

MINUTES  
TRACY CITY PLANNING COMMISSION  
MEETING MINUTES  
NOVEMBER 14, 2012  
7:00 P.M.  
TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA

Chair Ransom called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL: Roll call found Commissioners Johnson, Manne, Mitracos, Vice Chair Sangha and Chair Ransom present. Also present were staff members Andrew Malik, Bill Dean, Alan Bell, Scott Claar, Victoria Lombardo, Bill Sartor, Sandra Edwards and Jan Couturier.

MINUTE APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA: Mr. Dean indicated items 2-C and 2-D were functionally the same and would be presented together.

ITEMS FROM THE AUDIENCE – None.

1. OLD BUSINESS – None.
2. NEW BUSINESS
  - A. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 1 AND TITLE 10 OF THE TRACY MUNICIPAL CODE, AND AMENDMENTS TO THE I-205 CORRIDOR SPECIFIC PLAN, INDUSTRIAL AREAS SPECIFIC PLAN, AND RESIDENTIAL AREAS SPECIFIC PLAN RELATING TO EATING AND/OR DRINKING ESTABLISHMENTS WITH ENTERTAINMENT – CITY INITIATED – APPLICATION NUMBERS ZA12-0007, SPA12-0005, SPA12-0006, AND SPA12-0007

Scott Claar, Associate Planner, indicated that the City's Zoning Ordinance currently permits eating and drinking establishments in the Central business District zone, General Highway commercial zone, Community Shopping Center Zone and Highway Service Zone; and conditionally permits them in the Neighborhood Shopping Zone. Eating and drinking establishments are also permitted in certain areas of the I-205 Corridor Specific Plan, Industrial Areas Specific Plan and the Residential Areas Specific Plan.

Mr. Claar advised that on May 30, 2012, an application was submitted for a Conditional Use Permit (CUP) to expand the restaurant and bar operations of the Great Plate (714 Central Avenue) to include entertainment uses, such as live bands, disc jockeys, dancing and comedy shows, similar to what is commonly referred to as a nightclub.

City staff returned the application fees of the Great Plate and informed them that the City would initiate a Zoning Ordinance amendment to address this use. He added that in drafting the proposed amendment to the Zoning Ordinance, staff aimed to balance the

desire for encouraging nightlife and entertainment with the goals of minimizing impacts on public safety resources and ensuring compatibility between neighboring land uses.

Mr. Claar reviewed related ordinances including a recently approved ordinance in the City of Walnut Creek. The proposed draft would do the following:

- Eating and/or drinking establishments would be permitted to serve alcohol and provide entertainment up to 11:00 pm without requiring a conditional use permit.
- The definition of "entertainment" would be such uses as live music, disc jockeys, dancing, karaoke, comedy shows, modeling or live performances.
- A Conditional Use Permit (CUP) would be required for eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 pm
- Eating and/or drinking establishments not providing entertainment would be permitted to serve alcohol before and after 11:00 pm without requiring a CUP. This is the same as Tracy's existing Code.
- Eating and/or drinking establishments not serving alcohol would be permitted to provide entertainment before and after 11:00 pm without requiring a CUP

Conditions of approval could include:

- Security Guards based on the number of occupants
- Security Guards would be required to carry proof of valid registration through the Department of Consumer Affairs Bureau of Security and Investigative Services (BSIS)
- No dual roles for security (e.g. bartender/security)
- No person under 21 year of age allowed after 11:00 pm

The following Specific Plans will also require this amendment:

- I-205 Corridor Specific Plan
- Industrial Area Specific Plan
- Residential Area Specific Plan

Staff recommended that the Planning Commission recommend that the City Council approve the proposed amendments to the Tracy Municipal Code, I-205 Corridor Specific Plan, Industrial Areas Specific Plan and the Residential Area Specific Plan.

Mr. Claar added that applicants would have to apply for a Conditional Use Permit (CUP) and the Planning Commission would decide what conditions should be applied.

Chair Ransom opened the public hearing.

Commissioner Mitracos asked where the 11:00 p.m. time frame came from. Mr. Claar indicated that the City of Walnut Creek recently approved an ordinance with this time

restriction to encourage evening entertainment for dinner and post dinner activities; suggesting that anything after 11:00 p.m. was not necessarily related to dining.

Dale Cose, 17 E. Sixth Street, asked the Planning Commission to direct staff to answer questions directly related to the resolution.

Mr. Cose provided background information on establishments in Tracy that existed in previous years where this type of requirement was never required. Mr. Cose asked when staff saw the need for a CUP and if there were any items included such as security guard cards vs. Tracy Police enforcement.

Commissioner Mitracos asked for clarification regarding entertainment uses. Mr. Malik responded that currently nothing in the Tracy Municipal Code allows entertainment and that several jurisdictions have gone through this process.

Commissioner Mitracos asked Mr. Cose if the ordinance made sense. Mr. Cose stated he knows of a number of establishments that have had bands, stabbings, shootings and fights indicating it was a business issue.

Mr. Claar discussed the history regarding requiring CUPs for this type of business. Mr. Claar indicated it was time to develop an ordinance to address entertainment uses; to make it clear via an ordinance.

Mr. Dean stated that what was before the Commission was a way to achieve a more uniform code to enable different forms of entertainment/club usages as the City grows and a way to contemporize the ordinance for what is going on today.

Chair Ransom asked if there was a way to expedite the process for the present situation. Mr. Malik stated staff was looking into that, by trying to place the item on the next City Council agenda. He further advised the Commission that staff has asked other applicants to submit their building plans for a restaurant in the hopes that this will be finalized soon.

Chair Ransom asked when these restaurants could expect their businesses to open. Mr. Malik advised that in this case it would be 30 days after adoption of the ordinance or the middle of January. Mr. Dean indicated staff has been working closely with Mr. Cose during the past few months and that staff could co-process a CUP application while the ordinance was being considered.

Mr. Cose indicated he has been working with staff but the delays hurt businesses and their ability to flourish.

Gary Gardino, developer of the Frog Eatery, indicated he was very upset over the way the ordinance had been written and that the process has taken 7 months and because of that he won't be opening his business this year. Mr. Gardino provided a brief history of the successful businesses he has owned and operated. Mr. Gardino voiced his frustration over the fact that staff was using examples from cities such as Walnut Creek and Pleasanton. Mr. Gardino indicated their business is designed to attract individuals

35 years of age or older. Mr. Gardino stated he was here to operate a successful and safe business.

Commissioner Mitracos asked if Mr. Gardino was going to have entertainment. Mr. Gardino listed the different types entertainment and discussed a "slow close" which is done by raising the lights, turning the music down vs. "a last call for alcohol" Mr. Gardino voiced his frustration over the process of obtaining building permits and getting to this point.

Chair Ransom asked when they would be ready to open for business. Mr. Gardino indicated December 1. Mr. Gardino provided the Planning Commission with a handout.

Chair Ransom asked staff if an existing business came in and wanted to include entertainment, what the process would include. Mr. Dean indicated some of the businesses may or may not include the type of activity outlined in the Ordinance and that Code Enforcement and the Police Department address any uses not covered in the existing ordinance.

Chair Ransom asked about an existing business on Tracy Boulevard and Grant Line Road. Mr. Malik indicated that at the present time, Code Enforcement is reactive and responds on a complaint basis. Mr. Malik stated the proposed ordinance would be proactive by outlining what uses were acceptable.

David Rose, owner of Tracy Garage, addressed the Planning Commission stating no one wants to slow development, suggesting the process was the problem. Mr. Rose spoke in favor of Mr. Gardino's proposed business.

Dennis Miller, a resident of Lauriana Way, addressed the Planning Commission stating he was a bartender and bouncer and that he works with Mr. Gardino. Mr. Miller stated the process needs to move forward and that limiting owners to closing at 11:00 p.m. will hurt business. Mr. Miller suggested that Alcohol Beverage Control (ABC) already has limitations in place to help dictate requirements.

Jerimiah Monet, a new Tracy resident, stated he was looking for this type of establishment in Tracy. Mr. Monet stated he has never been in an establishment that has dancing that was limited to 11 p.m.

Mark Connolly, 121 E. Eleventh Street, stated he owns residential property behind the Shamrock Bar on Eleventh Street in Tracy. Mr. Connolly said the bar empties into a residential neighborhood, into an alley, and discussed the problems with having a bar near a residential neighborhood. Mr. Connolly indicated ABC would not limit their activities and indicated that the ordinance would apply to every existing bar and restaurant in the city limits. Mr. Connolly supported the CUP for entertainment. Mr. Connolly added that the following requirements should be considered: 1) doors and windows need to be closed during hours of operation 2) access to the facility should not be through residential neighborhoods; 3) specific decibel restrictions at the property boundary, all designed to protect residential neighborhoods.

Gary Hampton, Police Chief, provided the Police Department's perspective. Chief Hampton expressed surprise that Tracy didn't have an ordinance suggesting that by not having an ordinance Tracy was not availing the community the quality of life that other communities have. Chief Hampton stated this type of ordinance helps ensure that things do not get out of control and that such ordinances have conditions to hold individuals accountable.

Chief Hampton outlined staffing levels, highest call times, and peak call times between 11:00 p.m. and 2:00 a.m. Chief Hampton stated that allowing conditional uses after 11:00 p.m. would impact the Police Department. Chief Hampton also stated that ABC would not enforce local ordinances. Chief Hampton mentioned that "soft closings" are what the police department likes to hear from responsible owners and that if conditions are in place, then the Police Department can hold businesses accountable for those soft closings.

Robert Tanner, 1371 Rusher Street, asked if the ordinance would apply to private clubs. Scott Claar indicated no, just eating and drinking establishments. Mr. Tanner suggested that the ordinance didn't seem to be the issue, it was the timing. Chair Ransom said there is nothing in place now that will allow them to operate.

As there was no one further wishing to address the Commission, the public hearing was closed.

Commissioner Mitracos requested staff to clarify private clubs. Mr. Claar stated there was a category for private clubs, meeting halls (e.g. the Moose Lodge), that can be allowed through a CUP process. Mr. Malik stated staff was recommending that the City move forward with the CUP process. Staff recommended that the Planning Commission recommend approval to the City Council.

Chair Ransom asked staff to address the concern regarding customers exiting venues into residential neighborhoods. Mr. Claar indicated the conditions Mr. Connolly mentioned would be appropriately addressed in the Conditional Use Permit. Mr. Dean added that having access to residential properties would be made a part of the findings that Planning Commission reviews.

Commissioner Manne asked staff if Mr. Gardino would be before the Planning Commission again when he applied for a CUP. Mr. Claar stated yes.

Commissioner Johnson stated he was disappointed because of the frustrations the applicant has encountered.

Commissioner Mitracos indicated it was responsible to have this ordinance in place.

Commissioner Manne stated he had not heard any opposition from existing bars or businesses over the process and that he supported the ordinance.

Chair Ransom stated this was a step in the right direction as it addresses the need to increase the quality of life and safety and accommodates the businesses who want to open. Chair Ransom asked staff to be diligent and move the process forward.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE AMENDING SECTIONS 10.210.060 AND 10.12.080 AND ADDING A NEW SECTION 10.12.065 RELATING TO COMPLIANCE WITH REGIONAL HOUSING NEEDS ALLOCATIONS AND STATE AND FEDERAL LAW RELATING TO DEED RESTRICTIONS – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0008

Victoria Lombardo, Senior Planner, provided the staff report. Ms. Lombardo stated that the State Department of Housing and Community Development (HCD) require that cities adopt House Elements for 5 year cycles. Tracy's Housing Element for 2009-2014 was adopted by City Council on May 15, 2012 and certified by HCD on July 26, 2012. Program 13 of the Housing Plan is the proposal to amend the City's Growth Management Ordinance (GMO) to remove the governmental constraint of annual limitations on Residential Growth Allotments (RGAs) and building permits. Specifically, the amendment would allow the City to issue building permits up to the Regional Housing Needs Allocation (RHNA) number to achieve its obligation in each income category.

The numerical limits of the GMO (600 annual average) would not allow a rate of residential construction during this Housing Element cycle that would achieve the RHNA. Additionally, the program requires the City to reduce the deed restriction on affordable units from 55 years to 10 years. The proposed amendments are consistent with the Housing Element adopted by the City Council on May 15, 2012 and with the California Environmental Quality Act.

Staff recommended that the Planning Commission recommend that the City Council approve the proposed ordinance.

Commissioner Mitracos asked if the City had any units that were restricted at 55 years. Ms. Lombardo stated there were a number of building permits issued over the last 10-15 years that comply with the low housing requirements.

Chair Ransom opened the public hearing.

Mr. Connolly, on behalf of TRAQC, provided the Planning Commission with a handout and suggested that the Planning Commission not approve the resolution as written. Mr. Connolly suggested that the proposed action conflicts with the Housing Element and Measure A and creates a new exemption for Residential Growth Allotments (RGAs).

Commissioner Mitracos asked Mr. Connolly if he had a problem with the proposed change because RGAs and permits were treated differently. Mr. Connolly stated the proposal does not include RGAs and bypasses entitlements.

Commissioner Sangha asked under which condition could a building permit be issued without a RGA. Mr. Connolly referred to section 10.12.065 in the

proposed ordinance suggesting that the Planning Commission was being asked to abandon the current system.

Chair Ransom asked staff to address the concerns that were raised. Mr. Dean indicated that RGAs were put in place in 1987 and codified by voters in 2000; the purpose of RGAs was to have a mechanism in place to issue permits which also ensured that infrastructure was in place for development. Mr. Dean stated staff would like to do away with RGAs completely, indicating that it was impossible to bring a project forward without having addressed the infrastructure based on existing ordinances, the Map Act, etc. Mr. Dean added that staff would add an exemption to meet Regional Housing Needs Allocation, and that in absolutely no circumstance can a permit be issued in conflict with the Regional Housing Needs Allocation numbers.

Chair Ransom stated that there was a concern that once the numbers were revamped that the RHNA numbers may be much lower.

Celeste Garamendi addressed the Planning Commission stating that what was in the Housing Element was issuing building permits above RHNA for affordable housing. Ms. Garamendi asked the Planning Commission to not approve or continue consideration of the item to allow time to work with staff or to make the corrections in what was proposed.

Chair Ransom called for a recess at 9:15 p.m. reconvening at 9:24 p.m.

Chair Ransom referred to Tracy Municipal Code section 10.12.110 on the overhead.

Mr. Dean outlined how RGAs are calculated and averaged and how building permits are calculated and averaged. Mr. Dean suggested that what was at issue was to clarify subsection D to reference 10.12.100.

Chair Ransom asked if the City Attorney drafted this language. Mr. Dean stated that if there was a disagreement, that the Planning Commission had the full pleasure to do what it deemed appropriate.

Bill Sartor, Deputy City Attorney explained that RGAs were a discretionary process and the only thing exempted are RHNA. Mr. Sartor stated you can't exempt something through a discretionary process and then require it. Mr. Sartor further stated that the way the ordinance was written indicates that building permits always count toward the average.

It was moved by Chair Ransom to continue consideration of the item. The motion died due to the lack of a second.

Commissioner Mitracos stated he could not support the proposed ordinance.

It was moved by Commissioner Mitracos and seconded by Vice Chair Sangha to not recommend approval of the Ordinance as written. Voice vote found

Commissioner Mitracos, Vice Chair Sangha and Chair Ransome in favor;  
Commissioners Johnson and Commissioner Manne opposed.

- C. PUBLIC HEARING TO CONSIDER A 60-UNIT RESIDENTIAL APARTMENT PROJECT (MACDONALD APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.87 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD NORTHWEST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, 2605 S. MACARTHUR DRIVE, ASSESSOR'S PARCEL NUMBER 246-140-12. THE PROJECT INCLUDES REZONING THE SITE FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL (R12-0002), ZONING REGULATIONS AMENDMENT REGARDING THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES (TRACY MUNICIPAL CODE SECTION 10.08.3470) (ZA12-0005), AND DEVELOPMENT REVIEW APPROVAL FOR THE APARTMENT PROJECT (D12-0006). THE APPLICANT IS PETER MACDONALD.
- D. PUBLIC HEARING TO CONSIDER A 184-UNIT RESIDENTIAL APARTMENT PROJECT (VALPICO APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 8.75 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, NORTHEAST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, 501 E. VALPICO ROAD (FORMERLY 2795 S. MACARTHUR DRIVE), ASSESSOR'S PARCEL NUMBERS 246-140-13 AND 14. THE PROJECT INCLUDES A GENERAL PLAN AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA12-0001), REZONING FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R12-0001), ZONING REGULATIONS AMENDMENT REGARDING THE MINIMUM DISTANCE BETWEEN MAIN BUILDINGS ON A SITE (TRACY MUNICIPAL CODE SECTION 10.08.1610(D)) (ZA12-0004), AND DEVELOPMENT REVIEW APPROVAL FOR THE APARTMENT PROJECT (D12-0004). A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ARE PROPOSED FOR ADOPTION. THE APPLICANT IS ERIC TAYLOR, SOMIS INVESTMENTS.

Staff asked that both projects be considered together but voted on separately.

Alan Bell, Senior Planner, provided the staff report. Mr. Bell stated that agenda item 2C proposed to construct a 60 unit multi-family residential project on approximately 2.87 acres. The existing single-family home on the site will be removed as part of the Project. The Project consists of three, three-story apartment buildings: two buildings containing 24 units each and one building containing 12 units. No subdivision is proposed at this time; all units will be rental apartments. Two different exterior building elevations are proposed. Both versions include tile roofs, decorative window trim and shutter, building articulation, mass variations and are integrated with landscaping to create a high quality architectural design. The grade of the site is significantly lower than the adjacent Valpico Road grade and although fill will be brought on to the site to

raise its grade several feet, the finished grade at Building 1 will be approximately 15 feet below the Valpico Road grade.

Mr. Bell indicated that agenda item 2D proposed to construct a 184 unit, multi-family residential project on approximately 8.75 acres. The project consists of seven, three-story apartment buildings with 24 units each, plus 16 townhouse-style units in six buildings of two stories each. No subdivision is proposed at this time; all units will be rental apartments. This project will also include a leasing office in the tri-plex townhouse building near the mailbox kiosk. The seven apartment buildings will consist of one and two bedroom units, and the townhouse units will contain one-bedroom and three bedroom units. Altogether, there will be 89 one-bedroom units; 84 two-bedroom units and 11 three bedroom units. The apartments range in size from just over 800 square feet to nearly 2,000 square feet for the largest townhouse units. The applicant has submitted two different exterior elevations of the buildings. Both versions include tile roofs, decorative window trim and shutters, and vertical and horizontal relief to create a high-quality architectural design.

City parking standards require 1.5 off-street parking spaces per one bedroom unit, 2 spaces per unit with two bedrooms and one guest space for every five units. This 60 unit project, therefore, would require 117 off-street parking spaces. This project proposes 99 off-street spaces 15% fewer than is required by city parking standards. City staff's recommended solution is to amend City parking standards to allow the project to be constructed as proposed. The number of off-street parking spaces required for multi-family projects by the City of Tracy is higher than many other jurisdictions. Following is a proposed addition to the City's off-street parking ordinance 10.08.370(e):

"The number of off-street parking spaces required in Section 10.08.3480 may be reduced by up to 20 percent if the owner of the property submits a parking study documenting that such off-street parking spaces will not be necessary to mitigate parking demands for a use or project."

Staff recommended approval of both the addition to the Tracy Municipal Code and to the determination that 99 parking spaces is adequate for this Project. In 2006 the subject property's General Plan designation was changed to Residential High. The 2011 General Plan update confirmed the Residential High General Plan designation. This request is a follow up item to the General Plan update, one that would have been initiated by the City if it were not requested as part of both projects.

Both projects are located within the Tracy Unified School District which was noticed and which does not anticipate any issues in being able to accommodate students from both projects.

On September 12, 2012 the developer conducted a neighborhood meeting to introduce both projects. 170 notices were sent to nearby property owners and the Hidden Lake property owners association. The City published notices

regarding the Planning Commission November 14, 2012 meeting to nearby property owners and published to the newspaper and other normal notices.

In accordance with the California Environment Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate potential environmental effects of both projects. The IS/MND along with the Mitigation Monitoring and Reporting Program were completed. Part of the project approval includes a recommendation for adoption of the CEQA documentation.

The site is viable for high density General Plan and zoning considerations due to a number of factors: the site's depressed grade (which reduces visual impacts of the project), high density residential General Plan designation to the west (increasing opportunity for land use compatibility), frontage and direct access onto Valpico Road, proximity to the Altamont Commuter Express Station is less than two miles away, and adjacent and nearby shopping opportunities.

Tracy's HDR zone requires that minimum distance between main buildings on a site must equal the average height of the two buildings. Therefore, taller buildings are required to be further apart from each other than shorter buildings. The HDR Zone contains no height limit and as the city encourages more compact development for efficient land use; future projects of this nature might experience challenges to meet the present requirement. Staff recommended that the Tracy Municipal Code Section 10.08.1610(d) be amended as follows:

"Distance between buildings: Six feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be the average height of the two (2) main buildings six feet."

Mr. Bell advised that six feet (although not proposed for this project) is the recommended replacement for the minimum distance between main buildings. This distance is used in residential zones throughout the City to prevent inaccessible or unusable corridors between buildings.

In accordance with the California Environment Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate potential environmental effects of the project. The IS/MND along with the Mitigation Monitoring and Reporting Program were completed. Part of the project approval includes a recommendation for adoption of the CEQA documentation.

Staff recommended that the Planning Commission recommend that the City Council take the following action for Agenda Item 2C:

1. Adopt the Mitigated negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Approve the General Plan Amendment from Commercial to Residential High
3. Approve the rezoning of the site from Community Shopping Center to Hi-Density Residential.

4. Approve the Tracy Municipal Code Amendment regarding distance between buildings.
5. Approve the Development Review application for the 184 unit residential apartment project.

Staff recommended that the Planning Commission recommend that City Council take the following action for Agenda Item 2D:

1. Approve the rezoning of the site from Medium Density Residential to High Density Residential.
2. Approve the Tracy Municipal Code Amendment regarding off-street parking space reduction.
3. Determine that 99 off-street parking spaces is sufficient to mitigate parking demands of the project.
4. Approve the Development Review application for the 60 unit residential apartment project.

Commissioner Manne identified that he lives in the Glenbriar subdivision, but outside the required distance which would require him to abstain for voting on the item. Commissioner Manne stated he believed he could be impartial.

Commissioner Johnson identified that he works with consultants and could also be fair and impartial.

Commissioner Johnson asked for clarification regarding the distance between buildings. Mr. Bell indicated the change would only apply to High Density Residential and requires discretionary review by the Planning Commission.

Commissioner Mitracos asked if the off-street parking could be added when the zoning code update was complete. Mr. Bell stated that staff was recommending that a parking study be completed, including a survey of other jurisdictions. Mr. Bell added that there were characteristics of the project that support this change since half of the units are 1 or 2 bedroom and it was not believed that there would be a need for more than 1 or 2 parking spaces per unit.

Commissioner Mitracos asked why the trench infiltration couldn't be permanent. Criseldo Mina, Senior Civil Engineer, suggested that the final solution would be to connect to the existing storm drain system. Commissioner Mitracos asked about permeable surfaces. Mr. Mina advised that the current policy requires that storm water has to be disposed of through the existing system.

Chair Ransom opened the public hearing.

Peter MacDonald, owner of the MacDonald property, provided a brief history of the property. Mr. MacDonald indicated his project was ready to build and that both projects would probably be built together.

Mr. MacDonald outlined special features of the units which included computer alcoves, enclosed staircases, extra storage, and walk-in closets.

Erik Taylor, owner of the Valpico Apartment site stated his firm tried to come up with a project that makes it a better neighborhood and a higher end project that fit Tracy. Mr. Taylor outlined some of the features of the project which included pedestrian and bicycle access to Valpico and to the neighboring Rite Aid site, masonry walls across specific properties, and sustainable features in the project.

John Phillips, a resident of DeBord Drive, (Ashley Park) addressed the Planning Commission indicating he found out about the project by accident and suggested that the noticing requirements needed to be changed. Mr. Phillips voiced concerns about impacts to unfinished roads (MacArthur and Valpico) drainage, the number of birds on-site, over populated schools, and Measure A.

Gabriel Leal, DeBord Drive, addressed the Planning Commission indicating he agreed with Mr. Phillip's comments and asked that the Planning Commission postpone any decisions and notify residents within one mile of the project.

Chair Ransom asked staff to clarify the number of notices that were mailed. Mr. Bell indicated that state law requires property owners within 300 feet of the proposed site be notified. Mr. Bell added that the city expanded the list to approximately 900 feet which added approximately 200 additional residents being notified

Mr. Phillips voiced concerns regarding traffic, the nearby plastics plant, another major processing plant and the tremendous number of 18 wheeled vehicles that go down Valpico and MacArthur.

Mr. Taylor indicated they would be willing to meet with the residents before proceeding to City Council.

Commissioner Mitracos stated he understood that neighborhoods change, and that he has met with the applicants and staff and was confident that the project would improve the neighborhood.

Chair Ransom indicated several commissioners have met with the applicant to understand the project completely. Chair Ransom indicated the speakers could be asked to be placed on the noticing list and that the applicants had also agreed to meet with everyone in attendance.

Commissioner Mitracos indicated he supported the projects. Commissioner Manne indicated he also met with the applicants and believed they had met all the requirements.

Commissioner Johnson stated he attended the community meeting and heard very little, if any, concerns from the neighbors. Commissioner Johnson thanked staff for addressing all concerns.

It was moved by Commissioner Johnson and seconded by Vice Chair Sangha to:

1. Adopt the Mitigated negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Approve the General Plan Amendment from Commercial to Residential High
3. Approve the rezoning of the site from Community Shopping Center to Hi-Density Residential.
4. Approve the Tracy Municipal Code Amendment regarding distance between buildings.
5. Approve the Development Review application for the 184 unit residential apartment project.

Voice vote found all in favor; passed, and so ordered.

It was moved by Commissioner Manne and seconded by Commissioner Johnson to

1. Approve the rezoning of the site from Medium Density Residential to High Density Residential.
2. Approve the Tracy Municipal Code Amendment regarding off-street parking space reduction.
3. Determine that 99 off-street parking spaces is sufficient to mitigate parking demands of the project.
4. Approve the Development Review application for the 60 unit residential apartment project.

Voice vote found all in favor; passed, and so ordered.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – Bill Dean introduced Jan Couturier, a new addition to the team and the new recording secretary.
5. ITEMS FROM THE COMMISSION – None.
6. ADJOURNMENT

It was moved by Commissioner Manne and seconded by Chair Ransom to adjourn.

Time: 11:16 p.m.

  
CHAIR

  
STAFF LIAISON

