

NOTICE OF REGULAR MEETING

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

Date/Time: **Wednesday, October 13, 2010, 7:00 p.m.**
(or as soon thereafter as possible)

Location: City Hall Council Chambers
333 Civic Center Plaza, Tracy

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

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE

In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member to sponsor the item for discussion at a future meeting.

1. OLD BUSINESS

2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE REPAIRS AND SERVICES AT 385 W. LARCH ROAD, ASSESSOR'S PARCEL NUMBER 212-200-09. THE APPLICANT AND PROPERTY OWNERS ARE JOHN AND GITANA DAYTON. APPLICATION NUMBER CUP10-0004

B. PUBLIC HEARING TO CONSIDER A REZONING FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER AND GENERAL PLAN MAP AMENDMENT FROM OFFICE TO RESIDENTIAL MEDIUM OF TEN LOTS (APPROXIMATELY 2.3 ACRES) ON THE SOUTH SIDE OF CARLTON WAY AND EAST AND WEST SIDES OF BESSIE AVENUE; THE APPLICANT IS YUSU HSIUNG; APPLICATION NUMBERS R10-0002 AND GPA10-0001

C. STATUS UPDATE ON CITY-WIDE GIS PROJECT

D. VERBAL STATUS UPDATE ON CITY-WIDE GENERAL PLAN AMENDMENT

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

A. NEW PLANNING COMMISSION BYLAWS

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

October 7, 2010

Posted Date

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

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

October 13, 2010

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW AUTOMOTIVE REPAIRS AND SERVICES AT 385 W. LARCH ROAD, ASSESSOR'S PARCEL NUMBER 212-200-09. THE APPLICANT AND PROPERTY OWNERS ARE JOHN AND GITANA DAYTON. APPLICATION NUMBER CUP10-0004

DISCUSSION

The project site is located at the northeast corner of Larch Road and Industrial Way, at 385 W. Larch Road (Attachment A: Location Map). The site is zoned Light Industrial (M1) and has a General Plan designation of Industrial (I). The surrounding parcels are also zoned Light Industrial (M1).

The applicant's proposal is to operate an auto repair and auto towing/storage business at 385 W. Larch Road. The applicant currently has an auto repair business at 57 W. Grant Line Road and auto towing and storage at 315 Enterprise Place. The applicant's proposal is to relocate their services from these two locations to the new location at 385 W. Larch Road.

The site includes an existing 5,000 square foot building (Attachment B: Site Plan). The applicant is proposing to use 3,000 square feet of the building for storage of impounded vehicles and 2,000 square feet of the building for auto repair (Attachment C: Floor Plan). The site also includes an unpaved outside storage area, which has previously been used for the storage and maneuvering of vehicles, and would continue to be used in this manner by the applicant.

Auto towing and storage is a permitted use in the M1 zone. Auto repair, however, requires approval of a Conditional Use Permit. The proposed auto repair use is compatible with uses on the neighboring parcels and general vicinity because the surrounding parcels contain light industrial and other similar uses.

The site has a total of eight parking spaces, which were recently paved and striped as part of this project. The minimum number of required parking spaces for the proposed uses is five. In regards to the unpaved outside storage area, which would be used for storage of vehicles, it should be noted that in determining the requirements for parking area improvements, such as paving, striping, curbs and landscaping, it is assumed that adequate parking improvements existed for the previous legal use, per Tracy Municipal Code Section 10.08.3460. Therefore, no additional parking area improvements are required.

Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act as an in-fill development project pursuant to CEQA Guidelines Section 15332. No further environmental review is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use permit to allow automotive repairs and services at 385 W. Larch Road, Application Number CUP10-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment D: Planning Commission Resolution) dated October 13, 2010.

MOTION

Move that the Planning Commission approve the conditional use permit to allow automotive repairs and services at 385 W. Larch Road, Application Number CUP10-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated October 13, 2010.

Prepared by Scott Claar, Associate Planner

Reviewed by Bill Dean, Assistant Development and Engineering Services Director

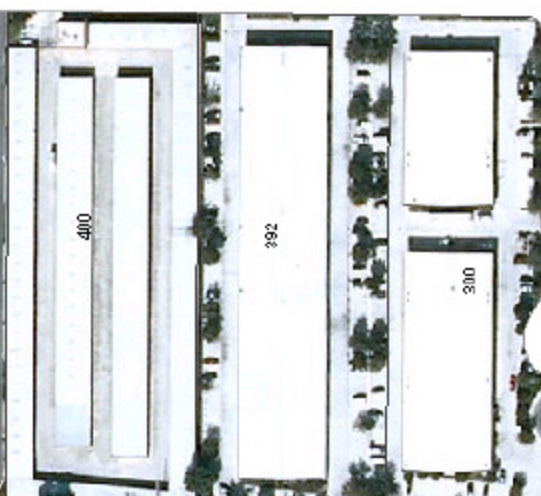
Approved by Andrew Malik, Development and Engineering Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan
- C: Floor Plan
- D: Planning Commission Resolution



N TRACY BL



LARCH RD

INDUSTRIAL WY

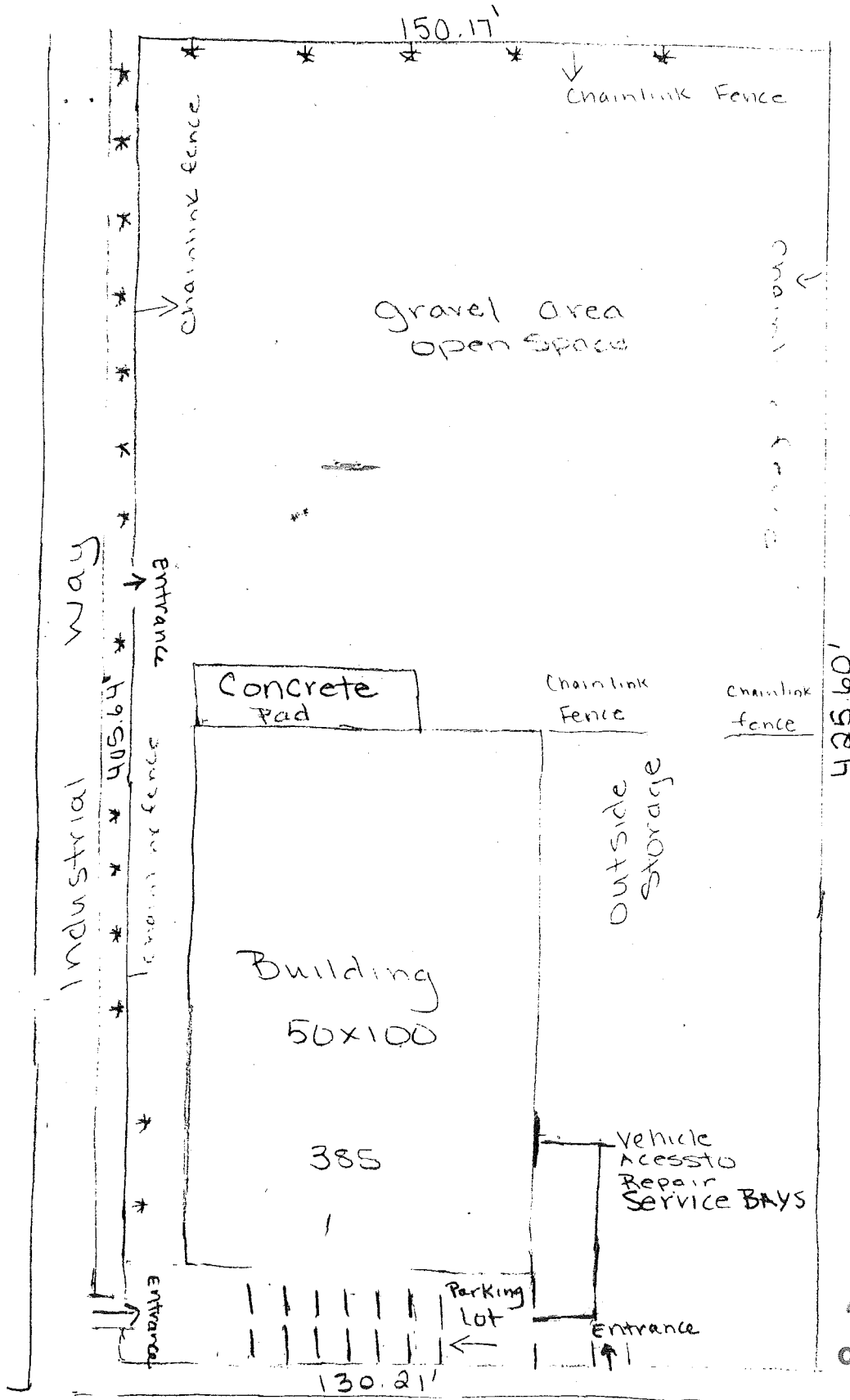
COMMERCIAL DR

RHONDA WY

ACE AUTO & 24HR TOWING LLC

ATTACHMENT B

Site Plan



RECEIVED

AUG 24 2010

CITY OF TRACY
D.E.S.

ATTACHMENT C

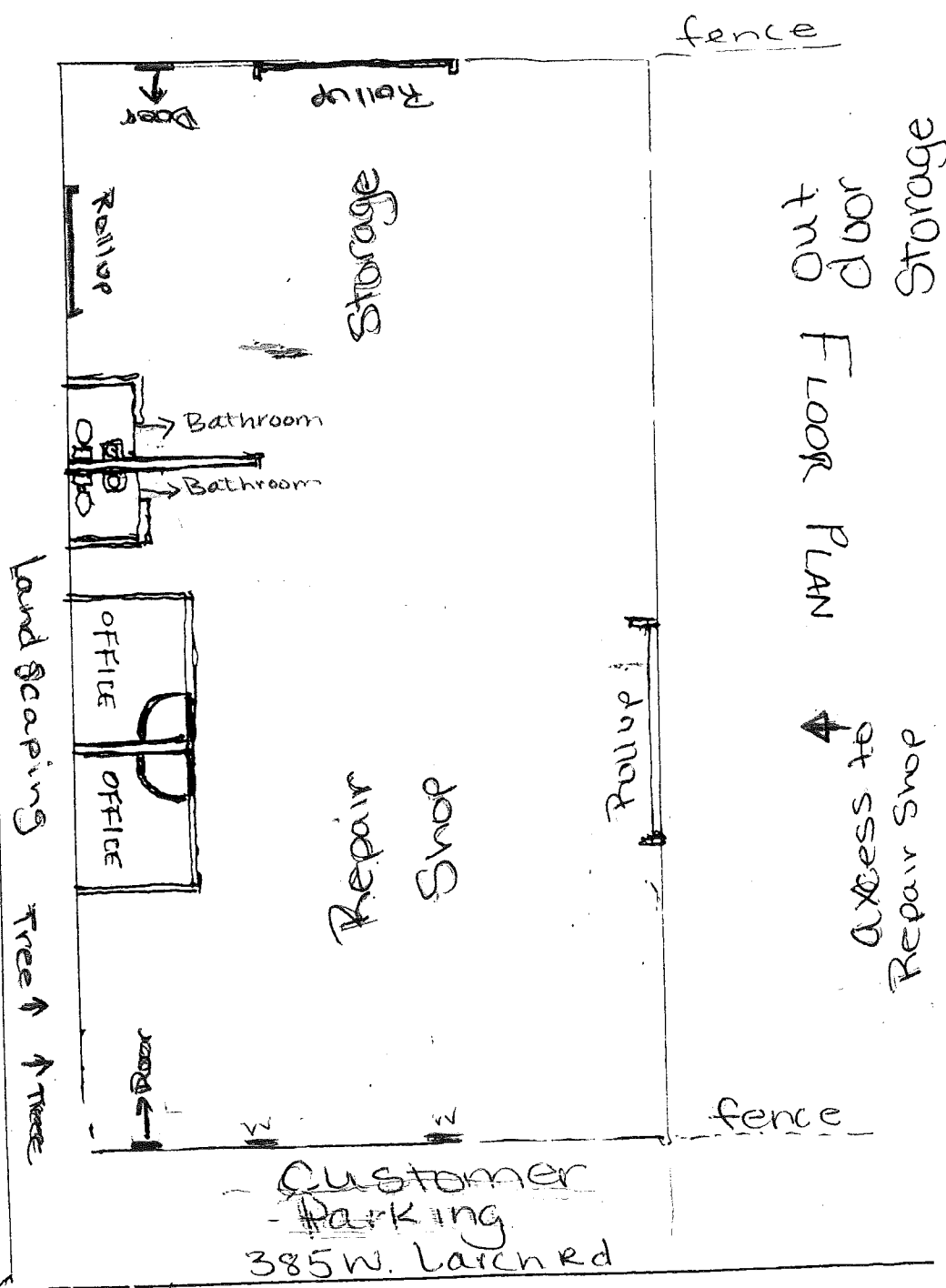
RECEIVED



AUG 24 2010

CITY OF TRACY
D.E.S.

INDUSTRIAL WAY



Storage
JOB
FLOOR PLAN

385 W. Larch Rd

LARCH RD.



October 13, 2010

RESOLUTION _____

**PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW
AUTOMOTIVE REPAIRS AND SERVICES AT 385 W. LARCH ROAD, ASSESSOR'S
PARCEL NUMBER 212-200-09, APPLICATION NUMBER CUP10-0004**

WHEREAS, An application was submitted to the Development and Engineering Services Department for a Conditional Use Permit to allow automotive repairs and services at 385 W. Larch Road on August 24, 2010, Application Number CUP10-0004; and

WHEREAS, The subject property is located within a Light Industrial (M1) Zone; and

WHEREAS, Automotive repairs and services are a conditionally permitted use in the M1 Zone; and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits; and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332; and

WHEREAS, The Planning Commission held a public meeting to review and consider the project on October 13, 2010;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve a Conditional Use Permit to allow automotive repairs and services at 385 W. Larch Road. The approval of Conditional Use Permit Application Number CUP10-0004 is based on the following findings and subject to the conditions as stated 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 use is in accordance with the objectives of the purposes of the zone in which the site is located because automotive repairs and services would be compatible with the light industrial uses on the neighboring parcels and in the general vicinity.
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 uses will comply with the City of Tracy General Plan and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to Article 20 Light Industrial Zone and Article 26 Off-street Parking Requirements.

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

* * * * *

The foregoing Resolution _____ was adopted by the Planning Commission on the 13th day of October 2010, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

AGENDA ITEM 2-B

REQUEST

PUBLIC HEARING TO CONSIDER A REZONING FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER AND GENERAL PLAN MAP AMENDMENT FROM OFFICE TO RESIDENTIAL MEDIUM OF TEN LOTS (APPROXIMATELY 2.3 ACRES) ON THE SOUTH SIDE OF CARLTON WAY AND EAST AND WEST SIDES OF BESSIE AVENUE; THE APPLICANT IS YUSU HSIUNG; APPLICATION NUMBERS R10-0002 AND GPA10-0001

DISCUSSION

Background and Project Description

The proposal is to rezone ten lots from Medical Office (MO) to Medium Density Cluster (MDC) and amend the General Plan Map from Office to Residential Medium. Attachment A identifies the Subject Property, Attachment B shows existing land uses of the subject and nearby properties, and Attachments C and D identify the current and proposed zoning, respectively.

All ten of the lots were developed with single-family homes under residential zoning over 25 years ago. In 1988, the City of Tracy amended the MO Zone to reserve an area around the hospital for medical uses that could be mutually beneficial with the hospital. The Sutter Tracy Community Hospital is located one block south of the Subject Property.

In the years after the hospital was constructed, over 25 houses in the MO Zone area (outside of the Subject Property) were replaced by or converted to medical-related uses and parking for medical uses. However, in recent years, conversions from residential to medical uses has nearly stopped and a number of factors suggest limited to no additional demand for medical offices at the Subject Property in the foreseeable future. For example, Sutter Tracy Community Hospital has announced plans to replace the existing hospital with a new hospital on the west side of Lammers Road at some point in the future. While the Tracy Boulevard hospital site may remain a medical-related use, it is not anticipated that demand for new or existing medical-related uses will continue near this location in the future. Additionally, the MO Zone around the hospital is no longer the City's primary medical services area, as medical offices have been constructed along Grant Line Road near Corral Hollow Road and elsewhere over the past 20 years.

In response to this anticipated, decreasing demand for medical offices at this location, the owner of one lot (1561 Bessie Avenue), located at the southwest corner of Bessie Avenue and Carlton Way, submitted an application to rezone their property from MO to MDC and amend the General Plan Map from Office to Residential Medium. City staff is recommending that the Planning Commission modify the proposal to include nine adjacent lots in addition to the one at 1561 Bessie Avenue (Attachment A).

In addition to mailing public hearing notices to Subject Property and nearby property owners, City staff mailed a description of the proposal to owners of the Subject Property and invited comment or other input. Modifying the MO Zone and rezoning this area to

residential was also the topic of a Planning Commission workshop regarding the City-wide Zoning Code Update in 2009. No comments in opposition to the proposal have been submitted to the City.

Land Use/Zoning Considerations

The MO Zone (Attachment E) permits hospitals; medical, dental, and mental health offices; physical therapy; and similar medical uses. Conditionally permitted uses in the MO Zone include pharmacies and ambulance services. In order to develop medical offices in existing single-family home neighborhoods, assembling multiple lots is typically necessary due to off-street parking requirements of medical offices.

Residential uses are not a permitted use in the MO Zone. The residential uses on the Subject Property are nonconforming, meaning replacement of a house destroyed by fire may be denied by the City, purchase loans or refinancing could be more difficult, and room additions or other expansions may be denied by the City.

The result of the rezoning and General Plan amendment (and the primary motivation for the applicant's request) will be that the residential uses are no longer nonconforming uses. No improvements, changes of use, or new uses are proposed for the Subject Property with this application.

One positive consequence of this proposal for the nearby residences, albeit minor, may be that traffic or parking demands from the existing homes would be less than the peak traffic or parking demands from medical offices that could be constructed under the existing Medical Office zoning.

The existing residential use of the ten-lot Subject Property is consistent with the existing residential uses on the north side of Carlton Way. And the zoning north of Carlton Way is MDC. Changing the zone of these ten lots back to residential, consistent with the existing land uses, will help to maintain stability of the existing residential neighborhood in the vicinity.

CEQA Review

An Initial Study/Negative Declaration has been prepared, published, and noticed in accordance with California Environmental Quality Act (CEQA) Guidelines. No environmental impacts have been identified as part of the CEQA review and no public or public agency comments have been received related to the Draft Negative Declaration.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Negative Declaration for the project;
2. Approve the General Plan Map amendment from Office to Residential Medium;
and
3. Approve the rezoning from Medical Office to Medium Density Cluster.

MOTION

Move that the Planning Commission recommend that the City Council:

1. Adopt the Negative Declaration for the project;
2. Approve the General Plan Map amendment from Office to Residential Medium; and
3. Approve the rezoning from Medical Office to Medium Density Cluster.

Prepared by Alan Bell, Senior Planner

Reviewed by Bill Dean, Development and Engineering Services Assistant Director

Approved by Andrew Malik, Development and Engineering Services Director

ATTACHMENTS

Attachment A – Location Map

Attachment B – Existing Land Uses

Attachment C – Current Zoning

Attachment D – Proposed Zoning

Attachment E – Medical Office Zone (TMC Chapter 10.08, Article 10)

Attachment F – Medium Density Cluster Zone (TMC Chapter 10.08, Article 8)

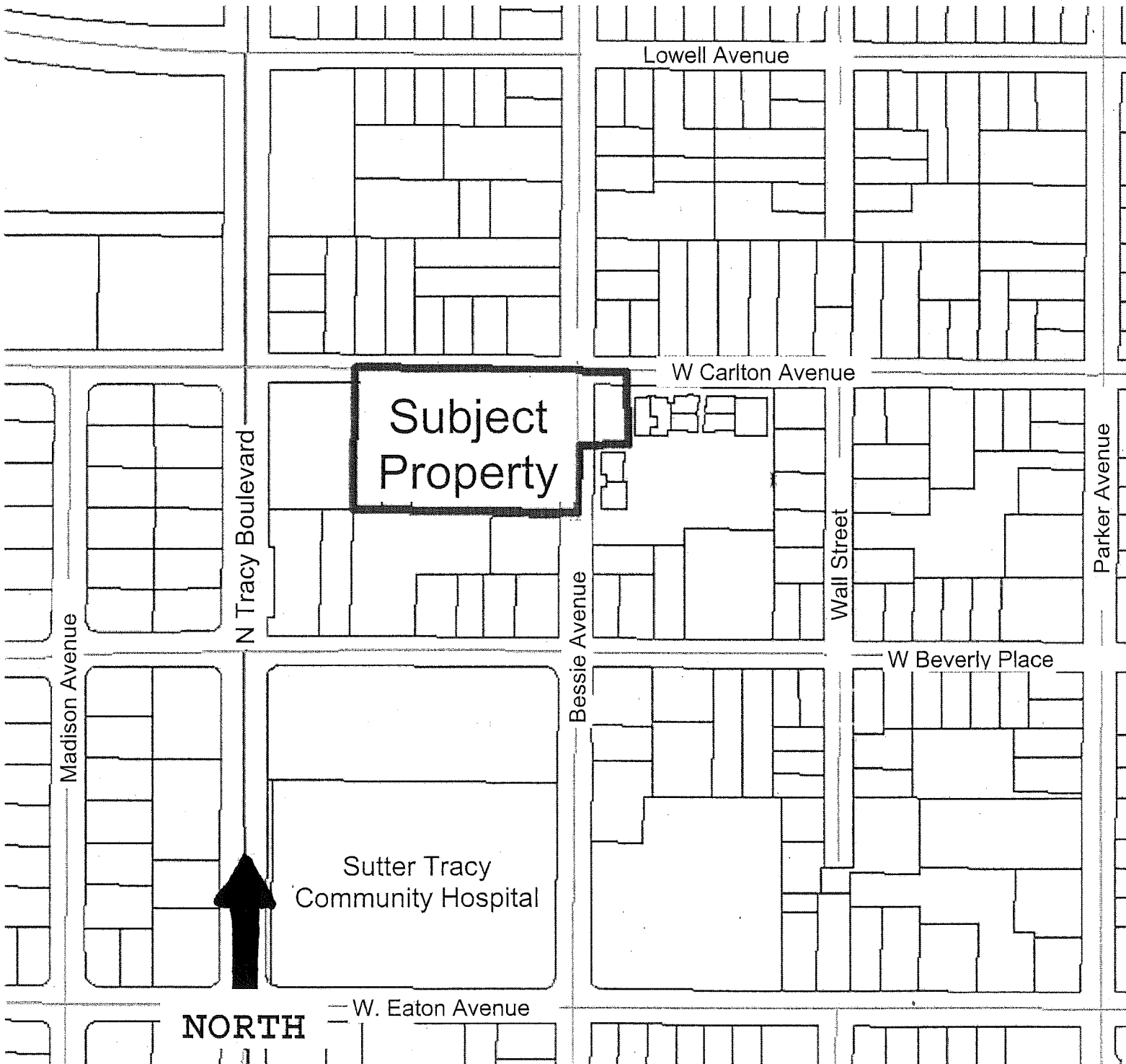
Attachment G – Draft CEQA Negative Declaration and Initial Study

Attachment H – Proposed Resolutions:

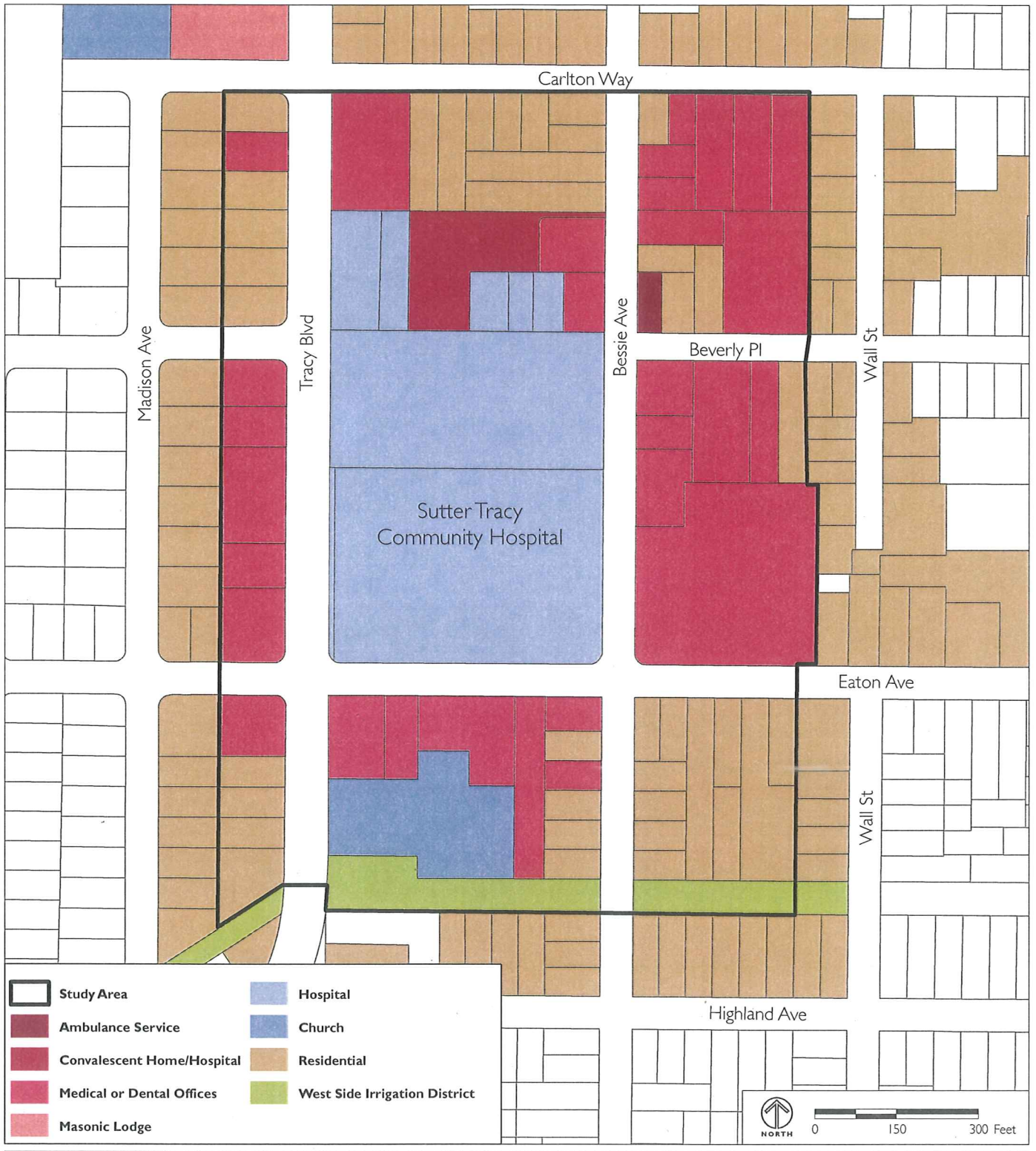
-Recommending City Council Adopt the Negative Declaration

-Recommending City Council Approve the General Plan Amendment and
Rezoning

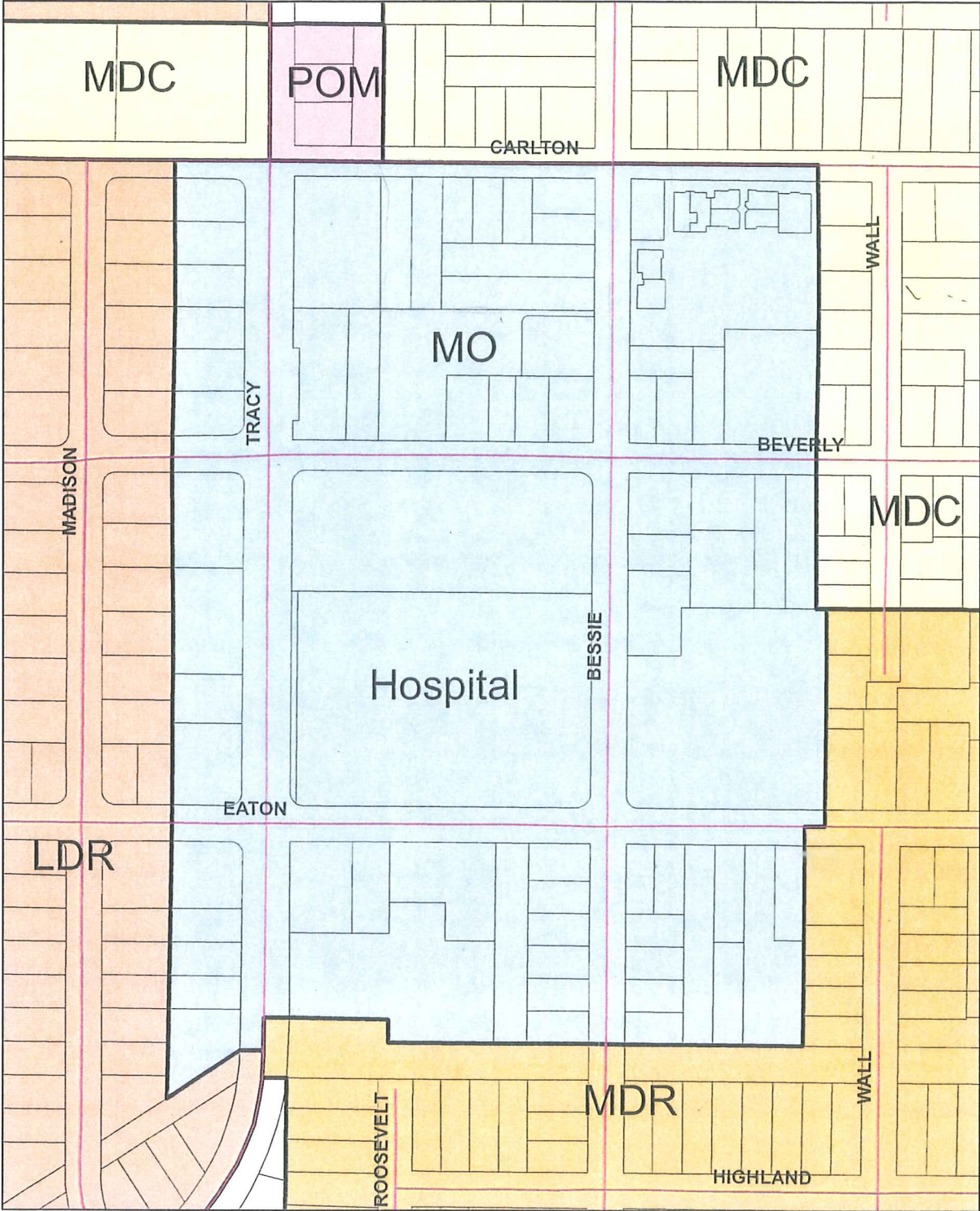
Bessie Avenue / Carlton Way
Rezone and General Plan Amendment








Existing Land Uses



Current Zoning

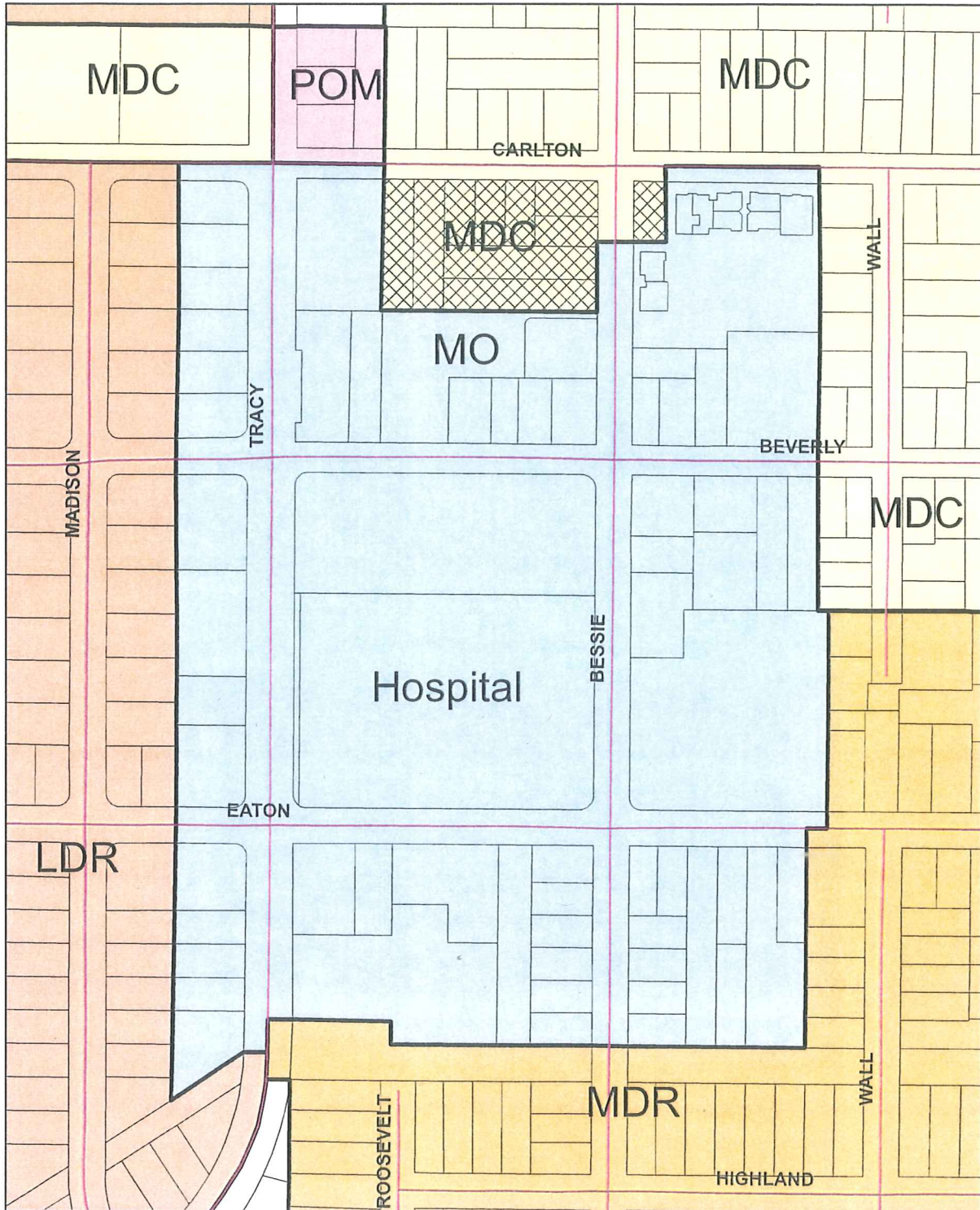


Zones




-  Low Density Residential
-  Medium Density Cluster
-  Medium Density Residential
-  Medical Office
-  Professional Office Medical



Proposed Zoning



Zones

-  Low Density Residential
-  Medium Density Cluster
-  Medium Density Residential
-  Medical Office
-  Professional Office Medical

Subject Properties

-  Subject Properties



July 2010

MEDICAL OFFICE (MO)

10.08.1480 Purpose (MO).

The Medical Office (MO) Zone specialized classification is designed to provide for a concentration of medical, health care, and supporting uses and facilities consistent with the General Plan policies and map. (Prior code § 10-2.1000)

10.08.1490 Permitted uses (MO).

(a) The following uses shall be permitted in the MO Zone:

- (1) Hospitals, convalescent hospitals, nursing homes, and rest homes;
- (2) Medical, mental health, and dental offices and clinics;
- (3) Medical and dental laboratories;
- (4) Opticians, dispensing;
- (5) Physical and occupational therapy offices and clinics;
- (6) Orthopedic and prosthetic appliance dispensing;
- (7) Health care offices and health care professional registries; and
- (8) Accessory uses and structures.

(b) The following conditional uses shall be permitted in the MO Zone subject to the granting of a use permit as provided in Sections 10-2.3401 through 10-2.3418 of Article 34 of this chapter:

- (1) Pharmacies, dispensing;
- (2) Ambulance services;
- (3) Health care equipment rentals and sales;
- (4) Places of public assembly such as educational, cultural, institutional, religious, and recreational uses serving local residential areas, excluding uses that are classified within Use Group No. 48; and
- (5) Schools, public and private. (Ord. 1050 § 2, 2003; prior code § 10-2.1001) 10.08.1490

10.08.1500 Lot area, width, and access (MO).

The following lot area and width requirements shall apply in the MO Zone:

- (a) The minimum lot area shall be 6,000 square feet. (b) The minimum lot width shall be sixty (60') feet.
- (c) All newly created lots along major arterial streets shall have a minimum frontage along the arterial for each 150 feet. There shall be a maximum of one access driveway to the arterial for each 150 feet of frontage on the arterial street.
- (d) Where an existing lot has less than 150 feet frontage on an arterial street, its development plan shall indicate the joint use of a common driveway used by adjoining property or otherwise more closely approximate the standard of one access point for each 150 feet of arterial street. (Prior code § 10-2.1002)

10.08.1510 Minimum yards (MO).

The following minimum yards shall be required in the MO Zone:

- (a) Front: Ten (10') feet;
- (b) Street side yard: Ten (10') feet;
- (c) Interior side yard and rear yard: no requirement, except when adjoining a residential zone, in which case ten (10') feet shall be required;

(d) Such yards shall be increased by four (4') feet for every story or ten (10') feet in height, whichever is less, for buildings exceeding a height of two (2) stories or thirty (30') feet, whichever is less, when appropriate; and

(e) Accessory buildings not exceeding one story in height may be located in any required rear or interior side yard provided they are on the rear one-half of the lot or are at least sixty (60') feet from the front property line. (Prior code § 10-2.1003)

10.08.1520 Height (MO).

There shall be no height limit in the MO Zone, except for structures bordering the Medical Office Zone and adjacent to a Low Density Residential Zone or Medium Density Residential Zone, in which case structures shall not have a height greater than thirty-five (35') feet when within fifty (50') feet of a neighboring residential zone. (Prior code § 10-2.1004)

10.08.1530 Lot coverage (MO).

The minimum coverage of all buildings, except covered parking structures, in the MO Zone shall not exceed fifty (50%) percent of the lot. (Prior code § 10-2.1005)

10.08.1540 Landscaping (MO).

Required front yards and a minimum of five (5') feet of the required street side yards in the MO Zone shall be landscaped for their full depth with the exception of necessary ways and driveways, and, in addition, at least ten (10%) percent of the lot shall be landscaped. (Prior code § 10-2.1006)

10.08.1550 Off-street parking (MO).

Off-street parking in the MO Zone shall be provided as required by Article 26 of this chapter. (Prior code § 10-2.1007)

10.08.1560 Development review (MO).

Development approval for all uses, buildings, structures, and site development in the MO Zone shall be required as provided in Article 30 of this chapter. (Prior code § 10-2.1008)

MEDIUM DENSITY CLUSTER (MDC)

ATTACHMENT F

Article 8. Medium Density Cluster Zone (MDC)

10.08.1270 Purpose (MDC).

The Medium Density Cluster (MDC) Zone classification is designed to provide for single- and two-family dwellings, dwelling groups, and supporting uses and to be utilized in appropriate locations within the areas designated medium density residential with a density range of five and nine-tenths (5.9) to twelve and no/tenths (12.0) dwelling units per gross acre by the General Plan. (Prior code § 10-2.800)

10.08.1280 Permitted uses (MDC).

(a) The following uses shall be permitted in the MDC Zone:

- (1) One-family, two-family, and three-family dwellings and dwelling groups composed of such dwellings;
- (2) Boarding and rooming houses;
- (3) Crop and tree farming;
- (4) Public parks, buildings, and schools; and
- (5) Accessory uses and structures as provided in Section 10.08.1080 of Article 5 of this chapter.

(b) The following conditional uses shall be permitted in the MDC Zone subject to the granting of a use permit as provided in Sections 10.08.4250 through 10.08.4420 of Article 34 of this chapter:

- (1) Mobile home parks and mobile home park subdivisions;
- (2) Condominiums and planned residential developments of one- and two-family dwellings;
- (3) Attached single-family dwellings;
- (4) Off-street parking to serve adjacent commercial and office uses;
- (5) Churches and church related uses;
- (6) Educational, cultural, institutional, and recreational uses;

(7) Private schools, nursery schools, and day care centers;

(8) Hospitals, convalescent hospitals, rest homes, and nursing homes;

(9) Board and care facilities; and

(10) Mortuaries. (Prior code § 10-2.801)

10.08.1290 Lot area and width (MDC).

The following lot area and width requirements shall apply in the MDC Zone:

(a) The minimum lot area shall be 3,500 square feet.

(b) The minimum lot width shall be forty-five (45') feet at the front lot line, including cul-de-sacs and knuckles; except where the driveway to the lot is from an alley and there is no curb cut for a driveway along the front lot line in which event a minimum of thirty-five (35') foot frontage at the front lot line shall be allowed.

(c) The requirement for a minimum frontage of forty-five (45') feet on all MDC lots as described in (b) above shall not apply to projects having approved tentative subdivision maps and/or approved Development Review applications prior to the first reading of the ordinance codified in this section. Such projects shall provide a minimum frontage of thirty-five (35') feet and the corner lot width shall be at least forty (40') feet; provided, however, lots on cul-de-sacs or knuckles shall have a minimum frontage of at least twenty-five (25') feet and a width at a twenty (20') foot building line of at least thirty (30') feet. (Prior code § 10-2.802)

10.08.1300 Density (MDC).

There shall be at least 3,500 square feet of net lot area for each dwelling unit in the MDC Zone. (Prior code § 10-2.803)

10.08.1310 Minimum yards (MDC).

The following minimum yards shall be required in the MDC Zone:

(a) Front: At least fifteen (15') feet to at least twenty (20') feet; including garage structure from the existing or planned sidewalk with at least a two (2') foot differential between neighboring main buildings. Garage setbacks fifteen (15') feet to eighteen (18') feet from the property line shall have roll-up doors;

(b) Side:

(1) Interior lots: Seven (7') feet on one side and four (4') feet on the other with a minimum distance of eleven (11') feet between neighboring main buildings;

(2) Corner lots: Ten (10') feet on the street side and four (4') feet on the interior side; with no four (4') foot side yard abutting another four (4') foot side yard with a minimum distance of eleven (11') feet between neighboring main buildings;

(3) Interior lots ten (10') feet on one side with zero (0') feet on interior side. On corner lots the ten (10') foot side yard shall be on the street side;

(c) Rear: Ten (10') feet with an average distance of fifteen (15') feet and at least six hundred seventy-five (675') square feet of open space in the rear yard;

(d) Distance between buildings: Six (6') feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be the average height of the two main buildings;

(e) Accessory buildings not exceeding one-story in height may be located in any required rear or interior side yard provided they are on the rear one-half ($\frac{1}{2}$) of the lot or at least sixty (60') feet from the front property line;

(f) The requirements for side (b) and rear (c) yards described above shall not apply to projects having an approved Development Review and/or Tentative Subdivision Map application prior to the first reading of the ordinance codified in this section. Such projects shall provide a side yard area of seven (7') feet on one side and three (3') feet on the other side, with a rear yard setback of ten (10') feet. (Prior code § 10-2.804)

10.08.1320 Height (MDC).

The maximum height in the MDC Zone shall be two and one-half ($2\frac{1}{2}$) stories or thirty-five (35') feet, whichever is less. Second story elevations facing the street shall have windows or other significant architectural features. (Prior code § 10-2.805)

10.08.1330 Lot coverage (MDC).

The maximum coverage of all buildings in the MDC Zone shall not exceed forty-five (45%) percent of the net lot area.

No garage shall exceed one-half ($\frac{1}{2}$) of the lot width unless the driveway enters from an alley.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said projects shall not require single-family residential to be subject to Development Review. (Prior code § 10-2.806)

10.08.1340 Off-street parking (MDC).

Off-street parking in the MDC Zone shall be provided as required by Article 26 of this chapter. (Prior code § 10-2.807)

10.08.1350 Development review (MDC).

Development approval of all uses, buildings, and site development in the MDC Zone requiring a building permit shall be required as provided in Article 30 of this chapter.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said projects shall comply with the standards of the provisions in effect before the effective date of the ordinance codified in this section. (Prior code § 10-2.808)

10.08.1360 Abutting RE (MDC).

Design of new lots abutting an RE Zone shall be such that each RE lot has two or less neighboring lots for every 100 feet of frontage of the RE lot and no street shall abut the RE Zone lots. Such lots shall be separated by a fence with a two (2') foot high masonry base, with a five (5') foot high wood top, for a total height of seven (7') feet along the RE Zone. Said durable fence shall also be on any borders of a school and or park with an RE Zone.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said projects shall comply with the standards of the provisions in effect before the effective date of the ordinance codified in this section. (Prior code § 10-2.809)

10.08.1370 On-street parking (MDC).

At least one and one-half ($1\frac{1}{2}$) on-street parking space shall be provided per dwelling unit. Said parking spaces shall be located on the same street as that which the dwelling unit it is intended to provide parking for is located.

Those projects having approved development review and/or tentative subdivision map applications prior to the first reading of the ordinance codified in this section shall be exempt from the above standards. Said project shall comply with the standards of the provisions in effect before the effective date of the ordinance codified in this section. (Prior code § 10-2.810)

CITY OF TRACY DRAFT NEGATIVE DECLARATION

Project Name:

Bessie Avenue/Carlton Way Rezone and General Plan Amendment

Project Location:

The Subject Property consists of ten lots (plus adjacent public right-of-way) on the south side of Carlton Way and east and west sides of Bessie Avenue in the City of Tracy, San Joaquin County (Attachment A). The lots range in size from 5,500 square feet to 14,025 square feet. The entire subject property is approximately 2.3 acres. The lots' Assessor's Parcel Numbers are 233-072-04 through 12 and 233-075-01.

All the lots are developed and improved with single-family homes. Eight of the lots have one single-family home each, and two of the lots each have two single-family homes.

Project Description:

The proposal is to rezone the Subject Property from Medical Office (MO) to Medium Density Cluster (MDC), Attachments B and C, and amend the General Plan Map for that property from Office to Residential Medium.

In response to changing local land use patterns and demands for medical offices, one property owner submitted an application to rezone their property located at the southwest corner of Bessie Avenue and Carlton Way from MO to MDC and amend the General Plan Map from Office to Residential Medium. City staff is recommending the application be modified to include nine additional lots adjacent to or across Bessie Avenue from the owner's lot.

No improvements, changes of use, or new uses are proposed for the Subject Property with this application. The result of the rezoning and General Plan amendment will be that the residential uses are no longer nonconforming uses.

Project Proponent:

Yuju Hsiung
1305 Donohue Drive
San Jose, CA 95131

Lead Agency Contact:

Alan Bell, Senior Planner, City of Tracy
(209) 831-6426, alan.bell@ci.tracy.ca.us

Finding:

Based on the facts identified in the Initial Study, there is no substantial evidence that the project or any of its aspects, either individually or cumulatively, may cause a significant effect on the environment.

Attachments:

Attachment A: Location Map
Attachment B: Current Zoning
Attachment C: Proposed Zoning
Attachment D: Initial Study

**CITY OF TRACY
CEQA INITIAL STUDY
BESSIE AVENUE/CARLTON WAY MEDICAL OFFICE REZONE**

1. **Project Title:**

Bessie Avenue/Carlton Way Rezone and General Plan Amendment

2. **Lead Agency Name and Address:**

City of Tracy
Development and Engineering Services Department
333 Civic Center Plaza, Tracy, CA 95376

3. **Contact Person:**

Alan Bell, Senior Planner, (209) 831-6426, alan.bell@ci.tracy.ca.us

4. **Project Sponsor's Name and Address:**

Yuju Hsiung
1305 Donohue Drive
San Jose, CA 95131

5. **Project Location and Site Description:**

The Subject Property consists of ten lots (plus adjacent public right-of-way) on the south side of Carlton Way and east and west sides of Bessie Avenue in the City of Tracy, San Joaquin County (Attachment A). The lots range in size from 5,500 square feet to 14,025 square feet. The entire subject property is approximately 2.3 acres. The lots' Assessor's Parcel Numbers are 233-072-04 through 12 and 233-075-01.

All the lots are developed and improved with single-family homes. Eight of the lots have one single-family home each, and two of the lots each have two single-family homes. All of the lots are connected to City of Tracy water, sewer, and other services.

6. **Description of Project:**

The proposal is to rezone the Subject Property from Medical Office (MO) to Medium Density Cluster (MDC), Attachments B and C, and amend the General Plan Map for that property from Office to Residential Medium.

All of the lots were developed with single-family homes under residential zoning over 25 years ago. In 1988, the City of Tracy amended the MO Zone to reserve an area around the hospital for medical uses that could be mutually beneficial with the hospital. The Sutter Tracy Community Hospital is located one block south of the Subject Property. In the years after the hospital was constructed, over 25 houses in the MO Zone area (outside of the Subject Property) were replaced by or converted to medical-related uses and parking for medical uses. However, in recent years, the rate of conversion has nearly stopped and a number of factors suggest limited to no additional demand for medical offices at the Subject Property in the foreseeable future.

In response to this changing demand for medical offices, one property owner submitted an application to rezone their property located at the southwest corner of Bessie Avenue and Carlton Way from MO to MDC and amend the General Plan Map from Office to Residential Medium. City staff is recommending the application be modified to include nine additional lots adjacent to or across Bessie Avenue from the owner's lot.

No improvements, changes of use, or new uses are proposed for the Subject Property with this application. The result of the rezoning and General Plan amendment will be that the residential uses are no longer nonconforming uses.

7. **General Plan Designation and Zoning Classification:**

The Subject Property is designated Office by the City of Tracy General Plan and is zoned Medical Office.

8. **Other public agencies whose approval is required e.g., permits, financing, approval, or participation agreement:** None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture/ Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/ Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/ Hazardous Materials | <input type="checkbox"/> Hydrology/ Water Quality |
| <input type="checkbox"/> Land Use/ Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

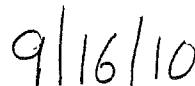
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Alan Bell, Senior Planner



Date

Environmental Checklist

Following each major category in the Initial Study are four determinations by which to judge the project's impacts. These determination types and their meanings are shown below:

"No Impact" means that it is anticipated that the project will not affect the physical environment on and around the project site. It, therefore, does not warrant mitigation measures.

"Less than Significant Impact" means the project is anticipated to affect the physical environment on and around the project site, however, to a less than significant degree, and therefore not warranting mitigation measures.

"Less than Significant with Mitigation Incorporated" applies to impacts where the incorporation of mitigation measures into a project has reduced an effect from "Potentially Significant" to "Less Than Significant". In such cases, and with such projects, mitigation measures will be provided including a brief explanation of how they reduce the effect to a less than significant level.

"Potentially Significant Impact" means there is substantial evidence that an effect is significant, and no mitigation is possible. In cases where a Statement of Overriding Considerations has been adopted for certain regional impacts within the Tracy General Plan EIR, a first tier EIR, a discussion will be provided regarding its purpose and applicability. The identification of one or more "Potentially Significant Impact" entries, for which a Statement of Overriding Considerations has not been adopted, will necessitate the preparation of an EIR.

Initial Study
 Checklist and Analysis

I. AESTHETICS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?				X
b.	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d.	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X

DISCUSSION:

No new improvements or changes to existing land uses are proposed with this project. Re-designating the site from Office to Residential Medium and changing the zoning from Medical Office to Medium Density Cluster will cause the existing residential uses to no longer be considered nonconforming uses.

Therefore, the project will not substantially damage or degrade, or adversely affect scenic vistas, scenic resources, or existing visual character or quality of the site. No new sources of light or glare will be created as a result of this project.

II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farm land. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X

DISCUSSION

The subject property consists of ten parcels within an urban area, each of which contains one or more single-family homes. The parcels range in size from 5,500 square feet to approximately 14,000 square feet, sizes typically not viable for agricultural or forestry production. No agriculture or forestry production occurs on or around the subject property.

No farmland, zoning for agricultural, forestry, or timber uses, or Williamson Act contract land is on or near the subject property. No conversion of farmland or forest land will result from this project.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d.	Expose sensitive receptors to substantial pollutant concentrations?				X
e.	Create objectionable odors affecting a substantial number of people?				X

DISCUSSION

No new construction or changes of land use are proposed as part of this land use designation change from medical offices to residential. The existing residential uses are anticipated to remain. Conversion to or construction of medical offices will no longer be permitted

Therefore, no air quality impacts are anticipated regarding construction activity or with the maintenance of the existing single-family homes.

IV. BIOLOGICAL RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

c.	Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?				X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

DISCUSSION

The subject property and its vicinity have been in urban development for many decades. The entire site and its vicinity have been significantly disturbed from the natural state with streets, houses and out buildings, sidewalks driveways and other paving, subsurface and overhead utilities, and ornamental landscaping. No candidate, sensitive, or special species have been reported in the project area. No new construction is proposed or anticipated with this project.

Therefore, the project is anticipated to have no impact on any sensitive natural community, riparian habitat, wetlands, wildlife corridors, or any Habitat Conservation Plan.

V. CULTURAL RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

DISCUSSION

No earth excavation, ground disturbance, grading, construction or other improvements are proposed as part of this project. Therefore, no substantial adverse change in the significance of a historical resource, archaeological resource, or paleontological resource is anticipated and no human remains will be disturbed.

VI. GEOLOGY AND SOILS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:				
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii.	Strong seismic ground shaking?				X
iii.	Seismic-related ground failure, including liquefaction?				X
iv.	Landslides?				X
b.	Result in substantial soil erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

DISCUSSION

There are no active faults within the project site or vicinity and the site is not located in an Alquist-Priolo Special Studies Zone. The site is relatively flat and contains single-family homes within an existing residential neighborhood. No new construction activities, and no greater numbers or higher concentrations of people are anticipated as a result of this project

VII. GREENHOUSE GAS EMISSIONS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

DISCUSSION

No new construction or changes of land use are proposed as part of this project and, therefore, no increases in greenhouse gas emissions or conflicts with greenhouse gas-reducing plans are anticipated.

VIII. HAZARDS AND HAZARDOUS MATERIALS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	For a project located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

DISCUSSION

The subject property is a portion of a long-time established, single-family home neighborhood. The proposed General Plan Amendment and Rezoning from Office and Medical Office, respectively, to residential General Plan and zoning classifications would render the existing homes no longer nonconforming. No new houses, evacuation routes, or other improvements or changes in land use are proposed for the project. The single-family homes are not anticipated to routinely transport, use, release, or emit any hazardous materials. The subject property is not within two miles of any airport, private airstrip, or wildland areas.

IX. HYDROLOGY AND WATER QUALITY

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements?				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site?				X
e.	Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?				X
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h.	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam?				X
j.	Inundation by seiche, tsunami or mudflow?				X

DISCUSSION

The subject property contains only single-family residences and is not proposed to change as a result of this project. The City of Tracy maintains the water supply, wastewater treatment, and storm drainage collection system for the entire City, including the subject property.

The residences would discharge domestic strength wastewater effluent into the City of Tracy's existing treatment system. The existing houses would continue to use existing water supplies and not increase the demand on any groundwater supply. No grading, drainage, or runoff alterations are proposed with this project. The subject property is over one and one-half miles away from any 100-year flood hazard area and farther, still, from any coastal, volcanic, mountainous, or other potential-risk locations.

X. LAND USE AND PLANNING

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Physically divide an established community				X
b.	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

DISCUSSION

The subject property is located within and is part of an existing residential community. No physical divide or any other changes to the established community are proposed as a result of the project. The proposal will not conflict with the General Plan, habitat conservation plan, or any other plan's environmental protection policies.

XI. MINERAL RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

DISCUSSION

The site has been occupied by an urban, residential neighborhood for many years. No changes to the residential neighborhood are proposed with this project. No access to mineral resources is currently available and that inaccessibility will not change as a result of this project.

XII. NOISE

	Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies?				X
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e.	For a project located within an airport land use plan area, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

DISCUSSION

The subject property is a portion of an existing, single-family home, residential neighborhood. The property is built-out with single-family homes. The project will change the General Plan designation and zoning of the site from Office and Medical Office, respectively, to residential classifications. The result will be that the existing single-family homes are no longer nonconforming uses with the zoning. Instead, the existing single-family homes will be conforming land uses with the proposed zoning.

No new improvements are proposed as part of this project. The site is not within two miles of any public or private airport or airstrip. No noise violations are documented at or in the vicinity of the subject property. Noises at the subject property are associated with routine, local traffic and other normal, neighborhood noises. No new noises are anticipated with the project. Therefore, no noise impacts are anticipated with this project.

XIII. POPULATION AND HOUSING.

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

DISCUSSION

No residential (or other) demolition, replacement, or construction is proposed as part of this project. The rezoning and change in land use designation could allow up to approximately seven additional residential units to be constructed, based on the maximum density allowed in the Medium Density Cluster Zone. However, the proposed zoning would not allow substantial population growth in the area. The existing, legally constructed residences are anticipated to remain and no displacement or construction of housing or other impacts on population growth is anticipated.

XIV. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Fire protection?				X
b.	Police protection?				X
c.	Schools?				X
d.	Parks?				X
e.	Other public facilities?				X

DISCUSSION

No new construction is anticipated with this project or changes to land uses or demands on police, fire, schools, parks, or other public facilities. Therefore, no impact is anticipated to public services.

XV. RECREATION

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b.	Does the project include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

DISCUSSION

This project is anticipated to have no impacts or affect the demands on parks or recreation facilities because no new parks, residential or other construction or improvements are anticipated to result from this project.

XVI. TRANSPORTATION/TRAFFIC

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b.	Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

DISCUSSION

No changes to any proposed or existing circulation systems or improvements or to demands on air traffic, roadways, pedestrian and bicycle paths, or mass transit are proposed or anticipated with this project.

XVII. UTILITIES AND SERVICE SYSTEMS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state and local statues and regulations related to solid waste?				X

DISCUSSION

No new construction or changes of use are proposed with the project. The existing single-family homes on the site are anticipated to remain and their storm water, wastewater, water supplies, and solid waste demands are not anticipated to change as a result of this project.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Will the proposal have the potential to:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?				X
b.	Does the project have impacts, which are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probably future projects.				X
c.	Does the project have environmental effect that will cause substantial adverse effects on human beings, either directly or indirectly?				X

DISCUSSION

- a. The subject property is built out with single family homes as part of an existing residential neighborhood. The site is in an urban setting and contains no native communities containing habitat for fish, wildlife, plant, or animal species. No new improvements are anticipated with this project, and therefore, it will not add incrementally to another project's environmental impacts and it will not cause adverse effects on human beings.

RESOLUTION NO. _____

RECOMMENDING THAT THE CITY COUNCIL ADOPT
A NEGATIVE DECLARATION FOR A GENERAL PLAN MAP AMENDMENT FROM OFFICE
TO RESIDENTIAL MEDIUM AND REZONING
FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER
FOR PROPERTY LOCATED ON THE SOUTH SIDE OF CARLTON WAY AND THE EAST
AND WEST SIDES OF BESSIE AVENUE (ASSESSOR'S PARCEL NUMBERS 233-072-04
THROUGH 12 AND 233-075-01)
THE APPLICANT IS YUJU HSIUNG
APPLICATION NUMBERS GPA10-0001 AND R10-0002

WHEREAS, An Initial Study was conducted showing that there is no substantial evidence that the project may have a significant effect on the environment, and

WHEREAS, CEQA Guidelines Section 15070 states that a Negative Declaration shall be prepared for a project when the Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment, and

WHEREAS, On September 16, 2010, the City of Tracy published a Notice of Intent to Adopt a Negative Declaration for the project in accordance with CEQA Guidelines, and

WHEREAS, The City of Tracy Planning Commission conducted a public hearing on October 13, 2010 to review the Negative Declaration;

NOW, THEREFORE, BE IT RESOLVED, That the City of Tracy Planning Commission recommends that the City Council adopt the Negative Declaration for the Bessie Avenue/Carlton Way Rezone and General Plan Amendment, Application Numbers R10-0002 and GPA 10-0001.

The foregoing Resolution No. _____ was passed and adopted by the City of Tracy Planning Commission on the 13th day of October, 2010 by the following vote:

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

Chair

ATTEST:

Planning Commission Liaison

RESOLUTION NO. _____

RECOMMENDING THAT THE CITY COUNCIL APPROVE A
GENERAL PLAN MAP AMENDMENT FROM OFFICE TO RESIDENTIAL MEDIUM AND
REZONING FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER FOR PROPERTY
LOCATED ON THE SOUTH SIDE OF CARLTON WAY AND THE EAST AND WEST SIDES OF
BESSIE AVENUE (ASSESSOR'S PARCEL NUMBERS 233-072-04 THROUGH 12 AND 233-
075-01), EXHIBIT 1,
THE APPLICANT IS YUJU HSIUNG
APPLICATION NUMBERS GPA10-0001 AND R10-0002

WHEREAS, The Medical Office Zone was established over 25 years ago to reserve an
area around the Sutter Tracy Hospital for medical uses that could be mutually beneficial with the
Hospital, and

WHEREAS, Changes in medical facility land use demands, including an anticipated
relocation of the Hospital, have decreased the anticipated demand for medical offices at the
Subject Property, and

WHEREAS, The Subject Property consists of ten lots developed with single-family
homes, and

WHEREAS, Amending the General Plan and rezoning the property as requested will
render the residential uses no longer nonconforming, and

WHEREAS, The Planning Commission conducted a public hearing to review the project
on October 13, 2010, and

WHEREAS, The project is required by the public necessity, convenience and general
welfare;

NOW, THEREFORE, BE IT RESOLVED, That the City of Tracy Planning Commission
recommends that the City Council approve the Bessie Avenue/Carlton Way Rezone and
General Plan Amendment, Application Numbers R10-0002 and GPA 10-0001.

The foregoing Resolution No. _____ was passed and adopted by the City of
Tracy Planning Commission on the 13th day of October, 2010 by the following vote:

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

Chair

ATTEST:

Planning Commission Liaison

Bessie Avenue / Carlton Way Rezone and General Plan Amendment



BYLAWS OF THE
PLANNING COMMISSION OF THE
CITY OF TRACY, CALIFORNIA

WHEREAS, Pursuant to California Government Code sections 6500 et seq. (“Government Code”) and Chapter 10.04 of Title 10 of the Tracy Municipal Code (“Municipal Code”), a Planning Commission (“Commission”) of the City of Tracy, California, has been established; and

WHEREAS, The membership qualifications, terms of office, organization, required meetings of the Commission are set forth in the Municipal Code; and

WHEREAS, The powers and duties of the Commission are set forth in the Government Code and the Municipal Code; and

WHEREAS, The Commission may adopt, subject to City Council (“Council”) approval, bylaws for the transaction of its affairs and conduct of its meetings.

NOW, THEREFORE, these Bylaws govern the conduct of the meetings and the transaction of its affairs.

A. PURPOSE

The purpose of the Commission is to perform all of the functions of a city planning commission as described by California state planning and zoning law, as further described in Chapter 10.04 of Title 10 of the Municipal Code, except as otherwise provided by ordinance or resolution of the Council.

B. ROLE AND RESPONSIBILITIES

The role of the Commission is to perform all of the functions of a city planning commission as described by California state planning and zoning law, as further described in Chapter 10.04 of Title 10 of the Municipal Code, except as otherwise provided by ordinance or resolution of the Council. The responsibilities of the Commission include making recommendations to the Council regarding the general plan and amendments thereto, subdivision map applications in accordance with the California Subdivision Map Act and the Municipal Code, and holding hearings on planning and zoning matters.

C. MEMBERSHIP GUIDELINES

1. **Membership.** The Commission shall consist of five (5) members unless otherwise provided in the Municipal Code.
2. **Term.** Each member shall serve a four- year term. Terms for members appointed to fill unexpired terms shall be in accordance with the Municipal Code.
3. **Attendance.** Attendance requirements are set forth in Chapter 10.04 of the Municipal Code.
4. **Leave of Absence.** A Planning Commission member may submit a written request to the City Council, for a leave of absence of up to six-months, which may be approved in its discretion.
5. **AB 1234 Training and Form 700 Completion.** If a member of the Planning Commission who is required to complete AB 1234 training (State Mandated

Ethics Training) and/or is required to complete form 700 (Statement of Economic Interest), does not do so in a timely manner, the City Clerk's Office will send two written notices at least 10 days apart to the member. If the member does not complete the required training and/or form, and provide proof of compliance to the City Clerk's Office, within 30 days of receiving the second written notice, his or her appointment will automatically terminate.

D. QUORUM

A quorum of the Planning Commission shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Planning Commission to hold a meeting.

E. OFFICERS AND DUTIES

1. The officers of the Planning Commission shall be:
 - a. The Chairperson and
 - b. The Vice-Chairperson.
2. The Chairperson shall:
 - a. Preside at all regular and special meetings.
 - b. Rule on all points of order and procedure during the meetings.
 - c. Sign all resolutions and minutes.
 - d. Provide recommendations to staff liaison regarding agenda items.
3. The Vice Chairperson shall assume all duties of the Chairperson in his or her absence or disability.
4. In case of the absence of both the Chairperson and Vice Chairperson from any meeting, an Acting Chairperson shall be elected from among the members present.

F. TERMS AND VACANCIES

The officers will be selected by the membership for a one year term. The annual election of officers shall take place at the last regular meeting in June of each year. The terms of officers shall commence as of July 1st following the election and shall continue through June 30th of the following year. In the first year of formation, the election of officers shall take place at the first regular meeting.

G. MEETINGS

1. Regular meetings of the Planning Commission shall be held on the Second and Fourth Wednesday of each month, except in November and December of each year when regular meetings shall be held on the First and Third Wednesday, and shall begin at 7:00 p.m. in the Tracy Community Center.
2. If the scheduled date of a regular meeting conflicts with a holiday period, staff shall reschedule that meeting to be conducted within that month.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Planning Commission by a

majority of the quorum. If a meeting is adjourned or an item is continued to a special meeting to be held on a date other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the motion for adjournment or continuance.

4. All meetings are subject to the Brown Act as set forth in Government Code sections 54950 and following. Accordingly, all meetings shall be noticed and agendas for all meetings shall be prepared and posted in accordance with the current Council meeting procedures.
6. All meetings shall be conducted in accordance with the current Council meeting procedures.
7. All agendas shall be prepared and distributed in accordance with Council meeting procedures and the Brown Act.

H. FUNDING

Any funding necessary for operation of the Commission shall be included in the City of Tracy budget, which shall be approved by the Council.

I. ADMINISTRATIVE PROCEDURES AND POLICIES

The Commission shall follow all applicable City fiscal administrative policies and procedures.

J. SUBCOMMITTEES

The Commission may form ad hoc subcommittees in accordance with the Brown Act, and make appointments to that subcommittee, as it deems necessary. A quorum of Commission members may not be appointed to serve on a single subcommittee. Before forming a subcommittee, the Commission shall establish a specific charge and term for the subcommittee.

K. STAFF LIAISON

The Commission shall have a staff liaison designated by the Development and Engineering Services Department. The staff liaison shall:

1. Receive and record all exhibits, petitions, documents, or other material presented to the Planning Commission in support of, or in opposition to, any question before the Planning Commission.
2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted and amended by Council resolution, shall serve as the Bylaws for the Commission.

Commission: Recommended approval to Council on December 17, 2003, by motion action.

Council: Approved by Council on January 20, 2004, by Resolution No. 2004-016, and amended by Council on March 2, 2010, by Resolution No. 2010-022.

(09 29 10)