



**CITY OF SUNNYVALE
REPORT
Planning Commission**

August 10, 2009

SUBJECT: **2009-0497 - The King's Academy/ Fremont Union High School District:** Application(s) for a project located at **562 Britton Avenue** in a P-F (Public Facility) Zoning District (APN: 205-20-001)

Motion Use Permit to allow athletic field improvements including stadium lighting and a sound system.

REPORT IN BRIEF

Existing Site Conditions Elementary and Junior/High School

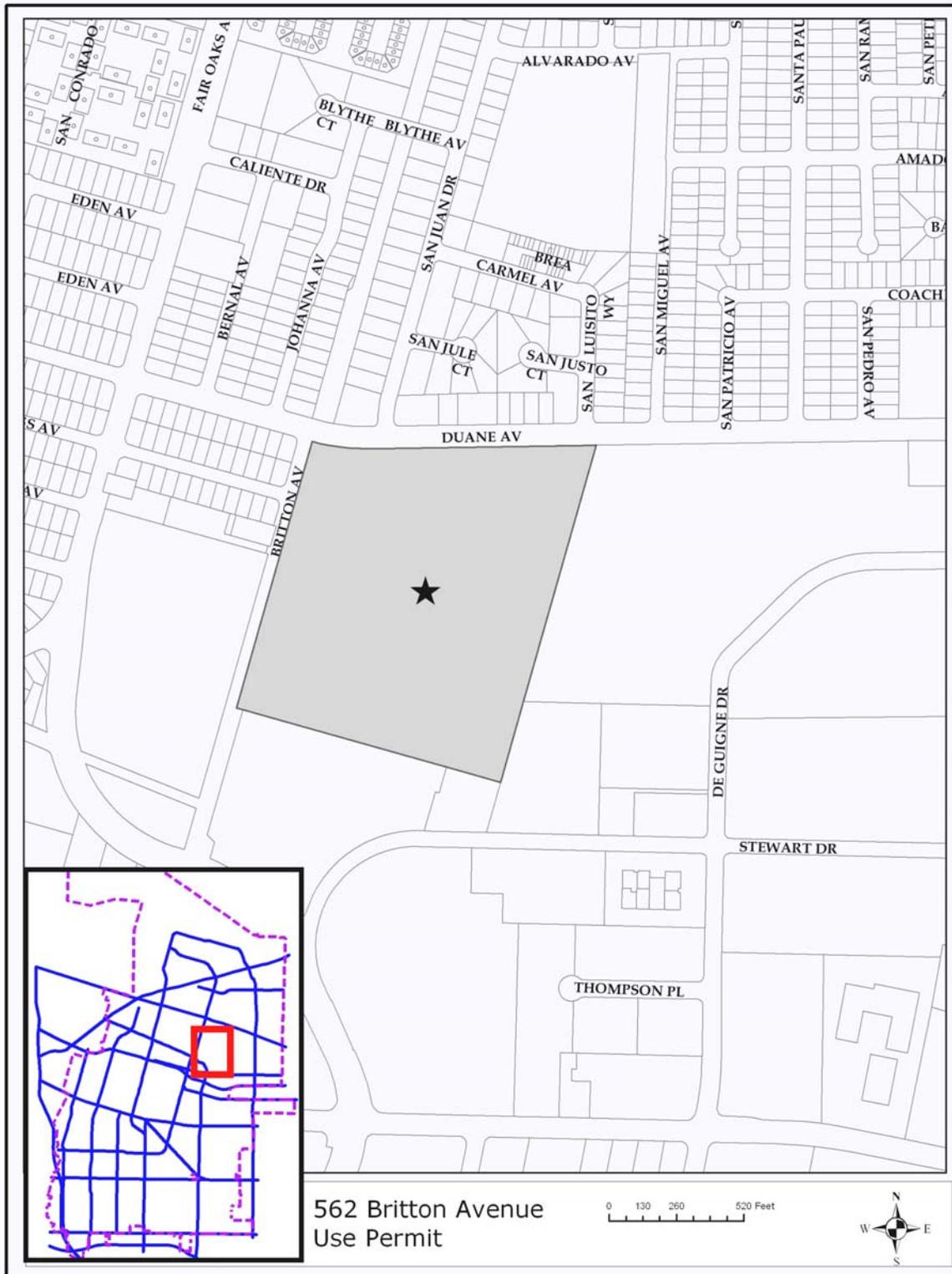
Surrounding Land Uses

North	Multi-Family Residential across Duane Avenue
South	Industrial
East	Industrial
West	City Park, Church, and Single Family Residential

