

Wednesday, July 28, 2021, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

THIS REGULAR MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, MASKS ARE NOT REQUIRED FOR FULLY VACCINATED INDIVIDUALS. MASKS ARE REQUIRED FOR UNVACCINATED INDIVIDUALS IN INDOOR PUBLIC SETTINGS AND BUSINESSES. MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the Planning Commission meetings live on the City of Tracy's website at www.CityofTracy.org or on Channel 26. To view from the City's website, select "Watch Live Council Meetings" from the drop down menu "Select an Online Service" at the top of the City's homepage. You will be directed to the "Council Meeting Videos" page where you may select the video for the appropriate date under "Upcoming Events."

If you only wish to watch the meeting and do not wish to address the Planning Commission, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
 - **Event Number:** 182 927 5793 and **Event Password:** Planning
 - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.

- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Special Meeting Agenda" portions of the agenda:*
 - *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the "Consent Calendar" "Items from the Agenda/Public Comment" or "Special Meeting Agenda" portions of the agenda will be accepted until the public comment for that item is closed.*

- **The total allotted time for public comment will be as follows:**
 - **Consent Calendar: 10 minutes**

- *Items from the Audience: 15 minutes*
- *Regular Items: 10 minutes*

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Commission on any item within its jurisdiction before or during the Commissioner's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Commission to conduct its business as efficiently as possible, members of the public wishing to address the Commission are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the Planning Commission begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Commission. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous Planning Commission direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the Planning Commission, City staff or the public request discussion on a specific item.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The Planning Commission's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Commissioners to have adequate time to address the agenda items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Commission Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Planning Commission. When members of the public address the Commissioners, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the Planning Commission prior to or at the public hearing.

Full copies of the agenda are available on the City's website: www.cityoftracy.org

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 07/14/21 SPECIAL MEETING AND REGULAR MEETING MINUTES

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure*, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.

1. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PERMITTED USES IN THE GENERAL INDUSTRIAL LAND USE DESIGNATION OF THE INDUSTRIAL AREAS SPECIFIC PLAN (SPA20-0009) AND A CONDITIONAL USE PERMIT FOR AN ANIMAL BOARDING FACILITY AND RECREATION CENTER (CUP20-0002) ON APPROXIMATELY 4.76 ACRES CONSISTING OF THREE ADJACENT PARCELS LOCATED AT THE SOUTHEAST CORNER OF GANDY DANCER DRIVE AND SHAMROCK WAY (3508, 3608, AND 3708 SHAMROCK WAY – THE APPLICANT IS ALEX WEBER, LLC AND THE OWNER IS GOWAN FAMILY, LLC).
 - B. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE SERVICE AND REPAIR AT 503 W. LARCH

RD. APPLICANT IS JOE SULLIVAN AND PROPERTY OWNER IS MCA
LARCH, LLC C/O PCCRE. APPLICATION NUMBER CUP20-0004

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

Posted: July 22, 2021

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 via the City of Tracy website at www.cityoftracy.org.

**MINUTES
TRACY CITY PLANNING COMMISSION
SPECIAL MEETING
JULY 14, 2021, 6:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

CALL TO ORDER

Chair Hudson called the meeting to order at 6:03 p.m.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Francis, Commissioner Orcutt, Commissioner Wood, and Chair Hudson present. Also present were: Leticia Ramirez, City Attorney; Bill Dean, Interim Director of Development Services; Scott Claar, Senior Planner; Carissa Lucas, Public Information Officer; Vanessa Carrera, Assistant to the City Manager; Dan Summa, Media Services Supervisor; Marcel Miranda, Information Technology Technician I; Peggy Beeuwsaert, Planning Technician; and Gina Peace, Executive Assistant.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

A. PLANNING COMMISSION TRAINING AND DISCUSSION ON RECORDED MEETINGS IN COUNCIL CHAMBERS

i. INTRODUCTION

Bill Dean provided an overview of the Special Meeting agenda, pointing out that this session came about as a result of the City Council's desire that the Planning Commission meetings be televised for additional transparency to the public.

ii. COVID-19 PRECAUTIONS & PROCEDURES

Bill Dean reminded attendees that unvaccinated individuals are required to wear masks.

iii. COUNCIL AV OVERVIEW & BEST PRACTICES

Vanessa Carrera explained the ways in which the Planning Commission meetings will be broadcast, and introduced Dan Summa, who discussed the

technical aspects and logistics of conducting the meetings on a live broadcast, then answered questions from the Commission.

iv. COMPLIANCE WITH THE BROWN ACT, AND REVIEW OF PARLIAMENTARY RULES & PROCEDURES

Leticia Ramirez provided an overview of the Brown Act, reviewed the Parliamentary Rules and Procedures, and answered questions from the Commission. Ms. Ramirez explained that the City Council had recently adopted Rosenberg's Rules of Order but had decided not to require the various City Board and Commissions to adopt the same, in order to afford members the flexibility of making their own determinations with regard to how to conduct meetings.

v. CONCLUSION Q&A, REVIEW OF PLANNING COMMISSION ROLES AND RESPONSIBILITIES

- 1. Prepare and recommend adoption, amendment or repeal of the City's General Plan; make recommendations to the proper City officials regarding maps or plats of land subdivision in accordance with State Subdivision Map Act and City Code; hold hearings on planning and zoning matters per State and City laws; advise and recommend regarding acquisition, use, or disposition of City-owned property.**

Bill Dean reviewed three principle roles of the Planning Commission: (1) Creation of ruling documents such as the General Plan, Housing Element, and Zoning Code, and facilitation of public participation in these matters; (2) Approval/Amendment, the legislative process through which the Planning Commission reviews and makes recommendations to the City Council with regard to rules, policies, and laws such as amendments to the General Plan, Specific Plan, and Zoning Code (for which the Commission is not required to make findings); and (3) Implementation, the quasi-judicial process through which the Commission makes findings that proposed land uses such as new developments or conditional uses do, or do not, comply with the City's regulatory documents. Mr. Dean pointed out that this third role is the area in which the Planning Commission spends most of its time.

Mr. Dean thanked the Communications staff and support staff for their work. Chair Hudson echoed Mr. Dean's sentiments.

2. ITEMS FROM THE COMMISSION

None.

3. ADJOURNMENT

ACTION: It was moved by Commissioner Orcutt, and seconded by Commissioner Francis, to adjourn.

A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 7:00 p.m.

CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
JULY 14, 2021, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

CALL TO ORDER

Chair Hudson called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Francis, Commissioner Orcutt, Commissioner Wood, and Chair Hudson present. Also present were: Leticia Ramirez, City Attorney; Scott Claar, Senior Planner; Victoria Lombardo, Senior Planner; Nanda Gottiparthi, Engineering Consultant, SNG Associates; Peggy Beeuwsaert, Planning Technician; and Gina Peace, Executive Assistant.

MINUTES

Chair Hudson introduced the Minutes from the June 23, 2021 meeting.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Francis to approve the June 23, 2021 Planning Commission meeting minutes. A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Scott Claar announced that Item 1.A has been removed from the agenda at the request of the applicant, who wants to broaden the proposed conditional use to include another use. Mr. Claar added that this item will be brought back to the Commission soon.

Mr. Claar pointed out the need for election of a Vice Chair. Commissioner Orcutt nominated Commissioner Wood, adding that the reason he is nominating Commissioner Wood is for the leadership and action he has shown through his attendance at meetings, as well as his knowledge.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Francis that Commissioner Wood be elected Vice Chair of the Commission.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PERMITTED USES IN THE GENERAL INDUSTRIAL LAND USE DESIGNATION OF THE INDUSTRIAL AREAS SPECIFIC PLAN (SPA20-0009) AND A CONDITIONAL USE PERMIT FOR AN ANIMAL BOARDING FACILITY (CUP20-0002) ON APPROXIMATELY 4.76 ACRES CONSISTING OF THREE ADJACENT PARCELS LOCATED AT THE SOUTHEAST CORNER OF GANDY DANCER DRIVE AND SHAMROCK WAY (3508, 3608, AND 3708 SHAMROCK WAY – THE APPLICANT IS ALEX WEBER, LLC AND THE OWNER IS GOWAN FAMILY, LLC) EPORT OF GENERAL PLAN CONSISTENCY FOR CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR FISCAL YEAR 2021/2022 THROUGH FISCAL YEAR 2025/2026**

This item was removed from the agenda. It will be re-noticed for a future Planning Commission Meeting.

- B. PUBLIC HEARING TO CONSIDER A TENTATIVE SUBDIVISION MAP (INTERNATIONAL PARK OF COMMERCE) TO DIVIDE 978 ACRES BOUNDED BY MOUNTAIN HOUSE PARKWAY ON THE WEST, CAPITAL PARKS DRIVE TO THE NORTH, OLD SCHULTE ROAD TO THE SOUTH AND PAVILLION PARKWAY TO THE EAST, ASSESSOR'S PARCEL NUMBERS 209-460-26, 27, 28, 29, 31, 32 AND 33, 209-120-09 AND 10, AND 209-220-07, 10, 11, 12 AND 14; THE APPLICANT IS KIER & WRIGHT AND PROPERTY OWNER IS PROLOGIS; APPLICATION NUMBER TSM19-0002**

Victoria Lombardo, Senior Planner, presented the staff report, including a PowerPoint presentation, and added that the Engineering Division was available for any questions, as was the applicant.

Chair Hudson invited the applicant to speak. Jeff Major, representing Prologis, spoke.

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

As there were no public comments, Chair Hudson closed the Public Hearing at 7:18 p.m.

Staff addressed questions from the Commission.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Wood that the Planning Commission approve a 40-lot Tentative Subdivision Map on 978 acres located east of International Parkway, south of Capital Parks Drive, north of Old Schulte Road, and west of Pavillion Parkway, Application Number

TSM19-0002, based on the findings contained in the Planning Commission Resolution dated July 14, 2021.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Scott Claar informed the Commission of the upcoming American Planning Association (APA) Conference in September, which will be held virtually. Mr. Claar added that an email will be sent to the Commissioners soon to inquire as to their interest in attending.

4. ITEMS FROM THE COMMISSION

Commissioner Orcutt asked if remote participation by the Commissioners will still be available moving forward. In response, Leticia Ramirez stated that, based on the most recent order by the Governor, Commissioners will still have the opportunity to participate remotely.

Vice Chair Wood thanked Commissioner Orcutt for the nomination, and for all of the work he did as Chair of the Commission.

Commissioner Francis asked whether or not the audience will have to be separated during the meetings. Leticia Ramirez answered that they will not.

Chair Hudson thanked Commissioner Orcutt for the outstanding job he did running the Commission meetings, and for his mentorship and always working in the best interests of the community. Chair Hudson also thanked Vice Chair Wood for stepping up to be the Vice Chair.

Commissioner Francis thanked his fellow Commissioners for their work.

5. ADJOURNMENT

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Francis to adjourn.

A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 7:29 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PERMITTED USES IN THE GENERAL INDUSTRIAL LAND USE DESIGNATION OF THE INDUSTRIAL AREAS SPECIFIC PLAN (SPA20-0009) AND A CONDITIONAL USE PERMIT FOR AN ANIMAL BOARDING FACILITY AND RECREATION CENTER (CUP20-0002) ON APPROXIMATELY 4.76 ACRES CONSISTING OF THREE ADJACENT PARCELS LOCATED AT THE SOUTHEAST CORNER OF GANDY DANCER DRIVE AND SHAMROCK WAY (3508, 3608, AND 3708 SHAMROCK WAY – THE APPLICANT IS ALEX WEBER, LLC AND THE OWNER IS GOWAN FAMILY, LLC).

DISCUSSION

Project Description

The proposal is for a Conditional Use Permit to allow animal boarding facilities and recreation centers at the site located on the southeast corner of Gandy Dancer Drive and Shamrock Way, 3508, 3608, and 3708 Shamrock Way. Attachment A identifies the location of the proposed project.

The project site previously obtained Development Review approval from the Planning Commission on July 13, 2016 for an approximately 67,058 square foot multi-tenant, light industrial building on approximately 4.76 acres. There are no exterior alterations proposed with this project with the exception of an outdoor play area for the animal boarding facility located to the rear of the tenant space proposed for the animal boarding facility. The location of the outdoor play area was originally approved as an outdoor service or storage yard, meaning it is approved as an open, paved area for the use of the adjacent tenant. The improvements include a portion of this area being used for three outdoor play areas enclosed with an eight foot tall vinyl fence. Attachment B includes the site plan of the animal boarding facility showing the outdoor improvements.

The proposed animal boarding facility business is Camp Bow Wow. Camp staff is on site from 7:00 am to 7:00 pm. There will be one staff member for every 25 dogs, with a minimum of two certified camp counselors during business hours. All overnight boarding occurs in individual indoor secured kennels. Additionally, no dogs are left in the outdoor play area unsupervised at any time.

Interior improvements for the animal boarding facility include three indoor play areas, kennels for individual dog boarding, a grooming facility, office, and associated improvements. Attachment B also includes the animal boarding facility's floor plan.

The proposed recreation center business is Whiskey Tango Fitness. This is a personal training facility structured by classes throughout the day and may also include one on one private training appointments between classes. Hours of operation are Monday through Saturday, 5:30 am to 8:30 pm. The average attendance for classes is anticipated to range from 15 to 20 clients.

Interior improvements for the recreation center is limited to various exercise equipment being placed within the open tenant space. Attachment C includes the recreation center's floor plan.

Land Use Compatibility

The project site previously obtained approval for a 67,058 square foot multi-tenant building that is separated into nine tenant spaces of approximately 7,500 square feet. The Camp Bow Wow animal boarding facility is proposed in suite 4, as shown on the site plan in Attachment B. The Whiskey Tango Fitness business is proposed in suite 5. The tenant spaces are currently vacant. The Conditional Use Permit, as recommended, would allow animal boarding facilities and recreation centers for any tenant space on the project site.

The site is well suited for the proposed uses as the site improvements provide parking and circulation appropriate for an animal boarding facility and a recreation center. The site has two parking areas: in the front of the building (west) and to the rear of the building (east). The parking in the front of the building is primarily intended for customer parking whereas the parking to the rear of the building is intended for employees. The site is accessed by three driveways along Shamrock Way and a one-way drive aisle accessed along the east side of the site from Gandy Dancer Drive to Murrieta Way. Attachment D provides a full site plan showing all on-site parking and circulation. The site was planned to accommodate a portion of each tenant space being used for office and the remaining space for warehouse, manufacturing, or other active uses.

The parking required for an animal boarding facility is one space for each employee. The maximum number of employees for Camp Bow Wow is anticipated to be no more than 10. Additionally, the Tracy Municipal Code (TMC) does not prescribe parking requirements specifically for recreation centers. However, TMC Section 10.08.3490 authorizes the Planning Commission to determine the parking requirements for any use not specifically set forth in the TMC. In the past, the Planning Commission has determined that recreation centers similar to this would need one space per driving-age student, plus one space per instructor. Given the maximum number of students is 20 and the maximum number of instructors is 5, the proposed studio would need 25 spaces, based on previous City determinations for recreation centers at other locations in town. The required parking for the two uses is 35 spaces which is within the amount of existing on-site parking and therefore, the parking requirement has been met.

The site is located in an industrial area which lends itself to uses that may create additional noise impacts than a standard commercial business providing a suitable location for an animal boarding facility and a recreation center. Nearby uses, potentially sensitive to noise, including noise from barking dogs, recreation uses, or industrial uses, include a Montessori School and residential neighborhoods. Due to their distances from the site (Montessori School is approximately 350 feet to the southeast and the nearest residence is approximately 700 feet away to the east), potential noise effects of the proposed businesses are anticipated to be negligible.

Industrial Areas Specific Plan Amendment

The project includes a proposal to amend the permitted uses within the General Industrial land designation of the Industrial Areas Specific Plan (ISP) to conditionally permit animal boarding facilities. The ISP was adopted by the City Council in 1988 and has been amended from time to time, in response to requests for additional land uses being incorporated into the specific plan.

The project site is designated General Industrial within the ISP, which allows uses such as manufacturing, warehouse and distribution, parcel delivery service, truck terminals, equipment storage, consumer and business services, and automotive repair. In addition to these land uses, heavy and very heavy manufacturing uses and places of assembly, including recreation centers, are conditionally permitted in the General Industrial land use designation.

The proposed amendment would add animal boarding facilities as a conditionally permitted use within the General Industrial land designation of the ISP. This amendment would align the ISP to be consistent with the City's Light Industrial (M-1) Zone which conditionally permits animal boarding facilities. The most recent approval of a Conditional Use Permit for an animal boarding facility in the M-1 zone was approved by the Planning Commission in 2014 for an approximately 20,000 square foot facility located at 157 Sloan Court.

The proposed amendment of the General Industrial land use designation in the ISP is consistent with the General Plan Industrial designation and will contemporize the permitted land uses within this industrial area.

City staff is recommending approval of both the ISP amendment (to add animal boarding facilities as a conditionally permitted use) and the Conditional Use Permit (CUP) for Camp Bow Wow and Whisky Tango Fitness. However, since the animal boarding facility portion of the CUP cannot be effective without City Council approval of the ISP amendment, staff's recommendation includes a provision that the CUP for the animal boarding facility is not effective until and unless the City Council approves the ISP amendment.

CEQA Documentation

Regarding the Industrial Areas Specific Plan amendment, the project is consistent with the development density established by the City General Plan, for which an Environmental Impact Report (EIR) (SCH Number 2008092006) was certified (Resolution 2011-028). The General Plan designation is Industrial, which provides for offices, manufacturing, warehouses, as well as ancillary uses such as restaurants and consumer services.

The development density of the animal boarding facility does not exceed the traffic, parking, City utilities, or other effects analyzed for the site in the General Plan EIR. Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no additional assessment is required.

Regarding the Conditional Use Permit, the project is categorically exempt from CEQA review in accordance with Guidelines Section 15301 which applies to minor alterations of existing facilities. Therefore, no additional assessment is required.

RECOMMENDATION

Staff recommends the following actions:

1. That the Planning Commission recommends that the City Council approves the amendment to the Industrial Areas Specific Plan to conditionally permit animal boarding facilities in the General Industrial land use designation of the Industrial Areas Specific Plan, as indicated in the attached Resolution, Attachment E; and
2. Approve the Conditional Use Permit for animal boarding facilities and recreation centers, as indicated in the Planning Commission Resolution, Attachment F.

RECOMMENDED MOTION

Move that the Planning Commission recommend that the City Council take the following actions:

1. Approve the amendment to the Industrial Areas Specific Plan to conditionally permit animal boarding facilities in the General Industrial land use designation of the Industrial Areas Specific Plan, as indicated in the Planning Commission Resolution dated July 28, 2021; and
2. Approve the Conditional Use Permit for animal boarding facilities and recreation centers, Application Number CUP20-0002, as indicated in the Planning Commission Resolution dated July 28, 2021.

Prepared by Genevieve Federighi, Associate Planner
Reviewed by Scott Claar, Senior Planner
Approved by William Dean, Interim Development Services Director

ATTACHMENTS

Attachment A – Project Vicinity
Attachment B – Plan Set (Site Plan, Floor Plan, Elevations)
Attachment C – Floor plan for Whiskey Tango Fitness
Attachment D – Full Site Plan from Development Review Approval D16-0015
Attachment E - Planning Commission Resolution for Specific Plan Amendment
Attachment F – Planning Commission Resolution for Conditional Use Permit, with Conditions of Approval

PROJECT LOCATION



SEAL:

THIS DOCUMENT IS NOT
FOR REGULATORY
APPROVAL, PERMITTING,
OR CONSTRUCTION.

FOR
INFORMATIONAL
PURPOSES
ONLY

NO DATE REMARKS
REVISIONS

CAMP
BOW WOW
3608 SHAMROCK WAY
TRACY, CA

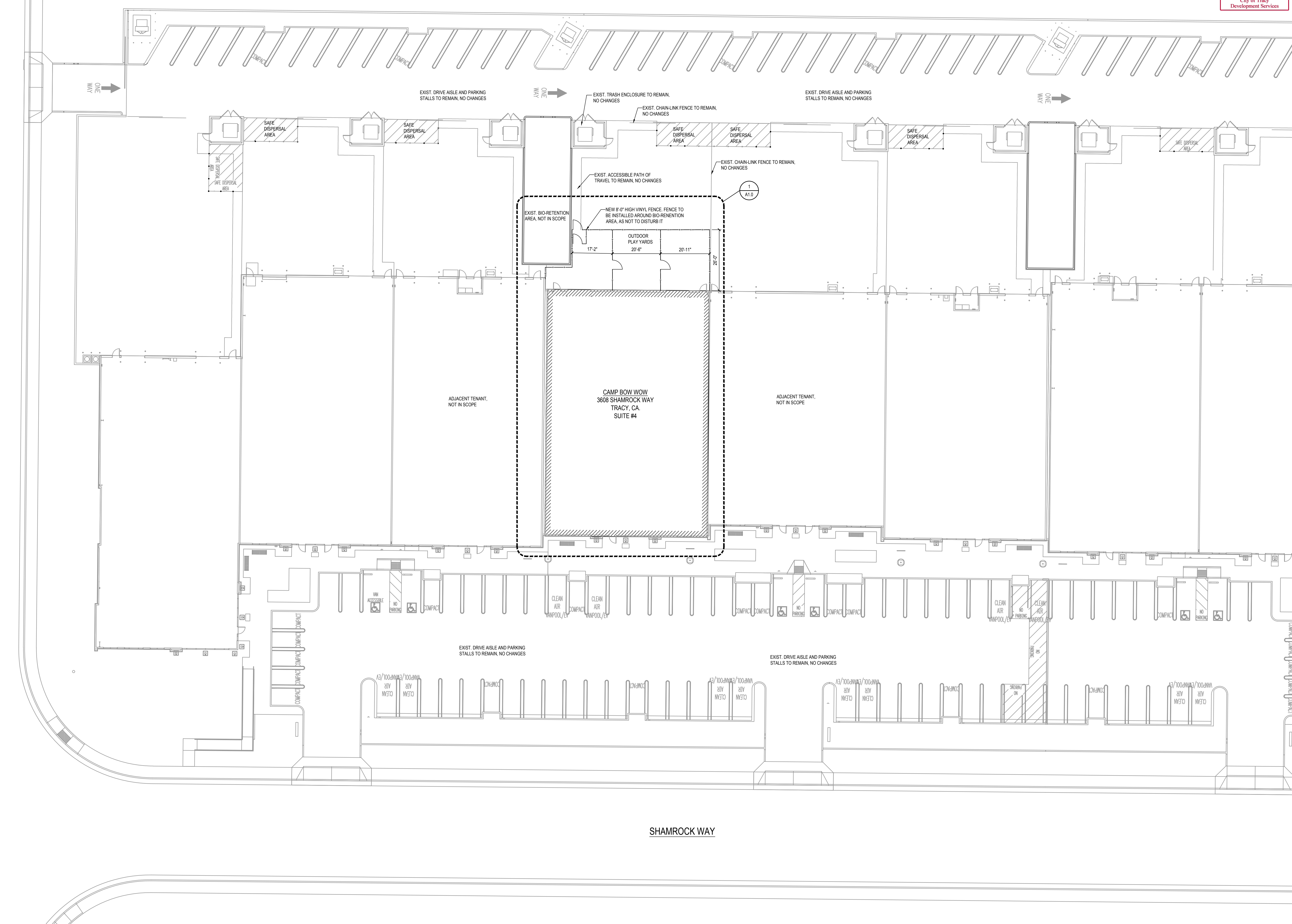
PROJECT NO: 2021.0380
DATE: 4/26/2021

ASP1.0
ARCHITECTURAL SITE PLAN

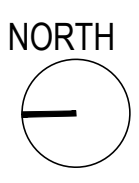
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GANDY DANCER DRIVE

SHAMROCK WAY



1 ARCHITECTURAL SITE PLAN
ASP1.0 1/16"=1'-0"



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SEAL:

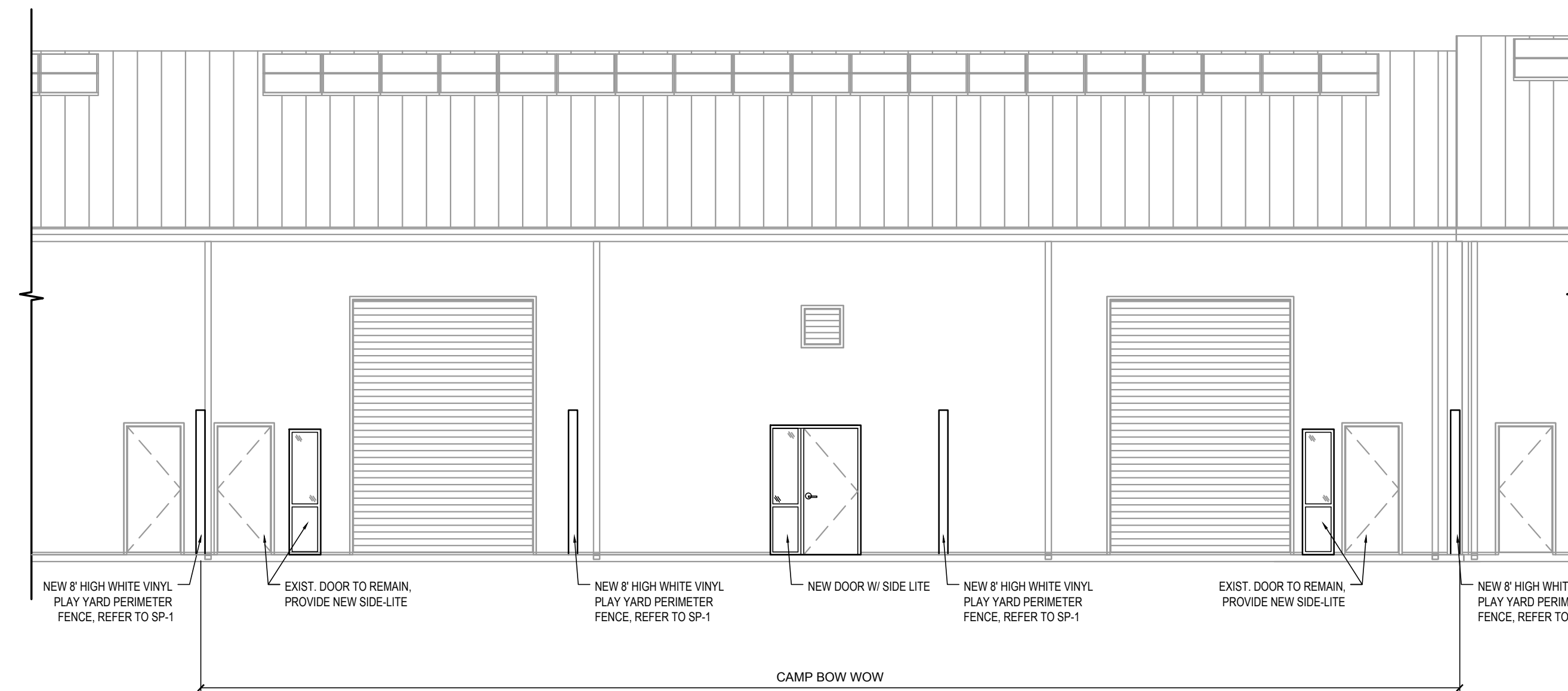
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NOTE:
FRONT ELEVATION SHOWN AS
REFERENCE ONLY, NO CHANGES

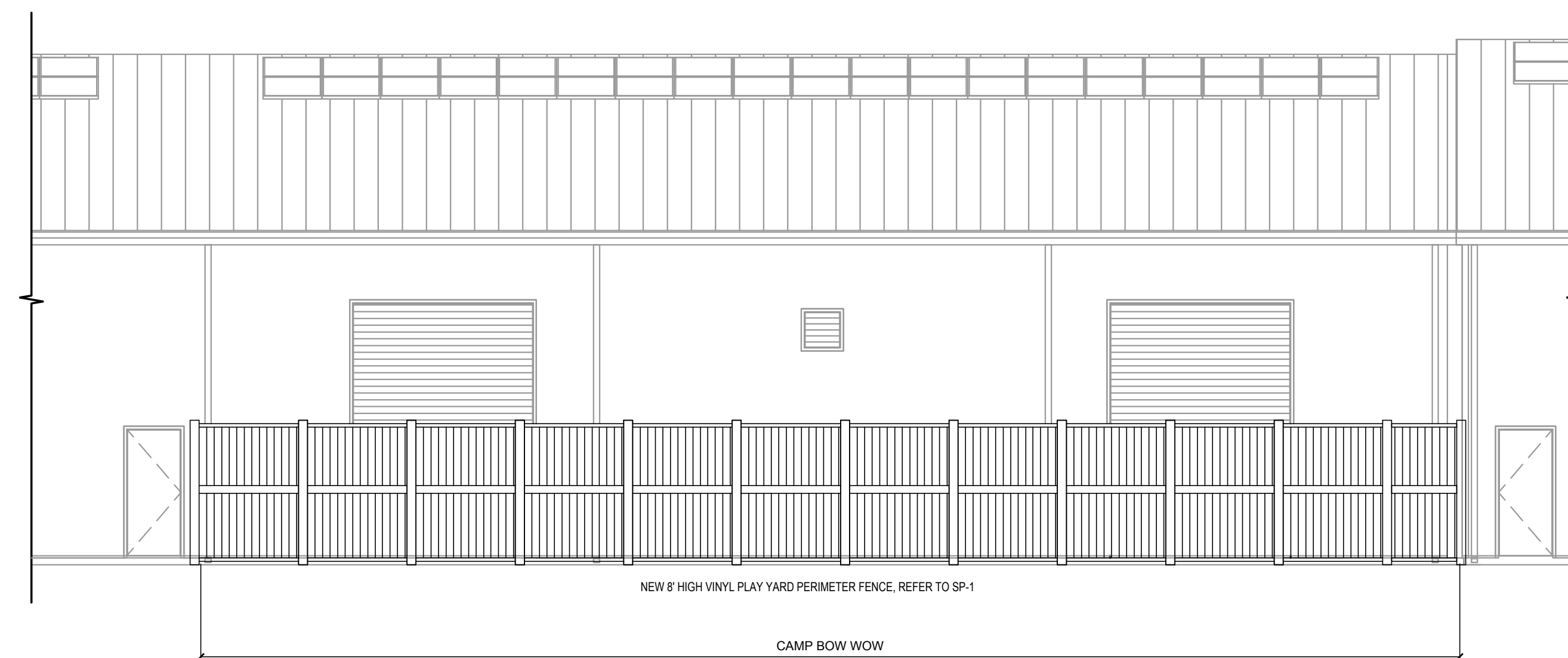
1 FRONT ELEVATION (WEST)
A5.0

3/16" = 1'-0"



2 REAR ELEVATION - INSIDE PLAY YARDS (EAST)
A5.0

3/16" = 1'-0"



3 REAR ELEVATION - OUTSIDE PLAY YARDS (EAST)
A5.0

3/16" = 1'-0"

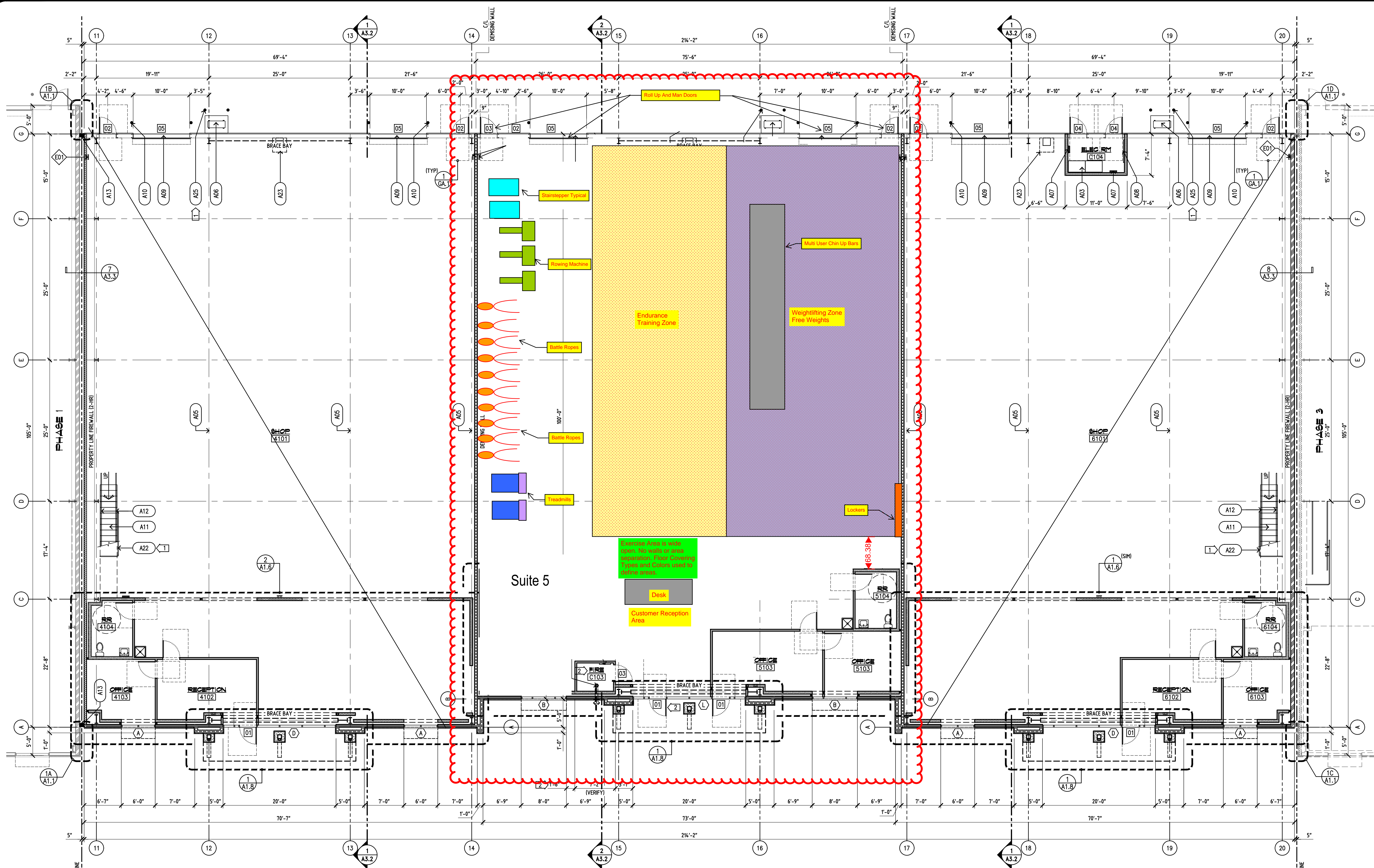
NO DATE REMARKS
REVISIONS

CAMP
BOW WOW
3608 SHAMROCK WAY
TRACY, CA

PROJECT NO: 2021.0380
DATE: 4/26/2021

A5.0
EXTERIOR ELEVATIONS

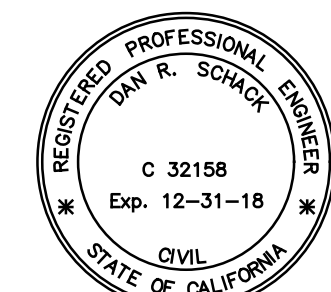
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PHASE 2 FLOOR PLAN
SCALE: 1/8"=1'-0"

GENERAL NOTES

1. REFER TO SHEET A1.2 OR A1.4 FOR KEYNOTE DESCRIPTIONS
2. REFER TO SHEET A4.1 FOR ROOM FINISH & ACCESSORY SCHEDULES
3. REFER TO SHEET A7.1 FOR DOOR & WINDOW SCHEDULES
4. REFER TO SHEET A1.6 FOR WALL TYPE SCHEDULE & DESCRIPTIONS



PHASE 2

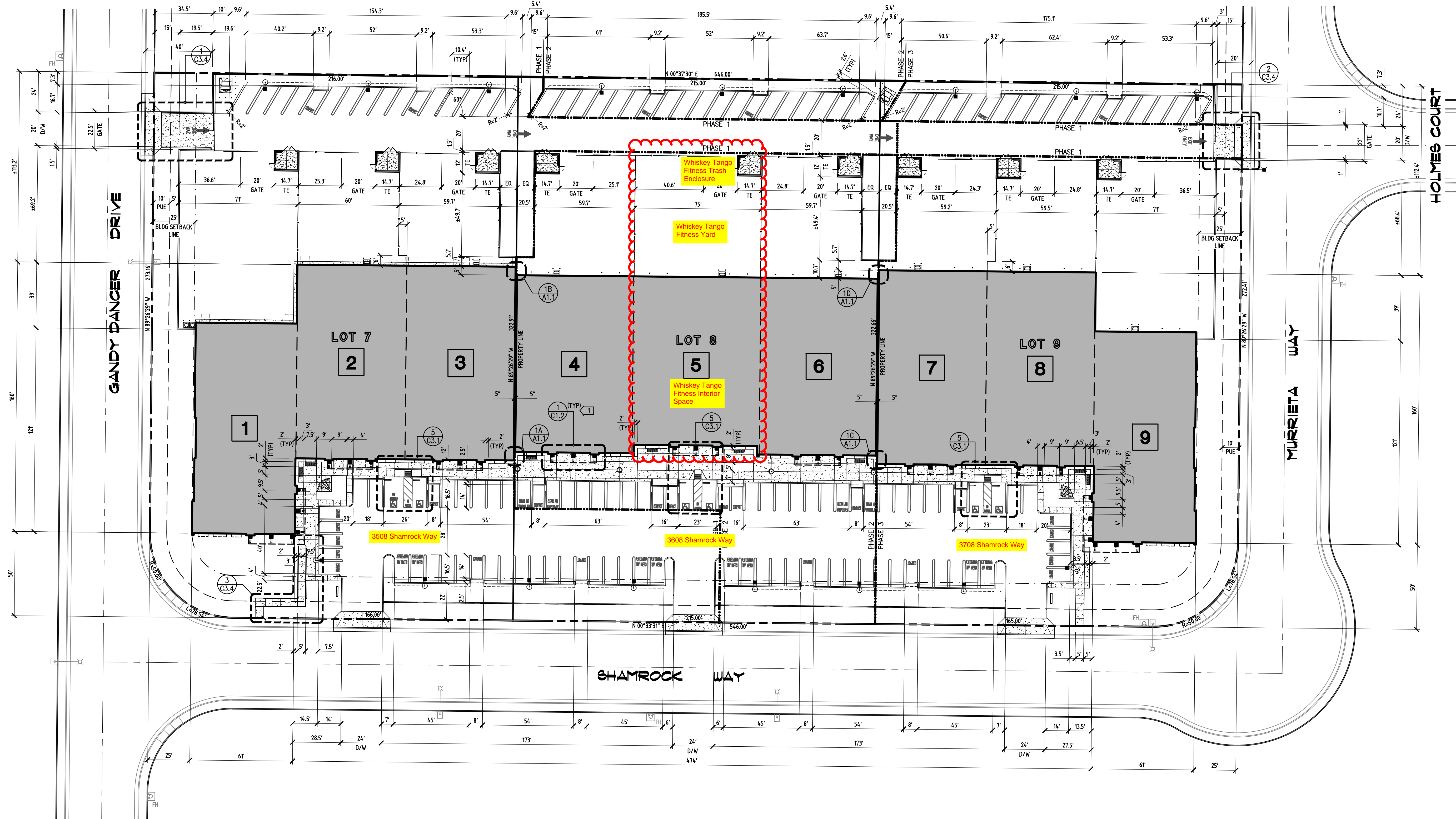
DATE	SYMBOL	REVISIONS
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02/19/18	2	FIRE PLAN-CHECK RESPONSE

DRAWING RELEASE	DATE
PRELIMINARY REVIEW	07/25/16
INITIAL PLAN REVIEW	07/02/17
PERMIT ISSUANCE READY	07/09/17
FINAL CONSTRUCTION	

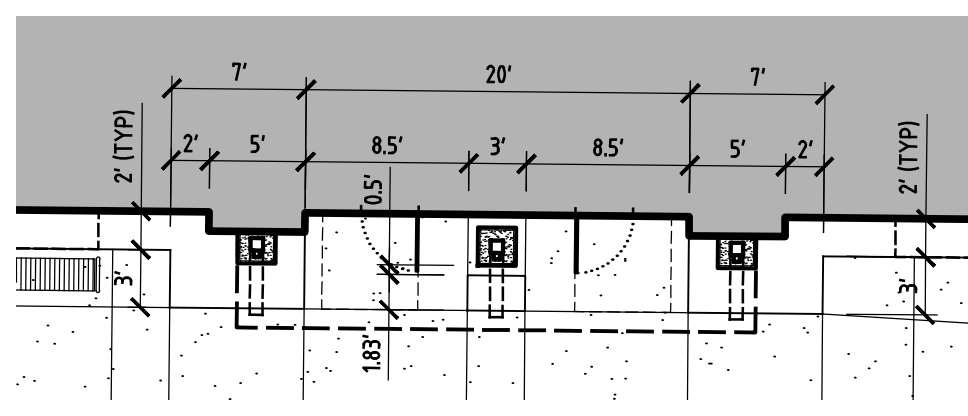
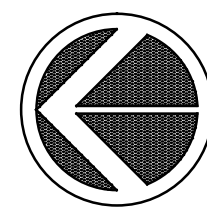
INDUSTRIAL DEVELOPMENT
Shamrock Business Center
PHASE 1, 3508 SHAMROCK WAY
PHASE 2, 3408 SHAMROCK WAY
PHASE 3, 3108 SHAMROCK WAY
TRACY, CALIFORNIA 95371

Schack & Company, Inc.
Civil Engineering • Building Design • Surveying
(909) 856-2178 • P.O. Box 339 • Tracy, California 95378 • FAX (909) 856-1488
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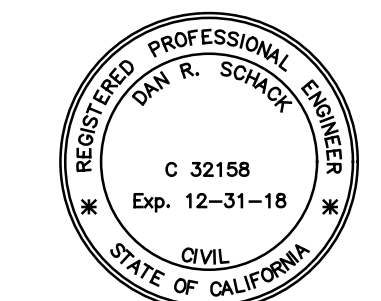
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DRAWN BY	SFS
CHECKED BY	SFS
JOB NO.	15.022
A1.3	
OF 177 SHEETS	



OVERALL
SITE LAYOUT PLAN
SCALE: 1"=30'



1
C1.2 PLANTER LAYOUT @ ENTRY SCALE: 1"=10'



OVERALL

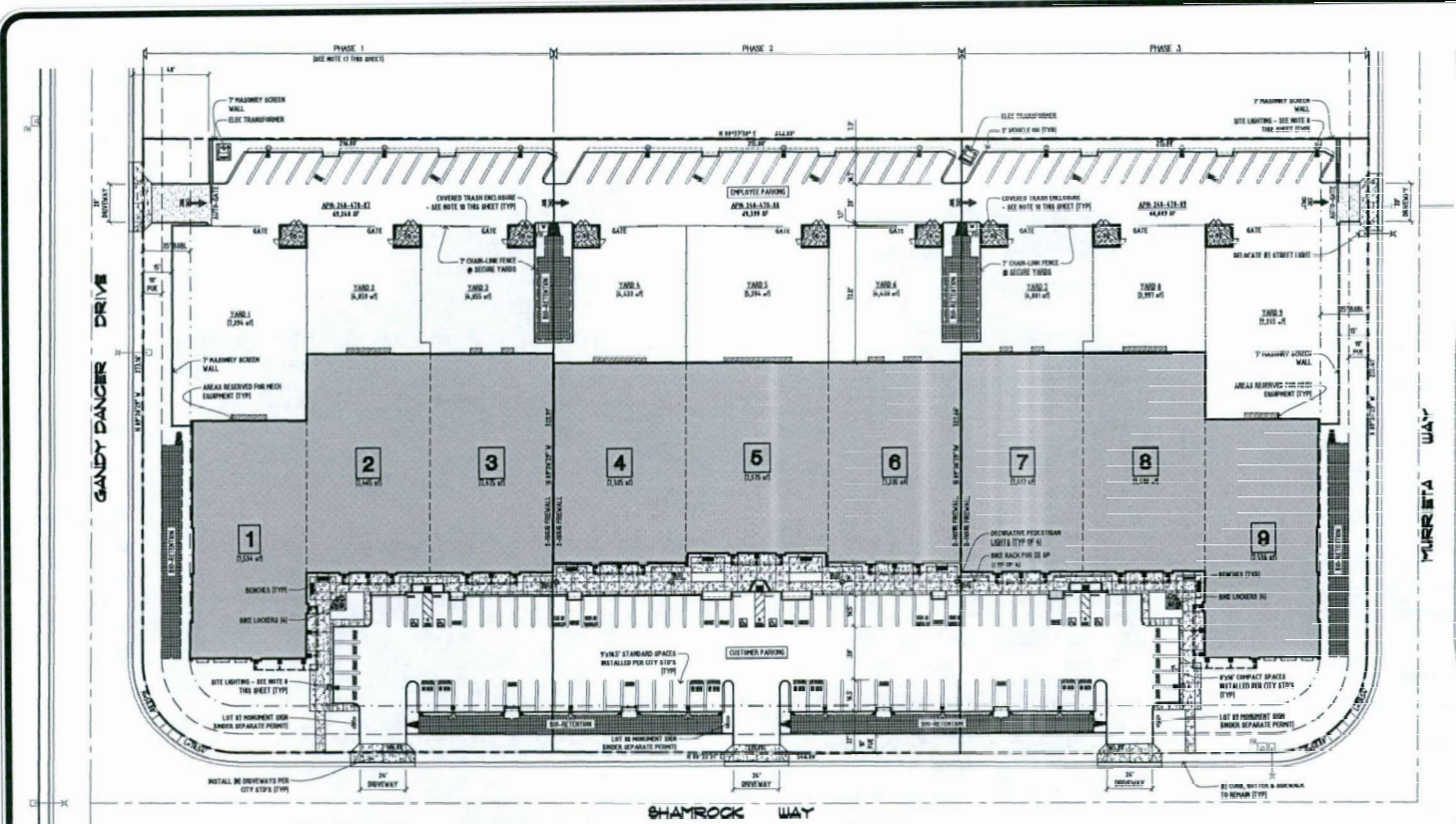
DATE	SYMBOL	REVISIONS
02/09/18	1	BUILDING PLAN-CHECK RESPONSE

DRAWING RELEASE	DESCRIPTION	DATE
<input type="checkbox"/>	PRELIMINARY REVIEW	07/25/16
<input type="checkbox"/>	INITIAL PLAN REVIEW	07/28/17
<input type="checkbox"/>	PERMIT ISSUANCE READY	07/28/17
<input type="checkbox"/>	FINAL CONSTRUCTION	

INDUSTRIAL DEVELOPMENT
Shamrock Business Center
PHASE 1, 3608 SHAMROCK WAY
PHASE 2, 3608 SHAMROCK WAY
PHASE 3, 3708 SHAMROCK WAY
TRACY, CALIFORNIA 95371

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DATE	02/28/17
DRAWN BY	SFS
CHECKED BY	SFS
JOB NO.	15.022
C1.2	
OF 177 SHEETS	



SITE DATA

NOTES

- ZONE: I-1 INDUSTRIAL AREA SPECIFIC PLAN - GENERAL INDUSTRIAL
- GENERAL PLAN: INDUSTRIAL
- PROPERTY MAPS: ARIAN FROM VILLI, CARL & MERRILL SHAW, LOT 1 & LOT 10, CLAYTON CO. TRACT, JAMES E. TRACT, CALIFORNIA WITH USE 801-310
- OWNER: SEBACH & COMPANY, INC. 2000 S. SHAMROCK TRACT, CALIFORNIA WITH USE 801-310
- PROPERTY ADDRESS: 1000 SHAMROCK TRACT, CALIFORNIA WITH USE 801-310
- ADDRESSING PANEL: 204-478-42, 204-478-43 & 204-478-44
- UTILITIES: WATER: CITY OF TRACY; SEWER: CITY OF TRACY; TELEPHONE: CITY OF TRACY; CABLE TV: COMCAST; ELECTRIC: PACIFIC GAS & ELECTRIC; GAS: PACIFIC GAS & ELECTRIC
- EXTERIOR LIGHTING: MONITOR FOR PARKING USE IN PARKING AREA AND NOT IN SHEET'S AWAY FROM EXISTING PROPERTIES. ILLUMINATION OF THE PARKING AREA SHALL MEET MINIMUM REQUIREMENTS OF A FOOT-CANDLE PER FOOT.
- ALL WORK SHALL COMPLY TO CITY OF TRACY STANDARDS.
- TRUCK UNLOADING: SHALL BE PERMITTED AT THIS LOCATION. TRUCKS SHALL BE UNLOADED FROM THE SOUTH SIDE OF THE BUILDING. TRUCKS SHALL BE UNLOADED FROM THE SOUTH SIDE OF THE BUILDING. TRUCKS SHALL BE UNLOADED FROM THE SOUTH SIDE OF THE BUILDING. TRUCKS SHALL BE UNLOADED FROM THE SOUTH SIDE OF THE BUILDING.
- STORM DRAINAGE: SHALL SURFACE RUN THROUGH CURBS TO VENTILATED DOWNSPIRES & SHALL BE CITY STANDARD AND PER CITY PERMITS (GRADING & UTILITY PLAN SHEET 001)
- EXTERIOR STORAGE: SHALL COMPLY TO CITY OF TRACY SIGN REQUIREMENTS.
- USE OCCUPANCY & CONSTRUCTION: OCCUPANCY GROUP "B" (OFFICE); CONSTRUCTION TYPE "II" (MEDIUM RISE); WALL CONSTRUCTION: CONCRETE OR 4" CMU WITH G-11; WALL FINISH: G-11; WALL HEIGHT: 10 FT.
- FOUNDATION: SHALL COMPLY TO CITY OF TRACY STANDARDS.
- INSTALLATION: SEE SHEET 001 FOR DETAILS.

BUILDING AREA SUMMARY

GENERAL AREA	OFFICE	STORAGE	TOTAL	REMARKS
LOT 1	1,500	0	1,500	
LOT 2	1,500	0	1,500	
LOT 3	1,500	0	1,500	
LOT 4	1,500	0	1,500	
LOT 5	1,500	0	1,500	
LOT 6	1,500	0	1,500	
LOT 7	1,500	0	1,500	
LOT 8	1,500	0	1,500	
LOT 9	1,500	0	1,500	
LOT 10	1,500	0	1,500	
TOTAL	15,000	0	15,000	



RECEIVED
 JUL 07 2016
 CITY OF TRACY
 DEVELOPMENT SERVICES

DATE	04/05/16
DRAWN BY	SFS
CHECKED BY	SFS
DATE	04/05/16
DRAWN BY	SFS
CHECKED BY	SFS

DEVELOPMENT REVIEW
Sebach & Company, Inc.
 Building Design • Surveying
 1000 SHAMROCK TRACT, TRACY, CA 95378
 (916) 371-1111

Sebach & Company, Inc.
 Building Design • Surveying
 1000 SHAMROCK TRACT, TRACY, CA 95378
 (916) 371-1111

DATE	04/05/16
DRAWN BY	SFS
CHECKED BY	SFS
DATE	04/05/16
DRAWN BY	SFS
CHECKED BY	SFS

RESOLUTION 2021-_____

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE INDUSTRIAL AREAS SPECIFIC PLAN – PERMITTED USES WITHIN THE GENERAL INDUSTRIAL ZONE – SECTION 4.1.1.2. THE APPLICANT IS ALEX WEBER. APPLICATION NUMBER SPA20-0009

WHEREAS, The City Council adopted the Industrial Areas Specific Plan (ISP) on June 21, 1988 (Resolution 88-213), and

WHEREAS, Since 1988, the City Council has amended the ISP from time to time to incorporate new land uses and improve implementation of the ISP, and

WHEREAS, Alex Weber has submitted an application to amend the ISP to allow an animal boarding facilities within the General Industrial land use designation of the ISP, specifically at 3508, 3608, and 3708 Shamrock Way (248-470-07, -08, and -09), and

WHEREAS, The proposal is consistent with the General Plan because the General Plan designation of the subject property is Industrial, which provides areas for consumer services, parks, or potentially noise-generating uses that would not be suitable in commercial or residential areas, and

WHEREAS, The General Industrial land use designation of the ISP is well suited for animal care facilities as the ISP includes a broad range of industrial uses and some commercial uses with consistent parking, hours of operation, and similar characteristics as animal boarding facilities, and

WHEREAS, The project does not increase the development density established by the City’s General Plan (regarding traffic, parking, utilities, or other impacts), and therefore, in accordance with CEQA Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The Planning Commission conducted a public hearing to review the project on July 28, 2021;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends that the City Council approve an amendment to the Industrial Areas Specific Plan, Section 4.1.1.2, adding the following conditionally permitted use in the General Industrial Zone: “Animal Boarding Facility,” as indicated in the attached draft City Council Ordinance, Exhibit 1.

* * * * *

The foregoing Resolution 2021-_____ was adopted by the Planning Commission on the 28th day of July, 2021, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

Exhibit 1- Draft City Council Ordinance

ORDINANCE _____

APPROVING AN AMENDMENT TO THE
INDUSTRIAL AREAS SPECIFIC PLAN – PERMITTED USES WITHIN THE
GENERAL INDUSTRIAL ZONE – SECTION 4.1.1.2.
APPLICATION NUMBER SPA20-0009

WHEREAS, The City Council adopted the Industrial Areas Specific Plan (ISP) on June 21, 1988 (Resolution 88-213), and

WHEREAS, Since 1988, the City Council has amended the ISP from time to time in response to incorporate new land uses and improve implementation of the ISP, and

WHEREAS, Alex Weber has submitted an application to amend the ISP to allow an animal boarding facility on an improved site within the General Industrial land designation of the ISP at 3508, 3608, and 3708 Shamrock Way (248-470-07, -08, and -09), and

WHEREAS, The proposal is consistent with the General Plan because the General Plan designation of the subject property is Industrial, which provides areas for consumer services, parks, or potentially noise-sensitive uses that would not be suitable in commercial or residential areas, and

WHEREAS, The General Industrial land use designation of the ISP is well suited for animal care facilities as the ISP includes a broad range of industrial uses and some commercial uses with consistent parking, hours of operation, and similar characteristics as animal boarding facilities, and

WHEREAS, The project does not increase the development density established by the City’s General Plan (regarding traffic, parking, utilities, or other impacts), and therefore, in accordance with CEQA Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The Planning Commission conducted a public hearing to review the project on July 14, 2021;

WHEREAS, The City Council conducted a public hearing to review the project on _____;

NOW, THEREFORE, The City Council of the City of Tracy does ordain as follows:

SECTION 1: Industrial Areas Specific Plan, Section 4.1.1.2, is amended by adding the following conditionally permitted use in the General Industrial Zone: “Animal boarding facility.”

SECTION 2: This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 3: This Ordinance shall be published once in a newspaper of general circulation within 15 days from and after its final passage and adoption.

* * * * *

Ordinance _____

Page 2

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____ 2021, and finally adopted on the ____ day of _____, 20__, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION 2021- _____

APPROVING CONDITIONAL USE PERMIT APPLICATION NUMBER CUP20-0002
FOR CAMP BOW WOW ANIMAL BOARDING FACILITY
AND WHISKY TANGO FITNESS RECREATION CENTER
LOCATED ON APPROXIMATELY 4.76 ACRES
AT THE SOUTHEAST CORNER OF GANDY DANCER DRIVE AND SHAMROCK WAY,
(3508, 3608, and 3708 SHAMROCK WAY,
ASSESSOR'S PARCEL NUMBERS 248-470-07, -08, AND -09)

WHEREAS, On December 1, 2020 Alex Weber submitted a Conditional Use Permit Application (CUP20-0002) to permit animal boarding facilities and recreation centers at the southeast corner of Gandy Dancer Drive and Shamrock Way (3508, 3608, and 3708 Shamrock Way, Assessor's Parcel Numbers 248-470-07, -08, And -09), and

WHEREAS, The approximately 4.76-acre site is located within the General Industrial land use designation of the Industrial Areas Specific Plan, and

WHEREAS, The project consists of minor alterations of an existing facility, and therefore, is categorically exempt from CEQA review in accordance with Guidelines Section 15301, and

WHEREAS, The Planning Commission conducted a public hearing to review the project on July 14, 2021;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission approves the Conditional Use Permit for animal boarding and fitness recreation center, Application Number CUP20-0002, at the southeast corner of Gandy Dancer Drive and Shamrock Way (3508, 3608 and 3708 Shamrock Way, Assessor's Parcel Numbers 248-470-07, -08, And -09), subject to the conditions contained in Exhibit 1 and based on the following findings. The animal boarding facilities of the Conditional Use Permit will only become effective upon approval of the Industrial Areas Specific Plan amendment, SPA20-0009, by the City Council.

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the animal boarding facility and recreation center may have additional noise impacts to the surrounding area which is better suited for an industrial area than a commercial or residential area.
2. The proposed location of the conditional use is in accordance with the objectives of the Industrial Areas Specific Plan in which the site is located because the General Industrial land use designation allows animal boarding facilities and recreation centers upon approval of a Conditional Use Permit. The proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because any potential impacts are compatible with surrounding industrial uses and will not significantly impact nearby businesses in respect to noise, traffic, parking, or other related areas of conflict.
- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

* * * * *

The foregoing Resolution 2021- _____ was adopted by the Planning Commission on the 28th day of July, 2021, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

**Camp Bow Wow Animal Boarding Facility
And Whiskey Tango Fitness Recreation Center
Conditions of Approval
Application Number CUP20-0002
July 28, 2021**

These Conditions of Approval shall apply to the real property described as 3508, 3608, and 3708 Shamrock Way, Conditional Use Permit (Application Number CUP20-0002). The approximately 4.76 acre site is located at the southeast corner of Gandy Dancer Drive and Shamrock Way, Tracy; (3508-3708 Shamrock Way, Assessor's Parcel Numbers 248-470-07, -08, and -09).

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
3. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as 3508, 3608, and 3708 Shamrock Way, Conditional Use Permit (Application Number CUP20-0002). The approximately 4.76 acre site is located at the southeast corner of Gandy Dancer Drive and Shamrock Way, Tracy; (3508, 3608, and 3708 Shamrock Way, Assessor's Parcel Numbers 248-470-07, -08, and -09).
4. "Project" means the real property consisting of approximately 4.76 acre site is located at the southeast corner of Gandy Dancer Drive and Shamrock Way, Tracy; (3508, 3608 and 3708 Shamrock Way, Assessor's Parcel Numbers 248-470-07, -08, and -09).
5. "Property" means the real property located at 3508, 3608, and 3708 Shamrock Way (Assessor's Parcel Numbers 248-470-07, -08, and -09).

B. Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the

Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

3. Except as otherwise modified herein, all construction shall be consistent with the plans for Camp Bow Wow received by the Development Services Department on June 16, 2021 and plans for Whiskey Tango Fitness on July 15, 2021.
4. Prior to occupancy, the Applicant shall obtain all required permits in compliance with the California Building Code to the satisfaction of the Building Official.
5. The animal boarding facility of this Conditional Use Permit shall not take effect until and unless the City Council has approved the Specific Plan Amendment to conditionally permit animal boarding facilities in the General Industrial Zone of the Industrial Areas Specific Plan, Application Number SPA20-0009.
6. Prior to final inspection or occupancy, all outdoor play areas must be fully fenced to ensure all animals are fully secured to remain on site to the satisfaction of the Development Services Director.

July 28, 2021

AGENDA ITEM 1.B

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE SERVICE AND REPAIR AT 503 W. LARCH RD. APPLICANT IS JOE SULLIVAN AND PROPERTY OWNER IS MCA LARCH, LLC C/O PCCRE. APPLICATION NUMBER CUP20-0004

DISCUSSION

Site and Project Description

Project site is located at 503 W. Larch Rd. The subject property is an approximately 4.77-acre parcel with two existing buildings. One building, having a property address of 503 W. Larch Road, has a total area of 71,875 sq. ft. The other building, having a property address of 523 W. Larch Rd., located west of the 503 address, has a total area of 15,000 sq. ft. Collectively the buildings are known as the Larch Road Commerce Center located about 300 feet east of the intersection of N Tracy Blvd. and Larch Rd., Assessor's Parcel Number 212-200-05. (Attachment A: Location Map)

The conditional use permit would grant the project site the ability to conduct automotive service and repair within the 71,875 sq. ft. building with address of 503 W. Larch Rd. The proposal includes the business MTM Transit located in Suite G. MTM Transit has been operating since 2016 at this site and recently became aware that automotive service and repair is a conditionally permitted use in the M-1 Zone. MTM Transit provides maintenance of the City of Tracy Public Transportation System (Tracer) which includes a total of 21 vehicles. The approximately 6,750 sq. ft. suite consists of 816 sq. ft. of office and 5,934 sq. ft. of vehicle maintenance area. MTM Transit is providing regular preventive maintenance such as oil changes, tire rotations, and brake repair. All services and repairs are conducted within the building to minimize any potential impacts to the neighboring properties. (Attachment B: Site Plan/Floor Plan)

Land Use Compatibility

The site is zoned Light Industrial (M-1) and has a General Plan designation of Industrial. The surrounding areas are zoned Highway Service (HS) to the west and south with a General Plan designation of Commercial; and Light Industrial (M-1) to the north and east with a General Plan designation of Industrial. Automotive service and repair is a conditionally permitted use in the M-1 zone, which means that a Conditional Use Permit (CUP) is required. Automotive service and repair is compatible with the surrounding site uses of trucking, distribution, wholesale, fabrication, and manufacturing. Automotive service and repair is also compatible with adjacent sites including the Tracy Truck and Auto Stop to the west and freight transportation logistics to the east. In addition, the Planning Commission previously approved automotive service and repair on the same parcel for the 15,000 sq. ft. building with the address of 523 W. Larch Rd on April, 23, 2003.

Parking

Tracy Municipal Code (TMC) Section 10.08.3480 prescribes the number of required off-street parking spaces for all projects based on land use. For example, offices require one space per 250 square feet, manufacturing requires one space per 600 square feet, and warehousing requires one space per 1,000 square feet.

The TMC authorizes the Planning Commission to approve the "Joint Use" of parking facilities for land uses that are primarily daytime uses and ones that are primarily nighttime uses. The Joint Use provision (TMC Section 10.08.3460) allows the Planning Commission to authorize up to 50 percent of the parking facilities required for uses considered primarily nighttime or weekend use to be provided by the parking facilities of a use considered to be primarily a daytime use. On February 25, 2004, the Planning Commission approved the Joint Use of parking facilities for the Solid Rock Christian Center and the Afghan Islamic Center (primarily nighttime/weekend uses) with the other, primarily daytime uses at this site.

The required off-street parking for MTM Transit will be one parking space per 600 sq. ft. for automotive service and repair and one parking space per 250 square feet for office. MTM Transit has 816 sq. ft. of dedicated office space and 5,934 sq. ft. of automotive service and repair space. MTM Transit requires 13 parking spaces.

The site has approximately 112 on-site, designated parking spaces available for tenants. Based on a survey of existing land uses and the Joint Use authorization granted for the Solid Rock Christian Center in 2005:

- i. 98 parking spaces are required for daytime uses
(112-98 = 14 remaining parking spaces)
- ii. 45 parking spaces are required for nighttime uses
[14 + joint use of 49 (50% of 98)] = 63 parking spaces available to meet parking requirements for nighttime/Sunday uses

Therefore, the 112 on-site parking spaces are adequate to demonstrate compliance with the minimum number of spaces required for both the daytime uses and nighttime/Sunday uses.

CEQA Documentation

The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve a conditional use permit to allow automotive service and repair at 503 W. Larch Rd., Application Number CUP20-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated July 28, 2021 (Attachment C: Planning Commission Resolution).

Agenda Item 1.B

July 28, 2021

Page 3

RECOMMENDED MOTION

Move that the Planning Commission approve a conditional use permit to allow automotive service and repair at 503 W. Larch Rd., Application Number CUP20-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated July 28, 2021.

Prepared by Kenny Lipich, Assistant Planner

Reviewed by Scott Claar, Senior Planner

Approved by Bill Dean, Interim Development Services Director

ATTACHMENTS

Attachment A - Location Map

Attachment B - Site and Floor Plan

Attachment C - Planning Commission Resolution

ATTACHMENT
A



Subject
Property

N. TRACY BLVD.

LARCH RD.

INTERSTATE 205


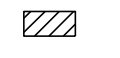
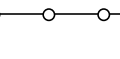



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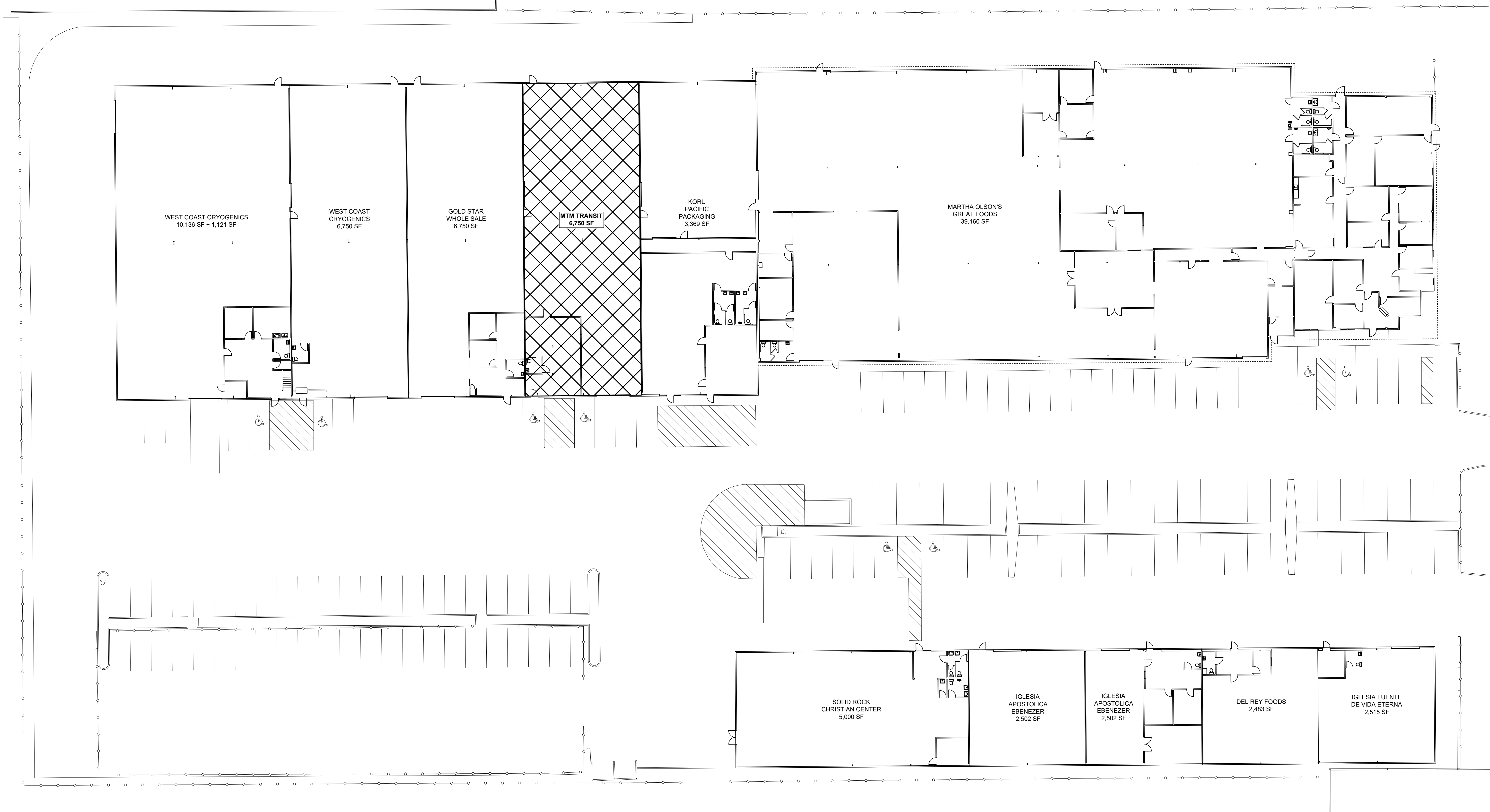


RECEIVED
July 13, 2021
City of Tracy
Development Services

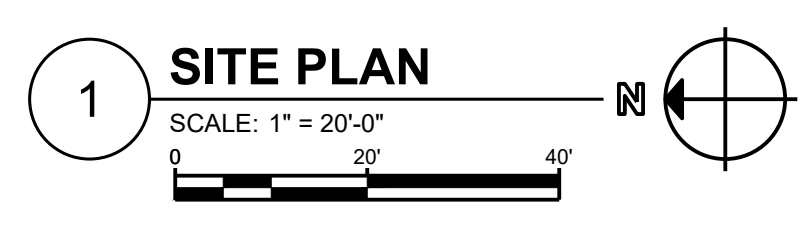
LEGEND

-  FIRE HYDRANT
-  PAINTED HATCHED AREA
-  CHAIN LINK FENCE
-  ROOF OVERHANG

1.800.835.1372
www.enteche.com
ENTECH
ENGINEERING



WEST LARCH ROAD



1 SITE PLAN
SCALE: 1" = 20'-0"

DATE	REV.	ISSUED FOR PERMIT	ISSUED FOR REVISION	JPB	APFD
08-25-2021	0				

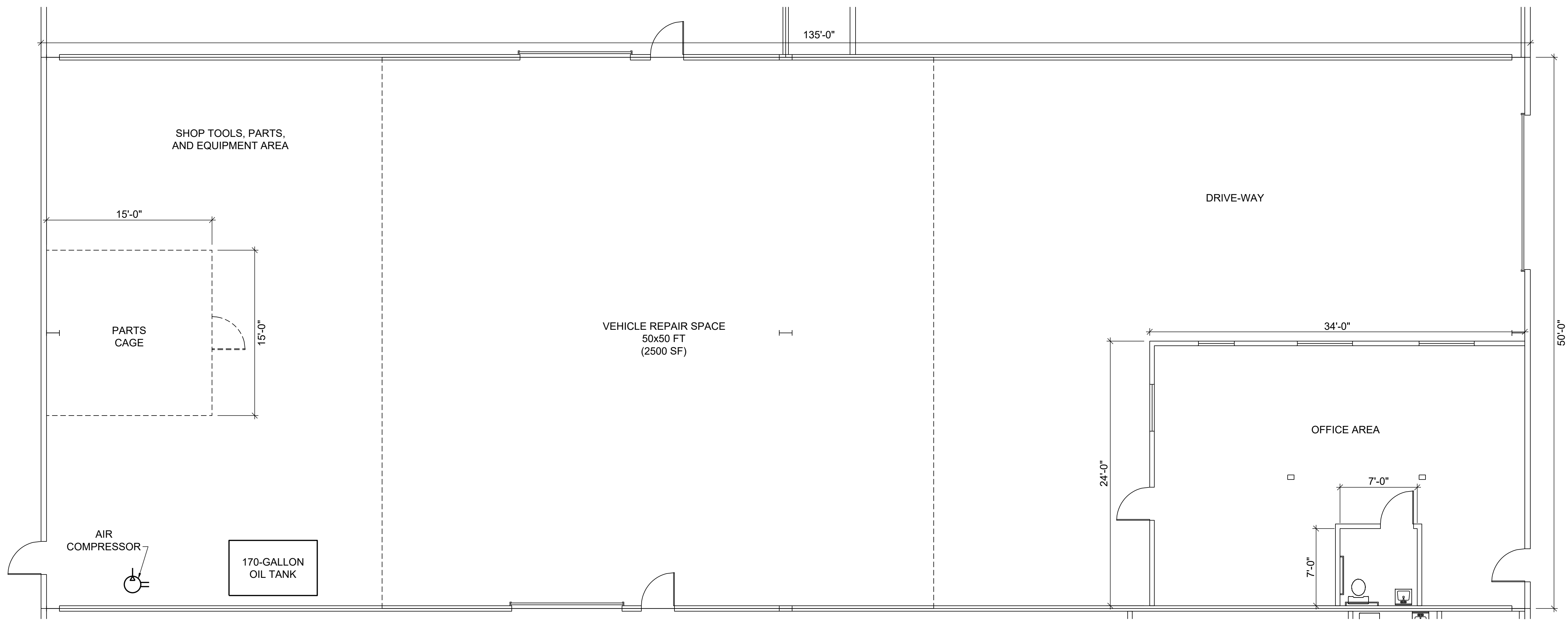
MTM TRANSIT
TENANT IMPROVEMENTS
503 & 523 W LARCH ROAD, TRACY, CA 95304
CITY OF TRACY, CA
SITE PLAN

SCALE:	AS NOTED
PREPARED BY:	JTB
CHECKED BY:	JPB
APPROVED BY:	JPB
PROJECT NO:	1920.005
DRAWING NO:	

SP-001

RECEIVED
 July 13, 2021
 City of Tracy
 Development Services

1.800.825.1372
 www.entecheng.com



1 MTM TRANSIT - FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 0 1 2 4 8'

Date	REV.	Issued for client review	APP.
	A	ISSUED FOR REVISION	
			XXX
			APPD

MTM TRANSIT
 TENANT IMPROVEMENTS
 503 & 523 W LARCH ROAD, TRACY, CA 95304
 CITY OF TRACY, CA

MTM TRANSIT - FLOOR PLAN

SCALE: AS NOTED
 PREPARED BY: JTB
 CHECKED BY: JPB
 APPROVED BY: JPB

PROJECT NO: 1920.005
 DRAWING NO:

A-002

Last Edited by: jbachert

July 28, 2021

RESOLUTION 2021- _____

APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE SERVICE AND REPAIR AT 503 W. LARCH RD., APPLICATION NUMBER CUP20-0004

WHEREAS, On December 10, 2020, Joe Sullivan submitted an application for a conditional use permit to allow automotive service and repair at 503 W. Larch Rd., Assessor's Parcel Number 212-200-05, Application number CUP20-0004, and

WHEREAS, The subject property is zoned Light Industrial (M-1) and designated Industrial by the General Plan; and

WHEREAS, Automotive service and repair are conditionally permitted within the Light Industrial (M-1) zone; and

WHEREAS, The proposal is consistent with surrounding land uses and off street parking requirements; and

WHEREAS, The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Development Review Permit application number CUP20-0004 on July 28, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve a Conditional Use Permit to allow automotive service and repair at 503 W. Larch Rd. The approval of Conditional Use Permit Number 1-03-CUP is based on the following findings and subject to the conditions contained in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the proposed uses are not allowed unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional uses is in accordance with the objectives of the purposes of the zone in which the site is located because automotive service and repair are allowed in the Light Industrial (M1) zone if a Conditional Use Permit is approved by the Planning Commission.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the proposed use will comply with the City of Tracy General Plan and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to Article 20 Light Industrial Zone and Article 26 Off-street Parking Requirements.

4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, Zoning Ordinance because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

The foregoing Resolution _____ was adopted by the Planning Commission on the 28th day of July 2021, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

**Conditional Use Permit
Conditions of Approval**

MTM Transit – Automotive Service and Repair
503 W. Larch Rd.
Assessor's Parcel Number 212-200-05
Application Number CUP20-0004
July 28, 2021

These Conditions of Approval shall apply to the Conditional Use Permit to allow automotive service and repair at 503 W. Larch Rd., Assessor's Parcel Number 212-200-05, Application Number CUP20-0005 (hereinafter "Project"), proposed by Joe Sullivan (hereinafter "Applicant") and MCA Larch, LLC c/o PCCRE (hereinafter "Property Owners").

1. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Cordes Ranch Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Conditions of Approval" shall mean these conditions of approval, applicable to Development Review Permit Application Number CUP20-0004.
 - e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
 - f. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - g. "Project" means the real property described located at 503 W. Larch Rd. and 523 W. Larch Rd., Assessor's Parcel Number 212-200-05.

Conditions of Approval
MTM Transit
Application No. CUP20-0004
July 28, 2021

2. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
3. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
4. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
5. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Planning Division Conditions

1. No signs are approved as part of this applicant. All signs for the intended use shall be reviewed under a separate sign permit application in accordance with Tracy Municipal Code standards.
2. All automotive service and repair shall be conducted fully within a building.
3. Automotive service and repair is permitted for the entire building at 503 W. Larch Rd., as shown on the site plan dated July 13, 2021.

Conditions of Approval
MTM Transit
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C. Building Division Conditions

1. Prior to the use of this space as a vehicle repair shop, the applicant shall submit for a permit, and submit plans, calculations, specifications etc. that comply with the current Title 24 California Code of Regulations, as applicable to the Building Safety Division for review. The construction plans shall include, but not limited to:
 - i. Site Plan
 - ii. Architectural Plans
 - iii. Mechanical Plans
 - iv. Electrical Plans
 - v. Plumbing Plans
 - vi. Energy Documentation