

RESOLUTION 2018 - \_\_\_\_\_

APPROVING THE RENEWAL OF A CONDITIONAL USE PERMIT (EXT18-0006) FOR A DAY CARE CENTER (MONTESSORI ON THE PRAIRIE) TO EXTEND THE APPROVAL FOR EIGHTEEN MONTHS – LOCATED AT 89 W. 7<sup>TH</sup> STREET

WHEREAS, On August 28, 2018, Shanika Tennakoon filed an application for the renewal (EXT18-0006) of a Conditional Use Permit (CUP17-0005) (the “project”) to establish a 2,200 square foot day care facility at 89 W. 7<sup>th</sup> Street, and

WHEREAS, The subject property is located within the Medium Density Residential Zone, which requires a Conditional Use Permit for day care centers, and

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15303, which applies to new construction or conversion of small structures not exceeding 10,000 square feet on the sites zoned for such use, and

WHEREAS, The Planning Commission conducted a public hearing and approved the project on February 28, 2018, and

WHEREAS, The Planning Commission conducted a public hearing to consider the renewal of the Conditional Use Permit (CUP17-0005) to extend the project approval for an additional eighteen months on October 10, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission approves the Renewal (EXT18-0006) to extend a Conditional Use Permit (CUP17-0005) for an additional eighteen months (to March 15, 2020), subject to the conditions contained in Exhibit 1 and the following findings:

1. The project is consistent with the City of Tracy General Plan, in that: the site is designated Residential Medium by the General Plan, and day care center is a conditionally permitted use in the Medium Density Residential land use designation; the project will pay all applicable development impact fees to mitigate its proportionate impact on public facilities; and the project is consistent with the goals and policies of the General Plan, including economic development, circulation, noise, and air quality.
2. The Project includes site plan and design elements consistent with the City Design Goals and Standards, including number and design of parking spaces, circulation, land use and landscaping.
3. The proposed location of the subject property is designated Medium Density Residential. Day care centers are a conditionally permitted use within the Medium Density Residential zone. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity. The day care facility proposes hours of operation from 7:00 a.m. through 6:00 p.m., Monday through Friday, which will limit any increase in noise or vehicular traffic to those hours.

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4. The proposed use will comply with each of the applicable provisions of the zoning regulations. The project is consistent with City standards in all respects, including, but not limited to: siting standards, off-street parking, and landscaping.

The foregoing Resolution 2018-\_\_\_\_\_ was adopted by the Planning Commission on the 10th day of October, 2018, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

**Montessori on the Prairie**  
**Conditions of Approval**  
**Application Number EXT18-0006**  
**October 10, 2018**

These Conditions of Approval shall apply to the real property described as the Montessori on the Prairie Project, Conditional Use Permit Renewal (Application Number EXT18-0006). The approximately 6,000 square foot subject property is located at the northeast corner of W. 7<sup>th</sup> Street and B Street, 89 W. 7<sup>th</sup> Street, Tracy (Assessor's Parcel Number 235-065-14).

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "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.
3. "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 (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the Montessori on the Prairie at 89 W 7<sup>th</sup> Street. The approximately 6,000 square foot subject property is located on the northeast corner of W 7<sup>th</sup> Street and B Street (Assessor's Parcel Number 235-065-14).
5. "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.
6. "Project" means the real property consisting of approximately 6,000 square foot proposed for the Montessori on the Prairie at 89 W 7<sup>th</sup> Street, Conditional Use Permit Renewal (Application Number EXT18-0006).
7. "Property" means the real property located at 89 W 7<sup>th</sup> Street (Assessor's Parcel Number 235-065-14).

B. Conditions of Approval for EXT18-0006:

1. 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 Subdivision Map Act (Government Code sections 66410, *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 15000, *et seq.*, "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. 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.
4. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department (L-1) on December 26, 2017.
5. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons. Landscaping within the new, five-foot-wide planter along the west and south perimeter of the play area shall be planted with evergreen shrubs to substantially match the appearance, spacing, and size at maturity of the existing shrubs along the north side of the play area to achieve a dense, approximately five-foot-tall, visual screen of the play area.
6. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
7. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations. All signs shall be designed and constructed in accordance with the size, height, and other standards of Tracy's Municipal Code.
8. The regular business hours of the day care center shall not start earlier than 7:00am nor end later than 6:00pm. Events beyond the regular business hours such as graduations, formal dinners, and open houses shall be limited to no more than six events per calendar year, but in no instance may operate beyond 10:00pm.
9. Prior to occupancy, applicant shall demonstrate compliance with the California Fire Code to the satisfaction of the Fire Marshal. {END}