Issues Visibility, Noise

Environmental Status A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	School	Same	School
Zoning District	PF	Same	P-F
Lot Size	1,305,493	Same	No min.
Area of School	252,288	Same	By original U.P.
★ Light Pole Height (ft.)	N/A	70'	65' max.
Setbacks to Light Poles			
Front (Britton Avenue)	N/A	Approx. 285'	20' min.
Left Side (Duane Avenue)	N/A	Approx. 910'	9' min.
Right Side	N/A	Approx. 15'	4' min.
Rear	N/A	Approx. 630'	20' min.
Landscaping (sq. ft.)			
Total Landscaping	11,067	14,546	50,457
Parking			
Total Spaces	723	Same	By original U.P.
Accessible Spaces	21	Same	15 min.
Stormwater			
Impervious Surface Area (s.f.)	55,019	123,985	---
Impervious Surface (%)	22%	49%	---

★ For the P-F Zoning District, one-half foot shall be added to each of the required setbacks for each foot that exceeds the maximum height of the most restrictive abutting zoning district

ANALYSIS

Description of Proposed Project

The proposal is a phased improvement project at the King's Academy Junior High - High School located at 562 Britton Avenue. The site is also shared with Rainbow Montessori Elementary School. The improvements initially include the installation of four 70' light poles at the existing track and field and a new PA system. The lights are designed to provide required light levels for sport play that includes football, soccer and track.

"Phase Two," which is planned for 2010, includes the replacement of the field with a synthetic surface and the installation of an all weather track. Additional storage area is also planned. The applicant is also considering the installation of new tennis courts west of the football/track field.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2008-0153	Miscellaneous Plan Permit for additional and replacement antennas at an existing telecommunications facility	Staff/Approved	4/15/2008
2006-0702	Miscellaneous Plan Permit for parking lot modifications	Staff / Approved	7/25/2006
2002-0183	Miscellaneous Plan Permit for six modular buildings	Staff / Approved	5/7/2004
1998-0993	Miscellaneous Plan Permit for telecommunications facility (3 panels)	Staff /Approved	9/15/1999
1994-0002	Use Permit for daycare/church/private school	Planning Commission / Approved	2/28/1994

Environmental Review

A Class 32 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 32 Categorical Exemptions include infill development that will not result in any significant effects relating to traffic, noise, air quality or water quality.

Use Permit

Detailed Description of Use: The proposed lighting system will only be used during the months of August through February for the school's five to six home football games. The field would be occupied until 10:30 pm on such nights with additional football and soccer practices until 9:30 pm on occasion. The four 70' light poles replace the ten 30' high portable light poles that have currently been used at the site

Currently, a PA system is being used for day and evening events, which average 64.6 decibels at the south and west property lines (86 decibels at the bleachers). The proposed PA system would be designed with individual speaker control which would limit the sound volume levels to the four seating areas. To ensure sound is concentrated to the field bleacher area, the applicant is prepared to coordinate with the city a maximum pre-set decibel level. More discussion noted in the "Compliance to Development Standards" section in this report.

Site Layout & Design: The location of the improvements is concentrated to the track/football field area which is located at the southern end of the property. The light poles would be positioned such that two poles are located at each long side of the track. A site plan is provided in Attachment #C.

The applicant has provided a photometric plan, also included in Attachment C (Page 4), which indicates foot candle readings in and around the football field. Lighting levels range from approximately 0 or 4.1 foot candles at the nearest property lines indicating that spillover is minimal. The highest spillover is located at the property line of the commercial site immediate south of the site; however, lighting decreases significantly to 1 foot candle or less in the parking lot. Lighting levels at residential properties is close to 0 foot candles and will not increase as a result of this project. Also, included in Attachment E are photosimulations.

Stormwater Management: As part of "Phase Two", the football field will be replaced with an artificial turf surface. The area of disturbance will exceed the minimum amount needed to require Stormwater Management provisions. The applicant has submitted preliminary information to indicate specific methods for reduction of runoff such as infiltration basin and media filter (sand, organic

matter, bio-retention). Additionally, certain beneficial landscaping that should minimize runoff and other site design techniques has been specified in the preliminary plans. Condition of Approval #4 requires a final stormwater Management Plan to be submitted prior to construction of phase two.

Landscaping: The site maintains approximately 11,000 s.f. of landscaping. As part of "Phase Two," approximately 3,500 s.f. of landscaping will be added, mostly located around the new light poles. There are no tree removals proposed with this application. As noted previously, stormwater management provisions will apply due to the amount of disturbed surface.

Parking/Circulation: Parking at King's Academy is provided throughout the site. King's Academy is divided up into six parking lot areas at various locations (parking lots A-F, as noted on the site plan). A total of 723 parking spaces are provided. Parking requirements are met according to the approved Use Permit for the school and the proposed improvements do not result in an increased demand for the site. Although, the bleachers area of the football field/track and field is not increasing, staff has included general Conditions of Approval related to parking maintenance to ensure adequate striping, signage, and lighting at the site (Conditions of Approval #2A).

Compliance with Development Standards/Guidelines: The proposal complies with all development standards with exception of landscaping. Improvements to the landscaping on-site will result in increased landscaping, although still less than what Municipal Code requires. At this time, staff does not find additional opportunities to increase additional landscaping.

Staff has included a Condition of Approval #1E that requires that noise levels related to the P.A. system comply with Sunnyvale Municipal Code Section 19.42.030 as specified below:

Operational noise shall not exceed seventy-five dBA at any point on the property line of the premises upon which the noise or sound is generated or produced; provided, however, that the noise or sound level shall not exceed fifty dBA during nighttime or sixty dBA during daytime hours at any point on adjacent residentially zoned property. If the noise occurs during nighttime hours and the enforcing officer has determined that the noise involves a steady, audible tone such as a whine, screech or hum, or is a staccato or intermittent noise (e.g., hammering) or includes music or speech, the allowable noise or sound level shall not exceed forty-five dBA.

As referenced above, "daytime" hours are considered from 7am to 10pm and "nighttime" is from 10pm to 7am.

Expected Impact on the Surroundings: The new 70' light poles will likely be more visible to the surrounding neighborhood in comparison to the ten 30' portable light poles that had been used on a temporary basis at the site. The design is intended to cut off lighting at the back side of the pole, along with shields on each fixture to prevent spillover. The provided photometric plans indicate that lighting levels will not be increased to surrounding neighborhood. With regards to the PA system, the applicant has indicated that the sound levels can be easily preset. Conditions of approval recommended by Staff will help ensure that Municipal Code standards are not exceeded.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

A public outreach meeting was conducted by the applicant for August 5th, 2009. No members of the public attended. Staff has not received any written comments related to the proposal.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 368 notices mailed to the property owners and residents within 300 ft. of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

Alternatives

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

Recommendation

Alternative 1.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Justifications as submitted from the Applicant
- E. Site Photos/Photosimulations

Recommended Findings - Use Permit

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

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)*

Land Use and Transportation Element

Policy N1.1 – *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

Action Statement N1.1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Policy N1.14 – *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.*

Staff finds that the proposed improvements meet the objectives and policies of the General Plan as listed above. The Use Permit allows for an existing educational and recreational use to be upgraded in terms of its facilities. The proposed improvements have been adequately designed to be unobtrusive to neighboring properties.

2. The proposed use ensures 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 Made)*

The proposed project improves the general appearance of the site, and will not impair existing uses or adjacent properties as the design and location of the new light poles are such that impacts to surrounding residential properties are limited. Conditions of Approval also ensure that noise levels will also be limited to a range less than what Municipal Code requirements allow. The project does not result in an increase capacity of for events at the site or the general population of the school.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- E. The P.A. system shall be set at a pre-set decibel level that does not exceed noise levels specified by Sunnyvale Municipal Code Section 19.42.030.

2. LANDSCAPING

- A. All areas not required for parking, driveways or structures shall be landscaped.

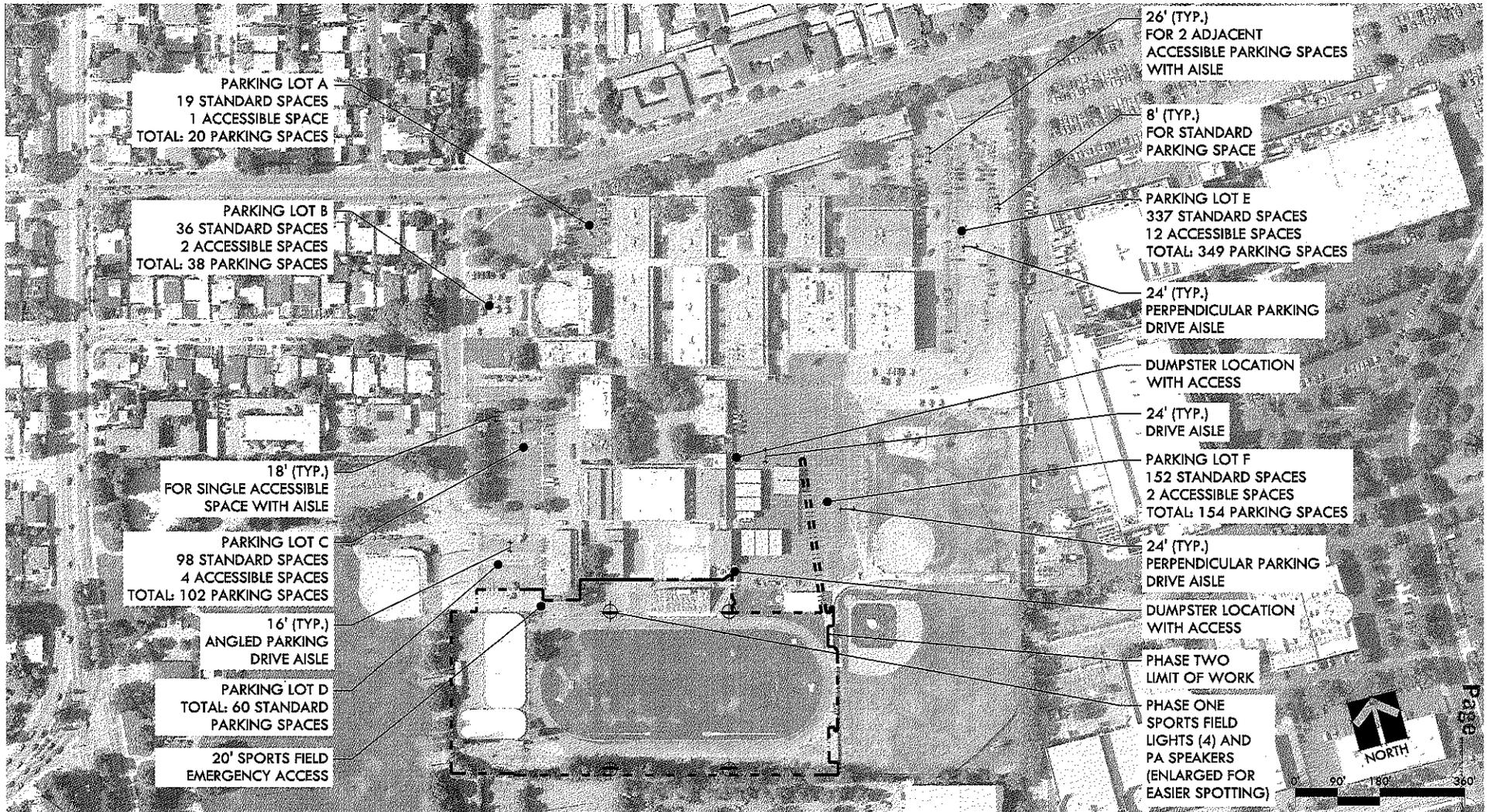
3. PARKING & FIRE LANE ACCESS

- A. The parking lot shall be maintained as follows:
 - 1. Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.

2. Maintain all parking lot striping and marking.
 3. Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 4. Require signs to direct vehicles to additional parking spaces on-site or off-site, as needed.
- B. Fire access roads require a minimum unobstructed width of 20 feet and a minimum inside turning radius of 30 feet, surface shall be TI5.
- C. Fire access roads shall be marked in accordance with 16.52.170 SMC.
- D. The gate at the entrance to the fire lane shall have minimum width of 20 feet. Any locks for the gates must be Knox padlocks (application available through Sunnyvale Fire Prevention or Knox website). Electrical operated gate shall be provided with a Knox key switch.

4. STORMWATER MANAGEMENT

- A. An Impervious Surface Calculation worksheet for each phase and the final project is required to be completed and submitted for the California Regional Water Quality Control Board and a copy provided to the City prior to issuance of a Building permit.
- B. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
- C. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit in conformance with 12.60 of the Sunnyvale Municipal Code, including third party certification of the final plan.



July 7, 2009

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ATTACHMENT C



Site Inventory

The King's Academy

VERDE DESIGN
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
SPORT PLANNING & DESIGN
2455 The Alameda, Ste. 200
San Jose, CA 95030
tel 408.952.2200
fax 408.952.2240
www.verdedesign.com

Google maps Address

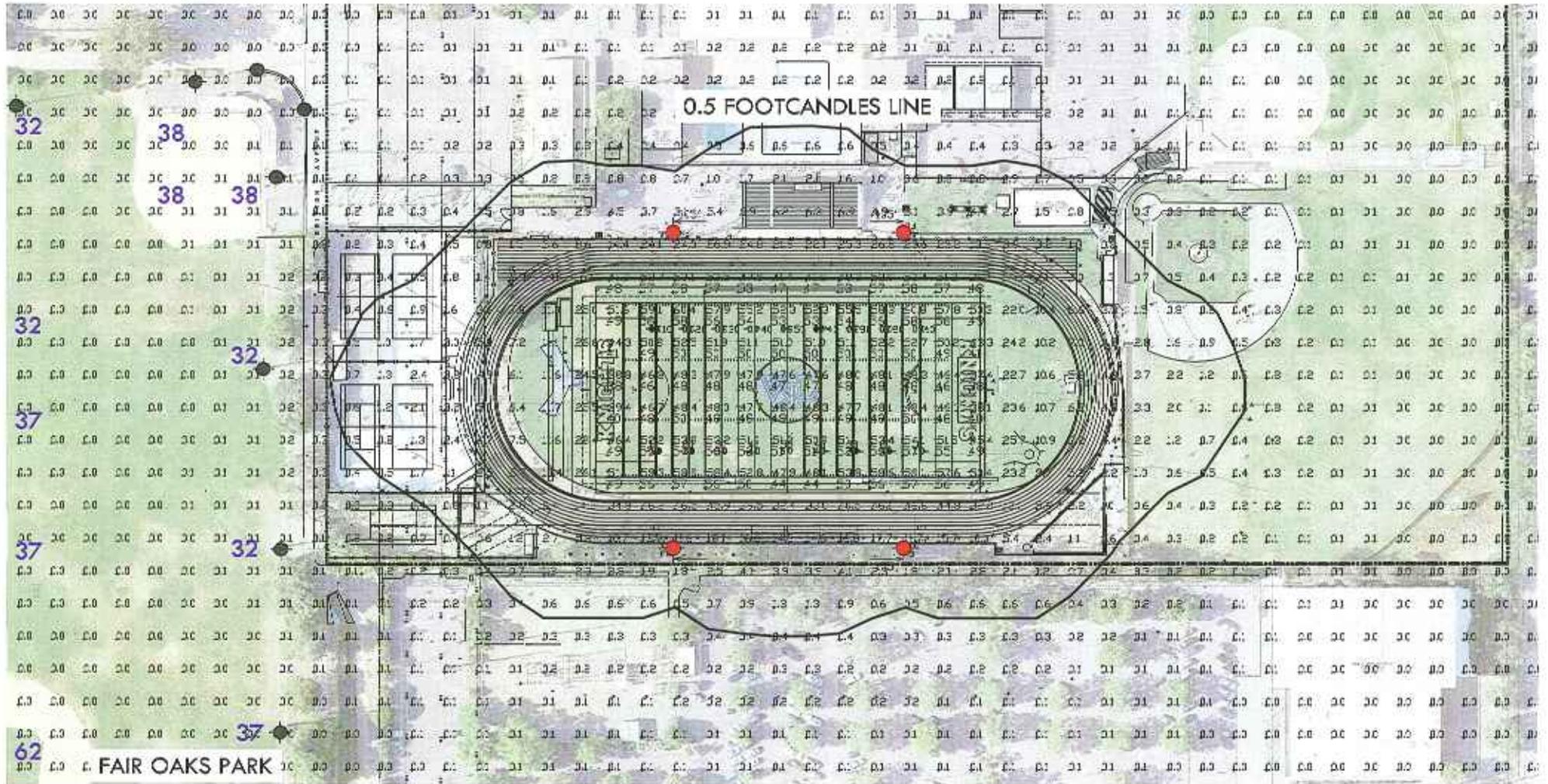
■ proposed lighting impact (in footcandles)

* ■ existing lighting (in footcandles)

* Park Lights Not ON



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Planning Commission Hearing
August 10, 2009



Sports Field Lighting Foot-Candle Grid The King's Academy



LANDSCAPE ARCHITECTURE
CIVIL & MECHANICAL
30077 Via Arroyo, Suite 200
Sunnyvale, CA 95053
Tel: 408.262.7300
Fax: 408.262.7306
www.verdedesign.com

USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

2.

PHASE ONE (2009) – Installation of four Sports light poles and fixtures with PA system

The existing use of the site is as a The Kings Academy Junior High – High School. For their evening sport events the school has been using ten portable 30' high poles with four 1,000 W Metal Halide lamps that put out 1 foot candle at 160' from the front of the light and 75' to each side, and a portable PA system. The proposed improvement is the addition of four 70' sport lighting poles, with lighting and a PA system, at the existing track and field. These light poles would be located with two lights on each long side of the track. The lights are designed to provide the required light levels for sport play such as football, soccer and track. The design of the light fixtures focuses the actual lighting at the track and field area only and cuts the light off at the back side of the pole. The light fixtures also have shields on each light fixture that blocks the view of the bulb from adjacent properties. The 70' height allows the light fixtures to be pointed down at the field instead of out at the field which would make the bulbs visible from afar.

To the south of the track and field the industrial business "Plug and Play Tech Center", closed at night, has a parking lot, then buildings that are 300' from the back of the lights. The 1 foot candle level (standard for lighting a public sidewalk) is 46' from the back of the lights, (254' from the buildings). To the west is Fair Oaks Park, where they also have sports lights. The park is 337' from the closest light pole and the 1 fc level is 280' from the light (57' from the park). To the northwest is R3 housing at 600' from the closest light. The 1 fc level is 50' from the light in this direction (550' from the housing). To the north is more R3 housing that is 1,020' away from the closest light. The 1 fc level is 46' from the light (976' from the housing). To the east are other industrial businesses, closed at night, that are 600 feet away from the closest light. The 1 fc level is 280' from the light (320' from the closest business). For a graphic mapping of the sports lighting foot candle levels, refer to sheet L9.0 of the construction documents.

The school should only be using the lighting between August and February for their 5-6 home football games till 10:30pm, possibly some football and soccer practices till 9:00pm. At each of the adjacent properties, there will be no light, from the sports lighting, near any buildings. The school already lights the track and field for their evening events and at these events typically has a surplus of \pm 160 on-site parking stalls that are not used.

The addition of the lights will not impair or adversely affect the adjacent properties.

At present the school uses a portable PA system for its day and evening events that averages 64.6 decibels at the south and west property lines and 86 decibels at the bleachers. The Proposed PA system would be designed with individual speaker equalizing control, volume control, over-easy compression, digital signal alignment and brick wall limiting for the four seating areas, two on the home side and two on the visitors side (one per pole). This will ensure the sound is concentrated within the field/bleacher area, while minimizing sound to the adjacent properties. The PA system will be set up to be monitored at a pre-set maximum decibel level as coordinated with the City.

With the design of the system and the distance the field is from the surrounding uses, the PA system will not impair or adversely affect the adjacent properties.

PHASE TWO (2010) – Construction of a new track and field

The Phase Two improvements include the construction of an all weather track, synthetic field and storage area. The use area does not change, but the organization and efficiency of space use has been coordinated to enable the new systems to fit and meet State and League sanctioned sizes and dimensions for sports facilities.

Since the improvements are replacing the existing cinder track and natural turf field, with a track and field of similar size and design, the replacement of the track and field will not impair or adversely affect the adjacent properties.

At this time we are applying for the installation of the Phase One sports lights and PA system, but have also included plans and data for our Phase Two for reference.



ATTACHMENT
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