

Wednesday, January 12, 2022, 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, MASKS ARE REQUIRED FOR ALL 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:** 2556 677 0270 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.
 - **Join by phone by dialing** +1-408-418-9388, enter 25566770270#75266464# Press *3 to raise the hand icon to speak on an item.

- *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.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 11/17/21 REGULAR 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 RETROFIT AN EXISTING FREEWAY SIGN TO A DIGITAL FREEWAY SIGN. THE PROJECT IS LOCATED AT THE SHOPS AT NORTHGATE VILLAGE, 1005 E. PESCADERO AVENUE – APPLICANT IS CK SIGN SERVICES FOR 51 NEWCO LLC ETAL - ASSESSOR'S PARCEL NUMBER 213-060-40.
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: January 07, 2022

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.

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**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 17, 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 Orcutt, Vice Chair Wood, and Chair Hudson present. Commissioner Francis was not present at roll call. Also present were: Scott Claar, Senior Planner; Alan Bell, Senior Planner; Kenny Lipich, Assistant Planner; Dan Doporto, Consulting Attorney; Gina Peace, Executive Assistant; and Kellie Jones, Administrative Assistant.

MINUTES

Chair Hudson introduced the Special Meeting Minutes from the October 6, 2021 meeting.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Atwal to approve the October 6, 2021 Planning Commission Special meeting minutes. A voice vote found all in favor. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

NOTE: Dan Doporto, Consulting Attorney joined the meeting at 7:05 p.m. Commissioner Francis joined the meeting virtually at 7:07 p.m.

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

Commissioner Wood recused himself from Item 1.A at 7:04 p.m. and left the dais.

Kenneth Lipich, Assistant Planner, presented the staff report.

Suzanne Spragge, Applicant, spoke and addressed questions from the Commission.

Don Cose, Property Owner, spoke in favor of the Conditional Use Permit.

Staff addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 7:17 p.m.

Kim Scarlata, Scarlata Farms, spoke in favor of the permit.

There were three (3) public comments received via email in favor of the permit. Comments were not read into record, but redacted copies were provided to the Commission, available to the public at the meeting, and are attached to the meeting Minutes as Attachment A, B and C.

Chair Hudson closed the Public Hearing at 7:21 p.m.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Atwal 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).

A roll call vote found all in favor. Passed and so ordered; 4-0-0-1.

NOTE: Commissioner Wood rejoined the meeting and dais for Item 1.B. at 7:23 p.m.

B. 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

Alan Bell, Senior Planner, presented the staff report.

Commissioner Orcutt confirmed he does not reside within 500 feet of the rezone area, thus will continue to preside over this hearing.

Chair Hudson opened the Public Hearing at 7:55 p.m.

Marcilina Blea, Tracy Resident, spoke against the Rezone on Evans and Third Street.

Chair Hudson closed the Public Hearing at 7:58 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 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.

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

None.

4. ITEMS FROM THE COMMISSION

Commissioner Wood expressed he enjoys these types of meetings and debates. Chair Hudson reminded the Commission of proper public debate protocol.

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: 8:09 p.m.

CHAIR

STAFF LIAISON

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11/17/2021

To Whom It May Concern:

Re: The Stained Canvas

The Stained Canvas is a huge asset to Tracy's downtown community. Suzy provides a place for not only adults but also kids to be creative, to learn & to have fun...a lot of fun. She has created such a unique business as people can walk in, relax and just paint by themselves or they can celebrate birthdays and other memorable events there. My kids frequently paint with Miss Suzy. We've made a routine out of it because they love painting and Miss Suzy so much! And she isn't one of those business owners that isn't there. She is so hands on and the studio is open literally all the time, which is extremely important in a downtown community. It's also important as small business owners to support each other as we are only stronger together. And boy did I luck out with getting The Stained Canvas as my neighbor! Since Suzy moved in, I have had direct sales & contacts made from her clients... not just because they see my location but also because she supports me and her neighbors and informs her clients about my services. I hope this letter helps The Stained Canvas, I couldn't think of a better gem located in downtown Tracy.

Neighbor to The Stained Canvas

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From:
Sent: Wednesday, November 17, 2021 4:31 PM
To: Public Comment <publiccomment@cityoftracy.org>
Subject: Event # 2559-168-3997, application CUP21-0005, art studio statement

Hello,

My name is _____. I've been a resident of Tracy for nearly 20 years now. I can remember when 11th street and Lammers were dirt roads with a makeshift stop sign/light. I've seen a lot of changes in Tracy throughout the nearly two decades I've lived here, some not so good, and many for the betterment of the city. The Stained Canvas is helping better our community.

In the short time The Stained Canvas has opened their doors they've become a staple downtown. I was introduced to The Stained Canvas during this past summer of 2021 with some friends. We had such a good time that I started going back on my own.

Suzy and the environment she created there allowed me to express myself artistically, something I didn't think I had. Painting has become a form of therapy for myself, and something I can see visible, physical progress in. Since my initial visit, I am starting to see that in others that frequent The Stained Canvas as well.

I am a Registered Nurse working in the Emergency Department for over 8 years now. My career is full of non-stop stress and rapid decision making. The Stained Canvas has become a place where things can slow down, people can breathe and relax, tap into a new skill, gain confidence in themselves, have fun, and when the time is up leave with something more than just a painting.

The Stained Canvas is a place where people can express themselves creatively. You go there unsure, maybe even not wanting to paint, and leave with joy and gratitude for Suzy and The Stained Canvas. That's how I feel, and that's how the people I talk to and have met there feel as well. I may go in by myself, but I always leave meeting new friends of all ages. That's what The Stained Canvas contributes to this city, a sense of community and acceptance.

WE, the community, need The Stained Canvas to operate and flourish for as long as possible. Suzy and her vision for reaching others is unmatched and heartfelt. We need The Stained Canvas to stay here in the heart of downtown Tracy. Thank you for your time.

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From:

Sent: Wednesday, November 17, 2021 4:05 PM

To: Public Comment <publiccomment@cityoftracy.org>

Subject: Item 1.A: CUP21-0005

Dear Planning Commission,

I am writing to you today encouraging your approval of the Conditional Use Application (CUP21-0005) made by Suzanne Spragge, operator of the Stained Canvas here in Downtown Tracy.

Over the last number of months, the Stained Canvas has become an integral part of our downtown ecosystem, bringing many new faces and foot traffic to the 6th Street & Central Avenue corridor. It is exactly the type of service-oriented business we need to help us transform ourselves from what has become a very challenging effort to attract traditional retail.

Thinking outside the box and current limitations within the Central Business District zone will help us adapt to an economy that is much different than what was envisioned back when policy was created, and can be part of the much needed vision/guidance for a new Downtown Specific plan currently in the works.

Please do not hesitate to contact me directly with any questions.

Sincerely,

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January 12, 2022

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO RETROFIT AN EXISTING FREEWAY SIGN TO A DIGITAL FREEWAY SIGN - THE PROJECT IS LOCATED AT THE SHOPS AT NORTHGATE VILLAGE, 1005 E. PESCADERO AVENUE – APPLICANT IS CK SIGN SERVICES FOR 51 NEWCO LLC ETAL - ASSESSOR’S PARCEL NUMBER 213-060-40.

DISCUSSION

Background

The existing shopping center, with its 70-foot tall freeway sign with a 20-foot by 30-foot face (600 square feet) was constructed in the early 1990’s. The shopping center owners requested to change the sign to a digital freeway sign, but such signs at that time were prohibited by Tracy Municipal Code. In 2019, Council directed staff to amend the Sign Ordinance to allow for digital freeway signs and that amendment was adopted in 2021 after Planning Commission review.

Discussion

The Tracy Municipal Code and the I-205 Corridor Specific Plan contain sign regulations for the proposed digital freeway sign upon the Planning Commission’s approval of a Conditional Use Permit.

A Conditional Use Permit may be granted for digital freeway signs in the I-205 Corridor Specific Plan if they meet certain locational, size, and display characteristic criteria including the following:

1. Being located within the Mac Arthur or Grant Line Planning North Planning areas of the I-205 Corridor Specific Plan
2. A maximum height of 45 feet and maximum area of 300 square feet, unless the proposed digital freeway sign is an existing freeway sign to be replaced with a digital freeway sign, in which case the height and area may match the existing sign.
3. The sign face display may change no more often than every eight seconds, and each message shall be static; i.e. not moving or animated.

Because the proposed sign is simply a re-face of the existing static illuminated freeway sign, located within the Mac Arthur Planning area and will comply with the regulations for changing copy, it meets all of the criteria set forth within the Municipal Code and the specific plan.

The existing sign, proposed to be refaced/retrofitted is 70 feet tall in overall height, with the sign cabinet (display area) starting at a height of 50 feet from the ground. It has a horizontally oriented sign face that is 20 feet tall and 30 feet wide (Attachment A), and is located on the western property line of the Shops at Northgate Village, approximately 250 feet south of the northern property boundary, and approximately 420 feet south of the freeway lanes (Attachment B).

The sign would remain the same in most respects, with only the cabinet's casing changing from white to black in color, and the sign's face changing from an internally illuminated cabinet with a plastic face to a changeable LED display.

Surrounding Properties

A public hearing notice was sent to all property owners within 300 feet of the project site, and staff specifically reached out to the new property owners of the site adjacent to and west of the sign to ensure they were aware of the proposal. The adjacent site has an approved four-story hotel project that has not yet begun construction. The hotel (if constructed) will have windows facing the sign, but the height of the top of the fourth-floor windows is approved at 36'6" above grade, and the height of the lowest illuminated portion of the existing sign is 50' above grade. That (minimum) 13'6" height difference will lower but not eliminate the impact of the illuminated sign on the future hotel rooms.

The brightness of the illumination, while it will be a different type of display, will not be any brighter than the current illuminated value. A recommended condition of approval will require the applicant to verify the brightness of the existing and proposed sign faces prior to the issuance of a building permit for the retrofit.

Environmental Document

The proposed Conditional Use Permit application is consistent with the Mitigated Negative Declaration to add definitions and regulations for digital freeway signs to the Tracy Municipal Code and I-205 Corridor Specific Plan, adopted by City Council on November 2, 2021. Pursuant to CEQA Guidelines, no further environmental review is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow for the conversion of the existing sign at 1005 E. Pescadero Avenue to be converted to a digital freeway sign, based on the findings contained in the Planning Commission Resolution dated January 12, 2022 (Attachment C).

RECOMMENDED MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow for the conversion of the existing sign at 1005 E. Pescadero Avenue to be converted to a digital freeway sign, based on the findings contained in the Planning Commission Resolution dated January 12, 2022 (Attachment C).

Agenda Item 1.A
January 12, 2022
Page 3

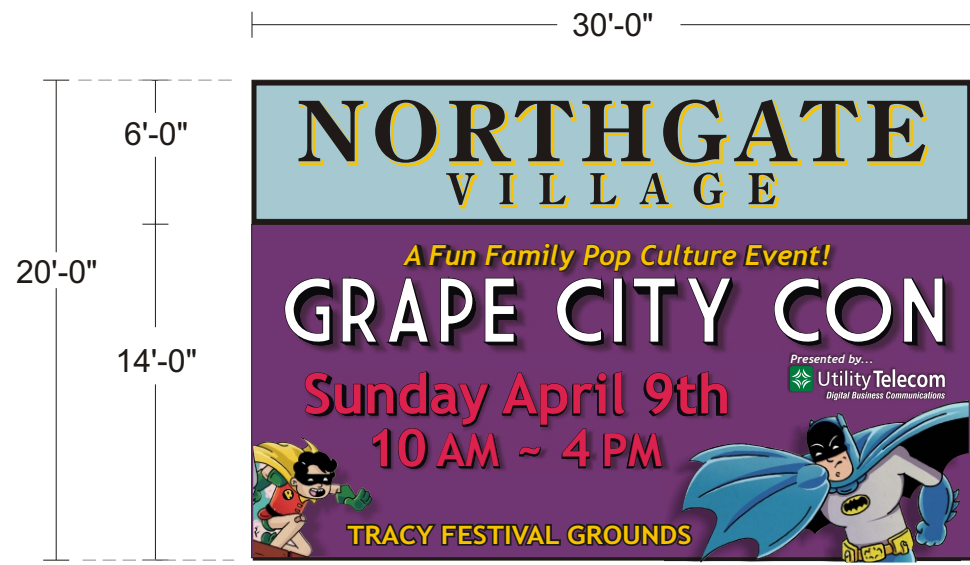
Prepared by Victoria Lombardo, Senior Planner
Reviewed by Scott Claar, Senior Planner
Approved by Bill Dean, Interim Development Services Director

ATTACHMENTS

- A. Elevations showing Proposed Digital Freeway Sign
- B. Sign Location
- C. Planning Commission Resolution

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RECEIVED
November 15 2021
City of Tracy
Development Services



Sign A - D/F Digital Retro-Fit
Scale: 1/8"=1'-0"

Sign A - D/F Digital Display

Specifications

Reface existing cabinet. Retro-Fit LED display.

I.D. Cabinet

Cabinet - D/F Aluminum painted satin Black.

Faces - White lexan w/ 1st surface vinyl overlays.

Vinyl - 3M 3630-22 Black, 3630-227 Azure Blue, 3630-27 Sunflower.

Retro-Fit White LED lighting system.

Remove & discard fluorescent lighting materials.

Retro-Fit

Install new LED boards into existing 20' x 30' wide cabinet.

LED Display - D/F 16 mm, 14'-0"x30'-0", full color.



LEGALITIES

THIS DESIGN IS THE PROPERTY OF CK CONSTRUCTION SERVICES IT CANNOT BE USED OR DUPLICATED BY ANYONE WITHOUT THE APPROVAL OF CK CONSTRUCTION SERVICES



All Electrical Signage Requires 120 Volt Service Unless Otherwise Specified By Customer Before Production

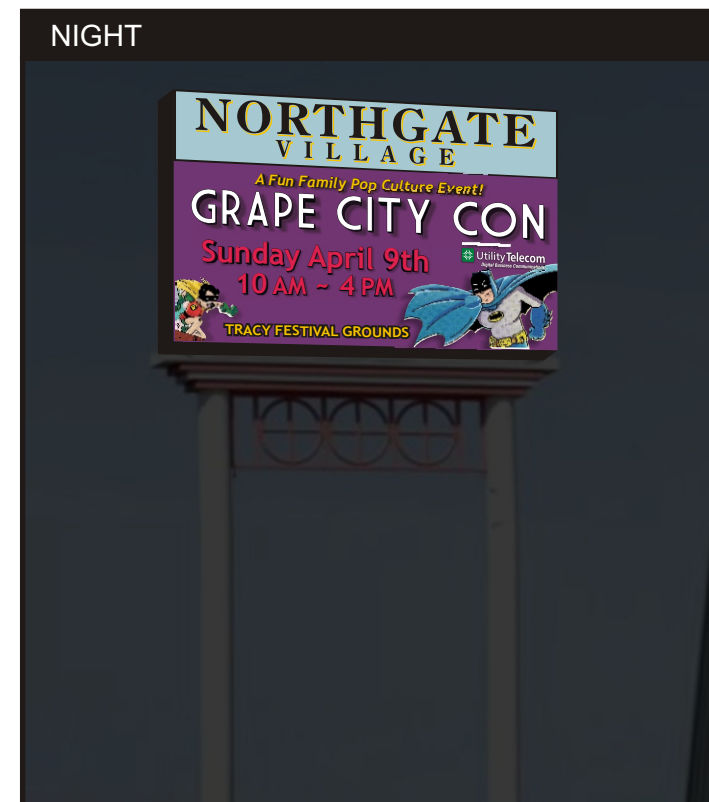
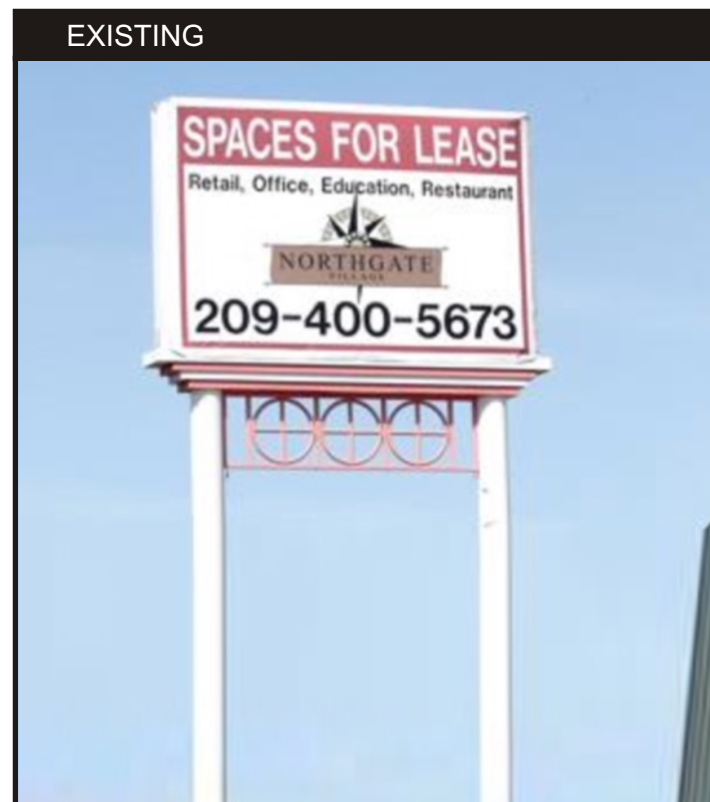
PROJECT:

Northgate Village

ADDRESS:

DATE: 9-20-18

REVISIONS:



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RESOLUTION 2022- _____

**APPROVING A CONDITIONAL USE PERMIT
TO RETROFIT THE EXISTING FREEWAY SIGN TO A DIGITAL FREEWAY SIGN
AT 1005 E. PESCADERO AVENUE;
ASSESSOR'S PARCEL NUMBER 213-060-40
APPLICATION NUMBER CUP21-0010**

WHEREAS, on November 2, 2021, the City Council approved an amendment to the Tracy Municipal Code's Sign Ordinance and an amendment to the I-205 Corridor Specific Plan with regard to signage requirements, including digital freeway signs, and said amendments became effective December 16, 2021, and

WHEREAS, The City Council adopted a Mitigated Negative Declaration on November 2, 2021 that studied the amendments to the City's sign regulations, including a specific analysis of digital freeway signs as a new sign type, and

WHEREAS, CK Sign Services, on behalf of 51 Newco LLC (property owner), submitted an application for a Conditional Use Permit (Application Number CUP21-0010) to retrofit the existing freeway sign on the site to a digital freeway sign on November 15, 2021, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on January 12, 2022;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby approves a Conditional Use Permit to retrofit the existing freeway sign at 1005 E. Pescadero Avenue to a digital freeway sign for the Shops at Northgate Village, Application No. CUP21-0010, subject to the conditions contained in Exhibit 1 to this Resolution, and based on the following findings:

Conditional Use Permit:

1. There are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

Digital freeway signs are permitted subject to specific criteria and the granting of a Conditional Use Permit as provided in Section 4.1.2.2.G.4 of the I-205 Corridor Specific Plan. The sign proposal meets those criteria because it is located in one of the designated planning areas where they are allowable (the Mac Arthur Planning Area), is a retrofit of an existing approved freeway sign, and will be conditioned to comply with the requirements of the Outdoor Advertising Act and Regulations, California Business and Professions Code Section 5200, and other state and federal statutes.

2. The proposed location of the Conditional Use Permit is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code, and the purposes of the zone in which the site is located.

The location of the proposed commercial use and its signage is consistent with the General Plan designation of commercial, the Tracy Municipal Code as modified by the I-205 Corridor

Specific Plan, and the Mac Arthur Planning Area in which it is located. The use of a digital freeway with sign is permitted upon the granting of a Conditional Use Permit.

- 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.

The signage, as designed and conditioned, will be harmonious with the properties and improvements in the vicinity and therefore will not have negative effects on property in the vicinity because the design is compatible with the existing building and is within the size range allowable for signs in this area. Furthermore, the proposed sign will meet the requirements of the California Environmental Quality Act, the Uniform Building Code, and applicable provisions of the Tracy Municipal Code and I-205 Specific Plan.

- 4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code.

The signage will comply with each of the applicable provisions of I-205 Corridor Specific Plan Sections 4.1.2.2.G.4, and with each applicable provision of the Tracy Municipal Code as modified by the I-205 Corridor Specific Plan.

The foregoing Resolution 2022- _____ was adopted by the Planning Commission on the 12th day of January, 2022, by the following vote:

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

CHAIR

ATTEST:

Staff Liaison

**Planning Division Conditions of Approval
Retrofit of the existing freeway sign to a Digital Freeway Sign
1005 E. Pescadero Avenue
Application Number CUP21-0010
January 12, 2022**

1. These Conditions of Approval (hereinafter “Conditions of Approval”) shall apply to the real property described by the Digital Freeway Sign for the Shops at Northgate Village (hereinafter “Project”), located at 1005 E. Pescadero Avenue.
2. 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” 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, I-205 Specific Plan, 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. “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.
 - e. “Conditions of Approval” shall mean the conditions of approval applicable to the Digital Freeway Sign for the Shops at Northgate Village (hereinafter “Project”), located at 1005 E. Pescadero Avenue, Application Number CUP21-0010. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
 - f. “Project” means the real property described as the Digital Freeway Sign for the Shops at Northgate Village (hereinafter “Project”), located at 1005 E. Pescadero Avenue.
 - g. “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.
3. 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”).

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. The signs shall be installed in conformance with the plans received by the Development Services Department on November 15, 2021.
6. The Digital Freeway Sign shall comply with the requirements of the Tracy Municipal Code as it pertains to Digital Freeway Signs, I-205 Corridor Specific Plan Section 4.1.2.2.G.4, Outdoor Advertising Act and Regulations, California Business and Professions Code Section 5200, and other state and federal statutes.
7. Prior to the issuance of a building permit for the conversion of the existing freeway sign to the digital format, the applicant shall provide the City with the existing illumination (brightness) information, and proposed illumination information to ensure that the new sign face does not exceed the illumination level of the existing sign.