



PLANNING COMMISSION STAFF REPORT

DATE: July 14, 2021

APPLICATION NO: RCCG Jesus House Central Valley (JHCV) Conditional Use Permit No. CUP-21-62

LOCATION: 95 D'Arcy Parkway
Lathrop, CA 95330
APN: 198-240-03

REQUEST: Planning Commission to consider Adoption of a Resolution approving a Conditional Use Permit to establish a faith based assembly use. The interior space is approximately 2,500 square feet in size, seating to accommodate 51 guests, a stage, 3 administrative offices, and 2 restroom facilities. The facility is located within the Kelly Business Park in Crossroads. The project site is fully developed with existing building, parking lot, connection to City utilities, and frontage improvements.

APPLICANT: RCCG Jesus House Central Valley (JHCV)
Attn: Adeyinka Somotun
95 D'Arcy Parkway
Lathrop, CA 95330

GENERAL PLAN: GI, General Industrial

ZONING: IG, General Industrial (Commercial Manufacturing Crossroads Overlay District)

CEQA STATUS: The proposed project is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15301 Class 1 "Existing Facilities".

SUMMARY:

RCCG Jesus House Central Valley (JHCV) is requesting approval to operate a faith based facility in an existing vacant industrial space located at 95 D'Arcy Parkway. The space is approximately 2,500 square feet in size and will accommodate weekly church services, prayer meetings, and administrative offices.

Staff recommends the Planning Commission adopt a Resolution to approve the Conditional Use Permit for the RCCG JHCV to establish an assembly use, subject to the attached Conditions of Approval.

SITE DESCRIPTION:

The project site is located within an existing business park setting located at the northeast corner of Harlan Road and D’Arcy Parkway, also known as Kelly Business Park. The site is part of the Crossroads Commerce Center which is mostly developed. The site is fully developed with existing building, parking lot, driveway and landscaping. Surrounding land uses include: warehouse, outdoor storage, offices, and other assembly uses such the New Life Church. The tenant space was unoccupied prior to RCCG Jesus House leasing the space.

The property has a General Plan land use designation of GI, General Industrial and IG, General Industrial Zoning. The site is also within the Commercial Manufacturing Crossroads Overlay District.

BACKGROUND:

The subject site is located in the Crossroads Commerce Center (formerly referred to as Crossroads Industrial Park) which was included in the City Limits of Lathrop at the time of its incorporation on July 1, 1989. The approximately 528-acre Crossroads Industrial Park project includes industrial and commercial uses, as well as a wastewater treatment facility. Development of Crossroads has proceeded over the years with installation of street improvements and utilities in conjunction with construction of new buildings. To date, approximately 90 percent of the Crossroads project is built out.

Crossroads is home to a variety of commercial development including restaurants, offices and hotel; manufacturing such as Tesla and Simwon; and logistics and distribution centers such as In-N-Out, Ashley Furniture, Del Monte, and Home Depot. The Kelly Business Park was approved on January 21, 2004 per Development Plan No. DP-03-30. The project was built in an effort to bring business to Lathrop and provide multi-tenant spaces for either rental or condo ownership.

RCCG Jesus House previously operated at the D’Arcy Business Park at 17400 Murphy Parkway. According to the applicant, Pastor Adeyinka Somotun, RCCG Jesus House has utilized their location in D’Arcy Business Park to hold services and office hours for the last 10 years. In addition, Mr. Somotun stated that the congregation has participated and organized various community based events including a back to school event where they supplied children from all over Lathrop with necessary school supplies in backpacks as well as, organized a Thanksgiving outreach program where they supply groceries and food to the community. In addition to these two events, RCCG Jesus House participates and organizes many other various community based outreach and support programs. After 10 years renting a space at D’Arcy Business Park, the church leadership is in need of a temporary facility for the congregation to accommodate their future growth for which they plan to find a permanent location.

ANALYSIS:

Site Plan & Circulation

As mentioned above, the site is fully developed with existing building, parking lot, driveway and landscaping. The applicant does not propose any modifications to the existing site plan, and the proposed use will occupy an empty tenant space on an existing improved site. Occupancy of the building will require a Tenant Improvement permit to allow modifications to the interior of the building.

Chapter 17.76.020 of the Lathrop Municipal Code (LMC) requires assembly uses to provide one parking space for each fifty (50) square feet of floor area used for seating if seats are moveable. Rooms used for Sunday school associated with a church do not require parking in addition to that required for church seating. Based on these parking standards, the assembly portion of the church (approximately 1,360 square feet) is required to provide 27 parking stalls. The business park has approximately 298 parking spaces available for use, which is sufficient to serve the parking needs of the church and related activities. In addition, the church operating hours are primarily weekends and after hours; therefore, staff does not anticipate any conflict in regards to parking availability.

It is important to note that the business park is set up to share the parking lot for all of the businesses occupying the park. The Kelley Business Park is managed by an owners association that oversees the day-to-day operations of the facility.

Floor Plan & Elevation

The entire building tenant space is approximately 2,500 square feet in size. The proposed floor plan shows the church sanctuary to be approximately 1,360 square feet in size. For church services, the sanctuary space is proposed to accommodate approximately 51 persons, using portable chairs. The sanctuary space can be reconfigured for large group meetings and other services as needed. The facility also includes three (3) administrative offices, two (2) restroom facilities, and a stage.

With the exception of possible building signs, the applicant proposes no changes to the building's exterior architecture or color.

Conditional Use Permit

RCCG Jesus House intends to actively utilize the facility to promote and support their congregation. The property will serve as the main place of worship and a center for community outreach.

The Conditional Use Permit process allows for special consideration of the proposed assembly use and associated activities, and to determine land use compatibility for a specific site. An assembly use is listed as a Conditionally Permitted Use in the Commercial Manufacturing Crossroads Overlay District. Staff finds that the proposed use is compatible with the existing and future uses within the Kelley Business Park. In addition to various light industrial uses, the business park consists of offices, and other assembly uses such as the New Life church.

Staff is of the opinion the proposed assembly use will not adversely affect the character of the surrounding area. The proposed CUP will allow the City the opportunity to condition the use to comply with City adopted land use policies and regulations for uses within the General Industrial Zone and Commercial Manufacturing Crossroads Overlay District.

In consideration of the CUP, the Planning Commission must make certain findings contained in Section 17.112.060, A of the Lathrop Municipal Code (LMC). The findings are re-stated below and include:

1. The granting of a use permit for the proposed use is necessary for the preservation and enjoyment of a substantial property right.
2. The location of the proposed use is consistent with the objectives of the zoning code and the purpose of the district in which the site is located.
3. The proposed use will comply with each of the applicable provisions of Chapter 17.112 of the LMC.

Staff has reviewed each of the findings presented above and concludes that the proposed assembly use has been designed so that the use is compatible with surrounding land uses and will not be detrimental to the health, safety or general welfare of the City.

General Plan and Zoning Consistency

As currently designed and conditioned, the project is a reasonable request that is consistent with the goals and policies of the General Plan, and will comply with the requirements of the Zoning Ordinance and Commercial Manufacturing Crossroads Overlay District. The project is also consistent with the previously approved Development Plan No. DP-03-30 for the Kelly Business Park since no modifications are proposed to the site.

Conditions of Approval

Planning staff routed the project plans on May 26, 2021 to the Building Division, Public Works Department, Lathrop-Manteca Fire District, Lathrop Police Services to ensure compliance with applicable codes and requirements. As a result, staff developed a consolidated list of conditions. Staff finds that the proposed project has been properly conditioned to meet the City's standards and requirements.

Public Notice

A Notice of Public Hearing was advertised in the Manteca Bulletin on or before July 1, 2021. Staff also mailed the public hearing notice on or before July 1, 2021 to notify property owners located within a 300-foot radius from the subject property. In addition, the meeting agenda was posted at our designated posting locations in the City (City Hall, Community Center, Library, and Fire Station #35, bulletin boards). The agenda is also posted on the City's website. As of the writing of this report, no comments were received in favor or against the proposed project.

CEQA REVIEW:

The proposed Conditional Use Permit is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15301 Class 1 “Existing Facilities”. This exemption is for a project that consists of the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures”. The proposal is for a land use request to operate a church in an existing industrial building. Staff believes that the proposed project meets these criteria and is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.

RECOMMENDATION:

Staff recommends the Planning Commission Adopt Resolution No. 21-17, approving Conditional Use Permit No. CUP-21-62 for RCCG Jesus House Central Valley (JHCV) to establish an assembly use at 95 D’Arcy Parkway, subject to the Conditions of Approval dated July 14, 2021.

Approvals:


Trent DaDalt, Assistant Planner


7/6/2021
Date


Ricardo Cagulat, Principal Planner

7/6/2021
Date


Mark Meissner, Community Development Director

7/6/2021
Date


Salvador Navarrete, City Attorney

7-7-2021
Date

Attachments:

1. PC Reso No. 21-17
2. Conditions of Approval dated July 14, 2021
3. Vicinity Map
4. Project Description
5. Floor Plan & Door Details

**CITY OF LATHROP
PLANNING COMMISSION RESOLUTION NO. 21-17**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LATHROP
APPROVING A CONDITIONAL USE PERMIT FOR RCCG JESUS HOUSE CENTRAL
VALLEY (JHCV) TO ESTABLISH AN ASSEMBLY USE (CUP-21-62)**

WHEREAS, the City of Lathrop Planning Commission held a duly noticed public hearing to consider the RCCG Jesus House Central Valley (JHCV) project pursuant to the Lathrop Municipal Code; and

WHEREAS, the request is for a Conditional Use Permit to establish a faith based assembly use. The interior space is approximately 2,500 square feet in size, seating to accommodate 51 guests, a stage, three (3) administrative offices, and two (2) restroom facilities; and

WHEREAS, the property is located at 95 D’Arcy Parkway (APN: 198-240-03); and

WHEREAS, the subject site is located in a General Industrial (GI) General Plan designation, General Industrial (IG) Zoning District, and Commercial Manufacturing Crossroads Overlay District; and

WHEREAS, the proposed Conditional Use Permit is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15301 Class 1 “Existing Facilities”. This exemption is for a project that consists of the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures”. The proposal is for a land use request to operate a church in an existing industrial building. Staff believes that the proposed project meets these criteria and is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required; and

WHEREAS, the Planning Commission finds that the project is consistent with the goals and policies of the General Plan and will comply with the requirements of the Zoning Ordinance, as conditioned. The project is also consistent with the previously approved Development Plan No. DP-03-30 for the Kelly Business Park since no modifications are proposed to the site; and

WHEREAS, the Planning Commission finds that the requirements and conditions of this resolution are reasonable in preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general, and the persons who work in or visit the development in particular; and

WHEREAS, proper notice of this public meeting was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Lathrop does hereby make the following findings:

1. The granting of a use permit for the proposed assembly use is necessary for the preservation and enjoyment of a substantial property right. The applicant has the opportunity to propose a business consistent with the provisions of the General Plan and Zoning Ordinance.
2. The location of the proposed assembly use is consistent with the objectives of the zoning code and the purpose of the district in which the site is located. The proposed assembly use is consistent with the standards for the General Industrial Zoning district and Commercial Manufacturing Crossroads Overlay District. The use is compatible with surrounding land uses and will not be detrimental to the health, safety or general welfare of the City.
3. The proposed use will comply with each of the applicable provisions of Chapter 17.112 of the Lathrop Municipal Code. As conditioned, the project will also comply with the General Plan, Zoning Ordinance, and various federal, state and local standards applicable to the project. The Conditions of Approval address Planning, Building, and Fire Department requirements.
4. The proposed Conditional Use Permit is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15301 Class 1 “Existing Facilities”.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lathrop based on substantial evidence in the administrative record of proceedings, its findings above and pursuant to its independent review and consideration, does hereby approve Conditional Use Permit No. CUP-21-62 for RCCG Jesus House Central Valley, subject to the Conditions of Approval dated July 14, 2021 listed as Attachment #2 of the Staff Report, incorporated by reference herein.

PASSED AND ADOPTED by the Planning Commission of the City of Lathrop at a special meeting on the 14th day of July, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ash Ralmilay, Chair

ATTEST:

APPROVED AS TO FORM:

Mark Meissner, Secretary



Salvador Navarrete, City Attorney

Community Development Department – Planning Division

Consolidated Conditions of Approval

July 14, 2021

Project Name: RCCG Jesus House Central Valley (JHCV)
File Number: Conditional Use Permit No. CUP-21-62
Project Address: 95 D'Arcy Parkway (APN: 198-240-03)

The following list of conditions shall be incorporated into the final construction plans and development phases of the project. The list of conditions are not intended to be all-inclusive or a comprehensive listing of all City or district regulations. Please note that additional comments and/or conditions may be added pending the response to the comments noted below and/or changes to the proposed project. The following comments and conditions of approval are based on the application and diagrams submitted on June 8, 2021.

The proposed project is a Conditional Use Permit request to establish a faith based assembly use. The interior space is approximately 2,500 square feet in size, seating to accommodate 48 guests, a stage, 3 administrative offices, and restroom facilities. The facility is located within the Kelley Business Park in Crossroads. The project site is fully developed with existing building, parking lot, connection to City utilities, and frontage improvements.

PLANNING***CEQA Determination***

The proposed Conditional Use Permit is exempt according to the California Environmental Quality Act (CEQA) Article 19 §15301 Class 1 "Existing Facilities". This exemption is for a project that consists of the "operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures". The proposal is for a land use request to operate a church in an existing industrial building. Staff believes that the proposed project meets these criteria and is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.

1. While not anticipated to be a regular occurrence, it is possible that other ancillary activities including but not limited to group meetings, baptism, memorial services, etc. may be conducted in the interior of the building.
2. Special events conducted outside the building may require a Temporary Use Permit (TUP) application. Please contact the Planning Division a minimum 4 weeks in advance of any proposed event to verify if a TUP is required and to allow sufficient time for processing.
3. This Conditional Use Permit does not include provisions to allow the operation of a school that is not ancillary to the church operation.

4. Sound generated from the property shall be kept to a minimum so as not to disturb the surrounding businesses. In addition, the applicant shall comply with Chapter 8.20 (Noise) of the LMC.
5. The project shall comply with all applicable site development provisions contained in the Lathrop Municipal Code including but not limited to parking, lighting, landscaping, etc.
6. Final building floor plan, signage, and various improvements shall be submitted with the Building Permit application and shall be reviewed and approved by the Planning Division.
7. The entire site including landscaping areas shall be maintained in a healthy, weed free condition.
8. Any building or parking area illumination including security lighting, shall be arranged to reflect away from adjoining properties.
9. No signs are approved by this project. Sign Permit for any exterior signs shall be submitted to the Planning Division for review and approval prior to installation. All signage must be in accordance with the applicable standards of the Lathrop Municipal Code.
10. Unless otherwise specified, all conditions of approval shall be complied with prior to the issuance of any Building Permits.
11. The Conditional Use Permit shall expire thirty-six (36) months from the date of approval unless a time extension is granted consistent with the policies and procedure of the Lathrop Municipal Code. Prior to the expiration, a building permit must be issued and construction is commenced and diligently pursued toward completion of the site or structures.
12. The City of Lathrop may conduct annual and or spot inspections to ensure that required site improvements and conditions are being complied with and maintained.

BUILDING

1. All construction shall comply with the most recent adopted City and State building codes:

2019 California Building Code	2019 California Plumbing Code
2019 California Electrical Code	2019 California Fire Code
2019 California Mechanical Code	2019 California Green Code
2. Special Inspections – As indicated by California Building Code Section 1704, the owner shall employ one or more special inspectors who shall provide special inspections when required by CBC section 1704. Please contact the Building Division at time of plan submittal to obtain application for special inspections.
3. The Title Sheet of the plans shall include:
 - Occupancy Group
 - Occupant Load
 - Description of Use
 - Type of Construction
 - Height of Building
 - Floor area of building(s) and/or occupancy group
4. A design professional will be required at time of construction drawings, to prepare plans for proposed improvements per the Business and Professions' Code.

5. Public and private site improvements shall be designed in accordance with the Americans with Disabilities Act and Chapter 11 of the California Building Code. Site plan shall include a site accessibility plan identifying exterior routes of travel and detailing running slope, cross slope, width, pedestrian ramp, curb ramps, handrails, signage and truncated domes. Path of travel shall be provided from the public right of way and accessible parking to building. The design professional shall ensure that the site accessibility plan is compliance with the latest Federal and State regulations.

LATHROP-MANTECA FIRE DISTRICT (LMFD)

1. The project must conform to the appropriate edition of the California Fire Code (currently the 2019 edition) and all related standards.
2. Fire Sprinkler System alterations and plans shall be submitted directly to LMFD.
3. Fire Alarm System upgrades and plans shall be submitted directly to LMFD.
4. Means of Egress and Exiting Plan shall be submitted with Tenant Improvements Plans.
5. Permits shall be obtained from the fire code official. Permit(s) and fess, shall be paid prior to issuance of any and/or all permits. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

ADMINISTRATIVE SERVICES

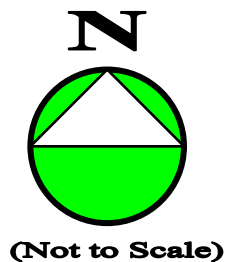
1. By exercising this approval, the applicant hereby agrees to indemnify, hold harmless and defend the City, its officers, agents, elected and appointed officials, and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this Conditional Use Permit to the fullest extent permitted by law.



PLANNING DIVISION
Vicinity Map



CUP-21-62
Conditional Use Permit
RCCG Jesus House
95 D'Arcy Parkway
APN: 198-240-03



PROJECT DESCRIPTION – 95 D'ARCY PARKWAY

RCCG Jesus House Central Valley (JHCV) is a faith based and missionary driven church. For the past 10 years, we have been located at 17400 Murphy Parkway (and before that at 17418 Murphy Parkway for two years) for our services and office hours.

JHCV is also a community service focused church. We believe that not only have we been mandated to spread the gospel but also to meet the physical needs of the needy in our community. For the past 12 years, the congregation of JHCV has been serving the Lathrop community through our "Samaritan's Heart Ministry". Our annual Back to School Backpack Drive provides school supplies (backpacks filled with school supplies) to students at Mossdale, Lathrop and Josephine Widmer elementary schools and also Lathrop High School. Every, Thanksgiving, we host our Thanksgiving Turkey and groceries outreach where we give out Thanksgiving Turkeys and groceries to members of our community. This last thanksgiving, we partnered with Lathrop High School and the Lathrop Sunrise Rotary club to hold a social distancing compliant drive through where we gave out 150 turkeys, groceries and PPE products (masks, hand sanitizers, wipes). For the last 10 years, we have also hosted an annual Health and Wellness Fair run by volunteer medical health professionals within the church and the University of the Pacific (UOP) School of Pharmacy. At this event, we provide free medical screening such as blood pressure, glucose and eye tests. Free flu shots are also available in addition to nutrition counselling and free massages.

Outside of Lathrop, JHCV has also adopted the Haven of Peace Women Shelter (Stockton) and the Hope Family Shelter (Manteca) where we provide groceries throughout the year and Valentine Day gifts and meals. The congregation and the youth ministry of the church volunteer at Saint Mary's Interfaith Kitchen (Stockton), where we help serve breakfast to the homeless and provide socks, blankets, and clothes. We have also served at the homeless shelter in Modesto.

Due to the landlord's sale of 17400 Murphy Parkway, the church had to find alternative accommodation (within 30 days), which to the glory of God, we have found at 95 D'Arcy Parkway, Lathrop CA 95330. The facilities will contain our worship sanctuary and offices. We do not intend to make any alteration to the premises as we are trusting God to secure a property to purchase and use as our permanent location by the end of our one-year lease. There are ample parking spaces around the unit. The landlord of the unit is Aspire Ventures, Inc. 3201 E. Pintail Way. Elk Grove. CA 95757.

There is no conflict in the usage of parking spaces since our services take place in the weekend and late evenings when more than 80 percent of the other businesses in the complex are closed.

Our services are:

Monday – 5:00 – 8:00PM - Pastor's Counselling Hours

Church office hours

Prayer Meeting

Wednesday – 7:00PM – 8:00PM – Bible Study

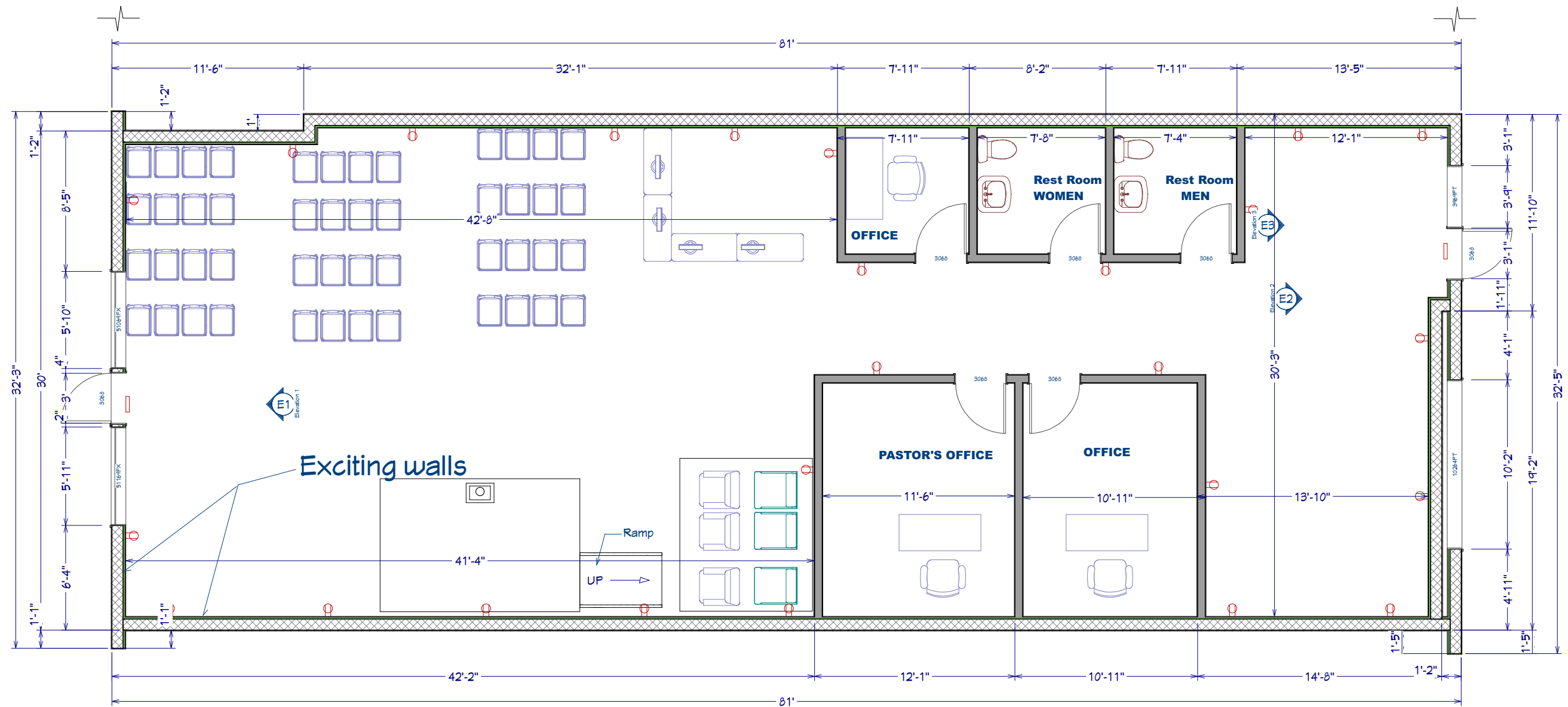
1st Friday of the month – 7:00PM – 9:00PM People of Praise

3rd Friday of the month – 7:00PM – 9:00PM People of Power

Sunday – 11:00AM – 12:30PM – Family Worship Service

12:30 – 1:30 – Choir Practice





Note

1. This drawing is just a re-production layout of an existing space
2. All the structures for this renter space, including both external and partition walls are in place before this incoming renter are coming in
3. Both restroom are also pre-existing.
4. there are absolutely no new construction in this renter space
5. The bathrooms are ADA compliant
6. There are illuminated exit sign on both exit doors
The doors also have push bars to open them.

LIVING AREA
2501 SQ FT

Unit 95 (Church Layout)

REVISION TABLE		DESCRIPTION
NUMBER	DATE	REVISION

Unit 95 (Church Layout)

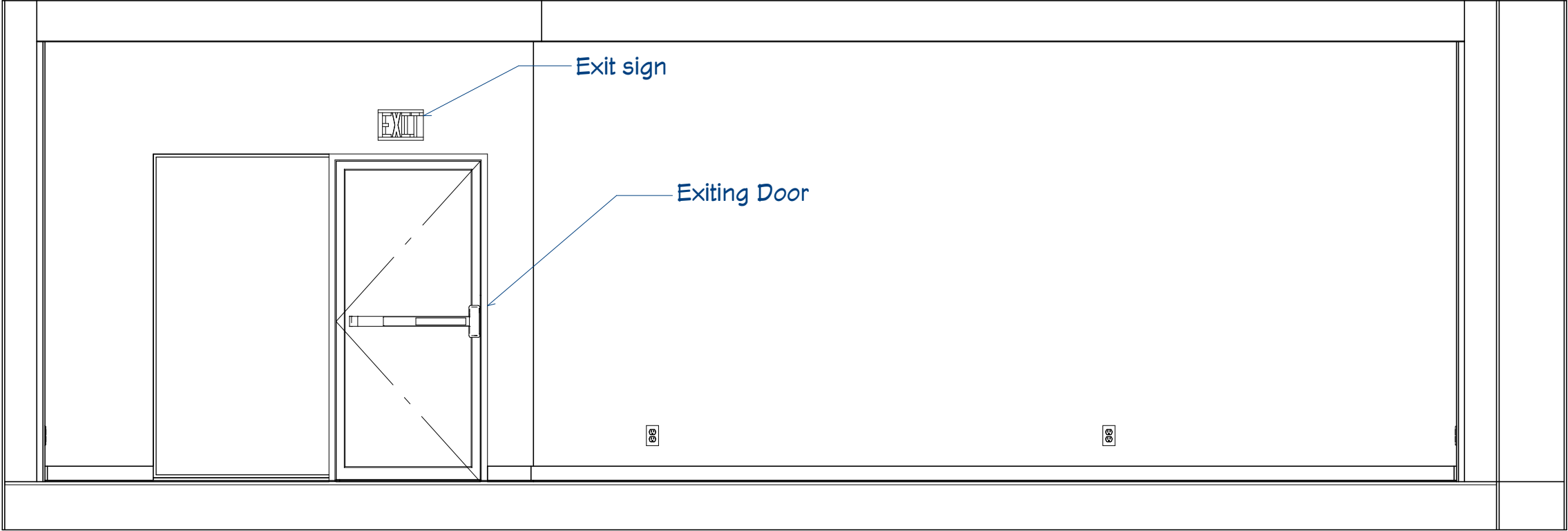
DRAWINGS PROVIDED BY:
Bayo Fagbamila
(209) 298-0319

DATE:

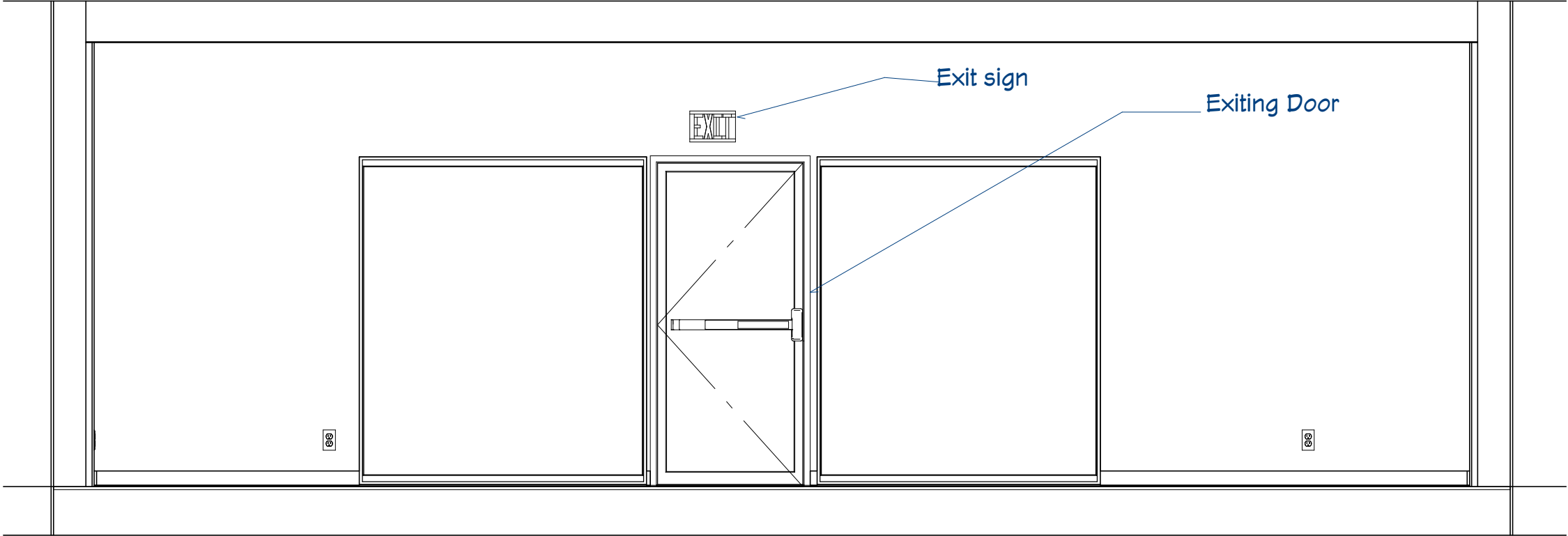
6/7/2021

SCALE:

SHEET:



Front Door Exit



Rear Door Exit

REVISION TABLE		REVISION	DATE	BY	DESCRIPTION
NUMBER	DATE	REVISION	DATE	BY	DESCRIPTION

Re-drawn of exiting Exit doors

DRAWINGS PROVIDED BY:
Bayo E. Fagbamila
(204) 298-0319

DATE:

6/7/2021

SCALE:

SHEET: