



# City of Sacramento City Council

915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

15

**Meeting Date:** 11/15/2011

**Report Type:** Public Hearing

**Title:** The River Church (P11-037) (Appeal) (Noticed on 11-3-11)

**Report ID:** 2011-00924

**Location:** 4080 Truxel Road, District 1

**Recommendation:** Conduct a public hearing and upon conclusion, adopt 1) a Resolution determining the project is exempt under CEQA Section 15303-New Construction or Conversion, and 2) a Resolution approving a Special Permit for church use in the Employment Center 65 Planned Unit Development (EC-65-PUD) zone (Natomas Crossing Planned Unit Development).

**Contact:** David Hung, Associate Planner, (916) 808-5530; Lindsey Alagozian, Senior Planner, (916) 808-2659, Community Development Department

**Presenter:** David Hung, Associate Planner, (916) 808-5530, Community Development Department

**Department:** Community Development Dept

**Division:** Planning

**Dept ID:** 21001221

**Attachments:**

- 
- 01-Description/Analysis
  - 02-Background
  - 03-Vicinity Map
  - 04-Resolution CEQA
  - 05-Resolution Project Approval
  - 06-Appeal
  - 07-Letter from Drobny Law Offices
  - 08-Letter from Peace Officers Research Association
  - 09-Letter from Ramco Enterprises
  - 10-Letters from CVM Law Group
  - 11-Minutes of NCBC Owners Association
  - 12-River Church Appeal Powerpoint

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### City Attorney Review

Approved as to Form  
Sabina D. Gilbert  
11/2/11 12:05:13 PM

### City Treasurer Review

Reviewed for Impact on Cash and Debt  
Russell Fehr  
10/27/2011 1:30:24 PM

### Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 11/1/2011 9:32:04 AM

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk  
John F. Shirey, City Manager

Russell Fehr, City Treasurer



## Description/Analysis

**Issue:** The applicant is requesting to establish a church use in an existing vacant two-story 20,923 square-foot building on an approximately 1.4 acre parcel located in a business park in the Employment Center 65 Planned Unit Development (EC-65-PUD) zone in the Natomas Crossing Planned Unit Development. The project requires a Special Permit to establish the church use within the EC zone. On September 22, 2011, the Planning Commission approved the Special Permit to allow the church use on the subject site. On September 28, 2011, an appeal of the decision of the Planning Commission was filed by an adjacent property owner and the appeal is now being brought before the City Council.

### Policy Considerations:

*General Plan.* The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Employment Center Low Rise, which provides for employment generating uses that generally do not produce loud noise or noxious odor or compatible public, quasi-public, and special uses, such as a church. The minimum floor area ratio (FAR) for Employment Center Low Rise is 0.25 and the maximum FAR is 1.00. The 2030 General Plan has identified goals and policies under the Land Use and Urban Design Element. Some of the goals and policies that support this project are:

- Complete and Well-Structured Neighborhoods. The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family-friendly and address the needs of all ages and abilities. (Policy LU 2.1.3)
- Equitable Distribution of Uses and Amenities. The City shall strive to ensure that desirable uses and neighborhood amenities are distributed equitably throughout the city. (Policy LU 2.8.1)
- Assembly Facilities. The City shall encourage and support development of assembly facilities for social, cultural, educational, and religious organizations throughout the city. (Policy LU 8.2.1)

The proposed project meets the 2030 General Plan goals and policies related to the promotion of complete and well-structured neighborhoods and assembly facilities for religious organizations. The project has a FAR of 0.34 and is within the allowable range for Employment Center Low Rise. The project does not contradict the policies within the North Natomas Community Plan, which is a subsection of the General Plan. The proposed development will be compatible with the surrounding commercial neighborhood and is accessible to alternate modes of transportation such as transit, walking, and bicycling.

*Natomas Crossing PUD Area #2.* The current PUD Schematic Plan designates the subject site as office use. The subject building was constructed as part of a business center consistent with the underlying EC-65-PUD zone. A church use within the PUD requires the approval of a Special Permit. Since the use is to be located in an existing building and it does not intensify the use in the business park, an amendment to the Schematic Plan is not required.

*Smart Growth Principles.* City Council adopted a set of Smart Growth Principles in December 2001 to encourage development patterns that are sustainable and balanced in terms of

economic objectives, social goals, and use of environmental/natural resources. The proposed project fosters walkable, close-knit neighborhoods and promotes distinctive, attractive communities with a strong sense of place.

*Strategic Plan Implementation.* The recommended action conforms with the City of Sacramento's Strategic Plan, specifically by adhering to goals that achieve sustainability, enhance livability, and expand economic development throughout the City.

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 3, Section 15303 which consists of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

**Sustainability:** The City has adopted a Sustainability Master Plan to complement the City's General Plan. This was done to ensure that the City set the standard for the practices of sustainability within its own organization as well as becoming a model for any construction projects within the City. Projects should consider the following goals adopted by the City as projects are proposed within the City: 1) Reduce consumption of material and encourage the reuse and local recycling of materials; 2) Reduce the use of toxic materials; 3) Establish and continuously improve "green" building standards for both residential and commercial development--new and remodeled; 4) Reduce dependence on the private automobile by working with community partners to provide efficient and accessible public transit and transit supportive land uses; 5) Reduce long commutes by providing a wide array of transportation and housing choices near jobs for a balanced, healthy city; 6) Improve the health of residents through access to a diverse mix of wellness activities and locally produced food, promote "greening" and "gardening" within the City; 7) Create "Healthy Urban Environments" through Restorative Redevelopment, and 8) Maintain and expand the urban forest.

The project, by allowing a church use in an existing building and in an established neighborhood, supports sustainability goals since the site is accessible to public transit as well as walking and bicycling, and the use promotes wellness within the community.

**Commission/Committee Action:** On September 22, 2011, the Planning Commission approved the project with amended conditions by a vote of eight ayes and zero nays (two absent and one vacancy). The decision of the Planning Commission was subsequently appealed by a third party (see Attachment 6).

**Rationale for Recommendation:** The appellant, an adjacent property owner within the business center, stated that the following issues were not adequately addressed with the approval of the special permit: 1) The allotment of 87 parking spaces to the church is not adequate to serve all the members of the church and especially during special events on the weekdays; as a result, this will negatively impact the parking needs of the rest of the users of the business center; 2) Traffic coming in and out of the business center will be impacted when the church is in operation, and 3) A church at this location will negatively impact the property values of the surrounding buildings in the business center as well as adjacent sites. Attachment 12 of this staff report is the Power Point presentation the applicant intends to present to Council.

Staff supports the church use with the conditions of approval placed on the project. Staff has the following rationale for supporting the project: 1) The allotted number of parking spaces meet the code requirement for church parking, and with the conditions requiring notification of adjacent

property owners and the use of parking attendants during special events, staff believes this will mitigate parking concerns; 2) Staff from the Department of Transportation has analyzed the traffic impact and does not believe any mitigations are necessary; 3) The use is compatible with adjacent office uses since the main hours of operation of the church occur outside of regular business hours.

**Financial Considerations:** This project has no fiscal considerations.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.



## Background

**Background Information:** On June 24, 1997, the City Council approved a General Plan Amendment, Community Plan Amendment, and a Rezone (P96-083) for the area known as Natomas Crossing Planning Unit Development (PUD) – Alleghany Area #2. On December 12, 2002, the Planning Commission approved the Tentative Map and Special Permit to construct eleven (11) office buildings on approximately 12.26 acres for the project known as Natomas Crossing Business Center (P02-067) within Natomas Crossing PUD Area #2. On April 20, 2005, the Zoning Administrator approved a tentative map to subdivide two parcels into four parcels and a Special Permit Modification to redistribute the approved square footage of the Natomas Crossing Business Center (Z04-281). The approval increased the number of buildings from 11 to 13 within the business center; building H or H1 is the subject building of this application. The subject building shell was constructed around 2006 and has never been occupied. All 13 buildings in the business center are now constructed, and the main uses are related to office use. The River Church began meeting in October of 2000. Over the past 10 years the church has met at Natomas Park Elementary school and at Inderkum High School in North Natomas. The church is looking for a new location with permanent ownership.

**Public/Neighborhood Outreach and Comments:** Early notification was sent to Creekside Natomas Neighborhood Association, Natomas Community Association, North Natomas Alliance, North Natomas Community Association, Regency Park Neighborhood Association, Witter Ranch Community Alliance and WalkSacramento. Staff has not received any opposition to the project from the above groups. However, staff has received concerns from adjacent property owners regarding the compatibility of the use with the business center and the impact to existing parking on the site (Attachments 7, 8, 9). The neighbors cited that the church is not a permitted use under the CC&Rs (Covenants, Conditions and Restrictions) for the business center. The attorney who worked on the CC&Rs responded that it was not the intention of the CC&Rs to prohibit churches in the business center (Attachment 10). CC&Rs are private legal documents outside the purview of the Zoning Code and the review of the subject Special Permit application for the church. The subject parcel contains sufficient off-street parking based on the number of proposed seats in the church. To help mitigate parking concerns during special events, the special permit is conditioned to provide advanced notification to all property owners/tenants in the Natomas Crossing Business Center of these events and to provide parking attendants during the events. The Natomas Crossing Business Center Owner's Association voted on July 27, 2011 to approve proposed church use on the subject property; the meeting note is attached to the report (Attachment 11).

**Planning Commission Public Hearing:** At the September 22, 2011 Planning Commission hearing, one of the adjacent property owners requested a continuance to allow additional time to negotiate with the church on some outstanding issues. The applicant then asked that the item not be continued and that he'll continue to work with the adjacent neighbors on their issues. Subsequently, the Planning Commission

approved the project and asked that the following amendments be made to the conditions of approval: 1) Regular hours of operation shall be from 8:00 a.m. to 10:00 p.m. every day of the week except as provided for in occasional special events; 2) Occasional special events occurring during daytime business hours that may utilize more than 65 parking spaces (which is 75% of the 87 spaces allocated to the subject building), such as business luncheons, community programs, group meetings, vacation bible-school, weddings, and funerals, shall be subject to the following: a) Advanced notification to all property owners/tenants in the Natomas Crossing Business Center as early as practical but not less than 24 hours before beginning of the event, and b) The provision of parking attendants during such events; and 3) Applicant shall join the North Natomas Transportation Management Association. The same property owner who requested the continuance has now filed an appeal of the decision of the Planning Commission. The appeal, accompanied by a letter, is shown in Attachment 6.

### **Land Use**

The applicant proposes to establish a church use within the Employment Center 65 Planned Unit Development (EC-65-PUD). Section 17.24.050(5) of the zoning code permits the use in this zone with the issuance of a special permit. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

A. A special permit shall be granted upon sound principles of land use.

The project is based on sound principles of land use in that it is being located within an existing vacant structure and the proposed use, when conditioned with hours of operation, is compatible with adjacent office developments and will offer a gathering place for members of the community. The church use is allowed within the EC-65-PUD zone with the issuance of a Special Permit. Since the use is to be located in an existing building and it does not intensify the use in the business park, an amendment to the PUD Schematic Plan is not required.

B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

The project will not be detrimental to the public health, safety and welfare nor result in the creation of a public nuisance in that the use is compatible with adjacent developments as conditioned with hours of operation and adequate on-site parking will be provided.

C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The proposed church use helps promote a complete and well-structured neighborhood with a mix of uses that includes assembly facilities for a religious organization.

### ***Access, Circulation and Parking***

The business center containing the subject parcel is fully developed with parking stalls, drive aisles and landscaping. The main vehicular access to the property is Truxel

Road/Prosper Drive on the west with a signalized intersection. Secondary vehicular access occurs at Arena Boulevard to the north and reciprocal access to the commercial/retail center to the south of the business center. An existing bicycle trail and drainage canal border the site to the east. Directly to the north of the subject building is a courtyard with a paved connection to the bicycle trail. Each of the 13 buildings within the business center is located on its own individual parcel and there is reciprocal access agreement between the parcels. Bus routes are currently available within a quarter mile of the site. The site is also within close proximity to future proposed light rail station on Truxel Road.

The subject parcel contains a total of 87 parking spaces, out of a total of 762 parking spaces in the entire business center. Following is a summary of vehicular parking for the building:

<b>Table 2: Vehicular Parking</b>			
<b>Use</b>	<b>Required Parking</b>	<b>Proposed Parking</b>	<b>Difference</b>
Church	73 (per Zoning Code, 1 space per 4 seats within the main assembly room – proposed 292 seats)	87 (within subject parcel)	+14

As shown above, the parcel contains sufficient parking based on the number of proposed seats. There is a reciprocal access agreement with the adjacent parcels.

**Bicycle Parking:** Per the Zoning Code, one bicycle parking facility is required for every twenty (20) off-street vehicle parking spaces required. Since 73 parking spaces are required for the proposed use, the project is required to provide four (4) bicycle parking facilities. Fifty percent of the required facilities shall be Class I; the remaining facilities may be Class I, Class II or Class III. The site currently has two Class I facilities; therefore, two additional Class I, Class II or Class III facilities are required.

***Height, Bulk and Setbacks***

There are no proposed changes at this time to the existing building setbacks, height and lot coverage. However, any modifications to the exterior of the structure, including but not limited to work on building facades and exterior stairs, shall be subject to further Planning review and approval prior to issuance of Building permits

***Building design, signage and landscaping***

Building design: The subject structure is an existing two-story shell building with a total of 20,923 square foot of interior space. The building has never been occupied since its construction around 2006. The applicant has indicated that the proposed use may trigger the addition of new exterior stairs on the north side of the building; however, the exact design of the stairs will not be finalized until building permit plans are produced.

As a condition, any modifications to the exterior of the structure, including but not limited to work on building facades and exterior stairs, shall be subject to further Planning review and approval prior to issuance of Building permits. There will be tenant improvement work on both the first and second floors.

The proposed first floor contains the main lobby, an auditorium with a total of 292 movable seats, a small coffee bar, and child care space for infants to kindergarteners. The proposed second floor contains classrooms/multi-use rooms for first graders up to high school students, offices and conference room. The church does not include any private school function and the classroom designations are only for the purpose of dividing up the children by ages. An elevator serves both floors, along with one interior staircase and one exterior staircase. The main entry is located on the east side and is also served by an accessible ramp. There are no regular exterior functions or activities planned for the church. The applicant shall coordinate with Department of Utilities on allowable construction related work in the AE flood zone.

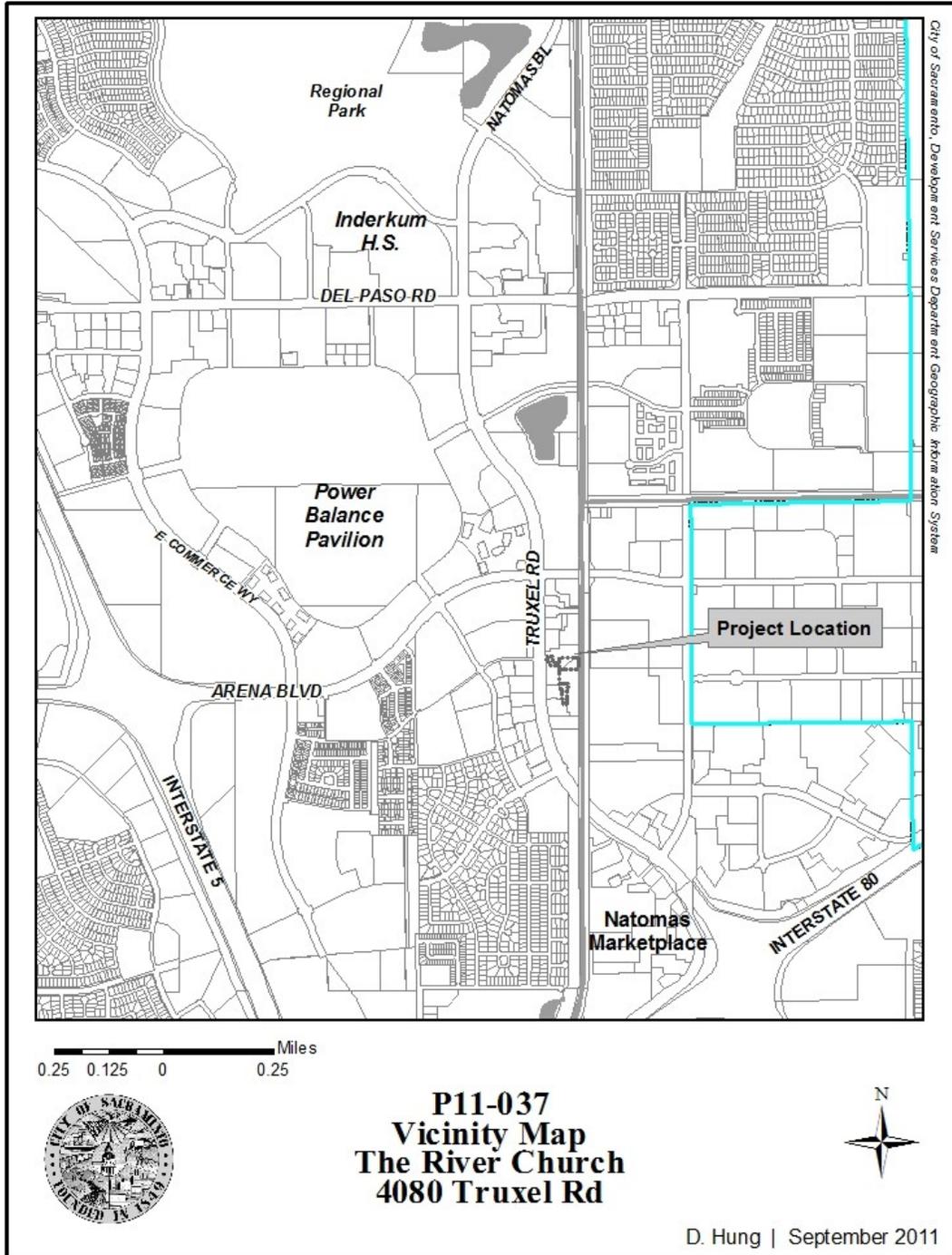
Operations: Per the information provided to staff, on weekdays, the church office is open between 8:00 a.m. to 5:00 p.m.; approximately 8 to 10 regular staff and volunteers will be on site. On weeknights, periodic small group meetings or worship team rehearsals occurs between 5:00 p.m. until 10:00 p.m.; approximately 80 to 100 people will be on site. The church will be open from 8:00 a.m. to 10 p.m. on weekends. Sunday morning worship and children's ministry occur between 8:30 a.m. until 12:30 p.m.; approximately 220 adults and 100 children (between 0-18 years old) will be using the site. Multiple morning services may occur if attendance dictates. The church does not have any child care services provided outside of the meeting times as noted above, nor does it hold classes and seminars for its members or the public. However, any future child care use outside of regular church assembly times shall be subject to the approval of additional Planning entitlements. Private school for kindergarten to 12<sup>th</sup> grade is not an allowed use in the Employment Center zone.

