



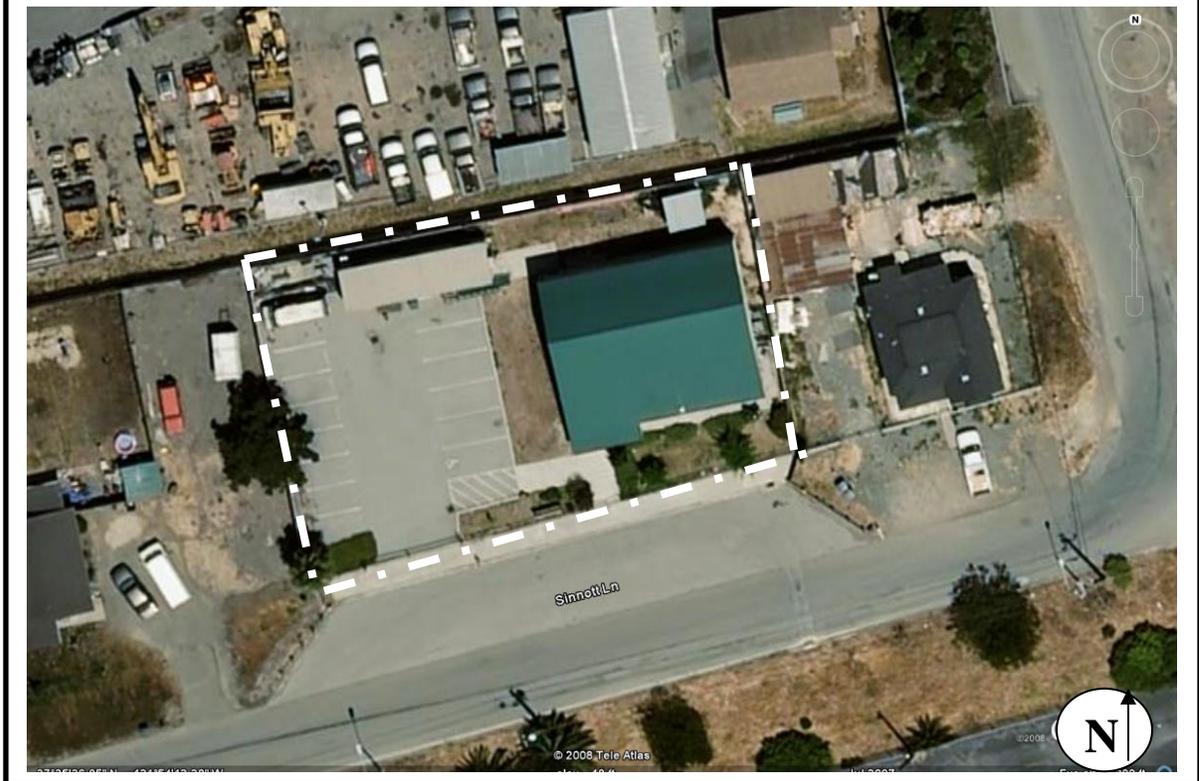
MILPITAS PLANNING COMMISSION AGENDA REPORT

NEW BUSINESS

Meeting Date: November 12, 2008

- APPLICATION:** **SITE DEVELOPMENT PERMIT AMENDMENT TO AMEND PREVIOUS -S OVERLAY DISTRICT APPROVAL SET FORTH IN AMENDMENT NO. SA08-0028: Macedonia Missionary Baptist Church**
- APPLICATION SUMMARY:** A request to amend Condition of Approval #1 for a Site and Architectural Review Permit Amendment approved on January 8, 1997, to eliminate the construction completion date for the remaining 1,492 square foot addition.
- LOCATION:** 121 Sinnott Lane (APN: 086-27-047)
APPLICANT: Macedonia Missionary Baptist, 121 Sinnott Lane, Milpitas, CA 95035
OWNER: Macedonia Missionary Baptist, 121 Sinnott Lane, Milpitas, CA 95035
- RECOMMENDATION:** **Staff recommends that the Planning Commission:**
1. Adopt Resolution No. 08-059 approving the project subject to conditions of approval
- PROJECT DATA:**
General Plan/
Zoning Designation: Manufacturing and Warehousing / Heavy Industrial (M2)
Overlay District: Site and Architectural Overlay
Specific Plan: Midtown Specific Plan
- Site Area:** Two commonly owned parcels, 121 - 105 Sinnott Lane, when combined total approximately 1/3 acre.
- CEQA Determination:** Categorically exempt from further environmental review pursuant to Section 15301 (e) of the California Environmental Quality Act
- PLANNER:** Tiffany Brown, Junior Planner
- PJ:** N/A
- ATTACHMENTS:** A. Resolution No. 08-059
B. Site Plans

LOCATION MAP



No scale

BACKGROUND

The Planning Commission approved the development of the site for a church in May of 1992, (Use Permit NO. 1121). Subsequent approvals of discretionary permits followed. Use Permit Amendments No.'s 1121 and 1182 (approved in 1993) allowed the joining of properties 121 and 105 Sinnott Lane and allowed for a temporary structure on 105 Sinnott for the use of church services while the new building was under construction. A variance approved in 1994 (No. 483) allowed for front yard landscaping. An "S" Zone Approval Amendment (approved on January 8, 1997) considered revisions to the building and added a Phasing Plan to guide future development for the site.

The "S" Zone Approval Amendment noted above explains that Phase I of the church consist of the development of a sanctuary area, platform area, closet, restrooms, a utility room and a pastor's restroom with storage area creating a total of 2,464 square feet. Phase II includes a new Kitchen, Fellowship Room, Mechanical Room, and Pastors Library consisting of a total of 1,492 square feet. Condition of Approval No. 1 of the "S" Zone Approval Amendment included a timeline of completion milestones. The condition in its current form is restated in its entirety below:

1. Phase I consisting of 2,464 square feet shall include the main church structure and the construction and installation of the retaining walls, parking lot area, landscaping, handicapped rap, and all public improvements. This phase shall be completed by March 15, 1999. Phase II consisting of the remaining 1,492 square feet shall be completed by May 15, 1999. Any request for future phasing of this project shall be subject to review and approval by the Planning Commission.

On July 3, 2008, the Macedonia Missionary Baptist Church submitted an application to amend the abovementioned condition by eliminating the construction completion date for Phase II. No other changes are requested. Current Milpitas Municipal Code provisions require such applications to be treated as applications to amend site development permits under Title XI, Chapter 10, Section 57.03 of the Code.

PROJECT DESCRIPTION

The applicant wishes to amend its previous permit solely by eliminating the completion milestone date for its Phase II construction of an addition to its church use.

The church project site consists of two properties, 121 Sinnott Lane and 105 Sinnott Lane (commonly referred to as 121 Sinnott), creating a 1/3 acre project site. The General Plan designates the site as Manufacturing and Warehousing. The property is zoned Heavy Industrial with Site and Architectural Overlay (M2-S) and is within the Midtown Specific Plan area and Redevelopment Area. The surrounding parcels are designated and zoned identically. According to the City's Zoning Ordinance, a church is a conditionally permitted use within the Heavy Industrial Zoning District.

Phase I was completed in compliance with the condition of approval and thus the entitlement was vested. . The previously approved Phase II construction site plan and floor plans include an expansion of the men and women's restrooms, a larger foyer, a kitchen, fellowship room, Pastors Library and mechanical room, creating a total addition of of 1,492 square feet All materials and colors are to match the existing building.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 1
General Plan Consistency

Policy	Consistency Finding
<i>2.d-G-1: Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.</i>	Consistent.
<i>2.a-I-10: Foster community pride and growth through beautification of existing and future development.</i>	Consistent.

The proposed project is consistent with General Plan Policy’s 2.d-G-1 and 2.a I-10 in that the project provides community facilities and proposes colors and materials that match the existing building along with a landscaping plan, making the facility aesthetically pleasing through existing development.

Zoning Ordinance

The new development recognizes and respects the nature of the neighborhood and site, development patterns, materials used and the expectations of those who will see and use the building. The project modification satisfies functional requirements and assures that the project modification will not interfere with the privacy, quiet enjoyment or view of surrounding properties

Midtown Specific Plan

Development Standards require a quasi-public use to be a minimum of 1,000 feet from another quasi-public use. The Macedonia Missionary Baptist Church is located within 1,000 feet from Living Word Korean Baptist Church located at 220 South Main Street. Because both of these quasi-public uses were approved prior to the adoption of the Specific Plan, they are now considered legal nonconforming uses.

A “legal nonconforming use” is a use of land or structure which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning and building regulations. A use or structure can become “legal nonconforming” due to rezoning, annexation, or revisions to the Zoning Code.

A legal nonconforming use cannot expand the nonconforming use nor add additional nonconforming uses to their practice or business. Because the Macedonia Missionary Baptist Church Phase II plan was approved for the expansion in 1997 and the Midtown Specific Plan was adopted in 2002, the church may still expand with the approval of the Planning Commission. However, any future amendments to the project beyond the scope of the original approval may require the project to comply with other provisions of the Specific Plan.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Section 15301 (e) for additions to an existing structure provided that the addition will not result in an increase of more than 50% of the floor area of the existing structure or 2,500 square feet, whichever is less as stated in California Environmental Quality Act.

CONCLUSION

The proposed project is consistent with the General Plan and the Zoning Ordinance and the addition satisfies functional requirements and assures that the project will not interfere with the privacy, quiet enjoyment or view of surrounding properties.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 08-059 approving No. SA08-0028, Macedonia Missionary Baptist, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. 08-059
- B. Site Plans

RESOLUTION NO. 08-059

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0028, AMENDING THE SITE AND ARCHITECTURAL REVIEW PERMIT (DATED JANUARY 8, 1997) SETTING FORTH CONDITIONS OF APPROVAL FOR THE CONSTRUCTION OF AN ADDITION TO THE MACEDONIA MISSIONARY BAPTIST CHURCH, LOCATED AT 121 SINNOTT LANE.

WHEREAS, on July 7, 2008, an application was submitted by the Macedonia Missionary Baptist Church, 121 Sinnott Lane, Milpitas, CA 95035, to the City of Milpitas to amend Condition of Approval No. 1 of the Site and Architectural Review Permit Amendment that was previously approved on January 8, 1997 by the Milpitas Planning Commission; and

WHEREAS, specifically, the applicant desires to eliminate a completion milestone date for the construction of a 1,492 square foot addition to its existing church structure; and

WHEREAS, the property (APN 086-27-047) is located within the Heavy Industrial Zoning District with Site and Architectural Review Overlay and is within the Midtown Specific Plan; and

WHEREAS, the modification or amendment of permits for the properties in the area require the submission of a site development permit application under the current provisions of Title XI, Chapter 10, Section 57.03; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project Categorical exempt pursuant to Section 15301 (e); and

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Section 15301 (e) for additions to an existing structure provided that the addition will not result in an increase of more than 50% of the floor area of the existing structure or 2,500 square feet, whichever is less as stated in California Environmental Quality Act.

Section 3: The Macedonia Missionary Baptist Church application is consistent with the General Plan (*Policies 2.d-G-1 and 2.a-1-10*) in that the project provides community facilities and proposes colors and materials that match the existing building along with a

landscaping plan, making the facility aesthetically pleasing through existing development.

Section 4: The project is consistent with the Zoning Ordinance pursuant to Title XI, Chapter 10, Section 57.03 (“Site Development Permits and Minor Site Development Permits”). The new development recognizes and respects the nature of the neighborhood and site, development patterns, materials used and the expectations of those who will see and use the building. The project modification satisfies functional requirements and assures that the project modification will not interfere with the privacy, quiet enjoyment or view of surrounding properties.

Section 5: The project is consistent with the Midtown Specific Plan in that the Macedonia Missionary Baptist Church is a conditionally permitted use. The church is located within 1,000 feet from another quasi-public use; however, because the Phase II plan was approved for the expansion of the church in 1997 and the Midtown Specific Plan was adopted in 2002, the church may still construct the Phase II plan with the approval of the Planning Commission.

Section 6: The Planning Commission of the City of Milpitas hereby approves Site Development Permit Amendment No. SA08-0028, Macedonia Missionary Baptist Church, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on November 12, 2008

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on November 12, 2008, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Gunawan Ali-Santosa				
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				

COMMISSIONER

Noella Tabladillo

Aslam Ali

AYES	NOES	ABSENT	ABSTAIN

EXHIBIT 1

CONDITIONS OF APPROVAL FOR
SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0028

General Conditions

- 1. The owner or designee shall develop the approved project in conformance with the approved plans with color and materials that match the existing building approved by the Planning Commission on November 12, 2008, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

- 2. Site Development Permit Amendment No. SA08-0028 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued.

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of SA08-0028 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

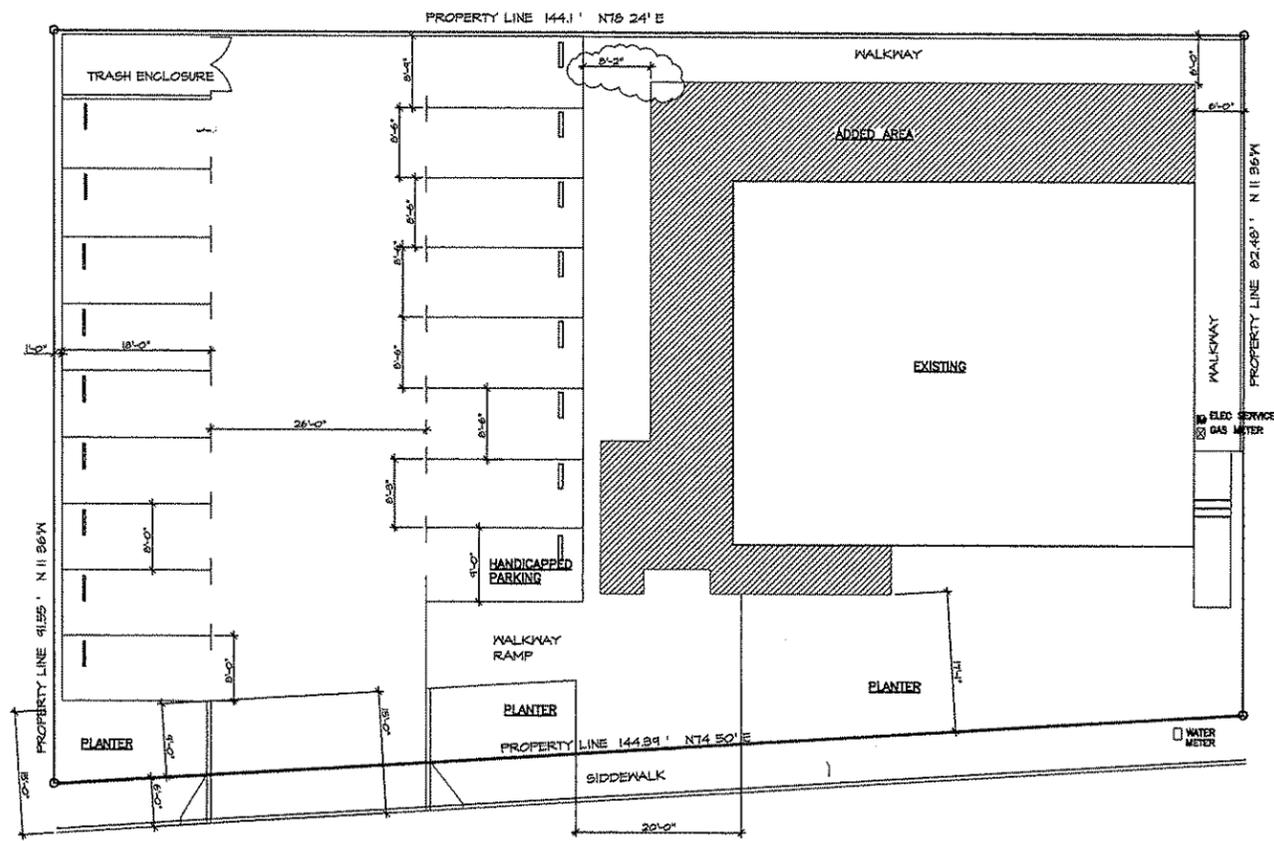
- 3. The amendment to the previously approved condition is as follows:

Phase I consisting of 2,464 square feet shall include the main church structure and the construction and installation of the retaining walls, parking lot area, landscaping, handicapped ramp, and all public improvements. This Phase shall be completed by March 15, 1999. Phase II consisting of the remaining 1,492 square feet shall be completed thereafter. ~~by May 15, 1999.~~ Any request for future phasing of this project shall be subject to review and approval by the Planning Commission.

- 4. All other conditions from previous permits are in full force and effect.

Comment [SAS1]: Bryan: Because the original permit was exercised, does this amendment have an expiration?

Comment [SAS2]: Bryan: In your opinion, should we restate all previous conditions?

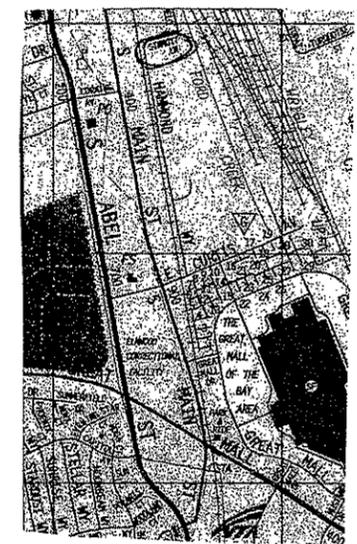


SINNOTT LANE

SITE PLAN
SCALE: 1"=10'-0"



SITE VICINITY MAP



SITE DATA AND ZONING

A.P.N.: 086-27-047
 LOT SIZE: 12,532 SQ. FT.
 % LOT COVERAGE = 4082.95
 % FAR = .4 ALLOWED .325 PROPOSED
 ZONE: M2 (TOD)
 85 SEATS (5X17=85)
 17 PARKING SPACES PROVIDED

SQUARE FOOTAGE

DESCRIPTION	EX SF	ADD SF	TOT SF
	2464	1492	3956
REMODELED AREA	172		
TOTALS			

CODES:
 THIS PROJECT SHALL COMPLY WITH:
 2007 CALIFORNIA BLDG. CODE
 CPC,CMC,CEC,
 2005 ENERGY EFFICIENCY STANDARDS
 2008 MILPITAS MUNICIPAL CODE

SHEET INDEX

- A1. SITE PLAN AND SITE DATA
- A1.1 BLUEPRINT FOR A CLEAN BAY
- A2. EXISTING FLOOR PLAN AND ELEVATIONS
- A3. PROPOSED FLOOR PLAN
- A4. PROPOSED ELEVATIONS
- L1 LANDSCAPE PLAN
- R RENDERING

CONSTRUCTION DATA

BUILDING TYPE: V-NR
 NUMBER OF STORIES: 1
 OCCUPANCY GROUP: A-3
 FIRE SPRINKLER: NONE
 AREA (SQ FT): 4063 SF
 OCCUPANT LOAD: SANCTUARY 85 FIXED
 FELLOWSHIP ROOM

SITE PLAN,
AND VICINITY MAP

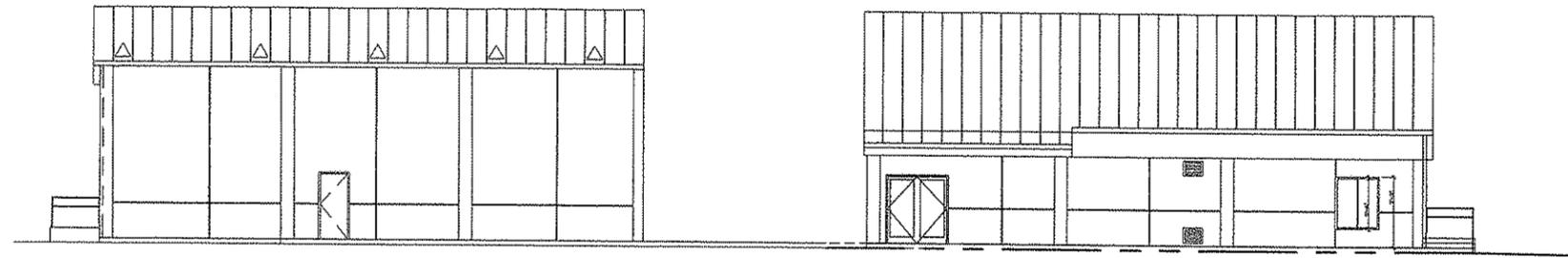
DICK FINNEGAN
ARCHITECT

MACEDONIA MISSIONARY BAPTIST CHURCH
 121 SINNOTT LANE
 MILPITAS, CA. 95035

APRIL 24, 2008

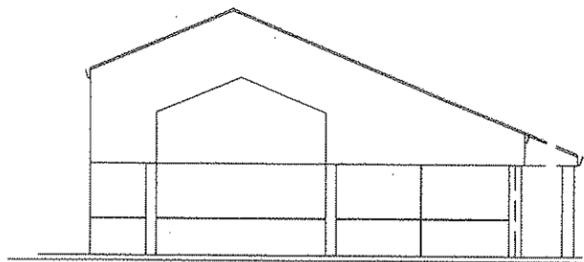
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A1
 SHEET 1 OF 4

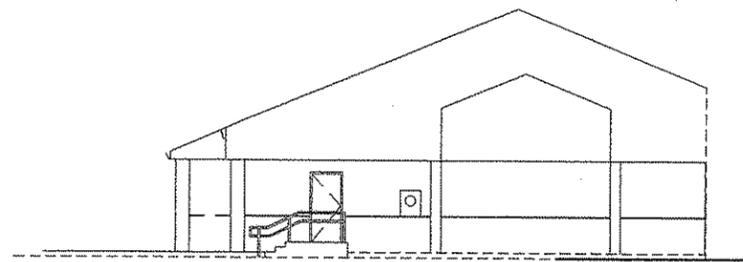


EXISTING REAR ELEVATION
SCALE: 1/8" = 1'-0"

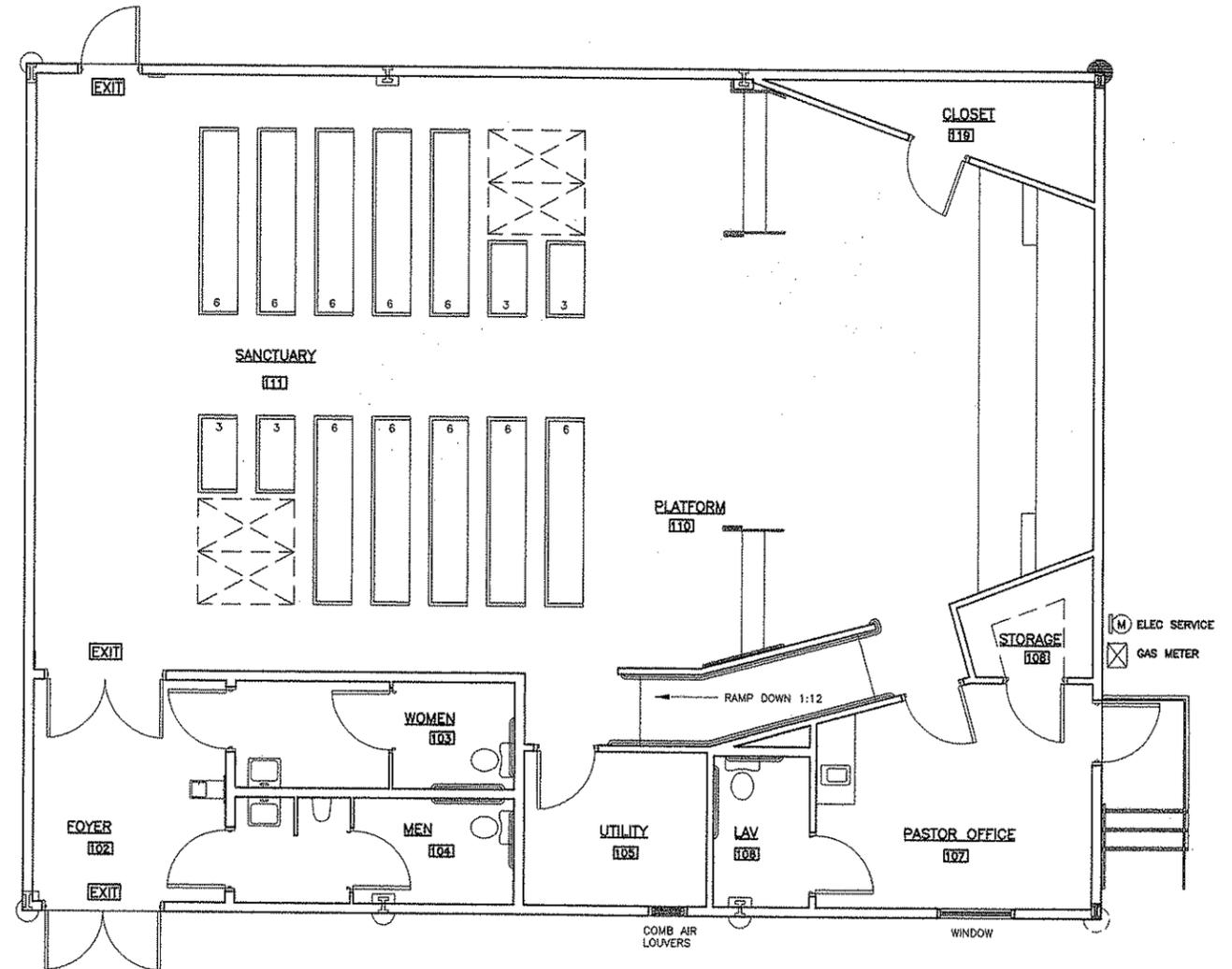
EXISTING FRONT ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING LEFT ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0"



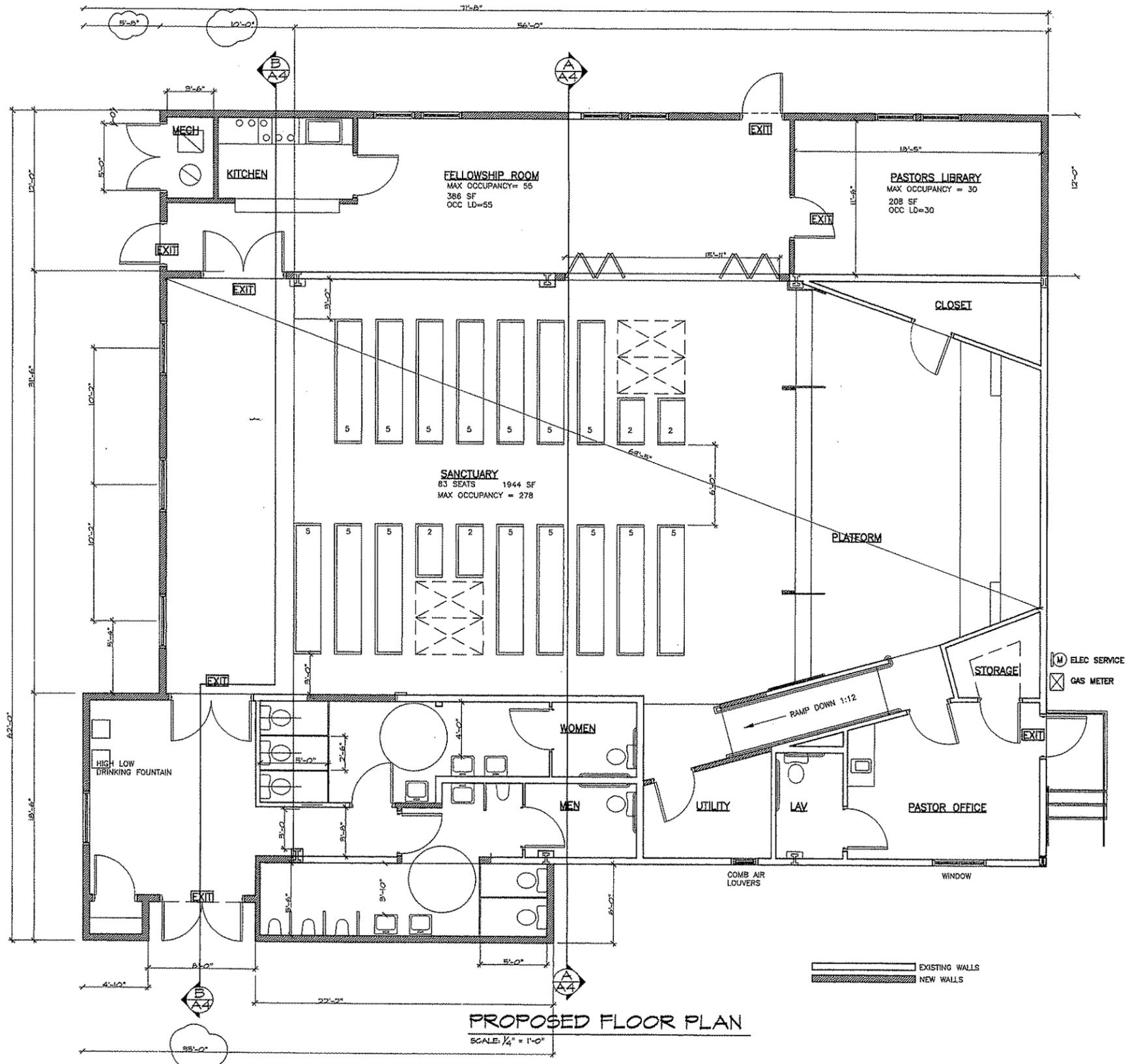
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EXISTING FLOOR PLANS

DICK FINNEGAN
ARCHITECT

MACEDONIA MISSIONARY BAPTIST CHURCH
121 SINNOTT LANE
MILPITAS, CA. 95035

Date: APRIL 24, 2008
Drawn: RH
Scale: 1/4" = 1'-0"
Sheet: SINNOTT LANE



PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

EXISTING WALLS
NEW WALLS

(M) ELEC SERVICE
(X) GAS METER

PROPOSED FLOOR PLANS

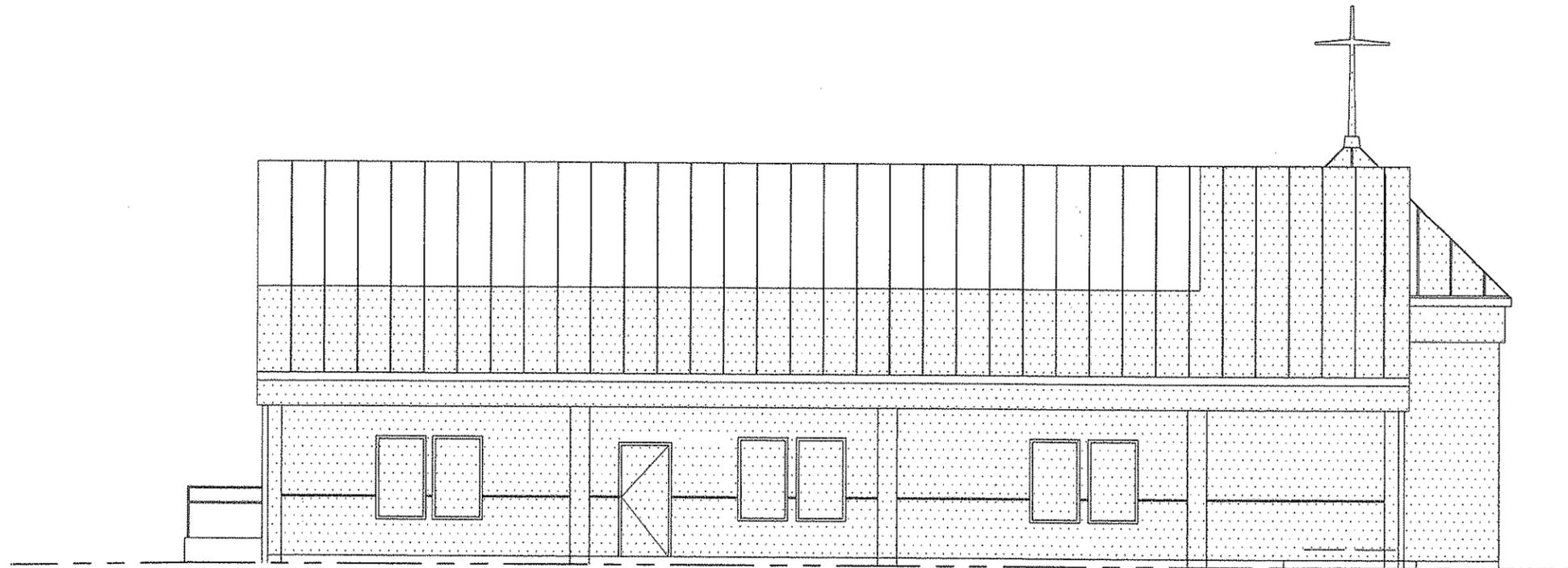
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MACEDONIA MISSIONARY BAPTIST CHURCH
121 SINNOTT LANE
MILPITAS, CA. 95035

APRIL 24, 2008

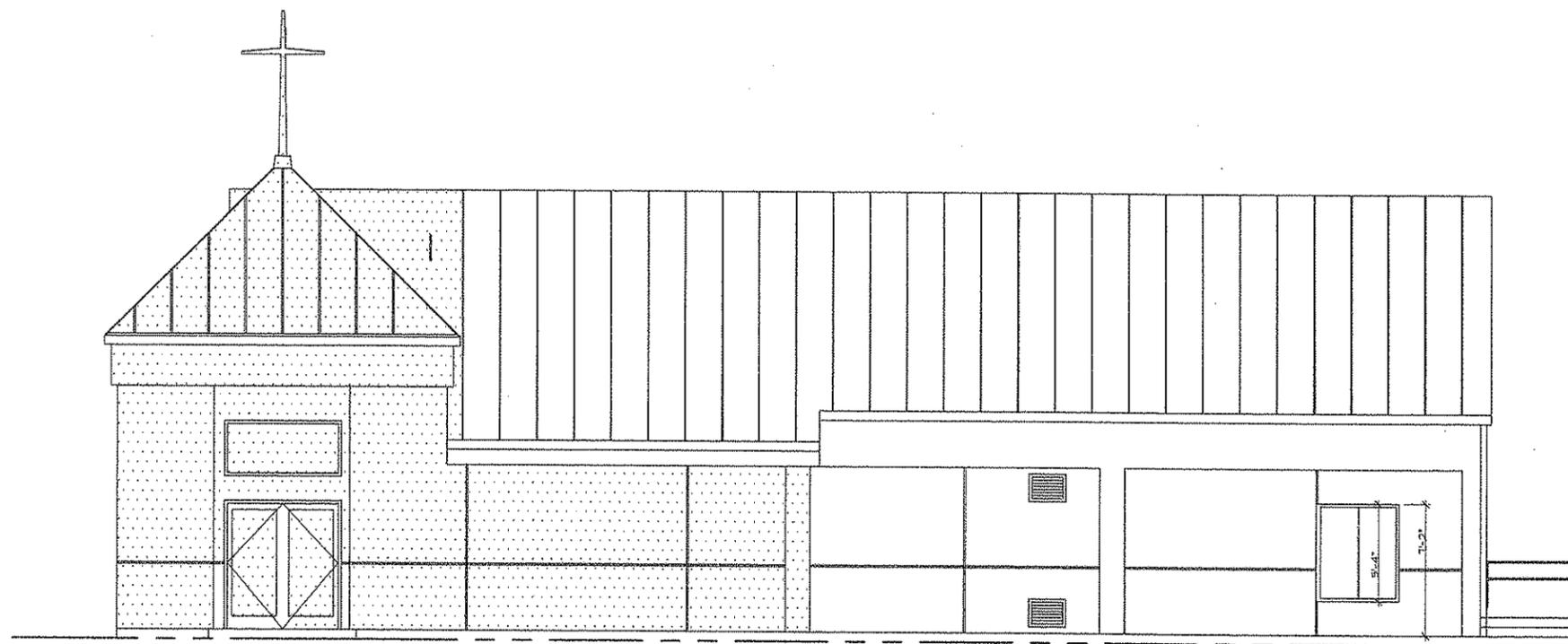
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SINNOTT LANE

A3
SHEET 3 OF 4



PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED FRONT ELEVATION

SCALE: 1/4" = 1'-0"

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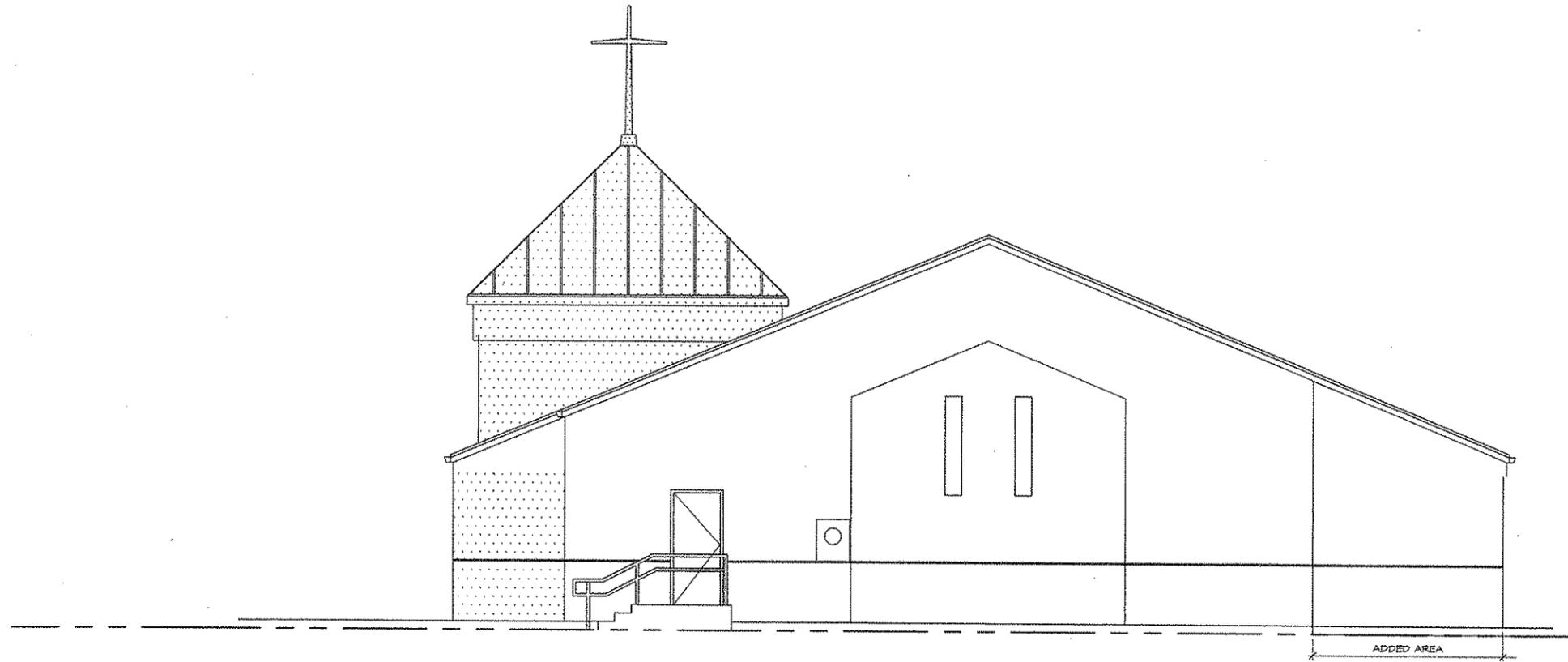
PROPOSED EXTERIOR ELEVATIONS

DICK FINNEGAN
ARCHITECT

MACEDONIA MISSIONARY BAPTIST CHURCH
121 SINNOTT LANE
MILPITAS, CA. 95035

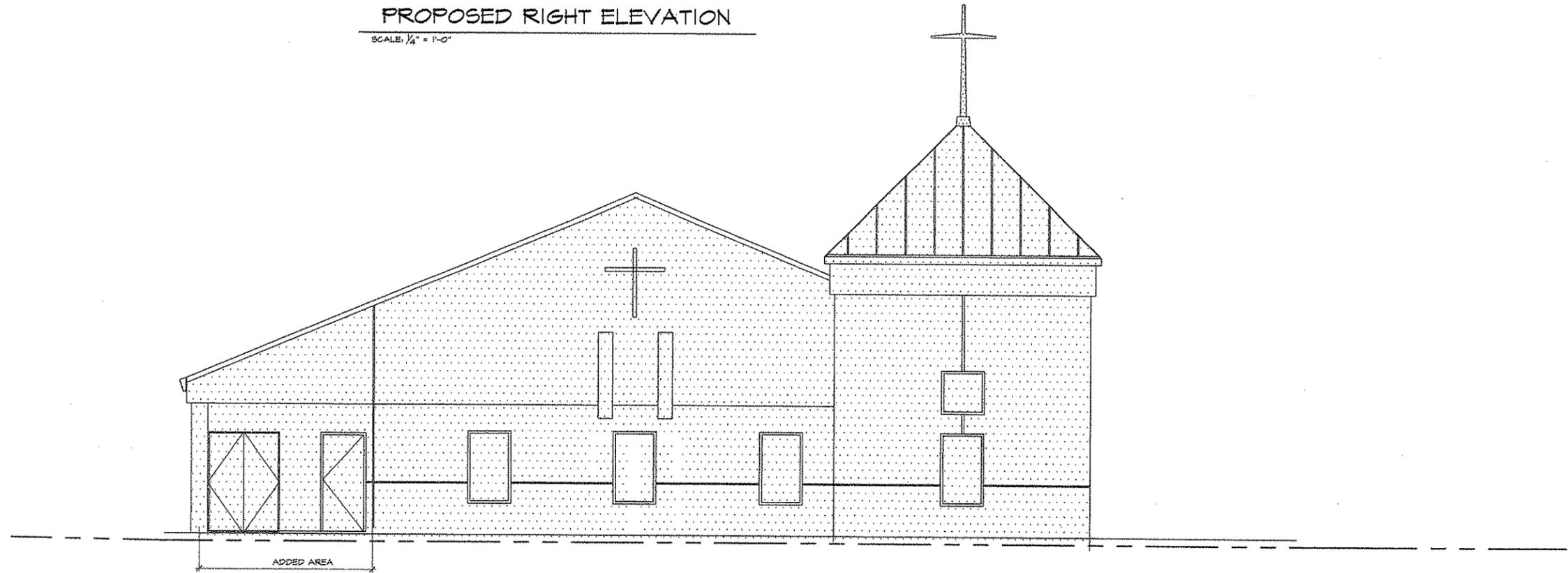
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PROJECT: SINNOTT LANE

A4
SHEET 4 OF 4



PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED LEFT ELEVATION

SCALE: 1/4" = 1'-0"

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PROPOSED EXTERIOR ELEVATIONS

DICK FINNEGAN
ARCHITECT

MACEDONIA MISSIONARY BAPTIST CHURCH
121 SINNOTT LANE
MILPITAS, CA. 95035

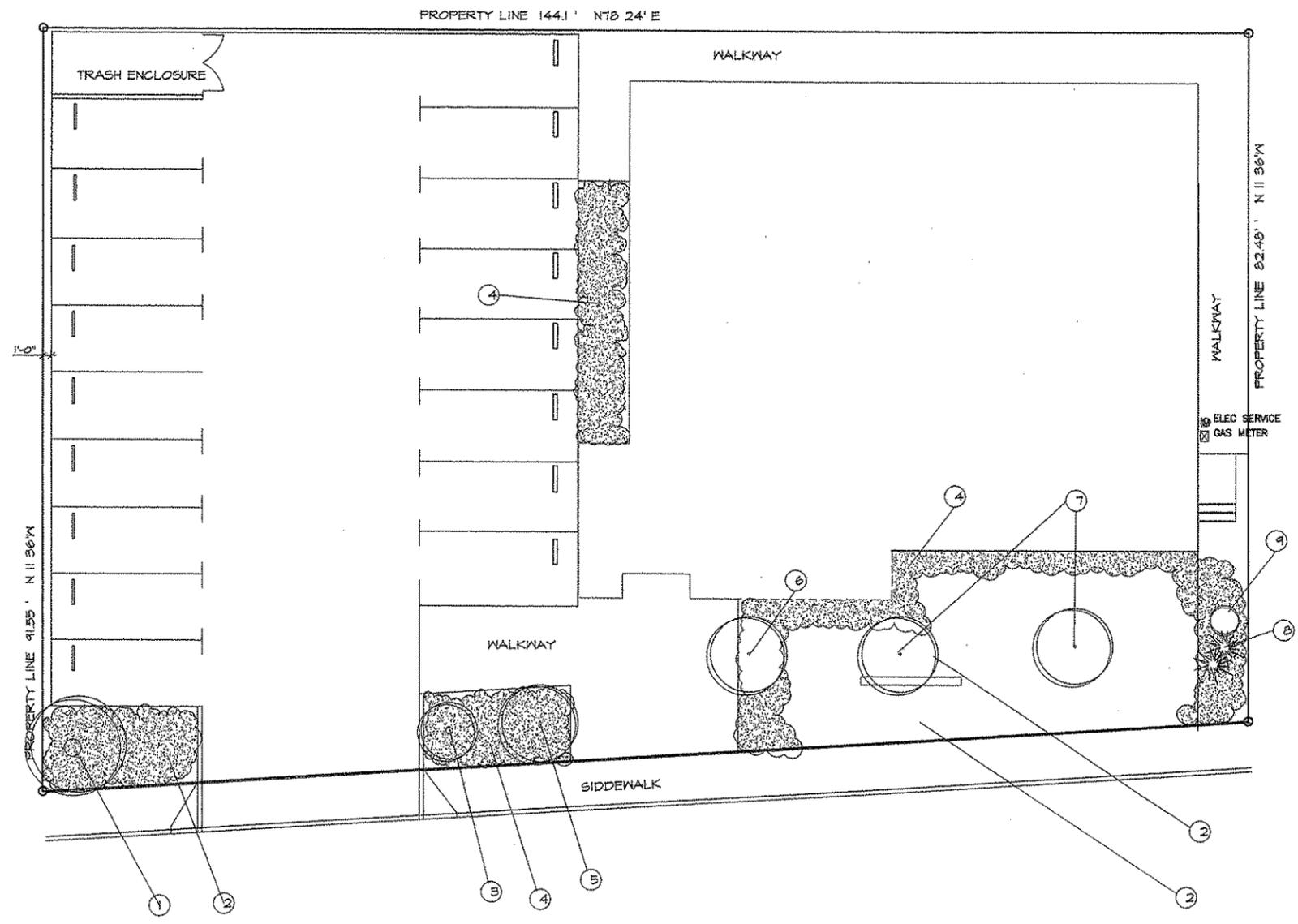
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PROJECT: SINNOTT LANE

A5

SHEET 4 OF 4

EXISTING AND PROPOSED
LANDSCAPE SCHEDULE

KEY	COMMON NAME	SIZE	QUANTITY
1	PALM TREE	EXISTING	1
2	LAWN		
3	HIBISCUS	EXISTING	1
4	JASMINE	EXISTING	GROUND COVER
5	TREE	EXISTING	1
6	TREE	EXISTING	1
7	ELM TREE	EXISTING	2
8	SHRUB	EXISTING	1
9	SHRUB	EXISTING	1



LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



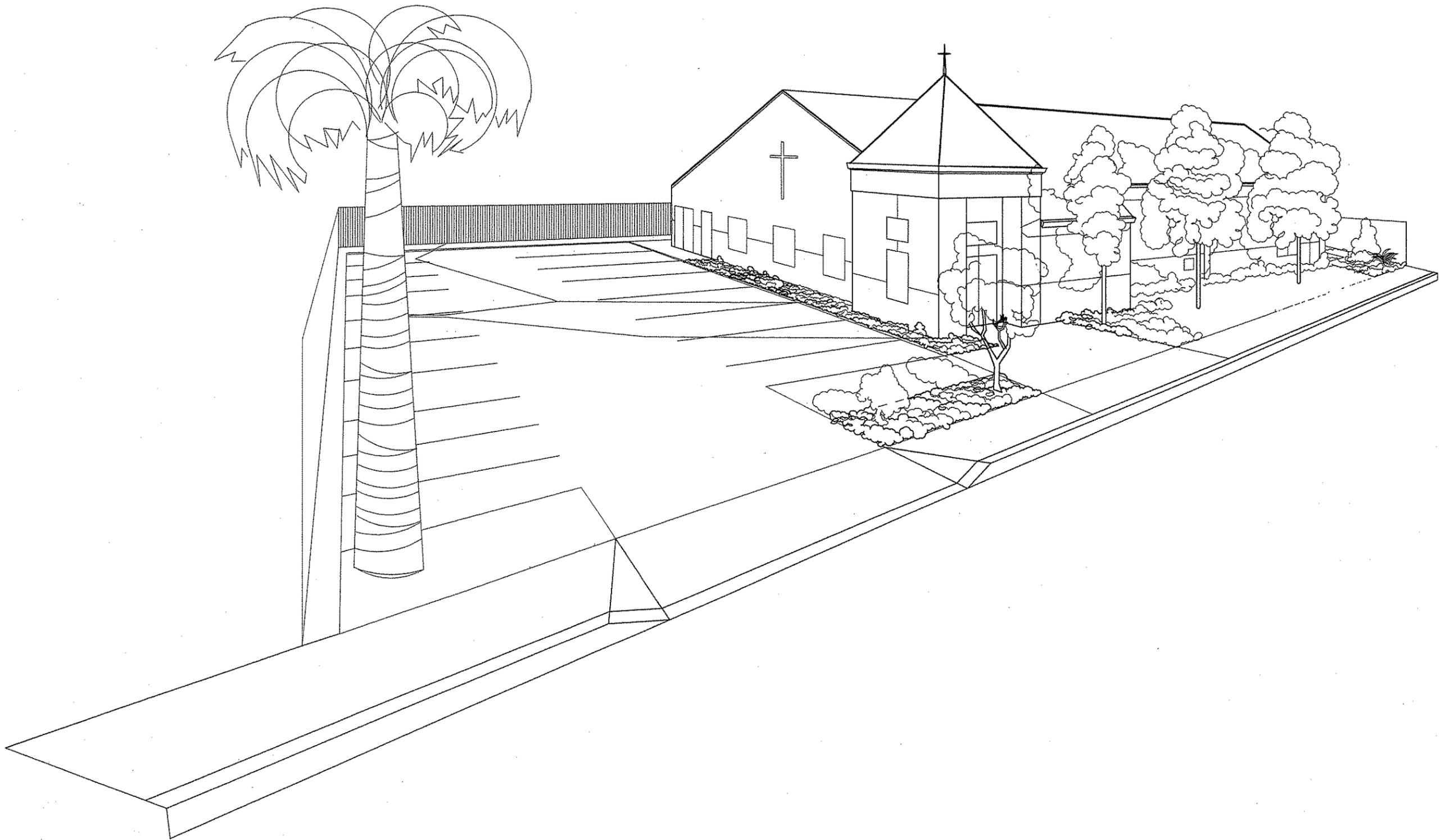
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LANDSCAPE PLAN
DICK FINNEGAN
ARCHITECT

MACEDONIA MISSIONARY BAPTIST CHURCH
121 SINNOTT LANE
MILPITAS, CA. 95085

DATE: APRIL 24, 2008
DRAWN BY: RH
SCALE: 1/8" = 1'-0"
PROJECT: SINNOTT LANE

L1
SHEET 1 OF 4



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RENDERING

DICK FINNEGAN
ARCHITECT

MACEDONIA MISSIONARY BAPTIST CHURCH
121 SINNOTT LANE
MILPITAS, CA. 95035

DATE	8-15-08
BY	RH
CHK	NONE
LOC	SINNOTT LANE

R
SHT 1 OF 4