

## 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, June 12, 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 A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 125 GANDY DANCER DRIVE – APPLICANT IS ROBERT M. KRENIK FOR CALVARY CHAPEL TRACY AND PROPERTY OWNER IS DAVE HUMPHREY FOR HUMPHREY DEVELOPMENT, LLC. - APPLICATION NUMBER CUP13-0003**

**B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT APPLICATION FOR AN EDUCATIONAL AND INSTITUTIONAL FACILITY AT 510 WHISPERING WIND DRIVE. APPLICANT AND PROPERTY OWNER IS EDGEWOOD CORPORATE CENTER, LLC. APPLICATION NUMBER CUP13-0004**

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

Posted: **June 6, 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.



**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**WEDNESDAY, May 22, 2013**  
**7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER** Chair Ransom called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE** Chair Ransom led the pledge of allegiance

**ROLL CALL** Roll Call found Chair Ransom, Vice Chair Sangha, Commissioner Johnson, Commissioner Mitracos, and Commissioner Orcutt. Also present were staff members Bill Dean, Assistant Development Services Director, Victoria Lombardo, Senior Planner, Kimberly Matlock, Assistant Planner, Criseldo Mina, Senior Civil Engineer, Bill Sartor, Assistant City Attorney and Jan Couturier, Recording Secretary.

**MINUTES APPROVAL** Chair Ransom commented that the March 27, 2013 minutes had been approved as amended at the April 24, 2013 Planning Commission meeting.

Chair Ransom requested comments on the April 24, 2013 minutes. Commissioner Mitracos moved that the Commission approve the April 24, 2013 minutes. Commissioner Orcutt seconded; all in favor, none opposed.

**DIRECTOR'S REPORT REGARDING THIS AGENDA** – None

*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*

**ITEMS FROM THE AUDIENCE** - None

1. **OLD BUSINESS** – None

2. **NEW BUSINESS**

A. **PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR A PRESCHOOL BUILDING, OUTDOOR PLAY AREA, AND PARKING AREA IMPROVEMENTS AT 160 W. BEVERLY PLACE - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS PASTOR OF ST. BERNARD'S CHURCH - APPLICATION NUMBERS CUP13-0002 & D13-0004**

Chair Ransom reviewed agenda item 2A. She requested the staff report for this item.

Kimberly Matlock, Assistant Planner introduced the agenda item and advised it was two projects in one. She provided a summary of St. Bernard's Church & School located on Eaton Avenue in Tracy. She advised that the applicant planned to start a pre-school and had purchased the property located at 160 West Beverly Place with the intent of demolishing the existing single family home and build a three classroom building with an administrative building and play area.

The site is zoned High Density Residential and the surrounding area is residential and school uses. Schools are conditionally permitted in the HDR zone and require a Conditional Use Permit to operate. She added that the building and site improvements require development review approval prior to construction.

The building designed to match the present architecture. Parking for staff is accommodated. Student pick-up and drop-off will occur on Eaton Avenue to mitigate the impact of traffic on Beverly Place. The preschool will operate in conjunction with the main campus and will serve up to sixty students with an enclosed play area. She said the principal at Saint Bernard's had made several attempts to meet with all affected neighbors about the project and had not encountered any opposition.

Ms. Matlock stated that the applicant requested a five year validity period extension to complete the build out based on potential funding issues. She further advised that the Planning Commission has granted similar extended approval periods in the past.

Ms. Matlock concluded by recommending that the Planning Commission approve the Conditional Use Permit application to establish a preschool with outdoor play area at 160 W. Beverly Place, approve the Development Review application and approve a validity period of one year and approve four subsequent consecutive one-year extensions for the complete construction of the project.

Chair Ransom requested questions or comments from the Commissioners regarding the staff report.

Commissioner Johnson commented about the current zoning as HDR and asked if the project was non-conforming. Ms. Matlock replied that the proposed use of a school requires a Conditional Use Permit.

Commissioner Johnson asked about easements that are proposed to be abandoned. Mr. Mina advised that if the easements are no longer needed, the applicant can request removal. The easements were originally used for utilities but are no longer required. Ms. Matlock also referred the question to the applicant.

Commissioner Mitracos addressed the issue of student pick-up and drop-off and indicated that the traffic in the area becomes congested at these times. He asked how the traffic issues would be enforced. Ms. Matlock indicated it would be up to the school staff to enforce.

Mr. Dean added that the applicant would need to demonstrate to their staff that they enforce this rule.

Mr. Orcutt asked when Saint Bernard staff had connected with the neighbors. Ms. Matlock indicated that it was during the review period the most recent being within the last two weeks.

Mr. Orcutt requested information on the fencing surrounding the property suggesting that the present configuration would cut the new building off from direct access to the campus. Ms. Matlock advised that the fence at the back of the property would be removed.

Chair Ransom asked about public noticing. Ms. Matlock advised that the public was properly noticed and that staff had not received any comments. Chair Ransom asked what radius was used by the city went for the noticing. Ms. Matlock advised that the City expanded beyond the 300 foot requirement and by using 500 feet.

Chair Ransom asked what the project would look like in the unfinished state prior to the extension periods. Ms. Matlock advised that the building would be complete and the additional area might be used for additional play area or landscaping.

Chair Ransom opened up the Public Hearing at 7:15 p.m.

The applicant, Dan Schack 1025 Central Avenue, gave some background on his firm, Schack and Company. He added that Gary Abate, the principal of Saint Bernard's, was also available to answer questions; along with members of the Schack and Company staff. He indicated that this project was an extension of the present use of the facility that would better control student placement and involvement. Mr. Schack confirmed that the school staff had recently performed the neighborhood canvassing.

Mr. Schack reviewed the traffic issues adding that traffic patterns would continue to be as they are at present. He stated that Saint Bernard's School would not be adding students, but simply repositioning the students on campus. Mr. Schack addressed Chair Ransom's concern regarding completion of the building and said the first phase of the building would be completely constructed.

Commissioner Johnson asked for clarification about the number of students to be added. Mr. Schack advised that the project was primarily to provide additional space, not add students. Commissioner Mitracos asked about the need for extra class rooms and Mr. Schack advised that it would allow for more space.

Mr. Schack addressed the issue of easements indicating that at the time the original structure was built they were required for utilities. He added this was no longer the case; that this was the reason to request their removal.

Commissioner Johnson asked about the parking lot grade. Mr. Schack advised that the goal was to minimize the amount of storm drainage and indicated that there would be some increased run off based on the grading, but some would be retained on site with the final objective of less water that would run into the storm drain.

Vice Chair Sangha asked for clarification on the issue of additional students requesting how many more students would be attending. Mr. Abate advised that the number of extra students would be approximately 20 pre-school students.

Chair Ransom asked for public comment at 7:25 p.m. There were none.

Chair Ransom asked if the Commission had any further comments. Commissioner Johnson advised that any issues were all addressed in the report.

Commissioner Mitracos commented that the traffic controls in place were suitable.

Commissioner Orcutt advised that he felt the traffic the plan was viable.

Commissioner Johnson moved that the Planning Commission approve the Conditional Use Permit application to establish a preschool with outdoor play area at 160 W. Beverly Place, approve the Development Review application for an approximately 4,500 square foot building, outdoor play area, and parking, landscape, and hardscape improvements at 160 W. Beverly Place, and approve a validity period of one year and approve four subsequent consecutive one-year extensions for the complete construction of the project and establishment of the use, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated May 22, 2013. Vice Chair Sangha seconded, all approve, none opposed.

- B. PUBLIC HEARING TO CONSIDER APPROVAL OF A 61-LOT TENTATIVE SUBDIVISION MAP ON AN 11.8-ACRE PARCEL LOCATED ON THE NORTH SIDE OF STARFLOWER DRIVE AT HUMMINGBIRD WAY, EAST OF CORRAL HOLLOW ROAD FOR THE CONSTRUCTION OF 61 SINGLE-FAMILY HOMES. THE APPLICANT IS MACKAY AND SOMPS AND OWNER IS STANDARD PACIFIC HOMES- APPLICATION NUMBER TSM13-0001**

Chair Ransom reviewed agenda item 2B and requested a staff report.

Ms. Lombardo reviewed the project, indicating that it was the last of the Murifield Project advising that it had been split into thirds and gave some history of the project and zoning. She advised that the map was slightly outdated referring to the renaming of Kyle Dayton Drive.

Ms. Lombardo commented that the developers worked with the School District and the City of Tracy to pay in lieu fees, due to project size, for both school and park fees. She mentioned that due to the fact that the map is non-vesting and the site is zoned Low Density; the project is exempt from architecture review. She also reviewed the new site had obtained sewer capacity. Ms. Lombardo advised that staff had examined the architecture and was confident that it would conform to the neighborhood.

Chair Ransom asked the Commission if they had questions. Commissioner Johnson recused himself.

Commissioner Mitracos asked about the area south of the site on the east side. Ms. Lombardo indicated that area is for park expansion. Commissioner Mitracos then requested information about the Saddlebrook site. Ms. Lombardo advised that site had a potential developer.

Commissioner Mitracos stated this approval was no different than the approval at a previous Commission meeting. He also asked about the number of Residential Growth Allotments and the effect of this project's need on any other developments. Ms. Lombardo advised that city has 750 available and she did not anticipate having a demand that would exceed the number available.

Chair Ransom opened public hearing at 7:35 p.m. There were none.

Chair Ransom closed the public hearing and asked the Commissioners if they had any further comments or questions.

Commissioner Orcutt moved that the Planning Commission approve the Muirfield 7 Phase 4 61-lot Tentative Subdivision Map, Application Number TSM13-0001, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated May 22, 2013. Commissioner Mitracos seconded with Vice Chair Sangha and Chair Ransom in approval and Commissioner Johnson abstaining.

3. **ITEMS FROM THE AUDIENCE** None
4. **DIRECTOR'S REPORT** – 1 Mr. Dean mentioned that the Cordes Ranch project will be presented at the June 26, 2013.
5. **ITEMS FROM THE COMMISSION** – Commissioner Mitracos congratulated staff on the minutes.
6. **ADJOURNMENT** – Commissioner Orcutt moved to adjourn at 7:39 p.m.

AGENDA ITEM 2-A

REQUEST

**PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 125 GANDY DANCER DRIVE – APPLICANT IS ROBERT M. KRENİK FOR CALVARY CHAPEL TRACY AND PROPERTY OWNER IS DAVE HUMPHREY FOR HUMPHREY DEVELOPMENT, LLC. - APPLICATION NUMBER CUP13-0003**

DISCUSSION

Project and Site Description

The request is a Conditional Use Permit for a place of worship, including activities such as administrative and service functions, meetings for religious study and education, and occasional outdoor social and recreational gatherings. The proposed location is in a light industrial building located at 125 Gandy Dancer Drive, which is within the Industrial Areas Specific Plan area and designated General Industrial. 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 subject site is bordered on all four sides by undeveloped properties also designated ISP General Industrial. There are two buildings on the site. The applicant proposes to occupy the building closest to the street, which is divided into three tenant spaces, and the applicant proposes to occupy the middle tenant space. The two other tenants in the building are storage uses. The other building is to the rear and is wholly occupied by the property owner's manufacturing business. The rear half of the site is associated outdoor storage and manufacturing area enclosed by fencing and separated from the front half of the site (Attachment A).

Land Use Analysis

The subject site has the look and feel similar to an office complex and doesn't have the large truck traffic typical of industrial properties. The Planning Commission has granted a number of Conditional Use Permits for places of worship in light industrial areas that operate similarly to office complexes, including two on Mars Way nearby the subject site.

The proposed place of worship would be an appropriate use at the proposed site because it will operate in an office-like manner. According to the applicant, typical activities include religious worship services on the weekend as well as weekday administrative office hours and ministry meetings and weeknight religious studies. A week-long religious study event (Vacation Bible School) would occur annually in place of the typical activities for that week. Occasional social activities unrelated to typical worship services, such as wedding ceremonies or memorials, may also take place at the site. The applicant also proposes to use the paved area behind the building up to six times a year on weekends for social and recreational activities, such as a barbecue and a bounce house. These activities are private and not open to the general public. The

outdoor activity area is large enough to accommodate the outdoor activities without impeding vehicular circulation through the site (Attachment B).

The applicant has met with other businesses in the vicinity. According to the applicant, no concerns or issues were raised. A place of worship, as conditioned, would be compatible with the neighboring businesses and residences.

#### Parking Analysis

The site has enough off-street parking for the existing and proposed uses. There are a total of 41 spaces on the site. There are 30 spaces adjacent to the multi-tenant building, four spaces are adjacent to the rear building, and 7 spaces in the outdoor manufacturing yard behind the fence. The 7 behind the fence are used solely by the manufacturing use and inaccessible to uses in the front building, leaving 34 spaces available. A total of 17 parking spaces are required for the existing uses, leaving 17 spaces for the proposed use. The minimum number of off-street parking required for the proposed place of worship is 34 spaces based on an assembly area of 2,063 square feet. A difference of 17 spaces is needed to serve the place of worship.

Tracy Municipal Code Section 10.08.3460(j) "joint use parking" allows up to fifty percent of the required parking for a primarily off-peak use to be provided by parking facilities belonging to a primarily on-peak use, upon Planning Commission authorization. According to the applicant, the place of worship will be operating primarily on weekends and weeknights and according to the property owner, the other on-site uses are primarily weekday uses. With joint use parking, the off-peak place of worship's remaining required 17 spaces can be satisfied by the 17 spaces used by the on-peak uses.

#### Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15303, which pertains to existing facilities. The project consists of additions to existing structures that will not result in an increase of more than 10,000 square feet where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No further environmental assessment is required.

#### RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit application for a place of worship at 125 Gandy Dancer Drive and authorize joint use parking, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated June 12, 2013 (Attachment C).

#### MOTION

Move that the Planning Commission approve the Conditional Use Permit application for a place of worship at 125 Gandy Dancer Drive and authorize joint use parking, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated June 12, 2013 (Attachment C).

Agenda Item 2-A  
June 12, 2013  
Page 3

Prepared by Kimberly Matlock, Assistant Planner  
Reviewed by Bill Dean, Assistant Development Services Department Director  
Approved by Andrew Malik, Development Services Department Director

ATTACHMENTS

- Attachment A— Location Map
- Attachment B— Site and Floor Plan
- Attachment C— Planning Commission Resolution

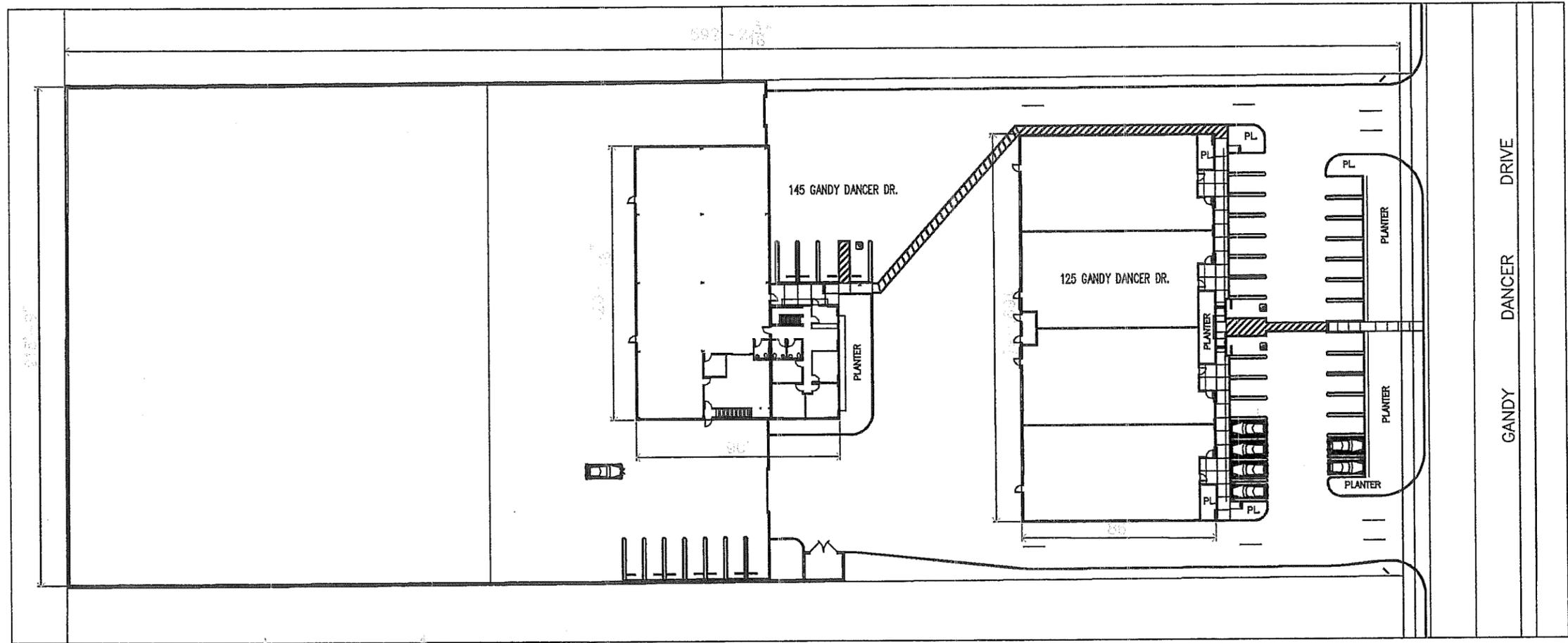


# Location Map



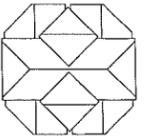


RECEIVED  
 MAY 28 2013  
 CITY OF TRACY  
 D.E.S.



SOUTH TRACY INDUSTRIAL PARK  
 PARCEL 2  
 PM 18-00-MS 22 M 155  
 PM 248-47-18

DESCRIPTION	DRN	CHK	APP.	DATE	REVISIONS	DRAWN BY	CHECKED	APPROVED	CUSTOMER:	TITLE:	SCALE:	REV.
									Calvary Chapel Tracy	Property Plan View APN 248-47-18	as noted	
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									DRAWING NO.			
<b>HUMPHREY DEVELOPMENT LLC</b>												



CALVARY CHAPEL TRACY  
 125 GANDY DANCER STE 140  
 TRACY CALIFORNIA

JPDAVIS  
 ARCHITECT  
 1871 DUNCAN DRIVE  
 TRACY CA  
 209 835 9116

\* \*

REV No	DATE	REVISIONS	DWN BY	CHK BY
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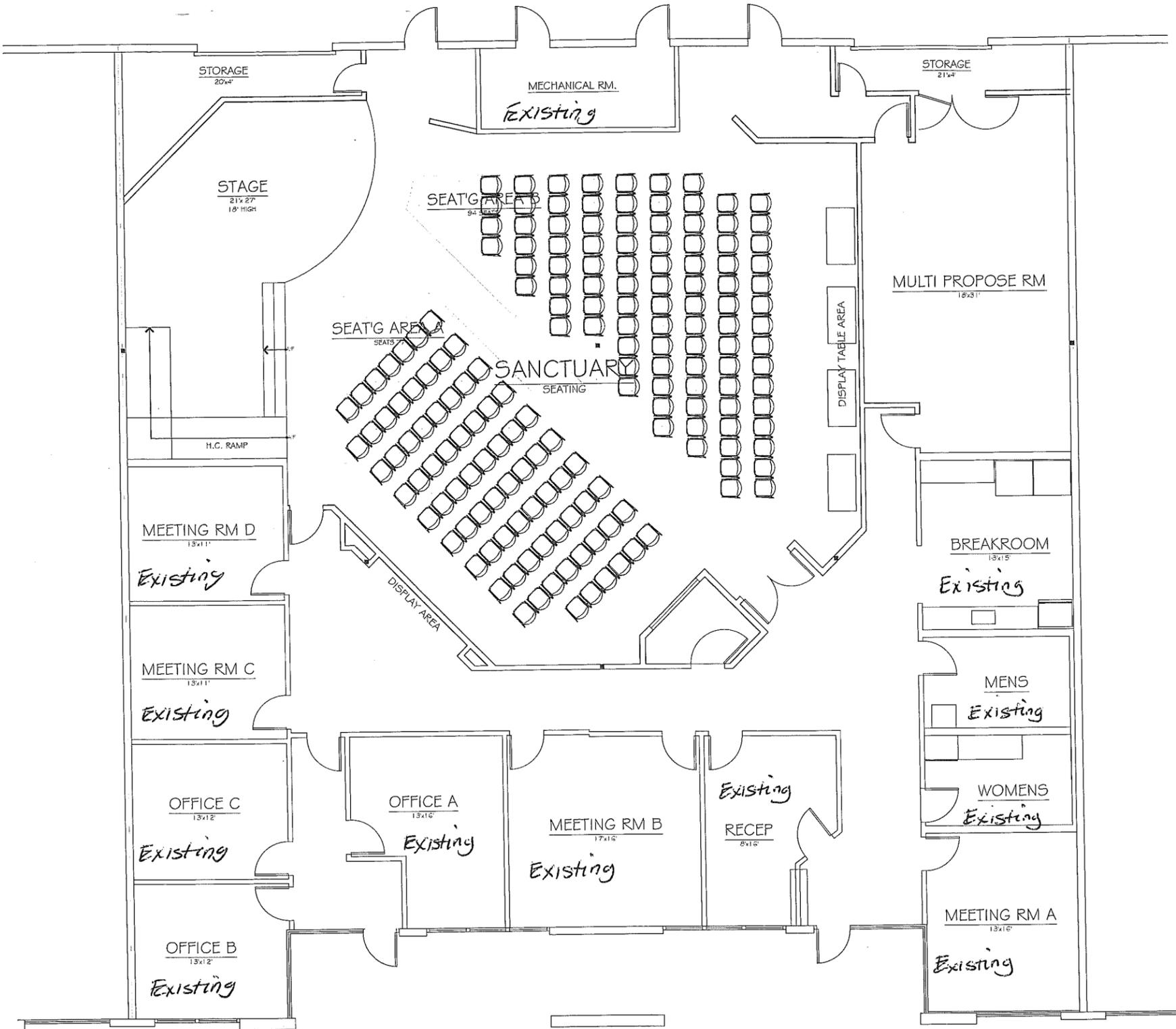
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Sheet Title  
**PRELIMINARY FLOOR PLAN**

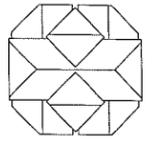
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**A-010** of

ROOM NAME	SQ. FOOTAGE	CBC OCCP. FOOTAGE	Number Occupants
PLATFORM NET	429	15	29
SANCTUARY GROSS	2063		
SEATING AREA A	534	7	76
SEATING AREA B	613	7	88
SOUND BOOTH	49	15	3
MULTI PROPOSE RM	540	15	36
MEETING ROOM A	215	15	14
MEETING ROOM B	291	15	19
MEETING ROOM C	164	15	11
MEETING ROOM D	164	15	11
OFFICE A	203	100	2
OFFICE B	163	100	2
OFFICE C	166	100	2
RECEP (OFFICE D)	172	100	2
BREAKROOM	202	200	1
MENS	105		0
WOMENS	105		0
LOBBY A	148	100	1
LOBBY B	77	100	1
CORRIDORS	862		0
STORAGE A	124	300	0
STORAGE B	82	300	0
<b>TOTAL BUILDING OCCUPANTS</b>			<b>298</b>



PRELIMINARY FLOOR PLAN # 7

SCALE 3/16" = 1'-0"



CALVARY CHAPEL TRACY  
 125 GANDY DANCER STE 140  
 TRACY CALIFORNIA

JPDAVIS  
 ARCHITECT  
 1871 DUNCAN DRIVE  
 TRACY CA  
 209 835 9116

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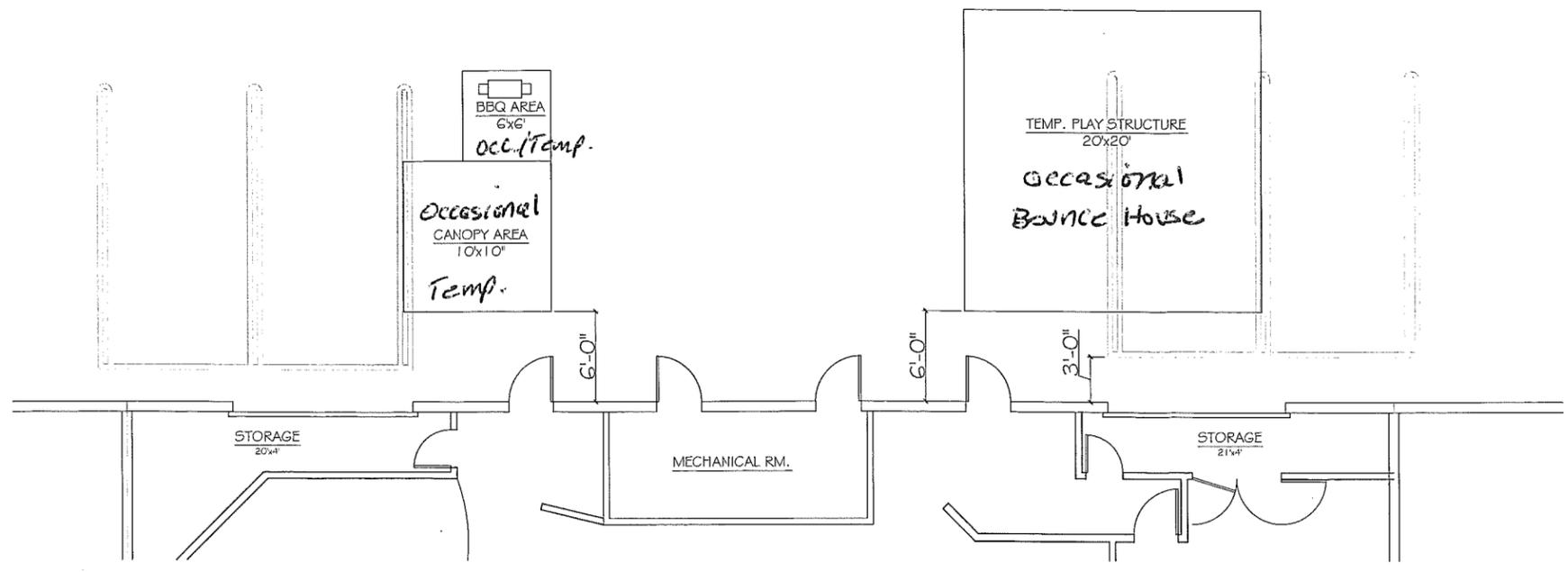
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Sheet Title  
**PRELIMINARY FLOOR PLAN**

Sht. No.  
 A-011 of



PRELIMINARY FLOOR PLAN #7 REAR EXTERIOR

SCALE 3/16" = 1'-0"



**RESOLUTION 2013-\_\_\_\_\_**

**APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP 125 GANDY DANCER DRIVE – APPLICANT IS ROBERT M. KRENK FOR CALVARY CHAPEL TRACY AND PROPERTY OWNER IS DAVE HUMPHREY FOR HUMPHREY DEVELOPMENT, LLC. - APPLICATION NUMBER CUP13-0003**

WHEREAS, On May 7, 2013, Calvary Chapel Tracy submitted an application for a Conditional Use Permit to establish a place of worship at 125 Gandy Dance Drive and requested authorization of joint use parking to meet its minimum off-street parking requirements, and

WHEREAS, The proposed location is within the Industrial Areas Specific Plan area and designated General Industrial, and

WHEREAS, Places of public assembly, such as educational, cultural, institutional, religious, and recreational uses, are conditionally permitted in the Industrial Areas Specific Plan General Industrial area, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 pertaining to infill development, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on June 12, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit Application Number CUP13-0003 to establish a place of worship at 125 Gandy Dancer Drive and authorize joint use parking as provided in Tracy Municipal Code Section 10.08.3460(j), 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 suits the needs of the applicant, and a Conditional Use Permit will enable this location with the building and site characteristics to be used as a place of worship.
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 conditioned, will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code. The place of worship is compatible with existing business, because the use will be operated wholly indoors and will not engage in activities resulting in noise, odors, or vibration during the week when other businesses are in operation. The occasional social activities and outdoor recreational activities will be infrequent and will occur only during off-peak business hours.
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 project, as conditioned, will meet all applicable City regulations, such as

provision of required parking with the application of joint use parking and adequate pedestrian and vehicular circulation on site. The project will also meet all applicable requirements of the Tracy Municipal Code, California Building Codes, and California Fire Codes.

\* \* \* \* \*

The foregoing Resolution 2013-\_\_\_\_\_ of the Planning Commission was adopted by the Planning Commission on the 12<sup>th</sup> day of June, 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 at 125 Gandy Dancer Drive  
(Calvary Chapel Tracy)  
Application Number CUP13-0003  
June 12, 2013

**A. General Provisions and Definitions.**

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

The Project: A place of worship (Application Number CUP13-0003)

The Property: 125 Gandy Dancer Drive, Assessor's Parcel Number 248-470-19

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 Department 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 125 Gandy Dancer Drive, Application Number CUP13-0003. 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 site and floor plans received by the Development Services Department on May 28, 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 Department Planning Division Conditions**

Contact: Kimberly Matlock (209) 831-6430 [kimberly.matlock@ci.tracy.ca.us](mailto: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. Amplification of sound. There shall be no exterior amplification of sound, noise, or music without approval of an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.3. Activities indoors. Except as 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.
- B.4. Signs.
- B.4.1. The applicant shall obtain sign and building permits, as applicable, for any new or reconstructed signs.
- B.4.2. Temporary signs, including banners, flags, pennants, balloons, and similar devices, shall comply with the Tracy Municipal Code standards for temporary

signs.

**C. Development Services Department Building and Fire Safety Division Conditions**

Contact: Kevin Jorgensen      (209) 831-6415      [kevin.jorgensen@ci.tracy.ca.us](mailto:kevin.jorgensen@ci.tracy.ca.us)

- C.1. Building permits. Before occupancy of the building, the applicant shall obtain all applicable building permits required to change the building to an A-3 occupancy designation to the satisfaction of the Building Official.
- C.2. Emergency access path. A minimum 20-foot wide emergency vehicle access path shall be maintained at all times throughout the site. Outdoor activities shall not obstruct the emergency vehicle access path or obstruct fire prevention utilities.



AGENDA ITEM 2-B

REQUEST

**PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT APPLICATION FOR AN EDUCATIONAL AND INSTITUTIONAL FACILITY AT 510 WHISPERING WIND DRIVE. APPLICANT AND PROPERTY OWNER IS EDGEWOOD CORPORATE CENTER, LLC. APPLICATION NUMBER CUP13-0004**

DISCUSSION

Project and Site Description

The proposal is to establish Therapeutic Pathways, a behavioral and language-based therapy and treatment facility, in the Edgewood Corporate Center located at 510 Whispering Wind Drive. 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.

According to the applicant, the proposed facility would provide behavioral and language-based therapy to children and adolescents with autism. The applicant proposes to occupy approximately 8,000 square feet of the subject building, divided into offices and therapy rooms (Attachment B). An outdoor recreation area to the east of the building is proposed as part of the use. This area will be used by clients practicing appropriate play and social skills as well as for employee breaks.

According to the applicant, Therapeutic Pathways will employ between 35 to 50 staff and treat up to 50 clients at once. Typical hours of operation would be Monday through Friday from 8 am to 6 pm. Clients are seen throughout the day with most seen after school hours at set times ranging from two to six hours, depending on the client's needs. This request also entails one-hour family training sessions that take place each week, scheduled on an as-need basis. Clients are driven to the site by their families or transported to and from the facility by private busses contracted by Therapeutic Pathways.

There is one other tenant in the subject building, and it is a dental office. Other businesses onsite include administrative, business, and medical offices 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. The site contains 459 parking spaces, which is at a rate greater than 1 parking space per 200 square feet of gross floor area. The site is primarily occupied by office uses, which only requires 1 space per 250 square feet of gross floor office area. There is a significant excess of off-street parking available.

The Tracy Municipal Code (TMC) Section 10.08.3480 prescribes off-street parking requirements for specific land uses and Section 10.08.3490 authorizes the Planning Commission to determine parking requirements for land uses when not specified in the TMC. On March 27, 2013, the Planning Commission determined a minimum off-street parking requirement for educational and vocational training facilities to be 1 parking space per staff person at peak times plus 1 parking space per transit vehicle that will be parked on site (Application Number DET13-0001).

The proposed use will employ up to 50 staff on site at one time and will require 50 parking spaces based on the Planning Commission's parking determination for such uses. Additionally, the applicant proposes to designate six automobile spaces for parking for three busses.

### 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 an educational and institutional facility 510 Whispering Wind Drive, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated June 12, 2013.

### MOTION

Move that the Planning Commission approve the application for a Conditional Use Permit for an educational and institutional facility 510 Whispering Wind Drive, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated June 12, 2013.

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

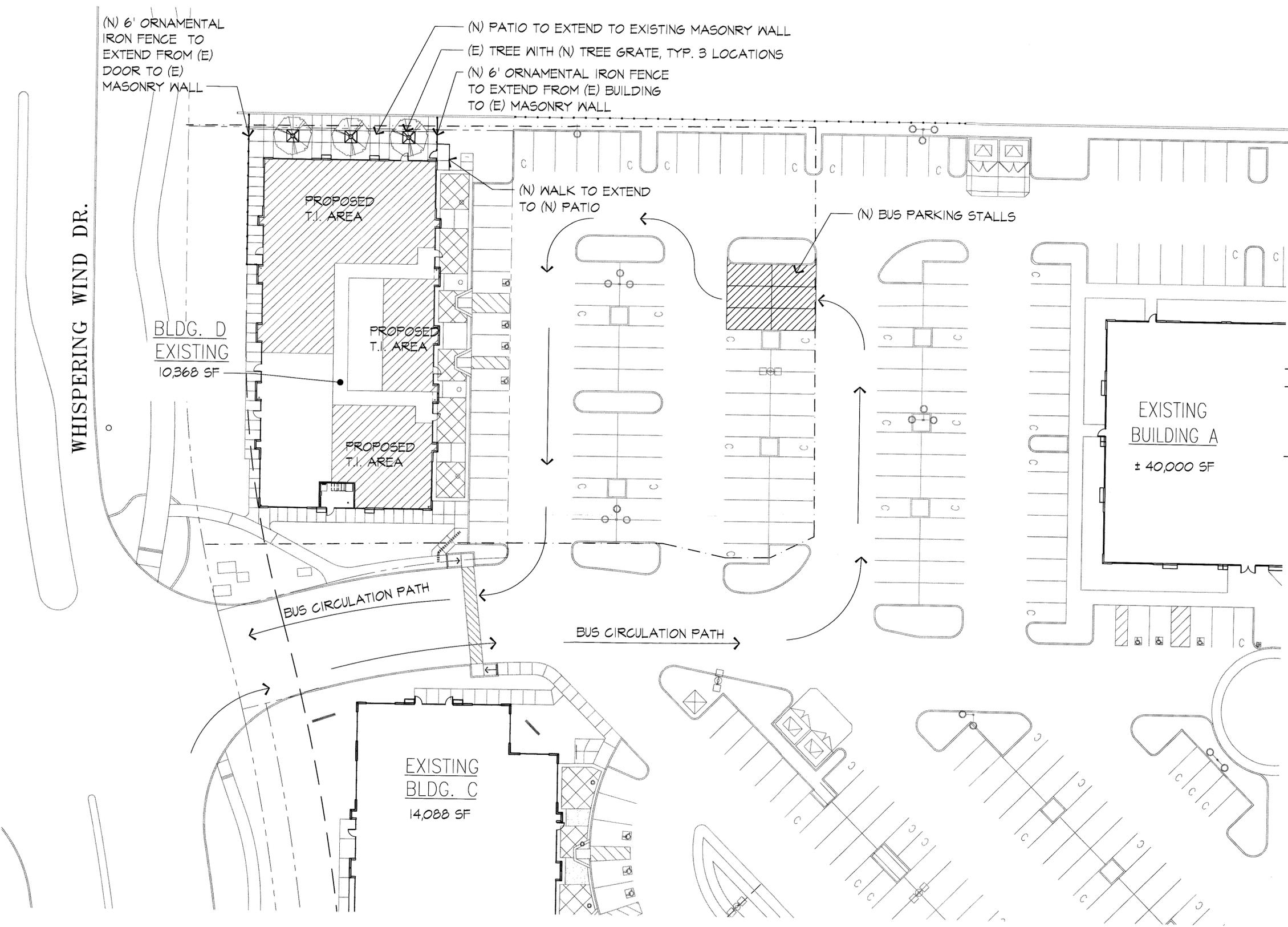
### ATTACHMENTS

- Attachment A: Location Map
- Attachment B: Site Plan and Floor Plan
- Attachment C: Planning Commission Resolution

# Location Map



RECEIVED  
MAY 07 2013  
CITY OF ROSEVILLE  
U.S.



PARKING SUMMARY - EDGEWOOD CORPORATE CENTER

PHASE	STATUS	AREA	FACTOR	REQ'D	PROVIDED
PHASE 1 "A"	EXISTING	40,000 S.F.	1/200 =	200	299
PHASE 2 "B"	EXISTING	16,218 S.F.	1/200 =	81.09	79
PHASE 2 "C"	EXISTING	14,176 S.F.	1/200 =	70.88	
PHASE 3 "D"	EXISTING	10,368 S.F.	1/200 =	52	81
TOTAL		80,762 S.F.		404	459

PARKING PROVIDED  
 ACCESSIBLE STALLS 17  
 BUS PARKING STALLS 6  
 STANDARD STALLS 346  
 COMPACT STALLS 90  
 TOTAL STALLS 459

PARTIAL SITE PLAN - BUILDING D - 510 WHISPERING WIND DRIVE

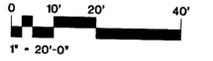
**EDGEWOOD CORPORATE CENTER**

**THERAPEUTIC PATHWAYS**

06043-3

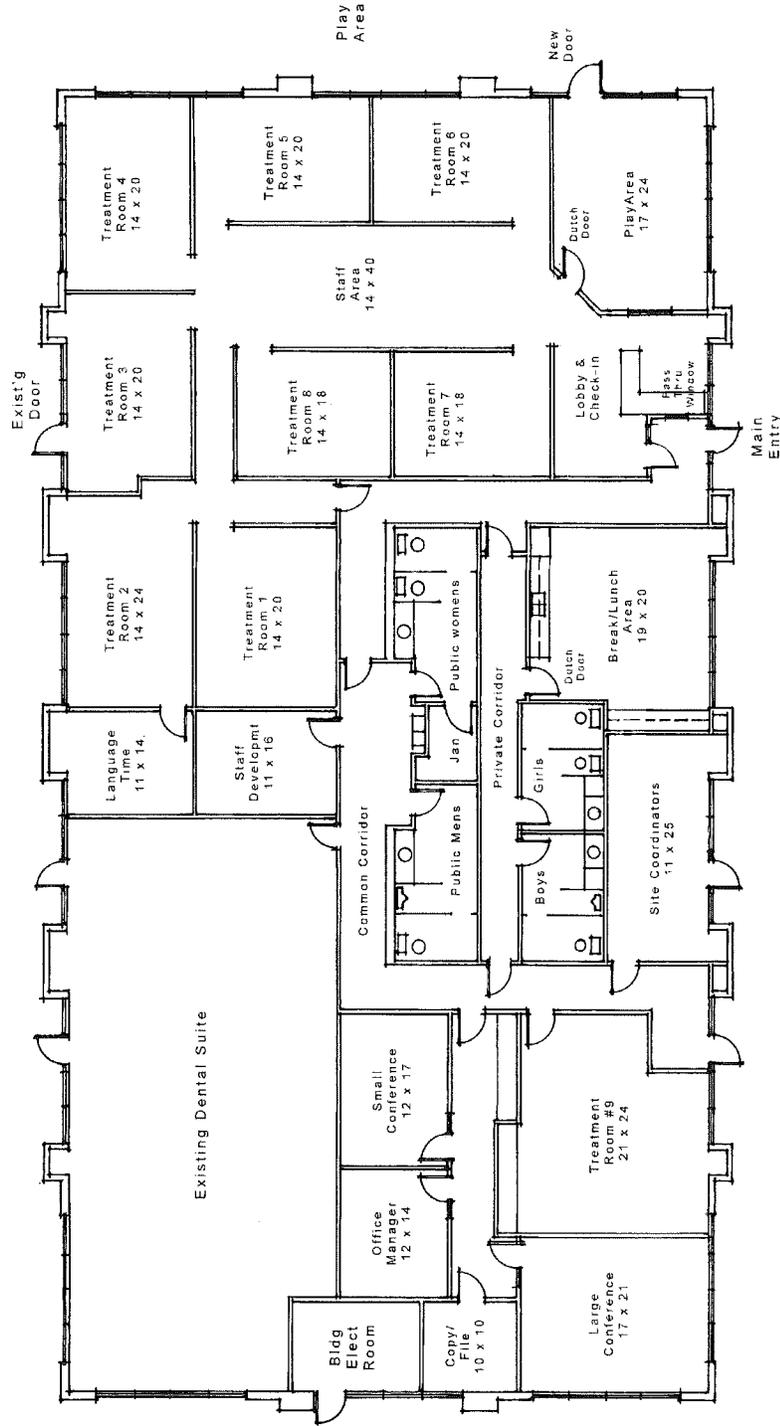
DATE: 04/17/2013

1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 95661 T | 916 782 7200 F | 916 773 3037



ARCHITECTURAL GROUP  
**Borges**

06/17/13



# Proposed Floor Plan - Therapeutic Pathways

**EDGEWOOD CORPORATE CENTER**

Troy, California

06043.3 04-17-13 4176 stoney point drive, suite 350 roseville, ca 95601 telephone | 916.792.7200 fax | 916.773.3000

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





**RESOLUTION 2013-\_\_\_\_\_**

**APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR AN EDUCATIONAL AND INSTITUTIONAL FACILITY AT 510 WHISPERING WIND DRIVE. APPLICANT AND PROPERTY OWNER IS EDGEWOOD CORPORATE CENTER, LLC. APPLICATION NUMBER CUP13-0004**

WHEREAS, On May 7 2013, James Nylan on behalf of Edgewood Corporate Center, LLC, submitted an application to establish a behavioral and language-based therapy and treatment facility in the Edgewood Corporate Center located at 510 Whispering Wind Drive, and

WHEREAS, The subject property is located within the Industrial Areas Specific Plan area and designated General Industrial, in which educational and institutional facilities 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 June 12, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit to establish an educational and institutional facility at 510 Whispering Wind Drive, 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 an educational and institutional facility 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 this use which operates like an office that is educational and institutional in nature.
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, operate during typical workday hours with established therapy session times, provide a designated parking area for shuttle busses, and enclose outdoor activities behind the building and fencing. Furthermore, the fencing will be comprised of decorative iron and the existing trees will be preserved in the outdoor play area.

- 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 a service to the community that improves upon its public health and welfare. 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. Furthermore, there will not be a conflict between pedestrians and vehicles because the parking lot is sufficient for shuttle bus circulation and parking, and the outdoor play area will be enclosed by fencing to prevent playing children out of the parking area.

\*\*\*\*\*

The foregoing Resolution 2013-\_\_\_\_\_ of the Planning Commission was adopted by the Planning Commission on the 12<sup>th</sup> day of June, 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**  
Educational and Institutional Facility  
(Therapeutic Pathways)  
Application Number CUP13-0004  
June 12, 2013

**A. General Provisions and Definitions.**

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

The Project: An Educational and Institutional Facility  
(Application Number CUP13-0004)

The Property: 510 Whispering Wind Drive, Assessor's Parcel Numbers 248-680-01,  
248-680-03, 248-680-04, 248-680-05, & 248-680-06

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 educational and institutional facility located at 510 Whispering Wind Drive, Application Number CUP13-0004. 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 May 7, 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](mailto: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. Transit and circulation. Parking areas, travel lanes, and public streets shall be kept clear for traffic circulation not shall be obstructed. Busses which do not fit within a standard parking stall shall utilize the designated bus parking spaces and shall not obstruct passenger parking or vehicular circulation on or off-site.
- B.3. 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.