



**REPORT TO PLANNING COMMISSION**

**Hearing Date:** January 10, 2011  
**File Number:** 2010-7807

**SUBJECT:** **New Hope International Church**: Application for a 2.3 acre site located at **521 E. Weddell Drive** (near Morse Ave) in M-S/POA Industrial & Service / Place of Assembly Zoning District (APN: 110-14-196):

Motion **2010-7807** - Use Permit to allow the continuation of a religious facility for permanent use.

**REPORT IN BRIEF:**

**Existing Site Conditions** Church (New Hope International Church)

**Surrounding Land Uses**

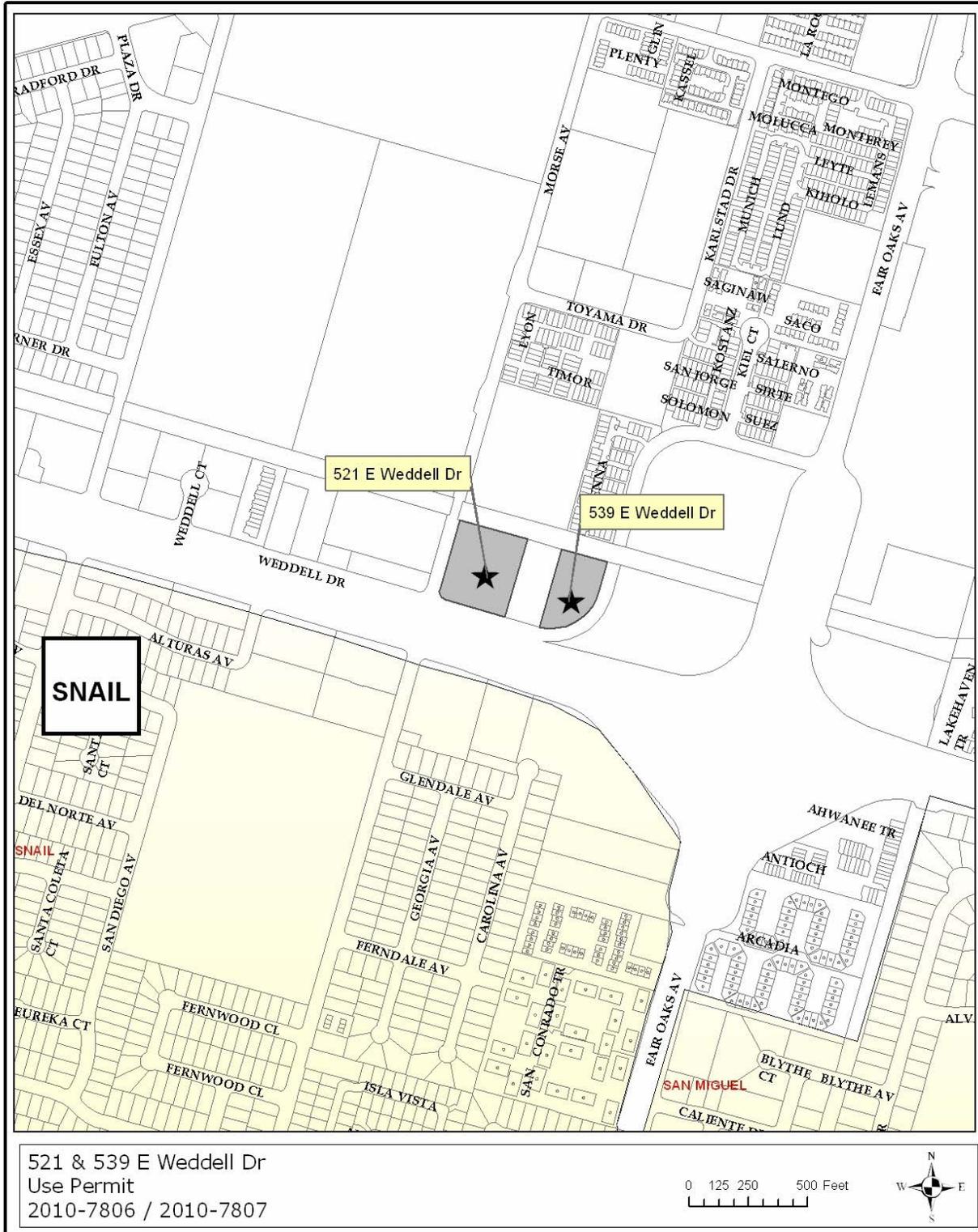
- North An industrial building with industrial and retail uses (Fair Oaks Industrial Park) across Hetch-Hetchy
- South Apartments across Highway 101
- East Church (Korean Catholic Mission)
- West Hotel (Fair Oaks Inn) and UPS

**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

VICINITY MAP



**PROJECT DATA TABLE**

|                                 | <b>EXISTING</b>      | <b>PROPOSED</b> | <b>REQUIRED/<br/>PERMITTED</b> |
|---------------------------------|----------------------|-----------------|--------------------------------|
| <b>General Plan</b>             | Industrial           | Same            | Industrial                     |
| <b>Zoning District</b>          | M-S/POA              | Same            | M-S/POA                        |
| <b>Lot Size (s.f.)</b>          | 99,752<br>(2.29 ac.) | Same            | 22,500 min.                    |
| <b>Gross Floor Area (s.f.)</b>  | 34,170               | Same            | 34,913 max.                    |
| <b>Lot Coverage (%)</b>         | 34.3%                | Same            | 45% max.                       |
| <b>Floor Area Ratio (FAR)</b>   | 34.3%                | Same            | 35% max.                       |
| <b>No. of Buildings On-Site</b> | 1                    | Same            | ---                            |
| <b>Building Height (ft.)</b>    | 25                   | Same            | 75 max.                        |
| <b>No. of Stories</b>           | 1                    | Same            | 8 max.                         |

**BACKGROUND:**

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The site is located within the M-S/POA (Industrial & Service/Place of Assembly) Zoning District which allows for religious facilities with approval of a Use Permit. The original Use Permit approvals (2005-0803 & 2005-0804) were established prior to rezoning of the properties to M-S/POA. The church has been in operation 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.

**Previous Actions on the Site**

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

| File Number      | Brief Description  | Hearing/Decision        | Date      |
|------------------|--|-------------------------|-----------|
| 2005-0803 & 0804 | Religious Place of Assembly (Church)   | City Council / Approved | 1/24/2006 |
| 2007-0007        | MPP to consider changes to the hours of operation and requirements of the transportation management plan | Staff / Approved        | 3/5/2007  |
| 2009-0399        | MPP for modifications to the floor plan (sanctuary) which affect the transportation management plan      | Staff/ Approved         | 7/20/2009 |

The above noted permit modifications (2007-0007 & 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:**

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• **Use Permit**

The proposed application from New Hope International Church (formerly known as the Southbay Christian Church) is for a Use Permit to consider permanent use of the site as a religious place of assembly. A concurrent Use Permit application (2010-7806) has been filed for use of the nearby property at 539 E. Weddell Avenue. The church is open most days of the week with Sunday services from 9am to 1pm and a bible study on Wednesday evenings from 7pm to 9pm. Seven full-time staff members are on-site Monday through Friday, between 9am and 5pm. The approved hours of operation, per the original Use Permit, allow the site to be utilized between 8:00am and 10pm. The applicant also notes that random special events, potlucks, concerts and weddings take place at the site. Approximately 165 members attend the church during the peak time (Sunday mornings).

**ANALYSIS:**

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**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 521 W. Weddell site consists of a building off-set closer to the frontage along Morse Avenue. Parking is located on three sides of the building. Landscaping is located adjacent to the building along Morse Avenue and throughout the parking areas. Upon approval of the original Use Permit, certain upgrades to the site and landscaping took place prior to occupancy per the original Conditions of Approval. The site is currently well maintained and no further upgrades are recommended at this time.

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, reduced the amount of fixed seating from 500 to 383 in the sanctuary, thus decreasing the parking need of the facility. Condition of Approval GC-5A notes this modification that was made which limits the seating area.

- **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*);
- 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 & 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.

| <b>Notice of Public Hearing</b>   | <b>Staff Report</b>  | <b>Agenda</b>  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• Published in the <i>Sun</i> newspaper</li> <li>• Posted on the site</li> <li>• 339 notices mailed to the property owners and tenants within 1,000 ft. of the project site</li> </ul> | <ul style="list-style-type: none"> <li>• Posted on the City of Sunnyvale's Website</li> <li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li> </ul> | <ul style="list-style-type: none"> <li>• Posted on the City's official notice bulletin board</li> <li>• City of Sunnyvale's Website</li> </ul> |

**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**

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

**RECOMMENDATION**

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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

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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. The existing parking management plan has been effective and conditions of ensure that capacity is not exceeded.

# ATTACHMENT B

## RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS JANUARY 10, 2011

### Planning Application 2010-7807 521 E. Weddell Avenue

Use Permit to allow the continuation of a  
religious facility (**per 2005-0803**) for permanent use

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:

|  |
|--|
| <b>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</b> |
|--|

- 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 **2005-0803 and those amended by 2007-0007 and 2009-0399** [PLANNING] [COA]

GC-5. PLACES OF ASSEMBLY:

The following Conditions of Approval shall apply:

- A. The seating in the Sanctuary shall be fixed such that the seats are not movable. The fixed seats shall assure use for a total of 383 people, including the seating needs of both the congregations as well as the officiates and staff supporting the worship activities in the Sanctuary.
- 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:

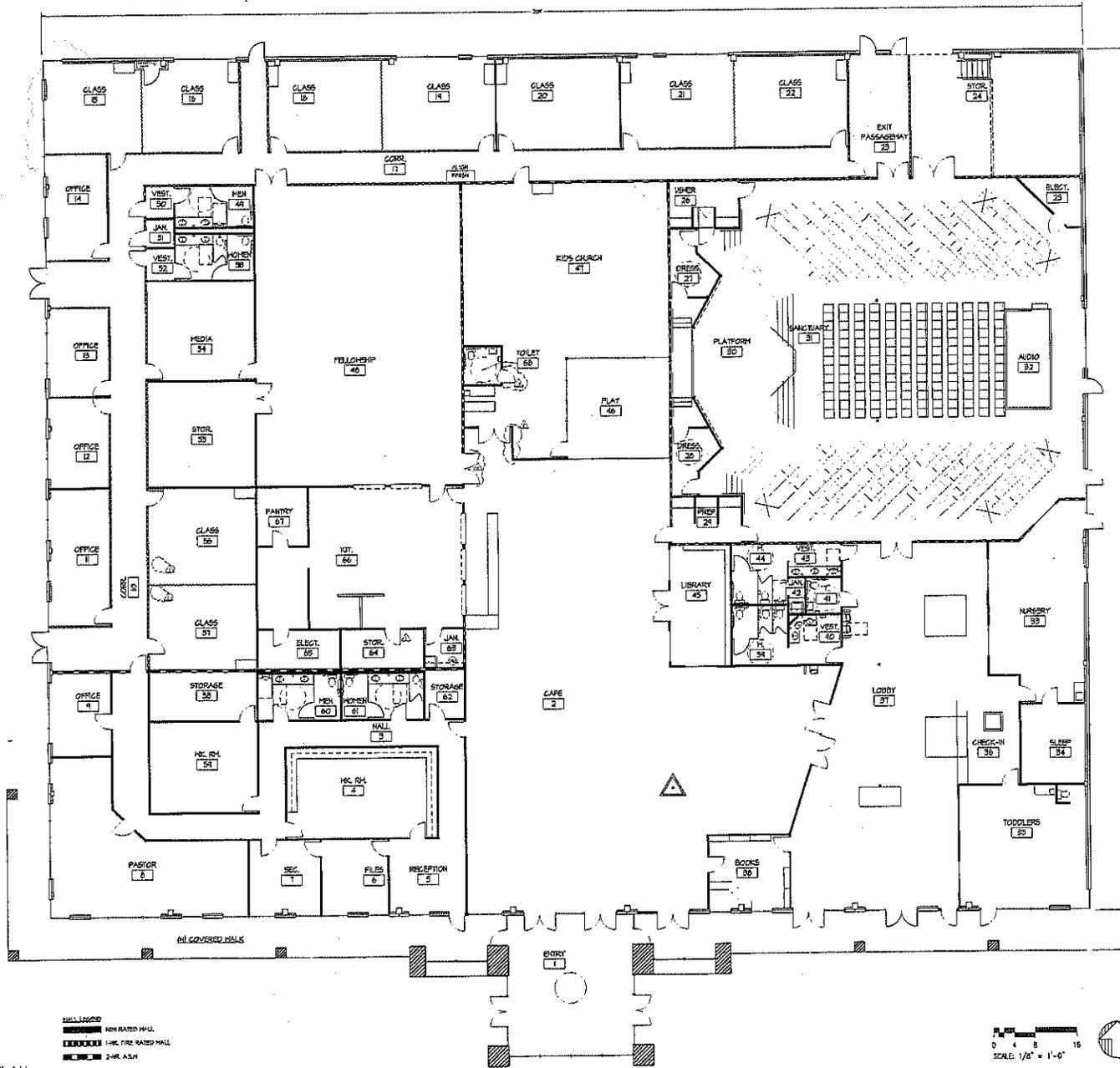
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]

AT-6. PARKING LOT MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

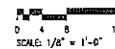
- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for 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]





FLOOR PLAN

- WALL / GLASS
- ▨ NON RATED HALL
- ▤ 1-HR. FIRE RATED HALL
- ▥ 2-HR. A.S.H.
- ▧ FLOOR



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FLOOR PLAN

DEDICATED CAMPUS FOR  
 NEW HOPE INTERNATIONAL CHURCH  
 521 WENDELL BL., SUNNYSVILLE, CA 94088

SCALE 1/8" = 1'-0"  
 DATE 07-25-08  
 JOB NO. 05011

PROJECT  
**A2**

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| DATE | BY | CHK | REVISED |
|      |    |     |         |
|      |    |     |         |
|      |    |     |         |



**AERIE, Inc.**  
 A DESIGN/BUILD GROUP  
 125 S. GARDEN ST. #100  
 LOS ANGELES - ROCKY HILLS  
 200/770-5071 FAX 200/770-2885  
 E-MAIL: info@aeriedesign.com

**PENDLEY & ASSOCIATES, INC.**  
 ARCHITECTS  
 3900 JESSIE ST. SUITE 200  
 VALLEJO, CALIFORNIA 94592  
 PHONE (707) 784-3300 FAX (707) 784-3328  
 E-MAIL: info@pendley.com WEB: www.pendley.com

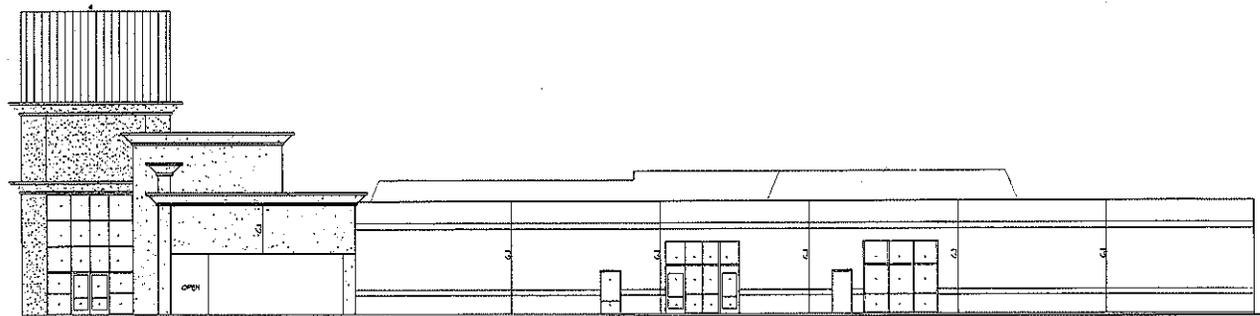
SEAL OF ARCHITECT  
 STATE OF CALIFORNIA  
 No. 10000  
 EXPIRES 12/31/10

SEAL OF ARCHITECT  
 STATE OF CALIFORNIA  
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 EXPIRES 12/31/10

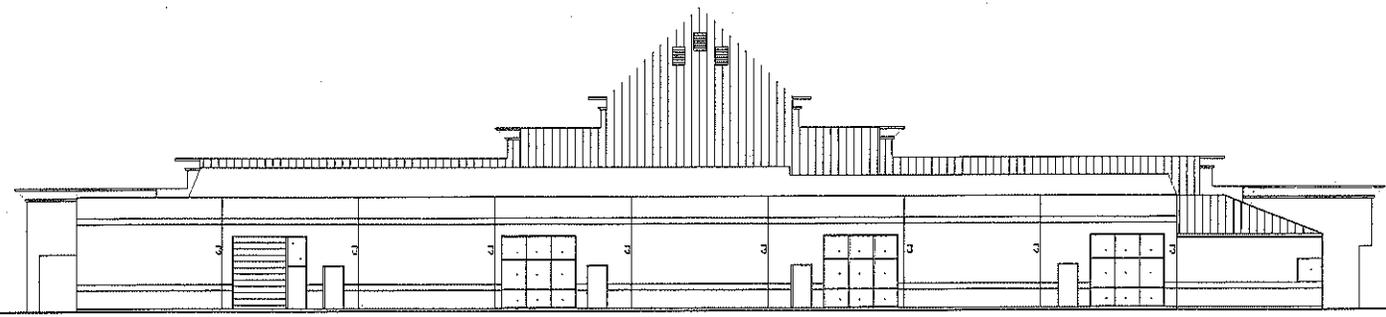
| FINISH                | MFR      | STYLE             | COLOR             |
|-----------------------|----------|-------------------|-------------------|
| 1. VINYL METAL ROOF   | GARGO    | KLIP-RIB          | COOL COLONIAL RED |
| 2. PARAPET BACK PANEL | GARGO    | RM                | KYMAR SANDSTONE   |
| 3. GINGE TILT-UP      | TEKOTE   | TEKOTE            | MATCH PLASTER     |
| 4. EXTERIOR PLASTER   | VALLEY   | KRICK DOWN        | CHENILLE          |
| 5. ACCENT PLASTER     | VALLEY   | KRICK DOWN        | GYMNEAL           |
| 6. TOWER PLASTER      | VALLEY   | KRICK DOWN        | SANDLEWOOD        |
| 7. PARAPET TRIM       | DAYTAM   | PLASTER COATED    | MATCH ROOF        |
| 8. PARAPET FLASH-CAP  | GARGO    | 6.5" F            | COOL COLONIAL RED |
| 9. STOREFRONT         | BY ALUM  | SPRINKLE ANODIZED | SOLAR GRAY GLASS  |
| 10. H/L DOORS         | CECO     | HOLLOW METAL      | MATCH WALLS       |
| 11. H/L DOOR FRAMES   | CECO     | KRICK DOWN        | MATCH WALLS       |
| 12. ROLL-UP DOORS     | OVERHEAD | 600-GAN           | MATCH WALLS       |
| 13. H/L ROOF          | NA       | NA                | EXIST. TO REMAIN  |
| 14. MECH SCREEN       | NA       | MET PANELS        | EXIST. WHITE      |

SUBSTITUTION PENDING APPROVAL - MATCH EXISTING FINISHES & COLORS.

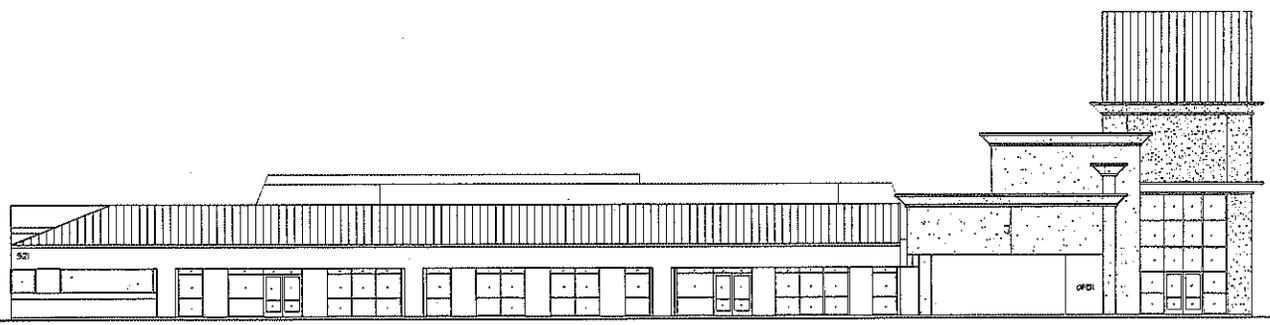
EAST



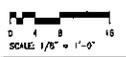
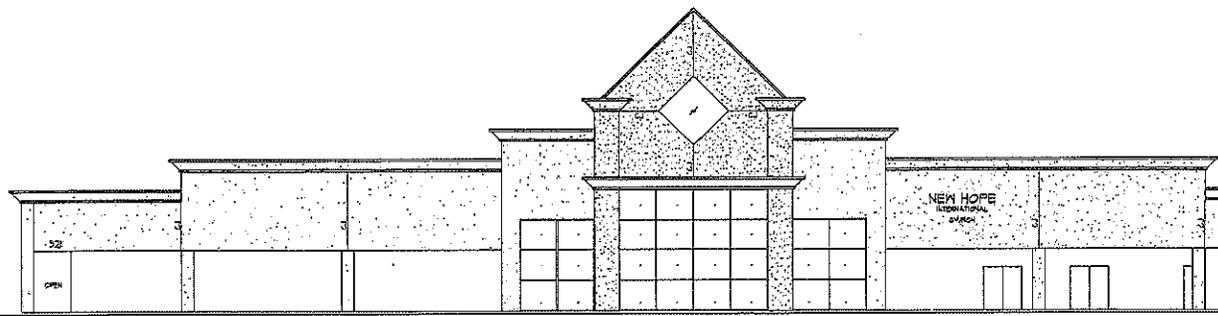
NORTH



WEST

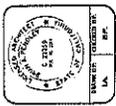


SOUTH



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| DATE | BY | REV | REVISION |
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**AERIE, Inc.**  
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 2808 SIDER • VALLEY SPRINGS • CALIFORNIA • 95252  
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 WWW.PENDLEYANDASSOCIATES.COM

**EXTERIOR ELEVATIONS**  
 RELOCATED CAMPUS FOR  
 NEW HOPE INTERNATIONAL CHURCH  
 521 REDBELL BL., SHERBORN, MA 01903

SCALE 1/8" = 1'-0"  
 DATE 07-25-06  
 JOB NO. 05041-B

REV. **A3**  
 PART A/E/E 11-2-10

ATTACHMENT



# 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  
521 E. Weddell Dr, Sunnyvale, CA, 94089  
APN = 110-14-196 (Santa Clara County)  
Previous use permit #2005-0803

Dear Gerri:

Please find the enclosed use permit application for continuation of the 521 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 Fair Oaks 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 521 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 in 2007. At present they have about 165 people attending on Sunday mornings and plan to grow to 400 within a few years. 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 seven full-time staff members with office hours 9 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 2.29-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 34,948 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.

We are requesting a permanent use permit for this existing church. There are 135 existing paved on-site parking spaces. There is an existing trash enclosure onsite. The 521 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 539 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 539 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