As a condition of approval, occasional special events which occur during daytime business hours and that may utilize more than 65 parking spaces (which is 75% of the 87 spaces allocated to the subject building), including business luncheons, community programs, group meetings, vacation bible-school, weddings, and funerals, shall be subject to the following: 1) Advanced notification to all property owners/tenants in the Natomas Crossing Business Center; and 2) The provision of parking attendants during such events. Additionally, no amplified sound shall be broadcasted outside the building during normal business hours of the business center (Monday to Friday, 8:00 a.m. to 5:00 p.m.). Any outdoor events involving music or unamplified sound shall be subject to notification of all neighboring owners/tenants in the business center.

Landscaping, Walls and Fencing: The project does not involve any new landscaping, walls or fencing.

Signage: The proposal does not include any signage review. Any new signage will be subject to Planning review for consistency with the Natomas Crossing PUD Guidelines. A sign permit must be obtained before the installation of any signage.

### Attachment 3: Vicinity Map





**RESOLUTION NO.**

Adopted by the Sacramento City Council

**DETERMINING PROJECT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (P11-037)**

**BACKGROUND**

- A. On September 22, 2011, the City Planning Commission conducted a public hearing on and approved The River Church project.
- B. On September 28, 2011, a third party appeal on the decision of the Planning Commission for The River Church project was filed with the City.
- C. On November 15, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(d) (posting and mail), and received and considered evidence concerning The River Church project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines as follows:

- a. This project consists of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.



**RESOLUTION NO. 2011-**

Adopted by the Sacramento City Council

**APPROVING THE RIVER CHURCH PROJECT, LOCATED AT 4080 TRUXEL ROAD.  
(APN: 225-1250-052-0000) (P11-037) (APPEAL)**

**BACKGROUND**

- A. On September 22, 2011, the Planning Commission conducted a public hearing and approved, with amended conditions, the project;
- B. On September 28, 2011, the Planning Commission’s decision was appealed by a third party to the City Council; and
- C. On November 15, 2011, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) and (2)(d) (posting and mail), and received and considered evidence concerning the project.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Based on verbal and documentary evidence at said hearing, the City Council takes the following action:

The City Council approves The River Church project to establish a church use in an existing vacant two-story 20,923 square-foot building on an approximately 1.4 acres parcel located in a business center in the Employment Center 65 Planned Unit Development (EC-65-PUD) zone in the Natomas Crossing Planned Unit Development based on the findings of fact and conditions of approval set forth below.

**Findings of Fact**

- B. The **Special Permit** to establish a church use in an existing vacant two-story 20,923 square-foot building in the Employment Center 65 Planned Unit Development (EC-65-PUD) zone is approved subject to the following Findings of Facts and Conditions of Approval:

1. The project is based on sound principles of land use in that it is being located within an existing vacant structure and the proposed use, when conditioned with hours of operation, is compatible with adjacent office developments and will offer a gathering place for members of the community. The church use is allowed within the EC-65-PUD zone with the issuance of a Special Permit. Since the use is to be located in an existing building and it does not intensify the use in the business park, an amendment to the PUD Schematic Plan is not required.
2. The project will not be detrimental to the public health, safety and welfare nor result in the creation of a public nuisance in that the use is compatible with adjacent developments as conditioned with hours of operation and adequate on-site parking will be provided.
3. The proposed church use helps promote a complete and well-structured neighborhood with mix of uses that includes assembly facilities for religious organizations.

### **Conditions of Approval**

#### Planning

- B1. The applicant shall obtain all necessary building permits prior to the church use occupying the building.
- B2. The project shall be constructed in substantial compliance with the plans submitted and attached as Exhibits 1A-1C. Any modifications to this approval shall be subject to review by Current Planning staff.
- B3. The project shall provide a minimum of 73 vehicular parking spaces based on 292 seats in the auditorium. Any changes to the number of seats that would modify parking requirement shall be subject to Planning review and may result in additional entitlement(s).
- B4. Regular hours of operation shall be from 8:00 a.m. to 10:00 p.m. every day of the week except as provided for in condition B5.
- B5. Occasional special events which occur during daytime business hours and that may utilize more than 65 parking spaces (which is 75% of the 87 spaces allocated to the subject building), including business luncheons, community programs, group meetings, vacation bible-school, weddings, and funerals, shall be subject to the following:

- a. Advanced notification to all property owners/tenants in the Natomas Crossing Business Center as early as practical but not less than 24 hours before beginning of the event;
  - b. The provision of parking attendants during such events.
- B6. Prior to the issuance of a building permit, the River Church shall propose and submit for review and approval by the Planning Director a “Good Neighbor Policy” including but not limited to the following:
- a. Establish a process for neighbors to communicate directly with the management staff of the River Church should there be any problems or issues;
  - b. Provide an emergency contact person and phone number on-site, in a clearly identified place.
- B7. Any child care use outside of regular church assembly times shall be subject to the approval of additional Planning entitlements.
- B8. Any new signage shall be subject to a sign permit and shall comply with the Natomas Crossing PUD Guidelines.
- B9. The applicant shall provide additional two (2) bicycle parking facilities (Class I, Class II or Class III) within the site or building.
- B10. No amplified sound shall be broadcasted outside the building during normal business hours of the business center (Monday to Friday, 8:00 a.m. to 5:00 p.m.). Any outdoor events involving music or unamplified sound shall be subject to notification of all neighboring owners/tenants in the business center.
- B11. The applicant shall coordinate with Department of Utilities on allowable construction related work in the AE flood zone.
- B12. Any modifications to the exterior of the structure, including but not limited to work on building facades and exterior stairs, shall be subject to further Planning review and approval prior to issuance of Building permits.
- B13. Applicant shall join in the North Natomas Transportation Management Association.

#### Department of Transportation

- B14. Construct standard improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Department of Transportation. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards.

## Fire

- B15. Provide the required fire hydrants in accordance with CFC 507 and Appendix C, Section C105.
- B16. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. CFC 501.4
- B17. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- B18. Provide appropriate Knox access for site. CFC Section 506
- B19. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- B20. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- B21. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8

## Regional Transit

- B22. Transit information shall be displayed in a prominent location within the facility for both patrons and employees. Please use the Request Form available on [www.sacrt.com](http://www.sacrt.com) to order transit information materials.

## Sacramento Area Sewer District

- B23. Sewer service shall continue to be provided by SASD infrastructure to the existing sewer service lateral. Required modifications, if any, shall be to the satisfaction of SASD. SASD Design Standards apply to any sewer construction and/or modification.

## Advisory Notes:

## Planning

1. The first full-sized sheet of the project's Building Permit plans set shall include: 1) A Zoning Affidavit signed by the applicant that affirms the plans submitted for building permit comply with all conditions of approval and approved exhibits; and 2) The project's conditions of approval and all approved exhibits.

#### Building

2. There may be possible problems with this proposed plan including: the first floor south exit door encroaching into the south stair bottom landing.
3. Use of the second floor appears to be primarily assembly; therefore, possible occupant load total may require the width of the stairs to be wider than that which has been provided for by the building shell.
4. The interior stairway of an A occupancy is required to be enclosed within a one hour fire barrier that is continuous to exit discharge or public way.

#### Regional Transit

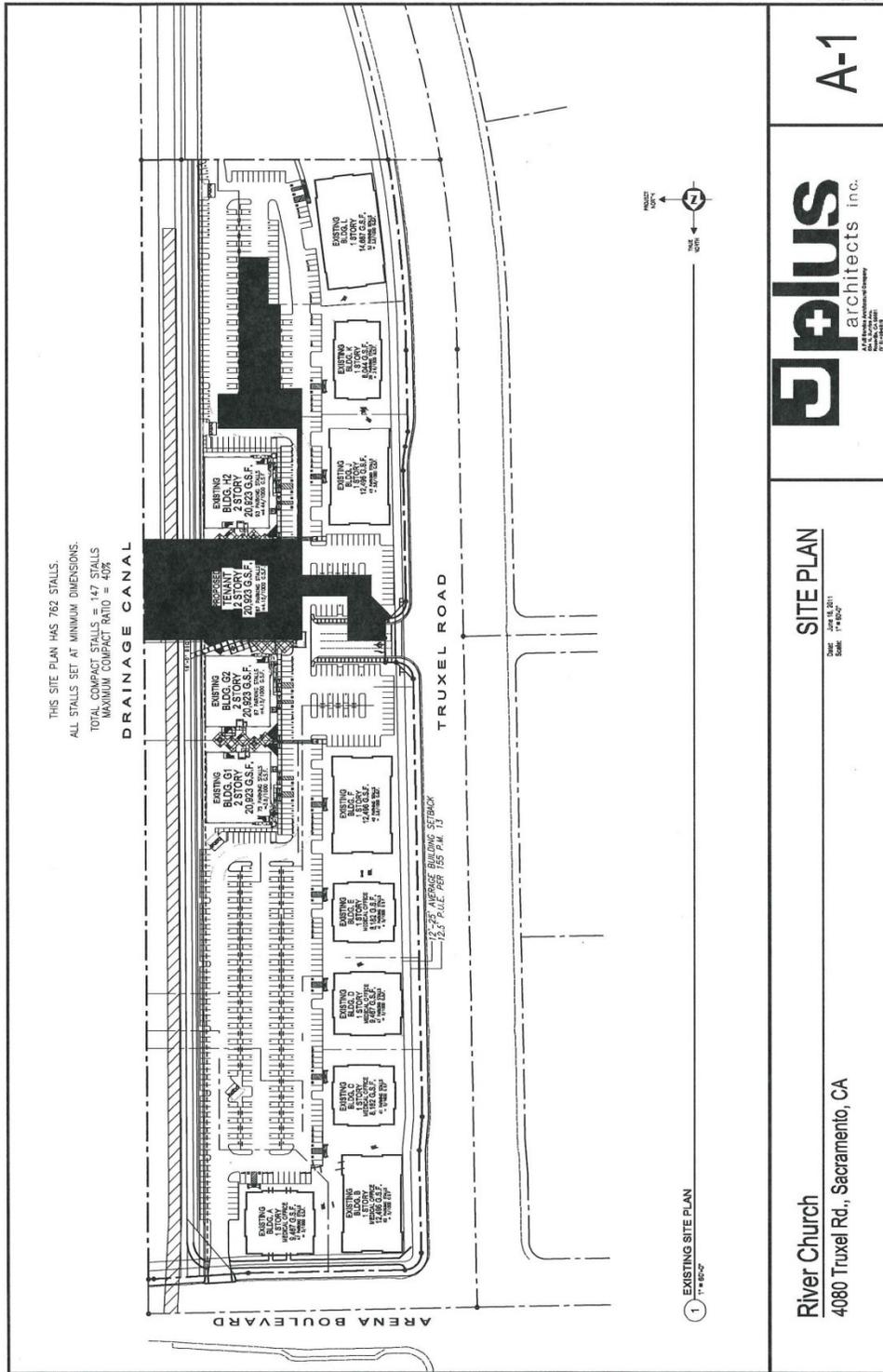
5. Project should provide clear and easy accessibility and connectivity for all transit users, including those with disabilities.
6. Employers are encouraged to offer employees subsidized transit passes at 50% or greater discount.

#### Sacramento Area Sewer District

7. Change of use for this property may require the payment of sewer impact fees. Impact fees shall be paid prior to issuance of Building Permits. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

#### Table of Contents:

Exhibit A: Site Plan  
Exhibit B: Floor Plans  
Exhibit C: Exterior Elevations

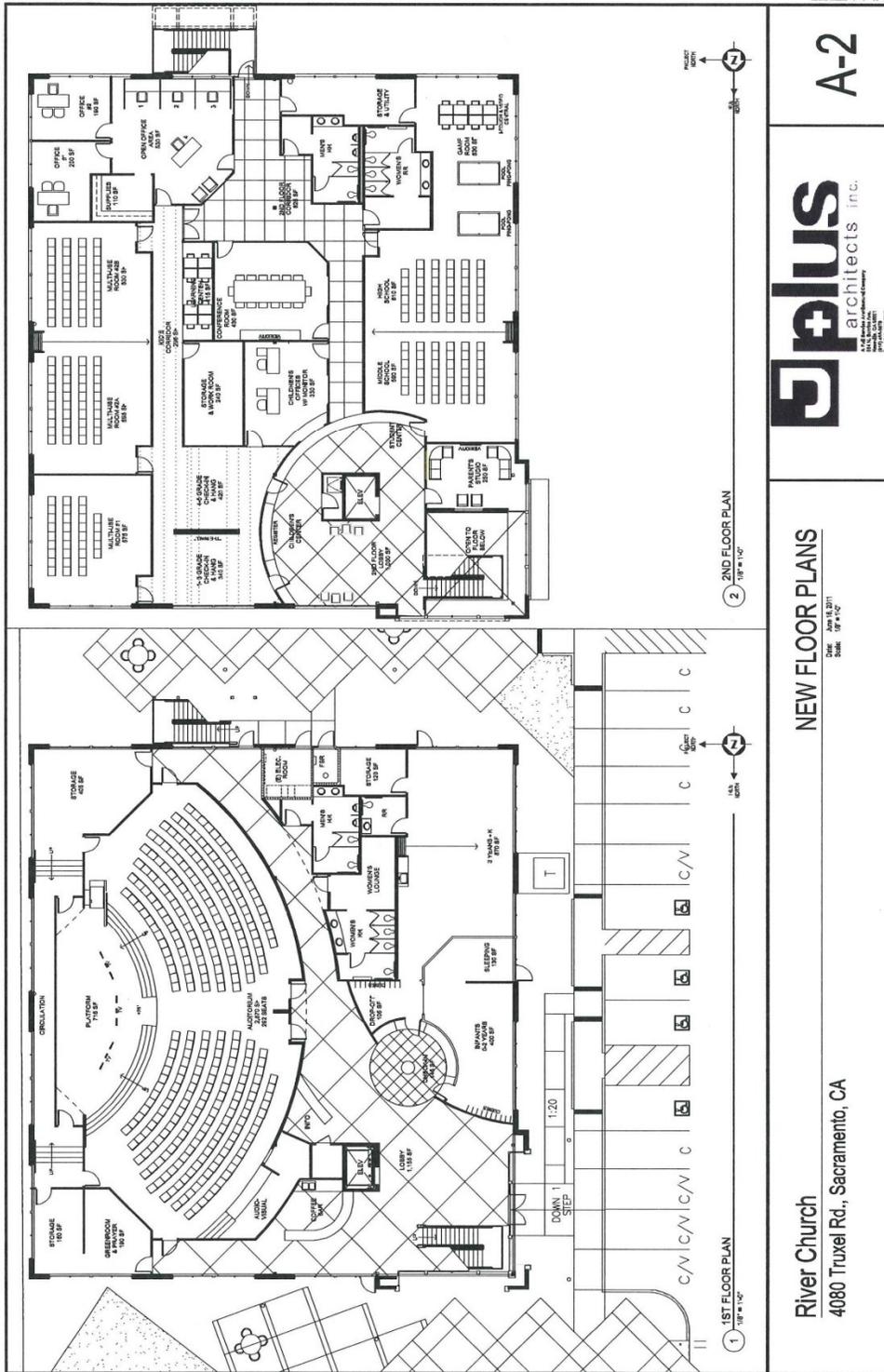


**River Church**  
4080 Truxel Rd., Sacramento, CA

**plus architects inc.**  
44 E. Broadway, Sacramento, CA 95811  
PH: 916.441.1111

**A-1**

**SITE PLAN**









## Community Development Department

300 Richards Boulevard 3rd Floor Sacramento, CA 95811  
 Help Line: (916) 264-5011  
[www.cityofsacramento.org/dsd](http://www.cityofsacramento.org/dsd)



### Appeal Decision City of Sacramento Planning Commission

Date: September 28, 2011

To the Planning Director:

I do hereby make application to appeal the decision of the City Planning Commission on September 22, 2011 (date), for project number P 11-037.

<u>X</u>	Special Permit	for	<u>The River Church</u>
_____	Variance	for	_____
_____	"R" Review	for	_____
_____	Other _____	for	_____

Granted by the City Planning Commission  
 Denied by the City Planning Commission

Property Location: 4080 Truxel Road, Sacramento, California 95838

Grounds For Appeal: (explain in detail, you may attach additional pages)

Please see attached.

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Appellant: Mark S. Drobny Daytime Phone: (916) 419-2100  
(please print)

Address: 4180 Truxel Road, Suite 100, Sacramento, CA 95834

Appellant's Signature: *Mark S. Drobny*

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record. However, please note that the City will not sell your data or information for any purposes.

THIS BOX FOR OFFICE USE ONLY

Filing Fee Received: Applicant (\$1,192) _____	Or Third Party (\$298) <input checked="" type="checkbox"/>
Received By: <u>DAVID HUNG</u>	Date: <u>9-30-2011</u>
Distribute Copies to: Planning Director <u>DAVID KWONG</u>	cc: <u>GREG BITTNER</u> <u>LINDSEY MAGUIRE</u>
Zoning Administrator _____	Original & Receipt in File <input checked="" type="checkbox"/>

# DROBNY LAW OFFICES, INC.

A Professional Corporation

## Attorneys

Mark S. Drobny\*‡  
Colin T. Smith\*  
Juliette T. Robertson  
Emily A. Foehr

\*Master of Laws (LL.M.) in Taxation

‡ Certified Specialist, Estate Planning, Trust and Probate Law,  
The State Bar of California Board of Legal Specialization

## Legal Assistants

Janeé Davis  
Michelle Glenn  
Tracy Wilson  
Ann Von Platen  
Barbara Goulding  
Monique Mitchell

September 30, 2011

City of Sacramento Planning Commission  
Attn: Appeals  
300 Richards Blvd, 3<sup>rd</sup> Floor  
Sacramento, CA 95811

RE: 4080 Truxel Road, Sacramento, California  
The River Church

To Whom It May Concern:

I am a neighboring property owner to the 4080 Truxel Road, Sacramento, California property. I am also a member of the Natomas Crossing Business Association, an association of property owners of which 4080 Truxel Road is included.

At the public hearing on Thursday, September 22, 2011, the City Planning Commission granted the special use permit requested by the River Church. In our opinion, the main concerns raised by the Commission were not resolved at the hearing even though the permit was granted.

## Parking

Of major concern is the parking for 4080 Truxel Road. The assembly hall is designed to hold 292 people. The River Church is allotted 87 parking spaces. This discrepancy in parking will affect the entire business park especially during normal business hours Monday through Friday, as the parking is clearly insufficient.

The River Church argued that parking will not be an issue on weekdays during business hours as they do not hold many functions during that time. However, the River Church admittedly holds a week long Bible School during the year, funerals, weddings, community luncheons and other events during normal business hours and plans to increase the frequency of those activities once they have their own facility and no longer rent Inderkum High School on Sundays. The River Church is currently rents a school, so past activities will not dictate their future activities. Without a solution, these events will cause parking issues during normal business hours and interfere with adjacent owners' use and enjoyment of their property Monday through Friday, 8 a.m. to 5 p.m.

At the public hearing, the resolution offered by the Community Development Department was a parking attendant, who would direct cars to the designated spaces. However, this will not increase the number of parking spaces available to the River Church. Even if all 292 people doubled up, taking 146 cars, there would be a deficiency of 59 spaces.

A second resolution offered by the City Planning Commission was the encouragement of ride-sharing and use of public transportation. Encouragement is not a requirement. There is no guarantee that three and one-half (3 ½) persons will fill each car attending an event at the River Church, take public transportation or that light rail will make its way to Natomas in my lifetime.

4180 Truxel Road, Suite 100  
Sacramento, CA 95834  
(916) 419-2100 Fax (916) 419-1222  
E-Mail: dlo@drobnylaw.com

Modesto: (209) 578-2800  
San Ramon: (925) 829-6968  
Stockton: (209) 464-3408

The final resolution was that the River Church was to enter into agreements with other owners for reciprocal parking. Although the River Church stated that they had verbal commitments a few owners, at this time, none of the owners in the association, except for the developer, has any written or verbal or written agreement with the church for reciprocal parking. Most owners will not sign written reciprocal parking agreements due to the liability imposed on other owners, as the parking spaces were deeded to each property owner.

Even if the developer were to enter into a reciprocal parking agreement (which they have not), where would the occupants of that now vacant building park Monday through Friday, 8 a.m. to 5 p.m., when The River Church is hosting a funeral, community luncheon, etc.?

These are clearly insufficient resolutions to the parking concerns as these recommendations do not actually address the lack of parking for the River Church and their intended use of the property.

#### Traffic

At the public hearing, an individual from the department of transportation stated that there would be no traffic issues. This is not possible. The left turn signal to Truxel Road only allows **two (2)** cars per green light. If an event occurs with a significant number of people (292), this light will cause traffic issues as it could literally take over 100 cycles to empty the lot. The queue will weave throughout the entire parking lot, hindering employees and clients from leaving their parking spaces.

#### Property Values

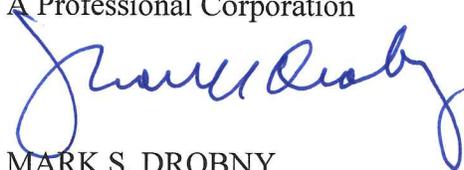
We have consulted with every commercial real estate firm in Sacramento and all have confirmed that a church negatively impacts the property values of surrounding buildings because common uses of a church are day care centers, soup kitchens, sobriety meetings, funerals, etc. As the property values will decline, the tax rolls will similarly decline, affecting the taxes earned by the city and the overall community.

Furthermore, the lot across the street from the location has not been developed yet. A church will adversely affect the ability of the developers to sell their buildings at a higher price, again reducing the tax rolls for the city.

Please contact me directly if you should have any questions regarding our position.

Yours truly,

**DROBNY LAW OFFICES, INC.**  
A Professional Corporation



MARK S. DROBNY



# DROBNY LAW OFFICES, INC.

A Professional Corporation

## Attorneys

Mark S. Drobny\*‡  
Colin T. Smith\*  
Juliette T. Robertson  
Emily A. Foehr

\*Master of Laws (LL.M.) in Taxation

‡ Certified Specialist, Estate Planning, Trust and Probate Law,  
The State Bar of California Board of Legal Specialization

## Legal Assistants

Janeé Davis  
Michelle Glenn  
Tracy Wilson  
Ann Von Platen  
Barbara Goulding  
Monique Mitchell

September 6, 2011

David Hung  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 95811

**Via E-mail ONLY at: [dhung@cityofsacramento.org](mailto:dhung@cityofsacramento.org)**

RE: 4080 Truxel Road, Sacramento, California  
The River City Church

Dear Mr. Hung:

I am a neighboring property owner to the 4080 Truxel Road, Sacramento, California property. I am also a member of the Natomas Crossing Business Association, an association of property owners of which 4080 Truxel Road is included. As the developer and The River City Church have requested a permit from the Community Development Department, I would like to express my concerns regarding the approval of this permit.

The property owners of eleven (11) of the thirteen (13) buildings comprising the Natomas Crossing Business Association met with a representative of the developer (who holds 100% of the seats on the Board of Directors until the developer has sold all thirteen (13) buildings – of which two (2) remain unsold) to vote for or against The River City Church purchasing 4080 Truxel and operating a house of worship out of said premises. While BID (developer) voted in favor, the majority of owners voted **against** allowance of a church in the association, because a church is not considered a permitted use under the CC&Rs.

As owners, each of us signed the CC&Rs as a condition of the purchase of our property. Our CC&Rs expressly prohibit the use of the property for non-business purposes. A general dictionary definition of “business” refers to “the purchase or sale of goods in an attempt to make a profit.” It is our understanding that The River City Church will be used primarily as a place of worship and for gathering by a congregation, which is clearly not a “business” purpose. Worship and gathering do not involve making a profit through sales of products or services, but rather imply that the property will be used as a community center for the congregation. Although business *activities* may occur on the premises occasionally, the primary purpose of a church is worship. As such, this would clearly violate the CC&Rs, and have a significant adverse impact on the other owners’ ability to lease their vacant spaces and/or re-sell their properties without incurring even greater losses.

This is a professional office park. Medical, legal, dental, professional, association office use was the intended purpose. Church activities such as summer youth camps, day care centers, soup kitchens, weddings, funerals, etc. were not contemplated uses of this property and would cause traffic problems, parking problems and interfere with the owners and tenants of the other twelve (12) buildings in the complex. Proposed plans show a hall seating 300 people and 300 people entering and leaving the property in a 30 minute block of time. This would seriously impact traffic in and

4180 Truxel Road, Suite 100  
Sacramento, CA 95834  
(916) 419-2100 Fax (916) 419-1222  
E-Mail: [dlo@drobnylaw.com](mailto:dlo@drobnylaw.com)

Modesto: (209) 578-2800  
San Ramon: (925) 829-6968  
Stockton: (209) 464-3408

September 6, 2011  
Page 2

around the complex every time there was a service, funeral, wedding, etc., all of which was not contemplated when the City approved this project.

By allowing a church on the premises, the developer is in clear breach of the very CC&Rs that the developer required each of us to sign as a condition of our purchases. Each owner faithfully abides by the CC&Rs and expects the same from the developer and anyone to whom it sells the remaining two (2) buildings.

Moreover, even though most of the owners in the association (excluding the developer) agreed that a church is **not** a permitted use under the CC&Rs, the developer ignored this vote and approved the church's application.

The developer is desperate to sell a property that has been vacant for many years. This is not the problem of the Association property owners. The developer is willing to approve a church at the neighboring property owners' expense, even though it is in clear violation of our CC&Rs. The developer cannot violate the CC&Rs for the sole purpose of financial benefit at a cost to all other owners in the Association.

Each owner agreed to the CC&Rs as a condition for ownership. The developer must comply with these rules, and an approval of these permits will violate these rules. We respectfully request that you consider our concerns and deny approval of this permit.

Please contact me directly if you should have any questions regarding our position. We will attend the hearing for this project on Thursday, September 22, 2011. We look forward to seeing you there.

Yours truly,

**DROBNY LAW OFFICES, INC.**  
A Professional Corporation



MARK S. DROBNY



# Peace Officers Research Association *of California*



September 13, 2011

David Hung  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 9811

Via E-mail ONLY at: [dhung@cityofsacramento.org](mailto:dhung@cityofsacramento.org)

RE: 4080 Truxel Road, Sacramento, CA  
The River City Church  
225-1250-052-0000

Dear Mr. Hung:

Our association is a neighboring property owner to the 4080 Truxel Road, Sacramento, CA property and we are members of the Natomas Crossing Business Association. It is our understanding that the developer and The River City Church have requested a permit from the Community Development Department. We would like to express our concern regarding the approval of this permit.

When we purchased the property and had our building built and tenant improvements done by the developer we were assured that our property, including parking spaces, were going to be protected by the CC&R's as a business development. We, along with 10 of the other owners, signed the CC&R's with the express understanding that we were going to be a business development. Now we find out that the developer is so desperate to sell the other buildings (they still own) that they want to change those CC&R's and get "special" permits to allow The River City Church to purchase one of these two story buildings as their permanent place of worship.

We are a professional business park. We want to continue to consider ourselves a professional office park with no chance of church activities such as a day care center, weddings, funerals, or summer youth camps, etc. interfering with the day to day operations of our business. We do not want to see parking problems and traffic problems interfering with our classes, executive committee and Board of Directors meetings that we conduct here in our building which we own.

I see that the environmental aspect of the sale is exempt. I ask you to consider what it will do to this business park and the surrounding areas when there are 300 cars entering or leaving the project at Prosper Drive within a 15-30 minute window of time whenever there is a funeral, summer camp, etc., during normal business hours when there is other traffic coming in and out of the park from the other 12 business. I am not sure that is a wise move on the City's part.

September 13, 2011  
Page two

Our business park has 13 buildings and we are over 60% vacant. By allowing a church to operate in the park would reduce the likelihood of the owners leasing their space for its intended use. It would also further reduce property values and as a result further reduce property tax revenue to the city.

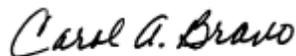
We feel that by allowing a church into the business park, the developer is in clear breach of the very CC&R's that the developer required each of us to sign as a condition of our purchases. All of us faithfully abide by the CC&R's and expect the same from the developer and anyone to whom it sells the remaining two buildings. The developer is willing to approve a church at the neighboring property owners' expense instead of abiding by the rules they set up to begin with.

The members of the Natomas Crossing Business Association have been meeting for several years and we were given permission to operate as any Board would operate. We meet every two months and discussed the business at hand, approve various business park maintenance items and take votes on matters of concerns to the business park as a "whole". A majority of us voted not to allow The River City Church to purchase the building in question. The developer told us that we had no legal right to act in this manner and that the building was already in escrow.

We respectfully ask that you consider the wishes of the majority of the building owners in our development and the vote we took in good faith which resulted in the negative for this purchase and special permit. Each of us is willing to work within the parameters of the CC&R's and feel that the developer should do the same.

Please feel free to contact me at 916-928-3777 if you have any questions. I plan to attend the hearing for this project on Thursday, September 22, 2011. I look forward to seeing you then.

Sincerely,



CAROL A. BRAVO  
General Manager

Cc: Mark Drobny, President  
file



David Hung  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 95811

By email to: [dhung@cityofsacramento.org](mailto:dhung@cityofsacramento.org)

RE: 4080 Truxel Road, Sacramento CA  
The River City Church

Dear Mr. Hung:

I represent the owners of the 4050 and 4190 Truxel Road properties located in the Natomas Crossing Business Center. We understand that The River City Church has requested a permit from the Community Development Department and that the request will be heard on September 22, 2011 at 5:30 PM at New City Hall, 915 I Street, 1<sup>st</sup> Floor Council Chambers.

It is our understanding of the CC&Rs for this business park that a church is not an approved use of the property. The two properties that I represent were purchased in 2010 and as purchasers of these buildings, we were made aware of and were required to accept the CC&Rs as the basis for conducting business e.g. leasing space in our buildings to interested parties, and we have been diligent in following the established rules in those CC&Rs. We quite naturally believed that current owners and tenants as well as and future owners and tenant of Natomas Crossing Business Center would be required to follow the same set of rules in both spirit and practice.

We believe that allowing The River City Church a waiver to purchase 4080 Truxel Road would severely impact our building at 4050 Truxel with its very visible and convenient parking. Not only would the parking at the business park become an issue during the workweek hours of 7:00 AM – 6:00 PM, if there are any large gatherings during the workweek, e.g. a funeral or summer bible school, those non-business gatherings would severely impact the flow of traffic at the primary entrance to this business center at Prosper Road/Truxel Road. In addition to creating traffic challenges, allowing a church to purchase the building to use as a house of worship and related church activities would decrease the value of our office buildings. It does not seem appropriate for your office to grant a permit which would have a negative financial effect on neighboring properties.

We respectfully request that The River City Church be denied its permit request form the Community Development Department.

You may reach me at (916) 372-6170 if you should have questions.

Sincerely,

Sharyn K. Verdon  
Property Manager  
4050 & 4190 Truxel Road  
Sacramento CA

P.O. Box 175 • 1450-B Harbor Boulevard • West Sacramento, CA 95691  
(916) 372-6170 • FAX (916) 372-0937



**CVM LAW GROUP, LLP**

ATTORNEYS AT LAW

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WWW.CVMLAW.COM

September 13, 2011

*VIA U.S. MAIL*

David Hung  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 95811

*Re: 4080 Truxel Road, Sacramento, CA  
The River City Church CUP Application*

Dear Mr. Hung:

CVM Law Group, LLP, represents Natomas Crossing Phase I, LLC, the developer of the Truxel Road property. I was the attorney involved with the development while at Panattoni Law Firm and I drafted the Declaration of Covenants, Conditions, and Restrictions and Grant of Easements that govern the development dated April 26, 2004, and recorded on June 8, 2004 (the "CC&R's").

I am writing to correct some mis-statements and distortion that may have been created by the letter of Mr. Mark Drobny dated September 6, 2011. As stated by Mr. Drobny, the Developer does still own two properties in the development and under the terms of the CC&R's does still control the Board of Directors of Natomas Crossing Business Center Owners' Association. The Developer has been encouraging the individual property Owners to participate in the proceedings of the Board so that the transition between Developer and Owner will go smoothly when the Developer has sold all of the properties. As a result the Developer disclosed the potential sale of one of its two buildings to the River City Church and asked for a vote of the Owners as an advisory vote. The vote of the Owners was very close but initially the church use was approved by a bare majority. Mr. Drobny initially voted for the church and then along with another owner changed his vote so that it appeared the church use was disapproved.

Mr. Drobny is incorrect in his assessment of the CC&R's. A church use is absolutely allowed by the CC&R's so long as the church obtains a conditional use permit as required by the applicable Zoning Code.

Section 11.1 of the CC&R's is entitled "Permitted Uses" and it specifically provides as follows:

"All Lots in the Covered Property shall be used for no purpose other than purposes permitted by the City's zoning ordinances as of the date of this Declaration of Covenants, Conditions, and Restrictions and Grant of Easements, which including the following uses: office, high-tech manufacturing, physician clinic, pharmacy, optician lab or clinic, dental offices, educational/vocational/training (public or private), bank/savings and loan office, post office, and child care center; and excepting the following uses which shall specifically be prohibited: hospitals, skilled nursing facilities, convalescent hospitals, drug/alcohol treatment center, psychiatric hospital or clinics, convenience stores, sale and other support retail services (as defined in the City Zoning Code) which would cause excessive vehicle traffic or numbers of vehicles in excess of the allotted parking per Lot. No part of the Covered Property shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any residential or other non-business purpose."

A church use is allowable under the City Zoning Code specific to this Property so long as the church obtains a conditional use permit. Thus, since it is allowable under the Zoning Code and not specifically prohibited in the CC&R's it is an allowable use without the necessity of approval by the Board of the Association. However, the current Board has specifically approved the church use.

Mr. Drobny's opinion that the Property is subject to a limited use is wrong. While the zoning requires commercial type uses as opposed to residential, clearly a church is a proper commercial use as is a child day care center or PORAC which is a political and trade association but which does not meet with Mr. Drobny's very limited definition of business use. PORAC is an owner of one of the properties.

Certainly one could argue that a church which collects tithing from its members and worshipers and carries out various church business and activity is no different than a trade organization that collects dues and donations from members to promote the members' interests and political activities.

The church, if it completes the sale and obtains the CUP, will have to comply with the CC&R's including the parking restrictions. It is my understanding that the church has met with the Owners and has agreed to mitigate its use to comply with the concerns voiced by the Owners and has committed to comply with the terms of the CC&R's.

David Hung  
Community Development Department  
September 13, 2011  
Page 3

Contrary to Mr. Drobny's letter, as you can see the Developer is not in violation of the CC&R's in electing to sell a building to the church so long as the church obtains the CUP as required by the Zoning Code. The CUP is a condition precedent to the closing of the sale. But the issuance of the CUP by the City would not be in violation of the CC&R's and certainly a church use is within the contemplation of the drafters of the CC&R's.

If you have any further questions on this matter, please telephone me.

Very Truly Yours,

***CVM LAW GROUP, LLP***



Robert D. Collins



**CVM LAW GROUP, LLP**  
ATTORNEYS AT LAW

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September 15, 2011

**VIA U.S. MAIL**

David Hung  
Community Development Department  
300 Richards Blvd.  
Sacramento, CA 95811

**Re: 4080 Truxel Road, Sacramento, CA  
The River City Church CUP Application**

Dear Mr. Hung:

CVM Law Group, LLP, represents Natomas Crossing Phase I, LLC, the developer of the Truxel Road property. I was the attorney involved with the development while at Panattoni Law Firm and I drafted the Declaration of Covenants, Conditions, and Restrictions and Grant of Easements that govern the development dated April 26, 2004, and recorded on June 8, 2004 (the "CC&R's").

I am writing to correct some mis-statements and distortion that may have been created by the letter from The Peace Officers Research Association dated September 13, 2011. This letter contains much of the same mis-statements as stated in the letter from Mr. Drobny date September 6, 2011. So rather than go through and correct them, I just enclose a copy of my response to Mr. Drobny's letter.

Like Mr. Drobny, Ms Bravo is incorrect in her representation of the CC&R's. A church use is absolutely allowed by the CC&R's so long as the church obtains a conditional use permit as required by the applicable Zoning Code.

Section 11.1 of the CC&R's is entitled "Permitted Uses" and it specifically provides as follows:

"All Lots in the Covered Property shall be used for no purpose other than purposes permitted by the City's zoning ordinances as of the date of this Declaration of Covenants, Conditions, and Restrictions and Grant of Easements, which including the following uses: office, high-tech manufacturing, physician clinic, pharmacy, optician lab or clinic, dental offices, educational/vocational/training (public or private), bank/savings and loan office, post office, and child care center; and excepting the following uses which shall specifically be prohibited: hospitals, skilled nursing facilities, convalescent hospitals, drug/alcohol treatment center, psychiatric hospital or clinics, convenience stores, sale and other support retail services (as defined in the City Zoning Code) which would cause excessive vehicle traffic or numbers of vehicles in excess of the allotted parking per Lot. No part of the Covered

David Hung  
Community Development Department  
September 15, 2011  
Page 2

Property shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any residential or other non-business purpose.”

A church use is allowable under the City Zoning Code specific to this Property so long as the church obtains a conditional use permit. Thus, since it is allowable under the Zoning Code and not specifically prohibited in the CC&R's it is an allowable use without the necessity of approval by the Board of the Association. However, the current Board has specifically approved the church use.

Ms Bravo's opinion that the Property is subject to a limited use is wrong. While the zoning requires commercial type uses as opposed to residential, clearly a church is a proper commercial use as is a child day care center (specifically allowed by the CC&R's) or PORAC which is a political and trade association.

Certainly one could argue that a church which collects tithing from its members and worshipers and carries out various church business and activity is no different than a trade organization that collects dues and donations from members to promote the members' interests and political activities.

The church, if it completes the sale and obtains the CUP, will have to comply with the CC&R's including the parking restrictions. It is my understanding that the church has met with the Owners and has agreed to mitigate its use to comply with the concerns voiced by the Owners and has committed to comply with the terms of the CC&R's.

Contrary to Ms. Bravo's letter, as you can see the Developer is not in violation of the CC&R's in electing to sell a building to the church so long as the church obtains the CUP as required by the Zoning Code. The CUP is a condition precedent to the closing of the sale. But the issuance of the CUP by the City would not be in violation of the CC&R's and certainly a church use is within the contemplation of the drafters of the CC&R's.

If you have any further questions on this matter, please telephone me.

Very Truly Yours,

***CVM LAW GROUP, LLP***



Robert D. Collins

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**NATOMAS CROSSING BUSINESS CENTER  
OWNER'S ASSOCIATION**

**July 27, 2011 Meeting Notes**

**The meeting convened at 9:00 a.m. with the following Board Members present:**

**Tim Schaedler, President**  
**Michelle Azevedo, Secretary**  
**Mike Diepenbrock, Chief Financial Officer**

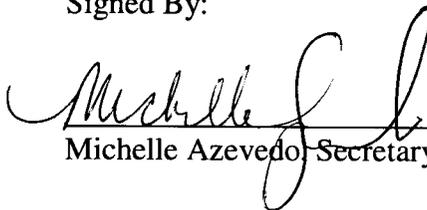
**Discussion Items:**

- 1) Vote to approve the sale of 4080 Truxel Road to The River Church as an approved use for the Natomas Crossing Business Center.

Michelle Azevedo moved to approve the sale and use and Mike Diepenbrock seconds the motion. All were in favor, no dissents.

**Meeting was adjourned at 9:15 a.m.**

Signed By:

  
Michelle Azevedo, Secretary

7/27/11  
Date



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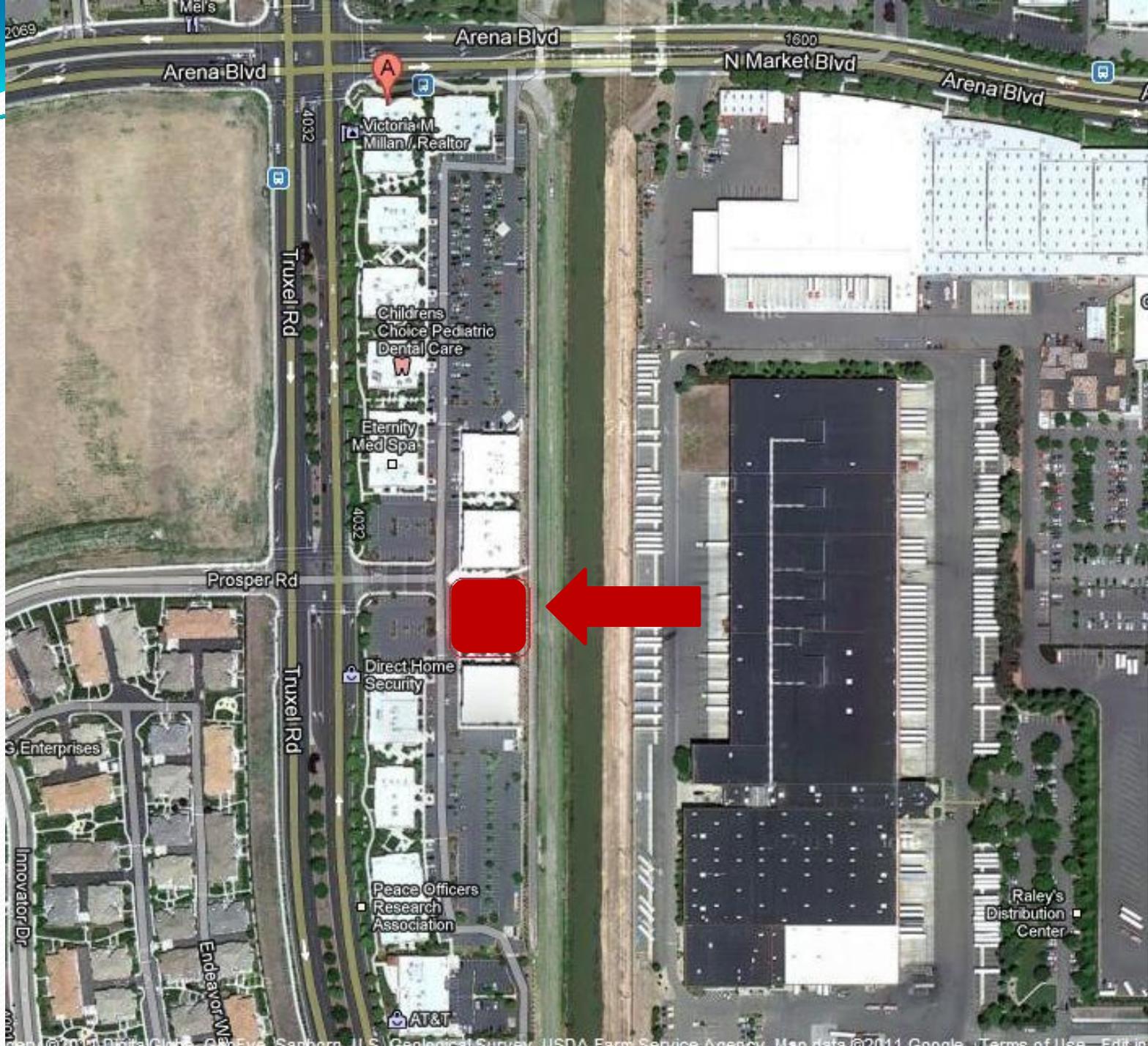
# The River Church Appeal

# **The Natomas Crossing Business Owners Association**

**(4010 Truxel Road to 4190 Truxel Road)**

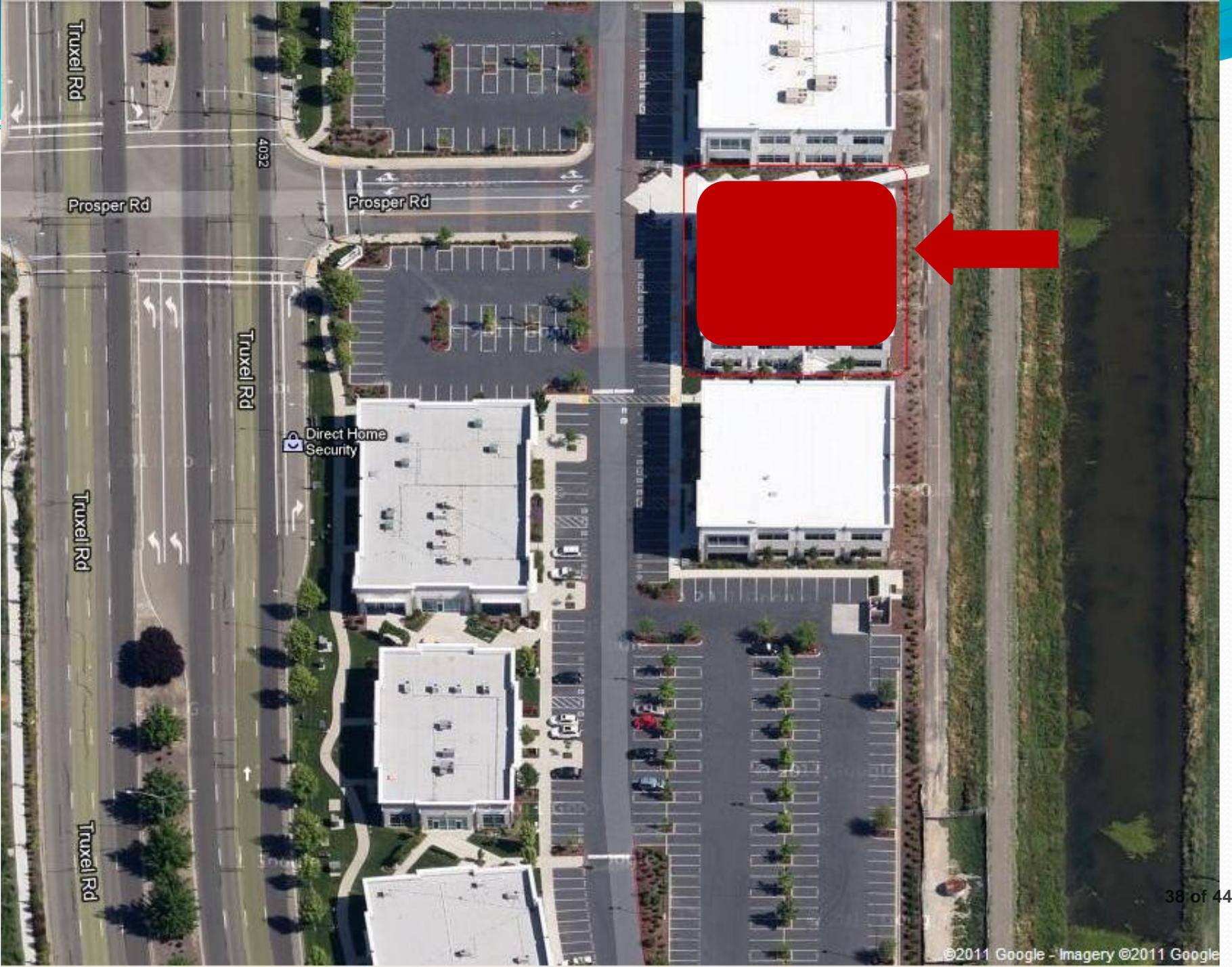
## **General Information**

- **Each space is zoned as office and professional space**
- **13 office and professional buildings**
- **Current Tenants: dental offices, associations, law offices, developers, medical offices**
- **Each owner in The Natomas Crossing Business Owners Association must sign CC&Rs**
- **A majority of owners have voted AGAINST the River Church entering the business park on two (2) separate occasions**



# CURRENT OWNER CONCERNS

- **TRAFFIC**
  - **Truxel Road – 4 lanes each direction**
  - **Prosper Road/Truxel Road Intersection: light only allows for 1-2 cars to exit onto Truxel Road (southbound)**
  - **At public hearing, engineer suggested no problem with traffic**
  - **With 292 seats in an assembly hall, all cars will need to exit at same time, causing queues and traffic to assemble in the parking lot**
- **SOLUTIONS**
  - **Request that the City change the Prosper light to accommodate the traffic**



Truxell Rd

4032

Prosper Rd

Prosper Rd

Truxell Rd

Direct Home Security

Truxell Rd

Truxell Rd



4032

Prosper Rd

Prosper Rd

Truxell Rd

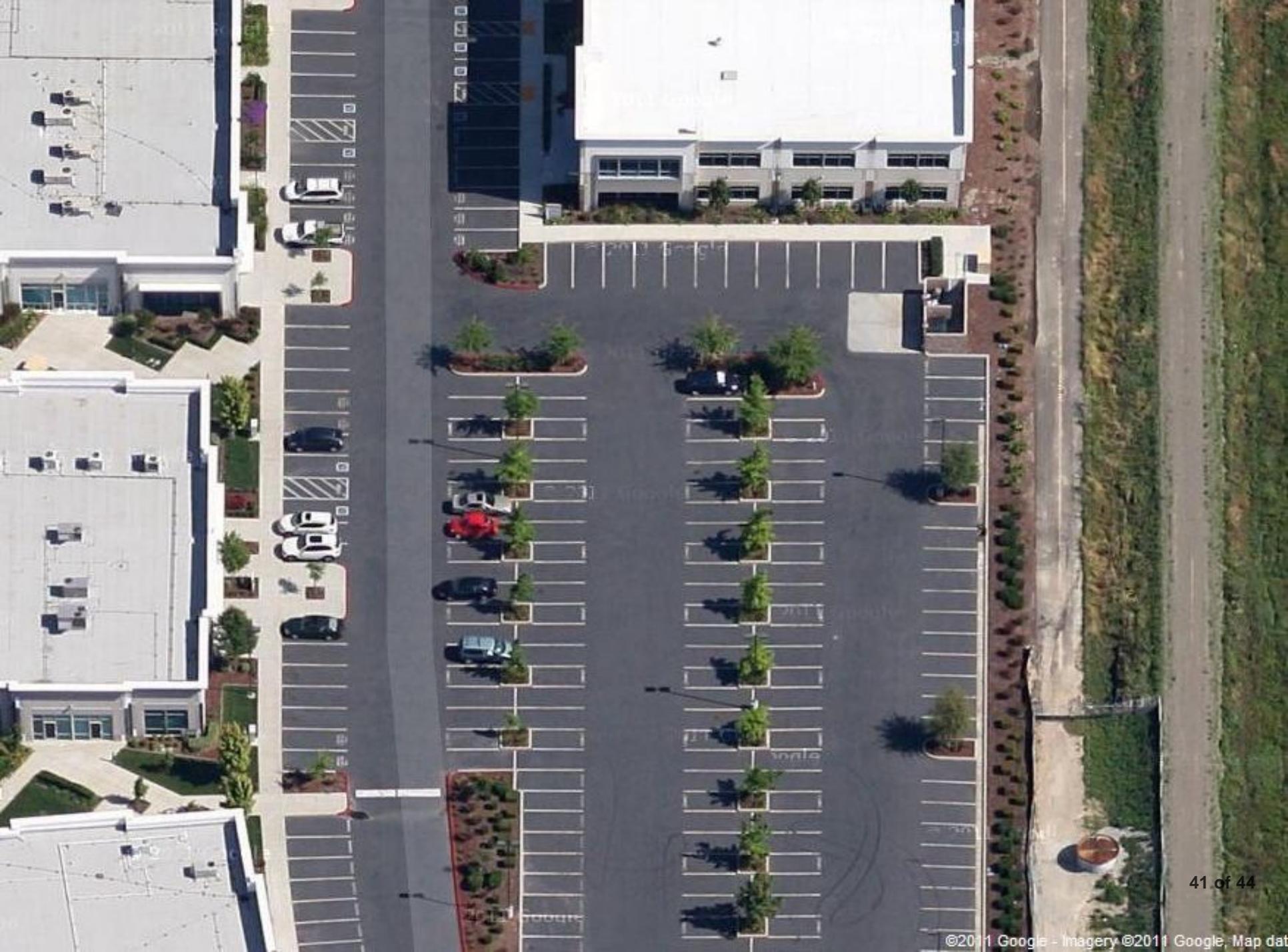
Truxell Rd

Direct Home Security

# **CURRENT OWNER CONCERNS (continued)**

- **PARKING**
  - **NO Reciprocal Parking Agreement has been signed**
  - **4080 Truxel Road only allotted 87 spaces for an assembly hall which holds 292 people**
  - **Parking spots are deeded to owners – liability**
  
- **OFFERED SOLUTIONS**
  - **Reciprocal Parking Agreements by at least 3 other owners**
  - **Encourage Ride-sharing**
  - **Encourage Public Transportation**
  - **Notify other business owners when events with over 75 people in attendance anticipated**

**NONE OF THESE RECOMMENDATIONS SOLVES ANY PARKING ISSUES**



# CURRENT OWNER CONCERNS (continued)

- **CC&RS**
  - Each owner **MUST sign CC&Rs**
  - CC&Rs expressly prohibit use of the property for **non-business purposes**
    - Day Care Center, AA meetings, loitering, bible school: all **NON-business activities**
  - All offices/buildings zoned professional
  - The River Church's activities are **NOT in line with a professional business park**
  - The River Church's intent is to purchase land once available. They can then sell 4080 Truxel Road to another church, which may hold more activities, etc.
- **SOLUTIONS**
  - Deny conditional use permit

# THE RIVER CHURCH ACTIVITIES

- **Weekday Activities**
  - **Day Care Center (ultimate goal)**
  - **Bible Camp – one week per year**
  - **Rent out space for Funerals, Weddings, Graduations, Special Events, Community Events and Luncheons**
- **OFFERED SOLUTIONS by Current Owners**
  - **Agree to Parameters**
    - **Reciprocal Parking Agreements**
    - **Only allow exceptions for The River Church and not successors and assigns**

# EFFECT

- **Property Value Decrease**
  - **Reduction in Property Taxes for City**
- **Vacancy of NCBOA**
  - **Currently: 60% vacancy**
  - **If Church moves in to premises, more difficult to lease properties in a business park with a church**