

## 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, December 3, 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. MINOR AMENDMENT TO THE COSTCO FINAL DEVELOPMENT PLAN FOR MODIFICATION OF THE GASOLINE SERVICE STATION AT 3250 W. GRANT LINE ROAD - APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS AND PROPERTY OWNER IS COSTCO WHOLESALE CORPORATION - APPLICATION NUMBER D14-0019
  - B. MINOR AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CHANGE THE MINIMUM LOT WIDTH AND DEPTH DIMENSIONS, AND ADJUST THE MINIMUM STREET SIDE YARD SETBACKS WITHIN THE TRINITY LANE SUBDIVISION. THE PROJECT IS LOCATED AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY – APPLICANT AND OWNER IS PULTE HOMES – ASSESSOR'S PARCEL NUMBERS 238-620-01 THROUGH 70
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **November 26, 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, OCTOBER 22, 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, Commissioner Sangha, Commissioner Mitracos, and Commissioner Ransom present. Also present were staff members Bill Dean, Assistant Development Services Director, Kimberly Matlock, Assistant Planner, Bill Sartor, Assistant City Attorney, and Sandra Edwards, Recording Secretary.

**MINUTES APPROVAL**

The minutes of August 27, 2014, and September 24, 2014, were approved with revisions.

**DIRECTOR'S REPORT REGARDING THIS AGENDA** – Bill Dean, Assistant Development Services Director, reported that City Council had approved the Grant Line Road apartment project.

**ITEMS FROM THE AUDIENCE** – None.

1. **OLD BUSINESS** – None.

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 COURT (120 MURRIETA WAY) – APPLICANT IS RICHARD LARSON AND PROPERTY OWNER IS TR 120, LLC – APPLICATION NUMBERS CUP14-0007 AND D14-0013 – Kimberly Matlock, Assistant Planner, provided the staff report. Ms. Matlock stated 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.

The elementary school will be located in the southern end of the business area, further from the main roads such that student drop-off and pick-up would have minimal impacts on nearby industrial businesses. The school will consist 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.

The applicant is also seeking Development Review approval of an approximately 35,000 square foot building, outdoor play area, nature garden, and parking area improvements.

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. The building uses a mix of metal panels in various colors, glazing, and masonry to create a modern design, and an equipment well will hide roof-mounted and through-roof equipment required to serve the building. The project meets the TMC off-street parking and landscaping requirements and is designed with good vehicular and pedestrian circulation.

The applicant will extend the left-turn lanes at the intersections of Tracy Boulevard and Gandy Dancer Drive and at Tracy Boulevard and Valpico Road to accommodate the increase in traffic generated by the school.

Staff recommended that the Planning Commission approve the project, because, as designed, it will operate in a compatible manner with the businesses in the vicinity.

Commissioner Ransom asked if there were plans to extend the lane divider further down the street. Cris Mina, Senior Civil Engineer, stated a CIP project was planned, which would include a traffic signal, lengthening the left turn lane, and could include a raised median.

Commissioner Ransom asked if there was a tentative date for the CIP project. Mr. Mina stated the developer was only required to make improvements to serve their project. Mr. Mina added the developer is required to increase the length of the left turn lane to accommodate the number of cars that will visit their site.

Commissioner Ransom asked if the CIP mentioned was already planned. Mr. Mina stated the design should be complete in six to eight months with construction taking another six to eight months.

Chair Orcutt asked if the City could extend the yellow line in the interim. Mr. Mina stated he would check with the Public Works Department.

Vice Chair Vargas asked if the CIP would include sidewalks. Mr. Mina stated industrial areas only have sidewalks on one side of the street and could be part of the CIP. Mr. Mina stated he would see if the sidewalk could be accommodated. Vice Chair Vargas asked that an update on the CIP be provided. Vice Chair Vargas stated she would like a sidewalk on at least one side of the street.

Commissioner Mitracos asked for a brief history of the Grandy Dancer and Mars Court area. Mr. Mina stated it was constructed as part of the South Tracy Industrial Park in 2003.

Commissioner Mitracos asked if financing for the road improvements was the responsibility of the City. Mr. Mina stated it was the City's responsibility, and would be funded from development impact fees. Commissioner Mitracos asked if fees were collected. Mr. Mina discussed the improvements that were financed by development.

Mr. Dean added that the nature of the area has been changing and staff realizes that additional access points may have to occur, along with additional landscaping and greater pedestrian access. Mr. Dean stated staff concludes that the application works for the area.

Vice Chair Vargas asked if staff was aware of any hazardous chemicals in the area. Mr. Dean stated that as part of the application process, applications are reviewed by the Fire Department and Chief Building Official who would be aware of the surrounding uses.

Chair Orcutt stated he saw this as the start of future applications for similar uses. Mr. Dean stated no other applications were pending for the area at this time.

Commissioner Ransom stated she was encouraged by the diversity of area, and as the area is improved, would add accessibility for residents in the area.

Commissioner Mitracos asked for clarification regarding building height. Ms. Matlock stated 40 feet was the maximum building height for this area.

Chair Orcutt opened the public hearing.

Richard Larson, project architect, stated the building height was 40 feet at the multi-purpose building, and explained the location of the equipment well.

Chair Orcutt asked for the age range and total number of potential students. Chair Orcutt also asked how many trips per day staff was expecting. Mr. Mina stated the owner, Pamela Rigg, indicated the site would have a maximum of 162 students in five years, an addition of 13 to 15 staff members, which would generate approximately 377 trips per day. Mr. Mina added that the street capacity was 2,000 trips per day.

Vice Chair Vargas stated she loved the architecture and the play areas.

Commissioner Ransom asked if there was an estimated start and finish date. Mr. Larson stated the owner would like to have the facility opened by next August, but he estimated spring, 2016.

Commissioner Sangha asked if the plan was to keep it as an elementary school. Mr. Larson stated the building is designed to accommodate an expansion, but none was planned at this time.

Chair Orcutt asked if a fence was planned. Mr. Larson stated there is a fence along the existing residential homes, and a fence on the south side.

Cathy MacIntosh, Director of the Montessori school, addressed the Commission stating she was authorized to accept the conditions for the project.

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

It was moved by Commissioner Ransom and seconded by Vice Chair Vargas 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. Voice vote found all in favor; passed and so ordered.

- B. 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. Kimberly Matlock, Assistant Planner, provided the staff report. Ms. Matlock stated 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.

City Council approved the subdivision map and a Preliminary and Final Development Plan for The Classics, at the northwest corner of North MacArthur Drive and Pescadero Avenue on September 16, 2008. 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. This additional three feet of land will allow for uniform lot depth within The Classics subdivision.

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. City Council will conduct a public hearing and decide whether or not to vacate the property.

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.

Staff recommended 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.

Commissioner Ransom asked for clarification regarding the lot size. Ms. Matlock confirmed the lot size as 3 feet wide and approximately 300 feet long. Mr. Mina added the City does not want to own this parcel of land. Mr. Mina outlined on the overhead the adjacent lots that would be affected.

Vice Chair Vargas asked if this additional piece of property would be recorded on the individual parcels. Mr. Mina responded off microphone.

Chair Orcutt invited members of the public to address Commission on the item. There was no one wishing to address the Commission.

It was moved by Vice Chair Vargas and seconded by Commissioner Ransom that the Planning Commission determine that vacation of the 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. Voice vote found all in favor; passed and so ordered.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – Bill Dean announced that the November 5, 2014, Planning Commission would be cancelled due to the City Council meeting being moved to that date because of the election.
5. ITEMS FROM THE COMMISSION - None.
6. ADJOURNMENT – It was moved by Commissioner Ransom and seconded by Commissioner Mitracos to adjourn. Time: 7:47 p.m.

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CHAIR

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STAFF LIAISON

AGENDA ITEM 2-A

REQUEST

**MINOR AMENDMENT TO THE COSTCO FINAL DEVELOPMENT PLAN FOR MODIFICATION OF THE GASOLINE SERVICE STATION AT 3250 W. GRANT LINE ROAD - APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS AND PROPERTY OWNER IS COSTCO WHOLESALE CORPORATION - APPLICATION NUMBER D14-0019**

DISCUSSION

Background

On December 18, 2001, City Council approved a Preliminary and Final Development Plan and a Conditional Use Permit for the Costco retail warehouse, tire facility, and sixteen-pump gasoline service station in the Tracy Marketplace shopping center. Costco constructed twelve of the sixteen approved pumps. Costco is now proposing to install the remaining four pumps and two underground tanks consisting of a 20,000 gallon diesel fuel tank and a 1,500 gallon diesel additive tank. The service station canopy is proposed to be modified to accommodate the additional pumps.

The site is designated Commercial by the General Plan, zoned Planned Unit Development (PUD), and is designated General Commercial (GC) in the I-205 Corridor Specific Plan. Gasoline service stations are conditionally permitted, and because the project is consistent with the existing Conditional Use Permit granted in 2001, no amendment to the Conditional Use Permit is required for the project.

The proposed configuration differs from the original configuration shown in the approved Final Development Plan. In accordance with the Tracy Municipal Code and the I-205 Corridor Specific Plan, the Development Services Director has determined that the modification is a minor amendment to the approved Final Development Plan and that it is consistent with the concept and preliminary development plan. The Planning Commission and City Council shall review minor amendments to Final Development Plans.

Project Analysis

Two pump islands, consisting of two pumps each for a total of four new pumps, are proposed to be added within what is currently being used as queuing lanes for the existing pumps. The overhead canopy will be modified to match. A diesel fuel tank and a diesel additive tank are proposed to be installed underground near the new pumps. A small portion of an existing large landscape planter will need to be demolished for the underground tanks.

The architecture of the canopy modification and added pump islands is consistent with the existing improvements and complies with the City's Design Goals and Standards for commercial architecture. A recommended condition of approval is that the property



owner re-plant the trees that have died or have been removed overtime to conform with the landscape plans approved with the Costco building permit issued in 2002.

#### Environmental Document

The proposed Final Development Plan amendment is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining to additions less 10,000 square feet in size to existing structures in an area where all public services and facilities are available and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

#### RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council approve the minor amendment to the Costco Final Development Plan for the service station canopy modification and addition of four fuel pumps and underground diesel tanks, based on the findings contained in the Planning Commission Resolution dated December 3, 2014.

#### MOTION

Move that the Planning Commission recommend that the City Council approve the minor amendment to the Costco Final Development Plan for the service station canopy modification and addition of four fuel pumps and underground diesel tanks, based on the findings contained in the Planning Commission Resolution dated December 3, 2014.

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Director

#### ATTACHMENTS

Attachment A – Location Map, Site, Landscape, and Elevation Plans (oversized)

Attachment B – Planning Commission Resolution

RESOLUTION \_\_\_\_\_

RECOMMENDING CITY COUNCIL APPROVAL OF A MINOR AMENDMENT TO THE COSTCO FINAL DEVELOPMENT PLAN FOR THE MODIFICATION OF THE GASOLINE SERVICE STATION AT 3250 W. GRANT LINE ROAD - APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS AND PROPERTY OWNER IS COSTCO WHOLESALE CORPORATION. APPLICATION NUMBER IS D14-0019.

WHEREAS, City Council approved a Conditional Use Permit and a Preliminary and Final Development Plan for the Costco retail warehouse and gasoline service station with sixteen fuel pumps on December 18, 2001, and

WHEREAS, Costco has only constructed twelve of the sixteen approved fuel pumps, and

WHEREAS, The applicant submitted an application on behalf of Costco to construct the remaining four fuel pumps, modify the service station canopy, and install underground diesel fuel and diesel additive tanks within the existing service station area, and

WHEREAS, The proposed design of the canopy and fuel pump modification differs from the approved Final Development Plan and requires a minor amendment to the Final Development Plan, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining to additions less 10,000 square feet in size to existing structures in an area where all public services and facilities are available and which is not environmentally sensitive, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on December 3, 2014;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission does hereby recommend that the City Council approve the minor amendment to the Costco Final Development Plan for the service station canopy modification and addition of four fuel pumps and underground diesel tanks, Application Number D14-0019, subject to the conditions contained in Exhibit 1 to this Resolution and based on the findings below.

1. The establishment, maintenance, and operation of the proposed improvements are compatible with the land use, design, and operational characteristics of the neighboring properties, because the proposed service station modification design and operations are consistent with the existing service station, and the land use is permitted through a Conditional Use Permit granted in 2001.
2. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and its associated structure, or to the general welfare of the City because the project, as conditioned, is consistent with the land use, design, and other elements of the I-205 Corridor Specific Plan, the Tracy Municipal Code the City of Tracy

General Plan, the Design Goals and Standards, City Standards, California Building Codes, and California Fire Codes.

- 3. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity and will not adversely visually impair the benefits of the properties in the vicinity, because the modification will be constructed within the existing service station area and not affect the operations of the retail warehouse or other nearby business. The canopy modification will match architecturally, and trees which have died or been removed overtime will be replanted in the parking area.

\* \* \* \* \*

The foregoing Resolution 2014 - \_\_\_\_\_ was adopted by the Planning Commission on the 3<sup>rd</sup> day of December, 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**

Costco Gasoline Service Station Modification at 3250 W. Grant Line Road  
Application Number D14-0019  
December 3, 2014

**A. General Provisions and Definitions.**

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

The Project: Costco Gasoline Service Station Modification, Application Number D14-0019

The Property: 3250 W. Grant Line Road, Assessor's Parcel Number 238-600-06

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 I-205 Corridor Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at 3250 W. Grant Line Road, Application Number D14-0019. 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 plans received by the Development Services Department on November 25, 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.

## **B. Development Services Department Conditions**

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

- B.1. Vent Risers. Before the issuance of a building permit, the applicant shall submit detailed plans to demonstrate the vent risers screened from general view by a landscape screen to the satisfaction of the Development Services Director. The screen shall consist of tall and evergreen landscaping material, and the vent risers and its protection bollards, if installed, shall be painted a color that blends into the landscaping or otherwise renders it unnoticeable.
- B.2. Signs. No signs are approved as a part of this application. Prior to the installation of signage, the applicant shall obtain applicable sign and building permits. Signs shall be designed and located in substantial compliance to the architectural renderings submitted on November 24, 2014, and in accordance with I-205 Corridor Specific Plan and Tracy Municipal Code (TMC) Sign Standards to the satisfaction of the Development Services Director.
- B.3. Columns, bollards and guard posts. Before final inspection or certificate of occupancy, all bollards, guard posts, and similar improvements that are visible to the general public shall be painted white to match the canopy columns to the satisfaction of the Development Services Director.
- B.4. Parking lot trees. Before final inspection or certificate of occupancy, the applicant shall replant the missing parking lot trees in accordance with the landscape plans received by the City of Tracy on April 1, 2002, to the satisfaction of the Development Services Director.

AGENDA ITEM 2-B

REQUEST

**MINOR AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CHANGE THE MINIMUM LOT WIDTH AND DEPTH DIMENSIONS, AND ADJUST THE MINIMUM STREET SIDE YARD SETBACKS WITHIN THE TRINITY LANE SUBDIVISION. THE PROJECT IS LOCATED AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY – APPLICANT AND OWNER IS PULTE HOMES – ASSESSOR’S PARCEL NUMBERS 238-620-01 THROUGH 70**

DISCUSSION

Background

On March 18, 2014, City Council approved a Preliminary and Final Development Plan for the Trinity Lane 60-unit subdivision map and Planned Unit Development (PUD) at Lammers Road and Feteira Way (Attachment A). Since that time, the final map has been recorded and grading and construction have commenced.

Project Summary

At the time of the project approval, the developer proposed their Vesting Tentative Subdivision Map, as well as their corresponding PUD standards, and those standards were approved by City Council as proposed. Upon review of the first building permits within the project, staff realized that the width of many of the lots within the project did not meet the minimum 29 feet as was established with the PUD. Many of the lots were 28.7 feet wide, rather than 29 feet. Discussion with the developer and their engineer revealed that this discrepancy occurred because the tentative map that was approved showed the lot dimensions in whole numbers, whereas the precise lot widths were actually slightly smaller. In order to correct this error due to rounding, the developer proposes to amend the minimum lot width to 28 feet (Attachment B). This proposed change does not affect any of the building setbacks as they were shown on the approved PUD and development plan.

The minimum lot depth as established in the PUD is currently 60 feet. Because most of the subdivision’s lots are not a perfect rectangle, some lots have a measurement that is deeper on one side than the other. While the depth of most lots in the project is more than 70 feet, some have one side that is shorter than the 60-foot deep standard. The City’s Municipal code regulations do not include a definition of lot depth, and therefore lot depth could be interpreted as either the longest or shortest measurements on the map, or possibly the average depth across a lot. In order to prevent any confusion regarding lot depth in this situation, an adjustment from a minimum of 60 feet to 58 feet is proposed to reflect the actual dimension of the shallowest lots approved on the subdivision map (Attachment B). This change does not result in any differences in the approved front or rear yard building setbacks.

The final proposed amendment to the PUD is for building setbacks along street-facing side yards. Internal lots within the PUD have a minimum building setback of 4 feet on

one side and zero lot line on the other, but street side yards were proposed to be at least 5 feet wide, with open porches allowed to encroach into that setback area. Once the developer plotted the houses on the lots on their building permit applications, it was determined that the houses as designed do not fit on some of the narrower of the six corner lots on the site. They are proposing to reduce the 5-foot setback to 4 feet, matching the internal lots (Attachment B). Because the proposed change only varies by one foot and the lots are all on private narrow streets, staff agrees that the proposed reduction would not have a significant visual or functional effect on the high-density site.

#### Environmental Document

The project is consistent with the Initial Study/Negative Declaration for the Citation/Souza Project, adopted by City Council on August 16, 1994, and the General Plan EIR certified on February 1, 2011. No further environmental review or documentation is required pursuant to California Environmental Quality Act Guidelines, Section 15162, as no significant changes have occurred to the project or the environment after approval of the Negative Declaration.

#### RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the minor amendment to the PUD to change the minimum lot width, minimum lot depth, and minimum street side yard setbacks based on the findings contained in the Planning Commission Resolution dated December 3, 2014 (Attachment C).

#### MOTION

Move that the Planning Commission recommend that the City Council approve the minor amendment to the PUD to change the minimum lot width, minimum lot depth, and minimum street side yard setbacks based on the findings contained in the Planning Commission Resolution dated December 3, 2014 (Attachment C).

Prepared by Victoria Lombardo, Senior Planner

#### ATTACHMENTS

- A—Location Map
- B—Proposed PUD Changes in strikethrough underline format
- C—Planning Commission Resolution

ATTACHMENT A

Project Site



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



PLANNED UNIT DEVELOPMENT (PUD)  
FETEIRA SUBDIVISION

1. PURPOSE

The purpose of the PUD is to allow a unit type and size within the project that maximizes the efficiency of private open space, pedestrian usage, and enhancement of public improvements, including vehicular and pedestrian connectivity with the adjacent existing community.

2. PROPERTY DESCRIPTION

a. Location

The proposed project is approximately 4.3 acres in area, located at the intersection of South Lammers Road and Feteira Way, and abutting the existing Westgate community.

b. Site Description

The site is currently undeveloped, fallow land with a flat topography gradually sloping to the Northeast with a change in elevation from 43 feet in the southwest corner to elevation 39 feet in the northeast corner.

c. Access

The main access to the site will be via a neighborhood entry intersecting at Feteira Way as depicted on the Tentative Map plans dated February 18, 2014. A secondary access is proposed to the stubbed street at Milton Jenson Way. The community circulation will not include any direct access to South Lammers Road.

3. DESIGN CONCEPT

a. Land Use

The project shall be developed with duplex product types including four floor plans and four different building types. Each unit will be two stories and include side-by-side two car garages and private rear yards.

b. Development Standards

All standards for fence, wall and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with Tracy Municipal Code Article 24 of Chapter 10.08 – Zoning Regulations, specifically the HDR zone. Parking of boats or recreation vehicles and motor homes within driveways or within any common area of the community is prohibited within the



ii. Design and Distribution of Floor Plans and Architectural Elevations

The Development Plan prepared for the subdivision shall incorporate plan variety. A minimum of four floor plans with four different building types shall be utilized within the development, as shown on the architectural renderings. No building type shall be used less than 15% of the total number of buildings and each building type will generally be interspersed within the community where lot dimensions allow.

iii. Vehicular Circulation

Circulation through the subdivision shall be provided as shown on the Tentative Map.

iv. Pedestrian Circulation

Four foot separated sidewalks are proposed on one side of each street throughout the community providing for pedestrian access for the development and access to the adjacent community and park.

v. Parking

Parking shall be restricted to designated parking stalls only. There shall be no street parking throughout the site and such restriction shall be appropriately identified.

RESOLUTION \_\_\_\_\_

RECOMMENDING CITY COUNCIL APPROVAL OF A MINOR AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CHANGE THE MINIMUM LOT WIDTH AND DEPTH DIMENSIONS, AND ADJUST THE MINIMUM STREET SIDE YARD SETBACKS WITHIN THE TRINITY LANE SUBDIVISION A 4.32-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY - APPLICATION NUMBER D14-0023

WHEREAS, On March 18, 2014, City Council approved a Vesting Tentative Subdivision Map and Planned Unit Development (PUD) for a 60-unit duet project, and

WHEREAS, The Preliminary and Final Development Plans, including standards for the size and building setbacks for the lots were established with that PUD, and

WHEREAS, On November 13, 2014, the developer requested a minor amendment to the Preliminary and Final Development Plans to reduce the minimum lot width, minimum lot depth, and minimum street side yard building setbacks, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the minor amendment to the Preliminary and Final Development Plans on December 3, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve the minor amendment to the PUD to change the minimum lot width, minimum lot depth, and minimum street side yard setbacks in the Trinity Lane PUD, Assessor's Parcel Numbers 238-620-01 through 70, Application Number D14-0023, as stated in Exhibit "1", attached and made part hereof.

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The foregoing Resolution \_\_\_\_\_ was adopted by the Planning Commission on the 3<sup>rd</sup> day of December, 2014, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

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

PLANNED UNIT DEVELOPMENT (PUD)  
FETEIRA SUBDIVISION

1. PURPOSE

The purpose of the PUD is to allow a unit type and size within the project that maximizes the efficiency of private open space, pedestrian usage, and enhancement of public improvements, including vehicular and pedestrian connectivity with the adjacent existing community.

2. PROPERTY DESCRIPTION

a. Location

The proposed project is approximately 4.3 acres in area, located at the intersection of South Lammers Road and Feteira Way, and abutting the existing Westgate community.

b. Site Description

The site is currently undeveloped, fallow land with a flat topography gradually sloping to the Northeast with a change in elevation from 43 feet in the southwest corner to elevation 39 feet in the northeast corner.

c. Access

The main access to the site will be via a neighborhood entry intersecting at Feteira Way as depicted on the Tentative Map plans dated February 18, 2014. A secondary access is proposed to the stubbed street at Milton Jenson Way. The community circulation will not include any direct access to South Lammers Road.

3. DESIGN CONCEPT

a. Land Use

The project shall be developed with duplex product types including four floor plans and four different building types. Each unit will be two stories and include side-by-side two car garages and private rear yards.

b. Development Standards

All standards for fence, wall and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with Tracy Municipal Code Article 24 of Chapter 10.08 – Zoning Regulations, specifically the HDR zone. Parking of boats or recreation vehicles and motor homes within driveways or within any common area of the community is prohibited within the

PUD.

|   |  |  |
|---|--|--|
| <p><u>Yard</u></p> <p>Front Setback to Garage/House</p> <p>Side Yard Setback</p> <p>Side Yard Setback on Corner Lot (street side)</p> <p>Rear Yard Setback</p>              | <p>3' Minimum</p> <p>4' Minimum on one side and zero lot line on the other</p> <p>4' Minimum (open porches [no walls] may project into the 4' setback area)</p> <p>10' Minimum</p> |  |
| <p>Lot Area</p> <p>Width at Front of home (excluding porch)/First Level House</p> <p>Minimum Lot Depth</p> <p>Height</p> <p>Maximum Lot Coverage</p> <p>Parking On-Site</p> | <p>1,700 sq ft minimum</p> <p>28' Minimum</p> <p>58'</p> <p>35' (Max)</p> <p>65% (Max)</p> <p>20' x 20' 2 Car Garage/Unit Minimum</p>  |  |

c. Architectural/Site Design/Open Space

i. Design of the Site

The design of streets and individual lots, including the conceptual footprint of buildings, is shown on the Tentative Map development plans in accordance with the provisions contained herein.

ii. Design and Distribution of Floor Plans and Architectural Elevations

The Development Plan prepared for the subdivision shall incorporate plan variety. A minimum of four floor plans with four different building types shall be utilized within the development, as shown on the architectural renderings. No building type shall be used less than 15% of the total number of buildings and each building type will generally be interspersed within the community where lot dimensions allow.

iii. Vehicular Circulation

Circulation through the subdivision shall be provided as shown on the Tentative Map.

iv. Pedestrian Circulation

Four foot separated sidewalks are proposed on one side of each street throughout the community providing for pedestrian access for the development and access to the adjacent community and park.

v. Parking

Parking shall be restricted to designated parking stalls only. There shall be no street parking throughout the site and such restriction shall be appropriately identified.