



# CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

**January 27, 2010**

**File Number:** 2009-0940

**Permit Type:** Use Permit

**Location:** 477 E. Evelyn Avenue (near Marshall Ave.) (209-04-054)

**Applicant/Owner:** Breakthrough Physical Therapy / Evelyn Ave Assocs LLC

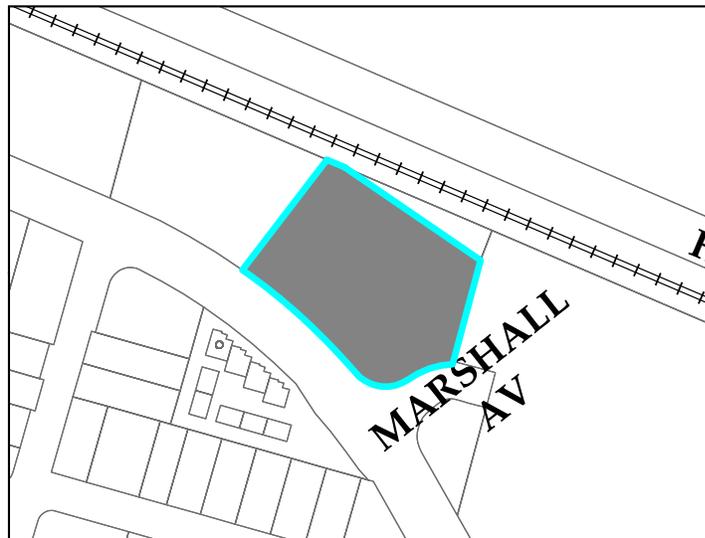
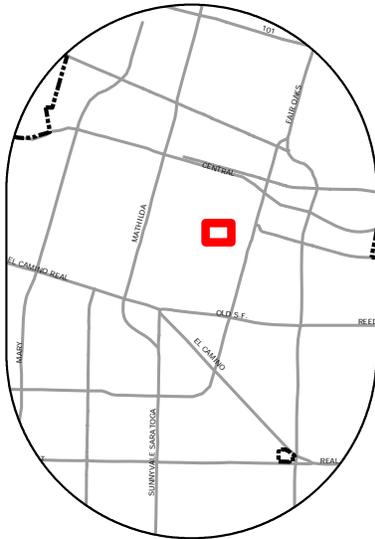
**Staff Contact:** Mariya Hodge, Associate Planner, (408) 730-7659

**Project Description:** To allow expansion of an existing physical therapy office into the adjacent tenant space in an existing office building.

**Reason for Permit:** A Use Permit is required for medical offices over 1,000 square feet in the C-4 Zoning District.

**Issues:** Parking

**Recommendation:** Approve with Conditions



500

Feet

**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Commercial General Business	Commercial General Business
Zoning District:	C-4 (Service Commercial)	C-4 (Service Commercial)
Total Building Sq. Ft.:	17,880	Same
Tenant Sq. Ft.:	3,612	Same
Parking:	79 (75 standard, 4 accessible)	Same

<b>Previous Planning Projects related to Subject Application:</b> The site was originally developed as an auto repair facility incorporating the subject property (475-491 E. Evelyn) and the adjacent property to the northwest (457-471 E. Evelyn). In 1979, a Use Permit was approved to allow general office and commercial uses in addition to auto repair. Over time the site has transitioned to a multi-tenant office building. Various office uses have been considered and approved on the subject parcel through Miscellaneous Plan Permits and Use Permits. These include approval of an MPP for the applicant's current physical therapy office at 479 E. Evelyn (#2004-0307) and approval of a Use Permit for a chiropractic office at 489 E. Evelyn (#2009-0585).	<b>Yes</b>
<b>Neighborhood Preservation Complaints</b>	<b>No</b>
<b>Deviations from Standard Zoning Requirements</b>	<b>No</b>

**Use Description:** The proposed use is an expansion of the existing physical therapy office located in the adjacent tenant space at 479 E. Evelyn.

