

**RECOMMENDED FINDINGS**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS IN PEERY PARK**

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The City Council hereby makes the following findings:

1. The City Council has independently reviewed the programmatic Final Environmental Impact Report for the Peery Park Specific Plan, State Clearinghouse #2015062013, certified on September 20, 2016 ("Program EIR").
2. The Peery Park Specific Plan ("PPSP") anticipates construction of an additional 2 million square feet of office, industrial, and commercial development, 200,000 square feet of retail development, and 215 residential units within the 450-acre Peery Park Neighborhood over 20 years.
3. In addition to serving as the environmental document for the approval of the PPSP, the Program EIR was intended by the City to serve as the basis for compliance with CEQA for future discretionary actions to implement the PPSP, in accordance with Public Resources Code Section 21094 and Section 15168 of the CEQA Guidelines.
4. The Program EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the PPSP. In addition, the Program EIR identified significant and unavoidable impacts with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic.
5. On September 20, 2016, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the Program EIR and adopted the PPSP.
6. The City has analyzed the proposed Project pursuant to Public Resources Code Section 21094(c) and Section 15168(c)(2) of the CEQA Guidelines to determine if the Project may cause significant effects on the environment that were not examined in the Program EIR and whether the Project is within the scope of the Program EIR.
7. The City Council finds that the Project will not result in environmental effects that were not adequately examined in Program EIR. As demonstrated by the City's analysis of the Project, the Project will incrementally contribute to, but will not increase the severity of, significant environmental impacts previously identified in the Program EIR.
8. For the reasons discussed in Section ENVIRONMENTAL REVIEW of the PLANNING COMMISSION Staff Report for the proposed Project dated 12/10/2018, the City Council finds that the proposed Project is consistent with the PPSP.
9. In accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require

preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project:

- a) The Project does not include any substantial changes in the PPSP and no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken consistent with the PPSP, so the Program EIR does not require any revisions due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
  - b) No new information of substantial importance, which was not known and could not have been known at the time that the Program EIR was certified as complete, shows that the Project would cause new or substantially more severe significant environmental impacts as compared against the impacts disclosed in the Program EIR, that mitigation measures or alternatives found infeasible in the Program EIR would, in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the Program EIR would substantially reduce one or more significant environmental impacts found in the Program EIR.
10. All significant effects on the environment due to the implementation of the Project have been eliminated or substantially lessened where feasible through the Program EIR mitigation measures adopted in connection with the City Council's approval of the Program EIR. All Program EIR mitigation measures applicable to the Project are hereby made a condition of the Project's approval.
  11. In accordance with Public Resources Code Section 21094(d), the City Council finds that any significant and unavoidable impacts of the Project with regard to air quality, cultural resources and historic structures, greenhouse gas emissions, noise, and transportation, circulation and traffic are outweighed by overriding considerations as set forth in the Program EIR and in the Findings adopted by the City Council in connection with the approval of the Program EIR, as incorporated by reference and reaffirmed herein.
  12. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the City Council, exercising its independent judgment and analysis, finds that the Project is consistent with the PPSP, falls within the environmental parameters analyzed in the Program EIR, and would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the Program EIR, nor would new mitigation be required for the Project.
  13. The Department of Community Development, Planning Division, is the custodian of the records of the proceedings on which this decision is based. The records are located at Sunnyvale City Hall, 456 West Olive Ave., Sunnyvale, CA 94086.

## **PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT**

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**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 consistent with the above noted findings. 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 Policies**

**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.

## 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 will be 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

Conditions of approval have been included to develop a bicycle and walk plan, and a drop-off and pick-up plan, parking management plan including the operation of the mechanical lift parking for staff and employees and parking plan for eligible student drivers. A condition has also been added to require the school to engage nearby uses on San Aleso Avenue to utilize their parking lots for special events (if necessary) or stagger the event times to ensure sufficient parking, which could occur only a few times throughout the school year.

In addition to the above, the school will develop a parking management plan that will include the following:

- Administration of a color-coded parking sticker system for all vehicles registered to the student household and staff
- Annual letter distributed to the neighbors with information on the parking management plan and how to contact the school and the City if there are parking concerns
- Development of a complaints log filed directly with the school administration
- Inclusion of existing school policies, previously presented by the school (i.e., carpooling plan, student permit parking plan, and reinforcement of school policies through communication)
- Proof of a signed lease (5-year term) for offsite parking for the deficient parking spaces
- Provide shuttle services twice in the morning and afternoon from offsite parking

A penalty system shall be implemented with fines and regular check-ins with City staff and Department of Public Safety School Resource Officers.

Staff determination is that with the operational controls proposed to be in place by the school, the findings of the parking study by Kimley Horn, and the additional requirement to develop a parking management plan, penalty system, and offsite parking to be provided, a finding can be made to allow an adjustment to the minimum parking requirement under Findings (b) and (f).