

MINUTES  
TRACY CITY PLANNING COMMISSION  
SEPTEMBER 28, 2011  
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. DISCUSSION RELATED TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS PROPOSED REGIONAL SMART GROWTH / TRANSIT-ORIENTED DEVELOPMENT PLAN

B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO EXPAND A SMALL FAMILY DAY CARE HOME TO A LARGE FAMILY DAY CARE HOME AT 1011 BEN INGRAM LANE - APPLICANT IS RASHIDA KHAN - APPLICATION NUMBER CUP11-0004

C. PUBLIC HEARING TO CONSIDER THE FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT WHICH INCLUDES A GENERAL PLAN AMENDMENT (GPA09-0002) TO RE-DESIGNATE THE SITE FROM URBAN RESERVE 2 TO COMMERCIAL; I-205 CORRIDOR SPECIFIC PLAN AMENDMENT (SPA10-0002) TO ADD THE SITE TO THE SPECIFIC PLAN AREA, DESIGNATE THE SITE GENERAL COMMERCIAL, AND ADD DEVELOPMENT STANDARDS REQUIRED BY EIR MITIGATION MEASURES; ANNEXATION OF THE 43-ACRE PROJECT SITE TO THE CITY OF TRACY AND PREZONE THE SITE PLANNED UNIT DEVELOPMENT (A/P09-0002); AND CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT - THE APPLICANTS ARE BILL FILIOS FOR GRANT LINE APARTMENTS, LLC AND GARY DOBLER FOR DOBLER FAMILY TRUST

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 Manne at 7:00 p.m.

The pledge of allegiance was led by Chair Manne.

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

#### MINUTES

It was moved by Commissioner Johnson and seconded by Vice Chair Ransom to approve the minutes of September 14, 2011 as written. Voice vote found all in order; Passed 5-0-0-0.

#### DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development and Engineering Services, stated that the presenters for Item 2-A were running late and stuck in traffic, and he recommended the Commission hear Item 2-B first.

#### ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
  - B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO EXPAND A SMALL FAMILY DAY CARE HOME TO A LARGE FAMILY DAY CARE HOME AT 1011 BEN INGRAM LANE - APPLICANT IS RASHIDA KHAN - APPLICATION NUMBER CUP11-0004

The staff report was provided by Alan Bell, Senior Planner. Mr. Bell stated according to state law, a small family daycare is one that allows up to 8 children, and a large family daycare is up to 14 children. Mr. Bell indicated the current application was for a large family daycare which required a Conditional Use Permit under City standards. Mr. Bell stated the applicant currently operated a small family day at the residence. Mr. Bell indicated there was a two car garage, room for two cars in the driveway, and room for two cars to park on the street in front of the

home. Mr. Bell further indicated there would be one employee who could park in the driveway, and still leave room for dropping off and picking up of children. Mr. Bell stated there was a public hearing notice which was mailed to property owners within 300 feet of the site, and the applicant had assured staff that they had talked to neighbors to inform them of the application to expand to a large family daycare which would include up to 14 children. Mr. Bell further stated staff recommended approval of the application.

Chair Manne opened the public hearing.

Mr. Khan addressed the commission, as the husband of the applicant. Commissioner Alexander asked how long the applicant had been operating the daycare business. Mr. Khan answered since 2000. Commissioner Alexander asked how large the play area was. Mr. Khan answered the home 3000 square feet, and the lot was over 5000 square feet, with a large backyard. Commissioner Johnson asked if there were inspections necessary for the expansion. Mr. Khan answered the State inspected it, and also the Fire Department. Commissioner Johnson asked if there had been any complaints filed. Mr. Khan answered no.

Commissioner Mitracos asked if the daycare had been located at the same location since 2000. Mr. Khan answered it had been at previous residences, and had been at this location for over a year.

Vice Chair Ransom stated the application seemed to be consistent with the regulations and requirements and was straight forward.

It was moved by Vice Chair Ransom and seconded by Commissioner Johnson to approve the application for a Conditional Use Permit to expand an existing small family day care home to large family day care home at 1011 Ben Ingram Lane, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated September 28, 2011. Voice vote found all in favor; Passed 5-0-0-0.

**A. DISCUSSION RELATED TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS  
PROPOSED REGIONAL SMART GROWTH / TRANSIT-ORIENTED  
DEVELOPMENT PLAN**

Bill Dean, Assistant Director of Development and Engineering Services, provided a brief description of the purpose of the item, and introduced Sam Kaur of San Joaquin Council of Governments (SJCOG). Ms. Kaur indicated the plan was looking at infill opportunity sites within the county. Ms. Kaur introduced David Early of DC&E. Mr. Early provided an electronic presentation. Mr. Early stated the policy review for the project was completed. Mr. Early further stated the Demographic and Economic Analysis was current. Mr. Early indicated DC&E was currently engaged in and had almost completed the site inventory for infill. Mr. Early stated they were creating a Smart Growth Scorecard so SJCOG could evaluate one site against another. Mr. Early further stated once that was completed they would also do an evaluation of vehicle mile travel savings (VMT) and greenhouse gas savings. Mr. Early indicated they expected to be finished in February of the following year.

Mr. Early stated infill development was development of vacant or under-used properties within urban areas that were largely developed. Mr. Early indicated the purpose of infill development was to strengthen communities and preserve open spaces.

Mr. Early stated the goal was to identify the high-priority sites, identify potential benefits, test the evaluation model, and set the stage for future work of the SJCOG Sustainable Community Strategy, as required by the State. Mr. Early stated the evaluation model would be a tool to help SJCOG and others evaluate potential sites and proposals. Mr. Early indicated that there was relationship between this project and Measure K, the half-cent sales tax dedicated to transportation projects in San Joaquin County.

Mr. Early stated in the site selection process, the site must satisfy six separate criteria; the site was identified by City staff and documents; the site could not be designated as industrial or open space unless staff indicated the land use should change; the site needed to be within a half mile from existing or proposed regional transit station, a transit corridor, or a downtown; the site needed to be at least a half-acre in size; the site needed to be surrounded on three sides by development; and the site could not have an already approved project, or a project in the pipeline.

Mr. Early indicated there were 165 sites identified, and 17 were in Tracy. Mr. Early indicated there would be 50 test sites from those 165. Mr. Early stated the test sites were selected based on the proportion of the available sites.

Mr. Early indicated the sites had been reviewed by City staffs, County staff, SJCOG staff, the Smart Growth Committee, and the transit agencies.

Mr. Early indicated there were no sites in the Tracy Downtown area, as it was mostly developed, and the downtown sites were relatively small. Mr. Early gave a brief description of the identified sites in the City, and the one site in Mountain House.

Commissioner Alexander asked for clarification on the number of sites identified in the study. Mr. Early stated there were 165 sites, and they were testing the model on 50 of those sites. Commissioner Alexander asked if the test sites included testing of alternative fuel vehicles. Mr. Early stated they would be looking at the model to predict the VMT savings which would result from developing these sites with the Smart Growth approach versus lower density development.

Commissioner Johnson asked if they would look at affordability at all. Mr. Early answered it would not be looked at during this phase, but he could pass the comment on. Commissioner Johnson asked who identified which points would be looked at. Ms. Kaur stated criteria for the model was developed to quantify greenhouse gas emissions that could be reduced by developing projects that bring land use and transportation together. Ms. Kaur stated SJCOG could still identify other subjects to look at in the model. Commissioner Johnson asked if the model would quantify the volume of emissions, or carbon footprint. Mr. Early answered the model would look at expected VMT and expected carbon equivalent. Ms. Kaur stated the model was meant to be a tool that could be shared with other agencies to score their project proposals.

Vice Chair Ransom asked for more detail of what the model looks like. Mr. Early stated it would be an Excel Spreadsheet model which would have a series of inputs such as the site's acreage and the density of the project, and would have algorithms such as the relationship of the amount that people drive in their geographical locations relative to the density and acreage.

Vice Chair Ransom asked what information would be included in the scorecard. Mr. Early stated it was being developed and would set up criteria and the scoring systems such as proximity to development and downtown, density, benefits of VMT or greenhouse gas savings, and such. Mr. Early further stated an applicant looking for funds would fill out the scorecard and submit it

as part of their application, and SJCOG would evaluate the scorecard and use it as an input for deciding which grants might be awarded. Mr. Early indicated the exact mechanics had not been identified yet.

Commissioner Mitracos stated on the 200 block of Clover Road there was a lot of empty space and it should be looked at as a possible site. Commissioner Mitracos stated he felt they should look at second units or in-law units, and also mixed use. Mr. Early stated that even if a site was not identified in the inventory, it would not affect the City's ability to apply for funding under Measure K.

Vice Chair Ransom stated Commissioner Mitracos had brought up a good point regarding mixed use properties, and she felt the condition would be a good addition to the scorecard. Vice Chair Ransom asked if air quality would be added to the scorecard. Mr. Early indicated they would be looking at greenhouse gas emissions, but not necessarily the health aspect. Mr. Early stated they could put in a request that it be included.

Chair Manne asked if Park-and-Ride lots were defined as transit facilities. Mr. Early answered they had not identified Park-and-Ride lots as a transit facility, but that comment could be forwarded on as a consideration. Chair Manne stated there were vanpools which originate from park and ride lots, and he knew of some vanpools that originated from the Park and Ride lot in Tracy which traveled to the Bishop Ranch area.

Commissioner Johnson asked if the applicant for Measure K funding had to be a municipality. Ms. Kaur stated as long as an agency was able to receive Federal funds they could apply.

Chair Manne opened the public hearing. As there were no public comments, the hearing was closed.

- C. PUBLIC HEARING TO CONSIDER THE FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT WHICH INCLUDES A GENERAL PLAN AMENDMENT (GPA09-0002) TO RE-DESIGNATE THE SITE FROM URBAN RESERVE 2 TO COMMERCIAL; I-205 CORRIDOR SPECIFIC PLAN AMENDMENT (SPA10-0002) TO ADD THE SITE TO THE SPECIFIC PLAN AREA, DESIGNATE THE SITE GENERAL COMMERCIAL, AND ADD DEVELOPMENT STANDARDS REQUIRED BY EIR MITIGATION MEASURES; ANNEXATION OF THE 43-ACRE PROJECT SITE TO THE CITY OF TRACY AND PREZONE THE SITE PLANNED UNIT DEVELOPMENT (A/P09-0002); AND CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT – THE APPLICANTS ARE BILL FILIOS FOR GRANT LINE APARTMENTS, LLC AND GARY DOBLER FOR DOBLER FAMILY TRUST

Mr. Bell provided the staff report. Mr. Bell indicated the application was to annex 43 acres into the City for future development. Mr. Bell stated there had been two previous public meetings regarding the project.

Mr. Bell indicated the proposal was for annexation of the 43 acres into the City and the I-205 Specific Plan, designation of it as General Commercial which was similar designation of the Tracy Pavilion and Tracy Marketplace, pre zoning of the site as PUD, and the final component of the application was certification of the Environmental Impact Report (EIR).

Mr. Bell introduced Kristie Wheeler of RBF Consulting, who prepared the EIR.

Mr. Bell indicated there were 3 letters which were received after the publication of the staff report which were provided to the Commission. Mr. Bell stated that a letter from the Department of Conservation had been attached inadvertently, and the Commission should have received a letter from Caltrans. Kul Sharma, City Engineer left the meeting to make copies of the Caltrans letter, and distributed the copies to the Commission and members of the audience.

Mr. Bell indicated the letters received and staffs responses were inconsequential to staff's recommendation for the project, as they were related to design details, and would be looked at as the development gets designed.

Chair Manne asked for clarification that the letters received were not consequential at all to staff's recommendation. Mr. Bell answered not at all. Chair Manne asked for clarification about the letter from the Department of Conservation, and Mr. Bell stated it was not at all related to the project and should be discarded.

Mr. Bell stated staff recommended approval of the project.

Chair Manne opened the public hearing.

Mike Souza, 105 East Tenth Street addressed the commission. Mr. Souza stated he was a partner of the Filios-Grantline Apartments, LLC project. Mr. Souza indicated they were working with the Dobler family who owned the 20 acres between their project and the Tracy Marketplace site. Mr. Souza commended staff for their work on the project.

Commissioner Mitracos stated he had the opportunity to meet with a group of representatives of the project. Commissioner Mitracos asked for information regarding the landscaping of the project.

Bill Filios, 1132 Norman Drive, Manteca addressed the Commission as a Principle Partner of the Filios-Grantline Apartments, LLC project. Mr. Filios answered the preference was for the landscape to be handled by an Owners Association. Mr. Filios added that the association would have an assessment to pool the money for the maintenance for the property.

Chair Manne stated he had also met with the representatives of the project, and they had expressed now was the time to lay the groundwork to attract businesses to our town.

Chair Manne closed the public hearing.

Vice Chair Ransom asked for clarification of the letter dated from July 25, 2011 from LAFCO regarding response times. Mr. Bell stated there was an ongoing discussion item between the City and LAFCO regarding the financing with the joint City and Rural District. Mr. Bell stated LAFCO was interested in the response time to the site. Mr. Bell further stated the Grant Line Fire Station was being relocated to the site east of and adjacent to the Rite Aid store at Corral Hollow and Grant Line Road, which would improve response time to the project site, and alleviate LAFCO's concern. Vice Chair Ransom stated she was concerned about LAFCO's comment that the response would be from South County Fire and not the City, however they were operating as one. Mr. Bell indicated LAFCO was referring to a study that they had done regarding response time, and without more knowledge of their study, it was hard to understand

what their comment was. Mr. Bell stated after the approval by City Council, the project would go to LAFCO to approval.

Mr. Dean stated that staff had passed out the letter from Caltrans to the Commission and to members of the public. Mr. Dean asked Kristie Wheeler to summarize the letter, and recommended that the public hearing be reopened to receive any public input regarding the letter.

Ms. Wheeler indicated the letter addressed the requirement for a second east bound turn lane on Grant Line Road, as it turns onto I-205, and also an existing free right-turn lane which would need to be a signaled turn. Ms. Wheeler stated the location and dimensions of the free right turn lane would not change, it would just become signaled. Ms. Wheeler stated the second comment was regarding a two lane onramp, which Caltrans was asking the merge be made to the left. Ms. Wheeler stated Caltrans said there were five corrections needed to the table, and RBF had researched this comment and found the corrections had been made already.

Chair Manne reopened the public hearing. There was no one to speak to the item and the hearing was closed.

Vice Chair Ransom stated she had met with Mr. Filios, Mr. Souza and Mr. Palmer and felt it was encouraging to have such a large site available.

Commissioner Johnson stated he had met with Mr. Souza and was able to learn about his history, and dedication to improvements to Tracy. Commissioner Johnson felt the traffic mitigation was more than fair, and the project would make the site a nice part of town.

It was moved by Commissioner Johnson and seconded by Vice Chair Ransom that the Planning Commission recommend that the City Council take the following action:

1. Certify the Final EIR for the Filios/Dobler Annexation and Development Project;
2. Approve the General Plan Amendment from Urban Reserve 2 to Commercial;
3. Approve the Specific Plan Amendment to add the site to the Specific Plan, designate the site General Commercial, and add a new Section 4.1.2.2 K regarding standards for the Project area; and
4. Prezone the site PUD and authorize an application to LAFCo for annexation to the City

as indicated in the Planning Commission Resolution dated September 28, 2011. Voice vote found all in favor; Passed 5-0-0-0.

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

Mr. Dean congratulated Chair Manne for making it through his first meeting as Chair.

5. ITEMS FROM THE COMMISSION

Vice Chair Ransom stated she would like to add an item to the next agenda regarding the election and nomination of officers.

6. ADJOURNMENT

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

Time: 8:36 p.m.

  
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CHAIR

  
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STAFF LIAISON