

MINUTES  
TRACY CITY PLANNING COMMISSION  
APRIL 25, 2012  
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. AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN WITH REGARD TO FREEWAY IDENTIFICATION SIGNS FOR COMMERCIAL CENTERS – THE AMENDMENT IS APPLICABLE TO ALL PROPERTIES WITHIN THE I-205 CORRIDOR SPECIFIC PLAN – APPLICANT IS JS KENDALL CONSTRUCTION, INC.
  - B. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT OF WAY AFFECTING CHABOT COURT - APPLICANT IS PROLOGIS - APPLICATION NUMBER DET12-0001
  - C. DOWNTOWN SPECIFIC PLAN STUDY SESSION
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 Johnson, Commissioner Mitracos, Vice Chair Ransom, and Chair Manne present. Also present were staff members Scott Claar; Associate Planner; Victoria Lombardo, Senior Planner; Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

Commissioner Sangha arrived at the meeting at 7:04 p.m.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
  - A. AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN WITH REGARD TO FREEWAY IDENTIFICATION SIGNS FOR COMMERCIAL CENTERS – THE AMENDMENT IS APPLICABLE TO ALL PROPERTIES WITHIN THE I-205 CORRIDOR SPECIFIC PLAN – APPLICANT IS JS KENDALL CONSTRUCTION, INC.

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo indicated the application was not for any particular freeway sign, but rather for the overall requirements of the I-205 Specific Plan. Mrs. Lombardo stated the currently the regulations for freeway signs between the Municipal Code and the I-205 Specific Plan were the same; allowing for a height of 45 feet, and an area of up to 300 square feet. Mrs. Lombardo further stated there were 4 freeway signs in the I-205 Specific Plan center. Mrs. Lombardo stated the proposal would allow the freeway signs for commercial centers with multiple businesses to have an area of up to 400 square feet. Mrs. Lombardo indicated these signs would only be allowed in the I-205 Specific Plan area. Mrs. Lombardo indicated staff recommended approval of the application.

Commissioner Mitracos stated he did not quite understand the statement in the staff report that stated allowing for a larger sign for these centers would limit the number of signs in the City, if each center was only allowed one sign anyway. Mrs. Lombardo stated it would depend on what

the definition of a retail center is. Mrs. Lombardo indicated that it was potentially feasible that someone could come and say some of the smaller multi-tenant establishments were their own commercial centers. Mrs. Lombardo stated staff was moving toward an attempt to consolidate freeway signs, and only allow multi-tenant signs. Commissioner Mitracos stated at the last meeting there had been an item to allow for larger wall signs. Commissioner Mitracos further stated he had gone and looked at the Staples sign, which had been a product of that approval, and was disappointed in the way it looked and felt it was outsized for the center. Commissioner Mitracos stated he did not feel there was any benefit of a larger sign to the business.

Mrs. Lombardo provided photos of the Tracy Marketplace sign, and a rendering of the Tracy Marketplace sign with the larger allowable sign area. Mrs. Lombardo indicated there were still two large buildings in the center which had not been built yet.

Vice Chair Ransom asked if one tenant could have a 400 square foot sign, or if the proposal was only for multi-tenant signs. Mrs. Lombardo answered it was only for multi-tenant signs. Vice Chair Ransom asked if one anchor tenant could have the whole 400 square foot sign. Mrs. Lombardo answered potentially that could happen.

Commissioner Sangha stated she had looked at the Staples sign and it did not look good in her opinion. Commissioner Sangha asked how a developer could get away with that. Mr. Dean answered in the Staples case, the Commission had approved the sign. Mr. Dean stated that in each instance, the Commission could review the sign and make a determination. Mr. Dean added this application was not for any particular sign, but rather to change the rules to allow 400 square feet rather than 300 square feet. Mr. Dean stated staff had not changed these sign regulations in a very long time, and staff felt it was appropriate to make the change.

Commissioner Mitracos stated he felt it would have been helpful to put the sign in context, and the rendering was accurate but it was hard to get a sense of how it would look in the center. Commissioner Mitracos stated he had gone along with the approval but he had regrets.

Chair Manne stated it was disappointing when you approve something and it looks different on the wall. Commissioner Mitracos stated he would like to get more information moving forward.

Mr. Dean stated it had just come to his attention that the amendment and the Staples CUP were approved by Commission; however the amendment had not been approved by Council, and the Staples people had put up the sign without getting the proper permits. Mr. Dean stated it was egregious when someone came before Commission to ask for approval, and then disregarded the processes of the City.

Vice Chair Ransom stated she felt for a multiple-tenant sign, 400 square feet was not a problem.

Chair Manne asked if it would make a difference if each sign would come before the Commission and give the opportunity for the Commission to deny the application if it was for a single tenant. Vice Chair Ransom stated she felt it was not necessary to bring every multi-tenant sign before the Commission.

Mr. Dean pointed out that the way the amendment was drafted didn't address whether it was a single-tenant or multi-tenant sign, it simply said that the sign may identify any tenants located

with 700 feet of the freeway and the reason for that was because sign regulations need to be content neutral.

Vice Chair Ransom asked for a definition of "content-neutral". Bill Sartor, Assistant City Attorney, answered generally the City could regulate size and placement, and once you have to read the sign to approve it, it severely limits your ability to defend the approval legally.

Commissioner Mitracos stated there is a limit that it has to advertise a business on the property. Mr. Dean stated the regulations could limit time, place and manner, and that would fall under the place where the sign could be located.

Chair Manne opened the public hearing.

Jeff Brotman of 1470 Maria Lane, Suite 101, Walnut Creek addressed the Commission. Mr. Brotman stated he was the project broker for the Tracy Marketplace center. Mr. Brotman stated he was working with a tenant that was looking to either come to Tracy or Manteca, and one condition to come to Tracy was that they be placed on the Tracy Marketplace Pylon sign. Commissioner Mitracos asked about the tenant. Mr. Brotman indicated they had been trying to get this tenant in Tracy for 3-5 years, and he felt the City would be happy to have this tenant.

Commissioner Mitracos stated Staples is leaving and that sign space would be available. Mr. Brotman stated that due to the details of the ownership of the center the Staples site was not under his control, and the owner of the site had bought and paid for that space on the sign. Mr. Brotman stated he agreed with the comments of the Commission regarding the Staples sign. Mr. Brotman stated the Tracy freeway signs were small compared to signs in the Valley and Bay Area.

Chair Manne asked who created the electronic rendering. Mrs. Lombardo stated it was created by JS Kendall, and it was representative, as the panels would be the same height and width as the existing panels.

Vice Chair Ransom stated there was one potential tenant, and three potential spaces added to the sign. Mr. Brotman stated there were other lots in the center which had yet to be developed.

Commissioner Sangha stated her concern was more that there would be multiple signs up and down the freeway, and this seemed to be one big sign. Mr. Brotman stated the Commission would be interested to know that Costco did not have an existing freeway sign.

Vice Chair Ransom asked how many signs would be affected. Mrs. Lombardo stated there were three other signs that could potentially be made a larger. Mrs. Lombardo further stated there were other sites in the Plan area; however she could envision possibly only one other site that may add such a sign.

Mr. Dean stated perhaps one way to address this would be to talk about a minimum size for any given piece of the sign, and a maximum letter size. Vice Chair Ransom asked if that would be content-specific. Mr. Dean answered that was the manner in which the sign could be regulated.

Commissioner Mitracos stated the proposed amendment gives the right to approve changes to existing signs to the Development Services Director.

Commissioner Mitracos stated perhaps a way to regulate it would be to make it a Conditional Use Permit (CUP) instead of a sign permit. Mr. Dean stated the Commission could make that recommendation to Council, however staff has been directed to make less processes and procedures.

Vice Chair Ransom stated she felt the Commission agreed with staff on being business friendly and was trying to make a work-around. Vice Chair Ransom stated she did not feel the Commission had enough information to make a recommendation. Mr. Dean asked that if the item was continued, the Commission provide clear direction as to what information they would like staff to provide when they bring it back.

Mrs. Lombardo stated the current regulations did not require staff or Commission review for any face changes to existing signs.

Robert Tanner of 1371 Rusher Street addressed the Commission. Mr. Tanner stated he would like to see the single tenant sign maximum stay at 300 square feet, and a multiple tenant sign have a maximum of 400 square feet.

Mr. Brotman re-addressed the Commission. Mr. Brotman stated he was feeling uncomfortable, and he felt the Commission's decision was being affected by the feelings they had about the Staples sign. Mr. Brotman stated he and the center in question had always played by the rules. Mr. Brotman further stated the request was reasonable and they did not want to be penalized for something another applicant had done. Commissioner Mitracos stated the recent development made him look at the decision in more detail. Commissioner Mitracos asked if Mr. Brotman had a suggestion for the solution. Mr. Brotman stated he would look to Mrs. Lombardo and Mr. Dean for a suggestion.

Vice Chair Ransom stated she would like to address Mr. Brotman's needs, without opening Pandora's Box. Vice Chair Ransom further stated she understood the urgency of the request. Vice Chair Ransom asked if a CUP would be business-unfriendly. Mr. Dean stated he did not want to characterize a CUP as business-friendly or business-unfriendly. Mr. Dean stated the existing rules did not prevent the current sign at 300 feet to be for a single tenant, and the issue before the Commission tonight was if Commission had a problem of a 400 foot sign size rather than the current 300 square foot size. Mr. Dean stated it was really two separate issues: the issue of a larger size; and the issue on if there was a problem with a center sign advertising one single tenant.

Commissioner Mitracos asked what the Commission would be reviewing through CUP for a new freeway sign application. Mrs. Lombardo stated the Commission would be looking at things such as: if the sign had two posts or three; if it had a top, a base, or a cornice; if it is stone or stucco, and that is it.

Commissioner Johnson stated he didn't see a problem with how the rendering of the Tracy Marketplace sign looked. Commissioner Johnson asked Mr. Brotman what the chances were that a large multi-tenant retail center would have only one tenant on the sign. Mr. Brotman stated it was highly unlikely because any tenant would want their signage, and were not likely to want to give it up.

Chair Manne stated he actually thought the proposed amendment was too strict. Chair Manne stated the renderings provided looked good. Chair Manne further stated he didn't have any problem with the way the amendment was written.

Chair Manne closed the public hearing.

Commissioner Sangha asked if Mr. Brotman could disclose who the tenant was. Mr. Brotman stated he had signed a confidentiality and non-disclosure agreement.

It was moved by Commissioner Johnson and seconded by Commissioner Mitracos that the Planning Commission recommend that the City Council approve the amendment to the I-205 Corridor Specific Plan to allow for freeway identification signs for commercial centers to be increased in size to a maximum area of 400 square feet, based on the findings contained in the Planning Commission Resolution dated April 25, 2012. Voice vote found all in favor; passed 5-0-0-0.

B. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT OF WAY AFFECTING CHABOT COURT - APPLICANT IS PROLOGIS - APPLICATION NUMBER DET12-0001

The staff report was provided by Mrs. Lombardo. Mrs. Lombardo stated two weeks before there had been an item to approve the preliminary and final development plan which contained the extension of Chabot Court to connect with Paradise Road. Mrs. Lombardo indicated in order to do so the land needed to go back to the property owner through a vacation of the right of way. Mrs. Lombardo indicated the California Government Code required this process that the vacation of right of way be determined to be consistent with the General Plan. Mrs. Lombardo stated the General Plan designation of the property was Industrial, and the street would be converted to a private street which would still be for industrial use, and therefore would be consistent with the land use designation. Mrs. Lombardo indicated staff is recommending the Commission determine the vacation of right of way was consistent with the General Plan.

Chair Manne opened the public hearing.

Robert Tanner of 1371 Rusher Street addressed the Commission. Mr. Tanner asked if Prologis would have the ability to gate off the entry as well as the piece to connect to Paradise Road. Commissioner Johnson stated he had asked the same question at the last meeting. Commissioner Johnson stated it would still be a public access road, and it would be like an easement. Mr. Tanner asked if there was a guarantee. Mrs. Lombardo stated the guarantee would be that the gate was not on the approved plan, and there would have to be an amendment to allow such a thing, which would not be approved.

Mr. Dean asked that if the Commission was so disposed, add to the title of the Resolution "...and disposition" after the word "vacation" so that it would read "...for a vacation and disposition of public right of way".

Chair Manne closed the public hearing.

It was moved by Ransom and seconded by Commissioner Mitracos that the Planning Commission determine that the vacation and disposition of the public right of way affecting Chabot Court is consistent with the City of Tracy General Plan, based on the findings contained

in the Planning Commission Resolution dated April 25, 2012. Voice vote found all in favor: passed 5-0-0-0.

Chair Manne called for a recess at 8:21 p.m. to reconvene in Conference Room 109.

C. DOWNTOWN SPECIFIC PLAN STUDY SESSION

The meeting reconvened at 8:30 p.m.

The Planning Commission discussed signage regulations in the proposed Downtown Specific Plan.

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

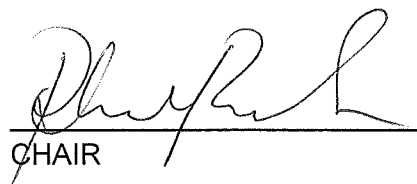
Vice Chair Ransom asked how many sets of minutes needed to be approved. Mr. Dean answered there was one set from February, two in March, and one in April. Vice Chair Ransom stated that was unacceptable. Mr. Dean answered there had been a reduction in staff; however the issue was on his radar.

Commissioner Sangha apologized for being late due to traffic back-up.

6. ADJOURNMENT

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

Time: 9:16 p.m.

  
CHAIR

  
STAFF LIAISON

