

## 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, November 19, 2014  
7:00 P.M. (or as soon thereafter as possible)

**Location:** City of Tracy Council Chambers  
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

### REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS
2. NEW BUSINESS
  - A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION TO ALLOW AN INDOOR SPORTS AND FITNESS TRAINING FACILITY AND ACADEMIC TUTORING STUDIO AT 3402 MARS COURT (APN 248-470-05) AND AN OUTDOOR SPORTS AND FITNESS TRAINING FIELD ON THE 2.7-ACRE VACANT PARCEL AT THE SOUTHWEST CORNER OF MARS COURT (APN 248-470-26). APPLICANT IS ELITE TRAINING ACADEMY OF CALIFORNIA, LLC. PROPERTY OWNERS ARE STIP SPE I, LLC AND HOF FINANCIAL I, LLC. APPLICATION NUMBER CUP14-0004
  - B. PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE KAGEHIRO PHASE 3 PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 128-LOT RESIDENTIAL SUBDIVISION ON APPROXIMATELY 23.85 ACRES, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, A PORTION OF ASSESSOR'S PARCEL NUMBER 242-040-36. THE APPLICANT AND PROPERTY OWNER IS STANDARD PACIFIC CORPORATION. APPLICATION NUMBER D14-0020

- C. REPORT OF CONFORMITY WITH THE CITY OF TRACY GENERAL PLAN FOR A DISPOSAL OF REAL PROPERTY LOCATED THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK AND RIDE DRIVE (APN 212-290-48). THIS IS A CITY INITIATED PROJECT. APPLICATION NUMBER DET14-0003
- 3. ITEMS FROM THE AUDIENCE
- 4. DIRECTOR'S REPORT

Posted: **November 13, 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.

AGENDA ITEM 2-A

REQUEST

**PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION TO ALLOW AN INDOOR SPORTS AND FITNESS TRAINING FACILITY AND ACADEMIC TUTORING STUDIO AT 3402 MARS COURT (APN 248-470-05) AND AN OUTDOOR SPORTS AND FITNESS TRAINING FIELD ON THE 2.7-ACRE VACANT PARCEL AT THE SOUTHWEST CORNER OF MARS COURT (APN 248-470-26). APPLICANT IS ELITE TRAINING ACADEMY OF CALIFORNIA, LLC. PROPERTY OWNERS ARE STIP SPE I, LLC AND HOF FINANCIAL I, LLC. APPLICATION NUMBER CUP14-0004**

DISCUSSION

Site and Project Description

The subject property is located east of Tracy Boulevard in the vicinity of Gandy Dancer Drive and Mars Court (Attachment A: Location Map). The site includes an approximately 30,000 square foot existing building on an approximately 1.7 acre parcel at 3402 Mars Court (APN 248-470-05) and an approximately 2.7 acre vacant parcel at the southwest corner of Mars Court (APN 248-470-26).

The project consists of an indoor sports and fitness training facility and an academic tutoring studio proposed within a portion of the existing building at 3402 Mars Court and also an outdoor sports and fitness training field on the vacant 2.7 acre parcel across the street (Attachment B: Site Plan and Floor Plan).

The indoor training facility and tutoring studio would be located in two separate tenant spaces, totaling approximately 13,320 square feet. The project would offer an after school program for children, which would include both a fitness training session and an academic session. The fitness center would include weights and cardio equipment. The facility would also offer training for a wide variety of sports throughout the day. A juice bar would be included for refreshments. The academic portion would provide the children with assistance on homework and be conducted in a separate, adjacent tenant space with classroom/study areas. The separation in tenant spaces is necessary to comply with State Building Code requirements related to assembly uses.

The outdoor facility would include a 2.7 acre multi-purpose practice field for sports, such as football, baseball, soccer, and track. The practice field would be an extension of the indoor sports and fitness facility and be used by the same members. The practice field would not be intended for tournaments or games, but would rather be used to reinforce the techniques and lessons taught indoors. The entire practice field would be irrigated and planted with grass.

The proposed use would primarily serve children and would function similar to a gymnastics, dance, or martial arts studio, with the majority of the children being dropped-off and picked-up later. Adults would also be able to use the fitness center. The operating hours would be 8:00 a.m. to 8:00 p.m., seven days a week. The peak times

during the school year would be after school hours on weekdays and all day on weekends. Peak times during the summer would be all day, all week. The estimated maximum number of children during peak times would be approximately 120. The estimated maximum number of parents/adults to be present as spectators or fitness participants would be approximately 30. The maximum number of staff during peak times would be approximately 10.

The site is zoned Light Industrial (M1) and designated General Industrial by the City's Industrial Areas Specific Plan (ISP). The General Plan designation is Industrial (I). The surrounding areas to the north, west, and south are zoned Light Industrial (M1) and designated General Industrial by the ISP. The area to the east is zoned Planned Unit Development (PUD) for a residential subdivision, known as Glenbriar. The proposed use is allowed in the General Industrial designation of the ISP with approval of a Conditional Use Permit.

#### Land Use Compatibility

The Planning Commission has previously approved many other recreational and instructional uses in similar industrial areas. This particular building contains a church and a martial arts studio, which were both previously approved by the Planning Commission. Other tenants in the building include typical light industrial uses, such as warehouse, wholesale, distribution, and light manufacturing. The proposed use would be compatible with the uses permitted on this site and in the surrounding area because the hours of operation and characteristics of the use would not introduce noise, visual impacts, or other objectionable elements to the area.

#### Parking

The Tracy Municipal Code does not state specific off-street parking requirements for the proposed use. However, as is permitted by the Tracy Municipal Code, the Planning Commission has made the determination in previous years that the minimum parking requirements should be one space per employee and one space per every four non-driving age students for similar recreational and instructional uses, such as dance studios, karate studios, gymnastic studios, and children's jumpy places. This parking requirement is consistent with the applicant's expectation that most children will be dropped-off and picked-up later.

Based on the parking requirement stated above and the proposed project description, the number of required parking spaces would be 40. The existing site contains 23 parking spaces for the proposed tenant space. The applicant is proposing to add one on-site parking space and 16 off-site parking spaces. The addition of these 17 parking spaces would satisfy the minimum parking requirements for this use. The off-site parking spaces would be added to the existing row of parking located on the adjacent parcel to the north, which was constructed for the church.

Environmental Document

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain infill 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. Therefore, no further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow a sports and fitness training facility and academic tutoring studio at 3402 Mars Court, APN 242-040-05, and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court, APN 242-040-36, Application Number CUP14-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated November 19, 2014 (Attachment C: Planning Commission Resolution).

MOTION

Move that the Planning Commission approve a Conditional Use Permit to allow a sports and fitness training facility and academic tutoring studio at 3402 Mars Court, APN 242-040-05, and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court, APN 242-040-36, Application Number CUP14-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated November 19, 2014.

Prepared by Scott Claar, Associate Planner

Reviewed by Bill Dean, Assistant Development Services Director

Approved by Andrew Malik, Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan and Floor Plan (oversized)
- C: Planning Commission Resolution



RESOLUTION 2014-\_\_\_\_\_

APPROVING A CONDITIONAL USE PERMIT TO ALLOW  
AN INDOOR SPORTS AND FITNESS TRAINING FACILITY AND ACADEMIC  
TUTORING STUDIO AT 3402 MARS COURT (APN 248-470-05) AND AN OUTDOOR  
SPORTS AND FITNESS TRAINING FIELD ON THE 2.7 ACRE VACANT PARCEL AT  
THE SOUTHWEST CORNER OF MARS COURT (APN 248-470-26)  
APPLICATION NUMBER CUP14-0004

WHEREAS, On March 24, 2014, Elite Training Academy of California, LLC submitted an application to the Development Services Department for a Conditional Use Permit to allow an indoor sports and fitness training facility and academic tutoring studio at 3402 Mars Court (APN 248-470-05) and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court (APN 248-470-26), Application Number CUP14-0004, and

WHEREAS, The subject property is zoned Light Industrial (M1), designated General Industrial by the City's Industrial Areas Specific Plan (ISP), and designated Industrial by the City's General Plan, and

WHEREAS, The proposed use is allowed in the General Industrial designation of the ISP with approval of a Conditional Use Permit, and

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

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain infill development projects, because the project is consistent with the General Plan, Industrial Areas Specific 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, and

WHEREAS, The Planning Commission held a public hearing to review and consider the Conditional Use Permit application on November 19, 2014;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve a Conditional Use Permit to allow an indoor sports and fitness training facility and academic tutoring studio at 3402 Mars Court (APN 248-470-05) and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court (APN 248-470-26), Application Number CUP14-0004. The approval of Application Number CUP14-0004 is based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial

property right because the proposed use is not allowed unless the Planning Commission grants approval of a Conditional Use Permit.

2. The proposed location of the conditional use is in accordance with the objectives of Tracy Municipal Code Chapter 10.08 and the Industrial Areas Specific Plan (ISP) because the proposed use is allowed in the General Industrial designation of the ISP if the Planning Commission approves a Conditional Use Permit.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the proposed use, including hours of operation and characteristics of the use, would be compatible with the uses permitted on this site and in the surrounding area and would not introduce noise, visual impacts, or other objectionable elements to the area; and the proposed use will comply with the City of Tracy General Plan, the Industrial Areas Specific Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code.
4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, Zoning Ordinance, and the Industrial Areas Specific Plan because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Industrial Areas Specific Plan, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the Uniform Fire Code.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Planning Commission on the 19th day of November 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  
FOR A CONDITIONAL USE PERMIT TO ALLOW AN INDOOR SPORTS AND FITNESS  
TRAINING FACILITY AND ACADEMIC TUTORING STUDIO AT 3402 MARS COURT  
AND AN OUTDOOR SPORTS AND FITNESS TRAINING FIELD ON THE 2.7 ACRE  
VACANT PARCEL AT THE SOUTHWEST CORNER OF MARS COURT,  
ASSESSOR'S PARCEL NUMBERS 248-470-05 AND 248-470-26  
APPLICATION NUMBER CUP14-0004

These Conditions of Approval shall apply to the Conditional Use Permit approval to allow an indoor sports and fitness training facility and academic tutoring studio at 3402 Mars Court, Assessor's Parcel Number 248-470-05, and an outdoor sports and fitness training field on the 2.7 acre vacant parcel at the southwest corner of Mars Court, Assessor's Parcel Number 248-470-26, Application Number CUP14-0004 (hereinafter "Project") proposed by Elite Training Academy of California, LLC (hereinafter "Applicant").

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the Conditional Use Permit for Application Number CUP14-0004.
5. "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.
6. "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.
7. "Project" means the Conditional Use Permit approval to allow an indoor sports and fitness training facility and academic tutoring studio at 3402 Mars Ct., Assessor's Parcel Number 248-470-05, and an outdoor sports and fitness training field on the 2.7-acre vacant parcel at the southwest corner of Mars Court, Assessor's Parcel Number 248-470-26, Application Number CUP14-0004.
8. "Property" means the real property located at 3402 Mars Court, Assessor's Parcel Number 248-470-05, and the 2.7-acre vacant parcel at the southwest corner of Mars

Court, Assessor's Parcel Number 248-470-26, which is the subject of Conditional Use Permit Application Number CUP14-0004.

B. Planning Division Conditions of Approval

1. 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"), the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"), Uniform Building Code, and Uniform Fire Code.
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Any violation of State or Federal Law or local ordinances shall be grounds for revocation of the conditional use permit.
4. Pursuant to Government Code section 65009, including section 65009(e)(1), the City HEREBY NOTIFIES the applicant that any action challenging these conditions must be commenced, in writing, within 90 days of the approval of this conditional use permit.
5. The project shall be developed in substantial compliance with the site plan and floor plans received by the Development Services Department on November 12, 2014, except as modified herein, to the satisfaction of the Development Services Director.
6. Prior to occupancy, the Applicant shall comply with all requirements of the California State Building Code and Fire Code, including, but not limited to, submittal of construction plans for change of occupancy with a mixed-occupancy formula calculation, compliance with occupancy separations and disabled access upgrades, installation of fire extinguishers, radio coverage, potential modifications to sprinkler systems, and modifications to the entire exiting system, to the satisfaction of the City's Chief Building Official.
7. Prior to occupancy, all new parking area improvements shall be installed in a manner that complies with City paving, striping, landscaping, and irrigation requirements, to the satisfaction of the Development Services Director.
8. Prior to occupancy, the applicant shall cause to be recorded a reciprocal parking and access agreement, covenant, or easement affecting both the property at 3402 Mars Court and the adjacent lot to the north, to ensure that the new parking spaces remain available for the subject property, to the satisfaction of the Development Services Director.
9. Prior to ground disturbance, including installation of irrigation and landscape improvements for the 2.7-acre vacant parcel at the southwest corner of Mars Court

(APN 248-470-26) and paving, irrigation and landscape improvements for the new parking area on the adjacent lot to the north of the property at 3402 Mars Court, the applicant shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including a pre-construction survey prior to ground disturbance, and any applicable fees, to the satisfaction of San Joaquin Council of Governments.

10. All new roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes shall be screened from view from any public right-of-way by parapet walls at least equal in height to the height of the equipment installed, to the satisfaction of the Development Services Director. No roof-mounted equipment, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from the public right-of-way.

AGENDA ITEM 2-B

REQUEST

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE KAGEHIRO PHASE 3 PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 128-LOT RESIDENTIAL SUBDIVISION ON APPROXIMATELY 24 ACRES LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE. THE APPLICANT AND PROPERTY OWNER IS STANDARD PACIFIC CORPORATION. APPLICATION NUMBER D14-0020**

BACKGROUND

On August 20, 2013, City Council approved the Kagehiro Phase 3 project, which included rezoning an approximately 47 acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36) from Low Density Residential (LDR) to Planned Unit Development (PUD), approving a Concept, Preliminary and Final Development Plan, and approving a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001).

Standard Pacific Corporation has now purchased the western half of the Kagehiro Phase 3 property, approximately 24 acres (Attachment A: Location Map). On September 2, 2014, Standard Pacific submitted an application to amend the Kagehiro Phase 3 Preliminary and Final Development Plan regarding the architecture and design of the proposed houses.

DISCUSSION

Preliminary and Final Development Plan

The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan involves a change to the approved architecture for the western half of the Kagehiro Phase 3 property, approximately 24 acres, for a 128-lot residential subdivision because Standard Pacific Corporation desires to build houses with different architecture than previously approved (Attachment B: Preliminary and Final Development Plan/ Architectural Packet and Attachment C: Conceptual House Plotting Plan).

The proposed architecture consists of five plan types (all single-family detached homes) with four different elevation types per plan (total of 20 different house designs). The proposed houses range in size from approximately 2,300 square feet to 3,700 square feet, with one single-story plan type and the rest two-story. The proposed architecture includes a variety of building materials and interesting details. The architectural details are generally carried around to all four sides of the houses. The proposal includes setting back the garages a minimum of 30 feet from the front property line on at least 20% of the lots. The proposed amendment is consistent with the City's Design Goals and Standards.

### Environmental Document

As documented in the City Council approvals on August 20, 2013, the Kagehiro Phase 3 Preliminary and Final Development Plan and the Vesting Tentative Subdivision Map are consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011. All cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan, which involves a change only to the architecture, would not affect the previous findings. Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

### RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve an amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for a 128-lot residential subdivision on approximately 24 acres located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Application Number D14-0020, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated November 19, 2014 (Attachment D: Planning Commission Resolution).

### MOTION

Planning Commission recommends that the City Council approve an amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for a 128-lot residential subdivision on approximately 24 acres located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Application Number D14-0020, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated November 19, 2014.

Prepared by: Scott Claar, Associate Planner

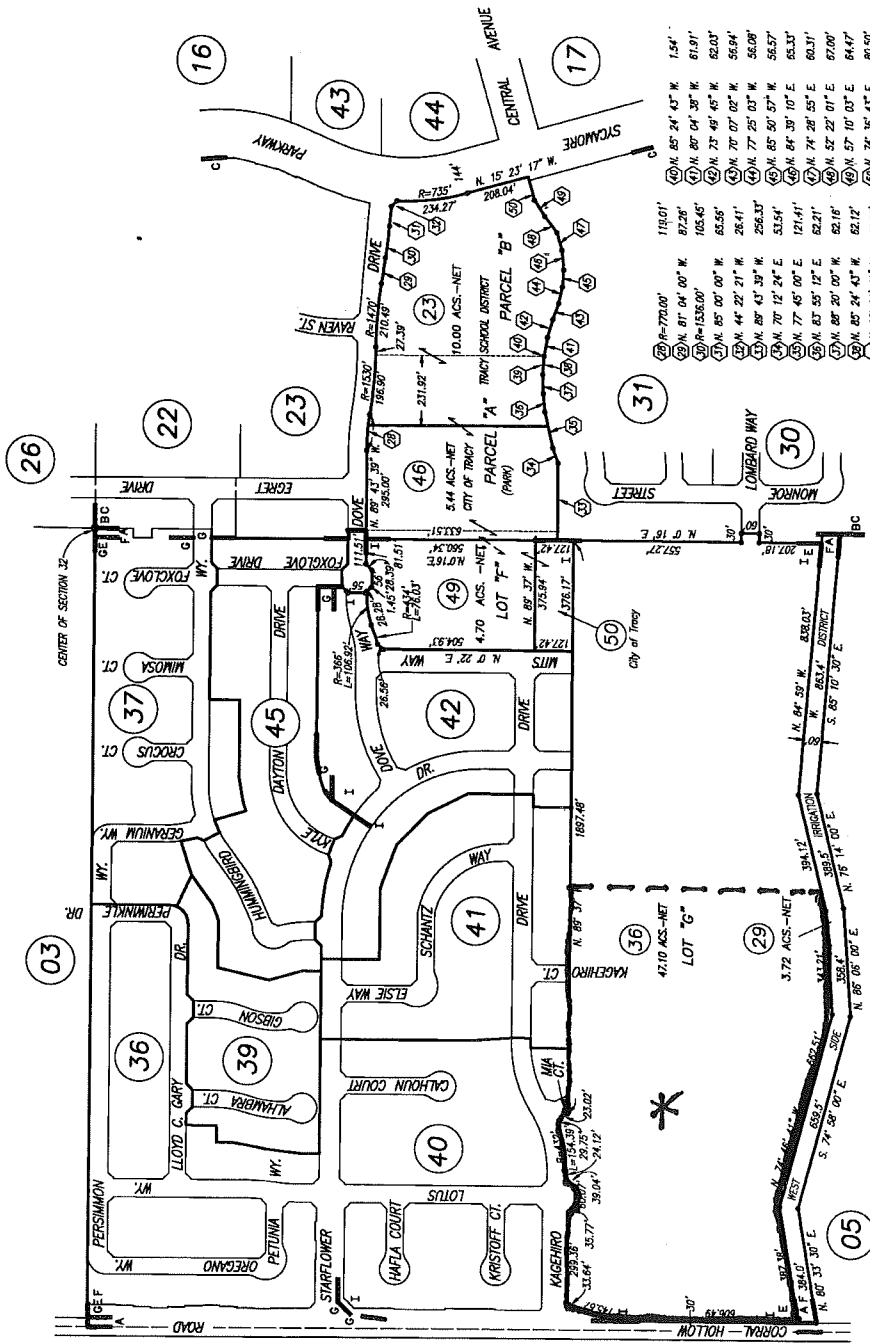
Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: Andrew Malik, Development Services Director

### ATTACHMENTS

- A: Location Map
- B: Preliminary and Final Development Plan/ Architectural Packet (oversized)
- C: Conceptual House Plotting Plan (oversized)
- D: Planning Commission Resolution

# \*LOCATION MAP



YEAR	HIGHEST A.P.N. USED	PAR. #	IPAR. #	IPAR. #
82-83	22			
86-87	28			
88-89	30			
2000	39			
01-02	40			
2001	42			
2002	44			
03-04	46			
04-05	48			
05-06	50			

- ① N. 85° 24' 43" W. 1.54'
- ② N. 80° 04' 30" W. 61.91'
- ③ N. 75° 49' 45" W. 92.00'
- ④ N. 70° 07' 02" W. 55.64'
- ⑤ N. 77° 29' 03" W. 56.00'
- ⑥ N. 65° 50' 57" W. 56.57'
- ⑦ N. 64° 30' 10" E. 65.33'
- ⑧ N. 74° 26' 55" E. 60.31'
- ⑨ N. 52° 29' 01" E. 67.00'
- ⑩ N. 57° 10' 03" E. 64.47'
- ⑪ N. 74° 36' 43" E. 60.50'
- ⑫ N. 85° 24' 43" W. 61.58'
- ⑬ N. 81° 04' 00" W. 91.26'
- ⑭ N. 1536.00'
- ⑮ N. 85° 00' 00" W. 65.25'
- ⑯ N. 44° 22' 21" W. 26.41'
- ⑰ N. 89° 43' 39" W. 256.33'
- ⑱ N. 70° 12' 24" E. 53.54'
- ⑲ N. 77° 45' 00" E. 121.41'
- ⑳ N. 63° 55' 12" E. 62.21'
- ㉑ N. 89° 20' 00" W. 62.16'
- ㉒ N. 85° 24' 43" W. 62.12'
- ㉓ N. 85° 24' 43" W. 61.58'

CITY OF TRACY  
 Assessor's Map Bk. 242 Pg. 04  
 County of San Joaquin, Calif.

92-93

△ - WILLIAMSON ACT PARCELS  
 NOTE: Assessor's Parcel Numbers Shown in Circles  
 Assessor's Block Numbers Shown in Ellipses

- B - R. M. Bk. 30 Pg. 032
- C - R. M. Bk. 31 Pg. 035
- D - R. M. Bk. 30 Pg. 022
- F - P. M. Bk. 06 Pg. 245
- G - R. M. Bk. 20 Pg. 52
- I - R. M. Bk. 34 Pg. 059
- I - R. M. Bk. 38 Pg. 053

RESOLUTION 2014-\_\_\_\_\_

RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE  
KAGEHIRO PHASE 3 PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 128-  
LOT RESIDENTIAL SUBDIVISION ON APPROXIMATELY 24 ACRES LOCATED AT  
THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE,  
A PORTION OF ASSESSOR'S PARCEL NUMBER 242-040-36  
APPLICATION NUMBER D14-0020

WHEREAS, The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997, and

WHEREAS, On August 20, 2013, City Council approved the Kagehiro Phase 3 project, which included rezoning an approximately 47-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36) from Low Density Residential (LDR) to Planned Unit Development (PUD), approving a Concept, Preliminary and Final Development Plan, and approving a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001), and

WHEREAS, On September 2, 2014, Standard Pacific Corporation submitted an application to amend the Kagehiro Phase 3 Preliminary and Final Development Plan, and

WHEREAS, The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan involves a change to the approved architecture for the western half of the Kagehiro Phase 3 property, approximately 24 acres, for a 128-lot residential subdivision because Standard Pacific Corporation desires to build houses with different architecture than previously approved, and

WHEREAS, The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan, including the site plan and architectural renderings, are in compliance with the City's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, deemphasized the garages, used architectural features on all four sides of each house, and provided ample mix and frequency of each house type, and

WHEREAS, As documented in City Council approvals on August 20, 2013, the Kagehiro Phase 3 Preliminary and Final Development Plan and the Vesting Tentative Subdivision Map are consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011. All cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. The proposed amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan, which involves a change only to the architecture, would not affect the previous findings. Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on November 19, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve an amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for a 128-lot residential subdivision on approximately 24 acres located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Application Number D14-0020, subject to the conditions stated in Exhibit "1" attached and made part hereof.

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The foregoing Resolution \_\_\_\_\_ was adopted by the Planning Commission on the 19<sup>th</sup> day of November, 2014, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON



**Conditions of Approval for an Amendment to the Kagehiro Phase 3  
Preliminary and Final Development Plan  
Application Number D14-0020**

These Conditions of Approval shall apply to the amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for the western half of the Kagehiro Phase 3 property, approximately 24 acres, for a 128-lot residential subdivision located at the southeast corner of Corral Hollow Road and Kagehiro Drive, a portion of Assessor's Parcel Number 242-040-36, Application Number D14-0020.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "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.
5. "Conditions of Approval" shall mean the conditions of approval applicable to the amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for the western half of the Kagehiro Phase 3 property, approximately 24 acres, for a 128-lot residential subdivision located at the southeast corner of Corral Hollow Road and Kagehiro Drive, a portion of Assessor's Parcel Number 242-040-36, Application Number D14-0020. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means the amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan for a 128-lot residential subdivision on the western half of the Kagehiro Phase 3 property, consisting of approximately 24 acres of real property, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, a portion of Assessor's Parcel Number 242-040-36, Application Number D14-0020.
7. "Property" means the approximately 24 acres of real property located at the southeast corner of Corral Hollow Road and Kagehiro Drive, a portion of Assessor's Parcel Number 242-040-36.
8. "Subdivider" 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. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval

1. 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 Subdivision Map Act (Government Code sections 66410, 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 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. The Project shall be consistent with the amendment to the Kagehiro Phase 3 Preliminary and Final Development Plan, including the architectural packet, received by the Development Services Department on November 5, 2014, Application Number D14-0020, to the satisfaction of the Development Services Director.
4. Except as modified herein, the Developer shall comply with all conditions of approval of the Kagehiro Phase 3 Vesting Tentative Subdivision Map and Preliminary/ Final Development Plan, Application Numbers TSM12-0001 and PUD13-0001, as approved by City Council on August 20, 2013, to the satisfaction of the Development Services Director.

AGENDA ITEM 2-C

REQUEST

**REPORT OF CONFORMITY WITH THE CITY OF TRACY GENERAL PLAN FOR THE DISPOSAL OF REAL PROPERTY LOCATED THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK AND RIDE DRIVE (APN 212-290-48). THIS IS A CITY INITIATED PROJECT - APPLICATION NUMBER DET14-0003**

DISCUSSION

Background

In April 2005, the City approved a Disposition and Development Agreement (DDA) with Armadillo Realty LLC., a Nevada limited liability company. The Agreement provides for the Developer to develop a Texas Roadhouse Restaurant and certain onsite and offsite improvements, which included streets, sidewalks, storm drains, sanitary sewers, common area landscaping, and other improvements on Parcel 1. The DDA also provided that the Developer develop certain infrastructure on the real property adjacent to Parcel 1, referred to as Parcel 2 (Attachment A), which consisted of a 4,000 square foot pad site and certain onsite and offsite improvements, which included streets, sidewalks, storm drains, sanitary sewers, common area landscaping, and other improvements.

Since the execution of that agreement, the site has not been occupied. Due to site constraints, the City has received sparse interest in developing the site, particularly as it relates to restaurants focused on providing a "sit-down style" business model. Becker Commercial Properties Tracy, LLC (BCP) is currently marketing the property under an Exclusive Negotiating Rights Agreement (ENRA) and has received a fully executed Letter of Intent from El Pollo Loco, a new restaurant use for the City of Tracy, which plans to develop and occupy the site. In order for development of the property to move forward, the subject property must be conveyed to the new property owner upon the execution of a purchase and sale agreement.

The City has initiated this disposal of real property because it has been determined that the subject property will not be needed for any future public facilities.

Whenever a public agency proposes to dispose of real property, California Government Code, Section 65402 requires a report of conformity with the General Plan. If the Planning Commission reports that disposal of the property is in conformance with the General Plan, City Council will conduct a public hearing and decide whether or not to declare a surplus of property and vacate the property for sale.

General Plan Conformity

The subject property has a General Plan land use designation of Commercial and a zoning designation of Planned Unit Development within the I-205 Corridor Specific Plan. The commercial land use designation allows restaurants. The proposed sale is for the development and operation of a restaurant on the site. The requested disposal of real

property, therefore, is in conformance with the General Plan because it would allow commercial use of the land in conjunction with the adjacent restaurant uses.

#### Environmental Document

The proposed disposal of real property 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 where the property proposed for disposal does not have significant value for wildlife habitat or other environmental purposes. The small parcel has no wetlands or stream crossings, has been graded and cleared for several decades, and is surrounded by urban uses, and therefore has no significant wildlife or environmental value.

#### RECOMMENDATION

Staff recommends that the Planning Commission report that the disposal of real property located at the southeast corner of Naglee Road and Park and Ride Drive is in conformity with the City of Tracy General Plan, as stated in the Planning Commission Resolution (Attachment B: Planning Commission Resolution).

#### MOTION

Move that the Planning Commission report that the disposal of real property located at the southeast corner of Naglee Road and Park and Ride Drive is in conformity with the City of Tracy General Plan, as stated in the Planning Commission Resolution.

Prepared by: Barbara Harb, Management Analyst  
Approved by : Bill Dean, Assistant Development Services Director  
Andrew Malik, Development Services Director

#### ATTACHMENTS

- A: Location Map
- B: Planning Commission Resolution

POR. NAGLEE BURK TRACT

THIS MAP IS FOR ASSESSMENT USE ONLY

212-29



- A - R. S. Bk. 19 Pg. 122
- B - P. M. Bk. 09 Pg. 047
- C - P. M. Bk. 21 Pg. 026
- D - P. M. Bk. 22 Pg. 044
- E - P. M. Bk. 22 Pg. 076
- F - P. M. Bk. 23 Pg. 125

HIGHEST A.P.N. USED			
YEAR	PAR. #	PAR. #	PAR. #
03-04	21	52	34
04-05	36		
05-06	38		
06-07	44	48	
07-08	47		
09-10	48		

CITY OF TRACY  
Assessor's Map Bk.212 Pg.29  
County of San Joaquin, Calif.

Bk. 238

NOTE: Assessor's Parcel Numbers Shown in Circles.  
Assessor's Block Numbers Shown in Ellipses.

03-04

RESOLUTION 2014-\_\_\_\_\_

REPORT OF CONFORMITY WITH THE CITY OF TRACY GENERAL PLAN FOR THE DISPOSAL OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK AND RIDE DRIVE (APN 212-290-48) - APPLICATION NUMBER DET14-0003

WHEREAS, The subject property is City-owned and located at the southeast corner of Naglee Road and Park and Ride Drive (APN 212-290-48), and

WHEREAS, In April 2005, a Disposition and Development Agreement provided for the development of a 4,000 square foot pad and certain onsite and offsite improvements, and

WHEREAS, The City has initiated the disposal of real property because it has been determined that the subject property will not be needed for any future public facilities, and

WHEREAS, City staff has analyzed the proposed disposal of real property to ensure the conformity of the proposal with the goals, policies, and actions of the City of Tracy's current General Plan, and

WHEREAS, The Planning Commission conducted a public meeting to review and consider the conformity of the proposed disposal of real property with the General Plan on November 19, 2014, and

WHEREAS, The disposal of real property is in conformance with the General Plan because it would allow commercial use of the land in conjunction with the adjacent restaurant uses;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby reports that disposal of the subject property located at the southeast corner of Naglee Road and Park and Ride Drive (APN 212-290-48) is in conformance with the City's General Plan goals, policies, and actions.

\*\*\*\*\*

The foregoing Resolution 2014-\_\_\_\_\_ was adopted by the Planning Commission on the 19<sup>th</sup> day of November, 2014, by the following vote:

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

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Staff Liaison