



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 17-0982, Version: 1

REPORT TO THE ZONING ADMINISTRATOR

File #: 2017-7513

Location: 830 Stewart Drive (APNs: 205-27-009)

Applicant / Owner: California South Bay University (applicant) / Eilwen Shiloh Investors LLC (owner)

Proposed Project:

USE PERMIT to allow two institutions of higher learning in an existing industrial building.

Reason for Permit: A Use Permit is required for Institutions of Higher Learning in the Industrial and Service (M-S) zoning district

Project Planner: Aastha Vashist, (408) 730-7458, avashist@sunnyvale.ca.gov

Issues: Parking, trash enclosure, compatibility with the surrounding uses.

Recommendation: Approve with the conditions

PROJECT DESCRIPTION

The application is for two institutions of higher learning (California South Bay University and Triton Institute) within three tenant spaces of an existing industrial building.

Sunnyvale Municipal Code (SMC) allows consideration of an "Education-Institution of Higher Learning" use in an M-S (Industrial and Service) zoning district through a Use Permit application. "Education-Recreation and Enrichment" is defined by the SMC as a facility which is used primarily for teaching learned skills to children or adults for purposes of recreation, amusement or enrichment. The proposed use meets this definition. See Attachment 1 for the Vicinity and Noticing map and Attachment 2 for the Project Data Table.

Previous Planning Projects related to Subject Application: A <i>Miscellaneous Planning Permit (MPP) 2017-7738 to allow three storage containers in the south-east corner of the property.</i>	Yes
Neighborhood Preservation Complaint: Building, electrical, and fire code and zoning violations on the property including unpermitted higher education institutes on the site that are included in the application.	Yes
Deviations from Standard Zoning Requirements	No

Background

The use is proposed within an existing 35,042 square foot multi-tenant industrial building that is generally located north of Central Expressway between Wolfe Road and Lawrence Expressway. The existing building was constructed in 1970s and currently houses 117 tenants. No exterior changes are proposed as part of this application. See Attachment 6 for the list of tenants.

Use Description

California South Bay University (CSBU) offers graduate programs in Business Administration and Computer Science. The University was recently granted approval to operate by the State and still is in the preparation stage.

Currently, there are no students enrolled, as the University has recently started marketing and plans to commence enrollment within the next one year. Three to five students are anticipated to enroll in the summer session in 2018. In the next three to five years, the university is expecting to enroll a total of 10 to 20 students.

The classes will be offered during weekends between 9:00 a.m. to 6:00 p.m. During class hours, a total of 10 students and faculty are anticipated to be at the premises at a given time. The number of students and faculty during the class hours are expected to increase to approximately 20 in the next three to five years. The university currently has two employees and expects to hire two additional employees in the future.

Besides offering the graduate programs, the CSBU is an authorized test center by Pearson VUE. The hours of operation are 9:30 a.m. to 5:00 p.m. Monday through Friday. The testing center offers computer-based teaching credential tests for public school teachers and major IT company certification tests for future employees. On an average, a total of 8 to 9 candidates attempt the test at a given time.

Triton Institute offers short adult career training programs, and currently has enrollment of five students. The class are offered Wednesday through Friday between 9:00 a.m. to 2:00 p.m. The Institute currently has two employees (an administrative staff that also works for CSBU and a faculty member) and projects to enroll a maximum of 10 number of students per class.

Site and Floor Layout

The site layout consists of one industrial building that is centrally positioned parallel to the street. Three tenant spaces would be occupied by the California South Bay University on the first floor (Suites #118, #151 and #145) with a total combined floor area of 1,819 square feet, which includes spaces for school administration, admissions and offer higher education learning. Triton Institute currently occupies two tenant suites of the building that are shared with the California South Bay University, including the classroom (Suite #145) and Office (Suite #118).

No exterior changes are proposed as part of this application. The three tenant spaces are composed of mostly office space, testing center and open classroom space (See Attachment 4 for more detail).

The applicant currently leases a suite on the second floor for the CSBU that requires installation of an accessible elevator, per 2016 California Building Code (CBC) because of the change of use from an office to higher education institute (Condition PS-1 and BP-8 in Attachment 3). However, the applicant has decided to combine the proposed uses on the first-floor level and not utilize the second-floor suite to address the Building Code requirements.

Parking and Circulation

The site currently has 205 parking spaces. A total of 39 students (20 students for CSBU, 10 students for Triton Institute and 9 for the test center) are expected to be on site at a given time. Based on the SMC 19.46.100(C), the proposed use requires 15 parking space at a rate of 1 parking space per 2 students. The industrial building is currently occupied by 117 tenants that includes a multitude of uses including auto brokers, professional, medical office and Research and Development Offices. See

Attachment 6 for the list of tenants.

Sunnyvale Municipal Code (SMC) 19.46.100(f) requires individual parking rates to be applied to each tenant. Based on staff's calculations, a total of 134 parking spaces are required for the site, where 205 spaces are provided. Therefore, the site has more than enough parking spaces to meet the City's requirement.

USE	Area	PARKING RATE	REQUIRED PARKING
Administrative, professional and medical office	17,837 s.f.	3.3 parking spaces per 1,000 s.f.	59
Research and Development and Industrial Uses	17,205 s.f.	2 parking space per 1,000 s.f.	34
Vacant Leasable Space	3,200 s.f.	3.3 parking spaces per 1,000 s.f.	11
Auto Broker (5 on Site)	--	Maximum 2 parking spaces for brokered cars	10
Higher Education Institute (39 students)	--	0.5 parking space per student	20
Total Minimum Parking Required			134
Parking Provided			205

Trash and Recycling Facility

The trash and recycle containers are currently unenclosed and located on the south-east corner of the site adjacent to the storage containers. The site does not meet the SMC Section 19.38.030 that requires all the nonresidential uses to provide recycling and solid waste enclosures for the storage of recyclable materials and solid waste. Therefore, the staff has recommended a Condition of Approval requiring a new trash enclosure to be constructed consistent with the with the City of Sunnyvale's Design Guidelines for Solid Waste and Recycling Facilities for Commercial properties, prior to obtaining the building permits. The proposed trash enclosure shall require the approval of a Planning permit by the Director of Community Development. See Attachment 3 for the recommended conditions of approval.

Neighborhood Impacts

The immediate neighborhood is made up of a mix of residential, commercial, and office uses. As conditioned, the proposed use is compatible with the surrounding uses and is not anticipated to have significant impacts on the surrounding uses.

Public Contact

As of the date of staff report preparation, staff has received no comments from the neighbors.

Notice of Public Hearing :

- Posted on the site
- 38 notices mailed to property owners and residents within 300 feet of the project site
- Posted on the City's official notice bulletin board

Staff Report/Agenda:

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

Environmental Determination

The project being considered is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 as it involves negligible expansion of use beyond that existing at the time of the application.

FINDINGS

In order to approve the Use Permit the following findings must be made:

1. *Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; **Finding met.***

General Plan Policy 112: Support continuous education (beyond grades K-12) and educational enrichment programs while minimizing impacts on the surrounding land uses.

The project provides an educational use that will increase the number of diversified professionals in the City. The location of the use is appropriate as it is adjacent to public transportation and major freeways and expressways. The proposed use is compatible with the existing uses on the site, as it is anticipated that the uses will not adversely impact one another. Per SMC standards, the site provides adequate parking for the proposed educational uses.

2. *Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. **Finding met.***

There are no proposed changes to the existing structure and site, except the addition of a trash enclosure. The trash enclosure will improve the general appearance of the property and immediate neighborhood.

ALTERNATIVES

1. Approve the Use Permit with recommended Conditions in Attachment 2.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

RECOMMENDATION

Alternative 1. Approve the Use Permit with recommended Conditions in Attachment 2.

Prepared by: Aastha Vashist, Assistant Planner

Approved by: Ryan Kuchenig, Senior Planner

ATTACHMENTS

4. Vicinity and Noticing Map
5. Project Data Table
6. Standard Requirements and Recommended Conditions of Approval
7. Site and Architectural Plans
8. Project Description Letter
9. Tenant List