



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 16-0180, Version: 1

REPORT TO COUNCIL

SUBJECT

File #: 2014-7990

Location: 1500 Partridge Avenue (APN: 313-24-031)

Zoning: PF (Public Facility)

Proposed Project:

TWO APPEALS of decision by the Planning Commission: **Appeal No. 1)** Certifying an Environmental Impact Report; and **Appeal No. 2)** Denying a Use Permit to allow a private school (Stratford School) at the former Raynor Activity Center.

Applicant / Owner: Stratford School (applicant) / City of Sunnyvale (owner)

Environmental Review: Environmental Impact Report

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

REPORT IN BRIEF

General Plan: Parks

Existing Site Conditions: Vacant buildings (former Raynor Activity Center)

Surrounding Land Uses

North: Public Facility - Santa Clara Unified School District (across Dunford Way)

South: Raynor Park - City of Sunnyvale

East: Raynor Park - City of Sunnyvale

West: Church and Single Family Residences (across Partridge Avenue)

Issues: Traffic, Open Space

Planning Commission Decision: Adopted a resolution certifying the Environmental Impact Report and made findings required by CEQA, and Denied the Use Permit.

Staff Recommendation: Appeal No. 1) Deny the appeal by the Ray-Nor Park Neighborhood Association of the Certification of the Environmental Impact Report (EIR), Make the Findings Required by the California Environmental Quality Act (CEQA) and Certify the EIR. **Appeal No. 2)** Grant the appeal by the applicant of the denial of the Use Permit, make the Findings Required by the CEQA, adopt a Statement of Overriding Considerations and Mitigation Monitoring Program as set forth in Attachment 6 and 7, and approve the Use Permit with the Conditions of Approval as set forth in Attachment 4.

BACKGROUND

The Raynor Elementary School site, established in 1957, was deemed as surplus by the Santa Clara Unified School District in 1979, and was subsequently acquired by the City of Sunnyvale. The project site, formerly known as Raynor Activity Center, is approximately 3.5 acres and is located in the

northwest corner of the parcel adjacent to Raynor Park. The project site includes eight school buildings, two parking lots, and a play area. The existing buildings have been used for various uses, such as an activity center for art studios, gymnastics clubs, private preschool operations, philatelic library, patent library, and City storage facility. The buildings are not currently in use.

In 2012, the City Council declared the project site as surplus property and directed staff to conduct a competitive process for its sale. On November 19, 2013, the City Council approved a conditional Purchase and Sales Agreement for the sale of the former Raynor Activity Center to Stratford School (Attachment 10: RTC 13-275). Council also approved allocation of the proceeds from the sale towards a new branch library at Lakewood Park and expansion of the Washington Park Pool. On December 3, 2013, the City Council approved the Joint Use Agreement for Raynor Park Open Space with Stratford School (Attachment 11: RTC 13-292). The completion of the property sale is contingent upon environmental review of the project under the California Environmental Quality Act (CEQA), approval of a Use Permit and recording a Parcel Map.

The Planning Commission considered the project at a public hearing on January 25, 2016, with six Commissioners participating (one recused). The Planning Commission voted (5-1) to adopt a resolution to certify the Environmental Impact Report, but did not adopt a Statement of Overriding Considerations. The Planning Commission then considered the Use Permit and voted (4-2) to deny the Use Permit. The draft Minutes of the Planning Commission public hearing are included in Attachment 15.

Subsequently, two appeals were received on the Planning Commission action. On February 4, 2016 the applicant appealed (**Appeal No. 2**) the denial of the project (Attachment 16). On February 9, 2016, the Ray-Nor Park Neighborhood Association appealed (**Appeal No. 1**) the Planning Commission decision to certify the EIR (Attachment 17).

Description of Proposed Project

The project site is located at 1500 Partridge Avenue in Sunnyvale, at the southeast corner of Dunford Way and Partridge Avenue. Stratford School proposes to modernize the existing buildings for a school (currently planned for 6th through 8th grades) to serve a maximum of 520 students. Expected enrollment in the first few years is 460 students, with first year enrollment approximately half of the expected capacity. Preschool, kindergarten and elementary school students may be accommodated at the site, depending on future demand.

On-site development improvements and alterations consist of the following:

- ADA compliance upgrades, as necessary;
- Required fire code upgrades, as required;
- Seismic evaluation and upgrades, as necessary;
- New windows, classroom walls, and exit doors where necessary;
- Newly painted surfaces (interior and exterior);
- Upgrades to restrooms, cabinets, counters, plumbing, whiteboards, and any other building needs;
- Fencing of entire campus area for safety and security;
- Upgrade of existing open space to include a student courtyard;
- A new volleyball court;

- A new basketball court, located in Raynor Park for both school and public use;
- Landscaping upgrades throughout the project site;
- Addition of on-site circulation driveway;
- Addition of an accessible route to the public right-of-way;
- Addition of bicycle parking for students and staff;
- Sealcoat and striping of all asphalt parking areas; and
- Removal of three protected trees.

