

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, May 14, 2014
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

MINUTES 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 Commission Member to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS
2. NEW BUSINESS

- A. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 2706 PAVILION PARKWAY – APPLICANT IS DENNIS MILLER AND PROPERTY OWNER IS LNBT ENTERPRISES, LLC. APPLICATION NUMBER CUP14-0003.**
- B. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW SPECIALIZED RECREATIONAL AND INSTRUCTIONAL USES IN DANCE, ATHLETICS, ARTS AND SELF DEFENSE AT 4100 COMMERCIAL DRIVE, APN 212-210-02; APPLICANTS ARE CHRIS MINTEN AND CARRIE GUERRA AND PROPERTY OWNER IS KAML INVESTMENT CO. APPLICATION NUMBER CUP14-0001.**
- C. **PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR THE FIRST PHASE OF THE MODIFIED ELLIS PROJECT, CONSISTING OF 296 RESIDENTIAL LOTS AND 6 OTHER**

PARCELS ON APPROXIMATELY 150 ACRES, LOCATED WEST OF CORRAL HOLLOW ROAD IN THE VICINITY OF PEONY DRIVE AND LINNE ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-30 AND 31. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM11-0002 **

**** Item 2C will be re-noticed and presented at the May 28, 2014
Planning Commission Meeting**

3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **May 8, 2014**

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.

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, MARCH 26, 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 7:00 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 Andrew Malik, Development Services Director; Bill Dean, Assistant Development Services Director; 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 February 26, 2014 minutes. Commissioner Johnson made a motion to approve the Planning Commission minutes dated February 26, 2014 and Commissioner Orcutt seconded; all in favor, none opposed.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

- A. APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP FOR THE DEVELOPMENT OF 57 SINGLE-FAMILY LOTS ON A 9.42-ACRE PARCEL, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 57 SINGLE-FAMILY HOMES LOCATED WITHIN THE 9.42-ACRE INFILL SITE. TSM13-0006 AND PUD13-0006: APPLICANT AND OWNER IS WOODSIDE 05N, LP – NORTHWEST CORNER OF PESCADERO ROAD AND MAC ARTHUR DRIVE.**

Chair Sangha presented agenda item 2A and called for the staff report.

Ms. Lombardo, Senior Planner, provided the staff report. She began by advising there had been a previous approval on this property in 2008 which changed the zoning from Highway Commercial to Medium Density Residential to gain compliance with the General Plan designation. The previous project had fallen within the Medium Density range as a 64 unit single family home subdivision.

She indicated that the Property Owner had a new owner and the new owner wished to build 57 single family homes with a more traditional lot lay out. The street system would remain the same and the number of units changed very little, therefore staff had recommended that the new owners go through a subdivision map amendment versus a new subdivision map; adding that there were many similarities and any issues had already been identified and resolved.

Ms. Lombardo then reviewed the proposed amendment to the existing tentative subdivision to reflect what the applicant will build and amend the Planned Unit Development standards which includes such things as setbacks, etc. She added that all the requirements within the PUD guidelines are similar to the zoning of the housing subdivisions surrounding the area which is MDC, or Medium Density Cluster. The lots of this development will be a bit larger. Overall density is at the low end of the units. There are no plans for parks or schools due to the size of the development therefore the applicant will pay the in lieu fees. She then reviewed the floor plans and advised that staff recommended approval.

Commissioner Mitracos asked about parks and asked about the calculation used to determine if a park is needed, how it is derived and when does it change. Ms. Lombardo indicated that the calculation came from General Plan and the Department of Finance.

Doug Goldsmith with Woodside Homes addressed the Commissioners. He complimented Ms. Lombardo and Mr. Mina adding that he and the architect appreciated the support provided. He indicated there were others from the project who were available should the Commissioners have any questions of them. There were no questions from the Commissioners.

Chair Sangha opened public hearing at 7:10 p.m.

An audience member addressed the Planning Commission stating that she had heard it would be low income apartments and was relieved to hear it would be homes similar to the neighboring homes. Both Ms. Lombardo and Commissioner Orcutt confirmed that it was a housing development.

Don Claus who lives in the Earnest Drive area asked about in lieu fees adding that the existing park needed improvement. He also asked about timing of construction. Ms. Lombardo advised that the fees only go to new parks. She then asked the developer to answer the timing of construction issue.

Mr. Goldsmith indicated that the developer wanted to start grading the lots in the spring which would take about 3-4 months and then they would immediately build the model homes. He concluded by saying that total construction might be two years, but that it would be based on market demand.

Commissioner Ransom asked when the applicant planned to begin construction. Mr. Goldsmith indicated they would like to begin grading in May or June of this year and that construction would be based on market demand.

Commissioner Orcutt observed there would be a sound wall and asked if it would be built by the developer or Caltrans. Mr. Mina indicated it would be a city wall because of its location adding that it would not be for sound mitigation, but would be requested because of the location near a canal.

Commissioner Ransom asked staff about the one-way in and one-way out nature of the development. She asked about safety issues. Ms. Lombardo provided background and advised that the Fire Department suggested no need for a second access point. Commissioner Ransom also asked about the size of the streets. Ms. Lombardo advised that 55' right of way is the City standard. Commissioner Ransom asked what eliminated the need for additional emergency access. Mr. Mina indicated that the Fire Safety officer said the response time would still be acceptable and Mr. Goldsmith indicated that the homes would have sprinklers.

Based on the question from the audience, Commissioner Johnson asked the architect to describe the homes. Jill Williams, the architect, advised that the development was very much like the existing neighborhood adding there was quite a bit of diversity; that the materials were of a high level. Ms. Lombardo provided an overhead view for the audience. Ms. Williams commented that staff was insistent that the homes provide diversity. Commissioner Johnson asked the original questioner if she was satisfied with what she saw and she stated she was.

Commissioner Johnson then asked about a sidewalk along Pescadero and MacArthur asking if there was any connection or did the sidewalk dead end at the channel. Mr. Mina advised there was no expectation of traffic going beyond the freeway. If there should be a project to the north the sidewalk would be extended. He further indicated that it is a part of the project obligation for future developments.

A member of the public wanted to know about home prices and if there were any restrictions on rentals. Mr. Goldsmith indicated he had no idea of pricing at this time. He didn't think they had restrictions on investors buying up homes adding in fact that they are presently not experiencing many investors.

Another member of the audience expressed concern about the pricing issue; indicating that lower priced homes would lower the value of existing homes. Commissioner Ransom advised that the Planning Commission had no control over prices, market sets the price.

Mr. Dean commented that each development project has a different profile. He added that the median home prices for homes at present are now around \$330,000. Mr. Goldsmith said he would provide the information if he received it during the meeting.

Commissioner Orcutt asked if there would be a mix of the five housing styles. Ms. Lombardo indicated there was a requirement in the Planned Unit Development documents for a mix of styles and layouts in the subdivision.

Chair Sangha asked if there were any further questions from the audience. Seeing none, she closed the public hearing at 7:30 p.m. and asked for comment or a motion from the Commission.

Commissioner Orcutt moved that the Planning Commission recommend that the City Council approve the amendment to the Classics Vesting Tentative Subdivision Map, Application Number TSM13-0006, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0006, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated March 26, 2014. Commissioner Ransom seconded, all in favor, none opposed.

An audience member wanted to speak after the public hearing. Commissioner Ransom and Mr. Dean explained the process of public hearing portion of the meeting explaining that due to the fact that the public comments section had already been closed, there would be no further public comments on that agenda item. Commissioner Johnson added that the audience member would have another opportunity to address the issue when it goes before City Council for final approval.

**B. PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW
APPLICATION FOR A 45,000 SQUARE FOOT MEDICAL OFFICE BUILDING
LOCATED AT 445 WEST EATON AVENUE AND A PARKING LOT AT 418,
424, 432, AND 434 WEST EATON AVENUE. APPLICANT IS A.E. CARRADE
AND PROPERTY OWNER SUTTER GOULD MEDICAL FOUNDATION -
APPLICATION NUMBER D14-0003**

Prior to the introduction of agenda item 2B, Commissioner Mitracos advised that he lived in the neighborhood involved, recused himself and left the dais.

Chair Sangha introduced the item and requested the staff report.

Kimberly Matlock, Assistant Planner, advised that the Sutter Gould Medical Foundation (Sutter) proposed to construct a new 45,000 square foot medical office building and associated parking areas in the place of an existing 25,000 square foot medical office building known as Eaton Medical Plaza and existing residential buildings located on the north and south sides of Eaton Avenue, east of Bessie Avenue. She added that Sutter proposed to keep the Eaton Medical Plaza building in operation while the new facility and parking areas are constructed, then demolish the Eaton Medical Plaza building and install parking areas in its place. In addition, the new building is proposed to be constructed in the middle of the site on the north side of Eaton Avenue, surrounded by parking area with access from Eaton Avenue, Bessie Avenue, and Beverly Place. Additional parking intended for employees is proposed to be constructed on the south side of Eaton Avenue with two driveways onto Eaton Avenue.

Ms. Matlock explained that the project site has been designated Office in the General Plan and zoned Medical Office (MO). Medical offices and their parking areas are permitted uses in the MO zone. She stated that final actions on Development Review permits would typically be made by the Development Services Director; however, due to the community interest in the project, the Director determined that it would be best to bring the project before the Planning Commission.

Ms. Matlock advised that the project site was located on the southeast perimeter of the MO zone, adjacent to existing single-family homes zoned Medium Density Residential. Many properties in the MO zone were still occupied by residential uses that were constructed around the 1920's, prior to the establishment of the MO zone in 1988. Over time, several of these properties have been converted to medical offices with City permits adding that while medical office uses are permitted, the City now has an opportunity to ensure successful integration of the building and site improvements with the adjacent residential neighborhoods through the Development Review permit process.

She then proceeded to discuss some of the site plan considerations which included the mitigation of light, noise, privacy, and undesirable aesthetic impacts of the building on neighboring residences. In addition, building location and architecture that is complementary

with the buildings in the vicinity and neighborhood context and the streetscape experience after the removal of buildings and trees currently lining Eaton Avenue needed to be considered. Improved vehicular circulation by locating the driveways further from the intersections, improved pedestrian circulation by encouraging pedestrian use of the crosswalk when the building is closer to the intersection and the loss of established mature on-site trees and street trees on Eaton Avenue were additional factors to be considered.

Ms. Matlock then summarized the interaction with the applicant by stating that staff had communicated with the applicant during the 12-month pre-application and two-month application review period to resolve design issues and attain a design that complied with City regulations and standards. She stated that staff's largest concern was regarding the site design and the benefits of locating the building on the corner to provide a greater buffer between the building and adjacent residences, to improve vehicular and pedestrian circulation, to enhance the streetscape experience, and to preserve as many existing mature trees as possible. She indicated that staff asked the applicant on several occasions to present site design options for consideration. She characterized the applicant as not willing to discuss or draft any design alternatives, including moving the building to the corner, or even minor building movements or architectural changes. Therefore, staff reviewed the project as proposed, against the City's adopted regulations.

Ms. Matlock then reviewed the fact that the Tracy Municipal Code established the required findings for the approval of a Development Review application and those two findings indicate that the project cannot be approved as proposed. One stated that the benefit of occupancy of other property in the vicinity is impaired. She elaborated by saying that as proposed, the existing residences adjacent to the project site will be negatively impacted in the areas of light, noise, and privacy due to the close proximity of the building to the residences. The building is proposed to be approximately 30 feet from the rear yards of these homes.

She then reviewed the second finding which stated that unsightliness which, if permitted to exist, causes a decrease in the value of surrounding properties adding that the project proposes two large parking lots, both of which will be readily visible from the streets, the residences, and the businesses in the vicinity.

As proposed, the site design also does not meet a number of policies established in the General Plan and in the Design Goals and Standards relating to siting buildings to hold corners, preservation, enhancement, and conservation of older neighborhoods and existing residential neighborhoods; sensitivity of new development to surrounding historical contexts; maximizing traffic safety; minimizing the impact of parking on the pedestrian environment by de-emphasizing them behind buildings and maintaining mature landscape areas.

Ms. Matlock stated that while the building is well-designed, staff would have liked to have seen the building incorporate design elements complementing the architectural character of the residential neighborhood, adding that most of the medical office buildings in the area were either converted from houses or built new with residential design elements incorporated into the façade. The proposed building could also incorporate design elements from the hospital building to create a cohesive medical campus architecturally. She commented that staff would have liked to have seen alternative design proposals that more closely complied with these policies, particularly the location of the building. A two-story office building located just roughly 30 feet from the property line can present negative impacts to the adjacent homes, including

noise, light, and privacy issues. Ms. Matlock reviewed several slides of existing medical offices as examples of location, streetscape experience.

Ms. Matlock made note of the fact that during application review, neighbors contacted staff with concerns relating to the building location and anticipated light and noise impacts. The City received a petition signed by residents in opposition to the project as designed and highlighted three desired project modifications, including locating the building at the corner, preserving the largest oak tree and incorporating it into the site design, and relocating typically noisy appurtenances further from the residences. She then commented that the applicant held two neighborhood meetings under the advice of staff, of which staff was not notified. According to an article in the Tracy Press, primary concerns raised by the neighbors included noise, traffic and parking, lack of privacy, and preservation of established trees. These concerns mirror the concerns outlined in the September 3rd petition.

She concluded by stating that while staff was in full support of Sutter's expansion of services to Tracy and was not opposed to the establishment of a new facility near the hospital, staff did recommend that the Planning Commission deny the project as proposed based on its inconsistency with City policies and asked that the applicant submit a revised application more closely meeting City policies.

Mr. Dean added comments stating that staff also felt that the applicant could better further City policies if it were to be redesigned. He then read specifics of the General Plan to clarify the fact that although the proposal met requirements there were areas that could better support City policies.

He read the following statement from the General Plan: "A land development project or City action is considered to be consistent with this General Plan if it furthers the plans objectives and policies and does not obstruct from their attainment. Because objectives and policies in this General Plan reflect a range of competing interests, they must be balanced when applied to a specific land development project or City action."

He concluded by saying that staff was not suggesting that this project was inconsistent with General Plan policies, but that it could be better furthered with staff's recommendations.

Chair Sangha asked for the applicant to present at 7:48 p.m.

Dave Romano, of Newman-Romano, introduced himself and provided his credentials. He began by reviewing who would be presenting and provided background related to their presentation.

He led off a PowerPoint presentation by indicating the mission of Sutter Gould along with statistics about the organization adding that Consumer Reports rated them Number One among Valley healthcare providers. He said the reason for the expansion in Tracy was in preparation for the impact of the Affordable Health Care Act.

He then introduced Dr. Paul de Chant, CEO of Sutter Gould Medical Foundation, who provided his credentials. He spoke to the fact that he felt the project was in preparation for the future of healthcare. He explained the campus allowed for more integrated healthcare. He reviewed the layout of the exam rooms and the concept of the POD module. He indicated that with the future demands, Sutter wants to preserve the physician patient relationship; adding that there are no

private physician offices which fosters teamwork. He then reviewed the floor plans and indicated the purpose of the layout would be to accommodate the patient. He reviewed that many of the necessary services would require immediate additional testing. He indicated that the design of the building was to open and face the rest of the healthcare campus with the hospital. Moving it would defeat that purpose and be detrimental to the patients.

Jacob Beury Project Manager for LDA Partners architecture firm next addressed the Commission adding that LDA Partners had a great deal of experience with healthcare, Sutter Kaiser, etc. Indicates they strove to find the best alternatives. He reviewed the existing site advising that the present building was dated and inefficient. He indicated that the proposed building would be two stories as opposed to the existing three story building to be sensitive to the neighborhood.

He discussed the location of the building would act as a buffer to the neighboring residences indicating that all of the activity would likely occur in the parking lot. He advised that Sutter staff would have a separate parking lot across the street at Eaton Avenue, the busy side facing Eaton and the quiet side faces the residences. Because the site is in MO zone adding that it is an approved use.

Mr. Beury then spoke to the architectural character of the project. He reviewed the landscape and size of building. He indicated they looked at both the residences and other commercial buildings in Tracy in preparing this project and because it was a commercial building they detailed it accordingly with low maintenance high performing materials. He indicated that the building along Eaton had a setback similar to the residences. They purposely provided a series of buffers including a wall, trees and an access drive with the second layer of landscaping in response to neighbors' concerns. The majority of the windows will be "obscure glass" and said the area facing neighboring home would be a pass through space and that no one would be sitting looking out the windows into the neighboring yards.

He added that the proposed building had more street presence than the existing building and that they provided space for employees and pedestrians along Eaton. He stated that to address the neighbors' concerns they planned to move it to the corner of Eaton and Bessie.

Mr. Romano addressed the issue of neighborhood outreach and addressed the modifications that were made to address the concerns expressed. He stressed that it would be important to understand that this would be a car oriented building and that there would be activity with patients throughout the day.

He reviewed the three issues brought forward from the petitioning neighbors: that the new building be placed at the corner of Bessie and Eaton to allow for pedestrian access, that the existing large "heritage" oak tree be saved and incorporated into the design as a focal point and that the trash enclosure, ambulance services be placed to minimize the impact to the adjacent neighborhood. He advised that he felt Sutter had accomplished all of those issues with the exception of putting the building directly on the corner of Eaton and Bessie.

Mr. Romano discussed the setback of the building was 35 feet and code requires only 10'. They have met and exceeded code requirements. They responded to the issue of the placement of the dumpster was resolved by Sutter moving further away from the neighborhood. The neighbors had also expressed concern about light and glare, so they increased wall over City standard to 8 feet adding that the lighting would be applied to the wall rather than over the

wall. They provided 10% over city standard for parking. He indicated that they were providing pedestrian access to the building from Bessie. He also mentioned that although they have an ambulance, it should be infrequently used and would not normally use lights or sirens, therefore would not be disruptive. He stated that they had consulted an arborist to move the tree which would cost \$150,000. He indicated that the only issue they could not accommodate was to move the building to the corner.

Mr. Romano then proceeded to a review of Sutter's attempts to meet City needs relative to the General Plan and Sustainability Action Plan guidelines. He suggested that the Commissioners were faced with a need to weigh their decision by quoting the General Plan: "Because objectives and policies in this General Plan reflect a range of competing interests, they must be balanced when applied to a specific land development project or City action."

He reviewed two examples of buildings in Tracy one being the Grace Baptist Church and the other being McDonalds indicating neither building met all the standards of the city; arguing that it would appear that the Commissioners have a degree of flexibility in their decision making.

He reviewed staff's concerns that other properties would be impaired. He then asked how a project that is in compliance can be considered to impair the area. He felt that they not only had met the standards, they exceeded them. He felt that the Commissioners needed to realize they are to be in support of standards. He addressed community character elements of the project by quoting the Tracy General Plan "It is frequently not possible to incorporate all principles into every development."

He spoke to the economic development requirements of the City. He indicated that as a healthcare facility. Less restricted heights. He quoted the GP that it is frequently not possible to meet all requirements. Feels it is a high quality project.

He summarized by stating that Sutter was in support of the City's Sustainability Action Plan by proving an infill project, that their facility would be in close proximity to the existing hospital, that they are in support of economic development by providing high-wage healthcare jobs, that Sutter is a community enhancing organization, the facility would be an ideal configuration to deliver important healthcare services to the community, that the project was consistent with prior application of policies and that the Commission would need to balance policies in making their decision.

Commissioner Johnson asked about the tree which Mr. Romano had indicated was a good candidate for transfer. Mr. Romano indicated that the arborist indicated that the tree had a very high likelihood of success adding that anytime you touch a tree there is a problem. Commissioner Johnson asked if there is a contingency. Mr. Romano indicated they did not have one.

Commissioner Johnson asked about the parking lot. Mr. Romano said it would have all the street trees and the parking lot would meet all standards. Commissioner Johnson asked about the use of the parking lot is surrounding the property on 3 sides and if it was a 24 hour facility. Mr. Romano advised that the facility would likely be open from 6:00 a.m. to 8:00 p.m.

Commissioner Orcutt asked what capacity the building was designed for in terms of longevity. Dr. de Chant reviewed the volume. Commissioner Orcutt asked if expansion would be required in 15 – 40 years. Dr. de Chant indicated that Sutter would extend hours as they grow. Adding

that in order to keep the cost of healthcare down they would use the facility more – not expand the facility.

Commissioner Orcutt asked if they foresaw more synergy between the hospital and the facility, specifically asking about pedestrian traffic. Dr. de Chant indicated that the hospital facilities could be used which would help keep the costs down. He added that largely it would be the physicians who go back and forth not the patients.

Commissioner Ransom asked if we were comparing apples to apples by comparing Stockton's facility to Tracy; asking if the Stockton facility was in close proximity to commercial or residential. Dr. de Chant indicated the Stockton facility was in a commercial with some residential, but it largely it is commercial.

Commissioner Ransom then asked about Sutter's long range goals. Dr. de Chant indicated they were very committed to the Central Valley adding that integration with the hospital is critical.

Commissioner Ransom then reviewed the fact that Sutter indicated there may be a need to expand hours. Dr. de Chant indicated that early hours are more important to the consumers. He indicated they would expand hours at night if required adding that patients would use the front parking not to the side which would cause the building to buffer any noise.

Commissioner Ransom then asked about entrances asking if there was any reason not to have entrances on both sides of the building. Dr. de Chant reviewed the design of the building advising that there is no reason to have entrances on both sides. He indicated that would lose a great deal of the efficiency.

Commissioner Ransom commented on moving the building to the corner, she then asked staff about the typical properties in the MO zone. Mr. Dean responded that the Medical Office zone would normally be medical offices, but that there are some situations wherein a residence is located in the zone and is therefore non-conforming.

Commissioner Ransom then asked if we had anything similar to this situation in the City that we could draw experience from. Mr. Dean advised of a building that was 80 feet away from residences located to the south. Mr. Dean indicated that it was a mischaracterization to have said that this building met all the standards. He added that standards were applied through a permit and that the permit was discretionary. A discretionary permit would require that, at a minimum, the project meet the standards. He added that in this case, the permit was the process to evaluate how the building could be located to "best further" city policies.

Dr. de Chant commented that if the location of building were moved, it would make it difficult to provide handicap access.

Chair Sangha advised she was talking for the residents as well as asking the about the oak tree. She then asked what happened to the possibility of Sutter moving to the Gateway site. Dave Thompson, CEO of Sutter Tracy, responded that although Sutter still owned land at the Lammers Road location they made a decision to not relocate. He reviewed the fact that inpatient care was declining compared to outpatient care thus making expansion less important.

Commissioner Ransom asked if there had been any analysis done by Sutter as to who will use the Tracy facility rather than the county facility now that the affordable care act was in place. Mr. Thompson indicated he did not know, but suggested there would be an increase.

Commissioner Orcutt asked about the reason staff was requesting that the building be positioned closer to Bessie and Eaton Avenues. Mr. Dean responded that most of the buildings in the area had been built some time ago. He then reviewed the General Plan policies which indicated this placement; these recommendations came from community input. In this particular case that it was about the adjacent neighbors and is there a way to provide an additional buffer. He also stated that we as a city were trying to balance neighborhood input.

Commissioner Orcutt asked about additional architectural aspects that the city was looking for. Mr. Dean indicated that was for the commission to decide. He suggested that it was more modern building. Perhaps a different architectural approach would be helpful, but that is was up to the Commission to decide.

Chair Sangha opened the public hearing at 9:00 p.m.

Audience member Kyle Miller, a neighbor who lives four houses down from proposed site indicated that Dr. de Chant stated that the requests to move the building "just doesn't work" for them. He expressed concern about traffic with two schools and two or three churches in the area. He then asked what the construction time frame would be. He added that he did not want parking lot across the street. He commented that if Sutter were to extend office hours because of patient load that would increase the hours of noise and traffic.

Dave Lester a resident of Wall Street discussed his experience with the medical plaza behind his house. He indicated that now there were no shade trees, that the lighting at night was disruptive, that the facility behind his home was only one third to one half occupied and that the building in question was only 50% occupied. He expressed concern that the project would result in fewer trees; that shade trees were an important part an older neighborhood.

Mary Mitracos, 363 and 407 Eaton Avenue, presented the commissioners with a diagram giving locations of houses and where the 8' wall would be located, adding that would be the view they would have of the proposed building. She suggested the height of the building will be troublesome. She spoke to the decrease in the value of surrounding properties and that as a member of the concerned neighbors she wished to see the building changed and not move the oak tree. She indicated that economic development did not trump maintaining the integrity of the neighborhood. She indicated she wanted Sutter to fit the neighborhood.

Don Bisbee of 1361 Wall Street addressed the Commissioners advising they did not want a wall in their backyard.

Jim Noah 1338 Wall Street has lived at that location since 1961. He felt the neighborhood is an older neighborhood and many of the neighbors have lived there a long time. He suggested the building may belong in a different area. He felt the parking was not sufficient; the impact of parking causes the area to be very congested with traffic from the schools and church. He expressed concern about what would happen in the future if Sutter expanded their hours.

Jane Devlin of 1237 Wall Street spoke on behalf of the neighbors in relation to their property values. She commented about a neighbor who purchased her home right before the market

crashed. She expressed concern about the wall being unsightly and blocking the neighborhood views.

Zena Robbins of the 500 block of Carlton spoke indicating that she did not dispute what Sutter can do. It was about the neighborhood. She spoke to the influx of traffic. When Beverly was closed it produced a great deal of traffic down West Carlton Way. She noted that a traffic survey appeared to have been underway, but now it appeared to have been discontinued. She said the traffic in the area is difficult to handle. She concluded by saying not to make this about money and destroy an older, well established neighborhood.

Bob Tanner of 1371 Rusher Street said he had been going to the existing Eaton Medical Center for about 25 years and felt it should remain, but that it should be moved closer to the street. He commented about the parking in back indicating he had not heard of any security issues.

Arlene Robbins of the 500 block of Carlton Way advised that the traffic has gotten worse especially since Beverly closed; that at times she can't get out of her driveway. She felt the building doesn't fit in the area. She also added that she felt there wasn't any security, drug deals take place in the parking lot and robberies that aren't reported. She suggested the oak tree wouldn't live if transplanted.

Chair Sangha closed public hearing at 9:37 p.m. and called for a recess.

Chair Sangha re-opened the meeting and requested any comments from the Commission at 9:44 p.m.

Commissioner Ransom asked that some of the questions asked by the public be answered by staff.

Mr. Mina addressed the issue of the traffic analysis, stating that it had been suspended due to the issues being discussed as to the location of the building. He stated the city would address traffic circulation once the building location was determined.

Commissioner Orcutt asked about the length of construction and wanted the applicant to respond.

Mr. Sartor advised that the chair would need to re-open the public hearing for the applicant to speak.

Chair Sangha re-opened the public hearing at 9:50 p.m.

Mr. Romano advised construction would take approximately 18 months.

Commissioner Ransom asked if the style of the building was cookie cutter style that the applicant might have to use the same style everywhere. Mr. Beury advised that this building had been built for this specific site. Commissioner Ransom suggested they might have flexibility as a result.

Commissioner Ransom asked about daily garbage pick-ups at this site. Mr. Romano not sure what the pickup time would be. Mary Mitracos advised that the pick-up is between 4:00 and 5:00 a.m.

Commissioner Ransom asked about the parking lot which will be built around an existing residence and wonder if it was occupied by a renter. Ms. Matlock indicated that it was occupied. Mr. Romano advised that Sutter was presently in discussions with the owner about acquiring the building. Commissioner Ransom asked if the parking lot was essential to the building. Mr. Romano advised that it was.

Chair Sangha closed the public hearing 9:55 p.m.

Commissioner Ransom spoke about the fact that this decision was a dilemma for the Commission. She stated that the hospital expressed concerns for patient care and building access to accommodate health care needs, adding that no one could deny the contributions Sutter makes to the community or the need for the hospital. She felt the economic boost was important as well and that staff took that into account. She felt the real question was whether or not this was a good location for this project. She indicates she wouldn't be in opposition to the project except for the fact that it would have an impact on the neighborhood.

Commissioner Ransom felt that there had been an opportunity that had not been taken advantage of. She asked if there were any other options with the design, could the applicant be flexible and work with staff to get a project that would better fit the area. She added that she hadn't heard the neighbors saying they did not want Sutter. She said the Planning Commission has to work according to General Plan, but most projects have to be reviewed on a case by case basis. She said she thought it was a great project and wished there was more time spent with staff. Commissioner Ransom supported staff's recommendation.

Commissioner Johnson agreed with Commissioner Ransom. He indicated he heard the public's concerns and that he was there to represent them. He was disconcerted that the applicant chose not to involve staff in the neighborhood meetings. He appreciated Mr. Malik passing this along to the Commission. Good project, scale doesn't fit, design doesn't fit, the location doesn't fit, and the traffic doesn't fit.

Commissioner Orcutt was very impressed with the community turn out. He felt that Sutter's presentation was very well done which helped him understand the project. He added that having heard comments from all three parties he suggested that we were close to a solution, but that there are a few more things that needed to be looked at and amended. He would expect to see the project come back in the future.

Chair Sangha thanked the community members for attending that it was a good project but it is not the right project for the location. She requested a motion.

Commissioner Ransom moved that the Planning Commission deny the project as proposed based on the findings contained in the Planning Commission Resolution dated March 26, 2014 relating to inconsistency with the General Plan development policies and the Design Goals and Standards for architecture and design. Commissioner Johnson Seconded all in favor, none opposed with one abstention.

3. ITEMS FROM THE AUDIENCE None

4. DIRECTOR'S REPORT – Mr. Dean advised that Commissioner Johnson had decided not to reapply for the Commission and indicated that he wanted to thank him for his

service. Mr. Dean commented that he felt that City staff was a better staff for listening to his comments. He expressed disappointment but thanked the Commissioner for his service.

5. **ITEMS FROM THE COMMISSION** – Commissioner Mitracos indicated he admired the number of hours that Commissioner Johnson had put in over the years. Commissioner Johnson commented that he felt he couldn't put the effort in that he felt the Commission and City deserved. Commissioner Ransom also indicated she appreciated the opportunity to work with him. Chair Sangha agreed. Commissioner Orcutt thanked him as a good mentor. Bill Sartor indicated he appreciated his dedication, thoughtfulness and sense of ethics.
6. **ADJOURNMENT** – Commissioner Orcutt moved to adjourn at 10:07 p.m., Commissioner Mitracos seconded; all in favor, none opposed.

CHAIR

STAFF LIAISON

DR

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, APRIL 9, 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 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Sangha led the pledge of allegiance.

ROLL CALL

Roll Call found Chair Sangha, Vice Chair Orcutt, Commissioner Mitracos, Commissioner Ransom and Commissioner Vargas. Also present were staff members Maria Hurtado, Interim City Manager; Andrew Malik, Development Services Director; Kimberly Matlock, Assistant Planner; Bill Sartor, Assistant City Attorney; and Janis Couturier, Recording Secretary.

MINUTES APPROVAL

Chair Sangha requested approval of the March 26, 2014 minutes. Commissioner Orcutt mentioned minor typos in the minutes adding that the general content was correct. Commissioner Ransom noted that on page 4 and 10 she was titled incorrectly as “Chair” Ransom versus Commissioner Ransom and added that she wanted an additional phrase stating “now that the affordable care act was in place” to be added to page 10. Commissioner Orcutt approved the minutes as amended, Commissioner Ransom seconded, Chair Sangha was in favor and Commissioners Mitracos and Vargas abstained.

DIRECTOR’S REPORT REGARDING THIS AGENDA – Andrew Malik congratulated Commissioners Orcutt and Ransom for their re-appointment and introduced the new Commissioner Veronica Vargas. Commissioner Vargas expressed excitement about joining the Commission and that she was looking forward to working with the other Commissioners. Chair Sangha welcomed Commissioner Vargas as well.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

NEW BUSINESS

A. RECEIVE REPORT ON THE TRANSITION PLAN DURING THE CITY MANAGER RECRUITMENT PROCESS

Chair Sangha introduced Agenda Item 2A and called for the staff report. Maria Hurtado, Interim City Manager, provided an update on the activities surrounding City Councils’ decision to proceed with the recruitment of a replacement City Manager and also share the administration’s plans during the interim period.

She stated that Peckham and McKenney was the search firm selected by Council for the recruitment process. She also discussed the recruitment schedule as well as the time required

for the recruitment. She said that the process might take six months, but because 2014 is an election year it may have some impact on the process. She reviewed the fact that there might be one through three new City Council Members depending on the election results. She added that on April 1, City Council decided to go forward with the recruitment and see what the candidate pool looked like and then determine if they would extend the recruitment timeframe.

Ms. Hurtado said that because the Planning Commissioners are often in front of the public and receive questions she wished them to be properly informed. She advised that the search firm would begin the process by obtaining a candidate profile from City Staff and then develop a marketing campaign based on that profile; adding that the recruiters might involve members of the community in this process.

Commissioner Vargas asked if, because it is an election year, that fact would have an effect on the size of the candidate pool. Ms. Hurtado advised that there really is no direct answer.

Ms. Hurtado reviewed the administrations' transition plans during the upcoming months. She spoke about the Interim Assistant City Manager assignment stating that she felt because of the unique situation involved in the previous City Manager's departure, she decided not to go outside the community but to back fill the Assistant City Manager position with Chief Gary Hampton; commenting on his long standing relationship with the community. She mentioned that she intended to have a rotation of the other Directors at 90 day intervals during the job search. She commented that Chief Hampton would continue to be involved in the internal audit with the Finance Director for the length of the project.

She provided additional detail for the Commissioners about the internal audit which was presently focusing on the credit card policy. She advised that they have already diminished the number of credit cards by 50%. She said that the internal audit would be in three phases with the first phase consisting of the credit card review and best practices. The next phase of the audit would be to be more transparent with community access to City business via website updates; making it more user friendly. The last phase would be a review and update of various policies, adding that she would work with City Council direction throughout the process.

Ms. Hurtado then spoke about the communication strategy to assure that all volunteers affiliated with the city were provided with clear information and that she would be meeting with a variety of internal and external community groups and businesses.

Commissioner Ransom thanked Ms. Hurtado for coming to the Commission and asked her to elaborate on the rotation process for the Assistant City Manager. Ms. Hurtado provided clarification.

Commissioner Mitracos asked about Chief Hampton and he would be able do both jobs. Ms. Hurtado provided additional information about Chief Hampton's schedule adding that his command staff has been willing to take on some of his responsibilities while he performed both positions.

Commissioner Mitracos then asked for clarification about changes in the Development Services Department. Ms. Hurtado provided background by explaining it was decided that a Director of Utilities would be required for the many upcoming projects; and the decision had been made to make Kuldeep Sharma the Director of Utilities. This created an opening in the Development

Services Department for the City Engineer. She indicated the Victoria Dion had been hired to fill that vacancy.

There was additional discussion about the structure of Development Services during which Ms. Hurtado reviewed right sizing that had taken place previously, the City had eliminated the Economic Development Director and merged the Economic Development Department with Development Services and that Andrew Malik had taken on both responsibilities. Commissioner Mitracos thanked Ms. Hurtado for coming to the Commission meeting.

Commissioner Orcutt asked about the process the City used to determine who should perform the best practices review. Ms. Hurtado indicated that the City did an initial review with the International City Managers Association and that the City had decided to bring in an external independent auditor to review credit card usage and to make recommendations on updating City policies.

Chair Sangha thanked Ms. Hurtado for coming to present to the Commissioners.

B. MINOR AMENDMENT TO THE TRACY HONDA FINAL DEVELOPMENT PLAN FOR THE ADDITION OF A CAR WASH BUILDING AT 3450 AUTO PLAZA WAY - APPLICANT IS BRYSON BURNS CONSTRUCTION AND PROPERTY OWNER IS KBH INVESTMENTS, LP. APPLICATION NUMBER IS D14-0002.

Chair Sangha introduced Agenda Item 2B and called for the staff report. Kimberly Matlock, Assistant Planner provided the report stating that the Honda dealership was built in 1999 and expanded in 2002 in the I205 Corridor Area. She said that this application was for the addition of a car wash building for use by Honda for serviced vehicles. In accordance with the Tracy Municipal Code and the I-205 Corridor Specific Plan, the project required review by the Planning Commission and City Council.

Although the proposed project would not be visible from the street, she commented that the proposed building would match the main building by use of wide, textured vertical panels, parapet roof, and wall color to match the main building. An 850 square foot landscaped planter was proposed to be removed for the new building and reconstructed adjacent to the car wash building, resulting in no net loss of landscaped area. She concluded by stating that staff recommended that Planning Commission recommend Council approval of the project; adding that a representative of the applicant available to answer any questions.

Commissioner Ransom asked about the planter's contents and location. Ms. Matlock advised that the planter would be demolished and a new one would be built and planted with new plantings.

Commissioner Mitracos asked if there had been a complete redo of the dealership some years prior and would this have an effect on this project. Ms. Matlock advised that it was likely the Toyota dealership he was talking about and that there had not been any changes to the Honda dealership.

Chair Sangha opened public hearing at 7:35 p.m., but there were no comments. She closed the public hearing.

Commissioner Ransom moved that that the Planning Commission recommend that the City Council approve the minor amendment to the Tracy Honda Final Development Plan for the addition of a car wash building and associated landscaping modifications, based on the findings and subject to the conditions contained in the City Council Resolution dated April 9, 2014.

Mr. Sartor pointed out that there had been a typo in the motion and that it should read “based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 9, 2014”. Commissioner Ransom restated “based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 9, 2014”.

Commissioner Vargas seconded the amended motion; all in favor, none opposed

3. **ITEMS FROM THE AUDIENCE** – None
4. **DIRECTOR’S REPORT** - None
5. **ITEMS FROM THE COMMISSION** – Commissioner Mitracos commented that he had driven through the Star Flower Development adding that the smallest home was going for \$450,000 and were selling.
6. **ADJOURNMENT** – Commissioner Orcutt moved to adjourn at 7:37 p.m., Commissioner Ransom seconded all in favor, none opposed.

CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, APRIL 23, 2014 – 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER – Bill Dean, Assistant Development Services Director, opened the meeting at 7:00 p.m. He advised that, because both the Planning Commission Chair and Vice Chair were not in attendance, the remaining Commissioners should appoint a Chair for this meeting only.

Commissioner Ransom nominated Commissioner Mitracos to chair the meeting. Commissioner Vargas seconded.

PLEDGE OF ALLEGIANCE – Commissioner Mitracos led the pledge of allegiance.

ROLL CALL – Found Commissioner Mitracos, Commissioner Ransom and Commissioner Vargas, and as noted Chair Sangha and Vice Chair Orcutt were absent. Also present were staff members Bill Dean, Assistant Development Services Director; Victoria Lombardo, Senior Planner; Bill Sartor, Assistant City Attorney; and Janis Couturier, Recording Secretary.

MINUTES APPROVAL – There were no minutes.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. **OLD BUSINESS** – None

2. **NEW BUSINESS** –

- A. APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP FOR THE DEVELOPMENT OF 57 SINGLE-FAMILY LOTS ON A 9.42-ACRE PARCEL, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 57 SINGLE-FAMILY HOMES LOCATED WITHIN THE 9.42-ACRE INFILL SITE. TSM13-0006 AND PUD13-0006: APPLICANT AND OWNER IS WOODSIDE 05N, LP – NORTHWEST CORNER OF PESCADERO ROAD AND MACARTHUR DRIVE.**

Commissioner Mitracos presented the agenda item and called for a staff report. Victoria Lombardo introduced the item and advised that the reason for the second hearing of this item was that there had been an error in noticing the March 26 meeting. She then indicated that the noticing area had also been expanded to provide the local residents an opportunity to comment.

Ms. Lombardo then provided a summary of the project saying that it had originally been approved as a site for 64 single family homes in 2008; at that time that there had been a different owner, a different builder and it had been intended to be a slightly higher density project. The new proposed project was for 57 single family homes, with two car garages and a more traditional layout.

Ms. Lombardo then indicated that in order to make the change from the original project to the new proposal, an amendment to the Planned Unit Development and an amendment to the Vesting Tentative Map would be required. She added that the density of the project was at the low end of the range required for the zoning of the area. She said that due to the fact that the project was relatively small in acreage it would not require a new park or school, so the developer would pay in lieu fees. She reviewed the five floor plans and closed by stating that staff was recommending approval of the project.

Commissioner Mitracos asked if there had been a major change in the number of homes from the original project and Ms. Lombardo advised that the project was originally 64 units and now is planned for 57.

Commissioner Ransom commented that because the item had been presented at the March 26, 2014, Planning Commission meeting there had been a number of questions that the Commissioners had at that time which were answered. She added that it had been unanimously approved at that meeting.

Commissioner Mitracos asked if the applicant was available.

Doug Goldsmith, of Woodside Homes, thanked staff for their assistance with the project. He indicated that pricing of the homes, a question which had been brought up at the last meeting, would be in the range of \$365,000 to \$450,000 based on today's market.

Commissioner Vargas indicated that she had some questions and added that she had not attended the previous meeting. She asked if the applicant had read and agreed to all of the Conditions of Approval. Mr. Goldsmith indicated they had. She then specifically asked about condition C 15.1 which referred to the developer creating a plan for improvements needed for pedestrian and vehicular access to schools. She asked to have a requirement for sidewalks to be connected to assure the safety of the children on their way to and from school be added to that condition. She liked the homes and mentioned that they would be seen from the freeway and that she had some recommendations as a result.

Jill Williams, the principal with KTG Group, introduced herself. She provided a PowerPoint presentation with the various elevations.

Commissioner Vargas commented that the rooflines on some of the elevations appeared to be a bit boxy, but realized it was too late to make those changes now. She mentioned that in elevation 1A adding some siding might break the architectural line at bedroom 2, to break up the stucco. She then suggested adding carriage lights on each side of the garage for all the elevations. She noted there were no porch lights mentioned in the plans and suggested they should be added. Ms. Williams mentioned that they would likely add can lights.

Commissioner Mitracos commented that at this level the electrical might not be shown in the attached site plans. Ms. Williams indicated they would likely have the address on the side of the garage lit and a carriage light on one side. Commissioner Vargas spoke to assuring balance, so that not one wall would be left unembellished. Ms. Williams indicated that in some instances they may not have enough room on the building to have that balance in all cases.

Commissioner Vargas then spoke about elevation 1B and added she would like to see more balance with the stone veneers so that they might wrap all the way around the garage. Ms.

Williams mentioned that staff had discussed those issues with them and they felt that the veneer wrap might interfere with the gas and electric meters. Commissioner Vargas repeated that she would like to see the veneer wrapped.

Commissioner Ransom asked if Commissioner Vargas was expressing her personal opinion or was she addressing an issue of balance. Commissioner Vargas indicated it was a matter of balance.

Commissioner Vargas mentioned she would like to see an additional feature that would break up the look of the entrance. Ms. Williams added they could add wainscoting for elevation B, but not on elevation C.

Commissioner Vargas then addressed the issue of the garage doors stating that she felt that having windows in the garage doors in some of the elevations would be necessary. Ms. Williams indicated they would work with staff on the final construction documents. Commissioner Vargas asked if this could be completed in time for the City Council meeting. Ms. Williams agreed that it would.

Commissioner Ransom commented that in many instances the kinds of details such as windows in garage doors would be something a home buyer might request as an option. She then asked if Commissioner Vargas specifically wanted the applicant to assure that there would be windows in every elevation. Mr. Goldsmith said it was typically an option, not a requirement.

Commissioner Mitracos said that a certain amount of diversity would be appropriate and it would be good to have it as a design element, not an option. The Commissioners then discussed the issue and Ms. Williams indicated they would come up with a way they can introduce that variation.

Commissioner Vargas asked whether certain lots within the subdivision would have specific elevations assigned to them. Ms. Williams confirmed that this would be the case to assure variety. Commissioner Vargas asked to have a percentage of elevation A with windows in the garage as a condition of approval. She also added that she wished to see those elevations that have wrapped veneer to have it wrapped all the way to the fence line.

Commissioner Mitracos asked about the fence line and why it didn't extend further. Ms. Williams indicated that the fence line might come further forward and there was some discussion about meters and the requirement to provide 10 feet for access for utility companies, etc.

Commissioner Ransom indicated that she felt the Commission might need to be careful about where the line of questioning was going. She expressed concern about getting into too much detail.

Commissioner Mitracos said he understood what Commissioner Ransom said, but he added that some subdivisions have the same basic houses throughout. He said he realized there were cost tradeoffs for this type of variation, but that the goal is for great neighborhoods. He then asked the applicant to let them know when they had gone too far.

Commissioner Ransom commented that she felt the Commission needed to draw a line between guidelines and personal opinion. She added that the Commission had unanimously approved and commended the applicant at the last meeting.

Commissioner Mitracos asked for staff's opinion on the issue. Mr. Dean indicated that staff discussions were similar to the ones being held right now. He added that, over time, staff had developed design goals and standards as a result of the types of discussions that the Planning Commissioners and City Council members had. That as a result of these discussions, City Council and staff put together the City's Design Goals and Standards. He commented that sometimes too much detail might bring things to a standstill and that guidelines are basic and they take in most aspects of developments, but they are a baseline. He added that there would be opportunities for staff and Commission to further develop a project. He indicated that everyone had a different sense of design.

Commissioner Mitracos spoke to a specific subdivision as being less attractive. Commissioner Vargas agreed and added that because this location was at a major entry point to the City she felt it even more important that the design elements be a bit above the standards.

Commissioner Vargas continued with elevation 2A. She indicated she would like to see the addition of siding to the upstairs front window. She commented on the same issues of carriage lights, porch lights and windows on the garage. She expressed a concern about an entire wall of stucco. She would like to see some additional features on the wall. She requested the same architectural detail for 2B.

She moved on to elevation 3A and asked if there could be some kind of treatment on the bathroom and stair outside wall. Ms. Williams mentioned they might add more window detail and a bolder trim color. She repeated her request for windows in the garage doors, carriage lights, address lights and lights at the front porch.

Ms. Williams commented that the wainscoting issue was added to the 3D elevation and the full veneer on 3C. Commissioner Vargas suggested siding on 3C and repeated her request for carriage lights, address lights and porch lights.

Commissioner Mitracos asked about the color schemes and then suggested the veneer be added to elevation 3D.

Commissioner Ransom asked if there would be a need for the applicant to return to the Commission with these changes. Mr. Dean suggested that the recommendations were specific enough to be added to the conditions of approval.

Commissioner Vargas then addressed some issues with elevation 4A stating that it called for windows on the garage along with her request for carriage lights, address lights and porch lights. She mentioned adding a band, or wainscoting, at the top of elevation 4B at the window. Mr. Dean asked for clarification on 4B and whether Commissioner Vargas was asking for rock veneer to be added to the upper story. Ms. Williams advised that putting stone at the second floor would be problematic. She suggested there might be an alternative to the stone veneer and some other detail might be appropriate. Mr. Dean commented that this same comment had been made for the two story homes having this same detail. This had been mentioned for elevations 3C and 3D. He suggested that perhaps siding or some other element that would break up the stucco wall.

Commissioner Vargas mentioned adding siding to elevation 5A at the three lower windows and that some siding up to the upper two windows.

Commissioner Mitracos opened the public hearing at 8:00 p.m. He asked the neighbors if they had any questions. There were none. Commissioner Mitracos closed the public hearing and asked if the Commissioners had anything else to add.

Commissioner Ransom mentioned that she thought the project well-designed. She reviewed safety issues relative to the single entrance which she felt had been addressed at the March 26, 2014, meeting and the concerns that the neighbors had relative to the value of the homes had now been addressed. She felt the Commission had done a good job of vetting the property. She said that she felt that some of the recommendations that had been made during this meeting might throw off the design, adding that some aspects of the review are assumed to be included, such as porch lighting, etc. She indicated she did not agree with some of the recommendations and did not want to include all of those elements, but that she wanted to see the project move forward.

Commissioner Vargas stated that she paid attention to detail and that she wanted people who drive through the City to see nice homes in 10 to 20 years. She was asking for a minimal increase in the basic standards with her recommendations, especially in a neighborhood that is near a major artery of the City.

Commissioner Mitracos agreed adding that extra elements were necessary. He didn't feel that the recommendations would be a huge burden on the architect. He supported Commissioner Vargas's recommendations to have the architect work with staff.

Commissioner Ransom asked if staff would have enough leeway in reviewing these recommendations to be able to work with the applicant. Mr. Dean indicated that because of the specificity of the recommendations and with the latitude provided, staff would be able to proceed.

Commissioner Ransom said she would approve the motion as long as staff would have the flexibility to modify or decline the applicant's modifications if they were not appropriate.

Commissioner Vargas moved that the Planning Commission recommend that the City Council approve the amendment to the Classics Vesting Tentative Subdivision Map, Application Number TSM13-0006, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0006, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated April 23, 2014, and subject to the conditions per the Commissioners' discussion at this meeting. Commissioner Ransom added to include condition C 15.1. Commissioner Ransom seconded; all in favor.

B. AMENDMENT TO THE 2770 N. NAGLEE ROAD PRELIMINARY AND FINAL DEVELOPMENT PLAN TO REMOVE THE EXISTING RESTAURANT BUILDING AND REPLACE IT WITH A 5,671 SQUARE FOOT RESTAURANT WHILE RETAINING THE PARKING AND LANDSCAPE IMPROVEMENTS - APPLICANT IS RED ROBIN GOURMET INTERNATIONAL AND OWNER IS TRACY MALL PARTNERS, L.P.

Commissioner Mitracos presented the agenda item. Ms. Lombardo advised that the existing building is to be torn down, but leave all parking and landscape the same. Ms. Lombardo had a sample materials board for Commissioners to review for the colors. She stated that staff recommended approval.

The applicant, Brad Smith Property Development Manager for Red Robin, addressed the Commissioners. He thanked the Commissioners and staff for the opportunity to join the Tracy community. He indicated they were committed to the site, but they felt that their best bet would be to demolish the existing building and move forward with their elevation to make it more compatible with the area.

Commissioner Ransom spoke to the square footage of the new building and asked if there was going to be additional landscaping. Ms. Lombardo mentioned that there will be some additional landscape and hardscape.

Commissioner Vargas expressed excitement about the restaurant and had some suggestions she wished to have added. Knowing that there often is a wait for a table, she asked that the applicant add benches outside for those who are waiting. She recommended some type of shade element for the west facing area. Mr. Smith suggested they could add benches on the north and south side, but that additional trees would need to be limited to the south side – in order to allow the sign to be visible. He wished to preserve the sightline to their sign.

Commissioner Vargas asked to have the recommendation for benches and shade on the south side added to the conditions. She also asked if they would be adding lighting to the landscaped area. Mr. Smith said they would retain the lighting that is presently there.

Commissioner Mitracos advised he was glad to see the space to be filled and opened the public hearing at 8:18 p.m.

Bob Tanner, Rusher Street, addressed the applicant stating that Tracy needed a Red Robin and asked when it would be open. Mr. Smith indicated that it would probably take about 6 months and that it was their hope to be open by early November.

Mr. Dean advised that Red Robin was in the top 10 of restaurants that the community wanted to see in Tracy.

Commissioner Mitracos closed the public hearing at 8:20 p.m.

Commissioner Ransom commented that she appreciated having the actual samples of the new color palette. She then asked staff what the conditions of the tear down would be. Ms. Lombardo advised that the applicant would need to obtain a demolition permit which would require air quality control, dust control and a City staff review by Traffic Management staff.

Commissioner Vargas moved that the Planning Commission recommend that the City Council approve the amendment to the 2770 North Naglee Road Preliminary and Final Development Plan to remove the existing restaurant building and replace it with a 5,671 square foot restaurant while retaining the parking and landscape improvements, based on the findings contained in the Planning Commission Resolution dated April 23, 2014 (Attachment D) with the inclusion of benches, shade trees and some additional lighting in the landscaped area. Commissioner Ransom seconded the motion, all in favor, none opposed.

C. PUBLIC HEARING TO CONSIDER PLANNING COMMISSION RECOMMENDATION REGARDING THE SURLAND COMMUNITIES LLC APPLICATIONS FOR A DEVELOPMENT AGREEMENT AMENDMENT RELATED TO THE ELLIS PROJECT. THE ELLIS PROJECT AND DEVELOPMENT AGREEMENT SITE IS APPROXIMATELY 321-ACRES LOCATED AT THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD. APPLICATION DA13-0002 - APPLICANT IS THE SURLAND COMMUNITIES LLC.

Commissioner Mitracos presented the agenda item. Mr. Dean presented the report. He stated that last year Surland Communities requested an amendment to their Development Agreement to push out the date for one year for their \$2 million payment for the swim center and that City Council directed staff to negotiate the agreement. In exchange for the delay, the City has asked for a one year extension for the time the City has to accept the land dedication offer for a swim center.

Commissioner Mitracos verified the dates of the extensions with Mr. Dean.

Commissioner Ransom asked if this recommendation was a win/win for City and Surland Communities. She wanted to be sure she understood it properly. Mr. Dean advised she was correct.

Commissioner Mitracos opened the public hearing at 8:25 p.m. Chris Long, of Ellis Project, addressed the Commission and indicated that they supported staff's recommendation.

Commissioner Mitracos closed at 8:26

Commissioners Ransom indicated she did not have any questions. She moved that the Planning Commission recommend that City Council approve a Development Agreement Amendment with Surland Communities, LLC, Application Number DA13-0002. Commissioner Vargas seconded, all in favor. None opposed.

3. ITEMS FROM THE AUDIENCE - None
4. DIRECTOR'S REPORT – Mr. Dean welcomed Commissioner Vargas.
5. ITEMS FROM THE COMMISSION - None
6. ADJOURNMENT Commissioner Ransom moved to adjourn, Commissioner Vargas seconded, all in favor.

CHAIR

STAFF LIAISON

AGENDA ITEM 2 A

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 2706 PAVILION PARKWAY – APPLICANT IS DENNIS MILLER AND PROPERTY OWNER IS LNBT ENTERPRISES, LLC. APPLICATION NUMBER CUP14-0003

DISCUSSION

Background and Project Description

On December 4, 2012, the City amended the I-205 Corridor Specific Plan (Resolution 2012-254) and various commercial areas throughout the city to conditionally permit eating and/or drinking establishments with entertainment. This effort was initiated in response to growing interest for eating and drinking establishments with entertainment, where entertainment uses are defined as live music, dancing, karaoke, comedy shows, modeling, or live performances.

The project applicant proposes to establish and operate an eating and drinking establishment with entertainment at 2706 Pavilion Parkway (Attachment A). This site is located within the I-205 Corridor Specific Plan area and designated General Commercial. Before the restaurant may serve alcohol and provide entertainment after 11:00 p.m. at this location, the applicant must receive Planning Commission approval of a Conditional Use Permit.

Project Description and Land Use Analysis

According to the applicant, the restaurant will be open daily from 10am to 2am and includes sit-down seating, lounge seating, billiards and video games, and a bar. Minors will be dismissed from the premises after 11pm, and alcohol sales will terminate by 1:30 am. Proposed forms of entertainment include live music, disc jockeys, dancing, and comedy shows. As conditioned, registered security personnel will be onsite at all times and are prohibited from consuming alcohol while on the premises.

The subject site is located within the City's prominent commercial corridor and contains two multi-tenant buildings. The subject building is vacant and the other building currently houses a dentist and a nail salon. Uses that could occupy these buildings in the future include retail, consumer services, personal services, eating and drinking establishments with or without entertainment, and offices, similar to the existing uses in the vicinity. Approximately 500 feet to the south is a hotel. Staff and the applicant have individually reached out to the hotel and received no concerns or opposition of the project.

Because the restaurant is on a multi-tenant site and will neighbor other businesses, staff proposes Conditions of Approval B.1 through B.3 to limit entertainment activities indoors and prohibit exterior amplification of sound or projection of video. While outdoor eating and drinking is not proposed, staff does not suggest restricting or prohibiting outdoor eating and drinking, which is generally permitted for eating and drinking establishments.

The proposed eating and drinking establishment with entertainment, as conditioned, would operate in a complementary manner with surrounding uses and will not impose undesirable impacts on the nearby properties.

Parking

The I-205 Corridor Specific Plan requires eating and drinking uses to be provided with 1 parking space per 250 square feet of gross floor area. The site was developed with 122 parking spaces to serve the 30,181 square feet of building area on site, providing an excess of 1 parking space over the minimum requirement. The use does not create the need for additional parking.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit application for an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, subject to the conditions as stated in the Planning Commission Resolution dated May 14, 2014 (Attachment C).

MOTION

Move that the Planning Commission approve the Conditional Use Permit application for an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, subject to the conditions as stated in the Planning Commission Resolution dated May 14, 2014.

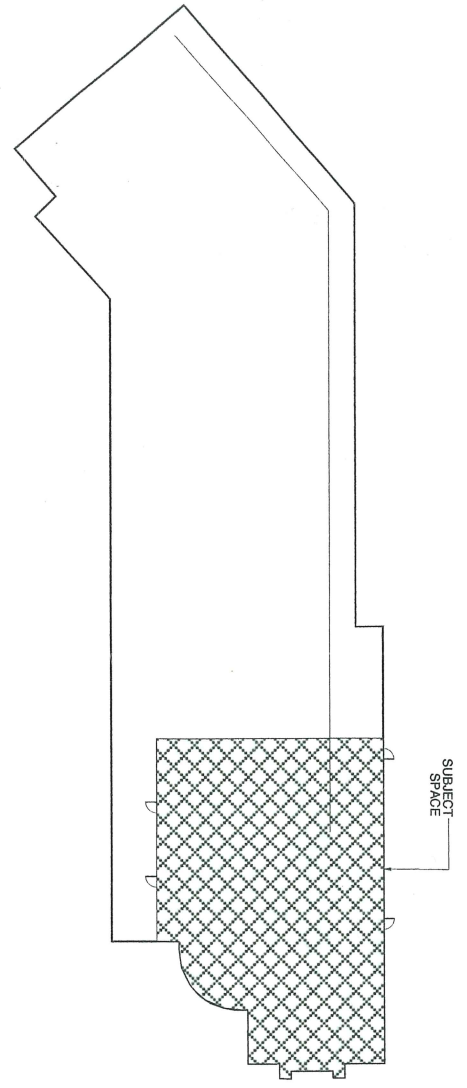
Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Department Director

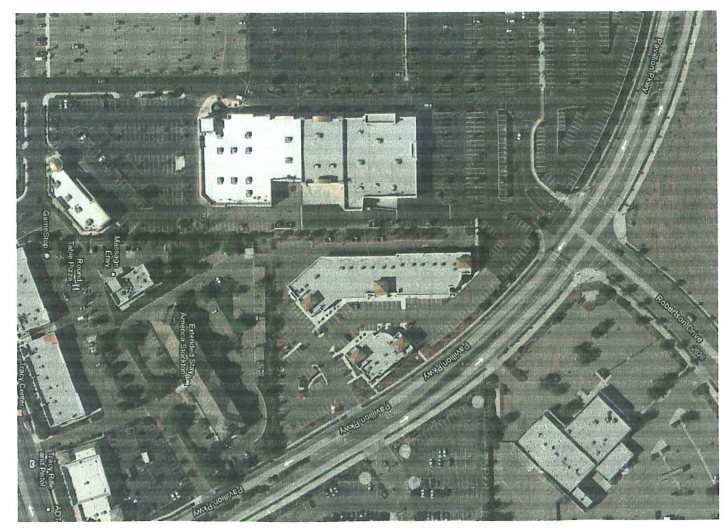
ATTACHMENTS

Attachment A: Vicinity Map, Site and Floor Plan

Attachment B: Planning Commission Resolution



SITE PLAN
Scale: 1" = 200'
N



VICINITY MAP
Scale: 1" = 200'
N

ADDRESS: 2708 PAVILLION PKWY, TRACY, CA
 THIS PROJECT IS COVERED UNDER THE FOLLOWING CODES:
 2010 CALIFORNIA BUILDING CODE
 2010 CALIFORNIA MECHANICAL CODE
 2010 CALIFORNIA ELECTRICAL CODE
 2010 CALIFORNIA FIRE CODE
 2010 CALIFORNIA ENERGY CODE
 2010 CALIFORNIA PLUMBING CODE
 ZONING:
 OCCUPANT LOAD: 285
 OCCUPANCY: A-2
 CONSTRUCTION: V-B
 INDEX:
 A-0 SITE PLAN & COVER PAGE
 A-1.0 FLOOR PLAN
 A-1.1 SEATING PLAN
 E-1.1 LIGHTING PLAN
 T-1.0 TITLE 24 SHEET 1
 T-1.1 TITLE 24 SHEET 2
 H-1.1 HANDICAP DETAIL SHEET
 R-1.1 REFLECTED CEILING PLAN
 R-1.1 REFLECTED CEILING DETAIL
 SCOPE OF WORK:
 INSTALL ELECTRICAL, PLUMBING, HVAC DUCT, GYM WALL & CEILING FINISHES

RECEIVED
MAR 28 2014
 CITY OF TRACY
 D.E.S.

SITE PLAN & INFORMATION PAGE

GRANT BAR & LOUNGE
 2708 PAVILLION PARKWAY
 TRACY, CA

DALE A. COSE
 design title 24 energy
 PO Box 336
 TRACY, CA 95378
 (209) 834-6422 OFC (209) 834-4759 FAX
 17 E 6TH ST
 TRACY, CA

DATE: _____
 DRAWN BY: DMC
 CHECKED BY: _____
 JOB NO: _____
 A 00 of 21 sheets

RESOLUTION 2014 – _____

PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 2706 PAVILION PARKWAY – APPLICANT IS DENNIS MILLER AND PROPERTY OWNER IS LNBT ENTERPRISES, LLC. APPLICATION NUMBER CUP14-0003

WHEREAS, Dennis Miller submitted an application for a Conditional Use Permit to allow an eating and drinking establishment with entertainment at 2706 Pavilion Parkway on March 28, 2014, and

WHEREAS, The subject property is located within the General Commercial (GC) land use designation in the I-205 Corridor Specific Plan, within eating and drinking establishments with entertainment are conditionally permitted, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The proposed eating and drinking establishments with entertainment is compatible with surrounding retail businesses and adjacent hotel, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on May 14, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve a Conditional Use Permit to allow an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, Application Number CUP14-0003, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the proposed use is not permitted unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the zone in which the site is located because an eating and drinking establishment with entertainment, as conditioned, will be compatible with adjacent and nearby hotel, restaurant, and retail uses and is allowed in the General Commercial land use designation in the I-205 Corridor Specific Plan Area if the Planning Commission approves a Conditional Use Permit.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the proposed eating and drinking establishment with entertainment will comply with the City of

Tracy General Plan, I-205 Corridor Specific Plan, and requirements of the Tracy Municipal Code. The establishment will comply with all applicable Alcoholic Beverage Control requirements, and on-site security will be provided during all hours of operation. All entertainment uses will be wholly indoors, and visual and audio projection will not be permitted to the exterior of the building to minimize the undesirable noise and light impacts to neighboring businesses.

- 4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the I-205 Corridor Specific Plan, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

* * * * *

The foregoing Resolution 2014 – _____ was adopted by the Planning Commission on the 14th day of May 2014, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Eating and/or drinking establishment with entertainment
(The Grant Bar & Lounge)
Application Number CUP14-0003
May 14, 2014

A. General Provisions and Definitions.

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

The Project: An eating and/or drinking establishment with entertainment (Application Number CUP14-0003)

The Property: 2706 Pavilion Parkway, Assessor's Parcel Number 212-290-47

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project at the Property, Application Number CUP14-0003. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the site and floor plans received by the Development Services Department on March 28, 2014.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.

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

B. Development Services Department Planning Division Conditions

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

- B.1. Entertainment indoors. The entertainment activities shall be conducted wholly within the building unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.2. Amplification of sound. There shall be no exterior amplification of sound, noise, or music, unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit granted by the Planning Commission. All audio projections shall comply with Noise Control requirements contained in Article 9 Section 4.12 of the Tracy Municipal Code.
- B.3. Visual projections. There shall be no exterior visual projections, including, but not limited to, televisions and screens, unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to this Conditional Use Permit granted by the Planning Commission.
- B.4. Unassigned parking. The parking area shall remain open for common use and there shall be no designated parking areas for specific uses.

- B.5. The site, including around the building, throughout the parking area and all landscaped areas, shall be kept free and clear of trash, litter, and debris at all times. All food waste, refuse, and recyclable materials shall be in the appropriate disposal enclosures.
- B.6. Signs.
 - B.6.1. The applicant shall obtain sign and building permits for signs requiring sign and building permits.
 - B.6.2. Temporary signs, including banners, flags, pennants, balloons, and similar devices, shall comply with the Tracy Municipal Code standards for temporary signs.

C. Police Department Conditions

Contact: Officer Brian Wilmshurst (209) 831-6682 brian.wilmshurst@tracypd.com

- C.1. Licensing requirements. The project shall abide by all licensing requirements of the State of California Department of Alcoholic Beverage Control (ABC).
- C.2. Security guards.
 - C.2.1. Security guards shall be provided at all times at a rate of two guards plus one additional guard for every 50 patrons.
 - C.2.2. Security guards shall carry proof of valid registration through the California Department of Consumer Affairs, Bureau of Security and Investigative Services (BSIS) in the form of a Security Guard Card.
 - C.2.3. Security guards shall not consume any alcohol while on the premises.
 - C.2.4. Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.
- C.3. Minors. No person under 21 years of age shall be permitted in the establishment after 11:00 p.m.
- C.4. Hours of operation. The establishment shall close by 2:00 a.m. each morning.

AGENDA ITEM 2 B

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW SPECIALIZED RECREATIONAL AND INSTRUCTIONAL USES IN DANCE, ATHLETICS, ARTS AND SELF DEFENSE AT 4100 COMMERCIAL DRIVE, APN 212-210-02; APPLICANTS ARE CHRIS MINTEN AND CARRIE GUERRA AND PROPERTY OWNER IS KAML INVESTMENT CO. APPLICATION NUMBER CUP14-0001.

DISCUSSION

Project and Site Description

Tracy CrossFit (formerly known as West Valley Cross Fit), a fitness and personal training gym, is proposing to occupy the building at 4100 Commercial Drive. The site has an approximately 23,600 square foot building and associated parking. AT&T currently occupies an approximately 3,200 square foot tenant space within the building. The fitness and personal training gym proposes to occupy the remainder of the building.

The subject is zoned Light Industrial (M-1), has a General Plan land use designation of Industrial (I), and is surrounded by the M-1 zone. Fitness and personal training gyms are classified within Use Group 33 specialized recreational and instructional uses in dance, athletics, arts and self-defense, and are a conditionally permitted use in the M-1 zone.

The applicant and property owner are requesting personal fitness and training gym as well as specialized recreational and instructional uses in dance, athletics, arts and self-defense to be permitted throughout the building. This would accommodate the current request for personal fitness as well as allow future businesses under this land use category to occupy the building under this Conditional Use Permit. Such uses would still be subject to City reviews prior to tenant occupancy to verify that all Zoning, Building, Fire, and Engineering codes and standards are met.

Land Use Compatibility

Tracy CrossFit is currently in operation at 4220 Commercial Drive, also zoned M-1, and is operating under a Conditional Use Permit granted by the Planning Commission in 2009. According to the applicant, they have outgrown their existing space and they propose to relocate to a larger space that will accommodate more students. The proposed fitness and personal training gym will offer classes Monday through Friday beginning at 5:30 am and ending at 9:00 pm. Weekend classes will be offered in the morning only. Classes and training sessions will run from 30 minutes to one hour, and classes will be staggered. The maximum class size will comprise of 17 adult students and one instructor, and there would be up to two adult classes operating at the same time three times a day. Classes will be held wholly indoors, and no outdoor activities are proposed.

The overall intent of this Conditional Use Permit is to allow land uses classified in Use Group 33 to occupy any or all portions of the site. Such uses include instructional aerobics, dance, drama/theater, gymnastics, martial arts/self-defense, music, and weight training. The Planning Commission has granted Conditional Use Permits of similar breadth for various industrial properties throughout the City, and such uses have operated in a compatible manner with neighboring light industrial uses. Permitting specialized recreational and instructional uses in dance, athletics, arts and self-defense to occupy any or all portions of the building, subject to conditions of approval, will not cause a greater impact on existing or future light industrial businesses.

Parking

The Tracy Municipal Code (TMC) does not establish specific off-street parking requirements for specialized recreational and instructional uses in dance, athletics, arts and self-defense; however, the Planning Commission has made the determination in previous years that the minimum requirement should be one space per instructor and one space per every four non-driving age students and that students of driving age shall each be provided with one space. Based on this ratio, the proposed fitness and personal training gym would require 36 parking spaces to accommodate the parking demand at peak times.

The site has parking areas to the north and to the south of the building. The northern parking area is being used by AT&T and a majority of the parking area is enclosed behind fencing. The applicant proposes to restripe the parking area on the south side of the building to provide at least 36 parking spaces for use by its instructors and students.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow uses classified in Use Group 33 Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense at 4100 Commercial Drive, Application Number CUP14-0001, subject to conditions and based on findings contained in the Planning Commission Resolution dated May 14, 2014.

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow uses classified in Use Group 33 Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense at 4100 Commercial Drive, Application Number CUP14-0001, subject to conditions and based on findings contained in the Planning Commission Resolution dated May 14, 2014.

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

Attachment A: Vicinity Map, Site and Floor Plans
Attachment B: Planning Commission Resolution

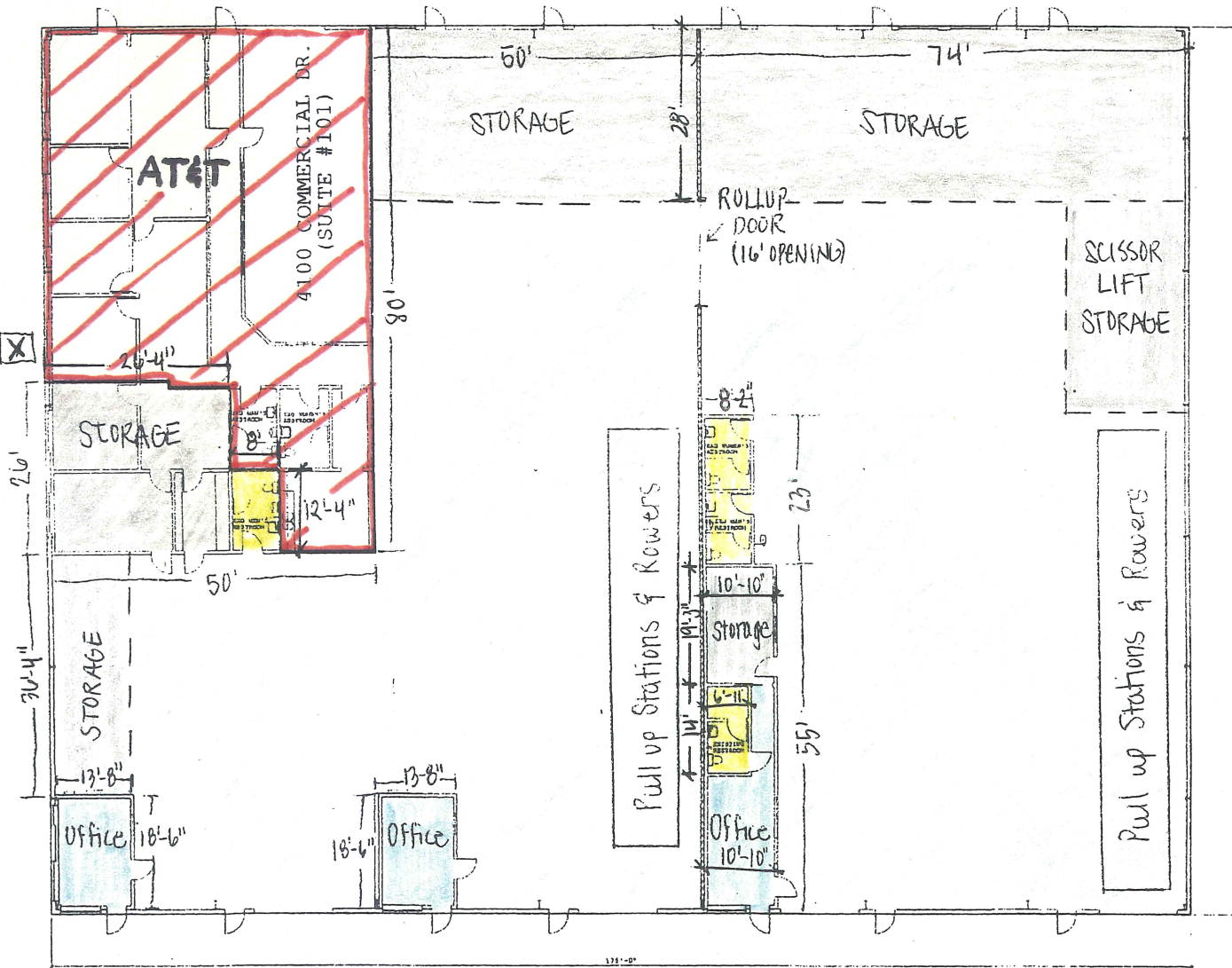
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MAR 27 2014

CITY OF TRACY
D.E.S.

EXTERIOR FIRE RISER RM. → [X]

COMMERCIAL DRIVE



SF BREAKDOWN

[Light Blue Box] = EXERCISE
13,805 SF

[Medium Blue Box] = OFFICE
766 SF

[Grey Box] = STORAGE
5393 SF

[Yellow Box] = RESTROOM
426 SF

TOTAL SF = 20,390 SF

FLOOR PLAN



PARKING LOT

OWNER: KAML INVESTMENT COMPANY, LLC.
LOCATION: 4100 COMMERCIAL DRIVE, TRACY, CA
DRAWING DATE: 02/20/14

RESOLUTION 2014-_____

APPROVING A CONDITIONAL USE PERMIT TO ALLOW USE SPECIALIZED RECREATIONAL AND INSTRUCTIONAL USES IN DANCE, ATHLETICS, ARTS AND SELF DEFENSE AT 4100 COMMERCIAL DRIVE, APN 212-210-02; APPLICANTS ARE CHRIS MINTEN AND CARRIE GUERRA AND PROPERTY OWNER IS KAML INVESTMENT CO; APPLICATION NUMBER CUP14-0001.

WHEREAS, Chris Minten and Carrie Guerra of Tracy CrossFit submitted an application for a Conditional Use Permit to allow a fitness and personal training gym at 4100 Commercial Drive on February 28, 2014, and

WHEREAS, The subject property is zoned Light Industrial (M-1), where a fitness and personal training gym is classified in Use Group 33 Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense of the Tracy Municipal Code Section 10.08.1080, and is conditionally permitted, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on May 14, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit to allow uses classified in Use Group 33 Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense at 4100 Commercial Drive, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because specialized recreational and instructional uses in dance, athletics, arts and self defense could provide such instructional recreational amenities for the community, benefiting participants and supporting the growing industrial corridor with uses that would not create significant impacts on the surrounding industrial areas.
2. The proposed location of the conditional uses are in accordance with the objectives of the purposes of the Light Industrial zone in which the site is located because the zone allows specialized recreational and instructional uses in dance, athletics, arts and self defense upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code, including the establishment of required additional on-site parking.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because

future specialized recreational and instructional uses in dance, athletics, arts and self defense will be compatible with existing similar uses and light industrial uses on site, will operate wholly indoors, and will not significantly impact nearby businesses in respect to noise, traffic, parking, or other related areas of conflict.

- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

* * * * *

The foregoing Resolution 2014-_____ was adopted by the Planning Commission on the 14th day of May 2014, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**City of Tracy
Conditions of Approval**

Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense
(Tracy CrossFit)
Application Number CUP14-0001
May 14, 2014

A. General Provisions and Definitions.

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

The Project: A Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense (Application Number CUP14-0001)

The Property: 4100 Commercial Drive, Assessor's Parcel Number 212-210-02

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- c. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- d. "Conditions of Approval" shall mean the conditions of approval applicable to the Project at the Property, Application Number CUP14-0001. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project description received by the Development Services Department on April 29, the site plan received on May 5, and floor plan received on March 27, 2014.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards, and State regulations, including, but not limited to, the California Building Code and the California Fire Code.

B. Development Services Department Planning Division Conditions

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

- B.1. Parking area. Prior to approval of a building permit, the applicant shall submit detailed plans that demonstrate the following:
- B.1.1. New parking stalls striped in accordance with Standard Plan 154.
- B.1.2. Where wheel stops are necessary, they shall be affixed to the pavement with #4 x 8" rebar dowels to the satisfaction of the Development Services Director.
- B.1.3. A substantial area for vehicle turn-around shall be provided at the eastern end of the parking area on the south portion of the site to the satisfaction of the Development Services Director. No vehicles may park in the turn-around area or any area not striped for parking.
- B.2. Use indoors. The use shall be conducted wholly within the building unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.3. Prior to occupancy or reuse of any tenant space, the applicant shall prepare and submit, in writing, for approval by the Development Services Department, the Fire Department, and the Police Department a description of existing and proposed land uses to ensure land use compatibility (for example, noise, odor, hours of operation) and that City parking requirements are satisfied for all tenants pursuant to Tracy Municipal Code Off-Street Parking Requirements. The information shall include a list of all existing and proposed tenants located in the building, the land use or description of activity of each existing and proposed tenant, the floor area of each use type of each existing and proposed tenant, and any other information requested by the Development Services Director, Building Official, Fire Chief, or Police Chief in order to document compliance with City standards related to handicap accessibility, occupancy separation, exiting, or any other applicable Zoning, Building or Fire Code, and Public Safety standards.