

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, October 10, 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
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT

A. DISCUSS PLANNING COMMISSION'S AVAILABILITY FOR A SPECIAL MEETING ON NOVEMBER 14, 2012.

5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

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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.

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
APRIL 11, 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. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS TOTALING 989,717 SQUARE FEET, THE EXPANSION OF AN EXISTING INDUSTRIAL BUILDING BY 288,770 SQUARE FEET, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD ON A 70.49-ACRE SITE, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT - APPLICANT IS PROLOGIS, AND OWNERS ARE AMB HOLD CO, LLC AND PROLOGIS, L.P.- APPLICATION D12-0003.
- B. CONDITIONAL USE PERMIT FOR TWO WALL SIGNS THAT EXCEED 100 SQUARE FEET IN AREA ON THE WALMART RETAIL BUILDING - THE PROJECT IS LOCATED AT 3010 WEST GRANT LINE ROAD – APPLICANT IS PERKOWITZ + RUTH ARCHITECTS FOR WALMART R.E. BUSINESS TRUST - ASSESSOR'S PARCEL NUMBERS 238-600-08 AND 10.
- C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN EXCESS OF 100 SQUARE FEET. APPLICATION NUMBER SPA12-0001.
- D. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED

ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002.

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, Commissioner Sangha, 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 Sandra Edwards, Recording Secretary.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development Services indicated Item 2-D was actually old business; however it needed to be considered after Item 2-C.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None
2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS TOTALING 989,717 SQUARE FEET, THE EXPANSION OF AN EXISTING INDUSTRIAL BUILDING BY 288,770 SQUARE FEET, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD ON A 70.49-ACRE SITE, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT - APPLICANT IS PROLOGIS, AND OWNERS ARE AMB HOLD CO, LLC AND PROLOGIS, L.P.- APPLICATION D12-0003.

The staff report was provided by Victoria Lombardo, Senior Planner. Mrs. Lombardo indicated the application was three-part, and included: the conversion of Chabot Court to a private street

and its extension to meet up with Paradise Road; three new buildings and all of their improvements; and finally, the expansion of the existing Barbosa Cabinets building. Mrs. Lombardo stated the site plan showed the layout of all four buildings; however the buildings were speculative at this point because there were no specific tenants in mind. Mrs. Lombardo stated architecturally the buildings were intended to match the design of the Crate and Barrel buildings. Mrs. Lombardo further stated the expansion of the Barbosa cabinets building would look like the existing building. Mrs. Lombardo stated the proposal was consistent with the Northeast Industrial Concept Development Plan requirements. Mrs. Lombardo indicated staff recommended approval of the project.

Vice Chair Ransom asked what the vacancy rate was of the large buildings in the area. Mrs. Lombardo stated she did not have any figures; however she knew the building at the south end of Chabot Court was currently vacant. Mrs. Lombardo stated Prologis was looking at moving a tenant from an existing building off Paradise Road into that building, to clear out the space they are using for use of a potential client who wished to occupy several buildings.

Chair Manne asked if the purpose of the hook-shape of the extension of Chabot to Paradise was for trucking. Mrs. Lombardo indicated the City had acquired a small piece of land with an existing farmhouse, in order to make the extension to Paradise Road. Mrs. Lombardo stated that it would be mostly truck traffic on the road; however cars would have access to it also. Chair Manne asked if vehicles would be able to make a left turn to enter Paradise. Cris Mina, Senior Engineer answered when Chabot Court is initially converted to a private street there would be a left in, left out; however when Grant Line Road was widened to its ultimate improvements, Chabot Court would have limited access, and would be a right turn in and a right turn out, with restricted access.

Commissioner Sangha asked if Paradise Road would be a private street or a City street. Mrs. Lombardo answered Paradise Road would be a public street.

Commissioner Johnson asked what the advantage would be to have a private drive versus a City street. Mr. Mina stated there would be public access to Chabot, and it would be used for circulation. Mr. Mina stated the benefit is the improvements would be paid by the developer. Commissioner Johnson asked if the City would maintain ownership of the underground utilities. Mr. Mina answered the City would maintain ownership of the water, sewer, and storm drain.

Chair Manne opened the public hearing. As there was no one to speak to the item, the public hearing was closed.

It was moved by Vice Chair Ransom and seconded by Commissioner Johnson that the Planning Commission recommend the City Council approve the Preliminary and Final Development Plan to permit the development of three new industrial buildings and one building expansion totaling 1,278,487 square feet on a 70.49-acre site, located adjacent to Paradise Road, south of Grant Line Road, west of and adjacent to Chabot Court, Application Number D12-0003, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated April 11, 2012. Voice vote found all in favor; passed 5-0-0-0.

- B. **CONDITIONAL USE PERMIT FOR TWO WALL SIGNS THAT EXCEED 100 SQUARE FEET IN AREA ON THE WALMART RETAIL BUILDING - THE PROJECT IS LOCATED AT 3010 WEST GRANT LINE ROAD – APPLICANT IS PERKOWITZ +**

RUTH ARCHITECTS FOR WALMART R.E. BUSINESS TRUST - ASSESSOR'S
PARCEL NUMBERS 238-600-08 AND 10.

The staff report was provided by Victoria Lombardo. Mrs. Lombardo stated the Municipal Code allowed wall signs to be no larger than 100 square feet; however the I-205 Specific Plan allowed for larger buildings within the plan to have a sign up to 250 square feet if it is scale with the size of the building. Mrs. Lombardo stated Walmart came before the Commission in 2008 to get approval of the expansion for the grocery store, and in 2009 they submitted an application for a 150 square foot wall sign on the front of the building on Grant Line. Mrs. Lombardo further stated that with the expansion of the building, the applicant was proposing to construct a sign on both the back of the building facing I-205, and on the front of the building facing Grant Line Road, that was approximately 223 square feet. Mrs. Lombardo indicated the signs were in scale with the building with the expansion. Mrs. Lombardo stated staff recommended approval of the project.

Commissioner Mitracos stated the pylon sign had already been changed. Mrs. Lombardo stated the change had been made because of a change in the logo due to corporate re-imaging. Commissioner Mitracos asked if the sign had been included in the expansion application. Mrs. Lombardo stated the sign change in 2009 had been done through a separate application due to the corporate re-imaging. Mrs. Lombardo stated one of the conditions of the expansion approval was they would have to go through approval of all the signs.

Commissioner Johnson stated he appreciated the perspectives of the renderings. Commissioner Mitracos agreed with the comment.

Chair Manne asked if the Planning Commission had seen an item like this from Walmart in the last two years. Mrs. Lombardo answered yes, and she believed the sign design in the last application was the same; this was just a different size.

Chair Manne opened the public hearing. As there was no one to speak to the item, the public hearing was closed.

Chair Manne stated he liked the refreshed look of the sign, and he felt the size was in scale with the building.

It was moved by Commissioner Johnson and seconded by Commissioner Sangha that the Planning Commission approve a Conditional Use Permit to allow two approximately 222.69-square foot wall signs based on the findings contained in the Planning Commission Resolution dated April 11, 2012. Voice vote found all in favor; passed 5-0-0-0.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR
SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN EXCESS OF
100 SQUARE FEET. APPLICATION NUMBER SPA12-0001.

The staff report was provided by Kimberly Matlock, Assistant Planner. Mrs. Matlock stated the item before the Commission was an amendment to the I-205 Specific Plan, which currently allowed for the maximum sign area of a wall sign of 100 square feet, and up to 250 square feet with a Conditional Use Permit (CUP). Mrs. Lombardo indicated the exception of a maximum wall sign of up to 250 square feet with a CUP currently applied to single tenant buildings only. Mrs. Matlock stated the proposal was to allow the 250-square foot wall signs for multi-tenant wall

signs also. Mrs. Matlock further stated the City had received an application for a large sign on a multi-tenant building. Mrs. Matlock indicated the I-205 Specific Plan established criteria for wall signs so that they are in appropriate size a building. Mrs. Matlock indicated buildings in the I-205 area tended to be larger buildings with large fascia, and that included multi-tenant buildings. Mrs. Matlock stated staff recommended the amendment to the I-205 Specific Plan.

Commissioner Mitracos asked if the only change was to allow the signs on multi-tenant buildings. Mrs. Matlock stated that was correct.

Vice Chair Ransom asked how the City's signage rules compared to other cities. Mr. Dean answered he felt Tracy was very comparable, and he felt signage was one of the things that ebb and flow in the community, and was constantly changing.

Commissioner Sangha asked why the amendment would be exempt from CEQA. Mr. Dean answered there were a number of relatively minor changes that would fall under the environmental work done for the General Plan, and this amendment would fall under the "Visual Impacts" that were disclosed under the General Plan.

Commissioner Johnson stated it was hard to visualize what the square footage number would look like, but they would review the signs individually when they came before the Commission. Mr. Dean stated that was exactly right.

Chair Manne opened the public hearing. As there was no one to speak to the item, the public hearing was closed.

Chair Manne asked if there were issues in the past in terms of signage that made it difficult to do business in Tracy. Mr. Dean stated that typically staff dealt with the sign contractor, not the business owner. Mr. Dean added that he felt the answer was it is not an encumbrance, especially when staff can demonstrate they can expeditiously respond to a request to amend the Plan to accommodate a different type of sign. Mr. Dean stated this was an example of how the City could look at its standards in response to a business' needs.

It was moved by Commissioner Sangha, and seconded by Commissioner Johnson that the Planning Commission recommend the City Council approve the I-205 Specific Plan Amendment regarding wall signs in excess of 100 square feet, Application Number SPA12-0001, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012. Voice vote found all in favor; passed 5-0-0-0.

D. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002.

The staff report was provided by Kimberly Matlock. Mrs. Matlock stated the application was for two 157-square foot wall signs in the I-205 Specific Plan area, based on the amendment the Commission had just heard. Mrs. Matlock stated the two signs were in scale with the building fascia, and met the criteria regarding the length and area of the sign. Mrs. Matlock stated staff recommended approval of the application, contingent on City Council's approval of the I-205 Specific Plan Amendment.

Chair Manne asked if this was an example of a multi-tenant building which needed a larger sign. Mrs. Matlock answered it was.

Commissioner Mitracos asked how the size of the proposed letters compared to the existing sign. Matlock stated she did not have that information at the current time, but she could gather it. Commissioner Mitracos stated it looked taller than the sign at the previous location. Mr. Dean stated the old sign had to be less than 100 square feet, and that was why they were applying for a larger sign.

Vice Chair Ransom asked about the size of the previous tenant's sign. Mrs. Matlock stated she did not have that information readily available; however, again it had to be less than 100 square feet.

Chair Manne asked if the square footage of the sign was specifically the letters, or if it included the red background. Mrs. Matlock answered that because only letters were being used, staff had drawn a rectangle around each individual letter and include that area in the calculations. Mrs. Matlock further stated there was no red background proposed, and if there were, it would have been included in the calculations.

Chair Manne opened the public hearing. As there was no one to speak to the item the public hearing was closed.

