



File #: 19-0208, Version: 1

REPORT TO COUNCIL

SUBJECT

CONTINUED FROM JANUARY 29, 2019.

Proposed Project: Appeal by the Applicant of a decision by the Planning Commission to deny:
PEERY PARK SPECIFIC PLAN CONDITIONAL USE PERMIT: to consider a high school for 400 students (Summit School). The project includes interior and exterior improvements of an existing industrial building for an educational use, the installation of a tri-level mechanical lift parking structure in the rear serving 22 parking spaces, and a request for adjustment to the minimum parking requirements.

Location: 824 San Aleso Avenue (APN: 204-02-006)

File #: 2017-7986

Zoning: PPSP-NT - Peery Park Specific Plan - Neighborhood Transition

Applicant / Owner: Artik Art & Architecture (applicant) / 824 San Aleso, LLC (owner)

Environmental Review: The project is exempt from additional California Environmental Quality Act (CEQA) review per CEQA Guidelines section 15168(c)(2) and (4) and Public Resources Code Section 21094(c). The project is within the scope of the Peery Park Specific Plan Program EIR as no new environmental impacts are anticipated and no new mitigation measures are required.

Project Planner: Momoko Ishijima, (408) 730-7532, mishijima@sunnyvale.ca.gov

SUMMARY OF CITY COUNCIL ACTION

The Appeal by the applicant of Planning Commission's decision to deny the Peery Park Specific Plan (PPSP) Conditional Use Permit was considered by the City Council on January 29, 2019 (see Attachment 22 of this report). Minutes of the City Council public hearing can be found in Attachment 23. The City Council voted to continue the project to the City Council public hearing date of April 23, 2019 on a 6-1 vote, with the following directives to staff and the applicant:

1. Identify appropriate thresholds and a program for imposing penalties for inappropriate parking behavior;
2. Explore offsite parking; and,
3. Include a provision that the Peery Park Specific Plan Conditional Use Permit would expire after five years, unless renewed by the Director of Community Development.

PROPOSED PARKING MANAGEMENT PLAN

The school proposes a parking management plan (Attachment 4, COA BP-21) that includes the following:

- Parking and driving policies for staff, students and their families
- Administration of a color-coded parking sticker system for all vehicles registered to the student household and staff members
- 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

- A complaints log filed directly with the school administration and City staff
- 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
- Shuttle services at least twice in the morning and twice in the afternoon to and from offsite parking

The following rules shall apply for parking complaints:

- Complaints will be counted by vehicle (not number of calls about a single-vehicle).
- Complaints will be counted after the initial months of school opening: January first if school opens in August or after the first three months if school opens in any other month. There will be no penalty for exceeding the allowable limit in the initial months.
- Parking complaints will be made to the City (contact information will be provided) or to the School

City staff shall make the determination on whether the school has exceeded its excessive complaint limit; Summit Schools agrees to the penalty system as described below:

- If the number of parking complaints exceeds limits below an “excessive complaint” determination will be made and corrective action will be required:
 - a. 7 per month (for the first school year year)
 - b. 5 per month for each successive year
- If corrective action does not adequately reduce the complaints for the following month, a fine will be imposed.
- Fines will be imposed for any month when the threshold number is exceeded (and can be waived by the Director of Community Development if corrective action results in complaints at or below limit the following month)
 - a. The base fine shall be \$5,000 for exceeding the monthly limit
 - b. Two or more successive months will result in a 10% increase in the fine for each successive month (*\$5,500 month-2, \$6,000 month-3*)
 - c. If more than two months of the school year exceed the monthly limit and result in a fine, a 10% increase in the amount of the fine shall be assessed for the third month (*non-successive months*).
 - d. Progressive fines will result for: any month where the number of valid complaints are twice the monthly threshold, the fines will result in a 20% increase; if the number of valid complaints are three times the monthly threshold the fines would result in a 40% increase [*i.e., If limit is 5 and 10 complaints are received, the fines will be 120% (\$6,000) and if the limit is 5 and 15 complaints are received, the fines will be 140% (\$7,000)*].
 - e. Progressive discipline policy applied by school to individual students responsible for parking complaints

The Department of Public Safety School Resource Officer and City staff will implement periodic check-in and meetings with school staff to discuss safety, parking, traffic, etc. There will be regular meetings at least two times a year and as requested by either the school or City. The Conditional Use Permit shall be evaluated for revocation if complaints and penalties are excessive.

The following Conditions of Approval (COA) related to transportation and parking were previously included in the Draft COAs:

- Implementation of on- and off-site improvements for school safety (Attachment 4, COA EP-31~33, BP-18~19, BP-27~28)
- Development of a walking and bicycle plan (Attachment 4, COA BP-20)
- Residential Parking Permit Study (Attachment 4, COA BP-32)
- Use of the mechanical parking lift (Attachment 4, COA AT-3)

In addition, a Transportation Demand Management program for trip reduction shall be prepared and implemented to reduce expected AM Peak hour trips (as calculated by the Traffic Impact Analysis) by 10%. Condition of Approval BP-23 outlines the requirements for preparation, implementation and monitoring of TDM for this site.

USE PERMIT

The Peery Park Specific Plan Conditional Use Permit (CUP) shall be valid for five (5) academic years. The CUP may be extended beyond the five (5) years, subject to the review and approval by the Director of Community Development (Attachment 4, COA GC-4). The CUP may be reviewed and evaluated for revocation at any time if the complaints and penalties are excessive, the school is found not to be taking corrective actions to mitigate the complaints, and violations of the CUP are found to be detrimental to the public welfare and surrounding neighborhood.

CONCLUSION

A school in the PPSP is allowed as an appropriate use for the area, subject to site specific review and approval. The project is consistent with the PPSP Program EIR and does not increase the severity of significant environmental impacts previously identified in the Program EIR.

At the public hearing in January, Summit School provided that Findings for Sunnyvale Municipal Code Section 19.46.130(d)(B) and (F) for the parking adjustment could be made with the implementation of the existing school parking management plan policies. The applicant stated that the Kimley Horn parking analysis of other Summit High Schools corroborates the effectiveness of the existing parking management plan and that the Kimley Horn analysis noted that the lower parking demand at each of these other Summit schools is less than the parking required under the Sunnyvale zoning code.

Based on the revised conditions of approval related to parking management, staff can make the findings (Attachment 20) and support the parking adjustment with the implementation of the proposed parking management plan, penalty system, transportation demand management plan, and the offsite parking agreement. It is appropriate to locate the proposed charter high school adjacent to current and future residential uses if the school is designed and operated in a manner that will reasonably address the potential negative impacts on the neighboring residents.

ALTERNATIVES

1. Grant the appeal and make the Findings in Attachment 20 to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant for a period of 5 years, subject to the recommended Conditions of Approval in Attachment 4 of the report.
2. Grant the appeal to approve the project and make the required Findings in Attachment 20 to

approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant for a period of 5 years, subject to modified Conditions of Approval.

3. Deny the appeal and affirm the Planning Commission's determination to deny the Peery Park Specific Plan Conditional Use Permit.

STAFF RECOMMENDATION

Alternative 1: Grant the appeal and make the Findings in Attachment 20 of the report to approve the California Environmental Quality Act determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant for a period of 5 years, subject to the recommended Conditions of Approval in Attachment 4 of the Report.

Prepared by: Momoko Ishijima, Associate Planner

Reviewed by: Trudi Ryan, Director of Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

Attachments for report to Planning Commission

1. Vicinity and Noticing Map
2. Project Data Table
3. Findings for *Denial*
4. Standard Requirements and Recommended Conditions of Approval (*revised*)
5. CEQA Checklist for PPSP EIR Compliance
6. PPSP EIR - Mitigation Monitoring and Reporting Program (MMRP)
7. Transportation Impact Analysis by Hexagon
8. Link to the Peery Park Specific Plan
9. Site and Architectural Plans
10. Project Description Letter
11. Summit School Parking Study by Kimley Horn
12. Simulation of Parking Structure as viewed from adjoining property
13. Letters from Summit School Students and Family
14. Parking Ratio Comparison by City

Additional Attachments for Report to Council (January 29, 2019)

15. Planning Commission Report of December 10, 2018
16. Planning Commission Minutes of December 10, 2018
17. Letter from Applicant to the Planning Commission
18. Additional letters received before Planning Commission meeting
19. Appeal Letter

Additional Attachments for Report to Council (April 23, 2019)

20. Findings for Approval: CEQA, Use Permit and Parking Adjustment Findings (*revised for City Council*)

21. Additional letters received after Planning Commission meeting (*revised for City Council*)
22. City Council Report of January 29, 2019
23. City Council Minutes of January 29, 2019