

Wednesday, August 10, 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, UNIVERSAL MASKING INDOORS IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS.

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 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 "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" 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:** 2557 292 9134 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 25572929134#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 "New Business" or "Items from the Audience" portions of the agenda:*
 - *Listen for the Chair 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 "New Business" or "Items from the Audience" 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.

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 – 05/25/22 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 APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC READERBOARD SIGN FOR A PRIVATE SCHOOL AT 163 W. EATON AVE. APPLICANT IS CRAIG YESZIN AND PROPERTY OWNER IS PASTOR OF ST. BERNARD'S CHURCH. APPLICATION NUMBER CUP22-0010.
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: August 4, 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
MAY 25, 2022, 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 Augustus, Commissioner Boakye-Boateng, Vice Chair Orcutt, and Chair Hudson present. Also present were: Scott Claar, Senior Planner; Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Kenny Lipich, Assistant Planner; Al Gali, Associate Engineer; Majeed Mohamed, Assistant Engineer; Nancy Ashjian, Assistant City Attorney; and Gina Peace, Executive Assistant.

MINUTES

Chair Hudson introduced the Regular Meeting Minutes from the May 11, 2022 meeting.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Augustus to approve the May 11, 2022 Planning Commission Regular meeting minutes. 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

Alexander Heredia, representative of the NorCal Carpenters Union, addressed the Commission, regarding the long commute for carpenters in the Tracy area. Mr. Heredia left a business card for each of the Commissioners with the Recording Secretary.

Octavio, 17283 E. State Highway 120, Ripon, Journeyman, Local 152 Carpenters Union, out of Manteca, addressed the Commission, endorsing Mr. Heredia's comments.

1. NEW BUSINESS

**A. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY
COUNCIL REGARDING INTRODUCTION OF AN ORDINANCE APPROVING A**

REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO CENTRAL BUSINESS DISTRICT ZONE, AND APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS AND A 317 SQ. FT. ADDITION TO AN EXISTING BUILDING LOCATED AT 205 W. 9TH STREET. THE APPLICANT IS GURPREET DHALIWAL. THE PROPERTY OWNER IS SPI CAPITAL, LLC. APPLICATION NUMBERS R22-0001 AND D22-0008.

Kenny Lipich, Assistant Planner, presented the staff report and addressed questions from the Commission.

Applicant, Gurpreet Dhaliwal, addressed the Commission.

Chair Hudson opened the Public Hearing at 7:34 p.m., but seeing as no one came forward, the Public Hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Orcutt that the Planning Commission recommend that the City Council introduce and adopt an ordinance to rezone 205 W. 9th Street, from Medium Density Residential Zone to Central Business District Zone, Application Number R22-0001, as stated in the Planning Commission Resolution dated May 25, 2022. It was also moved that the Planning Commission recommend that the City Council approve a Development Review Permit for exterior modifications and a 317 sq. ft. addition to an existing building at 205 W. 9th Street, Application Number D22-0008.

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

B. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR AN RNG FUELING FACILITY AT 2200 N. CHRISMAN ROAD – APPLICANT IS COLE MOODY AND PROPERTY OWNER IS L&C EAGLE PROPERTIES, LLC - APPLICATION NUMBERS CUP21-0007 & D21-0023.

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Joe Smith, representing the owner and applicant, addressed the Commission. Greg Rosche, with Clean Energy, answered questions from the Commission.

Chair Hudson opened the Public Hearing at 7:45 p.m., but seeing as no one came forward, the Public Hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Orcutt that staff bring back this item after City staff reviews with respect to enhancement of design, if there are any opportunities within the jurisdiction of the City of Tracy.

A roll call vote found Commissioner Atwal, and Vice Chair Orcutt in favor; Commissioner Boakye-Boateng, Chair Hudson, and Commissioner Augustus opposed. Motion failed; 2-3-0-0

ACTION: It was moved by Commissioner Augustus and seconded by Chair Hudson that the Planning Commission approve a Conditional Use Permit and a development review permit for the RNG fueling facility at 2200 N. Chrisman Road (CUP21-0007 & D21-0023), based on the findings contained in the Planning Commission Resolution dated May 25, 2022.

A roll call vote found Commissioner Boakye-Boateng, Chair Hudson, and Commissioner Augustus in favor; Commissioner Atwal, and Vice Chair Orcutt opposed. Passed and so ordered; 3-2-0-0.

C. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO ALLOW THE RECONSTRUCTION OF AN EXISTING DETACHED ACCESSORY BUILDING FOR THE TRACY MEMORIAL CHAPEL AT 5 W. HIGHLAND AVENUE – APPLICANT IS JARED MURRAY AND PROPERTY OWNER IS TRACY MEMORIAL CHAPEL, LLC. APPLICATION NUMBERS CUP22-0002 AND D22-0007.

Kenny Lipich, Assistant Planner, presented the staff report and answered questions from the Commission.

Applicant, Jared Murray, addressed the Commission, and answered questions from the Commission.

Chair Hudson opened the Public Hearing at 8:10 p.m.

Andrew Olague, addressed the Commission, via WebEx.

Chair Hudson closed the Public Hearing at 8:13 p.m.

Chair Hudson re-opened the Public Hearing at 8:15 p.m.

Applicant, Jared Murray, answered additional questions from the Commission.

Chair Hudson closed the Public Hearing at 8:17 p.m.

ACTION: It was moved by Commissioner Augustus and seconded by Vice Chair Orcutt that the Planning Commission approve the Conditional Use Permit and Development Review Permit to allow the reconstruction of an existing detached accessory building for the Tracy Memorial Chapel at 5 W. Highland Avenue, Application Numbers CUP22-0002 and D22-0007, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated May 25, 2022.

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

D. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS TO AN EXISTING MULTI-TENANT BUILDING AT 2796 NAGLEE RD. APPLICANT IS NORMAN WILSON AND PROPERTY OWNER IS SPP OUTPARCEL SPE, LLC, APPLICATION NUMBER D22-0010.

Kenny Lipich, Assistant Planner, presented the staff report and answered questions from the Commission.

Applicant, Norman Wilson, architect for the Project, addressed the Commission.

Chair Hudson opened the Public Hearing at 8:27 p.m., but seeing as no one came forward, the Public Hearing was closed.

ACTION: It was moved by Vice Chair Orcutt and seconded by Commissioner Atwal that the Planning Commission approve the Development Review Permit for exterior modifications to an existing multi-tenant building at 2796 Naglee Road, Application Number D22-0010, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated May 25, 2022.

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

E. PUBLIC MEETING TO SOLICIT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRACY ALLIANCE PROJECT

Victoria Lombardo, Senior Planner, presented the staff report and addressed questions from the Commission.

Trevor Smith, representing the Applicant, addressed the Commission, and presented a PowerPoint presentation.

Genna McIntosh, resident on California Avenue, addressed the Commission.

Recording Secretary, Gina Peace, informed the Commission that one e-mail received from Genna McIntosh, in opposition to the Project. The e-mail was provided to each of the Commissioners, and available at the dais for public view. The e-mail was not read aloud but will be attached to the record for this agenda item.

No action was required.

F. REPORT OF GENERAL PLAN CONSISTENCY FOR CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR FISCAL YEAR 2022/2023 THROUGH FISCAL YEAR 2026/2027.

Robert Armijo, City Engineer, presented the staff report and addressed questions from the Commission.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Orcutt that the Planning Commission report that the Capital Improvement Program Projects are consistent with the goals, policies and actions of the City's General Plan.

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, Senior Planner, announced the City of Tracy has hired a new Development Services Director, Kris Balaji, who started on Monday, May 23, 2022.

Mr. Claar also mentioned that if Commissioners will be attending Planning Commission meetings remotely, a public notice would need to be posted outside of the location of the teleconferencing site, in accordance with the Brown Act.

4. ITEMS FROM THE COMMISSION

Commissioner Atwal thanked Chair Hudson, Vice Chair Orcutt, the Commission, and City staff for their hard work. Vice Chair Orcutt, and Commissioner Boakye-Boateng echoed Commissioner Atwal's comments.

Chair Hudson shared that he felt that Commissioner Atwal was on point when inquiring why are we requiring additional financial obligations to small businesses, and regarding comments he has heard about the difficulty in building with the City of Tracy, especially for small businesses. Scott Claar, Senior Planner, clarified the process that sometimes can lead to expensive improvements for new businesses within the City of Tracy.

5. ADJOURNMENT

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

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

Time: 9:17 p.m.

CHAIR

STAFF LIAISON

From:
To: [Public Comment](#)
Subject: Tracy Alliance Project Statement
Date: Wednesday, May 25, 2022 3:41:36 PM

Hello, my name is _____. I grew up in Banta and 3 years ago my husband and I moved out of Tracy, to Banta to raise our children. We are very much against the Tracy Alliance Project. If this were to happen there would be warehouses directly in front of our home. We moved out of Tracy to a rural area to have space and to escape the noise, this would take all of that away from us and our neighbors. The DEIR seems to take everything into account except for the actual people who would be affected by this. The light pollution, the noise, the constant movement of a warehouse, the air pollution, all of this would dramatically, negatively affect my family and my neighbors. In addition to my home and my neighbors homes, this project is very close to an elementary school. The traffic and pollution that close to school is reason enough to cancel this project.

Tracy has enough warehouses, this project wouldn't be beneficial to the city. Right now, today there are 67 Amazon warehouse job listings and 88 Tesla warehouse job listings. Tracy is not in need of more warehouse jobs, they are already readily available. Also, as of today there are 25 industrial and warehouse spaces available to rent/sale/lease, we are not needing 191 more acres of warehouses. Grantline is already such an eye sore with all the new warehouse construction, do you really want to add to it? Furthermore, The city of Tracy has plenty of space and land within their own city limits, annexing county land is unnecessary and unfair to people who do not live within the city.

There's a reason that land is zoned General Agriculture right now. California farmland is a huge resource and losing 191 acres of it would be a tragedy.

This project would not benefit the people of Tracy, I have not met one person who is for this project. I strongly encourage you to consider the people of the community and stop this project.

Thank You,

August 10, 2022

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC READERBOARD SIGN FOR A PRIVATE SCHOOL AT 163 W. EATON AVE. APPLICANT IS CRAIG YESZIN AND PROPERTY OWNER IS PASTOR OF ST. BERNARD'S CHURCH. APPLICATION NUMBER CUP22-0010.

DISCUSSION

Project Description and Analysis

The project site is St. Bernard's Elementary School and Catholic Church located at 163 W. Eaton Ave. The subject property is an approximately 3.7-acre site located 500 feet west of Lincoln Park and across the street from Central Elementary School, Assessor's Parcel Number 233-140-07 (Attachment A: Location Map).

The applicant, on behalf of the property owner, is proposing an electronic LED readerboard sign to provide information regarding school, church, and related activities that will take place onsite. The project site is zoned High Density Residential (HDR). Monument signs for private schools in the High Density Residential Zone may be constructed with approval of a sign permit. In the case of an electronic readerboard monument sign, as proposed here, a Conditional Use Permit, if granted, will serve as the permit.

Many public schools in Tracy are using electronic readerboard signs to advertise school activities or messages. Because public schools are regulated by the Department of State Architect, those signs do not require a Conditional Use Permit from the City. Tracy Municipal Code Section 10.08.4500(e) permits one electronic readerboard sign on the property of a private school if the site is one-half acre or more and the school contains any of grades one through twelve upon approval of a Conditional Use Permit by the Planning Commission. The sign may advertise only noncommercial, on-site activities and events.

The proposed sign would be located adjacent to the west driveway, as shown in the attached site plan (Attachment B: Site Plan and Elevations). The sign is proposed to be six feet tall and 24 square feet in area, which is consistent with the maximum allowed height and sign area for private school monument signs in the HDR zone. The LED portion of the sign is 18 square feet and a printed portion at the top of the sign with school name is six square feet. According to the applicant, the sign would primarily display school hours and upcoming activities. As community events take place, the sign copy could change to post information relating to those events. The applicant anticipates no more than six messages would be displayed per day with sign copy changing up to a maximum of every 15 seconds. The proposed height and size of the sign will be appropriate in scale with the adjacent building, and the sign will be set back such that it does not obstruct vehicular or pedestrian visibility.

The LED display of the electronic readerboard sign is capable of achieving up to 8000 nits, where a nit is a unit of luminance equivalent to one candela per square meter and the industry standard for measuring luminance of electronic readerboard signs. In the daytime, the sign is proposed to be illuminated to its maximum brightness so that it can be easily read in the daylight. At sunset the electronic readerboard sign display will be dimmed to 70 percent so that its brightness will not be a nuisance or visual distraction. The proposed daytime and nighttime images of the sign are depicted in Attachment B.

CEQA Documentation

The project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15311 which pertains to construction of minor structures accessory to institutional facilities such as on-premise signs.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow an electronic readerboard sign for a private school located at 163 W. Eaton Ave., Application Number CUP22-0010, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated August 10, 2022 (Attachment C: Planning Commission Resolution).

RECOMMENDED MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow an electronic readerboard sign for a private school located at 163 W. Eaton Ave., Application Number CUP22-0010, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated August 10, 2022.

Prepared by Kenny Lipich, Associate Planner
Reviewed by Scott Claar, Senior Planner
Approved by Victoria Lombardo, Senior Planner

ATTACHMENTS

- A: Location Map
- B: Site Plan and Elevations
- C: Planning Commission Resolution



Subject
Property

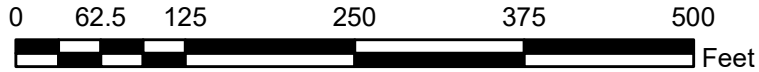
EATON AVE.

HOLLY DR.

Lincoln
Park



Think Inside the Triangle™



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Lexan Face With Translucent Printed School Name
 9mm Pitch Full Color Programmable LED Board
 Tex Coated Alum Cladded Base Painted To Match
 School Building



Double Sided LED EMC School Monument Sign

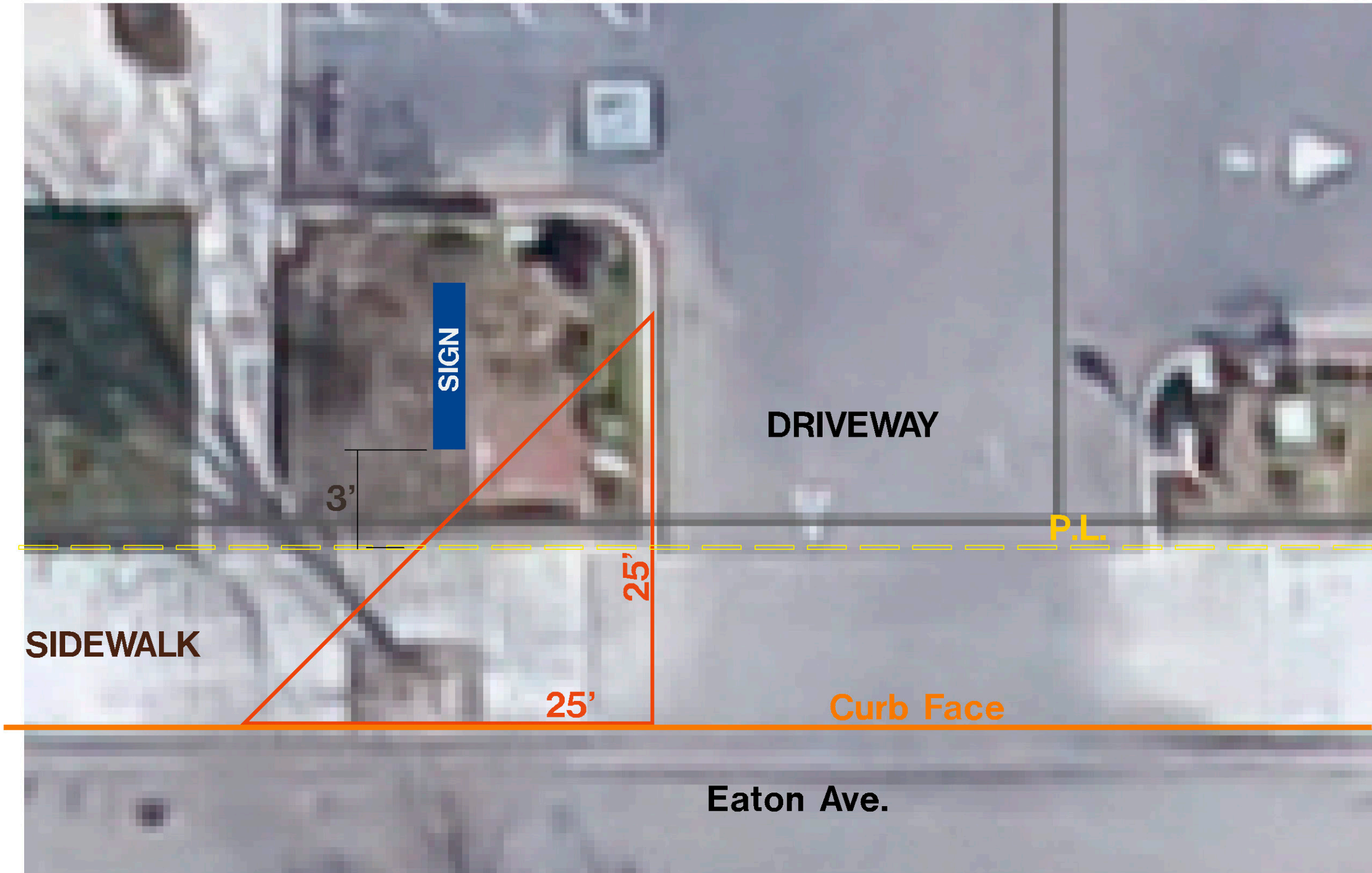


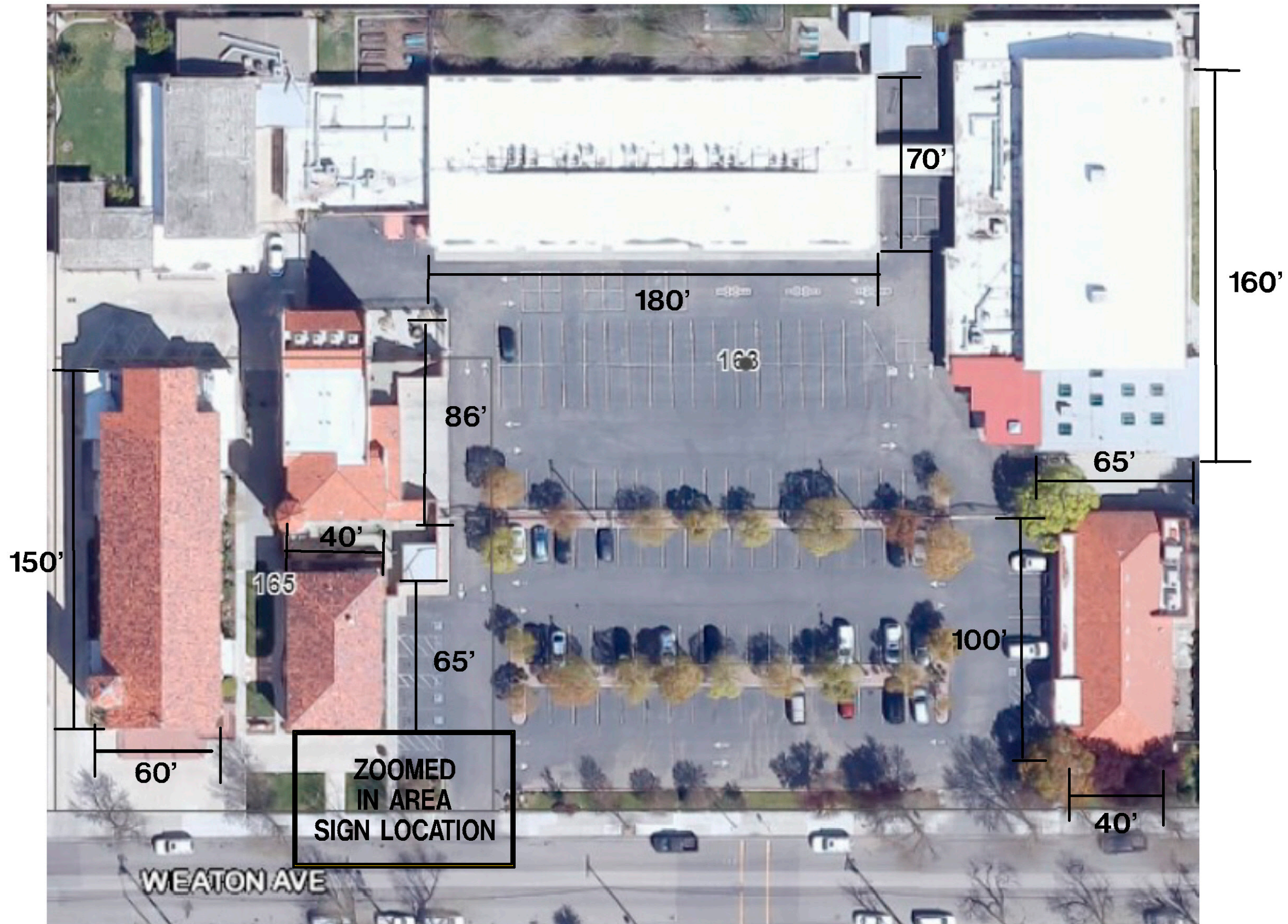
Night View



Enginered Footing Details To Be Submitted After Planning Approval.

Customer Approved			
Landlord Approved			





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APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2022- _____

**APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC
READERBOARD SIGN FOR A PRIVATE SCHOOL LOCATED AT 163 W.
EATON AVENUE, APPLICATION NUMBER CUP22-0010**

WHEREAS, On May 13, 2022, Craig Yeszin submitted an application for a Conditional Use Permit to allow an electronic readerboard sign for St. Bernard's private elementary school located at 163 W. Eaton Avenue, Assessor's Parcel Number 233-140-07, Application Number CUP22-0010; and

WHEREAS, The subject property is designated Residential High in the General Plan and zoned High Density Residential; and

WHEREAS, A Conditional Use Permit is necessary for land use approval of an electronic readerboard sign at the private school site; and

WHEREAS, The project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15311 which pertains to construction of minor structures accessory to institutional facilities such as on-premise signs; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Conditional Use Permit, Application Number CUP22-0002 on August 10, 2022; now, therefore, be it

RESOLVED: That the Planning Commission of the City of Tracy hereby approves Conditional Use Permit Application Number CUP22-0010, subject to the conditions contained in Exhibit "1" and based on the following findings:

1. The project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15311 which pertains to construction of minor structures accessory to institutional facilities such as on-premise signs.
2. 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.

3. The proposed location of the conditional use is in accordance with the objectives of the purposes of the zone designation in which the site is located because an electronic readerboard sign is allowed for a private school in the High Density Residential Zone if a Conditional Use Permit is approved by the Planning Commission.
4. 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 electronic readerboard sign will not rapidly flash or change so that it does not cause a visual distraction or nuisance, at sunset the electronic readerboard sign display will be dimmed to 70 percent or lower so that its brightness will not be a nuisance, and the electronic readerboard sign will comply with the City of Tracy General Plan and applicable requirements of Chapter 10.08 of the Tracy Municipal Code.
5. 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 2022-_____ was adopted by the Planning Commission on August 10th, 2022 by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTENTION:	COMMISSION MEMBERS:

CLIFF HUDSON
 Chair of the Planning Commission
 City of Tracy, California

ATTEST: _____
 VICTORIA LOMBARDO
 Senior Planner
 City of Tracy, California

**City of Tracy
Conditional Use Permit
Conditions of Approval**

Electronic Readerboard Sign – St. Bernard’s School
163 W. Eaton Ave.
Application Number CUP22-0010
August 10, 2022

These Conditions of Approval shall apply to the Conditional Use Permit to allow an Electronic Readerboard sign at 163 W. Eaton Ave., Application Number CUP22-0010 (hereinafter “Project”), proposed by Craig Yeszin (hereinafter “Applicant”) and Pastor of St. Bernard’s Church (hereinafter “Property Owner”).

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 CUP22-0010.
 - 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 electronic readerboard sign at 163 W. Eaton Ave., Application Number CUP22-0010.
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 site plan and elevation received by Development Services Department on August 2, 2022, except as modified herein, to the satisfaction of the Development Services Director.
2. The electronic readerboard sign may advertise only noncommercial, on-site activities and events in accordance with the Tracy Municipal Code.
3. The electronic readerboard sign copy shall be a static image displayed for at least 15 seconds before changing, to the satisfaction of the Development Services Director.
4. The text and graphic display of the electronic readerboard sign shall be dimmed to 70% of maximum illumination of 8,000 nits at sunset and for the duration of nighttime hours, to the satisfaction of the Development Services

Director. The display may be increased in brightness at sunrise to the maximum illumination of 8,000 nits.

5. Prior to the construction of electronic readerboard sign, applicant shall submit construction documents, engineering analysis and calculation, specifications etc. that conform with the current Title 24 California Code of Regulations at time of application that includes electrical plans, structural details, and energy forms to building division.
6. Within ninety days after the site is no longer used as a school containing any of grades one through 12, the electronic readerboard sign shall be removed.

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