

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 26, 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

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. MINOR AMENDMENT TO THE FINAL DEVELOPMENT PLAN FOR THE NORTHGATE VILLAGE SHOPPING CENTER (FORMERLY TRACY OUTLET CENTER) TO CONSTRUCT IMPROVEMENTS FOR OUTDOOR DINING/SEATING AREAS, LOCATED AT 1005 E. PESCADERO AVENUE – APPLICANT IS MESSIER BENITEZ AND PROPERTY OWNER IS 51 NEWCO LLC – APPLICATION NUMBER D16-0019

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: **October 21, 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

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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.

AGENDA ITEM 1-A

REQUEST

MINOR AMENDMENT TO THE FINAL DEVELOPMENT PLAN FOR THE NORTHGATE VILLAGE SHOPPING CENTER (FORMERLY TRACY OUTLET CENTER) TO CONSTRUCT IMPROVEMENTS FOR OUTDOOR DINING/SEATING AREAS, LOCATED AT 1005 E. PESCADERO AVENUE – APPLICANT IS MESSIER BENITEZ AND PROPERTY OWNER IS 51 NEWCO LLC – APPLICATION NUMBER D16-0019

DISCUSSION

On July 20, 1993, the City Council approved the Planned Unit Development (PUD) Zone Final Development Plan (FDP) for the Tracy Outlet Center, located at 1005 E. Pescadero Avenue (Attachment A: Location Map).

Over the past couple of years, the Tracy Outlet Center has changed ownership and been rebranded as the Northgate Village shopping center. Since the rebranding, multiple new businesses have opened at this site, including El Patio Restaurant & Bar, The Venu (a sports bar / restaurant / night club), and Nirvaana Banquet and Event Center. Other new businesses expected to open soon include La Huacana night club and Knight Life (a fencing / indoor archery studio).

The applicant is requesting a minor amendment to the FDP to receive approval to build and locate outdoor dining/seating areas throughout the Northgate Village shopping center (Attachment B: Site Plan and Elevations). The proposal includes the following:

- The outdoor dining/seating areas may be located in any of the hardscape areas between the building façade (front entry side of tenant spaces) and the main interior parking area.
- The outdoor dining/seating areas may include such items as perimeter fencing, tables, chairs, umbrellas, and shade structures compatible with the outdoor dining/seating area shown in the attached FDP amendment (Attachment B: Site Plan and Elevations) and the building architecture/design of the Northgate Village shopping center.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, which pertains to the construction of small structures.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve a minor amendment to the Planned Unit Development Zone Final Development

Plan for the Northgate Village shopping center (formerly Tracy Outlet Center) to construct improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Application Number D16-0019, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 26, 2016 (Attachment C: Planning Commission Resolution).

MOTION

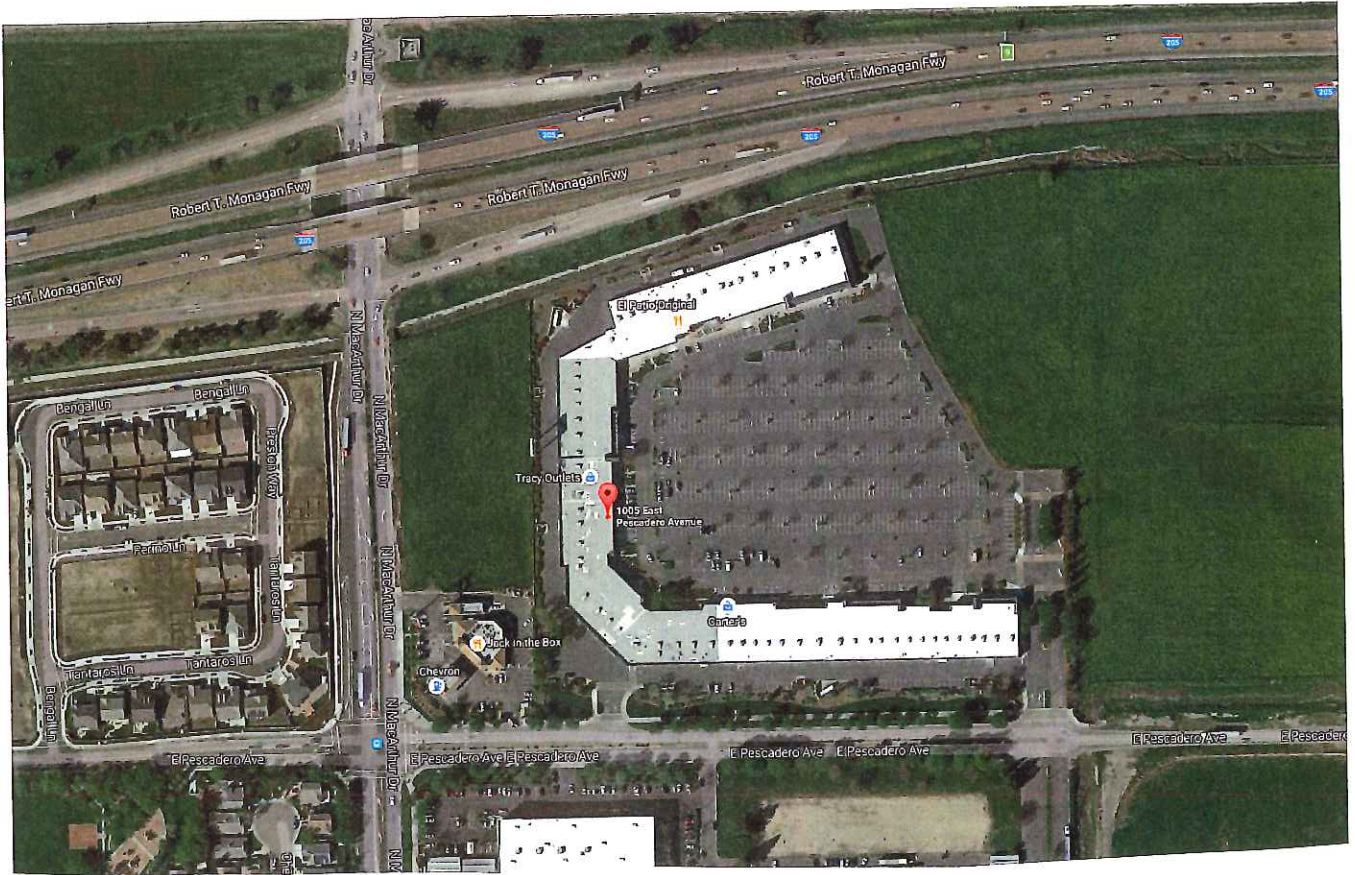
Move that the Planning Commission recommend that the City Council approve a minor amendment to the Planned Unit Development Zone Final Development Plan for the Northgate Village shopping center (formerly Tracy Outlet Center) to construct improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Application Number D16-0019, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 26, 2016.

Prepared by Scott Claar, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan and Elevations (Oversized)
- C: Planning Commission Resolution



RESOLUTION 2016-_____

RECOMMENDING CITY COUNCIL APPROVAL OF A MINOR AMENDMENT TO THE PLANNED UNIT DEVELOPMENT (PUD) ZONE FINAL DEVELOPMENT PLAN FOR THE NORTHGATE VILLAGE SHOPPING CENTER (FORMERLY TRACY OUTLET CENTER) TO CONSTRUCT IMPROVEMENTS FOR OUTDOOR DINING/SEATING AREAS, LOCATED AT 1005 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-40, APPLICATION NUMBER D16-0019

WHEREAS, On July 20, 1993, the City Council approved the Planned Unit Development (PUD) Zone Final Development Plan (FDP) for the Tracy Outlet Center, located at 1005 E. Pescadero Avenue, and

WHEREAS, The Tracy Outlet Center has changed ownership and been rebranded as the Northgate Village shopping center, and

WHEREAS, On July 12, 2016, an application was submitted for a minor amendment to the PUD Zone FDP for the Northgate Village shopping center, and

WHEREAS, The minor amendment to the FDP would allow outdoor dining/seating areas throughout the Northgate Village shopping center, and

WHEREAS, The minor amendment to the FDP would include the following:

- The outdoor dining/seating areas may be located in any of the hardscape areas between the building façade (front entry side of tenant spaces) and the main interior parking area, and
- The outdoor dining/seating areas may include such items as perimeter fencing, tables, chairs, umbrellas, and shade structures compatible with the outdoor dining/seating area shown in the FDP amendment (Attachment B of Planning Commission Staff Report dated October 26, 2016) and the building architecture/design of the Northgate Village shopping center, and

WHEREAS, The project is consistent with the I-205 Corridor Specific Plan, and

WHEREAS, The project design is compatible with the building architecture and design of the Northgate Village shopping center, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on October 26, 2016;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby recommends that the City Council approve the minor amendment to the Planned Unit Development Zone Final Development Plan for the Northgate Village shopping center (formerly Tracy Outlet Center) to construct improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number D16-0019, subject to the conditions as stated in Exhibit "1" attached and made part hereof and based on the following findings:

1. The establishment, maintenance, and operation of the proposed use and associated structures are compatible with the land use, design, and operational characteristics of the neighboring properties. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and the associated structures, or to the general welfare of the City because the project is consistent with the land use, design, and other elements of the I-205 Corridor 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 compatible with the building materials, colors, architecture, and design of the Northgate Village shopping center.
3. The project is consistent with the City of Tracy General Plan and the I-205 Corridor Specific Plan in that the proposal is for outdoor dining areas at a location designated Commercial by the General Plan and General Commercial by the I-205 Corridor Specific Plan, which permit eating and/or drinking establishments.
4. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, which pertains to the construction of small structures. Therefore, no further environmental assessment is necessary.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 26th day of October 2016, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**Conditions of Approval for Minor Amendment to the PUD Zone
Final Development Plan for Northgate Village Shopping Center
(formerly Tracy Outlet Center)
1005 E. Pescadero Avenue
Application Number D16-0019
October 26, 2016**

These Conditions of Approval shall apply to the minor amendment to the Planned Unit Development (PUD) Zone Final Development Plan (FDP) for the Northgate Village Shopping Center (formerly Tracy Outlet Center) to construct improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number D16-0019 (hereinafter "Project").

A. Definitions.

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
4. "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.
5. "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).
6. "Conditions of Approval" means these conditions of approval applicable to the minor amendment to the PUD Zone Final Development Plan for the Northgate Village Shopping Center (formerly Tracy Outlet Center) to construct improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number D16-0019.
7. "Project" means the minor amendment to the PUD zone Final Development Plan for the Northgate Village Shopping Center (formerly Tracy Outlet Center) to construct

improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number D16-0019.

8. "Property" means the property applicable to the minor amendment to the PUD Zone Final Development Plan for the Northgate Village Shopping Center (formerly Tracy Outlet Center) to construct improvements for outdoor dining/seating areas, located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number D16-0019.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, 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 the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
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 that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Developer fails to file a protest of the Exactions 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 of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
4. The project shall be developed in substantial compliance with the site plan and elevations received by the Development Services Department on October 20, 2016 and the description of the minor amendment to the FDP in the resolution, to the satisfaction of the Development Services Director.
5. 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.

6. There shall be no exterior visual projections, including, but not limited to, televisions and screens.

C. Building Safety and Fire Prevention Division Conditions of Approval

1. Prior to building permit issuance, the project shall comply with all requirements of the California State Building Code and Fire Code, to the satisfaction of the Chief Building / Fire Code Official.
2. Prior to building permit issuance, the plans shall demonstrate that gates swing in the direction of egress travel, to the satisfaction of the Chief Building / Fire Code Official.
2. Prior to building permit issuance, applicant shall demonstrate that all gates comply with required landings, smooth surface within 10 inches of the finished ground surface, door and gate opening force, clear width requirement of 32 inches minimum and panic hardware, to the satisfaction of the Chief Building / Fire Code Official.