



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 14-0444, Version: 1

REPORT TO COUNCIL

SUBJECT

File #: 2013-7542

Location: 420 S. Pastoria Ave. (APN: 165-04-002)

Proposed Project: Appeal by a resident of a Decision of the Planning Commission Approving a Special Development Permit for a Child Care Center for up to 188 students located at 420 S. Pastoria Ave.

Applicant / Owner: Teresa Lai / Distel LP

Environmental Review: Negative Declaration

REPORT IN BRIEF

General Plan: Office

Zoning: O/PD (Office/Planned Development) Zoning District

Existing Site Conditions: One-story office building

Surrounding Land Uses

North: Residential

South: City of Sunnyvale Public Library and Sunnyvale Office Center

East: Sunnyvale Teaching and Demonstration Garden

West: Residential

Issues: Neighborhood Compatibility, Parking and Circulation, Landscaping

Planning Commission/Staff Recommendation: Deny the appeal and approve the Special Development Permit with conditions as modified by Planning Commission.

BACKGROUND

The proposed project is to allow a child care center for up to 188 students and 18 employees in an existing office building. The office building was previously occupied by the State of California Employment Development Department (EDD) and NOVA Workforce Services. The child care center would occupy the entire building; no other tenants are proposed. Minor interior and exterior modifications are proposed to convert the existing office building to a child care center.

A Planning Commission hearing was held on November 25, 2013. Several members of the public attended the hearing to voice support and opposition for the project. The Planning Commission approved the project with a 5-1 vote. A resident submitted an appeal on December 9, 2013.

EXISTING POLICY

Requested Permit(s):

Special Development Permit

Sunnyvale Municipal Code (SMC) Chapter 19.26.030 requires the approval of a Special Development Permit to allow a child care center use within the O-PD Zoning District.

Related General Plan goals and policies include supporting convenient neighborhood commercial services and supporting appropriately-located quasi-public services, such as day care uses. These goals and policies are discussed in the recommended findings in Attachment 3.

ENVIRONMENTAL REVIEW

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. As part of the environmental analysis, a Traffic Impact Analysis and Noise Study were prepared for the project. The technical analysis and initial study have determined that the proposed project would not create any significant environmental impacts on surrounding properties or uses (see Attachment 5, Negative Declaration).

DISCUSSION

Proposed Use: The proposed project is to allow a child care center for up to 188 students and 18 employees in an existing office building located in the Office-Planned Development Zoning District. The facility would operate 7:30 a.m. to 6:30 p.m., Monday through Friday. No evening or major holiday activities would be held onsite except by separate permit. A few daytime Saturday events are planned during the year. The child care center will occupy the entire building; no other tenants are proposed. Minor interior and exterior modifications are proposed to convert the existing office building to a child care center.

On-site development activities consist of the following: parking lot restriping; the conversion of the front landscaped area to a 1,270-square foot outdoor play area with security fencing; the conversion of a portion of the rear parking lot to a 7,670-square foot outdoor play area with a free-standing play structure, a shade structure with picnic tables, and security fencing; the construction of a new solid waste enclosure; interior tenant improvements to create nine classrooms and staff support offices; and minor exterior improvements. The conversion of the existing parking lot to a play area will displace 21 existing parking spaces and would require restriping of the remaining parking lots to provide the required 47 parking spaces. Off-site improvements include replacing the site's existing driveway approaches and sidewalk with new facilities that meet current City standards.

The applicant proposes the use of the front play area twice a day from 10 a.m. to 10:30 a.m., and 3:40 p.m. to 4:10 p.m. for 30-minutes each, by a maximum of 12 toddler-aged children. The rear play area would be utilized between the hours of 9:30 a.m. to 11:40 a.m., 2:20 p.m. to 3:30 p.m., and 5 p.m. to 5:30 p.m., by up to 48 preschool and kindergarten-aged children for 30-minute intervals per class.

Development Standards

The proposed project complies with all but one (setback of trash enclosure) of the applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following have been identified as items for clarification:

- **Architecture**

The existing building on the site is a single-story, 16,587-square foot office building constructed in 1974. The main entrance of the building is currently located in the rear, facing the parking lot. The proposed project includes minor architectural alterations including the relocation of the main entrance to the front of the building facing South Pastoria Avenue, and the installation of security gates and

fencing at secondary exits throughout the building. Staff finds the proposed architectural modifications to be positive, and help create street presence for the proposed child care center.

- **Site Layout**

The project site is located on the east side of South Pastoria Avenue between West Iowa Avenue and West Olive Avenue. This site is served by three driveways taking access from South Pastoria Avenue. The site is occupied by a single-story office building with a parking lot to the north, along South Pastoria Avenue, providing 21 parking spaces, and a parking lot in the rear with 47 parking spaces. With the exception of several small landscaped areas around the building and along the periphery of the parking lots, the remainder of the site is paved.

The project site is directly adjacent to the City of Sunnyvale Public Library and NOVA Workforce Services, and the City administrative offices are located to the south. The Sunnyvale Teaching and Demonstration Garden is located to the east. All of the various access points and parking lots on the site and on City of Sunnyvale properties are inter-connected and mutually accessible. The parking lots on the project site and on City properties are encumbered with reciprocal parking and access easements, which are further discussed in the “Easements” section of this report.

- **Parking and Circulation**

The project site currently has a total of 68 parking spaces. The proposal includes minor modifications to the front parking lot to provide new accessible parking spaces and restriping. The reconfigured front parking lot will provide 20 parking spaces, and the pedestrian path adjacent to the landscape median would be modified to provide a 24-foot wide drive aisle. The 16 foot, six inch-wide drive aisle between the building and the front parking lot would be designated one-way for outgoing traffic only.

The main access to the parking lot in the rear would be from the south driveway off of South Pastoria Avenue, which is shared with the City of Sunnyvale property. The rear parking lot can also be accessed from various access points on City of Sunnyvale properties from South Pastoria Avenue and Charles Street. Half of the parking lot in the rear would be modified to provide an outdoor play area, displacing 21 parking spaces. The remaining parking lot would be restriped to provide 27 parking spaces, for a total of 47 parking spaces total for the site. SMC section 19.46.100(c) requires parking for child care center uses at a rate of 0.25 spaces per student. The project proposes 47 parking spaces, which is the minimum required for a child care use with 188 students.

The peak parking demand is anticipated during the morning drop off hours and the afternoon pick up hours. The age of the students at the proposed child care center require the parent to sign in at drop off, and sign out at pick up time. Curbside drop off is not permitted under State law. The applicant has submitted a Parking Management Plan (PMP), which describes in detail how the parking spaces would be utilized and managed (Attachment 8). Although there are reciprocal parking easements between the project site and the City properties, there is high demand for parking on City properties throughout the day. The PMP ensures the use of the City parking lots is to be discouraged.

Currently, there is no bicycle parking provided onsite. SMC section 19.46.150 requires bicycle spaces equivalent to 5 percent of the required parking spaces onsite, which is three bicycle parking spaces. The project proposes five bicycle parking spaces with Class 2 type bicycle racks in conformance with the Santa Clara Valley Transportation Authority Bicycle Technical Guidelines.

The proposed site plan has a gap in the pedestrian access between the rear parking lot and the existing pedestrian walkway along the north side of the building. To enhance pedestrian safety, staff recommends Conditions of Approval PS-1(a) requiring a curb, fence, bollards, or other physical separation between the walkway and vehicles.

- **Landscaping and Tree Preservation**

The applicant proposes 20 percent landscaping onsite in conformance with the minimum requirements of the SMC section 19.37.040. The project is required to meet the City's water efficiency landscaping standards per the Conditions of Approval.

The existing 24-foot wide front landscape area is proposed to be converted into an outdoor play area. The play area would be 1,270 square feet with a four-foot high security fence. New landscaping is proposed between the pedestrian sidewalk and the play area to provide an additional buffer and screening. The play area surface is proposed to be artificial turf.

The applicant has submitted an arborist report, which identifies 14 of the 21 trees onsite to be protected trees. One of the four trees in the front parking lot landscape median is a protected Mexican fan palm tree with a trunk circumference greater than 38 inches, as defined in SMC Chapter 19.94. This palm tree is proposed to be relocated within the same landscape median to accommodate the increase in the drive aisle width to 24 feet. Three unprotected olive trees in the north landscape median in the rear parking area are proposed to be removed. The applicant is proposing two new trees to be planted along the south side of the building.

- **Easements and Utilities**

As noted in the Site Layout section of this report, the project site is directly adjacent to the City of Sunnyvale Public Library and NOVA Workforce Services, with the City administrative offices to the south, and the Sunnyvale Teaching and Demonstration Garden to the east. All of the various access points and parking lots on the site and on the City of Sunnyvale properties are inter-connected and mutually accessible. The parking lots and drive aisles on the project site and on the City properties are encumbered with reciprocal parking and access easements. The project proposes to convert part of the rear parking lot to a 7,670-square foot outdoor play area. However, no private structures may be constructed over an easement. Staff recommends Condition of Approval BP-5 requiring the relinquishment of all of the parking easements on the project site by the City, and mutually, the relinquishment of all of the parking easements on City properties by the owner, prior to the issuance of a building permit for the outdoor play area. The vacation of the easements and the establishment of new ingress and egress easements will be considered by the City Council as a separate action sometime in April.

In addition, staff has identified potential deficiencies in the sanitary sewer cleanout at the property line and the driveway approaches on South Pastoria Avenue. Staff recommends Conditions of Approval EP-8 and EP-11 to install a new sanitary sewer cleanout at the property line and to install new driveway approaches per City standards.

- **Trash and Recycling Access**

The existing recycling and solid waste enclosure is located in the rear setback at the northeast corner of the property. The project proposes to upgrade the nonconforming recycling and solid waste enclosure at the same location, and in compliance with the current City standards with regard to the

size and material. The new enclosure will have a concrete masonry wall with a steel gate and roof. The applicant is seeking deviation from the trash enclosure location to be 10 feet from the rear property line, where the requirement is 20 feet.

Planning Commission Hearing

On November 25, 2013, the project was considered at a Planning Commission public hearing. In response to public noticing for the hearing, staff received two email correspondences supporting the project. Five neighbors spoke at the public hearing in opposition to the project, and five spoke in support of the project. Neighborhood concerns were generally focused on traffic impacts. After considering the proposal and public testimony, the Planning Commission approved the project with a 5-1 vote with the following modified conditions:

- Modify Condition AT-2 to extend the hours of operation to 6:30 p.m.;
- Allow the applicant to build the front yard fence as high as six feet; and
- Staff to review the Parking Management Plan after six months.

Appeal to City Council

On December 9, 2013, the decision of the Planning Commission was appealed by a member of the public (see appeal letter in Attachment 9). The following items below include the comments noted in the appeal letter and staff's response.

- *Comment 1: Exposure of students in the front play area to air pollution from vehicles parking on and traffic on Pastoria Ave.*

Staff response: The east side of South Pastoria Avenue, between El Camino Real and the proposed day care center site, has "No Stopping" signs installed less than 100 feet apart including one directly in front of the existing building. Additionally, Conditions of Approval PS-1(b) was included in the approved project requiring an additional "no stopping any time" sign to be installed at the north end of the project site. Thus, parents who choose to drive their children to the day care center would be required to park in the parking lot and would not be exposing children to additional air pollution by stopping and starting their vehicles adjacent to the play area.

The front play area would be utilized for 30 minute intervals between 10 a.m. to 10:30 a.m. and 3:40 p.m. to 4:10 p.m., which are both outside the peak traffic times and traffic volumes are expected to be lower. Exposure to air pollution caused by vehicular traffic would not be significant.

- *Comment 2: Concerns that the traffic study does not accurately portray trip distribution.*

Staff response: The City's traffic consultant has stated, that the percentage shown on page 19 as well as Figure 8 indicate general areas of origin and destination for vehicles travelling to and from the project site. The percentage shown in Figure 8 on Mary Avenue not only includes vehicles that may come from Mary Avenue north of Central Expressway, but also those coming from Central Expressway and using Mary Avenue to access this site. This information does not mean that 10 percent of project traffic goes north and 5 percent goes south. In fact 100 percent of the project generated traffic will use Pastoria between Olive and Iowa to come to or from the site.

The directions of approach and departure in Figure 8 were used to determine the trip assignment, which are the routes that most vehicles are expected to use to and from the site. The trip

assignment is based on factors such as existing volumes, traffic controls, and projected volumes for roadways on the transportation system. It was estimated for this analysis that vehicles coming from the north on Mary Avenue would use Iowa Avenue to access the project site due to these factors. One factor used in determining this assumption is the protected southbound left-turn on Mary at Iowa. This traffic control makes it more convenient and safer to make a left-turn at this location compared with the uncontrolled left-turn at Sutter.

To validate the results of the analysis, a test was performed to see the effect if the vehicles that were assigned to Iowa Avenue were to instead use Sutter from the west. The results of this test indicate that the level of service (LOS) at Pastoria/Sutter would remain at an overall LOS A with the worst approach at LOS C under Cumulative Plus Project Conditions.

- *Comment 3: Concern of inadequate parking.*

Staff response: The City's traffic consultant has indicated that it should be noted that there was an error in the original drop-off schedule provided to the consultant. The drop-off schedule for rooms 8 and 9 were mistakenly grouped into a 15-minute timeframe instead of a 30-minute timeframe, like the other preschool classrooms. The corrected schedule results in the highest demand for parking occurring between 9:00 and 9:15 A.M. with approximately 48 students (and not 72 students) being dropped off during this 15-minute time period. This volume of 48 students occurs after the roadway system's peak period where existing volumes are typically lower.

The parking analysis has been updated to reflect a more realistic range of drop off times between 5 to 10 minutes for parents to drop off a child at a day care center, resulting in a parking lot turnover rate of one and a half to three times during a 15-minute period. This reflects the worst case scenario where all 48 children arrive in the 15-minute timeframe, are driven to school, and have no siblings to share a car ride with. Sixteen to 32 parking spaces would be required at this turnover rate during the 15-minute timeframe and 32 spaces would be provided. The applicant has included staggering part-time and full-time employees with later start times, to arrive after the peak drop off hours to assure sufficient parking as part of the Parking Management Plan.

It should also be noted that since the day care center is mostly pre-kindergarten, the children are not required to be in class by the designated class start time. The applicant has submitted one month of actual student sign-in sheets and arrival patterns taken from the applicant's other locations in Campbell, Cupertino and Saratoga. All campuses have similar schedules as the proposed day care and the data has reflected a broad range of drop off hours with almost half of the children arriving after 9:15 a.m. and after the morning peak hour.

- *Comment 4: Concerns with traffic pattern and parking congestion during drop off and pick up.*

Staff response: The applicant has included a revision to the Parking Management Plan to have the circulation in the front parking lot to be one-directional with all out-going traffic traveling out of the middle aisle and drive way. The applicant has also included in the Parking Management Plan, the installation of a 5 miles per hour speed limit sign and pedestrian crossing sign along the drive way to ensure safety of the children and parents crossing the drive aisle to access the front and rear entrances.

- *Comment 5: The traffic impact analysis is defective in three additional ways:*
 - a. *Concern with increase in the traffic in the nearby area of S. Pastoria by 50-80%.*

Staff response (a): As stated earlier in the staff response to Comment 3, there was an error in the original drop-off schedule provided by the applicant related to the drop-off schedule for rooms 8 and 9. The corrected schedule results in the highest demand for parking occurring between 9 and 9:15 a.m. with approximately 48 students (and not 72 students) being dropped off during this 15-minute time period. This volume of 48 students occurs after the peak period where existing volumes are typically lower.

Figure 6 presents existing volumes that were counted during the peak period traffic counts and represent the peak hour volumes. The volumes of 258 and 178 vehicles per hour referenced in the comment above are existing volumes that are currently on Pastoria in the northbound and southbound direction, respectively. The volumes that the project adds to these movements on Pastoria correspond to the Figure 8 volumes of 24 northbound and 25 southbound vehicles per hour. If the 15-minute, 48 student number was used for comparison purposes, it would not be compared with the 258 and 178 vehicles because the time periods do not match. Existing traffic volume data is not available for the 9:00 a.m. to 9:15 a.m. time period, but it is likely that the volumes would be lower at this time.

The City's traffic consultant notes that the percent change of volume during the peak hour on Pastoria would not be 50-80%, but approximately 20% during the AM peak hour and 15% during the PM peak hour.

- b. *Concern that the traffic analysis provides an incorrect picture of impacts to nearby residents.*

Staff response (b): The City of Sunnyvale uses the Valley Transportation Authority (VTA) Transportation Impact Analysis Guidelines to conduct these studies. These guidelines use the Level of Service concept to apply uniform methods for evaluating transportation impacts throughout its jurisdiction. The study locations for this analysis were included based on the VTA guidelines. Staff acknowledges that there may be a change in the traffic patterns from the existing vacant office and the prior government offices. Typically, a government facility similar to the prior use would generate more daily trips than a day care use.

- c. *Concern that the Traffic Impact Analysis omits a comparison of the current and existing conditions alone to current and existing conditions with the project and that combined with other concerns the analysis "serves to have a prejudicial effect in leading readers to conclude that there is no significant traffic impact, when there might be" The appellant further states a concern that there is a close to doubling in the traffic in nearby neighborhood due to the vehicles coming and going from the planed day care center.*

Staff response (c): This analysis was conducted following the VTA guidelines and did not find a significant impact at any of the study locations. The results indicated an acceptable level of service under all scenarios and would not have a significant impact in comparing the Existing to the Existing Plus Project Conditions. Not all 204 (AM) and 170 (PM) trips referenced above go through the Pastoria/Sutter intersection. These are the estimated total number of inbound and

outbound trips going to and from the project site during the peak hours. This project is not expected to double the peak hour volume on any roadway.

The Traffic Impact Analysis for the Sunnyvale campus was based on 0.51 (roadway system) peak hour arrivals per enrolled students, which assumes that about half of the students arrive during the peak traffic hour. The arrival sheet collected from the three other campuses demonstrated that an average of 0.37 students arrived during the AM peak hours. The traffic consultant concludes that “the original analysis provided a conservative estimate of project generated traffic and the actual impacts to the transportation system would be less than what was presented in the TIA.

- *Comment 6: Based on personal observation, there is a concern that the impacts to adjacent residents was not adequately addressed with regard to the sounds of children playing in the play yards on the eastern side of the property and the traffic noise and air pollution associated with the use.*

Staff response: The proposed rear play area is located behind the building and is separated from the homes at the end of Waverly Street by an existing fence, landscape strip, and a 19-foot drive aisle. The duplex residences on Waverly Street, adjacent to the project site, have a 20-foot front yard and approximately six feet of side yard, which serve as additional distance and buffer away from the proposed play area. Additionally, the duplex resident directly adjacent to the drive aisle and the northern parking lot has a garage and driveway in the rear of the house with no usable rear yard. The rear yard of the other duplex resident on Waverly Street is located beyond the project site's rear property line and is adjacent to the community garden. The noise impact, as concluded by the noise analysis, is expected to be less than significant. The circulation through the project site is expected to be slow (less than 5 miles per hour) and traffic noise and air pollution generated by the onsite circulation is expected to be less than significant to the adjacent neighbors. Staff has not received any correspondence of concerns from property owners or occupants of the adjacent properties related to this project.

Staff concludes that the traffic generated by the proposed day care center has less than significant impact on the surrounding residents and the existing circulation capacity; the parking spaces provided by the project is adequate; and noise generated from the play areas and vehicle circulation through the project site would not be significant to the adjacent neighbors.

FISCAL IMPACT

Transportation Impact Fee: A Transportation Impact Fee is required to offset the impact of additional peak hour trips generated by the proposed use. The fee is due prior to issuance of building permits, and is estimated as \$13,369.12 (Condition of Approval BP-10).

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

Letters of support were received prior to the Planning Commission meeting. A letter from a resident opposing the project was received in January and copies were delivered to the City Council

(Attachment 10).

ALTERNATIVES

1. Deny the appeal and uphold the decision of the Planning Commission to approve the Special Development Permit with updated conditions listed in Attachment 4.
2. Deny the appeal and uphold the decision of the Planning Commission to approve the Special Development Permit with modified conditions.
3. Grant the appeal and deny the Special Development Permit.

PLANNING COMMISSION/STAFF RECOMMENDATION

Alternative 1: Deny the appeal and uphold the decision of the Planning Commission to approve the Special Development Permit with updated conditions listed in Attachment 4.

Prepared by: Momoko Ishijima, Associate Planner

Reviewed by: Trudi Ryan, Planning Officer

Reviewed by: Hanson Hom, Director, Community Development

Approved by: Robert A. Walker, Interim City Manager

ATTACHMENTS

1. Vicinity Map
2. Project Data Table 2013-7542
3. Recommended Findings 2013-7542
4. Recommended Conditions of Approval 2013-7542
5. Negative Declaration 2013-7542
6. Site and Architectural Plans 2013-7542
7. Project Description
8. Parking Management Plan
9. Appeal Letter
10. Letters from Neighbors
11. Minutes of the Planning Commission Hearing Dated November 25, 2013
12. Letter from Traffic Consultant, Hatch Mott MacDonald, dated March 4, 2014
13. Traffic Impact Analysis prepared by Hatch Mott MacDonald, dated March 4, 2014
14. Noise Impact and Mitigation Study prepared by Environmental Consulting Service, dated August 12, 2013
15. Good Neighbor Tips for Child Care Providers Operating in Residential Neighborhoods