



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

August 26, 2009

File Number: 2009-0585

Permit Type: Use Permit

Location: 489 East Evelyn Avenue (near Marshall Ave.) (APN: 209-04-054)

Applicant/Owner: Chiropractic Offices / Evelyn Ave Associates LLC

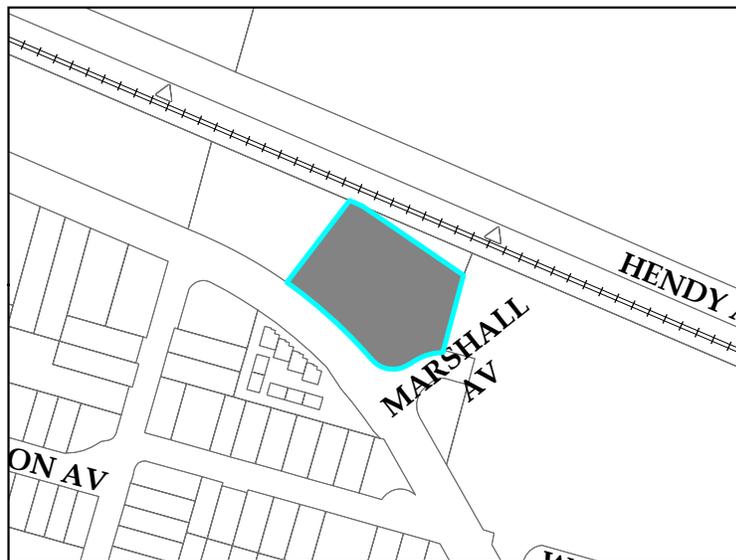
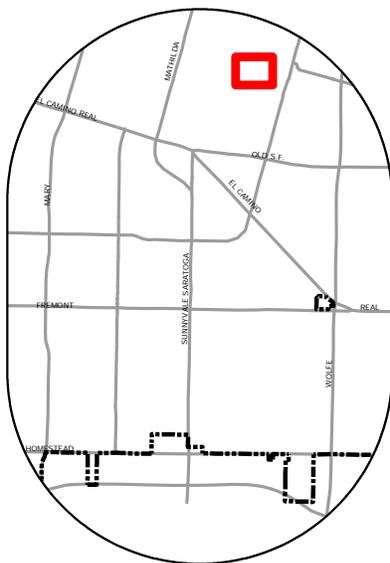
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow a medical office use (chiropractic) within a vacant 2,050 square foot tenant space in an existing office building.

Reason for Permit: A Use Permit is required for a medical office use greater than 1,000 s.f. in the C-4 Zoning District

Issues: Parking

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Commercial General Business	Same
Zoning District:	C-4	Same
Total Sq. Ft. on Site:	17,900	Same
Tenant Sq. Ft.:	2,050	Same
Parking:	79	Same

Previous Planning Projects related to Subject Application: The site had been originally developed as an auto repair facility but was reconfigured to a multi-tenant office building in the 1980s. Various office uses have been considered and approved at the site since then.

Use Description: The chiropractic business is operated by two doctors with no additional employees. A maximum of six customers would be at the site based on the four individual rooms and waiting area for two people; therefore, a total of eight people would be on-site at a particular time.

Hours of Operation: The proposed business would operate Monday through Friday from 7am to 7pm.

Site Layout and Floor Plan: The site shares a driveway easement with the neighboring property to the northwest (457-471 E. Evelyn Avenue). The building is currently divided into five spaces. The subject tenant space contains approximately 6,150 s.f. of floor area. The proposed tenant plans to occupy 2,050 square feet of this space, while the remaining area (4,100 s.f.) would remain available to a future tenant.

The floor plan of the chiropractic office would be mostly left open with a waiting area at the front and four smaller offices towards the back. A bathroom is located at the front of the tenant space. A site and floor plan is located in Attachment B

Exterior Changes: There are no planned exterior changes to the building. Proposed signage will be required to comply with the Master Sign Program.

Parking: A total of 79 parking stalls are provided on-site. Only one other tenant, "*Breakthrough Therapy*," currently shares the building. Based on the floor area of the multi-tenant building of the uses on-site a total of 84 spaces are required. The following table summarizes the uses at the site.

Parking Analysis			
Type of Use	Floor Area	Parking Ratio	Number of Parking Spaces Required per S.M.C.
Vacant 477 East Evelyn Avenue	3,612 s.f.	1 space / 225 square feet minimum	16
Breakthrough Therapy 479 East Evelyn Avenue	3,842 s.f.	1 space / 200 square feet minimum	20
Vacant 481 East Evelyn Avenue	4,150 s.f.	1 space / 225 square feet minimum	18
Chiropractic Offices 489 East Evelyn Avenue	2,050 s.f.	1 space / 200 square feet minimum	11
Vacant 491 East Evelyn Avenue	4,276 s.f.	1 space / 225 square feet minimum	19
Total	17,880 s.f.	Total Spaces Required	84
		Currently Provided	79

As shown above, the proposed use would require 11 parking spaces based on Municipal Code. If each tenant space is occupied by an office use, the site would be deficient in parking by five spaces. Since a majority of the building remains vacant, much of the parking lot remains underutilized. In addition, the applicant has provided information that a maximum of eight people would be at the site based on the two employees, patient rooms and waiting area. Per Municipal Code, a Use Permit is required for office uses greater than 1,000 s.f. of floor area while a Miscellaneous Plan Permit is required for uses less than 1,000 s.f. in the C-4 Zoning District. Parking will be required to be evaluated for use of each of the remaining tenant spaces as part of the respective permit process. If a future date the floor area of the chiropractic office is increased, a separate application for Use Permit is required and will be considered through an Administrative Hearing, as noted in Condition of Approval #1.

The hours of operation that are proposed are similar to the existing use at 479 E. Evelyn Ave. Since the majority of the site is vacant, an overflow of parking is not expected, however a parking management plan may need to be considered through the applicable permit process for future uses to ensure adequate spaces are provided for all uses on-site.

Public Contact: A total of eight notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

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

FINDINGS

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

Land Use and Transportation Element

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

Policy N1.14 – *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The proposed chiropractic office meets development standards and is compatible to the neighboring uses that share the site. The chiropractic office will provide a valuable medical office use closer to the population it had served in a neighboring community.

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.

The proposed use will not impair the orderly development of existing uses on-site. The general appearance of the site will be preserved as there are no planned physical changes to the site. Future expansion of the use will be considered through the appropriate review process to ensure parking requirements are met. In addition, required permits for future uses at the site will further ensure that adequate parking is provided.

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. Approve the Use Permit with recommended Conditions in Attachment A.

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Floor Plans
- C. Use Permit Justifications Provided by 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 Use 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:** 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.
- C. **Building Permits:** Obtain Building Permits for interior improvements as required by the Building Safety Division.
- D. **Signs:** All new signs shall be in conformance with Sunnyvale Municipal Code and any existing Master Sign Program.
- E. **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). Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Administrative Hearing Officer.
2. **Conditions of Approval on Plans:** The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.

477-491 E. EVELYN AVE.

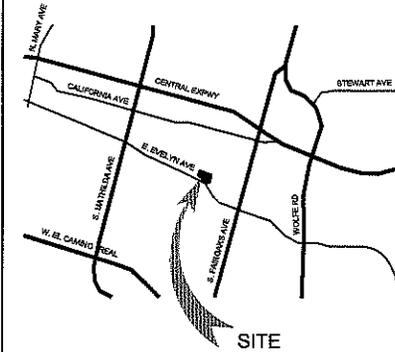
APN: 209-04-053
 GENERAL PLAN DESIGNATION: HIGHWAY COMMERCIAL
 ZONING DESIGNATION: C-4
 CONSTRUCTION TYPE: V-2
 SPRINKLERED: YES

SITE AREA: 57,905 SF (1.3 AC)
 BUILDING AREA: 17,900 SF (31.6%)
 LANDSCAPE AREA: 7,194 SF (12.4%)
 PAVING AREA: 32,811 SF (56.6%)

PARKING
 STANDARD: 79 STALLS
 HANDICAP ACCESSIBLE: 4 STALLS
 PARKING RATIO: 1/225 SF

A1.0 SITE PLAN & TABULATIONS
 A2.1 FLOOR PLAN

- | | |
|----------------------------|--|
| 1 CONCRETE PANEL | 14 STANDARD PARKING STALL |
| 2 H.C. ACCESS RAMP | 15 MONUMENT SIGN |
| 3 7'-0" WIDE CONCRETE WALK | 16 DENOTES EXISTING CONDITIONS TO REMAIN |
| 4 A.C. PAVING | |
| 5 TRANSFORMER ON CONCRETE | |
| 6 CONCRETE CURB | |
| 7 H.C. PARKING STALL | |
| 8 TRASH ENCLOSURE | |
| 9 PUBLIC SIDEWALK | |
| 10 PROPERTY LINE | |
| 11 PLANTER CUT OUT | |
| 12 LANDSCAPING | |
| 13 GAS METER LOCATION | |



**477 - 491
 EAST EVELYN
 AVE**

SUNNYVALE, CA



KENNETH RODRIGUEZ & PARTNERS, INC.
 445 NORTH MAINWAY ROAD, SUITE 200
 SAN JOSE, CA 95128-1274

CONSULTANT

REVISION



REVISION

GRAPHIC SCALE
 PROJECT NO. 114.056 DATE 7.26.09
 DRAWN BY BG SCALE AS SHOWN
 CHECKED BY KR

SITE PLAN 2 of 2
 A1.0

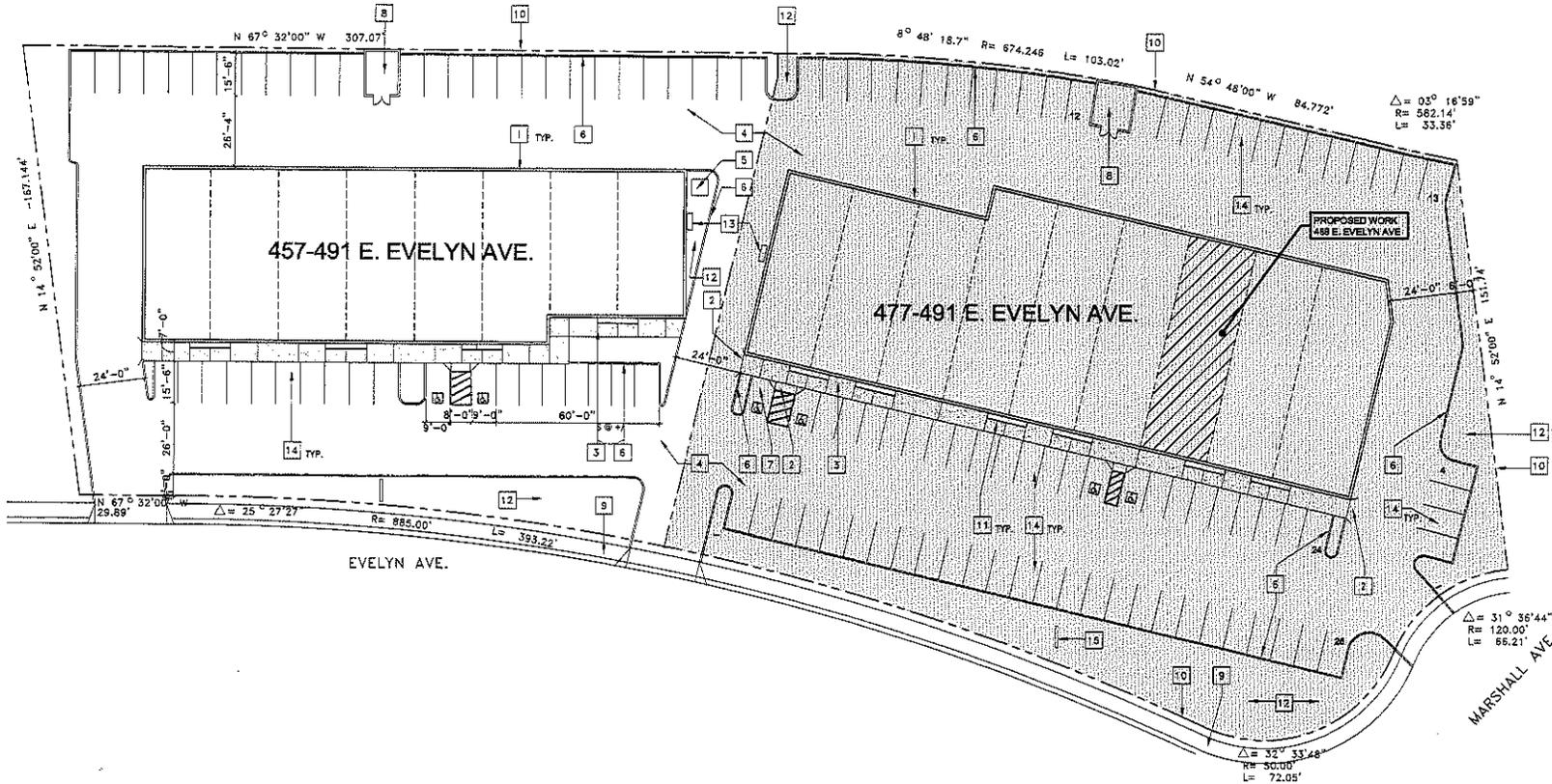
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PROJECT DATA

SHEET INDEX

SHEET KEYNOTES

VICINITY MAP NTS



SITE PLAN 1/8 1

ATTACHMENT B
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477 - 491
EAST EVELYN
AVE

SUNNYVALE, CA



KENNETH RODRIGUEZ & PARTNERS, INC.
449 SOUTH WILSON ROAD, SUITE 200
MOUNTAIN VIEW, CA 94039-1729

CONSULTANT

OWNER



REVISION

ATTACHMENT
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FLOOR PLAN

GRAPHIC SCALE

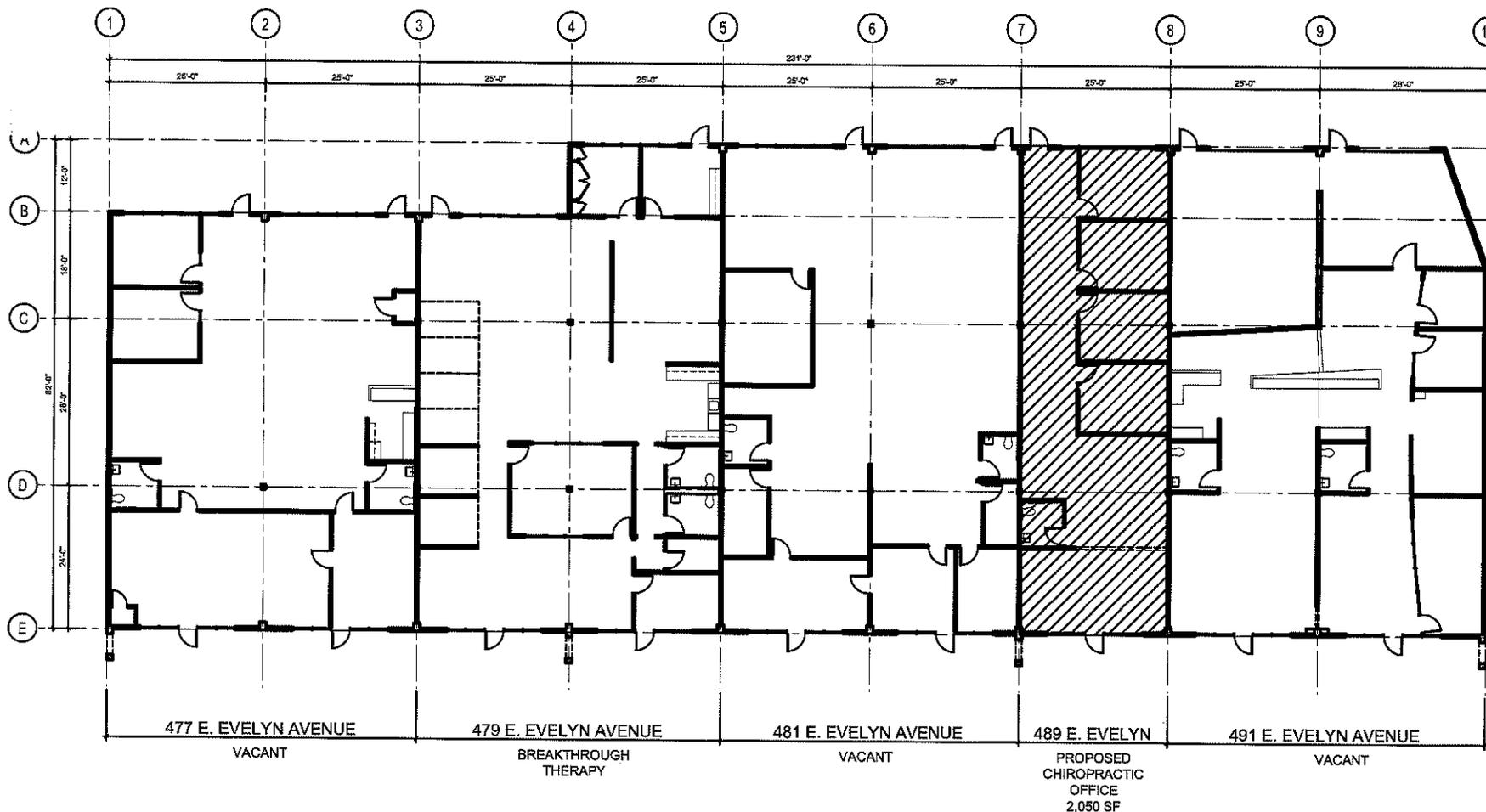
PROJECT NO. 114,058 DATE 7.24.09
DRAWN BY: BG SCALE: AS SHOWN
CHECKED BY: KR

FLOOR PLAN

NORTH



A2.2





USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ...

This chiropractic office is currently located in Mountain View, California. The entire business will be relocating to this location in Sunnyvale to provide service that will be closer to their existing customer base. Their company goal is to give the best health care possible while increasing their current business.

OR

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 ...

This project will not impact the surrounding properties with hours of operation, noise or parking. The hours of operation will be 7am-7pm, Monday - Friday. The business is run by two (2) doctors of chiropractic medicine. There are no additional employees that work in the office. There will be four (4) individual rooms and a waiting room for another two (2) people. Based on these head counts the maximum number of employees and customers would be eight (8). This use is very low intensity and sufficient on-site parking exists to support the use.

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