

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, October 12, 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 – February 24, 2016 and September 14, 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 CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A MARTIAL ARTS ACADEMY USE AT 1000 PAVILION PARKWAY, APN 212-290-47; APPLICANT IS TOM S. FIDER AND PROPERTY OWNER IS HTT INVESTMENT, LLC; APPLICATION NUMBER CUP16-0008
 - B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE BARCELONA INFILL VESTING TENTATIVE SUBDIVISION MAP FOR 51 LOTS TO OCTOBER 21, 2019. THE PROJECT IS LOCATED ON BARCELONA DRIVE AT TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 240-520-44 AND 240-390-33. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT16-0003
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: **October 7, 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, FEBRUARY 24, 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., and led the pledge of allegiance.

ROLL CALL

Roll call found Chair Mitracos, Vice Chair Tanner, Commissioners Orcutt, Sangha, and Ransom present. Also present were staff members Bill Sartor, Assistant City Attorney; Alan Bell, Senior Planner; Scott Claar, Senior Planner; Kimberly Matlock, Associate Planner; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL – It was moved by Commissioner Orcutt and seconded by Commissioner Sangha, to approve the Regular Meeting minutes of August 12, 2015, September 23, 2015, and October 14, 2015. Voice vote found all in favor; passed and so ordered.

DIRECTOR’S REPORT REGARDING THIS AGENDA – No report.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO RECOMMEND ADOPTION OF THE 2015 – 2023 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION** – Alan Bell, Senior Planner, introduced Veronica Tam, of Veronica Tam and Associates who provided the presentation.

The Commission discussed how housing projects were analyzed, rezoning parcels, minimum density, housing projects and the ability to achieve the Regional Housing Needs Allocation number, and inclusionary housing.

Chair Mitracos opened the public hearing. As no one was wishing to address the Commission, the public hearing was closed.

It was moved by Commissioner Orcutt and seconded by Commissioner Sangha that the Planning Commission recommend that the City Council adopt the Housing Element Negative Declaration and the 2015–2023 Housing Element. Roll call vote found Commissioners Orcutt, Sangha, Vice Chair Tanner and Chair Mitracos in favor; Commissioner Ransom abstained. Motion carried 4-0-0-1.

- B. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND/OR DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 1005 E. PESCADERO AVENUE, UNIT #109 – APPLICANT IS HARPREET GILL AND PROPERTY OWNER IS 51 NEWCO LLC –**

APPLICATION NUMBER CUP15-0008 – Commissioner Sangha recused herself from consideration of the item. Scott Claar, Senior Planner, provided the staff report.

The Commission asked for clarification regarding the Police Department's involvement in the application process, any special conditions of approval regarding security, and the possibility that the area was turning into a nightclub district.

The public hearing was opened.

A representative of the Venue stated the business would be a high-end, top notch restaurant and bar, adding that the night club piece of the business would operate Thursday through Sunday with security guards on site.

Also clarified for the Commission was that the business would serve a full menu, and a dress code was required.

A resident asked what age the Venue is geared toward. The representative stated for those in their twenties.

The public hearing was closed.

It was moved by Commissioner Ransom and seconded by Vice Chair Tanner that the Planning Commission approve the Conditional Use Permit application for an eating and/or drinking establishment with entertainment at 1005 E. Pescadero Avenue, Unit 109, subject to the conditions as stated in the Planning Commission Resolution dated February 24, 2016. Voice vote found all in favor; passed and so ordered.

- C. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR AN AUTOMOTIVE IMPOUND YARD AT 1133 AND 1175 W. ELEVENTH STREET – APPLICANTS ARE JESSIE WATSON AND MICHAEL THOMAS AND PROPERTY OWNER IS KULDEEP SIDHU - APPLICATION NUMBER CUP14-0013** – Kimberly Matlock, Associate Planner, provided the staff report

The Commission discussed property lines and property owners.

Chair Mitracos opened the public hearing.

Jesse Watson, applicant, stated they lease the building from Don Yerian.

The Commission further discussed property lines and the business operating without permits.

The public hearing was closed.

It was moved by Commissioner Ransom and seconded by Vice Chair Tanner to take no action on the application. Voice vote found all in favor; passed, and so ordered.

- D. **PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR AN EXTERIOR REMODEL OF AN EXISTING DRIVE-THRU RESTAURANT (BURGER KING) LOCATED AT 2890 W. GRANT LINE ROAD - APPLICANT IS SUNNY GHAI AND PROPERTY OWNER R/O 2011 LLC. APPLICATION NUMBER IS D15-0023** – Kimberly Matlock, Senior Planner, provided the staff report.

The Commission discussed the appearance of the back flow device on the north side of the property, the condition of the asphalt and paving, and the trash enclosure.

The public hearing was opened.

Sunny Ghai, owner, stated his company owns 70 restaurants across 4 states. Mr. Ghai indicated it took him one year to get permits with the City of Tracy and that it was a cumbersome process.

The Commission further discussed the trash enclosure, its ownership, and maintenance, the bollards, and landscaping.

The public hearing was closed.

It was moved by Commissioner Ransom and seconded by Vice Chair Tanner that the Planning Commission recommend that the City Council approve the Preliminary and Final Development Plan for the exterior remodel of the Burger King restaurant at 2890 W. Grant Line Road, based on the determinations contained in the Planning Commission Resolution dated February 24, 2016. The motion was withdrawn.

The public hearing was re-opened.

Mr. Ghai stated the added Condition of Approval was fine, if they find that the asphalt in question serves Burger King and is on Burger King property.

It was moved by Commissioner Ransom and seconded Commissioner Orcutt, that the Planning Commission recommend that the City Council approve the Preliminary and Final Development Plan for the exterior remodel of the Burger King restaurant at 2890 W. Grant Line Road, based on the determinations contained in the Planning Commission Resolution dated February 24, 2016, adding a condition to repair any damaged asphalt attached to the property. Voice vote found all in favor; passed and so ordered.

2. **ITEMS FROM THE AUDIENCE** – None.
3. **DIRECTOR'S REPORT** – None.
4. **ITEMS FROM THE COMMISSION** – Commissioner Ransom asked if the property on West Eleventh Street (former Kentucky Fried Chicken) was a code enforcement issue. Mr. Bell stated he has received the information, and will discuss the concern with Code Enforcement staff.

5. **ADJOURNMENT** – It was moved by Commissioner Ransom and seconded by Vice Chair Tanner to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 8:50 p.m.

CHAIR

STAFF LIAISON

MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, September 14, 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 William Dean, Assistant Development Services Director; Alan Bell, Senior Planner; Victoria Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer; Dan Doporto, Legal Counsel; Gina Peace, Recording Secretary; and Sandra Edwards, Executive Assistant.

MINUTES APPROVAL – It was moved by Vice Chair Tanner and seconded by Commissioner Orcutt to approve the minutes of January 13, 2016. Voice vote found Chair Ransom, and Commissioners Tanner and Orcutt in favor; passed and so ordered. Commissioners Hudson and Sangha abstained from voting. It was moved by Vice Chair Tanner and seconded by Commissioner Hudson to approve the amended minutes August 10, 2016, as corrected. Voice vote found all in favor; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None.

ITEMS FROM THE AUDIENCE – Alice English addressed the commission to thank Commissioner Jass Sangha for her support, and hard work on the special event held on September 11th, recognizing police and fire.

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.

Alan Bell, Senior Planner, presented the staff report.

Chair Ransom opened the public hearing at 7:07 p.m.

Applicant Kelly Leanos, owner of TKO Fitness, addressed the commission.

Commission discussion regarding parking concerns, facility hours, and participants' age requirement followed.

Chair Ransom closed public hearing 7:11 p.m.

ACTION

It was moved by Commissioner Orcutt and seconded by Commissioner Tanner that the Planning Commission approve the Conditional Use Permit Application, application number CUP16-0006, 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. Voice vote found all in favor; passed and so ordered.

- 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.

Victoria Lombardo, Senior Planner, presented the staff report, noting corrections to the Conditions of Approval, and two of the resolutions regarding square footage of the building.

Bill Dean, Assistant Development Services Director, noted an additional change to one of the resolutions, Attachment E, regarding the Conditional Use Permit. Specifically, "a Conditional Use Permit, which shall take effect *upon City Council approval* of a Development Review Permit" needs to be added. The corrected Resolution should read, "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, a Conditional Use Permit, which shall take effect upon City Council approval of Development Review Permit, Application No. D16-0001 and shall be subject to the conditions contained in Exhibit 1." Chair Ransom acknowledged the changes to Attachment E, and all other amendments.

Chair Ransom opened the Public Hearing at 7:25 p.m.

Matt Edwards, Development Manager for the IPT Project, addressed the commission.

Questions and discussion regarding the orientation of the building, and setback followed.

Theresa Goodwin from HPA, the architect on the project, addressed the commission, and advised that the building does not need the I-205 side of the building for truck circulation.

Additional questions and discussion regarding building height, walls, landscape selection, and landscape uniformity compared to existing buildings, ensued.

Chair Ransom closed the Public Hearing at 7:39 p.m.

Further discussion amongst commission regarding aesthetic appeal, foliage along large walls, and concerns regarding building height becoming an issue at next step of approval, followed.

ACTION It was moved by Chair Ransom and seconded by Commissioner Hudson that the Planning Commission approve a Conditional Use Permit, application number CUP16-0007, to allow a maximum building height of 51 feet, including the amended Conditions of Approval, and Attachment E, Attachment F, and Attachment G, as amended, and recommend that City Council approve a Development Review Permit, application number D16-0001, to construct a 461,810 square foot industrial distribution building with corresponding parking and landscape improvements, and approve a Vesting Tentative Parcel Map, application number MS16-0001, to subdivide the property from the adjacent development, located at 1305 E. Pescadero Avenue, and recommended City Council approval. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – None.
3. DIRECTOR'S REPORT – Bill Dean, Assistant Development Services Director, noted that two Planning Commissioners are able to attend the APA Conference in Pasadena in October. Bill Dean also expressed gratitude for the detailed minutes of previous Planning Commission meeting on August 10th.
4. ITEMS FROM THE COMMISSION – None.
5. ADJOURNMENT – It was moved by Commissioner Orcutt and seconded by Commissioner Sangha to adjourn.

Time: 7:54 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A MARTIAL ARTS ACADEMY USE AT 1000 PAVILION PARKWAY, APN 212-290-47; APPLICANT IS TOM S. FIDER AND PROPERTY OWNER IS HTT INVESTMENT, LLC; APPLICATION NUMBER CUP16-0008.

DISCUSSION

Project and Site Description

Traditions Martial Arts Academy, Inc, a facility that offers adult and children's Tae Kwon Do classes and Muay Thai or kickboxing classes, is proposing to relocate from their present location on N. Tracy Blvd. and occupy a 6,500 square foot vacant tenant space within an existing 23,844 sq. ft. building at 1000 Pavilion Parkway (Units 111 -114). The vacant building/tenant spaces to be occupied by the martial arts facility is situated within the southern third of the building adjacent to a future massage facility.

The site is located within the I-205 Corridor Specific Plan area and designated General Commercial. In order for the proposed indoor recreational use to be established the applicant must receive Planning Commission approval of a Conditional Use Permit. As defined in I-205 Specific Plan, Recreational Uses, that include miniature golf, bowling alleys, instructional or educational performing arts, gymnastics, etc., are Conditional Uses in the General Commercial (GC) zoning districts. The subject property is designated "Commercial" under the General Plan, and the site surrounded by the PUD zone to the north, east and west, and south.

The applicant and property owner are requesting the establishment of a martial arts academy, to be housed within an existing 6,500 sq. ft. tenant space within a 23,844 sq. ft. existing building. The floor plan includes two large matted areas surrounded by 4-ft. walkways around the perimeter of the mats. The matted areas have been designated as one for children and one for adults. Within the adult area a 576 sq. ft. (24'x24') area is to be devoted to a boxing ring for the kick-boxing instruction. The facility also includes a reception area, break room and two restrooms (male/female). According to the applicant, the hours of operation would be from 3:00 p.m. to 8:00 p.m. Monday through Friday; and Saturdays from 9:00 a.m. to 11:00 a.m. with 10-minute breaks in between sessions. Children's classes are to be held from 3:00 p.m. to 6:00 p.m. Monday through Friday, and are mainly drop off classes, with children classes are expected to be between 15 to 20 children per class. Saturday classes are generally smaller for both adults and children. The school's student count is at around 300 total students, with children making up about 80% percent. Other events may include student's birthday parties, small tournaments and belt graduations/promotions. However, in order to provide flexibility, the hours of operation have not been specifically limited by the CUP Conditions of Approval.

The project site is to be located within an existing 23,844 sq. ft. commercial/retail building located on a 2.78 acre site located within the Grant Line North Planning Area as identified in the I-205 Corridor Specific Plan. The subject building currently contains two existing tenants/businesses which include the Grant Bar and Lounge situated on the north end of the building and a massage facility located on the south end of the building. The proposed martial arts academy would occupy the southern third tenant spaces of the existing building, next to the massage facility. Other uses that could potentially locate at this site include, but are not limited to, eating and drinking establishments, retail, consumer services, personal services, offices, day care centers, schools and hotels.

The proposed martial arts academy, as conditioned, would be compatible with the surrounding uses and would not impose undesirable impacts on nearby properties or uses.

Parking

The I-205 Corridor Specific Plan and the Tracy Municipal Code (T.M.C.) does not establish specific off-street parking requirements for educational, cultural, institutional and recreational uses; however, the Planning Commission has made the determination in previous years that the minimum requirement should be one space per instructor and one space per every four non-driving age students and that students of driving age shall each be provided with one space. Based on this ratio, the proposed martial arts academy use would require 25 parking spaces to accommodate the parking demand at peak times. This is based on the maximum number of students in any given day and three fulltime instructors and two staff for a total of five staff on a daily basis.

The site has approximately 122 parking spaces to serve approximately 29,160 square feet of gross floor area. Utilizing an average ratio of one (1) parking space for every 250 sq. ft. of gross leasable area, which tends to cover many of the uses within the zoning district, a total of 117 parking spaces are required. Therefore utilizing this average ratio, the site has a surplus of 5 parking spaces. It should also be noted that there are several tenant spaces that are currently vacant and the ratio is based on full occupancy. Therefore, no additional parking is required.

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow recreational uses that serve the greater community, specifically the establishment of a martial arts academy use at 1000 Pavilion Parkway, Application Number CUP16-0008, subject to conditions and based on findings contained in the Planning Commission Resolution dated October 12, 2016.

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow a martial art academy use at 1000 Pavilion Parkway, Application Number CUP16-0008, subject to conditions and based on findings contained in the Planning Commission Resolution dated October 12, 2016.

Prepared by Nash Gonzalez, Contract Planner

Approved by Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

Attachment A: Site Plan (Oversized)
Attachment B: Floor Plan (Oversized)
Attachment C: Planning Commission Resolution

RESOLUTION 2016-_____

APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR A MARTIAL ARTS ACADEMY AT 1000 PAVILION PARKWAY, UNITS #111 - 114 – APPLICANT IS TOM S. FIDER AND PROPERTY OWNER IS HTT INVESTMENT, LLC - APPLICATION NUMBER CUP16-0008

WHEREAS, On September 6, 2016, Tom S. Fider submitted an application for a Conditional Use Permit to allow a martial arts academy at 1000 Pavilion Parkway, Units # 111-114, and

WHEREAS, The subject property is designated General Commercial (GC) by the I-205 Corridor Specific Plan, and

WHEREAS, A Conditional Use Permit is required for recreational uses, including instructional or educational performing arts, gymnastics, etc., and

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

WHEREAS, The proposed martial arts academy is compatible with the surrounding land uses, and

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

WHEREAS, The Planning Commission held a public hearing to review and consider Conditional Use Permit Application Number CUP16-0008 on October 12, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve a Conditional Use Permit to allow a martial arts academy at 1000 Pavilion Parkway, Units #111 - 114, Application Number CUP16-0008, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right because the proposed use is not permitted unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the zone in which the site is located because an eating and/or drinking establishment with entertainment, as conditioned, will be compatible with adjacent uses and is allowed in the General Commercial land use designation in the I-205 Corridor Specific Plan Area if the Planning Commission approves a Conditional Use Permit.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the proposed martial arts academy will comply with the City of Tracy General Plan, I-205

Corridor Specific Plan, and requirements of the Tracy Municipal Code. All recreational uses will be wholly indoors, and visual and audio projection will not be permitted to the exterior of the building to minimize the undesirable noise and light impacts to neighboring businesses.

- 4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the I-205 Corridor Specific Plan, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

The foregoing Resolution 2016-_____was adopted by the Planning Commission on the 12th day of October 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Martial Arts Academy
(Traditions Martial Arts Academy)
Application Number CUP16-0008
October 12, 2016

A. General Provisions and Definitions.

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

The Project: A Martial Arts Academy (Application Number CUP16-0008)

The Property: 1000 Pavilion Parkway, Units # 111 - 114, Assessor's Parcel Number 212-290-47

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the I-205 Corridor Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean these Conditions of Approval applicable to Application Number CUP16-0008. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.

A.4. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:

- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

A.5. Compliance with regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), the I-205 Corridor Specific Plan, Standard Plans, Design Goals and Standards, and State regulations, including, but not limited to, the California Building Code and the California Fire Code.

A.6. Protest of fees, dedications, reservations, or other exactions. 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. Development Services Department Planning Division Conditions

Contact: Nash Gonzalez (209) 831-6443 nash.gonzalez@ci.tracy.ca.us

- B.1. The project shall be operated in substantial conformance with the project description and the site plan / floor plan received by the Development Services Department on September 6, 2016, to the satisfaction of the Development Services Director.
- B.2. Martial Arts Academy. The martial arts activities shall be conducted wholly within the building/tenant space.
- B.3. Amplification of sound. There shall be no exterior amplification of sound, noise, or music. All audio projections shall comply with Noise Control requirements contained in Article 9 Section 4.12 of the Tracy Municipal Code.
- B.4. Visual projections. There shall be no exterior visual projections, including, but not limited to, televisions and screens.
- B.5. Prior to occupancy, the applicant shall comply with all requirements of the California State Building Code and Fire Code, including requirements such as exiting system upgrades, restroom upgrades, disabled access upgrades, grease interceptor requirements, emergency radio coverage requirements, and potential sprinkler system modifications, to the satisfaction of the Chief Building / Fire Code Official.
- B.6. Applicant shall obtain a separate sign permit for the establishment of any sign(s) for the proposed use.

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE 51 LOT BARCELONA INFILL VESTING TENTATIVE SUBDIVISION MAP TO OCTOBER 21, 2019. THE PROJECT IS LOCATED ON BARCELONA DRIVE AT TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 240-520-44 AND 240-390-33. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT16-0003.

DISCUSSION

On October 21, 2014, the City Council approved a Vesting Tentative Subdivision Map and Planned Unit Development for a 51 lot detached single-family subdivision (Barcelona Infill – Attachment A). The subdivision is located on Barcelona Drive at Tennis Lane.

Pursuant to Government Code Section 66452.6(a)(1) and the Tracy Municipal Code (TMC) Sections 12.16.080 and 12.28.060, approved vesting tentative subdivision maps have an initial life of 24 months, and a final map must be filed prior to expiration to retain its vested rights. The applicant does not plan to file a final map prior to October 21, 2016 and is requesting a thirty-six month extension of the map approval. The Barcelona Infill PUD approval zoning does not have an expiration date and remains valid.

Per TMC Sections 12.16.090 and 12.28.060, the Planning Commission may grant extensions for up to three years if an extension request is filed prior to the expiration of the map. If the Planning Commission approves the applicant's request for a three year extension, the Barcelona Infill VTSM would have a revised expiration date of October 21, 2019.

Environmental Document

The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified February 1, 2011. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

RECOMMENDATION

Staff recommends that the Planning Commission approve application number EXT 16-0003 to extend the life of the vesting tentative subdivision map application number TSM14-0002 to October 21, 2019 based on the findings contained in the Planning Commission Resolution dated October 12, 2016.

MOTION

Move that the Planning Commission approve application number EXT16-0003 to extend the life of the vesting tentative subdivision map application number TSM14-0002 through October 21, 2019 based on the findings contained in the Planning Commission Resolution dated October 12, 2016.

Prepared by: Victoria Lombardo, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A: Vesting Tentative Map (Oversized)
Attachment B: Planning Commission Resolution

RESOLUTION 2016-_____

APPROVING AN EXTENSION OF THE 51 LOT BARCELONA INFILL VESTING TENTATIVE SUBDIVISION MAP TO OCTOBER 21, 2019. THE PROJECT IS LOCATED ON BARCELONA DRIVE AT TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 240-520-44 AND 240-390-33. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT16-0003

WHEREAS, The City Council approved the Vesting Tentative Subdivision Map and Planned Unit Development for the Barcelona Infill 51-lot subdivision on October 21, 2014, and

WHEREAS, Pursuant to Government Code Section 66452.6(a)(1), the Vesting Tentative Subdivision Map was scheduled to expire on October 21, 2016, and

WHEREAS, Pursuant to Tracy Municipal Code Sections 12.28.060 and 12.16.090, the Planning Commission may grant extensions for Vesting Tentative Subdivision Maps for a period of up to three years, and

WHEREAS, On July 15, 2016, TVC Tracy Holdco, LLC submitted a request to extend their Vesting Tentative Subdivision Map approval through October 21, 2019, and

WHEREAS, The project is consistent with the General Plan and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code, in terms of density, circulation, and land use, and

WHEREAS, The site is physically suitable for the proposed density of development, which is below the maximum density allowed by the General Plan designation of Residential Low, and

WHEREAS, Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate service levels are met and match adjacent street improvements, and

WHEREAS, 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, and

WHEREAS, 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 subdivision, and

WHEREAS, 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, 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 approval of a final map, and

WHEREAS, The project does not propose changes that would result in a major revision to the previous Environmental Impact Report that analyze the project site and is exempt from the California Environmental Quality Act per Section 15162;

NOW, THEREFORE, BE IT RESOLVED, The Planning Commission of the City of Tracy does hereby approve the extension of the Barcelona Infill Vesting Tentative Subdivision Map (Application Number TSM 14-0002) through October 21, 2019.

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 12th day of October 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON