

RECOMMENDED FINDINGS

Adoption of Negative Declaration

In order to adopt the Negative Declaration, the Planning Commission must make the following findings.

1. The Negative Declaration was prepared and circulated for public review in accordance with the requirements of the California Environmental Quality Act.
2. The Planning Commission has read and considered the Negative Declaration and finds on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the proposed Project will have a significant effect on the environment.
3. The Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. 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.

Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Goal LT-6: Protected, Maintained, and Enhanced Residential 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-14.10: Encourage multiple uses of public and quasi-public facilities (e.g., religious institutions, schools, social organizations, day care), such as community events, after-school programs, and festivals.

POLICY LT-14.11: Maintain and promote conveniently located public and quasi-public uses and services that enhance neighborhood cohesiveness and provide social and recreational opportunities.

POLICY LT-14.12: Recognize child care and places of assembly as essential services and land uses that support the diverse needs of the community. Avoid locating these sensitive uses near hazardous materials, noise, dust, etc.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project. **Finding met.**

As conditioned, the child care use will have no adverse impacts on the surrounding neighborhood. The project is desirable in that it provides an essential service for the community, in a neighborhood that has transitioned to residential uses. Therefore, the use promotes policies enumerated in City's General Plan and meets the requirements of Sunnyvale Municipal Code.

2. The proposed use ensures 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. **Finding met.**

The proposed use within the existing structure will provide a conveniently located child care facility in close to residential neighborhood. The site has adequate parking during the proposed hours of operation and involves minimal modifications to the site. The site is buffered from the adjacent residential uses by Hetch Hetchy R.O.W. and Seven Seas Park.

The child care use is proposed at the northern part of the existing building, which is the furthest part of the property from the adjacent U.S. Highway 101. As part of the 2016 Use Permit application for Summit School at the property located at 539 East Weddell Drive, an Air Quality study concluded that the combination of all the toxic air contaminants (TAC) at the project site would not exceed the significance threshold and would be less than significant impact. The applicant is also subject to the State's Child Care operator licensing requirements. As conditioned, the use will have not be detrimental to public welfare, or injurious to property, improvements or uses within the immediate vicinity.

Parking Adjustment

To grant an adjustment from a parking ratio minimum for nonresidential uses, the director or approving body shall find:

- (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. **Finding met.***

Based on the project description provided by the applicant, the uses on a site have complementary peak hours. The church activities are primarily during the weekends or weekday evenings, which are outside the proposed hours of operation of the child care use. A total of 11 church employees are present on the site during the business hours. The 128 parking spaces on the site are more than adequate during the child care's hours of operation, which only requires 13 parking spaces. The church also has parking agreement with the adjacent school site at 539 E Weddell Drive that allows for the use of parking spaces for the church use during weeknights and weekends.

- (2) *Based on the characteristics present in subsection (d)(1), the proposed parking is adequate and will not spill over onto surrounding properties or streets.*

Finding met.

Based on the complementary peak hours of the uses on the site, staff finds proposed parking to be adequate and will not spill over onto surrounding properties or streets. A Parking Management Plan is required, per Condition of Approval BP-6, to ensure parking is adequately provided for the multi-tenant building (See Attachment 3, Recommended Conditions of Approval and Attachment 8, Parking Management Plan).