

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, March 14, 2018
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 – 02/28/18

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 APPLICATIONS FOR CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TELECOMMUNICATION FACILITY IN THE FORM OF A PINE TREE, KNOWN AS A MONOPINE, AND ASSOCIATED EQUIPMENT, LOCATED AT 504 W. GRANT LINE ROAD, ASSESSOR'S PARCEL NUMBER 233-030-25. APPLICANT IS EPIC WIRELESS REPRESENTING VERIZON. PROPERTY OWNER IS CHONG WONG. APPLICATION NUMBERS CUP17-0006 AND D17-0027

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: March 9, 2018

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
FEBRUARY 28, 2018, 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 and Commissioners Hudson, Kaur, Krogh, and Tanner present. Also present were: Bill Dean, Assistant Development Services Director; Leticia Ramirez, Assistant City Attorney; Alan Bell, Senior Planner; Genevieve Fernandez, Assistant Planner; and Gina Peace, Recording Secretary.

MINUTES

It was moved by Commissioner Tanner, and seconded by Commissioner Hudson, that the Planning Commission meeting minutes of February 14, 2018, be approved. A voice vote found Commissioners Hudson, Krogh, and Tanner in favor; Chair Orcutt and Commissioner Kaur abstained, as they were not present at the February 14, 2018 meeting. 3-0-0-2, passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean, Assistant Development Services Director, welcomed Commissioner Rajwinder Kaur to the Planning Commission. Chair Orcutt also welcomed Commissioner Kaur on behalf of all the commissioners.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT FOR A DAY CARE CENTER TO OCCUPY AN EXISTING STRUCTURE ON THE NORTHEAST CORNER OF W 7TH AND B STREET (89 W 7TH STREET, ASSESSOR'S PARCEL NUMBER 235-065-14) – THE APPLICANTS ARE ARIANNE MISCHEAUX AND CANDICE EDWARDS; THE PROPERTY OWNER IS BAY AREA INVESTMENT COMPANY INC – APPLICATION NUMBERS CUP17-0005 AND D17-0021

Genevieve Fernandez presented the staff report.

Applicants Arianne Mischeaux and Candice Edwards, addressed the Commission, and answered questions from the Commission.

The property owner, Jennifer Solario, with Bay Area Investment Company, Inc., 2648 International Blvd., 8th Floor, Oakland, California 94601, also answered questions from the commission.

Chair Orcutt opened the Public Hearing at 7:27 p.m.

Jennifer Solario addressed the commission once again, regarding the lead paint inquiry. Commissioner Hudson advised her to have the paint tested for lead.

Chair Orcutt closed the Public Hearing at 7:29 p.m.

ACTION: It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that the Planning Commission approve the Conditional Use Permit and Development Review Permit for the Little Investigators day care center, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated February 28, 2018, with an additional condition, that the building be tested for lead paint prior to occupancy. A roll call vote found all in favor, 5-0-0-0; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL TO INTRODUCE AN ORDINANCE AND APPROVE AN AMENDMENT TO THE TRACY MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS (SECOND UNITS) – APPLICATION NUMBER ZA17-0011

Alan Bell presented the staff report.

Questions and discussion amongst the commission and staff followed.

Chair Orcutt opened the Public Hearing at 8:04 p.m.

Seeing as no one came forward, Chair Orcutt closed the Public Hearing at 8:04 p.m.

ACTION It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that the Planning Commission recommend the City Council approve the Tracy Municipal Code amendment regarding Accessory Dwelling Units, as indicated in the Planning Commission Resolution dated February 28, 2018. A voice vote found all in favor, 5-0-0-0; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean, Assistant Development Services Director, thanked the commission, namely for their extended hours a couple weeks ago. Mr. Dean advised that there will be another big agenda item scheduled for Planning Commission in March: the Tracy Village Project, coming next meeting. Mr. Dean requested that if the commission has questions in advance, to try and provide staff with a heads up, if possible, to help staff prepare. Commissioner Hudson requested, if possible, for the commissioners to receive their

Planning Commission packets for the Tracy Village project sooner than the Friday before the commission meeting. Mr. Dean replied that staff does our best to get the packets out as soon as possible, but will make our best effort to get it out earlier.

4. ITEMS FROM THE COMMISSION

Chair Orcutt requested all to join him in a brief moment of silence in memory of Cris Mina, local resident, and Senior Civil Engineer, who passed away, after 27 years of dedicated service with the City of Tracy.

Chair Orcutt requested information about amending the left turn ability out of Ellissagaray Ranch onto Chrisman Road. Bill Dean advised that our City Engineer has an Info Memo coming soon.

Commissioner Hudson asked about the new Sutter building on Eaton, and possibly putting in a crosswalk, as citizens are not walking to the corner to cross the street. Commissioner Tanner advised he brought this issue up at the last City Council meeting, and was advised that there is a parking lot being built, so it may be too early for such a request. Chair Orcutt requested that Bill Dean ask the City Engineer to prepare an Info Memo on this issue.

5. ADJOURNMENT

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

Time: 8:14 p.m.

CHAIR

STAFF LIAISON

March 14, 2018

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER APPLICATIONS FOR CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TELECOMMUNICATION FACILITY IN THE FORM OF A PINE TREE, KNOWN AS A MONOPINE, AND ASSOCIATED EQUIPMENT, LOCATED AT 504 W. GRANT LINE ROAD, ASSESSOR'S PARCEL NUMBER 233-030-25. APPLICANT IS EPIC WIRELESS REPRESENTING VERIZON. PROPERTY OWNER IS CHONG WONG. APPLICATION NUMBERS CUP17-0006 AND D17-0027

DISCUSSION

Site and Project Description

The project proposal consists of a 900 square foot lease area (30' x 30') located on private property at the southwest corner of W. Grant Line Road and Bessie Avenue, approximately 150 feet south of W. Grant Line Road, and approximately 70 feet west of Bessie Avenue on a 0.44 acre site (Attachment A: Location Map).

The proposal is to construct a new telecommunication facility in the form of an 80 foot tall pine tree, known as a "monopine". The proposal includes four arms extending out from the pole at a height of 75 feet with a total of 12 antennas and three surge protectors mounted on the arms and four approximately 10 square foot, ground mounted equipment cabinets. Attachment B contains the Applicant's Photo Simulations of the Proposed Monopine and Attachment D Site Plan and Elevations. A masonry wall with solid doors will be constructed to fully screen all ground mounted equipment as described in the recommended Condition of Approval B.6. A 5-foot wide landscape strip with trees and/or shrubs will be located around the northern and eastern perimeter of the masonry wall to help screen the view of the wall from Bessie Avenue and W. Grant Line Road public right-of-ways.

