



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

July 24, 2013

File Number: 2012-7136 **Permit Type:** Use Permit and Variance

Location: 1251 Sandia Avenue (near Oak Creek Way) (104-18-062)

Applicant/Owner: Edmond Jacobs / Valley Faith UMC

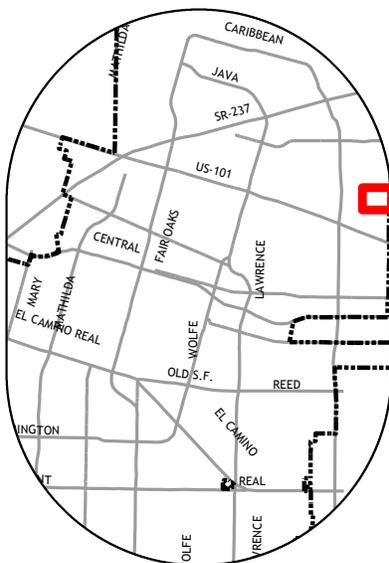
Staff Contact: Elise Lieberman, Assistant Planner, (408) 730-7443

Project Description: To allow the demolition of an existing modular building and the construction of a new 2,840 square foot multi-purpose modular building. A new parking area will be created to bring parking up to current requirements.

Reason for Permit: A Use Permit is required for a building within a P-F zoning district and to allow the trash enclosure within the required front yard. A Variance is required for the distance between the main building and the proposed modular building. The required distance is 20 feet whereas the proposed distance is 13.52 feet.

Issues: Project Size, Distance between buildings

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Parks	Same
Zoning District:	Public Facility	Same
Total Sq. Ft. on Site:	6,824	7,690
Parking:	52	64

Previous Planning Projects related to Subject Application: <ul style="list-style-type: none"> • 2007-1316 Miscellaneous Plan Permit to allow the extension of Use Permit 2005-0912 (see below) for a period of 1 year. Staff Approved 12/28/07 • 2005-0912 Use Permit and Variance to demolish the existing church and to construct a new 2-story building totaling 18,972 sqft. Day care and church services included. Planning Commission Approved 1/23/06 • 1997-0534 Use Permit to allow the installation of a used mobilehome for the purpose of expanding classrooms and to use as a multipurpose hall. Zoning Administrator Approved 2/12/97 	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements: The proposed modular building is to be located to the left of the existing church with a distance between buildings that does not meet the current zoning code. A Variance is needed to locate the modular building 13.52 feet away from the church where 20 feet would be required.	Yes

Use Description: The site is currently occupied by the Valley Faith United Methodist Church. The proposed project is to allow one modular building which will replace the existing modular building currently located to the right of the church. The new building will be located to the left of the church along the parking area.

The new modular building will be used for meetings, dining and classes when the church sanctuary is not in use. The intention of the modular building is to ensure the church is only used in a sacred nature for worship activities. The miscellaneous activities that have taken place in the church and existing modular building would now take place in the new modular.

Site Plan: The existing church is situated in the middle of the lot with the parking lot between the building and Sandia Avenue. A modular building currently exists to the right of the church on the side, but will be demolished to make way for the new modular building and extended parking area. The

proposed modular building will be located to the left of the church facing the parking area and street.

The parking area will be upgraded to include more parking spaces to meet current requirements and become ADA compliant. A Variance is required because the new modular building will only be a distance of 13.52 feet away from the church where 20 feet is required between main buildings. A Use Permit is also required for the new modular building which is to be used for a Place of Assembly – Community Serving as stated in the Zoning Code. A Use Permit is required for the approval of the location of the trash enclosure as it is located within the front yard setback (Attachment B, Site Plan).

Architecture: The architecture of the modular building will be consistent with the church. Wood siding will be used on all sides of the modular with a shingle roof to match the existing roof on the church. A roofing overhang will be seen on three of the four sides to allow for four air conditioning units in the rear (north elevation) (Attachment B, Architectural Elevations).

A new trash enclosure will be placed in the parking area on the side parallel to the street. Staff has included a Condition of Approval (BP-6) on the trash enclosure to be moved to the other side of the parking area so that it is not parallel to the street. The applicant has requested to keep the trash enclosure where it is on the site plan and has offered to screen it with vegetation so that it is not a distinct feature seen from the street. An example of the vegetation cover can be seen in Attachment D.

Hours of Operation: The church operates for services on Saturdays and Sundays with occasional services in the evenings and on holidays. Social activities that will be held in the modular take place during weekday evenings and will include meetings during the morning and daytime hours. Weekday evening activities will not extend past 10:00 p.m.

Floor Plan: The modular building will consist of two classrooms, restrooms, three offices, a break room and an open assembly area. The open assembly area will be used for both seated and dining functions. A maximum of 189 persons will be allowed in the assembly area of the modular while that number will be reduced to a maximum of 88 persons for dining functions.

Parking: The site currently provides 52 parking spaces for the two existing buildings. Based on current requirements and site uses, a total of 62 parking spaces would be required. As proposed, the project complies with the minimum parking requirement by proposing 64 spaces.

Public Contact: 15 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.*

Policy LT-4.14 *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.*

Policy 4.14c *Encourage multiple uses of some facilities (e.g., religious institutions, schools, social organizations, day care) within the capacity of the land and roadway system.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. **[Finding Met]**

The proposed modular building provides additional space for an existing place of assembly in the city. The church is located within an existing Public Facility zoning district and provides religious educational and assembly space for residents.

The proposed location of the trash enclosure will enable a more efficient and less disruptive trash pick-up service to the site and surrounding neighborhood.

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 proposed modular building will be consistent with the appearance of the existing church. The proposed parking area changes will also help update the site to current ADA standards and create a greater visual appeal for the neighborhood.

The proposed location of the trash enclosure enables improved access to the designated waste area for both the church and the proposed modular building.

In order to approve the Variance the following findings must be made:

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 or privileges enjoyed by other properties in the vicinity and within the same zoning district. **(Finding Met)**

Due to the irregular configuration of the parcel along with the location of the existing church, there are constraints on the site that require an unusual building configuration to meet the needs of the place of assembly. To provide the most reasonable expansion of the parking area while maintaining as much open space and landscaping as possible, the optimal location for the modular building is to the left of the existing church. In order to meet current setbacks and retain the proposed size of the modular building needed for the use, the building clearance must be at the proposed 13'-6".

2. The granting of 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. **(Finding Met)**

The proposed Variance will allow the subject property to demolish their existing modular building and replace it with a new modular that will be built to current standards and be ADA compliant. The distance between the two buildings will not be injurious to the property or the existing neighborhood. These improvements will also not affect the public welfare or impact the Fairwood Elementary School which is located one property to the west.

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. **(Finding Met)**

Granting the Variance will not constitute a special privilege, but rather will allow the applicant the ability to use their property in a way that is beneficial

to the use and surrounding neighborhood. The parking area will be increased in size and brought up to code along with the proposed modular building.

ALTERNATIVES:

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

RECOMMENDATION

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

Reviewed by:

Gerri Caruso
Principal Planner

Prepared By: Elise Lieberman, Assistant Planner

Attachments:

- A. Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Project Description Letter
- D. Trash Enclosure Example Pictures

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
July 24, 2013**

Planning Application 2012-7136

1251 Sandia Avenue

A Use Permit and Variance is required for the distance between the main building and the proposed modular building.

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 OF APPROVAL 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 to 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)

PS: THE FOLLOWING SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.

PS-1. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded

document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-5. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:

- a) Match the design, materials and color of the main building.
- b) Be of masonry construction. [COA] [PLANNING]

BP-6. RECYCLING AND SOLID WASTE ENCLOSURE LOCATION:

The recycling and solid waste enclosure should be located along the back of the parking area so the doors would open towards Sandia Avenue. [COA] [PLANNING]

BP-7. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-8. EXHAUST AND OPENINGS:

No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is to the rear of the proposed building, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Planning Director. [COA] [PLANNING]

BP-9. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree

protection plan from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:

- a) An inventory shall be taken of all existing trees on the plan.
- b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]

BP-10. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drains stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii) Dumpster drips from covered trash and food compactor enclosures.

- iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
- iv) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to onsite vegetated areas is not a feasible option.
- v) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

PF: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

- PF-1. PARKING LOT STRIPING:
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING/ENGINEERING]

DC: THE FOLLOWING SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

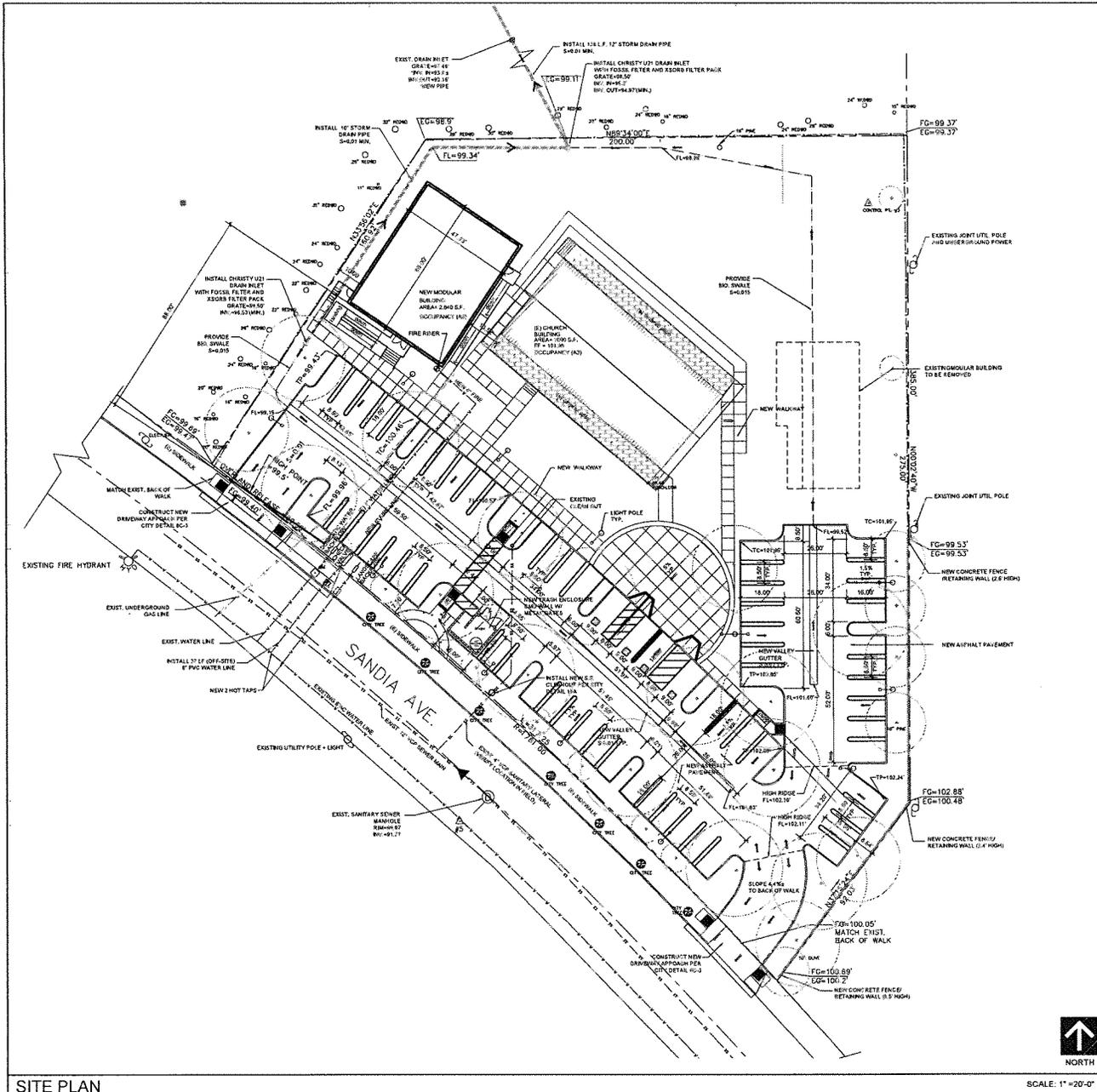
- DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]

- DC-2. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

- AT-1. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

- AT-2. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-3. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-4. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-5. USE LIMITATIONS:
The use is limited to conducting one service or assembly of persons at any one time on the site. [COA] [PLANNING]
- AT-6. USE RESTRICTION:
The multi-purpose/open assembly area is not intended to be used for assembly uses concurrent with activities in the sanctuary. [COA] [PLANNING]

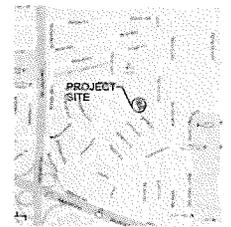


SITE PLAN

PROJECT DATA

A.P.N.	104-18-082
ZONING:	P-F RESIDENTIAL
PROPOSED USE:	MULTI PURPOSE BUILDING
OCCUPANCY:	A3
TYPE OF CONSTRUCTION:	V-S (NON-SPRINKLERED)
SITE AREA:	67,518 S.F.
BUILDING :	
EXISTING CHURCH BUILDING	3,500 S.F.
EXISTING PATIO AT CHURCH BUILDING	1,350 S.F.
OCCUPANCY:	A3
TYPE OF CONSTRUCTION:	V-B (NON-SPRINKLERED)
OCCUPANT LOAD:	
NUMBER OF FIXED SEATS	163 OCCUPANTS
PULPIT, KITCHEN & RESTROOM	2 OCCUPANTS
TOTAL	165 OCCUPANTS
PROPOSED NEW MODULAR BUILDING AREA:	
OCCUPANCY:	A2
TYPE OF CONSTRUCTION:	V-A (SPRINKLERED)
MULTI-PURPOSE BUILDING	2,840 S.F.
- TOTAL OPEN AREA	= 1,326 S.F.
- CLASSROOMS OFFICES,	
BREAKROOM & RESTROOM AREA	= 1,514 S.F.
PARKING:	
REQUIRED PARKING :	
62 SPACES	
PROVIDED PARKING	
60 REGULAR SPACES	64 SPACES
4 ACCESSIBLE SPACES	
EXISTING PARKING PAVEMENT AREA	17,180 S.F.
NEW PARKING PAVEMENT AREA	23,570 S.F.
EXISTING CONCRETE WALK WAY AREA	2,077 S.F.
REMOVED EXISTING CONCRETE WALK WAY AREA	1,194 S.F.
REMAINING OF EXISTING CONCRETE WALK WAY AREA	883 S.F.
PROPOSED NEW CONCRETE WALK WAY AREA	5,152 S.F.
TOTAL WALK WAY AREA	6,035 S.F.
LOT COVERAGE	7,890 S.F.
7,890/67,518 = 11 %	
FLOOR AREA RATIO	
6,340/67,518 = 9 %	
EXISTING LANDSCAPE AREA	41,437 S.F.
NEW LANDSCAPE AREA	30,223 S.F.
EXISTING CHURCH HEIGHT UP TO THE RIDGE	20'-4"
PROPOSED MODULAR BUILDING HEIGHT	15'-6"

SCOPE OF WORK:
 DEMOLISH AND REMOVE EXISTING MODULAR BUILDING.
 CONSTRUCT NEW MODULAR BUILDING WITH MULTI PURPOSE ROOM TO BE USED FOR DINING AND ASSEMBLY. BUILDING CONSISTS OF LARGE OPEN SPACE WITH RESTROOM, CLASSROOM, OFFICES AND KITCHEN.
 UPGRADE EXISTING PARKING AND PROVIDE NEW PARKING AREA WITH WALKWAYS, LANDSCAPING AND PARKING LIGHTING WITH NEW UNDERGROUND UTILITIES.



VICINITY MAP



615 13th Street • Modesto, CA 95354
 Phone: 209-551-0842 • Fax: 209-575-6871

ARCHITECT

CONSULTANT

THE STATEMENT OF WORK, PERMITS, ORDINANCES AND OTHER REGULATORY REQUIREMENTS SHALL BE REVIEWED BY THE CLIENT AND THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ORDINANCES FROM THE CITY OF SUNNYVALE AND THE COUNTY OF ALAMEDA. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ORDINANCES FROM THE CITY OF SUNNYVALE AND THE COUNTY OF ALAMEDA. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND ORDINANCES FROM THE CITY OF SUNNYVALE AND THE COUNTY OF ALAMEDA.

PROJECT ADDRESS

VALLEY FAITH UNITED METHODIST CHURCH

NEW MODULAR BUILDING

1251 SANDIA AVENUE
 SUNNYVALE, CA 94089

CLIENT: VFUMC

1251 SANDIA AVENUE
 SUNNYVALE, CA 94089

DATE: APRIL 4, 2013
 DRAWN: EFD
 FILE: 102-11A1/FLOOR PLAN
 PROJECT NO: 102-11
 PERMIT NO:
 REVISIONS:

DESCRIPTION: SITE PLAN

SHEET

A-1 of 4

ATTACHMENT B



SCALE: 1"=20'-0"



NORTH

Project Description

Valley Faith United Methodist Church
1251 Sandia Avenue
New Modular Building

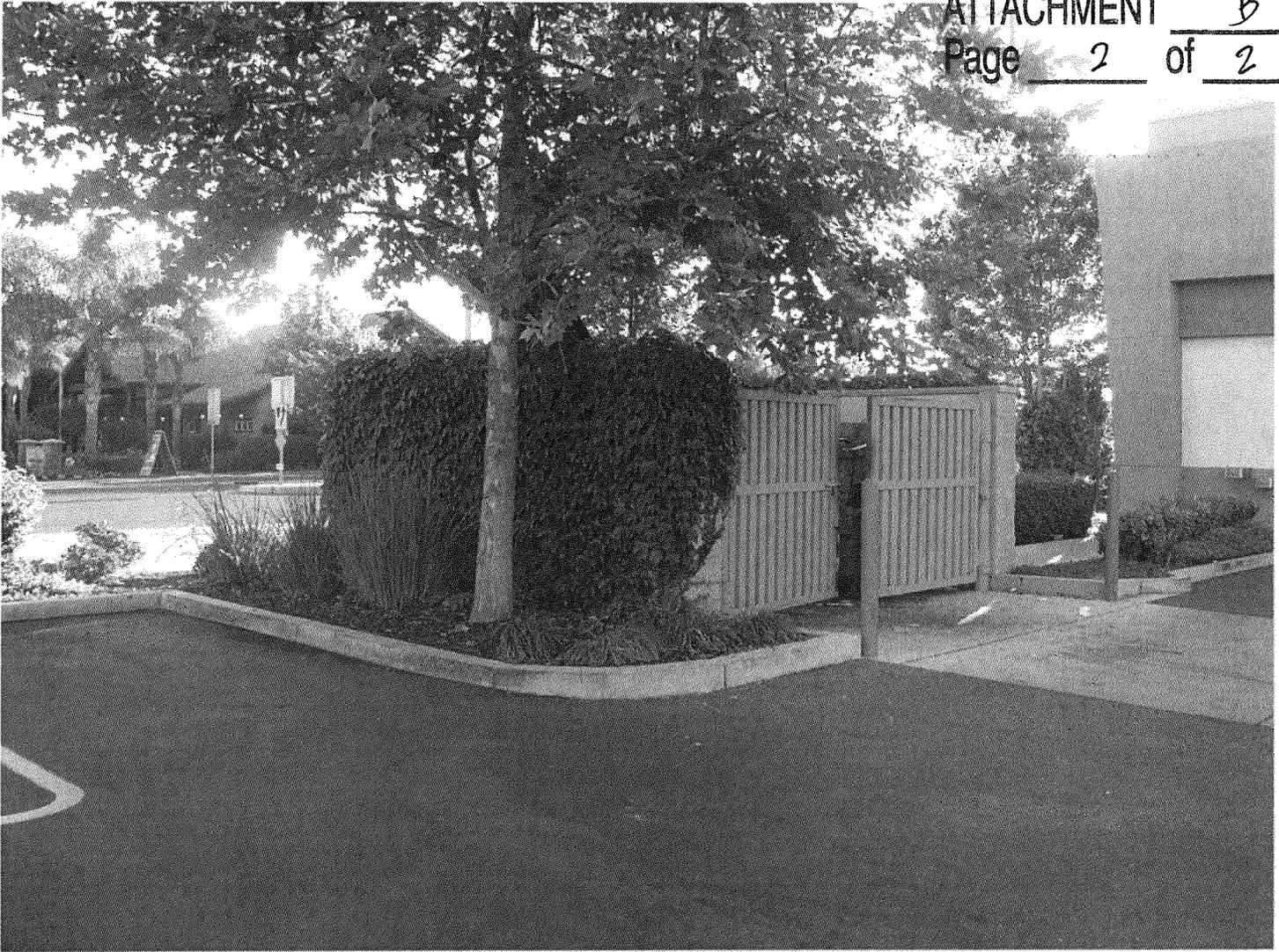
The applicant valley faith United Methodist Church has existing church facility of an approximately 6,700 square feet on 1.6 acre site. There are (2) building on site. Existing modular building which is used for office and meeting is not in good shape and applicant will demolish and remove form the site. Church building is used for worship activities and as multi-purpose room. Due to the sacred nature of the sanctuary, applicant would like to separate the multi-purpose activities such as meeting, dining, and classes from the sanctuary space. Applicant is proposing to new modular building of an approximately 2,835 square feet to be used as multi-purpose room. Building will have offices, classrooms, restroom and open space for assembly. There will be one service or assembly of persons at any one time on the site. The multi-purpose room is not intended to be used for assembly uses concurrent with the activities in the sanctuary. Worship services will be Saturday and Sunday with miscellaneous evening and holiday services and special events as needed. Social activities will be weekdays 7-10 pm and include early morning or daytime meetings.

Exiting parking lot will upgraded to meet new standards with new parking area added to the east site of the property. There will be new walkways, landscaping and parking lights.

DSC03583.JPG



DSC03584.JPG



DSC03581.JPG