See Attachment 1 for a map of the vicinity and mailing area for notices and Attachment 2 for the Data Table of the project.

Requested Permit

- **Use Permit**

A Use Permit (UP) is required to allow an educational use within the Public Facilities (PF) zoning district.

EXISTING POLICY

General Plan Goals and Policies: The following are key goals and policies from the Land Use and Transportation Chapter and the Community Character Chapter of the General Plan which pertain to the proposed project:

Goal LT-4 Quality Neighborhoods and Districts - Preserve and enhance the quality character of Sunnyvale's industrial, commercial, and residential neighborhoods by promoting land use patterns and related transportation opportunities that are supportive of the neighborhood concept.

- **Policy LT-4.3:** Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the city.
- **Policy LT-4.14:** Preserve and enhance the high quality character of residential neighborhoods. Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

Goal LT-5 Effective, Safe, Pleasant and Convenient Transportation - Attain a transportation system that is effective, safe, pleasant and convenient.

- **Policy LT-5.9:** Appropriate accommodations for motor vehicles, bicycles, and pedestrians shall be determined for City streets to increase the use of bicycles for transportation and to enhance the safety and efficiency of the overall street network for bicyclists, pedestrians, and motor vehicles.
- **Policy LT-5.10:** All modes of transportation shall have safe access to City streets.
- **Policy LT-5.11:** The City should consider enhancing standards for pedestrian facilities.
- **Policy LT-6.2:** Promote business opportunities and business retention in Sunnyvale.
- **Policy LT-7.2:** Encourage land uses that generate revenue, while preserving a balance with other city needs, such as housing.

GOAL CC-10 High Quality Recreation Programming - The city strives to develop and implement passive and active recreation and enrichment programs that:

- Provide constructive opportunities for fitness, well-being, healthy coping and stress management
 - Highlight cultural practices and traditions reflective of a diverse community
 - Promote activities that foster interaction among diverse parts of the community
 - Encourage creative expression, education, skill development and personal enrichment
 - Contribute to the creation of a healthy community; and promote community participation in recreation for all ages.
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- **Policy CC-10.6** Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities, and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups, governmental agencies and businesses.
 - **Policy CC-10.7** Encourage the use of recreational and open space facilities and services for educational activities of schools that serve Sunnyvale students first, and secondarily the schools that serve students of surrounding communities.

DISCUSSION

Present Site Conditions

The former Raynor Activity Center has been vacant for two years. The eight buildings on site total approximately 32,278 square feet with 23 classrooms, offices, multipurpose room, and storage. The City of Sunnyvale utilizes a small storage space for the park maintenance vehicle and equipment, and a large container of Department of Public Safety (DPS) emergency supplies is located in one of the courtyards. The park maintenance equipment storage and the DPS container would be relocated after approval of the Use Permit and prior to finalization of the sale of the property.

Parking is provided in parking lots on the north side off of Dunford Way and on the south side of Partridge Avenue. On-street diagonal parking exists along the Partridge Avenue frontage. A small play area is located on the south side. The school site is secured with temporary fencing all around.

The City will retain ownership of a small parcel (Parcel 3) where the City well is located on the northwest corner of the project site with easements for underground piping and electrical systems and a generator.

Use Permit

Use: Stratford School is an established private school with multiple locations in the Bay Area. There are two existing Stratford school sites in Sunnyvale. The former De Anza School site at 1196 Lime Drive has an enrollment of 660 students and the former Adair School site at 820 West McKinley Ave. has an enrollment of 440 students. Both schools offer programs from preschool through 5th grade. Another nearby school at 890 Pomeroy Avenue in Santa Clara has an enrollment of 900 preschool to 8th grade students.

Stratford School initially proposes a middle school (6th through 8th grade) program at the project site; their other Sunnyvale and Santa Clara elementary schools would be feeder schools to the Raynor site. The current intended use of the site is for 460 students and 38 teachers and staff. The Use

Permit and associated environmental review analysis have been processed with a maximum of 520 students, including preschool to 8th grade students, to provide Stratford School with the flexibility to adjust enrollment for future market needs.

The school operates on a year round basis Monday through Friday, with the regular school year session beginning in September and ending in mid-June. The summer session, consisting of summer camp programs, is available during the summer months. The school hours for the middle school are proposed to be 7:45 a.m. to 2:50 p.m. The extended care drop off time starts at 7:00 a.m. with the majority of the drop off concentrating within the 15 minutes before the school's start time. Most students are expected to participate in afterschool programs and the pickup times will vary between 3:00 p.m. to 6:00 p.m. Should the project site offer preschool through 8th grade, the school start times will vary by grade level and student arrival at the project site will be between 7:00 a.m. to 9:00 a.m. with the elementary school start time estimated at 8:15 a.m. and preschool at 9:00 a.m. The school curriculum emphasizes a strong academic focus with enrichment athletics, music, and art classes.

As approved by the City Council on December 3, 2013, the Joint Use Agreement (Attachment 11: RTC 13-292) provides priority use to Stratford School of Areas 1 and 2 of Raynor Park during school hours provided the school includes a minimum of 51% of students residing in Sunnyvale. Area 1 consists of the field area in the north side of the park and Area 2 consists of the area south of the Partridge Avenue parking lot proposed for a new basketball court, to be constructed by the applicant. Stratford students will utilize these areas as part of the school curriculum. The applicant has provided a Project Description packet (Attachment 9).

Architecture: The applicant is not proposing any major physical improvements to the interior or exterior of the buildings. The proposal does not include any building modifications due to the similarity between the past use of the site as an elementary school and the proposed use. The applicant is proposing to modernize the site as listed in the Description of Proposed Project section of this report.

There is a tile mural on the west side of one of the school buildings. The City commissioned the mural in 1988 as part of the Public Art Master Plan. The untitled mural was painted by New York artist, Malou Flato, and depicts an orchard harvesting scene. Stratford School has expressed that the mural would be retained as part of the school.

Parking/Onsite Circulation: The two parking lots at the project site include eight spaces off of Dunford Way and 48 spaces off of Partridge Avenue, with 25 spaces along the Partridge Avenue frontage. The total number of parking spaces proposed for the project site is 82 parking spaces. This number of parking spaces required is sufficient to meet the City parking requirements of three parking spaces per classroom for a primary school (Kindergarten through 8th grade). For an operation that includes classes from preschool through 8th grade, the preschool parking requirements is one parking space per four students plus three parking spaces per Kindergarten through 8th grade classrooms. The proposed parking spaces would be sufficient with an adjustment of the preschool enrollment to satisfy the parking requirement.

Type of Use	Number of Students or Classrooms	Parking Requirement	Number of Required Parking Spaces
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Middle School (6 th - 8 th Grade)	21 classrooms	3 spaces / classroom = 63	63 spaces
Preschool - 8 th Grade	156 preschool students 14 classrooms (K through 8 th Grade)	1 space / 4 students = 39 3 spaces / classroom = 42	81 spaces

Stratford School has also engaged the church across Partridge Avenue to utilize their parking lot for special events (if necessary), which would occur only a few times throughout the school year. Additionally, a public parking easement would be placed over the Stratford south parking lot and diagonal parking off of Partridge Avenue on the west side to maintain availability of parking for the general public after school and on the weekends.

The proposed project includes the construction of a drop off circulation driveway along the east side of the campus. The entry point would be through the north parking lot and extend south to the drop off point at the south parking lot. Vehicles would enter the school campus off of Dunford Way and exit out to Partridge Avenue. The circulation loop allows for a queuing of up to 80 vehicles and a capacity of eight vehicles at a time at the drop-off point. It has been estimated that each vehicle would queue for nine minutes at full capacity, and the 128 vehicles expected at the peak drop off time would take 24 minutes to clear.

For a mixed grade campus (preschool through 8th grade), it is expected that start times would be staggered by grade to manage parking and circulation, especially since preschool students would require parents to sign in and sign out at drop off and pick up times.

Traffic: A Traffic Impact Analysis (TIA) was prepared by Fehr & Peers as part of the Environmental Impact Report (EIR) for the project. A number of mitigation measures have been identified related to management of the circulation loop and student drop off (Attachment 6 - Mitigation Monitoring and Reporting Program):

- **Mitigation Measure 3.14.1a:** To reduce the conflict point in the drive aisle between the two southern parking lots and to improve the efficiency of the drop-off/pick-up loop, the project applicant shall restrict project site access at the Partridge Avenue driveway to only allow outbound travel during drop-off/pick-up times. The applicant shall place a sign indicating no left or right turns into the parking lot from Partridge Avenue during the specified drop-off and pick-up times on the school property and the public right-of-way to enforce the one-way operation of the driveway.
- **Mitigation Measure 3.14.1b:** To improve pedestrian circulation and visibility at the Partridge Avenue driveway, the project applicant shall construct a curb extension at the northern end of the driveway as shown on Figure 3.14-12a (Draft EIR). Additionally, the project applicant shall install an ADA-compliant raised crosswalk across the driveway to facilitate a continuous and direct extension of the sidewalk. The driveway exit shall include a stop sign and stop bar to clearly delineate the right-of-way.
- **Mitigation Measure 3.14.1c:** The project applicant shall implement the following enforcement strategies:
 - Provide at least three staff stationed throughout the project site to facilitate drop-off/pick-up procedures: one along the northern parking lot; one adjacent to the drop-off/pick-up area, and one at the Partridge Avenue driveway.

- Install a "no stopping/passenger loading" sign along the northern parking lot.
- Restrict passenger loading on Dunford Way and Partridge Avenue during peak drop-off and pick-up times.
- Discourage parking in the neighborhood through communication with parents and students.
- Encourage carpooling, walking, and biking to school.
- **Mitigation Measure 3.14.1d:** The project applicant shall continually monitor circulation around the immediate area and work with the City and community to identify and resolve issues as appropriate and reasonable. Additionally, the project applicant shall continue to actively communicate with parents about drop-off/pick-up procedures.

The TIA recommended 30 bicycle parking spaces with a combination of bicycle racks and a bicycle corral that is locked/unlocked by school staff where bicycles could be stored during the school hours. The applicant proposes a bicycle parking area adjacent to Building 1 with 32 bicycle parking spaces with 18 in a bicycle corral.

Landscaping and Tree Preservation: The landscaping at the project site consists of turf, mulch, and raised planter areas. A preliminary landscape plan has been submitted which indicates compliance with the Municipal Code standards for landscaping. The project is designed with approximately 21% of the lot area as landscaping, which complies with the 20% minimum landscaping requirement (Attachment 8).

There are 72 trees on site, and the project includes the removal of three protected trees (and 10 unprotected trees) due to development conflicts in the area of the new circulation driveway. The Draft EIR estimated the removal of five protected trees and 21 unprotected trees, but the actual number was reduced due to refinement in the project plans and locations of the proposed volleyball and basketball courts. As conditioned, the applicant would be required to replace all of the protected trees that are removed with specimen trees of specific sizes (Recommended Condition BP-11). Staff will review the final landscaping plan prior to building permit submittal.

SMC Section 19.37.070 states that at least 50 percent of the parking areas must be shaded within 15 years after the establishment of the lot. The preliminary landscaping plan demonstrates compliance with the shading requirement by providing 67 percent shading of the new circulation driveway. The project is required to meet the City's standards for water efficient landscaping.

Improvements in Raynor Park: As approved by the City Council on December 3, 2013, the Joint Use Agreement (Attachment 11: RTC 13-292) included minor park improvements by the applicant:

- Construct a new basketball court
- Add benches at the proposed basketball court
- Relocate the park's sprinkler heads and irrigation piping along the proposed property line
- Seal coat and restripe the City parking lot located along Quail Avenue
- Relocate the electronic score board used by little league baseball
- Add to existing bleachers at the little league field if desired by field users

In addition, the City and the applicant have agreed on the following improvements by the applicant:

- Relocate Park storm drain near the basketball court (if needed)
- Relocate the park irrigation controller and associated electrical wiring
- Demolish existing park solid waste enclosure and design new solid waste enclosure and storage off of Dunford Way

These improvements in Raynor Park will be shared with the Parks and Recreation Commission (PRC) as an information item at the PRC meeting on February 9, 2016.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires that all state and local government agencies consider the environmental consequences of projects for which they have discretionary authority. An Environmental Impact Report (EIR) has been prepared in compliance with CEQA and City Resolution No. 118-04 CEQA Implementing Procedures.

The EIR is an informational document that describes the significant environmental effect of the project, identifies possible ways to minimize the significance of the effects and discusses reasonable alternatives to the project to avoid, reduce or minimize environmental impacts. The purpose of this review is to determine if the analysis in the EIR is adequate. It is not the purpose of the EIR to recommend either approval or denial of the project.

The EIR under consideration at this public hearing includes the Draft EIR (DEIR) document and the Final EIR (FEIR) document (which incorporates the DEIR by reference). The FEIR includes the comments written and received during the 45-day public review period (and oral comments received at the Planning Commission public hearing), responses to the comments, and any clarifications or corrections to the DEIR. Comments received from the public are fully addressed in the FEIR document and summarized later in this report.

On April 20, 2015, a Notice of Preparation for the EIR was prepared and mailed to neighboring cities, the State, and other public agencies, and surrounding property owners and residents requesting their input on the scoping of the EIR. The Notice of Preparation and letters responding to the Notice of Preparation are found in Appendix A of the DEIR. The DEIR can be accessed at StratfordatPartridge.inSunnyvale.com

Milestone	Dates
Notice of Preparation	April 20, 2015
EIR Scoping Meeting	May 6, 2015
EIR Scoping Meeting (Public Agencies)	June 3, 2015
Notice of Availability of DEIR (required 45-day public review period)	September 28, 2015 to November 11, 2015
Planning Commission Public Hearing for Comments on DEIR	November 8, 2015
Final EIR minimum 10-day public review	January 15, 2016
Planning Commission Public Hearing	January 25, 2016

Areas of potential impact analyzed in the EIR include the following:

Aesthetics	Air Quality	Biological Resources	Cultural Resources
Geology and Soils	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality
Land Use	Noise	Public Services	Recreation
Utilities	Transportation		

Scoping Meeting on the Environmental Impact Report

A scoping meeting is required under CEQA for public agencies; members of the general public were also invited. The scoping meeting is held to allow the community to provide direction on the issues to be addressed in the EIR. This meeting was held on May 6, 2015 at the Raynor Park Park Building. Thirty-eight members of the public attended the scoping meeting. A second meeting was held on June 3, 2015 at the West Conference Room at City Hall, for public agencies. No representatives from the public agencies notified attended the meeting. Comments collected at the scoping meeting and comments received by staff from both the residents and public agencies have been incorporated into the preparation of the DEIR (Attachment 13 - DEIR, Appendix A).

Notice of Availability of DEIR

The DEIR was issued for public review and comment on September 28, 2015. The DEIR was made available to appropriate public agencies and neighborhood groups. Copies were placed at the Sunnyvale Library and the One-Stop Permit Center. Notices of availability were mailed to property owners within 2,000 feet of the project area. During the 45-day review period that followed, public agencies and members of the public submitted written comments on the DEIR. The public review period and comment period closed on November 10, 2015.

Four letters were received from public agencies and 52 letters were received from the general public during the review period. Two members of the public and two Planning Commissioners commented on the DEIR during a public meeting that was held on November 8, 2015.

Summary of Environmental Impacts

The DEIR determined that the Project would or could potentially cause significant impacts in five areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Transportation

The EIR identified that all impacts except traffic impacts at one intersection (see below) either have no impact or can be mitigated to a less than significant level through common practices or mitigation measures and project revisions identified in the EIR.

As mentioned in the Parking/Onsite Circulation section of the report, a Traffic Impact Analysis (TIA) was prepared for this project. Traffic in the area was evaluated and identified that project impacts can be mitigated to a less than a significant level.

Significant and Unavoidable Project Impacts

The EIR identified that the project has the potential to generate one significant and unavoidable impact at the Lawrence Expressway and Benton Street intersection under cumulative impacts. CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. The term “cumulative” refers to development as outlined in the City of Sunnyvale General Plan EIR and the cumulative list of projects provided by the City of Sunnyvale for this analysis. If a particular impact cannot be mitigated to a less-than-significant level, the EIR identifies that impact as “Unavoidable.”

The traffic analysis found the Lawrence Expressway and Benton Street intersection to operate at Level of Service (LOS) F in the cumulative condition, with or without the project. The significant and unavoidable adverse environmental effect identified is during the AM hours, and the addition of the project traffic would exacerbate unacceptable Level of Service (LOS) F operations at the intersection in the conservative cumulative scenario which includes all approved and pending developments plus a growth factor to the year 2020 (Attachment 13: Chapter 3.14 of Draft EIR). The addition of a second eastbound left turn lane from Benton Street onto northbound Lawrence Expressway would improve the intersection operations to LOS E. However, the projected vehicle movement of 182 vehicles under cumulative AM conditions and 79 vehicles under cumulative PM conditions does not warrant a second left turn lane as the threshold under the 2000 Highway Capacity Manual (HCM) is 300 vehicles. Additionally, there are currently no plans to widen Lawrence Expressway at this location. For these reasons, mitigation measures for this impact would not be feasible and the impact would be considered cumulatively considerable and significant and unavoidable.

Mitigation Monitoring

A Mitigation Monitoring and Reporting Program (MMRP) for significant impacts is required by CEQA to ensure implementation of all mitigation measures. A monitoring program identifies the mitigation measure, who is responsible for implementation, monitoring schedule and who is responsible to do the monitoring. All of the monitoring responsibilities will be handled by the City of Sunnyvale Community Development Department (CDD) and Public Works Department during the construction phases of the project and operational conditions by the applicant and CDD. The MMRP is found as an Appendix of the Final EIR (Attachment 6).

Alternatives

CEQA requires that the EIR identify alternatives to the Project as proposed. The CEQA Guidelines specify that an EIR identify alternatives that “would feasibly attain the most basic objectives of the project but would avoid or substantially lessen many of the significant environmental effects of the project.” Chapter 4 of the DEIR provides further analysis of the alternatives. This section of the DEIR considers the following three alternatives:

• Alternative 1 - No Project Alternative

Under this alternative, the project would not be approved and the structures at Raynor Park would not be improved as proposed by Stratford School. There would be no site improvements and park additions like the basketball court would not be implemented. Under Alternative 1, the City may elect to use the existing buildings and rent them out for various uses. These uses would be similar to past uses like daycare and artist studios.

Under the No Project alternative this site would contribute fewer additional vehicle trips through the Benton and Lawrence Expressway intersection than the proposed project. The volume of additional trips in the No Project scenario does not trigger the threshold to be considered an impact and

therefore there are no “significant and unavoidable impacts” in the No Project alternative. The intersection will still operate at Level of Service F under cumulative conditions with the No Project alternative. While significant and unavoidable impacts to traffic would be avoided under the No Project Alternative, significant environmental impact could occur under hazards and hazardous materials due to lack of mitigation measures such as the removal of asbestos- and lead-contaminated material.

• **Alternative 2 - Reduced Capacity Alternative**

Alternative 2 would be similar to the proposed project but would have a 20 percent lower student maximum than the proposed project. The project would be approved for a maximum occupancy of 416 total students. Under Alternative 2, the project would modernize existing buildings to serve a population of approximately 416 students, rather than 520 students under the proposed project. Alternative 2 would include all project site improvements as described in Section 2.0, Project Description, of the Draft EIR, and construction would be the same in scope and duration.

The Reduced Capacity Alternative would result in fewer environmental impacts than the proposed project and meets all project objectives. The impacts would be reduced under air quality, greenhouse gas emissions, noise, recreation, and transportation and traffic by 20 percent (all already at less than significant at the project level). This alternative would not reduce the significant and unavoidable impact, but it would marginally reduce the severity of the impact and is considered the environmentally superior alternative.

• **Alternative 3 - Adult School Alternative**

Alternative 3 considers operation of the existing project site as an adult school. The adult school would be modeled on the Santa Clara Unified School District adult schools and would offer a combination of the following programs: English as a Second Language, General Education Diploma, Enrichment Courses, Health and Fitness, Parenting and Careers, and Computers. Student enrollment would be capped at 200 students. Typical of adult schools, most offerings would take place in the evening to accommodate an adult student population. Looking at comparable schools in Santa Clara County, evening course offerings typically start between 6:30 p.m. and 7:30 p.m., while recreational classes, like cooking or fitness, take place on weekend mornings or evenings.

Alternative 3 would result in fewer environmental impacts and would meet the proposed project’s objectives. However, because of the later start time of adult schools, the alternative would not be capable of reducing the significant and unavoidable impact during the PM peak hours. In addition, the alternative would not enhance the City’s recreational opportunities since improvements to Raynor Park would not be implemented including the construction of a basketball court. Alternative 3 would not be the environmentally superior alternative because it does not meet all of the project objectives and would not avoid the significant and unavoidable impact.

Significant New Information

Testimony is sometimes received during the public review process relating to “significant new information.” For the purpose of an EIR, new information is considered “significant” when the following would apply:

- A substantial environmental impact resulting from the project is identified;
- A substantial increase in the severity of an environmental impact is identified;

- A new feasible project alternative or mitigation measure is identified which the project proponent refuses to adopt;
- The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that the public comment of the draft was, in effect, meaningless.

To date, no significant new information has been received from the public or other public agencies.

Determination of Adequacy

The “rule of reason standard” is applied to judicial review and EIR contents. This standard requires that an EIR show that an agency has made an objective, good-faith attempt at full disclosure. The scope of judicial review does not extend to correctness of an EIR’s conclusion, but only the EIR’s sufficiency as an informative document for decision-makers and the public. Legal adequacy is characterized by:

- All required contents must be included;
- Objective, good-faith effort at full disclosure;
- Absolute perfection is not required;
- Exhaustive treatment of issues is not required;
- Minor technical defects are not necessarily fatal;
- Disagreement among experts is acceptable.

Environmental Review Summary

Staff believes that the proposed Final EIR, consisting of the Draft EIR, comments received on the Draft EIR, response to comments received on the Draft EIR, a list of public agencies commenting on the Draft EIR, and MMRP meets the requirements of CEQA both in content and format. Should it be determined that the Final EIR is not adequate, the City Council may identify those areas where the document is deficient and recommend that additional analysis be prepared prior to certification.

Any changes to the mitigation measures in the Final EIR may affect the accompanying determination of significance. No project related actions may be taken until the Final EIR is certified. Certification does not approve or deny any element of the Project.

Statement of Overriding Considerations

As noted above, the EIR Transportation section finds that the project, even with mitigation, will have cumulative impacts at one intersection (Lawrence Expressway and Benton Avenue) that remain significant and unavoidable. Section 15093 of the CEQA Guidelines defines the requirements that relate to overriding considerations.

- CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”
- When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, it shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. This statement of overriding considerations

shall be supported by substantial evidence in the record.

A draft Resolution with a Statement of Overriding Considerations has been prepared and attached stating the evidence of project benefits over the project effects (Attachment 7).

FISCAL IMPACT

Staff estimates that the completion of the sale of the former Raynor Activity Center (\$14,050,000) will provide sufficient revenue to fully fund a new branch library including start-up costs. After covering the expenses associated with the real estate transaction, staff believes that there will be surplus revenue available to fund other capital projects, based on the current branch library project budget. Additional property tax revenue is also expected in the future. Final figures will be available once the transaction is complete and staff has appropriately scoped out the capital project(s).

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 \$152,043.75 (Condition of Approval BP-10).

Permit Fee: Normal fees and taxes will be generated as typically associated with building permits.

PUBLIC CONTACT

Community Outreach Meeting: Stratford School facilitated a community outreach meeting on September 23, 2015, at the Stratford School campus on Pomeroy Avenue in Santa Clara. The applicant mailed approximately 2,000 invitations. Five residents and two City staff members attended the meeting.

Neighborhood Concerns: Throughout the public meetings related to the EIR and also at the Community Outreach Meeting, the majority of residents expressed concerns regarding the following issues:

- Neighborhood traffic congestion and safety due to a concentration of schools in the area
- Increased traffic through the neighborhood due to development projects in the perimeter of the neighborhood
- Priority use of Raynor Park by the Stratford School

The FEIR includes Master Responses to DEIR comments received which focused on the above three issues (Attachment 5 - includes all comments received and corresponding responses). Project impacts were assessed based on existing traffic count in the neighborhood, estimated additional cars in the neighborhood from project operation, and existing conditions. The surrounding area schools were taken into account to assess drop off/pick up patterns as well. As a result of the TIA, the EIR concludes that Transportation and Traffic impacts would be less than significant through mitigation measures (Attachment 6).

Historically, there have been traffic issues from the perspective of the surrounding residents, mainly due to the concentration of schools in the area. Petersen Middle School, Laurelwood Elementary School, Appleseed Montessori School, Appleseed International School, Silicon Valley Academy, New Concept Chinese School, and Sunnyvale Parent Preschool are all located within ½ mile of the project site. Petersen Middle School is the largest school in the area with 900 students with a start time of 8:00 a.m. Laurelwood Elementary School has a start time 8:15 a.m. During the peak 15-20 minute

drop-off time before each of the school's start times, increased congestion is observed on Dunford Way near the Y intersection with Oriole Way, which is one of the three major drop off locations for Petersen students who access a trail adjacent to the open space in the back of the school. Similar congestion is observed at Lochinvar Avenue at the Teal Drive/Inverness Way intersection, however, once the school starts, the roads clear.

As mentioned in the Use Permit section of this report, Stratford School will be starting the middle school at 7:45 a.m. with drop off times starting at 7:00 a.m. to offset the school start time with Petersen and Laurelwood. (Condition AT-2)

Over the last year, and independent to the proposed project, City Public Works and Department of Public Safety staff have been communicating with the Santa Clara Unified School District and responding directly to residents regarding concerns related to traffic calming in the neighborhood. The Public Works Department has identified the following Safe Routes to School improvements have been or are scheduled to be implemented:

- Parking restrictions and enforcement on both sides of the road between Dunford Way/Oriole Way and Dunford Way/Marion Way/Norman Drive have been implemented to improve pedestrian and bicyclist safety where no curb and sidewalks exist, and to improve visibility of the complex intersections of roads.
- Safe Routes to School improvements have been funded and will be implemented by summer 2016 (Attachment 13 - Figure 3.14-13) including the addition of new crosswalks and signage at the above intersections as well as Dunford Way/Partridge Avenue and Dunford Way/Quail Avenue.

Public Works Department (DPW) staff has also responded to a Traffic Calming request from members of the community regarding Lochinvar Avenue between Dunford Way and Inverness Way. DPW staff observations and findings related to the Traffic Calming request are summarized in Attachment 14.

The priority use of Raynor Park by the Stratford School during school hours has been a source of concern for the area residents. The use of Raynor Park was analyzed under the Recreation section of the DEIR and impacts were found to be less than significant with mitigation measures (Attachment 6). The Joint Use Agreement was approved by City Council on December 3, 2013 (Attachment 11). Modifications to the terms of the Joint Use Agreement or any recommendations for modifications would require a separate action by City Council. However, the Joint Use Agreement will only become effective upon sale of the property, which is contingent on CEQA review and approval of the proposed project.

Planning Commission Public Hearing

At the Planning Commission hearing on January 25, 2016, two members of the public spoke in support and ten spoke in opposition of the project. Several emails were received prior to the hearing and were included as part of the staff report or provided to the Commission at the hearing.

Appeal to City Council

On February 4, 2016, the decision of the Planning Commission to deny the Use Permit was appealed (**Appeal No. 2**) by the applicant (Attachment 16). The following items below include the comments noted in the appeal letter from the applicant.

- The focus of concern by the Planning Commission was the use of Raynor Park and the potential traffic impacts to the neighborhood. The applicant/appellant concludes that the Commission did not fully understand Stratford's proposal on these issues.
- The Joint Use Agreement between the City and Stratford will ensure that local Sunnyvale children become the majority population within the school, and safeguard the continued use of the park by the residents.
- Vehicles accessing the Raynor campus will not cause undue congestion to the neighborhood.

The applicant has submitted additional information regarding the history of the project, school operations, student drop-off and pick-up plan, and use of the park (Attachment 20). Staff recommendation is to grant the appeal and approve the Use Permit.

On February 9, 2016, the decision of the Planning Commission to certify the Environmental Impact Report was appealed (**Appeal No. 1**) by the Ray-Nor Park Neighborhood Association (Attachment 17). The following items below include the comments noted in the appeal letter.

- The Final EIR does not describe the project in sufficient detail.
- The Final EIR fails to provide reasoned, good-faith responses to the comments.
- The traffic analysis is inadequate.
- The traffic analysis does not take into consideration traffic spillover.
- The traffic analysis is unclear in the analyzing the PM traffic.
- Increased traffic on local streets cannot support walkers and bikers.
- The traffic analysis is unclear in determining whether street-crossings needs mitigation.
- The increased traffic will exacerbate the problem at a blind spot at Marion and Dunford.
- The Final EIR fails to acknowledge constraints on water supply.
- The Final EIR does not adequately address air quality and greenhouse gas emission questions.
- The proposed basketball court is an extension of the school and not enhancing park space.
- The Final EIR does not analyze burrowing owls, ground squirrels and tree bats.

Responses to the comments regarding the environmental analysis have been prepared (Attachment 18). Staff recommendation is based on a finding that the proposed Final EIR, consisting of the Draft EIR, comments received on the Draft EIR, response to comments received on the Draft EIR, a list of public agencies commenting on the Draft EIR, and MMRP meets the requirements of CEQA both in content and format. Staff recommends denial of the appeal by the Ray-Nor Neighborhood Association and Certification of the EIR.

Notice of Public Hearing

- 1,957 notices of the appeal were mailed to property owners and tenants within 2,000 feet of the project as shown in Attachment 1. The Planning Commission hearing included similar mailed notice, plus the site was posted and a newspaper notice was provided announcing the public hearing and the availability of the Final EIR.
- 88 notices were emailed to interested parties

Staff Report

- Posted on the City of Sunnyvale's web site
- Provided at the Reference Section of the City of Sunnyvale's Public Library

Agenda

- Posted on the City's official notice bulletin board
- City of Sunnyvale's web site

Correspondences received since the release of the FEIR public notice and the report completion and have been included as Attachment 12. Letters received throughout the project and outside of the EIR Scoping comment period and DEIR comment period have also been included in Attachment 12. Members of the public have also sent letters directly to the City Council and are available in the project file. Comments received after the report preparation will be presented to the Council at the public hearing.

STANDARD OF REVIEW

The City Council has "de novo" review of the decisions of the Planning Commission with regard to both the certification of the EIR (**Appeal No. 1**) and denial of the use permit (**Appeal No. 2**). The City Council is not bound by the decision that has been appealed and is not limited to the issues raised on appeal by the appellant. (Sunnyvale Municipal Code Section 19.98.070(f)(2); Council Policy Manual 1.1.7 (Environmental Quality Regulations), Page 5, Section (b)(9)).

CONCLUSION

Findings and General Plan Goals: Staff was able to make the required Findings for the Use Permit. Recommended Findings and General Plan Goals and Policies are located in Attachment 3.

ALTERNATIVES

Appeal No. 1 - EIR Actions:

1. Deny the appeal by Ray-Nor Park Neighborhood Association, make the findings required by CEQA and certify the Environmental Impact Report
2. Grant the appeal by Ray-Nor Park Neighborhood Association and do not certify the Environmental Impact Report.

Appeal No. 2 - Use Permit Actions:

3. Grant the appeal by the applicant, make the findings required by CEQA, adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program as set forth in Attachment 6 and 7 and approve the Use Permit with the conditions as set forth in Attachment 4.
4. Grant the appeal by the applicant, make the findings required by CEQA, adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program as set forth in Attachment 6 and 7 and approve the Use Permit with modified conditions.
5. Deny the appeal by the applicant and deny the Use Permit.

RECOMMENDATION

Appeal No. 1: EIR Actions. Alternative 1 to Deny the appeal by the Ray-Nor Neighborhood Association of the Certification of the Environmental Impact Report, Make the Findings Required by CEQA and Certify the EIR.

Appeal No. 2: Use Permit. Alternative 4 to Grant the appeal by the applicant of the Use Permit,

make the Findings Required by the CEQA, adopt a Statement of Overriding Considerations and Mitigation Monitoring Program as set forth in Attachment 6 and 7 of the report, and approve the Use Permit with the Conditions of Approval as set forth in Attachment 4 of the report.

Prepared by: Momoko Ishijima, Associate Planner
Reviewed by: Andrew Miner, Planning Officer
Reviewed by: Trudi Ryan, Director, Community Development
Reviewed by: Kent Steffens, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Vicinity Map
2. Project Data Table
3. Recommended Findings
4. Recommended Conditions of Approval
5. Final Environmental Impact Report (FEIR)
6. Mitigation Monitoring and Reporting Program
7. Draft Resolution and Statement of Overriding Considerations
8. Site and Architectural Plans
9. Applicant Project Description Letter
10. Report to Council 13-275, November 9, 2013 - Purchase and Sales Agreement
11. Report to Council 13-292, December 3, 2013 - Joint Use Agreement
12. Letters from Interested Parties
13. Draft Environmental Impact Report (available through the project website - StratfordatPartridge.inSunnyvale.com)
14. Staff response to Traffic Calming request on Lochinvar Avenue
15. Planning Commission Public Hearing Minutes, January 25, 2016
16. Appeal Letter from Applicant (Stratford School)
17. Appeal Letter from Ray-Nor Park Neighborhood Association
18. Response to Comments in the EIR Appeal Letter
19. Resolution of the Planning Commission Certifying the EIR
20. Stratford School letter to City Council