

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, September 14, 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 – January 13, 2016 and August 10, 2016

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 APPROVE A CONDITIONAL USE PERMIT APPLICATION TO ESTABLISH A FITNESS, HEALTH AND EXERCISE CIRCUIT TRAINING FACILITY FOCUSED AROUND THE SPORT OF KICK BOXING FOR AN APPROXIMATELY 1,200 SQUARE FOOT TENANT SPACE WITHIN AN EXISTING BUILDING AT 901 N. CENTRAL AVENUE – THE APPLICANT IS KELLY LEANOS; PROPERTY OWNER IS ROBERT CARTER – APPLICATION NUMBER CUP16-0006

- B. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 461,810 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS, APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A MAXIMUM BUILDING HEIGHT OF 51 FEET, AND APPROVAL OF A VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE THE PROPERTY FROM THE ADJACENT DEVELOPMENT, LOCATED AT 1305 E. PESCADERO AVENUE - APPLICANT IS HPA, INC; OWNER IS INDUSTRIAL PROPERTY TRUST- APPLICATION NUMBERS D16-0001, CUP16-0007, AND MS16-0001

2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: **September 9, 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, JANUARY 13, 2016, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Chair Mitracos called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Chair Mitracos led the pledge of allegiance.

ROLL CALL

Roll Call found, Commissioners Orcutt, Ransom, Chair Mitracos, and Vice Chair Tanner present; Commissioner Sangha absent. Also present were staff members Bill Dean, Assistant Development Services Director; Alan Bell, Senior Planner; Bill Sartor, Assistant City Attorney; Nanda Gottiparthi, Consultant; and Sandra Edwards Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Bill Dean, Assistant Development Services Director, wished everyone a Happy New Year.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

- A. CONTINUED PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION (PUD CONCEPT DEVELOPMENT PLAN) FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SP15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP. Alan Bell, Senior Planner, provided the staff report.

The Planning Commission discussed vehicle and pedestrian access points for the proposed project, as well as Aspire I, and what was approved with Aspire I. A discussion ensued regarding drawings that were presented and what was

approved.

Chair Mitracos opened the public hearing.

Gary Mancebo, Tracy 300 LP, owner, addressed the Commission regarding previous approvals obtained by another applicant. Mr. Mancebo pointed out the pedestrian and vehicle access points, adding that he had met with the Chief of Police who made recommendations regarding access. Mr. Mancebo requested approval of the project.

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

The Planning Commission further discussed access points to the site and additional conditions of approval.

ACTION It was moved by Commissioner Orcutt and seconded by Vice Chair Tanner, that the Planning Commission recommend that the City Council take the following action.

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan designation amendment from General Commercial to High Density Residential.
4. Approve the Planned Unit Development Preliminary and Final Development Plan for the Aspire II Apartment Project, with the addition of Conditions of Approval B.31 and B.32.

Voice vote found all in favor; Commissioner Sangha absent.

2. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A 226-UNIT RESIDENTIAL SUBDIVISION OF APPROXIMATELY 59.1 ACRES LOCATED ON THE EAST SIDE OF LAMMERS ROAD, NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-77. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM URBAN RESERVE (UR-8) TO RESIDENTIAL LOW (GPA13-0006), REZONING FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD15-0001), AND VESTING TENTATIVE MAP (TSM15-0001) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS BATES STRINGER TRACY II LLC, AND THE PROPERTY OWNER IS CALENDEV, LLC. - Victoria Lombardo, Senior Planner, provided the staff report. Ms. Lombardo noted an error on the minimum lot area, the addition of a

condition of approval requiring 28 housing types, and a change to Planning condition of approval number 18 regarding wording for a community facilities district for future services.

The Commission discussed the location of a temporary storm drain, the pedestrian connection in the county, the separation of the travel path and pedestrian walkways, the accuracy of the renderings and how the houses will sit on the lot, and if porches were included in the lot coverage.

The Commission further discussed circulation and access points between this project and the Redbridge subdivision. Staff indicated there is no vehicular or pedestrian access proposed.

Chair Mitracos called for a five minute recess, reconvening at 8:16 p.m.

The Commissioners discussed access concerns in light of the Aspire II project.

Chair Mitracos opened the public hearing.

Scott Stringer, partner with Bates Stringer Ventures, provided a presentation outlining the architectural features of the project.

Cris Mina, Senior Civil Engineer, discussed the median features on Lammers Road and the speed survey that was conducted. Fredrick Venter, Kimley Horn, discussed the CalTrans Highway Design Manual standards for roads.

The Commission discussed the temporary sidewalk for access to Kimball High School, the grand entryway and the possibility of enhancements to the secondary entryway, the ten foot sidewalk on Lammers Road, and pedestrian access points.

Mark MacDonald, 2676 Green Haven Court, a Redbridge board member, expressed concern about the increased traffic in their community.

Brenda Dayton, 709 Belmont Lane, voiced concern regarding the density of the project and the temporary storm drain pond.

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

The Commission discussed a temporary solution for access to George Kelly School, Redbridge streets and parks.

The public hearing was reopened.

Mr. McDonald reiterated that the parks in Redbridge are private.

A discussion ensued regarding whether or not the parks in Redbridge were private.

The public hearing was closed.

The Commission discussed pedestrian access, fencing, Lammers Road, various concept designs throughout Tracy, public and private parks, public and private streets, city standards, and Schulte Road.

ACTION: It was moved by Commissioner Ransom and seconded by Commissioner Orcutt that the Planning Commission recommend that the City Council take the following action:

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Urban Reserve to Residential Low Density.
3. Approve the Rezone from Low Density Residential to Planned Unit Development.
4. Approve the Vesting Tentative Subdivision Map for the Rocking Horse Project.
5. Approve the Planned Unit Development Preliminary and Final Development Plan for the Rocking Horse Project.

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

3. ITEMS FROM THE AUDIENCE – Trina Anderson, 1940 Earl Way, addressed the Commission regarding the Edgewood property approval, stating the airport safety zone did allow retail and commercial.

Geri Featherston, 1761 Whirlaway, stated the community was looking for retail at the site where the Edgewood storage was proposed.

4. DIRECTOR'S REPORT – No report.
5. ITEMS FROM THE COMMISSION – Commissioner Ransom asked if staff would follow up regarding the recording issue with Redbridge. Chair Mitracos announced the he would not re-apply for Planning Commissioner.
6. ADJOURNMENT – It was moved by Commissioner Orcutt and seconded by Commissioner Ransom to adjourn.

Time: 9:49 p.m.

Chair

Staff Liaison

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, AUGUST 10, 2016
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Ransom led the pledge of allegiance.

ROLL CALL

Roll Call found Chair Ransom, Vice Chair Tanner, Commissioners Orcutt, Hudson, and Sangha present. Also present were Andrew Malik, Development Services Director; William Dean, Assistant Development Services Director; Nash Gonzalez, Contract Planner; Kat Wellman, Deputy City Attorney; Gina Peace, Executive Assistant; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Mr. Dean stated agenda Item 1-B would be continued and not considered at tonight's meeting. Mr. Dean introduced Dan Doporto, legal counsel, and Gina Peace, the new Executive Assistant in Development Services.

ITEMS FROM THE AUDIENCE – None.

1. **NEW BUSINESS**

- A. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A FENCING AND INDOOR ARCHERY STUDIO USE AT 1005 E. PESCADERO AVENUE, APN 213-060-40; APPLICANT IS ALAN GAGNER II AND PROPERTY OWNER IS 51 NEWCO, LLC, ET AL; APPLICATION NUMBER CUP16-0005** – Nash Gonzalez, Contract Planner, provided the staff report, noting that there was a correction in the resolution.

Commissioner Sangha recused herself from consideration of the item due to a possible conflict.

Commissioner Orcutt noted that there is entryway gate with posted hours, and inquired if the new center is adhering to these hours. Mr. Malik stated he was not sure; the posted hours are left over from the previous Outlet Center.

Chair Ransom opened the public hearing.

Hailey Gagner, of 342 E. 21st Street, Tracy, property manager for the office introduced herself. Applicant Alan Gagner is out of town for training, but available via phone.

Chair Ransom inquired about what age group the proposed studio would accommodate. Hailey stated that the studio would service youth ages 8 years old and up. In addition, the proposed studio would be working with Boy Scouts of America so boys can earn their archery badges.

Commissioner Hudson asked about safety constraints at the studio. Architect for the project, Messier Benitz of Sunnyvale, explained that the walls will be fully encased with padding. An 8-inch CMBU wall is required; details are included in building documents.

Commissioner Orcutt inquired if the studio will be operated similar to a firing range, with a range master. Applicant intends to use a three whistle system – standard archery practice. On the line, a single whistle indicates safe to shoot, double whistle means to stop and students are open to retrieve arrows, and three whistles indicates an emergency stop. Part of the curriculum is to see how each individual student is shooting, so there will be an instructor on the line at all times, and ensuring that students are being safe.

Vice Chair Tanner wondered if only bows will be used, or if crossbows will also be used at the studio. There will not be any crossbows, per the applicant. Applicant plans to teach both types of fencing: Olympic-style and Old English broad sword fighting.

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

Chair Ransom expressed her concern that there is no vision for the former Outlet Center. Andrew Malik stated it is a challenged site for retail. The new owner is looking for uses other than retail, such as educational uses, night clubs, and banquet facilities.

ACTION: It was moved by Commissioner Orcutt and second by Vice Chair Tanner that the Planning Commission hereby approves a Conditional Use Permit to allow a fencing and indoor archery studio at 1005 E. Pescadero Avenue, Unit #127, Application Number CUP16-0005, based on the findings and subject to the conditions as stated in Exhibit 1. Voice vote found Commissioners Hudson and Orcutt, Chair Ransom, and Vice Chair Tanner in favor; Commissioner Sangha absent.

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

- B. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 461,810 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS AND TO CONSIDER APPROVAL OF A VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE THE PROPERTY FROM THE ADJACENT DEVELOPMENT, LOCATED AT 1305 E. PESCADERO AVENUE - APPLICANT IS HPA, INC; OWNER IS INDUSTRIAL PROPERTY TRUST- APPLICATION NUMBERS D16-0001 AND MS16-0001 – Item removed from consideration.
- C. RECOMMEND CITY COUNCIL INTRODUCE AN ORDINANCE TO CREATE AN OVERLAY ZONE TO ESTABLISH LAND USE LIMITATIONS AND ADDITIONAL DEVELOPMENT STANDARDS ALONG THE I-205 CORRIDOR EAST OF

TRACY BOULEVARD. APPLICATION NUMBER ZA16-0003 – Bill Dean, Assistant Development Services Director, provided the staff report.

Commission questions and comments followed.

Commissioner Orcutt asked if exceptional provisions would be allowed to match existing, grandfather buildings, but Bill Dean said that there were not any such provisions in the Overlay Ordinance.

Chair Ransom requested clarification in the zoning, and asked if this area only affected industrial properties. Bill Dean says the Ordinance only affects new development of large, industrial property only. Commission discussed PUD's as drafted, and Ordinance applies to industrial PUD's, not commercial or residential PUD's.

Commissioner Tanner asked to clarify if the setback would be 500-feet, plus an additional 100-foot, for 600-feet total, and Bill Dean clarified that the rule is no building located within 100 feet of right of way line, and no larger buildings (greater than 75,000 square feet) within 500 feet. Smaller buildings could be built in between the 100 foot setback, and the 500 foot larger building setback, such as a smaller office building.

Commissioner Hudson worried that this Overlay would limit the value of land to homeowners. Bill Dean says it is hard for staff to determine the current market for large or small buildings. Commissioner Hudson inquired if there is enough room to put a large building on these lots. Bill Dean said the Overlay would absolutely limit the use of the lot. Andrew Malik said it depends on how the site is utilized. Commissioner Hudson said there are 33 warehouses approved in San Joaquin County, but only 6 or 7 were below 75,000 square feet, and this Overlay would limit the City's ability to do business with those companies. Commissioner Tanner asked how many properties will be affected by this overlay proposal, and Bill Dean responded that only approximately 9 parcels would be affected at this time.

Commissioner Sangha asked if property owners had been notified and Bill Dean assured that property owner were notified and the department has received several phone call inquiries.

Chair Ransom asked if there was another goal in mind with this overlay proposal, other than the beautification goal, as mentioned. Bill Dean said it was intended to limit large industrial buildings being placed right along the freeway to create a better looking freeway corridor.

Chair Ransom questioned, with planning staff being the experts, if this is the most appropriate way to achieve an aesthetically pleasing corridor. Bill Dean believes this is a better tool to utilize rather than outright re-zoning.

Chair Ransom asked about the difference between what the General Plan provides versus this Overlay ordinance, with regards to corridor aesthetics. Bill Dean clarified that the General Plan sets the broad vision; it is general. While the overlay gets into the specifics, the General Plan is not as specific.

Vice Chair Tanner referred to DCT, who changed the color of their building and increased the landscaping, and this was done without an overlay. He mentioned some businesses being bought out and said how business is changing, and he doesn't want to limit businesses. Bill Dean said an economic analysis done last year regarding the changing nature of a number of industries. Bill Dean agreed that you can absolutely achieve the desired outcomes, such as DCT, without an overlay, but this is the direction staff was given by council. Vice Chair Tanner reiterated his concern that the overlay might limit the land owners' ability to sell land.

Commissioner Hudson wonders if this could be considered a regulatory taking. Kat Wellman, Deputy City Attorney, assured him no; zoning legally limits the use of land and buildings, but this Overlay is not close to a regulatory taking, unless there is no legitimate use of the property.

Commissioner Orcutt wants flexibility, because we don't know what is coming in the future. Commissioner Sangha asked why we have to limit potentials on these properties. Bill Dean reminded the Commission that they can recommend anything they like to City Council.

Commissioner Hudson also wants to maintain flexibility, and believes there are other things we can do to ensure that the corridor is visually appealing.

Chair Ransom asked if this overlay is necessary and why now, what else can go into the 500 foot setback, and inquired about the economic impact. She would like staff to provide other positive examples where this is done well. She wants to make sure to protect the economic vitality of that corridor.

Bill Dean responded that this setback is just one way to achieve the goal of Council, to limit land use, and reiterated that Commission agrees that this permit is one the Commission should have eyes on. He said that many cities have overlays like this, but each city is different; there is no one example that is relevant.

Chair Ransom opened the public hearing.

A resident named Boris asked if this ordinance would affect the freeway or roadways. Andrew Malik indicated no.

As a business owner, Commissioner Sangha wonders what the land will be worth, as a result of this Ordinance, thus she is not in favor of an overlay. Vice Chair Tanner does not see a need for the 500-foot overlay. Commissioner Orcutt believes the overlay would provide a heightened focus area, but still believes projects need to be approved by Commission and Council, and should have flexibility, and he is in favor of a zone that includes heightened focus.

Commissioner Hudson believes we need to maintain flexibility, and we already have rules and procedures in place that can monitor those large businesses. When he reads analysis, he sees a need for head of household jobs, and this overlay sends a message, that may not be our intent, that Tracy is not open to do business. We do need to ensure that those buildings (industrial) need to look good.

Chair Ransom would like those who asked for this to be specific, in regards to what cannot be done with our General Plan and design guidelines, and how does

this help or go with the goal of economic vitality and generating jobs for the city. What design standards can we put in place that will achieve what Council wants.

Bill Dean suggested the Commission suggest edits for the Ordinance.

Kat Wellman, Deputy City Attorney, summarizing what the Commission is interested in seeing, is if the corridor could be dealt with using design issues.

ACTION: It was moved by Commissioner Ransom and seconded by Commissioner Hudson to not recommend an ordinance creating an I-205 overlay zone as discussed, because of concerns regarding the necessity of the ordinance as opposed to the flexibility that that would be offered through design standards and the General Plan as the tool to drive the design of the corridor, concerns regarding the preservation of economic vitality as we look at future development and job creation, and concerns regarding the necessity to be so restrictive to limit land use for property owners. Voice vote found Commissioner Sanga and Vice Chair Tanner in favor; Commissioner Orcutt opposed.

2. ITEMS FROM THE AUDIENCE – None.
3. DIRECTOR'S REPORT – None.
4. ITEMS FROM THE COMMISSION – Commissioner Orcutt inquired about a request regarding availability for a Planning Commission and City Council Joint Workshop. Andrew Malik, Development Services Director, replied that there was a workshop set for September 6th, regarding design standards.
5. ADJOURNMENT – Upon motion by Commissioner Orcutt and second by Commissioner Ransom, the meeting was adjourned.

Time: 8:48 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO APPROVE A CONDITIONAL USE PERMIT APPLICATION TO ESTABLISH A FITNESS, HEALTH AND EXERCISE CIRCUIT TRAINING FACILITY FOCUSED AROUND THE SPORT OF KICK BOXING FOR AN APPROXIMATELY 1,200 SQUARE FOOT TENANT SPACE WITHIN AN EXISTING BUILDING AT 901 N. CENTRAL AVENUE – THE APPLICANT IS KELLY LEANOS; PROPERTY OWNER IS ROBERT CARTER – APPLICATION NUMBER CUP16-0006

DISCUSSION

Site and Project Description

The project site (901 N. Central Avenue) is located in downtown Tracy at the northwest corner of N. Central Avenue and Ninth Street, across Ninth Street from the City of Tracy Fire Department Administration building (Attachment A).

The proposal consists of operating a fitness, health, and exercise facility in a tenant space of approximately 1,200 square feet. The proposed fitness activity includes a 30-minute, individual, circuit training workout, focused around the sport of kick boxing. Attachment B (three pages) contains a project description and summary of workout activity. Attachment C includes three pages showing a conceptualized floor plan and examples of the exercise equipment: punching bags, dumbbells, medicine balls, jump ropes, etc.

Improvements proposed for the project include floor coverings, wall coverings, and other interior cosmetic items. No exterior improvements or activity are proposed as part of this Use Permit application.

Land Use Compatibility

Zoning of the site and surrounding property is Central Business District (CBD). Recreational or educational uses such as the proposed fitness facility require Planning Commission approval of a Conditional Use Permit in order to operate in the CBD Zone. Principally permitted uses in the CBD Zone (ones that do not require Conditional Use Permit approval) include a wide range of commercial uses such as retail, consumer services, offices, and restaurants. Conditionally permitted uses include places of worship, meeting halls, recreation centers, dance or gymnastics studios, and automobile service stations.

Dance studios and similar uses have a history of operating successfully in downtown Tracy, attracting potential customers and business traffic to the area and helping to extend the active hours of the downtown. The proposed fitness facility is anticipated to be compatible with existing and permitted surrounding commercial uses of the site, in terms of noise sensitivity or generation, hours of operation, and character of traffic and consumer customers. City staff is not recommending conditions of approval related to

such items as hours of operation or number of clients being served at one time, with the expectation that the scale and hours of the business can respond to the market toward the business's own success and that of surrounding businesses.

In October 2015, the Tracy City Council concluded that parking in the downtown is "generally underutilized, even during peak demand periods," and established a five-year pilot program during which any new buildings or tenant changes are not required to provide any off-street parking spaces, regardless of anticipated demand (City Council Resolution 2015-168). As indicated in the aerial photo of Attachment A, on-street parking exists in the vicinity of the site on Central Avenue and Ninth Street. Off-street parking is available in the public parking lot adjacent to the west of the site. Although this site does not have on-site parking for its own use, there is substantial on- and off-street parking available in the vicinity of the site and this proposed business is not anticipated to have a significant effect on parking.

