

**MINUTES  
TRACY CITY PLANNING COMMISSION  
WEDNESDAY, JANUARY 8, 2014 – 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Chair Sangha called the meeting to order at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Sangha led the pledge of allegiance.

**ROLL CALL**

Roll Call found Chair Sangha, Vice Chair Orcutt, Commissioner Johnson, Commissioner Mitracos, and Commissioner Ransom. Also present were staff members Victoria Lombardo, Senior Planner, Criseldo Mina, Senior Civil Engineer, Kimberly Matlock, Assistant Planner, Bill Sartor, Assistant City Attorney, and Janis Couturier, Recording Secretary.

**MINUTES APPROVAL**

Chair Sangha requested approval of the December 4, 2013 minutes and asked for comments. Vice Chair Orcutt made a motion to approve the minutes from the previous Planning Commission dated December 4, 2013. Commissioner Mitracos seconded; all in favor, none opposed.

**DIRECTOR'S REPORT REGARDING THIS AGENDA** – Victoria Lombardo provided the Director's report and advised that agenda item 2 A would be continued for a later date and would be re-noticed for a future date.

**ITEMS FROM THE AUDIENCE** – None

1. **OLD BUSINESS** – None

2. **NEW BUSINESS**

A. **PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AND PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATIONS FOR A CAR WASH AND VACUUM SERVICE ON THE WESTERN PORTION OF ASSESSOR'S PARCEL NUMBER 238-600-04 LOCATED IN THE TRACY MARKETPLACE. APPLICANT IS FRANK MADRUGA AND PROPERTY OWNER IS LAMORINDA DEVELOPMENT & INVESTMENT CORPORATION. APPLICATION NUMBERS D13-0014 AND CUP13-0009**

B. **PUBLIC HEARING TO CONSIDER A REZONE APPLICATION FROM LIGHT INDUSTRIAL (M-1) TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR A SITE COMPRISED OF TWO PARCELS ON SOUTH C STREET BETWEEN THIRD AND FOURTH STREETS, ASSESSOR'S PARCEL NUMBERS 235-070-64 & 66. THE APPLICANT IS ANDRE STAMBUK AND THE PROPERTY OWNERS ARE JAVIER AND JUANA DIAZ – APPLICATION NUMBER R13-0001**

Chair Sangha introduced agenda item 2B and called for the staff report. Kimberly Matlock presented the report, advising of the site location and that the site was comprised of two

parcels totaling approximately 0.726 acres. She added that the site was zoned Light Industrial, and it is surrounded on all four sides by the Medium Density Residential zone. The site, being Light Industrial, was not in compliance with the General Plan designation Medium Density Residential zoning of the area.

She then provided history of the parcel that it had been previously occupied by the Mi Ranchito Tortilla Factory. In the 1980's the factory received City approval for a rezone from Medium and High Density Residential to Light Industrial and approval for expansion of the facility and parking lot improvements. Neither the expansion nor the parking lot improvements were ever done and the tortilla factory is no longer in operation. As the city had no records of light industrial uses since the closure of the factory and because there was nothing nearby it was decided that the area needed to be rezoned to residential uses. She concluded by recommending that the Planning Commission approve the request.

Chair Sangha opened the public hearing at 7:07 p.m.

Javier Diaz, son of property owner, indicated he was speaking for the owner and advised the owner approves of the rezone.

Commissioner Johnson asked if the property owner was Mr. Diaz's father. Mr. Diaz indicated he was. Commissioner Johnson then asked what the plans were for the site. Mr. Diaz indicated they intended to rebuild the home and build two new duplexes and indicated that they intended to sub-divide the parcel.

Chair Sangha asked if everything would be built step by step or altogether. Mr. Diaz advised they would build altogether.

Commissioner Ransom asked when they planned to begin and Mr. Diaz advised as soon as they received approval.

Commissioner Johnson asked about the hi-density zoning along Fourth Street. Ms. Matlock advised that one side of the parcel was hi-density and one side the railroad. Commissioner Johnson further remarked that the plans would work well with the Downtown Specific Plan and the Bow Tie area adding that one parcel might be considered for high density zoning. Ms. Lombardo advised that those three parcels were zoned high density.

Commissioner Mitracos asked how large the high density parcels were during the following discussion both Commissioners Mitracos and Johnson about the zoning options for the area. Both commissioners agreed that they would like to see mixed zoning in the area.

Commissioner Ransom suggested that she preferred medium density for the area and that an alternative could be considered down the road.

Vice Chair Orcutt asked about any buildings which had been built in 1910 wondering if the local historical society had been contacted to consider maintaining the façade of these older buildings. Ms. Lombardo advised that the City of Tracy does not have any structures that are on the Historical Registry. Commissioner Mitracos added that a survey had been done inclusive of the Downtown Specific area and that there were groups expressing an interest in setting historical standards. He recalled that City Council was not amenable to that



recommendation at the time. Commissioner Ransom advised that the registry included primarily commercial use properties.

Commissioner Ransom moved that the Planning Commission recommend that the City Council introduce an Ordinance rezoning Assessor's Parcel Numbers 235-070-64 & 66 from Light Industrial (M-1) to Medium Density Residential (MDR). Vice Chair Orcutt seconded; all in favor, none opposed.

**C. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 1005 PESCADERO AVENUE SUITE 187 – APPLICANT IS IGLESIA FUENTE DE VIDA ETERNA AND PROPERTY OWNERS ARE GARY & ELIZABETH PATTERSON, RICHARD & SUZANNE CORDES, DAVID & MICHELLE BARNES, KIMBERLY, ANDREW & ANNE BRANAGH, AND CEDAR GARDENS PROPERTIES – APPLICATION NUMBER CUP13-0008**

Chair Sangha introduced agenda item 2C and called for the staff report. Kimberly Matlock presented the report and advised that the request was for a Conditional Use Permit for a place of worship, including administrative and service functions, located at 1005 Pescadero Avenue. The site is located in the I-205 Corridor Specific Plan Area and designated General Commercial. Places of public assembly, such as religious uses, are conditionally permitted in the General Commercial designation and must receive Planning Commission approval of a Conditional Use Permit before such uses are established.

The I-205 Corridor Specific Plan principally permits a variety of uses in the General Commercial designation, including retail, consumer services, personal services, eating and drinking establishments, offices, hotels and motels, day care centers, and schools. This report analyzes the proposed place of worship's compatibility with existing and potential land uses.

She added that the outlet center now only houses 3 retail stores. The property owners have been working with a private school and the school may occupy a large portion of the mostly vacant center. She added that there is ample parking for existing and future uses. The place of worship will operate wholly indoors. She concluded that staff recommended approval.

Chair Sangha opened the public hearing at 7:22 p.m. Seeing none, she returned the meeting to the commissioners for comment.

Vice Chair Orcutt advised it was a good idea. He then asked if retail should want back in is there a method of removal. Ms. Matlock advised that once the CUP is approved it will stay with the land parcel adding that the retail use likely would not return and the property owner wishes to repurpose the space. Mr. Sartor advised that a CUP can only be revoked if there is a violation of the CUP.

Commissioner Mitracos asked if the lease was to expire and the landlord to look for a new tenant would it have to be replaced with a place of worship. There was general discussion about the length of use and that it could be another place of worship, but would not have to be a place of worship.

Chair Sangha asked if the applicant was present. Jorge Vilante spoke to the commission indicating he represented the church. Chair Sangha asked how soon they planned to move in to the new location. Mr. Vilante advised that the building they presently occupy requires them to move out as soon as possible. If the application is approved they would begin improvements as soon as possible.

Commissioner Johnson suggested the proposed item to be a good choice.

Commissioner Mitracos moved that Move that the Planning Commission approve the Conditional Use Permit application for a place of worship at 1005 Pescadero Avenue Suite 187 subject to the conditions as stated in the Planning Commission Resolution dated January 8, 2014 (Attachment C). Commissioner Ransom seconded, all in favor, none opposed.

**D. APPLICATION TO APPROVE A GENERAL PLAN AMENDMENT AND VESTING TENTATIVE SUBDIVISION MAP FOR THE CREATION OF 59 LOTS ON A 10-ACRE PARCEL, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW FOR THE CONSTRUCTION OF 59 SINGLE-FAMILY HOMES ON THE SITE. GPA13-0003, TSM13-0003, PUD13-0003: WILLIAN LYON HOMES, INC. – NORTHWEST CORNER OF CROSSROADS DRIVE AND SOLOMON LANE.**

Chair Sangha introduced agenda item 2D and called for the staff report. Victoria Lombardo discussed the location and advised that the ten-acre site was formerly designated as a school site, but was deemed by the Tracy Unified School District to no longer be necessary, indicating that the developer has submitted applications to construct 59 single-family homes similar in size and configuration to those on the adjacent lots.

Ms. Lombardo said that the property was annexed in 1994 and zoned Planned Unit Development and a Concept Development Plan was established. She added that because the current General Plan designation was for Public Facilities and that the surrounding properties to the north, south and east were also zoned PUD, with a General Plan designation of Residential Low, allowing for 2.1 to 5.8 dwelling units per gross acre, and is developed with single-family homes. The property to the west of the project site is zoned Medium Density Residential, with the General Plan Designation of Residential Medium, with older homes on large semi-rural lots. The applicant of this project is the same developer as the existing surrounding Lyon Crossroads subdivision.

Ms. Lombardo advised that a General Plan amendment to Residential Low to accommodate the developer's proposal for single-family homes on the site was required for the designation to be consistent with the surrounding neighborhood. The applicant proposed a subdivision project consistent with the area. They are utilizing the existing street patterns. She reviewed a street that is stubbed and that would ultimately connect to Berg Road once the area is built out for a better circulation pattern overall. Ms. Lombardo indicated that the developer would pay the applicable fees for schools and parks.

She then reviewed the applicant's proposed PUD standards and reviewed that the standards are different from usual setbacks as the applicant is planning to provide big usable front porches. She felt this project is doing a better job than the original surrounding developments by de-emphasizing garages.



The applicant reviewed the project with local residents to address issues raised by them at a public meeting held several weeks prior to the Planning Commission hearing. Ms. Lombardo concluded by requesting the Planning Commission recommend City Council approval. She advised of the revision to the resolution.

Chair Sangha opened the public hearing at 7:36. Commissioner Johnson recused himself from voting on this agenda item; he then exited the dais.

Applicant Eric Keller, of William Lyon Homes, addressed the Commission. He reviewed the neighborhood meeting which the applicant held and the specific issues raised at that meeting about traffic. He advised they would install stop signs for a 3 way stop and add striping at Mamie Anderson and Solomon Lanes. Also there was an issue raised about the existing fences which will be replaced by the applicant at no cost to the homeowners. He also mentioned that the community was concerned about how the applicant would mitigate construction impacts. He advised they would try to limit construction traffic and allow the homeowners better access and reviewed the specifics.

The applicant discussed the design of the project as being in compliance with city requirements, inclusive of landscaping. He then reviewed the architecture and its variety and reviewed the floor plans and elevations.

Vice Chair Orcutt asked about access at the cul-de-sac near Crossroads Drive. Mr. Keller advised there would not be any vehicular access nor would there be a gate, but there would be pedestrian access. He added that the area would serve as an overflow from flooding and that the City would take responsibility for maintenance.

Commissioner Ransom asked about the rationale for the setback request. Mr. Keller reviewed the design to create more "more eyes on the street"; to create more separation between the garage and the front of the house adding that the porches are 6 – 7' feet deep. Asked if the setback were changed would the project would lose back yard space and the applicant advised that you would lose from 10 – 15 feet. Commissioner Ransom also asked about the outdoor California room configuration and the size of the size of the outdoor space. Mr. Keller advised that the second floor would overhang the California room.

Chair Sangha asked about the bigger lots and why keep the project at two car garages. The applicant advised that they did not want to offer three car garages in an attempt to encourage people to use the space for cars.

Chair Ransom returned to the setback issue asking for an existing development which might provide her with a visual of a five foot setback. Ms. Lombardo reviewed the reasoning for Planned Unit Development zoning indicating that the City prefers to have uses such as this applicant's to provide variety and that it allows the planners to be more creative and improve the streetscape. The City's goal is to provide space for people interact. Ms. Lombardo concluded that we do not have examples of this type in Tracy at this point.

Commissioner Mitracos asked if the porches were roofed, but not enclosed to which the applicant responded yes. Commissioner Mitracos asked why there was a cul-de-sac. The applicant advised that the cross street did not align properly. Mr. Mina commented that the City needed to limit the access point. Commissioner Mitracos also asked about the stop sign configuration. Mr. Mina reviewed the traffic patterns.

Commissioner Mitracos asked about the build out to which Mr. Keller advised lots one through ten would begin construction first.

Commissioner Ransom asked about what the Planning Commission was being requested to do. Ms. Lombardo advised there were three requests and reviewed each.

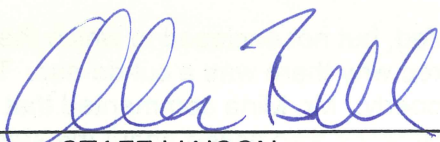
Commissioner Ransom continued to express concern about the set back of five feet. She then requested input from the other commissioners. Applicant was able to provide an example of one of the houses. The applicant added that there will be a variety of set-backs and that the five foot setback would be the minority of the elevations.

Chair Sangha asked for a motion. Vice Chair Orcutt moved that the Planning Commission recommend that the City Council approve the General Plan Amendment Application Number GPA13-0003, the Lyon Crossroads Unit 9 Vesting Tentative Subdivision Map, Application Number TSM13-0003, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0003, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated January 8, 2014 as corrected by Ms. Lombardo. Commissioner Ransom seconded all in favor, with Commissioner Johnson abstaining.

3. **ITEMS FROM THE AUDIENCE** – None
4. **DIRECTOR'S REPORT** – None
5. **ITEMS FROM THE COMMISSION** – None
6. **ADJOURNMENT** – Vice Chair Orcutt moved to adjourn at 8:05 p.m.
7. Chair Sangha re-opened the meeting at 8:08 p.m. due to some confusion on the accuracy of the motion. Ms. Lombardo advised that it appeared that one of the motions had not been properly made and voted upon.

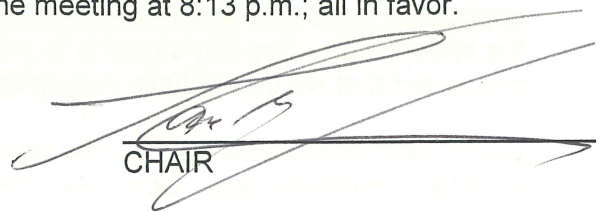
Vice Chair Orcutt re-read the motion by asking that that the Planning Commission recommend that the City Council approve the General Plan Amendment Application Number GPA13-0003, the Lyon Crossroads Unit 9 Vesting Tentative Subdivision Map, Application Number TSM13-0003, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0003, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated January 8, 2014 as corrected by Ms. Lombardo. Commissioner Ransom seconded all in favor, with Commissioner Johnson abstaining.

8. Vice Chair Orcutt motioned to re-adjourn the meeting at 8:13 p.m.; all in favor.



---

STAFF LIAISON



---

CHAIR