

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, December 5, 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 – 10/10/18

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 APPROVE A CONDITIONAL USE PERMIT APPLICATION TO ESTABLISH A FITNESS (KICK BOXING) STUDIO FOR AN APPROXIMATELY 3,000 SQUARE FOOT TENANT SPACE WHICH INCLUDES AN INTERIOR REMODEL TO COMBINE TWO EXISTING TENANT SPACES (3232 AND 3234 N. TRACY BOULEVARD) WITHIN AN EXISTING SHOPPING CENTER. THE APPLICANT IS MOISES VILLEGAS; PROPERTY OWNER IS SILVERLAND INVESTMENT, LLC - APPLICATION NUMBER CUP18-0005
- B. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT TO ALLOW CONSTRUCTION OF AN APPROXIMATELY 920 SQUARE FOOT PRIVATE COURTYARD FOR OUTDOOR DINING, PARTIES, AND SOCIAL GATHERINGS, INCLUDING LIVE MUSIC AND ENTERTAINMENT, AND AN APPROXIMATELY 260 SQUARE FOOT RESTROOM BUILDING LOCATED BEHIND THE COMMERCIAL BUILDING AT 624 N. CENTRAL AVENUE – APPLICANT IS DALE COSE AND THE PROPERTY OWNER IS DON COSE – APPLICATION NUMBERS CUP18-0002 AND D18-0001

- C. PUBLIC HEARING TO CONSIDER TIME EXTENSIONS OF A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT (APPLICATION NUMBERS CUP15-0005 AND D15-0012) FOR A 40-UNIT RESIDENTIAL APARTMENT PROJECT (GRANT LINE APARTMENTS), INCLUDING ASSOCIATED AMENITIES, PARKING, AND LANDSCAPING IMPROVEMENTS ON APPROXIMATELY 1.66 ACRES LOCATED AT 321 E. GRANT LINE ROAD (APN 214-320-83). APPLICANT IS ROBERT HARRIS AND PROPERTY OWNER IS JAMES TONG, INC. – APPLICATION NUMBER EXT18-0007

 - D. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE ROCKING HORSE VESTING TENTATIVE SUBDIVISION MAP FOR 226 LOTS TO APRIL 5, 2021. THE PROJECT IS LOCATED ON THE EAST SIDE OF LAMMERS ROAD NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE APPLICANT AND PROPERTY OWNER IS CALANDEV, LLC - APPLICATION NUMBER EXT18-0003

 - E. PUBLIC HEARING TO CONSIDER AN APPEAL OF THE APPROVAL OF DEVELOPMENT REVIEW PERMIT APPLICATION NUMBER D17-0022. THE PERMIT APPROVAL INCLUDED THREE INDUSTRIAL BUILDINGS TOTALING APPROXIMATELY 1,484,097 SQUARE FEET AND A TEMPORARY RETENTION BASIN, TRUCK LOADING AREAS, AND RELATED PARKING, LANDSCAPING, AND STORMWATER TREATMENT IMPROVEMENTS ON AN APPROXIMATELY 75.14-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF GRANT LINE ROAD AND SKYLARK WAY, ASSESSOR'S PARCEL NUMBER 250-020-93. APPELLANT IS LOZEAU DRURY, LLP AND PERMIT HOLDER/OWNER IS MAJESTIC LIVERMORE PARTNERS, LLC. - APPLICATION NUMBER APL18-0003
- 2. ITEMS FROM THE AUDIENCE

 - 3. DIRECTOR'S REPORT

 - 4. ITEMS FROM THE COMMISSION

 - 5. ADJOURNMENT

Posted: November 30, 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
OCTOBER 10, 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, Vice Chair Hudson, and Commissioners Gable and Wood present, Commissioner Kaur absent. Also present were: Bill Dean, Assistant Development Services Director; Robert Armijo, City Engineer; Leticia Ramirez, Assistant City Attorney; Scott Claar, Senior Planner; Genevieve Federighi, Assistant Planner; Nanda Gottiparthi, Consultant, SNG and Associates; and Peggy Abundiz, Recording Secretary.

MINUTES

Chair Orcutt introduced the Minutes of the September 26, 2018, meeting.

ACTION: It was moved by Chad Wood, and seconded by Vice Chair Hudson, that the Planning Commission meeting minutes of September 26, 2018, be approved. A voice vote found all in favor, 4-0-1-0; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean stated that there were no modifications to the agenda.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER THE RENEWAL OF A CONDITIONAL USE PERMIT FOR EIGHTEEN MONTHS 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 APPLICANT IS SHANIKA TENNAKON; THE PROPERTY OWNER IS BAY AREA INVESTMENTS COMPANY, INC– APPLICATION NUMBER EXT18-0006

Genevieve Federighi presented the staff report and stated that at the February 28, 2018, Planning Commission meeting the Commission had added a condition, shown in Exhibit A as D.10, requiring that the building be tested for lead. Ms. Federighi further stated that staff encourages the Commission to include that condition in this extension.

Chair Orcutt opened the public hearing at 7:05 p.m.

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

ACTION: It was moved by Vice Chair Hudson, and seconded by Commissioner Gable, that the Planning Commission approve the Renewal of the Conditional Use Permit for Montessori on the Prairie, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 10, 2018, with the condition of testing for lead added.

A voice vote found all in favor, 4-0-1-0; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE REDBRIDGE PLANNED UNIT DEVELOPMENT AND A DEVELOPMENT REVIEW PERMIT TO INSTALL COMMUNITY GATES AND A GUARD HOUSE FOR THE REDBRIDGE SUBDIVISION. THE APPLICANT IS THE REDBRIDGE OWNERS ASSOCIATION. APPLICATION NUMBERS PUD18-0001 AND D18-0014

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

Chair Orcutt opened the public hearing at 7:22 p.m.

The following individuals spoke in favor of installing a gate at Redbridge: Mike Noonan, Tony Marshall, Amara Morrison, Brenda Dayton, Tom Rauch (who presented three display photos of the gate located at Summergate), Shaun O'Neill, Jim Willis, Al Ayubi, Christopher Rogers, Steve Perea, Steve Askin, Scott Stewart, Sonia Bradley, Jason O'Reilly, Claudette Zir, Heather Hanier, Ed Lewis, Mary Ann Davidson, Aron Weck, MaryBeth Lee-Perea, Carolyn Perez, Moadiah Polee, Sean Pedersen, and Larry Perea.

There were no speakers in opposition to installing a gate at Redbridge.

Chair Orcutt closed the public hearing at 8:22 p.m.

Staff and the applicant addressed additional questions from the Commissioners. Chair Orcutt inquired as to the results of a vote that had been taken of homeowners regarding the gate. Mike Noonan, President of the Redbridge Homeowners Association, presented a tally sheet to the Commission.

Comments by the Commissioners followed.

ACTION: It was moved by Commissioner Hudson, and seconded by Commissioner Gable, that, as stated in the Planning Commission Resolution, Exhibit H, dated October 10, 2018, the Commission recommend that the City Council:

- Approve the proposed amendment to the Redbridge Planned Unit Development (Application Number PUD18-0001) and
- Approve the Development Review permit to install community gates and a guard house for the Redbridge subdivision (Application Number D18-0014), subject to conditions of approval pertaining to both gates as stated in Exhibit 1.

A roll call vote found all in favor, 4-0-1-0; passed and so ordered.

Closing comments from the Commissioners followed. The Commissioners encouraged the audience to attend the City Council hearing on this item.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean thanked the Commissioners for their time and added that he was glad to see them in attendance at the APA Conference.

4. ITEMS FROM THE COMMISSION

None.

5. ADJOURNMENT

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

Time: 8:37 p.m.

CHAIR

STAFF LIAISON

ATTACHMENTS:

- Five Letters Submitted to Commission after Agenda Packet Distribution, prior to meeting
- Sign-In Sheet: Speakers from the Audience
- Poster Board Sized Photos of Summergate presented during the meeting (reduced copies)
- Tally Sheet presented to Commission during the meeting

REDBRIDGE GATE
COMMENTS RECEIVED

PUBLIC VIEWING COPY
DO NOT REMOVE

From: [Stephanie Voress](#)
To: [Council; Planning Commission](#)
Subject: Redbridge gate meeting
Date: Tuesday, October 9, 2018 11:16:45 AM

Please read this from someone who is a NO vote on the gate that is currently being considered for Redbridge.

I was surprised to see on the agenda for the 10/10/2018 Planning Commission meeting, Agenda Item 1.B in the Background section under "Discussion" states that Redbridge was approved as a gated community in 1999. The attachment that is supposed to corroborate this, Attachment A, is also available to review. In reviewing the attachment, I found NO mention of a gate. I currently own 2 properties in Redbridge. I purchased in 2005, as the second owner of the home we currently live in, and in 2006, as original owner of a rental in Redbridge. However my daughter purchased in Redbridge as a new owner in 2000. Therefore, I am familiar with the original plans and a gate was NEVER promised or approved to any of us. We were told that if Schulte ever came through that a gate would be discussed.


In the original Redbridge 'gate vote' there was a plan for a 'guarded gate, 24/7' and a cost for the total project that has been far exceeded and there is no secured plan even still. I believe there were 192 yes votes out of 428 homes - clearly not a majority of homes, simply a majority of those who were able to vote. Since then, the plan has changed substantially so as to not be the same gate we voted on. In addition, 100 homeowners have moved out of Redbridge since the vote was taken and none of the new owners have had an opportunity to weigh in.

In recent months, the community has seen a bitter split on the opinion of whether the community should move forward on the gate project because so much of what we voted on back the has changed. I would like to ask the Planning Commission and the City Council to simply make sure that you are voting on what the majority of the community wants and what is in the best interest of the community.

Unfortunately, there is a coordinated effort to silence those opposed to a gate, and those who favor a new vote. Those who have spoken out at board meetings, on social media, or on the Neighborhood community bulletin board have been bullied, called out as liars, trouble makers, and if you can believe it, pieces of SH*@! This has turned into a very contentious situation in our neighborhood and you should know that although you may be hearing from all the 'PRO' gate residents, those of us who oppose the gate have been intimidated to keep silent.

I would just ask that if you consider approval of the gate, please add a contingency that it could be approved ONLY after a new vote has been taken of the current residents which could easily be accomplished. The cost for such an election is a small price to pay to be sure this is something the community actually supports. In this new vote, the exact specifics could be given such as hours of operation, type of gate, increase in dues to homeowners. As I said, all of these things are completely unknown to the residents as the proposal voted on is NOT what is before you now.

Thank you for your time and consideration and feel free to call or email me if you have any questions.

Stephanie Voress


October 9, 2018

City of Tracy Planning Commission Members,

I am a Redbridge resident. I am OPPOSED to the gate proposal.

I moved to Redbridge in 2003 from the Bay Area. I admired the openness of the community and the country feel. When we purchased our home, there were no indications or references to a gated community. If I had wanted to live in a gated community, I would have moved to Blackhawk (assuming I could afford it).

Now, after 14 years, a heavily biased board and minority block of homeowners seek to alter the daily quality of life for thousands of residents, both inside and outside of Redbridge by advancing this proposal to retrofit our entrance with a gate.

The comments in Staff's report that Redbridge "was pre-approved" as a gated community is pure fiction. Not one of the original documents provided by staff mention a gate, much less an "approval" for one.

Security in Redbridge is not an issue. We have a sophisticated 25-camera security system with inbound and outbound license plate readers. Crooks are not stopped by gates. Statistics show most crime occurs from within the community.

Just because an HOA votes for a gate does not mean it should be gated.

Please respect the Tracy General Plan to maintain open borders in our community. Recommend a DO NOT ACCEPT for this gate application.

David Lieberman
Redbridge resident
2600 Mocking Bird Lane

A handwritten signature in black ink, appearing to read "David Lieberman", written over the typed name and address.

To: Planning Commissioners

October 10,2018

Re: Consideration of Gate at Redbridge Development

I have lived in Redbridge for 18 years, being one of the original homeowners. I have loved living here, but there is a situation evolving right now over the question of gating the community. I am not for this, due to many reasons, but I will be brief. It was not gated when I purchased, and I was told it was not built to be gated, that the guard house, etc., was for aesthetics. However, at some point people were using our streets as a cut through to Schulte and then to the freeway. We were able to erect a gate, which eliminated this cut through traffic. After George Kelley was built, some homeowners were upset that our streets were being used to access the school. In my opinion, that is perfectly OK. How many communities deal with this everyday? It is the cost of living near a school. The homeowners association board, decided to take a vote to stop this traffic. This vote was manipulated to be very one sided, with no cons listed, only pros, We were told our home values would rise, our home insurance rates could decline, we would have no more school traffic, crime would go down, etc. Redbridge is not a major crime area. We have highly rated video systems, with license plate camera technology, plus a roving security monitoring company. The board commissioned a drawing of the proposed gate, said a "guessestimate" received from one contractor, was for \$350,000, the gate would be closed 24 hours a day, eliminating the school traffic, and would be guarded 24 hours a day, and our dues would increase \$20 for 3 years until construction was completed. It has now been 3 ½ years and no shovel has hit the dirt. They never stated a maximum amount to be raised, so this gate could escalate to \$1,000,000 and we would still be paying. There has never been any research or information gathered as to how much dues would increase to maintain, repair, and replace the gates. It could mean another \$100 a month increase, and I could be priced out of my home. This Board has endorsed a flawed, misleading, untruthful, and possibly illegal (per Davis Stirling regulations) vote. Since the vote 3 years ago, 115 homes have changed ownership, and these homeowners have had no say in this important decision. More reasons against the gate are..it goes against the City General Plan, when the traffic survey was done, there were some issues that were not favorable, (we were not told what they were), but the city agreed to forgo those issues, evidently. In summarization, we voted for a gate at \$350,000 which increased in cost 1 ½ years later to \$450,000 (who knows what the actual cost could be now, 2 years later? It was to stay closed at all times, and now they are offering to leave it open to the very traffic they claim is the reason for the gate. There is no projection for the increased dues for maintenance, repair, and replacement. At the very least, this needs to go back to the membership living here currently, with a true and accurate cost bid (from 3 contractors), and accurate financial projections. The city Council is elected to make decisions for the benefit and betterment of all Tracy residents. How does this gate benefit the rest of Tracy residents who will be inconvenienced?

I have tried to make my concerns known to the homeowners, but they don't want to hear anything negative. Subsequently, I have been bullied, insulted, ridiculed, and been referred to as a POS. There are others who have contacted me to let me know they agree with me, but are afraid to put their opinions out to the public, because of what I have endured. In my opinion, this is completely crazy. I hope you take all of this into consideration when you make your recommendation to city council. This gate was never approved before, we knew what our dues paid for when we moved in, and this is not in the best interest for the rest of Tracy homeowners.

Thank you

Sue Rainey

To : City of Tracy Planning Commission
Date : 09Oct18

Re : Redbridge Gate

Members of the Planning Commission,

I am a Redbridge resident and former Redbridge HOA Board member. Outlined below are concerns re : the Redbridge gate proposal.

I hope these concerns will be taken into consideration when reviewing this proposal. There are Redbridge residents on both sides of this issue.

* The proposed gate does not align with the City of Tracy General Plan. In 2000, when I purchased a home in Redbridge, Surland disclosures stated Redbridge would not be a gated community. Per the General Plan, Redbridge could not be gated until Schulte Road was completely built out and this has not happened-to-date. **Why would the Planning Commission and/or City Council go against the General Plan as well as go against a previous City Council that stated there would be a gate could not be considered until Schulte Road was built out?**

* Out of the 438 homes in Redbridge, only 203 votes were in favor of the gate - **this is less than 50% of the homeowners that voted for the gate.** 192 homeowners voted against the gate - the vote passed by a small margin (46% vs 44% of the membership) and not the overwhelming majority that has been portrayed to the Planning Commission and City Council. The Redbridge gate vote took place in 2015. In the time since the vote 3 years ago, 115 homes have sold in Redbridge. The landscape of the Redbridge homeownership has changed in the past 3 years and the vote may no longer accurately represent wishes of the homeowners. The # of new homeowners coupled with the biased proposal warrants a new vote in the Redbridge community.

* A grave concern for Redbridge homeowners is the impact of the gate cost on home values related to HOA due increases. The Redbridge Board has not quantified this potentially large liability for the Redbridge homeowners. Per Board Member, Mary Ann Davidson, the original "guesstimate" was \$350K and has now been revised to \$450K. Since RFQs have not been part of the gate process, there is no way to validate the "guesstimate". With this unknown large liability, there is a possibility of out pricing our homes with high HOA dues and this would be detrimental to the City of Tracy as well as Redbridge homeowners. **Due diligence in determining and understanding gate costs has not been met.**

* The Gate proposal put forth by the Redbridge Board to the homeowners was incomplete, one-sided and not forthright or objective. An upper limit in terms of cost and duration was not included in the Redbridge vote nor was this highlighted by the Redbridge Board. During my Redbridge Board reelection campaign, I spoke with many homeowners and the feedback I received was that homeowners did not realize they voted in an "open check" and voiced concern and remorse re : their "for" vote. This "open check" proposal could be detrimental to both the City of Tracy and Redbridge residents as noted in the item above.

* In reviewing crime statistics, Tracy has one of the lowest crime rates in California. The area of Tracy that Redbridge is located in is one of the lowest crime rates within Tracy. The Tracy

crime rate is lower than the California average and is also lower than the national average crime rate (<http://www.usa.com/tracy-ca-crime-and-crime-rate.htm>). Out of 466 California cities with "crime index" data, Tracy is ranked # 187 (<http://www.usa.com/rank/california-state--crime-index--city-rank.htm?hl=Tracy&hst=CA>) (the top 40% of cities in California with "crime index" data). Based on these crime statistics and living within Redbridge for the past 17+ years, the gate is not warranted. In light of the cost concerns, the unknown costs and impact far outweigh the perceived minimal benefits of a gate and we respectfully request that the Planning Commission consider our input and not recommend the Redbridge Gate project to the City Council.

* There are passionate views on both sides of the Redbridge gate proposal. This issue has been polarizing in the Redbridge community and some residents have felt lash back for differing views. For this reason, I prefer to remain anonymous.

Respectfully,

A concerned Redbridge Resident and former Redbridge HOA Board Member

LETTER TO PLANNING COMMISSION

MEMBERS OF THE PLANNING COMMISSION:

We, the undersigned residents of the Redbridge development, want to inform you that we are **against** building a gate to hinder access to our homes. Our reasons are:

- ❖ The recommendation by the City Planners (Staff Report) refers to Redbridge as an "approved gated community". We disagree with this statement. There have never been any plans or references to a "gate" in the original Redbridge application or the Conditions of Approval (Attachment A).
- ❖ Just because Redbridge streets and parks are maintained by the Association, it does not mean private.
- ❖ Closing borders by erecting a gate violates seven elements of the City's General Plan as stated in the Ventner Traffic Study (Attachment E) page 34.
- ❖ Based on historical experience with traffic patterns, we anticipate a gate will introduce major traffic backups at the Lammers Road entrance during commute and school hours.
- ❖ The community vote taken in 2015 carried in favor by a mere 172 households out of 438 homes. Since that vote was taken, 115 homes have changed hands. This vote does not represent the majority of or the best interests of the community as a whole.
- ❖ The community vote in 2015 was orchestrated by a board biased in favor of the gate. The information presented at that time was inaccurate and incomplete. The HOA has been put on legal notice that the proposed method of funding potentially violates the David-Stirling act.
- ❖ The costs, timelines and conditions-of-approval of the proposed gate in no way resemble what was voted upon in 2015.
- ❖ This is a major capital improvement impacting thousands of households both inside and outside of Redbridge with the potential to inflate HOA dues and diminish property values.

**PLEASE DECLINE APPROVAL / RECOMMENDATION
OF THE REDBRIDGE GATE PROPOSAL**

Judy [Signature]
Shawn [Signature] 2600 Maple Ridge Rd

Paul [Signature]
Stephanie [Signature] 1381 Rowland Ct

Krista [Signature]
Will [Signature] 2609 HAWTHORNE WAY

Chede [Signature] 624 Serra Ranch

Rebecca [Signature] 1608 Hawthorne Dr
Bob [Signature]

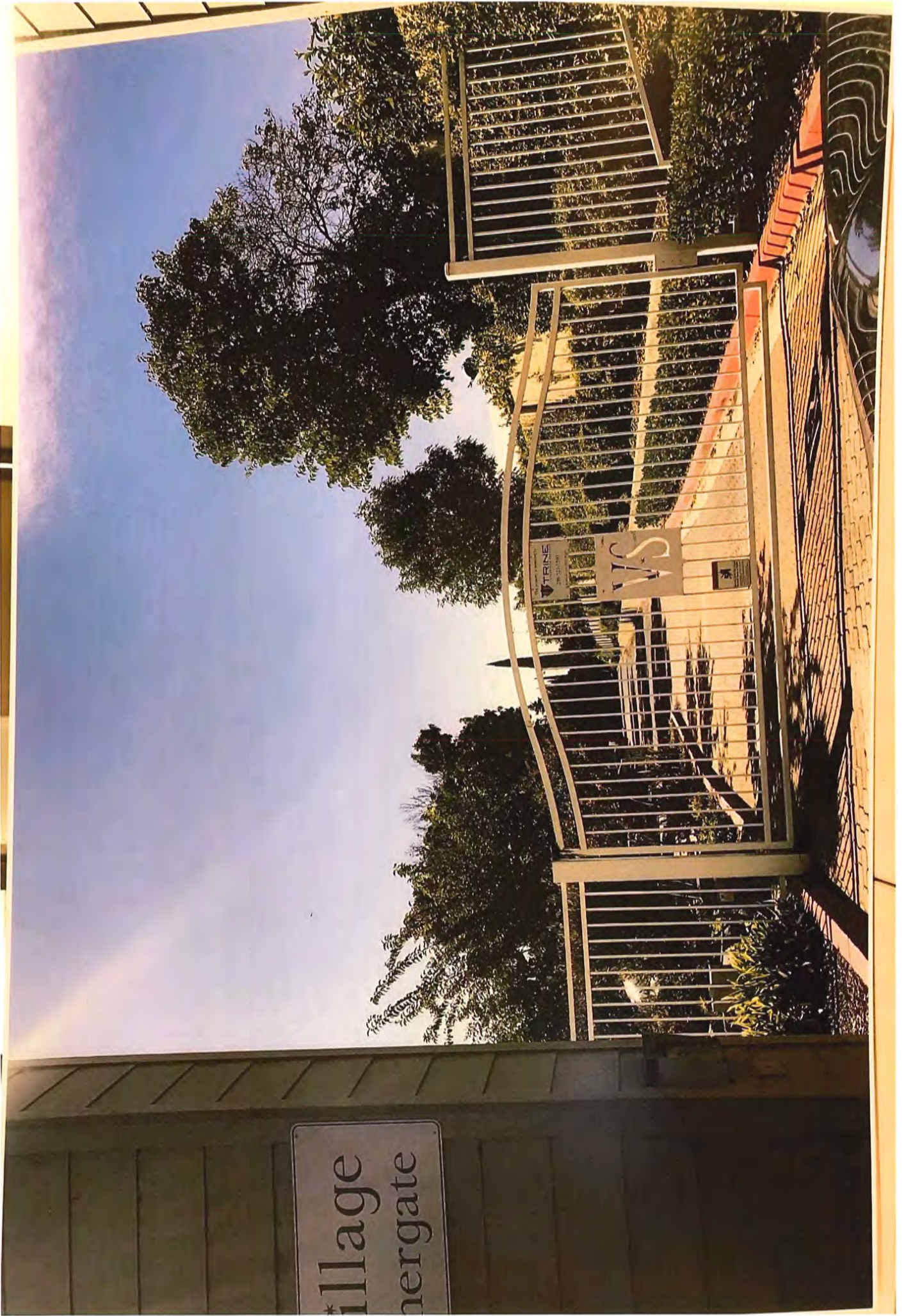
Marshall [Signature] / Janice [Signature]

CITY OF TRACY
 PLANNING COMMISSION MEETING
 Speakers from the Audience Sign-In Sheet
 October 10, 2018

NAME (Please print legibly)	ADDRESS
Mike Neenan	2944 REDBRIDGE RD
Tony Marshall	1242 Dupont Court, Manteca
Amara Morrison	1111 Broadway Oakland CA
TOM RAUCH	2818 HANDSTAND WY
Shawn O'Neill	2959 Perry Ln.
Brenda Depton	709 Belmont Lane
Jim Willis	2691 MOCKINGBIRD LN
AL Ayubi	3101 Hutton place, T
Christopher Rogers	2616 Green Haven Ct.
Stacy Askin	3113 Pennington Way
STEPHEN PEREA	2757 Green Haven Dr
Scott Stewart	1394 Meadow Ct
Susan O'Reilly	2854 Redbridge Rd.
Sonja Bradley	2718 HANDSTAND WY
C. Zbr	515 Delwood Lane
Ed Lewis	1150 Kaden Ln.
Heather Humer	559 Belmont Lane
Mary Ann Davidson	540 BELMONT LN
ARON WELK	2724 Redbridge Rd
Cheryl Perez	2904 Redbridge Rd.
BEAN PENDERSEN	2664 REDBRIDGE RD
MaryBeth Lee-Perea	2757 Green Haven Dr.
Moadiah Polee	574 Serpa Ranch Rd.

LARRY FERBA 2904 FREDRIDGE RD.



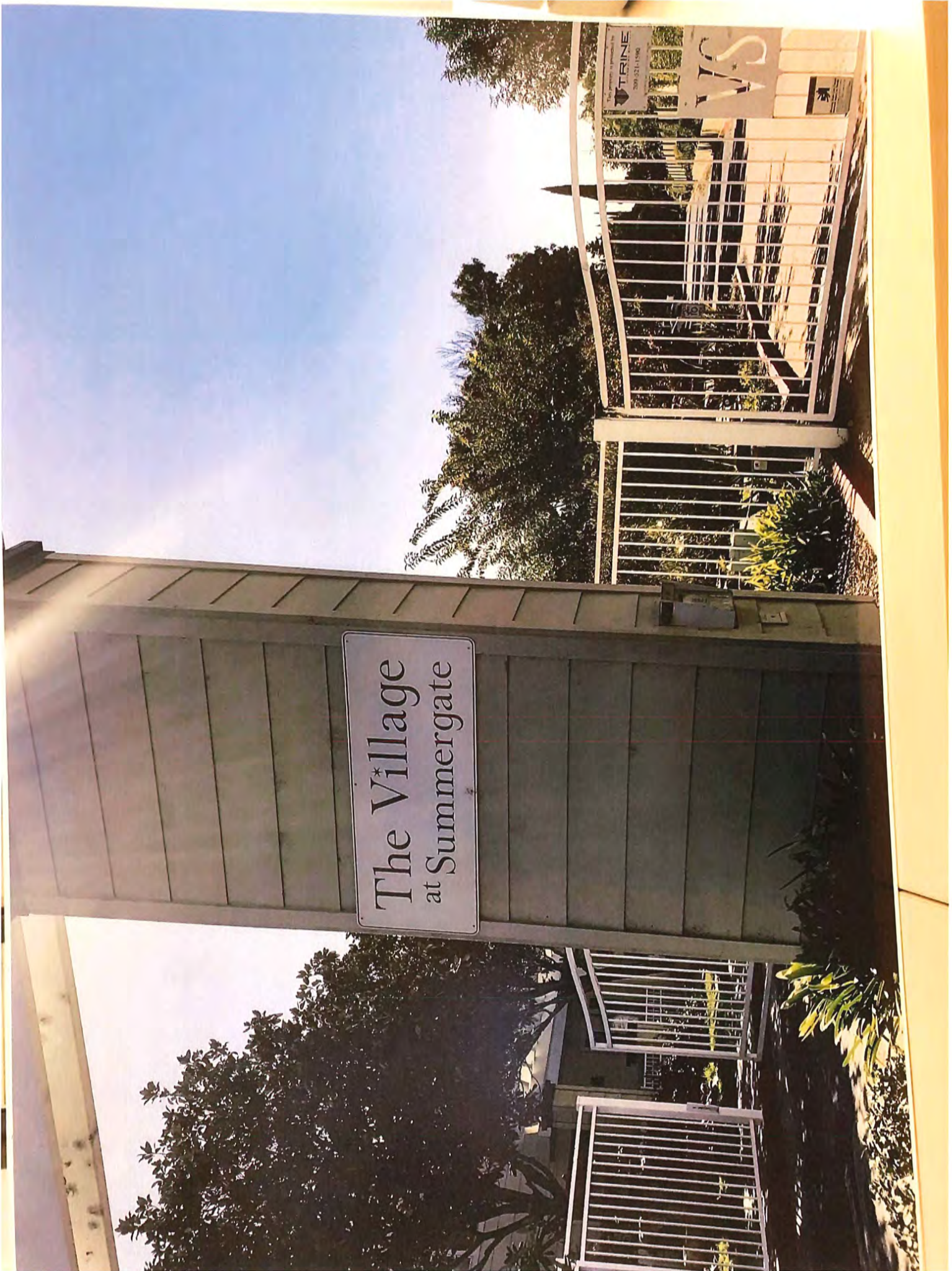


Village
mergate

WINDY HILLS
MS

The Village
at Summergate

WS
The property is managed by
STRINE
200-521-1580



REDBRIDGE OWNERS' ASSOCIATION
2015 Gate Project Vote Tally Sheet

RESOLUTION #1
Construction of Entry Gate and Guard House

FOR

203

271

AGAINST

68

RESOLUTION #2
Increase in Regular Assessment of \$20 per Month per Lot

FOR

192

AGAINST

78

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO APPROVE A CONDITIONAL USE PERMIT APPLICATION TO ESTABLISH A FITNESS (KICK BOXING) STUDIO FOR AN APPROXIMATELY 3,000 SQUARE FOOT TENANT SPACE WHICH INCLUDES AN INTERIOR REMODEL TO COMBINE TWO EXISTING TENANT SPACES (3232 AND 3234 N. TRACY BOULEVARD) WITHIN AN EXISTING SHOPPING CENTER. THE APPLICANT IS MOISES VILLEGAS; PROPERTY OWNER IS SILVERLAND INVESTMENT, LLC - APPLICATION NUMBER CUP18-0005

DISCUSSION

Site and Project Description

The project site (3232 and 3234 N. Tracy Boulevard) is located in the Valley Shopping Center at the southeast corner of N. Tracy Boulevard and W. Clover Road (Attachment A).

The proposal consists of operating an exercise facility in a tenant space of approximately 3,000 square feet. To create the 3,000 square foot tenant space, the applicant is combining two adjacent tenant spaces within the shopping center. The proposed fitness activity includes 3-4 trainers working with approximately 30-40 clients during set appointment times to achieve a workout focused around the sport of kick boxing. Attachment B contains a project description and summary of workout activity. Attachment C includes two pages showing a conceptualized floor plan: open training area, a reception counter at the entry, two restrooms, two locker rooms, and a storage room.

No exterior improvements or activity are proposed as part of this Use Permit application.

Land Use Compatibility

Zoning of the site and surrounding property is Community Shopping (CS). Recreational or educational uses such as the proposed fitness studio require Planning Commission approval of a Conditional Use Permit in order to operate in the CS Zone. Principally permitted uses in the CS Zone (which do not require Conditional Use Permit approval) include a wide range of commercial uses such as places of assembly, retail, consumer services, offices, and restaurants. Conditionally permitted uses include educational, cultural, institutional, and recreational uses, traveler's living accommodations, and business services.

The proposed fitness studio is anticipated to be compatible with existing and permitted surrounding commercial uses of the site, in terms of noise sensitivity or generation, hours of operation, and character of traffic and customers.

The project submittal includes a parking analysis showing that the shopping center provides the amount of required parking spaces for each tenant, which is determined by the square footage of each tenant space as well as the land use of the space. The parking analysis concludes that 12 parking spaces are required for the proposed use,

which is achieved by the existing on-site parking. This analysis is based on the studio requiring one off-street parking space per 250 square feet of floor area.

The Tracy Municipal Code (TMC) does not prescribe parking requirements specifically for martial arts studios. However, TMC Section 10.08.3490 authorizes the Planning Commission to determine the parking requirements for any use not specifically set forth in the TMC. In the past, the Planning Commission has determined that fitness studios similar to this would need one space per driving-age student plus one space per instructor. Given the maximum number of students (40) and instructors (4) at one time, the proposed studio would need 44 spaces, based on previous City determinations for fitness studios at other locations in town. Attachment D is the parking analysis submitted by the applicant, which is general in nature without specific reference to the actual parking demand of the existing tenants. This analysis demonstrates that 44 parking spaces are available and the proposed kick boxing studio can be accommodated by the existing on-site parking.

Furthermore, the applicant has stated that the nature of this use is focused on capturing the market share for fitness facilities before and after regular work hours and therefore has peak demand in the early morning and evening hours. These peak hours differ from typical peak business hours of retail or office uses that would share the parking area.

The applicant has been working with the City Building Division to ensure appropriate building permits are obtained and compliance with exiting, accessibility, and other Building Code requirements. Depending on the final floor plan dimensions, a Building Code occupancy change may be required.

CEQA Documentation

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to interior alterations of existing facilities. Therefore, no further CEQA documentation is required.

RECOMMENDATION

Staff recommends the Planning Commission approve the Conditional Use Permit for the proposed fitness (kick boxing) studio within the Valley Shopping Center located on the southeast corner of N. Tracy Boulevard and W. Clover Road, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated December 5, 2018.

RECOMMENDED MOTION

Move that the Planning Commission approve Conditional Use Permit Application Number CUP18-0005 to allow a fitness (kick boxing) studio within the Valley Shopping Center located on the southeast corner of N. Tracy Boulevard and W. Clover Road, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated December 5, 2018.

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

ATTACHMENTS

- Attachment A – Aerial Photo
- Attachment B – Applicant's Project Description
- Attachment C – Proposed Conceptual Site Plan and Floor Plan
- Attachment D – Parking Analysis
- Attachment E – Proposed Planning Commission Resolution (with recommended Conditions of Approval)

[Oversized Conceptual Site Plan and Floor Plan (Attachment C) were distributed to the Planning Commission members and are available for review at Tracy City Hall, 333 Civic Center Plaza, Tracy; the Tracy Branch Library, 20 E Eaton Avenue, Tracy; and the City of Tracy website www.cityoftracy.org]

RECEIVED
SEP 27 2018
CITY OF TRACY
DEVELOPMENT SERVICES

Aerial Photo



3234 N. Tracy Blvd. Tracy CA 9376

site location

3232
&



Project Description

September 26, 2018



Re: I Love Kick Boxing (Tenant Improvement)
3232 & 3234 N. Tracy Blvd.
Tracy, CA 95376

A 3,020 s.f. tenant improvement for an I Love Kickboxing Franchise. The facility is designed with an open spacious training area, a reception counter at the entry, two restrooms, 2 locker rooms and a storage room.

The facility will have 3-4 employees. It is anticipated from current I Love Kickboxing studios that, 30-40 clients will be training at any given time. Clients will be trained by appointment.

