

NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy **Planning Commission** is hereby called for:

Date/Time: Wednesday, February 27, 2013
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140, any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the item shall be placed on an agenda within 30 days*

1. OLD BUSINESS
2. NEW BUSINESS
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

February 21, 2013

Posted date

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development and Engineering Services department located at 333 Civic Center Plaza during normal business hours.

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
APRIL 11, 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 A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS TOTALING 989,717 SQUARE FEET, THE EXPANSION OF AN EXISTING INDUSTRIAL BUILDING BY 288,770 SQUARE FEET, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD ON A 70.49-ACRE SITE, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT - APPLICANT IS PROLOGIS, AND OWNERS ARE AMB HOLD CO, LLC AND PROLOGIS, L.P.- APPLICATION D12-0003.
- B. CONDITIONAL USE PERMIT FOR TWO WALL SIGNS THAT EXCEED 100 SQUARE FEET IN AREA ON THE WALMART RETAIL BUILDING - THE PROJECT IS LOCATED AT 3010 WEST GRANT LINE ROAD – APPLICANT IS PERKOWITZ + RUTH ARCHITECTS FOR WALMART R.E. BUSINESS TRUST - ASSESSOR'S PARCEL NUMBERS 238-600-08 AND 10.
- C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN EXCESS OF 100 SQUARE FEET. APPLICATION NUMBER SPA12-0001.
- D. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED

ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002.

3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

* * * * *

The Planning Commission meeting was called to order by Chair Manne at 7:00 p.m.

The pledge of allegiance was led by Chair Manne.

ROLL CALL: Roll call found Commissioner Johnson, Commissioner Mitracos, Commissioner Sangha, Vice Chair Ransom, and Chair Manne present. Also present were staff members Kimberly Matlock, Assistant Planner; Victoria Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer; Bill Dean, Assistant Director of Development Services Department; Bill Sartor, Assistant City Attorney; and Sandra Edwards, Recording Secretary.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development Services indicated Item 2-D was actually old business; however it needed to be considered after Item 2-C.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS TOTALING 989,717 SQUARE FEET, THE EXPANSION OF AN EXISTING INDUSTRIAL BUILDING BY 288,770 SQUARE FEET, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD ON A 70.49-ACRE SITE, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT - APPLICANT IS PROLOGIS, AND OWNERS ARE AMB HOLD CO, LLC AND PROLOGIS, L.P.- APPLICATION D12-0003.

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo indicated the application was three-part, and included: the conversion of Chabot Court to a private street

and its extension to meet up with Paradise Road; three new buildings and all of their improvements; and finally, the expansion of the existing Barbosa Cabinets building. Mrs. Lombardo stated the site plan showed the layout of all four buildings; however the buildings were speculative at this point because there were no specific tenants in mind. Mrs. Lombardo stated architecturally the buildings were intended to match the design of the Crate and Barrel buildings. Mrs. Lombardo further stated the expansion of the Barbosa cabinets building would look like the existing building. Mrs. Lombardo stated the proposal was consistent with the Northeast Industrial Concept Development Plan requirements. Mrs. Lombardo indicated staff recommended approval of the project.

Vice Chair Ransom asked what the vacancy rate was of the large buildings in the area. Mrs. Lombardo stated she did not have any figures; however she knew the building at the south end of Chabot Court was currently vacant. Mrs. Lombardo stated Prologis was looking at moving a tenant from an existing building off Paradise Road into that building, to clear out the space they are using for use of a potential client who wished to occupy several buildings.

Chair Manne asked if the purpose of the hook-shape of the extension of Chabot to Paradise was for trucking. Mrs. Lombardo indicated the City had acquired a small piece of land with an existing farmhouse, in order to make the extension to Paradise Road. Mrs. Lombardo stated that it would be mostly truck traffic on the road; however cars would have access to it also. Chair Manne asked if vehicles would be able to make a left turn to enter Paradise. Cris Mina, Senior Engineer answered when Chabot Court is initially converted to a private street there would be a left in, left out; however when Grant Line Road was widened to its ultimate improvements, Chabot Court would have limited access, and would be a right turn in and a right turn out, with restricted access.

Commissioner Sangha asked if Paradise Road would be a private street or a City street. Mrs. Lombardo answered Paradise Road would be a public street.

Commissioner Johnson asked what the advantage would be to have a private drive versus a City street. Mr. Mina stated there would be public access to Chabot, and it would be used for circulation. Mr. Mina stated the benefit is the improvements would be paid by the developer. Commissioner Johnson asked if the City would maintain ownership of the underground utilities. Mr. Mina answered the City would maintain ownership of the water, sewer, and storm drain.

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

It was moved by Vice Chair Ransom and seconded by Commissioner Johnson that the Planning Commission recommend the City Council approve the Preliminary and Final Development Plan to permit the development of three new industrial buildings and one building expansion totaling 1,278,487 square feet on a 70.49-acre site, located adjacent to Paradise Road, south of Grant Line Road, west of and adjacent to Chabot Court, Application Number D12-0003, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated April 11, 2012. Voice vote found all in favor; passed 5-0-0.

- B. CONDITIONAL USE PERMIT FOR TWO WALL SIGNS THAT EXCEED 100 SQUARE FEET IN AREA ON THE WALMART RETAIL BUILDING - THE PROJECT IS LOCATED AT 3010 WEST GRANT LINE ROAD – APPLICANT IS PERKOWITZ +

RUTH ARCHITECTS FOR WALMART R.E. BUSINESS TRUST - ASSESSOR'S
PARCEL NUMBERS 238-600-08 AND 10.

The staff report was provided by Victoria Lombardo. Mrs. Lombardo stated the Municipal Code allowed wall signs to be no larger than 100 square feet; however the I-205 Specific Plan allowed for larger buildings within the plan to have a sign up to 250 square feet if it is scale with the size of the building. Mrs. Lombardo stated Walmart came before the Commission in 2008 to get approval of the expansion for the grocery store, and in 2009 they submitted an application for a 150 square foot wall sign on the front of the building on Grant Line. Mrs. Lombardo further stated that with the expansion of the building, the applicant was proposing to construct a sign on both the back of the building facing I-205, and on the front of the building facing Grant Line Road, that was approximately 223 square feet. Mrs. Lombardo indicated the signs were in scale with the building with the expansion. Mrs. Lombardo stated staff recommended approval of the project.

Commissioner Mitracos stated the pylon sign had already been changed. Mrs. Lombardo stated the change had been made because of a change in the logo due to corporate re-imaging. Commissioner Mitracos asked if the sign had been included in the expansion application. Mrs. Lombardo stated the sign change in 2009 had been done through a separate application due to the corporate re-imaging. Mrs. Lombardo stated one of the conditions of the expansion approval was they would have to go through approval of all the signs.

Commissioner Johnson stated he appreciated the perspectives of the renderings.
Commissioner Mitracos agreed with the comment.

Chair Manne asked if the Planning Commission had seen an item like this from Walmart in the last two years. Mrs. Lombardo answered yes, and she believed the sign design in the last application was the same; this was just a different size.

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 liked the refreshed look of the sign, and he felt the size was in scale with the building.

It was moved by Commissioner Johnson and seconded by Commissioner Sangha that the Planning Commission approve a Conditional Use Permit to allow two approximately 222.69-square foot wall signs based on the findings contained in the Planning Commission Resolution dated April 11, 2012. Voice vote found all in favor; passed 5-0-0-0.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR
SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN EXCESS OF
100 SQUARE FEET. APPLICATION NUMBER SPA12-0001.

The staff report was provided by Kimberly Matlock, Assistant Planner. Mrs. Matlock stated the item before the Commission was an amendment to the I-205 Specific Plan, which currently allowed for the maximum sign area of a wall sign of 100 square feet, and up to 250 square feet with a Conditional Use Permit (CUP). Mrs. Lombardo indicated the exception of a maximum wall sign of up to 250 square feet with a CUP currently applied to single tenant buildings only. Mrs. Matlock stated the proposal was to allow the 250-square foot wall signs for multi-tenant wall

signs also. Mrs. Matlock further stated the City had received an application for a large sign on a multi-tenant building. Mrs. Matlock indicated the I-205 Specific Plan established criteria for wall signs so that they are in appropriate size a building. Mrs. Matlock indicated buildings in the I-205 area tended to be larger buildings with large fascia, and that included multi-tenant buildings. Mrs. Matlock stated staff recommended the amendment to the I-205 Specific Plan.

Commissioner Mitracos asked if the only change was to allow the signs on multi-tenant buildings. Mrs. Matlock stated that was correct.

Vice Chair Ransom asked how the City's signage rules compared to other cities. Mr. Dean answered he felt Tracy was very comparable, and he felt signage was one of the things that ebb and flow in the community, and was constantly changing.

Commissioner Sangha asked why the amendment would be exempt from CEQA. Mr. Dean answered there were a number of relatively minor changes that would fall under the environmental work done for the General Plan, and this amendment would fall under the "Visual Impacts" that were disclosed under the General Plan.

Commissioner Johnson stated it was hard to visualize what the square footage number would look like, but they would review the signs individually when they came before the Commission. Mr. Dean stated that was exactly right.

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

Chair Manne asked if there were issues in the past in terms of signage that made it difficult to do business in Tracy. Mr. Dean stated that typically staff dealt with the sign contractor, not the business owner. Mr. Dean added that he felt the answer was it is not an encumbrance, especially when staff can demonstrate they can expeditiously respond to a request to amend the Plan to accommodate a different type of sign. Mr. Dean stated this was an example of how the City could look at its standards in response to a business' needs.

It was moved by Commissioner Sangha, and seconded by Commissioner Johnson that the Planning Commission recommend the City Council approve the I-205 Specific Plan Amendment regarding wall signs in excess of 100 square feet, Application Number SPA12-0001, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012. Voice vote found all in favor; passed 5-0-0-0.

D. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002.

The staff report was provided by Kimberly Matlock. Mrs. Matlock stated the application was for two 157-square foot wall signs in the I-205 Specific Plan area, based on the amendment the Commission had just heard. Mrs. Matlock stated the two signs were in scale with the building fascia, and met the criteria regarding the length and area of the sign. Mrs. Matlock stated staff recommended approval of the application, contingent on City Council's approval of the I-205 Specific Plan Amendment.

Chair Manne asked if this was an example of a multi-tenant building which needed a larger sign. Mrs. Matlock answered it was.

Commissioner Mitracos asked how the size of the proposed letters compared to the existing sign. Matlock stated she did not have that information at the current time, but she could gather it. Commissioner Mitracos stated it looked taller than the sign at the previous location. Mr. Dean stated the old sign had to be less than 100 square feet, and that was why they were applying for a larger sign.

Vice Chair Ransom asked about the size of the previous tenant's sign. Mrs. Matlock stated she did not have that information readily available; however, again it had to be less than 100 square feet.

Chair Manne asked if the square footage of the sign was specifically the letters, or if it included the red background. Mrs. Matlock answered that because only letters were being used, staff had drawn a rectangle around each individual letter and include that area in the calculations. Mrs. Matlock further stated there was no red background proposed, and if there were, it would have been included it in the calculations.

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

It was moved by Commissioner Mitracos and seconded by Vice Chair Ransom that the Planning Commission approve the Conditional Use Permit to allow two 157-square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road, Application Number CUP12-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012, contingent upon City Council approval of the I-205 Corridor Specific Plan amendment, application number SPA12-0001. Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

Mr. Dean congratulated Commissioner Mitracos on his reappointment to the Commission and welcomed Commissioner Sangha.

Mr. Dean mentioned the Cool California Challenge in which the City of Tracy was competing. Ms. Matlock explained the competition.

5. ITEMS FROM THE COMMISSION

Commissioner Johnson stated he was excited about the Sixth Street Opening.

Commissioner Johnson asked if there was anything in the Ordinance regarding when a business vacates a building and removes the sign but leaves holes in the wall, or paints over just the letters. Commissioner Johnson said if it wasn't in there, he would like to see it. Mr. Dean indicated it was a follow up and enforcement issue; however it may be a good idea to remind the applicant as a condition of the approval.

6. ADJOURNMENT

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

Time: 7:57 p.m.

CHAIR

STAFF LIAISON

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
APRIL 25, 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. AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN WITH REGARD TO FREEWAY IDENTIFICATION SIGNS FOR COMMERCIAL CENTERS – THE AMENDMENT IS APPLICABLE TO ALL PROPERTIES WITHIN THE I-205 CORRIDOR SPECIFIC PLAN – APPLICANT IS JS KENDALL CONSTRUCTION, INC.
 - B. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT OF WAY AFFECTING CHABOT COURT - APPLICANT IS PROLOGIS - APPLICATION NUMBER DET12-0001
 - C. DOWNTOWN SPECIFIC PLAN STUDY SESSION
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

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The Planning Commission meeting was called to order by Chair Manne at 7:00 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 Scott Claar, Associate Planner; Victoria Lombardo, Senior Planner; Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

Commissioner Sangha arrived at the meeting at 7:04 p.m.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

- A. AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN WITH REGARD TO FREEWAY IDENTIFICATION SIGNS FOR COMMERCIAL CENTERS – THE AMENDMENT IS APPLICABLE TO ALL PROPERTIES WITHIN THE I-205 CORRIDOR SPECIFIC PLAN – APPLICANT IS JS KENDALL CONSTRUCTION, INC.

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo indicated the application was not for any particular freeway sign, but rather for the overall requirements of the I-205 Specific Plan. Mrs. Lombardo stated the currently the regulations for freeway signs between the Municipal Code and the I-205 Specific Plan were the same; allowing for a height of 45 feet, and an area of up to 300 square feet. Mrs. Lombardo further stated there were 4 freeway signs in the I-205 Specific Plan center. Mrs. Lombardo stated the proposal would allow the freeway signs for commercial centers with multiple businesses to have an area of up to 400 square feet. Mrs. Lombardo indicated these signs would only be allowed in the I-205 Specific Plan area. Mrs. Lombardo indicated staff recommended approval of the application.

Commissioner Mitracos stated he did not quite understand the statement in the staff report that stated allowing for a larger sign for these centers would limit the number of signs in the City, if each center was only allowed one sign anyway. Mrs. Lombardo stated it would depend on what

the definition of a retail center is. Mrs. Lombardo indicated that it was potentially feasible that someone could come and say some of the smaller multi-tenant establishments were their own commercial centers. Mrs. Lombardo stated staff was moving toward an attempt to consolidate freeway signs, and only allow multi-tenant signs. Commissioner Mitracos stated at the last meeting there had been an item to allow for larger wall signs. Commissioner Mitracos further stated he had gone and looked at the Staples sign, which had been a product of that approval, and was disappointed in the way it looked and felt it was outsized for the center. Commissioner Mitracos stated he did not feel there was any benefit of a larger sign to the business.

Mrs. Lombardo provided photos of the Tracy Marketplace sign, and a rendering of the Tracy Marketplace sign with the larger allowable sign area. Mrs. Lombardo indicated there were still two large buildings in the center which had not been built yet.

Vice Chair Ransom asked if one tenant could have a 400 square foot sign, or if the proposal was only for multi-tenant signs. Mrs. Lombardo answered it was only for multi-tenant signs. Vice Chair Ransom asked if one anchor tenant could have the whole 400 square foot sign. Mrs. Lombardo answered potentially that could happen.

Commissioner Sangha stated she had looked at the Staples sign and it did not look good in her opinion. Commissioner Sangha asked how a developer could get away with that. Mr. Dean answered in the Staples case, the Commission had approved the sign. Mr. Dean stated that in each instance, the Commission could review the sign and make a determination. Mr. Dean added this application was not for any particular sign, but rather to change the rules to allow 400 square feet rather than 300 square feet. Mr. Dean stated staff had not changed these sign regulations in a very long time, and staff felt it was appropriate to make the change.

Commissioner Mitracos stated he felt it would have been helpful to put the sign in context, and the rendering was accurate but it was hard to get a sense of how it would look in the center. Commissioner Mitracos stated he had gone along with the approval but he had regrets.

Chair Manne stated it was disappointing when you approve something and it looks different on the wall. Commissioner Mitracos stated he would like to get more information moving forward.

Mr. Dean stated it had just come to his attention that the amendment and the Staples CUP were approved by Commission; however the amendment had not been approved by Council, and the Staples people had put up the sign without getting the proper permits. Mr. Dean stated it was egregious when someone came before Commission to ask for approval, and then disregarded the processes of the City.

Vice Chair Ransom stated she felt for a multiple-tenant sign, 400 square feet was not a problem.

Chair Manne asked if it would make a difference if each sign would come before the Commission and give the opportunity for the Commission to deny the application if it was for a single tenant. Vice Chair Ransom stated she felt it was not necessary to bring every multi-tenant sign before the Commission.

Mr. Dean pointed out that the way the amendment was drafted didn't address whether it was a single-tenant or multi-tenant sign, it simply said that the sign may identify any tenants located

with 700 feet of the freeway and the reason for that was because sign regulations need to be content neutral.

Vice Chair Ransom asked for a definition of "content-neutral". Bill Sartor, Assistant City Attorney, answered generally the City could regulate size and placement, and once you have to read the sign to approve it, it severely limits your ability to defend the approval legally.

Commissioner Mitracos stated there is a limit that it has to advertise a business on the property. Mr. Dean stated the regulations could limit time, place and manner, and that would fall under the place where the sign could be located.

Chair Manne opened the public hearing.

Jeff Brotman of 1470 Maria Lane, Suite 101, Walnut Creek addressed the Commission. Mr. Brotman stated he was the project broker for the Tracy Marketplace center. Mr. Brotman stated he was working with a tenant that was looking to either come to Tracy or Manteca, and one condition to come to Tracy was that they be placed on the Tracy Marketplace Pylon sign. Commissioner Mitracos asked about the tenant. Mr. Brotman indicated they had been trying to get this tenant in Tracy for 3-5 years, and he felt the City would be happy to have this tenant.

Commissioner Mitracos stated Staples is leaving and that sign space would be available. Mr. Brotman stated that due to the details of the ownership of the center the Staples site was not under his control, and the owner of the site had bought and paid for that space on the sign. Mr. Brotman stated he agreed with the comments of the Commission regarding the Staples sign. Mr. Brotman stated the Tracy freeway signs were small compared to signs in the Valley and Bay Area.

Chair Manne asked who created the electronic rendering. Mrs. Lombardo stated it was created by JS Kendall, and it was representative, as the panels would be the same height and width as the existing panels.

Vice Chair Ransom stated there was one potential tenant, and three potential spaces added to the sign. Mr. Brotman stated there were other lots in the center which had yet to be developed.

Commissioner Sangha stated her concern was more that there would be multiple signs up and down the freeway, and this seemed to be one big sign. Mr. Brotman stated the Commission would be interested to know that Costco did not have an existing freeway sign.

Vice Chair Ransom asked how many signs would be affected. Mrs. Lombardo stated there were three other signs that could potentially be made a larger. Mrs. Lombardo further stated there were other sites in the Plan area; however she could envision possibly only one other site that may add such a sign.

Mr. Dean stated perhaps one way to address this would be to talk about a minimum size for any given piece of the sign, and a maximum letter size. Vice Chair Ransom asked if that would be content-specific. Mr. Dean answered that was the manner in which the sign could be regulated.

Commissioner Mitracos stated the proposed amendment gives the right to approve changes to existing signs to the Development Services Director.

Commissioner Mitracos stated perhaps a way to regulate it would be to make it a Conditional Use Permit (CUP) instead of a sign permit. Mr. Dean stated the Commission could make that recommendation to Council, however staff has been directed to make less processes and procedures.

Vice Chair Ransom stated she felt the Commission agreed with staff on being business friendly and was trying to make a work-around. Vice Chair Ransom stated she did not feel the Commission had enough information to make a recommendation. Mr. Dean asked that if the item was continued, the Commission provide clear direction as to what information they would like staff to provide when they bring it back.

Mrs. Lombardo stated the current regulations did not require staff or Commission review for any face changes to existing signs.

Robert Tanner of 1371 Rusher Street addressed the Commission. Mr. Tanner stated he would like to see the single tenant sign maximum stay at 300 square feet, and a multiple tenant sign have a maximum of 400 square feet.

Mr. Brotman re-addressed the Commission. Mr. Brotman stated he was feeling uncomfortable, and he felt the Commission's decision was being affected by the feelings they had about the Staples sign. Mr. Brotman stated he and the center in question had always played by the rules. Mr. Brotman further stated the request was reasonable and they did not want to be penalized for something another applicant had done. Commissioner Mitracos stated the recent development made him look at the decision in more detail. Commissioner Mitracos asked if Mr. Brotman had a suggestion for the solution. Mr. Brotman stated he would look to Mrs. Lombardo and Mr. Dean for a suggestion.

Vice Chair Ransom stated she would like to address Mr. Brotman's needs, without opening Pandora's Box. Vice Chair Ransom further stated she understood the urgency of the request. Vice Chair Ransom asked if a CUP would be business-unfriendly. Mr. Dean stated he did not want to characterize a CUP as business-friendly or business-unfriendly. Mr. Dean stated the existing rules did not prevent the current sign at 300 feet to be for a single tenant, and the issue before the Commission tonight was if Commission had a problem of a 400 foot sign size rather than the current 300 square foot size. Mr. Dean stated it was really two separate issues: the issue of a larger size; and the issue on if there was a problem with a center sign advertising one single tenant.

Commissioner Mitracos asked what the Commission would be reviewing through CUP for a new freeway sign application. Mrs. Lombardo stated the Commission would be looking at things such as: if the sign had two posts or three; if it had a top, a base, or a cornice; if it is stone or stucco, and that is it.

Commissioner Johnson stated he didn't see a problem with how the rendering of the Tracy Marketplace sign looked. Commissioner Johnson asked Mr. Brotman what the chances were that a large multi-tenant retail center would have only one tenant on the sign. Mr. Brotman stated it was highly unlikely because any tenant would want their signage, and were not likely to want to give it up.

Chair Manne stated he actually thought the proposed amendment was too strict. Chair Manne stated the renderings provided looked good. Chair Manne further stated he didn't have any problem with the way the amendment was written.

Chair Manne closed the public hearing.

Commissioner Sangha asked if Mr. Brotman could disclose who the tenant was. Mr. Brotman stated he had signed a confidentiality and non-disclosure agreement.

It was moved by Commissioner Johnson and seconded by Commissioner Mitracos that the Planning Commission recommend that the City Council approve the amendment to the I-205 Corridor Specific Plan to allow for freeway identification signs for commercial centers to be increased in size to a maximum area of 400 square feet, based on the findings contained in the Planning Commission Resolution dated April 25, 2012. Voice vote found all in favor; passed 5-0-0-0.

B. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT OF WAY AFFECTING CHABOT COURT - APPLICANT IS PROLOGIS - APPLICATION NUMBER DET12-0001

The staff report was provided by Mrs. Lombardo. Mrs. Lombardo stated two weeks before there had been an item to approve the preliminary and final development plan which contained the extension of Chabot Court to connect with Paradise Road. Mrs. Lombardo indicated in order to do so the land needed to go back to the property owner through a vacation of the right of way. Mrs. Lombardo indicated the California Government Code required this process that the vacation of right of way be determined to be consistent with the General Plan. Mrs. Lombardo stated the General Plan designation of the property was Industrial, and the street would be converted to a private street which would still be for industrial use, and therefore would be consistent with the land use designation. Mrs. Lombardo indicated staff is recommending the Commission determine the vacation of right of way was consistent with the General Plan.

Chair Manne opened the public hearing.

Robert Tanner of 1371 Rusher Street addressed the Commission. Mr. Tanner asked if Prologis would have the ability to gate off the entry as well as the piece to connect to Paradise Road. Commissioner Johnson stated he had asked the same question at the last meeting. Commissioner Johnson stated it would still be a public access road, and it would be like an easement. Mr. Tanner asked if there was a guarantee. Mrs. Lombardo stated the guarantee would be that the gate was not on the approved plan, and there would have to be an amendment to allow such a thing, which would not be approved.

Mr. Dean asked that if the Commission was so disposed, add to the title of the Resolution "...and disposition" after the word "vacation" so that it would read "...for a vacation and disposition of public right of way".

Chair Manne closed the public hearing.

It was moved by Ransom and seconded by Commissioner Mitracos that the Planning Commission determine that the vacation and disposition of the public right of way affecting Chabot Court is consistent with the City of Tracy General Plan, based on the findings contained

in the Planning Commission Resolution dated April 25, 2012. Voice vote found all in favor: passed 5-0-0-0.

Chair Manne called for a recess at 8:21 p.m. to reconvene in Conference Room 109.

C. DOWNTOWN SPECIFIC PLAN STUDY SESSION

The meeting reconvened at 8:30 p.m.

The Planning Commission discussed signage regulations in the proposed Downtown Specific Plan.

3. ITEMS FROM THE AUDIENCE - None
4. DIRECTOR'S REPORT – None
5. ITEMS FROM THE COMMISSION

Vice Chair Ransom asked how many sets of minutes needed to be approved. Mr. Dean answered there was one set from February, two in March, and one in April. Vice Chair Ransom stated that was unacceptable. Mr. Dean answered there had been a reduction in staff; however the issue was on his radar.

Commissioner Sangha apologized for being late due to traffic back-up.

6. ADJOURNMENT

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

Time: 9:16 p.m.

CHAIR

STAFF LIAISON

DRAFT

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

* * * * *

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

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
AUGUST 22, 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 APPLICATION FOR AN AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR BUILDING FAÇADE MODIFICATIONS AND ADDITIONS AT 2790 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-050-60. APPLICANT IS BLAZIN WINGS, INCORPORATED C/O GOLDEN PROPERTY DEVELOPMENT, LLC AND PROPERTY OWNER TRACY MALL PARTNERS, LP. APPLICATION NUMBER D12-0005

B. PUBLIC HEARING TO RECEIVE COMMENTS ON THE MODIFIED ELLIS PROJECT DRAFT REVISED ENVIRONMENTAL IMPACT REPORT, AND TO DISCUSS AND RECEIVE COMMENTS ON THE MODIFIED ELLIS SPECIFIC PLAN, RELATED GENERAL PLAN AMENDMENT, AND RELATED AMENDED AND RESTATED TRACY ELLIS DEVELOPMENT AGREEMENT

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

A. DISCUSS PLANNING COMMISSION'S AVAILABILITY FOR A SPECIAL MEETING ON OCTOBER 3, 2012

5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

* * * * *

The Planning Commission meeting was called to order by Chair Ransom at 7:00 p.m.

The pledge of allegiance was led by Chair Ransom.

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

MINUTES

It was moved by Commissioner Johnson and seconded by Commissioner Sangha that the Planning Commission approve the minutes of March 14, 2012 and March 28, 2012 as written. Voice vote found all in favor; passed 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR BUILDING FAÇADE MODIFICATIONS AND ADDITIONS AT 2790 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-050-60. APPLICANT IS BLAZIN WINGS, INCORPORATED C/O GOLDEN PROPERTY DEVELOPMENT, LLC AND PROPERTY OWNER TRACY MALL PARTNERS, LP. APPLICATION NUMBER D12-0005

The staff report was provided by Kimberly Matlock, Assistant Planner. Mrs. Matlock stated this item was an amendment to the approved Preliminary and Final Development Plan for the previous Pier One Imports building. Mrs. Matlock indicated the applicant was Buffalo Wild Wings, who was proposing to occupy a portion of the building, modify the exterior of the building and construct an outdoor patio for their restaurant. Mrs. Matlock indicated the applicant would add new plants and canopies and to keep the existing brick façade. Mrs. Matlock stated the parking was adequate for the proposed use, and the use was a permitted use in the I-205 Specific Plan. Mrs. Matlock indicated staff recommended approval of the project.

Chair Ransom asked if there would be modifications to the remaining portion of the building. Mrs. Matlock answered there would not be with this application, however there could be in the

future. Chair Ransom asked how the building would be divided for an additional tenant. Mrs. Matlock stated the provided proposed floor plan showed how the applicant anticipated it to be divided. Chair Ransom asked if the additional portion would be retained until a future tenant was located. Mrs. Matlock answered that was correct.

Commissioner Mitracos asked if the World Market store was on the same lot or just next door to Best Buy. Mrs. Matlock stated she believed it was a separate parcel.

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

It was moved by Commissioner Mitracos and Seconded by Commissioner Manne that the Planning Commission recommend that the City Council approve an amendment to the Preliminary and Final Development Plan for building façade modifications and additions located at 2790 Naglee Road, Application Number D12-0005, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated August 22, 2012. Voice vote found all in favor; passed 5-0-0-0.

B. PUBLIC HEARING TO RECEIVE COMMENTS ON THE MODIFIED ELLIS PROJECT DRAFT REVISED ENVIRONMENTAL IMPACT REPORT, AND TO DISCUSS AND RECEIVE COMMENTS ON THE MODIFIED ELLIS SPECIFIC PLAN, RELATED GENERAL PLAN AMENDMENT, AND RELATED AMENDED AND RESTATED TRACY ELLIS DEVELOPMENT AGREEMENT

The staff report was provided by Bill Dean, Assistant Director of Development Services. Mr. Dean stated the purpose of this item was to receive comments on the Modified Ellis Draft Revised Environmental Impact Report (EIR) which had been prepared and made available for a 45 day public review period, concluding on September 13, 2012. Mr. Dean stated staff would not be asking the Commission to make a recommendation this evening, and that staff was not in a position to answer all the questions raised at the microphone. Mr. Dean stated this was an opportunity to receive the comments and compile them in the Final EIR. Mr. Dean further stated the item had been agendaized in such a way to have some discussion on the item as well.

Chair Ransom stated for clarification, first the presentations from the consultants would be heard, and then the Commission would hear public comments on the EIR, and following that there would be discussion regarding the project.

Commissioner Mitracos asked how the fact that the Development Agreement (DA) had not been approved would affect the EIR, due to the fact it had one of the issues in the previous approval that the DA was completed after, and it redefined the project description. Mr. Dean stated when the EIR was created; it was made for the project; which included the General Plan Amendment, the Specific Plan, and the DA. Mr. Dean added that in order to assess the impacts of the project there needed to be an understanding of the basics of the projects and the details. Mr. Dean indicated the DA had a lot of legal language and terms that was not related to the environmental impacts, but to the contract. Mr. Dean stated that when going through the negotiations, if there was something that was incongruent with the analysis, it would have to be accounted for.

Rick Jarvis stated it was the nature of the changes that the Trial Court determined triggered the need to recirculate the EIR, and whether a particular change requires a recirculation or further environmental review is a very fact-specific question, and in this particular case the trial court

did make the finding that changes were made at the end of the process which should have required the EIR to recirculate. Mr. Jarvis added the determination was under appeal. Commissioner Mitracos asked if typically the DA would come before the EIR. Mr. Jarvis stated typically the DA negotiations take until the very end of the process. Mr. Jarvis stated most of the time those changes don't require a recirculation of the EIR; however in this case the court had found that the changes should have triggered the recirculation.

Chair Ransom asked if the list of negotiation points were the terms that the Commission should be expecting to see, and, if some of them were changed would it trigger a recirculation. Mr. Jarvis answered the one page bullet points were the deal terms that had been negotiated between City Staff and the applicant, and the Commission and the Council could decide that they do not like a term and request a change.

Les Serpa of Surland, 1024 Central Avenue addressed the Commission. Mr. Serpa stated the Ellis Project had been approved by Planning Commission and City Council in 2008, and had been in process for more than a decade. Mr. Serpa stated the project was challenged by TRAQC, represented by Mark Connelly, and they did prevail on certain issues. Mr. Serpa stated they had made a business decision in addressing the Courts issues. Mr. Serpa stated he wanted to give the public a vision of what Surland was trying to create in Ellis. Mr. Serpa further stated they had used the same planning principles as the Redbridge community. Mr. Serpa indicated they were trying to get the project started to create a great place to live and a better community to be a part of. Mr. Serpa introduced Barry Long to provide a brief overview of the Specific Plan.

Barry Long of Urban Design and Associates provided an electronic presentation regarding the update to the Specific Plan. Mr. Long stated it was an overview, and would highlight what had changed and what would remain the same. Mr. Long stated the site was the same, as were the historical tributes, and local context. Mr. Long indicated they had studied the City's architecture and urban design. Mr. Long indicated Redbridge was used as the model. Mr. Long indicated the vision was a mixed-use, walkable development. Mr. Long stated there would still be three neighborhoods; the Village, the Garden, and the Town and Country. Mr. Long further stated there would still be a wide range of housing opportunities available.

Mr. Long stated one of the things that had changed included the San Joaquin County Airport Land Use Compatibility Plan (ALUCP) had changed and the Modified Ellis Specific Plan was now in compliance with the new 2009 ALUCP. Commissioner Mitracos asked for information on the uses which had been changed. Mr. Long stated the uses were very specifically listed in Section 3 of the Modified Ellis Specific Plan.

Mr. Long stated the Family Swim Center had been refined, and the Village Center had to be refined in response as the two were interlinked. Mr. Long stated the Specific Plan and the pattern book had minor modifications in consistency, and in design to widen the opportunities of the development.

Commissioner Mitracos asked for information on the range of maximum units, which was 1000-2250. Mr. Long stated the density would change. Commissioner Mitracos asked if the streets would stay the same, and the lots would just be larger if the development used the lower number of units. Mr. Long answered that it was meant to provide flexibility between the different neighborhoods and types of uses. Mr. Long stated there were a lot of constraints on the site

which would limit the number of units that could be built, such as the new ALUCP, and if the swim center would be built on site.

Commissioner Manne asked if the EIR was crafted using the maximum range. Mr. Long answered it was.

Mr. Long stated the potential non-residential uses such as a possible school site and the swim center would change the number of units significantly.

Commissioner Johnson asked for information on the transit center. Mr. Barry indicated the Transit center would be along the rail line, and would be a relocation of the Tracy Transit Station if it was desirable to do so.

Commissioner Manne asked what the likelihood was that the Transit Station or a new school be located in the development. Mr. Serpa stated they had worked with the School District to help with the design, possible sites, lay-outs and it would be their determination if they want the school located there or not. Mr. Serpa indicated it was the same situation with the ACE Train station.

Commissioner Sangha asked what the chances were that the swim center would stay on the site and who would make the decision. Mr. Serpa indicated they had offered the site, and it was at the sole discretion of the City as to what site would be chosen.

Laura Worthington-Forbes of RBF Consulting addressed the Commission and provided an electronic presentation regarding the Modified Ellis Project Draft Environmental Impact Report (DEIR). Mrs. Worthington-Forbes provided a brief overview of the history of the project's environmental review process. Mrs. Worthington-Forbes stated the Modified DEIR was revised in response to the Trial Judge's decision. Mrs. Worthington-Forbes provided a brief description of the DEIR topics of study. Mrs. Worthington-Forbes stated the intent of the item tonight was to solicit comments on the Revised DEIR, as well as accept written comments. Mrs. Worthington-Forbes stated they would be receiving comments up to September 13, 2012 and then they would prepare responses to the comments and compile the Final EIR.

Commissioner Mitracos asked if the General Plan Traditional Residential (TR) was negated by the lawsuit. Mr. Dean answered the City had adopted the TR as part of the February 2011 adoption, which was subsequent to the lawsuit and was still in effect.

Chair Ransom opened the public hearing.

Dave Anderson, Vice President of the Tracy Airport Association addressed the Commission. Mr. Anderson stated one of the alternatives, Alternative 10, was inaccurate and probably illegal. Mr. Anderson stated the runway lengths were wrong and City Council had directed staff to fix the runway lengths and maintain them in excess of 4000 feet. Mr. Anderson provided the official FFA Master Record for the Tracy Airport and stated it lists the length for Runway 268 at 4005 feet and Runway 3012 at 4002 feet. Mr. Anderson stated Council had directed staff to maintain the runway lengths. Mr. Anderson stated the City was obligated to maintain the Airport, and not restrict its use. Mr. Anderson further stated at one point the City allowed houses to be built across the street from the airport and now the residents of those houses call the FAA and complain that the planes fly over their homes. Mr. Anderson stated in Las Vegas in 2008 there were two incidents where planes landed in the houses built near the airport. Mr. Anderson

stated a Commissioner had asked what would be in the runway protection zone and no one had answered the question. Mr. Anderson indicated on the initial 1994 Airport Master Plan and Drawings showed the City would buy the land with available federal funds and leave it as an open runway protection zone. Mr. Anderson stated since the last time the Ellis item was heard there had been a major pipeline explosion and it had demonstrated the setbacks were not adequate to avoid a pipeline explosion.

Mark Connolly addressed the Commission on behalf of TRAQC. Mr. Connolly stated TRAQC would be submitting written comments and this was in no way all of the comments. Mr. Connolly stated when the project had originally come before the Commission Surland did not own any of the land in the project site. Mr. Connolly stated when the DA went before Council they had represented that they had an interest in the site and that was false. Mr. Connolly stated by the time the DA went to Council it was significantly changed from what the Planning Commission had seen. Mr. Connolly stated the Commission needed to see the DA before they tried to analyze the environmental impacts of the project. Mr. Connolly stated in the original EIR, alternative 6 which was the lower density alternative, was thrown out because City Council wanted the project to be built out at 2250 units. Mr. Connolly stated the current proposal allows for an even lower density, and the reason Surland would want to reduce the density is because it would reduce the number of RGAs used for the development. Mr. Connolly stated if they higher number of RGAs is allocated, and the number of units built is the lowest density, the other RGAs could be transferred. Mr. Connolly stated staff was actively working to reduce the runway length, effectively chocking down the airport to allow the development of the Ellis project. Mr. Connolly further stated there was no benefit to this project; it would not result in the building of any aquatic center on the site, and would result in smaller runways at the airport as documented in the EIR.

Michel Bazinet, 1005 Mabel Josephine addressed the Commission. Mr. Bazinet stated the purpose of this item was to look at the EIR, and if there was any impact of the DA to the EIR that was significant, the EIR would need to be revised and recirculated. Mr. Bazinet further stated the requirement to see the EIR before approving the DA was not necessary.

Chair Ransom invited comments on the project.

Steve Nicolaou of 445 West Eleventh Street addressed the Commission. Mr. Nicolaou stated in Attachment A there were bullet-points of the modified Ellis project. Mr. Nicolaou further stated there was a statement that the decision on the DA is on appeal, and at the same time there is a modified DA. Mr. Nicolaou asked which DA would be in effect if the Court threw out the original judgment. Mr. Nicolaou stated there was no language of which DA would control. Mr. Nicolaou indicated the cart was being put before the horse by reviewing the EIR and the Modified Ellis Specific Plan with only key bullet-points of the DA; and depending on the details of the final DA, staff may have to go through this whole process all over again. Mr. Nicolaou stated he agreed with the comments that if the project were to get approved, the airport would be thrown under the bus. Mr. Nicolaou stated the Council had committed to keeping the runways above 4000 feet, but staff had provided an alternative where the runway would be less than 4000 square feet. Mr. Nicolaou indicated there had been a contractor error for the runway, and the statute of limitations may have run out on getting the contractor to fix his mistake. Mr. Nicolaou stated there were no Federal funds available to fix the mistake, and the runways would stay at less than 400 feet for some time, and if this development was built it would be too late to fix the runway. Mr. Nicolaou indicated on June 19, 2012 City Council had asked for certain steps to be taken before Ellis would be taken into consideration: First, an updated financial impact report of

the cost of the swim center; Second, an exploration of other funding options for a swim center; And third, the updated GMO guidelines.

Commissioner Mitracos asked Mr. Nicolaou if there was anything that stated the DA could not include language regarding the possibility of the appeal would win. Mr. Nicolaou stated that should have been disclosed in the key points of the DA. Commissioner Mitracos stated his understanding at the June 19, 2012 meeting, Council directed staff to move forward with all four items concurrently.

Chair Ransom asked for clarification on the current runway length. Mr. Dean stated he would have to defer the question to Rod Buchanan, the Parks and Community Services Director. Commissioner Mitracos stated he remembered the runway was short by four feet. Mr. Dean stated Mr. Buchanan was in the process of clarifying the length.

Commissioner Manne asked when the Commission would see the DA. Mr. Dean stated staff was currently in ongoing negotiations, and the Commissioners would see the DA before they would be asked to make any decisions.

Mr. Bazinet addressed the Commission again, and stated this project has been planned for seven years, and all of the pipeline requirements, and airport requirements were being met, and if all regulations were being met there was no reason to delay

George Riddle, 1850 Harvest Landing Lane addressed the Commission. Mr. Riddle stated the reason the runway was short was due to a contractor error, and if you were looking at the FAA documents it was either 4001 feet, or 4002 feet, and it that is how it should remain. Mr. Riddle asked what the square on the map was, on the southeast corner of the project near the northwest corner of the Airport. Mr. Long stated it was an existing communication sub-station, and was outside the project.

Marsh McCray of 560 Schulte Road addressed the Commission. Mrs. McCray stated seven years ago she had become involved in getting a swim center in Tracy, when her children were in middle school and they were in college now. Mrs. McCray indicated this was about the 80,000 residents in the City. Mrs. McCray stated the only public pool available in the City was available from after Memorial Day until prior to Labor Day, and as only available to the public for 3 hours a day. Mrs. McCray stated the facility was not sufficient to the needs of the community.

Sue Rainey addressed the Commission. Mrs. Rainey stated she lived in Redbridge and she was proud to live there. Mrs. Rainey stated in her opinion the Ellis project was even nicer than Redbridge. Mrs. Rainey stated this project and the swim center would be an amenity and a benefit to Tracy and its residents.

Dave Helm addressed the Commission. Mr. Helm provided a document to the Commission. Mr. Helm stated he had heard a lot of conflicting information regarding this project. Mr. Helm stated the DA decision was being appealed, yet the DA was being modified. Mr. Helm read a letter addressed to the Commission, which was attached to the document he had provided. Mr. Helm stated if the City wanted a pool, it should look at a way to pay for a pool, and build a pool, not build a swim center when the City has no experience operating one, and no idea how much it would cost to operate. Mr. Helm further stated the swim center would not be a gift; it would cost about \$35 million and Mr. Serpa had graciously offered to give \$10 million. Mr. Helm stated previously Mr. Connolly said he would sue the City, which he did and had won, and would win

again. Mr. Helm stated the City should let Surland build the homes, and do away with the DA; because the time for DAs had passed. Mr. Helm indicated he had heard developers come to Council meetings and state it was a pay-to-play operation, and that didn't seem to be good governance, or fair, or honest.

Chair Ransom called for a five minute recess at 8:57 p.m. to reconvene at 9:02 p.m.

Mr. Connolly readdressed the Commission on behalf TRAQC. Mr. Connolly stated the DA was relevant because the DA was not tied to any particular developer, and anyone could build the project out. Mr. Connolly indicated the reality was you had to throw out the notion that Les Serpa had done a great job in another place. Mr. Connolly stated this deal was a terrible deal in terms of what the contract actually provided. Mr. Connolly stated the comments that a pool should have been built ten years ago were absolutely correct; however the idea that this project was going to bring a swim center in the near future was a fantasy. Mr. Connolly indicated the DA was a 25 year agreement. Mr. Connolly stated if this DA happened on a reasonable schedule, then in 5 years they would start the project, and two years after that date the City would get \$2 million, and wouldn't have enough to even start construction on the \$20 million swim center. Mr. Connolly further stated there was no requirement that the money be given in any particular time, or that the project be annexed in any particular time. Mr. Connolly stated the City was lobbying the FAA to reduce the runway of the Tracy Airport to under 4000 feet, and read a portion of the Draft EIR regarding the runway length. Mr. Connolly indicated Surland had stated they had addressed the issues which were raised in the judge's decision; however that was not the same as meeting the requirements the judge had said should be imposed. Mr. Connolly stated Surland does not have an adequate analysis of alternative sites. Mr. Connolly further stated the Commission should ask for communications with the FAA concerning Tracy Airport, particularly concerning runway length. Mr. Connolly stated the Commission needed the financial reports to see if the project was feasible. Mr. Connolly indicated the Commission would need the Growth Management information, as well as the water supply report. Mr. Connolly stated the most important piece of information was the DA, rather than just bullet-points. Mr. Connolly indicated he believed this was an attempt to build 1000 units, and transfer the remaining RGAs to someone else. Mr. Connolly further indicated the reason he believed this was when he was before the court with Rick Jarvis, it was stated that this was really a sale of RGAs: Surland gives the City \$10 million, and the City gives them RGAs.

Chair Ransom closed the public hearing.

Chair Ransom asked if by the second meeting in September the Commission would see the documents requested by Council. Mr. Dean answered there was a team of staff members working on all three of those items. Commission Manne asked if they would come before the Commission. Mr. Dean stated it would not come before the Commission; they were documents that City Council had requested specifically. Chair Ransom asked when the Commission would be privy to the information. Mr. Dean answered the information would be made public when the City Council Agenda is published. Mr. Dean stated after it was provided to City Council and they had provided direction to staff, he would be happy to report back to the Commission what Council had said. Chair Ransom asked if staff could make sure the Commissioners see the documents once they had been made public.

Chair Ransom stated that, for the purpose of the public, no decision was being made at that time, and even if there were to be a recommendation tonight, the Commission could recommend amendments to the project.

Chair Ransom asked Bill Sartor, Assistant City Attorney if it was unusual for developers to have other partners, or have permission to speak for other partners. Mr. Sartor deferred to Mr. Jarvis. Mr. Jarvis stated he did not see anything uncommon in this case, and it certainly was not uncommon for a developer to secure entitlements before completing a purchase of property.

Commissioner Mitracos stated there were a lot pieces the Commission would need to have before they could make a recommendation to City Council. Commissioner Mitracos further stated even though the documents were under the Council's purview, they fed into the decision the Commission had to make. Commissioner Mitracos stated he would like to see the GMO, the feasibility analysis, the aquatics alternatives study and DA before he was asked to make any decision.

Mr. Dean stated they were tentatively looking at bringing the GMO to City Council on September 18, 2012, and in terms of the feasibility analysis, and alternatives on October 2, 2012.

3. ITEMS FROM THE AUDIENCE- None
4. DIRECTOR'S REPORT

A. DISCUSS PLANNING COMMISSION'S AVAILABILITY FOR A SPECIAL MEETING ON OCTOBER 3, 2012.

Mr. Dean stated there was a request by Surland Companies to see the availability of the Commission for a possible special meeting on October 3, 2012. Mr. Dean indicated this was not the time to schedule the meeting, but to discuss possible availability. Commissioner Mitracos, Commissioner Johnson and Chair Ransom stated they would be available on that date and there would be a quorum available. Commissioner Sangha stated she would not be able to attend.

Mr. Connolly re-addressed the Commission on behalf of TRAQC, and stated he felt this item was important enough that there should be more than a quorum; and secondly, if City Council reviewed the item on October 2, it would not be sufficient time for the Planning Commission to review and analyze the item before the special meeting the following night.

Dave Anderson re-addressed the Commission and stated he did not feel that a special meeting was necessary and it should be discussed at a regular meeting.

Commissioner Manne stated the special meeting would be "a hearing", and the Commission and the public did not know the specifics of the meeting. Mr. Dean stated the request had been to see if there was availability for a special meeting, and it would only be for the Ellis project. Mr. Dean further stated the purpose of the meeting would be to discuss the Ellis item and make a possible recommendation to Council. Mr. Dean added there was work to be done, and it wasn't known yet if staff would make that date.

Commissioner Mitracos stated even if there was a hearing on that date; if the Commission did not feel comfortable to review all the items, the item could be continued to a later date. Mr. Dean stated that was correct and it was in the Commission's hands, and was their decision.

Chair Ransom stated if a meeting was scheduled and the Commission was not prepared, it reserved the right to continue the item. Vice Chair Ransom stated hopefully the items could be expedited so the Commission would have an opportunity to analyze them and make an informed decision.

5. ITEMS FROM THE COMMISSION – None

6. ADJOURNMENT

It was moved by Commissioner Manne and seconded by Commissioner Mitracos to adjourn.

Time: 9:37 p.m.

CHAIR

STAFF LIAISON

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 14, 2012
7:00 P.M.
TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

Chair Ransom called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL: Roll call found Commissioners Johnson, Manne, Mitracos, Vice Chair Sangha and Chair Ransom present. Also present were staff members Andrew Malik, Bill Dean, Alan Bell, Scott Claar, Victoria Lombardo, Bill Sartor, Sandra Edwards and Jan Couturier.

MINUTE APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA: Mr. Dean indicated items 2-C and 2-D were functionally the same and would be presented together.

ITEMS FROM THE AUDIENCE – None.

1. OLD BUSINESS – None.

2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 1 AND TITLE 10 OF THE TRACY MUNICIPAL CODE, AND AMENDMENTS TO THE I-205 CORRIDOR SPECIFIC PLAN, INDUSTRIAL AREAS SPECIFIC PLAN, AND RESIDENTIAL AREAS SPECIFIC PLAN RELATING TO EATING AND/OR DRINKING ESTABLISHMENTS WITH ENTERTAINMENT – CITY INITIATED – APPLICATION NUMBERS ZA12-0007, SPA12-0005, SPA12-0006, AND SPA12-0007

Scott Claar, Associate Planner, indicated that the City's Zoning Ordinance currently permits eating and drinking establishments in the Central business District zone, General Highway commercial zone, Community Shopping Center Zone and Highway Service Zone; and conditionally permits them in the Neighborhood Shopping Zone. Eating and drinking establishments are also permitted in certain areas of the I-205 Corridor Specific Plan, Industrial Areas Specific Plan and the Residential Areas Specific Plan.

Mr. Claar advised that on May 30, 2012, an application was submitted for a Conditional Use Permit (CUP) to expand the restaurant and bar operations of the Great Plate (714 Central Avenue) to include entertainment uses, such as live bands, disc jockeys, dancing and comedy shows, similar to what is commonly referred to as a nightclub.

City staff returned the application fees of the Great Plate and informed them that the City would initiate a Zoning Ordinance amendment to address this use. He added that in drafting the proposed amendment to the Zoning Ordinance, staff aimed to balance the

desire for encouraging nightlife and entertainment with the goals of minimizing impacts on public safety resources and ensuring compatibility between neighboring land uses.

Mr. Claar reviewed related ordinances including a recently approved ordinance in the City of Walnut Creek. The proposed draft would do the following:

- Eating and/or drinking establishments would be permitted to serve alcohol and provide entertainment up to 11:00 pm without requiring a conditional use permit.
- The definition of "entertainment" would be such uses as live music, disc jockeys, dancing, karaoke, comedy shows, modeling or live performances.
- A Conditional Use Permit (CUP) would be required for eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 pm
- Eating and/or drinking establishments not providing entertainment would be permitted to serve alcohol before and after 11:00 pm without requiring a CUP. This is the same as Tracy's existing Code.
- Eating and/or drinking establishments not serving alcohol would be permitted to provide entertainment before and after 11:00 pm without requiring a CUP

Conditions of approval could include:

- Security Guards based on the number of occupants
- Security Guards would be required to carry proof of valid registration through the Department of Consumer Affairs Bureau of Security and Investigative Services (BSIS)
- No dual roles for security (e.g. bartender/security)
- No person under 21 year of age allowed after 11:00 pm

The following Specific Plans will also require this amendment:

- I-205 Corridor Specific Plan
- Industrial Area Specific Plan
- Residential Area Specific Plan

Staff recommended that the Planning Commission recommend that the City Council approve the proposed amendments to the Tracy Municipal Code, I-205 Corridor Specific Plan, Industrial Areas Specific Plan and the Residential Area Specific Plan.

Mr. Claar added that applicants would have to apply for a Conditional Use Permit (CUP) and the Planning Commission would decide what conditions should be applied.

Chair Ransom opened the public hearing.

Commissioner Mitracos asked where the 11:00 p.m. time frame came from. Mr. Claar indicated that the City of Walnut Creek recently approved an ordinance with this time

restriction to encourage evening entertainment for dinner and post dinner activities; suggesting that anything after 11:00 p.m. was not necessarily related to dining.

Dale Cose, 17 E. Sixth Street, asked the Planning Commission to direct staff to answer questions directly related to the resolution.

Mr. Cose provided background information on establishments in Tracy that existed in previous years where this type of requirement was never required. Mr. Cose asked when staff saw the need for a CUP and if there were any items included such as security guard cards vs. Tracy Police enforcement.

Commissioner Mitracos asked for clarification regarding entertainment uses. Mr. Malik responded that currently nothing in the Tracy Municipal Code allows entertainment and that several jurisdictions have gone through this process.

Commissioner Mitracos asked Mr. Cose if the ordinance made sense. Mr. Cose stated he knows of a number of establishments that have had bands, stabbings, shootings and fights indicating it was a business issue.

Mr. Claar discussed the history regarding requiring CUPs for this type of business. Mr. Claar indicated it was time to develop an ordinance to address entertainment uses; to make it clear via an ordinance.

Mr. Dean stated that what was before the Commission was a way to achieve a more uniform code to enable different forms of entertainment/club usages as the City grows and a way to contemporize the ordinance for what is going on today.

Chair Ransom asked if there was a way to expedite the process for the present situation. Mr. Malik stated staff was looking into that, by trying to place the item on the next City Council agenda. He further advised the Commission that staff has asked other applicants to submit their building plans for a restaurant in the hopes that this will be finalized soon.

Chair Ransom asked when these restaurants could expect their businesses to open. Mr. Malik advised that in this case it would be 30 days after adoption of the ordinance or the middle of January. Mr. Dean indicated staff has been working closely with Mr. Cose during the past few months and that staff could co-process a CUP application while the ordinance was being considered.

Mr. Cose indicated he has been working with staff but the delays hurt businesses and their ability to flourish.

Gary Gardino, developer of the Frog Eatery, indicated he was very upset over the way the ordinance had been written and that the process has taken 7 months and because of that he won't be opening his business this year. Mr. Gardino provided a brief history of the successful businesses he has owned and operated. Mr. Gardino voiced his frustration over the fact that staff was using examples from cities such as Walnut Creek and Pleasanton. Mr. Gardino indicated their business is designed to attract individuals

35 years of age or older. Mr. Gardino stated he was here to operate a successful and safe business.

Commissioner Mitracos asked if Mr. Gardino was going to have entertainment. Mr. Gardino listed the different types entertainment and discussed a "slow close" which is done by raising the lights, turning the music down vs. "a last call for alcohol" Mr. Gardino voiced his frustration over the process of obtaining building permits and getting to this point.

Chair Ransom asked when they would be ready to open for business. Mr. Gardino indicated December 1. Mr. Gardino provided the Planning Commission with a handout.

Chair Ransom asked staff if an existing business came in and wanted to include entertainment, what the process would include. Mr. Dean indicated some of the businesses may or may not include the type of activity outlined in the Ordinance and that Code Enforcement and the Police Department address any uses not covered in the existing ordinance.

Chair Ransom asked about an existing business on Tracy Boulevard and Grant Line Road. Mr. Malik indicated that at the present time, Code Enforcement is reactive and responds on a complaint basis. Mr. Malik stated the proposed ordinance would be proactive by outlining what uses were acceptable.

David Rose, owner of Tracy Garage, addressed the Planning Commission stating no one wants to slow development, suggesting the process was the problem. Mr. Rose spoke in favor of Mr. Gardino's proposed business.

Dennis Miller, a resident of Lauriana Way, addressed the Planning Commission stating he was a bartender and bouncer and that he works with Mr. Gardino. Mr. Miller stated the process needs to move forward and that limiting owners to closing at 11:00 p.m. will hurt business. Mr. Miller suggested that Alcohol Beverage Control (ABC) already has limitations in place to help dictate requirements.

Jeremiah Monet, a new Tracy resident, stated he was looking for this type of establishment in Tracy. Mr. Monet stated he has never been in an establishment that has dancing that was limited to 11 p.m.

Mark Connolly, 121 E. Eleventh Street, stated he owns residential property behind the Shamrock Bar on Eleventh Street in Tracy. Mr. Connolly said the bar empties into a residential neighborhood, into an alley, and discussed the problems with having a bar near a residential neighborhood. Mr. Connolly indicated ABC would not limit their activities and indicated that the ordinance would apply to every existing bar and restaurant in the city limits. Mr. Connolly supported the CUP for entertainment. Mr. Connolly added that the following requirements should be considered: 1) doors and windows need to be closed during hours of operation 2) access to the facility should not be through residential neighborhoods; 3) specific decibel restrictions at the property boundary, all designed to protect residential neighborhoods.

Gary Hampton, Police Chief, provided the Police Department's perspective. Chief Hampton expressed surprise that Tracy didn't have an ordinance suggesting that by not having an ordinance Tracy was not availing the community the quality of life that other communities have. Chief Hampton stated this type of ordinance helps ensure that things do not get out of control and that such ordinances have conditions to hold individuals accountable.

Chief Hampton outlined staffing levels, highest call times, and peak call times between 11:00 p.m. and 2:00 a.m. Chief Hampton stated that allowing conditional uses after 11:00 p.m. would impact the Police Department. Chief Hampton also stated that ABC would not enforce local ordinances. Chief Hampton mentioned that "soft closings" are what the police department likes to hear from responsible owners and that if conditions are in place, then the Police Department can hold businesses accountable for those soft closings.

Robert Tanner, 1371 Rusher Street, asked if the ordinance would apply to private clubs. Scott Claar indicated no, just eating and drinking establishments. Mr. Tanner suggested that the ordinance didn't seem to be the issue, it was the timing. Chair Ransom said there is nothing in place now that will allow them to operate.

As there was no one further wishing to address the Commission, the public hearing was closed.

Commissioner Mitracos requested staff to clarify private clubs. Mr. Claar stated there was a category for private clubs, meeting halls (e.g. the Moose Lodge), that can be allowed through a CUP process. Mr. Malik stated staff was recommending that the City move forward with the CUP process. Staff recommended that the Planning Commission recommend approval to the City Council.

Chair Ransom asked staff to address the concern regarding customers exiting venues into residential neighborhoods. Mr. Claar indicated the conditions Mr. Connolly mentioned would be appropriately addressed in the Conditional Use Permit. Mr. Dean added that having access to residential properties would be made a part of the findings that Planning Commission reviews.

Commissioner Manne asked staff if Mr. Gardino would be before the Planning Commission again when he applied for a CUP. Mr. Claar stated yes.

Commissioner Johnson stated he was disappointed because of the frustrations the applicant has encountered.

Commissioner Mitracos indicated it was responsible to have this ordinance in place.

Commissioner Manne stated he had not heard any opposition from existing bars or businesses over the process and that he supported the ordinance.

Chair Ransom stated this was a step in the right direction as it addresses the need to increase the quality of life and safety and accommodates the businesses who want to open. Chair Ransom asked staff to be diligent and move the process forward.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE AMENDING SECTIONS 10.210.060 AND 10.12.080 AND ADDING A NEW SECTION 10.12.065 RELATING TO COMPLIANCE WITH REGIONAL HOUSING NEEDS ALLOCATIONS AND STATE AND FEDERAL LAW RELATING TO DEED RESTRICTIONS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0008

Victoria Lombardo, Senior Planner, provided the staff report. Ms. Lombardo stated that the State Department of Housing and Community Development (HCD) require that cities adopt House Elements for 5 year cycles. Tracy's Housing Element for 2009-2014 was adopted by City Council on May 15, 2012 and certified by HCD on July 26, 2012. Program 13 of the Housing Plan is the proposal to amend the City's Growth Management Ordinance (GMO) to remove the governmental constraint of annual limitations on Residential Growth Allotments (RGAs) and building permits. Specifically, the amendment would allow the City to issue building permits up to the Regional Housing Needs Allocation (RHNA) number to achieve its obligation in each income category.

The numerical limits of the GMO (600 annual average) would not allow a rate of residential construction during this Housing Element cycle that would achieve the RHNA. Additionally, the program requires the City to reduce the deed restriction on affordable units from 55 years to 10 years. The proposed amendments are consistent with the Housing Element adopted by the City Council on May 15, 2012 and with the California Environmental Quality Act.

Staff recommended that the Planning Commission recommend that the City Council approve the proposed ordinance.

Commissioner Mitracos asked if the City had any units that were restricted at 55 years. Ms. Lombardo stated there were a number of building permits issued over the last 10-15 years that comply with the low housing requirements.

Chair Ransom opened the public hearing.

Mr. Connolly, on behalf of TRAQC, provided the Planning Commission with a handout and suggested that the Planning Commission not approve the resolution as written. Mr. Connolly suggested that the proposed action conflicts with the Housing Element and Measure A and creates a new exemption for Residential Growth Allotments (RGAs).

Commissioner Mitracos asked Mr. Connolly if he had a problem with the proposed change because RGAs and permits were treated differently. Mr. Connolly stated the proposal does not include RGAs and bypasses entitlements.

Commissioner Sangha asked under which condition could a building permit be issued without a RGA. Mr. Connolly referred to section 10.12.065 in the

proposed ordinance suggesting that the Planning Commission was being asked to abandon the current system.

Chair Ransom asked staff to address the concerns that were raised. Mr. Dean indicated that RGAs were put in place in 1987 and codified by voters in 2000; the purpose of RGAs was to have a mechanism in place to issue permits which also ensured that infrastructure was in place for development. Mr. Dean stated staff would like to do away with RGAs completely, indicating that it was impossible to bring a project forward without having addressed the infrastructure based on existing ordinances, the Map Act, etc. Mr. Dean added that staff would add an exemption to meet Regional Housing Needs Allocation, and that in absolutely no circumstance can a permit be issued in conflict with the Regional Housing Needs Allocation numbers.

Chair Ransom stated that there was a concern that once the numbers were revamped that the RHNA numbers may be much lower.

Celeste Garamendi addressed the Planning Commission stating that what was in the Housing Element was issuing building permits above RHNA for affordable housing. Ms. Garamendi asked the Planning Commission to not approve or continue consideration of the item to allow time to work with staff or to make the corrections in what was proposed.

Chair Ransom called for a recess at 9:15 p.m. reconvening at 9:24 p.m.

Chair Ransom referred to Tracy Municipal Code section 10.12.110 on the overhead.

Mr. Dean outlined how RGAs are calculated and averaged and how building permits are calculated and averaged. Mr. Dean suggested that what was at issue was to clarify subsection D to reference 10.12.100.

Chair Ransom asked if the City Attorney drafted this language. Mr. Dean stated that if there was a disagreement, that the Planning Commission had the full pleasure to do what it deemed appropriate.

Bill Sartor, Deputy City Attorney explained that RGAs were a discretionary process and the only thing exempted are RHNA. Mr. Sartor stated you can't exempt something through a discretionary process and then require it. Mr. Sartor further stated that the way the ordinance was written indicates that building permits always count toward the average.

It was moved by Chair Ransom to continue consideration of the item. The motion died due to the lack of a second.

Commissioner Mitracos stated he could not support the proposed ordinance.

It was moved by Commissioner Mitracos and seconded by Vice Chair Sangha to not recommend approval of the Ordinance as written. Voice vote found

Commissioner Mitracos, Vice Chair Sangha and Chair Ransome in favor;
Commissioners Johnson and Commissioner Manne opposed.

- C. PUBLIC HEARING TO CONSIDER A 60-UNIT RESIDENTIAL APARTMENT PROJECT (MACDONALD APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.87 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD NORTHWEST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, 2605 S. MACARTHUR DRIVE, ASSESSOR'S PARCEL NUMBER 246-140-12. THE PROJECT INCLUDES REZONING THE SITE FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL (R12-0002), ZONING REGULATIONS AMENDMENT REGARDING THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES (TRACY MUNICIPAL CODE SECTION 10.08.3470) (ZA12-0005), AND DEVELOPMENT REVIEW APPROVAL FOR THE APARTMENT PROJECT (D12-0006). THE APPLICANT IS PETER MACDONALD.
- D. PUBLIC HEARING TO CONSIDER A 184-UNIT RESIDENTIAL APARTMENT PROJECT (VALPICO APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 8.75 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, NORTHEAST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, 501 E. VALPICO ROAD (FORMERLY 2795 S. MACARTHUR DRIVE), ASSESSOR'S PARCEL NUMBERS 246-140-13 AND 14. THE PROJECT INCLUDES A GENERAL PLAN AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA12-0001), REZONING FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R12-0001), ZONING REGULATIONS AMENDMENT REGARDING THE MINIMUM DISTANCE BETWEEN MAIN BUILDINGS ON A SITE (TRACY MUNICIPAL CODE SECTION 10.08.1610(D)) (ZA12-0004), AND DEVELOPMENT REVIEW APPROVAL FOR THE APARTMENT PROJECT (D12-0004). A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ARE PROPOSED FOR ADOPTION. THE APPLICANT IS ERIC TAYLOR, SOMIS INVESTMENTS.

Staff asked that both projects be considered together but voted on separately.

Alan Bell, Senior Planner, provided the staff report. Mr. Bell stated that agenda item 2C proposed to construct a 60 unit multi-family residential project on approximately 2.87 acres. The existing single-family home on the site will be removed as part of the Project. The Project consists of three, three-story apartment buildings: two buildings containing 24 units each and one building containing 12 units. No subdivision is proposed at this time; all units will be rental apartments. Two different exterior building elevations are proposed. Both versions include tile roofs, decorative window trim and shutter, building articulation, mass variations and are integrated with landscaping to create a high quality architectural design. The grade of the site is significantly lower than the adjacent Valpico Road grade and although fill will be brought on to the site to

raise its grade several feet, the finished grade at Building 1 will be approximately 15 feet below the Valpico Road grade.

Mr. Bell indicated that agenda item 2D proposed to construct a 184 unit, multi-family residential project on approximately 8.75 acres. The project consists of seven, three-story apartment buildings with 24 units each, plus 16 townhouse-style units in six buildings of two stories each. No subdivision is proposed at this time; all units will be rental apartments. This project will also include a leasing office in the tri-plex townhouse building near the mailbox kiosk. The seven apartment buildings will consist of one and two bedroom units, and the townhouse units will contain one-bedroom and three bedroom units. Altogether, there will be 89 one-bedroom units; 84 two-bedroom units and 11 three bedroom units. The apartments range in size from just over 800 square feet to nearly 2,000 square feet for the largest townhouse units. The applicant has submitted two different exterior elevations of the buildings. Both versions include tile roofs, decorative window trim and shutters, and vertical and horizontal relief to create a high-quality architectural design.

City parking standards require 1.5 off-street parking spaces per one bedroom unit, 2 spaces per unit with two bedrooms and one guest space for every five units. This 60 unit project, therefore, would require 117 off-street parking spaces. This project proposes 99 off-street spaces 15% fewer than is required by city parking standards. City staff's recommended solution is to amend City parking standards to allow the project to be constructed as proposed. The number of off-street parking spaces required for multi-family projects by the City of Tracy is higher than many other jurisdictions. Following is a proposed addition to the City's off-street parking ordinance 10.08.370(e):

"The number of off-street parking spaces required in Section 10.08.3480 may be reduced by up to 20 percent if the owner of the property submits a parking study documenting that such off-street parking spaces will not be necessary to mitigate parking demands for a use or project."

Staff recommended approval of both the addition to the Tracy Municipal Code and to the determination that 99 parking spaces is adequate for this Project. In 2006 the subject property's General Plan designation was changed to Residential High. The 2011 General Plan update confirmed the Residential High General Plan designation. This request is a follow up item to the General Plan update, one that would have been initiated by the City if it were not requested as part of both projects.

Both projects are located within the Tracy Unified School District which was noticed and which does not anticipate any issues in being able to accommodate students from both projects.

On September 12, 2012 the developer conducted a neighborhood meeting to introduce both projects. 170 notices were sent to nearby property owners and the Hidden Lake property owners association. The City published notices

regarding the Planning Commission November 14, 2012 meeting to nearby property owners and published to the newspaper and other normal notices.

In accordance with the California Environment Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate potential environmental effects of both projects. The IS/MND along with the Mitigation Monitoring and Reporting Program were completed. Part of the project approval includes a recommendation for adoption of the CEQA documentation.

The site is viable for high density General Plan and zoning considerations due to a number of factors: the site's depressed grade (which reduces visual impacts of the project), high density residential General Plan designation to the west (increasing opportunity for land use compatibility), frontage and direct access onto Valpico Road, proximity to the Altamont Commuter Express Station is less than two miles away, and adjacent and nearby shopping opportunities.

Tracy's HDR zone requires that minimum distance between main buildings on a site must equal the average height of the two buildings. Therefore, taller buildings are required to be further apart from each other than shorter buildings. The HDR Zone contains no height limit and as the city encourages more compact development for efficient land use; future projects of this nature might experience challenges to meet the present requirement. Staff recommended that the Tracy Municipal Code Section 10.08.1610(d) be amended as follows:

"Distance between buildings: Six feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be ~~the average height of the two (2) main buildings~~ six feet."

Mr. Bell advised that six feet (although not proposed for this project) is the recommended replacement for the minimum distance between main buildings. This distance is used in residential zones throughout the City to prevent inaccessible or unusable corridors between buildings.

In accordance with the California Environment Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate potential environmental effects of the project. The IS/MND along with the Mitigation Monitoring and Reporting Program were completed. Part of the project approval includes a recommendation for adoption of the CEQA documentation.

Staff recommended that the Planning Commission recommend that the City Council take the following action for Agenda Item 2C:

1. Adopt the Mitigated negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Approve the General Plan Amendment from Commercial to Residential High
3. Approve the rezoning of the site from Community Shopping Center to Hi-Density Residential.

4. Approve the Tracy Municipal Code Amendment regarding distance between buildings.
5. Approve the Development Review application for the 184 unit residential apartment project.

Staff recommended that the Planning Commission recommend that City Council take the following action for Agenda Item 2D:

1. Approve the rezoning of the site from Medium Density Residential to High Density Residential.
2. Approve the Tracy Municipal Code Amendment regarding off-street parking space reduction.
3. Determine that 99 off-street parking spaces is sufficient to mitigate parking demands of the project.
4. Approve the Development Review application for the 60 unit residential apartment project.

Commissioner Manne identified that he lives in the Glenbriar subdivision, but outside the required distance which would require him to abstain for voting on the item. Commissioner Manne stated he believed he could be impartial.

Commissioner Johnson identified that he works with consultants and could also be fair and impartial.

Commissioner Johnson asked for clarification regarding the distance between buildings. Mr. Bell indicated the change would only apply to High Density Residential and requires discretionary review by the Planning Commission.

Commissioner Mitracos asked if the off-street parking could be added when the zoning code update was complete. Mr. Bell stated that staff was recommending that a parking study be completed, including a survey of other jurisdictions. Mr. Bell added that there were characteristics of the project that support this change since half of the units are 1 or 2 bedroom and it was not believed that there would be a need for more than 1 or 2 parking spaces per unit.

Commissioner Mitracos asked why the trench infiltration couldn't be permanent. Criseldo Mina, Senior Civil Engineer, suggested that the final solution would be to connect to the existing storm drain system. Commissioner Mitracos asked about permeable surfaces. Mr. Mina advised that the current policy requires that storm water has to be disposed of through the existing system.

Chair Ransom opened the public hearing.

Peter MacDonald, owner of the MacDonald property, provided a brief history of the property. Mr. MacDonald indicated his project was ready to build and that both projects would probably be built together.

Mr. MacDonald outlined special features of the units which included computer alcoves, enclosed staircases, extra storage, and walk-in closets.

Erik Taylor, owner of the Valpico Apartment site stated his firm tried to come up with a project that makes it a better neighborhood and a higher end project that fit Tracy. Mr. Taylor outlined some of the features of the project which included pedestrian and bicycle access to Valpico and to the neighboring Rite Aid site, masonry walls across specific properties, and sustainable features in the project.

John Phillips, a resident of DeBord Drive, (Ashley Park) addressed the Planning Commission indicating he found out about the project by accident and suggested that the noticing requirements needed to be changed. Mr. Phillips voiced concerns about impacts to unfinished roads (MacArthur and Valpico) drainage, the number of birds on-site, over populated schools, and Measure A.

Gabriel Leal, DeBord Drive, addressed the Planning Commission indicating he agreed with Mr. Phillip's comments and asked that the Planning Commission postpone any decisions and notify residents within one mile of the project.

Chair Ransom asked staff to clarify the number of notices that were mailed. Mr. Bell indicated that state law requires property owners within 300 feet of the proposed site be notified. Mr. Bell added that the city expanded the list to approximately 900 feet which added approximately 200 additional residents being notified

Mr. Phillips voiced concerns regarding traffic, the nearby plastics plant, another major processing plant and the tremendous number of 18 wheeled vehicles that go down Valpico and MacArthur.

Mr. Taylor indicated they would be willing to meet with the residents before proceeding to City Council.

Commissioner Mitracos stated he understood that neighborhoods change, and that he has met with the applicants and staff and was confident that the project would improve the neighborhood.

Chair Ransom indicated several commissioners have met with the applicant to understand the project completely. Chair Ransom indicated the speakers could be asked to be placed on the noticing list and that the applicants had also agreed to meet with everyone in attendance.

Commissioner Mitracos indicated he supported the projects. Commissioner Manne indicated he also met with the applicants and believed they had met all the requirements.

Commissioner Johnson stated he attended the community meeting and heard very little, if any, concerns from the neighbors. Commissioner Johnson thanked staff for addressing all concerns.

It was moved by Commissioner Johnson and seconded by Vice Chair Sangha to:

1. Adopt the Mitigated negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Approve the General Plan Amendment from Commercial to Residential High
3. Approve the rezoning of the site from Community Shopping Center to Hi-Density Residential.
4. Approve the Tracy Municipal Code Amendment regarding distance between buildings.
5. Approve the Development Review application for the 184 unit residential apartment project.

Voice vote found all in favor; passed, and so ordered.

It was moved by Commissioner Manne and seconded by Commissioner Johnson to

1. Approve the rezoning of the site from Medium Density Residential to High Density Residential.
2. Approve the Tracy Municipal Code Amendment regarding off-street parking space reduction.
3. Determine that 99 off-street parking spaces is sufficient to mitigate parking demands of the project.
4. Approve the Development Review application for the 60 unit residential apartment project.

Voice vote found all in favor; passed, and so ordered.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – Bill Dean introduced Jan Couturier, a new addition to the team and the new recording secretary.
5. ITEMS FROM THE COMMISSION – None.
6. ADJOURNMENT

It was moved by Commissioner Manne and seconded by Chair Ransom to adjourn.

Time: 11:16 p.m.

CHAIR

STAFF LIAISON

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
DECEMBER 19, 2012
7:00 P.M.
TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

The Planning Commission meeting was called to order by Chair Ransom at 7:01 p.m.

The Pledge of Allegiance was led by Chair Ransom.

ROLL CALL: Roll call found Commissioners Johnson, Manne, Mitracos, Vice Chair Sangha and Chair Ransom present. Also present were staff members Andrew Malik Developmental Services Director, Bill Dean Assistant Developmental Services, Kuldeep Sharma, City Engineer, Dan Sodergren, City Attorney, Sandra Edwards Executive Assistant, Janis Couturier Recording Secretary.

MINUTES – It was moved by Commissioner Mitracos and seconded by Commissioner Johnson to approve the minutes of June 13, 2012, June 27, 2012, July 11, 2012 and October 10, 2012. Voice vote found all in favor; passed and so ordered. Commissioner Mitracos abstained from voting on the minutes of June 27, 2012, since he did not attend that meeting.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Bill Dean Assistant Developmental Services Director advised that there were a number of sets minutes to approve in this meeting due to a back log, but added that staff would attempt to ensure that all future minutes would be available within four to six weeks of the meeting date.

ITEMS FROM THE AUDIENCE – Jim Howell, 340 Hunter Trail, addressed the comments made by Mr. Dean relative to minutes and asked for further clarification of the issue.

Mr. Dean responded that the City has gone through a great deal of changes in the last few years resulting in an immense work load and that we do not have the resources to get the job done as quickly as possible.

1. OLD BUSINESS – None
2. NEW BUSINESS

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION RECOMMENDATIONS TO CERTIFY THE FINAL REVISED ENVIRONMENTAL IMPACT REPORT FOR THE SURLAND COMMUNITIES LLC ELLIS PROJECT APPLICATIONS, AND TO CONSIDER RECOMMENDATIONS REGARDING THE SURLAND COMMUNITIES LLC APPLICATIONS FOR AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT, MODIFIED ELLIS SPECIFIC PLAN, ANNEXATION OF THE ELLIS SITE TO THE CITY OF TRACY. THE ELLIS SPECIFIC PLAN SITE IS APPROXIMATELY 321-ACRES LOCATED AT THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD. APPLICATIONS GPA11-0005, SPA11-0002, A/P11-0002, AND DA11-0002 - APPLICANT IS THE SURLAND COMMUNITIES LLC

Bill Dean, Assistant Director of Development Services summarized the resolutions before the Commission by stating that in February of 2012 there was a Planning Commission Scoping session to evaluate the new applications which had been submitted. Mr. Dean stated there was also a public hearing in August 2012, to review the Draft Environmental report which was found to be very helpful in the process.

Mr. Dean asked that the commission recommend certification of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA). He indicated that the Planning Commission will be asked to make a recommendation to the City Council on the following items:

- Certification of the City of Tracy Modified Ellis Project Final Revised Environmental Impact Report (collectively referred to as "EIR Certification")
- A General Plan Amendment (application GPA11-0005)
- Adoption of the Modified Ellis Specific Plan (SPA11-0002)
- Annexation of the Project site to the City of Tracy (A/P11-0002)
- Approval of a Development Agreement (DA) with Surland Communities

Mr. Dean advised the Commission that this process had begun four years ago with the initial review and approval. He added that Laura Worthington Forbes with RBF would provide more detailed information on the revised program; and Rick Jarvis and Dan DePorto would comment about the status of the Ellis Project relative to the legal issues.

Laura Worthington Forbes with RBF consulting presented a brief history of the Ellis DA along with a review of the Environmental Impact Report. Ms. Forbes provided a review of the Draft EIR to address the issues the court found objectionable.

Ms. Forbes outlined the efforts on the part of the City of Tracy to assure that all areas of concern from both the Planning Commission and the input received during the public hearings were addressed in the Draft EIR and the General Plan. She spoke to five specific issues:

- Airport Compatibility
- The feasibility of Alternative Ten; 1993 ALUCP Runway Length Alternative
- Whether or not the applicant had control over the project site
- Alternative Site Locations
- Potential Pipeline Hazards

Ms. Forbes stated that the City compiled all the Airport compatibility concerns and assembled them into one master response which included meetings with SJCOG; to whom the City provided a summary of these concerns and the manner in which they would be addressed. SJCOG concluded that the project was consistent with the land use regulations and the 2009 ALUCP.

Ms. Forbes further stated that the project applicant has acquired property in response to the control issue and that alternatives were considered, but rejected. She advised that there was extensive analysis relative to Pipeline Hazards.

Ms. Forbes added that there were four other areas of concern included in the revised Draft EIR: Air Quality, Greenhouse Gas Emissions, Noise and Traffic Impacts. Further, she mentioned two additional impacts that had been included in the original proposal which were Aesthetics and Agricultural resources, stating that all of these comply with the City of Tracy's General Plan.

Rick Jarvis attorney representing the City of Tracy in the prior application summarized the issues involved in the first application versus the new draft before the Commission. Mr. Jarvis indicated that the court ordered the City of Tracy to set aside its prior approval and added that if the judgment were to be upheld, the City of Tracy would have to set aside the prior approval. He referred to the issue of legal fees, but did not address.

Les Serpa, 1024 Central Avenue, addressed the Commission on behalf of the Surland Corporation. Mr. Serpa provided a summary of the various successful projects that Surland has developed in Tracy.

Mr. Serpa suggested that Surland is working with the community to assure that growth would comply with the City's Growth Management Ordinance and added that the Ellis Specific Plan is in compliance with the City of Tracy's direction; the City of Tracy's General Plan and the Growth Management document.

Mr. Serpa mentioned that the Ellis Specific Ordinance is in compliance with Caltrans, and the FAA relative to the airport. He mentioned the pipeline concerns, again to ensure compliance with State, Federal and local standards.

Mr. Serpa introduced Barry Long, Land Planner of Urban Design Associates. Mr. Long presented the specific plan summary which is to create a village. Mr. Long reviewed the various architectural amenities that are integrated with various neighborhood planning principles and gave the location of the project. Mr. Long then provided various representations of the Ellis components, reviewed the Vision, Context and the Plan. Mr. Long summarized that the vision was to create a village with parks, residences, commercial and retail and the swim center.

Chair Ransom opened the public session at 7:50 p.m.

A resident commented about the family atmosphere of Tracy, indicating that Tracy has been his wife's family's home for over 50 years. He was specifically interested in the pool and was very invested in his children's future. He realized that everything takes a lot of planning and he understands that this is a huge project. The resident stated there is a lack of pools in Tracy and that the City needs to invest in their children's future. He urged the Commission to vote yes.

Mark Connolly, 121 E. Eleventh Street, on behalf of TRAQC, provided the Commission with a package of documents relative to the case that is up on appeal. Mr. Connolly indicated the basic issue was that this was a new run at the project to fix the issues addressed by the judge. He then advised that what happened was a two tiered approach that does not remedy the problem. He added that the City of Tracy will end up with two conflicting plans. You have a development agreement that has different parameters than the current agreement.

Mr. Connolly indicated he felt that the lawyers' advice was not good public policy. He advised that the Court of Appeals did not indicate that the City of Tracy had that right. He agreed that we need recreational policies. He expressed concern that there are two conflicting approaches. And that the City could not proceed with the plan. They cannot issue RGA's. They have been rescinded. Council has indicated they feel this amended version of the Ellis Plan is likely to be challenged. He suggested this was a bad use of money and time.

Mr. Connolly indicated that a 25 year DA which provides less money than the prior DA, more water, more sewage capacity, more money to the developer, does not guarantee that the project will take place, has various density issues; he suggested that on the merits, this is a terrible project. He called the Commission to reject this project. And require Surland to reject the prior project if Planning Commission decides to choose the new project. Mr. Connolly expressed concerns with policy, RGAs, terms of the proposed DA, and asked the Commission to reject the project.

Jim Howell, 340 Hunter Trail, addressed the Commission indicating that the City doesn't have the \$18 million shortfall that is suggested by the numbers. Mr. Howell expressed concerns regarding the amount of money the City has spent on the project, proximity of the project and the airport, alternative sites for a pool, and whether Surland owned the property. Mr. Howell summarized by saying it did not look like a good project.

Dave Anderson, Vice President of Tracy Airport Association, provided the Commission with a handout asking that the Commission vote against the Ellis EIR and Development Agreement. Mr. Anderson cited three primary issues: legal, planning and public safety. Mr. Anderson expressed concerns regarding the transfer deed for Tracy Airport, grant monies, grant assurances, and conflicting land uses. Mr. Anderson asked that the Planning Commission not approve the recommendation.

Commissioner Mitracos asked for clarification relative to which runway Mr. Anderson referred. Mr. Anderson advised of the specifics.

Commissioner Manne asked Mr. Anderson about other pilots' concern for their own safety and that if Ellis were to be built with the pool would he continue flying. Mr. Anderson indicated he would continue flying, but that it would make it tougher to fly in and out and create more restrictions.

Commissioner Johnson asked if Mr. Anderson had the opportunity to provide input in the process. Mr. Anderson indicated that he had the same discussions previously on numerous dates and with numerous groups with whom they had conversations. Tracy airport cannot be closed it must be an airport in perpetuity.

Michel Bazinet stated that whether or not the proposal was good policy was up to the Council to decide. Mr. Bazinet indicated if the proposal complied with the General Plan, Land Use Plan, with pipeline set back requirements, and with CEQA, then the Planning Commission should approve it.

Marsha McCray, 560 W. Schulte Road, indicated that the Ellis project was well planned and recommended that the Planning Commission approve the project. Ms. McCray thanked the Commissioners for their support of the community.

Chair Ransom summarized several issues that had been raised in the public session and asked several questions of staff. The first question pertained to the location of the swim center and whether it had to be located in Ellis. Mr. Dean stated there was no requirement to locate it in Ellis.

Chair Ransom asked for clarification regarding property ownership. Mr. Dean indicated that Surland Communities LLC has an ownership interest in the property.

Chair Ransom also asked for further clarification on the issue of whether the City of Tracy had a legal right to move forward with the project. Commissioner Mitracos also asked why the appeal on the original proposal was being pursued by the City of Tracy.

Mr. Jarvis summarized by saying that should the City Council approve this revised project would the City of Tracy want to proceed with the appeal of the original project. He said should the City of Tracy be successful in its appeal and should a new lawsuit be brought forth on the new proposal; it would simplify the issues raised in the new lawsuit. He added that if the new approval is set aside by the court, then the original case would stand and Surland would pursue its original course.

Chair Ransom asked if, with the extended runway, staff would discuss the public safety aspect; that her intent was to allow the public to see the new airport configuration. Commissioner Mitracos referred to the EIR. Mr. Dean indicated that nothing had changed as a result of the information being discussed. Mr. Dean stated that some people are adamantly opposed to the project and that the Planning Commission should understand that staff has had exhaustive conversations relative to land use with the appropriate agencies and that the project does comply with all standards.

Chair Ransom suggested that there may be a need to continue to discuss the issues based on the public comments to date. Mr. Dean stated that the safety zone was expanded in the new plan and that the modified Ellis plan has a larger safety zone than the 2008 version.

Commissioner Manne suggested that the issues were not a function of whether or not the safety zone was too big or too small but that it was more of an issue of having homes in close proximity to the airport.

Chair Ransom wanted to be assured that all documentation has been made available to the public and Mr. Dean advised that it had been made public.

Commissioner Mitracos asked about staff time. Mr. Dean indicated any staff and consultant time used to work on the Ellis project have been reimbursed by Surland.

Chair Ransom re-opened the public session at 9:03 p.m.

Mr. Khosa, 529 Belmont Lane, suggested that the proposal did not make sense because of the size of the project and the present state of the economy, and also asked if the property was in the county. Chair Ransom indicated that part of the request was to annex the property into the City limits and that market condition was not a matter of consideration for the Planning Commission.

Bob Sarvey, 501 W. Grant Line Road, provided the Commission with a handout. Mr. Sarvey indicated he was never notified that he had the ability to comment on the EIR and believed there were others who were not notified. Mr. Sarvey discussed concerns regarding traffic on Corral Hollow Road, pipeline concerns, corrosion rates on the pipelines, and land use.

Chair Ransom called for a recess at 9:23, reconvening at 9:35.

Bill Dean assured the Commission that Mr. Sarvey was on the notice list.

Frederick Venter, RBF Consulting, reviewed the traffic analysis and indicated that the City had completed intervening surveys that showed a lowering of traffic in 2012 than in 2006, and a 2012 survey which indicated no demonstrable changes on Corral Hollow Road. Mr. Venter also stated that the City is working on the new Transportation Master Plan which will address pedestrian and bicycle pathways.

Commissioner Mitracos asked about the Byron and Grant Line Road intersection. Mr. Venter stated that the area was funded by the County and should be implemented prior to Ellis building.

Laura Worthington Forbes of RBF reviewed the CEQA issues relative to the pipelines. Ms. Forbes indicated they were regulated by the PUC and do not require CEQA approval, and that the draft EIR did contain substantial information on mitigation and review of pipeline. Ms. Forbes suggested that the EIR adequately responds to the issues. Ms. Worthington Forbes introduced Michael Rosenfeld. Commissioner Johnson asked if relative safety issues would be addressed and was assured they would be.

Chair Ransom asked Mr. Rosenfeld to address the questions raised relative to the pipelines.

Mr. Rosenfeld indicated that the pipelines in the Ellis Proposal were safe and did not pose an undue hazard and provided locations of pipelines that are in close proximity to dense developments throughout the United States. Mr. Rosenfeld suggested that coexisting pipelines were not risky because the pipelines would be assessed more stringently by PG&E and would no longer be in agricultural area. Mr. Rosenfeld further stated the pipelines would be re-inspected in 2013.

Chair Ransom asked for a review of the design of the Ellis Project and asked if there was a comparison between the pipeline in the Ellis area and San Bruno.

Mr. Rosenfeld indicated that the pipelines would fall under the integrity management plan and would therefore be subject to more intensive scrutiny. Mr. Rosenfeld added that the Ellis accounts for the location of the pipelines and that the San Bruno failure was because of an old and poorly documented pipeline. Mr. Rosenfeld further stated that the pipelines in the Ellis area were installed under different requirements and were well documented.

Commissioner Manne asked about the buffer zone.

Mr. Rosenfeld stated that pipelines are controlled by the PUC relative to the density of development and indicated that many of the design elements of the Ellis Project are in line with the PIPA guidelines; which are voluntary. Mr. Rosenfeld reviewed the potential impact radius which was another guideline applied by the designers.

Commissioner Manne asked if there were any regulations prohibiting development directly on top of a pipeline. Mr. Rosenfeld advised that it is not common practice to build anything over a pipeline.

Commissioner Mitracos asked if there was a requirement that PG&E change out the type of pipe based on the class location. Mr. Rosenfeld stated that if the class location changes, then the design element must be changed.

Commissioner Mitracos asked the age of two specific pipelines. Mr. Rosenfeld indicated line two is 1970 vintage and line three is 1996 and reviewed the specifications required.

Ms. Forbes responded regarding alternative sites issues and quoted the various response numbers. Ms. Forbes stated that CEQA guidelines require the ability of the applicant to reasonably control or access all other sites and that other sites were not in compliance.

Mr. Sharma reviewed the specific costs associated with the wastewater conveyance and wastewater treatment. He advised that the cost of improvements for conveyance of additional wastewater would be approximately \$1,000,000. He added that treatment plant capacity improvements would be approximately \$4,000,000.

Commissioner Mitracos asked for clarification regarding water supply costs, he expressed confusion on the issue of water meter costs. Mr. Sharma indicated that the City of Tracy has an obligation to supply water and that the developer has the obligation to pay for the distribution lines and system. The cost to the City would be about \$1,000,000 - \$1,200,000.

Celeste Garamendi, 139 W Twelfth Street, addressed the Commission expressing concerns regarding, land use and policy, the cost of the new DA versus the original, the addition of 300 units of wastewater, the issuance of RGAs, density range, the amount of park land and its inconsistency with the General Plan, noise impacts, traffic mitigation, and the location of the swim center vs. the 2009 ALUP.

Ms. Garamendi advised that in the proposed DA the RGAs can be issued as soon as the DA is approved; not when ready to build. She advised that this is a flaw in the DA; there is no link between the issuing of RGA and the development.

Commissioners Mitracos and Chair Ransom asked for clarification regarding the location of the swim center and the airport safety zone. Mr. Dean clarified the location on the overhead.

Chair Ransom asked staff to address the concerns raised by Ms. Garamendi's.

Mr. Dean indicated that the Ellis General Plan policy issues would have to be addressed by City Council. Mr. Dean further indicated that density issues in the community have

been addressed as recently as 2011 in a review of the General Plan and that there was a greater range the General Plan than in the Ellis Amendment.

Mr. Dean spoke regarding parks and the swim center and how the swim center relates to the park requirement. Commissioner Mitracos asked what would happen if the swim center were not to be located in proposed area. Mr. Dean advised that Surland would pay a fee in lieu of building the swim center

Mr. Sharma addressed the issue regarding traffic mitigation and the MUTCD requirements which will require traffic surveys and possible signals based on the results of those surveys. Mr. Sharma added that all the developers will pay for all street improvements in the area. He added any intervening safety issues would be handled as needed.

Chair Ransom asked if the Ellis project had been handled differently than any other project in the City. Mr. Sharma stated there was no difference.

Andrew Malik discussed that the original DA was done in 2006 and the changing economic conditions, which have dropped 30-40% or more, have been taken into account.

Ms. Forbes addressed railroad noise mitigation concerns advising the Commission that the applicant did not have detailed lot placement and that a study could not be done at this time, but plans for this will proceed at the appropriate time.

George Riddle, 1950 Harvest Landing Lane, discussed various flight patterns for the airport and suggested the proposed swim center appeared to be in direct violation of the protected areas.

Mr. Howell re-addressed the Commission regarding housing numbers, traffic flow, traffic patterns, and PG&E's lack of accurate records.

Barbara Litchman, an airport attorney for Surland, introduced herself to the Planning Commission and clarified that the Ellis project was in compliance with FAA land use requirements and was also in compliance with the 2009 Airport Land Use Plan and complies with Federal Safety standards, as determined by those agencies with determinative capabilities.

Mr. Tanner advised the Commission that a week prior PG&E terminated 2,200 contractors for falsifying inspection records. Commissioner Mitracos commented that there will be an inspection in 2013. Chair Ransom asked if staff had an answer to the question. None was offered.

Mr. Riddle provided the Commission with ALUP flight paths out of the Tracy airport and provided a brief explanation.

As there was no one further wishing to address the Commission, the public hearing was closed.

Commissioner Mitracos asked if the Ellis project had any remaining RGA's that might have been awarded between 2009 – 2011. Mr. Dean stated that this agreement would supersede RGAs previously awarded.

Commissioner Mitracos asked what happens if the swim center is never built. Mr. Malik stated that the funds would be dedicated for a swim center.

Commissioner Johnson indicated that he had no further questions stating that the job of the Planning Commission was not to make policy; that his requirement was to assure that the project was consistent with the City of Tracy General Plan, and he believed that it was in compliance. Commissioner Johnston further stated that experts have advised the Commission that the proposal was in compliance. Commissioner Johnson added that the community deserves the amenity.

Commissioner Manne suggested that the Planning Commission should trust the highly skilled professionals who have all indicated the project was safe and complied with all requirements Commissioner Manne stated he approved of the historical context, the mixed use of housing and, the multi-purpose use of land. Commissioner Manne indicated he originally had some concerns but that the experts have allayed those concerns. Commissioner Manne stated that the swim center was a popular request by the community and that he could justify approval.

Commissioner Mitracos also suggested it was an excellent design and through his experience he felt this was the best project he had yet seen and one that had gone through so much vetting. Commissioner Mitracos reiterated his comfort with the expert's opinions in this proposal.

Commissioner Sangha mentioned her primary concern had been public safety stating she believed it had been addressed.

Chair Ransom thanked everyone for their involvement in the hearings and that she believed that this was a project that she would feel safe to live in and that the project stands without the swim center. She added that she felt a great deal of staff time had been spent addressing any concerns that had been brought to the attention of the Commission and the City of Tracy.

It was moved by Commissioner Manne and seconded by Vice Chair Sangha that the Planning Commission

1. Recommend that the City Council certify the Final Revised EIR; adopt findings of fact, a statement of overriding considerations and a mitigation monitoring and reporting program for the Surland Communities LLC applications.

Voice vote found all in favor; passed and so ordered.

It was moved by Commissioner Manne and seconded by Vice Chair Sangha that the Planning Commission:

1. Recommend that City Council approve the General Plan Amendment, (Application GPA11-0005);

2. Recommend that City Council approve the Modified Ellis Specific Plan (Application SPA11-0002);
3. Recommend that City Council approve annexation of the Ellis site to the City of Tracy, by means of annexation petition application to LAFCo (Application -A/P11-0002).

Voice vote found all in favor; passed and so ordered.

It was moved by Commissioner Manne and seconded by Vice Chair Sangha that the Planning Commission:

1. Recommend that City Council approve a Development Agreement with Surland Communities LLC (Application DA11-0002).

Voice vote found all in favor; passed and so ordered.

Items from the Audience - None

Directors Report – None

Items from the Commission – Commissioner Mitracos congratulated the staff on the time and effort put into the project.

It was moved by Commissioner Mitracos and seconded by Chair Ransom to adjourn.

Time: 11:31 p.m.

CHAIR

STAFF LIAISON

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
JANUARY 23, 2013
7:00 P.M.
TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140, any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the item shall be placed on an agenda within 30 days*

1. OLD BUSINESS

2. NEW BUSINESS

A. **PUBLIC HEARING TO CONSIDER A 300-UNIT RESIDENTIAL APARTMENT PROJECT (TRACY SIERRA DEVELOPMENT), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 10.8 ACRES LOCATED ON THE NORTH SIDE OF PAVILION PARKWAY, NORTHWEST OF THE INTESECTION OF PAVILION PARKWAY AND POWER ROAD, ASSESSOR'S PARCEL NUMBERS 212-280-02 AND 15. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA12-0002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND MAXIMUM DENSITY ALLOWED IN THE HIGH DENSITY RESIDENTIAL AREA (SPA12-0004), A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD12-0001) FOR THE PROJECT, AND AN ADDENDUM TO THE WINCO ENVIRONMENTAL IMPACT REPORT. THE APPLICANT IS CYNTHIA ERB AND ASSOCIATES FOR SIERRA HILLS DEVELOPMENT**

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

The Planning Commission meeting was called to order by Chair Ransom at 7:00 p.m.

The pledge of allegiance was led by Chair Ransom

Chair Ransom advised that Commissioner Manne had been appointed to the City Council resulting in an open seat on the Planning Commission. She advised there would be four commissioners until the vacancy is filled.

ROLL CALL: Found Commissioner Johnson, Commissioner Mitracos, Vice Chair Sangha and Chair Ransom present. Also present were staff members Andrew Malik, Director of Development Services, Bill Dean, Assistant Director of Development Services, Bill Sartor, Assistant City Attorney, Alan Bell, Senior Planner, Criseldo Mina, Senior Civil Engineer and Recording Secretary Jan Couturier.

MINUTES APPROVAL: Chair Ransom requested clarification on the December 19, 2012 minutes; regarding the opening of the public comments twice without recessing. Bill Dean advised that the session had been opened twice. A general discussion about the minutes ensued during which Commissioner Mitracos advised that he felt the minutes were too truncated for such an important meeting. He reviewed several issues of concern to him indicating that specific important issues were not represented. Mr. Dean advised that a transcript of the meeting had been made.

Commissioner Mitracos moved that the commission postpone approval of the minutes. Seconded by Chair Ransom; all in favor, none opposed no abstentions.

DIRECTOR'S REPORT REGARDING THIS AGENDA: Mr. Dean requested clarification on what should be captured in the minutes. He indicated staff would typically summarize the meeting. Commissioner Mitracos felt that some meetings may be more significant than others. He feels we need to better reflect what actually happened. Generally the minutes are fine, but the contentious nature of the meeting may have required greater detail. Chair Ransom suggested that a summary should capture the important detail.

Commissioner Mitracos asked if the transcript could be used for this particular meeting's minutes. Mr. Dean advised that a direct transcript would likely still require formatting and editing.

Bill Sartor, Assistant City Attorney cautioned that it would be appropriate to use the same format for all meetings and not necessarily create minutes verbatim.

Mr. Dean advised that staff would bring back revised minutes. Commissioner Johnson agreed that he would prefer to have a better representation of his comments.

4. ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER A 300-UNIT RESIDENTIAL APARTMENT PROJECT (TRACY SIERRA DEVELOPMENT), INCLUDING PARKING AND

RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 10.8 ACRES LOCATED ON THE NORTH SIDE OF PAVILION PARKWAY, NORTHWEST OF THE INTERSECTION OF PAVILION PARKWAY AND POWER ROAD, ASSESSOR'S PARCEL NUMBERS 212-280-02 AND 15. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA12-0002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND MAXIMUM DENSITY ALLOWED IN THE HIGH DENSITY RESIDENTIAL AREA (SPA12-0004), A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD12-0001) FOR THE PROJECT, AND AN ADDENDUM TO THE WINCO ENVIRONMENTAL IMPACT REPORT. THE APPLICANT IS CYNTHIA ERB AND ASSOCIATES FOR SIERRA HILLS DEVELOPMENT

Chair Ransom read the proposed request into the minutes and requested a staff report. Alan Bell, Senior Planner presented the staff report. He reviewed the history of the area over the previous 20 years. He summarized that the proposal is to construct a 300-unit, residential apartment project and its location and to amend the general designation from commercial to high density residential. He suggested that the mix of high density with commercial would be an attractive alternative with a positive outcome for both the residents and the businesses.

Mr. Bell gave an overview of the site design and showed various renderings. He indicated that the proposed project is well within the City's General Plan limits. He also reviewed the various amenities that will be included and that the City's open space requirements and design guidelines are met. He added that the agenda item requests that the maximum density requirement be changed from 19 dwelling units per acre to 25 for the I-205 Specific Plan to make it more consistent with the General Plan and the High Density Zoning in the City.

He summarized by asking that the Planning Commission recommend approval of the resolution to the City Council including all four components.

Chair Ransom opened the meeting to the Commissioners.

Commissioner Johnson asked staff about the fact that one parcel appears to be represented in the example. Alan Bell clarified that there are two parcels likely to be merged into one. The net size is 10.8 acres. It is for 300 units. Commissioner Johnson then mentioned the fact that 300 acres divided by 10.8 acres does not comply with the less than 25. Bell explained that the gross size is actually over 12.68 acres. The zoning ordinance sets both a minimum net lot area of 1,400 square feet as well as the net amount of dwelling units per gross acre.

Chair Ransom asked if the improvements were originally part of the parcel. Mr. Bell advised that was correct.

Commissioner Mitracos asked if the same methodology would apply in older neighborhoods if a resident wanted to put an additional unit on a parcel; these calculations be applied as well. Mr. Bell advised yes.

Chair Ransom asked if there are other examples of this type of development in other cities. Mr. Dean advised there were numerous examples; one of which was the NW corner of Dublin Blvd

and Hopyard/Daugherty Road. He further indicated there had been a great deal of discussion among the staff about that issue. Andrew Malik indicated that Hacienda business park was originally intended to be primarily industrial. But as it developed residential was added into the park. Mr. Dean suggested that this project was an opportunity to take the next step on the I-205 annexation. He mentioned that residential high development is permitted. He added that this project represents a significant departure from earlier versions based on bringing the buildings up to the street; that it creates a more human scale.

Commissioner Mitracos asked if there will be a masonry wall along 3 sides. Mr. Bell advised that it would help mitigate noise and to help create some kind of separation.

Chair Ransom asked if staff had any concerns about continued growth of commercial around this residential. There was a general discussion about the juxtaposition of residences and commercial as it related to noise; various present examples were reviewed. He added that by zoning it as residential would help mitigate noise issues.

Chair Ransom asked about the Environmental Impact Report relative to a grocery store vs. residential asking if there might be any possibility of air pollution concerns. Mr. Dean advised staff had looked at CEQA and went through the appropriate approach. Staff concluded after various studies that this project would meet the requirements.

Chair Ransom invited the applicant to speak.

Cynthia Erb of Erb and Associates reviewed the inception of the project its unique nature. She then provided a presentation of the details of the project. Ms. Erb advised that the firm had met with local merchants who were very happy to have residential nearby. She reviewed the landscaping features to show a sense of community from all angles. Ms. Erb introduced her associate John Tomacello of Grass Valley with Sierra Hills Development asked if there were any questions.

Robert Tanner 1371 Rusher Street, asked for the estimated rental price and also suggested there were only two entrances for automobiles suggesting that this might be inadequate for both residents and emergency services access. Mr. Tomacello and Mr. Bell advised there are 3 entrances and Mr. Dean advised that it was fully vetted by the Police Department and Fire Department. Mr. Tomacello advised that they do not yet know the rental rates, but it will be market based.

Chair Ransom asked if there were any further questions, seeing none brought the discussion back to the commission for discussion.

Commissioner Johnson commented that he had the opportunity to review the project with Ms. Erb. He advised that the projects mentioned that this type of development in other cities changed the dynamic in a positive way. He suggested that to get the City of Tracy positioned for larger businesses such as Amazon this would be appropriate. He felt it was pleasing to the eye and felt that the engineering plans were good.

Vice Chair Sangha advised she had also met with the project developers. Liked the way it looked and felt it will help to bring us into the future.

Commissioner Mitracos agreed that this is a good project. He felt this will help with the city develop.

Chair Ransom also met with the developer felt this made sense to have walkable neighborhoods and the retail base. She thanked the staff and project developers and added that the project would be good for the area.

Commissioner Johnson moved that the Planning Commission recommend that the City Council take the following actions:

1. Approve the General Plan designation Amendment from Commercial to Residential High
2. Approve the I205 Corridor Specific Plan Designation Amendment from General Commercial to High Density Residential
3. Approve the I205 Corridor Specific Plan Amendment establishing a maximum density of 25 units per gross acre within a High Density residential designation
4. Approve the Plan Unit Development Preliminary and Final Development plan for the Tracy Sierra Development Apartment Project

Vice Chair Sangha seconded. All in favor none opposed.

5. ITEMS FROM THE AUDIENCE - None

6. DIRECTOR'S REPORT

Mr. Dean led a discussion about the commissioners' recommendations for the processing of the minutes. Mr. Sartor asked for clarification and was advised that the format of minutes in past has been fine. He requested that the minutes from December 19, 2013 be fleshed out more, but that bullet points would be fine as long as the salient points are covered.

7. ITEMS FROM THE COMMISSION

Chair Ransom expressed hope for a good replacement for Commissioner Manne. Commissioner Mitracos asked about the replacement process and the timeframe. Mr. Dean advised that there would be no staff involvement in the replacement recruitment; that the process would be in the hands of Council.

8. ADJOURNMENT

Chair Ransom moved to adjourn the meeting at 8:10, seconded by Commissioner Johnson.