



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 23, 2008

SUBJECT: **2008-0033 – Manooch Pouransari – Grace ADHC**
 [Applicant] **Dollinger-Arques Association, a Ltd Ptsp**
 [Owner]: Application located at **1197 East Arques Avenue**
 (near Lawrence Expwy.) in an MS-POA (Industrial & Service
 – Place of Assembly) Zoning District.

Motion Use Permit to remove a condition of approval limiting a Place
 of Assembly use to three years (Grace Adult Day Health
 Care).

REPORT IN BRIEF

Existing Site Medical Office Building/ Adult Day Health Care
Conditions facility

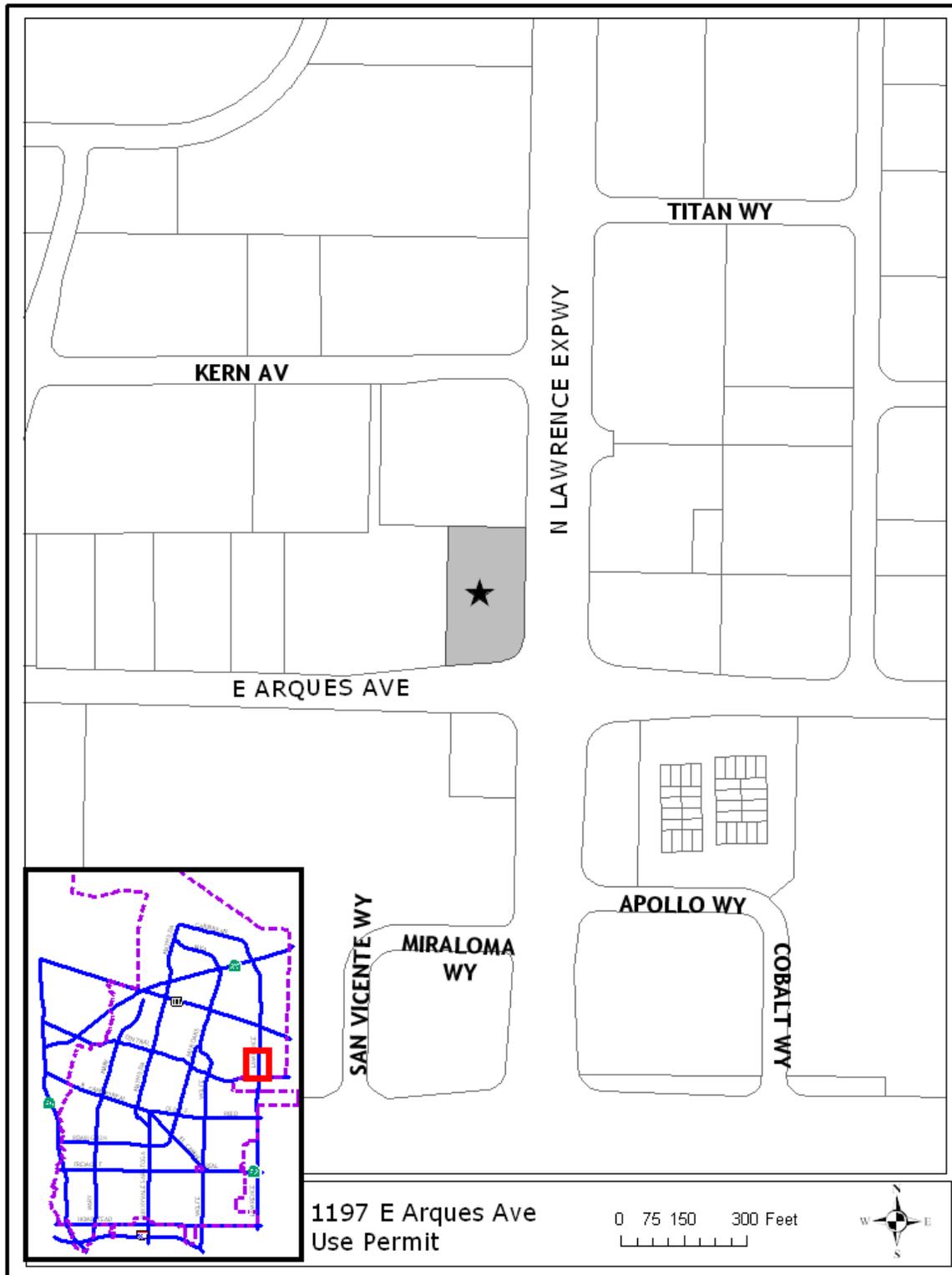
Surrounding Land Uses

North	Commercial building (retail sales)
South	Research and Development, office, gas station
East	Health club (24-Hour Fitness)
West	Self-storage facility

Issues Place of Assembly in the Industrial Zone

Environmental A Negative Declaration was prepared in compliance
Status with California Environmental Quality Act provisions
 and City Guidelines.

