

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 28, 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 2015-012 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. CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TRACY HILLS SPECIFIC PLAN DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **January 22, 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 Services Department located at 333 Civic Center Plaza during normal business hours.

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, DECEMBER 3, 2014
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER - Bill Dean, Assistant Development Services Director called the meeting to order at 7:00 p.m. and asked for nominations for Acting Vice Chair due to the absence of Chair Orcutt.

Commissioner Mitracos nominated Commissioner Ransom. Commissioner Ransom accepted the nomination.

PLEDGE OF ALLEGIANCE - Acting Vice Chair Ransom led the Pledge of Allegiance.

ROLL CALL - Roll Call found Commissioners Mitracos, Ransom and Sangha present; Chair Orcutt absent. Also present were staff members Bill Dean, Assistant Development Services Director, Scott Claar, Associate Planner, Bill Sartor, Assistant City Attorney; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL - It was moved by Commissioner Mitracos and seconded by Commissioner Sangha to approve the minutes of October 22, 2014. The minutes were approved as written.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Bill Dean, Assistant Development Services Director, reported that item 2-A would be continued until January 14, 2015, so that Costco representatives could be present at the meeting.

ITEMS FROM THE AUDIENCE – None.

1. **OLD BUSINESS** – None.

2. **NEW BUSINESS**

A. MINOR AMENDMENT TO THE COSTCO FINAL DEVELOPMENT PLAN FOR MODIFICATION OF THE GASOLINE SERVICE STATION AT 3250 W. GRANT LINE ROAD - APPLICANT IS BARGHAUSEN CONSULTING ENGINEERS AND PROPERTY OWNER IS COSTCO WHOLESALE CORPORATION - APPLICATION NUMBER D14-0019 – continued to January 14, 2015.

B. MINOR AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CHANGE THE MINIMUM LOT WIDTH AND DEPTH DIMENSIONS, AND ADJUST THE MINIMUM STREET SIDE YARD SETBACKS WITHIN THE TRINITY LANE SUBDIVISION. THE PROJECT IS LOCATED AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY – APPLICANT AND OWNER IS PULTE HOMES – ASSESSOR'S PARCEL NUMBERS 238-620-01 THROUGH 70 – Victoria Lombardo, Senior Planner, provided the staff report. Ms. Lombardo stated that at the time of the project approval, the developer proposed their Vesting Tentative Subdivision Map, as well as their corresponding Planned Unit Development (PUD) standards, and

those standards were approved by City Council as proposed. Upon review of the first building permits within the project, staff realized that the width of many of the lots within the project did not meet the minimum 29 feet as was established with the PUD. Many of the lots were 28.7 feet wide, rather than 29 feet. Discussion with the developer and their engineer revealed that this discrepancy occurred because the tentative map that was approved showed the lot dimensions in whole numbers, whereas the precise lot widths were actually slightly smaller. In order to correct this error due to rounding, the developer proposes to amend the minimum lot width to 28 feet.

The minimum lot depth as established in the PUD is currently 60 feet. Because most of the subdivision's lots are not a perfect rectangle, some lots have a measurement that is deeper on one side than the other. While the depth of most lots in the project is more than 70 feet, some have one side that is shorter than the 60-foot deep standard. In order to prevent any confusion regarding lot depth in this situation, an adjustment from a minimum of 60 feet to 58 feet is proposed to reflect the actual dimension of the shallowest lots approved on the subdivision map. This change does not result in any differences in the approved front or rear yard building setbacks.

The final proposed amendment to the PUD is for building setbacks along street-facing side yards. Internal lots within the PUD have a minimum building setback of four feet on one side and zero lot line on the other, but street side yards were proposed to be at least five feet wide, with open porches allowed to encroach into that setback area. Once the developer plotted the houses on the lots on their building permit applications, it was determined that the houses as designed do not fit on some of the narrower of the six corner lots on the site. The developer is proposing to reduce the five-foot setback to four feet, matching the internal lots. Because the proposed change only varies by one foot and the lots are all on private narrow streets, staff agrees that the proposed reduction would not have a significant visual or functional effect on the high-density site.

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

Commissioner Mitracos asked if the PUD standard could be set any way you want if this could have been worked through before the approval. Ms. Lombardo stated Commissioner Mitracos was correct; it was an issue of preciseness and would not change the look or feel of the project.

Commissioner Mitracos stated it appeared to be a surveyor issue. Ms. Lombardo stated surveyors use more accurate measurements including fractions, which is how the error was discovered.

Commissioner Ransom stated if the lots were losing a foot of depth it would bring the gates closer to the house. Ms. Lombardo stated it was more a question of how the City measures lot depth.

Commissioner Ransom asked if everything was moving. Ms. Lombardo stated the lot sizes were not changing, only the written description of the lot.

Commissioner Ransom asked if it the same was true for the corner lots. Ms. Lombardo stated the corner lots were changing, adding that the applicant wanted a five foot setback but none of the houses fit on the lot.

A discussion ensued regarding PUD's and setbacks.

Commissioner Ransom invited members of public to address the Commission on the item.

Andy Cost, Pulte Homes, stated he had worked with staff to come up with solutions for the reduced setbacks. Mr. Cost stated no additional units were being added and that the houses were not changing.

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

It was moved by Commissioner Mitracos and seconded by Commissioner Sangha that the Planning Commission recommend that the City Council approve the minor amendment to the PUD to change the minimum lot width, minimum lot depth, and minimum street side yard setbacks based on the findings contained in the Planning Commission Resolution dated December 3, 2014. Voice vote found Commissioners Mitracos, Ransom and Sangha in favor; Chair Orcutt absent.

4. ITEMS FROM THE AUDIENCE – None.
5. DIRECTOR'S REPORT – None.
6. ITEMS FROM THE COMMISSION – Commissioner Mitracos asked for an update on filling the empty Planning Commission seat. Mr. Dean stated an item will be considered by City Council on December 16, 2014.
7. ADJOURNMENT – It was moved by Commissioner Mitracos and seconded by Commissioner Sangha to adjourn. Time: 7:17 p.m.

ACTING VICE CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, JANUARY 14, 2015
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Chair Orcutt called the meeting to order at 7:00 p.m.

ROLL CALL

Roll Call found Chair Orcutt, Vice Chair Mitracos, Commissioner Sangha, Commissioner Tanner, and Commissioner Ransom present. Also present were staff members Victoria Lombardo, Senior Planner; Kimberly Matlock, Assistant Planner; Bill Sartor, Assistant City Attorney; and Jan Couturier Recording Secretary.

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance

MINUTES APPROVAL – None.

DIRECTOR’S REPORT REGARDING THIS AGENDA – Victoria Lombardo filled in for Bill Dean and did not have a report. But she indicated that agenda item 2B was being continued due to some changes from the applicant.

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

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**

Chair Orcutt reviewed agenda item 2A and called for the staff report. Kimberly Matlock, Assistant Planner, introduced the item. She indicated that on January 12, 2000, the Planning Commission approved a 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. There were two monument signs on site whose monochrome messages are changed manually to announce onsite activities.

Ms. Matlock stated that colored electronic readerboards are becoming increasingly popular on school and commercial sites and that the technology made it convenient to

change the sign copy, allowing the sign copy to change frequently or infrequently, and it allows the copy to be displayed in one or multiple colors.

She stated that the proposal before the Commission was to replace the 24 square foot monument sign located closest to the intersection of Lowell Avenue and Chester Drive with a 24 square foot LED electronic readerboard sign. She added that many public schools in Tracy were using electronic readerboards to advertise school activities or messages. But because public schools were regulated by the Department of State Architect, those signs were not reviewed or permitted by the City. This application for a Conditional Use Permit by a private school for an electronic readerboard sign will be the first to be reviewed by the Planning Commission.

Ms. Matlock indicated that the Tracy Municipal Code Section prescribed the requirements for electronic readerboards. One electronic readerboard sign could be permitted upon approval of a Conditional Use Permit by the Planning Commission 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 adding that Bella Vista Christian Academy met both of these prerequisites.

She commented that the Commission, in evaluating the conditional use permit amendment application, should consider appropriate hours of illumination, brightness, size, height, and other sign characteristics as they relate to the sign's location and surrounding land uses. She mentioned that the applicant proposed that the sign display be similar to that of several public schools, which have black backgrounds with scrolling colored text.

Ms. Matlock reviewed that the LED display was capable of achieving up to 6,000 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. She added that in the daytime, the sign is proposed to be illuminated to its maximum brightness so that it can be easily read in the daylight. She mentioned that the applicant had 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, although no residents were in attendance and no comments were subsequently received from residents.

Ms. Matlock provided information relative to the colors which were tested at various luminance levels stating that the general consensus between the applicant and staff was that a single color against a non-illuminated black background dimmed to at least 1800 nits (or 30 percent below the maximum luminance capability) was visually appropriate for the site in the darkness.

She then reviewed other possible issues stating that in addition to brightness, another potential objectionable characteristic of electronic readerboard signs could be the speed of change in sign copy adding that according to the applicant, the sign would primarily display worship hours for St. Paul's Church. As school or community events took 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 did not propose

rapid flashing between messages. She stated that staff recommended Condition of Approval 23 to ensure the change in copy does not change or flash too rapidly.

She advised that the proposed height and size of the sign would be appropriate in scale with the adjacent building, and the sign would be set back such that it did not obstruct vehicular or pedestrian visibility. She concluded by saying that staff recommended that the Planning Commission approve the proposed Conditional Use Permit amendment with the proposed Conditions of Approval.

Vice Chair Mitracos asked about public noticing for this Commission meeting. Ms. Matlock advised that standard noticing had been made for the meeting and that the applicant had personally reached out to local neighbors for the night time test of the sign.

Chair Orcutt asked if the applicant was available. Rob Thompson indicated he was the Church administrator and that he was there to answer any questions. He indicated that the purpose of the sign was to communicate with church members and students due to the number of events that were held at the site.

Vice Chair Mitracos then asked if the school used email or tweets. The applicant indicated they do. Commissioner Mitracos asked why the need for the sign. The applicant indicated it was an additional way to communicate with church members as there are times when people do not read emails.

Commissioner Tanner asked why the Church would not be heading the sign with the Church's name. There was a general discussion during which the applicant advised the Church's name would be included on the sign, but that it would not add to the height of the sign.

Chair Orcutt asked about the location of the sign and was advised that it would be perpendicular to Lowell Avenue.

Chair Orcutt asked how the Church would control illumination of the sign. Staff advised that the system would be controlled by a computer that would be under the control of the Church. There was a general discussion about how to control the brightness and if it was disruptive who would enforce the process. It was indicated that Code Enforcement would be the enforcement agency.

Commissioner Tanner asked if the school left could the sign stay. The applicant advised it would not. Staff added the school was a part of the condition of approval.

Vice Chair Mitracos indicated this was a recent change to the ordinance. Mr. Sartor indicated that was true and added that if any agency misused the signs they would fall outside the requirements and be subject to enforcement.

Chair Orcutt asked if there was any standardization for these types of signs for future applicants. Staff advised that the ordinance provided a maximum, but added that the Planning Commission would make judgments on a case by case basis, based on the size of the applicant's location and other variables.

Chair Orcutt shared a past experience regarding a disruptive sign along the freeway. He then asked if we could control the time during which an applicant can flash something on the sign. Staff stated that the time for "flashing" a new statement would be 15 seconds. She indicated some testing had been done and staff had determined 15 seconds was appropriate and would be a part of the conditions of approval.

Vice Chair Mitracos mentioned a sign at Monte Vista and indicated it was a distraction. The applicant indicated they do not want to rotate messages too quickly.

Commissioner Ransom added she felt the staff recommendation made sense and commended staff on their research.

Chair Orcutt opened the public hearing. There were no audience members; therefore no comments.

Vice Chair Mitracos indicated he is opposed to and did not like these types of signs.

Chair Orcutt asked if staff had a sense of how many private schools are in the City and could this become an epidemic. Ms. Lombardo indicated they did not have that information as that was not a part of the research they had done.

Commissioner Ransom began to enumerate the schools adding that public schools are an exception.

Commissioner Tanner asked if the sign was two sided. Applicant added that was correct.

Commissioner Ransom added that West High had a sign.

Chair Orcutt closed the public comment and returned the meeting to the Commission.

Commissioner Ransom indicated that this was the way people communicate. She added she felt staff had done a lot of extra work. She felt the safety aspects had been addressed. She indicated the Conditional Use Permit addressed most issues and that the Ordinance only applied to private schools. She indicated that she supported the request.

Chair Orcutt expressed his only concern was whether too many schools would jump on the band wagon. He complimented staff on their thoroughness. He felt this was the way of the future and requested a motion.

Commissioner Ransom moved 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.

Commissioner Sangha seconded the motion. Roll call vote found Commissioners Ransom, Sangha, Tanner and Chair Orcutt in favor; Vice Chair Mitracos opposed.

3. ITEMS FROM THE AUDIENCE – None
4. DIRECTOR'S REPORT – None
5. ITEMS FROM THE COMMISSION – Chair Orcutt congratulated Commissioner Mitracos.
6. ADJOURNMENT – Chair Orcutt moved to adjourn at 7:35, seconded by Commissioner Ransom. All in favor; none opposed.

CHAIR

STAFF LIAISON

January 28, 2015

AGENDA ITEM 2-A

REQUEST

CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TRACY HILLS SPECIFIC PLAN DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

DISCUSSION

Tracy Hills Draft EIR – Background

In 2013, the Tracy Hills Property Owner, LLC submitted a development application to amend the Tracy Hills Specific Plan (THSP). Kimley-Horn Associates was hired by the City of Tracy to prepare an Environmental Impact Report (EIR) for the Project as required by the California Environmental Quality Act (CEQA).

On October 23, 2013, the City published a Notice of Preparation (NOP), as required by CEQA, in order to solicit guidance from public agencies and other interested parties as to the scope and content of the environmental information to be included in the EIR.

On November 6, 2013, the Planning Commission conducted a scoping meeting as one of the available forums for public agencies or other interested parties to identify topics to be reviewed in the EIR.

On April 21, 2014, the City published an Updated Notice of Preparation for the project, reflecting changes to the scope of the EIR that occurred following the initial scoping period.

Chapter 1A of the Draft EIR (Attachment B) identifies comments received during the scoping periods.

Tracy Hills Draft EIR – Public Hearing to Receive Comments

On December 22, 2014, the City of Tracy published the THSP Draft Subsequent EIR. The public review and comment period on the Draft EIR is from December 23, 2014, through February 10, 2015.

The Project's EIR is required by CEQA. The Draft EIR evaluates environmental consequences of the project, identified by CEQA, and feasible mitigation measures to reduce or avoid significant impacts of the project.

Although not required by CEQA, tonight's public hearing provides an opportunity for anyone wishing to provide comments on the Draft EIR. Additional opportunities to comment include written correspondence, emails, or other direct contact with Tracy City Hall.

In reviewing and commenting on the Draft EIR, commenters should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and on ways in which the significant effects of the Project could be avoided

or mitigated. The City will evaluate comments on the Draft EIR and revise the Draft EIR, if necessary, or otherwise provide written responses to the comments in the Final EIR.

Tracy Hills Specific Plan Project Summary

The THSP was adopted by the City Council and the approximately 2,732-acre area was annexed to the City in 1998. The Project is located southwest of town, Attachment A, around the Interstate 580 interchange at Corral Hollow Road and proposed Interstate 580 interchange at Lammers Road. The Plan provides for a maximum of 5,499 residential dwelling units and nearly six million square feet of commercial and industrial development.

Although the area of the Specific Plan and the maximum number of units is not proposed to change, the current proposal includes a comprehensive update to the 1998 THSP, an approximately 1,160-unit tentative subdivision map for the Project's first phase, a development agreement, approval of the Tracy Hills Storm Drainage Master Plan, and related amendments to the City's General Plan.

The entire project (updated Specific Plan, first phase tentative map, General Plan amendments, etc.) will be presented to the Planning Commission at the same time as the Final EIR, anticipated to occur in the months ahead.

Next Steps

Following the Draft EIR public comment period (ending on February 10, 2015), the City will prepare written responses to all comments received. The comments, City responses, and any changes to the Draft EIR in response to the comments (plus the Draft EIR) will constitute the Final EIR.

After completion of the Final EIR, it will be scheduled for consideration by the Planning Commission along with the Tracy Hills Specific Plan, the Phase 1a tentative subdivision map, and other project applications. The Planning Commission's recommendation regarding the Final EIR and the project will be forwarded to the City Council.

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing, receive comments or other input regarding the Tracy Hills Specific Plan Draft Subsequent EIR; then close the public hearing. (City staff will prepare written responses to the comments for publication in the Final EIR).

MOTION

No action is necessary as part of this agenda item.

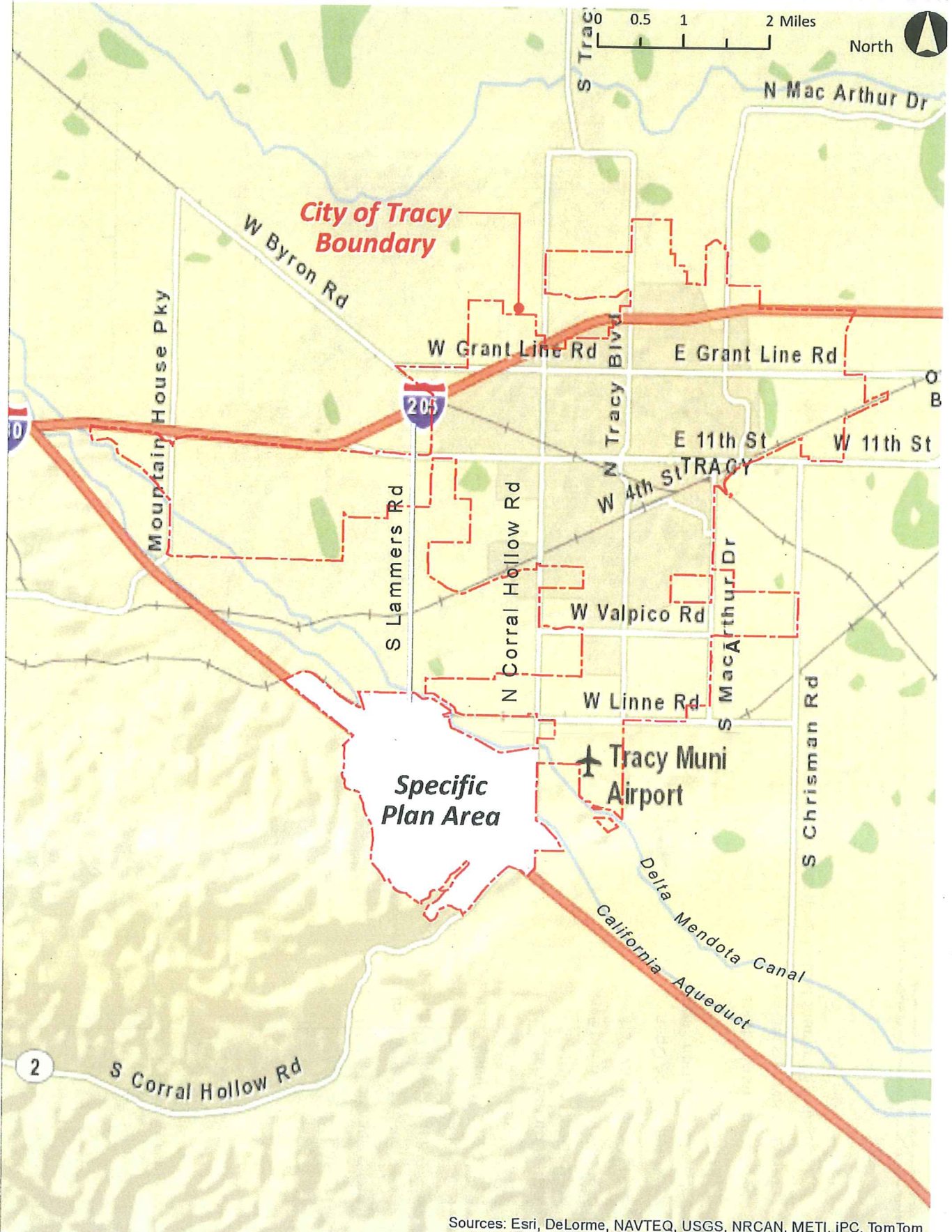
Prepared by Alan Bell, Senior Planner
Reviewed by Bill Dean, Assistant Development Services Director
Approved by Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A – Project Location Map

Attachment B – Tracy Hills Specific Plan Subsequent Draft Environmental Impact Report
(This is an oversized document, mailed to the Planning Commissioners in late
December 2014; and available for review at Tracy City Hall, the Tracy Public Library,
and on the City's web site: ci.tracy.ca.us/?navid=595.)

TRACY HILLS SPECIFIC PLAN DRAFT EIR



Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom