

NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy **Planning Commission** is hereby called for:

Date/Time: Wednesday, August 22, 2012
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

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.

REGULAR MEETING AGENDA

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 item shall be placed on an agenda within 30 days*

1. OLD BUSINESS

2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR BUILDING FAÇADE MODIFICATIONS AND ADDITIONS AT 2790 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-050-60. APPLICANT IS BLAZIN WINGS, INCORPORATED C/O GOLDEN PROPERTY DEVELOPMENT, LLC AND PROPERTY OWNER TRACY MALL PARTNERS, LP. APPLICATION NUMBER D12-0005

B. PUBLIC HEARING TO RECEIVE COMMENTS ON THE MODIFIED ELLIS PROJECT DRAFT REVISED ENVIRONMENTAL IMPACT REPORT, AND TO DISCUSS AND RECEIVE COMMENTS ON THE MODIFIED ELLIS SPECIFIC PLAN, RELATED GENERAL PLAN AMENDMENT, AND RELATED AMENDED AND RESTATED TRACY ELLIS DEVELOPMENT AGREEMENT

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

A. DISCUSS PLANNING COMMISSION'S AVAILABILITY FOR A SPECIAL MEETING ON OCTOBER 3, 2012.

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

August 17, 2012

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 FOR AN AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR BUILDING FAÇADE MODIFICATIONS AND ADDITIONS AT 2790 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-050-60. APPLICANT IS BLAZIN WINGS, INCORPORATED C/O GOLDEN PROPERTY DEVELOPMENT, LLC AND PROPERTY OWNER TRACY MALL PARTNERS, LP. APPLICATION NUMBER D12-0005

DISCUSSION

Background and Project Description

On June 19, 2001, the City Council approved a Preliminary and Final Development Plan for a Pier 1 Imports (2790 Naglee Road) and Best Buy (2550 Naglee Road) retail buildings (Application Number 5-01-D). Pier 1 Imports has since closed for business, and a new restaurant (Buffalo Wild Wings) is proposing to occupy approximately 6,200 square feet of the nearly 9,500 square foot building and modify the building exterior and construct an outdoor patio and building addition (Attachment B). An amendment to the approved Preliminary and Final Development Plan is required before the applicant can construct the proposed improvements.

The site is located in the I-205 Corridor Specific Plan area and designated Commercial Center. A restaurant with bar is a permitted use in the Commercial Center designation and does not require a Conditional Use Permit to operate.

Project Analysis

The proposed modified architecture meets the City's standards for commercial design and will complement the existing improvements in the I-205 corridor commercial area. The applicant proposes to add new planes and canopies, providing depth and articulation in the building face. Staff worked with the applicant to keep the existing rich brick façade, which was an important component when the building was initially approved in 2001. The restaurant will require new roof-mounted equipment that is larger than currently exists on the building. The applicant has proposed to increase the height of the parapet wall to fully screen the equipment from public views.

There is adequate parking to serve the proposed restaurant. In addition to the on-site parking provided, the site shares off-street parking with the West Valley Mall, which has provided large parking areas in excess of the minimum requirements.

A portion of on-site landscaping is proposed to be removed as a result of the outdoor patio and building addition. After removal of this landscaping, the site will be at the minimum amount of landscaping required, which is 20% of the parking area. The applicant proposes to replant shrubs adjacent to the newly constructed areas to match the existing landscape distribution. No shade trees are proposed to be removed.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15303, which pertains to existing facilities. The project consists of additions to existing structures that will not result in an increase of more than 10,000 square feet where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve an amendment to the Preliminary and Final Development Plan for building façade modifications and additions located at 2790 Naglee Road, Application Number D12-0005, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated August 22, 2012.

MOTION

Move that the Planning Commission recommend that the City Council approve an amendment to the Preliminary and Final Development Plan for building façade modifications and additions located at 2790 Naglee Road, Application Number D12-0005, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated August 22, 2012.

Prepared by Kimberly Matlock, Assistant Planner
Reviewed by Bill Dean, Assistant Development Services Director
Approved by Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A – Location Map
Attachment B – Color elevations and site, floor, landscape, and building cross section plans dated July 30, 2012
Attachment C – Planning Commission Resolution



RESOLUTION _____

RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR BUILDING FAÇADE MODIFICATIONS AND ADDITIONS AT 2790 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-050-60. APPLICANT IS BLAZIN WINGS, INCORPORATED C/O GOLDEN PROPERTY DEVELOPMENT, LLC AND PROPERTY OWNER TRACY MALL PARTNERS, LP. APPLICATION NUMBER D12-0005

WHEREAS, On June 19, 2001, the City Council approved a Preliminary and Final Development Plan for a retail buildings at 2790 and 2550 Naglee Road, Application Number 5-01-D, and

WHEREAS, On May 21, 2012, the City received an application for an amendment of the Preliminary and Final Development Plan for facade modifications and an outdoor patio and building additions for a new restaurant in a portion of the building at 2790 Naglee Road, and

WHEREAS, The subject property is located within the I-205 Corridor Specific Plan area and designated Commercial Center, within which restaurants are permitted, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 pertaining to existing facilities, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on August 22, 2012;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby recommend that the City Council approve an amendment to the Preliminary and Final Development Plan to permit facade modifications and an outdoor patio and building additions at the building at 2790 Naglee Road, Application No. D12-0005, subject to the conditions contained in Exhibit "1" to this Resolution, and based on the following findings:

1. The establishment, maintenance, and operation of the proposed improvements are compatible with the land use, design, and operational characteristics of the neighboring properties, because the proposed restaurant is a permitted land use compatible with the surrounding commercial area. The proposal includes an outdoor patio, which is typical of restaurants in the vicinity. The façade improvements consist of modern architectural elements characteristic of buildings in the vicinity, such as earth tone colors, decorative cornices, and a combination of stucco and brick textures.
2. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity, because the building has been designed in accordance with the City's Design Goals and Standards for commercial architecture. Design elements have been consistently applied throughout the building. The proposed outdoor patio and building addition have been designed to be architecturally compatible with the building. Equipment associated with restaurant will be enclosed and/or screened by building walls, parapet walls, or a substantial landscape screen so that they are not readily visible. The building will be framed by perimeter landscaping consisting of trees, shrubs, and groundcover to balance nature with the built environment.

- 3. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity and will not adversely visually impair the benefits of the properties in the vicinity, because new improvements will be constructed in accordance with the Tracy Municipal Code, City Standards, California Building Code, and California Fire Code.

The foregoing Resolution _____ was adopted by the Planning Commission on the 22nd day of August, 2012, by the following vote:

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

Chair

ATTEST:

Staff Liaison

City of Tracy
Conditions of Approval
Buffalo Wild Wings
Application Number D12-0005
August 22, 2012

A. General Provisions and Definitions.

A.1. General. These Conditions of Approval apply to:

The Project: Building façade modifications and additions on a portion of an existing building for a proposed restaurant (Application Number D12-0005)

The Property: 2790 Naglee Road, Assessor's Parcel Number 212-050-60

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development and Engineering Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the exterior building modifications on a portion of a building at 2790 Naglee Road, Application Number D12-0005. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development and Engineering Services Department on July 30, 2012.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check

fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Landscaping & irrigation. Plans to demonstrate compliance with the following shall be submitted to the Development Services Department prior to the issuance of a building permit:
- B.1.1. No less than 20% of the total on-site parking area shall be landscaped in accordance with the Tracy Municipal Code landscaping requirements for parking areas.
- B.1.2. Decorative shrubs and/or trees shall be planted around the patio area to preserve the on-site planting mix. Groundcover alone is not appropriate.
- B.1.3. Any landscape areas disturbed during construction shall be restored to the satisfaction of the Development Services Director. Any removed plants shall be replanted near the building and/or new walkways, where feasible.
- B.1.4. At planting, new plants shall no smaller than the following sizes:
- a. Trees: 24" box
 - b. Shrubs: 5 gallon
 - c. Groundcover: 1 gallon
- B.1.5. If the rehabilitated landscape area is 2,500 square feet or greater, the applicant shall comply with the Department of Water Resources' Water Efficient Landscape Ordinance.

- B.2. Screening utilities and equipment. Plans to demonstrate compliance with the following shall be submitted to the Development Services Department prior to the issuance of a building permit:
- B.2.1. A landscape screen equal to or taller than the grease holding tank shall be provided to substantially screen the tank from public view to the satisfaction of the Development Services Director. The landscape screen shall be comprised of evergreen, dense plants and maintained to adequately screen the tank.
 - B.2.2. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, and ladders, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Services Director. Plans to demonstrate such compliance shall be submitted to the City prior to the issuance of a building permit.
 - B.2.3. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
 - B.2.4. All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities, including service doors, shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director. Bollards shall only be used in areas not publicly visible and shall be painted to match the nearest adjacent improvement, such as a building wall, to the satisfaction of the Development Services Director.
- B.3. Signs. Before installation of any business signs, the applicant shall submit a Sign Permit application and obtain approval for all business identification signs.

Agenda Item 2-B

REQUEST

PUBLIC HEARING TO RECEIVE COMMENTS ON THE MODIFIED ELLIS PROJECT DRAFT REVISED ENVIRONMENTAL IMPACT REPORT, AND TO DISCUSS AND RECEIVE COMMENTS ON THE MODIFIED ELLIS SPECIFIC PLAN, RELATED GENERAL PLAN AMENDMENT, AND RELATED AMENDED AND RESTATED TRACY ELLIS DEVELOPMENT AGREEMENT

DISCUSSION

Overview of the Agenda Item

This request is to hold a public hearing to receive comments on the Draft Revised Environmental Impact Report (Draft EIR) for the proposed Modified Ellis Specific Plan and related applications. The California Environmental Quality Act (CEQA) requires a 45-day public review period on Draft EIRs. The review period extends from July 31, 2012 through September 13, 2012. This public hearing provides an additional method for interested parties to comment on the Draft EIR. City staff will also receive comments by letter, fax, or email from various reviewing agencies and interested parties.

This item does not involve, at this point in the process, a recommendation to the City Council by the Planning Commission on the Draft EIR. Rather, it is a public hearing, conducted by the Planning Commission, to receive comments on the Draft EIR. At a later date, after the public comment period on the Draft EIR has closed and relevant information has been gathered in order to respond to those comments and draft a Final EIR, City staff will prepare the staff reports and resolutions for Planning Commission's recommendation to the City Council on the Draft EIR. A hearing to consider Planning Commission's recommendation(s) on certifying the EIR and approving the applications is anticipated to begin later this summer or early fall.

It should be stressed that it is not the purpose of this meeting for City staff or consultants to provide any responses to comments on the Draft EIR itself. In accordance with the requirements of CEQA, written responses will be prepared on all comments on the Draft EIR. All public comments (both written and oral) and written responses will be included in the Final EIR, which will be produced at a later date.

This agenda item is also an opportunity for Planning Commission to discuss and receive comments on the Specific Plan, General Plan Amendment, and Proposed Development Agreement (DA). While Planning Commission's role in reviewing the DA is limited to General Plan conformity, members of the public may wish to comment on the contents, and the Planning Commission may be a convenient forum for the City to receive those comments. However, the proposed General Plan Amendment and Specific Plan are applications the Planning Commission may wish to discuss with staff and the applicant, as well as the Tracy community at large at this meeting. The Specific Plan has been modified from its original approval in 2008 and Attachment A to the staff report outlines the differences.

Draft EIR Publication and Availability

The Draft EIR document was published on July 31, 2012 and made available at the Development Services Department front counter at City Hall as well as the Tracy Library. Copies of the document were also made available on compact disks (CDs), and the document has been posted to the City's website. Additionally, CDs were sent to various local and State agencies, individuals and agencies that commented on the Draft EIR Notice of Preparation, individuals who have contacted the City asking to be included on a mailing list, as well as all property owners within 300 feet of the Ellis site.

The Draft EIR was published along with a summary of the proposed Development Agreement terms, a draft of the proposed General Plan Amendment, a Draft of the Modified Ellis Specific Plan, as well as the Technical Appendices to the Draft EIR.

Staff and the City's Ellis environmental consultant, the firm RBF Consulting, will make a brief presentation to the Planning Commission on the project applications and the contents and outcomes of the environmental analysis.

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing and receive comments on the Draft EIR for the proposed Modified Ellis Project Draft Revised Environmental Impact Report. Staff also recommends that the Planning Commission discuss and receive comments on the proposed applications for a Development Agreement, General Plan Amendment and Modified Ellis Specific Plan.

Prepared by: Bill Dean, Assistant Development Services Director

Approved by: Andrew Malik, Development Services Director

Attachment A: List of differences between the Ellis Specific Plan (2008 approval) and the proposed Modified Ellis Specific Plan.

Memorandum

to Ellis Team

company Surland date 7 August 2012

from Barry Long

project Ellis

purpose Overview of modifications to the ESP

remarks

General

- Revised the date
- Added the word ‘Modified’ to the title
- Deleted references to the 5-acre “Community Park”
- Replaced references to “Urban Reserve 10” with “Traditional Residential-Ellis (TR-Ellis)”
- Reduced the minimum number of units from 1,200 to 1,000
- Changed units per gross acre from “4 to 7” to “4 to 9”
- Clarified that the Modified Specific Plan includes a park dedication of 4 acres per 1,000 people (3 park acres per 1,000 population generated of Neighborhood Parks and 1 park acre per 1,000 population generated of Community Parks)
- Updates to clarify elements that relate to reducing projected GHG emissions
- Made updates to be consistent with other plans
- Made editorial changes to clarify meaning
- Deleted Appendix B and C

Section 1: Introduction

- Subsection 1.2.3 Objectives- updated
- Subsection 1.4.2 City of Tracy Authority- updated to be consistent with the amended General Plan
- Subsection 1.5.1 City of Tracy General Plan- updated to be consistent with the amended General Plan
- Subsection 1.5.2 City of Tracy Infrastructure Master Plans- updated to include the Finance and Implementation Plan (FIP)
- Subsection 1.5.3 County and City Airport Plans- updated to reflect consistency with the 2009 San Joaquin County Airport Land Use Plan
- Table 1.1 ESP Zoning Summary- updated to reflect the Residential Mixed Zoning
- Subsection 1.9 Planning Process- updated to be consistent with the amended General Plan

Section 2: Site and Context

- No substantive changes

Section 3: Land Use

- Figure 3.4 General Plan Land Use Designations- updated Village Center and Commercial boundaries
- Subsection 3.2.2 Residential Land Use - clarified the residential mixing criteria for TR-Ellis General Plan designation
- Figure 3.6 ESP Zoning Summary- updated primarily for uniformity reasons, including boundary of Limited Use Overlay and one color for Residential Mixed
- Table 3.1 ESP Zoning Summary- updated and simplified to reflect the current project
- Subsection 3.4 Illustrative Phasing Diagram- updated the boundary lines
- Table 3.3 Permitted Uses- consolidated residential uses and updated permitted uses in the Village Center
- Subsection 3.5.12 Limited Use- updated to be consistent 2009 ALUCP
- Subsection 3.5.16 Residential Lot Type Diversity- expanded to clarify mixing criteria
- Table 3.6 TR-Ellis Residential Mixed- added to show residential mixing criteria
- Subsection 3.5.17 Resource Conservation Measures- updated
- Subsection 3.5.22 Subdivision- added section describing subdivisions within the Ellis Specific Plan

Section 4: Infrastructure

- Figures in this section have been updated to reflect potential school site and potential swim center site
- Subsection 4.1 Vehicle Access- some street sections have been updated per the draft City of Tracy Transportation Master Plan
- Figure 4.6 Streets and Traffic Controls- figure replaced by text
- Subsection 4.4 Public Transportation- updated to reflect reduction of projected GHG emissions
- Subsection 4.6 Parks Network- revised to reflect updated park details
- Subsection 4.8 Parks Signage- updated Sign Structures and a subsection on Sustainable Landscape Design
- Subsection 4.9 Utilities- Updated to reflect current technical studies

Section 5: Infrastructure and Funding

- Subsection 5.2 Public Facilities and Funding Sources- added funding sources such as Community Facilities Districts (CFDs)
- Subsection 5.5 Maintenance and Operations- added “or Community Facilities District”

Section 6: Plan Review

- Subsection 6.5 Minor Variations to the Ellis Specific Plan or Pattern Book- clarified list of Minor Variations

Glossary

- Defined additional terms

Appendix A: Pattern Book

Section 2: Detached Residential

- Added new lot types (45' front, 55' front and rear and 65' front and rear)
- Updated plan and elevation requirements
- Changed Ellis Victorian style to Ellis Farmhouse Victorian Style
- Updated roof pitches
- Updated some precedent photos
- Updated materials list
- General editorial changes

Section 3: Attached Residential

- Updated plan and elevation requirements
- Removed Ellis Victorian from Architectural Styles
- Updated some precedent photos
- Updated roof pitches
- Updated materials list
- General editorial changes

Section 4: Mixed Use

- Revised Village Center to reflect current design concept
- Updated the Family Swim Center to reflect current City design concepts

Section 5: Commercial/ Public Facilities

- Revised Commercial Sites to reflect current design concept