



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO PLANNING COMMISSION

SUBJECT

File #: 2015-8138

Location: 1271 Lawrence Station Road (APN: 110-15-044, 110-15-045, 110-15-072)

Zoning: High Density Residential/Office (R5) with Mixed Use (MU) Combining District

Proposed Project:

SPECIAL DEVELOPMENT PERMIT: to allow a child care center for up to 84 students to occupy a vacant 4,894 square foot ground floor retail space in a mixed-use residential/commercial building and convert an existing concrete plaza area into a 3,208 square foot outdoor play area with a decorative fence.

Applicant / Owner: Tulip Kids, Inc. / Essex Portfolio LP

Environmental Review: Mitigated Negative Declaration

Project Planner: Cindy Hom, (408) 730-7411, chom@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Residential Very High Density

Existing Site Conditions: Mixed use building configured with 11,671 square feet of ground floor commercial space and 336 residential units that surrounds two parking structures, and four courtyard areas.

Surrounding Land Uses

North: State Route 237

South: Gas service station

East: Industrial and Fire Station

West: Lawrence Expressway/Industrial POA/Hotel

Issues: Noise, compatibility, on-site circulation

Staff Recommendation: Approve the Special Development Permit subject to the conditions of approval.

BACKGROUND

In November 2008, the City Council approved a General Plan Amendment, Zoning Text Amendment, Rezone, Special Development Permit, Vesting Tentative Map and certified an Environmental Impact Report to allow redevelopment of a 6.63 acre industrial site located at the northeast corner of the intersection at Lawrence Expressway and Elko Drive. The original planning entitlements allowed for the construction of a vertical mixed use development consisting of 338 mid-rise condominium units

(including 16 live/work units) and 16,000 square feet of commercial retail space as well as the creation of the Mixed Use Combining District.

In February 2010, a Miscellaneous Plan Permit was approved by the Planning Commission for revisions to the emergency vehicle access location, addition of a breezeway and a minor reduction in the total percentage of retail require for the project to 11, 675 square feet.

The Lawrence Station Project was completed in 2012. Although the majority of the residential units are currently occupied, the retail spaces have remained vacant since the development first opened.

In December 2015, Tulip Kids, Inc. submitted a Special Development Permit to locate a preschool center within one of the retail units. If approved, this project would be the first commercial tenant within the building. Currently, Tulip Kids have facilities located at 133 E. Fremont Avenue and 1159 Willow Avenue. This would serve as their third facility in Sunnyvale.

Description of Proposed Project

Child Care centers are conditionally permitted use and are allowed with an approval of a Special Development Permit (SDP). The applicant is requesting a Special Development Permit to allow for the operations of a 4,894 square preschool facility within the ground floor. The applicant proposes interior modifications to allow construction of classrooms and ancillary space as well as minor site modifications to convert an existing concrete plaza area to a 3,208 square foot outdoor play area and installation of new fencing. The proposed preschool facility would serve 84 children between 2-5 years in age and operate Monday through Friday between the hours of 8:00 AM to 6:00 PM.

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

EXISTING POLICY

General Plan Goals and Policies: Key goals and policies from the Land Use and Transportation Chapter of the General Plan and Citywide Design Guidelines that pertain to the proposed project are provided in Attachment 3.

DISCUSSION

Present Site Conditions

The commercial portion of the mixed use building is located along the south end of the site near Elko Drive. There is approximately 11,671 square feet of commercial retail spaces located on the ground floor with four stories of residential units above the retail area. 336 residential units are provided in a wrap style building that surrounds two parking structures and courtyard areas programmed with private recreational amenities. The two parking structures provide residential and guest parking spaces that total 659 on-site parking spaces, including 153 unassigned spaces and 506 assigned spaces. The site also provides 200 bicycle parking spaces as well. Other open space areas include a tot lot, mini dog park, and passive open spaces areas along the west and north perimeter of the building.

Development Standards

The project complies with the applicable development standards in the SMC, such as density, setbacks, lot coverage, floor area ratio, parking, landscaping, usable open space and solar access. A project data table is provided in Attachment 2.

Site Access and Circulation

The site is bounded on three sides by roadway and one side by the State 237 highway on-ramp. Main access to the site is provided by three driveways located along Lawrence Station Road that connects to the two separate parking structures and one small surface parking lot located within an open courtyard near the ground floor commercial tenant spaces. These driveways are shared between the residents, commercial tenants and visitors. The apartment complex garage and courtyard have existing walkways that connect parking areas with the commercial tenants. There are also public sidewalks along from Elko Drive and Lawrence Station Road.

The proposed preschool would be served by the two driveways closest to Elko Drive (Driveway #1 and Driveway #2) on Lawrence Station Road (Site Plan, Attachment 5). Both driveways provide one inbound and one outbound lane. Left turns in and out are not allowed at Driveway #1, however, there are no turning restrictions at Driveway #2.

Since the proposed use involves small children, the proposed drop-off and pick-up operations would require all parents to park on-site and walk their children to and from the facility. The drop-off and pick-up operations assumes the parents would enter the site from Driveway #2 and park within one of the eleven parking spaces in the courtyard near the preschool main entrance or park within the parking garage. Exiting would be from Driveway #1. However, some parents will be traveling southbound on Lawrence Station Road and can enter and exit from either driveways.

The applicant provided a Traffic Operational Analysis (TOA) prepared by Hexagon Transportation Consultants, dated February 29, 2016. The TOA studied the drop off and pick up operations and the parking circulation. Based on the analysis, the project will not result in a potential impact to the on-site circulation, parking and allows for the safe and efficient drop-off and pick-up of children with implementation of the following conditions:

- Standard procedures/maps to drop-off and pick-up kids shall be included in the parent handbook.
- The complex shall implement parking time limits for the parking spaces located within the courtyard so that they are available for child drop-off and pick-up.
- Clear signage shall be provided to display the time restrictions and crosswalk/walkway shall be striped clearly to enhance visibility.

Parking

The project currently provides a total of 659 parking spaces on-site. The commercial tenant space was originally parked at a ratio of one space per 180 square feet of use and required 27 spaces. The 27 spaces that were originally allocated to the retail satisfy the 21 spaces required for the preschool use as demonstrated in the table below:

	Uses	Sq. Ft or # of Students	Parking Ratio	# of Spaces Required
Existing	Retail	4894	1/180	27
Proposed	Preschool/Child Care Center	84	.25 per child	21
Number of spaces allocated to the tenant space				27
Total number of spaces required for the proposed use				21
Total number of excess parking spaces				6

Floor Plan

The proposed preschool facility would occupy a 4,894 square foot tenant space. The project would entail interior tenant improvements such as construction of new walls, flooring and furnishing. The facility would consist of three classrooms totaling 2,981 square feet and approximately 835 square foot of staff administration support area consisting of the front lobby, office, staff room and kitchen area. The remaining 696 square feet is ancillary space that includes hallways, storage area, and restroom facilities (Floor Plan., Attachment 5).

Outdoor Play Area and Fencing

The applicant proposes to convert an existing concrete plaza area adjacent to Lawrence Expressway into a 3,208 square feet outdoor play area that will include a play structure, portable tables with umbrella shade covers, and new landscaping planter boxes. There are three existing trees that are located within the proposed play area which are proposed to remain in place. The applicant originally proposed to extend the existing 10-foot concrete masonry wall, but staff expressed concern with massing of the wall and the reduced visibility of the commercial tenant spaces. As such, staff is recommending a condition of approval that requires the applicant to submit revised details, elevations, and noise analysis to demonstrate the fencing utilizes high quality design that maintains visibility of the commercial tenant spaces and complies with the City's noise standard such as but not limited to 4-foot masonry wall constructed at the base and a 5 to 6-foot transparent plexan or glass panels attached above.

Architecture

The applicant proposes no changes to the exterior building facade.

Land Use Compatibility

The proposed project would be neighborhood-serving to the residential uses within the complex and surrounding area as well as adjacent employment centers. However, the project is located within the vicinity of industrial sites to the east and south that routinely use, transport and store hazardous materials. Although there are various local, State and Federal regulation and ordinances that require engineering controls to help prevent chemical releases, there is still a potential for an accidental release to occur which could affect employees and students on the subject site. To address this concern, staff is recommending a condition of approval that requires the applicant to develop and implement an Emergency Action Plan to ensure public health, safety and general welfare for the pre-school students and staff.

The proposed preschool includes an outdoor play area that is located below residential units that

have patios fronting Lawrence Expressway. Currently the patios are exposed to midday exterior noise levels of about 72 dBA Leq, generated by traffic along Lawrence Expressway. Considering the outdoor play area receives approximately one hour of use per weekday and the noise assessment anticipates a less than 1% change in the ambient noise level, this impact would be minimal.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines (see Attachment 5). An Initial Study determined the proposed project will not create any significant environmental impacts on surrounding properties or uses. However, the project site is within the vicinity of industrial uses that routinely use, store, or transport hazardous materials and chemicals that may potential impact teachers and students on the subject site. These impacts can be reduced to a less than significant level with implementation of the recommended mitigation measures. The Mitigation Measures have been incorporated as Conditions of Approval (see Attachment 4).

PUBLIC CONTACT

Notice of Public Hearings

- Published in the *Sun* newspaper
- Posted on the site
- 440 notices were mailed to property owners and residents within 1,000 feet of the project site
- 1 opposition letter

Staff Report

- Posted on the City's Web site
- Provided at the Reference Section of the City's Public Library
- Made available at the City's One-Stop Permit Center

Agenda

- Posted on the City's official notice bulletin board
- Posted on the City's Web site

ALTERNATIVES

1. Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration and approve the Special Development Permit with the recommended findings in Attachment 3 and conditions of approval in Attachment 4.
2. Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration and approve the Special Development Permit with the recommended findings in Attachment 3 and modified conditions.
3. Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration and deny the Special Development Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

RECOMMENDATION

Alternative 1: Make the findings required by CEQA in Attachment 3, adopt the Mitigated Negative Declaration and approve the Special Development Permit with the recommended findings in Attachment 3 and conditions of approval in Attachment 4.

Prepared by: Cindy Hom, Assistant Planner

Reviewed by: Gerri Caruso, Principal Planner

Reviewed by: Andrew Miner, Planning Officer

ATTACHMENTS

1. Vicinity and Noticing Radius Map
2. Project Data Table
3. Findings for Approval
4. Recommended Conditions of Approval
5. Project Plans
6. Mitigated Negative Declaration
7. Noise Assessment
8. Traffic Operational Analysis Technical Memo
9. Toxic Air Contaminant (TAC) Assessment
10. Risk Assessment
11. Comment Letter