SUBJECT: **New Hope International Church**: Application for a 2.3 acre site located at **539 E. Weddell Drive** (near Morse Ave) in an M-S/POA Industrial & Service / Place of Assembly Zoning District (APN: 110-14-158)

Motion 2010-7806 - Use Permit to allow the continuation of a religious facility for permanent use.

REPORT IN BRIEF:

**Existing Site Conditions**

**Church**

**Surrounding Land Uses**

- **North**: An industrial building with industrial and retail uses (Fair Oaks Industrial Park) across Hetch-Hetchy
- **South**: Apartments and Mobile Home Park across Highway 101
- **East**: R & D multi-tenant industrial building
- **West**: Church (Korean Catholic Mission)

**Issues**

Compatibility of Use

**Environmental Status**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**

Approve with Conditions
PROJECT DATA TABLE

<table>
<thead>
<tr>
<th></th>
<th>EXISTING</th>
<th>PROPOSED</th>
<th>REQUIRED/PERMITTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan</td>
<td>Industrial</td>
<td>Same</td>
<td>Industrial</td>
</tr>
<tr>
<td>Zoning District</td>
<td>M-S/POA</td>
<td>Same</td>
<td>M-S/POA</td>
</tr>
<tr>
<td>Lot Size (s.f.)</td>
<td>59,677 (.73 ac.)</td>
<td>Same</td>
<td>22,500 min.</td>
</tr>
<tr>
<td>Gross Floor Area (s.f.)</td>
<td>19,402</td>
<td>Same</td>
<td>34,913 max.</td>
</tr>
<tr>
<td>Lot Coverage (%)</td>
<td>32.5%</td>
<td>Same</td>
<td>45% max.</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>32.5%</td>
<td>Same</td>
<td>35% max.</td>
</tr>
<tr>
<td>No. of Buildings On-Site</td>
<td>1</td>
<td>Same</td>
<td>---</td>
</tr>
<tr>
<td>Building Height (ft.)</td>
<td>23</td>
<td>Same</td>
<td>75 max.</td>
</tr>
<tr>
<td>No. of Stories</td>
<td>1</td>
<td>Same</td>
<td>8 max.</td>
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</tbody>
</table>

BACKGROUND:

The site is located within the M-S/POA (Industrial and Service/Place of Assembly) Zoning District which allows for such religious facilities with approval of a Use Permit. The original Use Permit approvals (2005-0803 and 2005-0804) were established prior to rezoning of the subject properties (521 and 539 E. Weddell Avenue) to M-S/POA. The church has been in operation at this location since 2007. A three-year time limit from date of occupancy (or four years from the date of Planning approval, whichever is less) was placed on each site per the Conditions of Approval.

During the initial construction improvements to the site at 521 E. Weddell Avenue, the New Hope International Church occupied the subject site at 539 E. Weddell Dr. Upon completion, the church moved to the 521 site and leased this property (539) to other religious facilities. Conditions of Approval allowed for phased improvements to the site as well as a parking management plan to ensure parking capacity has not been exceeded at any particular time.

Previous Actions on the Site

The following table summarizes previous planning application related to the project site.

<table>
<thead>
<tr>
<th>File Number</th>
<th>Brief Description</th>
<th>Hearing/Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-0803 and 0804</td>
<td>Religious Place of Assembly (Church)</td>
<td>City Council / Approved</td>
<td>1/24/2006</td>
</tr>
</tbody>
</table>
The above noted permit modifications (2007-0007 and 2009-0399) relate to changes to the hours of operation, parking and floor plan of the facility.

**Neighborhood Preservation Actions**
Only minor enforcement actions regarding graffiti and temporary signs have occurred at the two sites since 2007.

**DISCUSSION:**

- **Use Permit**

The proposed application is for a Use Permit to consider permanent use of the site as a religious place of assembly, (New Hope International Church, formerly known as the Southbay Christian Church). A concurrent Use Permit application (2010-7807) has been filed for use of the nearby property at 521 E. Weddell Avenue). The church is currently leasing the building on this site (539 E. Weddell) to another church. The current church at this site is open most days of the week with Sunday services from 9 a.m. to 1 p.m. and a Bible study on Wednesday evenings from 7 p.m to 9 p.m. There are three full-time staff members on-site, Monday through Friday, between 8am and 5pm. The approved hours of operation, per the original Use Permit, allow the site to be utilized between 8:00 a.m. and 10 p.m.

**ANALYSIS:**

**Development Standards**

The proposed project complies with the applicable Development Standards as set forth in the Sunnyvale Municipal Code. The following items have been identified as items for clarification for the Planning Commission:

- **Site Layout**

  The existing layout of the 539 E. Weddell property consists of a building centrally located on a corner lot. Parking is located on three sides of the building. Landscaping is located adjacent to the building along E. Weddell
Avenue and perimeter of the property. Upon approval of the original Use Permit, certain upgrades to the site and landscaping took place prior to occupancy. The site is currently well maintained and no further upgrades are recommended at this time.

Minor interior tenant improvements are planned for the existing building. The floor plans of each building indicate nursery areas (See site and architectural plans in Attachment C). Per Condition of Approval GC-5E, such nursery areas shall be ancillary to the religious facility and only be used concurrently with other services. The site is located in an Industrial Zoning District, where day care uses are prohibited but can be allowed as a secondary use to the site.

- **Parking/Circulation**

  The facility has maintained a Transportation and Parking Management Plan from the original permit which placed several limitations on the uses of each site. Based on the traffic and parking analysis that was considered at the time, a specific parking rate was established for each site. Limitations had been placed on what uses on each site could occur at any given time. Additionally, fixed seating in the areas of assembly, hours of operation, and a maximum number of people were regulated for each site.

  Modifications to the permit in 2009 related to the seating area of the sanctuary (reduction from 500 to 383) in the building at 521 E Weddell. The change eliminated the need for shared parking with the 539 E. Weddell site during peak usage (Sunday Mornings) of the 521 E. Weddell site. The shared parking agreement also had enabled the subject property to utilize parking at 521 E. Weddell during Sunday afternoons between 1p.m. and 6p.m. As part of the request for this application, shared parking is no longer necessary between each property. Based on the approved parking rate, no more than 200 people can occupy the 539 E. Weddell site at any give time per Condition of Approval GC-5A.

- **Landscaping and Tree Preservation**

  There are no plans to modify the landscaping on-site. General maintenance of the site landscaping is required per the original Conditions of Approval.
**Place of Assembly (POA)**

The current religious facility was approved prior to Sunnyvale Municipal Code (SMC) requirements for Places of Assembly in M-S/POA Zoning Districts. 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. Per the Municipal Code (SMC 19.98.020(h)), as a Place of Assembly use, the fitness studio triggers three requirements:

- For a multi-tenant building, an Agreement between the property owner and the City to the limitation of hazardous material users on the same site *(proposed use is the sole tenant; therefore, this condition does not apply at this time)*;

- A letter from the applicant/proposed tenant acknowledging that locating in an industrial area may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas (per C.O.A. GC-5C); and

- Applicant shall adopt and 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; the plans shall be prepared by a certified safety professional (per C.O.A. GC-5D).

**Environmental Review**

A Categorical Exemption Class 1 (existing facilities) relieves this project from CEQA provisions. A Negative Declaration had been prepared with the approval of the use in conjunction with Use Permits 2005-0803 and 2005-0804. An initial study determined that the proposed project would not create any significant environmental impacts.

Currently there are no uses within the area that operate with significant hazardous materials that would conflict with the proposed use. The proposed use could affect the use of hazardous materials by future potential businesses that are permitted as a matter of right in this zoning district. The City’s Hazardous Materials Coordinator has reviewed the renewal request and has determined that conditions have not changed that would further pose a risk to the subject site.
FISCAL IMPACT
No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT
Staff has not received any written comments regarding the project.

<table>
<thead>
<tr>
<th>Notice of Public Hearing</th>
<th>Staff Report</th>
<th>Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Published in the <em>Sun</em> newspaper</td>
<td>• Posted on the City of Sunnyvale’s Website</td>
<td>• Posted on the City’s official notice bulletin board</td>
</tr>
<tr>
<td>• Posted on the site</td>
<td>• Provided at the Reference Section of the City of Sunnyvale’s Public Library</td>
<td>• City of Sunnyvale’s Website</td>
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<tr>
<td>• 339 notices mailed to the property owners and tenants within 1,000 ft. of the project site</td>
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CONCLUSION

Discussion: The proposed permanent use of the site as a religious facility is compatible to the Zoning District and surrounding uses. Staff has not received complaints or concerns from the surrounding neighborhood regarding the operation of the facility. Parking and operational issues are restricted through Conditions of Approval.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Recommended 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

Alternative 1 - Approve the Use Permit with attached conditions.

Prepared by:

Ryan M. Kuchenig
Project Planner

Reviewed by:

Steve Lynch
Senior Planner

Approved by:

Trudi Ryan
Planning Officer

Attachments:

A. Recommended Findings
B. Recommended Conditions of Approval
C. Site and Architectural Plans
D. Letter from the Applicant
RECOMMENDED FINDINGS

Use Permit

Goals and Policies that relate to this project are:

**Land Use and Transportation Element.**

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.*

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

   The project is appropriately located within the M-S/POA Zoning District. The facility has operated for the past three to four years at the site without issues of compatibility or parking overflow. Conditions of Approval limit uses on-site as well as expansion without further review. As stated with the original approval, operation of the facility could limit nearby industrial operations; however the area is in transition with additional assembly and residential uses located nearby by.

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. *(Finding Met)*

   The proposed use has demonstrated over the past three to four years that the development and activities of the surrounding area have not been impaired. Previous changes to the floor plan have reduced parking demand and Conditions of Approval have limited possible impacts of the use to surrounding properties.
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 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 2005-0804 and those amended by 2007-0007 and 2009-0399 [PLANNING] [COA]

GC-5 PLACES OF ASSEMBLY:
The following Conditions of Approval shall apply:
A. No more than 200 people may occupy the site at any given time.
B. Hours of operation are limited to 8:00 a.m. to 10:00 p.m. Monday through Sunday with large assembly uses restricted to 5:00 p.m. to 10:00 p.m., Monday through Saturday and 8:00 a.m. to 10:00 p.m. on Sunday.
C. A letter from the applicant/proposed tenant shall be provided acknowledging that locating in an industrial area may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.
D. The applicant shall adopt and 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; the plans shall be prepared by a certified safety professional.
E. The nursery areas shall be ancillary to the religious facility and only be used concurrently with other services.

AT: THE FOLLOWING CONDITIONS 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. PARKING MANAGEMENT:
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

AT-6. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:

a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.

b) Maintain all parking lot striping and marking.

c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.

d) Require signs to direct vehicles to additional parking spaces on-site, as needed.

e) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]
Pendley & Associates, Inc.

5 November 2010

Gerri Carusso
Sunnyvale Planning Dept
456 W. Olive Ave.
Sunnyvale, CA, 94088
(408) 730-7435

Re. New Hope International Church conditional use permit
539 E. Weddell Dr, Sunnyvale, CA, 94089
APN = 110-14-158 (Santa Clara County)
Previous use permit #2005-0804

Dear Gerri:

Please find the enclosed use permit application for continuation of the 539 E. Weddell Drive property as a place of assembly. Approval of this use permit will enable the New Hope International Church to make a significant contribution to community life in Sunnyvale. Moreover, approval of this use permit will provide significant community-oriented facilities for the rapidly emerging Fairoaks residential district which is located north and west of the property and which there are very limited number of this type of facilities. The application is consistent with recently approved places of assembly use permits in that it is located adjacent to a residential neighborhood and at the periphery of an industrial district. It should be noted that the neighboring property at 531 E. Weddell Drive has had a use permit for a place of assembly for a long time. Approval of this use permit will, in fact, bring the 539 E. Weddell Drive property in conformance with the adjacent land uses.

The church was founded in Sunnyvale in 1921 under the name of Southbay Christian Center, but changed their name to New Hope International Church when they relocated to this campus. At present they are leasing this building to another church. The church draws people from the community area for Sunday services from 9 am to 1 pm. There is a bible study Wednesdays 7-9 pm. There are three full-time staff members with office hours 8 am – 5 pm Monday through Friday. There will also be random special events, such as potlucks, concerts and weddings.

The existing site is located north of the 101 Freeway between 237 Freeway and Lawrence Expressway. It is a developed 1.37-acre and is zoned MS-POA (place of assembly). The land is bordered to the north by residential uses and to the east and west by industrial uses. The existing 19,402 square feet (SF) building was occupied by the church. The property is served by existing public utilities and the building is improved with fire sprinklers.

9008 SIEGEL STREET • VALLEY SPRINGS, CA 95252 • (209) 786-3700
E-Mail – brian@pendleyinc.com • WEB: pendleyinc.com
We are requesting a permanent use permit for this existing church. There are 72 existing paved on-site parking spaces. There is an existing trash enclosure onsite. The 539 meeting rooms will be available for small start-up churches when the church is not using the buildings. We realize the meeting rooms have the potential to hold more people than there is parking for them and thus request the use permit limit the occupant load to that allowed by the provided parking. The church would like to remove the previous offsite parking agreement with the 521 site.

New Hope International Church has a critical need for this physical space to accommodate its church and outreach mission. It is this critical need that has prompted the church leadership to purchase the new property on Weddell Drive in 2005. From a financial perspective this existing facility allows New Hope International Church an extremely cost effective ability to meet their current and future church needs. All of this has been budgeted, and works well financially for the church, provided the city approves a permanent use permit.

By providing this new campus, New Hope International Church believes it provides high community value as well as positively affecting the world from the south bay area. New Hope International Church believes this to be a biblical mandate as found in Matthew 28: 19-20 which states: “Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age.”

In addition to this Biblical mandate and the positive impact on people, the aesthetic physical improvement of this property will be significant, enhancing the local area.

The New Hope International Church at 521 E. Weddell is an associated project. This project is consistent with the general plan and zoning. There is no significant impact on the environment; including traffic, noise, light, air, water and archeology. And there is no threat to public health, safety and welfare and no hazardous materials involved. The church has been serving the needs of the community for years. And now want to continue this in their existing campus. We request a permanent conditional use permit be granted that we may continue the church ministries at this site.

Please call for any clarifications.

Sincerely,

Brian A. Pendley
Architect