**Hours of Operation:** Breakthrough Physical Therapy operates from 7:00 a.m. to 7:00 p.m., 7 days per week. All patients are seen by appointment, with treatment sessions lasting 45 minutes to one hour.

**Expected Patients/Employees:** Breakthrough Physical Therapy has 12 employees and serves approximately 50 patients per day, all by appointment. The applicant states that the proposed expansion is intended to provide private treatment areas and additional area for equipment, not to increase the number of employees or patients. The applicant estimates that no more than 24 people (employees and patients) will be on the site at any given time, including any patient overlap.

**Site Layout and Floor Plan:** The subject property shares a driveway easement with the neighboring property to the northwest (457-471 E. Evelyn). The two

lots are held under common ownership but are separate legal lots. The building on the subject property is divided into five tenant spaces. A chiropractic office occupies Suite 489 (2,050 sq. ft.) and the applicant’s physical therapy office occupies Suite 479 (3,842 sq. ft.). The remaining three tenant spaces (12,038 sq. ft. total) are vacant. Site and floor plans are provided in Attachment B.

**Exterior Changes:** There are no planned exterior changes to the building as part of this proposal.

**Parking:** A total of 79 parking stalls are provided on the subject property, 54 in front of the building and 25 in the rear. The following table summarizes the uses and parking requirements on the site.

Parking Analysis				
Suite	Use	Floor Area (s.f.)	Parking Rate	Required Parking Per S.M.C.
477	Breakthrough Physical Therapy (proposed)	3,612	1 per 200 s.f.	18.1
479	Breakthrough Physical Therapy	3,842	1 per 200 s.f.	19.2
481	Vacant (industrial/R&D)	4,150	1 per 500 s.f.	8.3
489	Chiropractic Offices	2,050	1 per 200 s.f.	10.3
491	Vacant (industrial/R&D)	4,276	1 per 500 s.f.	8.6
<b>Totals:</b>		<b>17,880</b>		<b>65</b>

As shown above, the existing and proposed physical therapy uses would require 37.3 parking spaces per Sunnyvale Municipal Code (SMC). The applicant states that based on the number of employees and patients, Breakthrough Physical Therapy will not require more than 24 parking spaces at any given time. Since much of the building remains vacant, the parking lot is currently underutilized. The parking requirements above were determined assuming the remaining vacant tenant spaces on the site will be occupied by industrial/R&D offices. The majority of office uses existing in the building to the northwest are industrial/R&D-type offices, which are consistent with the C-4 (Service Commercial) Zoning of the site. If only one of the vacant tenant spaces is leased to an industrial/R&D tenant and the other for general office, the parking requirement would be 75 spaces. If both vacant spaces were leased for general office, 85 spaces would be required, or 6 spaces more than are provided on the site. The SMC requires a Use Permit for office uses greater than 1,000 square feet in the C-4 Zoning District, therefore parking will be evaluated for use of each of the remaining tenant spaces are part of their respective permit processes. Any increase in floor area for the subject use would also require a new Use Permit (Condition of Approval #2). If use of the existing parking lot is optimized, including maximum possible use of parking in the rear of the building, staff finds the existing parking on-site is sufficient to accommodate the proposed use.

To optimize the use of on-site parking, staff is also requiring a Parking Management Plan (Condition of Approval #4). The Parking Management Plan (PMP) would apply to both the subject property and the adjacent property to the northwest, which provides 45 parking spaces in addition to the 79 spaces provided on the subject parcel. Although the two properties are separate legal lots and there is no shared parking agreement recorded between them, the original 1978 Use Permit for the buildings on these lots (#3799) considered the two properties as a single site with common parking facilities. Although subsequent Use Permits have been approved for individual uses on each lot, the original Use Permit is also still in effect. In addition, the shared driveway, building design, and signage for the two properties make them appear as a single office center with a single parking lot. As a result, customers and even employees may be likely to park on the adjacent lot if there is no available parking on the property they are visiting. The PMP would require employees to use the rear parking, which is less likely to be used by customers. The PMP would also require removal of existing signage posted by several tenants restricting use of specific spaces to their customers. This signage could create or exacerbate a parking deficiency by limiting the sharing of available parking spaces among tenants.

**Public Contact:** A total of 324 notices were sent to surrounding property owners and residents adjacent to subject property in addition to standard noticing practice. Staff has not received any public comments regarding this proposal.

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

## **FINDINGS**

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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.

**Staff is able to make the required finding. The proposed physical therapy office meets development standards and is compatible with the surrounding uses on the site and in the surrounding area, thereby protecting the integrity of the neighborhood (Land Use and Transportation Element Policy N1.1). The proposed use will provide a valuable medical office service for Sunnyvale residents including those in the immediate vicinity. It therefore contributes to the provision of a full spectrum of public and quasi-public services which are appropriately located (Land Use and Transportation Element Policy N1.14).**

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.

**Staff is able to make the required finding. The proposed use will not impair the orderly development of or existing uses on the site. The general appearance of the site will be preserved as there are no proposed exterior changes to the building. Parking has been determined to be sufficient to support the proposed use, and any expansion of the use would require additional discretionary review. In addition, required permits for future uses at the site will ensure that adequate parking is provided.**

**ALTERNATIVES:**

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

**RECOMMENDATION**

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

Reviewed by:  
**Shaunn Mendrin**  
Senior Planner

Prepared By: Mariya Hodge, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Floor Plans
- C. Letter from the Applicant

## **Standard Requirements**

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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 (Ordinance 2895-09):** 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. **Comply with Previous Permit:** Comply with all requirements of previously approved Use Permit #2009-0940 and other previously approved permits for this site.
- E. **Signs:** All new signs shall be in conformance with Sunnyvale Municipal Code and any existing Master Sign Program. Note: the current signs on the property do not appear to comply with the Master Sign Program. Please contact Planning regarding modifying the Sign Program to achieve compliance prior to applying for any additional signage on the site.
- F. **Clean Site:** All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

## **Recommended Conditions of Approval**

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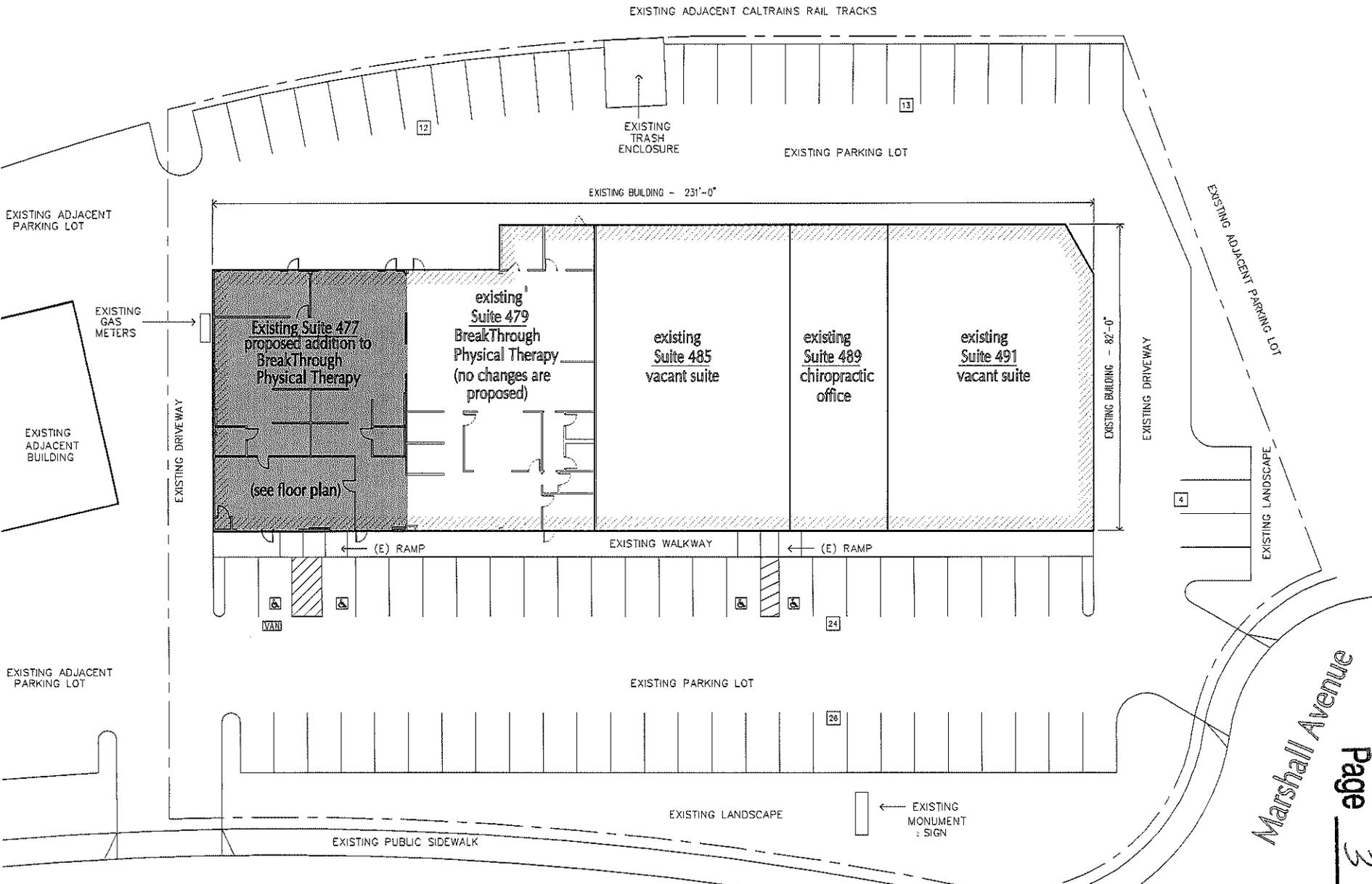
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

1. **Execute Permit Document:** Execute a Use Permit document prior to issuance of a Building permit, or if no Building permit is required, prior to occupancy of the tenant space by the medical office use.
2. **Project Conformance:** The 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 including any expansion of the use require approval at a public hearing.

3. **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.
4. **Parking Management Plan:** A Parking Management Plan shall be submitted to the Director of Community Development for review and approval and shall be executed prior to issuance of a Building permit, or if no Building permit is required, prior to occupancy of the tenant space by the medical office use. The Parking Management Plan shall include the following:
  - a. The Parking Management Plan shall apply to the subject property (475-491 E. Evelyn, APN: 209-04-054) as well as the adjacent property to the northwest (457-471 E. Evelyn, APN: 209-04-053). A legal shared parking agreement is not required; however, parking management strategies for both lots shall be included and the PMP shall be recorded on both properties.
  - b. Employees shall be required to park on the subject properties, not on the street or adjacent lots.
  - c. Employees of each building shall be required to use the parking located in the rear of that building unless such parking is full.
  - d. Existing signage restricting the use of certain parking spaces to specific tenants shall be removed.
  - e. Additional parking management measures, such as signage directing customers to additional parking, may be required by the Director of Community Development if determined necessary to achieve optimal use of the parking areas.