The antennas have "socks" placed on them, which have the same needle material as the branches to help disguise the antennas as a part of the monopine. The proposed facility will also provide the opportunity for multiple carriers to collocate on this proposed monopine in the future. Outside of the 900 square foot lease area, two utility easements and one access easement are proposed to ensure access to electricity, fiber cables and provide vehicular access to the lease area. The site would be an unmanned facility with one to two vehicles visiting the site approximately once or twice per month to perform service and maintenance.

The project site has an existing building located to the north of the proposed lease area, currently occupied by a business office. The site and the surrounding areas are zoned General Highway Commercial with the exception of several properties on the east side of Bessie Avenue zoned High Density Residential (Attachment C: Zoning Map). The areas to the south and west of the site have non-conforming residential uses, to the north are commercial uses, and to the east are commercial and residential uses.

Analysis

The site is zoned General Highway Commercial (GHC) and has a General Plan designation of Commercial. The proposed monopine is a major facility as defined in Tracy Municipal Code, Chapter 10.25, Telecommunications Ordinance. The Telecommunications Ordinance allows for wireless telecommunication facilities within any zone in the City. Major facilities, such as the present application, require the approval of a Conditional Use Permit by the Planning Commission. The proposed improvements, including the equipment shelters, also require approval of Development Review. Staff has combined both applications for simultaneous review by the Planning Commission.

The applicant has indicated that they developed a search area for the location of the telecommunications facility that would meet the needs of their client's wireless coverage and capacity gap. Their evaluation concluded that the proposed project site would be the least intrusive location and design, and at the same time satisfy their coverage and capacity needs. The applicant also stated that Tracy Ball Park, just south of the proposed location, was identified as a possible location. However, the City Public Works Department intends to redevelop the park at some point in the future. Therefore, a location of this telecommunications facility could not be guaranteed by the City for more than two years, and that short contract term would be unacceptable to Verizon.

CEQA Documentation

The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332, which pertains to certain infill development projects, because the project is consistent with the General Plan and Zoning, occurs within City limits on a project site of no more than five acres, is substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit and Development Review Permit to allow the construction of a new telecommunication facility in the form of a pine tree, known as a monopine, and associated equipment, located at 504 W. Grant Line Road, Assessor's Parcel Number 233-030-25, Application Numbers CUP17-0006 and D17-0027, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E: Planning Commission Resolution) dated March 14, 2018.

MOTION

Move that the Planning Commission approve the Conditional Use Permit and Development Review Permit to allow the construction of a new telecommunication facility in the form of a pine tree, known as a monopine, and associated equipment,

located at 504 W. Grant Line Road, Assessor's Parcel Number 233-030-25, Application Numbers CUP17-0006 and D17-0027, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated March 14, 2018.

Prepared by: Genevieve Fernandez, Assistant Planner
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

- A: Location Map
- B: Applicant's Photo Simulations of the Proposed Monopine
- C: Zoning Map
- D: Site Plan and Elevations
- E: Planning Commission Resolution

Location Map



Existing



Proposed



view from West Grant Line Road looking southeast at site

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8507



281362 West Grant Line Rd
504 West Grant Line Road, Tracy, CA
Photosims Produced on 8-2-2017

RECEIVED

OCT 20 2017

CITY OF TRACY
DEVELOPMENT SERVICES

Existing



Proposed



view from West Grant Line Road looking southwest at site



281362 West Grant Line Rd
504 West Grant Line Road, Tracy, CA
Photosims Produced on 8-2-2017

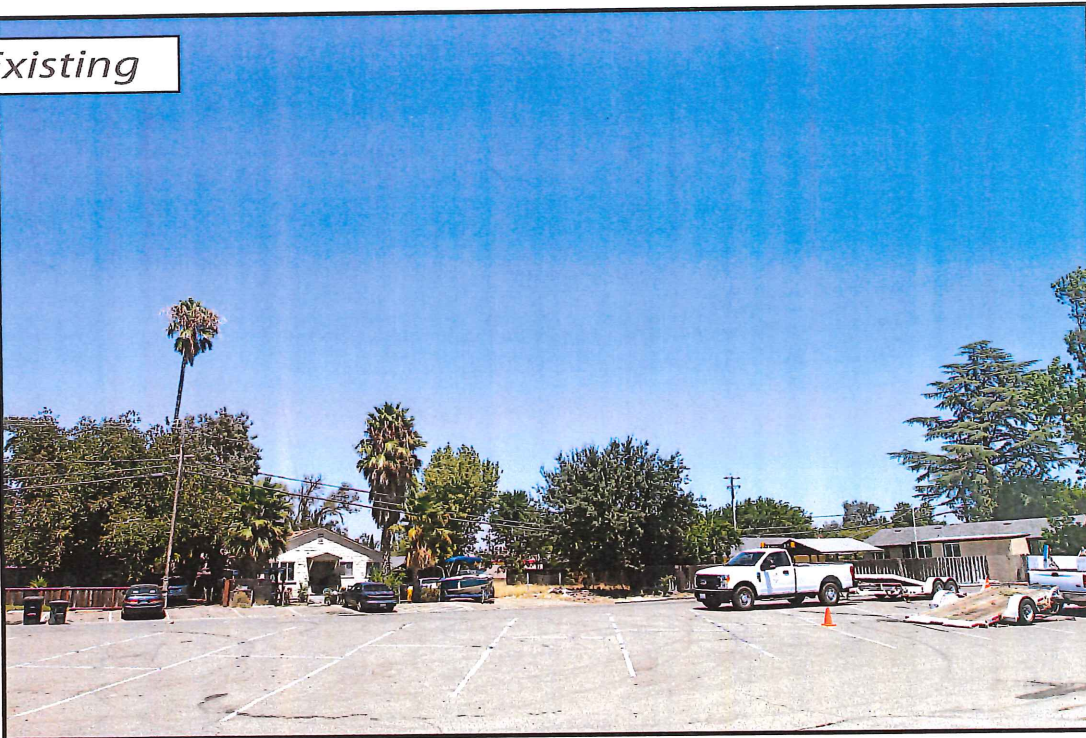
AdvanceSim 
Photo Simulation Solutions
Contact (925) 202-8507

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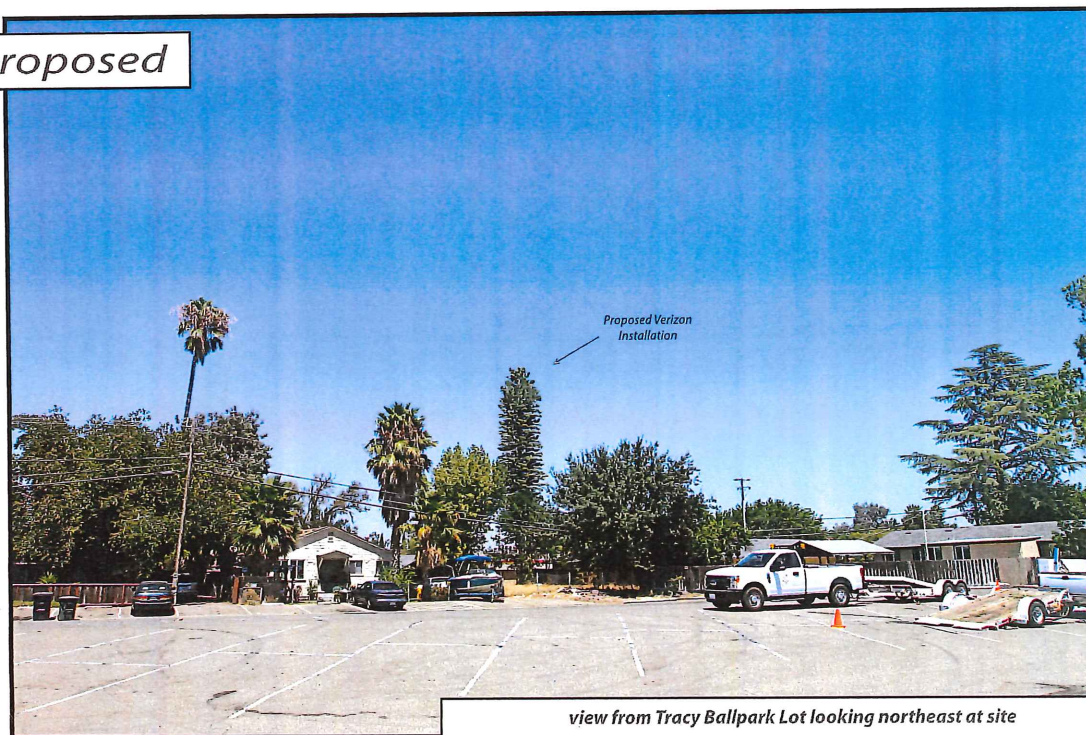
OCT 20 2017

CITY OF TRACY
DEVELOPMENT SERVICES

Existing



Proposed



view from Tracy Ballpark Lot looking northeast at site

AdvanceSim 
Photo Simulation Solutions
Contact (925) 202-8507



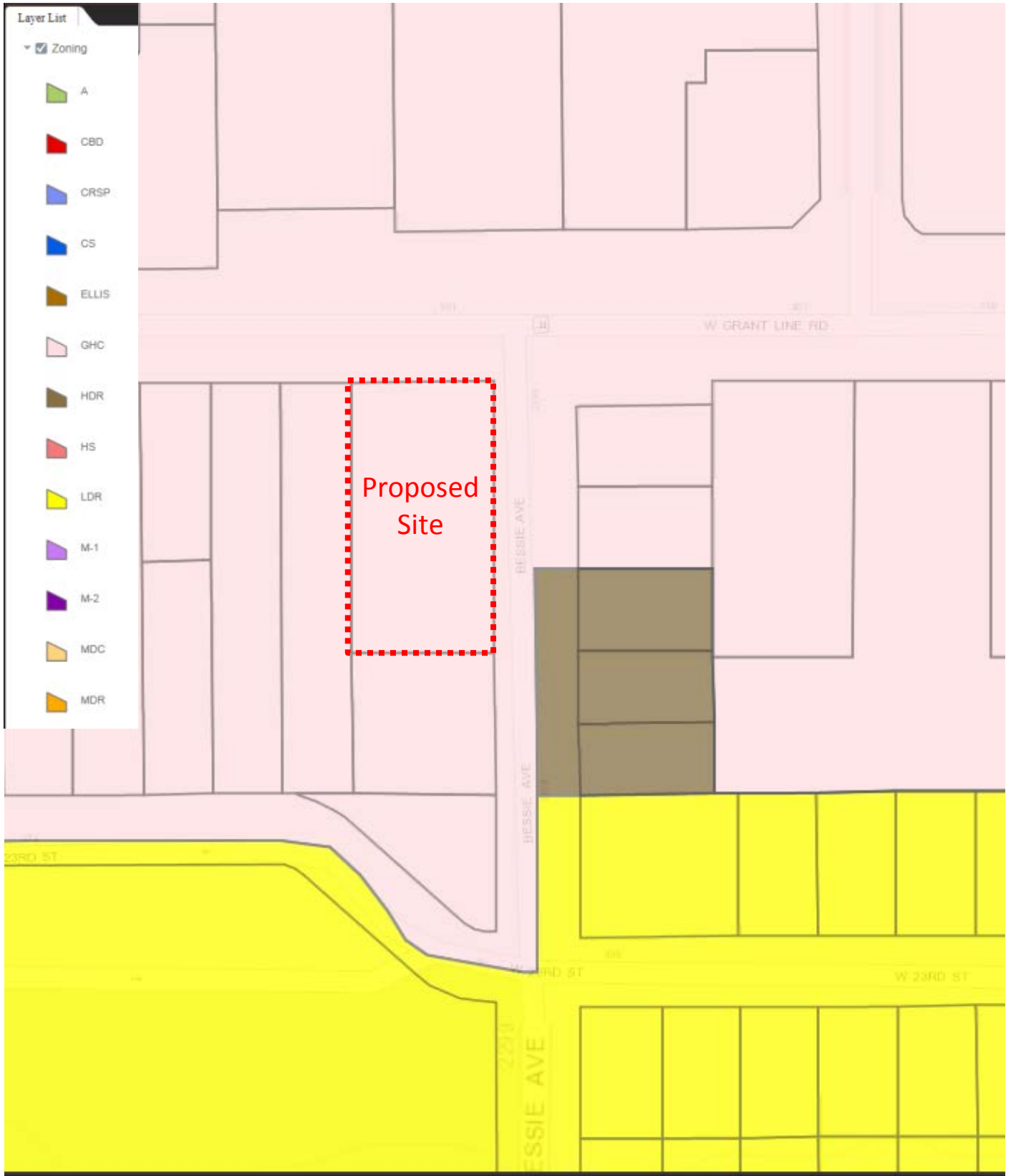
281362 West Grant Line Rd
504 West Grant Line Road, Tracy, CA
Photosims Produced on 8-2-2017

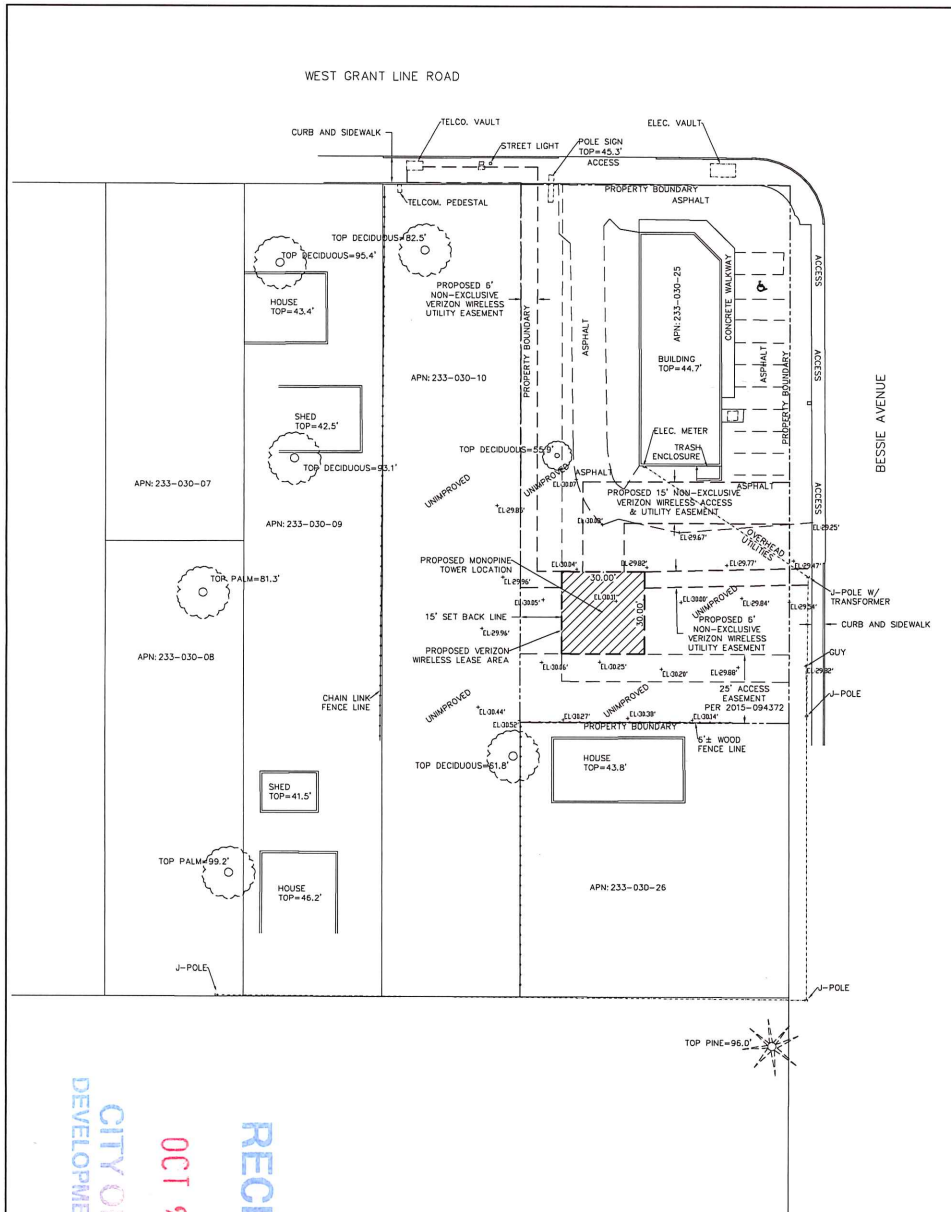
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OCT 20 2017

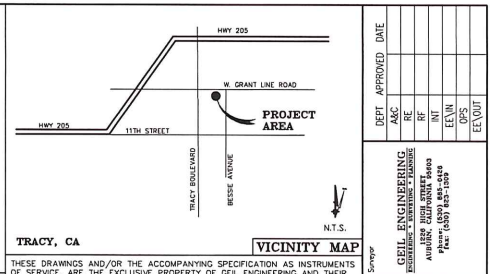
CITY OF TRACY
DEVELOPMENT SERVICES

Zoning Map





DATE OF SURVEY: 12-29-16
 SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GELL, R.C.E. 14803
 LOCATED IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA
 BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.
 ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S. N.A.V.D. 88 DATUM. ABOVE MEAN SEA LEVEL.
 N.G.V.D. 1929 CORRECTION: SUBTRACT 2.37' FROM ELEVATIONS SHOWN.
 CONTOUR INTERVAL: N/A
 CONTRACTOR IS RESPONSIBLE TO VERIFY LEASE AREA PRIOR TO CONSTRUCTION.
 ASSESSOR'S PARCEL NUMBER: 233-030-25
 OWNER(S): CHONG HO WONG, AS TRUSTEE OF THE WONG/SU FAMILY TRUST
 2811 FRONTERA WAY
 BURLINGAME, CA 94010



TRACY, CA VICINITY MAP
 THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF GEL ENGINEERING AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE AND CARRIER FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM GEL ENGINEERING TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH GEL ENGINEERING WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED. NO PROPERTY MONUMENTS WERE SET.

Gel Engineering
 Engineering * Surveying * Planning
 1228 High Street
 Auburn, California 95603-5015
 Phone: (530) 885-0426 * Fax: (530) 823-1309
 Verizon Wireless
 Project Name: WEST GRANT LINE ROAD
 Project Site Location: 504 W. Grant Line Road
 Tracy, CA 95376
 San Joaquin County

Date of Observation: 12-29-16
 Equipment/Procedure Used to Obtain Coordinates: Trimble Pathfinder Pro XL post processed with Pathfinder Office software.
 Type of Antenna Mount: Proposed Monopole
 Coordinates
 Latitude: N 37° 45' 13.05" (NAD83) N 37° 45' 13.30" (NAD27)
 Longitude: W 121° 26' 00.43" (NAD83) W 121° 25' 56.63" (NAD27)
 ELEVATION of Ground at Structure (NAVD88) 30' AMSL

CERTIFICATION: I, the undersigned, do hereby certify elevation listed above is based on a field survey done under my supervision and that the accuracy of those elevations meet or exceed I-A Standards as defined in the FAA ASAC Information Sheet 93-003, and that they are true and accurate to the best of my knowledge and belief.
 Kenneth D. Gell California RCE 14803

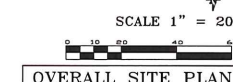
Lease Area Description
 All that certain lease area being a portion of the North 1/2 of Lot 73 of Parker Acres according to the map thereof being filed for record in Book 10 of Maps and Plats at Page 73, San Joaquin County Records, located in the City of Tracy, County of San Joaquin, State of California, and being located in Section 21, Township 2 South, Range 5 East, M.D.8 & M., being more particularly described as follows:
 Commencing at a standard monument in box set at the Northwest corner of the above described section 21, from which a similar monument set at the North 1/4 corner bears South 89°54'00" East 246.42 feet; thence from said point of commencement South 61°54'35" East 470.29 feet to the True Point of Beginning; thence from said True Point of Beginning North 00°06'30" East 30.00 feet; thence South 89°53'30" East 30.00 feet; thence South 00°06'30" West 30.00 feet; thence North 89°53'30" West 30.00 feet to the True Point of Beginning.
 Together with a non-exclusive easement for access and utility purposes fifteen feet in width, the centering of which is described as follows: beginning at the midpoint on the North boundary of the above described lease area and running thence North 00°06'30" East 24.96 feet; thence South 89°56'37" East 67.4 feet more or less to the public right of way more commonly known as Besse Avenue.
 Also together with a non-exclusive easement for utility purposes six feet in width, the centering of which is described as follows: beginning at a point which bears South 00°06'30" West 3.00 feet from the Northeast corner of the above described lease area and running thence North 88°44'02" East 59.2 feet more or less to the existing utility pole.
 Also together with a non-exclusive easement for utility purposes six feet in width, the centering of which is described as follows: beginning at a point which bears South 00°06'30" West 3.00 feet from the Northwest corner of the above described lease area and running thence South 89°59'37" West 11.97 feet; thence North 00°01'47" East 143.7 feet more or less to the public right of way.

DEPT	APPROVED	DATE
A&C		
RE		
RF		
INT		
ENV		
FILE		
DES		
EE/OUT		

Surveyor
verizon
 295 PARKSHORE DR
 FOLSOM, CA 95650

WEST GRANT LINE RD.
 504 WEST GRANT LINE RD.
 TRACY, CA 95376
 PLOT PLAN AND
 SITE TOPOGRAPHY

REVISION	DATE	DESCRIPTION
REV	12-29-16	PRELIMINARY DRAWING
REV	12-29-16	REVISIONS
REV	12-29-16	FINAL CHECK
REV	03-03-17	VFL LOAD CHANGE
REV		
REV		
REV		
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 CITY OF TRACY
 DEVELOPMENT SERVICES

MT TELECOM, LP
 1015-B AIRPORT RD
 PO BOX 408
 RIO VISTA, CA 94571
 PH: (925) 374-5575
 FAX: (925) 374-6194

verizon
 295 PARKSHORE DR
 FOLSOM, CA 95630
 PHONE: (916) 984-9924

WEST GRANT LINE RD
 PSL#: 281362
 504 WEST GRANT LINE RD
 TRACY, CA 95376
 SAN JOAQUIN COUNTY

STAMP:

PROJECT NO.: PSL281362

DRAWN BY: CN / RM

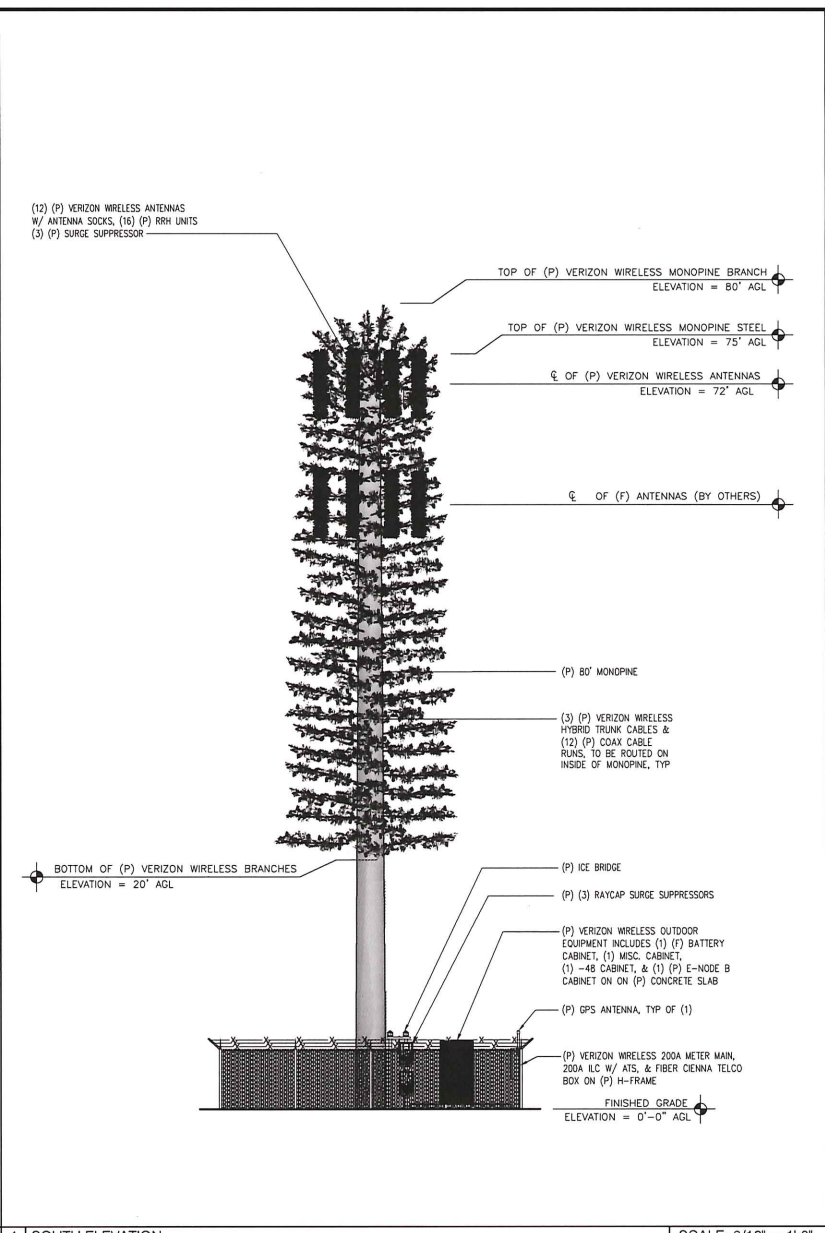
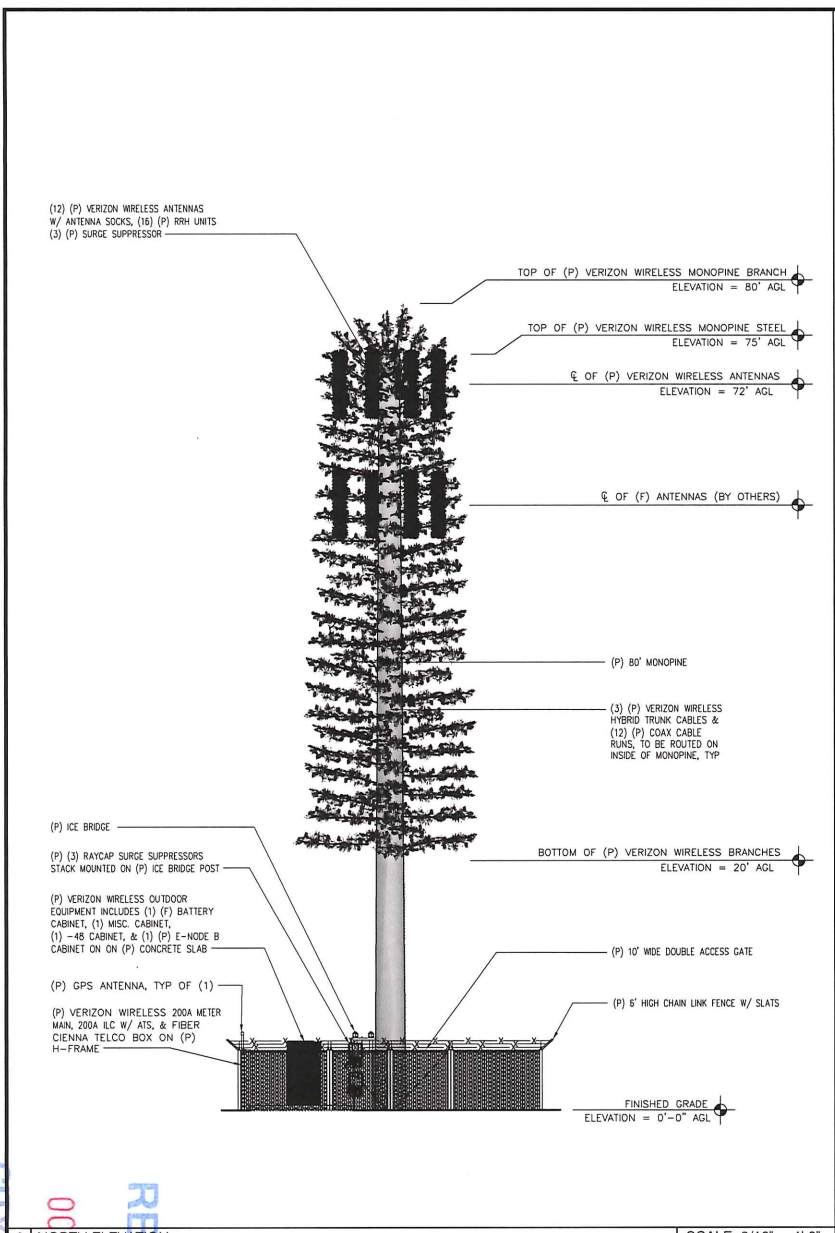
CHECKED BY: SAL MTZ JR

NO.	DATE	ISSUE
1	02.28.17	90% ZONING
2	08.23.17	100% ZOs (F) CARR
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NORTH & SOUTH ELEVATIONS

SHEET NUMBER
A-3

COMPANY JOB NO.: WD7009



2 | NORTH ELEVATION

1 | SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

CITY OF TRACY DEVELOPMENT SERVICES

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MT TELECOM, LP
 1015-B AIRPORT RD
 PO BOX 450
 RD VISTA, CA 94571
 PH: (707) 374-5576
 FAX: (707) 374-5194

verizon
 295 PARKSHORE DR
 FOLSOM, CA 95630
 PHONE: (916) 984-5924

WEST GRANT LINE RD
 PSL#: 281362
 504 WEST GRANT LINE RD
 TRACY, CA 95376
 SAN JOAQUIN COUNTY

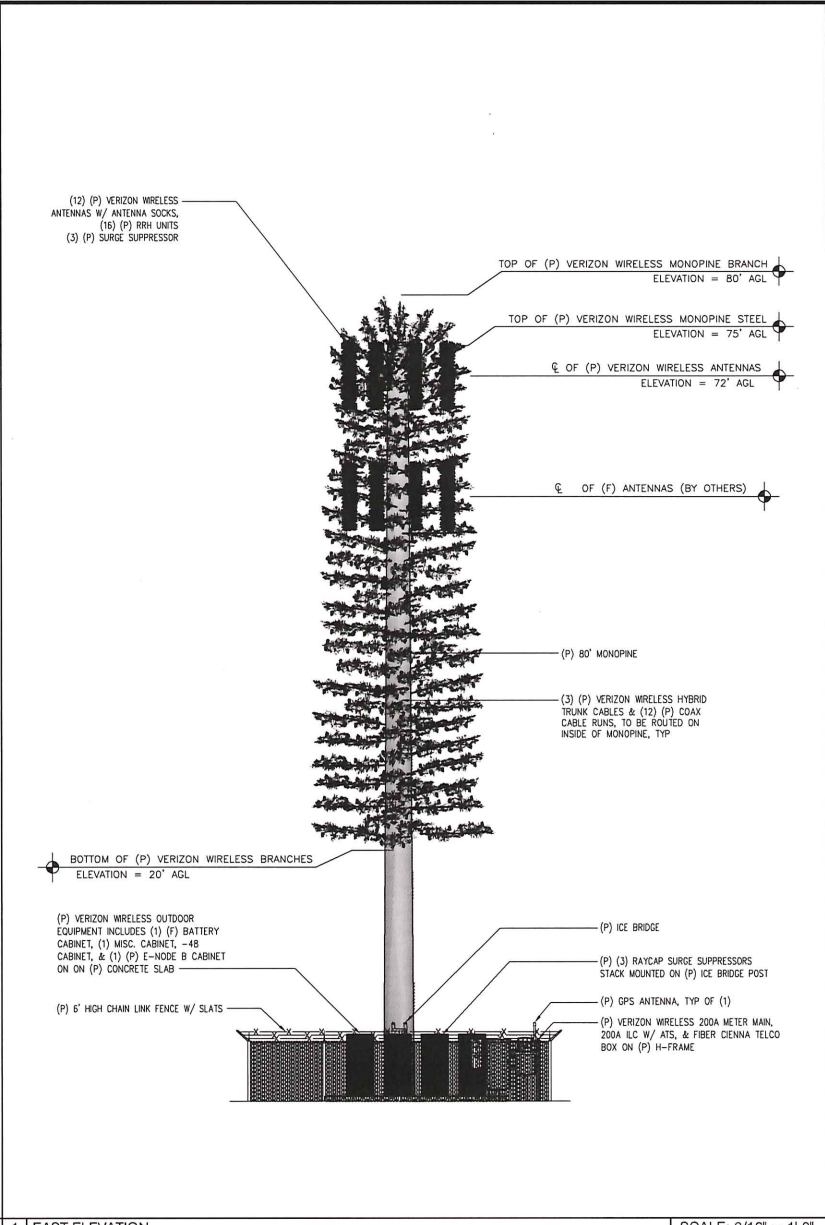
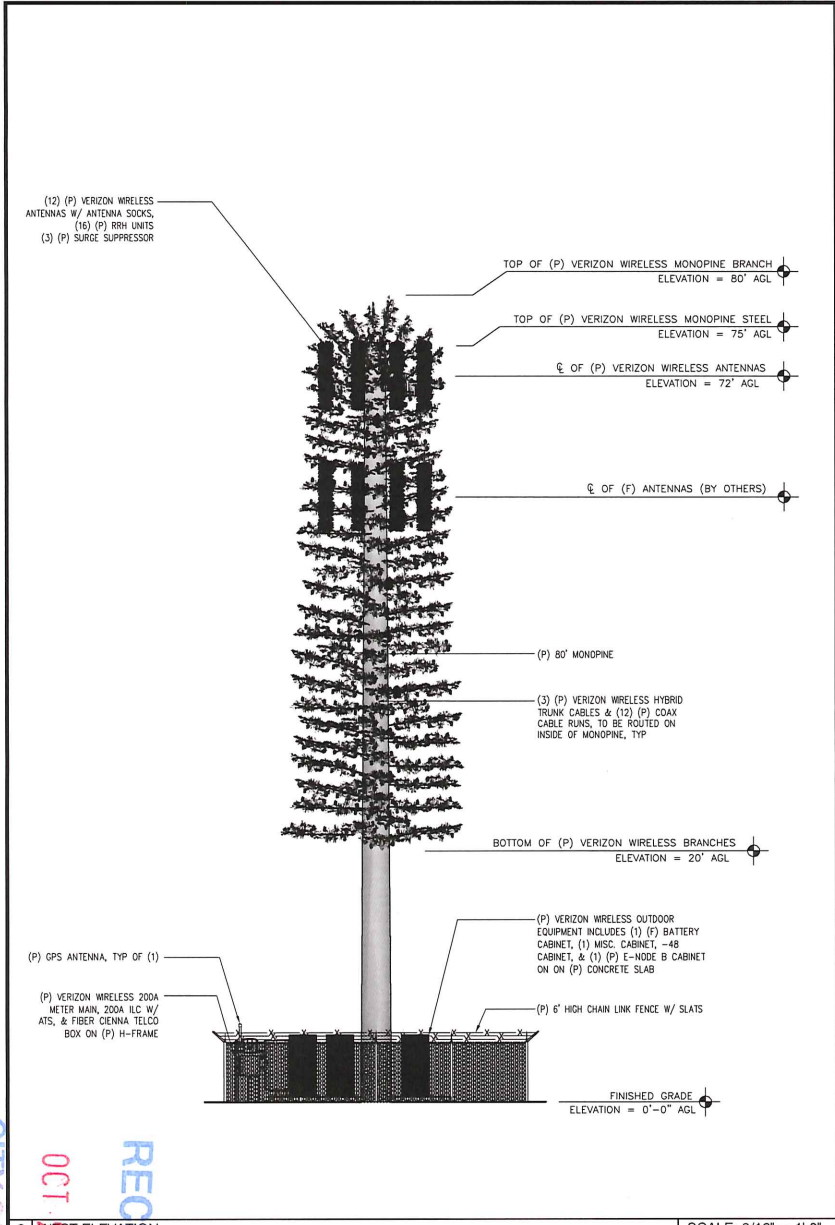
STAMP:

PROJECT NO.	PSL281362	
DRAWN BY:	CN / RM	
CHECKED BY:	SAL MTZ, JR	
NO.	DATE	ISSUE
1	02.28.17	BOW ZONING
2	08.23.17	100% ZDs (F) CARR
~	~	~

WEST & EAST ELEVATIONS

SHEET NUMBER
A-4

COMPANY JOB NO.: WD7009



2 WEST ELEVATION

SCALE: 3/16" = 1'-0"

1 EAST ELEVATION

SCALE: 3/16" = 1'-0"

CITY OF TRACY
 DEVELOPMENT SERVICES

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March 14, 2018

RESOLUTION 2018-_____

APPROVAL OF A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TELECOMMUNICATION FACILITY IN THE FORM OF A PINE TREE, KNOWN AS A MONOPINE, AND ASSOCIATED EQUIPMENT, LOCATED AT 504 W. GRANT LINE ROAD, ON THE SOUTHWEST CORNER OF W. GRANT LINE ROAD AND BESSIE AVENUE, ASSESSOR'S PARCEL NUMBER 233-030-25. APPLICANT IS EPIC WIRELESS REPRESENTING VERIZON. PROPERTY OWNER IS CHONG WONG. APPLICATION NUMBERS CUP17-0006 AND D17-0027.

WHEREAS, On October 20, 2017, Epic Wireless, representing Verizon, submitted an application for a Conditional Use Permit and Development Review Permit for the construction of a new telecommunication facility to be located approximately 150 feet south of W. Grant Line Road, west of Bessie Avenue, Assessor's Parcel Number 233-030-25, Application Numbers CUP17-0006 and D17-0027, and

WHEREAS, The proposal is classified as a major facility, according to Tracy Municipal Code, Chapter 10.25, Telecommunications Ordinance, and

WHEREAS, The Tracy Municipal Code, Chapter 10.25, Telecommunications Ordinance, allows for major facilities with approval of a Conditional Use Permit by the Planning Commission, and

WHEREAS, The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332, which pertains to certain infill development projects, because the project is consistent with the General Plan and Zoning, occurs within City limits on a project site of no more than five acres, is substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services. No further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Conditional Use Permit and Development Review Permit Application Numbers CUP17-0006 and D17-0027 on March 14, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission:

1. Approves Conditional Use Permit CUP17-0006 as shown on plans submitted October 20, 2017, based on the following findings:
 - 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 because this telecommunication facility will be disguised as a "monopine" to help reduce visual effects on the neighborhood and is permitted subject to the granting of a Conditional Use Permit as provided in Tracy Municipal Code, Chapter 10.25, Telecommunications Ordinance.

- b. The proposed location of the wireless communication site is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code, and the purposes of the zone in which the site is located because the location of the site and the proposed design as a monopine is consistent with the design and siting requirements and policies of the Telecommunication Ordinance, the General Plan designation of Commercial, and the General Highway Commercial Zone District in which it is located.
 - 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 because the wireless communication site, as designed and conditioned, will be harmonious with the properties and improvements in the vicinity and therefore will not have significant negative effects on property in the vicinity because the design as a monopine is compatible with the surrounding area and because the facility will be set back approximately 150 feet from W. Grant Line Road and all design aspects have been reviewed through the Development Review Permit D17-0027. Furthermore, the proposed wireless communication site will meet the requirements of the California Environmental Quality Act, the California Building Code, applicable provisions of the Tracy Municipal Code, and standards established by the Federal Communication Commission (FCC).
 - d. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code because the project is obtaining a Development Review Permit in accordance with Tracy Municipal Code Chapter 10.08 and is consistent with the procedural and design requirements of the City's Telecommunication Ordinance, Tracy Municipal Code Chapter 10.25.
2. Approves Development Review Permit D17-0027 subject to the conditions contained in Exhibit 1 and based on the following findings:
- a. The proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, as the proposed telecommunications facility will include landscaping and masonry wall screening techniques to shield the ground mounted equipment from view and shall be constructed as a monopole to imitate the appearance a pine tree.
 - b. The proposal conforms to the City of Tracy General Plan as the telecommunications facility will provide a consumer service that meets the needs of Tracy residents, employees, and pass-through travelers. The proposal also conforms to the Design Goals and Standards, as the new masonry screening wall will be consistent with the color of the existing masonry building on site and has incorporated landscape areas to de-emphasize the screening wall.

The foregoing Resolution 2018-_____ was adopted by the Planning Commission on the 14th day of March 2018, 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**

**Verizon Monopine
504 W. Grant Line Road, Assessor's Parcel Number 233-030-25
Application Number D17-0027**

These Conditions of Approval shall apply to the Conditional Use Permit and Development Review Permit approval for construction of a new telecommunication facility in the form of a pine tree, known as a monopine, located at 504 W. Grant Line Road, Assessor's Parcel Number 233-030-25, Application Numbers CUP17-0006 and D17-0027 (hereinafter "Project") proposed by Epic Wireless representing Verizon (hereinafter "Applicant").

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, the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" mean 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 (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the Conditional Use Permit and Development Review for Application Numbers CUP17-0006 and D17-0027.
5. "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.
6. "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.
7. "Project" means the Conditional Use Permit and Development Review approval for construction of a new telecommunication facility in the form of a pine tree, known as a monopine, and associated equipment located at 504 W. Grant Line Road, Assessor's Parcel Number 233-030-25, Application Numbers CUP17-0006 and D17-0027.
8. "Property" means the real property located at 504 W. Grant Line Road, Assessor's Parcel Number 233-030-25, which is the subject of Conditional Use Permit and Development Review Permit approval for construction of a new telecommunication facility in the form of a pine tree, known as a monopine, and associated equipment, Application Numbers CUP17-0006 and D17-0027.

B. General Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, 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"), the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"), Uniform Building Code, and Uniform Fire Code.
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Any violation of State or Federal Law or local ordinances shall be grounds for revocation of the conditional use permit.
4. Pursuant to Government Code section 65009, including section 65009(e)(1), the City HEREBY NOTIFIES the applicant that any action challenging these conditions must be commenced, in writing, within 90 days of the approval of this conditional use permit.
5. Except as modified by these Conditions of Approval, the project shall be developed in substantial compliance with the site plans and elevations and the photo simulations received by the Development Services Department on October 20, 2017.
6. The monopine and all ground-mounted equipment shall be enclosed by a masonry wall, at least seven feet tall, measured from the exterior finished grade of the wall and have solid metal doors. The masonry wall and doors of the enclosure shall be painted to match the color of the building on the same lot.
7. The monopine shall be painted a dark brown or similar color, and consist of materials including the branches and antenna socks to be consistent with a pine tree, to the satisfaction of the Development Services Director.
8. Prior to issuance of a building permit, the Developer shall submit a landscape and irrigation plan that includes a five foot wide landscape strip around the outside of the northern and eastern perimeters of the masonry wall (except at the driveway location) to include the planting of drought tolerant shrubs and/or accent trees to reasonably screen the masonry walls, to the satisfaction of the Development Services Director.
9. Prior to issuance of a building permit, the Developer shall submit construction plans that show a minimum 12-foot wide all-weather access road within the access easement.
10. All equipment must be located at a minimum height of the lowest branch and no taller than the highest branch and shall not extend out further from the central monopole than the branches of the constructed monopine.

11. The approval includes four arms located at an elevation of 75 feet with equipment including 12 antennas and three surge protectors for Verizon. Additional antennas and related equipment may be added to the monopine, as long as such additional antennas and related equipment complies with all project conditions of approval.

C. Engineering Division Conditions of Approval

C.1. General Conditions

- C.1.1 If the Developer's Contractor elects to pile-drive the monopine's foundation, contractor shall perform pile-driving from 9:00AM to 3:30PM, Monday to Friday. The Contractor shall not work on Federal holidays. Pile-driving on Saturday and Sunday is prohibited.
- C.1.2 If the Developer's contractor elects to excavate to construct the false-work for a poured-in-place Portland cement concrete foundation, the developer shall submit to the City's Development Services Department a grading permit request and grading plans as per Section C.2.
- C.1.3 The Developer shall use the site's existing water connection to irrigate the landscaping that will screen the masonry wall. If a new water connection is desired, then the developer shall obtain an encroachment permit as per Section C.3.
- C.1.4 Developer shall obtain the purposed easements outlined in the application.

C.2. Grading Permit

All grading work (on-site and off-site, if applicable) shall require a Grading Permit. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until the Developer provides all documents related to said Grading Permit required by the applicable 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. Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36) and City Design Documents, and these Conditions of Approval.
- C.2.3. On-site/In-tract/Private Grading and Drainage Plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick polyester film (mylar) using the City's title block. Grading and Drainage Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal prior to submitting the mylars

to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Grading and Drainage Plans approved by the City Engineer for all grading work not completed before October 15. Grading and Drainage Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction. Project's design professionals shall adhere to the review comments

- C.2.4. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
 - C.2.5. Three (3) sets of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, and elevation of the highest observed groundwater level.
 - C.2.6. Documentation or letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) stating that this Project meets their requirements related to dust control and earth moving operations, i.e. Air-Impact-Assessment, Indirect Source Rule.
 - C.2.7. Documentation or letter from the San Joaquin Council of Governments that the biologist survey/ITMM has been completed.
- C.3. Encroachment Permit
No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.3.1. Off-site/Public Infrastructure Improvement Plans prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in Section C.1, C.2, the City's title block, and these Conditions of Approval. The Developer shall use the latest title block and, if necessary, contain a signature block for the Chief Building Official and Fire Code Official. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items and in Section C.4:
 - C.3.2. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction

inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 19, 2015, per Resolution 2014-141 and Resolution 2015-075.

C.3.3. Traffic Control Plan, if necessary, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

C.3.4. No street trench shall be left open or uncovered and unprotected during the night. Appropriate signs and barricades shall be installed on the street and on all trenches during and after work hours. If the Permittee or its authorized representative(s) elect to use steel plates to cover street trenches, said steel plate will be skid-resistance, will be pinned to the adjacent asphalt concrete pavement, and ramped on all sides. All ramps will be a minimum two-foot wide and will be the entire length of each side.

C.4. Improvement Plans

Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24-inch x 36-inch size 4-millimeter thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.4.1 Water Distribution System

- a) During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the City of Tracy Fire Code Official.
- b) Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the offsite water mains and connections.
- c) Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The

domestic and irrigation water service connection(s) must be completed before the final inspection of the building. The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.

- C.4.2 Project Driveways and Access to Existing Businesses: The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.
- C.4.3 Street Cut(s) - When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
- C.5. Building Permit
No building permit 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.5.1 The Developer shall provide written evidence of the easements' recordation.
- C.6 Post-Construction – Use/energization of the monopine is discouraged until the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- C.6.1 The Developer has satisfied all the requirements set forth in Condition C.1 through C.5, above.
- C.6.2 The Developer has completed construction of all required public facilities for the monopine and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design,

construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

- C.6.3. If the Developer's project altered curb returns, the Developer shall be required to submit to the City either corner records or centerline tie sheet. If the curb return had a benchmark, Developer shall provide a new benchmark and the benchmark information provide to the City and County Surveyor.