



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

April 29, 2009

File Number: 2009-0204

Permit Type: Special Development Permit

Location: 1560 Sunnyvale Saratoga Rd (near Harwick Drive) (309-40-048)

Applicant/Owner: Birdrock Investment LLC

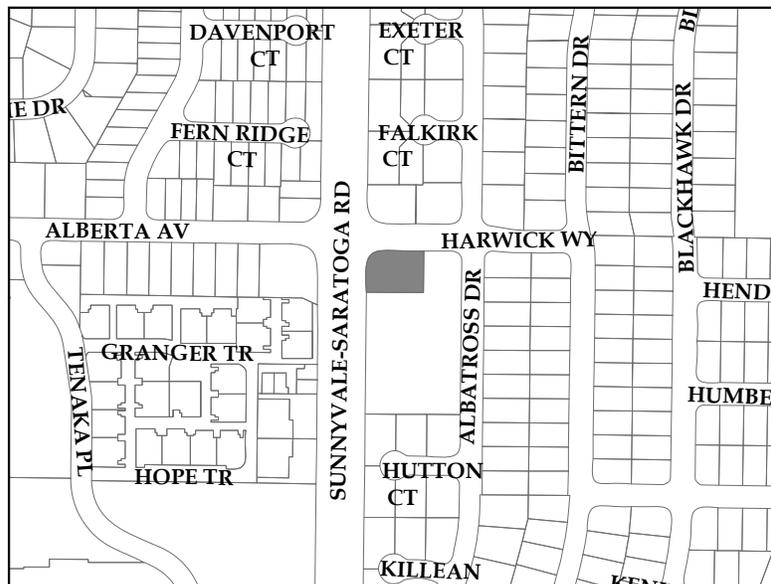
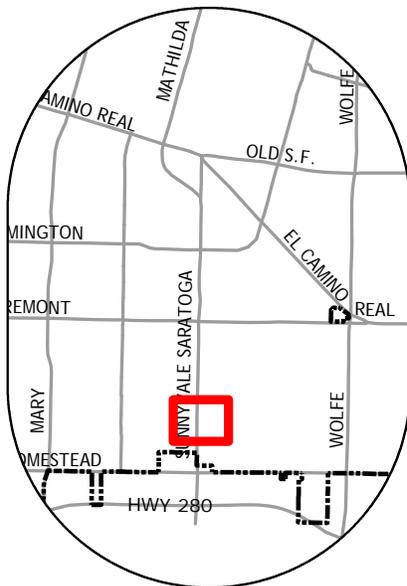
Staff Contact: Diana O'Dell, Project Planner, (408) 730-7257

Project Description: To allow compact parking spaces for medical office use where none are allowed.

Reason for Permit: A Special Development Permit is required for minor modifications to existing buildings on sites located within a PD (Planned Development) Combining District.

Issues: Deviations from compact space limitation

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

The project site is in an office building that currently has an approved Special Development Permit that allows general office and 35% medical office use (1,900 sq. ft.). The applicant proposes to increase the amount of office space devoted to medical office uses.

The applicant is proposing more medical office use. While the applicant is initially proposing up to 4,800 sq. ft. of office, staff finds that the total number of parking spaces can support the entire building changing to a medical office use. For the purposes of this application, staff recommends that the entire building be considered for medical office use in order to allow the applicant flexibility in the future without requiring additional public hearings.

However, the site currently has 12 compact spaces (approximately 50% of the total number of spaces on-site). Medical office uses do not allow any compact spaces per SMC 19.46.050. With the increase in medical office use, the site does not meet the parking standard for no compact spaces. This Special Development Permit considers a deviation from the maximum number of compact spaces permitted.

General Plan/Zoning: Low Medium Density Residential (RLM) / R-2/PD (Low-Medium Density Residential/Planned Development)

Lot Area: 15,109 sq. ft. (0.38 acres)

Building Area: 5,006 sq. ft. This number has been revised from previous estimates of 5,714 sq. ft., which doesn't accurately reflect the actual square footage and included the enclosed garage. Covered parking is exempt from gross floor area per SMC 19.12.070(8). The revised square footage of 5,006 sq. ft. is consistent with the County Assessor's records.

	Existing	Proposed	Required
Medical Tenant Sq. Ft.	1,909	5,006	Permitted per 2002-0425.
General Office Tenant Sq. ft.	3,097	0	Permitted per 2000-0138.
Total Parking	25	25	25
Compact Spaces	12	5	None allowed
Accessible Spaces	1	1	1
Landscaping Sq. Ft.	4,400	4,125	3,022 sq. ft. (20% of site area)
Impervious Surface Area sq. ft.	10,709	10,984	N/A

Previous Planning Projects related to Subject Application:

- 2000-0138: SDP for the original construction of a two-story general office building. Approved by PC on 5/2/00.
- 2002-0425: SDP to allow medical office use in a general office building. Approved by Planning Commission on 7/22/02.

Deviations from Standard Zoning Requirements: The site contains compact spaces where none are allowed by SMC 19.46.050. See discussion under Parking.

Exterior Changes: No exterior changes to the building are proposed.

Parking: The project applicant is proposing to restripe the parking lot in order to reduce the amount of compact parking spaces from 12 to 5. The total number of spaces would not change. There are currently 26 spaces on-site.

To facilitate this, the trash enclosure is being moved from a landscaped median to the perimeter of the property, landscaped areas are being reduced and impervious surface area is being increased (see Attachment B, Site Plan). However, due to site constraints, the project applicant is not able to completely eliminate compact spaces without reducing the total number of parking spaces on the site below the 25 required spaces.

Public Contact: 12 mailed hearing notices were sent to surrounding property owners and residents adjacent to the subject site in addition to other standard noticing practices. No letters or other contact from neighbors was received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Special Development 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 C.1.2: Promote and achieve compliance with land use and transportation standards.

N1.13.3 Provide opportunities for and encourage neighborhood-serving commercial services in each residential neighborhood.

The site was initially developed as a general office building with 50% of the parking spaces as compact. Since the building has been constructed, the property owner has realized a significant demand for medical office uses,

and lesser demand for general office (see Attachment C, Property owner's project description and justifications).

Medical office is one of five use categories in the City of Sunnyvale that prohibits compact spaces. The other categories are single family homes, single-room occupancy hotels, mobile home parks and recycling centers. This makes it difficult for medical office uses to occupy sites designed for other uses. The site is well-located for medical office uses as it is adjacent to a major arterial (Sunnyvale Saratoga Road) and within easy walking distance of large residential neighborhoods.

The purpose of prohibiting compact spaces is to allow plenty of room for people to get in and out of their cars if they are incapacitated, ill or assisting others. However, staff is concerned about the loss in landscaping and increase in impervious surface that the proposed restriping would create. Restriping the parking lot would reduce the number of compact spaces, but would not bring the site into complete conformance with the SMC 19.46.050 because 5 compact spaces would remain.

Staff does not recommend proceeding with the parking lot modification to increase the total number of standard spaces, as alternative options can be implemented to meet the goal of compact space standard without associated reductions in landscaping and pervious area. Staff recommends that instead of restriping the lot to increase the number of standard spaces that 6 of the 12 standard spaces be marked for "Medical Visitor". This will preserve the standard spaces for customers of the medical office without the proposed parking lot modifications and would leave 12 compact spaces.

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 the orderly development of, or the existing uses being made of, adjacent properties. **(Finding Met)**

The project is expected to have no negative impacts on surrounding properties. The site has adequate parking and no exterior improvements or significant increase in traffic is expected as a result of the change.

ALTERNATIVES:

1. Approve the Special Development Permit to allow 12 compact spaces in conjunction with a medical office use with recommended Conditions in Attachment A.
2. Approve the Special Development Permit to allow 5 compact spaces as proposed.

3. Deny the Special Development Permit and do not allow further medical office uses.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment A.

Reviewed by:

Steve Lynch

Senior Planner

Prepared By: ***Diana O'Dell, Project Planner***

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Project Description and Justifications from the Applicant

Standard Requirements

The following is a list of standard requirements. This list is intended to assist the applicant and public in understanding basic related requirements, and is not intended as an exhaustive list. These requirements cannot be waived or modified.

- A. **Permit Expiration:** The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- B. **Permit Lapse if not Exercised (Ordinance):** The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as per the Zoning Ordinance 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.
- C. **Building Permits:** Obtain Building Permits for interior improvements as required by the Building Safety Division.
- D. **Comply with Previous Permit:** Comply with all requirements of previously approved Special Development Permit 2000-0138 and 2002-0425.
- E. **Signs:** All new signs shall be in conformance with Sunnyvale Municipal Code and any existing Master Sign Program.
- F. **Clean Site:** All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

Recommended Conditions of Approval

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:

- 1. **Project Conformance:** 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.
- 2. **Parking Lot Restriping:** Six of the twelve standard-sized spaces shall be marked "Medical Visitor" prior to issuance of a business license for any additional medical office uses. Twelve compact spaces may remain.
- 3. **Uses Allowed:** The entire building may permit any combination of medical and general office uses.



**BRUNO
MARCELIC**
ARCHITECT
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95008-2013

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Project Name:
**OFFICE
BUILDING
MODIFICATIONS**
1560 SUNNYVALE -
SARATOGA ROAD
SUITE 200
SUNNYVALE, CA
94087

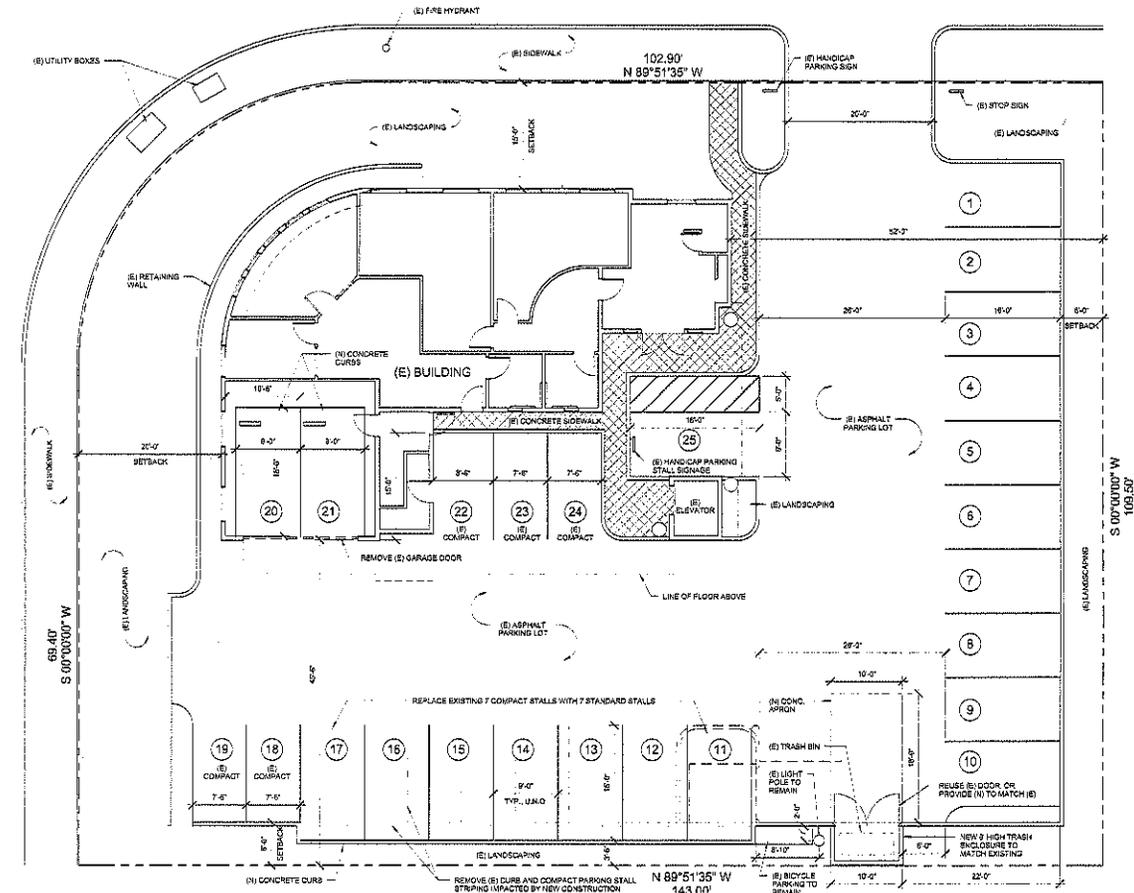
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Sheet Name:
**EXISTING & NEW
SITE PLAN**

Project Number: 0903
Date: 03/20/09
Drawn By: RB
Checked By: BM

A-2.0

Scale: 1/8" = 1'-0"



Site Plan
1/8" = 1'-0"

NOTE:
SEE EXISTING LANDSCAPE PLAN
FOR EXISTING PLANTING ON SITE

3/24/09 2:18:23 PM

ATTACHMENT B
Page 2 of 4



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Project Name:
**OFFICE
BUILDING
MODIFICATIONS**
1560 SUNNYVALE -
SARATOGA ROAD
SUITE 200
SUNNYVALE, CA
94087

Revision	Revision	Revision
Number	Description	Date

Sheet Name:
**EXISTING & NEW
FIRST FLOOR PLAN**

Project Number 0803
Date 03/20/09
Drawn By JRB
Checked By EM

A-3.0

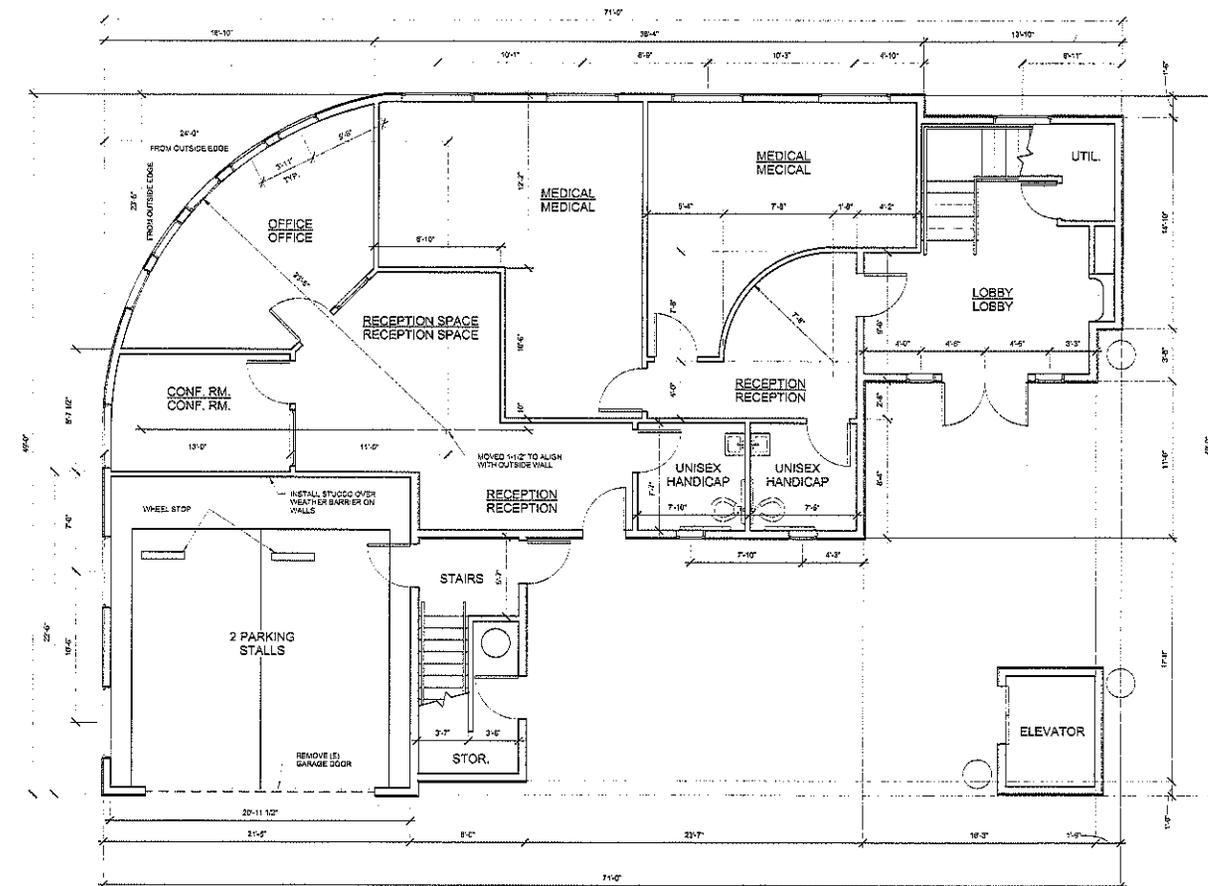
Scale As Indicated

LEGEND:

EXISTING USE
PROPOSED USE

GENERAL FLOOR PLAN NOTES:

1. ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE



FIRST FLOOR PLAN
1/4" = 1'-0"

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ATTACHMENT 2



**BRUNO
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Project Name:
**OFFICE
BUILDING
MODIFICATIONS**

1580 SUNNYVALE -
SARATOGA ROAD
SUITE 200
SUNNYVALE, CA
94087

Revision Schedule		
Revision Number	Revision Description	Revision Date

Sheet Name:
**EXISTING & NEW
SECOND FLOOR
PLAN**

Project Number: 0503
Date: 03/20/08
Drawn By: JRB
Checked By: BM

A-4.0

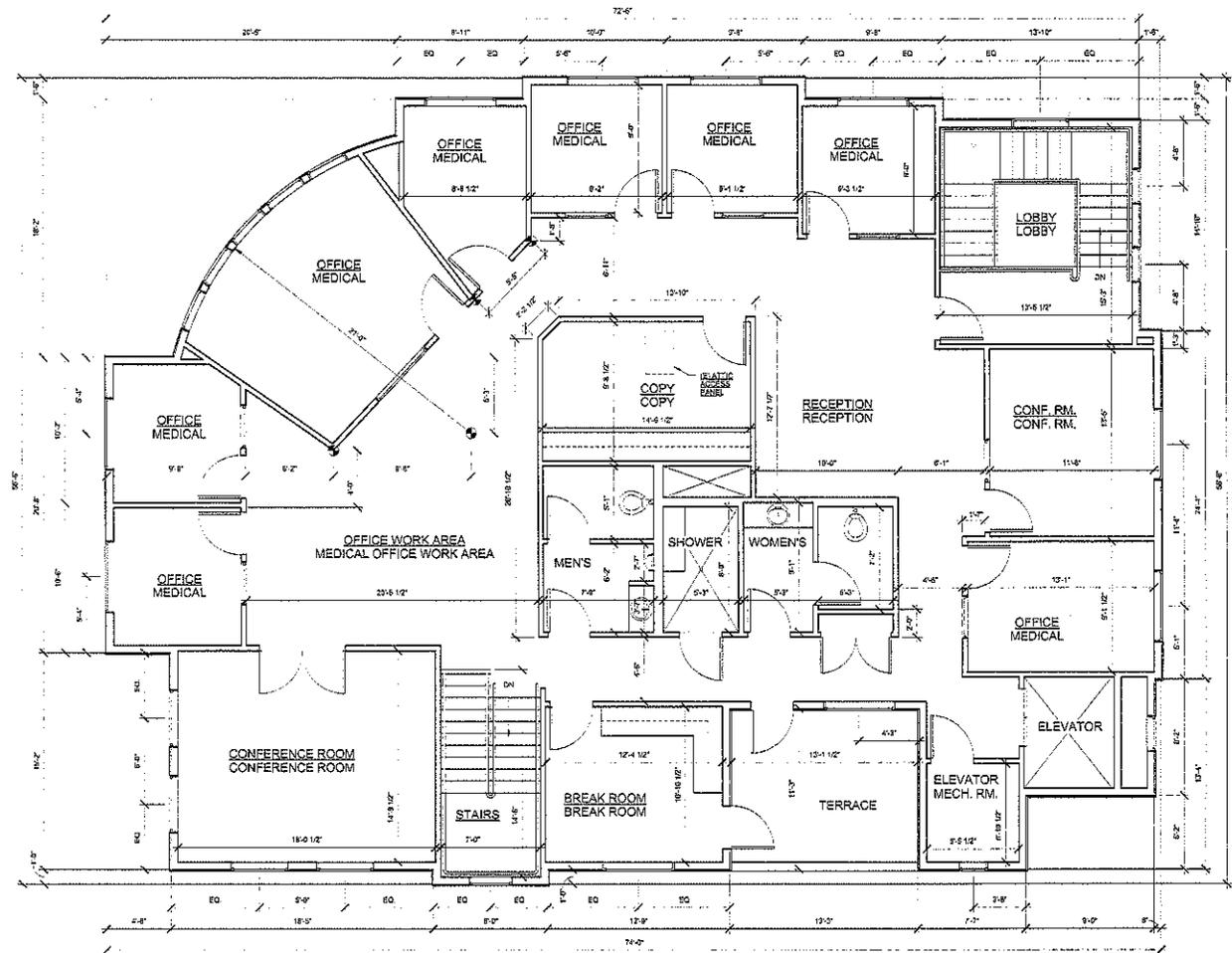
Scale: As indicated

LEGEND:

OFFICE - - - - - EXISTING USE
MEDICAL - - - - - PROPOSED USE

GENERAL FLOOR PLAN NOTES:

1. ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE



SECOND FLOOR PLAN
1/4" = 1'-0"

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ATTACHMENT B
 Page 4
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1560 Sunnyvale-Saratoga Road Project Description

The building located at 1560 Sunnyvale-Saratoga Road was completed in May 2002 and given a special multi-use permit for both Medical and General Office use. The Medical allocation was set at 1906 square feet, and there has been a medical occupant utilizing 784 square feet since the fall of 2002. Although current multi-use permit allocated 1906 square feet of medical office use, it did not place a limit on such usage in the future. The original site plan approved for the building required 25 parking spaces, of which 12 were allowed to be compact spaces.

The current owner wishes to increase the potential Medical Office use of the building from 1906 to 4800 square feet. This increase in potential Medical Office use will not require any additional parking capacity beyond the current 25 parking space site plan. The building owner is requesting a variance allowing continued use of the existing 12 compact spaces on the site.

The building owner has proposed a dumpster enclosure relocation to facilitate conversion of 7 of the 12 compact spaces to full size spaces. Although this would necessitate a small reduction in the existing pervious space, the resulting pervious space would still exceed the City requirements. If this site plan revision were approved by the City, the requested variance would then seek the continued use of 5 compact spaces vs. the former 12.

To mitigate any further parking pressure, the owner intends to execute a reciprocal parking agreement with the Church of Christ Scientist, located next door, which would provide overflow parking during daytime hours from Monday through Saturday, should it ever be necessary.



VARIANCE JUSTIFICATIONS

All three of the following findings must be made in order to approve a Variance application.

The Sunnyvale Municipal code states that all three of the following justifications must be met before granting the Variance. Please provide us information on how your project meets all of the following criteria.

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Strict application of the ordinance would create a hardship and deprive property owner of privileges enjoyed by other property owners in the vicinity and within the same zoning district. Please note that there is an existing Medical/Dental office building located directly across the street on Sunnyvale-Saratoga Road. Currently, the 1560 building is 50% empty, and the only tenant interest expressed to date has been from potential Medical/Dental users.

AND

2. Granting the variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

The existing medical/dental building located directly across the street has been in place for over 12 years. In addition, the 1560 building has been zoned multi-use (medical/general office) since its original occupancy in May 2002. The building has had a medical tenant since the fall of 2002, and special permit authorization to increase total medical usage to 1906 square feet. The increase in Medical use proposed by owner would fit within the 25 parking space site currently in use for the building. The building owner is also proposing to relocate the existing dumpster enclosure to facilitate a reduction in the number of compact spaces from 12 to 5. In addition, the building owner is completing a reciprocal parking agreement with its neighbor, Church of Christ Scientist, to provide additional adjacent overflow parking during Monday – Saturday daytime hours, should the overflow need ever occur.

AND

3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Granting the variance will still serve the intent and purpose of the ordinance and does not grant the recipient special privileges not enjoyed by other surrounding property owners within the same zoning district. Again, there is a medical dental building located directly across the street. Also, the increase in potential medical use will meet the existing 25 parking space site parameters. Any potential overflow will be mitigated with a reciprocal parking agreement between the 1560 building and Church next door.

If you need assistance in answering any of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

One-Stop Permit Center - City Hall - 456 W. Olive Avenue - (408) 730-7444
Planners and Building Division staff are available 8:00 a.m. to noon and 1:00 to 5:00 p.m.
www.SunnyvalePlanning.com / www.SunnyvaleBuilding.com