



December 7, 2018

Sunnyvale City Council & Planning Commission
456 W. Olive Ave.
P.O. Box 3707
Sunnyvale, CA 94088-3707

Honorable Members of the City of Sunnyvale City Council and Planning Commission:

Summit Public Schools submits the following position paper in support of approval of a Use Permit petition for the property identified as 824 San Aleso Ave. permitting the operation of a Public Charter High School.

Should you have any questions, please do not hesitate to contact us. We also reiterate our previous invitations to meet with us and to visit Summit Public School: Denali.

Sincerely,

Kevin Bock
Executive Director
Summit Public School: Denali

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Introduction & Summary

Who We Are

Summit Public Schools, a leading nonprofit charter management organization serving diverse communities in the San Francisco Bay Area and Washington State, operates 11 schools enrolling 4,500 students. Summit's mission is to ensure that our diverse population of students is prepared for success in a four-year college or university and to be thoughtful, contributing members of society. Summit schools consistently rank among the best in California and the nation. To date, 98 percent of Summit graduates have been accepted to one or more four-year colleges, and our students are completing college at double the national average.

Summit Public School: Denali is a public charter school operated by Summit Public Schools; it is non-sectarian and tuition-free. We welcome everyone to attend and there are no admissions requirements. When there are more applications for enrollment than space available, a public random lottery is held.

Summit Public Schools: Denali has been an asset to the Sunnyvale community for over five years now. The school currently serves 600 students (across two campuses) in grades 6-11, and will grow to serve grades 6-12 in 2019-2020. In 2017, Summit Denali students outperformed county and state averages for both English language arts and Math on the annual state assessments.

Charter public schools were first established by the California Charter Schools Act of 1992. The intent of the legislature in creating the Act was to allow parents, teachers and the community to create new schools to improve student learning, encourage the use of new and innovative teaching methods, and share learnings in order to improve public education across the state and in the U.S. Summit Public Schools is committed to upholding the intent of the Charter School Act by sharing and collaborating with schools locally and across the country. Through the Summit Learning Program we partner with more than 300 other schools to serve 54,000+ students--offering the tools, training, and ongoing support needed for those schools to implement Summit Learning in their classrooms.

Summit Public School: Denali is a "Countywide Benefit" charter school that was granted a charter to meet the needs of families along the 101 corridor in Northern Santa Clara County, and seeks to close the achievement gap in this region by preparing each and every student for success in college, career and life. Last year, the Santa Clara County Office of Education unanimously approved a five-year charter renewal for Summit Denali based on our school's very strong academic performance and the operational strength of the organization. This renewal is another demonstration that our organization is fiscally sound, properly managed and academically rigorous. For the first five years of operation, Summit Denali has been located in temporary facilities in Sunnyvale and Mountain View. Now, Summit Denali has the opportunity to complete a long-term facilities plan that will create stability within our school community and for the families we serve families. The middle school (grades 6-8) is located at 593 E. Weddell Drive, Sunnyvale, CA 94089 and we seek to locate the high school (grades 9-12) one mile away at 824 San Aleso Ave. Sunnyvale, CA 94085.

The location of these two facilities along the 101 corridor in the City of Sunnyvale is ideal for the population that Summit Denali seeks to serve and it also meets a growing need in the community. According to the California Department of Education (Dataquest), Hispanic or Latino students, English learners, and socioeconomically disadvantaged students score far below the County average along the 101 corridor. There are no existing high school options for students along the 101 corridor in Sunnyvale and we know that the residential population of the City is increasing rapidly. For all of these reasons, Summit Public Schools: Denali is a valuable asset to the City of Sunnyvale and we request approval of our application for a Use Permit for 824 San Aleso Ave.

Our Vision for the Site on San Aleso Avenue

Since the charter for Summit Denali was first approved in 2012, we have been searching for long-term facilities for our school. This search has included reviewing over 40 sites in Sunnyvale and submitting approximately 10 different proposals to the City. We are grateful for the collaborative spirit with which the City has approached the need to identify a mutually acceptable property for Summit Denali's permanent home. After seeking City review of dozens of potential properties that were ultimately not acceptable to the City, Summit staff met with City officials and specifically asked for locations where a school site could be embraced by the City. In turn, the City offered three sites as acceptable locations. The first site (Arques) was under our control, but was ultimately lost to a higher bidder. The second site became the site of our current middle school campus at 539 E Weddell Drive. The third site suggested by the City was that which is the subject of today's proposal: the San Aleso properties off of Matilda Avenue, west of the 101 freeway. This area is one which (similar to the site on Weddell) had been zoned for light industrial use, but is being transformed by the Peery Park Specific Plan. Given the challenges of finding adequate space in what is an increasingly costly real estate market, Summit Public Schools was pleased to be able to secure the property at 824 San Aleso Ave.

Consistent with this outline of property engagement with the City, in 2016, the City of Sunnyvale approved our application for a use permit for our permanent middle school campus located at 593 E. Weddell Drive Sunnyvale, CA 94089. Now, we are asking for the City to support the fulfillment of the multi-campus plan to serve grades 6-12, and approve our application for a use permit for a permanent high school campus at 824 San Aleso Ave. Sunnyvale, CA 94085.

The location of these two premier school facilities along the 101 corridor in the City of Sunnyvale is intentional to provide greater access for Sunnyvale's current and growing the population to high-quality, innovate public education. There are no existing high school options for students along the 101 corridor in Sunnyvale and with the growth of the City to meet the economic development and residential demands, ensuring these quality public school seats remain in Sunnyvale is imperative. The dual locations of Summit Denali Middle School at Weddel and High School at San Aleso not only align with the population that Summit Denali seeks to serve, but also meets an existing need in the community. Furthermore, according to the California Department of Education, Hispanic or Latino students, English learners, and

socioeconomically disadvantaged students presently score far below the County average along the 101 corridor. Summit Denali provides a proven quality public education that aims to help close this achievement gap.

At 824 San Aleso Ave., we intend to create a learning environment that is an exemplar of cutting edge educational practices and space design that will be a source of pride for the City of Sunnyvale and its residents. As our building plans show, the site we will provide a space that is inspiring, flexible, and can support up to 400 learners.

Summit Public Schools is committed to being a good neighbor. We respect not only the Peery Park Specific Plan vision for the community, but are mindful of the concerns that come with the siting of a new school in any area. To help mitigate against the effects of traffic during certain times of the day, Summit Denali has adopted an official Parking & Transportation Policy (provided to the City staff) that encourages use of alternative transportation methods such as walking, biking, use of public transit and carpooling. The policy requires student drivers to apply for a parking permit, prohibits parking in the neighborhood, and enforces consequences for violation of this policy. The parking permit process will ensure that student drivers park only in their assigned parking spot. Based on our deep experience operating high schools, we are confident the design for the San Aleso campus provides more than enough parking spots for student drivers. The school has further developed plans to ensure that evening activities are mindful of community interests. By locating within close proximity to the Summit Denali Middle School campus on Weddell, the school can limit the need to hold school related evening meetings at the San Aleso campus. Additionally, the school will have a plan in place for special event parking. We are currently working out an agreement with a local business that will allow us to use some of their parking spots on nights and weekends for special events. As described in section C.2. of this document, an independent parking study identified the actual parking needs for Summit Denali, which given the unique characteristics of a charter school should be given significant weight.

Summit Public Schools Meets the Objective Criteria to be Granted a Use Permit

The Summit Public Schools: Denali project meets the objective criteria required for a discretionary use permit and attains the objectives and purposes of the Peery Park Specific Plan. Furthermore, the project will not impair the orderly development of adjacent properties, but rather will enhance the development of San Aleso Avenue.

Accordingly, we ask that the Commission to grant the Use Permit as requested. A detailed explanation of how Summit meets the criteria is provided in the section beginning on page 6, and an overview is provided here.

- The public charter school use serves the public good. Public schools, like government or quasi government uses, are exempt or given deference based on the direct correlation between the use sought and the benefit to the public good created by the use.

- There has been exponential residential growth in Sunnyvale over the past five years, but there remains only one District public high school. The location of Summit Denali at San Aleso meets a need for a second public high school, offering quality public seats.
- Summit's use is consistent with the character of the area and/or the actual uses of the surrounding properties. The city designated San Aleso as part of the Peery Park Plan to change the character of the area from industrial to residential. Public schools are a permitted use in residential and therefore by ordinance are consistent with the changed nature of the area.
- All environmental impact studies relating to noise and air quality have concluded that there is no negative impact created by Summit's use at the San Aleso property.
- An independent traffic consultant retained by the City concluded that the proposed Summit use on San Aleso does not have a negative effect on traffic in the area. This report does not consider the general societal problem of traffic in general but instead determines the difference in traffic created by Summit's proposed use versus its former use.
- Summit has agreed to make all the safety upgrades to the surrounding area based on the recommendations made by the City and the Traffic Consultant and therefore has mitigated any safety issues to both pedestrians and vehicular traffic in the area.
- Summit also has a strong history of using a variety of techniques to ensure that traffic always flows smoothly on and around our campuses, including: encouraging and even helping to facilitate carpooling and use of public transit, careful staff and volunteer management of traffic flow, and staggered start times.
- Our plans now call for 69 parking stalls on the site. This provides more than adequate parking space for the needs of the school.

The Use Permit Request Meets Criteria For Approval

The Use Permit requested by Summit Public Schools meets the criteria for approval of a Use Permit as defined in Title 19. Zoning; Article 6 Discretionary Permits and Procedures; Chapter 19.88. Use Permits.

Sunnyvale City Ordinance 19.88.050 states:

The director, planning commission or city council may approve any use permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

(a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

(b) Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. (Ord. 2920-10 § 3; Ord. 2623-99 § 1; prior zoning code § 19.52.030(a), (b)).

A. The use of the property as a public charter school as articulated in the Summit Public Schools: Denali proposal is squarely within the public interest.

- 1. Providing access to quality public education is at the core of any city's obligation to its citizens.** Summit Public School: Denali is a high-performing school in the Sunnyvale community. Summit Denali's seventh grade class outperformed all comparable public school options in English language arts and nearly all in Math. Additionally, Summit's track record as a leader in educational outcomes is strong. Last year, 98% of graduating seniors across the Summit organization received acceptance to at least one four-year college or university. Summit schools have been named among the most challenging in America by the Washington Post and among the best in America by U.S. News & World Report. Recently, U.S. News & World Report visited Summit Public School: Denali and called Summit Public Schools the schools of the future. As Sunnyvale continues to grow, ensuring families have access to high-quality public education serves a strong public interest.
- 2. Schools and churches provide critical stability to a neighborhood.** It is a well-recognized fact that stability of a neighborhood is paramount to maintaining its viability as well as promoting economic growth. Stability engenders pride in the neighborhood which leads to residents maintaining their properties at a high level. This has a direct effect on retaining higher home values and decreasing security issues (as vested neighbors in stable areas have a tendency to watch out for their neighbors more than in neighborhoods that are less stable or decaying). Two of the uses which provide the most stability to a neighborhood are good schools and religious institutions. According to the National Center for Education Statistics, the average lifespan for a public school located in or adjacent to neighborhood is over 50 years and according to Ministry magazine, the average lifespan for a 501c3 church with a permanent pastoral staff is approximately 60 years in one location.

Summit Public Schools is a stable and established organization, that will offer long-term public benefits to the community. Summit Public Schools is governed by a professional

and experienced Board of Directors who, consistent with state law, hold meetings open to the public providing great transparency. The Board reviews the organization's finances at regular intervals and consistent with state and federal laws, completes an annual independent audit. In the 15 years of operation, Summit Public Schools has never had an adverse audit finding. As a part of the San Aleso redevelopment, Summit Denali is committed to be a long-term community partner, offering increased stability to the neighborhood.

3. **Schools provide positive benefits to a neighborhood.** Good schools provide direct economic benefit to both residential and retail establishments. These uses typically encourage patronage from local businesses to enhance their connection to the community they serve. The proximity of churches and good schools to nearby neighborhood housing is consistently cited amongst the top five reasons buyers will choose the home they buy, even if it means the buyer will have to pay a premium for that location. Beyond the direct economic benefits created by schools this use also provides very important social benefits to the neighborhood. Several researchers have identified that the social benefits of (churches and) schools in a neighborhood include: providing help to poor and vulnerable individuals, improving marriage relationships, decreasing violent crimes in the area, and promoting charitable contributions and volunteering. Finally, in addition to increasing educational skills, schools and churches encourage civic engagement. One study of school students and church congregants in six different communities found that 91% of the students and congregants provide at least one social service to the community. This kind of community investment and contribution cannot be said about any other kind of uses.
4. **Good schools in a neighborhood increase property values.** The correlation between school quality and neighborhood choice and home values is well documented. The 2015 National Association of Realtor Home Buyer and Seller Generational Trends study found that the quality of the neighborhood school was the sixth most important factor influencing the neighborhood choice of home buyers around the country, but for buyers aged 35 to 49, the neighborhood school was the fourth most important factor. Home buyers without children are less focused on schools, but even in that group over 50% of home buyers would rather buy in a good neighborhood district to protect resale value. A Redfin brokerage report in 2013 found that homes in neighborhoods with top-rated schools cost \$50 more per square foot than homes in communities with average-ranked schools. As a nationally notable and ranked public school, Summit Denali is an attractive school option for current residents and those moving to the area as a result of the increase tech sector jobs.

B. The Summit Public Schools Use Permit should be approved as it attains the objective and purpose of the Peery Park Specific Plan

With the adoption of the Peery Park Specific Plan (PPSP) on September 20, 2016, Sunnyvale made a strong commitment to ensuring the community would grow in a manner consistent with the priorities of the City and its residents. As such, the Summit Public Schools: Denali is subject to the PPSP and seeks to align with the vision this Plan sets forth. The plans proposed by Summit Public School: Denali provide for a setting that brings the community together, protects the adjacent neighborhood, and greatly contributes to community sustainability.

The PPSP specifically calls for innovative education centers. Nothing could be more aligned to that objective than the integration of a Summit Public Schools high school. Our school model, integrating a unique personalized learning platform with research-based best practices in teaching, has been heralded nationally as the school of the future. In addition, as noted in many of the letters of support accompanying this submission, families are choosing Summit because it offers a new approach to learning that they are not able to find elsewhere for their students.

C. The Summit Public School Use Permit should be approved as the use to be made of the property, does not impair either orderly development of, or the existing uses being made, of adjacent properties:

- 1. The use by Summit Public Schools meets the standard for approval.** During the Use Permit application process the property has been required to provide the following: Environmental Air Quality and GHG Assessment report conducted by Illingworth and Rodkin, Inc. dated October 3, 2018; Environmental Noise Assessment report conducted by Illingworth and Rodkin, Inc. dated September 26, 2018; Aeronautics review report conducted by the California Department of Transportation, Division of Aeronautics on behalf of the California Department of Education for the site at 824 San Aleso, Ave., Sunnyvale. All of the above reports concluded that there was no impact created by the school's use and no impact to the students and staff based on the proximity to US highway 101. Of particular interest to the surrounding community, the final report based on the traffic analysis and evaluation of the site plan submitted by Summit Public Schools at 824 San Aleso Ave. showed there are no significant impacts on traffic as a result of the proposed project.
- 2. The parking provided by this project meets the needs of the specified use.** Kimley-Horn and Associates were engaged to prepare and submit to the City an independent parking analysis to identify parking conditions as they pertain specifically to Summit Public Schools. Their study examined parking conditions at five (5) existing Summit Public School high school sites to determine an average demand rate for a Summit high school campus. Based on the results of this study, on average, Summit Schools require 0.13 parking spaces per student. As their report notes, this is significantly less than the 0.25 parking spaces per student required by Sunnyvale Municipal Code.

In an effort to incorporate as much parking as possible, we will implement a proven and innovative technology solution of a parking lift. With this addition, we upgraded the noise analysis to also include testing related to the car lift our plan incorporates to determine any noise impact on adjacent properties. The evaluation included this construction type and specifications of the enclosure to the lift designed for the project and found no significant noise impact to the adjacent properties. All of these reports have been submitted to the City. With this innovation and based on the results of the Kimley-Horn analysis, we are confident that the Summit Denali proposal will provide adequate parking for the school use.

- 3. The Summit Denali High School project has substantial community support.** Summit Public Schools held a Community Meeting on August 1, 2018 to hear questions and concerns from the public regarding our proposed use of the property at

824 San Aleso Ave. as a Public School. The notice for this meeting was delivered to all residents within 1000 feet of the proposed development in a timely manner. Over 50 people attended the meeting, and although there were some concerns raised over reported traffic issues occurring in the surrounding area due to recent development projects or construction in the community, the majority of those in attendance were generally supportive. Other detractors of Summit's use raised an emotional and unsubstantiated fear of having a school near them which, in their opinion, would cause an increase of juvenile delinquent nuisance crimes to the residents of the area. In contrast, facts described in section "A" above show that schools are a positive addition to a neighborhood and that Summit schools in particular have a reputation for successfully preparing all of their their students to be successful in college and thoughtful, contributing members of society.

- 4. Summit Public Schools has a documented practice of implementing adaptive transportation plans that encourage alternative transportation.** As articulated in the Peery Park Specific Plan, one community priority for the redevelopment of this area is to facilitate transportation plans that incent non-single use vehicular transportation. Because charter schools are by their very nature alternative to the traditional public school model, they are inherently different when it comes to how students travel to school. While the traffic study prepared for this project concludes that the project creates no substantial impact on traffic, Summit has 15 years of experience in designing and implementing creative transportation plans for our families that include facilitated carpool groups.

Although Summit Public Schools acknowledges that the greater Bay Area has been experiencing growth that has impacted driving conditions, the Summit Public Schools project should be reviewed as a stand-alone project and cannot be held accountable for the larger social problem of traffic. The extensive traffic impact assessment, conducted by an independent third party, concluded that our use will not create a significant impact on the surrounding roadways. This report and the resulting safety improvements which will be implemented by Summit Public Schools outweigh the unfounded fears some have suggested would result.

In conclusion, for the reasons stated above, the Use Permit request to operate 824 San Aleso Ave. as a Summit Public Schools facility meets all the requirements in the City Ordinance for approval and therefore should be granted without further conditions. The City should not wait to approve the beneficial public school use of 824 San Aleso Ave. pending additional residential development along the corridor. The City must decide each request on whether it meets the general plan, zoning and use restrictions of the ordinance and not on a speculated effect that is contrary to the expert reports prepared in each case.

SUMMIT DENALI

A PUBLIC MIDDLE AND HIGH SCHOOL

Location: Sunnyvale, CA

Mascot: Grizzly Bear

Established: 2013

Grades Served: 6–11 currently;
expanding to 6–12

COLLEGE-PREP CURRICULUM

Summit schools use a cohort model, where students in each grade level are enrolled in the same rigorous course sequence as they prepare for AP level curriculum during their junior and senior years. Summit Denali students take at least six Advanced Placement (AP) courses.

SPORTS

Volleyball • Cross Country •
Soccer • Basketball • Baseball

STUDENT CLUBS

Robotics Team
Student Council
Swimming
+ many more

ELECTIVE COURSES

Entrepreneurship
Computer Science
Visual Arts
Internships
Drama
Video Game Design
Yoga
+ dozens more

SCHOOL LEADERSHIP

Kevin Bock,
Executive Director

MA, Education—Stanford
University; BA, Chemistry and
Political Science—Yale University

Anica Bilisoly,
Assistant Director

MA, Education Policy,
Organization, and Leadership
Studies—Stanford University;
BS, Spanish and Economics—
University of Virginia

SUMMIT PUBLIC SCHOOLS DENALI



Summit Public Schools: Denali was founded in 2013 at the request of Sunnyvale parents who wanted a small, college prep option for their community. As the only public high school to open in the city in over 35 years, we're excited to serve the growing community in a new, long-term facility.

- 100% of Summit graduates are college-ready
- We're thrilled about the possibility of a permanent high school campus at 824 San Aleso Avenue, less than a mile from our middle school campus
- We are excited to support Sunnyvale's vision for the Peery Park neighborhood
- The updated facility will create an innovative, safe, supportive learning environment

SUMMIT SOARS

- In 2018, **The US News & World Report** named three Summit schools to their America's Best High Schools list, awarding each a gold medal for college readiness.
- In 2017, **GreatSchools** recognized us for providing excellent academic opportunities and results for Hispanic and African-American students.
- In 2015, **Fast Company** named Summit Public Schools one of the top 10 most innovative organizations in education.

CONTACT

Denali Middle School: 539 E. Weddell Drive, Sunnyvale, CA 94089
Phone: (669) 721-2646 Fax: (669) 600-5699

To learn more about Summit Denali, or to enroll
your child, please visit denali.summitps.org

SUMMIT DENALI

UNA ESCUELA PÚBLICA INTERMEDIA Y SECUNDARIA

Ubicación: Sunnyvale, CA

Mascota: Oso Pardo

Fundada: 2013

Grados Servidos: Actualmente del 6 al 11; expandiéndose del 6 al 12

CURRÍCULO DE PREPARACIÓN PARA LA UNIVERSIDAD

Las escuelas Summit usan un modelo de cohorte, donde los estudiantes de cada grado se inscriben en la misma rigurosa secuencia de cursos mientras se preparan para el currículo de nivel AP durante el penúltimo y último año escolar. Los estudiantes de Summit Denali toman al menos seis cursos de Colocación Avanzada (AP por sus siglas en inglés).

DEPORTES

Voleibol • Campo Traviesa • Fútbol • Béisbol • Béisbol

CLUBES DE ESTUDIANTES

Equipo de Robótica
Consejo Estudiantil
Natación
+ muchos más

CURSOS ELECTIVOS

Emprendimiento
Ciencias Informáticas
Artes Visuales
Pasantías
Drama
Diseño de Juegos de Video
Yoga
+ docenas más

LIDERAZGO ESCOLAR

Kevin Bock, Director Ejecutivo
Maestría en Educación –
Universidad Stanford; Licenciado
en Química y Ciencias Políticas –
Universidad de Yale

Anica Bilisoly, Subdirectora
Maestría en Política Educativa,
Organización y Estudios de
Liderazgo – Universidad Stanford;
Licenciada en Español y Economía
– Universidad de Virginia

SUMMIT PUBLIC SCHOOLS DENALI



Escuelas Públicas Summit: Denali fue fundada en 2013 a solicitud de los padres de Sunnyvale que deseaban una pequeña opción de preparación universitaria en su comunidad. Como la única escuela pública abierta en la ciudad en más de 35 años, nos emociona servir a la creciente comunidad en una nueva instalación a largo plazo.

- ✳ El 100% de los alumnos graduados en Summit están listos para la Universidad
- ✳ Nos encanta la posibilidad de tener un campus permanente para la escuela secundaria en 824 San Aleso Avenue, a menos de una milla de nuestro campus para escuela intermedia
- ✳ Estamos emocionados de apoyar a la visión de Sunnyvale para el vecindario Peery Park
- ✳ La instalación actualizada creará un entorno de aprendizaje de apoyo innovador, y seguro

SUMMIT SE ELEVA

- En 2018, El US News & World Report mencionó a tres de las escuelas Summit entre su lista de las Mejores Escuelas Secundarias de los Estados Unidos, premiando a cada una con una medalla de oro por su preparación para la universidad.
- En 2017, GreatSchools nos otorgó un reconocimiento por ofrecer excelentes oportunidades académicas y resultados para los estudiantes Hispánicos y Afroamericanos.
- En 2015, Fast Company nombró a las Escuelas Públicas Summit como una de las 10 organizaciones educativas más innovadoras.

CONTACTO

Escuela Intermedia Denali: 539 E. Weddell Drive, Sunnyvale, CA 94089

Teléfono: (669) 721-2646 Fax: (669) 600-5699

Para saber más sobre Summit Denali, o para inscribir a su hijo, por favor visite denali.summitps.org

Ordinance Detailing Criteria for Approving a Use Permit

19.88.010. Purpose.

A use permit is intended to allow the establishment of those uses which have unique characteristics or special form such that their effect on the surrounding environment must be evaluated for a particular location. The permit application process allows for review of the location, design, configuration of improvements and potential impact on the surrounding area. The provisions of this chapter identify and prescribe specific procedures and requirements for the filing, processing and consideration of a use permit. These provisions shall be used in conjunction with the general requirements and procedures identified in Chapter 19.98 including requirements and procedures for applications, fees, notification, appeals, conditions of approval, modifications, expiration, extensions, revocation and infractions. (Ord. 2623-99 § 1; prior zoning code § 19.52.010).

19.88.020. Authority and types of permits.

Authority for action on a use permit shall be vested as follows:

- (a) Minor use permit determined by the director of community development for:
 - (1) Projects, structures or activities determined to pose no significant land use consequences;
 - (2) Those uses determined to be categorically exempt pursuant to the terms of the California Environmental Quality Act;
 - (3) Unenclosed accessory uses when otherwise required under Title 19.
- (b) Major use permit determined by the planning commission for:
 - (1) All applications for a use permit other than those determined to be minor permits or for minor permits that are determined by the director of community development to require more extensive community participation;
 - (2) Floor area ratio which would otherwise meet the maximum of thirty-five percent except that floor area occupied by showers and/or dressing rooms provided for use by bicycle commuters increases the total floor area ratio over forty percent. This FAR bonus over thirty-five percent shall only be allowed for bicycle related facilities;
 - (3) Operation of a large family child care home in a single-family dwelling in any non-residential zoning district, or in a two-family or multi-family dwelling or in a mobile home;
 - (4) Large family child care homes requesting a waiver from the 300 feet distance requirement. (Ord. 3004-13 § 8; Ord. 2906-09 § 15; Ord. 2848-07 § 6; Ord. 2745-04 § 8; Ord. 2689-01 § 1; Ord. 2623-99 § 1; prior zoning code § 19.52.021).

19.88.040. Actions.

- (a) The director of community development, after holding at least one public hearing, may:
 - (1) Approve the use permit as requested or as changed, modified or conditioned by the director of community development if the director finds that the use or project as approved meets at least one of the required findings.
 - (2) Deny the use permit if the director finds that the use or project would not meet either of the required findings.
- (b) After receiving either an application for a use permit, or an appeal from the action of the director of community development on a requested use permit, and following at least one public hearing, the planning commission by the affirmative vote of a majority of its voting members may:

(1) Approve the use permit as requested or as changed, modified or conditioned by the planning commission if the commission finds that the use or project as approved meets at least one of the required findings.

(2) Deny the use permit if the commission finds that the use or project would not meet either of the required findings.

(c) After receiving an appeal or recommendation from an action of the planning commission on a requested use permit and following at least one public hearing, the city council by the affirmative vote of a majority of its voting members may:

(1) Approve the use permit as requested or as changed, modified or conditioned by the city council if the council finds that the use or project as approved meets at least one of the required findings.

(2) Deny the use permit if the council finds that the use or project would not meet either of the required findings. (Ord. 2745-04 § 9; Ord. 2623-99 § 1; prior zoning code §§ 19.52.030, 19.52.030(b), 19.52.060, 19.52.090).

19.88.050. Findings.

The director, planning commission or city council may approve any use permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

(a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

(b) Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. (Ord. 2920-10 § 3; Ord. 2623-99 § 1; prior zoning code § 19.52.030(a), (b)).