CEQA Documentation

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to the operation or leasing of existing structures or facilities. Therefore, no further environmental documentation is required.

RECOMMENDATION

Staff recommends the Planning Commission approve the Conditional Use Permit for the proposed fitness facility at 901 N. Central Avenue, subject to conditions and based on findings contained in the Planning Commission Resolution dated September 14, 2016.

MOTION

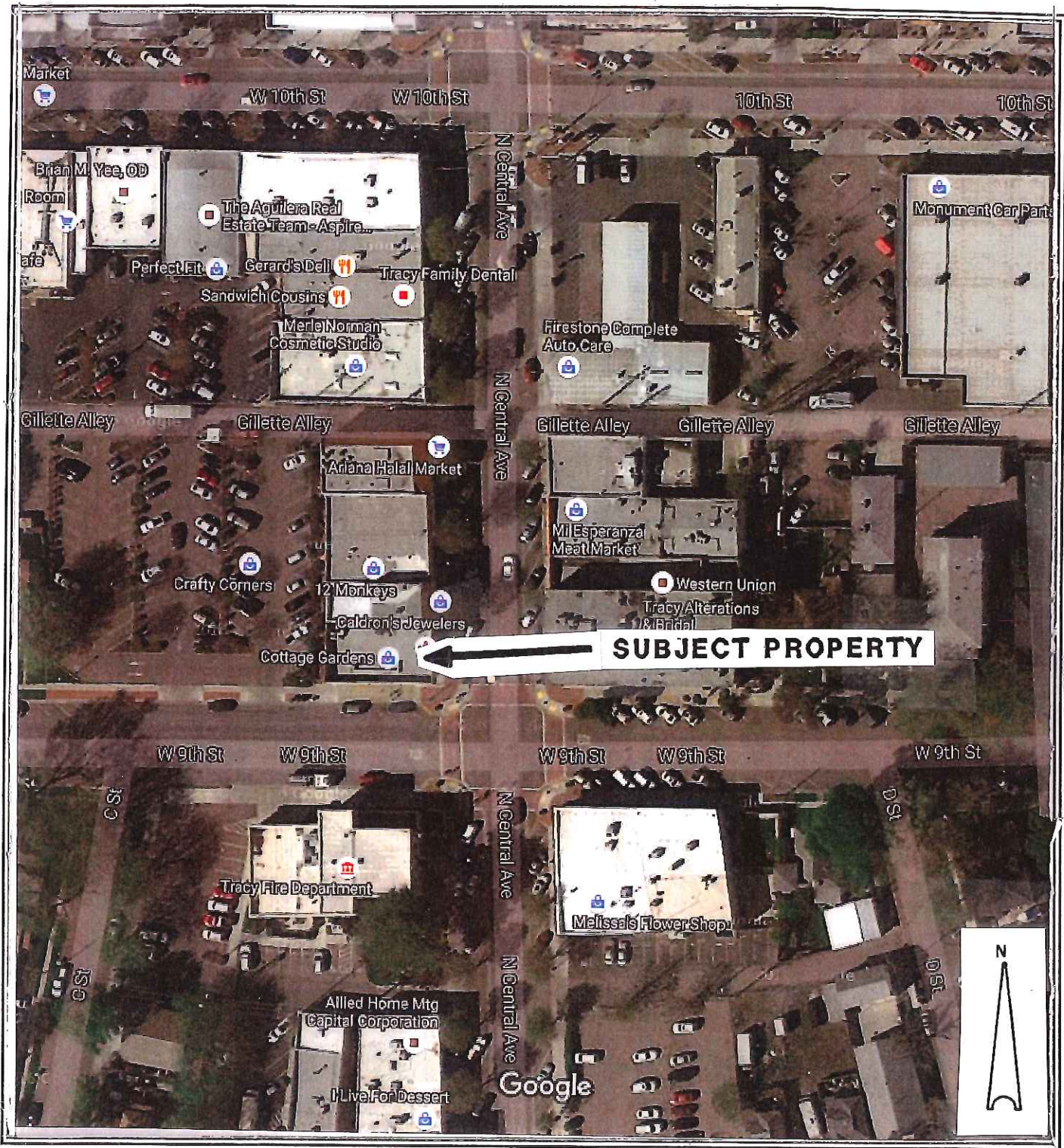
Move that the Planning approve Conditional Use Permit Application Number CUP16-0006 to allow a fitness, health, and exercise facility at 901 N. Central Avenue, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated September 14, 2016.

Prepared by Alan Bell, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

- Attachment A – Project Location
- Attachment B – Applicant's Project Description
- Attachment C – Proposed Conceptual Floor Plan
- Attachment D – Proposed Planning Commission Resolution



LOCATION MAP

APPLICATION NUMBER CUP16-0006

APPLICANT/OWNER Kelly Leanos/Robert Carter

LOCATION (ADDRESS) OF SUBJECT PROPERTY 901 N. Central Avenue

9 Round

7071 West Saint Andrews Lane, Tracy, CA 95376 | 925-519-2241 | tleanos@stonhard.com

June 24, 2016

City of Tracy
Development Services
Planning Department

RECEIVED

JUN 29 2016

CITY OF TRACY

Conditional Use Permit Application

Thank you for taking the time to review the conditional use permit application for our new business in Tracy. We are excited to open a fun new 30 minute circuit training facility that is focused around kick boxing. We believe this is a great fit for Down Town Tracy and will bring a great energy to the area. The typical demographic for our business is 65% women from the ages of 18-45, however we find men are a fantastic percentage of our membership too! Our business is fun and friendly and we are excited to be an active part of the community.

Submittal Requirements

1. The application form is completed, signed and attached.
2. The fee is submitted.
3. See Exhibit A. The location map indicating the adjacent streets and parcels and land uses. The site is an existing retail building with no alterations being proposed. The adjacent building is the fire department and all other adjacent uses are retail. The proposed use for 9Round will be Use Group No. 31. Educational, Cultural, Institutional, and recreational uses serving the community.
4. See Exhibit A of the existing aerial photo. The site is an existing site with no architectural alterations being proposed.
5. Title report is not applicable. The building is under same ownership and no alterations are being proposed.
6. The 9 Round business will be located in an existing building and requires no architectural improvements to the interior or exterior. The new business will provide community vitality and positive energy to the area. The surrounding business will benefit from the destination location. The facility is a business that members will visit on a regular bases, bringing customers to the surrounding business. There will be no cost implications to the city for the business. The city will benefit from tax revenue.
7. See Exhibit A for the attached site photographs.
8. Exhibit A is provided in 8'x11".
9. The building is existing and not architectural alterations are being proposed to the boundary and topography.
10. Landscape is existing and no alterations are being proposed.
11. The building is existing and no alterations to the site and exterior are being proposed.
12. See attached floor plan.
13. No exterior signs are proposed as part of this application, after CUP approval our signage vendor will prepare and submit for signage application approval.

14. The building is an existing building and no architectural alterations are being proposed.
15. See exhibit B for more information about the business.

Sincerely,



Kelly and Tony Leanos

High-Energy Fitness for Every Body Type

Whether you're a beginner just getting started, or a seasoned gym junkie our circuit format is specifically designed to allow you to work at your own pace. You will be able to go at a speed that feels right for you until you're ready to move up to the next level. This feature makes us truly unique and able to help every body type, safely and effectively!

Our Workout (/workout)	9Round Nutrition (/nutrition)
Heart Rate Technology (/workout#heart-rate-technologies)	

9 WAYS 9ROUND IS DIFFERENT

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- 2.** Work out every muscle, every time.
- 3.** A new station every 3 minutes, Get In Get Fit.
- 4.** No class times, equals no waiting.
- 5.** High-energy, motivating trainers included.
- 6.** Measurable results with heart rate technology.
- 7.** Workout changes every day, never boring.
- 8.** Burn up to 500 calories in 30 mins.
- 9.** Virtual nutrition coach included.

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9ROUND
FRANCHISING

RECEIVED

JUN 29 2016

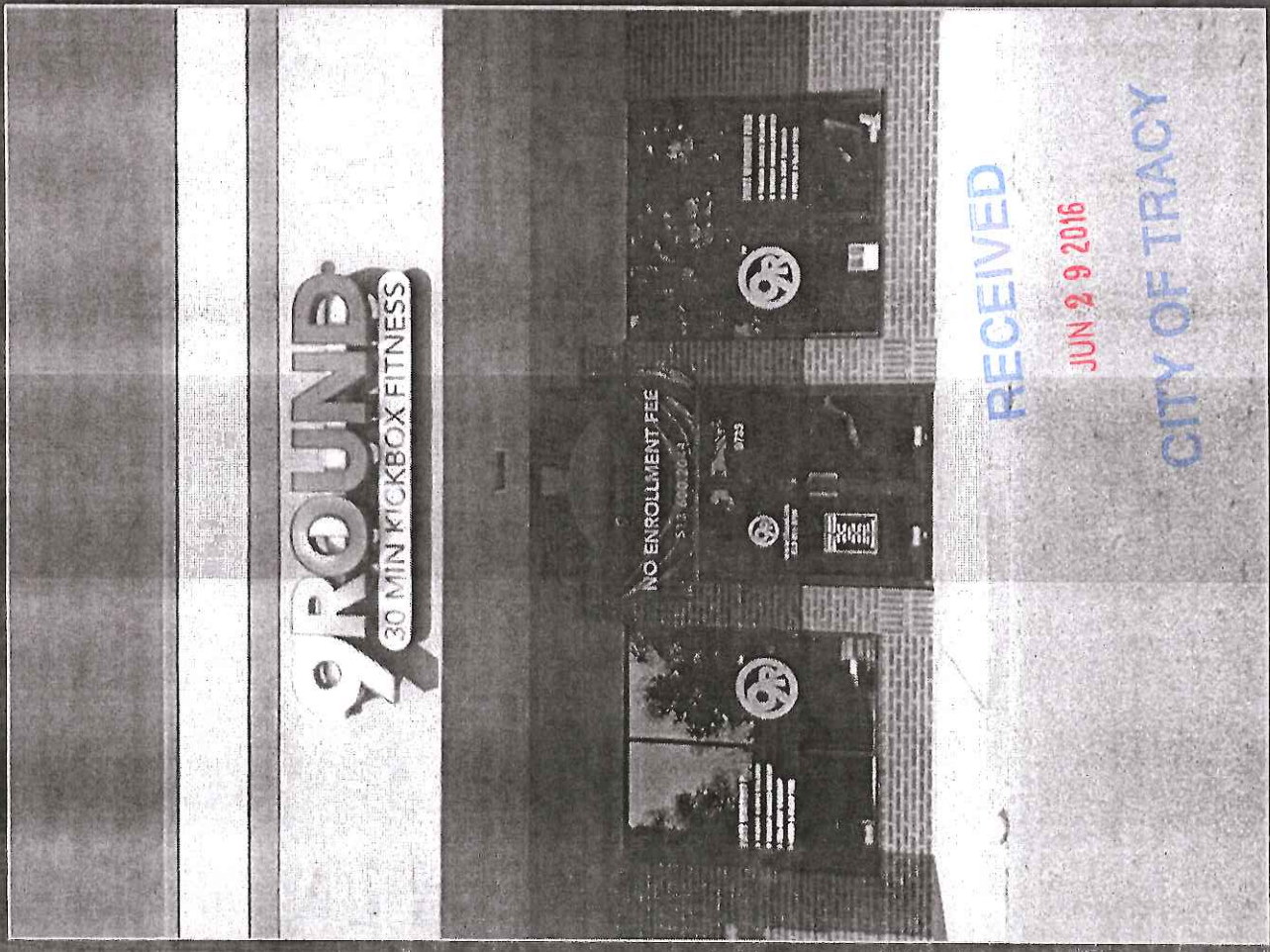
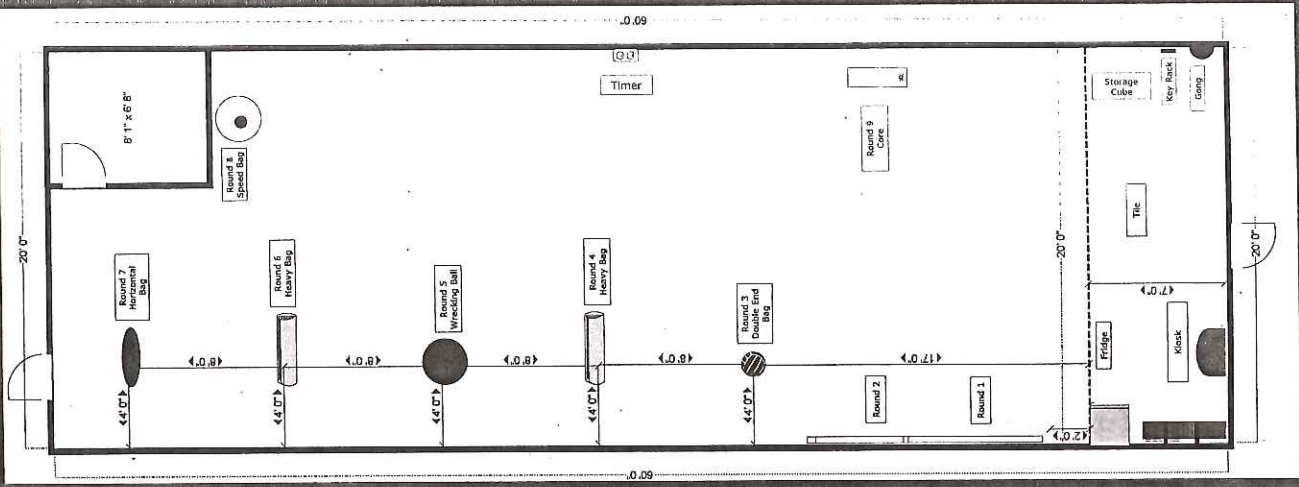
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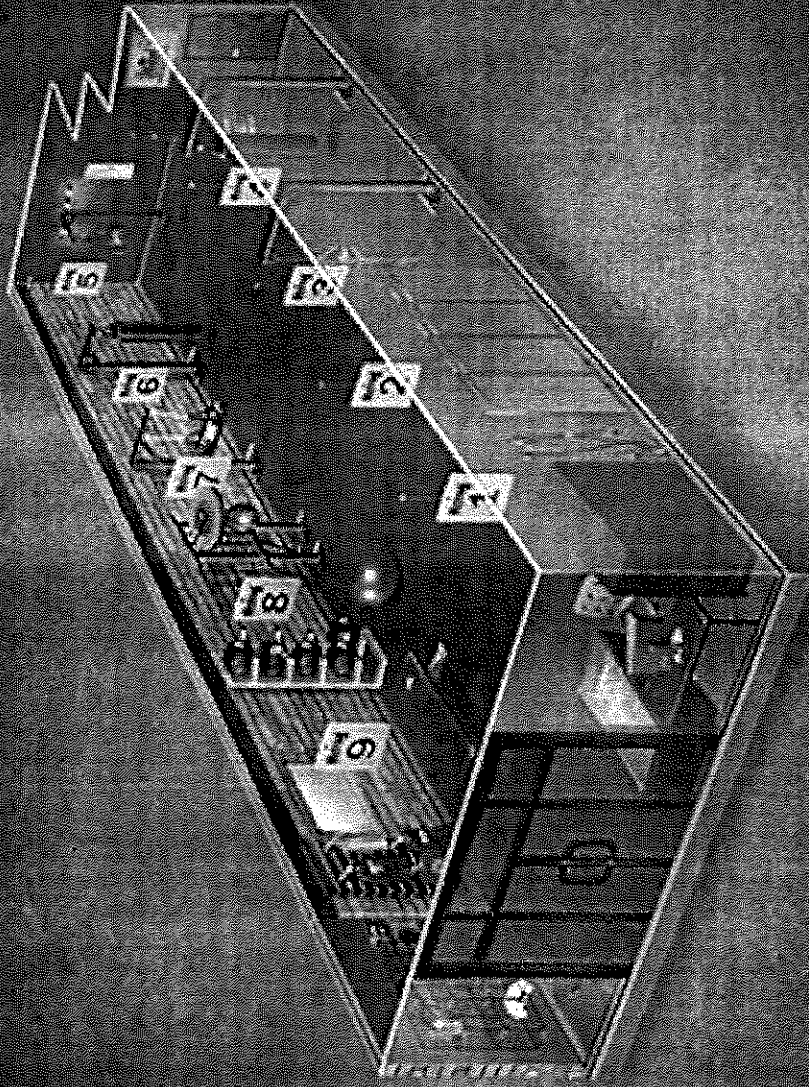
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EXHIBIT B

6/29/2016



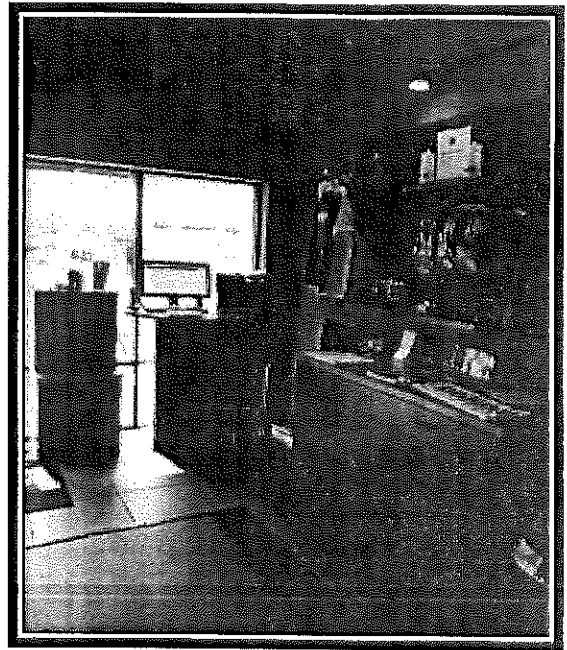
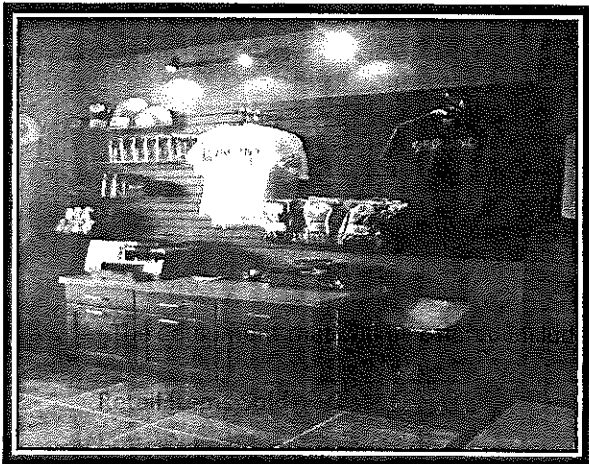
A Typical 1200 sq. ft. 9Round Club



The equipment that will be offered includes:

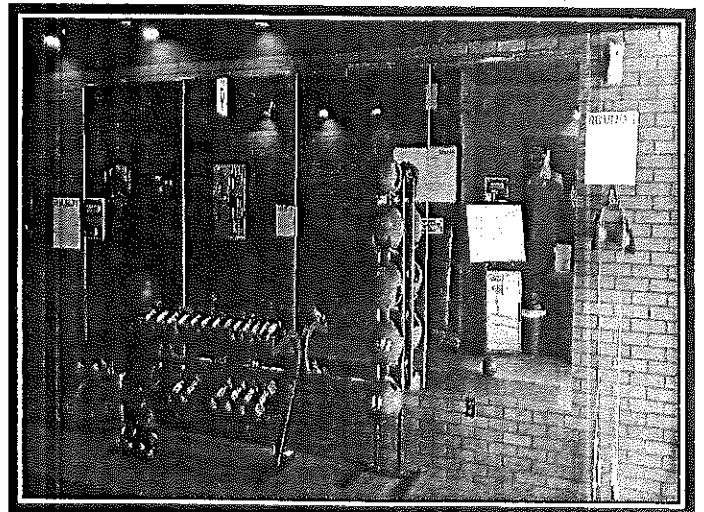
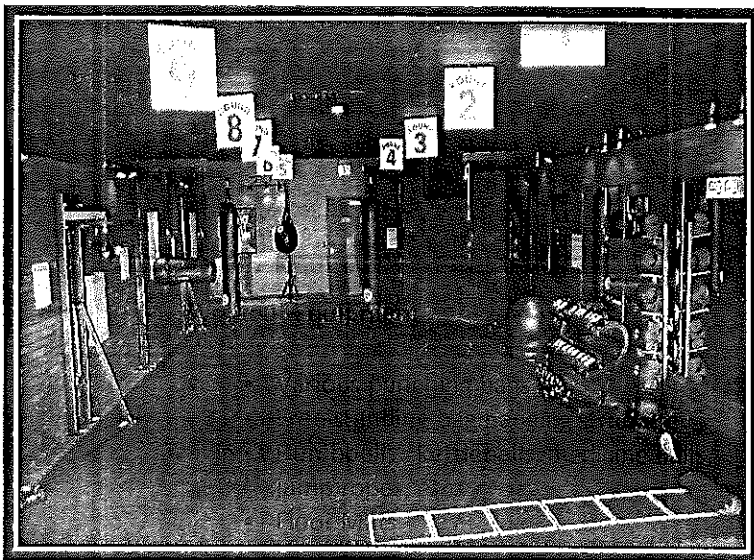
Retail Items Sold

- Boxing Gloves
- Hand wraps for wrist support
- Nutrition Manuals & Supplements
- Apparel



Workout Equipment

- Various punching bags
- Free standing bag hanging structure
- Dumbbells, kettlebells, medicine balls, jump ropes, etc.
- Floor Mats



RESOLUTION 2016-_____

APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FITNESS, HEALTH, AND EXERCISE FACILITY AT 901 N. CENTRAL AVENUE (APN 235-056-14) APPLICATION NUMBER CUP16-0006

WHEREAS, On June 29, 2016, the City received a Conditional Use Permit Application for a fitness, health, and exercise facility ("9 Round") focused around the sport of kick boxing, and

WHEREAS, The proposed use is categorized within Tracy Municipal Code Use Group Number 31 (Tracy Municipal Code Section 10.08.1080(31)), "educational, cultural, institutional, and recreational uses serving the greater community", and

WHEREAS, The site of the proposed use, 901 N. Central Avenue, is located within the Central Business District (CBD) Zone District, and

WHEREAS, Use Group Number 31 uses require Conditional Use Permit approval by the Planning Commission when proposed on property within the CBD Zone, and

WHEREAS, On September 14, 2016, the Planning Commission conducted a public hearing to review and consider the Conditional Use Permit application;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission approves Conditional Use Permit Application Number CUP16-0006 for a fitness, health, and exercise facility subject to conditions and based on findings as follow:

Conditions:

1. All activities approved through this Conditional Use Permit shall be conducted wholly inside the building to which the permit applies, unless an outdoor activity is approved by the City through a Temporary Use Permit or other applicable permit.
2. Outdoor speakers, amplifiers, public address system, or other outdoor amplified music, voice, or other sound are not approved as part of this Conditional Use Permit.
3. The use shall be developed and operated in substantial compliance with the plans and description received by the Development Services Department on June 29, 2016.
4. Prior to occupancy, the applicant shall cause to be removed from public street view, the three, linear-shaped, structures which extend approximately three to five feet above the parapet wall from the roof at the southeast corner of the building.
5. Any improvements or other elements requiring a building permit shall be conducted in accordance with the California Building Code (CBC) and shall conform with Accessibility Budget requirements of 2013 CBC Section 11B 202.4 (Accessibility for Existing Buildings).

Findings:

1. There are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

The downtown area is a unique commercial area in the City that includes a wide variety of retail stores, consumer services, business offices, restaurants and other commercial uses. Higher occupancy uses such as dance or exercise studios have proven to be successful participants in the downtown CBD Zone by bringing business and customer traffic to the retail area, introducing potentially new consumers to downtown businesses, and not bringing disproportionate negative characteristics to the CBD downtown commercial area.

2. The proposed location of the conditional use is in accordance with the objectives of this chapter and the purposes of the zone in which the site is located.

Retail, consumer services, offices, and other commercial land uses exist and are permitted in the CBD Zone, while educational and recreational uses (Use Group 31), such as the proposed fitness facility, require approval of a Conditional Use Permit. The proposed fitness facility is consistent with the purposes of the CBD Zone in the downtown area because it will serve consumers from throughout the City and land use is compatible with adjacent and nearby commercial uses in terms of noise, traffic, hours of operation, and other characteristics.

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.

The proposed fitness facility 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 facility will comply in all respects with the California Building Code, it will utilize an existing tenant space within the downtown area, there is sufficient parking in the vicinity of the site to accommodate the fitness facility and other nearby businesses, and the fitness facility is compatible in use characteristics with existing and allowed uses within the CBD Zone.

4. The proposed use will comply with each of the applicable provisions of the Tracy Municipal Code Chapter 10.08.

The proposed fitness facility demonstrates compliance with Tracy Municipal Code Off-Street Parking Ordinance, the land use regulations of the CBD Zone, and other applicable requirements.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 14th day of September, 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIASON

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A 461,810 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS, APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A MAXIMUM BUILDING HEIGHT OF 51 FEET, AND APPROVAL OF A VESTING TENTATIVE PARCEL MAP TO SUBDIVIDE THE PROPERTY FROM THE ADJACENT DEVELOPMENT, LOCATED AT 1305 E. PESCADERO AVENUE - APPLICANT IS HPA, INC; OWNER IS INDUSTRIAL PROPERTY TRUST- APPLICATION NUMBERS D16-0001, CUP16-0007, AND MS16-0001

DISCUSSION

Background

In 1988, the City Council adopted the Industrial Areas Specific Plan (Specific Plan) within which the project area is located. The site is zoned Light Industrial (M-1), and is designated Industrial by the General Plan, and Limited Industrial by the Specific Plan.

Summary

Staff is requesting that the Planning Commission review and make recommendations for three actions on this project to the City Council as follows:

1. Development Review approval for the construction of the industrial building and all of its related site improvements.
2. Conditional Use Permit to increase the building height to a maximum of 51 feet.
3. Vesting Tentative Parcel Map to subdivide the parcel from the adjacent existing development (YRC).

Site and Project Area Description

The project site is located at 1305 E. Pescadero Avenue, adjacent to and west of the YRC (Yellow Trucking) site, and east of the vacant Outlet Center expansion property, bordered on the north by I-205 (Attachment A). The site is designated Limited Industrial by the Industrial Areas Specific Plan (ISP). The YRC site to the east is also designated Limited Industrial by the Specific Plan, and to the west of the site the land is designated General Commercial by the I-205 Specific Plan. Land to the south of the site is designated Industrial by the Northeast Industrial Specific Plan. To the north of the project is land outside of the current City Limits.

Land Use

The project consists of the construction of a 461,810 square foot industrial distribution

building with office areas, and the necessary parking and landscaping improvements (Attachment B). The tenant(s) of the building is not known at this time, and the building is designed with the vast majority of the floor plan for storage/distribution, with the ability to have office areas at all four corners of the building, depending on the number of tenants that may occupy the building. The auto parking on the site is also designed in a manner to accommodate multiple tenants as necessary.

The proposed industrial building is well suited for this location, as the site is located within the ISP in an area where roadways and infrastructure have been designed for industrial development. Most of the surrounding sites are planned for or have existing similar uses.

The project, as proposed, has an overall floor area ratio (FAR) of 45.6 percent. This is in compliance with the ISP's maximum FAR of 50 percent.

Architecture and Building Height

The proposed building is comprised primarily of concrete tilt-up panels and is enhanced with accent colors, reveals, glass features at each corner, and metal canopies, highlighting the corners where office areas will be located (Attachments B and C). The variation in the roofline, as well as the façade breaks at each office area help to add visual interest to the large building.

The roofline of the building varies in height, with vertical relief added by false parapets being stepped up at the corners, with the office areas of the building. The variation of architectural features adds visual interest to the buildings from each elevation view, as the reveals and accent colors have been carried around all four sides of the building.

The height of the building ranges from approximately 45'3" feet at the lowest point, to 48'3" feet at the highest point, from the base of the building to the top of the parapets. Because the Tracy Municipal Code states that height limitations are to be measured from the sidewalk level on the street on which the building fronts, and there is a minor grade difference between the building base and the sidewalk grade, the maximum building height requested is 51 feet, to accommodate the actual building height request of approximately 48 feet. The ISP states that buildings can be up to 40 feet tall, unless they are set back from the property lines further than the minimum distances, in which case they may go up to 45 feet in height, and that they require a Conditional Use Permit to exceed a height of 45 feet. The minimum building setbacks in this case are 25 feet, and the proposed building has varying setbacks on each side, with the smallest at approximately 70 feet, and the largest at 238 feet, well over the minimum required. An application for an increase in the building height, as discussed above was submitted upon the discovery that the building's parapet walls would need to be taller than 45 feet in order to adequately screen the typical roof-mounted equipment used on such building from view of nearby streets, including I-205.

In order to better further the objective of minimizing the industrial appearance of this large building, the application includes a number of techniques to screen the size of the building, mask the truck parking, and increase the aesthetic appearance. First, the building's office areas, one at each corner, are enhanced with façade breaks, a variation

in building height, accent colors, glass, and awnings. In an effort to call attention to these enhanced corners and minimize the other less interesting portions of the large building, the landscape plan has been designed in a manner to provide screening of much of the building, with clusters of trees along the storm drain channel that borders I-205. Additionally, the area abutting I-205 has berming and the site plan identifies 12-foot concrete walls to further screen the building's dock doors.

Landscape Areas

As shown on the preliminary landscape plan (Attachment B), the landscape areas meet the requirements of Tracy Municipal Code Section 10.08.3560, and the requirements of the Industrial Areas Specific Plan.

A combination of trees, shrubs and groundcover are proposed for the landscape areas. A recommended condition of approval requires the developer to submit a detailed landscape and irrigation plan for approval by the Development Services Director prior to the issuance of any building permits. All landscape and irrigation improvements are to be designed and installed in compliance with the requirements of the Water Efficient Landscape Guidelines, Tracy Municipal Code, Industrial Areas Specific Plan, and all other applicable City standards. In addition, a recommended condition of approval requires that prior to the issuance of any building permits, an Agreement for Maintenance of Landscape and Irrigation Improvements is to be executed, and financial security submitted to the Development Services Department. The agreement will ensure maintenance of the on-site landscape and irrigation improvements for a period of two years.

Parking and Circulation

The site will utilize two driveways on Pescadero Avenue, both of which will allow for automobile and truck access. Parking is distributed throughout the project site to accommodate the parking needs of the proposed building. The parking spaces proposed are based on the potential for multiple tenants, each with office areas to occupy the building, and the proposed number of parking spaces is in compliance with the ISP for warehouse and accompanying office uses as shown. The site plan provides for adequate circulation movements on the site for employees and customer parking, as well as truck traffic (Attachment B).

Parcel Map

Along with the development application, a Vesting Tentative Parcel map was submitted in order to subdivide the area of proposed development from the adjacent YRC business site. The proposed map would create a property line running north to south on the site, creating a new 23.23-acre parcel from the western end of the existing larger parcel (Attachment D). Typically, Tentative Parcel Maps can be approved at a staff level by the City Engineer, but in this case, the parcel map proposed is a Vesting map, for which the approving authority is the City Council, with recommendation by the Planning Commission. Vesting maps (rather than non-vesting maps) allow for the applicant to lock into the regulations that are in place at the time the map application is deemed complete, so that any changes in regulations will not affect a project in the future as it

moves forward. The resulting parcels proposed within the map application meet the City's regulations, and staff recommends approval of the map as proposed and conditioned.

Environmental Document

The project is consistent with the Environmental Impact Report (EIR) that was prepared for the General Plan and certified on February 1, 2011. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is required. An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project that were not already discussed in the General Plan EIR. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, aesthetics, land use and other potential cumulative impacts have already been considered within the original environmental documentation. No new evidence of potentially significant effects has been identified as a result of this project.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Approve the Conditional Use Permit to allow a maximum building height of 51 feet for the site located at 1305 E. Pescadero Avenue, Application Number CUP16-0007, subject to the conditions and based on the findings contained in the Planning commission Resolution (Attachment E) dated September 14, 2016; and
2. Recommend that the City Council approve the Development Review Permit to develop a 461,810 square foot industrial distribution facility, located at 1305 E. Pescadero Avenue, Application Number D16-0001, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment F) dated September 14, 2016; and
3. Recommend that the City Council approve the Vesting Tentative Parcel Map to divide one parcel into two lots allowing a property line between the proposed project and the adjacent site, Application Number MS16-0001, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment G) dated September 14, 2016.

MOTION

Move that the Planning Commission take the following actions:

1. Approve the Conditional Use Permit to allow a maximum building height of 51 feet for the site located at 1305 E. Pescadero Avenue, Application Number CUP16-0007, subject to the conditions and based on the findings contained in the Planning commission Resolution (Attachment E) dated September 14, 2016; and
2. Recommend that the City Council approve the Development Review Permit to develop a 461,810 square foot industrial distribution facility, located at 1305 E.

Pescadero Avenue, Application Number D16-0001, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment F) dated September 14, 2016; and

3. Recommend that the City Council approve the Vesting Tentative Parcel Map to divide one parcel into two lots allowing a property line between the proposed project and the adjacent site, Application Number MS16-0001, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment G) dated September 14, 2016.

Prepared by Victoria Lombardo, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A— Location Map
- B— Site Plan, Floor Plans, Elevations, Landscape Plan (Oversized)
- C— Color Elevations (Oversized)
- D— Vesting Tentative Parcel Map (Oversized)
- E— Planning Commission Resolution for Conditional Use Permit
- F— Planning Commission Resolution for Development Review
- G— Planning Commission Resolution for Vesting Tentative Parcel Map



RESOLUTION 2016-_____

APPROVING A CONDITIONAL USE PERMIT ON A 75.9-ACRE SITE LOCATED AT 1305 E. PESCADERO AVENUE - ASSESSOR'S PARCEL NUMBERS 213-060-20 AND 26 TO ALLOW FOR A MAXIMUM BUILDING HEIGHT OF 51 FEET FOR THE PROPOSED INDUSTRIAL BUILDING - APPLICATION NUMBER CUP16-0007

WHEREAS, The subject property was annexed to the City of Tracy in 1996, received a zoning designation of M-1, is designated Limited Industrial in the Industrial Areas Specific Plan, and is consistent with the General Plan designation of Industrial, and

WHEREAS, Industrial Property Trust, submitted an application for Development Review (Application Number D16-0001) for a 470,800 square foot industrial building on January 4, 2016, and

WHEREAS, The subject property is located within the Industrial Areas Specific Plan area, with a land use designation of Limited Industrial, within which industrial land uses are permitted, and

WHEREAS, A Conditional Use Permit is required in order to approve the above project, including increasing the maximum height, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on September 14, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby approves the increase in building height to a maximum of 51 feet, Application No. CUP16-0007, subject to the conditions contained in Exhibit 1 to this Resolution, and based on the following findings:

1. In order to properly screen roof-mounted equipment from the view of (elevated) I-205, and still maintain a usable interior clear height for a warehouse building (a principally permitted land use), the overall building height must be increased.
2. The increase in maximum building height will not adversely affect or impair any properties in the vicinity of the Industrial Areas Specific Plan lands because there will not be conflict with large buildings in proximity to smaller scale developments, such as residential neighborhoods. The Conditional Use Permit to increase the allowable building height to 51 feet will add to the aesthetic characteristics of the buildings by allowing for screening of roof equipment while keeping the necessary interior height for functionality.
3. The Conditional Use Permit will not cause any significant environmental impact, because it is consistent with the City's General Plan and its Environmental Impact Report as adopted by the City Council in 2011. The project, with the increased building height, is consistent with the land use, design, and other elements of the Industrial Areas Specific Plan, the City of Tracy General Plan, and applicable requirements of the Tracy Municipal Code.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 14th day of September, 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIASON

Development Services Department, Conditions of Approval

**Conditions of Approval for IPT Industrial
470,800 Square Foot Industrial Distribution Building
1305 E. Pescadero Avenue
Application Numbers CUP16-0007, D16-0001 and MS16-0001
September 14, 2016**

1. These Conditions of Approval shall apply to the real property described as IPT Industrial, a 470,800 square foot industrial distribution building located at 1305 E. Pescadero Avenue, Application Numbers D16-0001 and MS16-0001 (hereinafter "Project"), located on a 75.9-acre site, Assessor's Parcel Numbers 213-060-20 and 26.
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, Industrial Areas Specific Plan, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to IPT Industrial, a 470,800 square foot industrial distribution facility located at 1305 E. Pescadero Avenue, Application Numbers D16-0001 and MS16-0001. The Conditions of Approval shall specifically include all Development Services Department, including Planning Division and Engineering Division conditions set forth herein.
 - f. "Project" means the real property consisting of approximately 75.9 acres located at 1305 E. Pescadero Avenue, Assessor's Parcel Numbers 213-060-20 and 26.
3. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
6. 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.
7. Except as otherwise modified herein, all construction shall be consistent with the site plan, civil plans, and architectural renderings received by the Development Services Department on June 13, 2016.
8. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the ISP, and Water Efficient Landscape Guidelines on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Said landscape plans shall include documentation which demonstrates that there is no less than 10 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity.
9. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.
10. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
11. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Pescadero Avenue, Mac Arthur Drive, I-205, or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.

12. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
13. Prior to final inspection or certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Development Services Director.
14. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
15. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
16. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
17. 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.
18. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
19. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director, and all signs shall be designed in compliance with the ISP and Tracy Municipal Code Chapter 10.08, Article 35, Signs.
20. Prior to the issuance of a building permit, a detailed plan of any trash enclosures, at least eight feet in height, shall be submitted, showing solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior.
21. The architectural elevations for all of the area contained within the Development Review shall be consistent with the elevations received by the Development Services Department on August 18 and August 26, 2016.

RESOLUTION 2016-_____

RECOMMENDING CITY COUNCIL APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR
A 470,800 SQUARE FOOT INDUSTRIAL DISTRIBUTION FACILITY LOCATED ON A 75.9
ACRE SITE LOCATED AT 1305 E. PESCADERO AVENUE - ASSESSOR'S PARCEL
NUMBERS 213-060-20 AND 26 APPLICATION NUMBER D16-0001

WHEREAS, The subject property was annexed to the City of Tracy in 1996, received a zoning designation of M-1, is designated Limited Industrial in the Industrial Areas Specific Plan, and is consistent with the General Plan designation of Industrial, and

WHEREAS, Industrial Property Trust, submitted an application for Development Review (Application Number D16-0001) for a 470,800 square foot industrial building on January 4, 2016, and

WHEREAS, The subject property is located within the Industrial Areas Specific Plan area, with a land use designation of Limited Industrial, within which industrial land uses are permitted, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on September 14, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission recommends that the City Council approve the Development Review Plan for a 470,800 square foot industrial building, Application No. D16-0001, subject to the conditions contained in Exhibit 1 to this Resolution, and based on the following findings:

1. The establishment, maintenance, and operation of the proposed use and associated structure is compatible with the land use, design, and operational characteristics of the neighboring properties. It will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and its associated structure, or to the general welfare of the City because the project is consistent with the land use, design, and other elements of the Industrial Areas Specific Plan, the City of Tracy General Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code.
2. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the architectural elements of the project as designed and conditioned are a quality addition to the vacant parcel, and will not adversely visually impair the benefits of the properties in the vicinity. The project also includes greater setbacks than the required minimum, vertical and horizontal variation in the building faces, and landscape and hardscape improvements both adjacent to the building and the public rights-of-way, including planted berms and walls to screen the dock doors on the building from public view.
3. The project, as designed and conditioned, will not cause any significant environmental impact, because it is consistent with the Industrial Areas Specific Plan, and the General Plan and its Environmental Impact Report as adopted by the City Council in 2011. The project is consistent with the land use, design, and other elements of the Industrial Areas Specific Plan, the City of Tracy General Plan, and applicable requirements of the Tracy Municipal Code.

Pursuant to Section 15183 of the California Environmental Quality Act regulations (Title 14 of the California Code of Regulations), the Development Review Permit is exempt from further environmental review.

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 14th day of September, 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

Development Services Department, Conditions of Approval

**Conditions of Approval for IPT Industrial
470,800 Square Foot Industrial Distribution Building
1305 E. Pescadero Avenue
Application Numbers CUP16-0007, D16-0001 and MS16-0001
September 14, 2016**

1. These Conditions of Approval shall apply to the real property described as IPT Industrial, a 470,800 square foot industrial distribution building located at 1305 E. Pescadero Avenue, Application Numbers D16-0001 and MS16-0001 (hereinafter "Project"), located on a 75.9-acre site, Assessor's Parcel Numbers 213-060-20 and 26.
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, Industrial Areas Specific Plan, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to IPT Industrial, a 470,800 square foot industrial distribution facility located at 1305 E. Pescadero Avenue, Application Numbers D16-0001 and MS16-0001. The Conditions of Approval shall specifically include all Development Services Department, including Planning Division and Engineering Division conditions set forth herein.
 - f. "Project" means the real property consisting of approximately 75.9 acres located at 1305 E. Pescadero Avenue, Assessor's Parcel Numbers 213-060-20 and 26.
3. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
6. 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.
7. Except as otherwise modified herein, all construction shall be consistent with the site plan, civil plans, and architectural renderings received by the Development Services Department on June 13, 2016.
8. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the ISP, and Water Efficient Landscape Guidelines on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Said landscape plans shall include documentation which demonstrates that there is no less than 10 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity.
9. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.
10. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
11. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Pescadero Avenue, Mac Arthur Drive, I-205, or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.

12. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
13. Prior to final inspection or certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Development Services Director.
14. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
15. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
16. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
17. 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.
18. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
19. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director, and all signs shall be designed in compliance with the ISP and Tracy Municipal Code Chapter 10.08, Article 35, Signs.
20. Prior to the issuance of a building permit, a detailed plan of any trash enclosures, at least eight feet in height, shall be submitted, showing solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior.
21. The architectural elevations for all of the area contained within the Development Review shall be consistent with the elevations received by the Development Services Department on August 18 and August 26, 2016.

Engineering Division Conditions of Approval

C.1. General Conditions

Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/ reports prepared for the Project listed as follows:

- a) Conditions of Approval for Vesting Tentative Parcel Map of 1305 E. Pescadero Avenue, dated August 1, 2016.
- b) *Hydraulic Evaluation of Pescadero Industrial Property Trust Development* Technical Memorandum prepared by West Yost Associates, Inc. dated June 1, 2016 ("Water Analysis"), and any amendment thereof.
- c) *Pescadero Roadway Access Plan, Roadway Geometry and Site Plan Driveway Recommendations* Technical Memorandum prepared by Kimley-Horn and Associates ("Traffic Analysis"), dated July 27, 2016.
- d) Tracy Infrastructure Master Plan Fees for Citywide Water, Recycled Water, Wastewater, Public Safety, Public Facilities, and Parks adopted by the City Council on January 7, 2014, per Resolution 2014-010.

C.2. Grading Permit

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

- C.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
- C.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.2.3. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California, as required in Condition C.4.1.c, below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, and elevation of the highest observed groundwater level.
- C.2.4. Documentation or letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) stating that this Project meets their requirements related to dust control.

- C.2.5. A Construction Easement or agreement with the owner of the adjacent property (Yellow Freight Company, APN 213-06-026) shall be required prior to the start of any construction along the east property line.
- C.3. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.3.2. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 17, 2016, per Resolution 2016-094.
- C.3.3. Traffic Control Plan, if necessary, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition C.4.6, below.
- C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:
- C.4.1. The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and Design Standards. The improvement plans for all improvements (onsite and off-site) required to serve the Project in accordance with 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 and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
 - b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
 - c. Three (3) copies of the Project's Geotechnical /Soils Report prepared or signed and stamped by a Geotechnical Engineer.

- d. The Project's on-site drainage connections to City's storm drainage system and on-site storm water treatment as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.
- e. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#).

C.4.2. Grading and Storm Drainage Plans

Site Grading

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- b. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

Storm Drainage

- c. The Developer shall design and install storm drain lines and connection to existing storm drain channel west of the Project per City Regulations. The design of the storm drain system shall demonstrate adequacy of the system to accommodate flows from the existing facility to the east (Yellow Freight Company, APN 213-06-026 and 213-06-020). Developer shall pay for the cost of review of the storm drainage system by City's consultant.
- d. Prior to issuance of the building certificate of occupancy, the Developer shall either record with San Joaquin County Recorder's Office a Grant of Easement for Storm Drainage to benefit the adjacent facility to the east (Yellow Freight Company, APN 213-06-026 and 213-06-020), or record a Parcel Map with the required easement shown on the map. All costs of preparation of the easement and recordation of the easement document(s) shall be paid for by the Developer.
- e. The project site shall include storm water quality treatment provisions that conform to the *Multi-Agency Post-Construction Stormwater Standards Manual*. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Water Resources Coordinator prior to issuance of the Grading Permit for the Project.

- f. Prior to the issuance of the building certificate of occupancy, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.
- g. Prior to the issuance of the building certificate of occupancy, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) for Hydrodynamic Separators treatment devices installed on the parcel to the east as a guarantee for the performance of the repair and maintenance of storm water treatment facilities by owner of adjacent parcel.
- h. Prior to the issuance of Grading Permit, the Developer shall provide to the City documentation to demonstrate that any requirements by the owner of the existing 30" irrigation line within the Property along Pescadero Avenue have been satisfied.

C.4.3. Sanitary Sewer

- a. The Developer shall design and construct all on-site sewer improvements in accordance with the City's Design Standards and Standard Specifications. The Developer shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Developer is responsible for the cost of installing the Project's permanent sanitary sewer connection, including but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.
- b. The City's responsibility to maintain on the sewer lateral is from the onsite sewer manhole at the right-of-way line/property line to the point of connection with the sewer main.
- c. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.4. Water System

- a. Developer shall comply with the recommendations of the Water Analysis.
- b. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering

adequate fire flows and pressure appropriate to the various stages of construction and as approved by the City of Tracy Fire Code Official.

- c. Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the offsite water mains and connections.
- d. Domestic and Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- e. All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.
- f. Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the City's Fire Code Official and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Code Official and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

C.4.5. Roadway Improvements on Pescadero Avenue

- a. Prior to issuance of the final certificate of occupancy, the Developer shall complete construction of improvements on Pescadero Avenue and driveways in compliance with recommendations in the Traffic Analysis, and satisfy all applicable requirements specified in these Conditions of Approval and City Regulations.
- b. The Developer shall design and install improvements to replace curb, gutter and sidewalk as required for construction of Project improvements, install

traffic signal at the easterly driveway, and modify striping on Pescadero Avenue for the full frontage of the Project. The roadway section for Pescadero Avenue will include one eastbound and one westbound travel lanes with a 14-foot wide two-way left- turn lane striped median. The improvement plans shall include all improvements and striping of Pescadero Avenue required to safely transition to the existing roadway alignment east and west of the Project Limits.

- c. The roadway improvements to be constructed with this Project shall include, but are not limited to, concrete curb, gutter and sidewalk, accessible ramps, asphalt concrete pavement, signing and striping, storm drains, catch basins, fire hydrants, LED street lights, street trees with automatic irrigation system, and other improvements as determined by the City Engineer that are necessary for a safe transition from a newly improved street to existing street sections on the east and west ends.
- d. The roadway improvements must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the applicable City Regulations, and these Conditions of Approval. Design and construction details of the Offsite Roadway Improvements must be shown on the Improvement Plans.
- e. The Developer shall submit geotechnical recommendations and pavement design calculations to the City to demonstrate adequacy and integrity of the existing structural street section on Pescadero Avenue, and construct improvements as required to support STAA truck traffic. At a minimum, the Developer shall complete grinding and overlay of existing Pescadero Avenue street pavement with a 2" thick asphalt concrete overlay for the entire street width for the Project's entire frontage.
- f. The Developer shall construct and complete all the improvements described in sub-section C.4.5, prior to the issuance of the building certificate of occupancy. The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Pescadero Avenue after the City Council accepts the public improvements.
- g. Encroachment Permits: The Developer shall submit improvement plans for Pescadero Avenue with the locations of all utilities including water, sanitary sewer, storm drainage lines that will be installed within the right-of-way.
- h. The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access and as determined by the City Engineer shall be borne by the Developer.

C.4.6. Project Driveways:

The Developer shall construct two driveways along Pescadero Avenue in accordance with the recommendations of the *Traffic Analysis* and City Regulations. Project driveways shall be designed for STAA truck access and provide adequate deceleration lanes and safe sight distances on Pescadero Avenue.

- a. Per the Traffic Analysis recommendations, the easterly driveway shall be designed to operate as a full access driveway with a traffic signal. The Developer shall design and complete installation of the traffic signal prior to issuance of final building certificate of occupancy for the Project. The Developer shall pay for all costs relating to design, construction, inspection and processing of permits for the traffic signal. The traffic signal and associated improvements shall be completed by the Developer, prior to the issuance of building certificate of occupancy, all at the Developer's sole cost and expense.
- b. The Developer shall enter into an Offsite Improvement Agreement and post required security to guarantee installation of the traffic signal at the easterly driveway, prior to the issuance of the building permit. The Developer shall dedicate required easements for maintenance access of the on-site traffic signal loops and any associated traffic signal equipment. The Offsite Improvement Agreement will require City Council approval.
- c. The Developer may request formation of a Benefit District in accordance with the requirements of the Tracy Municipal Code to request reimbursement of costs in excess of Developer's fair share for the design and installation of the traffic signal at the easterly driveway.
- d. Per the Traffic Analysis recommendations, the westerly driveway shall be designed and constructed to operate as a "Right-in and Right-out" Only.

C.4.7. Traffic Control Plan:

Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.4.8. Joint Utility Trench Plans - All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing utility easement to the building. The Developer shall submit improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project.

C.4.9. Street Cut(s): When street cuts are made for installation of utilities, the Developer is required to install 2-inch thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the

utility trench. A 2-inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.4.10. The Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project along Pescadero Avenue, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.5. 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:

C.5.1. Payment of the Fees for Citywide Water, Recycled Water, Wastewater, Public Safety, Public Facilities, and Park per the Fee Analysis and AB 1600 Report. The Project is within CFD 89-1, and hence Citywide Roadway and Traffic fees are not applicable to this Project. The Project shall also pay Infill fees for Storm Drainage.

C.5.2. Payment of San Joaquin County Facilities Fees (CFF) as required in Chapter 13.24 of the Tracy Municipal Code, and these Conditions of Approval.

C.5.3. Payment of the Regional Traffic Impact Fees (RTIF) as required in Chapter 13.32 of the Tracy Municipal Code and these Conditions of Approval.

C.6. Acceptance of Public Improvements:

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

C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.

C.7. Temporary or Final Building Certificate of Occupancy:

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

C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6, above.

C.7.2. Prior to issuance of the Certificate of Occupancy for the project, the Developer shall grant access rights to the City for the use, operation, repair, and maintenance of traffic detecting loops, wires, conduits, and pull boxes that will be located within the Property. The Developer shall submit a signed and notarized Grant of Easement and provide legal description and plat map that describes the easement area. The Developer shall pay for the cost of dedicating easement and preparing the legal description and plat map. The Grant of Easement shall be recorded at the San Joaquin County, prior to the issuance of the building certificate of occupancy.

C.7.3. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, and contingency).

C.8. Special Conditions

C.8.1. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.8.2. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.8.3. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, and Improvement Plans, if the City

Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

RESOLUTION 2016-_____

RECOMMENDING CITY COUNCIL APPROVAL OF A 2-LOT VESTING TENTATIVE PARCEL MAP LOCATED ON A 75.9-ACRE SITE AT 1305 E. PESCADERO AVENUE-APPLICATION NUMBER MS16-0001

WHEREAS, The subject property was annexed to the City of Tracy in 1996 and is a part of the Industrial Areas Specific Plan, and

WHEREAS, The Planning Commission finds that the project is a Vesting Tentative Parcel Map to create two industrial lots on 75.9 acres, to facilitate the development of a new industrial building on a vacant portion of an otherwise developed site which is consistent with the General Plan land use and density requirements, and

WHEREAS, The Planning Commission finds that the proposed map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Industrial, and

WHEREAS, The Planning Commission finds that the site is physically suitable for the type of development, as the site is virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for industrial development in accordance with City standards, and

WHEREAS, The Planning Commission finds that the site is physically suitable for the proposed density of development. The 470,800 square foot building on the 23-acre resulting site is consistent with the allowable density and floor area ratio prescribed by the General Plan Industrial land use designation. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The Planning Commission finds that the design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project does not propose substantial changes that will result in a major revision of the previous Environmental Impact Report that analyzed the project site and is exempt from the California Environmental Quality Act ("CEQA") per Section 15183 of the CEQA regulations (Title 14 of the California Code of Regulations). Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required, and

WHEREAS, The Planning Commission finds that the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivided area, and

WHEREAS, The Planning Commission finds that the project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, The Planning Commission finds that all the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map, and

WHEREAS, The Planning Commission finds that the architectural renderings are in compliance with Tracy's Design Goals and Standards because the building is enhanced with façade breaks, a variation in building height, accent colors, glass, and awnings, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Development Review and Vesting Parcel Map on September 14, 2016;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends that the City Council approve the Vesting Tentative Parcel Map for the IPT Industrial Project, Application Number MS16-0001, subject to conditions stated in Exhibit "1", attached and made part hereof.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 14th day of September, 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

Development Services Department, Conditions of Approval

**Conditions of Approval for IPT Industrial
470,800 Square Foot Industrial Distribution Building
1305 E. Pescadero Avenue
Application Numbers CUP16-0007, D16-0001 and MS16-0001
September 14, 2016**

1. These Conditions of Approval shall apply to the real property described as IPT Industrial, a 470,800 square foot industrial distribution building located at 1305 E. Pescadero Avenue, Application Numbers D16-0001 and MS16-0001 (hereinafter "Project"), located on a 75.9-acre site, Assessor's Parcel Numbers 213-060-20 and 26.
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, Industrial Areas Specific Plan, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to IPT Industrial, a 470,800 square foot industrial distribution facility located at 1305 E. Pescadero Avenue, Application Numbers D16-0001 and MS16-0001. The Conditions of Approval shall specifically include all Development Services Department, including Planning Division and Engineering Division conditions set forth herein.
 - f. "Project" means the real property consisting of approximately 75.9 acres located at 1305 E. Pescadero Avenue, Assessor's Parcel Numbers 213-060-20 and 26.
3. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
6. 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.
7. Except as otherwise modified herein, all construction shall be consistent with the site plan, civil plans, and architectural renderings received by the Development Services Department on June 13, 2016.
8. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the ISP, and Water Efficient Landscape Guidelines on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Said landscape plans shall include documentation which demonstrates that there is no less than 10 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity.
9. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.
10. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
11. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Pescadero Avenue, Mac Arthur Drive, I-205, or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.

12. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
13. Prior to final inspection or certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Development Services Director.
14. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
15. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
16. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
17. 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.
18. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
19. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director, and all signs shall be designed in compliance with the ISP and Tracy Municipal Code Chapter 10.08, Article 35, Signs.
20. Prior to the issuance of a building permit, a detailed plan of any trash enclosures, at least eight feet in height, shall be submitted, showing solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior.
21. The architectural elevations for all of the area contained within the Development Review shall be consistent with the elevations received by the Development Services Department on August 18 and August 26, 2016.

ENGINEERING DIVISION'S CONDITIONS OF APPROVAL

A. General Provisions and Definitions.

1. 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), Tracy Hills 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).
 - c. "Property" means the real property described as Assessor's Parcel Numbers 213-060-20 and 213-060-26, and more particularly described as real property consisting of a portion of Lots 36, 48, 49, 58, 59 and 60 as shown upon map entitled Pescadero Colony Unit No. 1 recorded on November 10, 1921 in Volume 10 of Maps and Plats, Page 44 of the San Joaquin County Records.
 - d. "Conditions of Approval" shall mean the conditions of approval applicable to the Tentative Parcel Map for the proposed subdivision of the Property.
 - 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.
2. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
3. 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 Signature on Tentative Parcel Map: Prior to signature of the Tentative Parcel Map by the City Engineer, the Developer shall make the modifications to the tentative map as required by these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
1. Provide the approval and signature block for the City Engineer on the Tentative Parcel Map.
 2. Show an Easement for Storm Drainage Purposes to benefit Parcel 2 (Yellow Freight Company).
 3. Show 10' wide Public Utility Easement behind the existing right-of-way on Pescadero Avenue.
- C. Conditions of Approval Prior to Complete Final Parcel Map Applications. No application for any final map within the Project boundaries will be accepted by the City as complete until the Developer provides all documents required by City Regulations, Previous Approval, 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 Condition B, above.
 2. One reproducible copy of the approved Tentative Parcel Map for the Project within ten (10) days after Developer's receipt of notification of approval of the tentative map.
 3. The Final Parcel Map application.
 4. The Final Parcel Map prepared in accordance with the Subdivision Ordinance and the City Design Documents.
 5. Payment of all processing fees including costs of technical analyses by City's consultants as required by these Conditions of Approval and City Regulations.
- D. Conditions of Approval Prior to Approval of Final Parcel Map. No final map 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, Previous Approval, Development Agreement, and City Regulations including, but not limited to, the following:
1. The Developer has completed all requirements set forth in Condition C, above.
 2. Updated Parcel Map Guarantee or Guarantee of Title as required in section 12.20.060(i) of the Tracy Municipal Code, issued by a competent title company to and for the benefit and protection of the City and shall remain valid up to the time of recording the Final Parcel Map.

3. Tax Certification as required in section 12.20.060(d) of the Tracy Municipal Code, from the San Joaquin County tax Collector's office stating that all taxes and assessments due have been paid. Tax certificate is acceptable if it is not more than thirty (30) calendar days old.