

## 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, July 12, 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 - 6/28/17

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 CONSIDER APPROVING AN ORDINANCE AMENDING THE I-205 CORRIDOR SPECIFIC PLAN TO CREATE A NEW LAND USE DESIGNATION OF GENERAL COMMERCIAL 2 AND CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO GENERAL COMMERCIAL 2 FOR THE PROPERTY LOCATED AT 1005 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-40. THE APPLICANT AND PROPERTY OWNER IS 51 NEWCO, LLC. APPLICATION NUMBER SPA17-0004

#### 2. ITEMS FROM THE AUDIENCE

#### 3. DIRECTOR'S REPORT

#### 4. ITEMS FROM THE COMMISSION

## 5. ADJOURNMENT

Posted: July 6, 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**  
**June 28, 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, and Commissioners Hudson and Tanner present, Commissioner Krogh absent. Also present were: Bill Dean, Assistant Development Services Director; Leticia Ramirez, Assistant City Attorney; Alan Bell, Senior Planner; Scott Claar, Senior Planner; and Peggy Abundiz, Recording Secretary.

**MINUTES**

It was moved by Commissioner Tanner, and seconded by Commissioner Hudson, that the Minutes of the following meeting dates be approved:

- April 27, 2016
- May 11, 2016
- May 25, 2016
- June 8, 2016
- July 13, 2016
- July 27, 2016
- May 24, 2017

Voice vote found all in favor; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Bill Dean advised the Commission that all meeting Minutes to date have been completed, and that there is a new program in place to ensure staff stays current on future meeting Minutes. He thanked the Commission for their patience relative to this matter, and welcomed the son of Scott Claar, who joined his father at the dais for this meeting.

**ITEMS FROM THE AUDIENCE**

None.

**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

Alan Bell presented the staff report and addressed questions from the Commission.

Chair Orcutt opened the public hearing. Rich Paulson of Schack and Company spoke and addressed questions from the Commission, as did Matt Morey of Calstone Holdings, LLC. The Public Hearing was closed.

**ACTION**

It was moved by Commissioner Tanner, and seconded by Vice Chair Sangha, that the Planning Commission approve the amendment to Conditional Use Permit Application Number CUP17-0002 and Development Review Permit Application Number D17-0009 for the Calstone expansion project, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated June 28, 2017. A voice vote found all Commissioners present in favor; passed and so ordered.

- 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

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

Chair Orcutt opened the public hearing. Michael LaCross of Morgan Territory Brewing spoke and addressed questions from the Commission. The Public Hearing was closed.

**ACTION**

It was moved by Commissioner Tanner, and seconded by Commissioner Hudson, that the Planning Commission approve Conditional Use Permit Application Number CUP17-0003 for an outdoor assembly area located at 1885 North MacArthur Drive, subject to the conditions as stated in the Planning Commission Resolution dated June 28, 2017. A voice vote found all Commissioners present in favor; passed and so ordered.

- 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

Scott Claar presented the staff report, provided a PowerPoint presentation, and, along with Bill Dean, addressed questions from the Commission.

Chair Orcutt opened the public hearing. Elliot McAvoy, a Tracy resident, asked questions which were addressed by the Commission. The public hearing was closed.

**ACTION** It was moved by Commissioner Hudson, and seconded by Vice Chair Sangha, that the Planning Commission recommend the 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, and as amended to delete reference to prohibition of driving upon any unpaved surface. A roll call vote found all Commissioners present in favor; passed and so ordered.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

Bill Dean announced that tomorrow night, from 5:30 to 8:00 p.m. in the Council Chambers, Ace Forward will conduct an open meeting for public comment on the Environmental Impact Report (currently out for review) on its upgrade/expansion project, and that Ace Forward personnel will be present at the meeting to answer questions.

Bill Dean reminded the Commissioners of the upcoming Planning Conference in September, encouraged all to attend, and instructed them to contact staff member Gina Peace if interested.

**4. ITEMS FROM THE COMMISSION**

None.

**5. ADJOURNMENT**

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

Time: 8:06 p.m.

---

CHAIR

---

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

**PUBLIC HEARING TO CONSIDER APPROVING AN ORDINANCE AMENDING THE I-205 CORRIDOR SPECIFIC PLAN TO CREATE A NEW LAND USE DESIGNATION OF GENERAL COMMERCIAL 2 AND CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO GENERAL COMMERCIAL 2 FOR THE PROPERTY LOCATED AT 1005 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-40. THE APPLICANT AND PROPERTY OWNER IS 51 NEWCO, LLC. APPLICATION NUMBER SPA17-0004**

DISCUSSION

The Northgate Village Shopping Center (formerly Tracy Outlets), located at 1005 E. Pescadero Avenue, was originally developed as a retail outlet mall. Since that time, the center has had to compete with other outlet malls in the region and other retail centers in Tracy. For the past several years, the center has struggled to attract viable tenants and has suffered with a high percentage of vacant space. Due to this, the current owner has been attempting to rebrand the center. As part of this rebranding effort, the owner has reached out to the City to request a broader range of permitted land uses for the site.

The subject property is designated General Commercial by the I-205 Corridor Specific Plan. The property owner has proposed an amendment to the I-205 Corridor Specific Plan to create a new land use designation of General Commercial 2 (Attachment A: Proposed Amendment to Land Use Designations). The proposed General Commercial 2 designation would permit places of assembly and recreational uses without requiring a Conditional Use Permit, as is needed with the General Commercial designation. General Commercial 2 would also permit business services and conditionally permit outdoor cooking, both of which are not permitted in General Commercial. Additionally, General Commercial 2 would retain land uses permitted in General Commercial, such as retail, restaurants, offices, personal services, lodging, day care centers, and schools (Attachment B: Proposed Amendment to Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses). Eating and/or drinking establishments that serve alcohol and provide entertainment after 11:00 p.m. (e.g., nightclubs) would still require a Conditional Use Permit.

As stated above, the proposed amendment includes changing the land use designation from General Commercial to General Commercial 2 for the Northgate Village Shopping Center (Attachment C: Proposed Amendment to Figure 3.1d, Land Use Plan). The subject property consists of approximately 20.45 acres and contains an existing building of approximately 165,330 square feet, and also includes approximately three acres of vacant land in the northeast corner of the parcel. The adjacent vacant parcel to the east (approximately 18 acres designated General Commercial) is not part of this application.

Over the past couple of years, the Planning Commission has approved four Conditional Use Permits at this site, including La Huacana nightclub, Venu sports bar/restaurant (which was revoked), Nirvaana banquet hall, and Knight Life fencing / martial arts. The applicant is proposing this Specific Plan Amendment in order to broaden the range of

permitted uses and decrease the requirement for Conditional Use Permits for various land uses.

Conditional Use Permits are required when certain land uses may contain various characteristics that suggest site by site analysis and special conditions are necessary to avoid conflicts and undesirable impacts on adjacent or nearby properties, such as undesirable noise, light, traffic and parking impacts.

The General Plan land use designation for the subject property is Commercial. The proposed Specific Plan designation of General Commercial 2 is consistent with the General Plan designation of Commercial. The subject property includes a parking area with approximately 960 spaces, which is a surplus of approximately 285 parking spaces above the minimum requirements. The parking area is primarily located in the center of the site, with the building along the north, west, and south edges of the property (Attachment D: Existing Site Plan). Given the ample supply of parking and the design of the site, the proposed uses permitted for General Commercial 2 would be compatible with this site and would not impose undesirable impacts on neighboring properties, except as noted below regarding outdoor cooking.

Outdoor cooking is not permitted in other commercial zones of the City, due to requirements that uses be conducted wholly within a building. Outdoor cooking is potentially a problematic issue that has not yet been fully analyzed by staff. Without having investigated how other cities address this topic and considering potential impacts and best practices, Staff is not ready to recommend approval of outdoor cooking as part of this proposed amendment. Staff believes that more review is necessary, and that the approach by the City should be to address this topic on a City-wide basis.

#### Environmental Document

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, which pertains to consistency with the General Plan. The project is consistent with the Environmental Impact Report (EIR) prepared for the Tracy General Plan, adopted February 1, 2011, and does not propose more intensive uses than were analyzed under the EIR because the General Plan land use designation for the site is remaining Commercial and the proposed amendment to the I-205 Corridor Specific Plan is consistent with the Commercial designation. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is necessary.

#### RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council introduce and adopt an ordinance to amend the I-205 Corridor Specific Plan to create a new land use designation of General Commercial 2, excluding outdoor cooking, and change the land use designation from General Commercial to General Commercial 2 for the property located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number SPA17-0004, as stated in the Planning Commission Resolution dated July 12, 2017 (Attachment E: Planning Commission Resolution).

MOTION

Move that the Planning Commission recommend the City Council introduce and adopt an ordinance to amend the I-205 Corridor Specific Plan to create a new land use designation of General Commercial 2, excluding outdoor cooking, and change the land use designation from General Commercial to General Commercial 2 for the property located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number SPA17-0004, as stated in the Planning Commission Resolution dated July 12, 2017.

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

ATTACHMENTS

- A: Proposed Amendment to Land Use Designations
- B: Proposed Amendment to Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses
- C: Proposed Amendment to Figure 3.1d, Land Use Plan
- D: Existing Site Plan
- E: Planning Commission Resolution



## LAND USE DESIGNATIONS

**Commercial Center (CC)** – This category provides a large, specific site at a location appropriate for a major shopping center drawing trade from the surrounding region. The purpose of this designation is to provide a competitive, appropriately serviced site thereby encouraging its early development.

**General Commercial (GC)** – An all purpose zone suitable for most retail commercial uses. Provides for a broad variety of uses that are approximately located on major thoroughfares. Patrons are encouraged to park once and visit several establishments. Coordinated parking will be provided. Examples would include apparel stores, drug stores, record stores and catalog stores.

**General Commercial 2 (GC2)** – This category is intended for certain, large commercial sites of 20+ acres with ample space for parking and close proximity to major thoroughfares. GC2 expands on the range of uses principally permitted by General Commercial (GC) to also include places of assembly, recreational uses, and business services.

**Service Commercial (SC)** – Appropriate locations for fewer attractive, yet valuable, commercial uses. Sites for businesses typically requiring relatively large areas with off street parking that may not be visually compatible with uses found in the General Commercial district. Sites attract and require provisions for little pedestrian traffic. Service Commercial establishments would include rug-cleaning establishments, glass replacement shops, plumbing shops and tire sales stores.

**Freeway Commercial (FC)** – Providing sites for uses specifically associated with travel on the Interstate highway. Examples would include lodging, gas station and restaurant sites.

**Light Industrial (LI)** – A suitable category for business parks and warehouse uses. Also, a zone for light manufacturing uses not generating large quantities of wastes or requiring rail access.

**General Commercial Reserve (GCR)** – Land that may be appropriate for a General Commercial designation at some future date. At this time the land retains agricultural zoning.

**Low Density Residential (LDR)** – Residential land appropriate for development at a density up to 4.6 dwelling units per gross acre. Lot sizes range from 17,000 to 5,600 square feet.

**Medium Density Residential (MDR)** – Lands suitable for development as a density up to 6.1 or 8.0 dwelling units per gross acre depending on the designation applied. Lots sized from 5,600 to 3,000 net square feet. Included in this zone would be detached homes, duplexes, patio homes, zero-lot-line houses and clustered, attached housing.

**High Density Residential (HDR)** – Residential lands with attached housing ranging in density up to 25 units per gross acre with minimum lots from 2,900 to 1,740 square feet in size. These would include townhouses, condominiums and apartments.

**Park / School / Open Space (PS)** – Lands set aside for dedication or acquisition as public park, school or open space site.

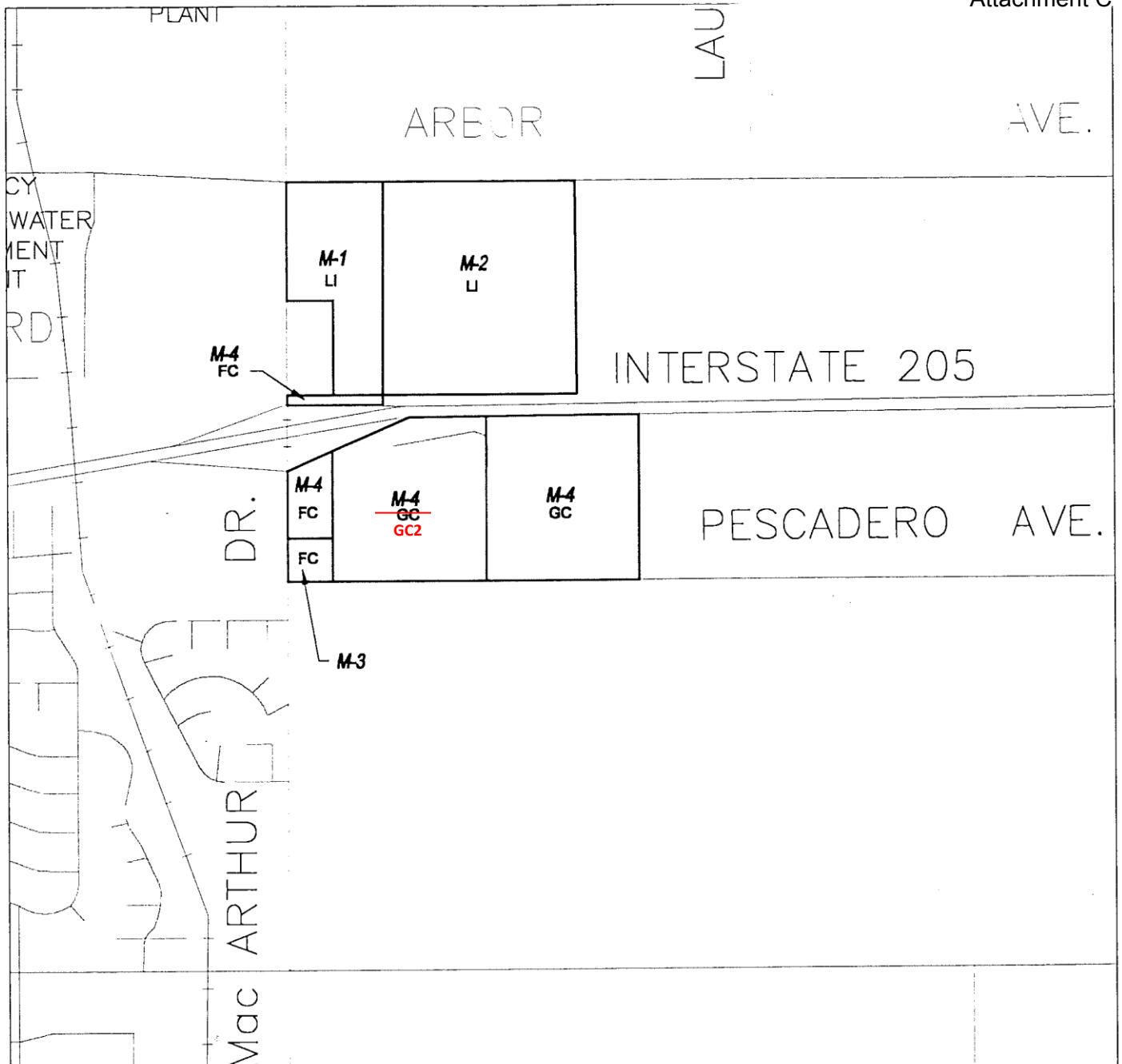
TABLE A-2

PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES<sup>1</sup>

	CC	GC	SC	FC	LI	GC2
Business Services e.g., reproduction, delivery, repair services			P		C	P
Day Care Centers e.g., community care facilities	P	P	P		C	P
Eating and/or drinking establishments (with or without entertainment <sup>2</sup> ), without serving alcohol and providing entertainment <sup>2</sup> after 11:00 p.m.	P	P	P	P		P
Eating and/or drinking establishments that serve alcohol and provide entertainment <sup>2</sup> after 11:00 p.m.	C	C	C	C		C
Equipment Rental and Sales			P		C	
Gas & Service Stations	C	C	C	P	C	C
Hydrocarbon Resource Extraction	C	C	C	C	C	C
Lodging e.g., hotels, motels	C	P		P		P
Manufacturing & Processing			C		P	
Mini Storage			P		P	
Offices e.g., Medical, dental, business, professional, banks, financial services	P	P	P	C	C	P
Outdoor Cooking or Food Preparation e.g., barbecues						C
Outdoor Sales or Display of Merchandise e.g., lumber yards, nurseries, etc.		C	C		C	C
Park & Ride or Off-site Parking Facilities	C	C	C	C	C	C
Personal Services e.g., nail, hair, tanning salons	P	P				P
Places of Assembly e.g., places of worship, private clubs and related uses	C	C	C		C	P
Public Street & Utilities	P	P	P	P	P	P
Recreational Uses e.g., miniature golf, bowling alley, instructional or educational performing arts, gymnastics, etc.	P	C	P			P
Residential Uses	See Table A-1					
Retail and Consumer Services e.g., building materials and hardware stores, garden center, clothing and shoe stores, department stores, drug stores and grocery stores	P	P	P			P
Schools e.g., public, private, trade, vocational, etc.	C	P	C		C	P
Temporary Uses as Permitted in TMC Sec. 10.08.4240	TUP	TUP	TUP	TUP	TUP	TUP
Vehicle Sales, Service, & Rental		C	C			C
Warehouse & Distribution			C		P	

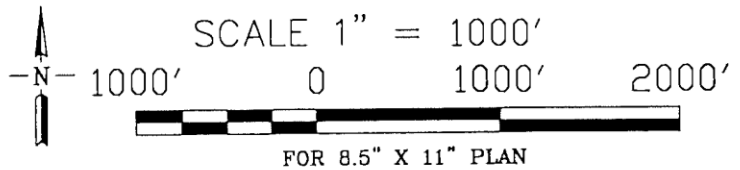
## Notes:

1. Accessory uses shall be allowed as provided in the Tracy Municipal Code.
2. "Entertainment" means such uses as live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances.



**LEGEND**

- SC: SERVICE COMMERCIAL
- GC: GENERAL COMMERCIAL
- GC2: GENERAL COMMERCIAL 2
- FC: FREEWAY COMMERCIAL
- CC: COMMERCIAL CENTER
- FI: FREEWAY INTERCHANGE
- LI: LIGHT INDUSTRIAL
- HDR: HIGH DENSITY RESIDENTIAL
- SFDU: SINGLE FAMILY DWELLING UNIT



JOB NUMBER: COT012	<b>LAND USE PLAN</b> Mac ARTHUR PLANNING AREA I-205 CORRIDOR SPECIFIC PLAN AMENDMENT CITY OF TRACY CALIFORNIA	 <p><b>Ruark</b> and Associates Consulting Engineers 2000 Canyon Dr., Suite 100 San Ramon, CA 94583 925-734-7000</p>	<b>FIGURE</b> 3.1d
-----------------------	---	--	-----------------------

RESOLUTION 2017-\_\_\_\_\_

RECOMMENDING THAT CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE TO AMEND THE I-205 CORRIDOR SPECIFIC PLAN TO CREATE A NEW LAND USE DESIGNATION OF GENERAL COMMERCIAL 2 AND CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO GENERAL COMMERCIAL 2 FOR THE PROPERTY LOCATED AT 1005 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-40, APPLICATION NUMBER SPA17-0004

WHEREAS, On May 9, 2017, an application was submitted to amend the I-205 Corridor Specific Plan to create a new land use designation of General Commercial 2 and change the land use designation from General Commercial to General Commercial 2 for the property located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number SPA17-0004; and

WHEREAS, The proposed amendment to the I-205 Corridor Specific Plan includes the following:

- (1) Adding a description for the newly created General Commercial 2 land use designation, as shown in Attachment A of the Planning Commission staff report dated July 12, 2017; and
- (2) Amending Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses, to establish the permitted and conditionally permitted uses for the General Commercial 2 land use designation, as shown in Attachment B of the Planning Commission staff report dated July 12, 2017; and
- (3) Amending Figure 3.1d, Land Use Plan, to change the land use designation from General Commercial to General Commercial 2 for the property located at 1005 E. Pescadero Avenue, as shown in Attachment C of the Planning Commission staff report dated July 12, 2017; and

WHEREAS, The property located at 1005 E. Pescadero Avenue has a General Plan land use designation of Commercial; and

WHEREAS, The proposed I-205 Corridor Specific Plan land use designation of General Commercial 2 is consistent with the General Plan land use designation of Commercial;

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on July 12, 2017;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby recommends the City Council introduce and adopt an ordinance to amend the I-205 Corridor Specific Plan to create a new land use designation of General Commercial 2, excluding outdoor cooking, and change the land use designation from General Commercial to General Commercial 2 for the property located at 1005 E. Pescadero Avenue, Assessor's Parcel Number 213-060-40, Application Number SPA17-0004.

\*\*\*\*\*

Resolution 2017-\_\_\_\_\_

July 12, 2017

Page 2

The foregoing Resolution 2017-\_\_\_\_\_ was adopted by the Planning Commission on the 12<sup>th</sup> day of July, 2017, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON