



Sunnyvale

1025 The Dalles  
File #2018-7519

Planning Commission, 3/11/19

# Background

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- August 2012 - Use Permit approval for a Chinese Learning Center.
- 2014 to 2018 – Code Enforcement activity for noise complaints and non-compliance with Conditions of approval.
- October 2018 - Use Permit Denial for expansion of hours of operation and outdoor play area due to incompatibility with neighborhood and on-going code enforcement violations.

# Site Context



\*areas noted in red indicate proposed outdoor play areas

# Appeal by Applicant

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1. Determination was not based on substantial evidence in the record.
2. The applicant proposed the following subsequent changes to address noise and compatibility concerns:
  - a) Hours of Operation
  - b) Outdoor Activity
  - c) Use of Noise Monitor
  - d) Removal of requirement for masonry wall and landscaped screening.

# Staff Analysis

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1. Substantial Evidence for Incompatibility finding is based on the following:
  - a) Code Enforcement History
  - b) Public Testimony at Zoning Administrator Hearing
  - c) Site Layout
  - d) Intensification of existing uses

# Recommendation

## Alternatives

1. Deny the Appeal and uphold the decision of the Zoning Administrator.
2. Find that the Action is Exempt from CEQA, Make Use Permit findings (Attachment 3) and grant the Appeal and approve the Use Permit (Attachment 9).
3. Find that the Action is Exempt from CEQA, Make Use Permit findings (Attachment 3) and grant the Appeal and approve the Use Permit with modifications, as determined by the Planning Commission.

## Staff Recommendation

- Approve Alternative 1 subject to the findings.