

**MINUTES
TRACY CITY PLANNING COMMISSION
SEPTEMBER 27, 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, Krogh, and Tanner present. Also present were: Bill Dean, Assistant Director of Development Services; Leticia Ramirez, Assistant City Attorney; Scott Claar, Senior Planner; Vicki Lombardo, Senior Planner; Cris Mina, Senior Civil Engineer; and Peggy Abundiz, Recording Secretary.

MINUTES

It was moved by Commissioner Tanner, and seconded by Vice Chair Sangha, that the Planning Commission meeting Minutes of September 13, 2017, be approved. Voice vote found all in favor; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean thanked the Commission for their service on this night, adding that there is a full agenda for the meeting. Mr. Dean pointed out that Agenda Item 1-A, regarding the Pereira Mine, will be re-noticed for a later meeting, as stated on the agenda. He further announced that Item 1-E, involving determination of consistency with the General Plan for the vacation of a small piece of right-of-way, needs further review and thus is being postponed to a future meeting as well.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT AND RECLAMATION PLAN AMENDMENT TO DEFINE AND EXTEND THE EXPIRATION DATES FOR MINING UNTIL DECEMBER 31, 2036 AND RECLAMATION UNTIL DECEMBER 31, 2039 WITH NO CHANGES TO MINING OR RECLAMATION ACTIVITIES (REQUEST IS ONLY TO EXTEND TIME), AND APPROVAL OF THE RENEWAL OF THE INTERIM MANAGEMENT PLAN FOR AN ADDITIONAL FIVE YEAR PERIOD FOR THE PEREIRA MINE, LOCATED AT THE SOUTHWEST CORNER OF LINNE ROAD AND SOUTH TRACY BOULEVARD

(ASSESSOR'S PARCEL NUMBER 253-110-09) – APPLICANT IS TEICHERT AGGREGATES; OWNER IS TRIANGLE PROPERTIES; APPLICATION NUMBER CUP16-0010

As stated on the Agenda, this item will be re-noticed for a future Planning Commission meeting.

- B. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESIDENTIAL HIGH TO COMMERCIAL AND APPROVAL OF A REZONE FROM HIGH DENSITY RESIDENTIAL ZONE TO GENERAL HIGHWAY COMMERCIAL ZONE FOR A 6,000 SQUARE FOOT PARCEL LOCATED AT 2461 HOLLY DRIVE AND A 7,402 SQUARE FOOT PARCEL LOCATED AT 2441 HOLLY DRIVE. THE APPLICANT IS MIKE SOUZA. THE PROPERTY OWNERS ARE GEMELOS FAMILY PARTNERSHIP AND TRACY UNIFIED SCHOOL DISTRICT. APPLICATION NUMBERS GPA17-0002 AND R17-0002

Scott Claar presented the staff report. Chair Orcutt opened the public hearing at 7:03 p.m. Applicant Mike Souza spoke and addressed questions from the Commission. As there was no other testimony to be heard, Chair Orcutt closed the public hearing at 7:08 p.m. Scott Claar addressed questions from the Commission.

ACTION It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, that the Planning Commission recommend that the City Council take the following actions, as stated in the Planning Commission Resolution dated September 27, 2017:

- Approve a General Plan Amendment to change the General Plan Land Use Designation from Residential High to Commercial for an approximately 6,000 square foot parcel located at 2461 Holly Drive, Assessor's Parcel Number 214-520-17, and an approximately 7,402 square foot parcel located at 2441 Holly Drive, Assessor's Parcel Number 214-520-18, Application Number GPA17-0002; and
- Introduce and adopt an ordinance to rezone an approximately 6,000 square foot parcel located at 2461 Holly Drive, Assessor's Parcel Number 214-520-17, and an approximately 7,402 square foot parcel located at 2441 Holly Drive, Assessor's Parcel Number 214-520-18, from High Density Residential Zone to General Highway Commercial Zone, Application Number R17-0002.

A voice vote found all in favor; 5-0-0, passed and so ordered.

- C. PRESENTATION AND QUESTION/ANSWER DISCUSSION ON THE PROPOSED TRACY VILLAGE DEVELOPMENT PROJECT

Vicki Lombardo presented the staff report, then requested that the Commission turn it over to Jeff Schroeder of Ponderosa Homes II, Inc., for a brief PowerPoint presentation. Mr. Schroeder made the presentation and addressed general questions

from the Commission relative to the development. Other questions from the Commission are listed below, with the Applicant's response following:

- Why wasn't the southwest walking strip made a road or access point for ingress, egress, emergency vehicles, etc.?
APPLICANT: The strip sits between two residential lots and is 25 feet in width, which is not wide enough for vehicular access. We see it as a pedestrian access out to Corral Hollow Road.
- Citizens may not see a manmade lake as beneficial.
APPLICANT: Lakes are well received in terms of an amenity. The original vision was four lakes, then the drought came, then it was two lakes or no lakes. We designated three lakes once the City informed us they had received a grant to extend the recycled water line down close enough to where we could afford to bring it over. We haven't finalized that location yet, or how long it will take to get there. We'll be using that recycled water, but it's really integrated into the entire project from a storm drain and water treatment standpoint. The lake will also provide irrigation for all of the common areas, which will help circulate the water in the lake as well. Additionally, the lake has filtration and pumping systems, as well as oxygen emitters, to prevent eutrophication. It's a manmade system run pretty efficiently, and it seems the homeowners association would want to protect that to the greatest extent possible because it is an amenity to the community. Another benefit is that it can provide a place for the City to send its recycled water.

At 7:34 p.m., Chair Orcutt invited the public to share any questions or comments they had on the development project.

Perpetua Comstock-Fritchie spoke and openly discussed her questions with Mr. Schroeder regarding the project, including future dedication of property for the widening of Valpico Road, as well as traffic concerns. Cris Mina addressed questions from the Commission and Ms. Comstock-Fritchie relative to future traffic improvements at the intersection of Corral Hollow and Valpico Roads.

Suzanne Shaw spoke, and echoed Ms. Comstock-Fritchie's concerns regarding traffic congestion. Ms. Shaw also asked questions with regard to: entrances to the development, future improvements on Corral Hollow Road, who will pay for the sidewalks, future dedication of property, and whether or not current residents will be allowed to continue using well water and propane. Chair Orcutt, Jeff Schroeder, Bill Dean, and Vicki Lombardo addressed these questions.

Perpetua Comstock-Fritchie asked questions regarding the annexation process, addressed by Bill Dean.

Judy Houdeshell inquired as to how long construction is expected to last. Discussion ensued regarding the active adult residential allocation system, and the approval processes required in order for this project to be completed.

As no one else came forward, Chair Orcutt closed the public question/comment session at 8:00 p.m.

Mr. Schroeder addressed additional general questions from the Commission relative to the project.

D. PUBLIC MEETING TO SOLICIT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TRACY VILLAGE DEVELOPMENT PROJECT

Vicki Lombardo presented the staff report, pointed out that the public comment period for the Draft Environmental Impact Report (DEIR) ends on October 2, and introduced Elizabeth Johnson, Senior Project Manager with First Carbon Solutions. Ms. Johnson pointed out that Mary Bean, Project Director, was present as well. Ms. Johnson gave a PowerPoint presentation, providing an overview of the environmental process and summarizing the findings contained in the DEIR, then invited questions from the Commission.

Bill Dean pointed out that the environmental process requires that staff note down questions at this point, rather than provide answers. Mr. Dean further explained that any questions raised, whether from an agency or a homeowner, will be answered through this process. Thus, tonight's purpose is simply to provide an opportunity for people to ask questions. Answers to these questions will be provided once technical staff has been consulted. In response to a question from Chair Orcutt, Mr. Dean stated that the DEIR is posted on the City's website, and a hard copy is also available for review at City Hall.

Elizabeth Johnson provided an overview of the EIR process.

The Commissioners raised the following questions regarding the DEIR:

- In terms of the improvements to Valpico Road, what is the viability of access for the existing lots that front onto that road in its ultimate configuration? (Cris Mina pointed out that if this question is not addressable in the EIR, then it can be addressed in the Tentative Map stage, when Engineering will write conditions of approval specifying the location of access points and construction detail of those access points.)
- Is the issue of birds a major problem? (Bill Dean pointed out that some possible mitigation measures are listed in the DEIR, but that, if possible, the final document will elaborate on that.)
- Page 3.16-5 – Discusses intersection studies. A number of these do not have pedestrian crosswalks. If it becomes City property, will pedestrian crosswalks be installed?
- Page 3.16-14 – Discusses Tracer. I would hope that the City is planning to do more with Tracer and/or para-transit in that area. If not, why not?

- Parking occupancy at the Ace Tracy Station—why wasn't this based on a more current study? The study was completed three years ago and the occupancy has got to be greater than 73.5%. Why isn't it current?
- Page 3.16-17 – Cumulative plus intersection level of service – Lammers and Valpico Roads are already at Level F. With the project included, the level remains at F. Why?
- Two areas of Corral Hollow and Valpico go from a Level C to E. Why?
- Tracy Boulevard and Valpico also go from Level C to E. Why? Can't these be improved?
- Pages 5-2 and 5-10 discuss alternatives. It seems like the project may really be going for Alternative 3, which is just the project. What about the option that the 42 properties not be a part of the City? (Bill Dean pointed out that a determination on this is not a part of the DEIR process—the process simply lists alternatives, but the ultimate decision rests with the City, and the Planning Commission has full discretion to make whatever recommendation it so chooses to City Council.)
- Page 5-16, Table 5-4 – there seems to be a big difference between a.m. and p.m in terms of travel. Why is there such a big difference between the two?
- Is there going to be a traffic signal at the intersection of Valpico and Corral Hollow?
- The current fire station which would service that community is on Central Avenue and Tracy Boulevard. It is slated to be moved to the east, to Valpico. Is moving that station going to diminish response times to this project and other neighborhoods in that area? Can the next closest station (believed to be Eleventh Street) handle backup call volume if those resources are deployed to other locations in the city? Will we still be within the level of service that's required?
- The City just acquired a tractor drawn aerial ladder truck apparatus that seems a lot bigger than what we had before. Do the turning radiuses inside of this development meet the requirements for that ladder truck, and do the turning radiuses meet the requirement for turning off of the city streets into the development?
- Page ES-2 – Under Applicant Objectives, third from the bottom it lists as one of the objectives: *"Reduce waste, reinvest back into the community, and minimize impacts on local services."* What is meant by the term "reinvest back into the community?"

- Page ES-18 – In the Executive Summary Matrix, one of the mitigation measures, NOI-1b, discusses the 6-foot-high sound wall proposed, and then later that the project might implement an 8-foot-high sound wall. There is a comment related to that on Page 1-5, Comment 10: *“The resident on the east side of the property currently enjoys views across the project site. She has a 3-foot fence, and is concerned about the proposed 8-foot wall.”* Is it 6-foot or 8-foot? Is it going to be built? Aesthetics is a concern. How is it going to be perceived? Are we going to put vegetation on it? Are we going to tree line it? Stones? Etc. It would obviously be a sound wall, but would it be a decorative type wall?
- Would the southwest walking strip be best used as a one-way exit to minimize or potentially lessen the impacts on Valpico Road?

An audience member asked when the answers to these questions would be provided. Bill Dean stated that response time will depend on how many questions are posed.

At 8:34 p.m., Chair Orcutt opened the public comment period for the Tracy Village DEIR.

Judy Houdeshell spoke, expressing the following concerns:

- Page 3.3.40 – Discusses valley fever and references District Regulation VIII in terms of how the soil disturbance and dust would be handled during a project. The wind is 99% of the time going from west to east, and I get a lot of dust at my house every windy day. When they excavate they will be causing dust. It would be nice to be able to see what District Regulation VIII says, in particular with regard to dust control. It would be nice if that was delineated a little more thoroughly in the Report as the public document in order to understand what that would mean so that if we start getting a lot of dust there’s something I can fall back onto, and for the contractor to look at and understand they need to follow. It was interesting that it was noted that out of 8,652 people that were hospitalized between the years 2001 and 2007, 752 of them died. It is very serious. The report did find that this particular plot of land is probably not at a high risk for it, but you cannot be certain. So I am really concerned about the dust. (Joe Orcutt added a question here regarding the watering of construction sites for dust prevention, asking whether or not that would help keep the valley fever molecules settled as well.) Once the water dries, the dust picks back up again and with the wind it would make it worse, so hopefully there are other mitigation measures.
- The wall that will be built behind my house—I don’t think it’s a sound wall, but I am concerned about what that wall is going to look like and at what stage in the project it will be built. Also, with our 3-foot fence we have a built-in pond. My husband built part of the pond into the fence line. So there’s a lot of concern about what that wall is going to do to our pond, and to the look of our backyard.

- Ponderosa has stated to me that the houses along the back of our homes would all be single story, so that we would not have a 1 ½- or 2-story home directly behind us. I don't know if that's in the Report in terms of the visual impacts for the existing homeowners.
- Page 3.16-72 – There's a map. At the dead end that's adjacent to my house it references an emergency vehicle access, but yet in the drawing I only see a pedestrian access way and a house. I don't understand what that emergency vehicle access is. Is it going around the outside perimeter of the whole thing? Inside the wall? Within the new development? Or is it from the dead end going in, and they're going to need to move the housing footprints to make an emergency vehicle access? I couldn't figure out the map. It would be nice to see a blow-up of that area and what that reference to an emergency vehicle access really looks like.
- Valpico Road, Middlefield, and Linne all have traffic congestion problems. If there's any consideration possible for the multiplicity of construction projects happening at the same time and making things worse, or changing a regular red light to a blinking red light, which seems to happen quite often and slows traffic down tremendously, it would be nice for the City to look at those kinds of issues. I've had friends who have had to turn around and go home and not go into work. Traffic has been terrible.
- Regarding solar panels, it would be interesting to know what percentage of use the panels will have to cover. Is it a certain percentage of the homes are to have solar, or is it a certain percentage of solar power on each home? I would love to see Tracy become a zero net energy city. To put two solar panels on a house does almost nothing. You really need to have something that's significant enough to make a difference to the homeowner and really to look at the amount of power that's going to be consumed and see if the panels are going to be doing more than saving them a few dollars. (Chair Orcutt interjected here that, based on the Tentative Map and how they have the elevations and the directional faces of the different houses and the roofs, the engineers will be looking at all of that for where to optimally place all of the solar usage for the rooftops.) The layout and design of the homes should allow for more south facing rooflines to better accommodate more solar panels.
- Noise – I see in the Report that the construction hours allowable for the project are from 7:00 a.m. until 10:00 p.m. It seems like, for every waking hour of my life for the next 11 years, they could rightfully be out there making noise until 10:00 at night. In the report, the noise level was compared to that of the airport. Tracy's airport does not run planes until 10:00 at night. They run very small planes. I don't hear the airport from my house. I do hear on occasion the pounding of the gravel pit companies across Linne Road and that travels across the empty field pretty easily, but the airport noise is really almost nonexistent. (Chair Orcutt pointed out here that, as we move closer with the Tentative Map and having another public hearing this will be addressed.

Additionally, we have many developers here who love to work with the individual residents and talk with them separately outside of our meetings to help mitigate different impacts. He added that he has seen this quite a few times through different developments that have come through our City, and it's usually a pretty amicable type of relationship that grows from that.) People across the street from Ellis have made lots of comments to me that the noise starts at 5:00 a.m. when the crews show up and play their radios loud and start mobilizing to start their day. But with this being a binding legal document, 7:00 a.m. to 10:00 p.m., if they're hammering and sawing and making noise until 10:00 p.m. I don't have a legal leg to stand on. If that's going to go on for 10 years I'm moving away. The noise and dust are my two largest concerns.

- I've had a wonderful view across the field for 27 years, since 1990. Many people come to the dead end next to my house with their kids. They ride their bicycles out there, they stop and stare at the sunset, and it's a lovers' lane viewpoint of Mount Diablo and the windmills and all of that. I know that's not going to keep progress from moving forward, but I just want it on record that there are a lot of people that enjoy that view across the field, more than just myself.
- Light is also a little concern. I have a hot tub in my backyard, right in the corner where there's going to be a pedestrian gate. I'm sure there's going to be a light right over our hot tub, which is not going to be a good thing for us. (Chair Orcutt pointed out here that this is part of the Tentative Map process, and offered to Ms. Houdeshell that she is welcome to come to that and as she takes a look and gauges where her house is and where the lighting is, etc., she can make recommendations, and perhaps the applicant would be willing to look at that and possibly meet somewhere in the middle where that may be. Chair Orcutt added that this is all a part of the public process.) I'm hoping for a little street lamp, rather than a regular street light.

As no one else come forward, Chair Orcutt closed the public comment period at 8:49 p.m.

Bill Dean thanked everyone for coming out, pointing out that the whole city improves when we engage in this process, and reiterating that there will be answers provided to the questions posed tonight through this process. Chair Orcutt echoed Mr. Dean's sentiments with regard to improvement of the city through this process.

E. DETERMINATION OF CONSISTENCY WITH THE CITY OF TRACY GENERAL PLAN FOR A VACATION OF PUBLIC RIGHT-OF-WAY AFFECTING THE SOUTHEAST CORNER OF GRANT LINE AND PARADISE ROADS. APPLICANT IS PROLOGIS. APPLICATION NUMBER DET17-0003

This item was postponed to a future meeting (refer to "Director's Report Regarding This Agenda" on Page 1).

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean thanked those Commissioners who were able to attend the recent California American Planning Association (APA) Conference, pointing out that it was great to be able to be together and attend some sessions. Mr. Dean added that hopefully, as schedules allow, there will be even more participation next year. Mr. Dean stated his intention to add an agenda item for a Commission meeting in the near future, under Director's Report, to share what attendees experienced at the Conference, pointing out that it would be an opportunity for the Commission members who were not able to attend to hear from fellow Commissioners, and staff, about what was experienced and perhaps how it relates to the work they do. Chair Orcutt expressed his agreement.

4. ITEMS FROM THE COMMISSION

Chair Orcutt invited the Commission to share any items they would like to discuss. Vice Chair Jass Sangha expressed concerns relative to criticisms recently expressed about the Planning Commission in terms of the appropriateness of what they say, their actions, and the direction they should be going. Vice Chair Sangha further shared her understanding of the Planning Commission as an independent Commission under the State of California, and any other state. She added that City staff have always encouraged the Commissioners to speak their minds and share their views, and have always pointed out that the Commission has the authority to do so.

In response to Ms. Sangha's concerns, Bill Dean stressed that the Planning Commission is an independent Commission appointed by the City Council which serves at their will to advise them on planning matters that come before them. Mr. Dean further stated that he strongly supports and thinks that the Commissioners should interact with one another at these meetings, fully evaluate the items staff brings forward, express opinions, challenge one another, further the dialogue, express concerns, listen to one another, and conduct the open public hearing so that people have a chance to participate in this community. Mr. Dean added that Tracy is a growing community with a lot at stake if this process is not followed, and that he is going to continue to do everything he can to encourage it from his office. Mr. Dean asked the Commissioners to inform him if any staff member dissuades them from participating in this way.

Vice Chair Sangha reiterated that the issue does not involve staff, adding that she wants it on record that staff have all been very supportive. Ms. Sangha shared that what drove her comments tonight was what she is hearing from citizens based upon their observations of the City Council meetings.

Mr. Dean thanked Ms. Sangha for raising this issue, and suggested that when the APA Conference item is discussed at a future meeting the role of the Planning Commission also be discussed, as that was the topic of some of the Conference sessions. Mr. Dean further suggested that perhaps in that discussion the Commissioners can share some of

the stories they heard from other jurisdictions about how to deal with sticky issues. Mr. Dean pointed out that it is not unique to Tracy that we are faced with issues that bring out passions in people, and that perhaps in that dialogue the Commissioners can share with each other what they may have gleaned from some of those sessions.

Vice Chair Sangha expressed that it is a blessing that all five Commissioners get along so well, adding that even when they disagree with each other they do not disrespect one another.

Jacy Krogh suggested that if any Commissioners have an issue involving the City Council they reach out to the Mayor or other appropriate person, and have the right to do so. Commissioner Krogh added that, although appointed by the City Council, the Commissioners are constituents of the Council, and that Council is responsible for answering questions from the electorate.


5. ADJOURNMENT

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

Time: 8:58 p.m.



STAFF LIAISON



CHAIR