

## 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 17, 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 PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN AND A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A 21,300 SQUARE FOOT, SINGLE-STORY AUTO BODY REPAIR FACILITY ON AN APPROXIMATELY 1.66-ACRE SITE LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE (AT 2705 AUTO PLAZA DRIVE) ADJACENT TO AND TO THE EAST OF THE DEPARTMENT OF MOTOR VEHICLES BUILDING (APNS 212-270-15 AND A PORTION OF APN 212-040-11). THE REQUEST INCLUDES A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO SELL A 42-FOOT WIDE STRIP OF PROPERTY (APPROXIMATELY 7,120 SQUARE FEET) TO THE PROJECT DEVELOPER. APPLICANT IS SCHACK AND COMPANY, INC. FOR ARMIN AND LORI A. GHORBANI REVOCABLE TRUST
  - B. MINOR AMENDMENT TO THE PLAZA ONE FINAL DEVELOPMENT PLAN TO REPLACE PARKING STALLS WITH AN OUTDOOR DINING AREA ADJACENT

TO THE BUILDING AT 2986 WEST GRANT LINE ROAD - APPLICANT IS JS  
KENDALL CONSTRUCTION, INC. FOR PLAZA ONE, LLC

3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
  - A. Nomination of Vice Chair
6. ADJOURNMENT

Posted: **December 11, 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, NOVEMBER 19, 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, Commissioner Sangha, Commissioner Mitracos, and Commissioner Ransom present; Chair Orcutt absent. 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** – None.

**DIRECTOR’S REPORT REGARDING THIS AGENDA** – None.

**ITEMS FROM THE AUDIENCE** – Tajinder Minhas from BK Beer and Wine Market addressed the Commission regarding moving their business from 500 East Tenth Street to 460 East Tenth Street. Mr. Minhas stated their initial request was denied and they were informed they must pay \$2,812 to amend the zoning from light industrial to retail. Vice Chair Vargas asked that he contact staff in the Planning Division.

1. **OLD BUSINESS** – None.

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** – Scott Claar, Associate Planner, provided the staff report. Mr. Claar stated the subject property is located east of Tracy Boulevard in the vicinity of Gandy Dancer Drive and Mars Court. The proposal is to locate 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.

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 academic portion would provide children

with assistance on homework and be conducted in a separate, adjacent tenant space with classroom/study areas.

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. 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.

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.

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.

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.

Staff recommended 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.

Mr. Claar stated there was a typo in the staff report, indicating the correct APN's are 248-470-05 and 248-470-06.

Commissioner Mitracos asked for clarification regarding parking on another parcel. Mr. Claar clarified that the applicant will add 16 additional spaces to the adjacent parcel.

Commissioner Mitracos asked if the church provided any comments. Mr. Claar stated he had not received any phone calls or inquiries from the church.

Commissioner Ransom asked if this project is going to operate as two businesses or one. Mr. Claar stated one business is proposed at two sites. Mr. Claar added that the conditional use permit runs with the land. Mr. Claar stated the project was proposed at two locations because of building code requirements.

Vice Chair Vargas asked if the reason they were keeping it as two separate sites was because of improvement costs. Mr. Claar stated yes.

Vice Chair Vargas voiced the need to look at rezoning the area, citing reasons such as the presence of hazardous chemicals. Mr. Dean stated he was not aware of any uses in the area that used hazardous chemicals, adding the City did have an emergency preparedness plan.

Vice Chair Vargas asked when was the appropriate time to look at rezoning the area. Mr. Dean stated rezoning is typically done when the City updates general plans, or undergoes comprehensive zoning code updates.

Vice Chair Vargas opened the public hearing.

David Luera, 390 W. Piedmont Avenue, Mountain House, and Jim Carr, 862 North Bramasole, Mountain House, applicants, thanked the Commission for hearing their proposal, stating they were excited to open the business and start serving the youth of Tracy.

Vice Chair Vargas asked if there was a specific age group they were targeting. Jim Carr stated they serve youth between the ages of 5 and 18.

Commissioner Ransom asked if the site was going to be used for the "combines". Mr. Carr stated big events would still be held at the local high schools. This site would just be used for training for "combines".

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

- B. 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 –** Scott Claar, Associate Planner, provided the staff report. Mr. Claar stated that 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.

Standard Pacific Corporation has now purchased the western half of the Kagehiro Phase 3 property, approximately 24 acres. 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.

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.

The proposed architecture is similar to what was previously approved with five plan types and four different elevation types per plan. 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.

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.

Staff recommended 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.

Commissioner Ransom asked if the only things changing were the architecture and some of the garage setbacks. Mr. Claar stated the houses are different but similar in size.

Commissioner Ransom stated she remembered neighbors voicing concerns regarding similar sized homes.

Vice Chair Vargas asked for clarification regarding footprints of the houses and the tentative map. Mr. Claar stated how the house sits on the lot can be modified without changing the subdivision map.

Commissioner Ransom asked if the back yards were similar in depth to those previously approved. Mr. Claar stated the backyard sizes are similar and setting the garage back isn't a change and just highlighted that they were still meeting the requirement.

Vice Chair Vargas stated she met with the applicant and went over the architectural designs. Vice Chair Vargas stated she liked the varying distances between the houses.

Vice Chair Vargas opened the public hearing.

Mandi Kaercher, Standard Pacific, provided a presentation outlining the architecture of the project.

Vice Chair Vargas asked if Standard Pacific was working with the County on the Corral Hollow Road widening project. Ms. Kaercher stated they were working with the City on the widening of Corral Hollow Road in the area fronting their project.

Vice Chair Vargas asked Ms. Kaercher if the features they discussed on the back of the houses facing Corral Hollow Road had been addressed. Ms. Kaercher stated she has spoken with management at Standard Pacific regarding adding enhancements to the rear elevations.

A discussion ensued regarding details on the craftsman-style home.

Zak Azizi, 1865 Kagehiro Drive, stated he wanted to make sure that the map has not changed. Mr. Azizi stated a lot of folks on Kagehiro Drive were concerned about the density of the project and speeding in the area.

Bill Dean, Assistant Director Development Services, stated the item under consideration related to architecture. Mr. Dean added that questions came up during the original approval of the project and staff discussed the process and timing for considering traffic calming devices. Mr. Dean stated the appropriate staff member to contact regarding traffic was Ripon Bhatia. Mr. Dean added that there is a piece of Gretchen Talley Park that can be improved, but fees need to be collected in order to make the improvements.

It was moved by Commissioner Mitracos and seconded by Commissioner Ransom that the Planning Commission recommends that 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. Voice vote found Commissioners Mitracos, Ransom, Sangha and Vice Chair Vargas in favor; Chair Orcutt absent.



- C.** 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) – Barbara Harb, Management Analyst, provided the staff report. Ms. Harb stated 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, 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.

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.

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.

Staff recommended 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.

Commissioner Ransom asked if the parcel was the Park and Ride lot or the lot next to it. Ms. Harb stated it was the parcel next to Texas Roadhouse.

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

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – Mr. Dean thanked Vice Chair Vargas for her service on the Planning Commission and congratulated her on her election to the City Council.
5. ITEMS FROM THE COMMISSION – None.
6. ADJOURNMENT – It was moved by Commissioner Ransom and seconded by Commissioner Mitracos to adjourn. Time: 7:59 p.m.

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CHAIR

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STAFF LIAISON

AGENDA ITEM 2-A

REQUEST

**PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN AND A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A 21,300 SQUARE FOOT, AUTO BODY REPAIR FACILITY ON AN APPROXIMATELY 1.66-ACRE SITE LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE (AT 2705 AUTO PLAZA DRIVE) ADJACENT TO AND EAST OF THE DEPARTMENT OF MOTOR VEHICLES BUILDING (APNS 212-270-15 AND A PORTION OF APN 212-040-11). THE REQUEST INCLUDES A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO SELL A 42-FOOT-WIDE STRIP OF PROPERTY (APPROXIMATELY 7,120 SQUIRE FEET) TO THE PROJECT DEVELOPER. APPLICANT IS SCHACK AND COMPANY, INC. FOR ARMIN AND LORI A. GHORBANI REVOCABLE TRUST**

DISCUSSION

Project Description

The proposal is to construct a 21,300 square foot, single-story, auto body repair facility on approximately 1.66 acres.

The site is located on the north side of Auto Plaza Drive (Attachment A) adjacent and to the east of the Department of Motor Vehicles (DMV) site. The vicinity of the site is characterized as a consumer and business service neighborhood adjacent to the West Valley Mall and Tracy Pavilion regional retail area. Other nearby businesses include auto body repair, a tire store, and numerous auto dealers with auto service. The Winco grocery store and 301-unit Aspire Apartments (under construction) are one block south of the subject property. The City-owned storm drainage basin (Detention Basin 10 or DB10) is adjacent to the north of the site.

Attachments B through E contain the site plan, preliminary grading and utility plan, preliminary landscape plan, and exterior building elevations for the proposed Tracy Collision project. The rectangular-shaped building will be centrally located on the site, with two-way drive aisles and parking on all four sides of the building. The rear two-thirds of the approximately 430-foot long site will be enclosed with a decorative, wrought iron fence (with gates on both sides of the building) to match the quality of the fence at the adjacent DMV site.

The building is constructed of painted tilt-up, concrete panels, with metal panels, glass store fronts, and metal-wrapped columns at the front of the building, near and facing Auto Plaza Drive. As seen on the site plan (Attachment B), the front metal panel and column system contains a slight, convex curve, to add variety and visual appeal to the otherwise angular building. The concrete panels are proposed in three complimentary tones of blue, highlighted with accent lighting; the metal panels are proposed gray.

Forty, off-street parking spaces are proposed, consistent with the number required by I-205 Corridor Specific Plan standards for this proposed use. Similarly, the project meets City standards regarding the landscaping, site design, and other design elements.

The site is designated Service Commercial in the I-205 Corridor Specific Plan. Vehicle service land uses, such as the proposed auto body repair facility, are allowed with Conditional Use Permit approval in the Service Commercial designation.

#### Land Use Compatibility

Although not a requirement of this Conditional Use Permit or other City standards, Tracy Collision proposes operating hours of 8:00 a.m. through 5:30 p.m., Monday through Friday. Vehicle repairs will be conducted inside the facility, thereby having reduced noise and visual impacts on surrounding businesses.

The proposed Tracy Collision development shares many characteristics with the surrounding consumer-oriented businesses in terms of size and scale of the building, hours of operation, and nature of customers. The project and proposed land use are anticipated to be well suited to the proposed location and its vicinity.

#### Sale of City-Owned Property – General Plan Conformity

The subject property is adjacent to a City-owned and maintained storm-drain pond (DB10). The City acquired and developed DB10 approximately 20 years ago.

On the south side of DB10 is an approximately 42-foot-wide strip of property (Attachment G), formerly used as a drainage ditch by the Naglee-Burke Irrigation District. Naglee-Burke Irrigation District discontinued use of the ditch many years ago. The proposed Tracy Collision site is adjacent to approximately 7,120 square feet of the unused, 42-foot-wide strip of City-owned property.

When Tracy Collision began their preliminary application discussions with City staff, City staff asked Tracy Collision if they would be interested in enlarging their site by approximately 42 feet by purchasing that strip of City-owned property.

Approximately 15 years ago, Tracy Volkswagon (approximately 285 feet east of the Tracy Collision site) similarly developed their site by incorporating the City-owned strip of property into that project.

The City has no plans or intention to use the 42-foot-wide strip of property. All of the City's DB10 improvements, including perimeter fence and raised service drive, are outside of the 42-foot-wide strip of property. In its current, undeveloped condition, the 42-foot-wide strip of property is a maintenance liability for the City and an attractive nuisance for members of the public.

If the adjacent property owner, Tracy Collision, in this case, can purchase the property and incorporate it into their development, it will result in efficient use of the property,

to benefit (1) Tracy Collision, (2) consumers of Tracy who obtain service from Tracy Collision, and (3) the City as a whole from the potential increased property tax or other benefits.

#### CEQA Documentation

The project is Categorically Exempt from CEQA, pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects. The Section 15332 exemption pertains to projects that meet the following criteria: the project is consistent with the General Plan designation and zoning, the site is located within the City limits, the site is on less than five acres and is substantially surrounded by urban uses, the site has no value as habitat for protected species of plants or animals, the site can be served by required public utilities and services, and the project would not result in significant effects relating to traffic, noise, air quality, or water quality. The project meets all of these criteria, and therefore, is categorically exempt from additional CEQA documentation.

#### RECOMMENDATION

Staff recommends that the Planning Commission determines the sale of the approximately 42-foot wide strip of property from the City to the developer is consistent with the General Plan and recommends that the City Council take the following action:

1. Approve the Planned Unit Development Preliminary and Final Development Plan; and
2. Approve the Conditional Use Permit.

#### MOTION

Move that the Planning Commission determine the sale of the approximately 42-foot wide strip of property from the City to the developer, as indicated in the December 17, 2014, Resolution is consistent with the General Plan and recommends that the City Council take the following action, as documented in the December 17, 2014, Planning Commission Resolution:

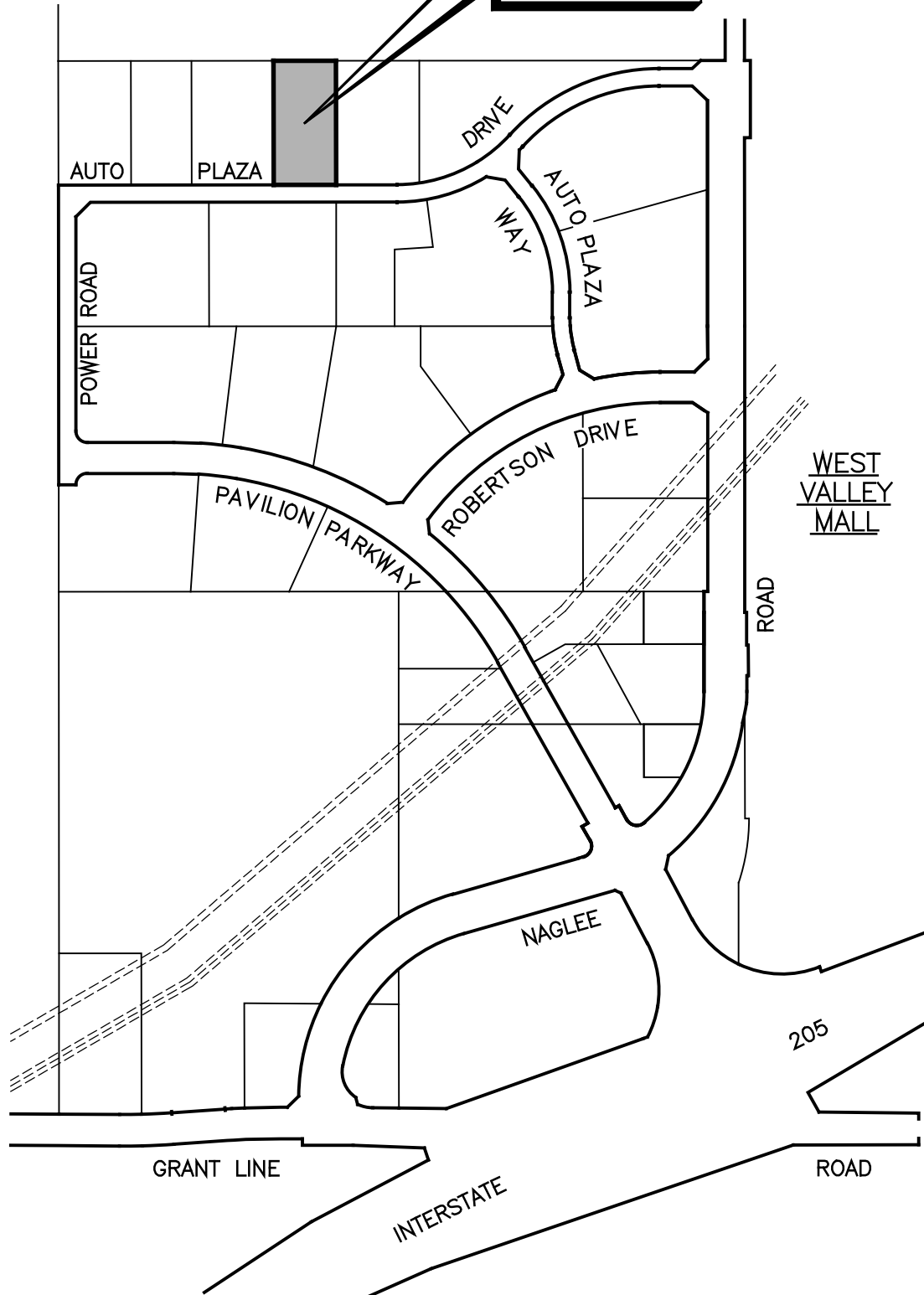
1. Approve the Tracy Collision Planned Unit Development Preliminary and Final Development Plan; and
2. Approve the Tracy Collision Conditional Use Permit.

Prepared by: Alan Bell, Senior Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

- Attachment A – Location Map
- Attachment B – Site Plan
- Attachment C – Grading and Utility Plan
- Attachment D – Landscape Plan
- Attachment E – Building Elevations
- Attachment F – Developer’s Operation Description
- Attachment G – Location of 42-Foot-Wide Strip of City-Owned Property
- Attachment H – Two Proposed Planning Commission Resolutions

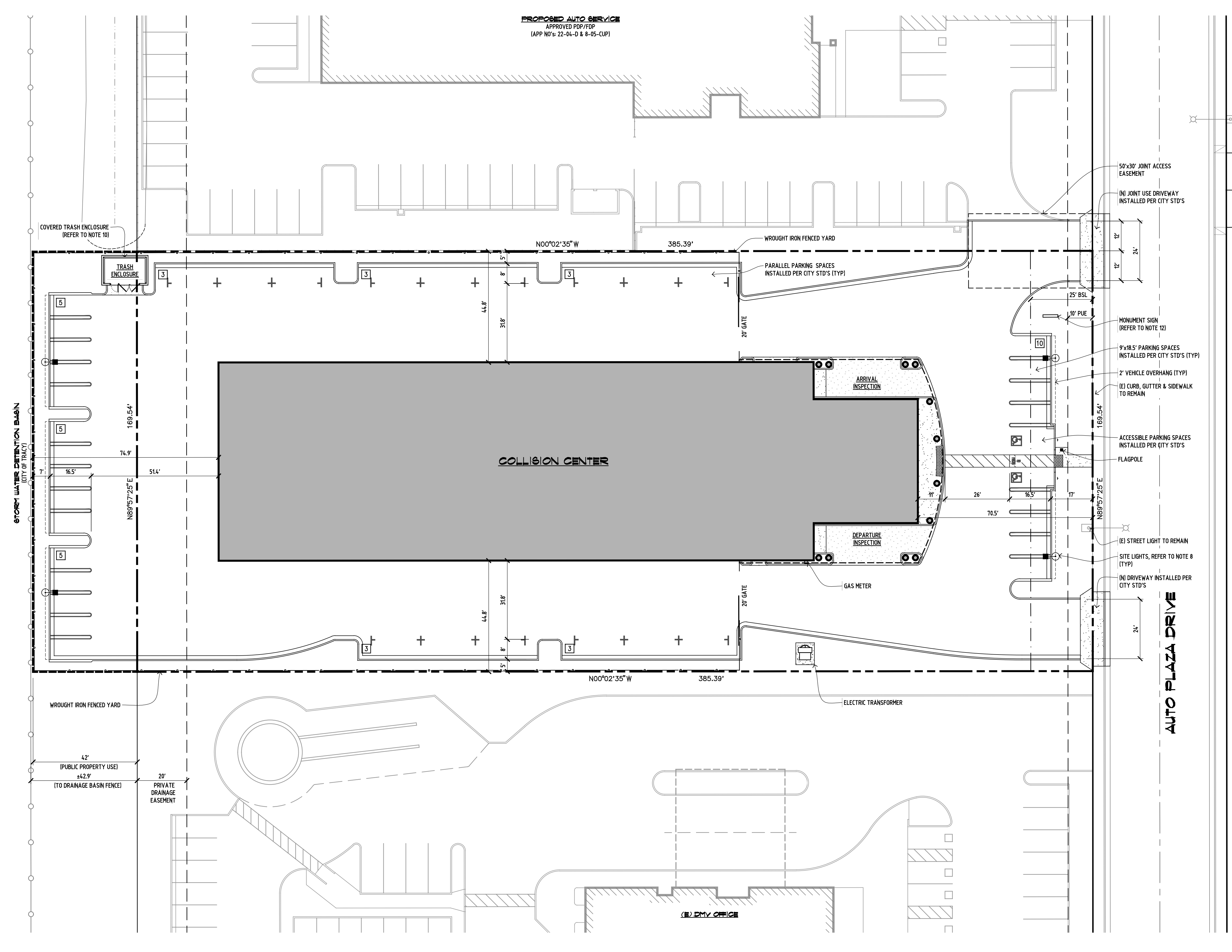
**PROJECT  
SITE**



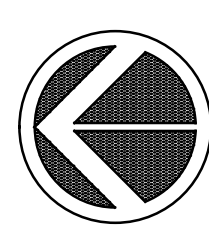
**LOCATION MAP**

NO SCALE





PRELIMINARY/FINAL DEVELOPMENT  
**SITE PLAN**  
 SCALE: 1"=20'  
 0 20' 40'



ATTACHMENT B

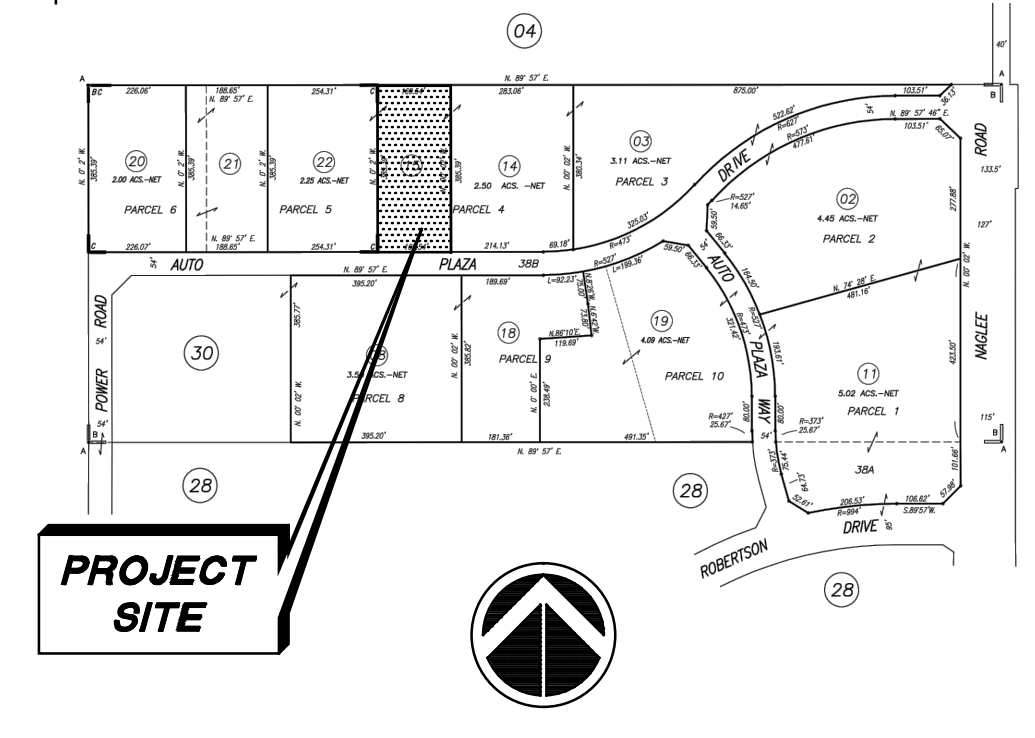
**SITE DATA**

- NOTES**
- ZONE / I-205 USE: PUD (PLANNED UNIT DEVELOPMENT) / SC (SERVICE COMMERCIAL)
  - GENERAL PLAN: COMMERCIAL
  - PROPERTY OWNER: ARMIN GHORBANI & LORI A GHORBANI, REVOCABLE TRUST  
27330 LEeward WAY  
TRACY, CALIFORNIA 95304
  - ENGINEER: SCHACK & COMPANY, INC.  
DAN R. SCHACK  
1025 CENTRAL AVENUE  
TRACY, CALIFORNIA 95376  
(209) 835-2178
  - PROPERTY ADDRESS: 2705 AUTO PLAZA DRIVE  
TRACY, CALIFORNIA 95304
  - ASSESSORS PARCEL: 212-270-15
  - UTILITIES:  
WATER: CITY OF TRACY  
SANITARY SEWER: CITY OF TRACY  
STORM SEWER: CITY OF TRACY  
TELEPHONE: AT&T  
CABLE TV: COMCAST  
ELECTRIC: PACIFIC GAS & ELECTRIC  
GAS: PACIFIC GAS & ELECTRIC
  - EXTERIOR LIGHTING MOUNTED ON BUILDING OR IN PARKING AREA WILL BE DIRECTED AWAY FROM ADJOINING PROPERTIES. ILLUMINATION OF (N) PARKING AREAS SHALL MEET MINIMUM STANDARD OF 1-FOOT-CANDLE PER SQ.FT.
  - ALL WORK WILL CONFORM TO CITY OF TRACY STANDARDS
  - TRASH ENCLOSURE WILL BE COVERED & HAVE SCREEN WALLS/GATES TO A MIN OF 7'-0" HT. FINISH WILL CONFORM TO BUILDING FINISH IN COLOR & TEXTURES. GATES WILL BE SCREENED SOLID & OF METAL CONSTRUCTION. SCREEN WALLS WILL BE OF MASONRY CONSTRUCTION
  - STORM DRAINAGE WILL SURFACE FLOW THROUGH CURBS TO VEGETATED SWALES & DRAIN TO CITY MAINTAINED FACILITIES. SEE PRELIMINARY GRADING & UTILITY PLAN, SHEET DD.2
  - EXTERIOR SIGNAGE SHALL CONFORM TO CITY OF TRACY SIGN ORDINANCE.
  - CBC OCCUPANCY & CONSTRUCTION: OCCUPANCY GROUP 'B' (OFFICE)  
OCCUPANCY GROUP 'F-1' (BODY SHOP)
  - BACKFLOW PREVENTION DEVICES FOR ALL WATER LINES SHALL BE INSTALLED PER CITY STD'S.
  - (E) EASEMENTS & UTILITIES SHOWN ARE PER RECORD INFORMATION
  - PROPERTY IS LOCATED IN THE 100 YEAR FLOOD PLAN PER FIRM PANEL 0590F
  - ABBREVIATIONS:  
BSL BUILDING SETBACK LINE (N) NEW  
CBC CALIFORNIA BUILDING CODE (E) EXISTING  
CFC CALIFORNIA FIRE CODE (F) FUTURE  
PUE PUBLIC UTILITY EASEMENT (TYP) TYPICAL  
FTP FOOTPRINT ROW RIGHT-OF-WAY  
STD STANDARD sf SQUARE FEET  
MIN MINIMUM W/ WITH

**AREAS & PARKING**

NO.	DESCRIPTION	AREA (Ac)	AREA (sq ft)
1.	SITE AREA:		
	PARCEL	(150 Ac)	65,341 sf
	PUBLIC PROPERTY		7,121 sf
	TOTAL DEVELOPMENT AREA	(166 Ac)	72,462 sf
2.	BUILDING (FOOTPRINT) AREA:		
	BODY SHOP		18,765 sf
	OFFICE		1,975 sf
	STORAGE		560 sf
	TOTAL BUILDING FOOTPRINT		21,300 sf
3.	LOT COVERAGE:	45% (MAX): 21,300 / 72,462 =	29.4 %
4.	SITE DEVELOPMENT AREAS:		
	PARKING AREA:	49,201 sf	
	PAVEMENT & HARDCAPE		40,530 sf
	PLANTING AREA:		8,672 sf
	PLANTING @ PARKING AREA:	8,672 sf	
	BUILDING FOOTPRINT (PLUS 1,960 sf ROOF ONLY)		23,260 sf
	TOTAL SITE AREA		72,462 sf
5.	REFER TO SHEET DR.03 FOR PARKING, PLANTING & SHADING RATIOS.		
6.	PARKING ANALYSIS:		
	SHOP AREA (88.1%)		18,765 sf
	OFFICE AREA (8.5%)		1,975 sf
	STORAGE AREA (3.4%)		560 sf
	<b>REQUIRED:</b> SHOP @ 1/600		313 sp
	OFFICE @ 1/250		8 sp
	STORAGE @ 1/1000		56 sp
	TOTAL PARKING		376 sp
	<b>PROPOSED:</b> STANDARD STALLS		38 sp
	COMPACT STALLS		0 sp
	HANDICAP ACCESSIBLE STALLS		2 sp
	TOTAL PARKING		40 sp
8.	BIKE SPACES REQ'D:	REQUIRED FOR 20 TO 40 PARKING SPACES	2 sp

**LOCATION MAP**



APPROVED BY: \_\_\_\_\_

REVISIONS:

DATE	DESCRIPTION

**DRAWING RELEASE**

DESCRIPTION	DATE
PRELIMINARY REVIEW	08/22/14
FINAL PLAN REVIEW	10/15/14
NO DOCUMENTS	
NO DOCUMENTS	
FINAL CONSTRUCTION	

PRELIMINARY/FINAL DEVELOPMENT PLAN REVIEW

**TRACY COLLECTION**  
 2705 AUTO PLAZA DRIVE  
 TRACY, CALIFORNIA 95304

**Schack & Company, Inc.**  
 Civil Engineering • Building Design • Surveying  
 (209) 835-2178 • P.O. Box 339 • Tracy, California 95378 • FAX (209) 835-1408

DATE: 08/26/14

DRAWN BY: SFS

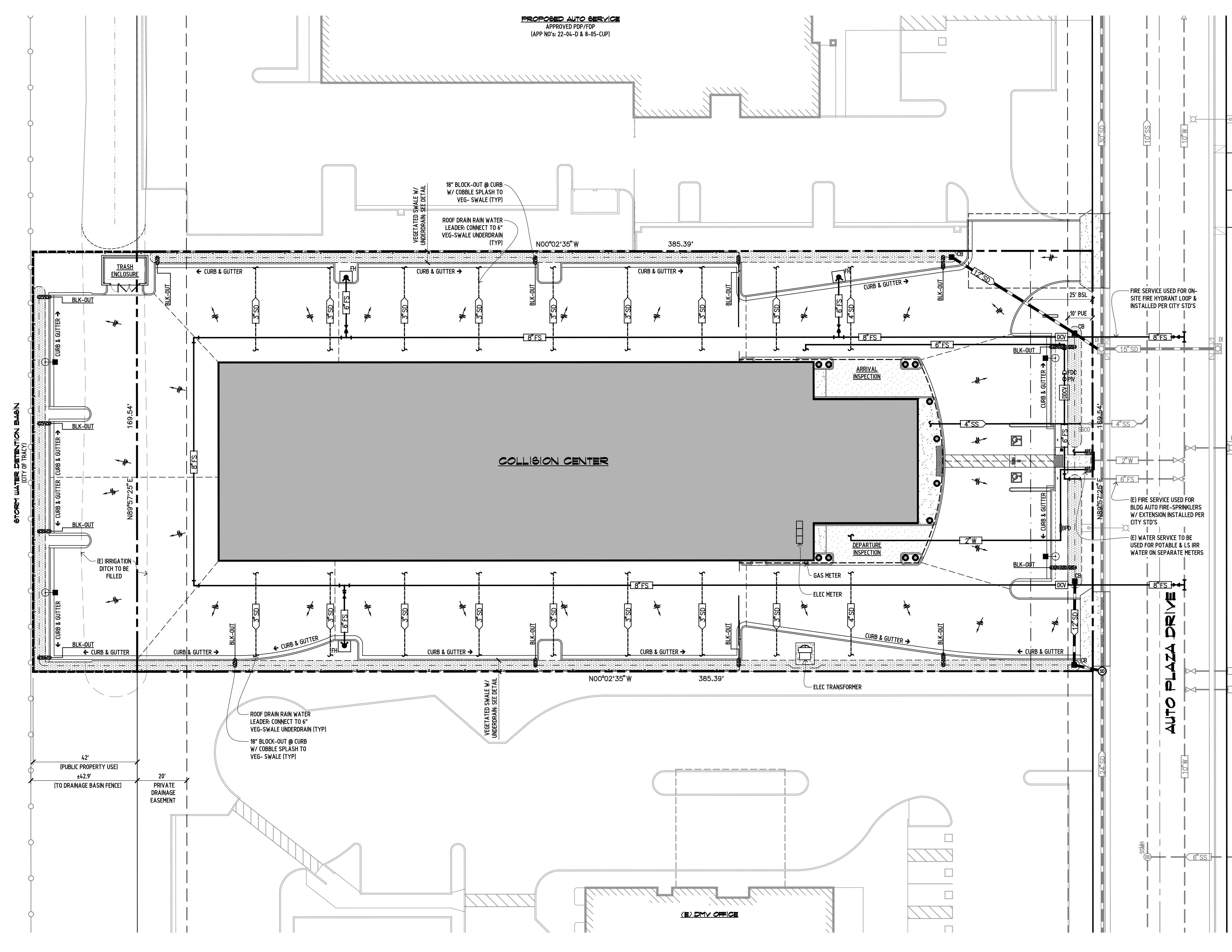
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JOB NO.: 13.040

**DR.01**

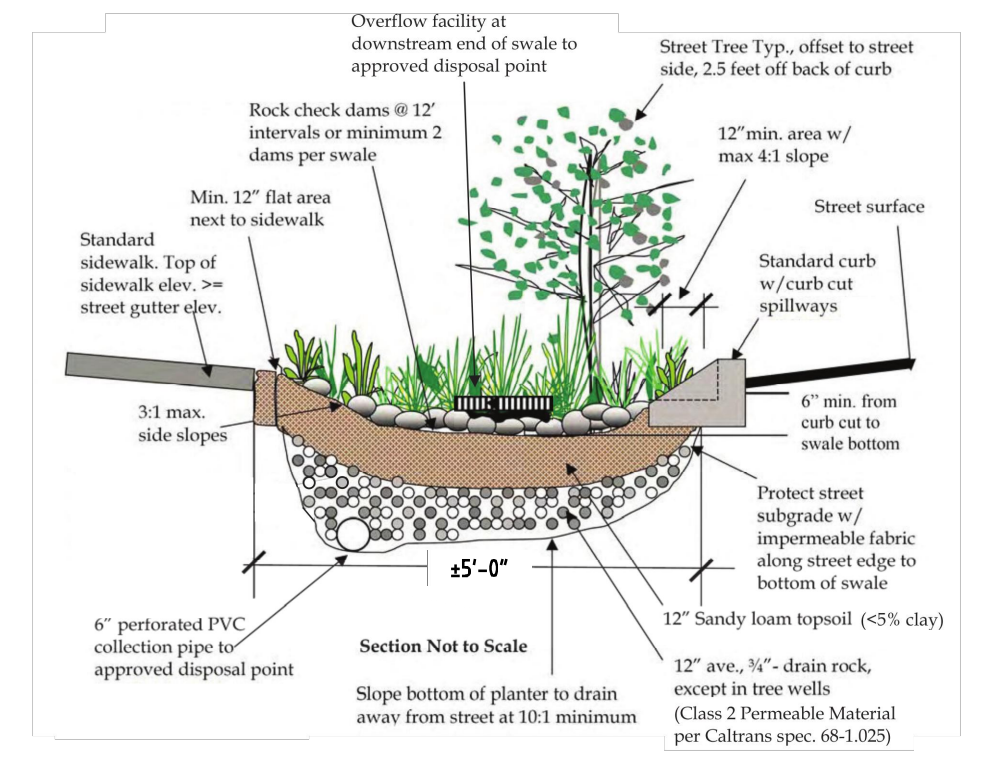
OF 4 SHEETS





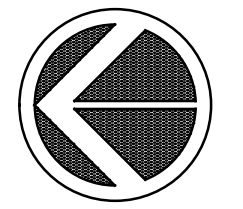
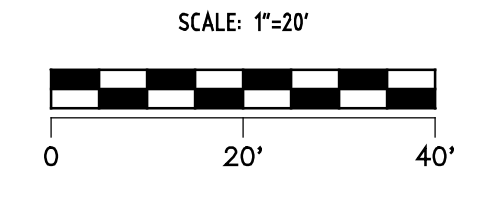
### SYMBOL LEGEND

NEW	EXIST	SYMBOL DESCRIPTION
		STORM DRAIN W/ LINE SIZE (8" OR GREATER)
		STORM DRAIN CATCH BASIN
		STORM DRAIN DROP INLET
		STORM DRAIN MANHOLE
		STORM DRAIN W/ LINE SIZE (SMALLER THAN 8")
		STORM AREA DRAIN
		STORM DRAIN CLEAN-OUT
		SANITARY SEWER W/ LINE SIZE
		SANITARY SEWER MANHOLE
		SANITARY SEWER CLEAN-OUT
		SANITARY SEWER WYE/SWEEP TO SEWER MAIN
		WATER W/ LINE SIZE
		WATER VALVE
		WATER METER
		FIRE SERVICE W/ LINE SIZE
		FIRE HYDRANT
		FIRE SERVICE POST INDICATOR VALVE
		FIRE DEPARTMENT CONNECTION
		FIRE SERVICE DOUBLE DETECTOR CHECK VALVE
		FIRE SERVICE SINGLE CHECK VALVE
		JOINT TRENCH UNDERGROUND UTILITIES
		JOINT OVERHEAD UTILITIES
		ELECTRIC UNDERGROUND LINES
		ELECTRIC OVERHEAD LINES
		TELEPHONE UNDERGROUND LINES
		TELEPHONE OVERHEAD LINES
		CABLE TELEVISION UNDERGROUND LINES
		CABLE TELEVISION OVERHEAD LINES
		GAS LINES
		POWER POLE, TELEPHONE POLE OR JOINT POLE
		STREET LIGHTS (PUBLIC)
		SITE LIGHTS (PRIVATE)
		GRADE SLOPE DIRECTION



**VEGETATED SWALE DETAIL**  
NO SCALE

PRELIMINARY/FINAL DEVELOPMENT  
**GRADING & UTILITY PLAN**



APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

REVISIONS	DATE	DESCRIPTION

**DRAWING RELEASE**

DESCRIPTION	DATE
PRELIMINARY REVIEW	05/22/14
FINAL PLAN REVIEW	10/15/14
NO DOCUMENTS	
NO DOCUMENTS	
FINAL CONSTRUCTION	

**PRELIMINARY/FINAL DEVELOPMENT PLAN REVIEW**

**TRACY COLLECTION**  
TRACY, CALIFORNIA 95344

**Schack & Company, Inc.**

Civil Engineering • Building Design • Surveying  
(909) 839-2178 • P.O. Box 339 • Tracy, California 95378 • FAX (909) 839-1488

DATE: 10/07/14

DRAWN BY: SFS

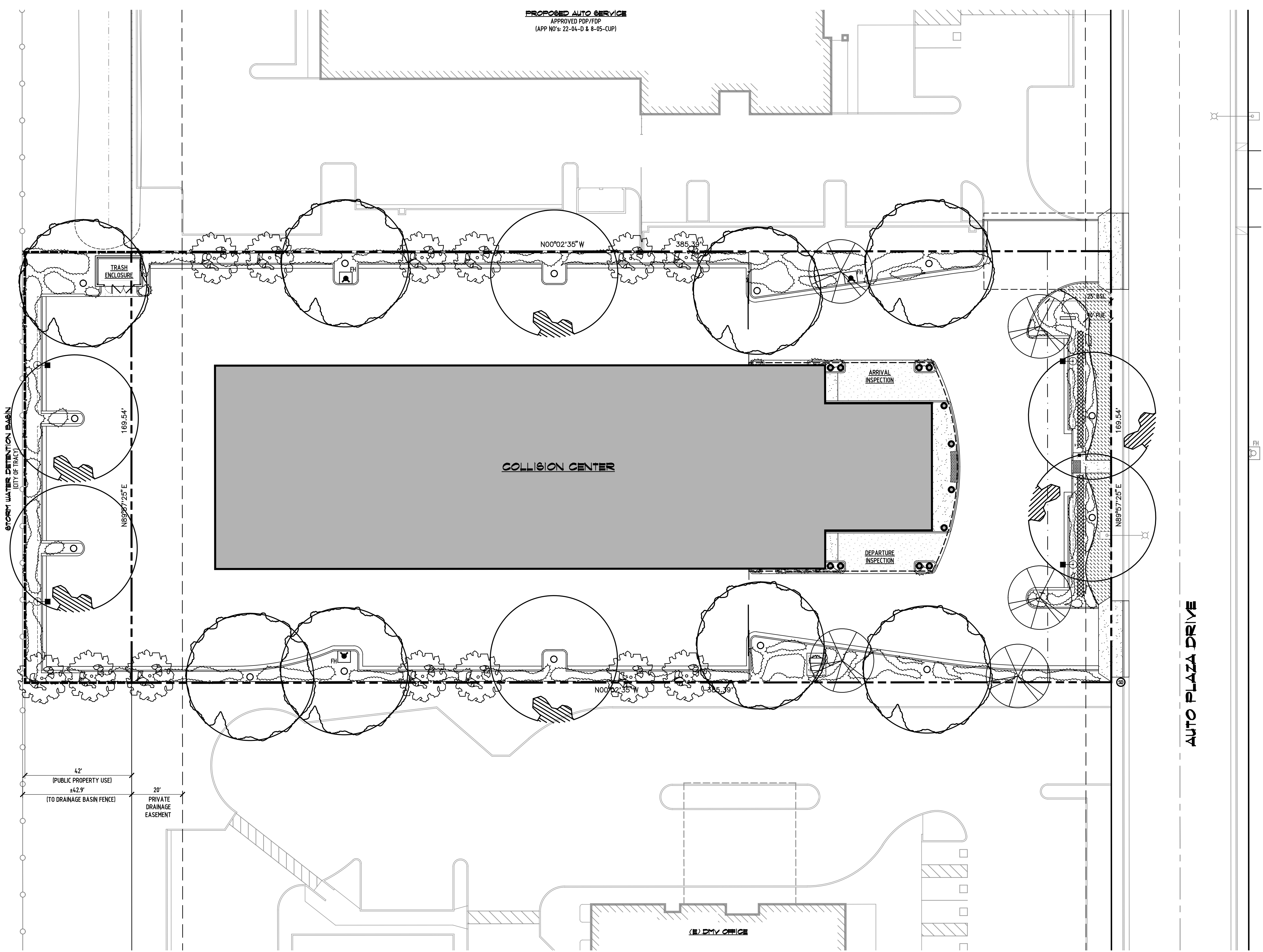
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JOB NO.: 13.040

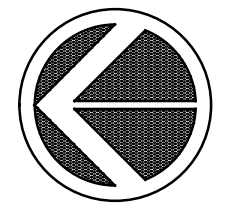
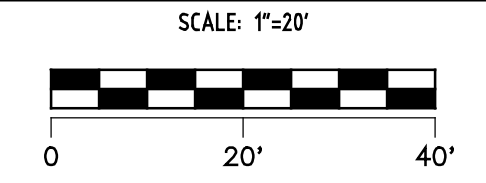
DR.02

OF 4 SHEETS

ATTACHMENT C



PRELIMINARY/FINAL DEVELOPMENT  
**LANDSCAPE PLAN**



**PLANT PALLETTE**

**TREES**

SYMBOL	DESCRIPTION
	CERCIS OCCIDENTALIS (WESTERN REDBUD) ACCENT TREE 24" BOX: QTY = (X)
	LAGERSTROEMIA INDICA (CRAPE MYRTLE) FLOWERING ACCENT TREE 24" BOX: QTY = (X)
	QUERCUS RUBRA (RED OAK) PARKING LOT SHADE TREE 24" BOX: QTY = (X)
	QUERCUS COCCINEA (SCARLET OAK) STREET TREE & PARKING LOT SHADE TREE 24" BOX (WHERE USED ON-SITE): QTY = (X)

**PLANTS**

SYMBOL	DESCRIPTION
	<b>SHRUBS &amp; GROUND COVER</b> ACHILLEA (INDIAN RICE GRASS) ASPARAGUS DENSIFLORUS MYERS (MYERS ASPARAGUS) BEBERIS THUNDERBOLT (TRUMPET BUSH) DODONAEA VISCOSA (HOPSEED BUSH) FESTUCA GLAUCA (BLUE FESCUE GRASS) LAVENDULA (LAVENDER - VARIOUS VARIETIES) LAURUS NOBILIS (SWEET BAY LAURAL) LEUCOPHYLLUM (TEXAS RANGER - VARIOUS VARIETIES) NANDINA DOMESTICA "PLUM PASKION" (HEAVENLY BAMBOO) PENNISTEMUM ORIENTALE (FOUNTAIN GRASS) PHORMIUM TENAX "BRONZE BABY" (NEW ZEALAND FLAX) SALVIA DORRI (DESERT SAGE) SIMMONDSIA CHINENSIS (JOBBA GOAT'NUT) TEUCRIUM FRUTICANS (BUSH GERMANDER) TEUCRIUM FRUTICANS "COMPACTA" (DWARF BUSH GERMANDER) CERASTIUM TOMENTOSUM (SNOW IN SUMMER) MYOPORUM PARVIFOLIUM (TRAILING MYOPORUM) OSTEOSPERMUM FRUTICOSUM (TRAILING AFRICAN DAISY)
	<b>SCREEN SHRUB (MAX HT: 36")</b> LEUCOPHYLLUM (TEXAS RANGER - VARIOUS VARIETIES) TEUCRIUM FRUTICANS "COMPACTA" (DWARF BUSH GERMANDER)
	<b>FRONTAGE GROUND COVER</b> MYOPORUM PARVIFOLIUM (TRAILING MYOPORUM)

**LANDSCAPE PLAN DATA**

- TREES REQUIRED @ (1) TREE PER (5) REQ'D PARKING SPACES:  
 REQUIRED: (40) REQ'D PARKING SPACES = (8) TREES  
 PROVIDED: (14) SHADE TREES
- ALL TREES WILL BE MINIMUM OF 24" BOX IN SIZE & STAKED WITH MIN OF (2) TREE STAKES. SHRUBS WILL BE MINIMUM OF 1 GAL & 5 GAL AS NEEDED. GROUND COVER WILL BE PLANTED W/ A MIX FROM PLATS.
- PARKING AREAS & PLANTING RATIOS:
 

PARKING AREA:	49,201 sf	
PAVEMENT & HARDSCAPE	40,530 sf	
PLANTING @ PARKING AREA:	8,672 sf	
BUILDING FOOTPRINT	23,260	
TOTAL SITE AREA	72,462 sf	

PLANTING TO PARKING AREA RATIO:  
 PLANTING/PARKING=(8,672/49,402)=  
 17.6 %  
 REQUIRED: (31 THROUGH 60 PARKING SPACES) 15.0 %
- PARKING AREAS & TREE SHADE RATIOS:
 

PARKING AREA	49,402 sf	
SHADE AREA	9,755 sf	

TREE SHADE TO PARKING AREA RATIO:  
 SHADE/PARKING=(9,755/49,402)=  
 40.0 %  
 REQUIRED: 40.0 %
- LANDSCAPE & IRRIGATION SHALL COMPLY W/ THE CITY OF TRACY "WATER EFFICIENT LANDSCAPE & IRRIGATION GUIDELINES"

DATE	REVISIONS	BY

**DRAWING RELEASE**

DESCRIPTION	DATE
PRELIMINARY REVIEW	05/22/14
INITIAL PLAN REVIEW	10/15/14
NO DOCUMENTS	
NO DOCUMENTS	
FINAL CONSTRUCTION	

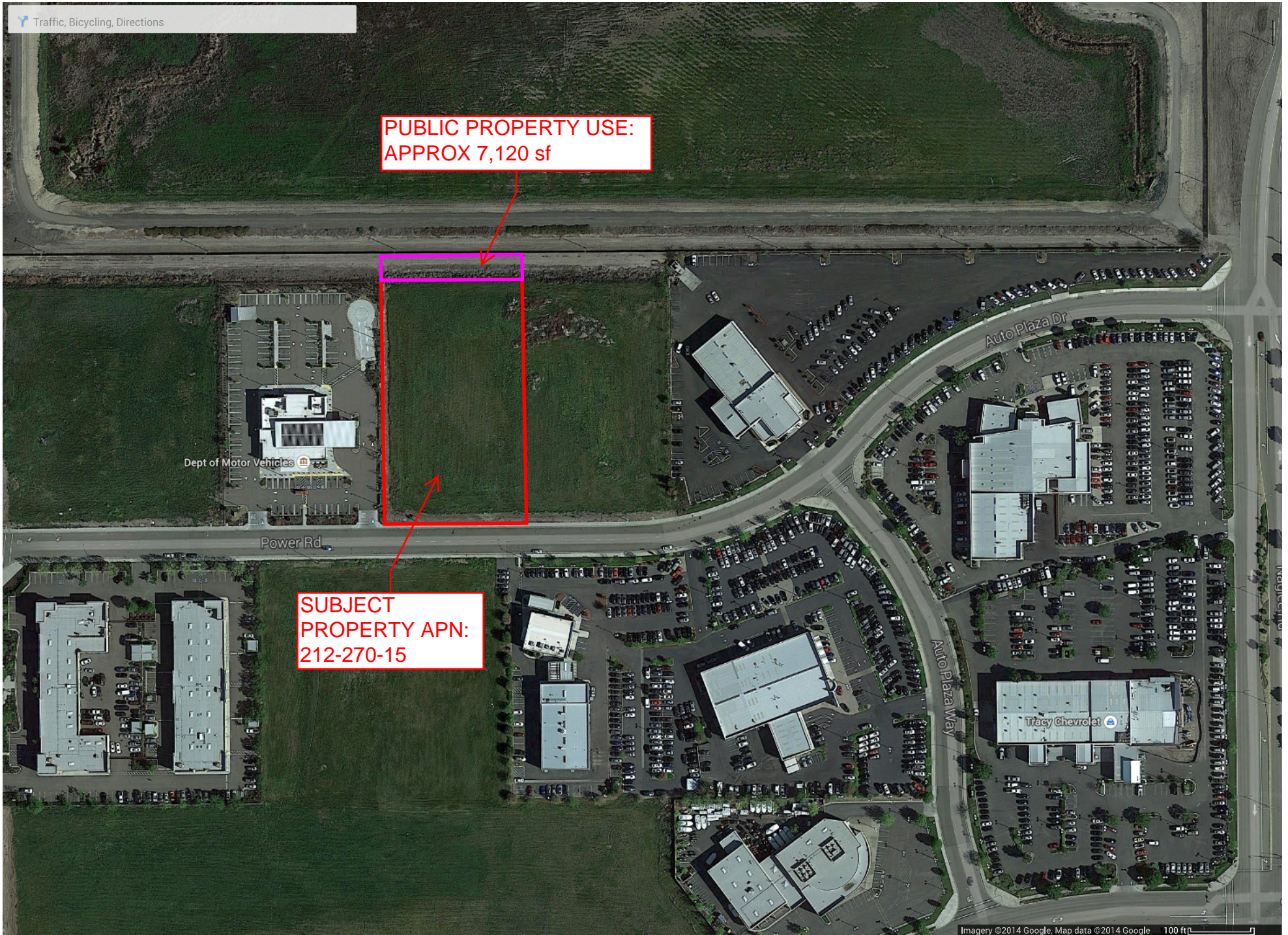
PRELIMINARY/FINAL DEVELOPMENT PLAN REVIEW

**TRACY COLLECTION**  
 2710 AUTO PLAZA DRIVE  
 TRACY, CALIFORNIA 95304

**Schack & Company, Inc.**  
 Civil Engineering • Building Design • Surveying  
 (909) 839-2178 • P.O. Box 339 • Tracy, California 95378 • FAX (909) 839-1488

DATE	10/07/14
DRAWN BY	SFS
CHECKED BY	SFS
JOB NO.	13.040
<b>DR.03</b>	
OF 4 SHEETS	

ATTACHMENT D



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

DETERMINING THAT THE SALE OF 7,120 SQUARE FEET OF CITY-OWNED PROPERTY IS IN CONFORMANCE WITH THE GENERAL PLAN

WHEREAS, A development application for an auto body repair facility has been submitted (Application Numbers D14-0021 and CUP14-0011) to develop 1.5 acres of vacant property at 2705 Auto Plaza Drive, APN 212-270-15 (the “adjacent property”), and

WHEREAS, The adjacent property is adjacent to a 42-foot-wide strip of City-owned property (the “strip”), comprising approximately 7,120 square feet (portion of APN 212-040-11), purchased by the City as part of a larger parcel for use as Drainage Basin 10 (DB10), and

WHEREAS, DB10 has been completed, is in its ultimate, developed location, and the City has no use for, or plans to use the strip, and

WHEREAS, Continued ownership of the strip by the City in its undeveloped condition causes a potential maintenance liability for the City, an attractive nuisance to members of the public, and inefficient use of potentially valuable real estate, and

WHEREAS, Both the strip and the adjacent property are designated Commercial by the City’s General Plan, and

WHEREAS, The above-referenced development application includes the strip as part of its project, bringing the size of the property proposed for development to approximately 1.66 acres, and

WHEREAS, Sale of the strip to the owner of the adjacent property will allow the strip to be improved for a commercial use, consistent with the site’s commercial zoning and General Plan designation, and

WHEREAS, The owner of the adjacent property and the City have begun negotiations to sell the strip to the owner of the adjacent property, and

WHEREAS, The development application, referred to above, includes the strip in the developer’s proposed improvements, anticipating that the developer’s purchase of the property will be finalized prior to the issuance of a construction permit for the project, and

WHEREAS, California Government Code Section 65402(a) requires the Planning Commission to determine whether the “location, purpose, and extent” of real estate disposal by the City is in conformance with the General Plan, prior to such disposal;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission determines the sale of the 42-foot-wide strip of property is in conformance with the City of Tracy General Plan, based on the considerations identified above.

\* \* \* \* \*

The foregoing Resolution 2014-\_\_\_\_\_ was passed and adopted by the Tracy Planning Commission on the 17<sup>th</sup> day of December, 2014, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

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

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

RECOMMENDING APPROVAL OF A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D14-0021) AND RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT (CUP14-0011) FOR TRACY COLLISION – A 21,300 SQUARE FOOT AUTO BODY REPAIR FACILITY LOCATED AT 2705 AUTO PLAZA DRIVE

WHEREAS, On October 14, 2014, Schack and Company, Inc. filed an application for a Planned Unit Development (PUD) Preliminary and Final Development Plan (D14-0021) and a Conditional Use Permit (CUP14-0011) (the “project”) for a 21,300 square foot auto body repair facility at 2705 Auto Plaza Drive, and

WHEREAS, The subject property is located within the Service Commercial designation of the I-205 Corridor Specific Plan, which requires PUD Preliminary and Final Development Plan for a new building and Conditional Use Permit approval for a vehicle service land use (such as an auto body repair facility), and

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15332 which applies to in-fill projects which are consistent with the General Plan and zoning regulations, and other specified characteristics, all of which apply to this project, and

WHEREAS, The Planning Commission conducted a public hearing to consider the project on December 17, 2014;

NOW, THEREFORE, BE IT RESOLVED, The Planning Commission recommends that the City Council approve the PUD Preliminary and Final Development Plan and the Conditional Use Permit subject to the conditions contained in Exhibit 1 and the following findings:

1. The project is consistent with the City of Tracy General Plan, in that the site is designated Commercial by the General Plan, and auto body repair and other vehicle services are allowed uses in the Commercial land use designation; the project will pay all applicable development impact fees to mitigate its proportionate impact on public facilities; and the project is consistent with goals and policies of the General Plan, including economic development, circulation, noise, and air quality.
2. The Project includes site plan and design elements consistent with the City Design Goals and Standards, including number and design of parking spaces, circulation, land use and landscaping.
3. There are circumstances or conditions applicable to the land, structure, or use, which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right. The proposed auto body repair facility is a compatible land use with the existing commercial neighborhood, comprised of other consumer-oriented businesses, including automobile dealerships and service facilities, tire store, an existing auto repair facility, the Department of Motor Vehicles, and other commercial businesses.
4. The Proposed location of the conditional use is in accordance with the objectives and purposes of the zoning regulations and the I-205 Corridor Specific Plan. The subject property is designated Service Commercial in the I-205 Corridor Specific Plan. Auto

body repair facilities and other vehicle services require Conditional Use Permit approval in the Service Commercial designation. The proposed use will support economic development goals by generating local jobs, property and sales taxes. The auto body repair facility will not only be compatible with nearby land uses, it will support nearby businesses by purchasing parts, subletting repairs, procuring supplies and advertising, and attracting customers to the vicinity that could patronize multiple, related businesses.

- 5. 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. The auto body repair facility proposes hours of operation from 8:00 a.m. through 5:30 p.m., Monday through Friday, consistent with many of the businesses in the area. All vehicle repairs are proposed to be conducted inside the facility, thereby minimizing noise, visual impacts, or other potential disturbances to nearby land uses.
- 6. The proposed use will comply with each of the applicable provisions of the zoning regulations and the I-205 Corridor Specific Plan. The project is consistent with City standards in all respects, including, but not limited to siting standards, off-street parking, landscaping, and building design.

\* \* \* \* \*

The foregoing Resolution 2014-\_\_\_\_\_ was adopted by the Planning Commission on the 17<sup>th</sup> day of December, 2014, by the following vote:

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

\_\_\_\_\_  
CHAIR

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

**Tracy Collision Conditions of Approval**  
**Application Numbers D14-0021 and CUP14-0011**  
**December 17, 2014**

These Conditions of Approval shall apply to the real property described as the Tracy Collision Project, Planned Unit Development (PUD) Preliminary and Final Development Plan (Application Number D14-0021) and Conditional Use Permit (Application Number CUP14-0011). The approximately 1.66-acre subject property is located on the north side of Auto Plaza Drive, 2705 Auto Plaza Drive, Tracy; (Assessor's Parcel Numbers 212-270-15 and a portion of 212-040-11).

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 Development Services 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 (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the Tracy Collision Project at 2705 Auto Plaza Drive, Planned Unit Development (PUD) Preliminary and Final Development Plan (Application Number D14-0021) and Conditional Use Permit (Application Number CUP14-0011). The approximately 1.66-acre subject property is located on the north side of Auto Plaza Drive (Assessor's Parcel Numbers 212-270-15 and a portion of 212-040-11).
5. "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.
6. "Project" means the real property consisting of approximately 1.66 acres proposed for the Tracy Collision Project located at 2705 Auto Plaza Drive (Assessor's Parcel Numbers 212-270-15 and a portion of 212-040-11).
7. "Property" means the real property located at 2705 Auto Plaza Drive (Assessor's Parcel Numbers 212-270-15 and a portion of 212-040-11).
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 Developer. The term "Developer" 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. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
4. 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.
5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department (DR.01 through DR.04) on October 13, 2014.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director.

Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of

five gallons.

7. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.
8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development 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.
9. No roof mounted equipment, including, but not limited to, HVAC units, fans, antennas, and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Auto Plaza Drive, Power Road, Naglee Road, or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public rights-of-way by the roof of the building, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, gas meters, electrical panels and doors, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
11. Prior to 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 public rights-of-way, to the satisfaction of the Development Services Director.
13. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
14. 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 view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
15. Prior to the issuance of a building permit, the developer shall demonstrate that the trash enclosure contains sufficient space and access for recycled material in accordance with State law and local standards to the satisfaction of the Public Works Director.
16. Prior to the issuance of a building, grading, or other construction permit, the developer shall cause to be recorded the transfer of title of the approximately 42-foot-wide strip of City-owned property at the north end of the site (portion of APN 212-

040-11) or otherwise obtain written permission from the City to access and use the approximately 42-foot-wide strip of City-owned property.

17. Prior to the issuance of a building, grading, or other construction permit, a lot line adjustment or other instrument shall be approved by the City and recorded to relocate the property line at the north end of APN 212-270-15 approximately 42 feet north, resulting in one lot for the approximately 1.66-acre site, in accordance with a purchase agreement or other written agreement with the City for the developer to any City-owned property for this development application.
18. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations. All signs shall be designed and constructed in accordance with the size, height, and other standards of the I-205 Corridor Specific Plan.
19. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits.
20. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
21. Prior to the issuance of a building permit, the developer shall provide emergency responder radio coverage system in accordance with section 510 of the 2013 California Fire Code to the satisfaction of the Chief Building and Fire Code Official.

C. Engineering Division Conditions of Approval

C.1. Grading Permit

The City will not accept grading permit application for the Project as complete until the Developer has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.1.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
  - C.1.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
  - C.1.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
    - C.1.3.a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
    - C.1.3.b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.
    - C.1.3.c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
  - C.1.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California, as required in Condition C.3.1.a (i) below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, and elevation of the highest observed groundwater level.
  - C.1.5. A copy of the approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD)
  - C.1.6. Documentation of any necessary authorizations from Regional Water Quality Control Board (RWQCB)
  - C.1.7. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection, as required in Conditions C.3.1.b (i) below.
- C.2 Encroachment Permit  
No application for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.2.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (Mylar) and these Conditions of Approval. 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.2.2 Two (2) sets of structural calculations signed and stamped by a Structural Engineer licensed in the State of California, as required in Condition C.3.1.a (ii), below.
- C.2.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.2.4. If required, a signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.
- C.2.5. Check payment for the applicable of engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.
- C.2.6. Traffic Control Plan signed and stamped by a Registered Traffic Engineer and Tracy's Fire Marshall's signature on the Utility Improvement Plans indicating their approval for the Project's fire service connection and fire and emergency vehicle access. The written approval from the Fire Department required in this section shall be obtained by the Developer, prior to City Engineer's signature on the improvement plans.

C.3. Improvement Plans

Improvement Plans shall contain the design, construction details and specifications of public improvements that is/are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (Mylar) and 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. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.3.1. Grading and Storm Drainage Plans

C.3.1.a. Site Grading

- (i) Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- (ii) When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the

Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

- (iii) An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.
- (iv) Site grading shall be designed such that the Project's storm water can surface drain directly to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.3.1.b. Storm Drainage

- (i) The Developer shall design and install the Project's permanent drainage connection(s) to the City's existing storm drainage facility located on Auto Plaza Drive per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system must be submitted with the Improvement Plans.
- (ii) The design and construction details of the Project's storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and Storm Water Regulations that were adopted by the City Council in 2008 and any subsequent amendments.
- (iii) Prior to the final inspection of the first building to be constructed on the Property, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.
- (iv) Developer shall install a 18" storm drain line within the existing 20' wide private drainage easement for the benefit of the property to the east for future connection. Developer may request establishment of a benefit district or other means acceptable to the City for reimbursement of cost of installation

of the storm drain line for the property to the east when it develops and connects to the said storm drain line.

C.3.2. Improvement Plans

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.

If water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Developer shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation for approval by the City.

C.3.2.a. Domestic and Irrigation Water Services: The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the final inspection of the building.

The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.

C.3.2.b. Fire Service Line: The Developer shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.3.3. Street Improvements

C.3.3.a. Frontage Improvements on Auto Plaza Drive: The Developer shall design and install improvements on Auto Plaza Drive which shall include replacement of damaged or disturbed curb, gutter and sidewalk, installation of driveways, storm drains, manholes and other improvements as determined by the City Engineer. In

addition, the Developer shall overlay street pavement for all utility trench cuts as required in Condition C.3.6 below.

C.3.3.b. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Property.

C.3.4. Traffic Control Plan

The Developer shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at the work areas within Auto Plaza Drive. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.3.5 Joint Utility Trench Plans

Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

C.3.6. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies).

C.4. Building Permit

No building permit 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.4.1. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

C.4.2. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

C.4.3. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.



C.4.4 The Project is within 1-205 Specific Plan Parcel GL-2A. Payment of applicable development impact fees (a.k.a. capital in-lieu fees) as specified in the Project's Finance Plan and all fees as required in the 1-205 Infrastructure Cost Allocation Spreadsheet (recent version), and the 1-205 Corridor Specific Plan Finance & Implementation Plan (1-205 FIP) update and these Conditions of Approval. The Developer shall also pay to the City the Project's fair share of the cost of the Non-program Streets and Non-program Traffic Signals within the 1-205 Specific Plan Area in accordance with 1-205 North Roadway Funding Study approved by the City, and as shown on the Project's Finance Plan, 1-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the 1-205 FIP update.

C.4.5 All fees shall be calculated based on the total site area (shown as 1.66 acres on the Preliminary/Final Development Plan dated 8/26/2014) which includes the public property acquisition outlined in Condition C.4.6 below.

C.4.6 Submit documentation such as recorded Grant Deed(s) demonstrating completion of acquisition of the approximately 42' wide strip of land adjacent to the northerly property boundary from the City, or demonstrate compliance with the Planning Division Condition of Approval for acquisition of the property.

C.5. Acceptance of Public Improvements

Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

C.5.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

C.5.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.

C.6. Temporary or Final Building Certificate of Occupancy

No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.6.1. The Developer has satisfied all the requirements set forth in Condition C.5, above.

C.6.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking 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).

C.7. Improvement Security

The Developer shall provide improvement security for all public facilities, as required by the OIA and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

C.7.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),

C.7.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and

C.7.3. Warranty (10% of the estimated cost of constructing the public facilities)

C.8. Release of Improvement Security

Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

C.8.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section 12.36.080 of the TMC.

C.8.2. Written request from the Developer and a copy of the recorded Notice of Completion.

C.9. Benefit District

The Developer may make a written request to the City for the formation of a Benefit District, prior to the approval of improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with Chapter 12.60 of the TMC.

C.10. Special Conditions

C.10.1. The Developer shall comply with all applicable requirements of the I-205 Corridor Specific Plan, approved by the City Council on August 21, 1990, pursuant to Resolution No. 90-328, and the I-205 Corridor Specific Plan Amendment, approved by the City Council on July 6, 1999, pursuant to Resolution No. 99-240.

C.10.2. All streets and utilities improvements within City's 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.10.3. 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. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

- C.10.4. The Developer shall accomplish acquisition of the approximately 42' wide strip of land adjacent to the northerly property boundary from the City, and record Grant Deeds with the County Recorder's Office.
- C.10.5. The Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.10.6. 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 Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, 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 design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

December 17, 2014

## AGENDA ITEM 2-B

### REQUEST

**MINOR AMENDMENT TO THE PLAZA ONE FINAL DEVELOPMENT PLAN TO REPLACE PARKING STALLS WITH AN OUTDOOR DINING AREA ADJACENT TO THE BUILDING AT 2986 WEST GRANT LINE ROAD - APPLICANT IS JS KENDALL CONSTRUCTION, INC. FOR PLAZA ONE, LLC**

### DISCUSSION

#### Background

On October 17, 2000, City Council approved a Preliminary and Final Development Plan (PDP/FDP) for the Plaza One project, which was described as two retail/multi-use buildings totaling 10,240 square feet within the I-205 Specific Plan on West Grant Line Road (Attachment A). The multi-tenant buildings were subsequently constructed and have been occupied by a variety of tenants over time.

#### Proposed Amendment

The property owner of the Plaza One buildings has interest from a restaurant that wishes to occupy the western portion of the western building (3,840 square feet) and supplement that occupancy with the addition of a 1,200 square-foot outdoor dining area, as well as a small outdoor waiting area adjacent to the entry on the south side of the building.

Restaurants are a permitted use within the General Commercial land use designation assigned to the property by the I-205 Specific Plan. The proposed change to the site plan, converting five compact parking spaces into an outdoor patio/dining area, and three parking spaces into an entry landscaped waiting area feature and new trash enclosure (Attachment B) requires a minor amendment to the Plaza One FDP because it is a new addition that was not a part of the original project approval. The proposed amendment to the approved PDP/FDP involves replacing parking with an open-air seating area with a fence and outdoor furnishings, as shown in Attachments B and C.

#### Parking, Circulation and Landscaping

Based on the parking requirements within the I-205 Specific Plan, the 10,240 square-foot building area total is required to have 41 parking spaces available, and the Plaza One buildings were approved and constructed with 58 parking spaces. An amendment recently approved for Five Guys to eliminate seven parking spaces for their outdoor dining area resulted in 51 existing parking spaces. The proposal to eliminate eight more parking spaces in order to accommodate the proposed outdoor patio/dining area and other exterior

improvements for this tenant space would result in 43 parking spaces, still over the 41 required. The buildings have access from Grant Line Road, through a number of driveways that facilitate efficient circulation from Grant Line Road to the subject property as well as the other commercial buildings within the Tracy Marketplace shopping center (Attachment A). The proposed amendment will not affect any of the circulation patterns on this or any of the adjacent sites, as no drive aisle changes are proposed.

The proposed patio area will be surrounded by a small planter and railing, defining the outdoor dining space (Attachment C). The elimination of the planter within the existing parking spaces will not result in any deficiency with regard to landscaping.

#### Environmental Document

The proposed PDP/FDP amendment is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, pertaining to infill projects smaller than five acres in size substantially surrounded by urban uses. In accordance with CEQA Guidelines, no further environmental assessment is required.

#### RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the minor amendment to the Plaza One Final Development Plan to replace eight parking stalls with an outdoor dining area, waiting area and landscaping, based on the findings contained in the Planning Commission Resolution dated December 17, 2014 (Attachment D).

#### MOTION

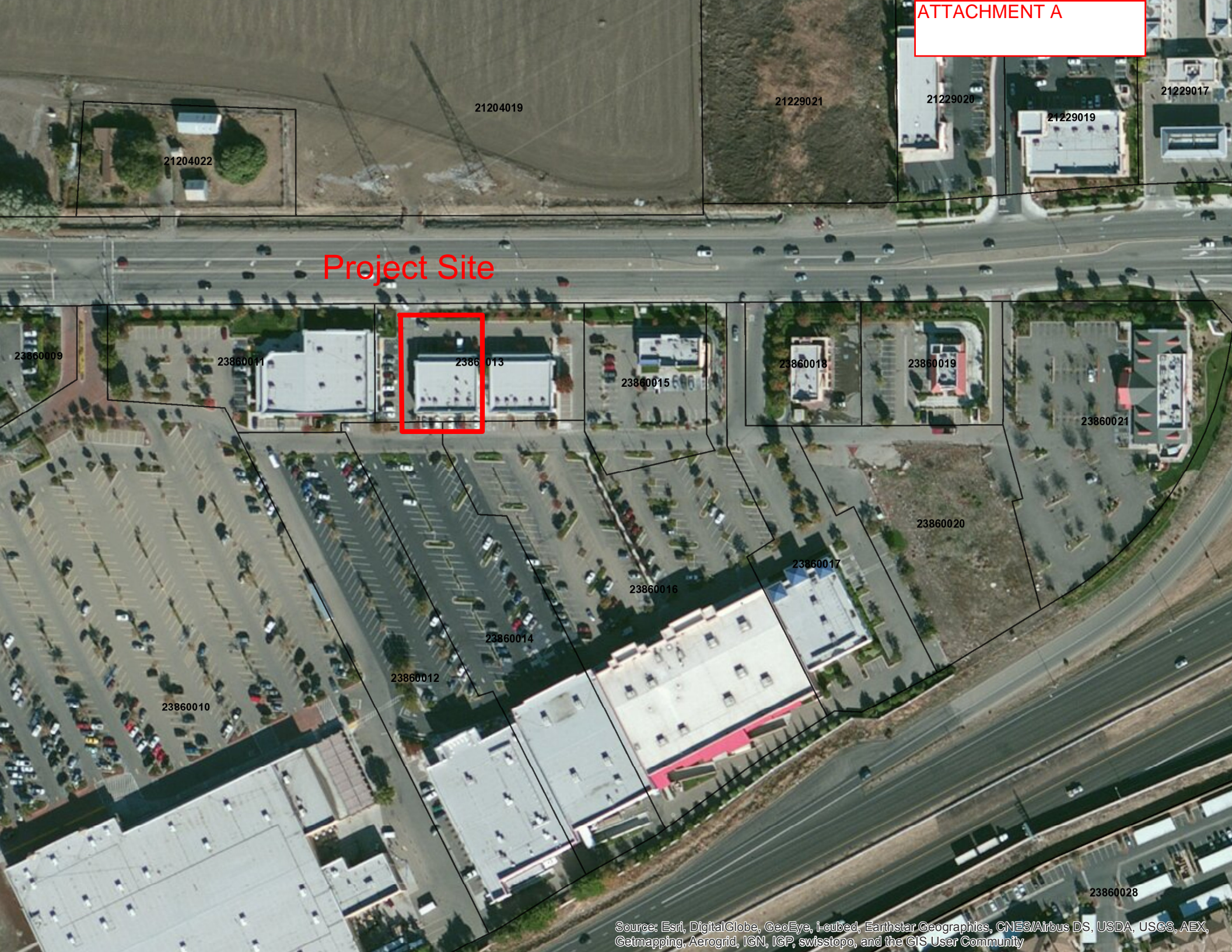
Move that the Planning Commission recommend that the City Council approve the minor amendment to the Plaza One Final Development Plan to replace eight parking stalls with an outdoor dining area, waiting area and landscaping, based on the findings contained in the Planning Commission Resolution dated December 17, 2014.

Prepared by Victoria Lombardo, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

#### ATTACHMENTS

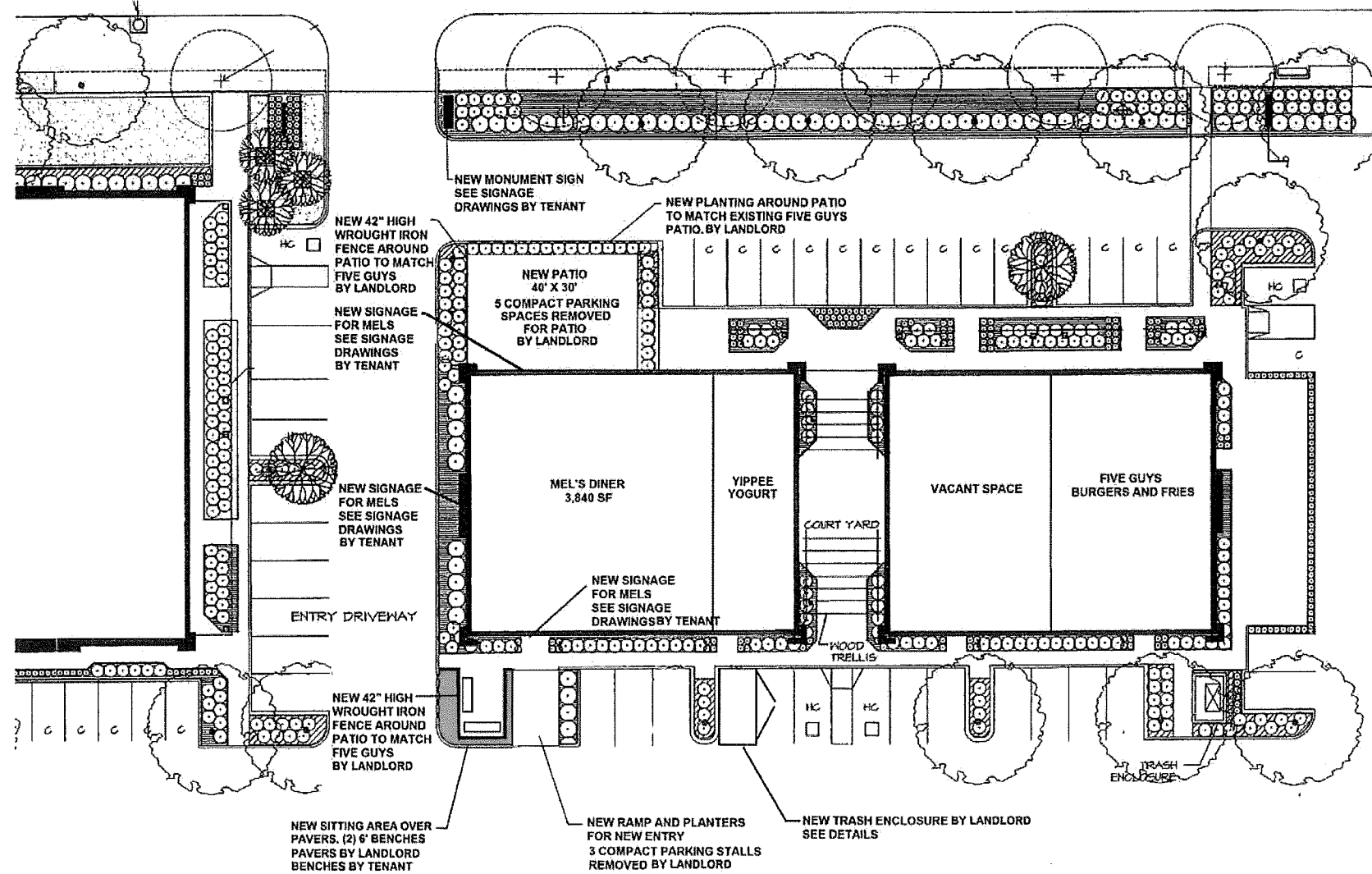
- A—Location Map
- B—Site Plan
- C—Color Renderings
- D—Planning Commission Resolution



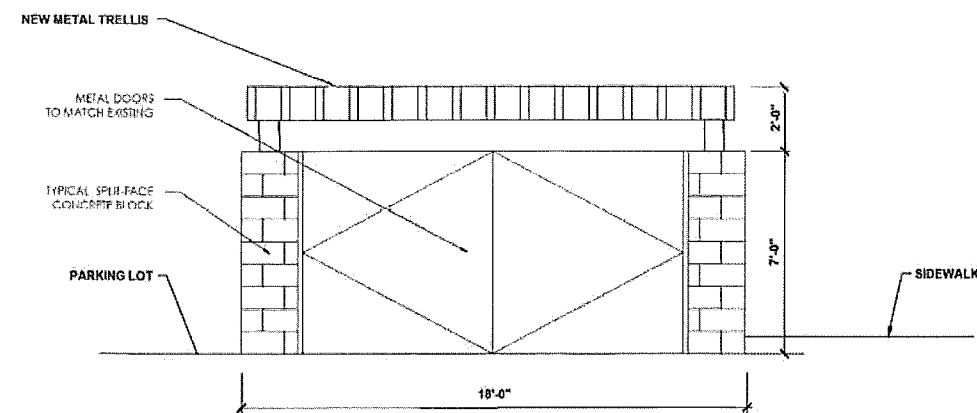
Project Site



GRANT LINE ROAD



SITE PLAN - NTS



TRASH ENCLOSURE ELEVATION - NTS

**PROJECT:**  
**MEL'S DINER**  
**2986 WEST GRANT LINE ROAD**  
**TRACY, CA**  
**3,840 SQUARE FEET**

**LANDLORD:**  
**PLAZA ONE LLC**  
**1470 MARIA LANE**  
**SUITE 101**  
**WALNUT CREEK, CA 94596**  
**925-946-9294**

**DESIGNER:**  
**JS KENDALL CONSTRUCTION**  
**1470 MARIA LANE**  
**SUITE 101**  
**WALNUT CREEK, CA 94596**  
**TRAVIS FYFE**  
**925-818-1087**

**GENERAL CONTRACTOR:**  
**JS KENDALL CONSTRUCTION**  
**1470 MARIA LANE**  
**SUITE 101**  
**WALNUT CREEK, CA 94596**  
**TRAVIS FYFE**  
**925-818-1087**

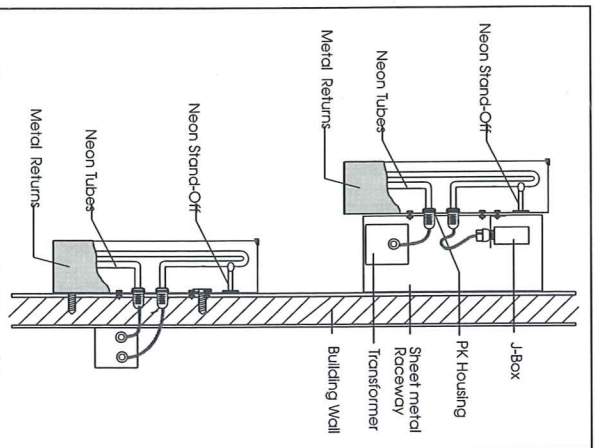
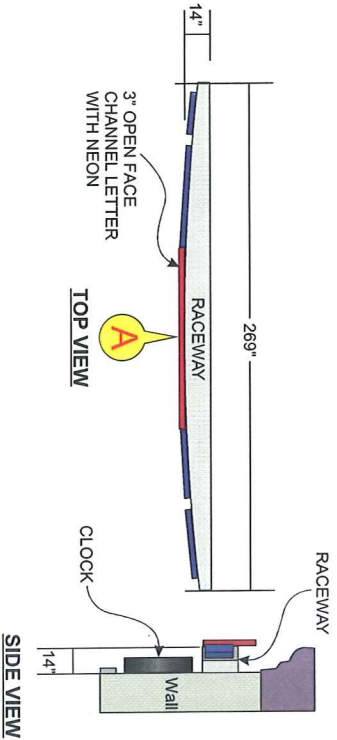
PROJECT INFORMATION

# ATTACHMENT C



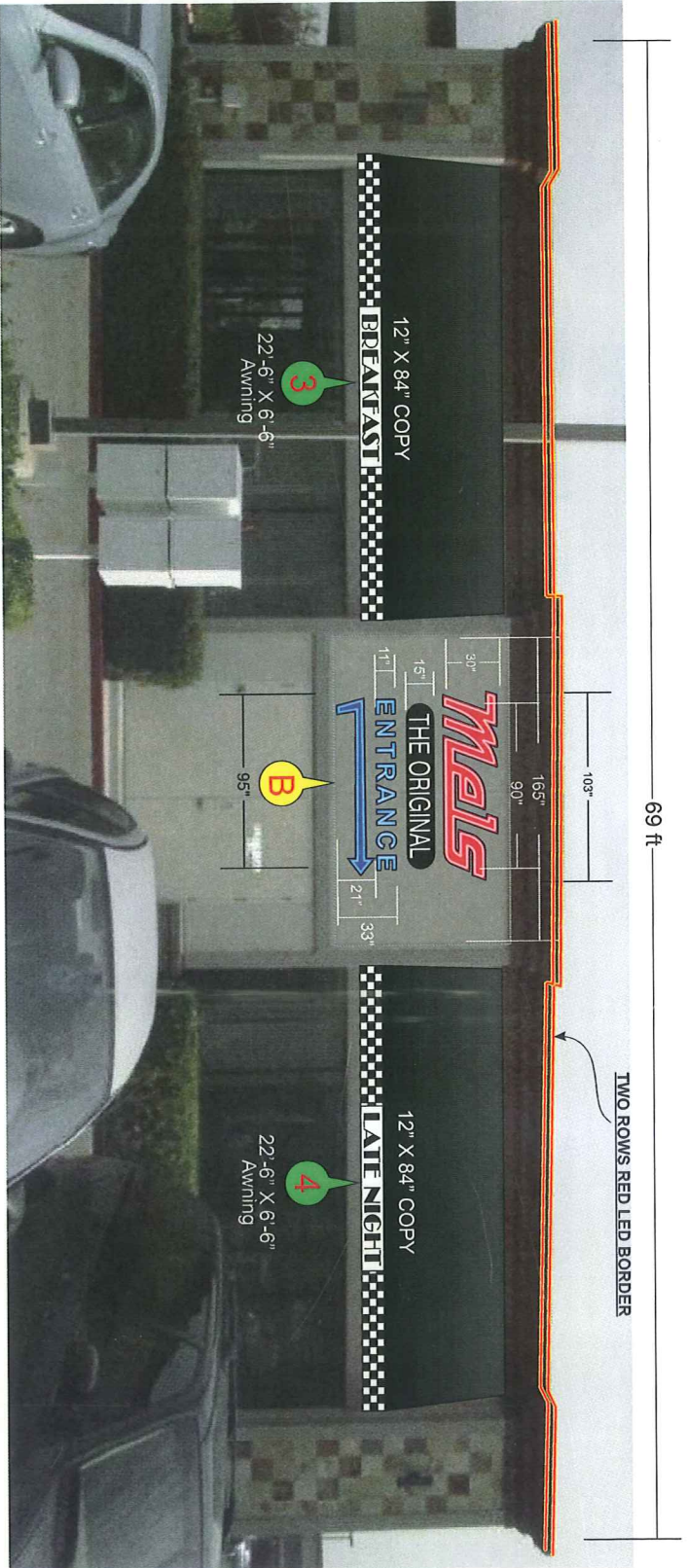
**A** Front Elevation Scale: 3/16" = 1'

FAB. & INSTALL ONE SET OF PAN CHANNEL LETTER, MELS: 3" ALUMINUM RED RETURN WITH RED NEON. THE ORIGINAL SINCE 1947: 3" ALUMINUM BLUE RETURN WITH BLUE NEON. CLOCK: 1/2" CLEAR PLEX THRU LETTERING OVERLAID WITH YELLOW & BLUE VINYL AS SHOWN & ILLUMINATED WITH WHITE NEON.



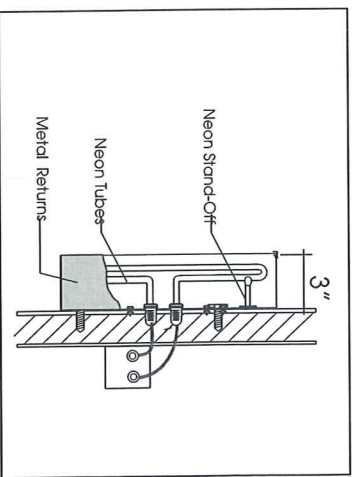
PAN-CHANNEL LETTERS MOUNTING DETAIL N.T.S.  
UL Approved



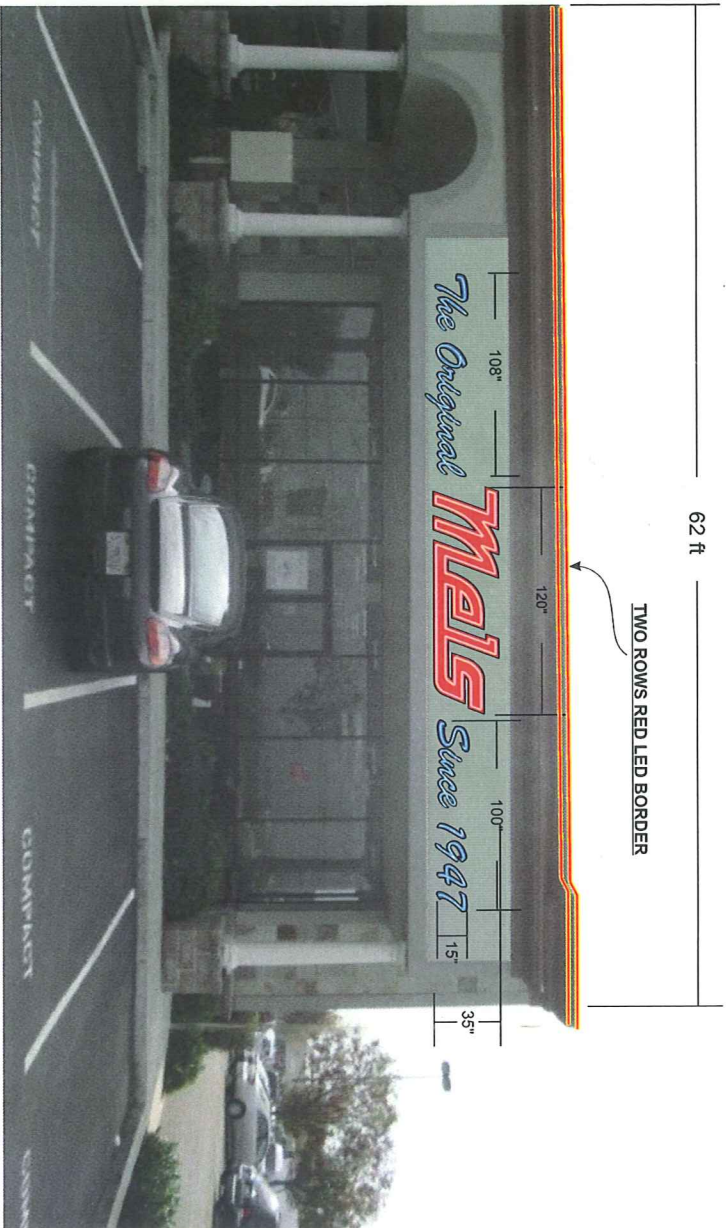


**B** Side Elevation Scale: 3/16" = 1'

- FAB. & INSTALL ONE SET OF PAN CHANNEL LETTER, MEIS: 3" ALUMINUM RED RETURN WITH RED NEON.
- THE ORIGINAL LOGO BOX: 5" ALUMINUM BLACK RETURN WITH 3/16" WHITE PLEX FACE, OVERLAID WITH BLACK VINYL
- ENTRANCE & ARROW: 3" ALUMINUM BLUE RETURN WITH BLUE NEON.

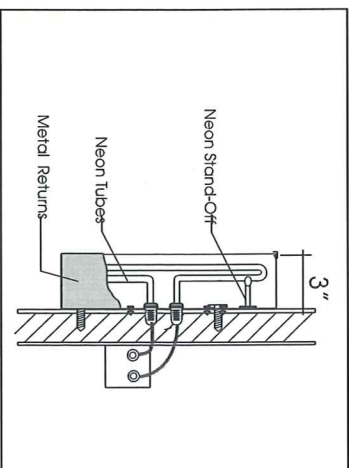


PAN-CHANNEL LETTERS MOUNTING DETAIL N.T.S.  
UL Approved

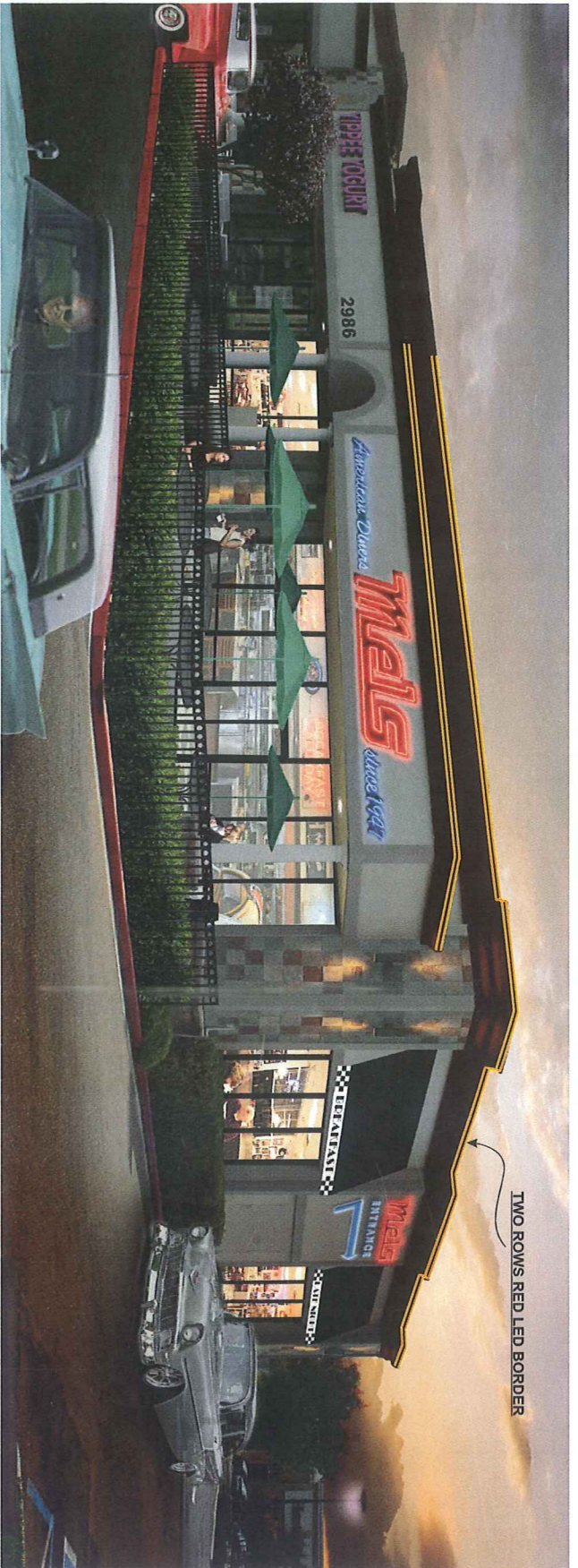


**C** **Rear Elevation** Scale: 3/16" = 1'

FAB. & INSTALL ONE SET OF PAN CHANNEL LETTERS, MELS: 3" ALUMINUM RED RETURN WITH RED NEON.  
THE ORIGINAL SINCE 1947: 3" ALUMINUM BLUE RETURN WITH BLUE NEON.



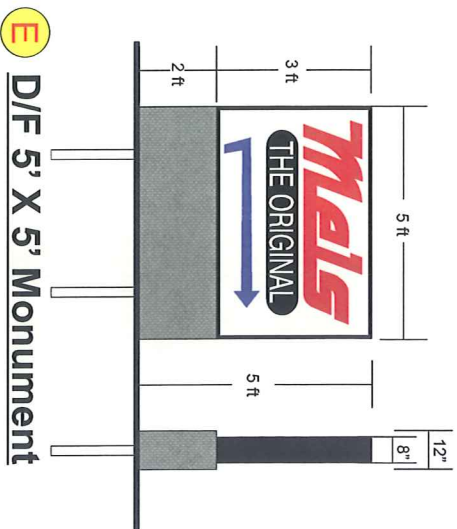
PAN-CHANNEL LETTERS MOUNTING DETAIL N.T.S.  
 UL Approved



2986 Grant Line rd. Tracy, CA 95304



5' X 5' MONUMENT

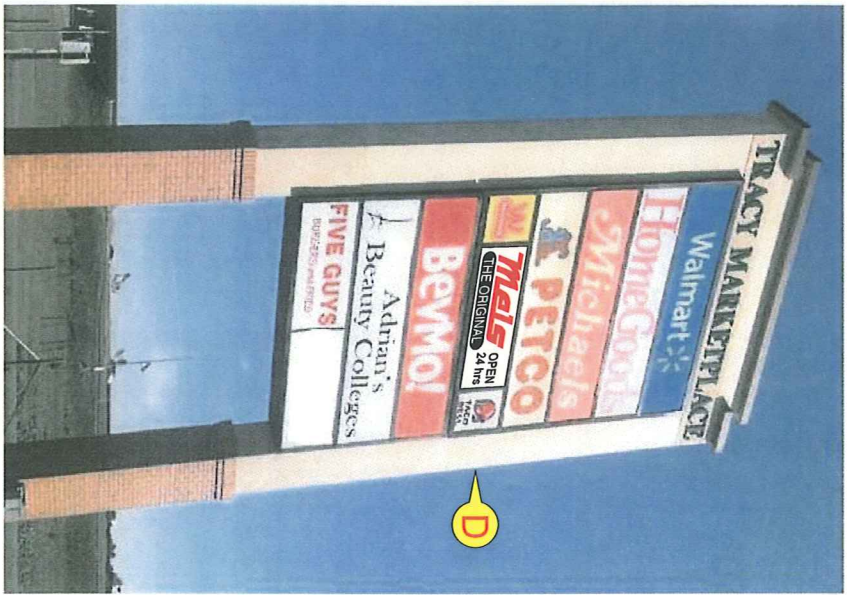


**E** D/F 5' X 5' Monument



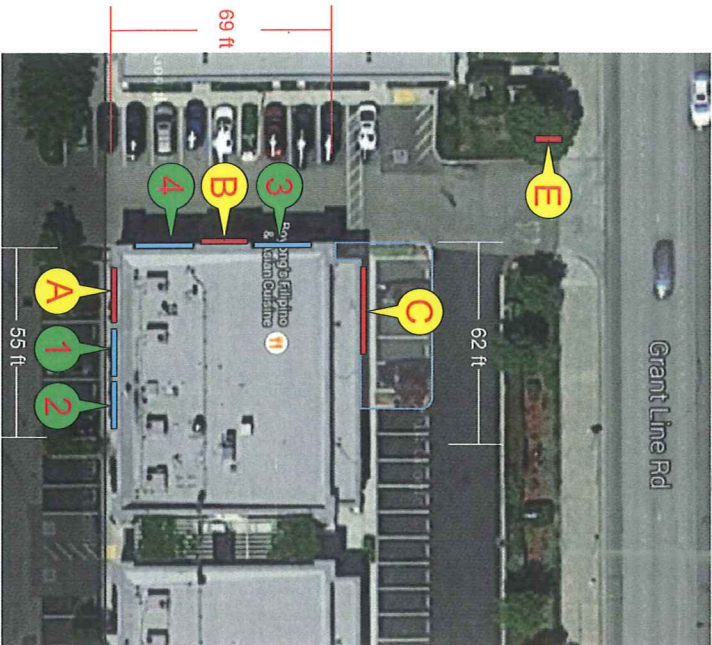
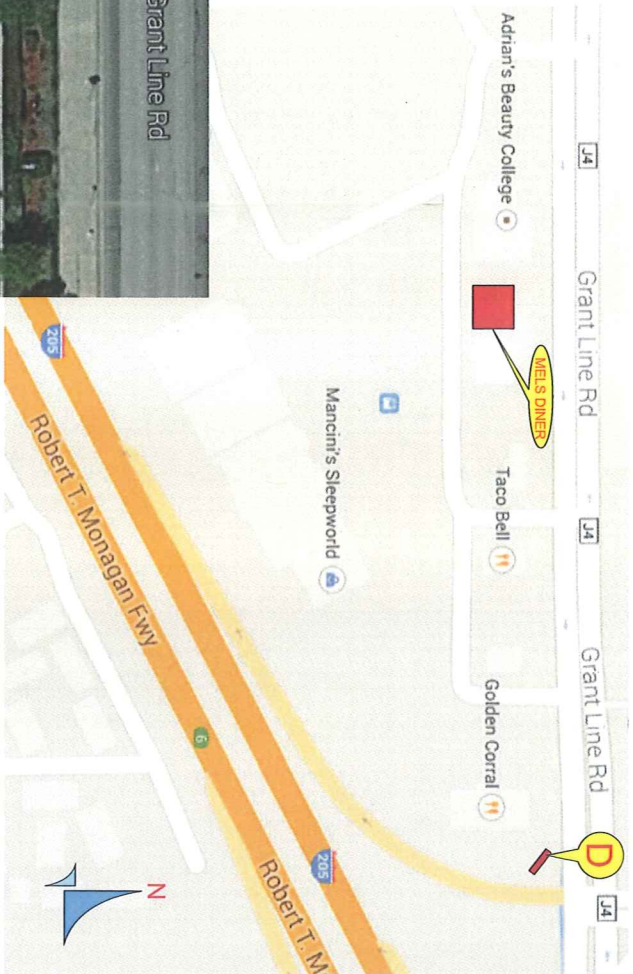
Alpha Architectural  
Signs & Lighting

12-02-14  
8565 29RD AVE.  
SACRAMENTO, CA 95826  
916-379-0225



**D** Monument: NEW LEXAN FACES (2 EACH) REPLACEMENT WITH VINYL OVERLAY

**TruMeds** OPEN 24 hrs  
THE ORIGINAL



2986 Grant Line rd. Tracy, CA 95304



Alpha Architectural  
Signs & Lighting

12-02-14  
8565 23RD AVE.  
SACRAMENTO, CA 95826  
916-379-0225

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

RECOMMENDING CITY COUNCIL APPROVAL OF A MINOR AMENDMENT TO THE PLAZA ONE FINAL DEVELOPMENT PLAN TO REPLACE EIGHT PARKING STALLS WITH A 1,200 SQUARE-FOOT OUTDOOR DINING AREA ADJACENT TO THE BUILDING AT 2986 WEST GRANT LINE ROAD  
ASSESSOR'S PARCEL NUMBER 238-600-13  
APPLICATION NUMBER D14-0023

WHEREAS, City Council adopted the I-205 Corridor Specific Plan and certified its Environmental Impact Report on August 21, 1990, and approved a subsequent Negative Declaration approved on July 6, 1999, and

WHEREAS, JS Kendall Construction, Inc., on behalf of Plaza One, LLC, submitted an application to amend the Plaza One Final Development plan to replace seven parking spaces with a 1,200 square-foot outdoor dining area (Application Number D14-0023) on November 4, 2014, and

WHEREAS, The subject property is located within the I-205 Corridor Specific Plan area, with a land use designation of General Commercial, which allows restaurants as a permitted land use, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on December 17, 2014;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission recommends that the City Council approve a minor amendment to the Plaza One Final Development Plan to replace eight parking spaces with a 1,200 square-foot outdoor dining area and waiting area, Application Number D14-0023, 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 outdoor dining area and associated landscape and hardscape improvements are compatible with the land use, design, and operational characteristics of the neighboring properties. It 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 structures, or to the general welfare of the City because the project is consistent with the land use, design, and other elements of the I-205 Specific Plan, the City of Tracy General Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to, Article 26, Off-Street Parking Requirements, and Article 30, Development Review.
2. 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 because the site design and architectural elements of the project as designed and conditioned, are an architecturally interesting addition to the parcel, and will not adversely visually impair the benefits of the properties in the vicinity, as the project includes desirable elements, including outdoor seating and landscaping.

- 3. The project, as designed and conditioned, will not cause any significant environmental impact, because it is categorically exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15332, pertaining to infill projects smaller than five acres surrounded by urban uses that are consistent with the Zoning and General Plan designations and not having any significant environmental effects. An analysis of the project shows that there will be no significant on-site impacts as a result of this particular project. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, land use and other potential cumulative impacts.

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The foregoing Resolution \_\_\_\_\_ was adopted by the Planning Commission on the 17<sup>th</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

Exhibit 1 - Conditions of Approval

**Conditions of Approval for Plaza One Outdoor Dining Area  
Application No. D14-0023  
December 17, 2014**

1. These Conditions of Approval shall apply to the real property described as a 1,200 square-foot outdoor dining area, Application Number D14-0023 (hereinafter "Project"), located at 2986 West Grant Line Road, Assessor's Parcel Number 238-600-13.
2. The following definitions shall apply to these Conditions of Approval:
  - 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 (also known as the Urban Management Plan), the Tracy Municipal Code, I-205 Corridor Specific Plan, 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 1,200 square-foot outdoor dining area, Application Number D14-0023.
  - f. "Project" means the real property consisting of the building located at 2986 West Grant Line Road, Assessor's Parcel Number 238-600-13.
3. 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 1500, et seq., "CEQA Guidelines").
4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.

5. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011, and the I-205 Corridor Specific Plan Negative Declaration dated July 6, 1999.
6. Except as otherwise modified herein, all construction shall be consistent with the site plan and architectural renderings received by the Development Services Department on December 10, 2014.
7. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan for the new landscape improvements consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, I-205 Corridor Specific Plan, and Water Efficient Landscape Guidelines on private property, to the satisfaction of the Development Services Director.
8. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
9. Prior to the issuance of a building permit, a detailed plan of the trash enclosure shall be approved, showing solid metal doors, an interior concrete curb, a minimum height of seven feet, and exterior materials and color compatible with the adjacent building exterior.