



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 14, 2008

SUBJECT: **2008-0210 - University of East-West Medicine** [Applicant]
Lawrence Expressway Square LLC [Owner]: Application for
a property located at **595 Lawrence Expressway** (near
Duane Ave.) in an M-S/POA/PD (Industrial & Service/Place
of Assembly/Planned Development) Zoning District. (APN:
205-23-017) SB

Motion Special Development Permit to allow an institution of higher
learning in a 5,500 sq. ft. tenant space in an existing
industrial building.

REPORT IN BRIEF

Existing Site Vacant industrial building
Conditions

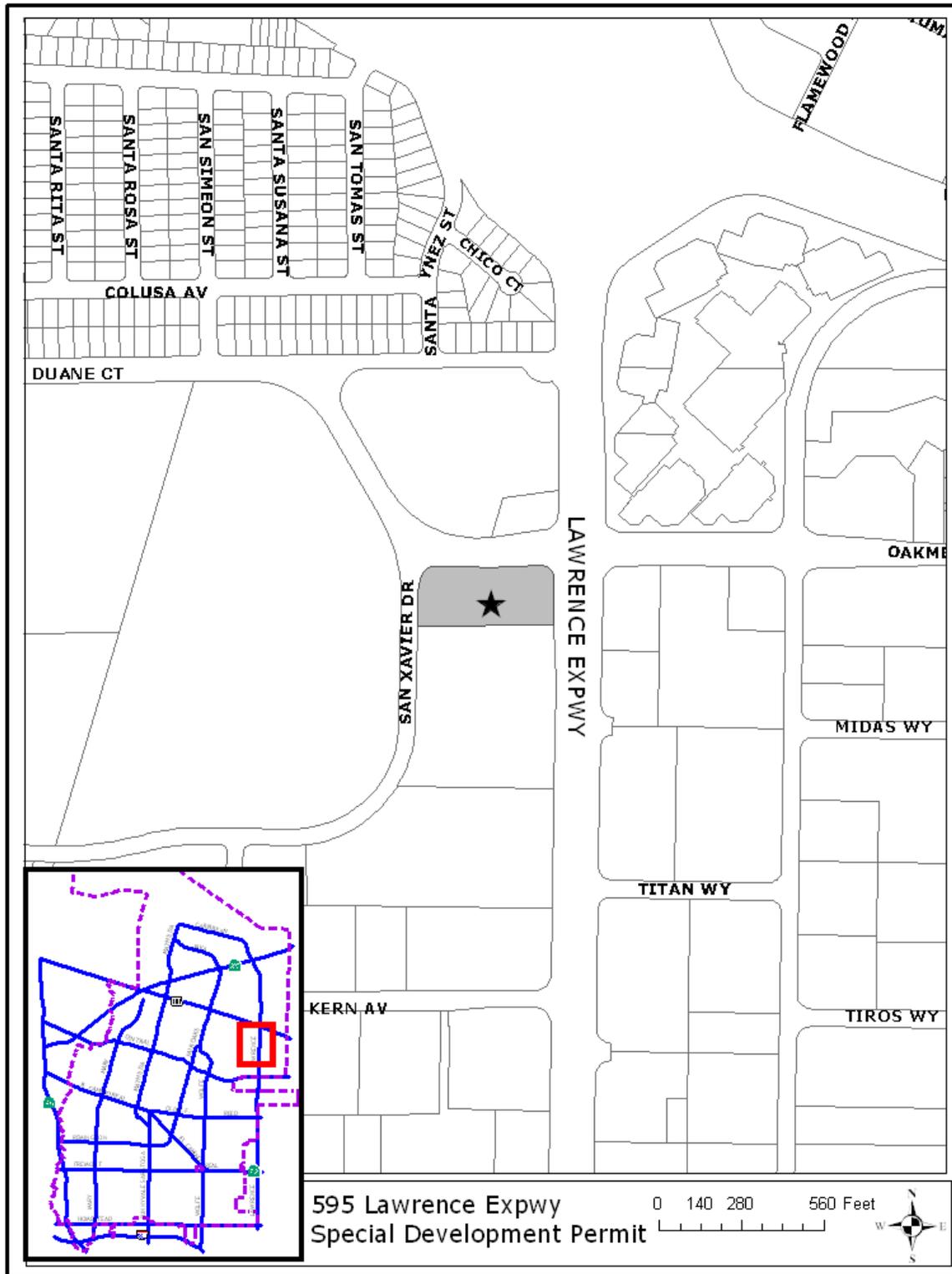
Surrounding Land Uses

North	The Car Spa and residential condominium project (under construction)
South	Residence Inn Hotel
East	Shopping Center (across Lawrence Expressway)
West	Industrial

Issues Condition of landscaping
Parking

Environmental A Class 1 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
and City Guidelines.

Staff Approval with Conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S/POA/PD	Same	M-S/POA/PD
Lot Size (s.f.)	93,178	Same	22,500 min.
Gross Floor Area (s.f.)	32,510	Same	32,612 max.
Gross Floor Area of Tenant	N/A	5,500	N/A
Lot Coverage (%)	20.4%	Same	45% max.
Floor Area Ratio (FAR)	35%	Same	35% max.
No. of Buildings On-Site	1	Same	N/A
Building Height (ft.)	35	Same	75 max.
No. of Stories	2	Same	8 max.
Setbacks (Facing Property)			
Front	20	Same	25 min.
Left Side	88	Same	20 min.
Right Side	178	Same	20 min.
Rear	56	Same	0 min.
Landscaping (sq. ft.)			
Total Landscaping	23,000	Same	18,635 min.
% Based on Parking Lot	45%	Same	20%
Parking			
Total Spaces	130	Same	See parking discussion
Accessible Spaces	5	Same	5 min.
Compact Spaces/ % of Total	0	0	65 max. (50% of total)

ANALYSIS**Description of Proposed Project**

The proposal uses 5,500 sq. ft. of an existing 32,510 sq. ft. industrial building for an institution of higher learning. Educational uses are allowed in the

M-S/POA/PD with a Special Development Permit. No exterior changes are proposed as part of this application.

Background

In April 2006, a Special Development Permit was approved for a new retail shopping center at this site. During the preparations for construction of the center, the County of Santa Clara halted the project. The site has been vacant for over one year.

In July 2007, a member of the public complained to the Neighborhood Preservation Division about deterioration of landscaping on-site. According to an email by the applicant, the power had been disconnected to the site in mid 2006 as they anticipated demolition of the building. The lack of power disabled the irrigation system. After the project was stopped, the applicant tried to reinstate power to the site, but PG&E claimed an 8-month waiting list before they could reconnect the power. In the meantime, much of the landscaping has deteriorated substantially or died. The condition of landscaping will be addressed with this project.

An MPP was submitted in November of 2007 to remove some significant trees and other landscaping on the site to increase the building's visibility from the surrounding streets. Staff denied this permit application (see below).

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

File Number	Brief Description	Hearing/Decision	Date
2007-1247	MPP for parking lot modifications, new landscaping and minor architectural modifications.	Staff Denied	1/18/08
2005-1048	Rezone from M-S to M-S/POA/PD and SDP to allow construction of a new retail shopping center with up to 50% restaurant space.	City Council Approved	04/25/06

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include reuse of existing facilities.

Special Development Permit

Detailed Description of Use: The 5,500 sq. ft. floor plan is configured with 3 classrooms and 3 administrative offices (see Attachment C). Up to 7 staff people would work in the building and hold classes with up to 12 people per classroom. There would be a maximum of 43 people on-site at any one time associated with this facility (36 students and 7 staff people). Hours of operation would be from 8:00 a.m. to 10:00 p.m. seven days a week. Most classes would be held in the evening hours from 6:00 p.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on weekends.

The applicant currently operates this educational facility at 970 W. El Camino Real and shares space with medical office uses. There is no medical office use proposed as part of this project. According to Use Permit 1998-0088, the current educational facility uses one 370 sq. ft. classroom. The proposed project has more classroom space than exists currently at 970 W. El Camino Real.

Site Layout: The two story building fronts Duane Avenue with parking access from Santa Trinita Avenue, Duane Avenue and Lawrence Expressway. Due to the increased pedestrians associated with this use, staff is requiring as Condition of Approval #7A that the curb ramps on the corners of the site be upgraded to ADA compliance.

Stormwater Management: No stormwater management measures are required as there is no replacement or addition of impervious surface. However, if the applicant/property owner chooses to reconfigure or resurface the parking lot, additional stormwater measures may be required (Condition of Approval #5B).

Architecture: There are no exterior improvements proposed with this application. Staff is requiring as Condition of Approval #9A that a Master Sign Program be submitted and approved prior to the installation of any signage on-site.

Landscaping: As discussed in the Background section, the quality of the landscaping on site has deteriorated substantially due to lack of irrigation. Prior to the tenant occupying the space on June 30, 2008 (whichever is sooner), staff is requiring submittal of a new landscape plan and arborist report to evaluate the condition of the remaining landscaping. Substantial or wholesale

replanting of the site may be required dependant on the results of the arborists report and staff site visits. The valuation of the new landscaping shall be equal to the valuation of the original significant trees and other vegetation (Condition #5A).

Parking/Circulation: The site currently has 130 spaces, which is adequate for general industrial uses. The proposed educational use has a maximum of 43 occupants at any given time. The applicant states that many of the students would use the public transportation available to the site. There are several bus lines that run along Lawrence Expressway in that area.

Sunnyvale Municipal Code Section 19.46.050 requires 1 space/3 fixed seats plus 1 space/employee for institutions of higher learning. Assuming a maximum of 12 students per classroom, this use would require 13 parking spaces for students plus 7 for employees, for a total of 20 parking spaces.

The rest of the building is vacant, which means that the approximately 27,010 sq. ft. is of an undetermined use at this time. The M-S/POA/PD zoning district allows manufacturing, commercial storage/warehouses and administrative or medical offices by right. However, the 110 spaces remaining would not be sufficient for administrative or medical office uses. Staff recommends as Condition of Approval #3A that administrative or medical office uses in the remaining building area would require approval of a Miscellaneous Plan Permit with a new parking breakdown to ensure sufficiency of available parking.

To encourage the use of alternative means of transportation, staff is requiring the addition of 2 Class I and 2 Class II bicycle parking spaces (Condition of Approval #6A).

Compliance with Development Standards/Guidelines: Staff has imposed conditions on the project to ensure conformance with applicable development standards.

Expected Impact on the Surroundings: There is no expected impact on the surrounding buildings or uses. No significant traffic, noise or other negative impacts are associated with the proposed use.

Fiscal Impact

Transportation Impact Fee: The proposed use is estimated to generate 15 peak hour trips, as stipulated in the ITE provisions for junior and community college type uses. Assuming the rest of the building remains at the previous industrial uses, the TIF is estimated at \$19,863.92.

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

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 370 notices mailed to property owners and residents adjacent to 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 Special Development Permit. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Approve the Special Development Permit with the attached conditions.
2. Approve the Special Development Permit with modified conditions of approval.
3. Deny the request for a Special Development Permit.

Recommendation

Alternative 1.

Prepared by:
Diana O'Dell
Planner

Reviewed by:
Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans

Recommended Findings – Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element N1.3 – *Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.*

Land Use and Transportation Element N1.6 – *Safeguard industry’s ability to operate effectively, but limiting the establishment of incompatible uses in industrial areas.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides an educational use that will increase the number of diversified health professionals in the City. The location of the use is appropriate as it is adjacent to public transportation and major freeways and expressways, as well as being located within a Places of Assembly Combining District.
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 as an institution of higher learning is compatible with other typical industrial uses. The parking on-site is adequate and staff has imposed additional conditions to upgrade the pedestrian accessibility of the site and the quality of the landscaping.

Recommended Conditions of Approval – Special Development 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. This Special Development Permit is for a 5,500 sq. ft. institution of higher learning. The approved institution shall be limited to 7 staff people and a maximum of 36 students. Any expansion or modification of the approved use shall be approved by separate application at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain an Encroachment Permit from the Department of Public Works for right-of-way improvements discussed in the Right of Way section.
- B. Obtain a Building Permit for any interior improvements.

3. COMMERCIAL USE

- A. All uses permitted within an M-S/POA/PD Zoning District (SMC 19.20.030) shall be permitted on this property, except administrative, professional, or medical office uses shall require approval of a Miscellaneous Plan Permit.

4. FEES

- A. Pay Traffic Impact fee estimated at \$19,863.92 prior to issuance of a Building Permit. (SMC 3.50)

5. SITE IMPROVEMENTS/LANDSCAPING

- A. Landscape and irrigation plans shall be subject to approval by the Director of Community Development prior to issuance of a Building Permit. The landscape plan must be submitted and approved prior to issuance of the building permit or June 30, 2008, whichever is sooner. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
1. The landscape plan shall including street trees and shall be submitted and approved per the City Arborist
 2. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
 3. Any "protected trees", (as defined in SMC 19.94 approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
 4. All areas not required for parking, driveways or structures shall be landscaped.
- B. If the parking area is upgraded or replaced, stormwater pollution control measures may be required.
- C. Install radio-read disk-type water meters.
- D. If applicable, install cleanouts at the property line.
- E. If applicable, upgrade approved backflow prevention devices on the discharge side of the irrigation, domestic and fire service meters.

6. BICYCLE PARKING

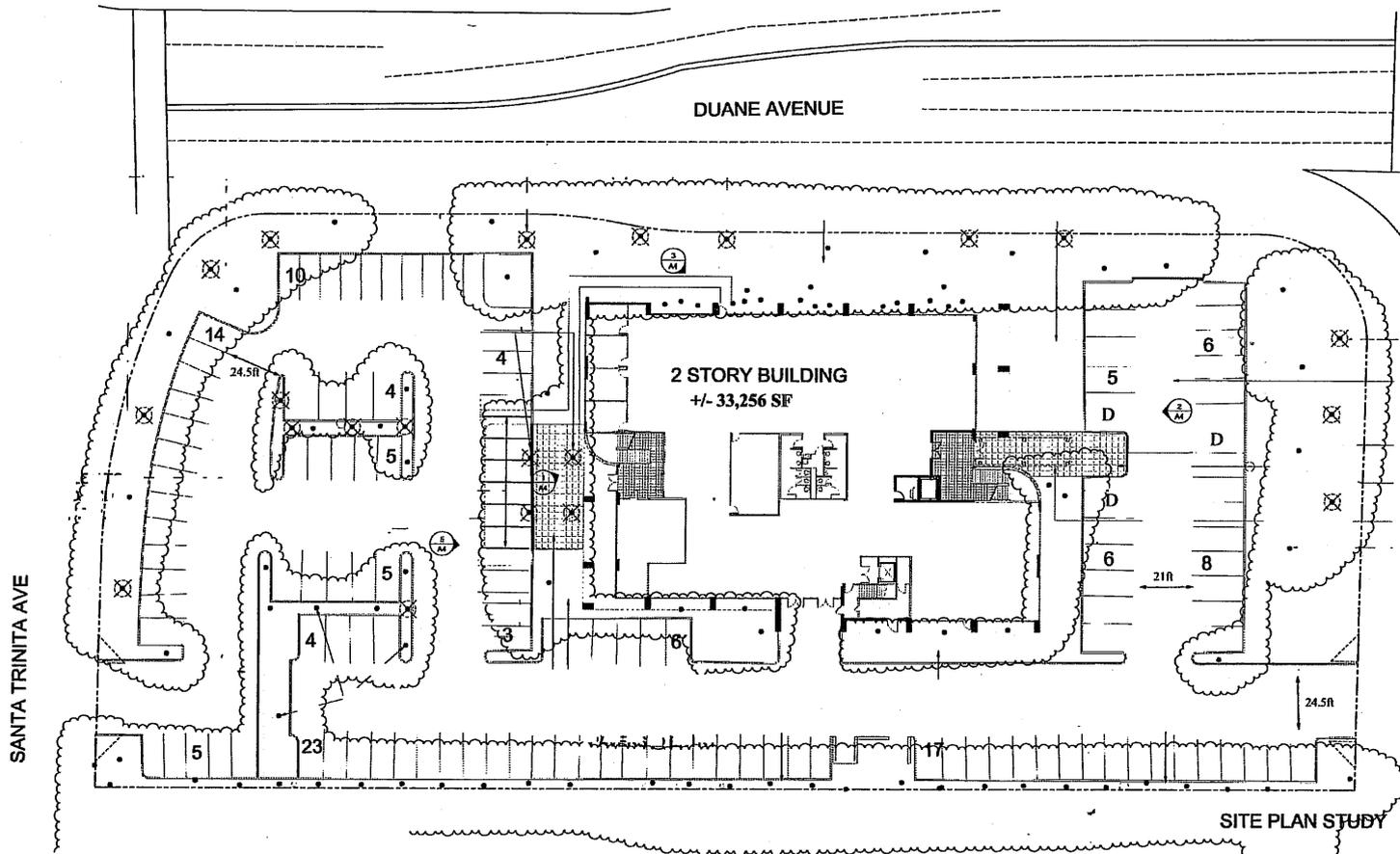
- A. Provide 2 Class I (enclosed locker) bicycle parking spaces and 2 Class II (bicycle rack) bicycle parking spaces per the VTA Bicycle Technical Guidelines. These spaces shall be shown on the building permit plans.

7. RIGHT-OF-WAY IMPROVEMENTS

- A. Upgrade curb ramps at Stewart/Duane and Duane/Lawrence to ADA compliance. Obtain an Encroachment Permit from the Public Works Department for this work prior to building permit issuance.

8. SIGNS

- A. A Master Sign Program shall be reviewed by the Director of Community Development prior to installation of any signage on-site.