It was moved by Commissioner Mitracos and seconded by Vice Chair Ransom that the Planning Commission approve the Conditional Use Permit to allow two 157-square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road, Application Number CUP12-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012, contingent upon City Council approval of the I-205 Corridor Specific Plan amendment, application number SPA12-0001. Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

Mr. Dean congratulated Commissioner Mitracos on his reappointment to the Commission and welcomed Commissioner Sangha.

Mr. Dean mentioned the Cool California Challenge in which the City of Tracy was competing. Ms. Matlock explained the competition.

5. ITEMS FROM THE COMMISSION

Commissioner Johnson stated he was excited about the Sixth Street Opening.

Commissioner Johnson asked if there was anything in the Ordinance regarding when a business vacates a building and removes the sign but leaves holes in the wall, or paints over just the letters. Commissioner Johnson said if it wasn't in there, he would like to see it. Mr. Dean indicated it was a follow up and enforcement issue; however it may be a good idea to remind the applicant as a condition of the approval.

6. ADJOURNMENT

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

Time: 7:57 p.m.

CHAIR

STAFF LIAISON

DRAFT

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

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
AUGUST 22, 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. 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

* * * * *

The Planning Commission meeting was called to order by Chair Ransom at 7:00 p.m.

The pledge of allegiance was led by Chair Ransom.

ROLL CALL: Roll call found Commissioner Johnson, Commissioner Manne, Commissioner Mitracos, Vice Chair Sangha, and Chair Ransom present. Also present were staff members Kimberly Matlock, Assistant 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 Commissioner Sangha that the Planning Commission approve the minutes of March 14, 2012 and March 28, 2012 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. 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

The staff report was provided by Kimberly Matlock, Assistant Planner. Mrs. Matlock stated this item was an amendment to the approved Preliminary and Final Development Plan for the previous Pier One Imports building. Mrs. Matlock indicated the applicant was Buffalo Wild Wings, who was proposing to occupy a portion of the building, modify the exterior of the building and construct an outdoor patio for their restaurant. Mrs. Matlock indicated the applicant would add new plants and canopies and to keep the existing brick façade. Mrs. Matlock stated the parking was adequate for the proposed use, and the use was a permitted use in the I-205 Specific Plan. Mrs. Matlock indicated staff recommended approval of the project.

Chair Ransom asked if there would be modifications to the remaining portion of the building. Mrs. Matlock answered there would not be with this application, however there could be in the

future. Chair Ransom asked how the building would be divided for an additional tenant. Mrs. Matlock stated the provided proposed floor plan showed how the applicant anticipated it to be divided. Chair Ransom asked if the additional portion would be retained until a future tenant was located. Mrs. Matlock answered that was correct.

Commissioner Mitracos asked if the World Market store was on the same lot or just next door to Best Buy. Mrs. Matlock stated she believed it was a separate parcel.

Chair Ransom opened the public hearing. As there was no one to speak to the item the public hearing was closed.

It was moved by Commissioner Mitracos and Seconded by Commissioner Manne 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. Voice vote found all in favor; passed 5-0-0-0.

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

The staff report was provided by Bill Dean, Assistant Director of Development Services. Mr. Dean stated the purpose of this item was to receive comments on the Modified Ellis Draft Revised Environmental Impact Report (EIR) which had been prepared and made available for a 45 day public review period, concluding on September 13, 2012. Mr. Dean stated staff would not be asking the Commission to make a recommendation this evening, and that staff was not in a position to answer all the questions raised at the microphone. Mr. Dean stated this was an opportunity to receive the comments and compile them in the Final EIR. Mr. Dean further stated the item had been agendaized in such a way to have some discussion on the item as well.

Chair Ransom stated for clarification, first the presentations from the consultants would be heard, and then the Commission would hear public comments on the EIR, and following that there would be discussion regarding the project.

Commissioner Mitracos asked how the fact that the Development Agreement (DA) had not been approved would affect the EIR, due to the fact it had one of the issues in the previous approval that the DA was completed after, and it redefined the project description. Mr. Dean stated when the EIR was created; it was made for the project; which included the General Plan Amendment, the Specific Plan, and the DA. Mr. Dean added that in order to assess the impacts of the project there needed to be an understanding of the basics of the projects and the details. Mr. Dean indicated the DA had a lot of legal language and terms that was not related to the environmental impacts, but to the contract. Mr. Dean stated that when going through the negotiations, if there was something that was incongruent with the analysis, it would have to be accounted for.

Rick Jarvis stated it was the nature of the changes that the Trial Court determined triggered the need to recirculate the EIR, and whether a particular change requires a recirculation or further environmental review is a very fact-specific question, and in this particular case the trial court

did make the finding that changes were made at the end of the process which should have required the EIR to recirculate. Mr. Jarvis added the determination was under appeal. Commissioner Mitracos asked if typically the DA would come before the EIR. Mr. Jarvis stated typically the DA negotiations take until the very end of the process. Mr. Jarvis stated most of the time those changes don't require a recirculation of the EIR; however in this case the court had found that the changes should have triggered the recirculation.

Chair Ransom asked if the list of negotiation points were the terms that the Commission should be expecting to see, and, if some of them were changed would it trigger a recirculation. Mr. Jarvis answered the one page bullet points were the deal terms that had been negotiated between City Staff and the applicant, and the Commission and the Council could decide that they do not like a term and request a change.

Les Serpa of Surland, 1024 Central Avenue addressed the Commission. Mr. Serpa stated the Ellis Project had been approved by Planning Commission and City Council in 2008, and had been in process for more than a decade. Mr. Serpa stated the project was challenged by TRAQC, represented by Mark Connelly, and they did prevail on certain issues. Mr. Serpa stated they had made a business decision in addressing the Courts issues. Mr. Serpa stated he wanted to give the public a vision of what Surland was trying to create in Ellis. Mr. Serpa further stated they had used the same planning principles as the Redbridge community. Mr. Serpa indicated they were trying to get the project started to create a great place to live and a better community to be a part of. Mr. Serpa introduced Barry Long to provide a brief overview of the Specific Plan.

Barry Long of Urban Design and Associates provided an electronic presentation regarding the update to the Specific Plan. Mr. Long stated it was an overview, and would highlight what had changed and what would remain the same. Mr. Long stated the site was the same, as were the historical tributes, and local context. Mr. Long indicated they had studied the City's architecture and urban design. Mr. Long indicated Redbridge was used as the model. Mr. Long indicated the vision was a mixed-use, walkable development. Mr. Long stated there would still be three neighborhoods; the Village, the Garden, and the Town and Country. Mr. Long further stated there would still be a wide range of housing opportunities available.

Mr. Long stated one of the things that had changed included the San Joaquin County Airport Land Use Compatibility Plan (ALUCP) had changed and the Modified Ellis Specific Plan was now in compliance with the new 2009 ALUCP. Commissioner Mitracos asked for information on the uses which had been changed. Mr. Long stated the uses were very specifically listed in Section 3 of the Modified Ellis Specific Plan.

Mr. Long stated the Family Swim Center had been refined, and the Village Center had to be refined in response as the two were interlinked. Mr. Long stated the Specific Plan and the pattern book had minor modifications in consistency, and in design to widen the opportunities of the development.

Commissioner Mitracos asked for information on the range of maximum units, which was 1000-2250. Mr. Long stated the density would change. Commissioner Mitracos asked if the streets would stay the same, and the lots would just be larger if the development used the lower number of units. Mr. Long answered that it was meant to provide flexibility between the different neighborhoods and types of uses. Mr. Long stated there were a lot of constraints on the site

which would limit the number of units that could be built, such as the new ALUCP, and if the swim center would be built on site.

Commissioner Manne asked if the EIR was crafted using the maximum range. Mr. Long answered it was.

Mr. Long stated the potential non-residential uses such as a possible school site and the swim center would change the number of units significantly.

Commissioner Johnson asked for information on the transit center. Mr. Barry indicated the Transit center would be along the rail line, and would be a relocation of the Tracy Transit Station if it was desirable to do so.

Commissioner Manne asked what the likelihood was that the Transit Station or a new school be located in the development. Mr. Serpa stated they had worked with the School District to help with the design, possible sites, lay-outs and it would be their determination if they want the school located there or not. Mr. Serpa indicated it was the same situation with the ACE Train station.

Commissioner Sangha asked what the chances were that the swim center would stay on the site and who would make the decision. Mr. Serpa indicated they had offered the site, and it was at the sole discretion of the City as to what site would be chosen.

Laura Worthington-Forbes of RBF Consulting addressed the Commission and provided an electronic presentation regarding the Modified Ellis Project Draft Environmental Impact Report (DEIR). Mrs. Worthington-Forbes provided a brief overview of the history of the project's environmental review process. Mrs. Worthington-Forbes stated the Modified DEIR was revised in response to the Trial Judge's decision. Mrs. Worthington-Forbes provided a brief description of the DEIR topics of study. Mrs. Worthington-Forbes stated the intent of the item tonight was to solicit comments on the Revised DEIR, as well as accept written comments. Mrs. Worthington-Forbes stated they would be receiving comments up to September 13, 2012 and then they would prepare responses to the comments and compile the Final EIR.

Commissioner Mitracos asked if the General Plan Traditional Residential (TR) was negated by the lawsuit. Mr. Dean answered the City had adopted the TR as part of the February 2011 adoption, which was subsequent to the lawsuit and was still in effect.

Chair Ransom opened the public hearing.

Dave Anderson, Vice President of the Tracy Airport Association addressed the Commission. Mr. Anderson stated one of the alternatives, Alternative 10, was inaccurate and probably illegal. Mr. Anderson stated the runway lengths were wrong and City Council had directed staff to fix the runway lengths and maintain them in excess of 4000 feet. Mr. Anderson provided the official FFA Master Record for the Tracy Airport and stated it lists the length for Runway 268 at 4005 feet and Runway 3012 at 4002 feet. Mr. Anderson stated Council had directed staff to maintain the runway lengths. Mr. Anderson stated the City was obligated to maintain the Airport, and not restrict its use. Mr. Anderson further stated at one point the City allowed houses to be built across the street from the airport and now the residents of those houses call the FAA and complain that the planes fly over their homes. Mr. Anderson stated in Las Vegas in 2008 there were two incidents where planes landed in the houses built near the airport. Mr. Anderson

stated a Commissioner had asked what would be in the runway protection zone and no one had answered the question. Mr. Anderson indicated on the initial 1994 Airport Master Plan and Drawings showed the City would buy the land with available federal funds and leave it as an open runway protection zone. Mr. Anderson stated since the last time the Ellis item was heard there had been a major pipeline explosion and it had demonstrated the setbacks were not adequate to avoid a pipeline explosion.

Mark Connolly addressed the Commission on behalf of TRAQC. Mr. Connolly stated TRAQC would be submitting written comments and this was in no way all of the comments. Mr. Connolly stated when the project had originally come before the Commission Surland did not own any of the land in the project site. Mr. Connolly stated when the DA went before Council they had represented that they had an interest in the site and that was false. Mr. Connolly stated by the time the DA went to Council it was significantly changed from what the Planning Commission had seen. Mr. Connolly stated the Commission needed to see the DA before they tried to analyze the environmental impacts of the project. Mr. Connolly stated in the original EIR, alternative 6 which was the lower density alternative, was thrown out because City Council wanted the project to be built out at 2250 units. Mr. Connolly stated the current proposal allows for an even lower density, and the reason Surland would want to reduce the density is because it would reduce the number of RGAs used for the development. Mr. Connolly stated if they higher number of RGAs is allocated, and the number of units built is the lowest density, the other RGAs could be transferred. Mr. Connolly stated staff was actively working to reduce the runway length, effectively chocking down the airport to allow the development of the Ellis project. Mr. Connolly further stated there was no benefit to this project; it would not result in the building of any aquatic center on the site, and would result in smaller runways at the airport as documented in the EIR.

Michel Bazinet, 1005 Mabel Josephine addressed the Commission. Mr. Bazinet stated the purpose of this item was to look at the EIR, and if there was any impact of the DA to the EIR that was significant, the EIR would need to be revised and recirculated. Mr. Bazinet further stated the requirement to see the EIR before approving the DA was not necessary.

Chair Ransom invited comments on the project.

Steve Nicolaou of 445 West Eleventh Street addressed the Commission. Mr. Nicolaou stated in Attachment A there were bullet-points of the modified Ellis project. Mr. Nicolaou further stated there was a statement that the decision on the DA is on appeal, and at the same time there is a modified DA. Mr. Nicolaou asked which DA would be in effect if the Court threw out the original judgment. Mr. Nicolaou stated there was no language of which DA would control. Mr. Nicolaou indicated the cart was being put before the horse by reviewing the EIR and the Modified Ellis Specific Plan with only key bullet-points of the DA; and depending on the details of the final DA, staff may have to go through this whole process all over again. Mr. Nicolaou stated he agreed with the comments that if the project were to get approved, the airport would be thrown under the bus. Mr. Nicolaou stated the Council had committed to keeping the runways above 4000 feet, but staff had provided an alternative where the runway would be less than 4000 square feet. Mr. Nicolaou indicated there had been a contractor error for the runway, and the statute of limitations may have run out on getting the contractor to fix his mistake. Mr. Nicolaou stated there were no Federal funds available to fix the mistake, and the runways would stay at less than 400 feet for some time, and if this development was built it would be too late to fix the runway. Mr. Nicolaou indicated on June 19, 2012 City Council had asked for certain steps to be taken before Ellis would be taken into consideration: First, an updated financial impact report of

the cost of the swim center; Second, an exploration of other funding options for a swim center; And third, the updated GMO guidelines.

Commissioner Mitracos asked Mr. Nicolaou if there was anything that stated the DA could not include language regarding the possibility of the appeal would win. Mr. Nicolaou stated that should have been disclosed in the key points of the DA. Commissioner Mitracos stated his understanding at the June 19, 2012 meeting, Council directed staff to move forward with all four items concurrently.

Chair Ransom asked for clarification on the current runway length. Mr. Dean stated he would have to defer the question to Rod Buchanan, the Parks and Community Services Director. Commissioner Mitracos stated he remembered the runway was short by four feet. Mr. Dean stated Mr. Buchanan was in the process of clarifying the length.

Commissioner Manne asked when the Commission would see the DA. Mr. Dean stated staff was currently in ongoing negotiations, and the Commissioners would see the DA before they would be asked to make any decisions.

Mr. Bazinet addressed the Commission again, and stated this project has been planned for seven years, and all of the pipeline requirements, and airport requirements were being met, and if all regulations were being met there was no reason to delay

George Riddle, 1850 Harvest Landing Lane addressed the Commission. Mr. Riddle stated the reason the runway was short was due to a contractor error, and if you were looking at the FAA documents it was either 4001 feet, or 4002 feet, and it that is how it should remain. Mr. Riddle asked what the square on the map was, on the southeast corner of the project near the northwest corner of the Airport. Mr. Long stated it was an existing communication sub-station, and was outside the project.

Marsh McCray of 560 Schulte Road addressed the Commission. Mrs. McCray stated seven years ago she had become involved in getting a swim center in Tracy, when her children were in middle school and they were in college now. Mrs. McCray indicated this was about the 80,000 residents in the City. Mrs. McCray stated the only public pool available in the City was available from after Memorial Day until prior to Labor Day, and as only available to the public for 3 hours a day. Mrs. McCray stated the facility was not sufficient to the needs of the community.

Sue Rainey addressed the Commission. Mrs. Rainey stated she lived in Redbridge and she was proud to live there. Mrs. Rainey stated in her opinion the Ellis project was even nicer than Redbridge. Mrs. Rainey stated this project and the swim center would be an amenity and a benefit to Tracy and its residents.

Dave Helm addressed the Commission. Mr. Helm provided a document to the Commission. Mr. Helm stated he had heard a lot of conflicting information regarding this project. Mr. Helm stated the DA decision was being appealed, yet the DA was being modified. Mr. Helm read a letter addressed to the Commission, which was attached to the document he had provided. Mr. Helm stated if the City wanted a pool, it should look at a way to pay for a pool, and build a pool, not build a swim center when the City has no experience operating one, and no idea how much it would cost to operate. Mr. Helm further stated the swim center would not be a gift; it would cost about \$35 million and Mr. Serpa had graciously offered to give \$10 million. Mr. Helm stated previously Mr. Connolly said he would sue the City, which he did and had won, and would win

again. Mr. Helm stated the City should let Surland build the homes, and do away with the DA; because the time for DAs had passed. Mr. Helm indicated he had heard developers come to Council meetings and state it was a pay-to-play operation, and that didn't seem to be good governance, or fair, or honest.

Chair Ransom called for a five minute recess at 8:57 p.m. to reconvene at 9:02 p.m.

Mr. Connolly readdressed the Commission on behalf TRAQC. Mr. Connolly stated the DA was relevant because the DA was not tied to any particular developer, and anyone could build the project out. Mr. Connolly indicated the reality was you had to throw out the notion that Les Serpa had done a great job in another place. Mr. Connolly stated this deal was a terrible deal in terms of what the contract actually provided. Mr. Connolly stated the comments that a pool should have been built ten years ago were absolutely correct; however the idea that this project was going to bring a swim center in the near future was a fantasy. Mr. Connolly indicated the DA was a 25 year agreement. Mr. Connolly stated if this DA happened on a reasonable schedule, then in 5 years they would start the project, and two years after that date the City would get \$2 million, and wouldn't have enough to even start construction on the \$20 million swim center. Mr. Connolly further stated there was no requirement that the money be given in any particular time, or that the project be annexed in any particular time. Mr. Connolly stated the City was lobbying the FAA to reduce the runway of the Tracy Airport to under 4000 feet, and read a portion of the Draft EIR regarding the runway length. Mr. Connolly indicated Surland had stated they had addressed the issues which were raised in the judge's decision; however that was not the same as meeting the requirements the judge had said should be imposed. Mr. Connolly stated Surland does not have an adequate analysis of alternative sites. Mr. Connolly further stated the Commission should ask for communications with the FAA concerning Tracy Airport, particularly concerning runway length. Mr. Connolly stated the Commission needed the financial reports to see if the project was feasible. Mr. Connolly indicated the Commission would need the Growth Management information, as well as the water supply report. Mr. Connolly stated the most important piece of information was the DA, rather than just bullet-points. Mr. Connolly indicated he believed this was an attempt to build 1000 units, and transfer the remaining RGAs to someone else. Mr. Connolly further indicated the reason he believed this was when he was before the court with Rick Jarvis, it was stated that this was really a sale of RGAs: Surland gives the City \$10 million, and the City gives them RGAs.

Chair Ransom closed the public hearing.

Chair Ransom asked if by the second meeting in September the Commission would see the documents requested by Council. Mr. Dean answered there was a team of staff members working on all three of those items. Commission Manne asked if they would come before the Commission. Mr. Dean stated it would not come before the Commission; they were documents that City Council had requested specifically. Chair Ransom asked when the Commission would be privy to the information. Mr. Dean answered the information would be made public when the City Council Agenda is published. Mr. Dean stated after it was provided to City Council and they had provided direction to staff, he would be happy to report back to the Commission what Council had said. Chair Ransom asked if staff could make sure the Commissioners see the documents once they had been made public.

Chair Ransom stated that, for the purpose of the public, no decision was being made at that time, and even if there were to be a recommendation tonight, the Commission could recommend amendments to the project.

Chair Ransom asked Bill Sartor, Assistant City Attorney if it was unusual for developers to have other partners, or have permission to speak for other partners. Mr. Sartor deferred to Mr. Jarvis. Mr. Jarvis stated he did not see anything uncommon in this case, and it certainly was not uncommon for a developer to secure entitlements before completing a purchase of property.

Commissioner Mitracos stated there were a lot pieces the Commission would need to have before they could make a recommendation to City Council. Commissioner Mitracos further stated even though the documents were under the Council's purview, they fed into the decision the Commission had to make. Commissioner Mitracos stated he would like to see the GMO, the feasibility analysis, the aquatics alternatives study and DA before he was asked to make any decision.

Mr. Dean stated they were tentatively looking at bringing the GMO to City Council on September 18, 2012, and in terms of the feasibility analysis, and alternatives on October 2, 2012.

3. ITEMS FROM THE AUDIENCE- None

4. DIRECTOR'S REPORT

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

Mr. Dean stated there was a request by Surland Companies to see the availability of the Commission for a possible special meeting on October 3, 2012. Mr. Dean indicated this was not the time to schedule the meeting, but to discuss possible availability. Commissioner Mitracos, Commissioner Johnson and Chair Ransom stated they would be available on that date and there would be a quorum available. Commissioner Sangha stated she would not be able to attend.

Mr. Connolly re-addressed the Commission on behalf of TRAQC, and stated he felt this item was important enough that there should be more than a quorum; and secondly, if City Council reviewed the item on October 2, it would not be sufficient time for the Planning Commission to review and analyze the item before the special meeting the following night.

Dave Anderson re-addressed the Commission and stated he did not feel that a special meeting was necessary and it should be discussed at a regular meeting.

Commissioner Manne stated the special meeting would be "a hearing", and the Commission and the public did not know the specifics of the meeting. Mr. Dean stated the request had been to see if there was availability for a special meeting, and it would only be for the Ellis project. Mr. Dean further stated the purpose of the meeting would be to discuss the Ellis item and make a possible recommendation to Council. Mr. Dean added there was work to be done, and it wasn't known yet if staff would make that date.

Commissioner Mitracos stated even if there was a hearing on that date; if the Commission did not feel comfortable to review all the items, the item could be continued to a later date. Mr. Dean stated that was correct and it was in the Commission's hands, and was their decision.

Chair Ransom stated if a meeting was scheduled and the Commission was not prepared, it reserved the right to continue the item. Vice Chair Ransom stated hopefully the items could be expedited so the Commission would have an opportunity to analyze them and make an informed decision.

5. ITEMS FROM THE COMMISSION – None

6. ADJOURNMENT

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

Time: 9:37 p.m.

CHAIR

STAFF LIAISON

DRAFT

MINUTES
TRACY CITY PLANNING COMMISSION
MAY 9, 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. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS (TMC CHAPTER 10.08) AFFECTING CITY CIVIC ORGANIZATION SIGNS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0002

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE (TMC CHAPTER 10.08) AFFECTING FAMILY DAY CARE HOMES – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0003

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

A. VERBAL REPORT ON THE STAPLES I-205 SIGN AMENDMENT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

The Planning Commission meeting was called to order by Chair Manne at 7:02 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 Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva, Recording Secretary.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Director of Development Service stated staff was trying to get caught up on minutes and would be bringing forward a series of minutes at the next meeting.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS (TMC CHAPTER 10.08) AFFECTING CITY CIVIC ORGANIZATION SIGNS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0002

Commissioner Sangha arrived at the meeting at 7:07.

Mr. Dean provided the staff report for Victoria Lombardo, Senior Planner. Mr. Dean indicated staff had been approached by Mike Souza as a representative of Tracy Sunrise Rotary, regarding the donation of a sign to advertise up to six civic organizations within the City. Mr. Dean indicated Council had requested staff bring back options on an Ordinance. Mr. Dean stated instead of options, staff had brought back this Ordinance, which provided the options built into it. Mr. Dean indicated staff's recommendation was the Planning Commission recommend City Council approve the changes to the City's Sign Ordinance. Mr. Dean stated there had been a minor error in the staff report which stated the permitted sites were allowed "within one-quarter mile of the following locations", and it should actually state "one-half mile."

Vice Chair Ransom asked about information about the maintenance of the sign after its donation. Mr. Dean answered City Council would entertain the Ordinance, and its adoption by Resolution; and that Resolution would spell out the terms of acceptance of the donation, such as maintenance. Mr. Dean added staff had discussed the City maintaining the sign, and determined the maintenance of the sign would be minor. Mr. Dean added that should there be a change to the face of the sign for the one of the organizations; the donating party would be responsible for the change. Vice Chair Ransom asked should another party want to be added to the sign, who would make decision; the donating party who no longer owned the sign, or the City. Vice Chair Ransom stated she was concerned there would be another case similar to the War Memorial. Mr. Dean indicated first there would need to be an Ordinance to allow this to

happen, and then during the acceptance of the donation by Resolution, the details regarding who would be on the sign, the maintenance of the sign, and such would be clarified.

Chair Manne stated for the record that he was a member of the Breakfast Lions Club. Mr. Dean stated this item was for the Ordinance to allow for the donation of the sign, not the specifics of the sign.

Commissioner Mitracos asked if he had read in the staff report that there would be six items on the sign. Mr. Dean stated the request was for up to six, and the Ordinance was modeled after that offer. Commissioner Mitracos asked if staff expected it to be illuminated. Mr. Dean answered he did not anticipate illumination because it would add to the maintenance and installation costs.

Commissioner Johnson asked if the sign would be on City property, because in Municipal Code Section 10.08.4510, Item H it stated any sign that would encroach into the City right-of-way or easement was prohibited.

Mr. Dean indicated there would have to be an addition of an exception in that section for a City Civic Organization Sign. Commissioner Johnson asked if the other signs on other sites could be different than the one proposed now. Mr. Dean answered they could, and in the donation approval process there would be the ability for City Council to weigh in on what the sign looks and feels like in that particular location. Mr. Dean stated staff was aware of the Way-Finding Program, and should it continue and should there be another donation, staff would want it to be matching; however that would be addressed through the donation approval.

Chair Manne opened the public hearing.

Mike Souza of 105 East Tenth Street addressed the Commission. Mr. Souza stated he had given the sign designer the Way-Finding Program when he was designing the sign. Mr. Souza stated he would like to see a little leeway because for there may be some community signage in a given area, and it may be desirable to design the civic sign to compliment the community signage.

Vice Chair Ransom asked who would maintain the sign, if for instance the meeting time or place changed. Mr. Souza answered if the time or place changed, the club would pay for the change and it would cost about \$200 for a club to do that. Mr. Souza indicated if one of the clubs ceased to exist, the remaining clubs would decide who would replace it. Mr. Souza indicated the sign would be sealed with a non-graffiti sealer.

Commissioner Sangha asked if the color combination shown was the one which would be used. Mr. Souza answered it was, and it had been taken from the Way-Finding Program.

Robert Tanner of 1371 Rusher Street addressed the Commission. Mr. Tanner stated he felt the sign was great and needed. Mr. Tanner stated there had been a public meeting where Caltrans had stated it would block off the freeway interchange at Eleventh Street, and asked if the sign would be moved or replaced. Mr. Dean stated a large interchange was going to be built at Lammers Road, and that was a long way off. Mr. Dean indicated the traffic would still funnel into Eleventh Street. Mr. Tanner stated the handouts stated the access from Eleventh Street would be cut off. Mr. Dean indicated the long range plan was to have the exit on Lammers, and would cut over onto Eleventh Street. Mr. Souza added the sign would be located east of the fountain

and the proposal was to swing the interchange onto Lammers, and the sign would still be in a great spot.

Chair Manne closed the public hearing.

Chair Manne stated he had seen the drawings for the interchange and it would be so much further west and Eleventh Street would still be the main thoroughfare.

Bill Sartor, Assistant City Attorney stated he would like to ask for a few changes, one being the entire Ordinance be published in the paper once rather than publishing a summary which would need to be published twice. Mr. Sartor stated staff would like to correct the typographical error in proposed Section 10.08.4460 § R4 to change "one-quarter mile" to "one-half mile"; to insert a new Section 4 stating "Section 10.08.4510 § H - Prohibited Signs and Locations is amended to include Civic Organization Signs under Section 10.08.4460 of this Code" and renumber draft Sections 4 and 5, to Sections 5 and 6; and also to change Section 6 to say "publish once in the Tri Valley Herald" instead of "publish a summary twice".

It was moved by Vice Chair Ransom and seconded by Commissioner Mitracos that the Planning Commission recommend the City Council approve the attached Ordinance as amended and corrected, amending the Tracy Municipal Code Sections 10.08.4440, 10.08.4450, 10.08.4460 regarding Civic Organization Signs on public property. Voice vote found all in favor; passed 5-0-0-0.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE (TMC CHAPTER 10.08) AFFECTING FAMILY DAY CARE HOMES – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0003

The staff report was provided by Mr. Dean. Mr. Dean stated the hearing was to consider an amendment to the Tracy Municipal Code (TMC) regarding family daycares in homes. Mr. Dean stated within the State's Planning and Zoning Development Laws there were provisions which regulate family daycares. Mr. Dean stated in the past the wording of the State Law was confusing, using the wording "use permit" which had lead staff to require a Conditional Use Permit for large family daycares. Mr. Dean stated staff had been approached by a group that stated the verbiage was unclear; and their understanding was a little different. Mr. Dean further stated staff had discussed the issue with the City Attorney's office and felt the Code should be amended to clarify the intent. Mr. Dean stated under State Law there were three choices to do this: 1 - Classify large family daycare homes as permitted uses of residential properties under zoning regulations; 2 - Grant a non-discretionary permit that prescribes reasonable standards, restrictions and requirements concerning spacing and concentration, traffic control, parking, and noise control; 3 - Require a large family daycare home to apply for a permit that requires public notification of all property owners within 100 feet of the parcel, and hold a hearing if requested by a property owner, and then grant the non-discretionary permit if it complies within the reasonable standards. Mr. Dean indicated staff recommended Option 1 because there were 21,000 homes and only 50 licensed family home daycare centers, and obviously there was not an oversaturation issue. Mr. Dean stated staff's perspective was the better approach would be to allow these to occur, and if there was a particular concern that arises in the future, staff could take a more surgical approach to address it. Mr. Dean stated the Fire Marshall and the Community Care Licensing Division of the State were already involved in looking at the standards in which the centers operate. Mr. Dean indicated staff recommended the Commission

recommend City Council approve the amendments to the TMC regarding large family daycare centers.

Mr. Sartor indicated there was a typo in Section 6 which referenced publishing in the Tracy Press, and the newspaper of publication would be the Tri Valley Herald.

Chair Manne asked for clarification on the overlap between the numbers of children allowed in what constituted a large family versus a small family daycare. Mr. Dean indicated it had to do with the ages of the children in the center, as regulated by the State.

Vice Chair Ransom asked how the City would know there were only 50 daycares in Tracy. Mr. Dean stated the City's Fire Marshall, who was the Chief Building Official, was in communication with the State, and the City's Fire Inspectors were required to do annual inspections of the facilities.

Vice Chair Ransom asked if was unreasonable to require notification of neighbors within 100 feet of the daycare, due to the fact that 14 children playing outside can be very noisy. Mr. Dean stated staff had thought of this, and the difficult part was even if notice is given, the City was not allowed to say no, because it was required to be a non-discretionary permit. Mr. Dean stated the State wanted these to be classified as a residential use. Mr. Dean indicated the City did not have a non-discretionary permit besides a Building Permit, which was if you meet the Building Codes, you get the permit, and staff would have to create the process.

Commissioner Mitracos asked for clarification on how many of the 50 daycares were small versus large. Mr. Dean stated he did not have the information. Commissioner Mitracos stated there was a lot involved in the higher occupancy, and specific modifications which had to be done to make a large daycare, and he imagined that most of the home daycares were small. Commissioner Mitracos asked why the MO Zone was left out of the list of the permitted zones, and conditionally permitted zones. Mr. Dean indicated this was strictly dealing with the residential zones, and was only for daycare homes, not commercial daycare facilities.

Chair Manne opened the public hearing. As there was no one to speak to the item the public hearing was closed.

Chair Manne stated he remembered an application before the Commission just a few months before for a large family home daycare, and there had been a lot of positive feedback.

It was moved by Commissioner Mitracos and seconded by Commissioner Sangha that the Planning Commission recommend the City Council approve the attached Ordinance amending the Tracy City Municipal Code Sections 10.08.650 and 10.08.1080 and adding sections 10.08.255 and 10.08.3195 regarding family daycare homes in residential zones, as amended and corrected Voice vote found all in favor; passed 5-0-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

A. VERBAL REPORT ON THE STAPLES I-205 SIGN AMENDMENT

Mr. Dean thanked the Commission for its work on the project, and thanked Chair Manne for coming before City Council, to in his words "defend the Commission's honor". Mr. Dean indicated Council discussed the item for about an hour and in the end approved the sign and allowed Staples to keep their sign, even though it had been installed illegally. Mr. Dean stated there could be a number of applications from other businesses in the center asking for a CUP for a larger sign.

Commissioner Mitracos stated he had watched the Council meeting, and felt that Kimberly Matlock had been unfairly characterized by the applicant. Commissioner Mitracos stated the issue had showed him how difficult it is to approve something from drawings.

5. ITEMS FROM THE COMMISSION

Commissioner Sangha apologized for arriving late; due to a Community meeting she had to attend before the Commission meeting.

6. ADJOURNMENT

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

Time: 7:55 p.m.

CHAIR

STAFF LIAISON