analysis at intersections. An operational deficiency was assumed to occur if the queue increases by one or more vehicles and the vehicle queue exceeds the turn pocket length. There are pre-existing deficiencies at three intersections which would remain. However, these pre-existing operational deficiencies are not considered environmental impacts pursuant to the City's thresholds of significance unless overall intersection Level of Service (LOS) thresholds are exceeded. The operational deficiencies are expected to remain at the three intersections at the project level (#2 N Fair Oaks Ave/E Weddell Dr - northbound left turn, #6 N Fair Oaks Ave/E Duane Ave - eastbound left turn), and #8 N Fair Oaks Ave/Maude Ave - eastbound left turn), but no LOS thresholds would be exceeded.

The frontage of E. Weddell Dr. is designated as a Class II bicycle lane and the proposed school is on a corner lot with two driveways exiting onto E. Weddell Dr. As part of the safety assessment for the school site access and circulation, the TIA recommends the following operational improvements:

- Relocate Main Entrance for school
- Implement School Speed Limit Zone
- Install School Crosswalks
- Install Rectangular Rapid Flashing Beacon Crosswalk
- Install Sidewalk
- Install Pedestrian Ramps
- Install School Signs and Striping
- Install No Stopping Signs
- Replace No Parking Signs
- Crossing Guard
- Intersection Improvements
- Develop Walking and Bicycle Plan
- Develop Pick-Up and Drop off Procedures
- Modify South Driveway
- On-Site striping and signage
- Driveway and corner sight distance

With the implementation of these safety improvements as conditions of approval for the project, transportation modes such as bicycling and walking would be accommodated and encouraged.

**Air Quality:** An Air Quality assessment was prepared by Illingworth & Rodkin for the project.

#### General Plan and Zoning

*School/Park General Plan and PF zoning designations.* The Air Quality assessment concludes that there are no significant impacts for these land use designations

*Commercial Neighborhood/C1 zoning designations.* In reviewing the proposed Commercial designations, initial review of air quality impacts indicates the potential for more significant impacts relating to greenhouse gas (GHG) levels if the properties became a commercial/retail center. GHG

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considers the total number of vehicle trips per day (as well as other operational items related to the use); commercial uses have the potential for more vehicle trips throughout a day than public facility-type uses, and the GHG impacts could exceed the GHG threshold levels. This is a key reason staff does not support the land use designations of Commercial for the properties. If directed by Council to focus on the Commercial designations, staff would need to prepare a focused EIR to consider the GHG potential impacts. This would essentially be a program-level environmental review because the applicants have not requested a commercial designation and their project does not include using the site for commercial/retail.

#### Use Permit

The Air Quality assessment concludes that the proposed school use would have emissions well below the BAAQMD significance thresholds and is not required to incorporate project-specific transportation control measures listed in the Clean Air Plan. The project would involve minimal construction and the re-use of an existing building which would result in emissions below the significance thresholds for operational emissions. The project would not contribute to a violation of ambient air quality standard, would not have considerable contribution to cumulative standards, would not generate considerable greenhouse gas emissions, and therefore, the air quality impact is less than significant.

Project impacts related to exposure of sensitive receptors to substantial pollutant concentrations is considered less than significant. The community health risk assessment of children of junior high school age while attending school was evaluated and found to be less than significant.

**Noise:** A noise assessment was prepared by Illingworth & Rodkin for the project.

#### General Plan and Zoning

The noise assessment concludes that the primary noise source in the area was the vehicle traffic along US Highway 101, which calculates to 71 dBA DNL. Vehicular traffic on East Weddell Drive and construction noise from the multi-family residential development to the east also contributed to the noise sources. No construction is proposed with the proposed project other than tenant improvements at 539 E. Weddell Dr. A typical office structure provides about 30 dBA of noise reduction with the windows in the closed position. The interior noise levels of the structures at 521, 531 and 539 E. Weddell Dr., which includes the proposed school site, would be day-night average noise level of less than 45 dBA DNL and hourly average noise levels would range from 39 to 40 dBA Leq, which is less than significant impact.

The Seven Seas Park is located approximately 550 feet from the center of US Highway 101. The estimated day-night average noise level at the southernmost boundary of the park is calculated to range from 59 to 60 dBA DNL, which is below the City of Sunnyvale's "normally acceptable" threshold (65 dBA DNL) for neighborhood parks and playgrounds.

#### Use Permit

The noise assessment concludes that the future interior noise levels and operational noise levels (including outdoor activities in the parking) of the school use are less than significant. The existing ambient noise level is considerably high at the project site due to the traffic noise from US Highway 101 and the surrounding streets ranging from 72 to 75 dBA Leq during school hours. The expected noise level generated by outdoor activity by the students and vehicles entering and exiting the site at low speeds are projected to be lower than the existing traffic noise and the incremental increase in

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noise would be insignificant.

## **PUBLIC CONTACT**

### **Neighborhood Outreach Meeting**

The applicants conducted a community outreach meeting on February 4, 2016. The meeting information included discussion about the proposed General Plan and zoning land use designation changes and the potential use of 539 E. Weddell Drive by Summit Schools. The meeting notification radius is depicted in Attachment 1, which includes all properties located a minimum of 1,000 feet from the edge of the project site. Approximately 50 members of the public attended. At this meeting, the applicants made a presentation of the pending applications and answered questions from those in attendance. Most questions and concerns raised at the meeting were regarding the Summit School Use Permit (related traffic issues, air quality, use of park), and fewer questions regarding the General Plan Amendment and Rezoning.

### **Planning Commission Meeting February 22, 2016**

At the Planning Commission hearing on February 22, 2016, four members of the public spoke in support of the General Plan Amendment and Rezoning and six spoke in opposition of the project. Several emails were received prior to the hearing and were included as part of the staff report or provided to the Commission at the hearing. Minutes of the Planning Commission hearing of February 22, 2016 are included as Attachment 14.

Support letters received from the students and parents of students of Summit School have been included as an attachment (Attachment 13).

### **Notice of Public Hearings**

- Published in the Sun newspaper
- Posted on the sites
- 2,906 notices were mailed to property owners and tenants within 1,000 feet of the project as shown in Attachment 1
- The Morse Park Neighborhood Association, Sunnyvale Neighbors of Arbor including La Linda (SNAIL)

### **Staff Report**

- Posted on the City of Sunnyvale's web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

### **Agenda**

- Posted on the City's official notice bulletin board
- City of Sunnyvale's web site

## **ALTERNATIVES**

1. Rescind the motion regarding General Plan and Zoning passed by the Planning Commission at the February 22, 2016 meeting regarding this project.

### **Recommendation to City Council:**

2. Make the required findings and adopt the Negative Declaration.

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3. Adopt a resolution amending the General Plan land use designation from Industrial to School for 521, 531 and 539 East Weddell Drive and from Industrial to Park for 1010 Morse Avenue (Attachment 4) and make no changes to the SFPUC Hetch Hetchy property.
4. Introduce an Ordinance to rezone 521, 531 and 539 E. Weddell Drive from MS-POA to PF and 1010 Morse Ave. from MS-ITR-R3-PD to PF (Attachment 5).
5. Approve the Use Permit subject to the findings in Attachment 3 of this report and recommended Conditions of Approval in Attachment 8 of this report.
6. Approve the Use Permit with modifications.
7. Recommend to City Council with modifications to staff recommendations.
8. Provide direction on additional environmental review.
9. Deny the requests for General Plan Amendment, Rezoning, and/or Use Permit.

**STAFF RECOMMENDATION**

Alternative 1) Rescind the motion regarding General Plan and Zoning, passed by the Planning Commission at the February 22, 2016 meeting regarding this project; and Recommend to City Council, Alternatives 2, 3, 4, and 5; 2) Make the required findings and adopt the Negative Declaration; 3) Adopt a resolution amending the General Plan land use designation from Industrial to School for 521, 531 and 539 E. Weddell Drive and from Industrial to Park for 1010 Morse Avenue and make not changes to the SFPUC Hetch Hetchy property; 4) Introduce an ordinance to rezone 521, 531 and 539 E. Weddell Drive from MS-POA to PF and 1010 Morse Ave. from MS-ITR-R3-PD to PF; and 6) Approve the Use Permit subject to the findings in Attachment 3 of the report and recommended Conditions of Approval in Attachment 8 of the report.

Staff supports the General Plan amendment and Rezone for the subject properties given their immediate proximity to fairly new residential uses, and because all sites subject to the change are not currently used as industrial use, and are consistent with the proposed land use designation changes.

Staff was able to make the required Findings for the Use Permit. Recommended Findings and General Plan Goals and Policies are located in Attachment 3.

Prepared by: Momoko Ishijima, Associate Planner  
Approved by: Andrew Miner, Planning Officer  
Approved by: Trudi Ryan, Community Development Director  
Approved by: Kent Steffens, Assistant City Manager  
Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Site and Vicinity Map
2. Project Data Table
3. Recommended Findings for Use Permit
4. General Plan Amendment Resolutions
5. Rezoning Ordinances
6. General Plan Map
7. Zoning Map
8. Recommended Conditions of Approval for Use Permit
9. Negative Declaration
10. Site and Architectural Plans

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11. Letters from Neighbors
12. Letters from Applicants
13. Letters from Summit School Students and Family
14. Planning Commission Meeting Minutes February 22, 2016
15. Letter from San Francisco Public Utilities Commission
16. Traffic Impact Analysis by Kimley Horn