

MINUTES
TRACY CITY PLANNING COMMISSION
DECEMBER 15, 2010
7:00 P.M.
TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTE 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. RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND RECOMMENDING CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

* * * * *

The Planning Commission meeting was called to order by Chair Mitracos at 7:00 p.m.

The pledge of allegiance was led by Chair Mitracos.

ROLL CALL: Roll call found Commissioner Johnson, Commissioner Manne, Commissioner Ransom, Vice Chair Alexander, and Chair Mitracos present. Also present were staff members Kimberly Matlock, Assistant Planner; Victoria Lombardo, Senior Planner; Bill Dean, Assistant Director of Development and Engineering Services; Andrew Malik, Director of Development and Engineering Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES

It was moved by Commissioner Ransom and seconded by Commissioner Manne to approve the minutes of October 27, 2010 as written. Voice vote found all in favor; passed 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Mr. Dean stated there were no changes or additions to the agenda.

ITEMS FROM THE AUDIENCE - None

1. OLD BUSINESS – None
2. NEW BUSINESS
 - A. RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND RECOMMENDING CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

The staff report was given by Bill Dean, Assistant Director of Development and Engineering Services. Mr. Dean indicated that staff was asking the Commission to make a recommendation to City Council regarding the General Plan Amendment (GPA), Sustainability Action Plan (SAP), and the Environmental Impact Report (EIR). Mr. Dean introduced David Early of DC&E. Mr. Dean provided a PowerPoint presentation. Mr. Dean provided a timeline regarding the process of the GPA, SAP and EIR. Mr. Dean stated that the key aspects of the amendment were revisions to the Sphere of Influence (SOI) to reflect LAFCo policy changes, land use changes, changes to the urban reserve areas, addition of sustainability policies, and incorporating new State regulations regarding flooding. Mr. Dean indicated that there had been a sheet provided to the Commission which was also available to the public which included cleaning up of the language of the noise element in order to make it more understandable. Mr. Dean added that there was a modification to the SAP program related to set-backs and buffers along riparian areas.

Mr. Dean briefly outlined the Sustainability Action Plan (SAP) strategies, targets, and measures. Mr. Dean stated that the purpose of the EIR was to provide public agencies with detailed information on the effect of the project, and ways in which to minimize those effects. Mr. Dean indicated that staff was asking the Commission to recommend Council certify the EIR, adopt the GPA and the SAP. Mr. Dean further indicated that the next steps would be a City Council hearing on January 18, 2011 to consider the recommendation, and a LAFCo workshop and hearing on the proposed SOI and City's Municipal Services Review in March or April 2011.

Chair Mitracos stated he hadn't realized this project was three years in the making.

Commissioner Ransom asked if the Commission would have a few moments to review the addendum that was given to them that evening, or if staff intended to go over the information item by item. Mr. Dean answered that he intended to announce it was available to the Commission and the public, and answer any questions that anyone might have. Mr. Dean added that if the Commission would like, he could go over the item line by line. Chair Mitracos stated that he felt it would be a good idea to go over the page item by item. Mr. Dean stated that staff had opened up the Noise Element of the General Plan and the Noise Ordinance of the Tracy Municipal Code to compare the language. Mr. Dean indicated that staff wanted to make sure that the policies in the General Plan served the Noise Ordinance well, as staff had spent much time crafting the Ordinance and it had been working well. Mr. Dean indicated in Objective N-1.1 there were changes to several policies. Mr. Dean stated that in Policy P2, there was a typo, which made the language confusing and staff had reworded the policy so it was easier to understand. Mr. Dean further stated in Policy P3, it wasn't clear that sometimes residential uses are located next to non-residential uses, and the verbiage was changed to recognize that. Mr. Dean stated in Policy P4, staff wanted to change the language due to the fact that it contained a very specific reference to a specific State Building Code, which may change over time and so it was changed to a more general reference to the Building Code. Mr. Dean indicated that in Policy P5 staff wanted to make the language more clear and understandable. Mr. Dean indicated in Policy P6, staff clarified that noise can also come from external sources. Mr. Dean stated that Policy P8 was redundant to Policy P3 so it was removed, and Policy P9 was renumbered to P8. Mr. Dean further stated that an additional Policy was added regarding train pass-bys. Mr. Dean indicated that in Objective N1.2, staff reworded the language in Policy P1 to reflect the fact that there should be a Noise Ordinance in the Municipal Code. Mr. Dean stated that in Objective N1-3 there was a policy change on Policy P2 to establish the fact that it is the project proponent's responsibility to implement the Conditions of Approval relating to the Noise Ordinance. Mr. Dean indicated that the final measure on the sheet provided was a recommended change to the SAP, regarding the setbacks and buffers along habitat corridors. Mr. Dean stated that the change added language which required setbacks and buffers in new developments unless the setback or buffer area was already in the riparian or critical habitat corridor.

Commissioner Johnson asked if the addendum would cause the documents to be put out again for public comment. Mr. Dean answered that the changes were relatively minor and did not cause changes to the EIR; therefore it was possible to make the changes at that level. Mr. Dean reminded the Commission that members of the public did have the next month to contact staff if there was any concern about the proposal.

Commissioner Johnson stated that Mr. Dean had indicated that the changes were minor, however in Policy P9 it was stated that the maximum for train pass-bys was 70 dBA instead of the day-night average noise level and that seemed like a significant difference. Commissioner Johnson further stated that 70 dBA seemed low. Mr. Dean indicated that one needed to keep in mind that there was a set-back requirement from the rail line. Mr. Dean stated that staff was going to use sound attenuation techniques to look at any projects approximate to a railway however the sound attenuation techniques are significantly different if the standard is 60 or 70 or 80 dBA, and this was a reasonable measure to attenuate without getting into complex construction techniques. Mr. Dean added that the policy was for the outdoor activity areas, not the interior of the village. Commissioner Johnson asked how staff had come up with the number

of 70 dBA, and if it was an industry standard. Mr. Dean answered that staff had looked at all the work done by the noise consultant, and the General Plan had a table referring to what 70 dBA sounds like and feels like. Commissioner Johnson stated that he knew there was a Council goal to get the High Speed Rail connection in the Downtown area and it would be next to multi-family homes and 70 dBA seemed low. Commissioner Johnson stated that he understood the goal, and asked if the objectives could be amended later. Mr. Dean answered that it was important to remember that these were all amendable.

Chair Mitracos asked for clarification on the decibel levels. Andrew Malik, Director of Development and Engineering Services answered that a conversation was approximately 50 decibels. Mr. Dean added that 70 decibels was similar to a freeway approximately 100 feet away.

Vice Chair Alexander stated that he had noticed there were 21 measures supporting transportation however none of them supported High Speed Rail or the expansion of BART through the Altamont Pass, which he felt was an important measure to look at and support. Mr. Dean stated Vice Chair Alexander was correct that City Council had made it known that if there was a connection to high speed rail it should go through the downtown area. Mr. Dean stated that staff had to determine how to write the language when the planning of the projects was being done by other agencies. Mr. Dean added that staff had recognized in measure T13 that there were other entities involved in the developing of those projects and staff needed to work with those entities to make that possible.

Commissioner Ransom asked if it was necessary to include the noise level of a train pass-by as it was unavoidable and staff was not sure what the level would be. Mr. Sartor stated that when staff reviewed the document, they had found throughout the ordinance a clear typo with the dBA referenced without Ldn, and Ldn referenced without dBA. Mr. Sartor that staff felt they resolved the problem on their own without speaking to the consultant, however staff could clarify the number with the consultant before it goes before City Council.

Commissioner Ransom stated that she was not able to locate Measure T-5(b) on page 5-9 of the SAP and asked if she was missing something. Kimberly Matlock, Assistant Planner answered that the version of the document before the Commission was in track changes, and once the changes were accepted, the numbering would be corrected. Commissioner Ransom stated that as a result of the numbering, she was not able to fully comprehend what had taken place regarding letter ORG1 as it refers to the applicability of Measure T-5(b). Mr. Dean provided a brief explanation that a comment came in regarding the City's proposed to the Subdivision Design Standards, that is should only be applicable to areas designated Traditional Residential. Mr. Dean stated that instead of saying that Subdivision Design Standards which have yet to be developed and brought to public hearing only apply to certain designations of the General Plan, staff felt they may be applicable for several different designations. Mr. Dean stated that application of any subdivision standard would be viewed in a map, and any application coming in under the subdivision standard would come before the Commission for the subdivision map. Mr. Dean stated that he felt the City needed flexibility because the Standards have not been finished yet.

Chair Mitracos stated that he was concerned that the traditional neighborhood was being watered down. Mr. Dean stated that there must be flexibility in General Plan policy and Zoning Code and standards because one-size-fits-all does not work. Mr. Dean stated that there are some projects which would not work with a strict standard, such as odd shaped properties or a

neighborhood in the hills which would not be able to have a grid pattern. Chair Mitracos stated that he was talking about designing, but he was talking about character.

Mr. Early stated that there had been a comment from Mr. Souza which suggested that the T5(b) measure be clarified so that the standards be applied to the traditional residential zone only. Mr. Early further stated that staff disagreed with the comments, and had staff agreed it would have resulted in the watering-down that Chair Mitracos was talking about.

Commissioner Ransom indicated in ORG2-11, the commenter stated that it was not realistic to meet the one-quarter mile walkability standard, which she agreed with, and it had been changed to the half mile but she would like to know how staff had come up with the standard. Mr. Dean answered that staff had worked with the consultant MIG to look at the standard based on their research and found that the half-mile standard was more reasonable.

Vice Chair Alexander stated he noticed in the GPA a projected number of jobs in Urban Area 3 and Urban Area 6, and he wondered what type of jobs would be available in those areas. Mr. Malik stated those were the Cordes Ranch and Catellus areas, and they would likely include a mix of uses, including possible light industrial and flex-office.

Commissioner Ransom stated that in the GPA the senior housing in the density up to 50 units per gross acre had been removed from the downtown area and she would like to know the rationale. Mr. Dean stated that staff wanted the density to apply to more than just senior housing. Commissioner Ransom asked if senior housing would still be allowed. Mr. Dean answered it would. Commissioner Ransom asked about the phrase "zoning district" in the GPA, and stated that she could not find a definition for the phrase. Mr. Dean asked for a specific page reference to clarify the information. Mr. Early stated that he found a reference on page 2-20. Mr. Early stated that the reference was related to Ellis and it was taken from documents adopted by the City, and the references were taken verbatim from the documents. Mr. Dean stated that on page 2-13 the General Plan Land Use Designations were introduced and he suggested that there could be language added which would say this is distinct from zoning. Commissioner Ransom stated she thought that would be helpful to the reader.

Commissioner Ransom asked if, in regards to the Urban Reserves, the amendments to the General Plan would be automatically generated to show the changes to the Urban Reserve numbering. Mr. Dean stated that staff would be before the Commission with a General Plan Amendment with exhibits and texts to show the change.

Commissioner Ransom stated in Objective ED6.3, Policy P4, on page 4-15 she was trying to relate the policy to the goal. Mr. Malik stated that the area referenced was the Northeast Industrial Area, which was an existing Industrial Area, and it was a policy statement that staff would be proactive to try to get investors and developers into the City.

Commissioner Ransom stated on page 5-3 there was a reference to Measure K, and she thought there should be a description of what Measure K was for a future reader of the document. Mr. Dean stated that was a good point and staff would include at the very least a definition of Measure K.

Chair Mitracos opened the public hearing. As no one spoke on the item, the public hearing was closed.

Commissioner Ransom stated that she appreciated that time and effort that went into the creation of the documents. Chair Mitracos agreed with the comments.

Mr. Early stated that he appreciated the Commissioners having read and understood the documents, their questions, and the small errors they found.

Commissioner Johnson asked if the process would end at the certification of the documents by LAFCo. Mr. Dean stated that the process never really ends. Mr. Dean further stated that the process of General Plan Adoption would conclude when Council certified the EIR and approved it and LAFCo adopted the SOI; however then the process would move into the implementation mode, and there would be amendments to the General Plan. Commissioner Johnson asked if the document was a living document constantly changing. Mr. Dean stated that the General Plan was constantly evolving and it was necessary to change it over time as local priorities change.

Chair Mitracos asked how long it would take for LAFCo to review and act on the documents. Mr. Dean answered that LAFCo would receive a complete and well-thought application from staff, and David Early would assist in the process. Mr. Dean stated that LAFCo would have a staff review, and then they would put together a workshop for City staff and the public to interact. Chair Mitracos asked if would be complete in April. Mr. Dean stated that staff intended to submit the documents in February.

Victoria Lombardo, Senior Planner stated that there would be four separate sets of edits. Mrs. Lombardo stated that the first and second set of edits would be to incorporate the policy changes to the GPA and the SAP on the sheet provided that evening, with the exception of the policy change regarding the 70 dBA limit for train pass-bys, until staff could clarify the number and language with the noise consultant. Mrs. Lombardo indicated the third set of edits would be to add a sentence to better describe zoning and its relationship to the General Plan Land Use designations on page 2-13. Mrs. Lombardo further indicated that the last set of edits would be to page 5-3 to define and explain what Measure K was. Mr. Sartor clarified that the first set of edits to the noise ordinance were not policy changes but clarifications.

It was moved by Commissioner Johnson and seconded by Commissioner Manne that the Planning Commission recommend City Council:

1. Certify the General Plan Supplemental EIR and adopt Findings of Fact and Statement of Overriding Considerations,
2. Adopt the General Plan Amendment of 2011, and
3. Adopt the Sustainability Action Plan

with the amendments as described previously by Mrs. Lombardo. Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – None
4. DIRECTOR'S REPORT

Mr. Dean thanked the Commissioners for their time and commitment to the community.

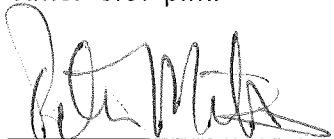
5. ITEMS FROM THE COMMISSION

Commissioner Manne thanked staff, especially Mr. Dean and those that attended the workshops, for their time.

6. ADJOURNMENT

It was moved by Commissioner Ransom and seconded by Commissioner Manne to adjourn.

Time: 8:07 p.m.



CHAIR



STAFF LIAISON

