

NOTICE OF A REGULAR MEETING

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

Date/Time: Wednesday, October 22, 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 APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL BUILDING, OUTDOOR PLAY AREA, NATURE GARDEN, AND PARKING AREA IMPROVEMENTS AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES CT (120 MURRIETA WAY) - APPLICANT IS RICHARD LARSON AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBERS CUP14-0007 & D14-0013
 - B. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT OF WAY AFFECTING NORTH MAC ARTHUR DRIVE, SOUTH OF I-205. NORTHSTAR ENGINEERING GROUP, INC. APPLICATION NUMBER DET14-0002
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **October 16, 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, AUGUST 27, 2014 – 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER – Vice Chair Vargas called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE – Vice Chair Vargas led the Pledge of Allegiance.

ROLL CALL – Roll call found, Vice Chair Vargas, Commissioners Mitracos, Ransom, and Sangha present; Chair Orcutt absent. Also present were staff members Andrew Malik, Development Services Director; Alan Bell, Senior Planner; Bill Dean, Assistant Development Services Director; Cris Mina, Senior Civil Engineer; Bill Sartor, Assistant City Attorney; Vickey Dion, City Engineer; Brian Millar, Consultant; Nanda Gattiparthi, Consultant; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL – It was moved by Commissioner Mitracos and seconded by Commissioner Ransom to approve the minutes of August 13, 2014, as corrected. Voice vote found all in favor, passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Bill Dean, Assistant Development Services Director, stated that the applicant has asked that item 2A on the agenda be pulled and considered at a later date.

ITEMS FROM THE AUDIENCE – None.

1. OLD BUSINESS – None.
2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A SPORTS AND FITNESS TRAINING FACILITY AT 3402 MARS CT. APPLICANT IS ELITE TRAINING ACADEMY OF CALIFORNIA, LLC. PROPERTY OWNER IS STIP SPE I, LLC. APPLICATION NUMBER CUP14-0004 – Item pulled.
 - B. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A DOG DAYCARE/ KENNEL AT 157 SLOAN CT. APPLICANT IS LARRY DUNN. PROPERTY OWNER IS JOHN PERINE. APPLICATION NUMBER CUP14-0008 - Alan Bell, Senior Planner, provided the staff report. The site contains a 30,000 square foot building, with parking in the front, rear, and on one side. A warehouse/distribution use is located at the rear of the building.

The Conditional Use Permit (CUP) request is for a dog kennel, or “dog day care”, in the front two-thirds of the building. Approximately 63 indoor kennels are proposed along with interior dog run and dog play areas. Two outside dog run areas are also proposed adjacent to the building.

The site is surrounded by a variety of industrial buildings and uses, with agricultural property, outside the City limits, to the north. The proposed use has

the potential to generate noise from barking dogs. Fortunately, this industrial neighborhood does not contain noise sensitive uses and we do not anticipate noise to be a problem at this location.

The site contains approximately 40 parking spaces, with approximately one dozen spaces near the entrance to provide for drop-off and pick-up of dogs.

Staff believes this is a reasonably compatible use for the area, the site can accommodate the kennel, and staff recommends approval of the CUP as indicated in the written staff report.

Commissioner Ransom asked what type of feedback was received from neighboring businesses. Mr. Bell stated the standard notice to property owners was sent out and staff did not hear from any property owners. Mr. Bell explained the type of businesses surrounding the proposed use includes delivery areas and an equipment facility. Mr. Bell added that when the dogs are outside, there would also be personnel outside supervising the dogs. Mr. Bell stated staff was not recommending any particular conditions pertaining to noise.

Commissioner Ransom asked if code enforcement provided any feedback regarding the number of dogs that could be outside. Mr. Bell described the outside play areas which would limit the number of dogs that could be accommodated at one time. Mr. Bell added that barking dog issues are a big issue for Animal Control in residential areas.

Commissioner Mitracos asked for clarification regarding the proposed site and existing businesses. Mr. Bell explained that the rear of the site was adjacent to a packaged food distribution warehouse.

Vice Chair Vargas asked what the property was zoned. Mr. Bell stated it was zoned in the County and most likely agricultural.

Vice Chair Vargas invited the applicant to address the Commission.

Larry Dunn, 157 Sloan Court, stated dog day care was a big need in Tracy and allows dogs to run free and play with other dogs instead of locking them outside when no one is home.

Commissioner Ransom asked if there were any breed or size of dogs that were not permitted. Mr. Dunn stated the dogs were sectioned off by size and all dogs must have all of their shots.

Vice Chair Vargas opened the public hearing. As there was no one wishing to address the Commission on the item, the public hearing was closed.

It was moved by Commissioner Mitracos and seconded by Commissioner Ransom to approve a Conditional Use Permit to allow a dog daycare/kennel at 157 Sloan Court, Application Number CUP14-0008, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated

August 27, 2014. Voice vote found Commissioners Mitracos, Ransom, Sangha, and Vice Chair Vargas in favor; Chair Orcutt absent.

- C. PUBLIC HEARING TO CONSIDER A PROPOSAL TO AMEND THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (APPLICATION NUMBER SPA14-0001), APPROVE A PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY AND FINAL DEVELOPMENT PLAN (APPLICATION NUMBER D14-0011) FOR A 441-UNIT MULTI-FAMILY APARTMENT PROJECT, APPROVE AN OFF-STREET PARKING SPACE REDUCTION FOR THE APARTMENT PROJECT, AND APPROVE AN ADDENDUM TO THE FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2010072043). THE APPROXIMATELY 22.22-ACRE SUBJECT PROPERTY PROPOSED FOR SPECIFIC PLAN AMENDMENT IS LOCATED ON THE SOUTH SIDE OF GRANT LINE ROAD, NORTH OF THE UNION PACIFIC RAILROAD TRACKS, EAST OF BYRON ROAD AND APPROXIMATELY 600 FEET WEST OF LAMMERS ROAD, (ASSESSOR'S PARCEL NUMBERS 209-270-10, 11, 30, AND 31). THE PUD PRELIMINARY AND FINAL DEVELOPMENT PLAN IS PROPOSED FOR APPROXIMATELY 20.04 ACRES ON THE EAST SIDE OF THE SITE, ASSESSOR'S PARCEL NUMBERS 209-270-30 AND 31. THE APPLICANT IS DENTON KELLEY, SR95 VENTURES, LLC. – Alan Bell, Senior Planner, introduced Brian Millar of Land Logistics, and Nanda Gattiparthi with SNG, consultants, who have been assisting staff with the project.**

Mr. Millar provided the staff report. The proposal is to construct a 441-unit, multi-family residential project on approximately 22 acres. Mr. Millar stated the density of the project includes 22 units per acre with two building types, both three stories tall, with a mix of unit types. Mr. Millar discussed construction materials, parking spaces, carports, trash enclosures, landscaping plans, fencing, entryways, signals, improvements on Grant Line Road and masonry walls. Mr. Millar added that the project is proposed to be gated. The project would connect to City water, wastewater and storm drainage systems and the applicant would be required to pay their fair share of utility extension costs.

Mr. Millar provided a brief history of the adjoining 2.18 acres Maibes property, outlining why the Maibes property was included in the amendment, including limited vehicle access, land use compatibility, and orderly growth of the City. The triangular-shaped Maibes property would be isolated from other properties with the Union Pacific rail line on its southwest side. While no development is proposed at this time on the 2.18 acres, City staff requested inclusion of the Maibes property in the I-205 Corridor Specific Plan amendment action, changing the General Commercial designation to High Density Residential.

Mr. Millar discussed on-site parking and the request for a reduction in required parking. Mr. Millar added that staff was in support of the parking reduction request.

Mr. Millar referred the Commission to Condition of Approval C.3.2.I, recommending it be eliminated. Mr. Millar indicated a simple change is requested to Planning Commission Condition number B32, which copy was provided to the Commission just prior to the meeting.

Staff recommended that the Planning Commission:

1. Approve the Addendum to the Filios/Dobler EIR in support of the proposed Project;
2. Approve the Amendment to the I-205 Corridor Specific Plan, changing the Tracy Apartments and Maibes properties land use designations from General Commercial

- to High Density Residential;
3. Approve the proposed parking reduction, determining that 1.8 off-street parking spaces per unit are sufficient to mitigate parking demands of the Project; and
 4. Approve a Planned Unit Development (PUD) Preliminary and Final Development Plan for a 441-unit multi-family apartment project.

Mr. Bell introduced other consultants in the audience who had prepared various technical reports.

Vice Chair Vargas stated she met with staff and the applicant regarding a traffic report and hydraulic study.

Commissioner Sangha asked why the City needed so many apartments. Mr. Bell stated the vacancy rate for multifamily housing in Tracy is very low which indicates the demand is high. Mr. Bell outlined various housing projects currently anticipated to be built in the City of Tracy.

Vice Chair Vargas asked for clarification regarding land use and zoning. Mr. Bell provided a brief history stating City Council approved annexation of the property in 2011, and the City changed the General Plan Designation from Urban Reserve to Commercial. Mr. Bell added that the application does not include a General Plan Amendment because high density residential is allowed within the Commercial designation of the General Plan. The project does require a Specific Plan Amendment from General Commercial to High Density Residential for the 23 acre site.

Vice Chair Vargas asked how large an area the I-205 Corridor Specific Plan encompassed, and the impact of rezoning the 23 acres. Mr. Bell stated between 700-800 acres, outlining its borders. Mr. Bell added that the 1993 General Plan identified this area as Residential Medium.

Commissioner Ransom asked if the analysis was included in the packet received by the Planning Commissioners. Mr. Bell stated information provided in the staff report included a 50-plus page Environmental Impact Report (EIR) Addendum; the EIR referred to a couple of supporting documents which provided the necessary information for staff to make a recommendation. Mr. Bell added that the documents are referenced in the EIR and are always available to the public and/or the Planning Commission.

Commissioner Ransom asked what the difference was in the traffic analysis between Commercial and High Density Residential. Mr. Bell stated in general the traffic analysis helped to ensure that the project would achieve compliance with City standards regarding Level of Service (LOS). The study analyzed and made recommendations regarding areas as close as two miles away.

Commissioner Ransom asked what the difference was in the LOS. Mr. Bell stated retail commercial generates more traffic trips than multifamily residential except for a.m. peak hour.

Commissioner Ransom asked if there was a specific LOS that is anticipated. Fredrick Venter stated all LOS results indicated impacts as the same, adding LOS in the a.m. increased, but in p.m., remained the same.

Commissioner Mitracos asked for additional information regarding the potential extension of Lammers Road. Mr. Venter stated if Lammers Road was extended, it would go under the freeway, crossing over the railroad tracks, east of the project.

Commissioner Mitracos asked about the change in the entrance to the project. Mr. Millar indicated the request was for a grand entrance and staff suggested that request be removed.

Commissioner Mitracos discussed the ability for residents to walk to neighboring areas since the project is gated. Mr. Bell stated a General Plan policy discourages gated communities, but would be considered with a few general exceptions. Mr. Bell added in this case, the intention is to have the gate open during the day and closed at night.

Commissioner Ransom asked about a gate for pedestrians. Mr. Millar stated there would be vehicular and pedestrian pathways to connect to the adjacent shopping area.

Vice Chair Vargas suggested the sidewalk connecting the project to the shopping center be more permanent, if possible. Mr. Bell stated staff was proposing an eight foot asphalt paved connection between the public sidewalk in front of the proposed apartments and the sidewalk in front of the Walmart shopping center, maintained by the City for an indefinite duration. Mr. Bell added that the reason staff was proposing this is because the City does not own the right of way between the apartment site and the Wal Mart center at this time.

Commissioner Ransom stated based on the number of one bedroom units, she was not concerned with the number of parking spaces. Commissioner Ransom asked for additional information regarding the need to treat the two properties the same. Mr. Bell stated from a land use perspective, the 2.1 acre Maibes property is isolated, separated by the Union Pacific railway line, access will be limited, the speed and volume of traffic on Grant Line Road and the proximity of nearby intersections to this apartment project, there will be limited access to the Maibes property and likely no median breaks. Mr. Bell added staff believes that the opportunity for a land use with multifamily dwellings was more appropriate versus a small retail or commercial site.

Commissioner Ransom asked if there was a potential to wait and see if they have a viable project that could fit nicely on the site. Mr. Bell stated regardless of the General Plan designation, the land use can remain indefinitely as a legal non-conforming use.

Commissioner Mitracos asked what the down side would be if the corner site was left as is. Mr. Bell stated it was staff's conclusion that there is a higher potential for incompatible land uses and that multifamily is reasonable and appropriate.

Commissioner Mitracos asked about the secondary access and ultimate improvements. Mr. Bell stated the driveway that will serve the apartment complex can remain for quite some time while the Maibes parcel remains as is. Mr. Bell added that ultimate improvements were unknown at this point.

Commissioner Ransom asked if rezoning both properties gives the City an opportunity to look at another project before rezoning it. Mr. Bell stated the property would require re-zoning if a non-multifamily project were to go there.

Vice Chair Vargas invited the applicant to address the Planning Commission.

Denton Kelley, 3140 Peacekeeper Way, Sacramento, introduced himself to the Commission, stating the process had gone quickly, adding that they were in agreement with the conditions of approval and the two amendments to those conditions. Mr. Kelley discussed market conditions and the benefits of commercial/retail property adjacent to multifamily housing.

Ron Metzker, LPAS Architecture & Design, provided a presentation regarding the architecture of the project.

Vice Chair Vargas asked the architect to work with staff on the Grant Line Road elevation by adding embellishments and breaking up the stucco. Mr. Metzker stated he would be happy to work with staff on the changes.

A discussion ensued regarding architectural elements including window articulation, stone elements, and wainscoating.

Mr. Metzker stated the best way to achieve what the Commission is looking for is to bring a hint of the stone, maybe three to four feet in height, on the elevation.

Mr. Bell stated a condition of approval could be added which states "The apartment elevations facing Grant Line Road shall include the use of additional architectural embellishments such as accent stone used on the club house buildings, subject to the approval of the Development Services Director".

The Commissioners were in agreement with the condition.

Vice Chair Vargas asked if any elements from the Sacramento project would be included in this project. Mr. Metzker stated new Title 24 regulations would be included such as motion control sensors, gas water heating, and thermal element requirements.

Vice Chair Vargas opened the public hearing

Rebecca Maibes, property owner of 3610 West Grant Line Road, stated they are not opposed to the apartment project, but did not want to participate in the rezoning of their property. Ms. Maibes voiced concerns regarding reduced property value, and limitation for potential development. Ms. Maibes asked that their property remain zoned General Commercial.

Commissioner Mitracos asked what the property was zoned before. Ms. Maibes stated agricultural and subsequently rezoned commercial. Ms. Maibes added that their long term plans were not to stay there.

Gary Dobler, Tracy, stated he was one of the paying partners for the Filios Environment Impact Report. Mr. Dobler voiced noise concerns requesting that an eight foot masonry wall be installed next to his property.

Commissioner Mitracos asked if there was a specific project planned for the site. Mr. Dobler stated yes, with delivery doors.

Mr. Dobler suggested the Commission leave the Maibes parcel as commercial. Mr. Dobler discussed an agreement with the City of Tracy from November 26, 2012, regarding the railroad track crossing.

Robert Tanner voiced concerns regarding traffic backing up on Grant Line Road to access the gated entrance. Commissioner Mitracos stated the project is set back further than the site Mr. Tanner referred to. Mr. Bell added the gate is approximately 150 feet from Grant Line Road and could accommodate eight cars.

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

Commissioner Mitracos asked staff to address Mr. Dobler's concern about noise and the height of the masonry wall. Mr. Bell stated the Tracy Municipal Code calls for a six foot masonry wall separating residential from non-residential parking areas and in most cases it is typical to have an eight foot wall between commercial and residential when commercial service areas abut a residential site. Mr. Bell added in this case separation of the properties includes a 26 foot wide drive isle, and landscaping areas total 80 feet or more. Staff recommended that the six foot wall was adequate in this case.

Commissioner Ransom stated she heard the six foot wall was adequate, asking if it was preferred. Mr. Bell stated six feet was adequate, but it is not unprecedented to go up to eight feet.

Commissioner Mitracos asked if noise becomes a problem, who addresses it. Mr. Bell stated the person violating the noise ordinance.

Commissioner Mitracos asked staff to address the concern regarding any negative effect to the property value of the neighboring parcel. Mr. Bell stated staff's interpretation of the reason for the Maibes' request is that the Maibes believe changing the zoning of the property from commercial to high density residential will have a negative effect on their ability to sell the property.

Commissioner Ransom asked if it was necessary to rezone the Maibes property in order to approve this project. Mr. Bell stated no, and can be amended as the Planning Commission wishes.

Commissioner Ransom asked if the applicant had a specific objection to an eight foot wall. The applicant outlined the separation between their property and the neighbors stating he believed a six foot wall represented an ample buffer.

Commissioner Ransom asked if the applicant's preference was because of aesthetic or financial reasons. The applicant stated both.

Mr. Dobler stated a taller wall would be appropriate.

Mr. Bell added that the wall was approximately 1,200 feet in length, and that the potential for noise would occur intermittently along that wall. Mr. Bell stated when commercial development is proposed, specific noise mitigation can be considered when that comes in the future.

Commissioner Sangha stated an eight foot fence, 1,200 feet in length, would look too enclosed.

Commissioner Mitracos stated he was in favor of leaving the Maibes parcel in its current zoning.

Commissioner Ransom stated she did not want to take away the Maibes' options. Regarding the wall, Commissioner Ransom stated an eight foot fence would be hard to mitigate, adding future projects can be configured in a way that won't create a nuisance.

Vice Chair Vargas asked for clarification regarding Condition of Approval C.3.2. and utility easements. Vice Chair Vargas stated the easement should include the word "permanent and irrevocable agreement". Cris Mina, Senior Civil Engineer, stated the wording would be added.

Commissioner Ransom asked if the other Commissioners had a problem with removing the Maibes property from the rezoning request.

Mr. Bell outlined the changes to the project including:

- Removing Condition of Approval C3.2.I;
- Removing the Maibes property from the Specific Plan Amendment;
- Modify Condition of Approval B.32 handed out at the meeting;
- Add Condition of Approval B.37 relating to modifications to the building façade fronting Grant Line Road; and
- Modify Condition of Approval C.3.2.D and C.3.2.H to add "and irrevocable", in reference to the easements.

It was moved by Commissioner Ransom and seconded by Commissioner Sangha that the Planning Commission recommend City Council approve the items listed below and as amended and stated at the Planning Commission meeting:

1. Approve the Addendum to the Filios/Dobler EIR in support of the proposed Project;
2. Approve the Amendment to the I-205 Corridor Specific Plan, changing the Tracy Apartments property land use designation from General Commercial to High Density Residential;
3. Approve the proposed parking reduction, determining that 1.8 off-street parking spaces per unit are sufficient to mitigate parking demands of the Project; and
4. Approve a Planned Unit Development (PUD) Preliminary and Final Development Plan for a 441-unit multi-family apartment project.

Voice vote found Commissioners Mitracos, Ransom, Sangha, and Vice Chair Vargas in favor; Chair Orcutt absent.

Vice Chair Vargas called for a five minute recess at 9:17 p.m., reconvening at 9:23 p.m.

- D. REPORT OF GENERAL PLAN CONSISTENCY FOR CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR FISCAL YEAR 2014/2015 THROUGH FISCAL YEAR 2018/2019 - APPLICATION NUMBER DET14-001 – Will Dean, Assistant Development Services Director, introduced Vickey Dion, City Engineer, who provided the staff report.

The City's CIP is a list of proposed expenditures from construction, maintenance, and improvements to capital facilities including streets, buildings, infrastructure, parks, the airport, and other public facilities. Ms. Dion provided an overview of the proposed CIP for fiscal year (FY) 2014/2015 through 2018/2019 including:

138 Current Projects at	\$450M
229 New Projects at	\$ 23M
224 Future Projects at	\$776M

Ms. Dion provided an overview of the nine Functional Groups of Projects and how they conform to the General Plan including:

- General Government and Public Safety Facilities

Report of General Plan Consistency - Objective PF-4.1- Support the needs of the community through the construction and maintenance of public buildings, such as City Hall, community centers, libraries and the public works facility.

- Traffic Safety

Report of General Plan Consistency - Objective CIR-1.6 - Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.

- Streets and Highways

Report of General Plan Consistency - Goal CIR-1 - A roadway system that provides access and mobility for all Tracy's residents and businesses while maintaining the quality of life in the community.

- Wastewater Improvements

Report of General Plan Consistency - Goal PF-7 - Meet all wastewater treatment demands and federal and State regulations.

- Water Improvements

*Report of General Plan Consistency - Goal PF- 6 - Adequate supplies of water for all types of users.
Objective PF-6.2 - Provide adequate water infrastructure facilities to meet current and future populations.*

- Drainage Improvements

Report of General Plan Consistency - Objective PF- 8.2 - Provide effective storm drainage facilities for development projects.

- Airport and Transit Improvements

*Report of General Plan Consistency - Goal CIR-4 - A balanced transportation system that encourages the use of public transit and high occupancy vehicles.
Objective CIR-1.6 - Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.
Objective ED-5.1 - Support the City's Airport Master Plan*

- Parks and Recreation Improvements

*Report of General Plan Consistency - Goal OSC-4 - Provision of parks, open space, and recreation facilities and services that maintain and improve the quality of life for residents.
Objective PF-4.2 - Provide sufficient library service to meet the informational, cultural, and educational needs of the City of Tracy.*

- Miscellaneous Projects

- *Report of General Plan Consistency - Goal LU-1- A balanced and orderly pattern of growth in the City.
Goal ED-2 - Support for and promotion of existing businesses.*

Ms. Dion mentioned current and proposed projects under each category.

Staff recommended that the Planning Commission report that the Capital Improvement Program Projects are consistent with the goals, policies and actions of the City's General Plan.

Commissioner Mitracos asked if there was a design or contract out for the new radio tower. Mr. Dean stated the need has been identified but no contract has been awarded for the project.

Commissioner Mitracos asked for clarification regarding Eleventh Street and MacArthur and if it was related to the Eleventh Street overpass replacement. Ms. Dion stated it was a separate project. Ripon Bhatia, Senior Civil Engineer, stated the intersection improvements at Eleventh Street and MacArthur was an existing project and design work was being done to add additional turning lanes and modified signals.

Commissioner Mitracos asked where the second outfall pipeline runs. Andrew Malik, Development Services Director, stated the second outfall line parallels the existing line which is very old.

Commissioner Mitracos asked what the capacity would be when the Wastewater Treatment Plant Expansion was complete. Mr. Bhatia stated the plant is currently at 9.6 million gallons per day (mgd) and would be expanded to 12.6 mgd. Commissioner Mitracos asked if that capacity was sufficient for Tracy Hills, Cordes Ranch, etc. Mr. Bhatia stated those projects were considered in the analysis.

Vice Chair Vargas asked if staff was evaluating development within the Sphere of Influence in the analysis. Mr. Dean stated the basis for the Master Plans included everything within the entire Sphere of Influence.

Commissioner Mitracos asked if there were any other water purchases besides the Lathrop water purchase. Mr. Dean stated the Public Works Department has other water supply sources they evaluate.

Commissioner Mitracos asked if the water meter replacement was ongoing. Mr. Malik stated yes.

Commissioner Mitracos asked for a timeline for the Joe Wilson Pool. Ms. Dion, stated the project was currently under design with construction anticipated to be complete in spring 2016.

Commissioner Ransom asked how the Community Center, which is unfunded, could be moved to the CIP list. Mr. Malik stated the Public Facility Master Plan includes facilities mentioned, including a gym on the other side of town. Mr. Malik stated if Council adopts the CIP list, the item could be added as a placeholder.

Commissioner Ransom asked how you get a project on the list. Mr. Malik stated every year there is an opportunity to add projects.

Vice Chair Vargas asked if there was a master plan for park and recreation which includes soccer fields and water parks. Mr. Malik stated there is a Parks and Recreation Master Plan.

Commissioner Ransom asked if the recommendations and findings discussed would be on the next City Council agenda. Mr. Dean stated the report of consistency remains at the Planning Commission level.

Commissioner Sangha asked if the City was planning to expand the Community Center. Mr. Malik stated there is a Community Center expansion, but stated he did not believe it was for 1,000 people.

Commissioner Sangha asked if the City has a say regarding properties that are eyesores. Mr. Malik stated staff works with property owners to have them be good stewards of their land. Mr. Dean added, relating to Downtown properties, the City does sit in on the TCCA meetings in which this subject is discussed.

A discussion ensued regarding abandoned buildings and efforts by the City in that regard.

Vice Chair Vargas invited members of the public to address the Commission on the subject. There was no one wishing to address the Commission.

It was moved by Commissioner Ransom, and seconded by Commissioner Mitracos to report that the Capital Improvement Program Projects are consistent with the goals, policies and actions of the City's General Plan. Voice vote found Commissioners Mitracos, Ransom, Sangha, and Vice Chair Vargas in favor; Chair Orcutt absent.

4. ITEMS FROM THE AUDIENCE – None.
5. DIRECTOR'S REPORT – None.
5. ITEMS FROM THE COMMISSION – None.
6. ADJOURNMENT – It was moved by Commissioner Ransom and seconded by Commissioner Mitracos to adjourn. Time: 9:51 p.m.

CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 24, 2014 – 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER – Chair Orcutt called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE – Chair Orcutt led the Pledge of Allegiance.

ROLL CALL – Roll call found Chair Orcutt , Vice Chair Vargas, Commissioners Mitracos, Ransom and Sangha present. Also present were staff members Andrew Malik, Development Services Director; Bill Dean Assistant Development Services Director, Victoria Lombardo, Senior Planner; Nanda Gattiparthi, Contract Engineer; Bill Sartor, Assistant City Attorney; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR’S REPORT REGARDING THIS AGENDA – Bill Dean introduced Troy Brown, City Manager. Mr. Brown thanked the Commission for the great work they do. Mr. Brown encouraged the Planning Commission to continue to vet out projects and make recommendations to the City Council.

Chair Orcutt invited Mr. Brown to attend future Planning Commission meetings.

ITEMS FROM THE AUDIENCE – None.

1. **OLD BUSINESS** – None.

2. **NEW BUSINESS**

- A. **PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE GENERAL PLAN, APPROVE A VESTING TENTATIVE SUBDIVISION MAP ON A 10.15-ACRE TO CREATE 51 LOTS AND AN AMENDMENT TO THE CONCEPT DEVELOPMENT PLAN FOR THE STERLING PARK AND SAN MARCO PLANNED UNIT DEVELOPMENTS FROM A SCHOOL SITE TO A 51 LOT RESIDENTIAL SUBDIVISION KNOWN AS BARCELONA INFILL, AND APPROVAL OF THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE BARCELONA INFILL PLANNED UNIT DEVELOPMENT; THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BARCELONA DRIVE AND TENNIS LANE, ASSESSOR’S PARCEL NUMBERS 252-520-44 AND 240-390-33. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBERS GPA14-0003, PUD14-0002 AND TSM14-0002** – Victoria Lombardo, Senior Planner, stated this site was the last of three sites set aside for schools. Ms. Lombardo stated the school district has no intention of building a school at this site, so it remains in the possession of the developer.

Ms. Lombardo stated four separate actions were needed for this project. The first is a General Plan Amendment, to Residential Low, to accommodate the

developer's proposal for single-family homes on the site. The second action is an Amendment to the Sterling Park and San Marco Planned Unit Developments, and approval of the Vesting Tentative Subdivision Map.

Ms. Lombardo discussed lot sizes and accommodations made to existing residential lots, sidewalks and landscaping, which meet City of Tracy standards, and are similar to the surrounding neighborhoods. Ms. Lombardo outlined architecture which includes four floor plans with four distinct elevation styles, giving the subdivision 16 different exterior house designs.

Ms. Lombardo added that the applicant held a couple of neighborhood meetings to address any neighbor concerns. Some of the concerns raised related to density, market prices, and speeding on Tennis Lane. Staff believes having houses fronting Tennis Lane will decrease speeding in the area

Staff recommended that the Planning Commission approve the General Plan Amendment, Amend the existing two Planned Unit Developments, and approve the Vesting Tentative Subdivision Map.

Commissioner Ransom indicated she did not see a letter from the school district or any other information in the packet when the district expressly stated they were no longer interested in the site. Ms. Lombardo stated staff did not receive any formal written notice from the school district, but the school district was provided with a packet for review. Ms. Lombardo added that five years has passed and the school district no longer has first rights to the land.

Commissioner Mitracos asked for clarification regarding previous zoning for the site. Ms. Lombardo described a parcel, at the end of the Schulte Road, that was approved in the mid 1990's and zoned high density residential. Ms. Lombardo added that the map for the parcel is still approved and can develop in the future.

Commissioner Mitracos noted that when Tennis Lane was built, the street was built wide to accommodate school traffic, and asked if there was a way to narrow the street. Bill Dean, Assistant Development Services Director, discussed the traffic calming policy and the options available if traffic becomes a concern.

Nanda Gattiparthi, engineering consultant, added that a condition of approval for the project (page 11) requires the applicant to conduct a speed survey. If a problem is identified, the applicant will be responsible to pay for any traffic calming device required.

Commissioner Sangha stated there is no stop sign where Barcelona Drive and Cypress Drive intersect, indicating it would be a problem. Andrew Malik, Development Services Director, stated the speed survey will determine if a stop sign is warranted at the intersection.

Vice Chair Vargas stated she met with staff, the architect, and applicant regarding architecture. Vice Chair Vargas provided the Commission with examples of the modifications she requested.

Chair Orcutt opened the public hearing.

Chris Tyler, architect, thanked staff for their assistance on the project. Mr. Tyler discussed architecture, housing mix, and traffic concerns.

Commissioner Ransom asked Mr. Tyler if he had any feedback on Vice Chair Vargas' suggestions regarding architecture. Mr. Tyler stated the suggestions were worthwhile and they agreed to the changes.

A short discussion ensued regarding the suggested changes to the architecture proposed by Vice Chair Vargas.

Mike Beck, 402 Summer Lane, voiced concern with two story homes being placed adjacent to his home. Mr. Tyler pointed out the extra deep lots adjacent to Mr. Beck's property which should mitigate his concerns. Chair Orcutt suggested Mr. Beck work with Mr. Tyler.

Mr. Beck suggested the quality of the new fencing should match existing fencing.

Commissioner Ransom asked if Mr. Tyler knew what elevations were planned for the lots adjoining Mr. Beck's property. Mr. Beck indicated the lots were not pre-plotted, offering his ongoing involvement in working with the neighbors.

Chair Orcutt suggested using different landscaping options to provide additional barriers.

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

Mr. Dean asked if the Commission was in agreement with the changes proposed by Vice Chair Vargas. It was consensus of the Planning Commission that the suggested changes to the architecture be incorporated.

It was moved by Commissioner Mitracos and seconded by Vice Chair Vargas that the Planning Commission recommend that the City Council approve an amendment to the General Plan land use designation of the 10.15 acre site in the Sterling Park and San Marco subdivisions from Public Facilities to Residential Low (GPA14-0003) and approve application number PUD14-0002 and application number TSM14-0002, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated September 24, 2014, with the changes to the architecture as outlined during the public hearing. Voice vote found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – None.
5. DIRECTOR'S REPORT – Mr. Dean provided an update on various developments occurring in the City. Vice Chair Vargas asked for an electronic copy of the maps Mr. Dean provided.
5. ITEMS FROM THE COMMISSION – Commissioner Sangha stated she was hosting a business mixer on September 25, 2014, at a local restaurant.

Commissioner Ransom stated she would like to see discussions start again regarding the Design Goals and Standards. Chair Orcutt stated a workshop would be appropriate. Mr. Dean stated he would find a way to bring the item back.

Commissioner Mitracos added that a discussion regarding the role of the Planning Commission was needed as well.

Chair Orcutt asked for clarification regarding the public safety fee that was imposed on the Ellis project. Mr. Dean stated every project would have to pay the public safety fee, and explained why it was brought up during consideration of the Ellis project.

Commissioner Ransom invited everyone to the Sow A Seed Foundation Casino night being held Saturday, September 27, 2014, at 7:00 p.m., at the Community Center.

6. ADJOURNMENT – It was moved by Commissioner Ransom and seconded by Vice Chair Vargas to adjourn. Voice vote found all in favor; passed and so ordered. Time: 8:22 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL BUILDING, OUTDOOR PLAY AREA, NATURE GARDEN, AND PARKING AREA IMPROVEMENTS AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS RICHARD LARSON AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBERS CUP14-0007 & D14-0013

DISCUSSION

Background and Site Description

The Montessori School of Tracy located on Tracy Boulevard serves preschool and elementary school-aged children. According to the applicant, there is a need for expanded elementary school service that cannot be accommodated at their existing location. The applicant, on behalf of the Montessori School of Tracy, proposes to develop and operate a private elementary school at the southeast corner of Murrieta Way and Holmes Court (future address 120 Murrieta Way). The preschool would remain in operation on Tracy Boulevard.

The project site is located within the area commonly referred to as the South Industrial Areas Specific Plan (ISP) area, and it is designated General Industrial in the ISP. The project site is bordered to the north, east, and west by industrial areas and residential areas to the south (Attachment A).

Project Description and Approval Authority

The proposal is to construct and establish a private elementary school to be operated by the Montessori Elementary School of Tracy. Schools are conditionally permitted in the ISP General Industrial area, and a Conditional Use Permit is required before a school may be established. In accordance with Tracy Municipal Code (TMC) Section 10.08.4250 et seq., 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.

The project proposal also requires Development Review approval of the approximately 35,000 square foot building, outdoor play area, nature garden, and parking area improvements (Attachment B). Because the Conditional Use Permit is subject to Planning Commission review, the Development Review permit for the proposed site improvements is also presented to the Planning Commission for review, approval, and efficiency in processing.

Proposed Land Use

The elementary school consists of eight classrooms, administrative offices, a multi-purpose room, a kitchen, and storage areas. An outdoor play area is proposed behind

the building, and a nature garden for educational purposes is proposed on the southern edge of the site. According to the applicant, the academic year is the last week of August through the first week in June, and summer school is the second week of June through the third week of August. School hours are 8:00 a.m. to 3:00 p.m., and recess takes place daily from noon to 1:00 p.m. and from 3:00 p.m. to 4:00 p.m. Students may arrive as early as 6:30 a.m. for before-school care or stay as late as 6:30 p.m., for after-school care. According to the applicant, about half of the students take advantage of the before-school or the after-school care. Evening events for parents are held monthly from 6:00 p.m. to 7:30 p.m., and larger events, such as concerts and graduation ceremonies, are held at an off-site location.

According to the applicant, the applicant reached out to adjacent residents to the south prior to the publication of the public hearing notice. The applicant and staff have not received any comments or concerns from neighboring properties as of the date of publication of this staff report.

Proposed Site Design and Architecture

The school building is proposed near the street with a parking area along the front of the building for student drop-off and pick-up and staff parking. An outdoor play area is proposed behind the building, and is set back over thirty feet from the residential neighborhood and screened by an existing six foot tall berm and twelve foot tall masonry wall. The school campus and outdoor play area will be enclosed with fencing for the safety of the students.

The proposed building employs a balance of architectural enhancements and variety of materials on all four sides of the building consistent with the City's Design Goals and Standards (Attachment B). The building uses a mix of metal panels in various colors, glazing, and masonry to create a modern design (Attachment C), and an equipment well will hide roof-mounted and through-roof equipment required to serve the building.

Proposed Parking, Circulation, and Landscaping

The project, as designed, meets the TMC off-street parking and landscaping requirements and is designed with good vehicular and pedestrian circulation. A one-way drive aisle lined with parking will be served by ingress from Holmes Court and egress drive onto Murrieta Way. Landscaping comprised of trees, shrubs, and grasses will be planted throughout the parking area and along the street frontage of the site.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill development projects. Because the project is consistent with the General Plan and Zoning, occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services, no further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit and Development Review applications to establish a private elementary school, which includes a 35,000 square foot two-story building, outdoor play area, and parking, landscape, and hardscape improvements at the southeast corner of Murrieta Way and Holmes Court, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated October 22, 2014 (Attachments D and E).

MOTION

Move that the Planning Commission approve the Conditional Use Permit and Development Review applications to establish a private elementary school, which includes a 35,000 square foot two-story building, outdoor play area, and parking, landscape, and hardscape improvements at the southeast corner of Murrieta Way and Holmes Court, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated October 22, 2014 (Attachments D and E).

Prepared by Kimberly Matlock, Assistant Planner

Reviewed by Bill Dean, Assistant Development Services Department Director

Approved by Andrew Malik, Development Services Department Director

ATTACHMENTS

Attachment A— Location Map

Attachment B— Site Plan, Floor Plan, Elevations, Landscape Plan dated October 10, 2014

Attachment C— Color Rendering

Attachment D— Planning Commission Resolution for the Conditional Use Permit

Attachment E— Planning Commission Resolution for the Development Review

LOCATION MAP



RESOLUTION 2014-____

APPROVING A CONDITIONAL USE PERMIT FOR A PRIVATE ELEMENTARY SCHOOL AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS RICHARD LARSON AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBER CUP14-0007

WHEREAS, On June 20, 2014, Richard Larson, on behalf of TR 120, LLC, submitted applications for a Conditional Use Permit and Development Review for a Montessori elementary school, including a two-story 35,000 square foot building, outdoor play area, a nature garden for educational purposes, and associated parking area at southeast corner of Murrieta Way and Holmes Ct, and

WHEREAS, The site is designated Industrial under the General Plan and General Industrial under the Industrial Areas Specific Plan, and a Conditional Use Permit is necessary for land use approval of the establishment of schools in the General Industrial area, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 pertaining to infill development, and

WHEREAS, The Planning Commission held a public meeting to review and consider the application for Conditional Use Permit and Development Review applications on October 22, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve Conditional Use Permit Application Number CUP14-0007 to establish a private elementary school, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. There are circumstances applicable to the use which makes the granting of a use permit necessary for the preservation and enjoyment of substantial property right. The Montessori School of Tracy desires to open and operate a private elementary school and has outgrown their preschool site located on Tracy Boulevard. Operation of an elementary school at the subject site requires approval of a Conditional Use Permit to establish the school use.
2. The proposed location of the conditional use is in accordance with the objectives of the Tracy Municipal Code and the zone in which the site is located, because the project, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan, the Industrial Areas Specific Plan, and the Tracy Municipal Code. The project will also meet all applicable State laws, City regulations, and City standards.
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 with properties in the vicinity or to the general welfare of the City. The elementary school would operate harmoniously within the light industrial business area, because the project site is located further away from the busier roadways and industrial business areas and because the project provides good vehicular and pedestrian circulation and off-street parking spaces in exceeds of minimum requirements to minimize potential traffic impacts to nearby

businesses. The project site is buffered from the adjacent residential neighborhood by an existing six-foot tall berm and twelve-foot tall masonry wall. In total, the outdoor play area is set back over thirty feet from the residential neighborhood. Furthermore, the school campus is primarily enclosed by six-foot high fencing to keep children onsite and out of the industrial areas, undeveloped areas, and public streets.

* * * * *

The foregoing Resolution 2014-_____ of the Planning Commission was adopted by the Planning Commission on the 22nd day of October, 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
Montessori Elementary School
Southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way)
Application Numbers CUP14-0007
October 22, 2014

A. General Provisions and Definitions.

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

The Project: A private elementary school, Application Number CUP14-0007

The Property: The southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Assessor's Parcel Numbers 248-470-13 & 14

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, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the elementary school located at the southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Application Number CUP14-0007. The Conditions of Approval shall specifically include all 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 plan, floor plan, landscape plan, elevations, and colors received by the Development Services Department on October 10 and 14, 2014.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Industrial Areas Specific Plan (ISP), Standard Plans, and Design Goals and Standards.
- A.7. Outdoor play, activities and events.
- A.7.1 Outdoor play, activities and events may take place between the hours of 7:00 a.m. and 10:00 p.m. only, in accordance with the TMC Noise Control ordinance.
- A.7.2 All outdoor play, activities and events shall take place on site in designated outdoor activity areas. No outdoor activities or events shall take place in the public rights-of-way without first obtaining a Special Event Permit or in the parking area without first obtaining a Temporary Use Permit.
- A.8. Parking. No parking is permitted on any unpaved surface. Any area used or intended to be used for vehicular parking shall be paved with a surfacing material in compliance with City of Tracy Standard Plan 154.

RESOLUTION 2014-____

APPROVING A DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS RICHARD LARSON AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBER D14-0013

WHEREAS, On June 20, 2014, Richard Larson, on behalf of TR 120, LLC, submitted applications for a Conditional Use Permit and Development Review for a Montessori elementary school, including a two story 35,000 square foot building, outdoor play area, a nature garden for educational purposes, and associated parking area at southeast corner of Murrieta Way and Holmes Court, and

WHEREAS, The site is designated Industrial under the General Plan and General Industrial under the Industrial Areas Specific Plan, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 pertaining to infill development, and

WHEREAS, The Planning Commission held a public meeting to review and consider the application for Conditional Use Permit and Development Review applications on October 22, 2014;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve Development Review Application Number D14-0013 for an approximately 35,000 square foot two story building, outdoor play area and nature garden, and parking, landscape, and hardscape improvements, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project. The project would be compatible with industrial business area in the vicinity because the project has been designed to minimize potential adverse impacts to the business area. The building was designed with sensitivity to potential views from neighboring properties through the use of high-quality architecture and landscaping, and the site provides for adequate off-street parking and vehicular and pedestrian circulation.
2. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the project will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code and all applicable State laws, City regulations, and City standards. Additionally, the school campus and outdoor play area will be enclosed with fencing for the safety of the students.
3. The project, as conditioned, will not cause a decrease in the value of properties within the vicinity, because the proposed building and site improvements have been designed with site context in mind, including high quality architecture that meets the City's architectural standards and design concepts. Additionally, the project site is buffered from the adjacent

residential neighborhood by an existing six-foot tall berm and twelve-foot tall masonry wall, which will reduce noise impacts on the neighboring residences.

* * * * *

The foregoing Resolution 2014-_____ of the Planning Commission was adopted by the Planning Commission on the 22nd day of October, 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
Montessori Elementary School
Southeast corner of Murrieta Way and Holmes Court (120 Murrieta Way)
Application Numbers D14-0013
October 22, 2014

A. General Provisions and Definitions.

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

The Project: A two-story, 35,000 square foot private elementary school building and associated outdoor play, parking, landscaping, and hardscape improvements, Application Number D14-0013

The Property: the southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Assessor's Parcel Numbers 248-470-13 & 14

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, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the elementary school located at the southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Application Number D14-0013. The Conditions of Approval shall specifically include all 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 plan, floor plan, landscape plan,

elevations, and colors received by the Development Services Department on October 10 and 14, 2014.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Industrial Areas Specific Plan (ISP), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services, Planning Division Conditions

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

- B.1. Lot Line Adjustment. Before the issuance of a building permit, the applicant shall cause a lot line adjustment to be recorded on Assessor's Parcel Numbers 248-470-13 & 14 to eliminate the property line between the lots. The resulting parcel shall be one lot, and a copy of such recording shall be submitted to the Development Services Director prior to issuance of a building permit.
- B.2. Landscaping. Before the issuance of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Development Services Director:
- B.2.1. Said plans shall be in compliance with the landscaping requirements set forth in the ISP and the TMC Off-Street Parking ordinance.
- B.2.2. Said plans shall demonstrate that no less than 40% of the total parking area is shaded in canopy tree coverage at tree maturity.

- B.2.3. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
 - B.2.4. Before the issuance of a building permit, the applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development and Engineering Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.
- B.3. Parking.
- B.3.1. Before the approval of a building permit, the applicant shall submit detailed plans that demonstrate the parking area designed in accordance with City Standard Plan 154.
 - B.3.2. Before the issuance of a building permit, the applicant shall submit plans and details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
 - B.3.3. Before the issuance of a building permit, the applicant shall submit detailed plans that demonstrate a minimum of one foot candle throughout the parking area.
 - B.3.4. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the adjacent residential areas to the satisfaction of the Development Services Director.
- B.4. Screening utilities and equipment.
- B.4.1. Before the approval of a building permit, the applicant shall submit plans for the design of the trash and recycling enclosure that architecturally matches the main building to the satisfaction of the Development Services Director. The enclosure shall be large enough to accommodate both trash and recycling bins. The walls shall be seven feet or greater in height to fully screen the height of the bins, and the door shall be constructed of a solid metal door attached to posts which are attached to the walls.
 - B.4.2. Before final inspection or certificate of occupancy, all roof-mounted and/or through-roof equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be located within the equipment well and fully screened from view from any public right-of-way to the satisfaction of the Development Services Director.
 - B.4.3. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from any public right-of-way behind structures or landscaping to the satisfaction of the Development Services Director.
 - B.4.4. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and other wall-mounted or building-attached utilities and bollards shall be painted to match the

color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

B.5. Fencing.

- B.5.1. No chain link fence shall be installed on the site fronting public rights-of-way. Fencing fronting Murrieta Way shall be masonry per the plans dated October 10, 2014, and fencing fronting Holmes Court shall be masonry or wrought iron. Rolling gates shall be wrought iron to match the wrought iron fencing.
- B.5.2. If fencing will be installed between the building and the public right-of-way, it shall be wrought iron and no taller than five feet in height.
- B.5.3. No barbed wire or razor wire is permitted to be used anywhere on site.

B.6. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

Development Services Department, Engineering Division Conditions

Contact: Criseldo Mina, P. E., C#54782 (209) 831-6425 cris.mina@ci.tracy.ca.us

C.1 Grading and Encroachment Permits

No applications for grading and encroachment permits within the Project boundaries will be accepted by the City as complete until the Developer provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.1.1 The Developer has completed all requirements set forth in this section.
- C.1.2 The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.1.3 The Improvement Plans including the Grading and Drainage Plans, In-tract Civil Improvement Plans, and Offsite Improvement Plans prepared in accordance with the City's Subdivision Ordinance and Design Documents and Conditions C.3, C.4, C.5, C.6, C.7, and C.8. The improvement plans for all improvements (in-tract and off-site) required to serve the Project in accordance with the City Design Documents and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.1.3.1 All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
 - C.1.3.2 All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports related to the design of streets and utilities (offsite) improvements.

- C.1.3.3 The Project's on-site drainage connections to City's storm drainage system as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.
- C.1.3.4 Improvement Plans prepared on a 24" x 36" size polyester film (mylar) with the City Engineer and Fire Code Official approval and signature blocks. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.1.3.5 Joint Trench Plans and Composite Utility Plans, prepared on a 24" x 36" size mylar, and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the residential lots or the Project, as required in Condition C.3, below.
- C.1.4 Three (3) copies of the Project's Geo-technical /Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable), as required in Condition C.4.2, below.
- C.1.5 Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#), as required in Conditions C.4.1, C.4.3, and C.5.2, below.
- C.1.6 Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the Project's fire service connection(s), and the location and spacing of fire hydrants, as required in Condition C.7.3, below.
- C.1.7 Copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), as required in Condition 9.1, below.
- C.1.8 Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.
- C.2 Building Permit
No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
 - C.2.1 The Developer has completed all requirements set forth in Condition C.1, above.

- C.2.2 Completion of the processing of the lot line adjustment to adjust or eliminate the common property line between two parcels described as Assessor's Parcel Numbers 248-470-13 and 248-470-14, whichever is applicable.
- C.2.3 Payment of the South Tracy ISP (South Tracy Industrial Specific Plan) Development Impact Fees that is applicable to the Property as required by the South Tracy ISP Finance Implementation Plan (South ISP FIP) and these Conditions of Approval and City Regulations. The South ISP FIP is on file with the office of the City Engineer.
- C.2.4 Payment of the San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees, as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.

C.3 Undergrounding of Overhead Utilities

The Developer shall prepare improvement plans, and design and construct the required improvements in accordance with the following requirements.

- C.3.1 All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing utility easement to the building. The Developer shall submit improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project. If necessary, the Developer shall dedicate 10 feet wide Public Utility Easement (PUE) along the entire frontage of the Property on Holmes Court and Murieta Way or where it is necessary, for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.4 Site Grading

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.4.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with the Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used during and after the construction.
- C.4.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report. The technical report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, and others including the highest observed ground water elevation.

C.4.3 Prior to the issuance of the Grading Permit, the Developer shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).

C.5 Storm Drainage

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

C.5.1 Storm drainage release point is a location at the boundary of the Project adjacent to a City right-of-way or public street where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to a public street with a functional storm drainage system and the existing storm drainage line on the street has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

C.5.2 The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2008 and any subsequent amendments.

C.6 Sanitary Sewer

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

C.6.1 It is the Developer's responsibility to design and construct the Project's permanent sanitary sewer connection in accordance with City Regulations. The Developer shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Developer is responsible for the cost of installing the Project's permanent sanitary sewer connection including but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring

pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.

- C.6.2 The Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.7 Water System

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.7.1 Domestic water service with a remote read (radio-read) water meter shall be installed in accordance with City Regulations and at the location approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, and fittings shall be the responsibility of the Developer or the individual lot owner(s).
- C.7.2 All costs associated with the installation of the Project's permanent water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.
- C.7.3 The Developer shall design and install fire hydrants at the locations approved by the City's Building Division and Fire Department. Location and construction details of the fire service line shall be approved by the Chief Building Official and Fire Safety Officer. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Chief Building Official and Fire Safety Officer, for the design, location and construction details of the individual lot fire service, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.8 Roadway

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.8.1 Where street cuts are made for the installation of utilities such as sanitary sewer connection, storm drainage, domestic and irrigation water service, fire service, and others, a 2" thick asphalt concrete overlay with reinforcing fabric will be required. The extent of asphalt concrete overlay shall be the 25 feet on both sides of the utility trench and the entire length of the utility trench. If the trench excavation extends beyond the centerline of the street, the length or limit of asphalt concrete overlay shall be the entire width of the street. To maintain existing crown grade and pavement cross slope(s), grind the

existing pavement to a uniform depth 2 inches. All pavement marking and striping are to be replaced per City Regulations, all at the Developer's sole cost and expense.

- C.8.2 The increase in traffic that will be generated by the Project will require certain improvements at the intersection of Tracy Boulevard and Gandy Dancer Drive and Tracy Boulevard and Valpico Road. The existing left-turn lanes at these intersections are in adequate to accommodate the added school traffic or the number of vehicles that will be making left-turn movement. These left-turn lanes are to be lengthened such that the total length is not less than 300 feet (deceleration and storage excluding the bay taper). The final length of these left-turn lanes will be determined at the time of review of offsite improvement plans. Developer is required to design and construct the necessary modification to these left-turn lanes as part of the offsite improvements. The work involve the removal of existing median curb, and irrigation and landscaping, and installation of new median curb, relocation of irrigation lines, installation of cobblestone with concrete mortar where median is reduced to 4 feet, and installation of pavement marker and striping where required. The Developer will be entitled to reimbursement for portion of improvements that are considered program roadway improvements and for portion of the improvements beyond the responsibility of the Developer.

The Developer shall design and prepare improvement plans for the offsite improvements. In order to guarantee completion of the improvements required under this sub-section, the Developer shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in the amounts approved by the City Engineer and form approved by the City Attorney, prior to the issuance of the Grading Permit. As part of the Improvement Plans, the Developer shall submit an Engineer's Estimate that summarizes in detail the cost of constructing the offsite improvements. The cost estimate shall include the cost of traffic control and preparing traffic control plan signed and stamped by a Registered Civil Engineer of Traffic Engineer.

C.9 Temporary or Final Building Occupancy

No temporary or final building certificate of occupancy shall be issued by the City until after the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

- C.9.1 The Developer has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested including the offsite improvements described in Condition C.8.1 and C.8.2, above. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency) and all requirements set forth in this section, and Conditions C.1, and C.2, above are completed.

C.10 Special Conditions

The Developer shall comply with the following requirements to the satisfaction of the City Engineer.

- C.10.1 All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.
- C.10.2 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.
- C.10.3 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

Utilities Department, Water Resources Division Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@ci.tracy.ca.us

- D.1. Stormwater Quality. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with the Manual of Stormwater Quality Control Standards adopted July 1, 2008, obtain approval of the Project Stormwater Quality Control Plan by the Water Resources Division, and sign a maintenance agreement in accordance with the Manual of Stormwater Quality Control Standards to the satisfaction of the Utilities Director.
- D.2. Compliance with Codes. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 Water Management and California Green Building Standards Code Chapter 5 for Non-Residential occupancies. A Stormwater Pollution Prevention Plan (SWPPP) and WDID number will be required prior to a grading permit issuance.
- D.3. Landscape plans. Before the approval of a building permit, the applicant shall submit detailed landscape and irrigation plans that demonstrate compliance with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director.

AGENDA ITEM 2-B

REQUEST

DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT OF WAY AFFECTING NORTH MACARTHUR DRIVE, SOUTH OF I-205. NORTHSTAR ENGINEERING GROUP, INC. APPLICATION NUMBER DET14-0002

DISCUSSION

Background

North MacArthur Drive, south of I-205, was built and dedicated as a public street, and the location of right-of-way improvements in the area was established with the subdivision map for California Mirage, recorded December 22, 1995, San Joaquin County Recorder's Book 32, Page 71 (Attachment A: Location Map).

City Council approved the subdivision map and a Preliminary and Final Development Plan for The Classics, at the northwest corner of North Mac Arthur Drive and Pescadero Avenue on September 16, 2008, and a revision to that map on May 20, 2014. Approval of that subdivision map was contingent upon the vacation of a small amount of right-of-way along North MacArthur Drive, an area approximately 300 feet long and three feet wide, the distance between the I-205 off-ramp and Pescadero Avenue (Attachment B: Vacation of Right of Way). This additional three feet of land will allow for uniform lot depth within The Classics subdivision but utilizing this land that is not necessary for circulation on North MacArthur Drive.

Whenever a public agency proposes to dispose of real property, California Government Code, Section 65402 requires a finding of consistency with the General Plan. If the Planning Commission determines that the public right of way vacation is consistent with the General Plan, the City Council will conduct a public hearing and decide whether or not to vacate the property.

Site and Project Description

The site and adjacent properties have a General Plan land use designation of Residential Medium and is located within the Planned Unit Development (PUD) zone established with The Classics PUD. The requested vacation of right of way is consistent with the General Plan and Zoning Ordinance because it will return the land to residential use.

Environmental Document

The proposed right of way vacation is categorically exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines. This exemption pertains to surplus government property sales. In compliance with CEQA Guidelines Section 15312, the right of way property proposed for vacation does not have significant value for wildlife habitat or other environmental purposes.

RECOMMENDATION

Staff recommends that the Planning Commission determine that the vacation of public right of way affecting North MacArthur Drive is consistent with the City of Tracy General Plan, based on the findings contained in the Planning Commission Resolution dated October 22, 2014 (Attachment C: Planning Commission Resolution).

MOTION

Move that the Planning Commission determine that the vacation of public right of way affecting North Mac Arthur Drive is consistent with the City Of Tracy General Plan, based on the findings contained in the Planning Commission Resolution dated October 22, 2014.

Prepared by: Victoria Lombardo, Senior Planner
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A: Location Map
- B: Vacation of Right of Way Map
- C: Planning Commission Resolution

ARBOR AVE.

RECEIVED

OCT 31 2013

CITY OF TRACY
D.E.S.

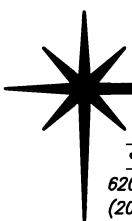
**PROJECT
LOCATION**

HWY. 205



COPYRIGHT © 2013 NORTHSTAR ENGINEERING GROUP, INC

PLOTTED: 10/28/13 16:11 PLOTTED BY: stlanger
DWG NAME: F:\13-1251 The Classics\Planning\13-1251 Location Map.dwg



North Star

Engineering Group, Inc.

• CIVIL ENGINEERING • SURVEYING • PLANNING •

620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

LOCATION MAP

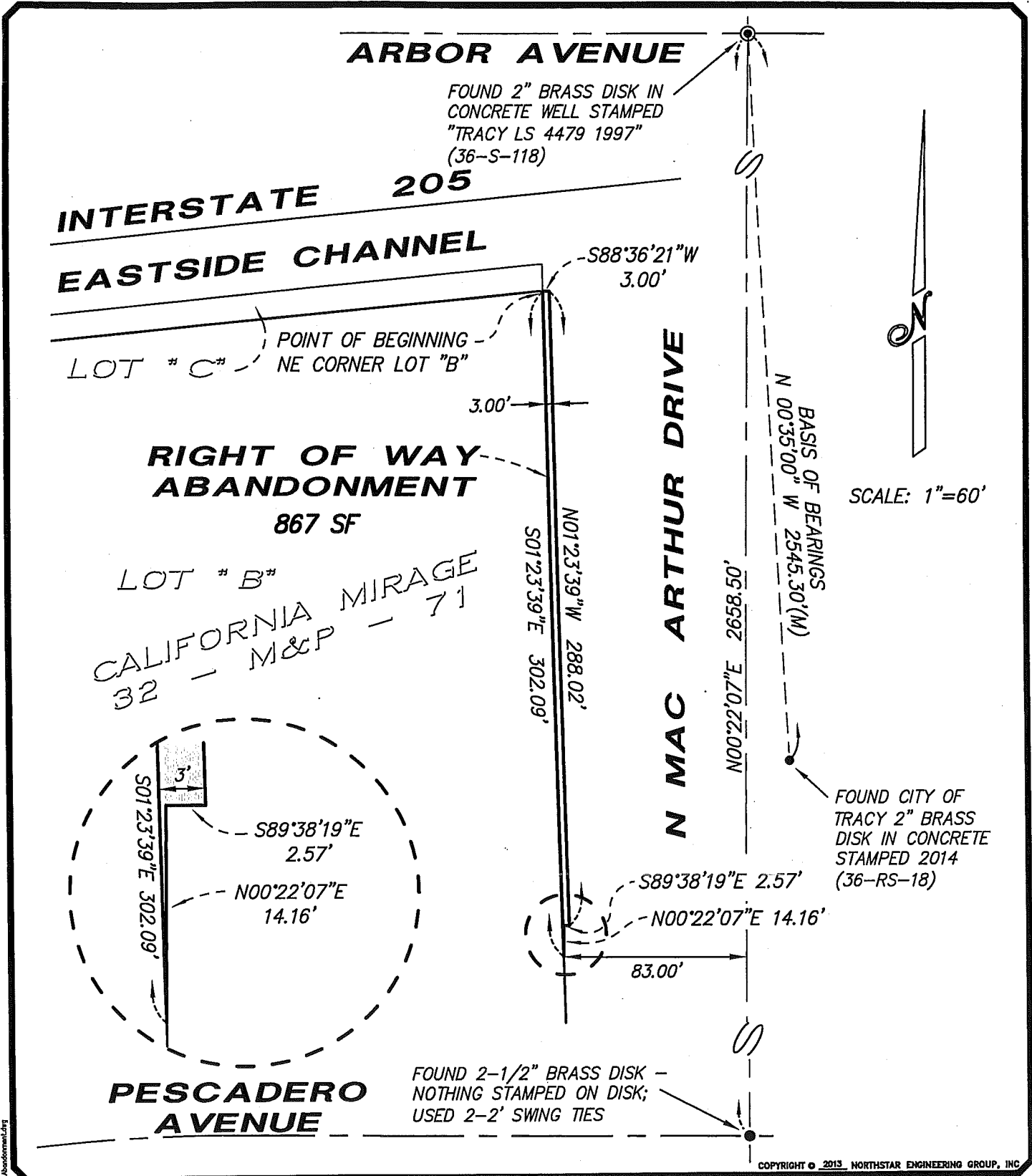
THE CLASSICS

TRACY,

CALIFORNIA

JOB:	13-125
DATE:	10/28/2013
SCALE:	NTS
DRAWN:	SHS
DESIGN:	EWB
CHK'D:	EWB
SHEET	

EX1



SCALE: 1"=60'

COPYRIGHT © 2013, NORTHSTAR ENGINEERING GROUP, INC

PLOTTED: 04/07/14 16:05
 DWG NAME: K:\13-1251 The Classics\DWG\ChptB13-1251 RW Abandonment.dwg
 RVT: Abandonment.dwg



Northstar
Engineering Group, Inc.
 • CIVIL ENGINEERING • SURVEYING • PLANNING •
 620 12th Street Modesto, CA 95354
 (209) 524-3525 Phone (209) 524-3526 Fax

EXHIBIT B

RIGHT OF WAY ABANDONMENT

TRACY

CALIFORNIA

JOB:	J13-12
DATE:	04/08/14
SCALE:	AS SHOWN
DRAWN:	NM
DESIGN:	NM
CHK'D:	NM

SHEET
01
 OF 01

RESOLUTION _____

DETERMINING THAT THE VACATION OF PUBLIC RIGHT OF WAY AFFECTING
NORTH MACARTHUR DRIVE SOUTH OF I-205 IS CONSISTENT WITH THE CITY OF
TRACY GENERAL PLAN
APPLICATION NUMBER DET14-0002

WHEREAS, A subdivision map and Preliminary and Final Development Plan to develop "The Classics", a residential subdivision was approved by City Council on May 6, 2014, and

WHEREAS, The City of Tracy initiated a vacation of public right of way affecting the a portion of North MacArthur Drive, between I-205 and Pescadero Avenue to facilitate development of The Classics subdivision, and

WHEREAS, The site has a General Plan land use designation of Residential Medium, and

WHEREAS, The requested vacation of public right of way is consistent with the General Plan because it will allow residential use of the land, and

WHEREAS, The proposed vacation of public right of way is categorically exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby finds the vacation of public right of way affecting North MacArthur Drive is consistent with the General Plan.

The foregoing Resolution 2014-_____ was adopted by the Planning Commission on the 22nd day of October, 2014, by the following vote:

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

Chair

ATTEST:

Staff Liaison