

NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy **Planning Commission** is hereby called for:

Date/Time: Wednesday, August 14, 2013
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140, any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the item shall be placed on an agenda within 30 days*

1. OLD BUSINESS

2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP IN THE EDGEWOOD CORPORATE CENTER LOCATED AT 4600 S. TRACY BOULEVARD, SUITES 101, 111, 113, and 115. APPLICANT IS SCHACK AND COMPANY, INC. AND PROPERTY OWNERS ARE EDGEWOOD CORPORATE CENTER, LLC. AND MEM DEVELOPMENT COMPANY, LLC. APPLICATION NUMBER CUP13-0005

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

Posted: **August 8, 2013**

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development and Engineering Services department located at 333 Civic Center Plaza during normal business hours.

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP IN THE EDGEWOOD CORPORATE CENTER LOCATED AT 4600 S. TRACY BOULEVARD, SUITES 101, 111, 113, and 115. APPLICANT IS SCHACK AND COMPANY, INC. AND PROPERTY OWNERS ARE EDGEWOOD CORPORATE CENTER, LLC. AND MEM DEVELOPMENT COMPANY, LLC. APPLICATION NUMBER CUP13-0005

DISCUSSION

Project and Site Description

The proposal is to establish a place of worship (Journey Christian Church) in the Edgewood Corporate Center located at 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115. The Journey Christian Church currently has its administrative office in suite 115 and holds worship services off-site. The proposal is to consolidate the place of worship at the Edgewood Corporate Center, including its administrative office and meetings during the workweek and worship services and classes during weekday evenings and weekends.

Edgewood Corporate Center an office complex is comprised of four condominium buildings and a shared parking lot (Attachment A). It is located within the Industrial Areas Specific Plan area and designated General Industrial. The site is bordered by a vacant parcel to the north, the Altamont Commuter Express station to the south, and single-family neighborhoods to the east and west. The site is separated from the residential areas by Tracy Boulevard on the west and a railroad spur on the east.

Land Use Analysis

Places of public assembly, such as educational, cultural, institutional, religious, and recreational uses, are conditionally permitted in the General Industrial designation and must receive Planning Commission approval of a Conditional Use Permit before such uses are established.

The applicant proposes approximately 6,000 square feet of worship area and approximately 5,900 square feet of classrooms, offices, and other common areas (Attachment A). Worship services would take place on Sundays, and small group studies and meetings would occur weekend daytime and Monday through Friday evenings. Administrative office hours would be Monday through Friday during typical business hours.

Other tenants in the subject building and other buildings throughout the office park include administrative and medical offices and an educational and vocational training facility operating during typical workday hours. The hours and business operation of the educational and institutional facility would be complementary with the operation of existing businesses.

Parking Analysis

There is enough available parking on site for the proposed use, which requires 101 parking spaces. The site contains 453 parking spaces, which is at a rate greater than 1 parking space per 200 square feet of gross floor area. This provides flexibility in the uses that can occupy the site. The site is primarily occupied by office uses, which only requires 1 space per 250 square feet of gross floor office area. Approximately one fourth of the site is occupied by medical offices, which require 1 space per 200 square feet of gross floor area. On March 27, 2013, the Planning Commission determined a requirement of 50 off-street parking spaces at build-out of the educational and vocational training facility in "Building D" (Application Number DET13-0001). Taken together, the existing uses and the proposed use total required parking would be 442 spaces (approximately 339 for existing uses and 103 for the proposed use). There is more than enough parking to satisfy this minimum requirement.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities that involve interior partitions but no alterations to the exterior of the facility. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the application for a Conditional Use Permit for a place of worship in the Edgewood Corporate Center located at 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated August 14, 2013.

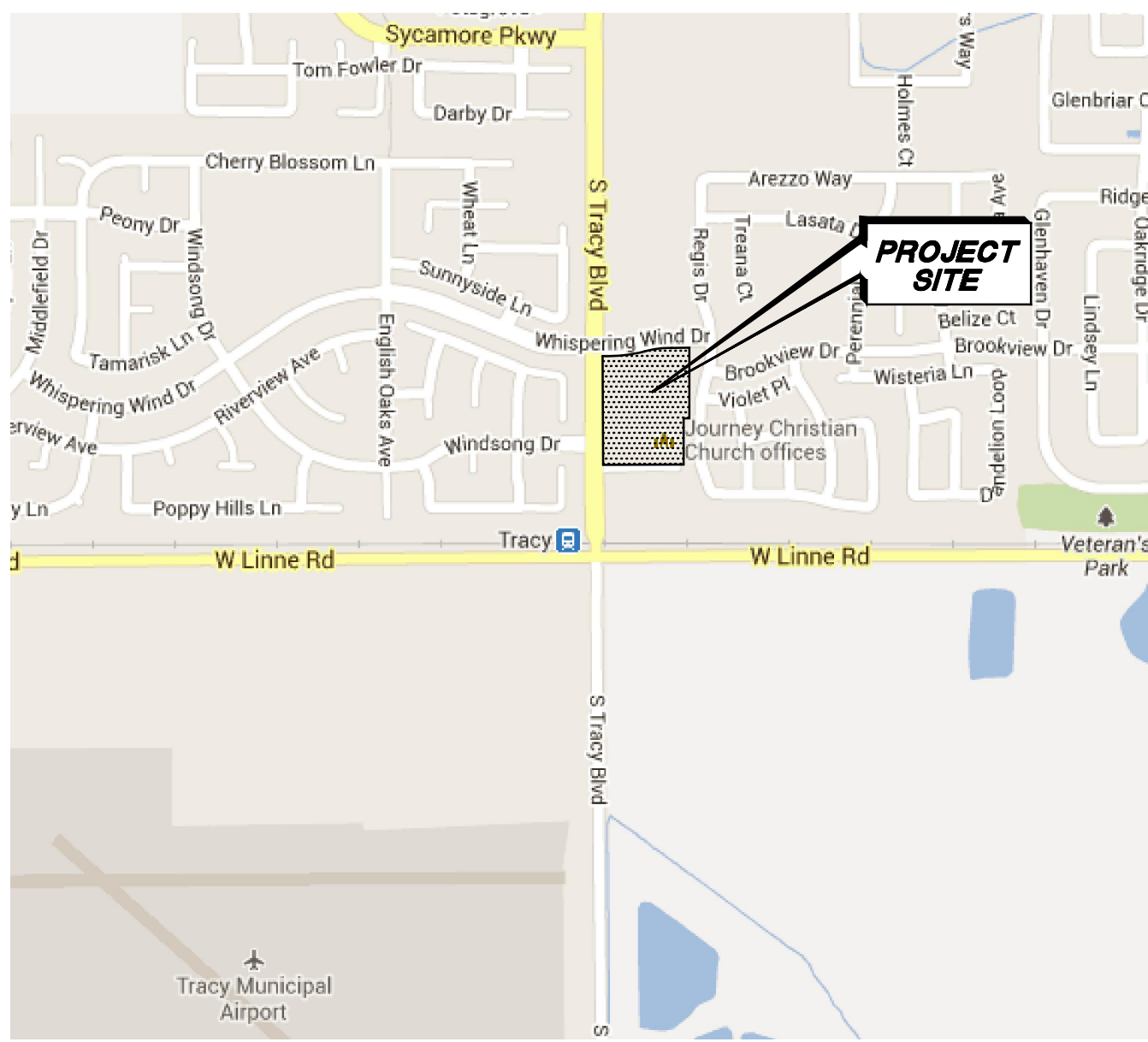
MOTION

Move that the Planning Commission approve the application for a Conditional Use Permit for a place of worship in the Edgewood Corporate Center located at 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated August 14, 2013.

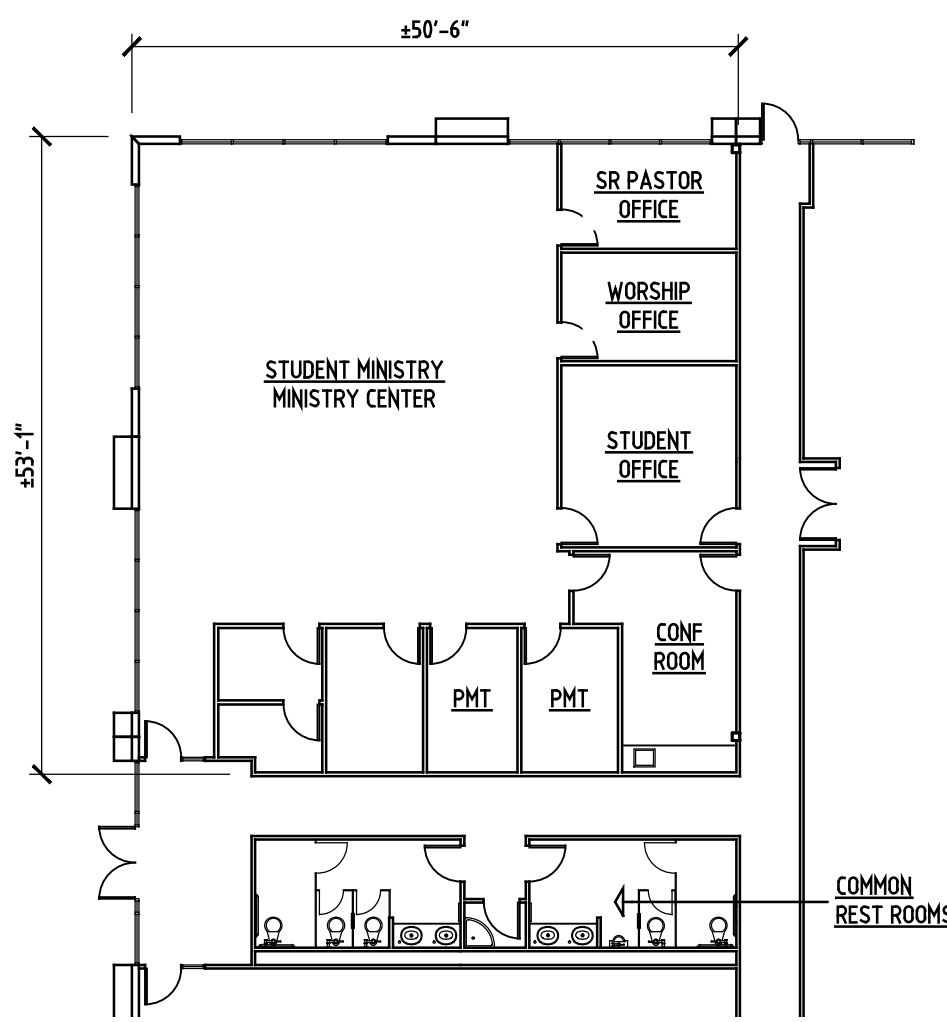
Prepared by Kimberly Matlock, Assistant Planner
Approved by Bill Dean, Assistant Director, Development Services

ATTACHMENTS

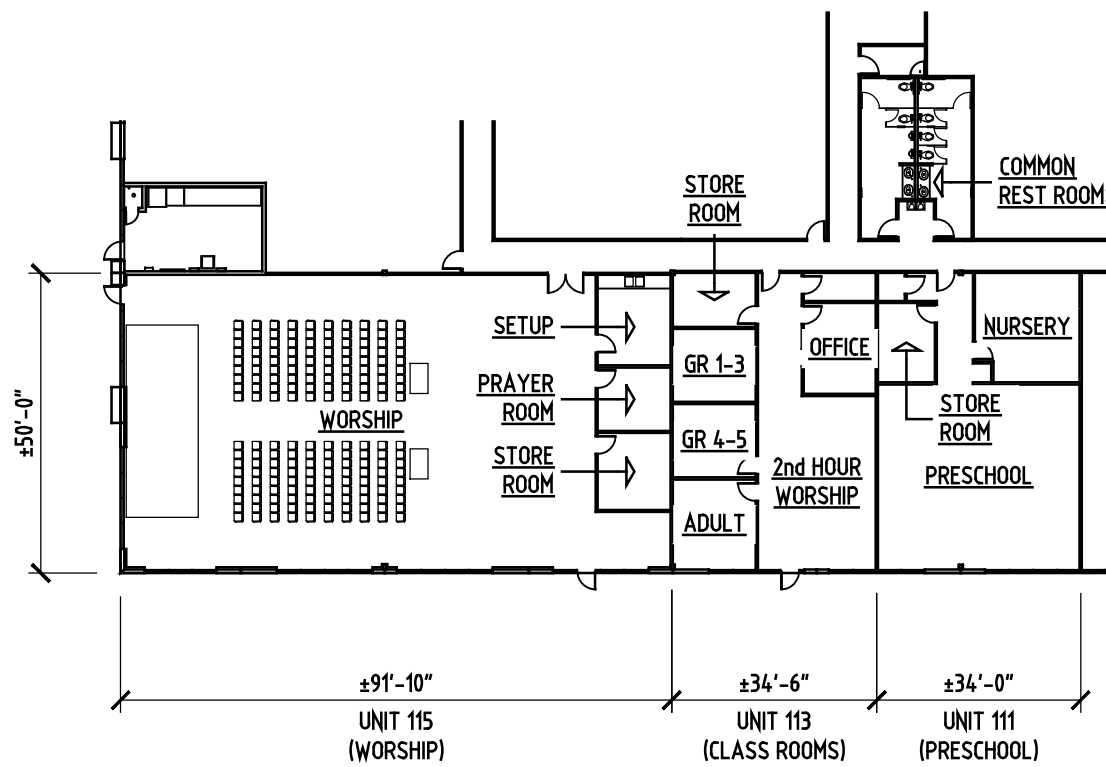
Attachment A: Location Map, Site Plan and Floor Plans
Attachment B: Planning Commission Resolution



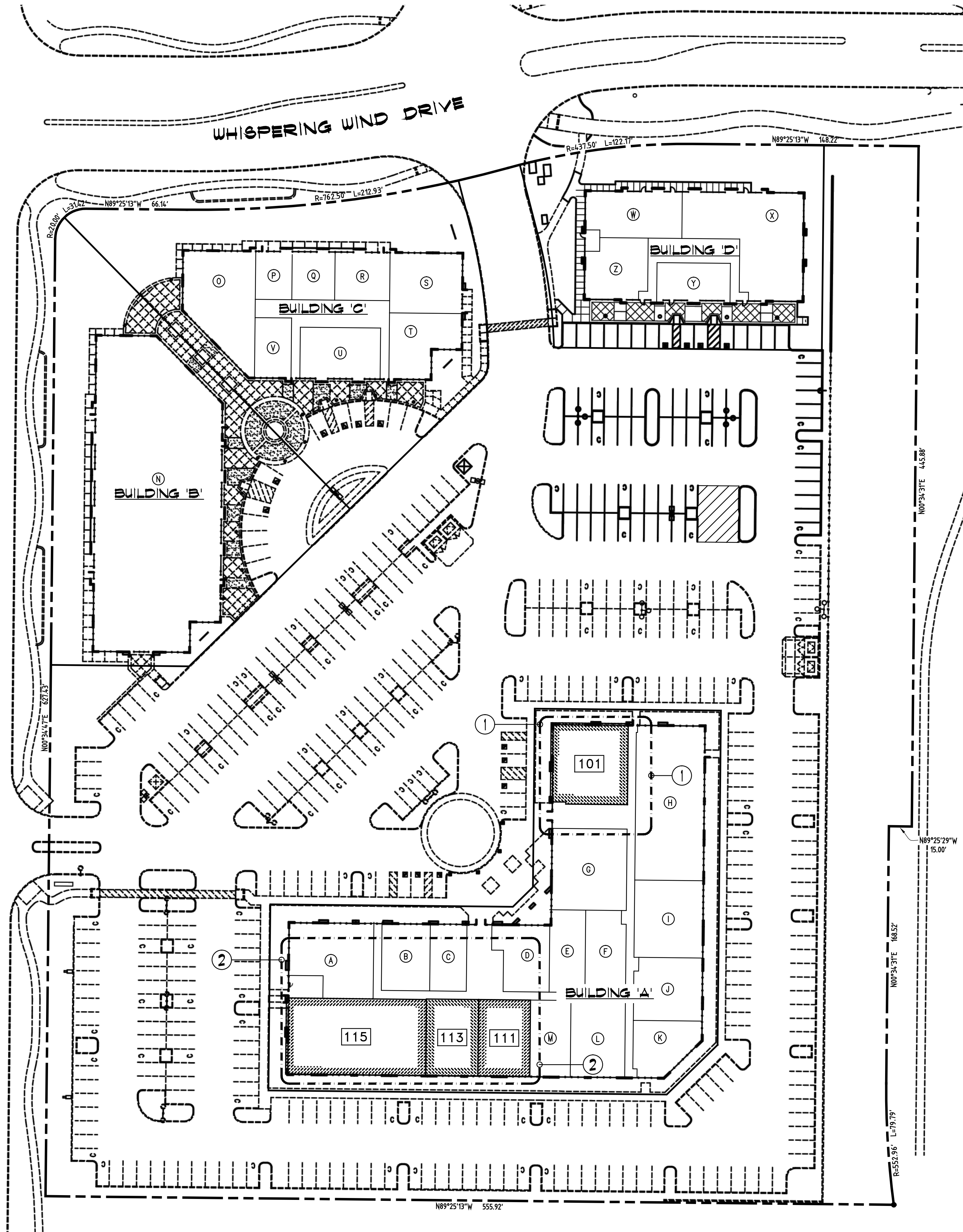
VICINITY MAP
NO SCALE



1 SUITE 101 FLOOR PLAN DETAIL
NO SCALE

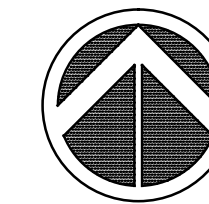
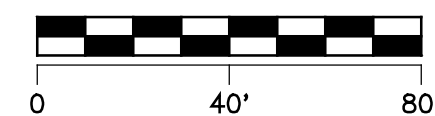


2 SUITE 111/113/115 FLOOR PLAN DETAIL
NO SCALE



CONDITIONAL USE PERMIT
SITE PLAN

SCALE: 1"=40'



SITE DATA

NOTES

- ZONE: M-1 (LIGHT INDUSTRIAL)
- GENERAL PLAN: OFFICE
- PROPERTY OWNER: EDGEWOOD CORP CENTER, LLC
3439 BROOKSIDE ROAD, #204
STOCKTON, CALIFORNIA 95219
(209) 951-5787
- TENANT: JOURNEY CHRISTIAN CHURCH
SCOTT MCFARLAND
PO BOX 1211
TRACY, CALIFORNIA 95378
(209) 833-8470
- ENGINEER: SCHACK & COMPANY, INC.
DAN R. SCHACK
905 CENTRAL AVENUE
TRACY, CALIFORNIA 95376
(209) 835-2178
- PROPERTY ADDRESS: 4600 SOUTH TRACY BOULEVARD
SUITES #101, #111, #113 & #115
TRACY, CALIFORNIA 95377
- ASSESSORS PARCELS: 248-640-01, 248-640-11, 248-640-13, 248-640-15
- UTILITIES: WATER: CITY OF TRACY
SANITARY SEWER: CITY OF TRACY
STORM SEWER: CITY OF TRACY
TELEPHONE: AT&T
CABLE TV: COMCAST
ELECTRIC: PACIFIC GAS & ELECTRIC
GAS: PACIFIC GAS & ELECTRIC
- EXTERIOR LIGHTING: EXISTING (NO CHANGE PROPOSED)
- ALL WORK WILL CONFORM TO CITY OF TRACY ORDINANCES, STANDARDS & CA BUILDING CODES
- TRASH ENCLOSURES: EXISTING (NO CHANGE PROPOSED)
- STORM DRAINAGE: EXISTING (NO CHANGE PROPOSED)
- EXTERIOR SIGNAGE SHALL BE REVIEWED/APPROVED UNDER SEPARATE PERMIT AND SHALL CONFORM TO CITY OF TRACY SIGN ORDINANCE.
- THE ANTICIPATED OCCUPANCY & CONSTRUCTION IS: CBC OCCUPANCY GROUPS A-3 OR B
CBC CONSTRUCTION TYPE V-B
- (E) EASEMENTS & UTILITIES ARE NOT SHOWN WITH NO CHANGES CONSIDERED FOR SITE IMPROVEMENTS
- ABBREVIATIONS:
BSL BUILDING SETBACK LINE (N) NEW
CBC CALIFORNIA BUILDING CODE (E) EXISTING
CFC CALIFORNIA FIRE CODE (F) FUTURE
PUE PUBLIC UTILITY EASEMENT (TYP) TYPICAL
FTP FOOTPRINT ROW RIGHT-OF-WAY
STD STANDARD sf SQUARE FEET
MIN MINIMUM W/ WITH

AREAS & PARKING

1. SITE (PARCEL) AREA:	18.64 Ac	376,141 sf
2. BUILDING (FOOTPRINT) AREA:	(E) BUILDING 'A'	±40,000 sf
	(E) BUILDING 'B'	±16,218 sf
	(E) BUILDING 'C'	±14,716 sf
	(E) BUILDING 'D'	±10,368 sf
	TOTAL (E) BUILDING	±80,762 sf
3. TENANT SPACE AREA:	SUITE #101 (STUDENT MINISTRY)	2,668 sf
	SUITE #111 (PRESCHOOL)	1,703 sf
	SUITE #113 (CLASSROOMS)	4,567 sf
	SUITE #115 (WORSHIP)	1,310 sf
	COMMON AREAS	11,961 sf
	TOTAL TENANT AREA	11,961 sf
4. PARKING ANALYSIS:	(E) PARKING	453 sp
PROPOSED TENANT ADJUSTMENT:	ASSEMBLY AREAS @ (1) SPACE PER 60sf:	103 sp
	WORSHIP AREA (1,567 sf)	
	STUDENT MINISTRY (1,583 sf)	
	NOTE: ASSEMBLY AREAS FOR SERVICES OCCUR AT OFF-PEAK HOURS ON SUNDAYS OR AFTER HOURS DURING THE WEEK	
5. AREAS & PARKING COUNTS ARE PROVIDED FROM RECORD INFORMATION		

TENANT DESCRIPTIONS

SYMBOL	SUITE NO	DESCRIPTION	APN
101	101	STUDENT MINISTRY	248-640-01
111	111	PRESCHOOL	248-640-11
113	113	CLASSROOMS	248-640-13
115	115	WORSHIP	248-640-15

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
A	ALLSTATE	N	TWG
B	TOTAL WELLNESS CHIROPRACTIC	O	PJ SINGH DENTIST
C	MELHALF & MELHALF	P	AT HOME REAL ESTATE
D	MERCHANTILE	Q	EATON OPTOMETRIC
E	SAN JOAQUIN HEMATOLOGY & ONCOLOGY	R	EATON OPTOMETRIC
F	SAN JOAQUIN HEMATOLOGY & ONCOLOGY	S	ALTA MONT INSURANCE
G	WANDISAN MEDICAL CORP	T	BAYSIDE PEDIATRICS
H	GLORIANN FARMS	U	FARMER'S
I	AJV BOOKKEEPING	V	REMAX
J	VACANT	W	MISSION PEAK DENTAL CARE
K	MCGEORGE SCHOOL OF LAW	X	VACANT
L	FOUR WINDS CHURCH	Y	VACANT
M	DREAM KEEPERS REALTY	Z	VACANT

3. ALL REMAINDER AREAS ARE COMMON AREAS INCLUDING, CORRIDORS, REST ROOMS, EQUIPMENT AND/OR ELECTRICAL ROOMS

DATE	BY	REVISIONS
08/06/13	SFS	CIP REVIEW RESPONSE

DRAWING RELEASE	DATE
PRELIMINARY REVIEW	07/15/13
INITIAL PLAN REVIEW	
SD DOCUMENTS	
FINAL CONSTRUCTION	

CONDITIONAL USE PERMIT
Journey
Christian Church
4600 SOUTH TRACY BOULEVARD
TRACY, CALIFORNIA 95377

Schack & Company, Inc.
Civil Engineering • Building Design • Surveying
(909) 835-2178 • P.O. Box 339 • Tracy, California 95378 • FAX (909) 835-1408

DATE	07/08/13
DRAWN BY	SFS
CHECKED BY	SFS
JOB NO.	13.021
OF	1 SHEETS

RESOLUTION 2013-_____

APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR PLACE OF WORSHIP AT 4600 S. TRACY BOULEVARD, SUITES 101, 111, 113, and 115. APPLICANT IS SCHACK & COMPANY, INC. AND PROPERTY OWNERS ARE EDGEWOOD CORPORATE CENTER, LLC. AND MEM DEVELOPMENT COMPANY, LLC. APPLICATION NUMBER CUP13-0005

WHEREAS, On July 16, 2013, Schack & Company, Inc. submitted an application to establish a place of worship in the Edgewood Corporate Center located at 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115, and

WHEREAS, The subject property is located within the Industrial Areas Specific Plan area and designated General Industrial, in which places of worship are a conditionally permitted use, and a Conditional Use Permit is necessary for land use approval, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301, which pertains to existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on August 14, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit to establish a place of worship in the Edgewood Corporate Center located at 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. There are circumstances applicable to the use which makes the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a place of worship cannot be established without a Conditional Use Permit. The building was designed for office uses that function in an office-like setting, and the Conditional Use Permit will enable the place of worship to operate, which includes group classes, meetings, and administrative office hours throughout the week.
2. The establishment, maintenance, and/or operation of the project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the nature of the land use, as proposed and conditioned, will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code. The proposed use will be compatible with neighboring office uses, and all worship activities will be wholly within their tenant spaces. Worship services will be weekends only, small group studies and meetings will be during weekday evenings, and administrative office hours will be weekdays during normal business hours. There is enough off-street parking available for the proposed and existing uses.

- 3. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the use provides for an additional place of worship in an easily accessible location. Additionally, the project, as conditioned, will meet all applicable City regulations, such as tenant improvements for the use in accordance with the California Building Code and California Fire Code. The use will operate wholly indoors and will not propose activities that are incompatible with administrative, business, and medical offices.

The foregoing Resolution 2013-_____ of the Planning Commission was adopted by the Planning Commission on the 14th day of August, 2013, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

Chair

ATTEST:

Staff Liaison

City of Tracy
Conditions of Approval
Place of Worship
(Journey Christian Church)
Application Number CUP13-0005
August 14, 2013

A. General Provisions and Definitions.

A.1. General. These Conditions of Approval apply to:

The Project: A Place of worship
(Application Number CUP13-0005)

The Property: 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115, Assessor's
Parcel Numbers 248-640-01, 248-640-11, 248-640-13, and 248-640-15

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the place of worship located at 4600 S. Tracy Boulevard, Suites 101, 111, 113, and 115, Application Number CUP13-0005. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project description and site and floor plans received by the Development Services Department on August 6, 2013.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards, and State regulations, including, but not limited to, the California Building Code and the California Fire Code.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Project Expiration. The Conditional Use Permit approval shall expire six months from the project approval date, unless occupancy is established or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion or unless an extension is granted by the Planning Commission in accordance with TMC Section 10.08.4350 and 4360.
- B.2. Activities indoors. Except for the outdoor play area shown on the plans, the use shall be conducted wholly within the building unless a Temporary Use Permit is approved or an amendment to the Conditional Use Permit is granted by the Planning Commission.