

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, May 11, 2016
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 – November 4, 2015

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 2015-052 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. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A GYMNASTICS/SPORTS RECREATIONAL USE AT 2151 N. TRACY BOULEVARD, APN 232-070-06; APPLICANT IS SCHACK AND COMPANY AND PROPERTY OWNER IS CDN PARTNERSHIP; APPLICATION NUMBER CUP16-0003
- B. PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AMENDMENT AND DEVELOPMENT REVIEW APPLICATIONS FOR THE DEMOLITION OF A PORTION OF AN EXISTING BUILDING AND ADDITION OF SEVEN DAIRY PROCESSING SILOS AT AN EXISTING FOOD PROCESSING PLANT AT 2401 N. MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBERS CUP16-0002 AND D16-0008

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: **May 6, 2016**

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, NOVEMBER 4, 2015, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER - Chair Mitracos called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE - Chair Mitracos led the pledge of allegiance.

ROLL CALL - Roll Call found Chair Mitracos, Vice Chair Tanner, Commissioners Orcutt, and Sangha present; Commissioner Ransom absent. Also present were staff members Andrew Malik, Development Services Director; Bill Dean, Assistant Development Services Director; Scott Claar, Senior Planner; Alan Bell, Senior Planner; Cris Mina, Senior Civil Engineer; Dan Sodegren, City Attorney; and Sandra Edwards Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR’S REPORT REGARDING THIS AGENDA – None.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND/OR DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 1005 E. PESCADERO AVENUE – APPLICANT IS ROSAURA QUINTANA AND PROPERTY OWNER IS 51 NEWCO LLC – APPLICATION NUMBER CUP15-0006

Commissioner Sangha recused herself from consideration of the item.

Scott Claar, Senior Planner, provided the staff report.

The Commission discussed nightclub policy at other locations, increase in police calls after 11:00 p.m., fee for entertainment license based on square footage, signage at Northgate Village, specific location of the proposed site (end of the building), possibility of a moratorium, and security.

Officer Wilmhurst, Tracy Police Department, addressed concerns regarding safety.

Chair Mitracos opened the public hearing.

Nelson Gomez, attorney for applicant, addressed the Commission stating they have met with staff trying to address all concerns and that they accept all the conditions of approval suggested.

The Commission further discussed the applicants’ other business, and the ratio of guards to patrons.

The public hearing was closed.

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Tanner that the Planning Commission approve the Conditional Use Permit application for an eating and/or drinking establishment with entertainment at 1005 E. Pescadero Avenue, subject to the conditions as stated in the Planning Commission Resolution dated November 4, 2015. Voice vote found Commissioner Orcutt, Chair Mitracos, and Vice Chair Tanner in favor; Commissioner Sangha abstained; Commissioner Ransom absent.

Commissioner Sangha rejoined the Commission at 7:22 p.m.

- B. PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 6,300 SQUARE FOOT MULTI-TENANT RESTAURANT BUILDING WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED AT THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK-N-RIDE DRIVE, ASSESSOR'S PARCEL NUMBER 212-290-39. APPLICANT IS VMI ARCHITECTS INC. PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBER D15-0009 – Scott Claar, Senior Planner, provided the staff report.

The Commission asked for clarification regarding elimination of the Park-N-Ride lot, other potential locations, the number of parking spaces, and timing of construction for the proposed building. Also discussed was the States' involvement with the Redevelopment Agency and the property.

Chair Mitracos opened the public hearing.

John Becker, Becker Commercial Properties, addressed the Commission voicing his excitement for the project.

Commissioner Orcutt requested a recess at 7:37, reconvening at 7:43 p.m.

The Commission further discussed outside dining, parking, and trash enclosures.

Chair Mitracos closed the public hearing.

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Tanner that the City Council approve a PUD Zone Preliminary and Final Development Plan to construct an approximately 6,300 square foot multi-tenant restaurant building with drive thru, parking area and landscaping improvements, located at the southeast corner of Naglee Road and Park-N-Ride Drive, Assessor's Parcel Number 212-290-39, Application Number D15-0009, subject to the conditions and based on the determinations contained in the Planning Commission Resolution dated November 4, 2015. Voice vote found Commissioners Orcutt, Sangha, Vice Chair Tanner, and Chair Mitracos in favor; Commissioner Ransom absent.

- C. PUBLIC MEETING TO REVIEW THE GENERAL PLAN DRAFT HOUSING ELEMENT AND RECEIVE PUBLIC INPUT – Alan Bell, Senior Planner, provided the staff report. Jessica Sumagia, of Veronica Tam & Associates, provided a presentation on the Housing Element and housing program objectives.

The Planning Commission discussed the Regional Housing Needs Allocation, affordable housing, housing ratio and economics, the active retirement initiative, and priority areas.

No public input was offered.

- D. PUBLIC HEARING TO CONSIDER AN ORDINANCE ADDING A NEW SECTION 10.08.3198 TO TITLE 10 OF THE TRACY MUNICIPAL CODE RELATING TO DONATION CONTAINERS – CITY INITIATED – APPLICATION NUMBER ZA15-0004 – Scott Claar, Senior Planner, provided the staff report and letters that were received and provided to the Commission.

The Commissioners discussed competition with Goodwill, and the proliferation of unattended for profit donation containers.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Sangha recommending that the City Council introduce and adopt an ordinance adding a new Section 10.08.3198 to Title 10 of the Tracy Municipal Code relating to donation containers, as stated in the Planning Commission Resolution dated November 4, 2015. Voice vote found Commissioners Orcutt, Sangha, Vice Chair Tanner, and Chair Mitracos in favor; Commissioner Ransom absent.

2. **ITEMS FROM THE AUDIENCE** – None.
3. **DIRECTOR’S REPORT** – None.
4. **ITEMS FROM THE COMMISSION** – Chair Mitracos announced that the Tracy Tree Foundation will be planting trees on Dronero Court on November 14, 2015, at 9:00 a.m. Commissioner Sangha announced the third annual Diwali (Festival of Lights) being held Saturday at the Grand Theatre this weekend.
5. **ADJOURNMENT** – Motion by Chair Mitracos, second by Commissioner Orcutt to adjourn. Voice vote found Commissioners Orcutt, Sangha, Vice Chair Tanner, and Chair Mitracos in favor; Commissioner Ransom absent.

Time: 8:25 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A GYMNASTICS/SPORTS RECREATIONAL USE AT 2151 N. TRACY BOULEVARD, APN 232-070-06; APPLICANT IS SCHACK AND COMPANY AND PROPERTY OWNER IS CDN PARTNERSHIP; APPLICATION NUMBER CUP16-0003.

DISCUSSION

Project and Site Description

Royal Gymnastics and Sports Academy, a facility that offers a variety of programs and services with the focus on developing a complete children's learning and activity center in the Tracy area, is proposing to occupy a 21,000 square foot vacant building/tenant space within the McKinley Village Shopping Center at 2151 N. Tracy Boulevard. The vacant building/tenant space is situated northeast of the former Save Mart Supermarket located in the center of the McKinley Village Shopping Center.

The subject is zoned Community Shopping (CS), has a General Plan land use designation of Commercial (C), and is surrounded by the CS zone to the north and south, MDC and PUD to the west, and LDR zoning to the east. Gymnastics facilities are classified within Use Group 31 educational, cultural institutional and recreational uses serving the greater community, and are a conditionally permitted use in the CS zone.

The applicant and property owner are requesting the establishment of a gymnastics and sports academy with physical fitness, sports instruction, tumble, trampoline, balance beam facility under the educational, cultural, and institutional and recreational uses category. Said use is to be housed within an existing 21,000 sq. ft. tenant space within the McKinley Village Shopping Center. This would accommodate the current request for the gymnastic facility as well as future businesses under this land use category to occupy the building under this Conditional Use Permit. Such uses would still be subject to City reviews prior to tenant occupancy to verify that all Zoning, Building, Fire, and Engineering codes and standards are met.

Land Use Compatibility

Royal Gymnastics and Sports Academy is to occupy an existing 21,000 square foot vacant tenant space. The space is located immediately north of the former Save Mart supermarket, which recently closed in August of 2015. Additionally to the south is a Carl's Jr. restaurant and 305 center parking spaces; to the north is the NY Pizza and Kabob restaurant and a mail and copy business; immediately east within the shopping center is a child development center and the former Save Mart supermarket, and the adjacent parcels are developed as single-family residential; which no impacts are anticipated to residential use as there are no openings on the east side of the building in question. To the east is N. Tracy Boulevard and directly across the street is a baseball/athletic field. The proposed hours of operation are to be from 9:00 a.m. to 8:30 p.m. Monday through Friday, and 8:30 a.m. to 4:00 p.m. on Saturdays. It is anticipated

that the facility would expect 80 to 90 patrons per shift, with two shifts being operated per day, Monday through Friday, and only one shift on Saturdays. However, there are no conditions of approval specifically limiting or restricting the time this use can operate.

The Conditional Use Permit would result in the allowance of recreational land uses classified in Use Group 31 to occupy the site. Permitting the gymnastics and sports academy to occupy the 21,000 sq. ft. tenant space is not anticipated to cause impact on existing or future community shopping businesses.

Parking

The Tracy Municipal Code (TMC) does not establish specific off-street parking requirements for educational, cultural, institutional and recreational uses; however, the Planning Commission has made the determination in previous years that the minimum requirement should be one space per instructor and one space per every four non-driving age students and that students of driving age shall each be provided with one space. Based on this ratio, the proposed gymnastics and sports recreational use would require 35 parking spaces to accommodate the parking demand at peak times.

The site has a total of 20 parking spaces including 2 van accessible parking spaces immediately adjacent to the south side of the building to be occupied by Royal Gymnastics, and 30 spaces south of the building, with additional parking located to the east of the building along N. Tracy Boulevard. Currently, the only other two uses on the south side of the shopping center include a Carl's Jr. Restaurant and a Child Development Center as the former Save Mart Supermarket is currently vacant and unoccupied. According to the applicant's existing parking count provided, there are 369 parking spaces currently devoted to the southern end of the shopping center.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow recreational uses that serve the greater community, specifically the establishment of a gymnastics/sports recreational use at 2151 N. Tracy Boulevard, Application Number CUP16-0003, subject to conditions and based on findings contained in the Planning Commission Resolution dated May 11, 2016.

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow and recreational uses that serve the greater community, specifically the establishment of a gymnastics/sports recreational use at 2151 N. Tracy Boulevard, Application Number CUP16-0003, subject to conditions and based on findings contained in the Planning Commission Resolution dated May 11, 2016.

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Prepared by Nash Gonzalez, Contract Planner

Approved by Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

Attachment A: Vicinity Map, Site and Floor Plans (Oversized)
Attachment B: Planning Commission Resolution

RESOLUTION 2016-_____

APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT RECREATIONAL USES AT 2151 N. TRACY BOULEVARD, APN 232-070-06; APPLICANT IS SCHACK AND COMPANY AND PROPERTY OWNER IS CDN PARTNERSHIP; APPLICATION NUMBER CUP16-0003.

WHEREAS, Schack and Company, Inc. on behalf of CDN Partnership and Royal Gymnastics submitted an application for a Conditional Use Permit to allow a gymnastics and sports academy at 2151 N. Tracy Boulevard on March 11, 2016, and

WHEREAS, The subject property is zoned Community Shopping Center (CS), where a gymnastics and sports academy is classified in Use Group 31 Educational, cultural, institutional, and recreational uses that service the greater community of the Tracy Municipal Code Section 10.08.1080, and is conditionally permitted, and

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

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on May 11, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve the Conditional Use Permit to allow recreational uses classified in Use Group 31 Educational, cultural, institutional, and recreational uses that service the greater community at 2151 N. Tracy Boulevard, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because specialized recreational and instructional uses in dance, athletics, arts and self defense could provide such instructional recreational amenities for the community, benefiting participants and supporting the growing industrial corridor with uses that would not create significant impacts on the surrounding industrial areas.
2. The proposed location of the conditional uses are in accordance with the objectives of the purposes of the Light Industrial zone in which the site is located because the zone allows specialized recreational and instructional uses in dance, athletics, arts and self defense upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code, including the establishment of required additional on-site parking.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because future specialized recreational and instructional uses in dance, athletics, arts and self

defense will be compatible with existing similar uses and light industrial uses on site, will operate wholly indoors, and will not significantly impact nearby businesses in respect to noise, traffic, parking, or other related areas of conflict.

- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

The foregoing Resolution 2016-_____ of the Planning Commission was adopted by the Planning Commission on the 11th day of May, 2016, 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
(Royal Gymnastics and Sports Academy)
Application Number CUP16-0003
May 11, 2016

A. General Provisions and Definitions.

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

The Project: Royal Gymnastics and Sports Academy (Application Number CUP16-0003)

The Property: 2151 N. Tracy Boulevard, Assessor's Parcel Number 232-070-06

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- 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, 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. "Development Services Director" means the Development Services Department 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.
- d. "Conditions of Approval" shall mean the conditions of approval applicable to the Project at the Property, Application Number CUP16-0003. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- 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.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project description received by the Development Services Department, including the site plan and floor plan received on March 11, 2016.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check 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 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, and State regulations, including, but not limited to, the California Building Code and the California Fire Code.

B. Development Services Department Planning Division Conditions

Contact: Nash Gonzalez (209) 831-6442 nash.gonzalez@ci.tracy.ca.us

- B.1. The graffiti on the west end of the building to be occupied by the use, shall be removed and painted over with a color that matches the existing paint scheme on the building. The graffiti shall be removed prior occupancy of the building and shall be verified by the project planner.
- B.2. The two (2) 28' x 6' planter strips located on the east end of the parking lot between the building and the entrance to the shopping center shall be re-established with irrigation and landscaping. As part of the change of occupancy/tenant improvements building permit submittal, the applicant shall submit for review and approval a landscape and irrigation plan that addresses these two (2) planter strips with the irrigation details and landscaping to be installed, which may include trees and/or groundcover, etc. Landscaping will be required to be installed prior to use/occupancy of the building.
- B.3. Prior to use and occupancy, the applicant shall replace/repair glass storefront of the building subject to this entitlement which is currently boarded up with plywood. All repairs shall be made prior to occupancy.
- B.4. Use indoors. The use shall be conducted wholly within the building unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.5. Prior to occupancy or reuse of any tenant space, the applicant shall prepare and submit, in writing, for approval by the Development Services Department, the Fire Department, and the Police Department a description of existing and proposed land uses to ensure land use compatibility (for example, noise, odor, hours of operation) and that City parking requirements are satisfied for all tenants pursuant to Tracy Municipal Code Off-Street Parking Requirements. The information shall include a list of all existing and proposed tenants located in the building, the land use or description of activity of each existing and proposed tenant, the floor area of each

use type of each existing and proposed tenant, and any other information requested by the Development Services Director, Building Official, Fire Chief, or Police Chief in order to document compliance with City standards related to handicap accessibility, occupancy separation, exiting, or any other applicable Zoning, Building or Fire Code, and Public Safety standards.

C. Development Services Department Building and Fire Prevention Division Conditions

Contact: Kevin Jorgensen (209) 831-6415 kevin.jorgensen@ci.tracy.ca.us

- C.1. Should a change of occupancy occur as a result of the proposed project may require the need for upgrades to the automatic sprinkler system, radio coverage and occupant notification system may be required.
- C.2. Should a change of occupancy/use occur as a result of the proposed project and the occupant load is greater than 300 persons, a new risk category of III may require a seismic review and possible structural upgrades to the building may be required.
- C.3. Should a change of occupancy/use occur as a result of the proposed project, corresponding upgrade to the exiting system, existing restroom and other systems may be required. Additionally, the change of occupancy may result in the requirement of the fire barriers and/or fire wall dependent upon existing building conditions.
- C.4. The corresponding tenant improvements may require upgrades to the accessibility of the building and its facilities.

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AMENDMENT AND DEVELOPMENT REVIEW APPLICATIONS FOR THE DEMOLITION OF A PORTION OF AN EXISTING BUILDING AND ADDITION OF SEVEN DAIRY PROCESSING SILOS AT AN EXISTING FOOD PROCESSING PLANT AT 2401 N. MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBERS CUP16-0002 AND D16-0008.

DISCUSSION

Project Description and Analysis

Leprino Foods is an approximately 240,000-square foot cheese processing plant located at 2401 N. MacArthur Drive at the northwest corner of MacArthur Drive and Grant Line Road. The site is zoned Light Industrial (M-1) and has a General Plan land use designation of Industrial (I). The subject site is adjacent to residential sites to the north and west and industrial sites to the east and south.

Leprino Foods has been in operation at this location for approximately 40 years. Over the years, Leprino Foods has renovated and expanded the facility with City approval, with the most recent expansion approved by the Planning Commission on July 23, 2014 (Application Numbers CUP14-0006 & D14-0012). According to the applicant, the plant will be employing new technology for processing cheese by-products that currently are being produced as a result of their cheese-making processes. The project area is adjacent to the existing lactose production area enclosed within a building on the northeast portion of the site. The applicant proposes to demolish approximately 6,800 square feet of that building and, in its place, install seven silos approximately eleven feet in diameter and up to thirty-nine feet in height. According to the applicant, production process will be completely contained within a closed system of pipes and silos resulting no release of this product, odors, or noise to the exterior. Because the project would not increase the amount of product produced, truck trips, or the number of employed staff, the amount of required off-street parking will not change.

Staff worked with the applicant to minimize the visual impacts of the new silos that are proposed in an area of the site that has historically been comprised of buildings without silos. The project proposal includes an enclosure around the silos designed to match the existing building and cypress trees to be planted along the property line shared with the adjacent residences to soften the visual impact of the new improvements. Staff asked the applicant to reach out to these residents prior to the public hearing, and according to the applicant, the project proposal and design was well received.

Food manufacturing is conditionally permitted in the M-1 zone. An expansion of the use requires Planning Commission approval of a Conditional Use Permit amendment for the expansion of the facility. The silos addition also requires Development Review approval, which is typically granted by the Development Services Director. For efficiency in processing the applications, the Development Services Director has referred the

Development Review application to the Planning Commission. Staff recommends approval of project based on the conclusion that the silo addition and facility expansion will operate in a compatible manner with the existing plant operation and will not propose negative impacts to neighboring properties.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities where the project does not involve an addition to an existing structure greater than 10,000 square feet in an area where all public services and facilities are available and where the site is not environmentally sensitive. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit amendment and Development Review applications CUP16-0002 & D16-0008 for the demolition of approximately 6,800 square feet of building area and the addition of seven processing silos enclosed by an approximately 50-foot tall screen wall and an associated landscape screen at the northeast corner of the cheese processing plant located at 2401 N. MacArthur Drive, subject to conditions and based on findings contained in the attached Planning Commission Resolution dated May 11, 2016.

MOTION

Move that the Planning Commission approve the Conditional Use Permit amendment and Development Review applications CUP16-0002& D16-0008 for the demolition of approximately 6,800 square feet of building area and the addition of seven processing silos enclosed by an approximately 50-foot tall screen wall and an associated landscape screen at the northeast corner of the cheese processing plant located at 2401 N. MacArthur Drive, subject to conditions and based on findings contained in the attached Planning Commission Resolution dated May 11, 2016.

Prepared by Kimberly Matlock, Associate Planner

Approved by Bill Dean, Assistant Development Services Department Director

Attachments

Attachment A: Location Map Aerial Photo, Site Plan, Floor Plan, and Elevations
(Oversized)

Attachment B: Photo Simulation Exhibit (Oversized)

Attachment C: Planning Commission Resolution for CUP16-0002

Attachment D: Planning Commission Resolution for D16-0008

RESOLUTION 2016-_____

APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT FOR THE DEMOLITION OF A PORTION OF AN EXISTING BUILDING AND ADDITION OF SEVEN DAIRY PROCESSING SILOS AT AN EXISTING FOOD PROCESSING PLANT AT 2401 N. MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBER CUP16-0002.

WHEREAS, On March 1, 2016, the applicant submitted a Conditional Use Permit amendment application and a Development Review application (D16-0008) for an approximately 6,800 square foot building demolition and addition of seven dairy processing silos approximately eleven feet in diameter and ranging up to thirty-nine feet in height enclosed by an approximately 50-foot tall screen wall and an associated landscape screen proposed on the northeastern portion of the Leprino Foods cheese processing plant located at 2401 N. MacArthur Drive, and

WHEREAS, The subject property is zoned Light Industrial (M-1), where food manufacturing uses are conditionally permitted, and

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

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities where the project does not involve an addition to an existing structure greater than 10,000 square feet in an area where all public services and facilities are available and where the site is not environmentally sensitive, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on May 11, 2016;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does approve Conditional Use Permit amendment application number CUP16-0002 to demolish approximately 6,800 square feet of building area and the addition of seven processing silos enclosed by an approximately 50-foot tall screen wall and an associated landscape screen at the northeast corner of the cheese processing plant located at 2401 N. MacArthur Drive, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, because the silos are necessary for the new processing technology of cheese by-product generated at the plant.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the Light Industrial zone in which the site is located, because the zone allows for food manufacturing uses upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use

Permit amendment for the expansion of use for the site and the silo addition will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code.

- 3. The proposed location of the use and new and relocated equipment and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity, because the proposed project is consistent with the existing cheese processing plant and will not cause an increase to truck trips, noise or odors associated with operations, the amount of product produced, the number of employed staff, or the amount of required off-street parking.
- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, the City of Tracy Design Goals and Standards, and the California Fire Code.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 11th day of May 2016, 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
Leprino Foods Building Addition
Application Number CUP16-0002
May 11, 2016

A. General Provisions and Definitions.

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

The Project: Demolition of approximately 6,800 square feet of existing building area and addition of seven dairy processing silos

The Property: 2401 N. MacArthur Drive, Assessor's Parcel Number 213-070-50

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, 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 the Property, Application Number CUP16-0002. The Conditions of Approval shall specifically include all Development Services Department 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 April 25, 2016. These plans include the site plan, floor plan, elevations, colors, and landscaping.

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, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.

RESOLUTION 2016-_____

APPROVAL OF A DEVELOPMENT REVIEW APPLICATION FOR A BUILDING ADDITION AT AN EXISTING FOOD PROCESSING PLANT AT 2401 N. MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBER D16-0008.

WHEREAS, On March 1, 2016, the applicant submitted a Development Review application and a Conditional Use Permit amendment application (CUP16-0002) for an approximately 6,800 square foot building demolition and addition of seven dairy processing silos approximately eleven feet in diameter and ranging up to thirty-nine feet in height enclosed by an approximately 50-foot tall screen wall and an associated landscape screen proposed on the northeastern portion of the Leprino Foods cheese processing plant located at 2401 N. MacArthur Drive, and

WHEREAS, In accordance with Section 10.08.3940 of the Tracy Municipal Code, new improvements are subject to Development Review, and

WHEREAS, In accordance with Section 10.08.4020 of the Tracy Municipal Code, the Development Services Director has referred the application to the Planning Commission for efficiency in processing the application concurrently with Conditional Use Permit application number CUP16-0002, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities where the project does not involve an addition to an existing structure greater than 10,000 square feet in an area where all public services and facilities are available and where the site is not environmentally sensitive, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on May 11, 2016;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does approve Development Review application number D16-0008 to demolish approximately 6,800 square feet of building area and the addition of seven processing silos enclosed by an approximately 50-foot tall screen wall and an associated landscape screen at the northeast corner of the cheese processing plant located at 2401 N. MacArthur Drive, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project, because the proposed silos will be fully screened by walls designed to match the adjacent building to which the silos are to be located. This portion of the site is currently occupied by an approximately twenty foot tall building with no silos, where all silos are located elsewhere on the site. Because the addition of silos will be a significant visual change to this portion of the site, the silos will be screened by walls designed to look like an extension of the building.

- 2. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the project will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code and all applicable State laws, City regulations, and City standards.

- 3. The project, as conditioned, will not cause a decrease in the value of properties within the vicinity, because the silos will be screened by walls designed to match the existing building, and a landscape screen comprised of tall evergreen trees will be planted close together along the north property line to soften the view of the tall walls of the residences to the north.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 11th day of May 2016, 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
Leprino Foods Building Addition
Application Number D16-0008
May 11, 2016

A. General Provisions and Definitions.

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

The Project: Demolition of approximately 6,800 square feet of existing building area and addition of seven dairy processing silos

The Property: 2401 N. MacArthur Drive, Assessor's Parcel Number 213-070-50

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
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- 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, Application Number D16-0008. The Conditions of Approval shall specifically include all Development Services Department 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 April 25, 2016. These plans include the site plan, floor plan, elevations, colors, and landscaping.

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, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.

B. Development Services Department Conditions

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

- B.1. Trees. Before approval of a building permit, the applicant shall submit landscaping and irrigation plans for the planting of Italian Cypress screen trees as shown on the plans received on April 25, 2016 to the satisfaction of the Development Services Director. The trees shall be 24-inch box size at planting, and the planter shall be protected by a six-inch concrete curb.
- B.2. Silo Enclosure. Before approval of a building permit, the applicant shall submit plans for screen walls designed, finished, and painted to match the existing building as shown on the plans received on April 25, 2016 to the satisfaction of the Development Services Director.