EXISTING ADJACENT PARKING LOT

EXISTING ADJACENT BUILDING

EXISTING ADJACENT PARKING LOT

EXISTING ADJACENT CALTRANS RAIL TRACKS

EXISTING TRASH ENCLOSURE

EXISTING PARKING LOT

EXISTING BUILDING - 231'-0"

EXISTING BUILDING - 82'-0"

EXISTING ADJACENT PARKING LOT

EXISTING LANDSCAPE

EXISTING WALKWAY

EXISTING PARKING LOT

EXISTING LANDSCAPE

EXISTING PUBLIC SIDEWALK

EXISTING GAS METERS

EXISTING DRIVEWAY

EXISTING DRIVEWAY

VAN

EXISTING MONUMENT SIGN

- f # OF EXISTING PARKING SPACES  
TOTAL EXISTING PARKING 79 SPACES
- ♿ EXISTING ACCESSIBLE STALLS = 4  
REQUIRED ACCESSIBLE STALLS = 4
- VAN EXISTING VAN ACCESSIBLE

E Evelyn Avenue

subject site (APN: 209-09-054)

Marshall Avenue

NORTH



ATTACHMENT B  
Page 3 of 6

OFF-STREET PARKING REQUIREMENTS:

<u>TYPE OF USE</u>	<u>AREA</u>	<u>PARKING RATIO</u>	<u>REQUIRED PARKING</u>
EXISTING VACANT SUITE 477 PROPOSED NEW ADDITION TO BREAKTHROUGH PHYSICAL THERAPY:	3,612 SF	1 SPACE/200 SF	18.06 SPACES
EXISTING SUITE 479 EXISTING BREAKTHROUGH PHYSICAL THERAPY:	3,842 SF	1 SPACE/200 SF	19.21 SPACES
EXISTING VACANT SUITE 485: GENERAL OFFICE	4,150 SF	1 SPACE/225 SF	18.44 SPACES
EXISTING SUITE 489 EXISTING CHIROPRACTIC OFFICE:	2,050 SF	1 SPACE/200 SF	10.25 SPACES
<u>EXISTING VACANT SUITE 491:</u> <u>GENERAL OFFICE</u>	4,276 SF	1 SPACE/225 SF	19.00 SPACES
TOTAL BUILDING AREA:	17,930 SF		85 (84.96) SPACES
		TOTAL SPACES REQUIRED:	85 SPACES
		TOTAL SPACES PROVIDED:	79 SPACES (STANDARD SPACES)

BREAKTHROUGH PHYSICAL THERAPY PROVIDES PROFESSIONAL SERVICES BETWEEN THE HOURS OF 7:00 AM THROUGH 7:00 PM, SEVEN DAYS PER WEEK.

THE PROPOSED EXPANSION AREA WILL ALLOW BREAKTHROUGH TO PROVIDE ADDITIONAL PRIVATE TREATMENT AREA AND TO EXPAND THEIR OPEN "GYMNASIUM" REHABILITATION AREA. ADDITIONAL ADMINISTRATIVE AREA WILL ALLOW BREAKTHROUGH TO EXPAND THEIR CRAMPED ADMINISTRATIVE AREAS. BREAKTHROUGH DOES NOT PLAN ON EXPANDING THEIR STAFFING LEVELS.

BREAKTHROUGH EMPLOYS THREE FULL-TIME AND FOUR PART TIME PHYSICAL THERAPISTS AND FIVE ADMINISTRATIVE EMPLOYEES. WITH A 12 HOUR DAY OF OPERATION THE STAFF ALTERNATES HOURS - SOME STAFF MEMBERS ARRIVING AND LEAVING EARLY AND OTHERS COMING LATE AND LEAVING LATE.

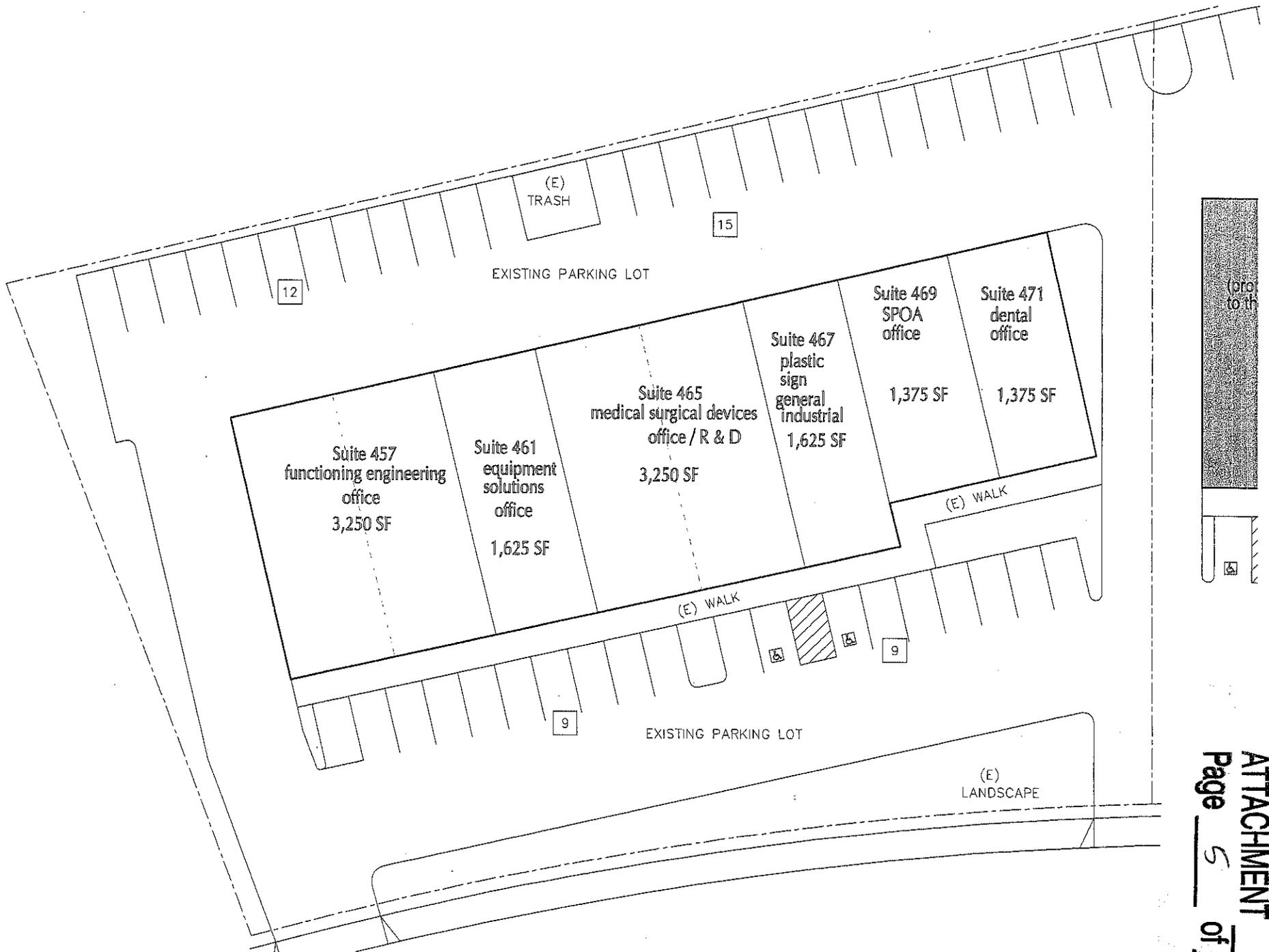
ON A TYPICAL WORK DAY, BREAKTHROUGH PHYSICAL THERAPY WILL SERVE 50 INDIVIDUAL PATIENTS - JUST UNDER ONE PATIENT PER THERAPIST PER HOUR. ALL PATIENTS ARE SEEN BY APPOINTMENT ONLY. PATIENTS ARE SCHEDULED ON THE HOUR FOR 45 MINUTE THERAPY SESSIONS. THE BALANCE OF THE HOUR IS USED FOR RECORD KEEPING, ETC..

THUS, ON A GIVEN HOUR, BREAKTHROUGH WILL REQUIRE UP TO 12 PARKING SPACES FOR THEIR STAFF AND AN ADDITIONAL 7 SPACES FOR THEIR PATIENTS. IF WE CONSIDER THE POSSIBLE PATIENT OVERLAP - ANOTHER 5 PARKING SPACES - BREAKTHROUGH WILL REQUIRE 24 PARKING SPACES FOR THEIR DAY-TO-DAY USE. THE ATTACHED PARKING ANALYSIS SHOWS A REQUIREMENT OF 19.21 SPACES FOR BREAKTHROUGH'S EXISTING SUITE AND ANOTHER 18.06 SPACES FOR THE PROPOSED EXPANSION AREA FOR A TOTAL OF 37.27 PARKING SPACES.

A PARKING ANALYSIS BASED UPON THE CITY OF SUNNYVALE'S ZONING REQUIREMENTS SHOWS THAT THE SITE IS SLIGHTLY UNDER PARKED: 85 PARKING SPACES ARE REQUIRED BASED UPON THE SQUARE FOOT PARKING DEMANDS WHILE ONLY 79 PARKING SPACES ARE AVAILABLE ON SITE - A SHORTAGE OF 6 PARKING SPACES. GIVEN BREAKTHROUGH'S ALLOTMENT OF 37 SPACES AND THEIR NEED FOR 24 SPACES A SURPLUS OF 13 SPACES EXISTS. THIS SURPLUS SHOULD MORE THAN COVER THE MATHEMATICAL DEFICIT OF PARKING SPACES SHOWN IN THE PARKING ANALYSIS. GIVEN THAT BREAKTHROUGH PHYSICAL THERAPY HAS COMPLETE CONTROL OF WHEN THEIR CUSTOMERS WILL ARRIVE AND HOW LONG THEY STAY A VARIANCE FROM THE STRICT APPLICATION OF THE PARKING STANDARDS IS REASONABLE.

(applicant's parking calculation)

ATTACHMENT B  
 Page 4 of 6



adjacent property to the northwest (APN: 209-09-053)

EXISTING ADJACENT BUILDING (OFF-STREET PARKING REQUIREMENTS):

<u>TYPE OF USE</u>	<u>AREA</u>	<u>PARKING RATIO</u>	<u>REQUIRED PARKING</u>
EXISTING SUITE 457: FUNCTIONING ENGINEERING – GENERAL OFFICE	3,250 SF	1 SPACE/225 SF	14.44 SPACES
EXISTING SUITE 461 : EQUIPMENT SOLUTIONS – GENERAL OFFICE	1,625 SF	1 SPACE/225 SF	7.22 SPACES
EXISTING SUITE 465 MEDICAL SURGICAL SERVICES – RESEARCH & DEVELOPMENT	3,250 SF	**1 SPACE/250 SF	13 SPACES
EXISTING SUITE 467: PLASTIC SIGNS – GENERAL INDUSTRIAL	1,625 SF	**1 SPACE/500 SF	3.25 SPACES
EXISTING SUITE 469 SV PUBLIC SAFETY OFFICERS ASSN. – GENERAL OFFICE:	1,375 SF	1 SPACE/225 SF	6.11 SPACES
EXISTING SUITE 471: DENTAL OFFICE	1,375 SF	1 SPACE/200 SF	6.87 SPACES
TOTAL BUILDING AREA:	12,500 SF		51 (50.89) SPACES
		TOTAL SPACES REQUIRED:	51 SPACES
		TOTAL SPACES PROVIDED:	45 SPACES (STANDARD SPACES) (-6 SPACES)

\*\* R & D AS WELL AS GENERAL INDUSTRIAL HAVE A MINIMUM OF 1 SPACE PER 500 SF AND A MAXIMUM OF 1 SPACE PER 250 SF.

(applicant's parking calculation)



**wayne renschow**  
architect

111 West Saint John St.  
Suite 950  
San Jose, CA 95113

408 288 8033 phone  
408 999-6637 fax

wayne@wr-architect.com

December 9, 2009

architecture  
planning  
computer  
aided design  
visualization  
rendering

City of Sunnyvale Planning Department  
456 W. Olive Street  
Sunnyvale, CA

RE: Application for a Use Permit for Breakthrough Physical Therapy  
477 Evelyn Avenue  
Permit Justification

**The Proposed Use attains the objectives and purposes of the General Plan of the City of Sunnyvale:**

Breakthrough Physical Therapy is an existing office providing Physical Therapy and rehabilitation services to people recovering from injuries. The proposed expansion area will allow the Breakthrough to expand their treatment areas - providing additional private treatment spaces as well as space for additional specialized equipment used for therapy. The proposed expansion will meet the objectives and purposes of the General Plan of Sunnyvale by providing health related services to the people of Sunnyvale in a location that is both appropriate and convenient for residential and commercial users alike. The proposed expansion will provide additional treatment area, allowing Breakthrough to offer additional services by adding additional equipment used in therapy and additional private exam space for the comfort of their patients.

**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:**

This project proposes to expand Breakthrough Physical Therapy into the adjacent vacant tenant suite of an existing office building. This project does not propose any modifications to the existing on-site improvements or any modifications to the exterior of the building. The proposed use, a Physical Therapy office is consistent with the with the other uses within the building and on site and is consistent with the commercial zoning of the site.

Breakthrough Physical Therapy provides professional services between the hours of 7:00 am through 7:00 pm, seven days per week. The proposed expansion area will allow Breakthrough to provide additional private treatment area and to expand their open rehabilitation area. Additional administrative area will allow them to expand their cramped administrative areas. Breakthrough does not plan on expanding their staffing levels.

Breakthrough employs three full-time and four part time physical therapists and five administrative employees. With a 12 hour day of operation the staff alternates hours - some staff members arriving and leaving early and others coming late and leaving late.

On a typical work day, breakthrough physical therapy will serve 50 individual patients - just under one patient per therapist per hour. All patients are seen by appointment only. Patients are scheduled on the hour

December 9,  
2009

Page 2

for 45 minute therapy sessions. The balance of the hour is used for record keeping, etc.

Thus, on a given hour, Breakthrough will require up to 12 parking spaces for their staff and an additional 7 spaces for their patients. If we consider the possible patient overlap - another 5 parking spaces - Breakthrough will require 24 parking spaces for their day-to-day use. The attached parking analysis shows a requirement of 19.21 spaces for Breakthrough's existing suite and another 18.06 spaces for the proposed expansion area for a total of 37.27 parking spaces.

A parking analysis based upon the city of Sunnyvale's Zoning requirements shows that the site is slightly under parked: 85 parking spaces are required based upon the square foot parking demands while only 79 parking spaces are available on site - a shortage of 6 parking spaces. Given Breakthrough's allotment of 37 spaces and their need for 24 spaces a surplus of 13 spaces exists.

Only one other Tenant is located on-site, a Chiropractor's office. The Chiropractor also provides medical treatment to patients by appointment only. As such, their real-world parking demand is also less than the zoning requirements as was documented in the findings report for their use permit. The remaining two tenant spaces on-site are currently vacant and are being marketed to standard office uses.

The difference between Breakthrough's real world parking demands and the requirements of the zoning code should more than cover the mathematical deficit of parking spaces shown in the parking analysis. Given that Breakthrough Physical Therapy has complete control of when their customers will arrive and how long they stay a variance from the strict application of the parking standards is reasonable.

As Breakthrough is currently an existing use within the center and no additional development is proposed on-site and their demands for on-site resources, such as parking, will be less than normal we can conclude that the proposed use will not impair the existing uses on site.