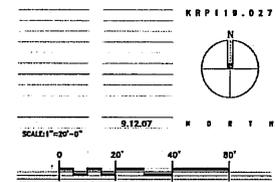


TABULATION

BUILDING AREA:	+/-33,256 SF
UNUSABLE AREA:	+/-4,200 SF
PARKING:	125 STALLS
HANDICAP:	5 STALLS
STANDARD:	120 STALLS
RATIO:	4.3 / 1000 (1/232)

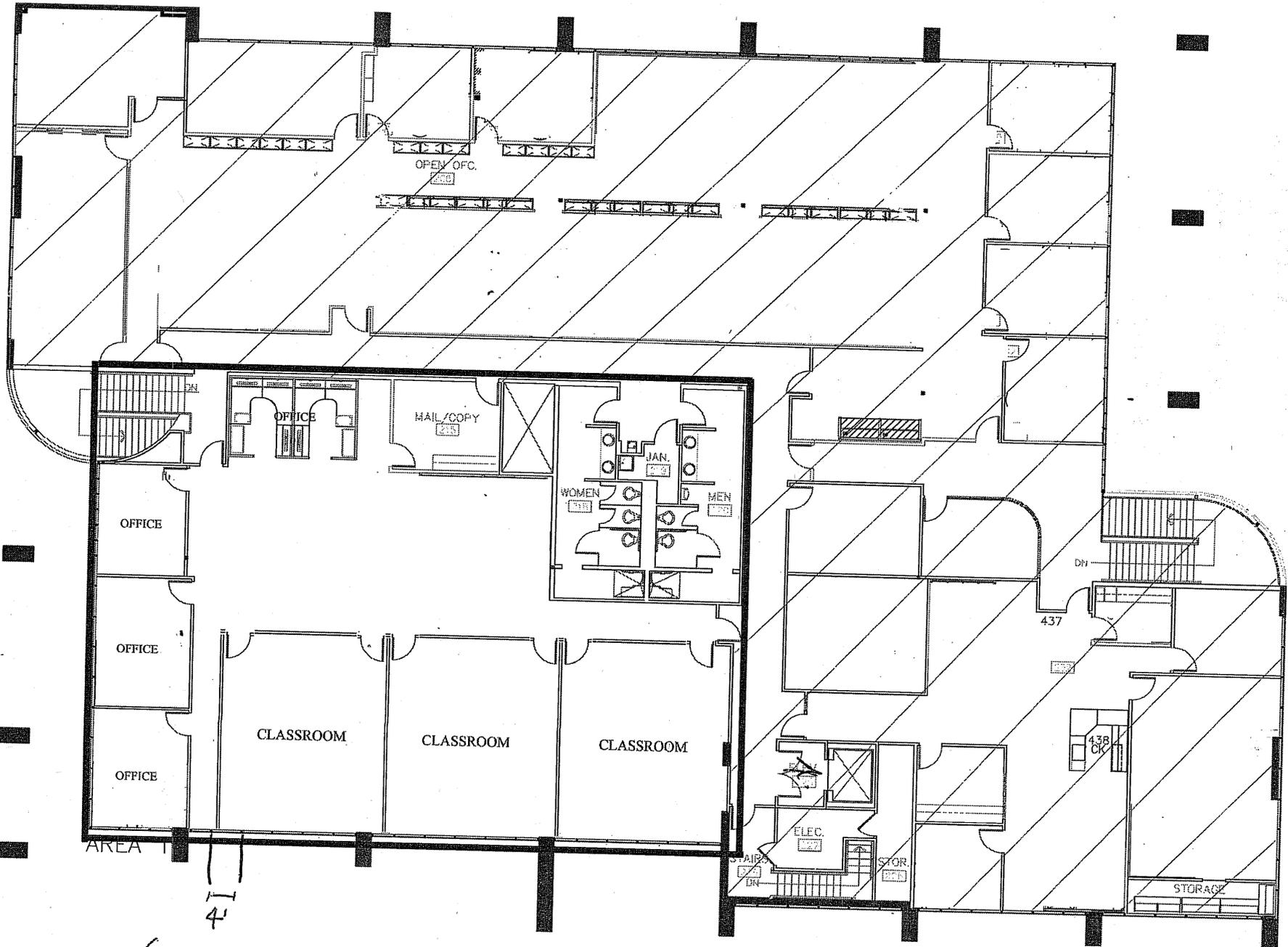
DUANE @ LAWRENCE EXPRESSWAY
 SUNNYVALE, CALIFORNIA

SITE PLAN / PERSPECTIVE



A1

2nd Floor



(dots along walls are 4' apart)