



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

March 14, 2012

File Number: 2012-7010

Permit Type: Use Permit

Location: 441 De Guigne Dr. Suite 101 (near Stewart Dr.) (205-26-020)

Applicant/Owner: EMAC Medical Anti-Aging Center / De Guigne Investments Llc

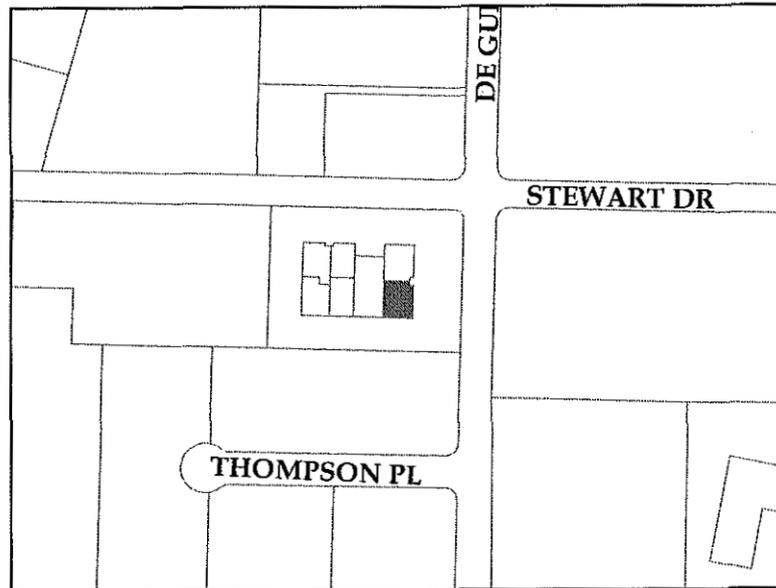
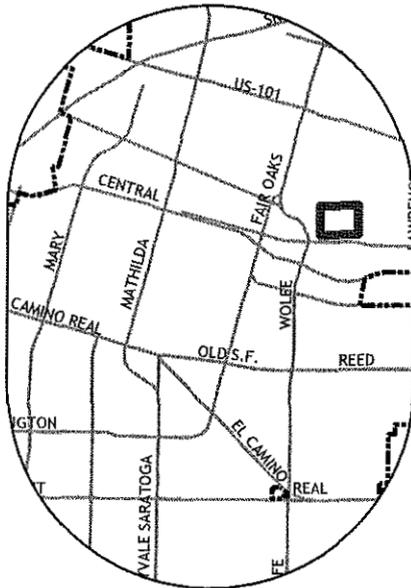
Staff Contact: Diana O'Dell, Senior Planner, (408) 730-7257

Project Description: To allow a medical clinic use in an office building.

Reason for Permit: Medical clinic is allowed as a matter of right in the M-S Zoning District; however, the previous Use Permit for the space specifically required any future use that locates in this space to be processed through a Use Permit (Condition #1J, Use Permit 2007-0848).

Issues: Parking

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industrial	Same
Zoning District:	M-S	Same
Total Sq. Ft. on Site:	48,810	Same
Tenant Sq. Ft.:	3,810	Same
Parking:	192	Same

Previous Planning Projects related to Subject Application In 2007, a Use Permit for an institution for higher learning was approved for 441 De Guigne Suites 101 and 201. (Nine Star University). Condition of Approval #1J requires that "Any use other than the Oriental Medicine Institute, including general office uses in the three subject tenant spaces i.e. suites A2 (Lower south), A2 (Upper north) and A2 (Upper south), shall require Use Permit approval."	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The proposed use is for a medical clinic that provides training and patient treatment. A medical clinic is allowed as a matter of right in the M-S Zoning District; however, the previous Use Permit for the site specifically required any future use that locates in this space to be processed through a Use Permit (Condition #1J, Use Permit 2007-0848).

Hours of Operation: Business hours are 9:00 a.m. through 5:00 p.m., Monday through Friday.

Expected Students / Customers: The business expects 5 clients per hour, with 3 employees in the same working hours.

Floor Plan: The floor plan includes 8 clinic rooms, an employee break room, and an open office area. Four of the clinic rooms have a tub or shower.

Exterior Changes: There are no exterior changes expected as part of this application. Any proposed sign must meet the Master Sign Program requirements.

Parking: The property was developed as a General Industrial building with a parking ratio of 1 space for every 250 sq. ft. of gross floor area, or the maximum allowed for a research and development office. Since the building was converted into a condominium in 2005, a variety of non-industrial uses such as non-profit religious organizations and institutions of higher learning

have been installed. Previous Use Permits have completed parking analyses assuming individual standards for each use (per SMC 19.46.020(b)).

According to the use breakdown submitted by the applicant (see Attachment D, List of Uses) most of the uses operate primarily between 9:00 a.m. to 6:00 p.m. except for the Chinese Evangelical Seminary, which is mostly in the evening hours between 6:00 p.m. and 10:00 p.m. The Institute of Higher Learning (Nine Star) is assumed to have the same parking impact even though the total space is reduced from 12,259 to 8,449 square feet.

Tenant Space	Sq. Ft.	Parking Rate	Required Parking Spaces
A1 – Institute of Higher Learning (Chinese Seminary)	3,370	1/250	13
A2 (Upper north and south) – Institute of Higher Learning (Nine Star)	8,449	Per UP 2007-0848 and MPP 2007-0320	35
A2 (Lower south) Proposed Medical Clinic	3,810	1/200	20
A – Common Area	2,061	1/250	9
B1 – Seminary	7,205	Per UP 2005-1174	25
C1 – General Office	6,146	1/225	28
C2 – General Office	3,624	1/250	15
C3 – Industrial	2,330	1/250	10
C4 General office	6,124	1/225	28
C – Common area	3,781	1/250	16
TOTAL			199

The site has 190 parking spaces. If the parking were to be calculated using the analysis above, it would be determined that there is not sufficient parking. However, this type of analysis is of limited value because it is not reflective of the actual parking demands on the site.

Many of the uses on the site are related in terms of health/wellness and religious non-profit uses. These businesses have low numbers of employees, averaging approximately 6 employees per business, for a total of less than 50 employees for the entire building. The remaining spaces are for customers serviced by the uses which have a rapid turnover rate. Staff counted approximately 40 cars on-site in one afternoon, leaving 150 spaces vacant, or 75% of the total.

SMC 19.46.020(c) gives the Director discretion to determine the appropriate amount of parking for shared uses. Staff does not expect the proposed medical

clinic to have a significant parking impact, and further finds that there is more than sufficient parking on-site to support the existing uses.

Public Contact: Approximately 10 notices were sent to surrounding property owners 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:

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

General Plan Goal LT-4.3 *Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.*

The medical clinic is a permitted use in the M-S Zoning District and meets the above goal of providing appropriately located commercial service for residents and employees. **[Finding Met]**

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 project is a compatible use with the zoning district and the other uses in the industrial condominium. There is no expected parking, noise or other land use impact associated with the medical clinic use. **[Finding Met]**

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.

Reviewed by:



Shaunn Mendrin
Senior Planner

Prepared By: Diana O'Dell, Senior Planner

Attachments:

- A. Standard Requirements
- B. Site and Architectural Plans
- C. Letter from the Applicant
- D. List of Uses on the Site

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
MARCH 14, 2012**

**Planning Application 2012-7010
441 De Guigne Drive
Use Permit for a Medical Clinic**

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1: CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2: USE EXPIRATION:

The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3: PERMIT EXPIRATION:

The 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 and is approved by the Director of Community Development. [SDR] [PLANNING]

GC-4: CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all conditions of approval and requirements of planning application (2005-0497 and 2007-0848). [COA] [PLANNING]

OWNER:
DEGUIGNE INVESTMENT, LLC.
 441 Deguigne Drive, Suite 101
 Sunnyvale, CA TEL: (408)666-1445

DESIGNER/ENGINEER:
 Chia-Ching Lin
 45741 Chablis Court
 Fremont, CA 94539 TEL: (510)623-0681

TENANT IMPROVEMENT

Emac Anti Aging Medical Center

441 DEGUIGNE DRIVE
 SUNNYVALE, CA 94085-4513

GENERAL NOTES

All work and materials shall be performed and installed in accordance with the current editions of the following codes as adopted by the local governing authorities. Nothing in these plans is to be construed to permit work not conforming to these codes.

THE 2010 CBC, 2010 CMC, 2010 CFC, 2010 SEC, 2010 OFC, 2008 TITLE 24 AS AMENDED BY STATE OF CALIFORNIA AND CITY OF FREMONT BUILDING REGULATIONS ARE APPLICABLE TO THIS PROJECT.

By executing contracts, contractor & subcontractors present that they have:

- a. Visited the site & its surrounding & made due allowance for difficulties & contingencies.
- b. Compared drawings w/ (E) conditions and informed themselves of conditions to be encountered, including work by others, if any, being performed &
- c. Notified the designer of ambiguities, inconsistencies & errors they have discovered within drawings or between scope & (E) conditions.

Complete documentation of (E) construction is not available. Dimensions, layout, (E) materials, & concealed conditions have not necessarily been verified & area not represented to be accurate beyond the level necessary to define the approximate scope of surface renovation & system replacement

Immediately on entering the site for purposes of beginning work, locate general reference points & lay out work & be responsible for lines elevation & measurements, & work executed under this contract. Exercise proper precautions to verify figures shown on plans before laying out work.

Contractor & subcontractors, before starting work, shall verify governing dimension at the site including elevations & shall examine adjoining work on which contractor's or subcontractor's work in any way dependent. No extra or additional compensation will be allowed on account of differences between actual measurements and dimensions shown. To the owner for interpretation before proceeding with associated work.

No guarantee of quality of construction is implied or intended by the architectural documents, & the contractor shall assume full responsibility for any or all construction deficiencies.

Damage caused by contractor to (E) structures, & work by others shall be repaired by contractor and left in as good condition as existing before the damaging, unless such existing work is shown to be removed or replaced by new work.

The general contractor shall hold harmless, indemnify and defend the designers and his consultants from any action initiated by the initial owner or any subsequent owners for construction deficiencies, modifications or such conditions which may be beyond the control of the designers.

SCOPE OF WORK

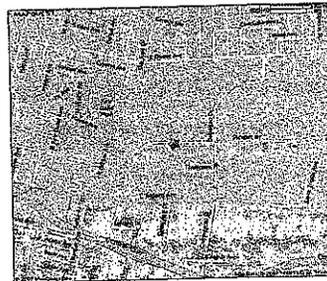
This tenant improvement project mainly involves the tenant improvement at 1st floor.

BUILDING DATA

APN: 20526020 Group of occupancy: B
 Type of construction: IIIB
 Fire Sprinkler System: Yes
 Fire Alarm System: Yes
 Number of Stories: 2

Building Floor Area:
 Unit Space:
 1st Floor: 3810 Sq. Ft.,
 2nd Floor: 8449 Sq. Ft.
 Total Unit Floor Area: 12529 Sq. Ft.

VICINITY MAP



INDEX OF SHEETS

- A-1 PROJECT INFORMATION
- A-1.1 SITE PLAN
- A-2 EXISTING FLOOR PLAN
- A-3 PROPOSED FLOOR PLAN
- A-4 EXISTING REFLECTING CEILING PLAN
- A-5 PROPOSED REFLECTING CEILING PLAN
- A-6 EXITING PLAN
- A-7 DETAILS
- A-8 DETAILS

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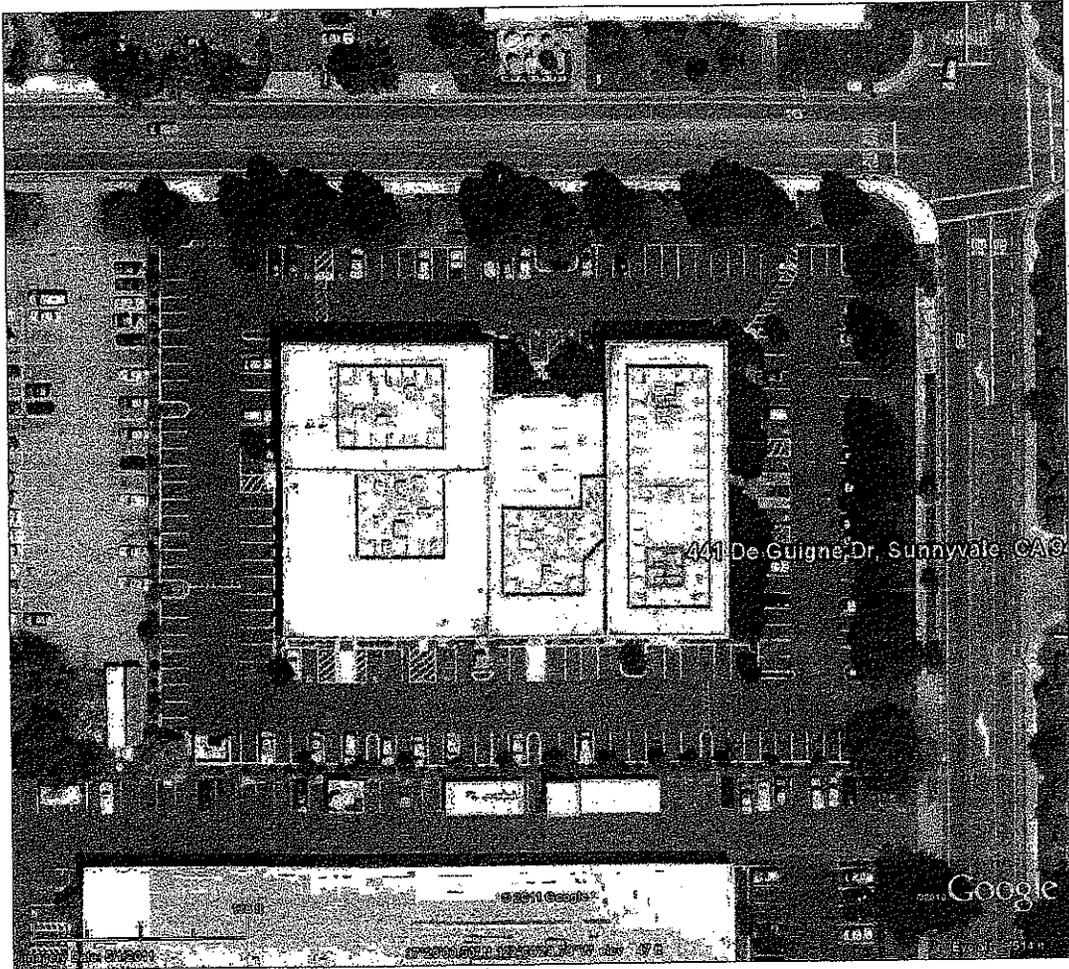
CHIA-CHING LIN
 45741 CHABLIS COURT
 FREMONT CA 94539
 TEL: (510)623-0681

TENANT IMPROVEMENT
 Emac Anti Aging Medical Center
 441 DEGUIGNE DRIVE
 SUNNYVALE, CA 94085-4513



Revisions	Date	By	Check

Attachment B



SITE PLAN
NOT TO SCALE

ATTACHMENT
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B

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TENANT IMPROVEMENT
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Date	10/10/11
Scale	As Noted
No.	21025

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A-1.1
or

Attachment B

LEGEND

- (B) WALLS TO REMAIN REPAIR AS REQ'D
- (B) 1-HR FIRE RATED WALLS TO REMAIN REPAIR AS REQ'D
- (N) WALLS W/ 5 1/2" X 8" GASTUD @20" O.C. W/ 5/8" TYPE X GYP. BD. BS. (U.O.N.)
- DUPLEX 110VAC OUTLET
- 240V ELECTRICAL OUTLET
- TELEPHONE JACK
- COMPUTER JACK

DOOR SCHEDULE

- (A) 3'-0"x8'-0"x1-3/4" SOLID CORE DOOR, PAINTED
- (B) 3'-0"x6'-0"x1-3/4" SOLID CORE DOOR W/ HANDICAP SIGN W/ SS KICK PLATE
- (C) 3'-0"x6'-0"x1-3/4" SOLID CORE DOOR, PAINTED W/ 18"x18" WIRE GLASS OPENING
- (D) (3) 3'-0"x6'-0"x1-3/4" SOLID CORE DOOR, PAINTED W/ GLASS OPENING
- (E) (5) 3'-0"x6'-0"x1-3/4" SOLID CORE DOOR, PAINTED

HARDWARE SCHEDULE

DOOR HARDWARE FINISH: US10B

GROUP 1 (PER DOOR)

- 1-1/2 PAIR BUTTS BBL79 X4-1/2 X4-1/2 STA
- 1 PASSAGE OR LOCK SET D108 SCH
- (lever-handle)
- 1 DOOR STOP W9 BBW

GROUP 2 (PER DOOR)

- 1-1/2 PAIR BUTTS BBL79 X4-1/2 X4-1/2 STA
- 1 PASSAGE (LEVER TYPE) D108 SCH
- 1 DOOR STOP W9 BBW
- 1 CLOSURE 4080 SERIES SMOOTHIE LCN

GROUP 3 (PER DOOR)

- 4 PAIR BUTTS BBL79 X4-1/2 X4-1/2 STA
- 2 ASSAGE D108 SCH
- 2 DOOR STOP W9 BBW
- 1 ASTREGAL FEMKO

FINISH SCHEDULE

8 EXISTING

FLOOR

- 10. CONC. SEALER ABATRON - ABOCOAT 8006-3 OR SEAL-KRETS - FLOOR SEALER
- 11. CARPET: COMMERCIAL GRADE
- 12. VINYL TILE: STATIC FREE TYPE (COMMERCIAL GRADE)

BASE

- 21. 4" HIGH COVERED RUBBER TOPSET BASE

WALL

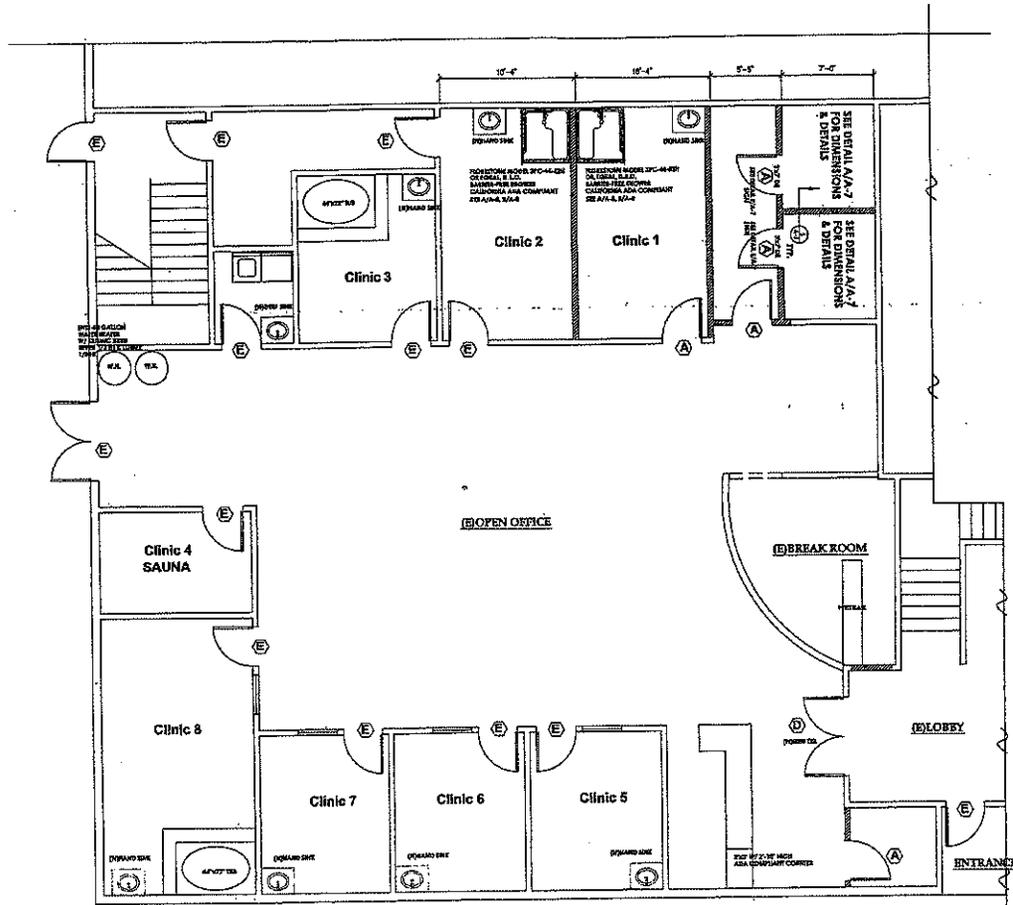
- 31. GYPSUM BOARD TAPE, TEXTURED FINISH, AND PAINT FLAT LATEX
- 32. GYPSUM BOARD TAPE, TEXTURED FINISH, AND PAINT SEMI-GLOSS ENAMEL
- 33. GYPSUM BOARD TAPE, 4" HIGH MARLITE TILE PANEL, AND PAINT SEMI-GLOSS ENAMEL ABOVE MARLITE PANEL
- 34. REPAINT: SEMI-GLOSS ENAMEL ONLY

CEILING

- 41. 2'-0"x4'-0" SUSPENDED ACOUSTIC CEILING TILE, 2ND LOOK
- 42. 5/8" TYPE X GYP. BD. TAPE, TEXTURED FINISH & PAINT
- 43. 5/8" TYPE X GYP. BD. TAPE, TEXTURED FINISH & PAINT (SEMI-GLOSS ENAMEL)
- 44. 41 & 42 44. REPAINT: SEMI-GLOSS ENAMEL ONLY

WINDOW SCHEDULE

- 6'Wx3'-6" H WINDOW
- 3'Wx3'-6" H WINDOW



PROPOSED 1ST FLOOR PLAN

SCALE: 1/4"=1'-0"

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TENANT IMPROVEMENT
Emac Anti Aging Medical Center
44-1 DEQUIGNE DRIVE
SUNNYVALE, CA 94085-4513



Revisions By	Date

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Date	9/28/11
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A-3
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ATTACHMENT B
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Attachment B

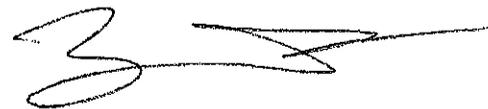
Emac Medical Anti-Aging Center Business Description

Emac Medical Anti-Aging Center, simplified as "Emac", is a medical institute under Nine Star University of Health Sciences (NSU). The major service is:

1. Provide trainings of acupuncture and herbal medicine, in the application of preventive medicine, as also believed "anti-aging", the training is mainly part of the interns of NSU students;
2. Research for the theories and state of art techniques of oriental medicine, in helping delay aging of human beings, increase our life spine;
3. Making consultations of clients who pursuit for better health.

Parking: we may receive clients up to 5 per hour, with around 3 employees in the same working hours.

Business hours: 9:00AM - 6:00PM Monday through Friday.



4/26/15

Unit #	Name of Company	Number of Employee	Nature of the Business	Square Footage	Business Hours	Notes
A	Common Area			3,292		
A1	Christian Leadership Institute	2	Non-Profit Religious Organization	3,387	9:00am - 6:00pm	
A2	Emac Medical Anti-Aging Center	4	Consultation Clients pursuit better health	3,810	9:00am - 6:00pm	
A2	Nine Star University of Health Sciences	8	Higher Education Non Profit Organization	4,646	9:00am - 6:00pm	
A2	Nine Star University of Health Sciences		Higher Education Non Profit Organization	3,610	9:00am - 6:00pm	
B1	America Chinese Evangelical Seminary	6	Non Profit Religious Organization	7,205	9:00am - 6:00pm	Mostly class 6:00pm - 10:00pm
C	Common Area			3,781		
C1	Stephen Wan Accountancy Corp.	5	Tax and Accounting Service	6,146	9:00am - 6:00pm	
C2	Trans Continental	3	Real Estate Development Services	3,624	9:00am - 6:00pm	
C3	Sacred Logos Resource Center	6	Non-Profit Religious Organization	2,330	9:00am - 6:00pm	
C4	Great Commission Center Internal	10	Non-Profit Religious Organization	6,124	9:00am - 6:00pm	
		44		46,955		