Staff Approve the Use Permit.
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S/POA	Same	M-S/POA
Lot Size (s.f.)	59,677	Same	22,500 min.
Gross Floor Area (s.f.)	21,276	Same	21,300 max.
Lot Coverage (%)	35%	Same	35% max.
Floor Area Ratio (FAR)	35%	Same	35% max.
No. of Stories	1	Same	8 max.
No. of Tenants	3	Same	---
Landscaping			
Landscaping (s.f.)	12,000 (20%)	Same	20% min.
Parking			
• Total No. of Spaces	74	Same	70 min.
• No. of Standards	55	Same	35 min.
• No. of Compacts / % of total	15	Same	31 max.
• No. of Accessible	4	Same	4 min.

ANALYSIS**Description of Proposed Project**

This application is for modification of a condition of approval for an existing adult day health care (ADHC) center in the M-S/POA (Industrial and Service/Place of Assembly Zone). The ADHC was approved in 2005 with a three year limit placed on the Use Permit approval. The three year limit was due to a Citywide moratorium on any new or expanding places of assembly in the M-S (Industrial and Service) zone. The site was rezoned to an M-S/POA zone in October 2006.

Background

Grace ADHC was initially approved by the Planning Commission in July 2003 and was approved for a maximum of 90 participants at any one time. This number was based on the applicant's projected maximum operational needs in 2003. In 2005, the business's demand exceeded the maximum of 90 people at one time and the applicant was approved to have a maximum of up to 200 participants at one time.

In 2005 the City had a moratorium on any new or expanding place of assembly uses in the M-S zone. As a result, this application had a condition of approval limiting the Use Permit approval to a maximum of three years. This was placed on the Use Permit in case the subject property was not rezoned to allow places of assembly when the moratorium was lifted.

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

File Number	Brief Description	Hearing/Decision	Date
2005-0383	Approval for up to 200 participants at any one time.	City Council - Approval	12/20/05
2003-0402	Original approval of Grace ADHC allowing up to 90 participants at any one time.	Planning Commission - Approval	7/14/03

Environmental Review

A Negative Declaration was prepared in 2005 for this project, in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study determined that the proposed project would not create any significant environmental impacts.

Use Permit

Grace ADHC is an existing adult day health care center in the M-S/POA (Industrial and Service/Place of Assembly) zone. The proposed use is located in an existing building of 21,276 square feet, and is comprised of three separate tenant spaces. The ADHC uses the 13,323 square foot tenant space to the rear of the building along Lawrence Expressway.

Adult day health care centers are California State regulated businesses that provide a full range of health care, rehabilitative, social, psychological, and

related support services for the elderly population. Participants spend time with people of similar age and background and participate in therapeutic recreational and social activities that encourage healthy lifestyles.

All ADHC businesses are required to receive a license from the State that is reviewed on a yearly basis. As part of Grace's state license, they are required to provide door-to-door transportation for participants who cannot walk to the site or cannot be driven by a relative.

The center currently is allowed to have a maximum of 200 participants at one time, and is open from 9:00am to 4:00pm, Monday through Friday. The average participant stay is about four hours, with two shifts per day and 90 participants. There is a one hour overlap during the day which can bring the total close to 200 participants at one time. The maximum number of employees is up to 30.

Grace ADHC serves primarily adults 65+ in age and who receive Medi-Cal benefits. This center is intended for functioning adults to prevent the risk of deterioration of their physical or mental health. Individuals attending the center are eligible:

1. If they have a medical condition that requires treatment or rehabilitative services prescribed by a physician, and
2. A physical and/or mental impairment that handicap activities of daily living, but not so serious as to require 24-hour institutional care, and
3. A reasonable expectation that preventive services will maintain or improve the present level of functioning, and
4. A high chance of further deterioration and probable institutionalization if ADHC services were not available.

Site Layout: Grace ADHC currently occupies a 13,323 square foot tenant space in the rear area of the existing building. The interior of the space is comprised mainly of offices and open floor area. The offices are used for the physical therapy areas and general office activities. The open floor areas are used for dining and general activities. There is an existing kitchen area used during lunch time. All food service is provided by an outside catering service and the kitchen area is used as a service and cleaning area.

The applicant is not proposing any major physical improvements to the interior of the space. The restrooms have already been upgraded to meet current accessibility standards and the tenant space has been upgraded to meet current fire safety standards. The existing floor area is large enough to accommodate the additional numbers of people since the area is currently not at maximum occupancy.

Place of Assembly: Sunnyvale Municipal Code (SMC) requires that any proposed Place of Assembly use be evaluated on a case by case basis. The POA zoning regulations specify additional requirements and procedures if a space is used by sensitive populations such as children or adults over the age of 65. Since the subject site and the surrounding area were originally zoned for industrial uses, staff looked at the possibility of the presence of hazardous materials in the vicinity of the site. Staff found that while there are other industrial facilities with hazardous materials in the area, none currently have large quantities of high risk materials. However, these industrial uses have the ability to change their inventories in the future to increase the use of hazardous materials, which might present a safety issue to the users of the subject tenant space. A condition of approval has been added requiring the applicant to submit for the approval of the City a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials.

Compliance with Development Standards/Guidelines: The proposed project complies with current development standards with the exception of required parking, as previously discussed. No further improvements are required at this time.

Expected Impact on the Surroundings: There have been no impacts to the adjoining tenants in the existing building or to the surrounding area.

The site was rezoned to an M-S/POA zone in October 2006 with the intention of allowing non-industrial assembly uses such as ADHCs. The site would not be converted from industrial to a non-industrial use since the ADHC and medical uses already exist on the site.

Fiscal Impact

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

Public Contact

Staff has not received any comments from the public regarding this project.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 126 notices mailed to the property owners and residents within 1000 ft. of 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 Use Permit. Findings and General Plan Goals are located in Attachment A.

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

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Andrew Miner
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element: Strong Economy Policies:

Policy C4.1 - *Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

Policy C4.3 - *Consider the need of business as well as residents when making land use and transportation decisions.*

Grace ADHC is not a commercial use that attracts a high volume of traffic and, therefore, the parking impact will be minimal. In addition, the business will operate during peak and off peak hours.

Land Use and Transportation Element: The Neighborhoods Policies

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

Action Statement N1.1.1 - *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

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

Action Statement N1.3.1 - *Review development proposals for compatibility within neighborhoods.*

Policy N1.6 - *Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.*

Policy N1.14 - *Support the provision of a full spectrum of public and quasi public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

Grace ADHC is a unique and desirable use for the City that provides a service to the elderly population that cannot be provided by any other similar business. In addition, the project is appropriately located in a place of assembly zone where the business will be compatible with the surrounding uses. There is only a limited number of parcels/building where Grace ADHC could be appropriately located in Sunnyvale and the subject site is one such parcel.

Socio-Economic Element: Health and Social Services

Policy H.9 - *Encourage adequate provision of health care services to Sunnyvale residents.*

Policy H.10 - *Encourage the adequate provision of social services to Sunnyvale residents.*

The existing ADHC provides private sector health care services to the senior population of Sunnyvale. Grace ADHC is a private business health provider that meets the needs not provided for by public services.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project as outlined in the above statements.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District, in that the project is compatible with the existing uses in the same building. The two other uses are medical office uses, similar to the existing and proposed use. The project is also compatible with the existing uses in the surrounding place of assembly area, which contains uses that are not traditionally found in the M-S zone. The project will not negatively impact adjacent properties or significantly increase noise and traffic in the neighborhood. Residential uses are not located in close proximity to the proposed use.

Recommended Conditions of Approval - Use 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. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- C. The use 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.
- D. Any expansion or modification of the approved use shall be approved by separate application at a public hearing.
- E. This use is specifically approved for adult day health care.

2. OPERATIONS

- A. Hours of operation shall be limited to the following hours:
 - Monday through Friday 9:00 a.m. to 4:00 p.m.
- B. The maximum number of participants at any given time will not exceed 200.
- C. No food preparation is allowed on site. Only food service from an outside vender.

3. LANDSCAPING

- A. All landscaping shall be maintained in a neat, clean, and healthful condition.

4. PARKING

- A. Employees shall be required to park on the site, not on the public streets.
- B. At no time shall this use exceed the total available parking at the three sites.

- D. There are a total of 74 spaces available at the site, of these, 40 of the 74 are to be made available for the existing medical office uses.
- E. Four spaces shall be available for Grace ADHC visitor parking needs and 30 for employee parking.
- F. If Grace ADHC requires more than the allotted 34 spaces, then a modification to the Use Permit is required.
- G. At least 95% of the participants must use the transportation services provided by the ADHC provider.

5. PLACE OF ASSEMBLY

- A. Since the proposed use is located within a multi-tenant building, the applicant shall obtain an agreement providing for the limitation of hazardous material users on the same site, which agreement shall be recorded between the property owner, applicant, and city.
- B. The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.
- C. The applicant shall adopt and submit for final approval of the City (draft plan has been submitted) a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials.