

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, May 11, 2011, 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 TO EXTEND THE APPROVAL OF DEVELOPMENT REVIEW APPLICATION NUMBER 1-08-D FOR AN 11,554 SQUARE FOOT BUILDING AND SITE IMPROVEMENTS ON A SITE LOCATED AT THE NORTHWEST CORNER OF GANDY DANCER DRIVE AND MARS COURT, ASSESSOR'S PARCEL NUMBER 248-470-27 - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS TRADITIONS MARTIAL ARTS ACADEMY, INC. - APPLICATION EXT11-0003

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

May 5, 2011

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.

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION TO EXTEND THE APPROVAL OF DEVELOPMENT REVIEW APPLICATION NUMBER 1-08-D FOR AN 11,554 SQUARE FOOT BUILDING AND SITE IMPROVEMENTS ON A SITE LOCATED AT THE NORTHWEST CORNER OF GANDY DANCER DRIVE AND MARS COURT, ASSESSOR'S PARCEL NUMBER 248-470-27 - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS TRADITIONS MARTIAL ARTS ACADEMY, INC. - APPLICATION EXT11-0003

DISCUSSION

Background

On April 23, 2008, the Planning Commission approved Development Review application 1-08-D for an 11,554 square foot building and associated onsite parking and landscaping improvements on a one-acre parcel at the northwest corner of Gandy Dancer Drive and Mars Court. In accordance with the Tracy Municipal Code (TMC), an approved architectural package (Development Review) shall be valid for one year (Section 10.08.4080). On April 23, 2009, the Development Review approval was set to expire. At that time, the project had not been constructed and the use had not been established. The applicant submitted a request to the City on April 21, 2009 for an extension of the Development Review approval, and the Planning Commission granted a two-year extension of the Development Review approval on May 9, 2009. The extended Development Review approval was then set to expire on April 23, 2011.

At the same noticed meeting in April 2008, the Planning Commission also granted a Conditional Use Permit for public assembly uses, including a martial arts studio, at the project site. In accordance with TMC Section 10.08.4360, the Planning Commission granted a validity period of two years for the Conditional Use Permit. The Conditional Use Permit expired on April 23, 2010 and is no longer eligible for extension.

Extension Application and Analysis

On April 19, 2011, the applicant submitted a request to the City for an extension of the Development Review approval. According to the applicant, due to extraordinary economic conditions, they have been unable to construct the project and desire to move forward with the project as market conditions improve. The applicant anticipates that a three-year extension would be sufficient. This request was received before the extended Development Review approval expiration date.

The project, which includes a building that meets the City standards for high-quality design, four-sided architecture, and holding the buildings to the corner, is well designed for the project location. The project will be required to comply with any and all local, regional, state, and federal requirements in place at the time of project construction, including, but not limited to, California Building and Fire Codes, stormwater management requirements, and water-efficient landscape requirements.

The Conditional Use Permit has already expired and cannot be extended through this extension application. A reinstatement of the use permit will be examined at a later time through a separate application. Should no conditional use permit be approved in the future, the building would be required to house a use consistent with the zoning for the site. The site is located within the Industrial Areas Specific Plan (ISP) and is designated General Industrial. Principally permitted uses include manufacturing, repair and assembly, warehousing and storage, laboratories, offices, consumer and business services, and automotive repair.

Environmental Document

Public Resources Code section 21083.3 and its parallel Guidelines provision, section 15183, provide for streamlined environmental review for projects consistent with the development densities established by existing zoning, general plan, or community plan policies for which an environmental impact report ("EIR") was certified. Such projects require no further environmental review except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant impact in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for the project solely on the basis of that impact.

In 1988, the City certified an EIR for the Industrial Areas Specific Plan ("ISP EIR"). Also, on February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (SCH# 2008092006) (the "General Plan EIR").

Staff has examined the environmental effects of the project and has determined that no further review is necessary because there are no:

- a. environmental effects that are peculiar to the project or the parcel on which the project would be located;
- b. environmental effects that were not analyzed as significant effects in the ISP EIR or the General Plan EIR;
- c. potentially significant off-site impacts and cumulative impacts which were not discussed in the ISP EIR or the General Plan EIR; or
- d. previously identified significant effects in the NEI EIR or the General Plan EIR which, as a result of substantial new information which was not known at the time the EIRs were certified, are determined to have a more severe adverse impact than discussed in the EIRs.

Finally, the ISP EIR and the General Plan EIR specified a number of feasible mitigation measures to address significant effects on the environment that would result in implementing the plan. To the extent applicable, these mitigation measures are incorporated as part of the project or as part of the project's conditions of approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving a three-year extension of the Development Review Application 1-08-D, for the 11,554 square foot building and associated onsite improvements at the northwest corner of Gandy Dancer Drive and Mars Court, as stated in the Planning Commission Resolution dated May 11, 2011.

MOTION

Move that the Planning Commission adopt a resolution approving a three-year extension of the Development Review Application 1-08-D, for the 11,554 square foot building and associated onsite improvements at the northwest corner of Gandy Dancer Drive and Mars Court, as stated in the Planning Commission Resolution dated May 11, 2011.

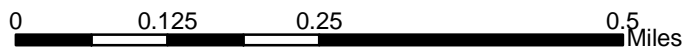
Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development and Engineering Services Department Director

Attachment A: Location Map

Attachment B: Site Plans, Floor Plan, Landscape Plan, and Elevations

Attachment C: Color Elevation



RESOLUTION _____

APPROVING AN EXTENSION TO THE APPROVAL OF DEVELOPMENT REVIEW APPLICATION NUMBER 1-08-D FOR AN 11,554 SQUARE FOOT BUILDING AND SITE IMPROVEMENTS ON A SITE LOCATED AT THE NORTHWEST CORNER OF GANDY DANCER DRIVE AND MARS COURT, ASSESSOR'S PARCEL NUMBER 248-470-27 - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS TRADITIONS MARTIAL ARTS ACADEMY, INC. - APPLICATION EXT11-0003

WHEREAS, on April 23, 2008, the Planning Commission approved a Development Review application for an 11,554 square foot building and associated onsite improvements on a one-acre parcel at the northwest corner of Gandy Dancer Drive and Mars Court, and

WHEREAS, a Development Review approval becomes void one year after its effective date, and

WHEREAS, on May 9, 2009, the Planning Commission approved a two-year extension of the Development Review approval based on extraordinary market conditions that make project construction difficult, and

WHEREAS, the Development Review approval was set to expire on April 23, 2011, and on April 19, 2011, the applicant submitted an application to extend the approval for three years due to continued extraordinary market conditions that make project construction difficult, and

WHEREAS, there have been no significant environmental or architectural standard changes since the original approval date of April 23, 2008 or expected in the three years that would cause re-evaluation of the project's approval, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Development Review approval extension on May 11, 2011;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve a three-year extension of the Development Review approval for the 11,554 square foot building and associated onsite improvements at the northwest corner of Gandy Dancer Drive and Mars Court, Application Number EXT11-0003 (Development Review Application Number 1-08-D), based on the following findings:

1. The desirability of property, the benefits of occupancy, and the most appropriate development of other properties within the vicinity will not be impaired because of the project's consistency with City standards and compatibility with improvements in the vicinity of the site. The location of the building is at the southeast corner of the site and effectively "holds the corner," which is encouraged by City design policies. The building has rich and unique architecture with a four-side oriental façade. Significant architectural detail is applied to both the northwest and southeast corners of the building, with the inclusion of a pitched roof and an extended and exposed ridge. The building incorporates arbors, and the arcade on the north and west elevations provide aesthetic interest and depth to the building. Four main colors are utilized, not including the bronze tint, which will be applied to the windows.
2. The project is consistent with the Industrial Areas Specific Plan as the project, as designed, complies with setbacks, landscaping, parking, and other design standards of the Specific Plan.

3. The project will not be detrimental to the public health, safety, or welfare because it is consistent with the existing improvements and land uses in the vicinity of the project site.

* * * * *

The foregoing Resolution _____ of the Planning Commission was adopted by the Planning Commission on the 11th day of May, 2011, by the following vote:

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

Chair

ATTEST:

Staff Liaison