MINUTES
TRACY CITY PLANNING COMMISSION
MAY 9, 2012
7:00 P.M.
TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTE APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA:

ITEMS FROM THE AUDIENCE

In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member *to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS

2. NEW BUSINESS

   A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS (TMC CHAPTER 10.08) AFFECTING CITY CIVIC ORGANIZATION SIGNS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0002

   B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE (TMC CHAPTER 10.08) AFFECTING FAMILY DAY CARE HOMES – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0003

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

   A. VERBAL REPORT ON THE STAPLES I-205 SIGN AMENDMENT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

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The Planning Commission meeting was called to order by Chair Manne at 7:02 p.m.

The pledge of allegiance was led by Chair Manne.

ROLL CALL: Roll call found Commissioner Johnson, Commissioner Mitracos, Vice Chair Ransom, and Chair Manne present. Also present were staff members Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development Service stated staff was trying to get caught up on minutes and would be bringing forward a series of minutes at the next meeting.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

   A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS (TMC CHAPTER 10.08) AFFECTING CITY CIVIC ORGANIZATION SIGNS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0002

Commissioner Sangha arrived at the meeting at 7:07.

Mr. Dean provided the staff report for Victoria Lombardo, Senior Planner. Mr. Dean indicated staff had been approached by Mike Souza as a representative of Tracy Sunrise Rotary, regarding the donation of a sign to advertise up to six civic organizations within the City. Mr. Dean indicated Council had requested staff bring back options on an Ordinance. Mr. Dean stated instead of options, staff had brought back this Ordinance, which provided the options built into it. Mr. Dean indicated staff's recommendation was the Planning Commission recommend City Council approve the changes to the City's Sign Ordinance. Mr. Dean stated there had been a minor error in the staff report which stated the permitted sites were allowed "within one-quarter mile of the following locations", and it should actually state "one-half mile."

Vice Chair Ransom asked about information about the maintenance of the sign after its donation. Mr. Dean answered City Council would entertain the Ordinance, and its adoption by Resolution; and that Resolution would spell out the terms of acceptance of the donation, such as maintenance. Mr. Dean added staff had discussed the City maintaining the sign, and determined the maintenance of the sign would be minor. Mr. Dean added that should there be a change to the face of the sign for the one of the organizations; the donating party would be responsible for the change. Vice Chair Ransom asked should another party want to be added to the sign, who would make decision; the donating party who no longer owned the sign, or the City. Vice Chair Ransom stated she was concerned there would be another case similar to the War Memorial. Mr. Dean indicated first there would need to be an Ordinance to allow this to

happen, and then during the acceptance of the donation by Resolution, the details regarding who would be on the sign, the maintenance of the sign, and such would be clarified.

Chair Manne stated for the record that he was a member of the Breakfast Lions Club. Mr. Dean stated this item was for the Ordinance to allow for the donation of the sign, not the specifics of the sign.

Commissioner Mitracos asked if he had read in the staff report that there would be six items on the sign. Mr. Dean stated the request was for up to six, and the Ordinance was modeled after that offer. Commissioner Mitracos asked if staff expected it to be illuminated. Mr. Dean answered he did not anticipate illumination because it would add to the maintenance and installation costs.

Commissioner Johnson asked if the sign would be on City property, because in Municipal Code Section 10.08.4510, Item H it stated any sign that would encroach into the City right-of-way or easement was prohibited.

Mr. Dean indicated there would have to be an addition of an exception in that section for a City Civic Organization Sign. Commissioner Johnson asked if the other signs on other sites could be different than the one proposed now. Mr. Dean answered they could, and in the donation approval process there would be the ability for City Council to weigh in on what the sign looks and feels like in that particular location. Mr. Dean stated staff was aware of the Way-Finding Program, and should it continue and should there be another donation, staff would want it to be matching; however that would be addressed through the donation approval.

Chair Manne opened the public hearing.

Mike Souza of 105 East Tenth Street addressed the Commission. Mr. Souza stated he had given the sign designer the Way-Finding Program when he was designing the sign. Mr. Souza stated he would like to see a little leeway because for there may be some community signage in a given area, and it may be desirable to design the civic sign to compliment the community signage.

Vice Chair Ransom asked who would maintain the sign, if for instance the meeting time or place changed. Mr. Souza answered if the time or place changed, the club would pay for the change and it would cost about $200 for a club to do that. Mr. Souza indicated if one of the clubs ceased to exist, the remaining clubs would decide who would replace it. Mr. Souza indicated the sign would be sealed with a non-graffiti sealer.

Commissioner Sangha asked if the color combination shown was the one which would be used. Mr. Souza answered it was, and it had been taken from the Way-Finding Program.

Robert Tanner of 1371 Rusher Street addressed the Commission. Mr. Tanner stated he felt the sign was great and needed. Mr. Tanner stated there had been a public meeting where Caltrans had stated it would block off the freeway interchange at Eleventh Street, and asked if the sign would be moved or replaced. Mr. Dean stated a large interchange was going to be built at Lammers Road, and that was a long way off. Mr. Dean indicated the traffic would still funnel into Eleventh Street. Mr. Tanner stated the handouts stated the access from Eleventh Street would be cut off. Mr. Dean indicated the long range plan was to have the exit on Lammers, and would cut over onto Eleventh Street. Mr. Souza added the sign would be located east of the fountain

and the proposal was to swing the interchange onto Lammers, and the sign would still be in a great spot.

Chair Manne closed the public hearing.

Chair Manne stated he had seen the drawings for the interchange and it would be so much further west and Eleventh Street would still be the main thoroughfare.

Bill Sartor, Assistant City Attorney stated he would like to ask for a few changes, one being the entire Ordinance be published in the paper once rather than publishing a summary which would need to be published twice. Mr. Sartor stated staff would like to correct the typographical error in proposed Section 10.08.4460 § R4 to change "one-quarter mile" to "one-half mile"; to insert a new Section 4 stating "Section 10.08.4510 § H - Prohibited Signs and Locations is amended to include Civic Organization Signs under Section 10.08.4460 of this Code" and renumber draft Sections 4 and 5, to Sections 5 and 6; and also to change Section 6 to say "publish once in the Tri Valley Herald" instead of "publish a summary twice".

It was moved by Vice Chair Ransom and seconded by Commissioner Mitracos that the Planning Commission recommend the City Council approve the attached Ordinance as amended and corrected, amending the Tracy Municipal Code Sections 10.08.4440, 10.08.4450, 10.08.4460 regarding Civic Organization Signs on public property. Voice vote found all in favor; passed 5-0-0-0.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE (TMC CHAPTER 10.08) AFFECTING FAMILY DAY CARE HOMES – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0003

The staff report was provided by Mr. Dean. Mr. Dean stated the hearing was to consider an amendment to the Tracy Municipal Code (TMC) regarding family daycares in homes. Mr. Dean stated within the State's Planning and Zoning Development Laws there were provisions which regulate family daycares. Mr. Dean stated in the past the wording of the State Law was confusing, using the wording "use permit" which had lead staff to require a Conditional Use Permit for large family daycares. Mr. Dean stated staff had been approached by a group that stated the verbiage was unclear; and their understanding was a little different. Mr. Dean further stated staff had discussed the issue with the City Attorney's office and felt the Code should be amended to clarify the intent. Mr. Dean stated under State Law there were three choices to do this: 1 - Classify large family daycare homes as permitted uses of residential properties under zoning regulations; 2 - Grant a non-discretionary permit that prescribes reasonable standards, restrictions and requirements concerning spacing and concentration, traffic control, parking, and noise control; 3 - Require a large family daycare home to apply for a permit that requires public notification of all property owners within 100 feet of the parcel, and hold a hearing if requested by a property owner, and then grant the non-discretionary permit if it complies within the reasonable standards. Mr. Dean indicated staff recommended Option 1 because there were 21,000 homes and only 50 licensed family home daycare centers, and obviously there was not an oversaturation issue. Mr. Dean stated staff's perspective was the better approach would be to allow these to occur, and if there was a particular concern that arises in the future, staff could take a more surgical approach to address it. Mr. Dean stated the Fire Marshall and the Community Care Licensing Division of the State were already involved in looking at the standards in which the centers operate. Mr. Dean indicated staff recommended the Commission

recommend City Council approve the amendments to the TMC regarding large family daycare centers.

Mr. Sartor indicated there was a typo in Section 6 which referenced publishing in the Tracy Press, and the newspaper of publication would be the Tri Valley Herald.

Chair Manne asked for clarification on the overlap between the numbers of children allowed in what constituted a large family versus a small family daycare. Mr. Dean indicated it had to do with the ages of the children in the center, as regulated by the State.

Vice Chair Ransom asked how the City would know there were only 50 daycares in Tracy. Mr. Dean stated the City's Fire Marshall, who was the Chief Building Official, was in communication with the State, and the City's Fire Inspectors were required to do annual inspections of the facilities.

Vice Chair Ransom asked if was unreasonable to require notification of neighbors within 100 feet of the daycare, due to the fact that 14 children playing outside can be very noisy. Mr. Dean stated staff had thought of this, and the difficult part was even if notice is given, the City was not allowed to say no, because it was required to be a non-discretionary permit. Mr. Dean stated the State wanted these to be classified as a residential use. Mr. Dean indicated the City did not have a non-discretionary permit besides a Building Permit, which was if you meet the Building Codes, you get the permit, and staff would have to create the process.

Commissioner Mitracos asked for clarification on how many of the 50 daycares were small versus large. Mr. Dean stated he did not have the information. Commissioner Mitracos stated there was a lot involved in the higher occupancy, and specific modifications which had to be done to make a large daycare, and he imagined that most of the home daycares were small. Commissioner Mitracos asked why the MO Zone was left out of the list of the permitted zones, and conditionally permitted zones. Mr. Dean indicated this was strictly dealing with the residential zones, and was only for daycare homes, not commercial daycare facilities.

Chair Manne opened the public hearing. As there was no one to speak to the item the public hearing was closed.

Chair Manne stated he remembered an application before the Commission just a few months before for a large family home daycare, and there had been a lot of positive feedback.

It was moved by Commissioner Mitracos and seconded by Commissioner Sangha that the Planning Commission recommend the City Council approve the attached Ordinance amending the Tracy City Municipal Code Sections 10.08.650 and 10.08.1080 and adding sections 10.08.255 and 10.08.3195 regarding family daycare homes in residential zones, as amended and corrected Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

A. VERBAL REPORT ON THE STAPLES I-205 SIGN AMENDMENT

Mr. Dean thanked the Commission for its work on the project, and thanked Chair Manne for coming before City Council, to in his words "defend the Commission's honor'. Mr. Dean indicated Council discussed the item for about an hour and in the end approved the sign and allowed Staples to keep their sign, even though it had been installed illegally. Mr. Dean stated there could be a number of applications from other businesses in the center asking for a CUP for a larger sign.

Commissioner Mitracos stated he had watched the Council meeting, and felt that Kimberly Matlock had been unfairly characterized by the applicant. Commissioner Mitracos stated the issue had showed him how difficult it is to approve something from drawings.

5. ITEMS FROM THE COMMISSION

Commissioner Sangha apologized for arriving late; due to a Community meeting she had to attend before the Commission meeting.

6. ADJOURNMENT

It was moved by Commissioner Johnson and seconded by Commissioner Sangha to adjourn.

Time: 7:55 p.m.

CHAIR

STAFF LIAISON