

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, June 28, 2017
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 – 4/27/16, 5/11/16, 5/25/16, 6/8/16, 7/13/16, 7/27/16, 5/24/17

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 AN AMENDMENT TO A CONDITIONAL USE PERMIT (CUP17-0002) AND DEVELOPMENT REVIEW PERMIT (D17-0009) FOR AN APPROXIMATELY 52,000 SQUARE FOOT EXPANSION OF THE APPROXIMATELY 86,000 SQUARE FOOT CALSTONE MASONRY PRODUCTS MANUFACTURING AND STORAGE FACILITY LOCATED AT 426 E. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 233-460-05 AND 07) – APPLICANT IS SCHACK AND COMPANY FOR CALSTONE HOLDINGS, LLC
- B. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR AN OUTDOOR ASSEMBLY AREA LOCATED AT 1885 N. MACARTHUR DRIVE – APPLICANT IS MICHAEL LACROSS AND THE PROPERTY OWNER IS LACROSS CAPITAL MANAGEMENT, LLC – APPLICATION NUMBER CUP17-0003

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE – CITY INITIATED – APPLICATION NUMBER ZA17-0005

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

Posted: June 22, 2017

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, APRIL 27, 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, Commissioner Orcutt, Commissioner Hudson, and Commissioner Sangha present. Also present were staff members Bill Dean, Assistant Development Services Director; Scott Claar, Associate Planner; Kimberly Matlock, Associate Planner; Cris Mina, Senior Civil Engineer; Don Scholl, Public Works Director; Bill Sartor, Assistant City Attorney; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL

None.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER 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 OWNERS ARE KULDEEP SIDHU AND HANSON FAMILY PARTNERSHIP - APPLICATION NUMBER CUP14-0013

Kimberly Matlock presented the staff report and addressed questions from the Commission.

Chair Ransom opened the public hearing. Staff and the applicant addressed questions from the Commission. Dan Schack spoke. The public hearing was closed.

ACTION It was moved by Commissioner Orcutt, and seconded by Vice Chair Tanner, that the Planning Commission approve the Conditional Use Permit application for a seventy-six foot by sixty-four foot automotive impound yard at 1133 and 1175 W. Eleventh Street, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated April 27, 2016 (Attachment C). A voice vote found all in favor; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING APPROVAL OF AN AMENDMENT TO THE ELLIS SPECIFIC PLAN RELATED TO FAÇADE ZONE REQUIREMENTS, SETBACKS, ENROACHMENTS INTO SETBACKS, UNION PACIFIC RAILROAD EDGE, AND GARAGE REQUIREMENTS. THE APPLICANT IS CAL ATLANTIC HOMES. APPLICATION NUMBER SPA16-0004

Scott Claar presented the staff report and addressed questions from the Commission.

Commissioner Tanner, Chair Ransom, and Commissioner Hudson each disclosed that they had met with the applicant.

Chair Ransom opened the public hearing. Chris Long, of The Surland Companies, spoke. The public hearing was closed.

ACTION It was moved by Commissioner Orcutt, and seconded by Commissioner Tanner, that the Planning Commission recommend the City Council approve an amendment to the Elis Specific Plan related to facade zone requirements, setbacks, encroachments into setbacks, Union Pacific Railroad edge, and garage requirements, as specified in the Planning Commission Resolution dated April 27, 2016. A voice vote found all in favor; passed and so ordered.

C. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING APPROVAL OF AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN RELATED TO THE LANDSCAPE DESIGN CONCEPTS. THE APPLICANT IS PROLOGIS. APPLICATION NUMBER SPA16-0002

Scott Claar presented the staff report and addressed questions from the Commission.

Chair Ransom opened the public hearing. Tom Martin, of Prologis, spoke and introduced Dave Babcock of Babcock and Associates. Mr. Babcock spoke. Citizen Sandy Watson Johnson spoke.

Public Works Director Don Scholl addressed a question from the Commission regarding the median strip.

The public hearing was closed.

ACTION It was moved by Commissioner Orcutt, and seconded by Commissioner Hudson, that the Planning Commission recommend the City Council approve an

amendment to the Cordes Ranch Specific Plan related to the landscape design concepts, as amended with the removal of a sentence, as specified in the Planning Commission Resolution dated April 27, 2016. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

Citizen Sandy Watson Johnson asked questions relative to an upcoming street name change to Mountain House Parkway and construction in the area, which were addressed by Bill Dean.

3. DIRECTOR'S REPORT

Bill Dean addressed a question from the Commission regarding upcoming projects.

4. ITEMS FROM THE COMMISSION

Bill Dean addressed a question from Commissioner Sangha regarding patio areas.

5. ADJOURNMENT

It was moved by Commissioner Orcutt, and seconded by Vice Chair Tanner, to adjourn.

Time: 8:04 p.m.

CHAIR

STAFF LIAISON

MINUTES
TRACY CITY PLANNING COMMISSION
Wednesday, May 11, 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. and led the pledge of allegiance.

ROLL CALL

Roll Call found Chair Ransom, Vice Chair Tanner, Commissioner Orcutt, Commissioner Hudson, and Commissioner Sangha present. Also present were staff members Bill Dean, Assistant Development Services Director; Kimberly Matlock, Associate Planner; Nash Gonzalez, Contract Planner; Bill Sartor, City Attorney; Kat Wellman, Deputy City Attorney; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL

It was moved by Commissioner Orcutt, and seconded by Vice Chair Tanner, that the November 4, 2015, Minutes be approved. A roll call vote found Vice Chair Tanner, Commissioner Orcutt and Commissioner Sangha in favor, Commissioners Hudson and Ransom abstaining due to their absence from the meeting; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean asked Mr. Sartor to make an introduction. Bill Sartor introduced Kat Wellman, Deputy City Attorney, who will be staffing future Planning Commission meetings.

ITEMS FROM THE AUDIENCE

None.

1. **NEW BUSINESS**

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

Nash Gonzalez, Contract Planner, presented the staff report and discussed an anonymous letter received from a concerned citizen, a copy of which had been provided to the Commission.

Chair Ransom called for a recess at 7:06 p.m. to give the Commissioners an opportunity to review the letter. The meeting was reconvened at 7:11 p.m.

Chair Ransom disclosed that she believes that a couple of years ago, one of the applicants was her daughter's gymnastics coach.

Chair Ransom opened the public hearing. Applicant Dan Schack spoke. Citizens Lynn Fiddle, Judy Brown, Erica Pulliam, and Monica Marieiro spoke. The public hearing was closed.

Chair Ransom re-opened the public hearing. Joshua Ruby spoke. The public hearing was closed.

ACTION It was moved by Commissioner Orcutt, and seconded by Commissioner Hudson, that the Planning Commission approve the Conditional Use Permit to allow recreational uses that serve the greater community, specifically the establishment of a gymnastics/sports recreational use at 2151 N. Tracy Boulevard, Application Number CUP16-0003, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated May 11, 2016. A voice vote found all in favor; passed and so ordered.

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

Kimberly Matlock presented the staff report and addressed questions from the Commission.

Chair Ransom opened the public hearing. Scott Savage, of Leprino Foods, spoke and addressed questions from the Commission, as did staff.

Commissioners Hudson and Sangha each disclosed that they had met with the applicant earlier in the week.

The public hearing was closed.

ACTION It was moved by Commissioner Orcutt, and seconded by Commissioner Sangha, that the Planning Commission approve the Conditional Use Permit amendment and Development Review Applications CUP 16-0002 and D16-0008 for the demolition of approximately 6,800 square feet of building area and the addition of seven processing silos, painted to match the existing silos, and an associated landscape screen (eliminating B.2. of the Conditions of Approval for D16-0008, regarding screen walls) at the northeast corner of the cheese processing plant located at 2401 N. MacArthur Drive, subject to conditions and based on findings contained in the attached Planning Commission Resolution dated May 11, 2016. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean welcomed Kat Wellman, and reminded the Commission that staff would never bring forth a staff proposed application; rather, the review process strictly involves a developer bringing the application to staff, after which staff evaluates the application and brings it before the Commission.

Bill Sartor thanked the commission for their service and the time he has spent with them.

4. ITEMS FROM THE COMMISSION

Chair Ransom welcomed Kat Wellman, and congratulated Bill Sartor on his new position, then thanked Mr. Sartor for providing legal guidance to the Commission over the past seven years.

5. ADJOURNMENT

It was moved by Commissioner Orcutt, and seconded by Commissioner Sangha, to adjourn.

Time: 8:23 p.m.

CHAIR

STAFF LIAISON

MINUTES
TRACY CITY PLANNING COMMISSION
Wednesday, May 25, 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, Commissioner Orcutt, Commissioner Hudson, and Commissioner Sangha present. Also present were: Andrew Malik, Development Services Director; Bill Dean, Assistant Development Services Director; Robert Armijo, City Engineer; Kimberly Matlock, Associate Planner; Nash Gonzalez, Contract Planner; Kat Wellman, Deputy City Attorney; Rachelle McQuiston, Administrative Services Director; Zabih Zaca, Senior Civil Engineer; and Sandra Edwards, Recording Secretary.

MINUTES APPROVAL

It was moved by Vice Chair Tanner, and seconded by Commissioner Orcutt, that the December 2, 2015, Minutes be approved. A roll call vote found Chair Ransom, Vice Chair Tanner, and Commissioner Orcutt in favor, Commissioners Hudson and Sangha abstaining due to their absence from the meeting; passed and so ordered.

It was moved by Vice Chair Tanner, and seconded by Commissioner Orcutt, that the December 16, 2016, Minutes be approved. A roll call vote found Chair Ransom, Vice Chair Tanner, Commissioner Orcutt and Commissioner Sangha in favor, Commissioner Hudson abstaining due to his absence from the meeting; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean pointed out that additional materials were distributed to the Commissioners relative to clarifications that have been added to the ordinance being proposed under Agenda Item 1-B.

ITEMS FROM THE AUDIENCE

None.

1. **NEW BUSINESS**

- A. **PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND DEVELOPMENT REVIEW APPLICATION NUMBER D14-0003 FOR THE SUTTER TRACY CARE CENTER'S SOUTH PARKING AREA APPROVED AT 418, 424, 432, AND 434 W. EATON AVENUE TO INCLUDE THE PROPERTY**

AT 430 W. EATON AVENUE. THE RESULTING PARKING AREA WILL TOTAL APPROXIMATELY 65,210 SQUARE FEET. APPLICANT IS DAVID O. ROMANO FOR SUTTER GOULD MEDICAL FOUNDATION AND PROPERTY OWNER IS TRACY HOSPITAL FOUNDATION - APPLICATION NUMBER D16-0014

Kimberly Matlock presented the staff report. The applicant spoke.

Chair Ransom opened the public hearing. Marlene Robbins spoke. Don Bixby spoke and asked a question which was referred to the applicant, who offered to speak with Mr. Bixby following the meeting. Chair Ransom closed the public hearing.

Staff and the applicant addressed questions from the Commission. Following a discussion, it was moved by Chair Orcutt that the proposed amendment be approved as written. Motion did not pass based on lack of a second.

ACTION

It was moved by Commissioner Hudson, and seconded by Commissioner Sangha, that the Planning Commission recommend the City Council approve Development Review Application Number D16-0014 for the amendment to the south parking area previously approved under Development Review Application Number D14-0003 to include the property at 430 W. Eaton Avenue, based on the findings contained in the Planning Commission Resolution dated May 25, 2016, with the addition of a crosswalk subject to the concurrence of City Engineering. Voice vote found Chair Ransom, Vice Chair Tanner, Commissioner Hudson, and Commissioner Sangha in favor, Chair Orcutt abstaining; passed and so ordered.

- B. RECOMMENDING CITY COUNCIL APPROVAL OF (1) AMENDMENT TO GENERAL PLAN SAFETY ELEMENT CHAPTER 8, SECTION II REGARDING FLOODING, AND (2) MUNICIPAL CODE AMENDMENT TO CHAPTER 9.52 (FLOODPLAIN REGULATIONS) SECTIONS 9.52.050 AND 9.52.060

Nash Gonzalez presented the staff report and, along with Andrew Malik and Bill Dean, addressed questions from the Commission.

Chair Ransom opened the public hearing. As no one came forward, the public hearing was closed.

ACTION

It was moved by Vice Chair Tanner, and seconded by Commissioner Orcutt, that the Planning Commission recommend the City Council approve: (1) the General Plan Amendment amending General Plan Safety Element Chapter 8, Section II, attached as Attachment A; and (2) amend Chapter 9.52, Floodplain Regulations, of the Tracy Municipal Code, attached as Attachment B. A voice vote found all in favor; passed and so ordered.

- C. REPORT OF GENERAL PLAN CONSISTENCY FOR CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR FISCAL YEAR 2016/2017 THROUGH FISCAL YEAR 2020/2021 - APPLICATION NUMBER DET16-0002

Bill Dean briefly discussed the Government Code provision relative to the requirement of a report on CIP conformity and introduced Robert Armijo, who presented the staff report. Staff addressed questions from the Commission.

ACTION It was moved by Vice Chair Tanner, and seconded by Commissioner Hudson, that the Planning Commission report that the Capital Improvement Program Projects are consistent with the goals, policies and actions of the City's General Plan. 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 Sangha announced the Grand Opening of her banquet hall on April 3 at 1005 Pescadero Avenue.

A question from Vice Chair Tanner relative to the location of the Amazon building was addressed by staff.

Chair Ransom thanked Deputy City Attorney Kat Wellman, and welcomed her to the Planning Commission's deliberation process.

Referring to Agenda Item 1-A, Commissioner Orcutt shared his thoughts on the importance of being business friendly through expediency of Planning Commission decisions/approvals. Chair Ransom expressed her agreement, adding that she believes the Commission has done a commendable job of balancing this with thorough dialogue, as opposed to rubber stamping projects.

5. ADJOURNMENT

Upon motion by Commissioner Orcutt, and second by Vice Chair Tanner, the meeting was adjourned.

Time: 8:32 p.m.

CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, JUNE 8, 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 7:02 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; Scott Claar, Associate Planner; Kat Wellman, Deputy City Attorney; Cris Mina, Senior Civil Engineer; Sandra Edwards, Recording Secretary; and Vanessa Valencia, Administrative Assistant II.

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN TO DEVELOP AN APPROXIMATELY 16,900 SQUARE FOOT AUTOMOTIVE REPAIR FACILITY WITH ASSOCIATED PARKING AND LANDSCAPING ON AN APPROXIMATELY 2.5-ACRE SITE (ASSESSOR'S PARCEL NUMBER 212-270-14) AND ON AN APPROXIMATELY 42-FOOT WIDE STRIP (APPROXIMATELY 0.27 ACRES) OF DETENTION BASIN 10 (ASSESSOR'S PARCEL NUMBER 212-040-11), LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE BETWEEN THE VOLKSWAGEN DEALERSHIP AND THE TRACY COLLISION AUTO BODY SHOP. THE REQUEST INCLUDES A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO POTENTIALLY SELL THE APPROXIMATELY 42-FOOT WIDE STRIP TO THE PROJECT DEVELOPER. THE APPLICANT IS JACK RITTENHOUSE III OF STANTEC ARCHITECTURE INC. FOR CALIBER COLLISION AND THE PROPERTY OWNER IS TRACY FCMS, LLC – APPLICATION NUMBERS CUP16-0004, D16-0002, & DET16-0001 – Scott Claar, Senior Planner, provided the staff report.

Commissioner Orcutt inquired if at future build out the detention basin will remain, or will it build out in the decades to come. Cris Mina, Senior Civil Engineer, stated it is a permanent storm drain detention basin.

William, with Cross Development, representing Caliber Collision, addressed the Commission, providing a business background of the company. William introduced the architect on the project, who responded to questions regarding architecture.

Chair Ransom opened the public hearing.

Armin and Lori Ghorbani of Tracy Collision addressed the Commission regarding their project and the conflict it may cause their business and others. Mrs. Ghorbani read a letter, and provided the Commission with a handout asked that the Planning Commission deny their application.

Chair Ransom closed the public hearing.

Upon motion from Vice Chair Tanner, second by Commissioner Orcutt, the Planning Commission called for a brief recess to review the new documents provided. Voice vote found all in favor.

A brief recess commenced at 7:18 p.m.

Commissioner Hudson asked if he should recuse consideration of the item since he has a painting bid with the Tracy Collision project owner, Mr. Ghorbani. Kat Wellman, Deputy City Attorney advised that Commissioner Hudson was not required to recuse himself, but had the option to do so, if he preferred to.

Chair Ransom called the meeting to order, and the meeting reconvened at 7:25 p.m.

Chair Ransom re-opened the public hearing.

Commissioner Orcutt asked if the applicant was interested in purchasing the 42-foot strip of land. William, with Cross Development, affirmed that yes, they were in the process of purchasing the land.

Chair Ransom closed the public hearing.

Vice Chair Tanner asked if staff was aware of any of the information that was provided to the Planning Commission. Scott Claar replied that it brought to staff's attention today.

Further discussion about the additional documents presented, and the applicants' business practices, continued.

Commissioner Sangha stated, from a business point of view, she believes an approval would be going against small business owners. She said this is an

ethical thing to do; this doesn't concern zoning. Tracy is a small city, which wants to support small businesses.

Commissioner Hudson recused himself from discussion of the item.

Andrew Malik added that it is not that staff or the city doesn't want to look at these things, but legally the city is not allowed to make a decision based on opinion.

Chair Ransom felt compelled to share that it is the Commission's job to check into conformity with land use, and whether or not this is a compatible or good use of the land. While Chair Ransom appreciates the information, much of what is being discussed is not relevant to their job as commissioners.

Commissioner Orcutt shared that he is a fan of competition, and this project matches the automotive area, and the land use compatibility is on par.

ACTION

It was moved by Commissioner Orcutt and seconded by Chair Ransom that the Planning Commission:

1. Determined that the sale of the approximately 42-foot wide strip of property from the City to the developer is consistent with the General Plan, and
2. Approves the Conditional Use Permit for an automotive repair facility on the site, and
3. Recommends that City Council approve the Planned Unit Development Preliminary and Final Development Plan.

Chair Ransom and Commissioner Orcutt in favor; Vice Chair Tanner and Commissioner Sangha opposed; Commissioner Hudson recused. 2-2-1. Motion failed due to a majority of the commission.

Kat Wellman, Deputy City Attorney, indicated the Commission would have to elaborate on the findings to not approve, for staff to prepare a resolution denying the project.

Commissioner Sangha stated that she likes competition; however the Commission also needs to consider three businesses on one street, and perhaps consider maybe changing the location.

Scott Claar discussed Conditional Use Permits and necessary findings, identified by the Tracy Municipal Code, that need to be made to approve a project. Reason for denial would require the inability to make any one of those findings, as written in the resolution. The third finding states, "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."

Kat Wellman, withdrew her previous statement, and stated that this agenda item failed for a lack of a majority of the commission, thus no findings are necessary. She opined on the meaning of "injurious," stating that it is not

based on competition, unless there is an Ordinance in place restricting such.

Questions and discussion continued.

ACTION It was moved by Commissioner Orcutt and seconded by Chair Ransom that the Planning Commission:

1. Determines that the sale of the approximately 42-foot wide strip of property from the City to the developer is consistent with the General Plan, and
2. Approves the Conditional Use Permit for an automotive repair facility on the site, and
3. Recommends that City Council approve the Planned Unit Development Preliminary and Final Development Plan.

Roll call vote found Commissioner Orcutt, Chair Ransom, Vice Chair Tanner and Commissioner Sangha in favor, Commissioner Hudson recused. 4-0-1; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – None.

3. DIRECTOR'S REPORT – None.

4. ITEMS FROM STAFF

A. DISCUSSION REGARDING THE BROWN ACT AND ITEMS FROM THE COMMISSION – Kat Wellman, Deputy City Attorney, informed the Commission that it is acceptable for only two people to discuss, but if any more joined in on the conversation, it becomes a Brown Act violation. Kat prefers to be more conservative than that, and does not want the Commission to talk about an item without placing the item on the posted agenda. Kat then outlined, as guided by the Brown Act, what the Commission can discuss or request that is not on the agenda.

5. ITEMS FROM THE COMMISSION – Chair Ransom congratulated Commissioner Sangha on the opening of her new business, Nirvaana Event Center. Commissioner Sangha stated the City was good to her.

6. ADJOURNMENT –

ACTION It was moved by Commissioner Orcutt and seconded by Vice Chair Tanner to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 8:04 p.m.

CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, JULY 13, 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; Nash Gonzalez, Contract Planner; Kat Wellman, Deputy City Attorney; Cris Mina, Senior Civil Engineer; and Sandra Edwards, Recording Secretary.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None.

ITEMS FROM THE AUDIENCE – None.

1. **NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR THE ESTABLISHMENT OF A 40-UNIT RESIDENTIAL APARTMENT PROJECT (GRANT LINE APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 1.66 ACRES, SITUATED ON THE NORTH SIDE OF GRANT LINE ROAD AND LOCATED AT 321 E. GRANT LINE ROAD, APN 214-320-83; APPLICANT IS ROBERT HARRIS AND PROPERTY OWNER IS JAMES TONG, INC., APPLICATION NUMBERS CUP15-0005 AND D15-0012. – Nash Gonzalez, Contract Planner, provided the staff report, noting that revised Conditions of Approval have been handed out to the Commissioners.

Questions and discussion regarding fencing, landscaping, storm drains, and concrete pads followed.

Chair Ransom opened the public hearing. As no one came forward, the public hearing was closed.

ACTION

It was moved by Commissioner Orcutt, and seconded by Vice Chair Tanner that the Planning Commission approve the Conditional Use Permit and development review to allow the establishment of a 40-unit residential apartment complex and associated site improvements, including parking, laundry facility, landscaping, and fencing improvements at 321 E. Grant Line Road, Application Numbers CUP15-0005 and D15-0012, subject to the amended condition of the open space

area being redesigned with a better family appeal, approved by City staff and based on the findings contained in the Planning Commission Resolution dated July 13, 2016, and also subject to all the other conditions. Voice vote found all in favor; passed and so ordered.

- B. PUBLIC HEARING TO APPROVE A DEVELOPMENT REVIEW APPLICATION FOR AN APPROXIMATELY 67,058 SQUARE FOOT LIGHT INDUSTRIAL BUILDING FOR ONE OR MORE TENANTS ON APPROXIMATELY 4.76 ACRES ON THE EAST SIDE OF SHAMROCK WAY BETWEEN GANDY DANCER DRIVE AND MURRIETA WAY (ASSESSOR'S PARCEL NUMBERS 248-470-07, 08, AND 09) – THE APPLICANT IS SCHACK AND COMPANY, INC.; PROPERTY OWNER IS GOWAN FAMILY, LLC – APPLICATION NUMBER D16-0015 – Alan Bell, Senior Planner, provided the staff report. Mr. Bell indicated that one letter was received regarding the project from Dave Humphrey objecting to a “steel building,” and asked for a 3-year development approval. This letter was provided to each commissioner.

Discussion relating to building materials, renderings, façades, and general design followed. Commission agreed that the design elements and enhancements on the front of the building be extended to the sides of building.

Chair Ransom invited the applicant to address the Commission. Dan Schack, Schack & Company, on behalf of applicant Carl Gowan, answered questions regarding landscaping, architecture and window features.

After discussion, Chair Ransom opened the public hearing.

A female resident of the Edgewood community spoke and commended Mr. Alan Bell, and stated that the building looks good versus the Omar rendering.

As no one else came forward, Chair Ransom closed the public hearing.

ACTION

It was moved by Commissioner Orcutt, and seconded by Commissioner Sangha that the Planning Commission approve the Development Review application number D16-0015 for a light industrial building at 3508 and 3608 and 3708 Shamrock Way, subject to the conditions, and the amended conditions of the enhancements as suggested for design elements to the side of building, and based on the findings contained in the Planning Commission Resolution dated July 13, 2016, in addition to granting a 3-year approval timeline. Voice vote found all in favor; passed and so ordered.

- C. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A DEVELOPMENT REVIEW APPROVAL TO CONSTRUCT A 470,800 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS AND TO CONSIDER 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

This item has been removed from the agenda in order to finalize details of the site planning with regards to driveway placement and traffic circulation. The item will be re-noticed for a future meeting.

2. ITEMS FROM THE AUDIENCE – None.

3. DIRECTOR’S REPORT – None.

4. ITEMS FROM THE COMMISSION –

Commissioner Orcutt inquired if staff had any ideas of upcoming applications. Bill Dean shared that there are many upcoming projects, such as an industrial building by the freeway, work on overlay ordinance, a number of CUPs for activity at the shops at Northgate Village, and several amendments to the Ellis Specific Plan, are all expected within the next 2-3 months. Commissioner Sangha announced a candlelight vigil the following night to honor the fallen police officers in Dallas, Texas, 7:30 p.m. – 8:30 p.m. at Nirvaana Event Center.

5. ADJOURNMENT –

ACTION It was moved by Commissioner Orcutt and seconded by Commissioner Hudson to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 8:35 p.m.

CHAIR

STAFF LIAISON

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, JULY 27, 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; Alan Bell, Senior Planner; Kat Wellman, Deputy City Attorney; and Sandra Edwards, Recording Secretary

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Andrew Malik informed the Commission that New Business items A and B have both been moved, due to a noticing error, and rescheduled to come back on August 10, 2016.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

- A. 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.

This item has been removed from the agenda. It will be placed on the agenda for a future meeting.

- B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A DEVELOPMENT REVIEW APPROVAL TO CONSTRUCT A 470,800 SQUARE FOOT INDUSTRIAL DISTRIBUTION BUILDING WITH CORRESPONDING PARKING AND LANDSCAPE IMPROVEMENTS AND TO CONSIDER 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.

This item has been removed from the agenda in order to finalize details of the site planning with regards to driveway placement and traffic circulation. The item will be re-noticed for a future meeting.

2. ITEMS FROM THE AUDIENCE – None

3. DIRECTOR'S REPORT – None

4. ITEMS FROM THE COMMISSION –

A. ELECTION OF OFFICERS

Upon motion by Commissioner Orcutt, and second by Commissioner Hudson, Chair Ransom is nominated as Chair of the Planning Commission. Voice vote found all in favor; passed and so ordered.

ACTION Upon motion by Commissioner Hudson, and second by Commissioner Orcutt, Vice Chair Tanner is nominated as Vice Chair of the Planning Commission. Voice vote found all in favor; passed and so ordered.

5. ADJOURNMENT –

ACTION It was moved by Chair Orcutt, and seconded by Vice Chair Tanner, to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 7:04 p.m.

CHAIR

STAFF LIAISON

MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, March 24, 2017
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance.

ROLL CALL

Roll Call found Chair Orcutt, Vice Chair Sangha, Commissioners Hudson, Krogh, and Tanner present. Also present were Bill Dean, Assistant Director of Development Services; Robert Armijo, City Engineer; Leticia Ramirez, Deputy City Attorney; and Gina Peace, Recording Secretary.

MINUTES

It was moved by Commissioner Hudson, and seconded by Commissioner Tanner that the Planning Commission meeting minutes of April 26, 2017, and the Planning Commission meeting minutes of May 10, 2017, be approved. Voice vote found all in favor; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS –
 - A. RECOMMEND APPROVAL OF A MINOR AMENDMENT TO A PUD FINAL DEVELOPMENT PLAN TO AMEND THE CONDITIONS OF APPROVAL FOR THE 47-UNIT, ASPIRE II, RESIDENTIAL APARTMENT PROJECT, LOCATED ON APPROXIMATELY 2.28 ACRES ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY, ASSESSOR'S PARCEL NUMBER 212-270-24, APPLICATION NUMBER D15-0003.

Bill Dean presented the staff report. Questions and discussion followed.

Chair Orcutt opened up the public meeting at 7:15 p.m. As no one came forward, the public meeting was closed.

ACTION It was moved by Commissioner Hudson, and seconded by Vice Chair Sangha that the Planning Commission recommend approval of a minor amendment to a PUD Final Development Plan to amend the Conditions of Approval for the 47-unit, Aspire II, Residential Apartment Project, located on approximately 2.28 Acres on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, Application Number D15-0003. Voice vote found all in favor; passed and so ordered.

B. REPORT OF GENERAL PLAN CONSISTENCY FOR CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR FISCAL YEAR 2017/2018 THROUGH FISCAL YEAR 2021/2022 - APPLICATION NUMBER DET17-0001.

Robert Armijo presented the staff report. Questions and discussion followed.

ACTION It was moved by Commissioner Hudson and seconded by Commissioner Tanner that the Planning Commission reports that the Capital Improvement Program (CIP) projects for fiscal year 2017/2018 through fiscal year 2021/2022 are consistent with the goals, policies, and actions of the City's General Plan. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – None.

3. DIRECTOR'S REPORT –

Bill Dean addressed the Commission's request for discussion of Planning Commission follow-up items, and asked Commission for clarification. Chair Orcutt replied that there have been some projects that Commission had approved, with some sort of follow-up action, but Commission never knows if that follow-up action takes place. Commissioner Krogh reiterated Chair Orcutt's response. Bill Dean advised that it would be difficult for staff to guess which items commissioners might be interested in receiving follow up updates, but staff can certainly follow up on items that Commission has approved with an additional condition or provision. Mr. Dean advised that commissioners who are interested in the details regarding City Council actions should attend City Council meetings, but like he mentioned, staff will try to accommodate Commission's request, and update them on specific follow-up requests. Commissioner Hudson commended staff for being spot on in their follow up messages to the Commission. Mr. Dean reiterated that staff will double back and respond to specific inquiries, and reminded the Commission to review the Economic Development team's regular reports for additional updates. Leticia Ramirez added that Commission should definitely feel comfortable when requesting items or updates from staff.

As a courtesy, Mr. Dean informed the Commission about the tentative workshop scheduled for City Council on June 13, 2017 concerning the passing of Proposition 64, regarding the legal use or marijuana.

4. ITEMS FROM THE COMMISSION –

Chair Orcutt shared that he reached out to Steve Reilly to see if there was any updates regarding the Pleasanton Planning Commission's workshop/class, but he has not heard back from him yet.

5. ADJOURNMENT –

ACTION It was moved by Chair Orcutt, and seconded by Commissioner Hudson, to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 7:50 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO APPROVE AN AMENDMENT TO A CONDITIONAL USE PERMIT (CUP17-0002) AND DEVELOPMENT REVIEW PERMIT (D17-0009) FOR AN APPROXIMATELY 52,000 SQUARE FOOT EXPANSION OF THE APPROXIMATELY 86,000 SQUARE FOOT CALSTONE MASONRY PRODUCTS MANUFACTURING AND STORAGE FACILITY LOCATED AT 426 E. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 233-460-05 AND 07) – APPLICANT IS SCHACK AND COMPANY FOR CALSTONE HOLDINGS, LLC

DISCUSSION

Background

Calstone has been in operation at 426 E. Grant Line Road (Attachment A) since 2004, after obtaining Conditional Use Permit approval (2-04-CUP) on April 28, 2004. Calstone manufactures paving stones, fence wall systems, landscape structures, and other masonry products and stores them on site (indoors and outdoors) before they are shipped off site to retailers or other distributors.

Development Services Department records indicate the subject property has been utilized for industrial uses since at least 1953. Previous uses of the site include St. Regis Paper Company, Fortifiber, American Pacific Supply, and Rehrig Pacific Company. Rehrig Pacific closed their operation in February 2003 and the site was vacant until Calstone began operation.

Calstone has undergone plant improvements and additions during the past 13 years, including Development Review approvals for a sand conveyor/storage system and lime silo (D13-0008) and new materials silos and canopy building (D16-0030).

Project Description

The Calstone land use is classified as an intermediate manufacturing use as defined by Tracy Municipal Code Use Group 61 (Section 10.08.1080(61)). The Light Industrial Zone standards require the expansion of this intermediate industrial use to obtain An amendment to the 2004 Conditional Use Permit to operate in the Light Industrial Zone. The proposed improvements also require a Development Review permit (TMC Section 10.08.3940). These two permits are being processed together, for Planning Commission consideration, as part of this development application.

The project site is 17.5 acres, containing approximately 85,605 square feet of building area (including manufacturing, office, and storage), outdoor storage, driveways, parking, landscaping, and approximately three acres of informal open/undeveloped space at the south end of the site. Attachment B contains an aerial photograph of the site and surrounding neighborhoods. Outdoor silos, hoppers, conveyors, and material loading occurs on the east side of the site, adjacent to Union Pacific rail spurs and other industrial property to the east. On the north side of the building is the vacant, proposed

expansion area, formerly used as a storm drainage pond and currently used for aggregate storage.

Calstone manufactures masonry paving products, using a compression process, with specialized equipment inside the building. The manufacturing operation primarily uses sand and related aggregate products, cement, and water to create bricks, blocks, and paving stones. Raw materials are stored inside the building and on its east and north sides. Finished products are stored in stacks of pallets, inside and outside of the building.

All material is delivered to and from the site with various types and sizes of flatbed and enclosed trailer trucks. All access to the site for deliveries, employees, and other purposes is from an approximately 900-foot long, two-way driveway to Grant Line Road on the site's north side. The site also has a driveway on its south side to Acacia Street, but this driveway is not needed and is closed with a locked and barricaded gate.

The operation currently includes one masonry block manufacturing unit inside the building, occupying approximately 3,000 square feet. Office area inside the building is approximately 2,000 square feet. The remainder of the 85,605 square foot building is storage area.

The proposal is to enlarge the building in two phases. The first phase would add a second masonry block manufacturing unit (approximately 3,000 square feet), nearly double the size of office space, and increase the storage area. This first phase (depicted on the site plan, Attachment C) would increase the total building area by 22,195 square feet, on the west side.

The second phase of the proposed project would enlarge the building by an additional 30,000 square feet and include a third manufacturing unit inside the building. This will bring the total building size to 137,800 square feet.

A total of 13 people are currently employed at the Calstone facility in Tracy, divided between two separate work shifts. Each of the two phases of expansion is anticipated to increase the number of employees by five. Therefore, after completion of both phases, the total number of employees will increase to 23.

In accordance with City standards, the minimum number of off-street parking spaces required for manufacturing uses is one space per employee on the maximum work shift. The project is proposing 27 parking spaces along the west side of phase 1, as an expansion of the existing parking area at that location. Furthermore, several dozen parking spaces are striped on the east side of the building. The project will have significantly more off-street parking spaces than are required by City standards.

The existing building is an approximately 30-foot tall, grey, metal frame and metal panel exterior. A small portion of the building on the southeast side is nearly 43 feet tall. Roof vents are visible on the top of the building, and on the east side of the building are metal, lattice-supported silos, hoppers, conveyors, and related mechanical equipment up to 46 feet tall. A railroad spur accesses the east side of the site from the adjacent Union Pacific rail line, and outdoor storage of raw material and stacked pallets of finished product are on the north and south sides of the building. Attachment D is a photograph

of a portion of the west side of the building, facing southeast. The existing building and outdoor nature of equipment and facilities result in limited opportunities for aesthetic appeal.

The exterior of the building expansion is proposed to match the existing building exterior, with grey, metal panels (Attachment E). Relevant excerpts from the City's Architectural Design Goals and Standards state:

-“Visual interest on buildings...should be visible from street view...”

-“...projects should be consistent in quality and integrity with the architecture of the surrounding community.”

-“...buildings...should utilize similar architectural elements, colors and materials, or styles so that there is not an aesthetic disconnect between buildings on a site.”

Due to the subject property's distance from Grant Line Road, it has the unique characteristic of not being directly visible to Grant Line Road or other public rights-of-way. Therefore, City staff is recommending approval of the metal exterior expansion based on its consistency with the existing building and its visual inaccessibility from the public right-of-way.

The new, 27-space parking area on the west side of the building, with its five, new canopy shade trees and ten accent trees will create shaded portions of the parking area where vehicles may park. The new landscaping will help soften the appearance of the front of the building from its otherwise stark, metal surface. Attachment F contains the proposed landscape plan.

City regulations, TMC Section 10.08.4080, allow a Development Review permit to be granted for a period of up to three years and provides for extensions of time, thereafter, under specified circumstances. Similarly, TMC Section 10.08.3460 allows the Planning Commission to establish a reasonable time limit for a Conditional Use Permit “or any stage or phase thereof”. Based on the scale and complexity of this project – that it includes two, significant expansions of an existing manufacturing operation that would remain in production during the expansion – City staff is recommending the Planning Commission approve the Development Review Permit and Conditional Use Permit for three years to allow the expansion to occur. A Conditional Use Permit, once approved and exercised, does not expire. However, the time limit recommended for this Conditional Use Permit amendment is tied to and in conjunction with the Development Review permit for the expansion of the facility.

The reason for the proposed expansion is in response to increased demand for the masonry products manufactured on site.

The subject property is zoned Light Industrial and has a General Plan designation of Industrial. The proposal complies in all respects with the Light Industrial Zone District development standards and with the General Plan land use requirements.

Land Use Compatibility

The Calstone facility is located at a site used for industrial manufacturing and storage for over 60 years. It has shared its west property line with single-story, residential four-plexes and tri-plexes beginning in the mid 1980's; and with single-family home neighbors to the south since the 1950's. Industrial land uses exist to the north and to the east of the site.

In years past, at least one of the previous users of the site conducted operations in such a manner that noise complaints were generated by nearby residential land uses. By contrast, no complaints regarding noise or other issues have been received by City Code Enforcement since Calstone began operation in 2004.

All of Calstone's noise-producing, manufacturing operations occur inside the building. No roll-up doors of the proposed expansion will face west or south toward the residential neighborhoods, which will help ensure that noise from production equipment is not directed toward nearby residences.

Also to help mitigate noise, light and glare, or visual impacts on nearby residences, Calstone constructed a ten-foot tall, masonry wall and planted a row of Italian Cypress trees along their west property line adjacent to the residential four-plex and tri-plex development. Attachment G is a photograph of a portion of the west wall and row of Italian Cypress trees, facing south. Roof tops of residential four-plexes and tri-plexes are visible on the right-hand side of the photograph. Calstone also constructed a masonry wall along their south property line, adjacent to Acacia Street, and planted (and maintains) trees a shrubs along Acacia Street to help mitigate noise and provide an attractive frontage to the residential neighborhood.

Another change that helps reduce potential conflicts with nearby residential neighborhoods is that Calstone directs all of their deliveries and other vehicle traffic to Grant Line Road and does not access the site from Acacia (as did previous industrial users of the site). This helps to ensure that the site's non-residential traffic does not travel through the adjacent residential neighborhood.

In order to help reduce impacts to residential neighbors, one of the project's recommended conditions of approval (Number B.7.) requires that all exterior lighting be directed down or shielded so there is not direct spray of light onto adjacent residential property.

CEQA Documentation

The California Environmental Quality Act (CEQA) mandates that projects which are consistent with the development density established by existing general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

In this instance, the General Plan designation is Industrial and the project includes the expansion of an existing industrial building on a site zoned Light Industrial. The Industrial General Plan designation provides for a floor area ratio of up to 0.5%; and

this project will bring the floor area ratio on this project site to less than 0.2%, well below the 0.5% specified in the General Plan. The proposed project is consistent with the height, setbacks, parking, landscaping, and other density-related metrics of the General Plan and the Light Industrial Zone District. The expansion is anticipated to add ten new employees and, therefore, limited increase of daily traffic and impact on City utilities and other services.

The project is consistent with the development density established by the existing General Plan policies for which an Environmental Impact Report was certified by the Tracy City Council on February 1, 2011 (SCH# 2008092006). Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15183, no further environmental documentation is required.

RECOMMENDATION

Staff recommends the Planning Commission approve an amendment to the Conditional Use Permit and Development Review applications for the Calstone facility expansion as indicated in the attached Planning Commission Resolution.

MOTION

Move that the Planning approve the amendment to the Conditional Use Permit Application Number CUP17-0002 and Development Review Permit Application Number D16-0009 for the Calstone expansion project, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated June 28, 2017.

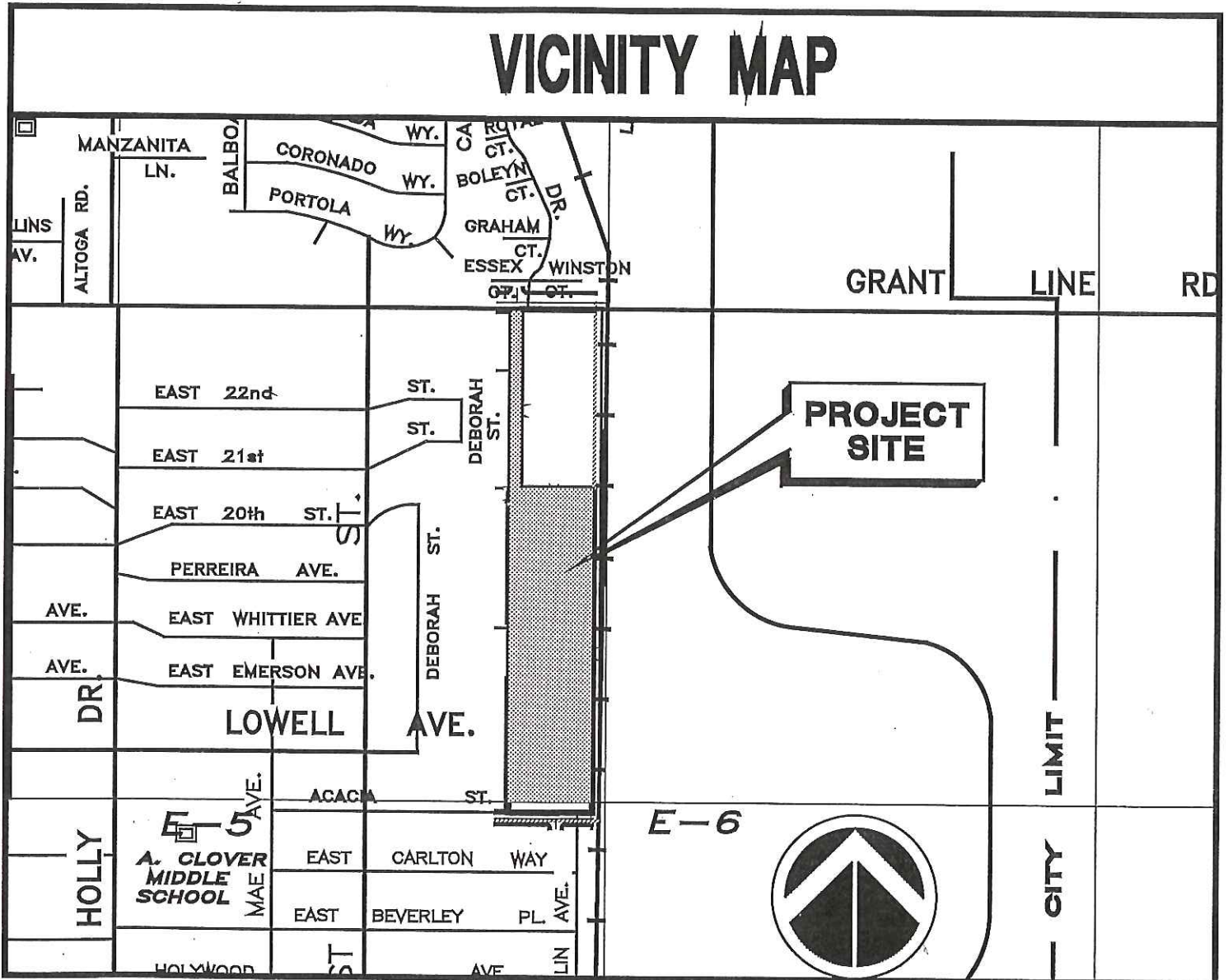
Prepared by: Alan Bell, Senior Planner
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

- Attachment A – Vicinity Map
- Attachment B – Aerial Photograph
- Attachment C – Site Plan
- Attachment D – Photograph of Portion of West Side of Existing Building
- Attachment E – Exterior Building Elevations
- Attachment F – Landscape Plan
- Attachment G – Photograph of a Portion of the West Side of the Site
- Attachment H – Proposed Planning Commission Resolution

(ATTACHMENTS B, C, and F ARE ALSO PROVIDED IN OVERSIZED VERSIONS TO THE PLANNING COMMISSION AND ARE AVAILABLE AT TRACY CITY HALL, DEVELOPMENT SERVICES DEPARTMENT, 333 CIVIC CENTER PLAZA, TRACY)

VICINITY MAP



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JUN 21 2017

CITY OF TRACY
DEVELOPMENT SERVICES

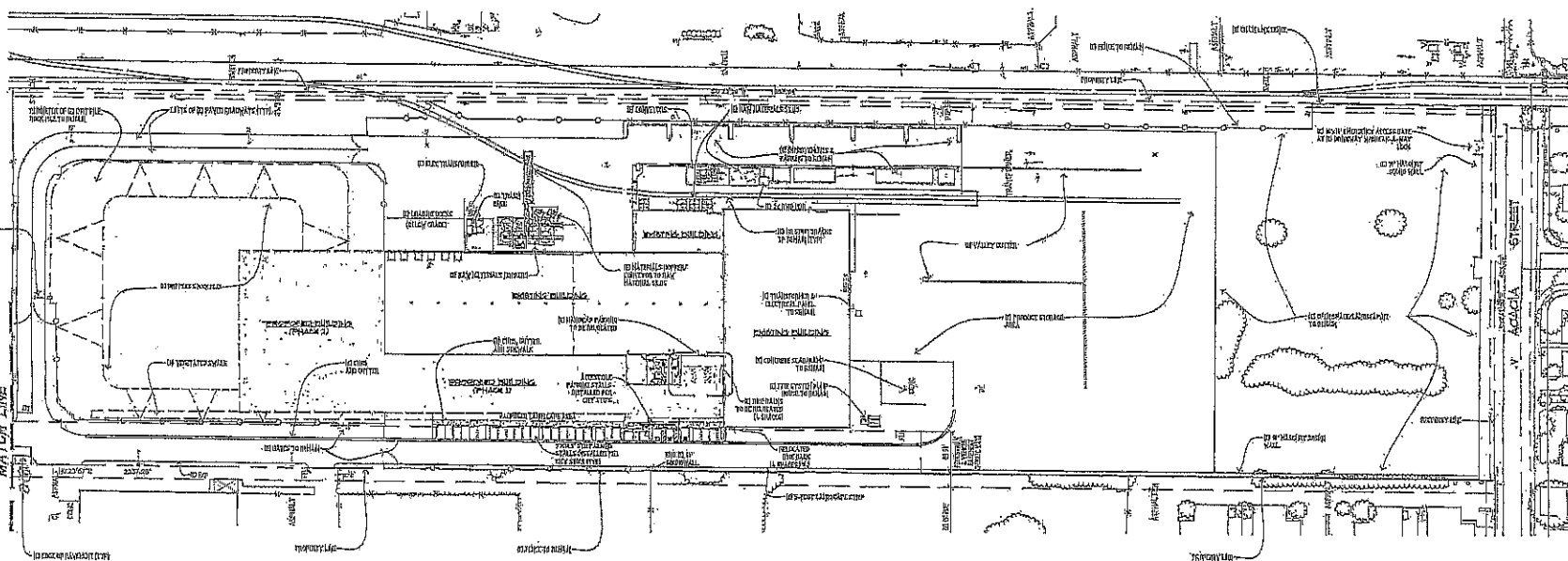


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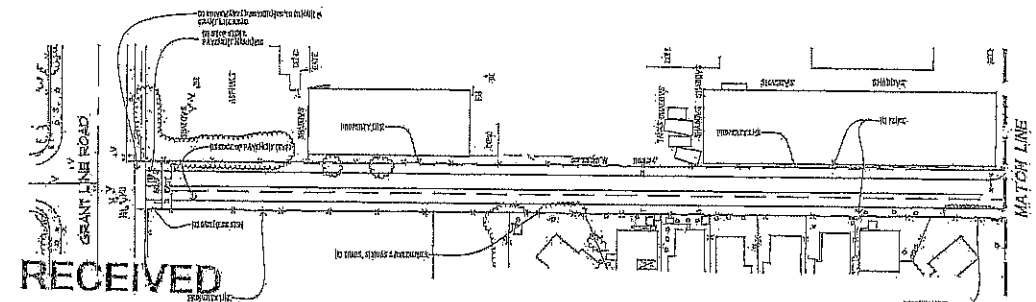
JUN 21 2017

CITY OF TRACY
DEVELOPMENT SERVICES

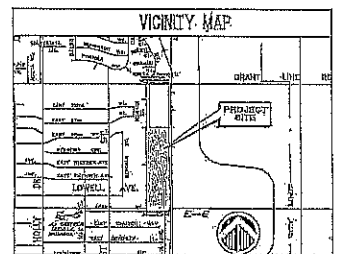


- SITE DATA**
1. ZONE: M-1 (Medium Density Residential)
 2. COORDINATE: N/A
 3. PROPERTY OWNER: [Name]
 4. ADDRESS: [Address]
 5. ADJACENT PROPERTIES: [List of adjacent properties]
 6. UTILITIES: [List of utilities and easements]
 7. THE CITY ENGINEER HAS REVIEWED THE SUBMITTALS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS FOR THE CITY OF TRACY, CALIFORNIA.
 8. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE SUBMITTALS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
 9. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE SUBMITTALS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
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NO.	DESCRIPTION	AMOUNT	TOTAL
1.	Site Plan	1,200.00	1,200.00
2.	Site Plan	1,200.00	2,400.00
3.	Site Plan	1,200.00	3,600.00
4.	Site Plan	1,200.00	4,800.00
5.	Site Plan	1,200.00	6,000.00
6.	Site Plan	1,200.00	7,200.00
7.	Site Plan	1,200.00	8,400.00
8.	Site Plan	1,200.00	9,600.00
9.	Site Plan	1,200.00	10,800.00
10.	Site Plan	1,200.00	12,000.00
11.	Site Plan	1,200.00	13,200.00
12.	Site Plan	1,200.00	14,400.00
13.	Site Plan	1,200.00	15,600.00
14.	Site Plan	1,200.00	16,800.00
15.	Site Plan	1,200.00	18,000.00
16.	Site Plan	1,200.00	19,200.00
17.	Site Plan	1,200.00	20,400.00
18.	Site Plan	1,200.00	21,600.00
19.	Site Plan	1,200.00	22,800.00
20.	Site Plan	1,200.00	24,000.00



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 JUN 21 2017
 CITY OF TRACY
 DEVELOPMENT SERVICES
 PRELIMINARY
 SITE PLAN



DATE	DESCRIPTION

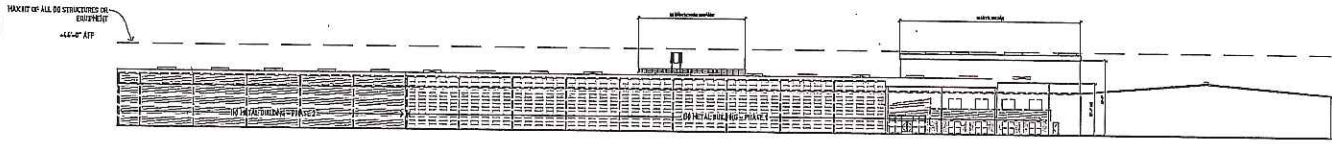
DRAWING RELEASE
 DATE: 05/30/17
 BY: [Name]
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 APPROVED BY: [Name]

CREATED BY: [Name]
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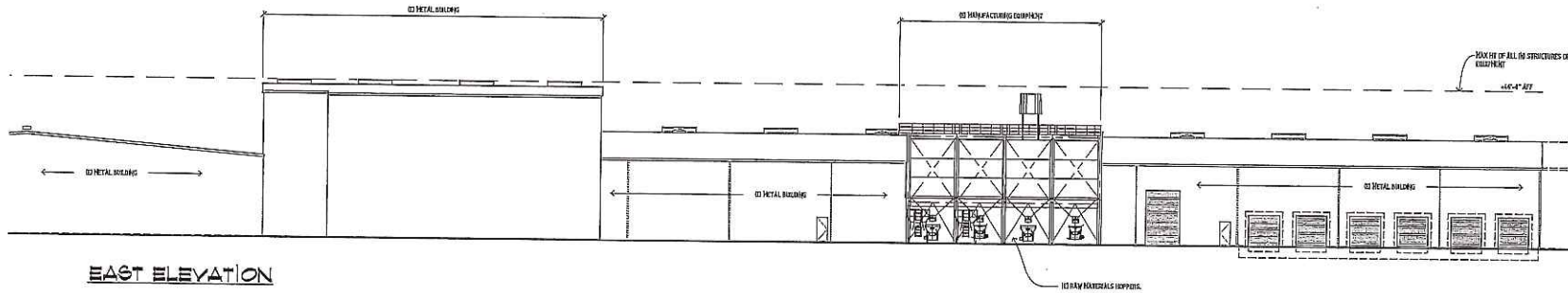
Schack & Company, Inc.
 Civil Engineering • Building Design • Surveying
 1000 E. Main Street, Suite 100 • Tracy, CA 95376
 (209) 391-1111 • www.schackandcompany.com

DATE	05/30/17
PROJECT BY	DW
CHECKED BY	RP
DWG. NO.	16.054
OF	5 SHEETS

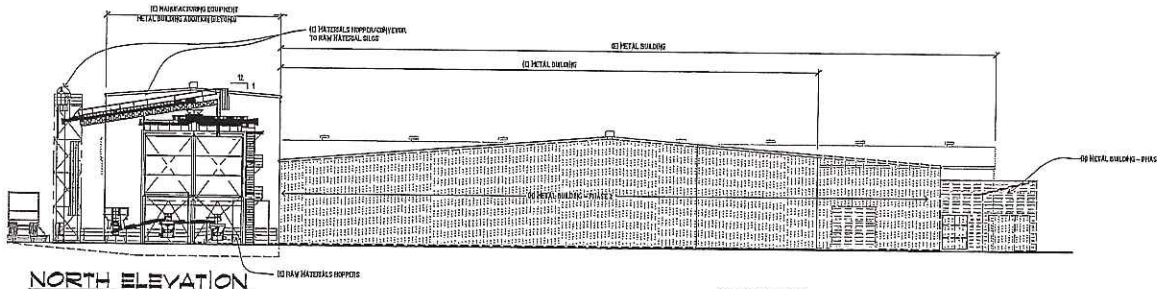




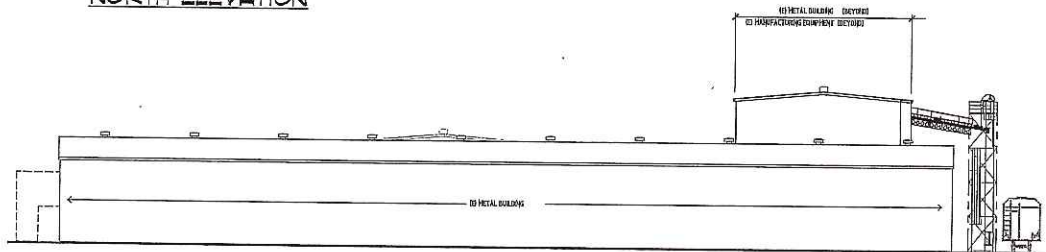
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

LEGEND	
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[Symbol]	PROPOSED EQUIPMENT

RECEIVED
 JUN 21 2017
 CITY OF TRACY
 DEVELOPMENT SERVICES

PRELIMINARY
EXTERIOR ELEVATIONS
 SCALE 1/8\"/>



DATE	REVISION	BY	DATE

DRAWING RELEASE	DATE

DEVELOPMENT PLAN NUMBER
CALSTONE
 WAREHOUSE EXPANSION
 428 & GRANT LANE ROAD, TRACY, CA

Schack & Company, Inc.
 Civil Engineering • Building Design • Surveying
 1001 4th St. • P.O. Box 20 • Tracy, CA 95376 • Tel: (209) 261-1144
 ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM Schack & Company, Inc.

DATE	05/30/17
DRAWN BY	DW
CHECKED BY	RP
JOB NO.	16.054
5	
OF	6 SHEETS



RESOLUTION 2017-_____

APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT (CUP17-0002) AND DEVELOPMENT REVIEW PERMIT (D17-0009) FOR THE CALSTONE FACILITY EXPANSION PROJECT LOCATED AT 426 E. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBERS 233-460-05 AND 07)

WHEREAS, On April 28, 2004, the Planning Commission granted conditional use permit approval for the Calstone masonry products manufacturing at 426 E. Grant Line Road (Assessor's Parcel Numbers 233-460-05 and 07), and

WHEREAS, On April 13, 2017, Conditional Use Permit (CUP17-0002) to amend the previous Conditional Use Permit and Development Review (D17-0009) applications were filed for the Calstone facility expansion project, and

WHEREAS, The project includes the construction of an approximately 52,195 square foot addition to the existing Calstone masonry products manufacturing and storage facility, and

WHEREAS, A three-year time limit of this amended Conditional Use Permit and Development Review is based on the project's scale, complexity, its two-phase schedule to correspond with gradually increasing product demand, and the need for the on-site manufacturing to remain in operation during project construction, and

WHEREAS, The project is consistent with the development density established by the General Plan for which an Environmental Impact Report was certified, and therefore, in accordance with CEQA Guidelines Section 15183, no further environmental documentation is required, and

WHEREAS, On June 28, 2017, the Planning Commission conducted a public hearing to consider the project;

NOW, THEREFORE, BE IT RESOLVED, By the Planning Commission as follows:

1. Amendment to Conditional Use Permit (Application Number CUP17-0002)

- A. 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 site has been used for various industrial manufacturing and storage operations for over 60 years. The site has City storm drainage, wastewater, and water service lines extended onto the site with capacity to serve the proposed project. The site's truck delivery and other vehicle access is from Grant Line Road, a major arterial with direct freeway access without needing to travel through City residential or commercial neighborhoods. The site is well suited for continued industrial use as it is adjacent to industrial businesses and railroad lines and has a railroad spur line onto the site connecting to Union Pacific Railroad lines.

- B. 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. The site has a General Plan designation of Industrial and is zoned Light Industrial. The industrial use and proposed expansion project are consistent with the land

uses, circulation, noise limits, and other characteristics allowed by the General Plan; and the intermediate manufacturing land use is a conditionally permitted use in the Light Industrial Zone District. The project demonstrates compliance with land use, yard areas, and other development standards of the Light Industrial Zone.

- C. 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.

All truck deliveries and other vehicles access the site from Grant Line Road, a major arterial street, and do not need to travel through residential or commercial neighborhoods to access the site. The site has a ten-foot tall masonry wall and a row of Italian Cypress trees along its west property line, adjacent to residences, to help mitigate potential effects related to noise, or light and glare. The site also has a masonry wall and approximately three acres of vacant property along its south property line to help mitigate potential effects to the residential neighborhood to the south of the site.

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

The project will comply with development standards, fire and safety code requirements, California Building Code requirements, storm water quality regulations, and all other applicable regulations of the City of Tracy.

- E. The Planning Commission approves the amendment to Conditional Use Permit Application Number CUP17-0002 subject to the conditions contained in Exhibit 1.

2. Development Review (Application Number D17-0009)

- A. The proposal is for the expansion of an industrial, masonry products manufacturing and storage operation within the City's Industrial General Plan designation and Light Industrial Zone District. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project. Development Review is required for the City's review of the architecture, site improvements, parking area, landscaping, utility connections, and other design details. The site vicinity is characterized by a Union Pacific railroad line and industrial warehouse uses to the north and east. Residential neighborhoods exist to the west and south of the site. Masonry walls and landscaping are maintained adjacent to the residential neighborhoods and all of Calstone's manufacturing operations are conducted indoors, to help reduce noise and other impacts on the nearby residential land uses.

- B. The project includes site plan and design elements consistent with City regulations and Design Goals and Standards, including landscaping, parking,

circulation, and utilities. Architecture and site design details of this proposed building expansion project are consistent with the quality of the existing building, uses colors and materials that are consistent with the existing building, and are not visible to Grant Line Road or other public right-of-way.

- C. The proposed building expansion is consistent with the land use and development standards of the Industrial designation of the General Plan and the Light Industrial Zone District, in which the site is located.
- D. The Planning Commission approves Calstone Facility Expansion Project, Development Review Application Number D16-0009, subject to the conditions contained in Exhibit 1.

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 28th day of June, 2017, 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**

**Calstone Facility Expansion Project
Application Numbers CUP17-0002 and D17-0009
Planning Commission
June 28, 2017**

These Conditions of Approval shall apply to the real property described as the Calstone Facility Expansion Project, amendment to Conditional Use Permit Application Number CUP17-0002 and Development Review Application Number D17-0009. The approximately 17.5-acre subject property is located at 426 E. Grant Line Road, Tracy (Assessor's Parcel Numbers 233-460-05 and 07).

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "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.
3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, Multi-Agency Post-Construction Stormwater Standards Manual, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the Calstone Facility Expansion Project, Conditional Use Permit Application Number CUP17-0002 and Development Review Application Number D17-0009.
5. "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.
6. "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.

B. General Conditions of Approval:

1. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

2. 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.
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.
4. Except as otherwise modified by these Conditions of Approval, all construction shall be consistent with the plans received by the Development Services Department (Sheets 1 through 6) on June 21, 2017.
5. 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, and the City's Design Goals and Standards, to the satisfaction of the Development Services Director, and consistent with the applicable Department of Water Resources 2015 Model Efficient Landscape Ordinance on private property and Tracy Municipal Code Chapter 11.28 to the satisfaction of the Utilities Director; and the applicant shall prepare and submit an electronic MWELO Project Information Sheet to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the new parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons. Root barriers (two-feet deep by eight feet long) shall be installed along all buildings or edge of planter where a tree is within ten feet of building or edge of planter.
6. 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.
7. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or direct spray of light onto adjacent residential property, to the satisfaction of the Development Services Director.
8. Prior to the issuance of a building permit, the developer shall document compliance with Tracy Municipal Code Chapter 11.34 and the City of Tracy Multi-Agency Post-Construction Stormwater Standards Manual (Manual) to the satisfaction of the Utilities

Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.

9. The project shall comply with all applicable provisions of the San Joaquin County Multi- Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
10. No masonry product or other on-site, manufacturing operations may be conducted outdoors except storage, loading, or display of products, merchandise, or equipment, or conveying materials into or out of silos or hoppers.
11. The amendment to Conditional Use Permit and Development Review Permit of this development application shall lapse three years after they become effective, unless the applicant applies for and receives an extension in accordance with Tracy Municipal Code Sections 10.08.4360 for the Conditional Use Permit and Section 10.08.4080 for the Development Review Permit.
12. All on-site construction activity associated with development of this Calstone Facility Expansion Project shall be limited to daylight hours or 7:00 a.m. to 7:00 p.m.

C. Engineering Division Conditions of Approval

Contact:	Al Gali	(209) 831-6436	al.gali@cityoftracy.org
	Cris Mina, P.E.	(209) 831-6425	cris.mina@cityoftracy.org

C.1. General Conditions

C.1.0. Definitions:

Calstone Holdings, LLC and its successors (Developer)

Calstone Warehouse Expansion (Project)

C.1.1. Developer shall comply with the requirements and pay applicable Development Impact Fees per the Infill Finance Implementation Plan as approved by the City Council and all updates.

C.1.2. The following conditions are based upon the following assumptions:

C.1.2.1 The Project is not adjacent to the City's right-of-way on Grant Line Road.

- C.1.2.2 Water and Sewer lines for the Project's permanent connections are available and will be extended from the existing building to the building expansion.
- C.1.2.3 The Developer will dedicate all necessary easements for access and utility(s) that will serve the Project.

C.2. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geo-technical Engineer. No applications for grading permits within the Project boundaries will be accepted by the City as complete until the Developer provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.2.1. The Developer has completed all requirements set forth in this section.
- C.2.2. The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.2.3. On-site Grading and Drainage Plans (G&D Plans) shall be prepared in accordance with the City's Subdivision Ordinance (TMC Chapter 12.36) and Design Documents as defined by TMC Title 12, and these Conditions of Approval. The G&D Plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.2.3.1. G&D Plans shall be on the City's 24-inch x 36-inch title block printed on 4-millimeter thick polyester film (mylar) and be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, and signed by the Project's Registered Geo-technical Engineer.
 - C.2.3.2. All supporting hydrology, storm drainage, and engineering calculations for the sizing of the on-site storm drainage system, materials information or technical specifications, construction cost estimate, and technical reports related to the design of streets and storm drain improvements.
 - C.2.3.3. The Project's on-site drainage connection(s) to the City's storm drainage system to be approved by the City Engineer.
 - C.2.3.4. All existing and proposed storm drain lines including the size and location of the pipes.
 - C.2.3.5. Storm drainage release point is a location at the boundary of the Project adjacent private property where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall

be designed such that the Project's storm drainage overland release point will be directly to an adjacent private property with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

- C.2.3.6. The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the G&D Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2008 and any subsequent amendments.
- C.2.3.7. An Erosion Control Plan shall be part of the G&D Plans and the Best Management Plan to be implemented shall be in accordance with the General Construction Permit and other County or City adopted storm water pollution prevention ordinance(s). The Erosion Control Plan shall be approved by the City Engineer. G&D Plans shall specify all erosion control methods to be employed and materials to be used during and after the construction. All grading work not completed before October 15 may be subject to additional requirements as applicable.
- C.2.4. Three (3) copies of the Project's Geo-technical /Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable). The Geo-technical /Soils Report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, and others including the highest observed ground water elevation.
- C.2.5. Three (3) copies of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#). After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by State Water Quality Control Board (SWQCB), and shall provide the City, a copy of the completed NOT. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. The Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices, and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).
- C.2.6. Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.

- C.2.7. Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).
 - C.2.8. Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from the San Joaquin Valley Air Pollution Control District (SJVAPCD).
 - C.2.9. Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch with the approved title, printed on 4-millimeter thick polyester film (mylar), and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10 feet wide Public Utility Easement, if present, or to be installed to serve the Project and/ or the adjacent property(s).
 - C.2.10. 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.2.11. Erosion control measures shall be implemented in accordance with the G&D Plans approved by the City Engineer.
- C.3. 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.3.1. The Developer has completed all requirements set forth in Condition C.1, and C.2 above.
 - C.3.2. Payment of the Development Impact Fees that are applicable as required by these Conditions of Approval and City Regulations.
 - C.3.3. Payment of San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees, as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.
 - C.3.4. Copy of recorded easement(s) as required in Condition C.1.2.3 and C.2.9, above.

C.4 Final Building Inspection

No final building inspection will be performed by the City until after the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

- C.4.1. The Developer has completed all requirements set forth in this section, and Conditions C.1, C.2, and C.3 above.
- C.4.2. The Developer has completed construction of all facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take all actions necessary to construct all facilities required to serve the Project, and the Developer shall bear all costs related to construction of the facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.4.3. The Developer has installed the required water meters and has coordinated with the Public Works Department and/or Finance Department to initiate service and billing, respectively.

C.5. Special Conditions

The Developer shall comply with the following requirements to the satisfaction of the City Engineer.

- C.5.1. The Developer shall obtain written authorization to entry adjacent parcels to construct the proposed improvements.
- C.5.2. 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 improvement plans, prior to the City Engineer's signature on the 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.

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR AN OUTDOOR ASSEMBLY AREA LOCATED AT 1885 N. MACARTHUR DRIVE – APPLICANT IS MICHAEL LACROSS AND THE PROPERTY OWNER IS LACROSS CAPITAL MANAGEMENT, LLC – APPLICATION NUMBER CUP17-0003

DISCUSSION

Project Description and Land Use Analysis

The project site is located at 1885 N. MacArthur Drive (Attachment A: Location Map). The project consists of establishing and operating an outdoor assembly area for Morgan Territory Brewing. The outdoor assembly area is intended to complement the brewery's tasting room. The outdoor assembly area would total approximately 3,000 square feet and include approximately 9 tables, games area, and live music. The perimeter of the outdoor assembly area would be enclosed by an approximately 3-foot high wrought iron guard rail (Attachment B: Site Plan and Elevations).

The hours of operation for the outdoor assembly area would be the same as the tasting room, which are generally from 2:00 p.m. to 9:00 p.m. on Wednesday through Friday, 12:00 p.m. to 9:00 p.m. on Saturday and Sunday, and closed on Monday and Tuesday. The anticipated number of customers is approximately 25 to 50 on a typical day and up to 100 to 150 when live music is present. The business owner stated that live music would likely occur somewhere between one to four times per month, and be limited to the good weather seasons.

This site is located within the Industrial Areas Specific Plan area and is designated General Industrial. The brewery is a permitted use in the General Industrial area. The tasting room is permitted as an accessory use to the brewery. A Conditional Use Permit is required for places of assembly, such as the proposed outdoor assembly area.

The site is a part of an industrial park, which has a shared common parking area that serves four buildings. The amount of parking area is more than sufficient for the entire industrial park, including the proposed outdoor assembly area for Morgan Territory Brewing.

The proposed outdoor assembly area, as conditioned, would be compatible with the surrounding uses and would not impose undesirable impacts on nearby properties because the surrounding area is industrial and most of the neighboring businesses do not operate during the busiest times for the tasting room and outdoor assembly area. Additionally, the area is contained, fenced, and located directly adjacent to the building entry, thereby reducing potential conflicts with vehicle circulation.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15332, which pertains to certain in-fill development projects. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit application for an outdoor assembly area located at 1885 N. MacArthur Drive, subject to the conditions as stated in the Planning Commission Resolution dated June 28, 2017 (Attachment C).

MOTION

Move that the Planning Commission approve the Conditional Use Permit application for an outdoor assembly area located at 1885 N. MacArthur Drive, subject to the conditions as stated in the Planning Commission Resolution dated June 28, 2017.

Prepared by: Scott Claar, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

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



LOCATION MAP

RESOLUTION 2017-_____

PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION
FOR AN OUTDOOR ASSEMBLY AREA LOCATED AT 1885 N. MACARTHUR DRIVE –
APPLICANT IS MICHAEL LACROSS AND THE PROPERTY OWNER IS LACROSS CAPITAL
MANAGEMENT LLC - APPLICATION NUMBER CUP17-0003

WHEREAS, Michael LaCross submitted an application on April 11, 2017, for a Conditional Use Permit to allow an outdoor assembly area for Morgan Territory Brewing, which would include seating, games, and live music, located at 1885 N. MacArthur Drive, and

WHEREAS, The subject property is designated General Industrial by the Industrial Areas Specific Plan, and

WHEREAS, A Conditional Use Permit is required for places of assembly, such as the proposed outdoor assembly area, 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 outdoor assembly area is compatible with the surrounding uses, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) requirements under CEQA Guidelines Section 15332, which pertains to certain infill development projects, and

WHEREAS, The Planning Commission held a public meeting to review and consider Conditional Use Permit Application Number CUP17-0003 on June 28, 2017;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve a Conditional Use Permit to allow an outdoor assembly area located at 1885 N. MacArthur Drive, Application Number CUP17-0003, 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 outdoor assembly area, as conditioned, will be compatible with adjacent uses and is allowed in the General Industrial land use designation in the Industrial Areas Specific Plan 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 surrounding area is industrial and most of the neighboring businesses do not operate during the busiest times for the outdoor assembly area, and the proposed outdoor assembly area will comply with the City of Tracy General Plan, Industrial Areas Specific Plan, and requirements of the Tracy Municipal Code. Additionally, the area is contained, fenced, and located directly adjacent to the building entry, thereby reducing potential conflicts with vehicle circulation.

- 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 Industrial Areas Specific Plan, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 28th day of June 2017, 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
Outdoor Assembly Area for Morgan Territory Brewing
1885 N. MacArthur Drive
Application Number CUP17-0003
June 28, 2017

A. General Provisions and Definitions.

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

The Project: An outdoor assembly area for Morgan Territory Brewing (Application Number CUP17-0003)

The Property: 1885 N. MacArthur Drive, Assessor's Parcel Number 250-270-34

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 Industrial Areas 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 CUP17-0003. 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 Industrial Areas 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

- B.1. The project shall be developed and operated in substantial conformance with the site plan and elevation received by the Development Services Department on June 5, 2017, to the satisfaction of the Development Services Director.
- B.2. The use of the outdoor assembly area shall consist of seating and standing areas for drinking beer, games, and live music.
- B.3. Amplification of sound. All audio projections shall comply with Noise Control requirements contained in Article 9 Section 4.12 of the Tracy Municipal Code.
- B.4. The applicant shall comply with all requirements of the California State Building Code and Fire Code, to the satisfaction of the Chief Building/Fire Code Official.

C. Police Department Conditions

- C.1. Licensing requirements. The project shall abide by all licensing requirements of the State of California Department of Alcoholic Beverage Control (ABC).

C.2. Security guards.

C.2.1. The applicant shall provide security any time entertainment, such as live music or games, is provided. The security shall be provided at a rate of one dedicated employee for every 100 patrons.

C.2.2. Security staff shall not consume any alcohol while on the premises.

C.2.3. Security shall not be provided by persons performing dual roles, such as bartending, bussing, waiting, hosting, or other roles other than security.

AGENDA ITEM 1-C

REQUEST

PUBLIC HEARING TO CONSIDER AN ORDINANCE ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE – CITY INITIATED – APPLICATION NUMBER ZA17-0005

DISCUSSION

This agenda item is a part of a broader code enforcement effort to help beautify and enhance the image of the City. On September 6, 2016, City Council directed staff to return with language to amend and add sections to the Tracy Municipal Code relating to a variety of property maintenance issues. On April 4, 2017, City Council had a discussion item to clarify their direction regarding front yard paving and parking on unpaved surfaces. At the April 4th meeting, City Council directed staff to bring forth a draft ordinance for review and consideration by Planning Commission and City Council that would (1) amend Tracy Municipal Code Section 10.08.3530 to state that it shall be unlawful to park on any unpaved surface and (2) propose new regulations that would restrict the amount of paving in front yards on residential property, in order to address concerns of visual blight and deteriorated neighborhood aesthetics.

As part of the April 4th City Council meeting, there were public comments both in favor and opposed to potential new regulations that might restrict paving on residential property. In particular, several members of the public expressed opposition to any new regulations that would restrict their ability to pave portions of their front yard for accessing their side yards. These concerns were taken into consideration when staff prepared the draft ordinance.

Staff examined front yard paving regulations of nearby cities. In general terms, several of the nearby cities restrict paving to approximately 50% of the front yard, including Livermore, Brentwood, Stockton, San Jose, and Turlock, with some minor variations in the details of each ordinance.

Staff also looked at many existing residential lots in Tracy to assess how front yard paving regulations would impact Tracy homeowners. Staff found that in certain cases, such as side entry garages, three car garages, and garages that are setback more than 10 feet from the front façade of the house, the driveway alone could potentially exceed 50% paving in the front yard, depending on the size and shape of the lot, and the design and setbacks of the house.

The proposed draft ordinance addresses these potential concerns by excluding the driveway from the calculations for the front yard area. The draft ordinance states that no more than 50% of the front yard may be paved, but the area of the driveway is excluded from the calculation. By using this approach, the various driveway types will not be in

conflict with the ordinance. Additionally, by allowing up to 50% of the remaining front yard to be paved, there would be opportunity for people to pave portions of the front yard, such as for driveway extensions and accessing side yards. However, paving the entire front yard would not be allowed. With this draft ordinance a certain amount of the front yard would be preserved as non-paved area, which would vary in size depending on the size and shape of the lot, the design and setback of the house, and the size of the driveway.

The draft ordinance also proposes to amend Subsection (a) of Section 10.08.3530 of the Tracy Municipal Code to add a statement that it shall be unlawful to park or drive upon any unpaved surface. This statement would be added to the existing language, which already states that every parking area used or intended to be used as a public or private parking area shall be paved with a surfacing material in compliance with City of Tracy Standards.

The complete draft ordinance is included in Attachment B, Exhibit 1. Here are the relevant details:

A new Section 10.08.3225, Front yard paving, would be added to Title 10 (Planning and Zoning) of the Tracy Municipal Code to read as follows:

“10.08.3225 Front yard paving.

On residential property, no more than 50 percent of the front yard may be paved.

For the purposes of this section, the following definitions shall apply:

“Front yard” means the total area, extending across the full width of the lot, between the front façade of a dwelling and the front lot line, excluding the driveway.

“Driveway” means a paved area providing the shortest direct route, at the minimum width necessary, between a public right-of-way driveway approach and the vehicular entrance to a garage or carport.

“Paving” shall mean any permanent hard surface, such as asphalt, concrete, pavers, bricks, or other masonry.”

Subsection (a) of Section 10.08.3530, Required improvements and maintenance of parking areas, of Title 10 (Planning and Zoning) of the Tracy Municipal Code would be amended to read as follows:

“10.08.3530 Required improvements and maintenance of parking areas.

(a) It shall be unlawful to park or drive upon any unpaved surface. Every parking area used or intended to be used as a public or private parking area shall be paved with a surfacing material in compliance with City of Tracy Standards.”

Environmental Document

The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that Planning Commission recommend that City Council adopt an ordinance adding a new section 10.08.3225 and amending section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface, as stated in the Planning Commission Resolution dated June 28, 2017 (Attachment A: Planning Commission Resolution).

MOTION

Move that the Planning Commission recommend that City Council adopt an ordinance adding a new section 10.08.3225 and amending section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface, as stated in the Planning Commission Resolution dated June 28, 2017.

Prepared by: Scott Claar, Senior Planner
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENT

A – Planning Commission Resolution

RESOLUTION 2017-_____

PLANNING COMMISSION RECOMMENDATION THAT CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE APPLICATION NUMBER ZA17-0005

WHEREAS, The City Council wishes to restrict front yard paving on residential property and prohibit parking on any unpaved surface, in order to address concerns of visual blight and deteriorated neighborhood aesthetics, and

WHEREAS, The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment [CEQA Guidelines, 14 California Code of Regulations, §15061(b)], and

WHEREAS, The Planning Commission held a duly noticed public hearing on June 28, 2017 to consider the draft ordinance;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission recommends the City Council introduce and adopt an ordinance adding a new Section 10.08.3225 and amending Section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface, as shown in attached Exhibit 1.

The foregoing Resolution _____ was adopted by the Planning Commission on the 28th day of June 2017, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE

WHEREAS, The City Council wishes to restrict front yard paving on residential property and prohibit parking on any unpaved surface, in order to address concerns of visual blight and deteriorated neighborhood aesthetics, and

WHEREAS, The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment [CEQA Guidelines, 14 California Code of Regulations, §15061(b)], and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on June 28, 2017 and recommended that City Council _____, and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on _____.

The Tracy City Council hereby ordains as follows:

SECTION 1. A new Section 10.08.3225, Front yard paving, is added to Title 10 (Planning and Zoning) of the Tracy Municipal Code to read as follows:

“10.08.3225 Front yard paving.

On residential property, no more than 50 percent of the front yard may be paved.

For the purposes of this section, the following definitions shall apply:

“Front yard” means the total area, extending across the full width of the lot, between the front façade of a dwelling and the front lot line, excluding the driveway.

“Driveway” means a paved area providing the shortest direct route, at the minimum width necessary, between a public right-of-way driveway approach and the vehicular entrance to a garage or carport.

“Paving” shall mean any permanent hard surface, such as asphalt, concrete, pavers, bricks, or other masonry.”

SECTION 2. Subsection (a) of Section 10.08.3530, Required improvements and maintenance of parking areas, of Title 10 (Planning and Zoning) of the Tracy Municipal Code is amended to read as follows:

“10.08.3530 Required improvements and maintenance of parking areas.

(a) It shall be unlawful to park or drive upon any unpaved surface. Every parking area used or intended to be used as a public or private parking area shall be paved with a surfacing material in compliance with City of Tracy Standards.”

SECTION 3. This Ordinance takes effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of

general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2017, and finally adopted on the _____ day of _____, 2017, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk