

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, January 14, 2015
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 AN AMENDMENT TO CONDITIONAL USE PERMIT NUMBER 9-99-CUP FOR AN ELECTRONIC READERBOARD SIGN FOR A PRIVATE SCHOOL LOCATED AT 1635 CHESTER DRIVE - APPLICANT IS CRAIG YESZIN AND PROPERTY OWNER IS ST PAUL'S EVANGELICAL LUTHERAN CHURCH - APPLICATION NUMBER CUP14-0010**
 - B. **MINOR AMENDMENT TO THE COSTCO FINAL DEVELOPMENT PLAN FOR MODIFICATION OF THE GASOLINE SERVICE STATION AT 3250 W. GRANT LINE ROAD - APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS AND PROPERTY OWNER IS COSTCO WHOLESALE CORPORATION - APPLICATION NUMBER D14-0019**
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

Posted: **January 7, 2015**

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development and Engineering Services department located at 333 Civic Center Plaza during normal business hours.

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO CONDITIONAL USE PERMIT NUMBER 9-99-CUP FOR AN ELECTRONIC READERBOARD SIGN FOR A PRIVATE SCHOOL LOCATED AT 1635 CHESTER DRIVE - APPLICANT IS CRAIG YESZIN AND PROPERTY OWNER IS ST PAUL'S EVANGELICAL LUTHERAN CHURCH - APPLICATION NUMBER CUP14-0010

DISCUSSION

Project Background and Location

On January 12, 2000, the Planning Commission approved Conditional Use Permit Application Number 9-99-CUP for Bella Vista Christian Academy, a private school affiliated with St. Paul's Evangelical Lutheran Church located at 1635 Chester Drive (Attachment A). The site is zoned Low Density Residential (LDR) and is bordered by single family residences to the north, west, and south and Dr. Powers Park to the east (Attachment B), all of which are also zoned LDR. The private school shares the site with St. Paul's Evangelical Lutheran Church, and both uses have been in operation at the site for years.

There are currently two monument signs on site whose messages are changed manually. Bella Vista Christian Academy proposes to replace the 24 square foot monument located closest to the intersection of Lowell Avenue and Chester Drive with a 24 square foot LED electronic readerboard sign (Attachment C).

Project Description and Analysis

Tracy Municipal Code Section 10.08.4510(i)(2) permits one electronic readerboard sign on the property of a private school if the site is one-half acre or more and the school contains any of grades one through twelve upon approval of a Conditional Use Permit by the Planning Commission. The sign may advertise only noncommercial, on-site activities and events.

Bella Vista Christian Academy is on a site over 5 acres in size and educates grades preschool through eighth. The applicant, on behalf of the property owner, is proposing an LED readerboard sign to promote school, church, and related activities that will take place onsite. Monument signs for private schools in the LDR zone may be constructed with approval of a Sign Permit. In the case of an electronic readerboard monument sign, a Conditional Use Permit, if granted, will serve as the permit.

The request is for an amendment to Conditional Use Permit 9-99-CUP to allow a readerboard sign on the site. In evaluating the conditional use permit amendment application, the Commission shall consider appropriate hours of illumination, brightness, size, height, and other sign characteristics as they relate to the sign's location and surrounding land uses.

Electronic readerboards are becoming increasingly popular on school and commercial sites. The technology makes it convenient to change the sign copy. It also allows the sign copy to change frequently or infrequently, and it allows the copy to be displayed in one or multiple colors. Many public schools in Tracy are using electronic readerboards to advertise school activities or messages. Because public schools are regulated by the Department of State Architect, those signs are not reviewed or permitted by the City. This application for a Conditional Use Permit by a private school for an electronic readerboard sign is the first to be reviewed by the Planning Commission.

As previously stated, electronic readerboards have the capacity to display multiple messages in multiple colors filling the entire sign face, or they may simply scroll colored text against a black (non-illuminated) background. The applicant, on behalf of Bella Vista Christian Academy, proposes that the sign display be similar to that of several public schools, which have black backgrounds with scrolling colored text. The lit bulbs can form a design, such as a firework or a balloon, which is commonly used with graduation announcements, for example. The text is often either in a single color or comprised of two or three colors.

The LED display is capable of achieving up to 6000 nits, where a nit is a unit of luminance equivalent to one candela per square meter and the industry standard for measuring luminance of electronic readerboard signs. In the daytime, the sign is proposed to be illuminated to its maximum brightness so that it can be easily read in the daylight. Aside from street lamps and uplighting on the building, site is relatively dark at night. The applicant conducted a field test at night to evaluate the brightness of an LED sign in the dark. City staff and neighboring residents were invited to provide feedback on the brightness. The test of the screen display fully illuminated with color was determined by the applicant and staff to be too bright given the context of the site. The test of a single color against a black background was determined to be more appropriate, especially when the text was dimmed to 1800 nits (30 percent below the maximum luminance capability) (Attachment D). The color affects the brightness, where white text was significantly brighter than green text when both were set at 1,800 nits. Based on the field test, the applicant, property owner, and City staff believe an LED readerboard sign comprised of colored text against a black background would be appropriate at the site provided darker colored bulbs are dimmed to 1800 nits or lower and brighter colored bulbs are dimmed to 1200 nits (20 percent below maximum luminance) or lower at sunset for the duration of nighttime hours. No residents attended the field test or submitted comments to the applicant, the property owner, or staff.

In addition to brightness, another potential objectionable characteristic of electronic readerboard signs is the speed of change in sign copy. According to the applicant, the sign would primarily display worship hours for St. Paul's Church. As school or community events take place, the sign copy could change to post information relating to those events. The applicant anticipates no more than two messages would be displayed per day and does not propose rapid flashing between messages.

The sign is proposed to be six feet tall and twenty-four square feet in area, which are the maximums permitted for private schools in the LDR zone, with the LED portion of the sign at 18 square feet. The proposed height and size of the sign will be appropriate in scale with the adjacent building, and the sign will be set back such that it does not obstruct vehicular or pedestrian visibility.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15302 relating to replacement of a commercial structure with a new structure of substantially the same size, location, purpose, and capacity.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit amendment application to CUP Number 9-99-CUP to install an electronic readerboard sign at 1635 Chester Drive, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated January 14, 2015 (Attachment D).

MOTION

Move that the Planning Commission approve the Conditional Use Permit amendment application to CUP Number 9-99-CUP to install an electronic readerboard sign at 1635 Chester Drive, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated January 14, 2015 (Attachment D).

Prepared by Kimberly Matlock, Assistant Planner

Approved by Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

- Attachment A— Conditional Use Permit Number 9-99-CUP
- Attachment B— Location Map
- Attachment C— Plans
- Attachment D— Photo of sign test at night
- Attachment E— Planning Commission Resolution

RESOLUTION PC 2000-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY
ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING THE
APPLICATIONS FOR CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW
FOR THE ST. PAUL'S LUTHERAN CHURCH EDUCATION AND CHURCH
ADMINISTRATION FACILITY PROJECT,
APPLICATION NUMBERS 9-99-CUP AND 43-99-D**

WHEREAS, St. Paul's Lutheran Church submitted an application for Conditional Use Permit (Application No. 9-99-CUP) and Development Review (Application No. 43-99-D) for the St. Paul's Lutheran Church Education and Church Administration Facility Project on October 20, 1999, and

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration were prepared for the project and posted for public review in compliance with California Environmental Quality Act Guidelines, from December 16, 1999 through January 4, 2000;

WHEREAS, the Planning Commission held a public hearing to review and consider the applications on January 12, 2000, and determined that the findings to adopt the Mitigated Negative Declaration and approve the applications for Conditional Use Permit and Development Review, as stated in the staff report dated January 12, 2000, could be made;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby adopted the Mitigated Negative Declaration, and approve St. Paul's Lutheran Church Conditional Use Permit Application 9-99-CUP and Development Review Application 43-99-D, based on the findings contained in the staff report dated January 12, 2000, and subject to the conditions as stated on Exhibit "1" and Exhibit "2" attached and made part hereof.

The foregoing Resolution of the Planning Commission was adopted by the Planning Commission on the 12th day of January, 2000, by the following vote:

AYES: Commission Members: BRADLEY, ENGLISH, LINDQUIST, SUNDBERG, SWINGLE
NOES: Commission Members:
ABSENT: Commission Members:
ABSTAIN: Commission Members:

Edward English, Chair

ATTEST:



Brian Millar, Secretary

**Planning Division Conditions of Approval
for St. Paul's Lutheran Church
Education And Church Administration Facility
Application Number 9-99-CUP and
Application Number 43-99-D
January 12, 2000**

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the real property described as a 5.24 acre parcel located at 1635 Chester Drive (southwest corner of Chester Drive and Lowell Avenue), Assessor's Parcel Number 232-150-32, Application Number 9-99-CUP and Application Number 43-99-D, St. Paul's Lutheran Church Education and Church Administration Facility (hereinafter "Project").
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 Public Works 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, 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 and Engineering Services Director" means the Development and Engineering Services Director of the City of Tracy, or any other person designated by the City Manager or the Development and Engineering Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to the St. Paul's Lutheran Church Education and

Church Administration Facility project, Assessor's Parcel Number 232-150-32, Application Number 9- 99-CUP and Application Number 43-99-D. The Conditions of Approval shall specifically include all Development and Engineering Services conditions set forth herein.

- f. "Project means the real property described as a 5.24 acre parcel located at 1635 Chester Drive (southwest corner of Chester Drive and Lowell Avenue), Assessor's Parcel Number 232-150-32, Application Number 9-99-CUP and Application Number 43-99-D, St. Paul's Lutheran Church Education and Church Administration Facility, Tracy, CA.
 - g. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
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. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Planning Division Conditions of Approval

1. Except as otherwise modified herein, the project shall be developed in accordance with the plans submitted to the Development and Engineering Services Department on December 7, 1999.
2. Prior to issuance of a Certificate of Occupancy, the developer shall submit landscape plans for approval by the Development and Engineering Services Director, in compliance with the requirements of the City of Tracy Off-Street Parking Requirements, the Water Efficient Landscape Guidelines, all other applicable City standards, and in compliance with the site plan submitted to the Development and Engineering Services Department on December 7, 1999.
3. Prior to the issuance of a Certificate of Occupancy, an Agreement for the Maintenance of Landscape and Irrigation Improvements, installed per Development and Engineering Services Department Planning Division Condition of Approval No. B.2 (stated above), shall be executed and financial security submitted to the Development and Engineering Services Department. The Agreement shall ensure maintenance of the 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 landscape and irrigation improvements, or \$2.50 per square foot of landscape area.
4. No signs are approved as part of this application. All signs for the project shall be reviewed under a separate sign permit application in accordance with Tracy Municipal Code (TMC) Standards.
5. All roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes shall be screened from view from Chester Drive, Lowell Avenue, or any other public right-of-way by parapet walls at least equal in height to the height of the equipment installed, to the satisfaction of the Development and Engineering Services Director. No roof mounted equipment, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from the public right-of-way.
6. Parking area and building lighting shall be designed to reflect down onto parking surface and away from adjacent properties, structures and the public right-of-way.

7. 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 and Engineering Services Director.
8. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
9. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
10. Bicycle Parking shall be provided at 5½ feet by 2½ feet per space and shall be located within 100 feet of the proposed building's main entrance to the satisfaction of the Development and Engineering Services Director. A minimum of three bicycle spaces are required.
11. Prior to the issuance of grading or building permits, the 40-foot wide West Side Irrigation District easement, located in the southern portion of the project parcel, and identified on the site plan received by the City on December 7, 1999, must be abandoned. The abandonment must be recorded and a copy of the recorded documents shall be delivered to the Planning Division of Development and Engineering Services.
12. The Developer shall comply with the mitigation measures identified in the St. Paul's Lutheran Church Education and Church Administration Facility Project Negative Declaration Mitigation Monitoring Program (Exhibit "3"), dated December 16, 1999, attached hereto and incorporated herein by reference.
13. All activities conducted on the site shall be conducted in compliance with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
14. 25 of the 84 existing parking spaces are for joint use parking pursuant to the approved joint use parking program as described in the staff report dated January 12, 2000. The 25 joint use parking spaces shall be provided for use during church and multi-purpose activities at night and on weekends, and daycare, administration and educational activities on weekdays.

January 5, 2000

ST. PAUL EVANGELICAL LUTHERAN CHURCH
(EDUCATION & ADMINISTRATIVE FACILITIES)
Southwest Corner of Lowell Avenue and Chester Drive
1635 Chester Drive
Portion of Assessor's Parcel Number 232-150-032

CONDITIONAL USE PERMIT AND PRELIMINARY/FINAL DEVELOPMENT PLAN
(Development Application No. 43-99-D)

**DEPARTMENT OF DEVELOPMENT & ENGINEERING SERVICES
ENGINEERING DIVISION CONDITIONS OF APPROVAL**

A. General Provisions and Definitions.

1. These Development Conditions of Approval (hereinafter "Conditions of Approval") shall apply to the real property described as Assessor's Parcel Number 232-150-032 (hereinafter "Project"), generally located on the southwest corner of Lowell Avenue and Chester Drive.
2. The following definitions shall apply to these Conditions of Approval:
 - a. "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 & Engineering Services Director, or the City Engineer to perform the duties set forth herein.
 - b. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan (also known as the Urban Management Plan), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - c. "Conditions of Approval" shall mean the conditions of approval applicable to the proposed St. Paul Evangelical Lutheran Church's Education and Administrative Facilities.
 - d. "Project" means the real property described as Assessor's Parcel Number 232-150-032 (hereinafter "Project"), generally located on the southwest corner of Lowell Avenue and Chester Drive.
 - e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
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

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(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").

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.

B. Conditions of Approval Prior to Approval of Grading and Encroachment Permit Applications:

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

1. The Developer has completed all requirements set forth in this section.
2. The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
3. Execution of all agreements, posting of all improvement security, and providing documentation of insurance, as required by these Conditions of Approval.
4. The Grading and Improvement Plans prepared in accordance with the Subdivision Ordinance and the City Design Documents.
5. The improvement plans for all improvements required to serve the development project in accordance with the Subdivision Ordinance, the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - a. All existing utilities.
 - b. All supporting calculations, specifications, and reports related to the design of the improvements.
 - c. On-site drainage connections to City's storm drainage system for ultimate disposal as approved by the City Engineer.

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- d. Improvement Plans prepared on mylar furnished by the City. 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.
 6. The grading plan in accordance with applicable sections of the Tracy Municipal Code.
 7. Payment of all applicable In-fill development impact fees (a.k.a. capital in-lieu fees) and processing fees including plan check fees, agreement processing fees, grading permit and inspection fees required by these Conditions of Approval and City Regulations.
 8. Written documentation from West Side Irrigation District (WSID) evidencing that the 40 feet wide WSID irrigation easement located along the southern portion of the Project has been abandoned by WSID.
- C. Conditions of Approval Prior to Approval of Building Permit. No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
1. The Developer has completed all requirements set forth in Condition B, above.
 2. Payment of all fees required by these Conditions of Approval and City Regulations.
 3. A request for Storm Drainage Discharge Permit for construction, meeting the NPDES requirements submitted to the City and appropriate agencies.
- D. Conditions of Approval Prior to Certificate of Occupancy. No certificate of occupancy within the Project boundaries will be approved by the City until the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:
1. The Developer has completed all requirements set forth in Condition C, above and this section.
 2. The Developer has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

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E. Special Conditions:

1. The Developer shall submit for review a detailed design of improvements along Lowell Avenue at the time of submittal of Grading and Improvement Plans. The improvements on Lowell Avenue shall include but not limited to concrete driveway approach, depressed curb, pavement saw-cutting and replacement at the driveway approach.

The Developer shall design and construct these improvements in accordance with City Regulations, and shall be completed prior to final building inspection. The improvement plans shall be prepared in City standard mylar. At the time of submittal of improvement plans, the Developer shall pay the plan checking fees.

2. The Developer shall submit for review a detailed design of improvements along Chester Drive at the time of submittal of Grading and Improvement Plans. The improvements on Chester Drive shall include but not limited to, fire service connection, sewer lateral with clean-out, replacement of curb, gutter and sidewalk at the utilities connection point, and application of asphalt concrete overlay over the western half of Chester Drive for the entire frontage of the Project on Chester Drive.

The Developer shall design and construct these improvements in accordance with City Regulations, and shall be completed prior to final building inspection. The improvement plans shall be prepared in City standard mylar. At the time of submittal of improvement plans, the Developer shall pay the plan checking fees.

3. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. All costs associated with the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Developer.
4. The on-site storm drainage system shall be designed such that the Project has an overland release directly to public street right-of-way in accordance with City design standards. Overland release through easements on private property will not be permitted.
5. The existing storm drain inlet located on Chester Drive shall be removed and replaced with standard storm drain drop inlet (per Tracy Standard Plan 302). The Developer shall design and install storm drain connection(s) in accordance with City Regulations. The Developer and property owner are hereby notified that the City will maintain storm drain line installed within public right-of-way only.

In the event the on-site storm drainage system is redesigned to eliminate the proposed connection to the existing storm drain inlet on Chester Drive, the existing storm drain inlet will not be required to be replaced.

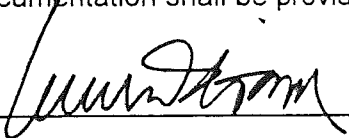
6. The Developer shall design and install sewer connection in accordance with City regulations. The Developer and property owner are hereby notified that maintenance of the

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sewer lateral within the public right-of-way will not be provided by the City unless the sewer clean-out is located in conformance with Standard Plan 203.

7. The Developer and property owner are hereby notified that City's responsibility of maintaining the fire service is limited only to the portion of the fire service located within the public right-of-way. City's responsibility to maintain domestic water lines shall be from the water main on the street to the water meter (inclusive) only. Maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
8. Catch basins, sewer clean-outs, water meters and manholes shall be installed outside driveway approaches and driveways. These utilities shall be installed at least 3 feet away from the driveway.
9. The Developer shall provide the City written documentation evidencing that permission has been granted by West Side Irrigation District (WSID) for the disposal of storm run-offs from the Project to the WSID facilities located along the southern portion of the Project. The written documentation shall be provided to the City prior to issuance of Grading Permit.

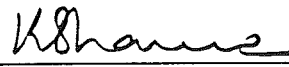
Prepared By:



Date:

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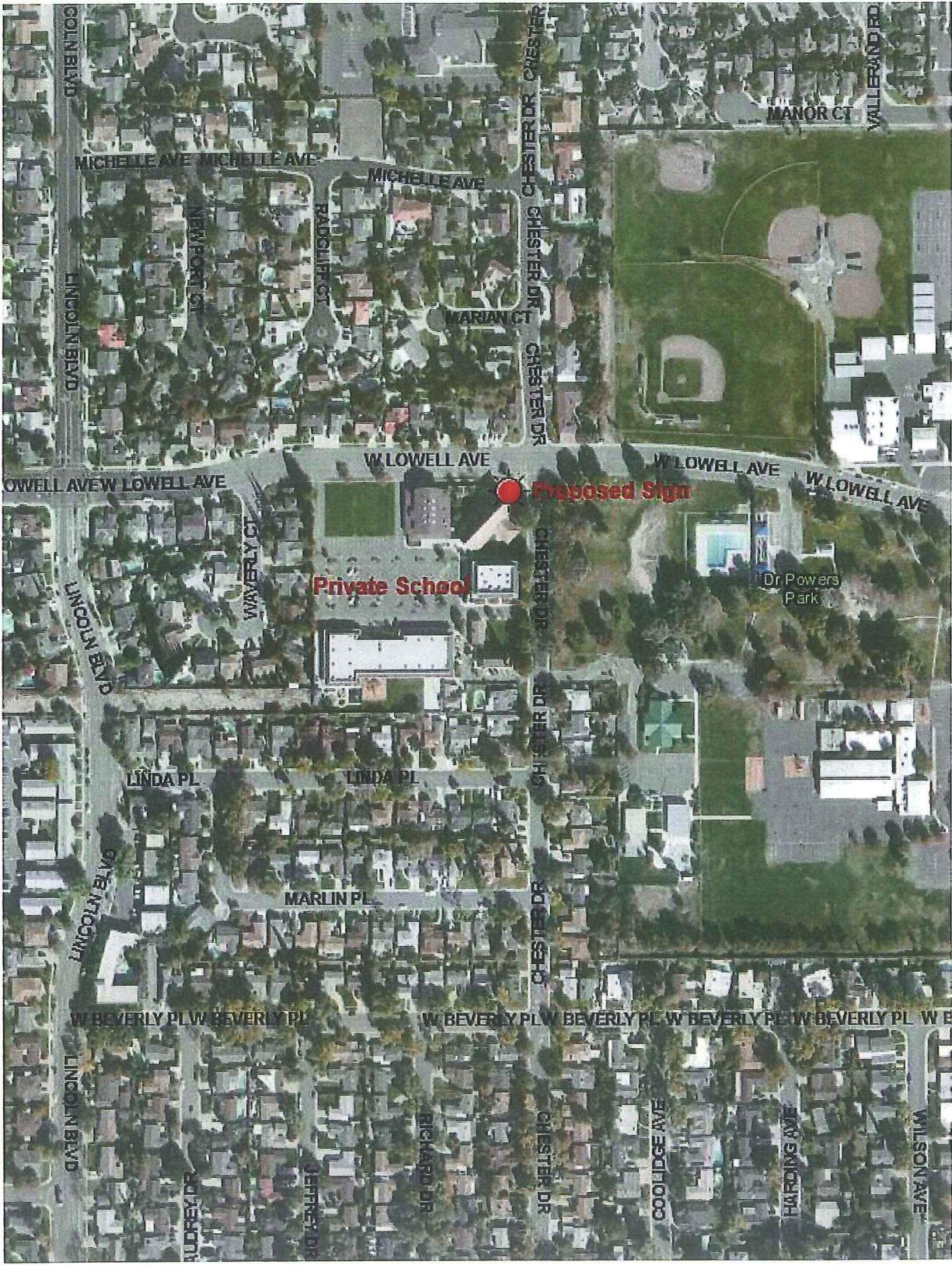
Reviewed By:



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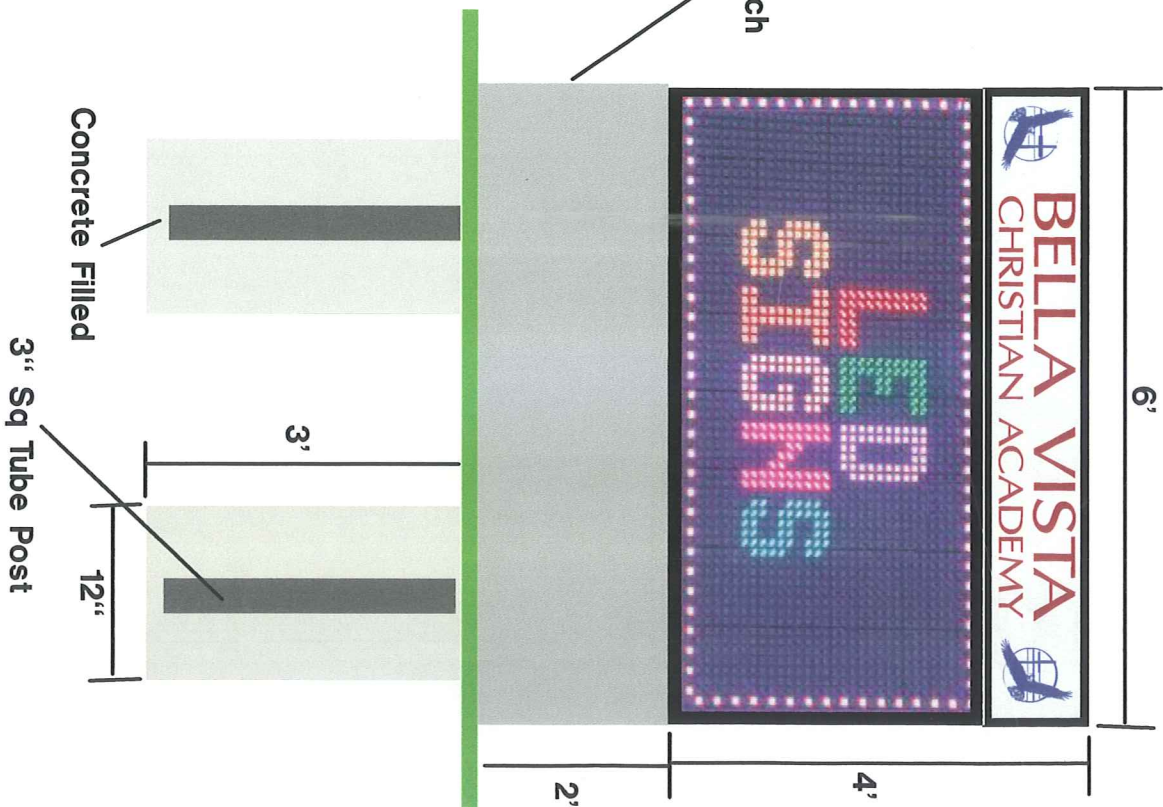
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 CITY OF TRACY



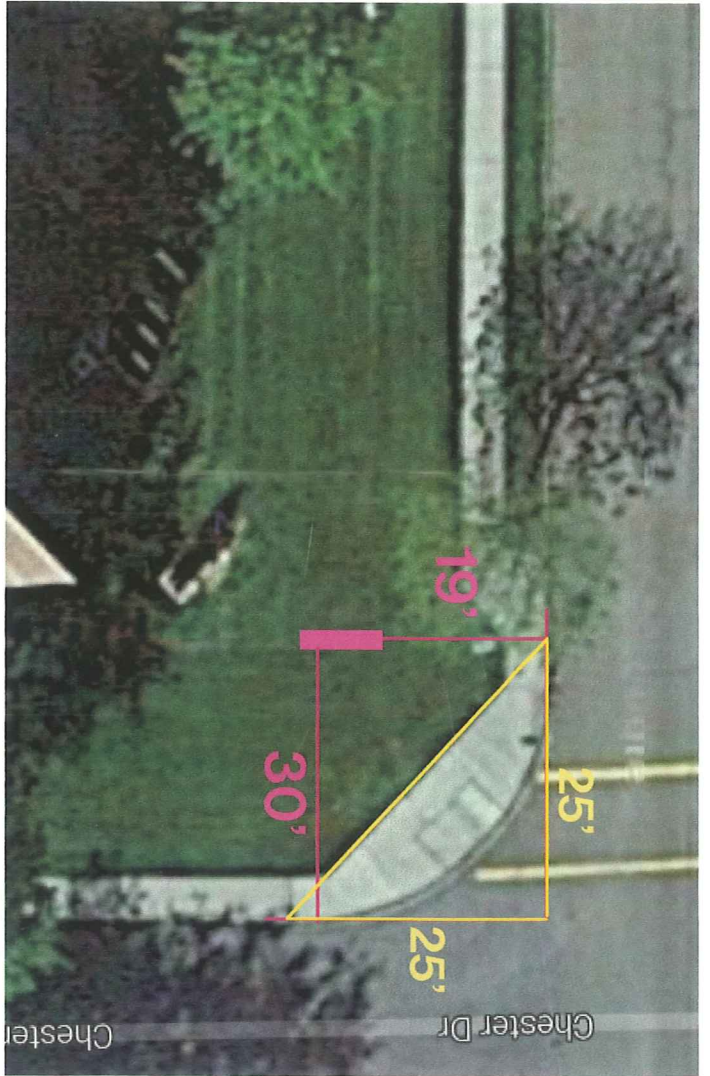
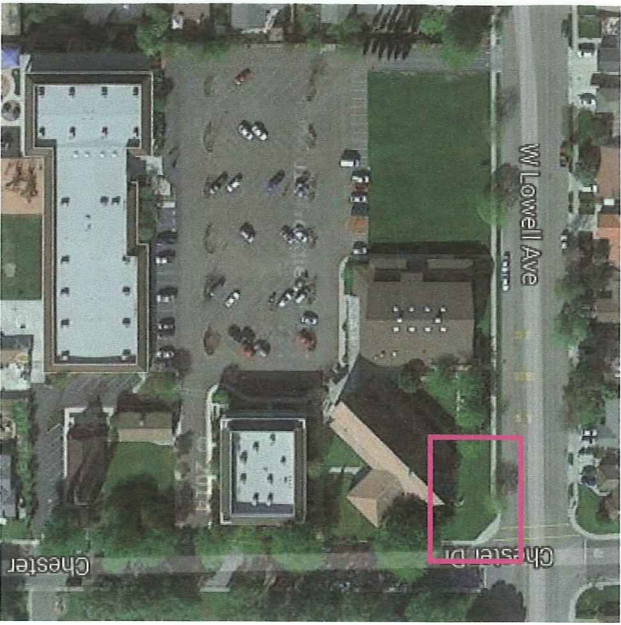
Disconnect Switch



TRACY SIGN INC
 Lic # 907315

Bella Vista Christian Academy
 1675 Chester Dr.
 Tracy Ca.

Customer Approved	Standard Approved



TRACY SIGN
INC
Lic # 907315

Bella Vista Christian Academy
1675 Chester Dr.
Tracy Ca.

Customer Approved			
Landlord Approved			

ATTACHMENT D



RESOLUTION 2015-_____

APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NUMBER 9-99-CUP FOR AN ELECTRONIC READERBOARD SIGN FOR A PRIVATE SCHOOL LOCATED AT 1635 CHESTER DRIVE - APPLICANT IS CRAIG YESZIN AND PROPERTY OWNER IS ST PAULS EVANGELICAL LUTHERAN CHURCH - APPLICATION NUMBER CUP14-0010

WHEREAS, Conditional Use Permit Number 9-99-CUP for the Bella Vista Christian Academy private elementary school located at 1635 Chester Drive was approved by the Planning Commission on January 12, 2000, and

WHEREAS, Craig Yeszin, on behalf of the private school, submitted a Conditional Use Permit amendment application for an electronic readerboard monument sign, and

WHEREAS, The site is designated Residential Low under the General Plan and zoned Low Density Residential, and

WHEREAS, A Conditional Use Permit amendment is necessary for land use approval of an electronic readerboard at the private school site, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15302 pertaining to replacement of a commercial structure with a new structure of substantially the same size, location, purpose, and capacity, and

WHEREAS, The Planning Commission held a public meeting to review and consider the application for Conditional Use Permit amendment application on January 14, 2015;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve Conditional Use Permit Application Number CUP14-0010 amending Application Number 9-99-CUP (Resolution 2000-01) for an electronic readerboard sign, adding conditions of approval as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. There are circumstances applicable to the use which makes the granting of a use permit necessary for the preservation and enjoyment of substantial property right. The Bella Vista Christian Academy desires to install an electronic readerboard sign at their private elementary school to announce school and church-related onsite activities.
2. The proposed location of the conditional use is in accordance with the objectives of the Tracy Municipal Code and the zone in which the site is located, because the project, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan, the Industrial Areas Specific Plan, and the Tracy Municipal Code. The project will also meet all applicable State laws, City regulations, and City standards. No commercial or off-site activities will be advertised on the board in accordance with the Sign Ordinance.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare with properties in the vicinity or to the general welfare of the City. The sign display will be limited to colored

text and graphics against an unlit background, similar to electronic readerboards at public schools in the City. At sunset, the sign display will be dimmed to thirty percent or lower so that its brightness will be appropriate in the context of the sign setting. The sign copy will not rapidly flash or change so that does not cause a visual distraction or nuisance.

The foregoing Resolution 2015-_____ of the Planning Commission was adopted by the Planning Commission on the 14th day of January, 2015, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Bella Vista Christian Academy
1635 Chester Drive
Application Number CUP14-0010 amending 9-99-CUP
January 14, 2015

A. General Provisions and Definitions.

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

The Project: An electronic readerboard at a private elementary school, Application Number CUP14-0010, amending 9-99-CUP

The Property: 1625 Chester Drive, Assessor's Parcel Number 232-150-32

A.2. Definitions.

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

The following Conditions of Approval number 15 through 24 have been added to 9-99-CUP

15. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the site plan, elevations, and colors received by the Development Services Department December 17, 2014.

16. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
17. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
 - the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
18. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
19. Vision Clearance. The sign shall not be erected so as to intrude into a triangle formed by the projection of the curb line and an imaginary line twenty-five feet from the intersection of such projecting lines in accordance with the Tracy Municipal Code.
20. Sign Messages. The sign may advertise only noncommercial, on-site activities and events in accordance with the Tracy Municipal Code.
21. Display Colors. The sign display shall be comprised of colored text and/or graphics against an unlit background. The text and graphics may be comprised of up to three colors at a single time.
22. Nighttime Brightness. At sunset and for the duration of nighttime hours, the text and graphic display shall be dimmed to 1800 nits or below for red, green, and orange colors and to 1200 nits or below for white and yellow colors, to the satisfaction of the Development Services Director. The display may be increased in brightness at sunrise.
23. Sign Copy Change. The sign copy shall be displayed for at least 15 seconds before changing. Changes may be in the form of a scrolling transition, a dissolve transition, or a blackout transition, to the satisfaction of the Development Services Director.
24. Disuse of School. Within ninety days after the site is no longer used as a qualifying school, the sign shall be removed.

AGENDA ITEM 2-B

REQUEST

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

DISCUSSION

Background

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

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

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

Project Analysis

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

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

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

Environmental Document

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

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council approve the minor amendment to the Costco Final Development Plan for the service station canopy modification and addition of four fuel pumps and underground diesel tanks, based on the findings contained in the Planning Commission Resolution dated January 14, 2015.

MOTION

Move that the Planning Commission recommend that the City Council approve the minor amendment to the Costco Final Development Plan for the service station canopy modification and addition of four fuel pumps and underground diesel tanks, based on the findings contained in the Planning Commission Resolution dated January 14, 2015.

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

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

Attachment B – Planning Commission Resolution

RESOLUTION _____

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

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

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

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

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

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

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on January 14, 2015;

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

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

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

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

* * * * *

The foregoing Resolution 2015 - _____ was adopted by the Planning Commission on the 14TH day of January, 2015, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**City of Tracy
Conditions of Approval**

Costco Gasoline Service Station Modification at 3250 W. Grant Line Road
Application Number D14-0019
January 14, 2015

A. General Provisions and Definitions.

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

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

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

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the I-205 Corridor Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at 3250 W. Grant Line Road, Application Number D14-0019. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on November 25, 2014.

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

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

B. Development Services Department Conditions

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

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