

PLANNING COMMISSION MINUTES OF JANUARY 28, 2008

2007-1290 – Trinity Church of Sunnyvale [Applicant/Owners]: Application for a Use Permit to consider architectural modifications of two existing buildings for a religious facility. The property is located at **477 North Mathilda Avenue** (near W. Maude Ave.) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District. (APN: 165-28-022) RK;

Gerri Caruso, Principal Planner, presented the staff report. She noted the history of this permit application and that the architectural modifications are the focus this evening. She noted that it includes a proposed tower, the different elevations, and modifications to the color scheme. She further noted the modified gable and the changes to the north and west facade. She stated that this contemporary design is desired by the applicant to attract new populations to the community. She noted that staff is recommending approval of the Use Permit.

Tom Green, Chairman of the Board, Trinity Church thanked the Commission and City staff for seeing this proposal tonight. He noted a he would like to elaborate in response to the feedback they have been receiving.

Jim Vander Molen, architect, showed a presentation of their proposal including before and after design schemes of the church. He noted that he has developed an expertise in architecture for the emerging church movement which focuses on church design for the post Baby Boomer generation. He noted that this movement is in response to the decline in church attendance of 18 to 25 year olds. Trinity Church is designing this church to address this decline.

Mr. Vander Molen noted the location of the two major church buildings, one will be for recreation and the other as the main worship space, in which a courtyard joins them together. He noted that the landscaping has been enhanced from the last plans with grass, trees, and a sidewalk in response to comments from the last meeting and study session.

Mr. Vander Molen noted the other various aspects of color and design to fit Downtown Sunnyvale as this location would be a gateway. He further noted that they have studied the traditional churches around the area and reflected the Spanish-Style Missions. He noted other newly proposed changes and the newly proposed sand-adobe color. He noted the pitched roof over the main entrance to deepen the front gable.

Vice Chair Rowe asked what color and design changes have been made to the recreation area including the kid's café. Mr. Vander Molen responded that the purple shade on the plans depicts the new design.

Comm. Hungerford noted that one of the COA's (Conditions of Approval) include the projections and improvements. He asked the applicants what they plan to do with the north and west of the building site.

Mr. Vander Molen responded that the north is the same as the south, and that the west was to highlight more detail through added colors.

Comm. Hungerford asked the applicant about the use of banners. Mr. Vander Molen responded that a series of twelve-foot poles along the buildings frontage are planned to display holiday and seasonal banners.

Comm. Hungerford then asked if they were going to be permanent. Mr. Vander Molen responded that they would be rotated and replaced as the liturgical seasons and holidays change.

Chair Sulser inquired about the architectural design and the sides of the buildings. Mr. Vander Molen responded that the deep overhangs would have landscaped areas for recreation. He noted that the sloping roof would be eliminated and replaced with a flat roof. He noted that the existing buildings have square columns and is now designed to be angled in such a way to unify with the building. The other side of the building will be mirrored to give it uniformity.

Mr. Tom Green noted that these contemporary designs fit the purpose of their new church, which was once a traditional church for 50 years in another location. He noted that these plans were initiated in 2003. He noted that they have been planning this new church for the last five years to attract younger professionals and families. He noted that this contemporary design has features of a traditional church; however, their intent is not to re-create the existing church, but to build a church for new generations to come. He noted that this design is to provide the ministry a place where the next generation of families can enjoy and worship.

Chair Sulser closed the public hearing.

Comm. Hungerford asked staff about the banner poles.

Ms. Ryan noted COA 13A that addresses the use of signs, which will require a separate permit. She noted that City Policy allows banners if they are holiday decorations. She noted that "holidays" are not defined.

Comm. Hungerford asked if the COA is in sync with the Municipal Code. Ms. Ryan responded yes.

Comm. Babcock asked about the use of banners, as she is finding difficulty in understanding why they are not in the COA's at all. She asked why not add permanent sign structures instead of something temporary, where the banners

may vary. She noted her concern regarding the banners as a form of advertisement.

Ms. Ryan responded that her question should be for the applicant, but she stated that the banners would be able to be changed.

Comm. Babcock asked if the banners might advertise events and sales during a holiday.

Ms. Ryan reiterated the Conditions of Approval. She noted that banners have restrictions, and noted some examples of allowable uses.

Comm. Simons asked staff if they could ask the applicant these questions. He also noted possible modifications to the conditions regarding the use of signs. Ms. Ryan responded that they would have to ask their Chair to reopen the public hearing in order to ask the applicant these questions.

Comm. Simons noted that the COA says “signs”, and not banners. Ms. Ryan noted that this evening’s decision is not for the approval of any specific signs.

Chair Sulser re-opened the public hearing.

Mr. Vander Molen asked the Commission to clarify their questions about the banners.

Comm. Hungerford asked the applicant to clarify their intentions for the use of the poles and what type of banners will be displayed on these banner poles. Mr. Vander Molen responded.

Comm. Babcock asked the applicants why not have the signs be permanent as opposed to being a temporary banner sign.

Mr. Vander Molen stated the dimensions of the poles and banners. He stated: their intentions for the use of these banners; and that the reason why they are not permanent structures as opposed to temporary banners is the ease of interchanging banners. They also desire the movement of the banner with the wind and that they are a supplement to wayfinding.

Mr. Vander Molen stated his objection to the option of the temporary banners being permanent signs because they both have the same regulation as a banner sign, and that a permanent sign is more costly to interchange than a banner. He asked if permanent signs are allowed, than why they could not have banners.

Vice Chair Rowe asked staff if the number of banners could be limited. Ms. Ryan stated yes, they could be limited to a certain number by modifying the COA’s.

Mr. Vander Molen responded that the banners would be interchanged year-round. He noted that a banner pole without a banner is less appealing than a banner pole with a banner. He also responded that the banners would be changed as the liturgical seasons change.

Comm. Babcock said that the banners might be used for advertisement, in which she opposes. She asked the applicant if they would be opposed to a limit on total number of banner poles.

Mr. Vander Molen responded that Vice Chair Rowe previously stated ten poles total, and that they would agree to that number.

Chair Sulser closed the Public Hearing.

Comm. Simons moved for approving the permit with modifications to the COA's eliminating 2A. Vice Chair Rowe asked for clarification and seconded the motion.

Comm. Simons noted that the banners are signs indeed and may advertise something intruding. He noted that he would like to see a limit to the use of the banners by applying the existing Sunnyvale Municipal Code policy regarding signs in the Conditions for the banner poles.

Comm. Babcock asked Comm. Simons for clarification on his motion. Comm. Simons responded and clarified that they may be signs that could change without control of what is being displayed, hence he would like the banners to be treated as signs.

Comm. Babcock offered a *Friendly Amendment to include in the conditions that the number of banner poles be limited to ten, including both buildings*, to minimize the circus-like atmosphere. Comm. Simons said this was acceptable. *Comm. Simons said that banners would be used for seasonal, holiday, symbolic, and architectural banners without text and asked whether the banners should have text.* Comm. Babcock said they would not have text on them.

Comm. Simons asked for more detail. Comm. Babcock added that text on the banners should be limited, and the number of poles should be limited to 10.

Vice Chair Rowe noted that pictures and symbols might also give meaning, even without text. She feels that the banners are more for the architectural design, than for advertisement. She suggested twelve banner poles for both the buildings.

Ms. Ryan noted that the Commission might be getting into free speech issues.

Comm. Babcock noted that this is a form of advertisement. She noted that architectural relief could be given through other materials, but the banners as *proposed* are a form of advertisement through signage.

Ms. Berry, Senior Assistant City Attorney, stated *that a banner does not require a permit for a holiday decoration. She said that temporary exterior decorations associated with cultural religious or national holidays such as decorations are exempt from regulation.* She said a sign requires a permit so if there is any content or other type of text or any other symbol, a permit would be required.

Ms. Ryan noted that the applicant's intention is to display colored banners at this time. She noted that as a temporary sign, there are no regulations on color. She noted the slight distinction that if they are not advertising a service or a product, and if it is a holiday decoration, then the provisions of the sign code does not apply to these banners.

Comm. Simons noted that staff is granting the applicant *permanent*, unpermitted signs through these banners.

Ms. Ryan noted that the banners are not permanent, as they are being interchanged throughout the year. She noted that the reason these banners are not addressed the COA's, is because there is no sign code to allow this type of provision to banners unless they are holiday decorations. She noted that if the banners are an issue, then they should limit the permanent fixtures and not the banners.

Comm. Babcock noted that she would like to limit the number of banner poles to 10. This amendment was acceptable to the maker and the seconder of the motion.

Comm. Simons stated his confusion towards staff regarding these banners, but he stated that these banners are permanent signs that are rotated.

Comm. Babcock stated her compliments to the applicant for adding a sidewalk.

Comm. Hungerford also thanked the applicant for the detail in their presentation and site plans. He noted that the height of the banner poles should be limited. **He suggested a Friendly Amendment that the maximum height of the poles should not exceed 14 feet. The maker of the motion accepted the Friendly Amendment.**

Comm. Simons noted that he was looking for specifications on the height, but could not find it on the plans or report. Ms. Ryan stated the proposed height of the poles shown in the renderings are 14 feet and the building is 20 feet.

Comm. Hungerford noted his appreciation to the architect regarding the design.

Comm. Simons confirmed with staff that the motion would include the seasonal, holiday, symbolic, architectural description for the banners, and if there is something else the applicant wants to add that they would go through the sign permit process. He noted that the color is nice, and the facility will look much better than the “military” gray color shown before. He concurred and thanked the applicant’s architect for a great design and informative presentation.

Vice Chair Rowe stated her amusements with the five illustrations. She noted that she has no problems with the banners, as she feels they are an architectural feature, she thanked the applicants for a great presentation.

ACTION: Comm. Simons made a motion on 2007-1290 to approve the Use Permit with modified conditions: Condition 2A to reflect “seasonal, holiday, symbolic, architectural”; a maximum of 10 poles (up to five on each side); with poles a maximum height of 14 feet. Vice Chair Rowe seconded. Motion carried unanimously 6 – 0 with Comm. Klein absent.

APPEAL OPTIONS: This action is final unless appealed to the City Council no later than February 12, 2008.