

**RECOMMENDED FINDINGS**

**PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT**

**Peery Park Specific Plan Conditional Use Permit:** The project is consistent with the Vision Statement, Guiding Principles and District Policies of the Peery Park Specific Plan including the Development Code.

Required Findings:

1. The use is consistent with the Peery Park Specific Plan;
2. The use is consistent with the certified Environmental Impact Report prepared for the Peery Park Specific Plan;
3. The use is consistent with the General Plan;
4. The use meets all the development standards in the Peery Park Development Code and Sunnyvale Municipal Code;
5. The use is consistent with applicable Peery Park Specific Plan and City-adopted design guidelines;
6. The location, size, design and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity;
7. The use and recommended conditions will adequately mitigate any noise, traffic, parking, or other impacts that would interfere with adjacent properties; and
8. Any special structure or building modifications necessary to contain the proposed use would require a Peery Park plan review permit and would not impair the architectural integrity and character of the sub-district in which it is to be located.

Staff finds the proposed project is not consistent with the above findings, specifically Item 4 relating to all development standards and Item 7 relating to parking conditions. 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 adequate and diverse housing stock and providing a strong and balanced economic base.

**General Plan Goals and Policies**

**Goal LT-6: Protected, Maintained, and Enhanced Residential Neighborhoods**

Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.

**Policy LT-6.2:** Limit the intrusion of incompatible uses and inappropriate development in and near residential neighborhoods, but allow transition areas at the edges of neighborhoods.

- Policy LT-6.4:** Allow compatible and supporting uses such as group homes, places of assembly, community centers, recreational centers, and child-care centers in residential neighborhoods (including single-family neighborhoods) subject to review and consideration of operations, traffic, parking, and architecture.
- Policy LT-14.9:** Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living recreation centers, religious institutions, schools, hospitals, large medical clinics) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure they do not have a negative effect on the surrounding area.
- Policy LT-14.15:** Recognize schools, both public and private, as integral parts of the community that require special consideration to manage traffic, support residential development, and provide open space.

The project site is located in the Peery Park Specific Plan, Neighborhood Transition sub-district (PPSP-NT). The intent of this district was to create a transition zone between the office/R&D district west of Mathilda Avenue and the residential neighborhood east of San Aleso Avenue. The use and development standards for the PPSP-NT zone defers to the R-3 (medium density residential) zoning district of the Zoning Code, which allow consideration of residential uses and other compatible uses such as educational uses. The site will redevelop an industrial manufacturing use to educational use serving the existing surrounding residential neighborhood, as well as the approved residential development adjacent to the project site on San Aleso Avenue. 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 project is consistent with the PPSP, it will enhance the character of the site, surrounding neighborhood, and community by re-purposing an existing industrial building. The project proposes interior and exterior modifications to the building with contemporary architectural details and updated building, fire safety, and structural codes. The project will increase landscaping and preserve existing street trees.

The project will not result in environmental effects that were not adequately examined in the Program EIR. The project is consistent with the Program EIR and does not increase the severity of significant environmental impacts previously identified in the Program EIR. The height of the building and setbacks meet the development standards for the PPSP.

However, staff determination is that findings to recommend the proposed project cannot be made due to the 31% deficiency in the required minimum parking for a high school use. Although Summit Public Schools have implemented parking management policies

and techniques in other high school campuses in the Bay Area, and additional conditions have been proposed in the Conditions of Approval (Attachment 4), staff determination is that it will not be sufficient to mitigate parking impacts that would interfere with adjacent neighbors.

## ADJUSTMENTS TO PARKING REQUIREMENTS

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A parking adjustment permits flexibility in parking requirements to address unusual or specific use or locational characteristics. To grant an adjustment from a parking ratio minimum for nonresidential uses, the director or approving body shall find:

Required Findings:

1. One or more of the following applicable characteristics are present:
  - a. There are parking agreements with off-site properties; or
  - b. There is a parking management plan that includes valet parking, off-site employee parking, parking agreements, or other demand management tools; or
  - c. The uses on a site have complementary peak hours; or
  - d. The use is commercial in nature and is intended to serve adjacent employment centers. The use provides adequate pedestrian connections to the site from nearby properties and businesses; or
  - e. The use is within one-half mile of a walk from a rail station, light rail station, or major bus stop. A major bus stop is defined as a stop where six or more buses per hour from the same or different routes stop during the peak period in core, corridor or station areas; or
  - f. The proposed use has an unusual characteristic that results in less parking demand. This characteristic shall be described and limited in applicable conditions of approval for a discretionary land use permit. Land uses that are permitted by right may not apply for adjustment because of this criterion of unusual characteristics.
2. Based on the characteristics present in subsection (1), the proposed parking is adequate and will not spill over onto surrounding properties or streets.

The project proposes to provide 69 parking spaces on site, of which 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 provide 19 surface parking spaces, and the rear parking lot will provide 28 surface parking spaces with one parking space identified as compact in addition to the parking spaces in the mechanical parking lift. The mechanical parking lift will only be utilized by staff and teachers under supervision.

Sunnyvale Municipal Code (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.

The project includes a request for an adjustment to minimum parking ratio requirements. Finding (b) allows for adjustment to the parking requirement if the proposed use has a parking management plan, and (f) allows for adjustment to the parking requirement if the proposed use has an unusual characteristic that results in less parking demand. A parking study, prepared by Kimley Horn, collected parking data

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

The applicant proposes similar parking programs to be implemented at the Sunnyvale campus as the other Summit high schools to ensure management and control over parking (as described in the Project Description Letter, Attachment 10), including:

- School policy promoting alternative transportation options - public transit, carpool, bicycle or walking
- Limited permit parking for eligible student drivers with assigned parking spaces
- Education of student drivers and parking rules
- Education of students, staff and families of the drop off and pick up procedures
- Enforcement of students not to park in visitor, staff, and residential neighborhood (street parking)
- Enforcement by school staff with parking and flag monitors during drop off and pick up

Despite the parking study prepared by the applicant, implementation of parking programs and operational controls proposed to be in place by the school, and additional conditions proposed in the Conditions of Approval (Attachment 4), staff determination is that the findings cannot be made to allow an adjustment to the minimum parking requirement. A 31% deficit to the parking requirement is considerable, and even with the school policies and parking programs, the burden would rest on the neighboring residents and property owners if parking issues arise as a result of approving the parking adjustment. In addition, 22 of the 69 parking spaces are proposed to be provided inside a parking lift structure. Although the parking lift is proposed to be limited to staff and teachers only, concerns remain on the timing and efficiency of the operation of the parking lift so as not to create a conflict within the drop off and pick up loop.