



18-0751

Agenda Date: 1/29/2019

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### REPORT TO CITY COUNCIL

#### SUBJECT

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

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

**File #:** 2017-7986

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

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

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

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

#### SUMMARY OF COMMISSION ACTION

The Peery Park Specific Plan Conditional Use Permit was considered by the Planning Commission on December 10, 2018 (see Attachment 15 of this report). Minutes of the Planning Commission public hearing can be found in Attachment 16. The Planning Commission denied the project on a 4-3 vote.

#### APPEAL

On December 21, 2018, the Applicant appealed the Planning Commission decision. The letter of appeal is included as Attachment 19 and includes the following reasons for the appeal:

1. The Project, as a proposed educational use, is compatible with the surrounding residential uses and envisioned in the PPSP-NT zoning.
2. The Project is consistent with the PPSP and the findings required for the CUP.
3. The Project will enhance and update an existing industrial building.
4. The Project will increase landscaping and preserve existing street trees.
5. The Project is consistent with the Program EIR and will not result in environmental effects that were not adequately examined in the Program EIR.
6. The project meets the development standards for the PPSP.
7. Findings can be made to allow a parking adjustment to the standard minimum parking requirements under Sunnyvale Municipal Code (SMC) Section 19.46.130(d)(1)(B) and (F).
8. The Project will comply with conditions of approval related to parking management and proactive outreach and communication with the neighbors.

Summit School provides that Findings for SMC Section 19.46.130(d)(B) and (F) can be made with the implementation of the existing school parking management plan policies. The applicant states that the Kimley Horn parking analysis of other Summit High Schools corroborates the effectiveness of the parking management plan and that the Kimley Horn analysis notes that the lower parking demand at each of these other Summit schools is less than the parking required under the Sunnyvale zoning code.

### **STAFF COMMENTS ON APPEAL**

Sunnyvale Municipal Code allows for educational uses in residentially zoned neighborhoods with a Use Permit, as schools typically serve the surrounding residential community. It is appropriate to locate the proposed charter high school adjacent to current and future residential uses if the school is designed and operated in a manner that will reasonably address the potential negative impacts on the neighboring residents.

A school in the PPSP is allowed as an appropriate use for the area. The project is consistent with the PPSP Program EIR and does not increase the severity of significant environmental impacts previously identified in the Program EIR. The Planning Commission and staff remain concerned about the deficiency in the required minimum parking. The parking management program and policies that the school proposes to implement in addition to the conditions added to the recommended Conditions of Approval (Attachment 4) may be insufficient to mitigate parking impacts and result in parking “spill[ing] over onto surrounding properties or streets,” which would impact residents in the general neighborhood. In addition, 22 of the 69 parking spaces proposed will be inside a parking lift structure. Although the parking lift is proposed to be limited to staff and teachers only, concerns remain on the timing and efficiency of the operation of the parking lift so as not to create a conflict within the drop off and pick up loop during peak hours and compatibility with surrounding residential neighbors.

Staff has encouraged the applicant to consider other approaches to reduce the parking deficiency, including off-site parking agreements and a reduction in school population (specifically of driving-aged students). The applicant was unable to engage neighboring property owners to secure parking agreements to offset the deficiency and feels a reduction in the number of students does not meet the goal of the school.

A school with a population of 250 students would require 63 parking spaces, which would meet the required parking amount (with use of the parking lifts). A school population of 300 students would require 75 parking spaces, a deficiency of six parking spaces. Conditions of approval for the project could be amended by Council to grant the use permit for a reduced number of students. The applicant could also consider redeveloping the entire site to accommodate the required parking as well as meet other development standards such as setbacks, landscaping, and an outdoor area for the students.

### **CONCLUSION**

Staff agrees that a school use in this general area is compatible with surrounding uses but finds that this site does not meet all applicable zoning requirements and that the deviation in parking is significant. Staff’s determination is to recommend denial of the appeal by the applicant and affirm Planning Commission’s denial of the Peery Park Specific Plan Conditional Use Permit.

### **PUBLIC CONTACT**

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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. Courtesy notices regarding the Council meeting were mailed to property owners and tenants within 1,000 feet of the project as shown in Attachment 1.

### **ALTERNATIVES**

1. Deny the appeal and affirm the Planning Commission's determination to deny the Peery Park Specific Plan Conditional Use Permit.
2. If the City Council can make the required Findings: Grant the appeal and make the Findings in Attachment 20 to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant, subject to the recommended Conditions of Approval in Attachment 4.
3. If the City Council can make the required Findings: Grant the appeal to approve the project and make the required Findings in Attachment 20 to approve the CEQA determination that the project is within the scope of the Peery Park Specific Plan (PPSP) Environmental Impact Report (EIR) and no additional review is required, make the Findings for the Peery Park Specific Plan Conditional Use Permit and parking adjustment, and approve the project as requested by the applicant, subject to modified Conditions of Approval.

### **STAFF RECOMMENDATION**

Alternative 1: Deny the appeal and affirm the Planning Commission's determination to deny the Peery Park Specific Plan Conditional Use Permit.

Prepared by: Momoko Ishijima, Associate Planner  
Reviewed by: Andrew Miner, Assistant Director of Community Development  
Reviewed by: Trudi Ryan, Director of Community Development  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

#### **Attachments for report to Planning Commission**

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

**Additional Attachments for Report to Council**

15. Planning Commission Report of December 10, 2018
16. Planning Commission Minutes of December 10, 2018
17. Letter from Applicant to the Planning Commission
18. Additional letters received before Planning Commission meeting
19. Appeal Letter
20. Findings for Approval: CEQA, Use Permit and Parking Adjustment Findings
21. Additional letters received after Planning Commission meeting