

MINUTES  
TRACY CITY PLANNING COMMISSION  
JANUARY 12, 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. RESCINDING PLANNING COMMISSION RESOLUTIONS 2010-015 AND 2010-016 AND APPROVAL OF REVISED RESOLUTIONS RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011 WITH REVISIONS, 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

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The Planning Commission meeting was called to order by Chair Mitracos at 7:05 p.m.

The pledge of allegiance was led by Chair Mitracos.

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

Commissioner Ransom arrived at the meeting at 7:07.

#### MINUTES

It was moved by Vice Chair Alexander and seconded by Commissioner Manne to approve the minutes of October 13, 2010 and December 15, 2010 as written. Voice vote found all in favor; passed 5-0-0-0.

#### DIRECTOR'S REPORT REGARDING THIS AGENDA – NONE

#### ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
  - A. RESCINDING PLANNING COMMISSION RESOLUTIONS 2010-015 AND 2010-016 AND APPROVAL OF REVISED RESOLUTIONS RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011 WITH REVISIONS, 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

Victoria Lombardo, Senior Planner provided the staff report. Mrs. Lombardo indicated that the Commission had met on December 15, 2010 regarding the General Plan Amendment, Sustainability Action Plan and the Supplemental Environmental Impact Report (SEIR), and at that meeting the Commission had made a couple of comments. Mrs. Lombardo further indicated that staff had responded by making additions to the General Plan Amendment including a definition of Measure K and an explanation regarding the differences between zoning and General Plan Designations. Mrs. Lombardo stated that staff had mistakenly attached the old findings to the resolution for the SEIR at the previous meeting. Mrs. Lombardo stated that the correct updated versions were included with the staff report.

Bill Dean, Assistant Director of Development and Engineering Services stated that the incorrect findings for the resolution at the previous meeting had been purely a clerical error. Mr. Dean added that it was not required that staff bring the item back, however they felt it was best to do so.

Bill Sartor, Assistant City Attorney stated that at the previous meeting Commissioner Johnson had pointed out that the sound level of the train pass-by was possibly incorrect. Mr. Sartor stated that he was correct in that observation. Mr. Dean added that the issue was whether the

train pass-by should be measured as an average or just the decibel level itself. Chair Mitracos stated that average does work, whereas the previous information did not.

Chair Mitracos stated that he had a question about Mitigation Measure NOI-2 on Exhibit D where it is stated that the measurement would be done once, on the Summary of Mitigation Monitoring Programs. Chair Mitracos asked who would measure, when, and for how long. Mr. Dean answered that the Noise Ordinance prescribes how noise issues would be addressed and how often. Mr. Dean stated that in a development application it would be addressed once. Mr. Dean further added that the Ordinance established the procedure for the noise process.

Commissioner Ransom asked for clarification about the train pass by. Mrs. Lombardo stated that staff had incorrectly labeled it as a single measurement of decibels when it should have been an average.

Vice Chair Alexander asked who had the authority to enforce a violation of the noise ordinance. Mr. Dean answered that the City had the authority, and typically there was a complaint filed and the Development and Engineering Services Department would work with the City Attorney's Office to handle the complaint. Vice Chair Alexander asked what the fines were for multiple violations. Mr. Sartor answered that it would depend on which way the City would proceed. Mr. Sartor stated that if the City went the criminal route, it was a \$100 bail amount fine and then the court would add a penalty assessment and if one chose to just pay the fine it would be \$400 for the first offense, \$800 for the second offense and it would substantially jump for the third offense which could also be handled as a misdemeanor offense. Mr. Sartor stated that there was also an administrative citation process which would be \$100 for a first offense, \$200 for a second offense and \$500 for each additional offense in a calendar year, with each day constituting a separate offense. Mr. Sartor stated that if the City abated the issue, it could recoup the costs of the abatement.

Commissioner Johnson stated that he felt the descriptions which were added at the suggestion of Commissioner Ransom were very clear. Commissioner Johnson asked for clarification on the comment in the description of Measure K which stated it had laid the ground work for two decades of funding. Commissioner Johnson stated that if the measure was for two decades it would have expired. Mr. Dean answered that it had been renewed, and the comment was an expression of what the measure was meant to do. Mr. Dean stated that the language was taken from the San Joaquin Council of Government website. Commissioner Manne added that the initial measure was for 20 years, but it was reaproved in 2008.

It was moved by Vice Chair Alexander and seconded by Commissioner Ransom that the Planning Commission:

1. Rescind Planning Commission Resolution number 2010-015 and approve the revised resolution recommending that the City Council certify the Final Supplemental Environment Impact Report for the General Plan Amendment of 2011 and the Sustainability Action Plan
2. Rescind Planning Commission Resolution Number 2010-016, dated December 15, 2010 and approve the revised resolution recommending City Council approval of the General Plan Amendment of 2011 with an exhibit showing the revisions discussed at the December 15, 2010 meeting.

Voice vote found all in favor; passed 5-0-0-0.

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

Chair Mitracos asked if the General Plan workshops were done, and if there were any other documents or subjects that should be studied by the Commission. Mr. Dean stated that the Housing Element would come before the Commission in pieces. Mr. Dean stated that 2010 was the year of the General Plan and 2011 will be the year of Zoning for the Commission.

Chair Mitracos asked what was happening next with the Housing Element now that comments had come back from the State. Mr. Dean stated that Council had provided additional input on the comment letter from the State, and staff would be revisiting the issue at the February 1, 2011 Council Meeting to get direction on how to respond to the State.

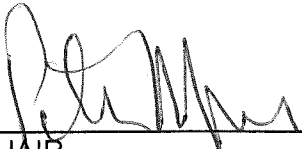
Chair Mitracos asked if there were other documents such as specific plans or the Housing Element that the Commission would like to have a workshop on. Mr. Sartor stated that there could be Brown Act violation if more than two Commissioners discuss the issue when it was not on the agenda. Chair Mitracos stated in that case, if anyone was interested in the issue they should contact staff.

Chair Mitracos indicated he had been waiting to see the Downtown Specific Plan. Mr. Dean stated that it was related to the General Plan, in the sense that the General Plan EIR was sort of the master EIR, and the Downtown Specific Plan would be tiered off of it. Mr. Dean stated that because there was interest it would be placed on the agenda for a later meeting. Chair Mitracos stated that the State was discussing the removal of Redevelopment Districts, and that may need to be part of the discussion. Mr. Dean stated that that was a budget proposal from the Governor and everyone was watching to see what happens.

6. ADJOURNMENT

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

Time: 7:27 p.m.

  
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CHAIR

  
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STAFF LIAISON