

Wednesday, November 17 2021, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).

IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING INDOORS IS RECOMMENDED. MASKS ARE REQUIRED FOR UNVACCINATED INDIVIDUALS IN INDOOR PUBLIC SETTINGS. MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the City Council meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "[City Council Meeting Videos](#)" under the "City Council" section.

If you only wish to watch the meeting and do not wish to address the Council, 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:** 2554 565 6260 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 "Regular 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 "Regular Agenda" portions of the agenda will be accepted until the public comment for that item is closed.*

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 Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council'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 Council to conduct its business as efficiently as possible, members of the public wishing to address the Council 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 City Council 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 Council. 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 City Council 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 City Council, 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 City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council 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, Council 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 Council. When members of the public address the Council, 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 City Council prior to or at the public hearing.

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

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 10/06/21 SPECIAL MEETING

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 APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ART STUDIO AT 618 N. CENTRAL AVE. APPLICANT IS SUZANNE SPRAGGE AND PROPERTY OWNER IS DON COSE & ASSOCIATES. APPLICATION NUMBER CUP21-0005

B. PUBLIC HEARING TO CONSIDER AMENDING THE ZONE DISTRICT OF TWO SITES: (1) APPROXIMATELY 35 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, APPROXIMATELY ONE-QUARTER MILE EAST OF TRACY BOULEVARD; AND (2) APPROXIMATELY 4.6 ACRES NORTHWEST OF THE INTERSECTION OF THIRD STREET AND EVANS STREET – APPLICANTS ARE JUAN BAUTISTA AND THE CITY OF TRACY – APPLICATION NUMBERS R21-0005 AND R21-0002

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: November 10, 2021

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
OCTOBER 6, 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, and WebEx during the meeting.

CALL TO ORDER

Chair Hudson called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Francis, Commissioner Orcutt, Vice Chair Wood, and Chair Hudson present. Also present were: Scott Claar, Senior Planner; Robert Armijo, City Engineer/Assistant Director of Development Services; Anju Pillai, Senior Civil Engineer; Dan Doporto, Consulting Attorney; Nanda Gottiparthi, SNG & Associates; Frederik Venter, Kimley-Horn; Gina Peace, Executive Assistant; and Kellie Jones, Administrative Assistant.

MINUTES

Chair Hudson introduced the Regular Meeting Minutes from the September 22, 2021 meeting.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Francis to approve the September 22, 2021 Planning Commission Regular meeting minutes with an amendment to the Action section of the minutes to read "Commissioner Atwal and Commissioner Orcutt not present at the time of roll call." A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL REGARDING THE TRACY HILLS PHASE 2 PROJECT, WHICH INCLUDES APPROVAL OF A GENERAL PLAN AMENDMENT, A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND A VESTING TENTATIVE SUBDIVISION MAP TO CREATE 1,470 SINGLE-FAMILY RESIDENTIAL LOTS AND VARIOUS OTHER PARCELS ON APPROXIMATELY 1,143 ACRES LOCATED SOUTH OF I-580, WEST OF CORRAL HOLLOW ROAD. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBERS GPA21-0001, SPA21-0003, AND TSM20-0003

Scott Claar, Senior Planner, presented the staff report along with Robert Armijo, City Engineer, and Frederik Venter, traffic consultant with Kimley-Horn. Staff and Nanda Gottiparthi, consultant with SNG & Associates, were also available for questions.

John Palmer, applicant, along with Mike Souza and Jordan Lail representing the developer/applicant, presented a slide show presentation and addressed the Commission in favor of the Ordinance.

Chair Hudson opened the Public Hearing at 8:30 p.m.

Alice English, Tracy resident, addressed the Commission in favor of the Ordinance.

Chair Hudson closed the Public Hearing at 8:33 p.m.

Staff addressed questions from the Commission.

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Wood that the Planning Commission recommend that City Council take the following actions for the Tracy Hills Phase 2 Project, as stated in the Planning Commission Resolutions, dated October 6, 2021 (Attachments E, F, and G: Planning Commission Resolutions):

- Approve a General Plan Amendment (Application Number GPA21-0001)
- Approve a Tracy Hills Specific Plan Amendment (Application Number SPA21-0003)
- Approve a Vesting Tentative Subdivision Map (Application Number TSM20-0003)

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

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

None.

5. ADJOURNMENT

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Wood to adjourn.

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

Time: 8:36 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ART STUDIO AT 618 N. CENTRAL AVE. APPLICANT IS SUZANNE SPRAGGE AND PROPERTY OWNER IS DON COSE & ASSOCIATES. APPLICATION NUMBER CUP21-0005

DISCUSSION

Site and Project Description

Project site is located at 618 N. Central Ave. The subject property is an existing 725 sq. ft. tenant space inside the Clark Building north of 6th street plaza and the Central Ave., 6th street roundabout. The tenant to the south of the project site is Thai Café and to the north is Revive Cryotherapy. (Attachment A: Location Map)

The applicant, The Stained Canvas, is requesting a conditional use permit that would grant the project site the ability to have an art studio to conduct paint lessons, classes, and private events. The Stained Canvas has been operating at this site since April 2021 and recently became aware that the proposed art studio fits in Use Group 33, specialized recreational and instructional uses, which is a conditionally permitted use in the Central Business District zone.

The Stained Canvas provides open hours for solo painting and scheduled classes, lessons, and private events. The floor plan is open with three removable folding tables with six chairs each. The maximum amount of people for a lesson, class, or private event is 20. The instructional art classes are held on Friday and Saturday evenings and Sunday afternoons. The Stained Canvas general hours of operation during the week are from 11am to 5pm Monday to Thursday. (Attachment B: Site Plan/Floor Plan, Site Photograph)

Land Use Compatibility

The project site is zoned Central Business District (CBD) and has a General Plan designation of Downtown. The surrounding areas to the north, south, east, and west are zoned CBD with a General Plan designation of Downtown. An art studio is compatible with the surrounding uses of retail, restaurants, and office.

Parking

Whenever a new building is constructed or an existing building is enlarged or undergoes a use change that requires more parking than the previous use of a building, a minimum number of off-street parking spaces must be provided in accordance with the Tracy Municipal Code (TMC), except for in the CBD Zone. The CBD Zone is unique from other zones in the City in that the TMC provides an option for payment of an in-lieu fee, referred to as the CBD Zone parking in-lieu fee, in order to satisfy the minimum off-street

parking requirements. On October 6, 2015, the City Council approved a reduction of the CBD Zone parking in-lieu fee to \$0 as a five-year pilot program. On July 6, 2019, the City Council approved a five-year extension to the program. The ending date of the program is set at October 6, 2025. Any business established before that date does not need to pay the parking in-lieu fee.

Street parking is located on both sides of Central Ave. in the downtown with several spaces right in front of The Stained Canvas. Parking for the proposed business would be provided by on-street parking spaces and nearby public parking lots.

CEQA Documentation

The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15303, which pertains to the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the building. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve a conditional use permit to allow an art studio at 618 N. Central Ave., Application Number CUP21-0005, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated November 17, 2021 (Attachment C: Planning Commission Resolution).

RECOMMENDED MOTION

Move that the Planning Commission approve a conditional use permit to allow an art studio at 618 N. Central Ave., Application Number CUP21-0005, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated November 17, 2021.

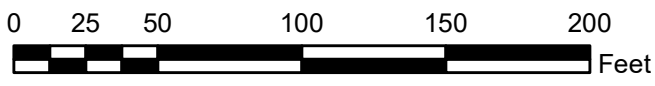
Prepared by Kenny Lipich, Assistant Planner
Reviewed by Scott Claar, Senior Planner
Approved by Bill Dean, Interim Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan/Floor Plan, Site Photograph
- C: Planning Commission Resolution



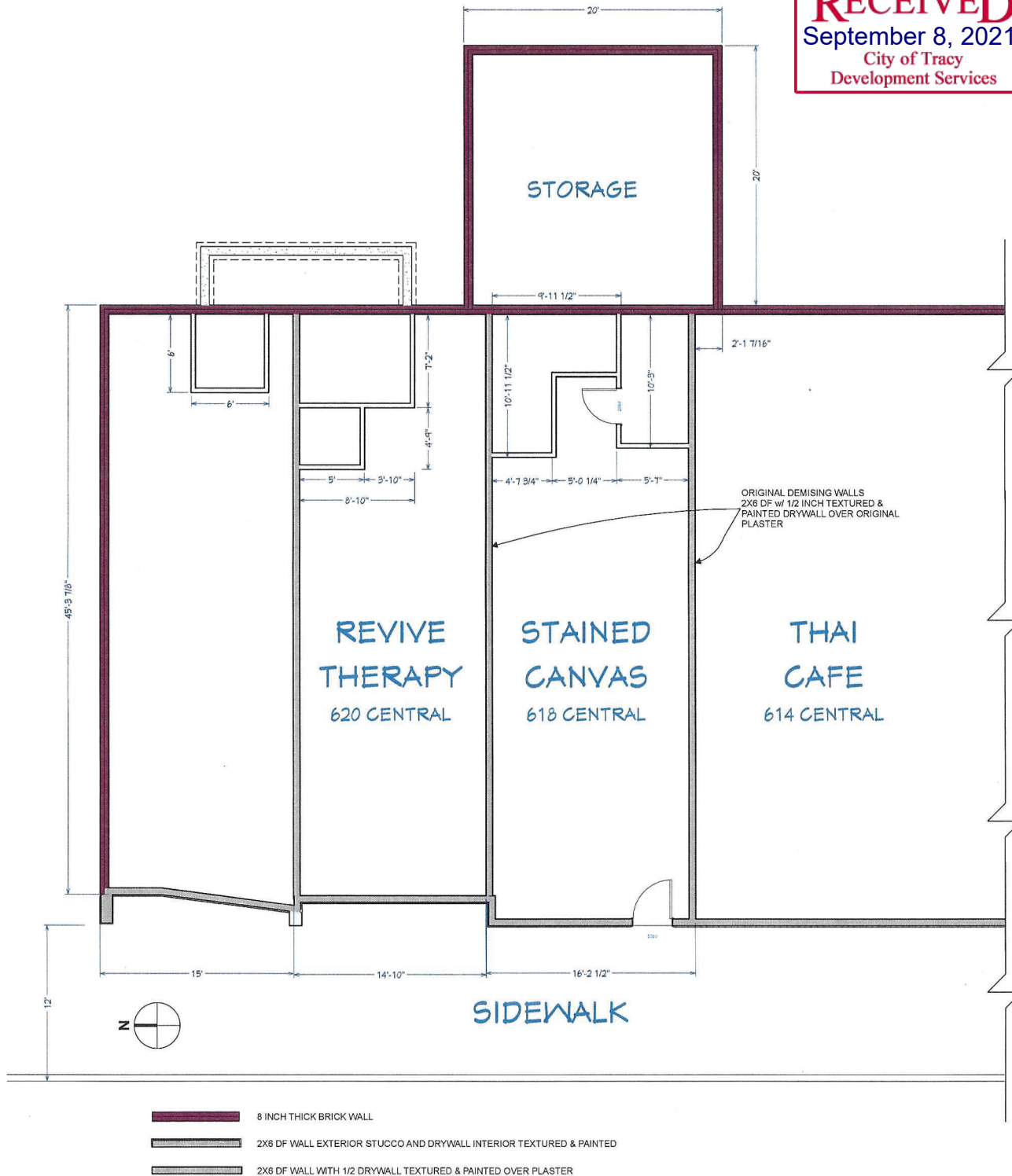
Think Inside the Triangle™



RECEIVED
 September 8, 2021
 City of Tracy
 Development Services

PETE MITRACOS
 BUILDING DESIGN
 209 835 0270
 PO Box 261 TRACY, CA 95378
 email - pete@mitracos.com

NO CONTRACT, DESIGN, AND APPROVALS, PERMITS, ETC. SHALL BE REQUIRED, AND NO OTHER FEES, SHALL BE REQUIRED FOR THE REVIEW AND APPROVAL OF THIS PROJECT. THE PROJECT IS THE PROPERTY OF THE CLIENT AND SHALL REMAIN THE PROPERTY OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE OBTAINMENT OF ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TRACY, CALIFORNIA.

STAINED CANVAS
618 CENTRAL AVE.
TRACY, CA 95376

REVISIONS

CLIENT

SITE PLAN

A-01

DATE 9/3/2021

Beautiful thing about art is that it comes from within you

PERSPECTIVE

Your own CREATIVITY

Your own IMAGINATION



RESOLUTION 2021- _____

APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN ART STUDIO AT 618
N. CENTRAL AVE., APPLICATION NUMBER CUP21-0005

WHEREAS, On July 8, 2021, Suzanne Spragge submitted an application for a conditional use permit to allow an art studio at 618 N. Central Ave., Application number CUP21-0005, and

WHEREAS, The subject property is zoned Central Business District and designated Downtown by the General Plan; and

WHEREAS, The proposed art studio fits in Use Group 33, specialized recreational and instructional uses, which is conditionally permitted within the Central Business District 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 15303 which pertains to the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the building. No further environmental assessment is necessary; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Conditional Use Permit application number CUP21-0005 on November 17, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve a Conditional Use Permit to allow an art studio at 618 N. Central Ave. The approval of Conditional Use Permit Number CUP21-0005 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 use is 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 an art studio is allowed in the Central Business District zone if a Conditional Use Permit is approved by the Planning Commission and the art studio is compatible with other permitted uses in the Central Business District Zone, such as retail, restaurants, and office.
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 18 Central Business District 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 17th day of November 2021, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditional Use Permit
Conditions of Approval

The Stained Canvas – An Art Studio
618 N. Central Ave.
Application Number CUP21-0005
November 17, 2021

These Conditions of Approval shall apply to the Conditional Use Permit to allow an art studio at 618 N. Central Ave., Application Number CUP21-0005 (hereinafter “Project”), proposed by Suzanne Spragge (hereinafter “Applicant”) and Don Cose & Associates (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 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 Conditional Use Permit Application Number CUP21-0005.
 - 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 proposed art studio at 618 N. Central Ave., Application Number CUP21-0005.
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. The project shall be operated in substantial conformance with the project description received by the Development Services Department on July 8, 2021 and the site plan/floor plan received on September 8, 2021, except as modified herein, to the satisfaction of the Development Services Director.
2. 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.

C. Building Division Conditions

1. Prior to occupancy and continued use of the building, the applicant shall provide plans that use an occupant load factor of 20 for The Stained Canvas floor area, per CBC Table 1004.

2. Prior to the occupancy and continued use of the space, the applicant shall provide construction documents showing that a 2-hour fire rated wall separating "The Stained Canvas" and "Thai Cafe" per CBC Table 508.4. Alternatively, the applicant can provide documentation showing that an existing 2-hour wall is in place.

D. South County Fire Authority Conditions

1. Prior to occupancy, applicant shall submit evidence of 2-hour fire rated wall between Stained Canvas & Thai Café. Should documents not be available, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - i. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
 - ii. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
2. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. They key to such shall be secured in the key box.
3. Occupant load for the tenant space is calculated as follows:

Room Name	Square Footage	Occupant Load Factor	Occupant Load
Storage 1	71 sf	300 gross	1
Storage 2	52 sf	300 gross	1
Paint Area	571 sf	20 net	29
Total Occupant Load:			31

4. Upon submittal of building permit additional comments may occur.
5. All invoices for reviews shall be paid prior to the release of conditions of approval.

AGENDA ITEM 1.B

REQUEST

PUBLIC HEARING TO CONSIDER AMENDMENDING THE ZONE DISTRICT OF TWO SITES: (1) APPROXIMATELY 35 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, APPROXIMATELY ONE-QUARTER MILE EAST OF TRACY BOULEVARD; AND (2) APPROXIMATELY 4.6 ACRES NORTHWEST OF THE INTERSECTION OF THIRD STREET AND EVANS STREET – APPLICANTS ARE JUAN BAUTISTA AND THE CITY OF TRACY – APPLICATION NUMBERS R21-0005 AND R21-0002

DISCUSSION

Project Description

This proposal is to amend the zone district for two separate sites: the Valpico Road Site and the Third Street Site.

The Valpico Road Site is located on the north side of Valpico Road, approximately one-quarter mile east of Tracy Boulevard, centered around Mission Court, a public street approved many years ago but never built. Attachment A is an excerpt from the City's General Plan Map identifying the location of the Valpico Road Site. The Valpico Road Site includes five lots, plus the Mission Court right-of-way, totaling approximately 35 acres. The proposal is to rezone this 35-acre site from Light Industrial (M-1) to High Density Residential (HDR). Attachments B and C identify the existing zoning of the site (M-1) and proposed zoning (HDR), respectively. This rezoning is initiated by the City and no development application for any portion of this property is proposed or being processed by the City at this time.

The Third Street Site is located northwest of the intersection of Third Street and Evans Street, includes ten lots, and comprises approximately 4.6 acres. Attachment D identifies the location of the Third Street Site and its General Plan designation. The proposal is to rezone the eastern portion of the site, containing existing single-family homes, from Light Industrial to Medium Density Cluster (MDC). The proposal for the western portion of the site is to rezone it from Light Industrial to Medium Density Residential (MDR). Other than a single-family home on each of two vacant properties along Third Street, no development application for any portion of this property is proposed or being processed by the City at this time.

Purpose of the Zoning Amendments

The City's General Plan is the overarching policy document concerning the City's growth and development. The City's Zoning Ordinance contains specific regulations to implement the policies of the General Plan.

One component of the General Plan is a General Plan map, which contains land use designations and other policies. The City of Tracy's General Plan Map contains 16 different land use designations. Each land use designation is implemented by one or

more zoning districts. For example, the Valpico Road Site has a General Plan designation of Residential High. The Residential High designation has a characteristic housing type of multifamily residential, including triplexes, fourplexes, apartments, and condominiums within a density range of from 12.1 to 25 dwelling units per gross acre, although not limited to attached housing types. The City uses the High Density Residential (HDR) Zone District to implement the Residential High General Plan designation. The HDR Zone, being consistent with the General Plan, allows a residential density of 12.1 to 25 dwelling units per gross acre. The Zone also contains the specific development standards (setbacks, height limits, parking, etc.) and the permitted and conditionally permitted land uses within the Zone.

When cities decide future land uses, they first establish the General Plan designation; then create and establish the zone district to implement the General Plan designation. In accordance with State law, a site's zoning is required to be consistent with the General Plan. If there is a discrepancy between the two, the General Plan designation takes precedence because it is the City's guiding policy document, from which zoning and other implementation ordinances are developed.

The purpose of these proposed zoning amendments is to bring the zoning of these two sites into consistency with the General Plan designation of each site. The policy decision to support high and medium density residential development on these sites was made, in the past, with each site's General Plan designation. Therefore, these zoning actions can be considered 'cleanup' items to make the zoning consistent with the General Plan.

Valpico Road Site. Industrial zoning of the Valpico Road Site dates back many decades, likely to the 1960s when the property was annexed to the City. Until the early 1990s, this south area of the City was viewed as a developing industrial area. Industries were constructed on the north and south sides of Valpico Road and west of Tracy Boulevard along the (north-south running) Union Pacific Rail Spurs extending into this vicinity from the rail tracks in the Downtown area and from the rail line along Linne Road. In the middle 1980s, the City began approving residential development in this vicinity, followed by grocery, retail, and consumer services. The area experienced a gradual transition from an industrial center to the residential/commercial area of today. In 2006, the City responded to this change by amending the General Plan designation of the Valpico Road Site from Industrial to Residential High. The current rezoning request is a programmed follow-up step of the City's decision to change the General Plan designation from Industrial to Residential High.

Rezoning the Valpico Road Site to HDR is also a commitment made by the City in the City's existing Housing Element, adopted by the City Council in 2016. State housing law requires each city's Housing Element to contain an inventory of available, vacant sites for residential development. These sites should contain appropriate zoning to accommodate residential development. Although the General Plan designation of this site is Residential High, the zoning has not yet been made consistent with the General Plan designation, and therefore the City committed to rezone this site following adoption of the Housing Element. California Government Code Section 65860 requires a city's zoning ordinance to be consistent with its General Plan. During the last Housing Element update process (in 2016), the State Department of Housing and Community

Development notified the City that it would not recognize the Valpico Road Site as part of Tracy's vacant sites inventory until the site is rezoned to HDR.

As noted above, development in the HDR Zone may occur at a density of from 12.1 to 25 dwelling units per gross acre. Within that density range, this 35-acre site could eventually accommodate between 425 and 875 residential dwelling units.

Third Street Site. The Third Street Site, by contrast, has a General Plan designation of Residential Medium, which provides for development within a density range of from 5.9 to 12 dwelling units per gross acre. The Residential Medium General Plan designation may be implemented by either the Medium Density Residential (MDR) Zone or the Medium Density Cluster (MDC) Zone. Both of these zone districts allow the same overall density range, but the MDC Zone is geared toward small-lot, single-family home development while the MDR Zone requires larger lots and is set up to focus on attached, multifamily development.

Therefore, the recommendation for the MDC Zone on the existing, smaller lots on the east portion of the Third Street Site would more-closely coincide with that area's existing lot pattern, while the MDR Zone could provide for duplexes, fourplexes, or small apartments on the west side of the site, which primarily consists of approximately three acres of vacant property.

The Third Street Site shares some characteristics of the Valpico Road Site, in that it is near or adjacent to existing or former industrial uses and may have been considered for industrial development in the past. Today, the adjacent Bow-Tie area is designated Downtown by the City's General Plan (no longer industrial) and would be more compatible with, and mutually supportive of, adjacent residential development, as envisioned by the General Plan.

An application to rezone the vacant property at 209 E. Third Street (located within the Third Street Site, third lot west of Evans Street) from Light Industrial to Medium Density Cluster was initiated by the owner of the site, Juan Bautista. Mr. Bautista desires to construct a single-family home on the lot and submitted a building permit application to do so. In order for the building permit application to be consistent with the zoning, one of the criteria needed to obtain a building permit, the site must be rezoned from Light Industrial. Approval of this rezoning request will enable Mr. Bautista to obtain a building permit to construct a new single-family home.

The owner of property at 243 E Third Street, also located within the Third Street Site (immediately at the northwest corner of Third and Evans Streets), has likewise expressed a desire to construct a single-family home on that site, which could be allowed following approval of this rezoning application.

City staff requests the Planning Commission expand the boundaries of Mr. Bautista's request for his lot at 209 E. Third Street to include the entire Third Street Site because this entire 4.6-acre area experiences the inconsistency between the zoning and General Plan designation and will benefit from the rezoning.

CEQA Documentation

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 proposal is to amend the zoning of the two sites, resulting in zoning consistent with the existing General Plan designation of each site. No change is proposed to the General Plan designation of either site. The development density allowed under the proposed zone districts, therefore, was analyzed in the City's General Plan EIR. Furthermore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no additional CEQA documentation is required.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council approve the zoning district amendments for both the Valpico Road Site and the Third Street Site.

MOTION

Move that the Planning Commission recommend that the City Council approve the zoning district amendments for the Valpico Road Site and the Third Street Site as indicated in the November 17, 2021 Planning Commission Resolution.

Prepared by: Alan Bell, Senior Planner

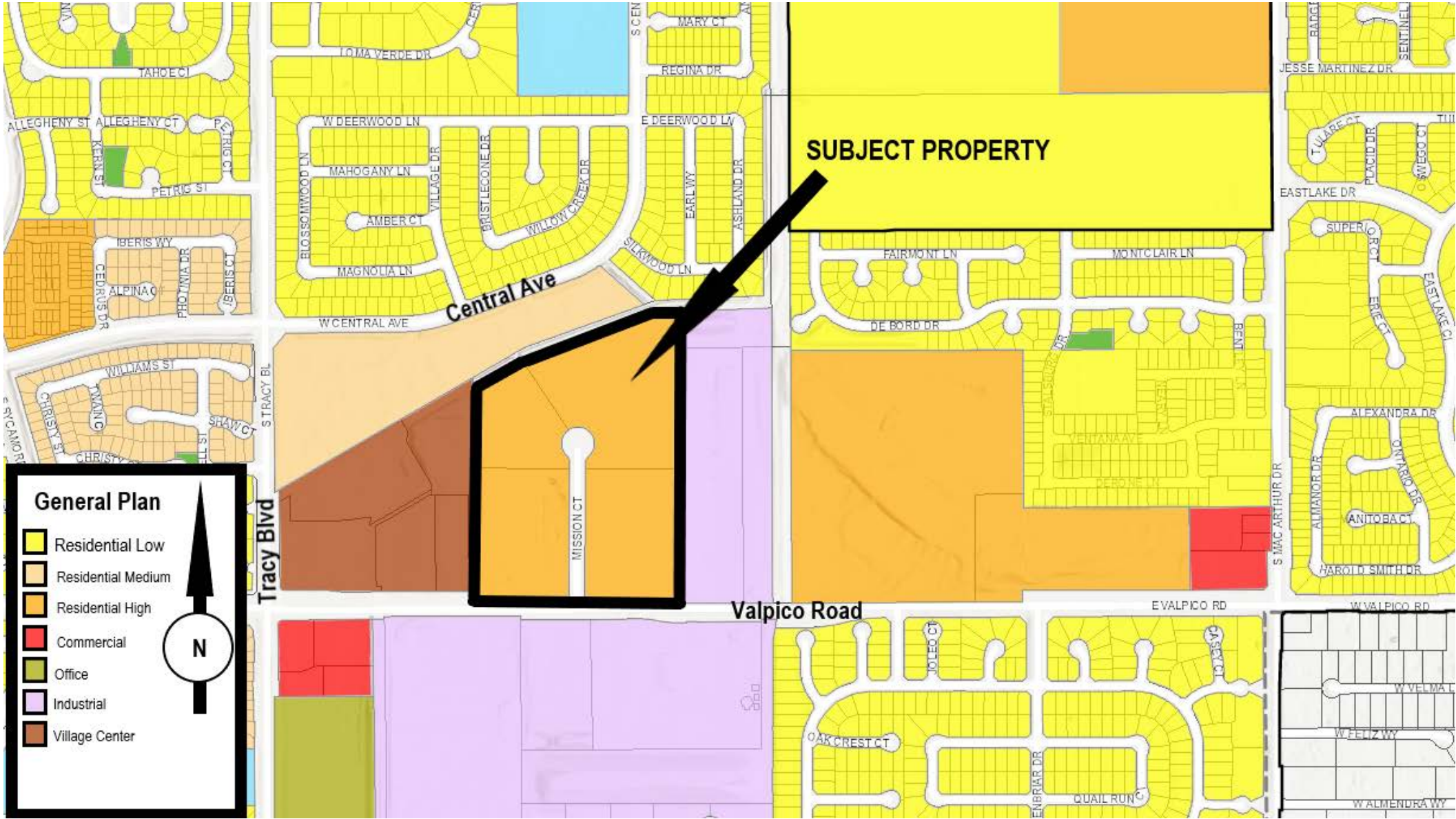
Reviewed by: Scott Claar, Senior Planner

Approved by: Bill Dean, Interim Development Services Director

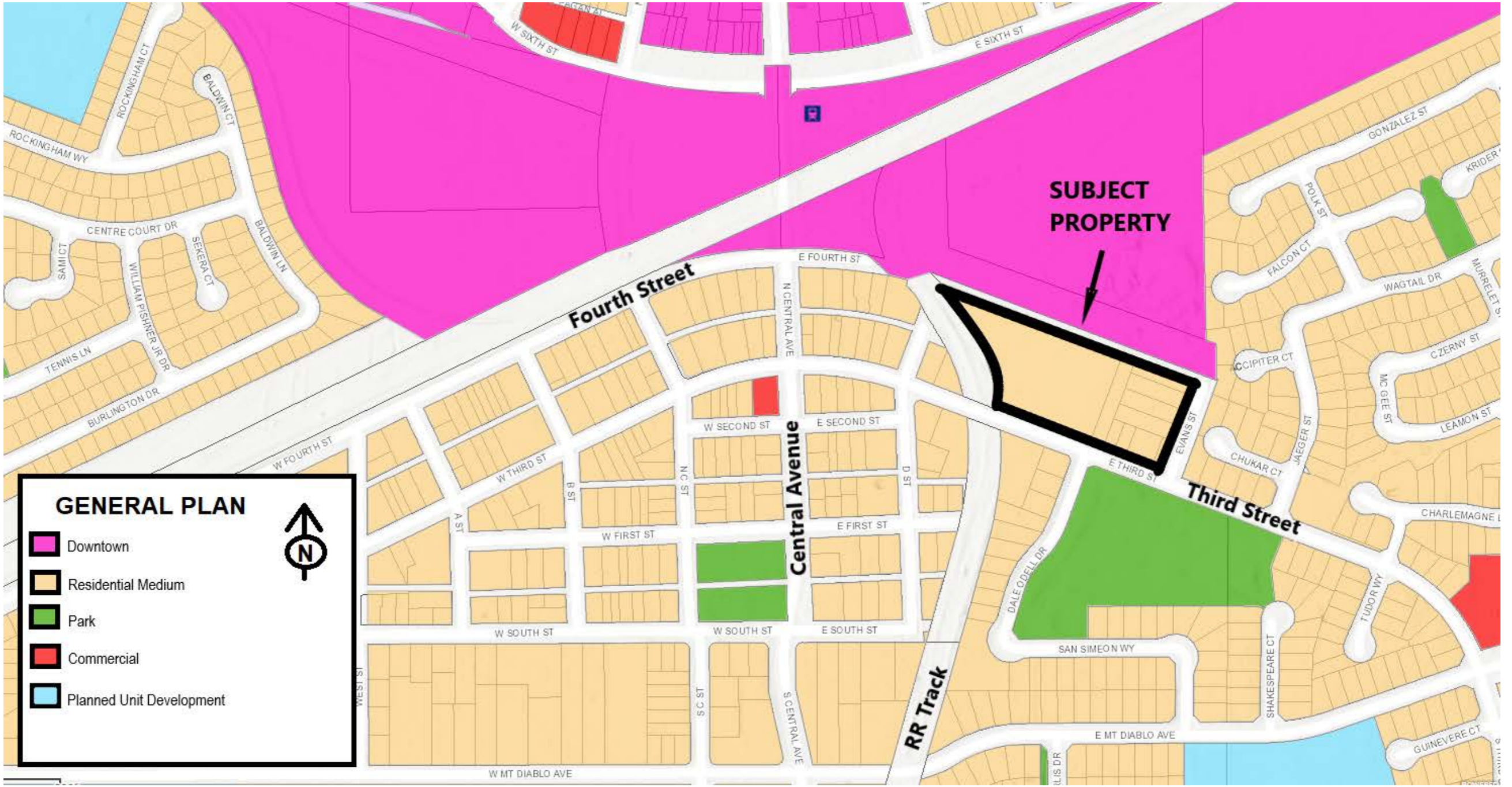
ATTACHMENTS

- Attachment A – General Plan Map Excerpt of the Valpico Road Site
- Attachment B – Existing Zoning of the Valpico Road Site
- Attachment C – Proposed Zoning of the Valpico Road Site
- Attachment D – General Plan Map Excerpt of the Third Street Site
- Attachment E – Existing Zoning Map of the Third Street Site
- Attachment F – Proposed Zoning of the Third Street Site
- Attachment G – Aerial photographs of both the Valpico Road and Third Street Sites
- Attachment H – Proposed Planning Commissions Resolutions, including Draft City Council Ordinance Exhibits

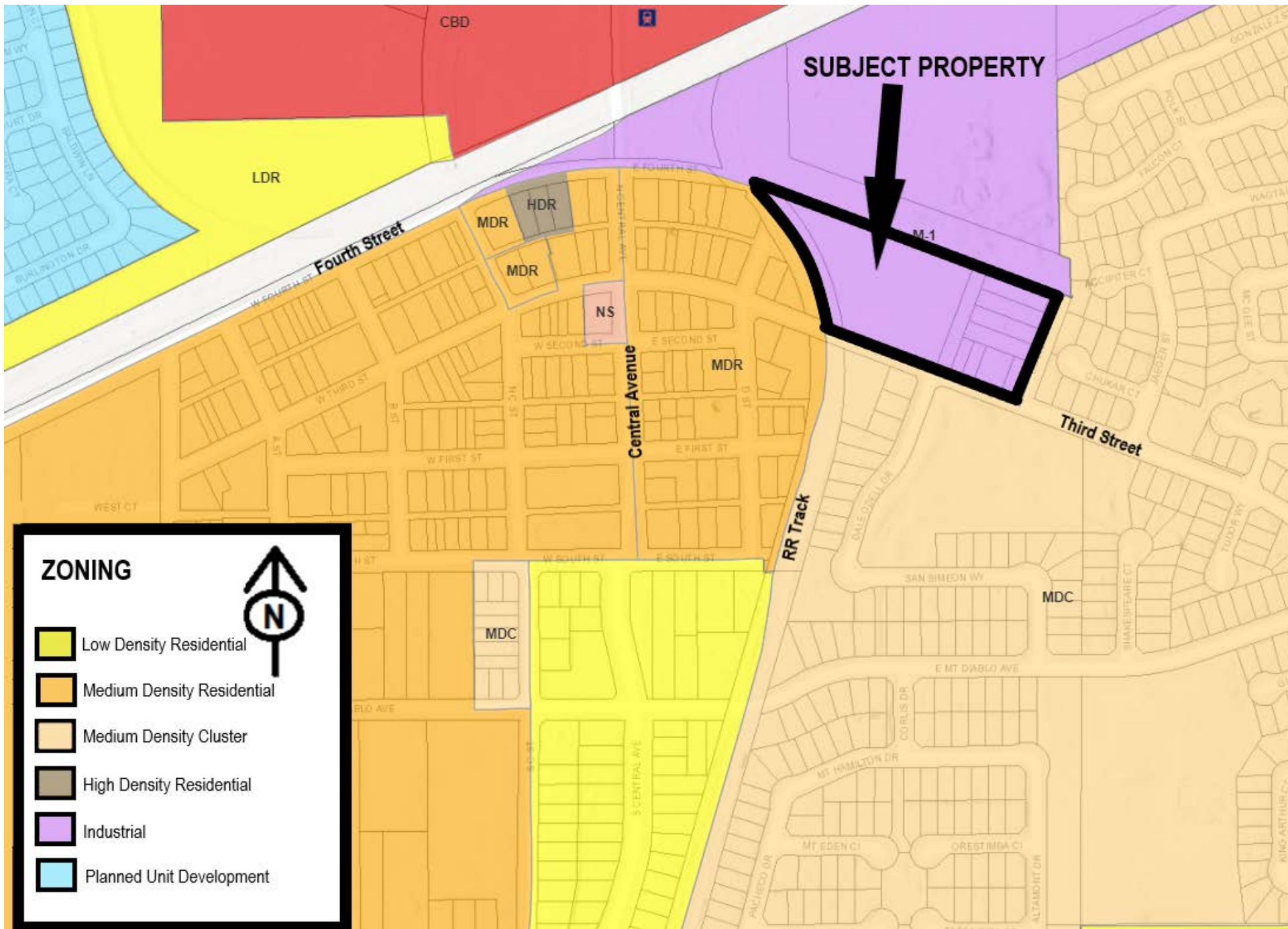
GENERAL PLAN VALPICO ROAD SITE



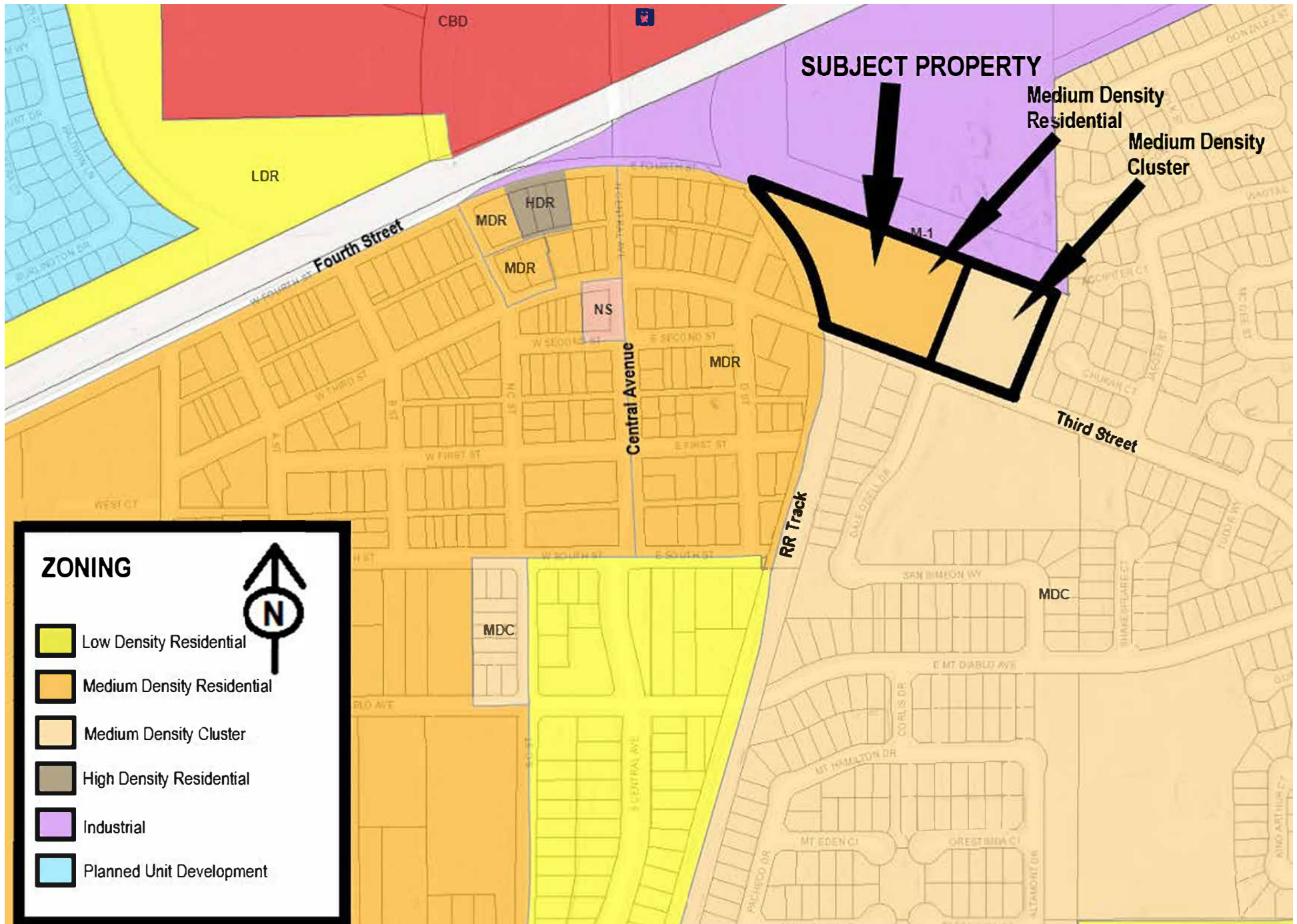
GENERAL PLAN THIRD STREET SITE



EXISTING ZONING THIRD STREET SITE



PROPOSED ZONING THIRD STREET SITE



VALPICO ROAD SITE



THIRD STREET SITE



RESOLUTION 2021-_____

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE ZONING
OF PROPERTY LOCATED AT VALPICO ROAD AND MISSION COURT
THE APPLICANT IS THE CITY OF TRACY – APPLICATION NUMBER R21-0005

WHEREAS, The subject property includes five lots, approximately 35 acres, and is located on the north side of Valpico Road, approximately one-quarter mile east of Tracy Boulevard, centered on Mission Court, (APNs 246-130-03, 04, 05, 06, a portion of 246-010-08, and the Mission Court right-of-way), indicated on Attachments B and C of the November 17, 2021 Planning Commission staff report, and

WHEREAS, The City of Tracy City Council designated the subject property Residential High with the General Plan update on February 1, 2011, Resolution 2011-029, and

WHEREAS, In accordance with State law, the zoning of the property (currently Light Industrial) should be consistent with the General Plan, and

WHEREAS, The High Density Residential (HDR) Zone is consistent with the Residential High General Plan designation and is designed to implement the Residential High General Plan designation, and

WHEREAS, The proposed zoning amendment will not change the development density of the site as established by the Residential High General Plan designation and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no additional CEQA documentation is required, and

WHEREAS, The Planning Commission conducted a public hearing to consider the proposed zoning amendment on November 17, 2021;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends that the City Council approve an amendment to the zoning of the subject property described above and indicated on Attachments B and C to the November 17, 2021 staff report, from Light Industrial (M-1) to High Density Residential (HDR) (Draft City Council Ordinance Exhibit 1).

* * * * *

The foregoing Resolution 2021-_____ was adopted by the Planning Commission on the 17th day of November, 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 _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE ZONING OF PROPERTY
LOCATED ON THE NORTH SIDE OF VALPICO ROAD,
APPROXIMATELY ONE-QUARTER MILE EAST OF TRACY BOULEVARD,
FROM LIGHT INDUSTRIAL TO HIGH DENSITY RESIDENTIAL

WHEREAS, The City of Tracy City Council designated the subject property Residential High with the General Plan update on February 1, 2011, Resolution 2011-029, and

WHEREAS, In accordance with State law, the zoning of the property (currently Light Industrial) should be consistent with the General Plan, and

WHEREAS, The High Density Residential Zone is consistent with the Residential High General Plan designation and is designed to implement the Residential High General Plan designation, and

WHEREAS, The proposed zoning amendment will not change the development density of the site as established by the Residential High General Plan designation and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no additional CEQA documentation is required, and

WHEREAS, On _____, the City Council conducted a public hearing to review and consider the zoning amendment;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The Zoning Map of the City of Tracy is hereby amended to reclassify the following property from Light Industrial (M-1) to High Density Residential (HDR):

Approximately 35 acres located on the north side of Valpico Road, approximately one-quarter mile east of Tracy Boulevard, centered around the (unbuilt) Mission Court public right-of-way, Assessor's Parcel Number 246-130-03, 04, 05, 06, and the adjacent portion of 246-010-08, indicated on Exhibit 1.

SECTION 2: This Ordinance shall take effect 30 days after 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.

* * * * *

Page 2
Ordinance _____

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council held on the ____ day of _____, 2021, and finally adopted on the ____ day of ____ 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

Exhibit 1 – Property Rezoned from Light Industrial to High Density Residential

RESOLUTION 2021-_____

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE ZONING
OF PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF THIRD STREET AND
EVANS STREET - THE APPLICANTS ARE JUAN BAUTISTA AND THE CITY OF TRACY –
APPLICATION NUMBER R21-0002

WHEREAS, The subject property includes ten lots, approximately 4.6 acres, and is located on the north side of Third Street, west of Evans Street, between Evans Street and the Union Pacific Rail line, currently zoned Light Industrial (M-1), indicated in Attachments E and F of the November 17, 2021 Planning Commission staff report, and

WHEREAS, The General Plan designation of the subject property is Residential Medium, which was confirmed with the General Plan update on February 1, 2011, Resolution 2011-029, and

WHEREAS, In accordance with State law, the zoning of the property should be consistent with the General Plan, and

WHEREAS, The Medium Density Cluster (MDC) Zone and the Medium Density Residential Zone (MDR) are consistent with the Residential Medium General Plan designation and are designed to implement the Residential Medium General Plan designation, and

WHEREAS, The property proposed to be rezoned from M-1 to MDC includes the east portion of the site: 209, 221, and 243 E. Third Street; and 323, 329, 335, and 342 Evans Street (APNs 235-120-03, 04, 05, 06, 07, 08, 09, and 10), and

WHEREAS, The property proposed to be rezoned from M-1 to MDC includes the west portion of the site: 205 and 207 E. Third Street (APNs 235-120-01 and 02), and

WHEREAS, The proposed zoning amendment will not change the development density of the site as established by the Residential Medium General Plan designation and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no additional CEQA documentation is required, and

WHEREAS, The Planning Commission conducted a public hearing to consider the proposed zoning amendment on November 17, 2021;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends that the City Council approve an amendment to the zoning of the subject property described above and indicated on Attachments E and F to the November 17, 2021 staff report, from Light Industrial (M-1) to Medium Density Cluster (MDC) and Medium Density Residential (MDR) (Draft City Council Ordinance, Exhibit 1).

* * * * *

The foregoing Resolution 2021-_____ was adopted by the Planning Commission on the 17th day of November, 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 _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE ZONING
OF PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF THIRD STREET
AND EVANS STREET, FROM LIGHT INDUSTRIAL
TO MEDIUM DENSITY CLUSTER AND MEDIUM DENSITY RESIDENTIAL

WHEREAS, The City of Tracy City Council most recently confirmed the General Plan designation of the subject property Residential Medium with the General Plan update on February 1, 2011, Resolution 2011-029, and

WHEREAS, In accordance with State law, the zoning of the property (currently Light Industrial) should be consistent with the General Plan, and

WHEREAS, The Medium Density Cluster Zone and the Medium Density Residential Zone are consistent with the Residential Medium General Plan designation and are designed to implement the Residential Medium General Plan designation, and

WHEREAS, The proposed zoning amendment will not change the development density of the site as established by the Residential Medium General Plan designation and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no additional CEQA documentation is required, and

WHEREAS, On _____, the City Council conducted a public hearing to review and consider the zoning amendment;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The Zoning Map of the City of Tracy is hereby amended to reclassify the following property from Light Industrial (M-1) to Medium Density Cluster (MDC):

Eight lots: 209, 221, and 243 E. Third Street (Assessor's Parcel Numbers 235-120-07, 08, 09, and 10); and 323, 329, 335, and 342 Evans Street (Assessor's Parcel Numbers 235120-03, 04, 05, and 06), indicated on Exhibit 1.

SECTION 2: The Zoning Map of the City of Tracy is hereby amended to reclassify the following property from Light Industrial (M-1) to Medium Density Residential (MDR):

Two lots: 205 and 207 E. Third Street, Assessor's Parcel Numbers 235-120-01 and 02, indicated on Exhibit 1.

SECTION 3: This Ordinance shall take effect 30 days after final passage and adoption.

SECTION 4: This Ordinance shall be published once in a newspaper of general circulation within 15 days from and after its final passage and adoption.

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council held on the ___ day of _____, 2021, and finally adopted on the ___ day of ___ 2022, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

Exhibit 1 – Property Rezoned from Light Industrial to Medium Density Cluster and Medium Density Residential