

MINUTES
TRACY CITY PLANNING COMMISSION
DECEMBER 7, 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. CONSIDERATION OF A MINOR AMENDMENT TO A FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF A SECOND FINAL DEVELOPMENT PLAN CONSISTING OF A 1,505-STALL PARKING LOT TO SERVE A 490,920 SQUARE FOOT INDUSTRIAL BUILDING ON A 30.66-ACRE SITE, LOCATED AT THE SOUTHWEST CORNER OF PESCADERO AVENUE AND PARADISE ROAD - APPLICANT IS KIER & WRIGHT; OWNER IS PROLOGIS LOGISTICS SERVICES, INC.- APPLICATION D11-0011

B. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR A CALIFORNIA HIGHWAY PATROL FACILITY AND A CONDITIONAL USE PERMIT APPLICATION FOR A TELECOMMUNICATION FACILITY ON A SITE TOTALING APPROXIMATELY 4.7 ACRES ON PESCADERO AVENUE, APPROXIMATELY 2,100 FEET EAST OF MACARTHUR DRIVE, ASSESSOR'S PARCEL NUMBER 213-070-75. APPLICANT IS KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS AND PROPERTY OWNER IS PONY UP TRACY, LLC. APPLICATION NUMBERS D11-0007 AND CUP11-0005

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 Kimberly Matlock, Assistant Planner; Victoria Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer; Bill Dean, Assistant Director of Development Services Department; 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 October 26, 2011 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. CONSIDERATION OF A MINOR AMENDMENT TO A FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF A SECOND FINAL DEVELOPMENT PLAN CONSISTING OF A 1,505-STALL PARKING LOT TO SERVE A 490,920 SQUARE FOOT INDUSTRIAL BUILDING ON A 30.66-ACRE SITE, LOCATED AT THE SOUTHWEST CORNER OF PESCADERO AVENUE AND PARADISE ROAD - APPLICANT IS KIER & WRIGHT; OWNER IS PROLOGIS LOGISTICS SERVICES, INC.- APPLICATION D11-0011

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo stated the item was very similar to the item before the Commission at the previous meeting, and indeed had the same applicant and owner. Mrs. Lombardo stated in 2006 there was an approval for a complex of four industrial buildings on the site, and Building 2 had been constructed. Mrs. Lombardo indicated this proposal was to replace Building 4 with a large parking lot. Mrs. Lombardo stated the proposal was a minor amendment as it was a small change for a larger parking lot. Mrs. Lombardo stated this would not be a replacement of the existing approval, but rather an additional approval which would give the applicant the option of either constructing Building 4, or building the larger parking lot.

Chair Manne opened up the item for public comment. There was no one to speak to the item.

Commissioner Alexander asked the applicant when construction may begin on the next phase of the site. Ben Peterson of Prologis answered the market dictates when the buildings would be constructed. Mr. Peterson stated the market had slowed down, and now momentum was starting to shift back again. Mr. Peterson stated he felt the next four to five years was a reasonable guess. Commissioner Alexander asked if the construction would begin in the next five years, or completion. Mr. Peterson answered he could see completion in the next five years.

It was moved by Commissioner Johnson and seconded by Vice Chair Ransom to recommend the City Council approve the amendment to the Final Development Plan to permit the development of a second FDP consisting of the 490,920 square-foot Building 3, and a 1,505 space parking lot on the 30.66 acre site, located on the southwest corner of Pescadero Avenue and Paradise Road, Application Number D11-0011, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated December 7, 2011. Voice vote found all in favor; passed 5-0-0-0.

B. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR A CALIFORNIA HIGHWAY PATROL FACILITY AND A CONDITIONAL USE PERMIT APPLICATION FOR A TELECOMMUNICATION FACILITY ON A SITE TOTALING APPROXIMATELY 4.7 ACRES ON PESCADERO AVENUE, APPROXIMATELY 2,100 FEET EAST OF MACARTHUR DRIVE, ASSESSOR'S PARCEL NUMBER 213-070-75 - APPLICANT IS KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS AND PROPERTY OWNER IS PONY UP TRACY, LLC. APPLICATION NUMBERS D11-0007 AND CUP11-0005

The staff report was provided by Kimberly Matlock, Assistant Planner. Mrs. Matlock stated the item was really for two proposals; the first being the Preliminary and Final Development Plan for a California Highway Patrol (CHP) facility, and the second for a Conditional Use Permit (CUP) for a telecommunications tower to serve the facility. Mrs. Matlock further stated the site was on Pescadero Avenue in the North East Industrial Area (NEI). Mrs. Matlock stated the architect had designed the project to meet a number of requirements including the Statewide CHP Manual, the Central Services Seismic Safety Act, City Standards, and LEED Standards. Mrs. Matlock indicated the facility was comprised of an office building, a secured area for vehicle services and storage, and a fueling station. Mrs. Matlock stated in the Telecommunication Ordinance there was a preference for telecommunication towers to be of a monopole design. Mrs. Matlock further stated the applicant had said the monopole design would not work for the CHP's needs, and they needed a four-legged lattice tower. Mrs. Matlock indicated staff had looked at the tower, and analyzed the aesthetic impact to the neighborhood. Mrs. Matlock stated the industrial area was probably the best location in the City for such a tower. Mrs. Matlock further stated Tracy Fire Department would be having discussions with the CHP regarding the co-location of Fire Department needs with this site.

Mrs. Matlock stated on the previous day the Commission had been provided revised Conditions of Approval, which were also available at the meeting. Mrs. Matlock further stated staff was recommending an additional Condition of Approval for the Conditional Use Permit that reads "The telecommunication facility shall be primarily used for public safety telecommunication use."

Mrs. Matlock indicated staff recommended approval of the project, and the Conditional Use Permit for the telecommunication tower.

Commissioner Mitracos asked for clarification on the co-location of the Fire House. Mrs. Matlock stated she meant to say co-location of the telecommunication equipment. Commissioner Mitracos asked if there was a limit to the towers in terms of design or height. Mrs. Matlock answered the Code specified preferences from co-location down to new towers as the last preference and in terms of the new towers it ranked monopoles and guide towers as the preference. Mrs. Matlock further stated that should those types not work for a user, and they could provide evidence to such effect, the City could approve something other than a monopole.

Commissioner Mitracos stated that was typically a cell phone tower and the Code did not reference this kind of tower. Mr. Dean stated it didn't really get into specifics regarding the type of technology for a Public Safety Enterprise. Mr. Dean stated as shown on the plans, the dishes necessary for this type of public safety were huge, more than ten feet in diameter. Commissioner Mitracos stated this tower is a pretty good size and also very wide, and the Holly Sugar towers could be seen by the top of Patterson Pass Road. Mr. Dean stated that is why Mrs. Matlock wanted to highlight the fact that this was something that would be visible should it get approved.

Vice Chair Ransom asked if there were any alternatives and what alternatives had been discussed. Mrs. Matlock stated staff had asked that a monopole be used, however after analysis it was determined that because of the functional needs of line-of-sight and rigidity, a monopole design would not provide the functionality that they needed. Mr. Dean stated staff was pretty clear about the preference for a monopole, and the applicant was pretty clear that they had specific needs that couldn't be met by a monopole. Mr. Dean further stated that internally, staff had concluded that even with the monopole, once the applicant installed the giant dishes which would stick out over ten feet from the sides; there was not a way to make either option look good.

Commissioner Johnson asked for clarification on the height of the tower. Mrs. Matlock stated that lattice portion of the tower would be 120 feet, with an additional antenna that would rise another 20 feet from the top of the lattice tower.

Mr. Dean stated the CHP had also looked at another site in the I-205 area where staff had many more reservations due to the frequency of visitation to the site by the citizens, and it would be much more noticeable.

Commissioner Johnson asked if the applicant's intention was to vacate the building on Grant Line Road, and move into the new location when it was built. Mrs. Matlock answered yes. Commissioner Johnson asked what the size of the communication tower at the Grant Line location was. Mrs. Matlock answered she did not have that information; however it was nothing like this.

Commissioner Johnson stated he worked for a company that is in direct competition with Kier and Wright, and he should have mentioned this also for the previous item heard, however he could be fair and objective on both items.

Commissioner Johnson asked for information on the storm water collection, Mr. Mina provided a brief description of the system. Commissioner Johnson asked how the water would be treated, because of the fuel and vehicle maintenance system. Mr. Mina answered the applicant would be required to install a filtration system to filter the water before it reaches the temporary basin, and then it would percolate through the ground. Commissioner Johnson asked if this would meet the

Regional Water Quality Control Board Standards. Mr. Mina answered there was a storm water regulation that they would have to comply with which would be reviewed by City staff when they submit their grading plans. Commissioner Johnson asked if the City would be the permit holder for the Regional Water Quality Control Board and would be responsible to enforce the regulations. Mr. Mina answered yes.

Chair Manne asked if there would be space on the tower available for co-location by commercial uses, in addition to the co-location for public use on the telecommunication tower. Mr. Dean stated there were no discussions with cell phone companies. Mr. Dean further stated there were no requirements that the tower be made available to other agencies. Chair Manne stated he felt that with the size of the tower, it may reduce the need for other smaller towers and may be beneficial. Mr. Dean answered that was why staff had recommended a condition that it may be limited to public safety telecommunication equipment primarily.

Chris Cammack, a representative of Pony Up, Tracy, addressed the Commission. Mr. Cammack stated that he believed that there would be four microwave dishes, and approximately three or four fiberglass poles. Mr. Cammack stated that the CHP and the State were open to co-location, and one parking space had been reserved for possible location of ground equipment for other public safety entities. Mr. Cammack stated the State would have the option of purchasing the facility after the initial ten years, and they expected the State to exercise that option. Mr. Cammack stated the reason for the type of tower he believed was wind force and rigidity. Mr. Cammack indicated it would be ideal for commercial equipment to locate there, however the State would not want to deal with the security issues of opening their facility to the commercial entities.

Commissioner Mitracos stated he originally thought this was directly for the CHP; however this was a typical development deal. Mr. Cammack stated it was a build-to-suit commissioned by the State, however the State was very specific on their needs and the whole project had to go through the Department of the State Architect. Commissioner Mitracos stated he was interested to know how essential the size of the tower was. Mr. Cammack stated it was very essential, and there were line-of-sight requirements and hilltop requirements. Commissioner Mitracos stated that 140 feet line-of-sight would get you past Sacramento, and did they really need that much? Mr. Cammack answered that was what he has been told. Mr. Cammack added that his understanding this was the prototype for the requirement for the entire state.

Commissioner Alexander asked if the 140 foot lattice tower was the industry standard. Mr. Cammack stated he did not know what the industry standard was, and there were several different types of lattice towers, and then there were guideline towers, and monopole towers. Commissioner Alexander asked if the equipment being located on the tower was standard, and what the range would be. Mr. Cammack answered he believed they would be able to communicate down to Fresno and over to Sacramento.

Vice Chair Ransom asked if this was something Mr. Cammack designed, or if it was the same all over the state. Mr. Cammack stated the tower was a prototype that would be used all over the state, but the buildings would be designed by different architects, and would be built at different sizes.

Commissioner Mitracos stated he was not comfortable with the tower without being able to talk to someone from the State or CHP to find out why it was needed. Commissioner Mitracos indicated he could not support it.

Vice Chair Ransom asked what Commissioner Mitracos had in mind. Commissioner Mitracos stated he wanted to ask why it was needed, what was the purpose, and if it was necessary to be this big and tall?

Mr. Dean stated the Telecommunication Ordinance does provide a clause that should the Commission feel more information is necessary, a third party review could be done at the applicant's expense. Commissioner Mitracos stated it made sense to him, and would satisfy him.

Vice Chair Ransom asked about the difference of the existing 90 foot tower versus the 140 foot tower. Commissioner Mitracos answered it was the width he was concerned with, and it was hard for him to visualize what the tower would look like.

Mr. Cammack stated they had provided elevations which included the tower, and that should help the Commission to envision what it would look like. Mr. Cammack indicated he could try to get a letter from the state.

Commissioner Johnson stated he was concerned with the height of the tower and the appearance; however because of the industrial area in which it would be located it didn't concern him that much. Commissioner Mitracos stated it was a large tower and would be visible from a long way away. Commissioner Johnson stated that didn't concern him because it would be in the industrial area, and so close to existing transmission lines.

Vice Chair Ransom asked how long the process would take if the Commission asked for a third party review for additional information. Mr. Dean stated it would be at least a month, and probably about 2 months before it would be before the Commission again. Vice Chair Ransom asked if it was a situation where the answers could be received from the CHP or the State. Mr. Dean stated that may be more expeditious, and he just wanted to make sure the Commission was aware of different tools at their disposal.

Vice Chair Ransom asked when the applicant wanted to begin construction. Mrs. Matlock answered spring, and they intended to occupy the building by the summer of 2013.

Commissioner Mitracos asked if the plans were finished. Mr. Cammack stated they were about 75% finished.

Mr. Cammack stated if the tower did not get approved, the CHP would abandon this site, and go to another site, most likely in the County and they would still build the tower. Commissioner Mitracos stated he felt the Commission was entitled to an explanation for the need for such a larger tower.

Commissioner Alexander stated he would prefer to ask questions of the CHP and not the Developer.

Mr. Cammack stated there was a letter provided to staff by the CHP which explained the need for the telecommunication tower. Chair Manne asked staff if there was a letter which had not been provided. Mrs. Matlock answered yes, there was a two-page letter from the CHP, which she had summarized in the staff report on pages two and three, under the section titled "Telecommunication Tower".

Commissioner Johnson stated there were a lot of tanks in the City which were visible all over, and those tanks were probably only 80 or 90 feet high.

Chair Manne stated he didn't think the difference between a 90 foot tower and a 120 foot tower would be that noticeable. Chair Manne stated his issue was the width of the tower, and he had no idea what it would look like. Chair Manne stated he was not for or against the tower; however he would like to ask more questions.

Vice Chair Ransom asked if it would be an appropriate motion to table the item until the Commission received more information. Mr. Dean stated that would be appropriate, but he urged the Commission to be very clear with the request so the applicant knew what the Commission was looking for.

Commissioner Mitracos stated he was hearing either a peer review, someone from the CHP to answer questions, or photographs and the CHP representative.

Vice Chair Ransom asked if the Commission was looking for the tower to be reduced to something more reasonable, in which case the Commission would need to determine what was reasonable, or was it looking for a definitive answer by whoever was mandating the tower as to why the tower needed to be this tall and this wide?

Commissioner Mitracos stated he had talked to a consultant and what he gathered that there were a lot of variations to these towers and what you get was not always what was necessary.

Chair Manne asked Commissioner Mitracos if the CHP had come to the meeting and had said this tower was absolutely necessary and this is the reason why, would he vote yes. Commissioner Mitracos stated he was not technically versed enough to know what was necessary and what was not. Commissioner Mitracos added he would prefer the tower be smaller if at all possible.

Commissioner Johnson stated he would have liked to see computer generated graphics which showed the proposed tower in the site that is was to be on.

Garrett Readler of Kier and Wright addressed the Commission. Mr. Readler asked if short of the peer review, the CHP were to come before the Commission or provide a letter to explain the circumstances of why they needed a tower of this height and width, would that satisfy the Commission. Commissioner Mitracos stated what he had heard was this was a prototype, and this was not necessarily one-size-fits-all. Mr. Readler stated that he felt what the Commission was looking for was a technical letter stating specific requirements such as a 10 foot microwave dish located at 90 feet in height to communicate to Sacramento, rather than a peer review. Commissioner Mitracos stated he disagreed, and would want to see a third party review.

Vice Chair Ransom asked what staff felt would be the ideal tower height and width for the City. Mr. Dean stated this came down to aesthetics as it related to what tower looks like. Mr. Dean further stated he felt that the Ordinance got it right when it specified a preference for a monopole; however there were going to be technical circumstances when that will not work. Mr. Dean added that when the project came in, staff discussed the tower at length and in the end, they were able to make the recommendation because they determined that when you place ten foot wide dishes on the tower, it would not make that much difference if it was a lattice tower, or

a monopole with the dishes hanging off. Mr. Dean further stated staff had asked for the minimum height, and the CHP provided the letter trying to explain why.

Vice Chair Ransom asked if there was a way to negotiate down to say 90 feet, and then if in the future the CHP needed to go higher, they could come back before the Commission. Mr. Dean stated there were several different ways to proceed such as pursue third party verification, or photos and other information, or recommend that City Council limit the height to a specific number, and then it becomes their application.

Commissioner Mitracos stated he thought that would complicate things. Commissioner Mitracos stated he would give his approval to a 140 foot tower if he was convinced that was what was necessary.

Chair Manne asked what staff based the recommendation on. Mr. Dean stated staff did not solicit third party review, and had based their recommendation on proximity to residential areas, visibility, dialog with the applicant, previous towers in the City, proximity to power lines, etc.

Vice Chair asked if the CUP could be approved, but work on the tower at a later date. Mr. Dean stated he would not recommend that, and he felt that the Commission should take their action when they were comfortable with the tower. Vice Chair Ransom stated she felt the Commission was comfortable with the project, but had varying degrees of comfort with the tower.

Commissioner Mitracos stated even though this was for the CHP, the City was entitled to information and a fair evaluation before a decision was made.

Commissioner Alexander stated he would like to see a third party review.

Vice Chair Ransom stated she wished there was a way for the Commission to show a commitment to the facility, while showing its concern with the tower.

Chair Manne stated he was all in favor with the CHP project, and he thought it was a great project and the site was a great location for the project; however he would like to continue the discussion and receive more information.

Mr. Dean indicated for the Commission's consideration, the last time a third-party review had been sought; it was for a cell tower, and the need was map-able by coverage areas. Mr. Dean stated that his concern if this project was to go for a third party review would be who would be the arbiter. Mr. Dean added if the CHP stated they need to communicate to Washington D.C., who would question that fact?

Commissioner Mitracos stated his feeling was if they were unable to find the third party, then the Commission would talk to the CHP, however he felt the Commission should try to locate a third party.

It was moved by Commissioner Mitracos that the item be continued until there was further information from a third party peer review, photos, and more information from the CHP. Commissioner Alexander seconded the motion. Vote found Commissioner Mitracos, and Commissioner Alexander in favor, with Commissioner Johnson, Vice Chair Ransom, and Chair Manne opposed; motion failed 2-3-0-0.

Vice Chair Ransom stated she would like to continue the discussion and give the opportunity for a representative from the CHP to come and justify tower, and to see photos, and know exactly how many dishes would be on the tower.

Commissioner Mitracos asked staff who did peer reviews. Mr. Dean answered consultants, and telecommunication firms.

Chair Manne stated he felt the CHP's explanation of the information in layman's terms would suffice. Commissioner Mitracos stated the problem with that was the Commission could hear from the CHP, and still want the peer review. Vice Chair Ransom stated she felt if the Commission requested the peer review, it did not give the CHP the opportunity to negotiate for a smaller tower.

Commissioner Johnson stated he would support Vice Chair Ransom's proposal.

Commissioner Alexander stated he would support Vice Chair Ransom's proposal however he did not feel the CHP would come before the Commission and say they did not really need the tower.

Vice Chair Ransom moved that the discussion be tabled until the Commission could have specifics by the CHP either in person or by letter as to why they need the tower to be so large, and to request that the tower be reduced to whatever the minimum requirement is, and to see pictures of anything close to the proposed tower. Commissioner Johnson seconded the motion. Voice vote found Commissioner Johnson, Commissioner Mitracos, Vice Chair Ransom, and Chair Manne in favor, with Commissioner Alexander apposed; passed 4-1-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

Mr. Dean stated on December 21, 2011 there would be a meeting in which staff would bring the Cordes Ranch presentation as well as invite public comment on the scope of the EIR, and there would also likely be an action item regarding an ordinance change to the Tracy Municipal Code regarding medicinal marijuana.

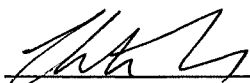
5. ITEMS FROM THE COMMISSION

Commissioner Mitracos stated he had an email today regarding the Downtown Brewpub restaurant opportunity at the West Side Market location and he thought it was great. He also stated the new City Website was spectacular.

6. ADJOURNMENT

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

Time: 8:35 p.m.



CHAIR



STAFF LIAISON