The hours of operation are as follows:

- Monday to Friday: 6:00AM – 9:00PM
- Saturday and Sunday: 8:00AM – 2:00PM



STAMP



PROJECT NUMBER: 2018-001 & 2018-002

TENANT IMPROVEMENT

TRACY, CA

DIRECTORY

BUILDING OWNER: HELVEN AND INVESTMENT LLC 240 FRODO DR. SAN JOSE, CA 95131	DESIGNER / CONTACT PERSON: MOSES VILLEGAS CREATIVE CONSULTANTS DESIGN BLD. 4075 DUNSTON PARK DR. REBECCA, CA 92370 (951) 784-1000
TENANT ARCHITECT/OWNER: KELLY BROOKS I LOVE KICK BOXING 3232 & 3234 N TRACY BLVD TRACY, CA 95376	MECHANICAL/ELECTRICAL/PLUMBING: MOSES VILLEGAS CREATIVE CONSULTANTS DESIGN BLD. 4075 DUNSTON PARK DR. REBECCA, CA 92370 (951) 784-1000
BUILDING DEPARTMENT: CITY OF TRACY 355 CIVIC CENTER DR. TRACY, CA DOWNS 6400	

PROJECT DATA

TENANT / PROJECT ADDRESS: I LOVE KICK BOXING 3232 & 3234 N. TRACY BLVD TRACY, CA 95376	BUILDING CODE: 328 CEC M - RETAIL B - PERSONAL TRAINING
EXISTING OCCUPANCY GROUP: 30200 SQ FT	PROPOSED OCCUPANCY GROUP: 30200 SQ FT
AREA OF IMPROVEMENT: 30200 SQ FT	TOTAL SITE AREA: V-B (NON-SPRINKLERED)
TYPE OF CONSTRUCTION: I	NO. OF STORES: XX
NO. OF STORIES: I	REGISTERED NO. OF PHOTOS: I
PROVIDED NO. OF BAYS: I	TOTAL NO. OF PARKING SPACES: 407
TOTAL NO. OF PARKING SPACES: 407	NO. OF ADA SPACES: 10

SCOPE OF WORK

TENANT IMPROVEMENT-KICK-BOXING PERSONAL TRAINING

CONSTRUCT NEW - NEW PARTITION WALLS, (NON-STRUCTURAL) TO SEPARATE FRONT AREA FROM REAR, MEI AND LOCKERS, DRESSING ROOMS, TRAINING AREA, BREAK ROOM, STORAGE AREA. PROVIDE NEW FLOORING AND ELECTRICAL FOR RESTROOMS. REMOVE EXISTING RESTROOMS TO MEET ADA STANDARDS.

VICINITY MAP

JOB ADDRESS
3232 & 3234 N TRACY BLVD
TRACY, CA 95376

LEGAL DESCRIPTION
APN: 214-459-05
LOT: 6
BLK: 6

TENANT

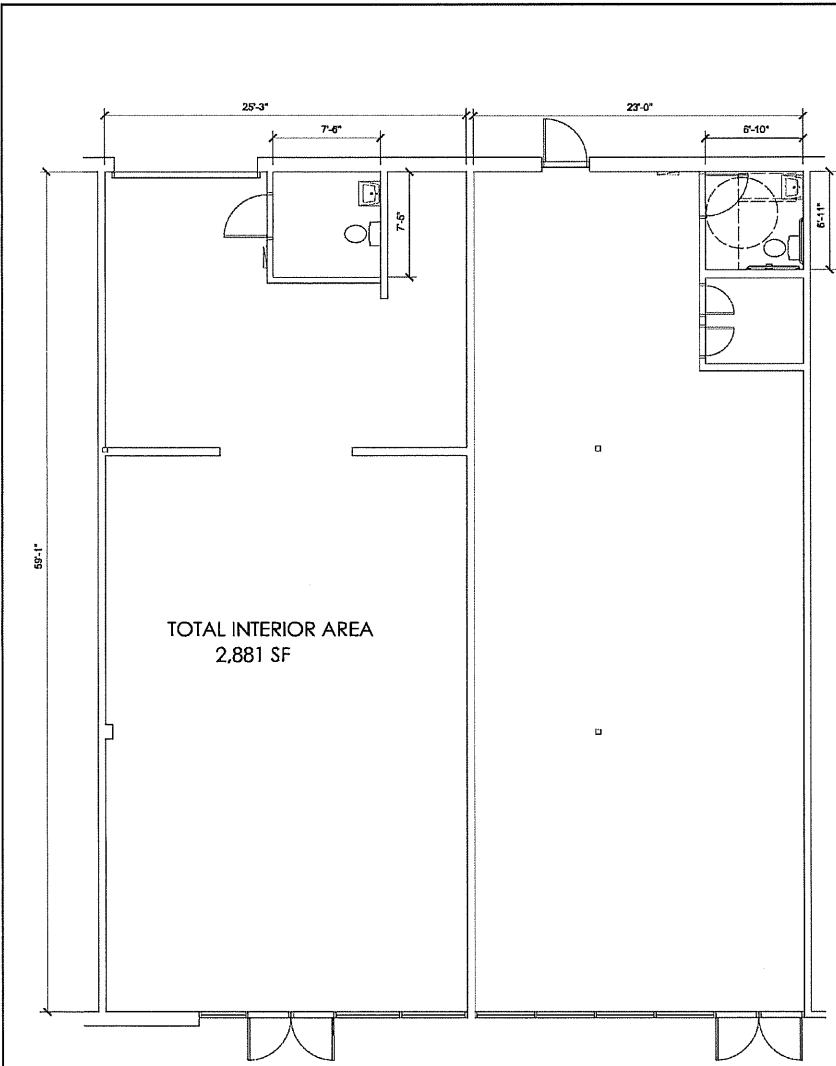
ISSUED
Issued for: CLIENT REVIEW
 PLAN CHECK
 BUILDING DEPARTMENT SUBMITTAL
 CONSTRUCTION

PROJECT TITLE
I LOVE KICKBOXING
TENANT IMPROVEMENT

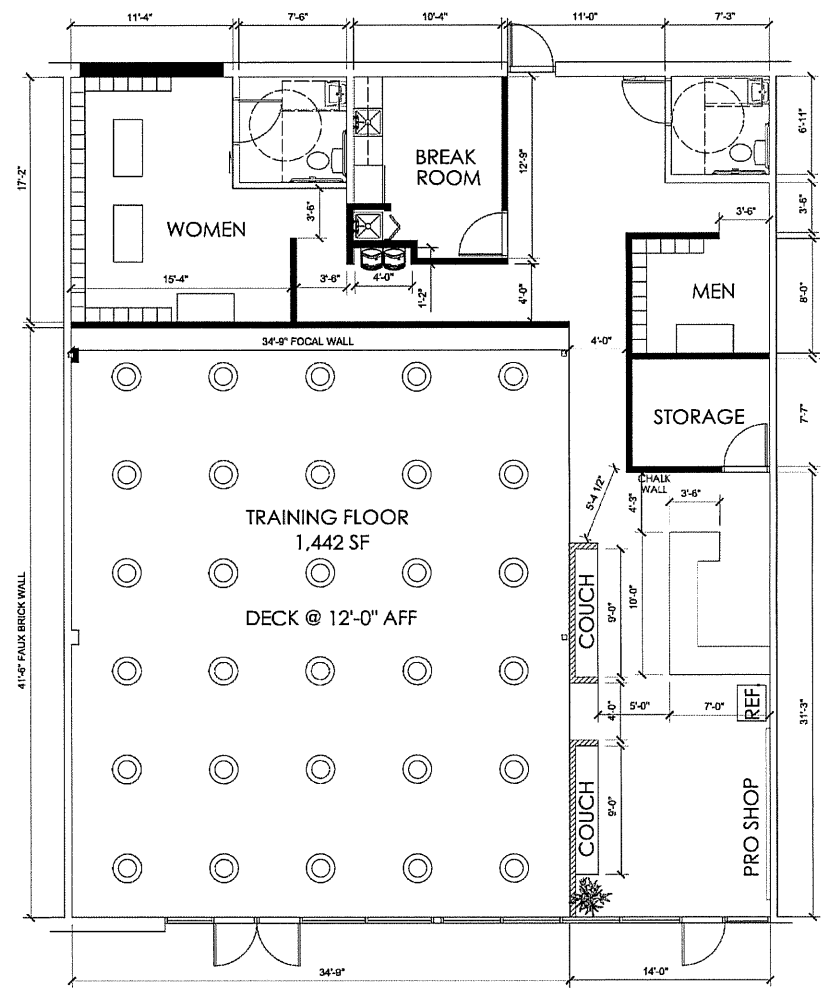
DATE 2019-080
START DATE 09/25/2018
DRAWN BY: M.V.
CHECKED BY: M.V.
DRAWING SHEET 1 19

T101

NO.	DATE	REMARKS



EXISTING FLOOR PLAN
SCALE: 1/4"=1'-0"



PRELIMINARY PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"



Parking Analysis

Valley Shopping Center

September 26, 2018

Re: I Love Kickboxing (Tenant Improvement)
3232 & 3234 N. Tracy Blvd.
Tracy CA 95376

The shopping center was determined to have 407 parking spaces (389 standard parking spaces and 18 accessible parking spaces).

The City of Tracy Vista Municipal Code specifies the parking requirements for various uses (section 10.08.3480). The cumulative parking demand for the entire shopping center was determined by calculating the City parking requirement for each shopping center tenant based on use and size. The cumulative parking demand analysis includes the parking for vacant shopping center areas. The analysis shows that the cumulative parking requirement is 295 parking spaces.

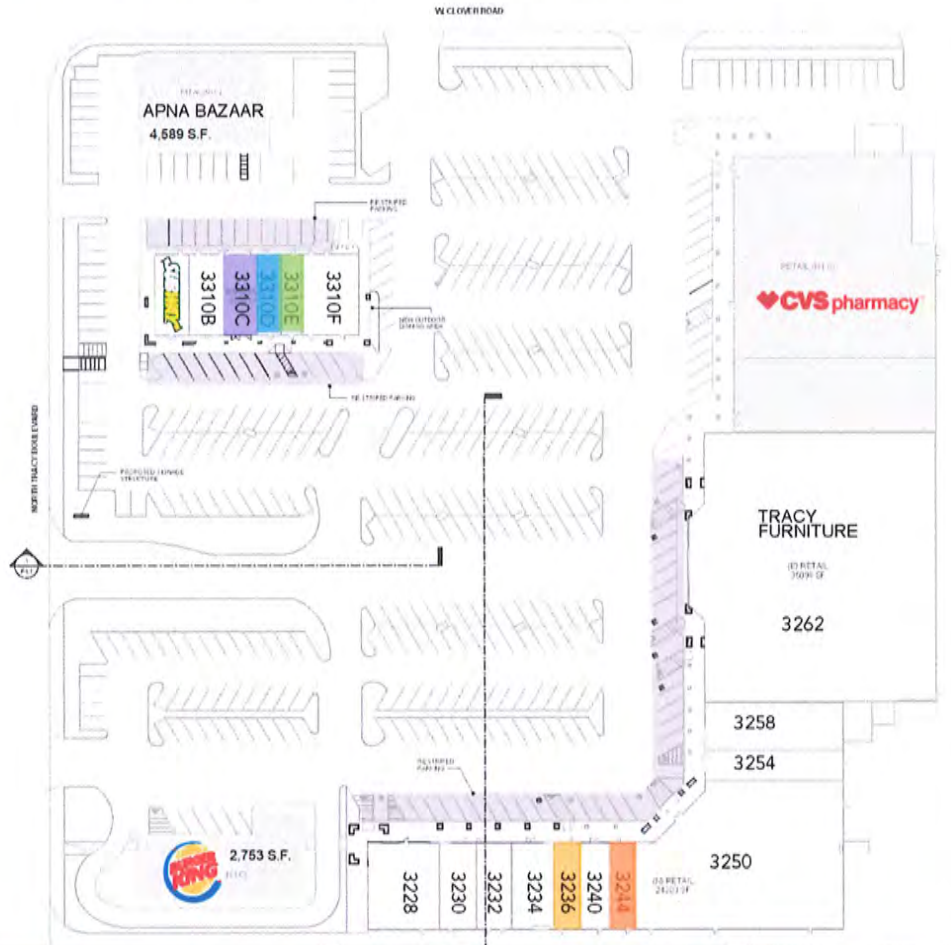
Proposed Project Parking Requirement

The proposed I Love Kickboxing is classified as Martial Arts Studio (by appointment only). The City requires vehicle parking spaces at a rate of 1 for every 250 square feet.

Based on the City code. The proposed I Love Kickboxing 3,020 s.f. would require 13 parking spaces. The same amount of spaces under the previously approved Martial Arts Studio.

UNIT #	USE	NAME	GLA	REQUIRED PARKING RATE	REQUIRED PARKING
3228	RESTAURANT/TAKE OUT	Straw Hat Pizza	3,000	1/250	12
3230	RETAIL/ MASSAGE THERAPY	Angel Relax	1,480	1/250	6
3232	RETAIL	Proposed I Love Kick Boxing	1,470	1/250	6
3233	"	"	1,550	1/250	6
3236	RETAIL	VACANT	1,200	1/250	5
3240	RETAIL/SERVICE	Hairkutz	1,200	1/250	5
3244	RETAIL	VACANT	960	1/250	4
3250	RETAIL/SERVICE	Party Giants	1,351	1/250	5
3254	DENTAL OFFICE	Cheema Dental	2,750	1/200	11
3258	RETAIL/ GROCERY MARET	Afghan Grocery Market	3,250	1/250	13
3262	RETAIL/SERVICE	Tracy Furniture (RETAIL)	21,217	1/250	85
	WAREHOUSE	Tracy Furniture (WAREHOUSE)	9,092	1/1000	9
3310A	RESTAURANT/TAKE OUT	Subway	1,320	1/250	1
3310B	RETAIL/SERVICE	Touchdown Wireless	1,238	1/250	5
3310D	RETAIL	VACANT	1,238	1/250	5
3310E	RETAIL	VACANT	861	1/250	3
3310F	RESTAURANT/TAKE OUT	Taqueria	861	1/250	3
	RESTAURANT/TAKE OUT	Burger King	2,753	1/250	11
	RETAIL	CVS PHARMACY (RETAIL)	18,547	1/250	74
	WAREHOUSE	CVS PHARMACY (STORAGE)	6,897	1/1000	7
	RETAIL/ GROCERY MARET	APNA GROCERY STORE	4,589	1/250	18
TOTAL			86,824		295

VALLEY SHOPPING CENTER



Suite	Tenant	SF
3228	Straw Hat Pizza	3,000
3230	Angel Relax	1,480
3232	Lease Negotiations	1,470
3234	Lease Negotiations	1,550
3236	Available	1,200
3240	Hairkutz	1,200

Suite	Tenant	SF
3244	Vacant	960
3250	Party Giants	13,516
3254	Cheema Dental	2,750
3258	Afghan Grocery Market	3,250
3262	Tracy Furniture	30,309
3310A	Subway	1,320

Suite	Tenant	SF
3310B	Touchdown Wireless	1,238
3310C	Vacant	1,238
3310D	Available	861
3310E	Available	861
3310F	Taqueria	2,181

RESOLUTION 2018-_____

APPROVING A CONDITIONAL USE PERMIT APPLICATION TO ESTABLISH A FITNESS (KICK BOXING) STUDIO FOR AN APPROXIMATELY 3,000 SQUARE FOOT TENANT SPACE WHICH INCLUDES AN INTERIOR REMODEL TO COMBINE TWO EXISTING TENANT SPACES (3232 AND 3234 N. TRACY BOULEVARD) WITHIN AN EXISTING SHOPPING CENTER. THE APPLICANT IS MOISES VILLEGAS; PROPERTY OWNER IS SILVERLAND INVESTMENT, LLC. – APPLICATION NUMBER CUP18-0005

WHEREAS, Moises Villegas of I Love Kick Boxing submitted an application for a Conditional Use Permit to allow a fitness (kick boxing) studio at the Valley Shopping Center on the southeast corner of N. Tracy Boulevard and W. Clover Road on September 27, 2018, and

WHEREAS, The subject property is zoned Community Shopping (CS), where a fitness studio is classified in Use Group 33 (Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense) of Tracy Municipal Code Section 10.08.1080, and is conditionally permitted, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to interior alterations of existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on December 5, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the City of Tracy does hereby approve the Conditional Use Permit to allow uses classified in Use Group 33 (Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense) at the Valley Shopping Center located at the southeast corner of N. Tracy Boulevard and W. Clover Road, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because specialized recreational and instructional uses in dance, athletics, arts and self defense could provide such instructional recreational amenities for the community, benefiting participants and supporting the existing shopping center with uses that should not create significant impacts on the surrounding commercial businesses.
2. The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the Community Shopping zone in which the site is located because the zone allows specialized recreational and instructional uses in dance, athletics, arts and self defense upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because future specialized recreational and instructional uses in dance, athletics, arts and self defense will be compatible with existing commercial uses on-site, will operate wholly indoors, and will not significantly impact nearby businesses with respect to noise, traffic, parking, or other related areas of conflict.
- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

* * * * *

The foregoing Resolution 2018-_____ was adopted by the Tracy Planning Commission on the 5th day of December, 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
I Love Kick Boxing
Application Number CUP18-0005
December 5, 2018

These Conditions of Approval shall apply to the real property described as the I Love Kick Boxing kick boxing studio, Conditional Use Permit (Application Number CUP18-0005). The approximately 3,000 square foot subject property is located at the southeast corner of N. Tracy Boulevard and W. Clover Road, Tracy (Assessor's Parcel Number 214-450-05).

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 Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
3. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the I Love Kick Boxing kick boxing studio at 3232 and 3234 N. Tracy Boulevard, Conditional Use Permit (Application Number CUP18-0005). The approximately 3,000 square foot subject property is located on the southeast corner of N. Tracy Boulevard and W. Clover Road (Assessor's Parcel Number 214-450-05).
4. "Project" means the real property consisting of approximately 3,000 square foot tenant space proposed for the I Love Kick Boxing kick boxing studio at 3232 and 3234 N. Tracy Boulevard, Conditional Use Permit (Application Number CUP18-0005).
5. "Property" means the real property located at 3232 and 3234 N. Tracy Boulevard (Assessor's Parcel Number 214-450-05).

B. Conditions of Approval for CUP18-0005:

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 Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other

exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

3. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on September 27, 2018.
4. Prior to occupancy, the Applicant shall obtain all required permits in compliance with the California Building Code to the satisfaction of the Building Official.

AGENDA ITEM 1.B

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT TO ALLOW CONSTRUCTION OF AN APPROXIMATELY 920 SQUARE FOOT PRIVATE COURTYARD FOR OUTDOOR DINING, PARTIES, AND SOCIAL GATHERINGS, INCLUDING LIVE MUSIC AND ENTERTAINMENT, AND AN APPROXIMATELY 260 SQUARE FOOT RESTROOM BUILDING LOCATED BEHIND THE COMMERCIAL BUILDING AT 624 N. CENTRAL AVENUE – APPLICANT IS DALE COSE AND THE PROPERTY OWNER IS DON COSE – APPLICATION NUMBERS CUP18-0002 AND D18-0001

DISCUSSION

The project site is located behind the commercial building at 624 N. Central Avenue (Attachment A: Location Map). The project consists of constructing an approximately 920 square foot private courtyard with an approximately 260 square foot restroom building (Attachment B: Site Plan and Floor Plan). The proposed courtyard would include tables and chairs and be used for private dining, parties, and social gatherings, and may include live music and entertainment. All activities would be conducted between the hours of 7:00 a.m. and 10:00 p.m. Typical group size would be approximately 20 to 40 people.

The project includes demolition of an approximately 350 square foot brick storage building for replacement with the new brick restroom building of approximately 260 square feet. The proposed red brick restroom building would have a similar exterior appearance to the surrounding brick buildings on the site (Attachment C: Illustrative Rendering). The existing and proposed building are both located in a PG&E easement that provides above ground power lines to the property. The location of the restroom building may need to be modified by a few feet to avoid the PG&E easement. A recommended condition of approval would require acceptance by PG&E for any portion of the building that is located in the PG&E easement, prior to issuance of a building permit. The applicant is aware of this condition and is willing to make any necessary changes through the building permit process.

The proposed courtyard includes a wrought iron fence with brick pilasters located on the eastern perimeter of the courtyard, closest to the parking area. An existing PG&E power pole is located within the proposed courtyard area. PG&E has stated that they will not allow the power pole to be enclosed by the fence because they want to maintain access at all times. A recommended condition of approval would require acceptance by PG&E, prior to the installation of any fence. The applicant is aware of this condition and has indicated a willingness to build the courtyard with only a portion of the fence or without a fence, if necessary.

Parking for the courtyard would be satisfied by the existing on-site private parking area (20 existing parking spaces), on-street public parking, or nearby public parking lots. Parking in the Downtown is unique in that off-street parking requirements may be satisfied by a parking in-lieu fee, which has been reduced to zero dollars per space by a five-year pilot program approved by City Council on October 6, 2015. The reason for the uniqueness is that in downtowns it is generally accepted that parking should be provided

by public parking areas rather than off-street private parking areas, in order to help maintain the historic character of the built environment in the Downtown and to simultaneously spur the revitalization of Downtown.

This site is zoned Central Business District (CBD). The proposed use is classified as a place of assembly, similar to a banquet hall. A Conditional Use Permit is required for places of assembly in the CBD Zone.

Adjacent, surrounding uses include restaurants, retail, offices, and the Grand Theatre Center for the Arts. Existing residential uses are located to the east and northeast of the site. The proposed outdoor assembly use would be compatible with adjacent properties because outdoor dining and social events are typical of the Downtown area. The site is located in close proximity to the Front Street Plaza on Sixth Street, which is frequently used for Downtown events, such as the summer "Block Party" series. The proposed courtyard would be a much smaller venue by comparison and would provide more of a secluded space for small private gatherings. The applicant has proposed to limit the hours of activity to no later than 10:00 p.m. to avoid noise impacts to the residential neighbors, which staff also recommends as a condition of approval.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill 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 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. Therefore, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit and a Development Review Permit to allow construction of an approximately 920 square foot private courtyard for outdoor dining, parties, and social gatherings, including live music and entertainment, and an approximately 260 square foot restroom building located behind the commercial building at 624 N. Central Avenue, Application Numbers CUP18-0002 and D18-0001, subject to the conditions as stated in the Planning Commission Resolution dated December 5, 2018 (Attachment D).

RECOMMENDED MOTION

Move that the Planning Commission approve a Conditional Use Permit and a Development Review Permit to allow construction of an approximately 920 square foot private courtyard for outdoor dining, parties, and social gatherings, including live music and entertainment, and an approximately 260 square foot restroom building located behind the commercial building at 624 N. Central Avenue, Application Numbers CUP18-0002 and D18-0001, subject to the conditions as stated in the Planning Commission Resolution dated December 5, 2018.

Agenda Item 1.B
December 5, 2018
Page 3

Prepared by: Scott Claar, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

- Attachment A – Location Map
- Attachment B – Site Plan and Floor Plan
- Attachment C – Illustrative Rendering
- Attachment D – Planning Commission Resolution



Imagery ©2018 Google, Map data ©2018 Google

LOCATION MAP

ATTACHMENT B
Courtyard Site Plan and Floor Plan

Provided under separate cover



RECEIVED

JUN 18 2018

CITY OF TRACY
DEVELOPMENT SERVICES

RESOLUTION 2018- _____

PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT TO ALLOW CONSTRUCTION OF AN APPROXIMATELY 920 SQUARE FOOT PRIVATE COURTYARD FOR OUTDOOR DINING, PARTIES, AND SOCIAL GATHERINGS, INCLUDING LIVE MUSIC AND ENTERTAINMENT, AND AN APPROXIMATELY 260 SQUARE FOOT RESTROOM BUILDING LOCATED BEHIND THE COMMERCIAL BUILDING AT 624 N. CENTRAL AVENUE - APPLICANT IS DALE COSE AND THE PROPERTY OWNER IS DON COSE - APPLICATION NUMBERS CUP18-0002 AND D18-0001

WHEREAS, Dale Cose submitted an application on January 12, 2018 for a Conditional Use Permit and a Development Review Permit to allow construction of an approximately 920 square foot private courtyard for outdoor dining, parties, and social gatherings, including live music and entertainment, and an approximately 260 square foot restroom building located behind the commercial building at 624 N. Central Avenue; and

WHEREAS, The zoning for the subject property is Central Business District (CBD); and

WHEREAS, A Conditional Use Permit is required for places of assembly, such as the proposed use of the courtyard; and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits; and

WHEREAS, The project is compatible with the surrounding Downtown area; and

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

WHEREAS, The Planning Commission held a public meeting to review and consider the project on December 5, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the City of Tracy does hereby approve a Conditional Use Permit and a Development Review Permit to allow construction of an approximately 920 square foot private courtyard for outdoor dining, parties, and social gatherings, including live music and entertainment, and an approximately 260 square foot restroom building located behind the commercial building at 624 N. Central Avenue, Application Numbers CUP18-0002 and D18-0001, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

A. Conditional Use Permit (Application Number CUP18-0002) findings:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right because the proposed use is not permitted unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional use is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code and the purposes of the zone in which the site

is located because an outdoor assembly area, as conditioned, will be compatible with adjacent uses and is allowed in the Central Business District (CBD) Zone if the Planning Commission approves a Conditional Use Permit.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because outdoor dining and social events are typical of the Downtown area; all activities would be conducted between the hours of 7:00 a.m. and 10:00 p.m.; the number of people in attendance at any one time shall be limited to 40; and the proposed outdoor assembly area will comply with the City of Tracy General Plan and requirements of the Tracy Municipal Code.
- 4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code because, subject to approval by the Planning Commission for a Conditional Use Permit, the project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

B. Development Review (Application Number D18-0001) findings:

- 1. 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 because the courtyard and restroom building include an attractive brick building design that would have a similar exterior appearance to the surrounding brick buildings on the property and the surrounding Downtown area.
- 2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable Infrastructure Master Plans, and other City regulations.

The foregoing Resolution 2018-_____ was adopted by the Tracy Planning Commission on the 5th day of December, 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

624 N. Central Avenue
Assessor's Parcel Number 235-163-19
Application Numbers CUP18-0002 and D18-0001
December 5, 2018

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the real property located at 624 N. Central Avenue, Assessor's Parcel Number 235-163-19, Application Numbers CUP18-0002 and D18-0001 (hereinafter "Project"), proposed by Dale Cose (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" 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).
 - d. "Conditions of Approval" shall mean these Conditions of Approval applicable to Application Numbers CUP18-0002 and D18-0001.
 - e. "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.
 - f. "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.
 - g. "Project" means the approximately 920 square foot private courtyard for outdoor dining, parties, and social gathering, including live music and entertainment, and an approximately 260 square foot restroom building located behind the commercial building at 624 N. Central Avenue, Assessor's Parcel Number 235-163-19, Tracy, California.

3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on June 18, 2018.
 4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
 5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
 6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
 7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- B. Planning Division Conditions
1. The project shall be developed in substantial compliance with the site plan, floor plan, and illustrative rendering received by the Development Services Department on June 18, 2018, except as modified herein, to the satisfaction of the Development Services Director or Assistant City Manager.
 2. The use of the courtyard shall be as described in the project description, which includes activities such as outdoor dining, parties, and social gatherings, including live music and entertainment, to the satisfaction of the Development Services Director or Assistant City Manager. All activities shall

be conducted between the hours of 7:00 a.m. and 10:00 p.m. The number of people in attendance at any one time shall be limited to 40.

3. Prior to issuance of a building permit, no portion of the restroom building shall be located in a PG&E easement without acceptance by PG&E, to the satisfaction of the Development Services Director or Assistant City Manager.
4. Due to the location of an existing PG&E pole within the courtyard, no fence or portion of a fence shall be installed along the perimeter of the courtyard without acceptance by PG&E, to the satisfaction of the Development Services Director or Assistant City Manager.

AGENDA ITEM 1.C

REQUEST

PUBLIC HEARING TO CONSIDER TIME EXTENSIONS OF A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT (APPLICATION NUMBERS CUP15-0005 AND D15-0012) FOR A 40-UNIT RESIDENTIAL APARTMENT PROJECT (GRANT LINE APARTMENTS), INCLUDING ASSOCIATED AMENITIES, PARKING, AND LANDSCAPING IMPROVEMENTS ON APPROXIMATELY 1.66 ACRES LOCATED AT 321 E. GRANT LINE ROAD (APN 214-320-83). APPLICANT IS ROBERT HARRIS AND PROPERTY OWNER IS JAMES TONG, INC. – APPLICATION NUMBER EXT18-0007

DISCUSSION

Background

On July 13, 2016, the Planning Commission approved a Conditional Use Permit (Application Number CUP15-0005) and a Development Review Permit (Application Number D15-0012) for the Grant Line Apartments, a multi-family residential project comprised of 40 dwelling units and associated amenities, parking, and landscaping improvements. The Development Review Permit has a two-year life (TMC Section 10.08.3980) and the Conditional Use Permit has a life of six months (TMC Section 10.08.4350). However, because a building permit application was originally submitted prior to the expiration of the Development Review and Conditional Use Permits, those permits were recognized to be active with the timing of the building permit and therefore remain in effect pending an extension. The building permit (Application Number 16-3209) was applied for on December 12, 2016 and approved on June 7, 2018, but the owner has not obtained the permit, nor has construction commenced or otherwise been diligently pursued. The building permit is set to expire on December 6, 2018, along with the Development Review and Conditional Use Permits, unless, prior to the expiration date, the owner obtains building permits for all or a portion of the project or submits a request to extend the Conditional Use Permit and Development Review Permit in accordance with TMC Sections 10.08.4350 and 10.08.3980.

On November 6, 2018, the applicant submitted a request to extend the Conditional Use Permit and Development Review Permit for a period of one-and-a-half years from the date the permits are due to expire. If granted, the expiration date of both permits would be June 6, 2020.

Project Description

The proposal is to construct a 40-unit residential apartment project at 321 E. Grant Line Road. The site is currently vacant and is approximately 1.66 acres in size. The proposal will consist of five (5) two-story buildings, with eight (8) units per building. Each of the units will be comprised of two bedrooms and two baths and will be approximately 907 square feet in size. The proposal also includes site amenities such as a laundry facility, open space area with tables and barbecue area, with a combination of turf and hardscape, including a combination of covered and uncovered parking facilities. Because of the General Highway Commercial zoning on the site, the proposal requires approval of a Conditional Use Permit in addition to the Development Review Permit

required for the new improvements. Attachments A and B to this staff report are the project plans, and Attachment C is a copy of the staff report presented at the July 13, 2016 Planning Commission meeting that further details the project proposal. No changes are proposed to the project with this application for a time extension.

CEQA DOCUMENTATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill 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 substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects related 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 time extension of the Conditional Use Permit and Development Review Permit (Application Numbers CUP15-0005 and D15-0012) to June 6, 2020 to allow the establishment of a 40-unit residential apartment complex and associated site improvements, including parking, laundry facility, landscaping and fencing improvements at 321 E. Grant Line Road, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated December 5, 2018.

RECOMMENDED MOTION

Move that the Planning Commission approve the time extension of the Conditional Use Permit and Development Review Permit (Application Numbers CUP15-0005 and D15-0012) to June 6, 2020 to allow the establishment of a 40-unit residential apartment complex and associated site improvements, including parking, laundry facility, landscaping and fencing improvements at 321 E. Grant Line Road, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated December 5, 2018.

Prepared by: Kimberly Matlock, Associate Planner

Approved by: Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

Attachment A – Site Plan, Elevations, Floor Plans, Landscape Plan

Attachment B – Exterior Colors, Light Fixtures and Materials Sheet

Attachment C – Staff Report dated July 13, 2016

Attachment D – Planning Commission Resolution dated December 5, 2018

ATTACHMENT A
Site Plan, Elevations,
Floor Plans, Landscape Plan

Provided under separate cover

P.O./O/45 SW 6219	Reddish	2
10.0/104 SW 6632	Neighborly Peach	4
EP SW 7000	Ibis White	5
P.O./102 SW 6630	Posy	3

GRANT LINE APARTMENTS

NOV 14 2011



EXTERIOR COLORS: SHERWIN WILLIAMS

- | | | | | | |
|---|---|--|---|---|---|
| ① |  | 2404 FISHPOND
(CEMENT PLASTER ACCENT COLOR) | ⑤ |  | 2427 ALPINE WHITE
(CEMENT PLASTER WINDOW SILL) |
| ② |  | 2173 SHAKER RED
(CEMENT PLASTER TOWER COLOR) | ⑥ |  | WHITE
(VINYL WINDOWS) |
| ③ |  | 2199 AUGUST MOON
(CEMENT PLASTER BASE COLOR) | ⑦ | ROOFING CELOTEX PRESIDENTIAL SHAKE SHINGLE- "WEATHERED WOOD" | |
| ④ |  | 2334 LUXURIANT GOLD
(CEMENT PLASTER ACCENT COLOR) | | | |



July 13, 2016

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR THE ESTABLISHMENT OF A 40-UNIT RESIDENTIAL APARTMENT PROJECT (GRANT LINE APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 1.66 ACRES, SITUATED ON THE NORTH SIDE OF GRANT LINE ROAD AND LOCATED AT 321 E. GRANT LINE ROAD, APN 214-320-83; APPLICANT IS ROBERT HARRIS AND PROPERTY OWNER IS JAMES TONG, INC., APPLICATION NUMBERS CUP15-0005 AND D15-0012

DISCUSSIONBackground

Pursuant to Development Review application No. 28-88-D, on April 14, 1989, a 40 unit apartment complex was approved for the site, which included an on-site laundry building, swimming pool and spa for low and moderate income families. However, for unknown reasons, the property was never developed pursuant to the approved entitlement.

On April 25, 1990, the Planning Commission considered a request for a General Plan Amendment from High-Medium Density Residential (HMDR) to Thoroughfare Commercial (TC), and Zone Change from High Density Residential (HDR) to General Highway Commercial (GHC). On July 17, 1990, the City Council considered and approved the request for the General Plan Amendment from HMDR to TC, and Zone Change from HDR to GHC. It should be noted that the original developer did not follow through with the construction of the originally approved 40-unit apartment complex and the request for the General Plan Amendment and Rezone was in essence to create an opportunity to attract commercial uses to the site as the East Grant Line Road corridor had been developed with a variety of commercial uses types. Now many years later, the current developer/property owner has chosen to pursue the concept of the 40-unit apartment complex for the site. Because of the General Highway Commercial zoning on the site, the proposal now requires approval of a Conditional Use Permit in addition to the Development Review.

Project Description

The proposal is to construct a 40-unit residential apartment project at 321 E. Grant Line Road, which is situated on the north side of Grant Line Road. The site is currently vacant and is approximately 1.66 acres in size. The proposal will consist of five (5) two-story buildings, with eight (8) units per building. Each of the units will comprise of two bedrooms and two baths and will be approximately 907 square feet in size. The proposal also includes site amenities such as a laundry facility, open space area with tables and B-B-Q area, with a combination of turf and hardscape, including a combination of covered and uncovered parking facilities.

Architecture and Design

The City of Tracy's Design Goals and Standards have prescribed standards for medium and high density residential projects. The following standards are applicable to the proposed project:

"Building façade elements should be emphasized by the use of color, layout, and variety of materials. Very long facades should be designed with sufficient building articulation, reveals, mass variations, window treatments, rooflines and landscaping to avoid a monotonous and institutional appearance."

"Entry features should be dominant feature providing weather protection with front porches, overhangs and arbors for entrances facing the street. For security and a feeling of separation between public and private areas, significant landscaping, grade separation or other suitable barriers should be provided between sidewalks and entrances."

"Multi-family and attached single-family units shall be designed to have a relationship with public streets. This can be achieved by distributing parking areas evenly on the site, preventing mazes of parking areas. Exterior doors into individual units are also discouraged above the first floor."

"A mix of densities is encouraged within developments. Medium and high density housing (duets, townhomes, apartments) can work well when intermixed with neighborhoods of single family homes, and also in close vicinity to commercial areas."

The architecture is a modern design featuring exterior materials of plaster cement board, with relief being created by the use of horizontal and vertical seams in the plaster material. A variation of four (4) colors (Fishpond, Shaker Red, August Moon, and Luxuriant Gold) for a combination of base/body colors as well as accent colors providing for variation and relief through the use of color. Horizontal and vertical interest and variety is also created by the stairway entrances, balconies, and the use of tower elements that frame in the entrances. The buildings also utilize the use of mansard roofs employing a 6:12 roof pitch. To accent the buildings, metal sun screens will also be used on the north and south side elevations of the buildings. The entry elevations (east and west) would also feature the use of metal guardrails immediately adjacent to the four windows next to the stairway, to create an architectural element of a balcony for the entrance. This feature would be applicable to both the downstairs and upstairs apartment units. Windows are to be white vinyl windows which would be complimented by the exterior cement plaster finish. The design and layout of each of the units are such that exterior doors into individual units face east and west with no entry doors facing East Grant Line Road. The project's design also incorporates the design of the buildings into the covered parking structures (carports). The architectural features such as the roof pitch, cement plaster exterior finish has also been carried over to the carports, further providing for consistency throughout the project.

Relative to architectural lighting, the proposal would utilize a combination of white finished wall and pole mounted light fixtures. The wall mounted fixtures are either down-cast or up-cast light fixtures to minimize light and glare impacts. Down-cast pole light standards or "street lights" per the site plan are to be utilized around the parking field.

The down-cast fixtures will minimize light and glare within the development and primarily be directed at the parking areas for security. The white color scheme of all of the light fixtures will provide good compatibility with the color pallet of the buildings, including the carports.

Site Plan

The site is currently undeveloped and is surrounded by a combination of residential and commercial use types. The site is a 1.66 acre site situated on the north side of East Grant Line Road. The project site is to be accessed by two (2) 24-ft. wide driveways situated along the center of the property at the sidewalk. Currently the property is accessed by an existing driveway/curb cut also situated along the center of the property at the sidewalk.

A total of five (5) residential two-story buildings are to be constructed with two on the west side, two on the east side and one to be located in the center rear or the north side. Parking is to be located all within the central portion of the development, with covered parking to be situated near the apartment buildings and uncovered parking to be situated along the front of the site (or south side of property) and adjacent to "Building C" which is situated on the north end of the property. A laundry facility building, open space area which contains seating and B-B-Q area and bicycle parking are to be located on the south side of "Building C", which is centrally located on the property. The proposed trash enclosure is to be located on the south end of the open space area adjacent to the uncovered parking area near the proposed westerly entrance/driveway to the site.

The applicants are proposing to construct an eight (8) foot high masonry wall along the north and west property boundaries, however, on the west property boundary the proposal includes stepping down the masonry wall to three (3) feet within the fifteen (15) foot front yard setback from Grant Line Road. Along the eastern boundary, the applicants are proposing a six (6) foot high ornamental wrought iron fence. Along the southern end of the development, the proposal will incorporate the use of three (3) bio-retention areas to address on-site stormwater. The southern end of the property along Grant Line Road is also improved with existing curb, gutter and sidewalk, and will only necessitate two cuts to be installed for the two new driveways to be installed, while the existing driveway located in the center of the property along Grant Line Road will be removed to coincide with the sidewalk/driveway improvements.

Landscaping Improvements

As it pertains to landscaping, a variety of ground cover, trees and shrubs will be utilized throughout the development. Approximately 83 trees will be planted on the site. All trees to be planted per the planting plan are to be 24-inch box trees. The planting plan calls for the use of Autumn Purple Ash, Chinese Pistachio and Pin Oak trees to be utilized for parking lot shading. Pursuant to the landscaping requirements for parking areas contained within the Zoning Ordinance, canopy trees are to be evenly distributed throughout the parking area so that at least forty (40%) percent of the area shall be shaded at tree maturity. According to the landscape architect's planting plan, the total shade coverage is to be 13,231 sq. ft., the total parking lot area is 26,140 sq. ft., therefore the calculated percentage of shade is to be approximately 50.6% which meets the requirement of 40%.

As previously noted, the southern boundary will be developed with three separate bio-retention areas, which are to be planted with Delta Bluegrass and four 24-inch box Desert Willow trees. The site will also include 980 sq. ft. of turf or 6% of the total landscaping and will be utilized within the public open space area. This will minimize the amount of watering, as the landscape architect attempted to utilize as much drought tolerant landscaping as possible throughout the site.

Parking

The proposal includes 40-units with each containing two bedrooms. Pursuant to Section 10.08.3480 of the Tracy Municipal Code (T.M.C.), parking regulations call for two (2) spaces with one covered space per unit, plus one space marked "guest" for every five (5) residential units. Based on the parking requirements contained within the Zoning Ordinance, a total of eighty-eight (88) on-site parking spaces are required for the proposed development, which the applicant has provided. Of the total number of spaces provided, the proposal calls for 40 covered parking spaces, 24 compact spaces, 4 ADA/handicap spaces, and 60 standard spaces for a total of 88 overall on-site spaces. Covered parking will be primarily located adjacent to each of the five apartment buildings, while the majority of uncovered parking is to be located between the two driveway entrances. T.M.C. Section 10.08.3510 states that where required auto parking is over 40 spaces, the required bicycle parking shall be 5% of the total number of auto spaces. The applicant has provided a total of four (4) bicycle spaces or 5% of the total number of on-site spaces.

Land Use Compatibility

The site is bordered by residential to the north; commercial use types to the west (existing taqueria restaurant) and Grant Line Road to the south; and an open drainage way and residential to the east. As noted above under the discussion of the site, this will entail the construction of an eight (8) foot high masonry wall along the northern and western boundaries and an ornamental wrought iron fence along the eastern boundary. The proposed masonry wall along the western and northern boundaries should minimize potential conflicts between adjacent commercial and low density residential land uses. It should be noted that there is currently a 6-ft. high wooden fence along the western boundary that separates the commercial parking lot from the subject property, and would remain as it is on the taqueria property. Additionally, there is currently a utility pole and light that currently shines onto the adjacent restaurant parking lot. This would remain as it is on the commercial site. There is the potential for glare from the light; however a combination of the light being down cast onto the parking area, the proposed masonry wall and the landscaping treatment, including the establishment of trees along the western boundary should minimize the impacts of glare from the adjacent lighting.

Public Schools

Based on the site's location, the nearest public school and park (North Elementary School and El Pescadero Park) is situated over 0.50 miles away, with all other schools and parks located over 1 mile away from the site. Based on the site's location, it may attract fewer families with school-age children. Nevertheless the site will contain approximately 2,000 square feet of usable open space and is within walking distance to North Elementary School which is located to the northwest on Holly Drive. The project is

within the attendance boundary areas of the North Elementary School (0.50 mile to the northwest), McKinley Elementary School (approximately 1.7 miles to the southwest), Monte Vista Middle School (approximately 1.4 miles to the west), and Tracy High School (Approximately 1.4 miles to the south). No comments were received from the Tracy Unified School District regarding the proposed development. However, prior to issuance of building permits for the proposed apartment project, the project proponents will be required to pay the required school impacts fees to the school district.

General Plan and Zoning Consistency

The subject property has a General Plan Land Use designation of "Commercial" and a zoning designation of General Highway Commercial (GHC). The Commercial land use designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities. Appropriately scaled and designed residential development in the density ranges permitted in Residential High (RH) may be allowed in the General Plan "Commercial" designation.

As noted in the Zoning Ordinance, the General Highway Commercial (GHC) zone is to provide areas for commercial activities which are automobile oriented or for those uses which seek independent locations outside shopping centers or other business clusters. Although the GHC zone is primarily intended for commercial use types, it does permit for multi-family residential uses, which are seen as use types that would not only benefit from the close proximity of the commercial development, but as properties such the subject property are developed at higher densities it continues to provide a population base for the commercial uses as well.

Pursuant to Section 10.08.2510(b) of the Tracy Municipal Code (T.M.C.), multi-family uses are permitted in the GHC zone only upon approval of a Conditional Use Permit. The subject property is located adjacent to High Density Residential (HDR) to the northwest, Low Density Residential (LDR) to the north, and Medium Density Residential (MDR) immediately to the southeast on the south side of Grant Line Road. The development of the site as high density is in keeping with provisions of the Commercial General Plan land use designation, and Conditions of Approval for the proposed use established by the Conditional Use Permit and Development Review will ensure that the proposal will be compatible with the surrounding area/neighborhood.

CEQA DOCUMENTATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill 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 substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects related 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 to allow the establishment of a 40-unit residential apartment complex and associated site improvements, including parking, laundry facility, landscaping and fencing improvements at 321 E. Grant Line Road, Application Number CUP15-0005 and D15-0012, subject to conditions and based on findings contained in the Planning Commission Resolution dated July 13, 2016.

MOTION

Move that the Planning Commission approve the Conditional Use Permit and Development Review to allow the establishment of a 40-unit residential apartment complex and associated site improvements, including parking, laundry facility, landscaping and fencing improvements at 321 E. Grant Line Road, Application Number CUP15-0005 and D15-0012, subject to conditions and based on findings contained in the Planning Commission Resolution dated July 13, 2016.

Prepared by Nash Gonzalez, Contract Planner
Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Site Plan, Elevations, Floor Plans, Landscape Plan (Oversized)
Attachment B – Exterior Colors, Light Fixtures and Materials Sheet
Attachment C – Resolution Approving Conditional Use Permit & Development Review

RESOLUTION 2018-_____

APPROVING TIME EXTENSIONS OF A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT (APPLICATION NUMBERS CUP15-0005 AND D15-0012) FOR A 40-UNIT RESIDENTIAL APARTMENT PROJECT (GRANT LINE APARTMENTS), INCLUDING ASSOCIATED AMENITIES, PARKING, AND LANDSCAPING IMPROVEMENTS ON APPROXIMATELY 1.66 ACRES LOCATED AT 321 E. GRANT LINE ROAD (APN 214-320-83). APPLICANT IS ROBERT HARRIS AND PROPERTY OWNER IS JAMES TONG, INC. - APPLICATION NUMBER EXT18-0007

WHEREAS, On July 13, 2016, the Planning Commission granted a Conditional Use Permit and a Development Review Permit for the Grant Line Apartments project, a 40-unit residential apartment project, including associated amenities, parking, and landscaping improvements, on approximately 1.66 acres located at 321 E. Grant Line Road, and

WHEREAS, A Building Permit application was submitted and approved, but not yet issued, and is set to expire on December 6, 2018, and

WHEREAS, The Conditional Use Permit and Development Review Permit are set to expire with the Building Permit application on December 6, 2018, and

WHEREAS, On November 13, 2018, Robert Harris, on behalf of James Tong, Inc., submitted an application to extend the validity of the Conditional Use Permit and Development Review Permit for an additional one-and-a-half-years, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 which pertains to certain in-fill 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 substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects related to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services, as noted in the CEQA Guidelines, and

WHEREAS, The Planning Commission held a public hearing to review and consider the time extension application on December 5, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the City of Tracy does hereby approve a time extension for Conditional Use Permit Application Number CUP15-0005 to June 6, 2020 to allow the establishment of a 40-unit residential apartment project, including associated amenities, parking, and landscaping improvements, on approximately 1.66 acres located at 321 E. Grant Line Road, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the proposed multifamily use will be compatible with the surrounding neighborhood, including the surrounding retail/commercial uses and it would not create significant impacts on the surrounding commercial areas.

2. The proposed location of the conditional use 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 zone (General Highway Commercial) allows multi-family residential uses upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code, including the establishment of required on-site parking.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the 40-unit residential apartment development will be compatible with existing similar residential and commercial uses on adjacent neighboring properties, will be designed to be compatible with the neighborhood, and will not significantly impact nearby residences and businesses with respect to noise, light and glare, traffic, parking, or other related areas of conflict.
4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code because, subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Planning Commission of the City of Tracy does hereby approve a time extension for Development Review Permit Application Number D15-0012 to June 6, 2020 to allow the establishment of a 40-unit residential apartment project, including associated amenities, parking, and landscaping improvements, on approximately 1.66 acres located at 321 E. Grant Line Road, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. 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, because the proposed project improves the use and aesthetic quality of the currently undeveloped site, enhancing the property with the establishment of a new, well-designed industrial building and generous landscaping improvements. The project includes site plan and design elements consistent with City design goals and standards, such as building façade elements emphasized by the use of color variation, building materials, texture that includes relief to avoid a monotonous appearance, building elevations facing Grant Line Road that have windows, and other architectural features. Stairwells are covered and integrated into the overall building design. The site and layout have been designed to have parking distributed throughout the development. The covered parking has integrated design elements from the main buildings so as to achieve design consistency and an architecturally attractive design.
2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, including land use, building design, off-street parking and circulation, and landscaping design.

* * * * *

The foregoing Resolution 2018-_____ was adopted by the Tracy Planning Commission on the 5th day of December, 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

Grant Line Apartments
EXT18-0007 Time Extension of CUP15-0005 & D15-0012
December 5, 2018

General Provisions and Definitions.

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

The Project: Conditional Use Permit and Development Review Permit for the Grant Line Apartments 40-unit multifamily residential units and associated amenities, parking, and landscaping improvements, Application Numbers CUP15-0005 and D15-0012

The Property: 1.66-acre parcel located at 321 East Grant Line Road, Assessor's Parcel Number 214-320-83

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
- d. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project (Application Numbers CUP15-0005 and D15-0012). The Conditions of Approval shall specifically include all City of Tracy conditions set forth herein. "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 Developer may be the property owner or the leasee, where responsibilities for improvements are distributed among each party. The term "Developer" shall include all successors in interest.

A.3. Compliance with revised submitted plans. Except as otherwise modified herein, the apartment project shall be constructed in substantial compliance with the Preliminary

and Final Development Plan, which includes the site plan, floor plans, architectural elevations, and parking area and landscaping plan received by the Development Services Department on November 13, 2018.

- A.4. Payment of applicable fees. The Applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 Kimberly.Matlock@cityoftracy.org

- B.1. Except as otherwise modified herein, all construction shall be consistent with the revised plans received by the Development Services Department on November 13, 2018.
- B.2. Prior to issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, to the satisfaction of the Development Services Director.

- B.3. The landscape plan referenced in Condition of Approval Number B-2, above, shall include documentation which demonstrates there is no less than 20 percent of parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance to with City Regulations; and shall include large canopy trees within planters along the project's south property line spaced no greater than 40 feet apart, with smaller accent trees planted within each space between all of the canopy trees to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.
- B.4. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.
- B.5. Prior to issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
- B.6. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from East Grant Line Road, Entrada Way, Portola Way, or any other public right-of-way. All roof mounted equipment shall be contained within the roof well or screened from view from public rights-of-way by the roof or building, to the satisfaction of the Development Services Director.
- B.7. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.8. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public right-of-way, to the satisfaction of the Development Services Director.
- B.9. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
- B.10. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or

screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.

- B.11. No signs are approved as part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.
- B.12. Prior to issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material compatible with the adjacent or nearby building exterior.
- B.13. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include or have access to enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures described in Planning Division Condition Number 12, above. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the common areas for the tenants.
- B.14. Prior to final inspection for any residential unit of the project, the Developer shall construct an eight-foot tall masonry wall, CMU (as measured from the taller grade on either side of the wall) along the project's north and west property lines. The wall shall be designed with materials and colors compatible with the on-site building exterior and shall have split face block finish on both sides of the wall, not a smooth, combed, or other finish, to the satisfaction of the Development Services Director.
- B.15. Prior to the issuance of a building permit, the Developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.
- B.16. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.

B.17. The developer shall design the carports in substantial conformance with the design received by the Development Services Department on November 13, 2018 to the satisfaction of the Development Services Director.

B.18. All usable open space area improvements shall be designed and improved consistent with City standards to the satisfaction of the Development Services Director.

B.19. The "6-ft ornamental fence" identified along the eastern boundary of the property shall be designed and constructed in accordance with City Standards and, while providing site security, shall be of a decorative nature, such as wrought iron or tube steel construction, such that spaces in the fence elements result in the fence being predominately "see through" and do not create a visual barrier. The color, material, and other design elements of the fence shall be compatible with the on-site building architecture, and the height shall be the minimum necessary to provide reasonable security but not over 72 inches tall, to the mutual satisfaction of the Developer and the Development Services Director.

B.20. All exterior building colors shall be consistent with City standards and obtain approval by the Development Services Director prior to issuance of a building permit for the project.

C. Development Services Engineering Division Conditions

Contact: Al Gali

(209) 831-6436

Al.Gali@cityoftracy.org

C.1. General Conditions

C.1.1 Developer shall comply with the applicable recommendations of the technical analyses/ reports prepared for the Project listed as follows:

- a) "321 E. Grant Line Road Apartments Water Distribution System Analysis", prepared by Blackwater Consulting Engineers, Inc., dated May 27, 2016 ("*Water Analysis*").

C.2. Grading Permit

The City will not accept grading permit application for the Project until the Developer has provided all relevant 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. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

C.2.2. 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.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
 - a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
 - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.
 - c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California, as required in Condition C.4.1.a, below. 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.2.5. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.2.6. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.
- 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. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) and these Conditions of Approval. 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.
 - C.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
 - C.3.3. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these

Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

- C.3.4. 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 April 15, 2014, per Resolution 2014-059.
- C.3.5. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that is/are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil 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. Grading and Storm Drainage Plans
 - C.4.1.1. Site Grading
 - a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
 - b. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
 - c. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope

easement must be recorded, prior to the issuance of the final building certificate of occupancy.

- d. Site grading shall be designed such that the Project's storm water can surface drain directly to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.4.1.2. Storm Drainage

- a. The Developer shall design and install the Project's permanent drainage connection(s) to the City's existing 54-in storm drain line located on Grant Line Road per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system and the Project's permanent storm drainage connection must be submitted with the Improvement Plans.
- b. According to legacy drainage base map records in the City's files, an existing abandoned 36" SD pipe may be located in the northeast corner of the project parcel, within the building envelope of proposed Building "B". This pipe, if it is existing, shall be removed within the building limits of Building "B" by the Developer at his sole expense.
- c. The design and construction details of the Project's permanent storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the *Multi-Agency Post-Construction Stormwater Standards Manual* and storm water regulations that were adopted by the City Council in 2015 and any subsequent amendments. The design and construction details of the Project's permanent storm drainage connection shall be incorporated in the Offsite Improvement Plans.
- d. Prior to the final inspection of the first building to be constructed on the Property, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

C.4.2. Sanitary Sewer

- a. Prior to the issuance of Grading Permit for the Project, Developer shall submit improvement plans and secure approval of plans from the City's Building Division for the design of the on-site sewer improvements.
- b. The Developer shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.
- c. The Developer is responsible for the cost of installing the Project's permanent sewer connection(s) to existing sewer line in Grant Line Road including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay (25 feet on both sides of the utility trench) where required, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's sewer connection.
- d. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

Should the remaining EDUs be fully allocated prior to start of completion of the proposed project and the developer seeks to complete construction of the 40-unit apartment project, the developer would have the option to provide the necessary funding to the City to assist in completion of the phased WWTP expansion construction, above and beyond payment of sewer impact fees, and would be eligible for reimbursement of these monies as other projects are developed and sewer impact fees posted with the City.

C.4.3. Water Distribution System

- a. The City's Water Consultant, BlackWater Consulting Engineers, Inc. has completed the technical evaluation of the ability of the City's existing water distribution system to meet required minimum pressures and flows for the proposed Project. The results of that analysis are included in the Technical Memorandum dated May 27, 2016 entitled "321 E. Grant Line Road Apartments Water Distribution System Analysis" (*Water Analysis*).

- The Developer shall comply with all recommendations in the Water Analysis.
- b. All water connections larger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
 - c. Water Shutdown Plan and Traffic Control Plan: If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Developer shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. 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 the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.
 - d. Domestic and 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.
 - (1) The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. Sub-metering will be allowed within private property.
 - (2) The City will not perform water consumption reading on sub-meters.
 - (3) The Developer will be responsible for relocating or reinstalling water sub-meters.
 - (4) The City shall maintain water lines from the master water meter to the point of connection with the water distribution main (inclusive) only.
 - (5) 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.
 - e. Fire Service Line - The Developer shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.
 - f. During the construction phase 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 required by the City of Tracy Fire Code Official.

- g. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Analysis including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.

C.4.4. Street Improvements:

- a. Frontage Improvements on Grant Line Road: Prior to issuance of the final certificate of occupancy, the Developer shall design and install improvements on Grant Line Road which shall include replacement of damaged or disturbed curb, gutter and sidewalk, installation of driveways, storm drains, manholes and other improvements as determined by the City Engineer. In addition, the Developer shall overlay street pavement for all utility trench cuts as required in Condition C.4.5 below.
- b. The roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the applicable City Regulations, and these Conditions of Approval prior to final inspection of the first building to be constructed within the Property.
- c. Irrigation and Landscaping Plans - All parkway landscaping improvements along the frontage of the Property on Grant Line Road shall be designed and constructed in accordance with City Regulations. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans.
- d. Project Driveways: Primary access to the Grant Line Apartments Project shall be through a full access 24' wide standard commercial driveway on Grant Line Road located approximately 425' east of the Grant Line Rd./East St./Entrada Way intersection.

The Project will also construct a second driveway located approximately 285' east of the Grant Line Rd./East St./Entrada Way intersection; this 24' wide standard commercial driveway will be limited to right turns in and out of the driveway only.

C.4.5. Joint Utility Trench Plans

Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

- a. The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the existing 10-foot wide Public Utility Easement (PUE). The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

- C.4.6. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Developer shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

Prior to the approval of the OIA, the Developer will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Developer shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.

The Developer will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA.

- 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. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010, as required by these Conditions of Approval.
- C.5.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- C.5.3. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

- C.5.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
- C.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements and demonstrates to the City Engineer satisfactory completion of the following:
 - C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
 - C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- C.7. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
 - C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6 above.
 - C.7.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested 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.8. Improvement Security – The Developer shall provide improvement security for all public facilities, as required by the OIA and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:
 - C.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
 - C.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and

- C.8.3. Warranty (10% of the estimated cost of constructing the public facilities)
- C.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:
- C.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section 12.36.080 of the TMC.
- C.9.2. Written request from the Developer and a copy of the recorded Notice of Completion.
- C.10. Special Conditions
- C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations and City's Design documents, including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.
- C.10.2. 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 inch 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.10.3. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.10.4. The Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to

the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.

- C.10.5. Any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Developer's cost.
- C.10.6. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).
- C.10.7. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.10.8. Street Trees' Irrigation System fronting Developer's Frontage: Prior to final inspection, the Developer shall repair, construct, or reconstruct the irrigation system in a way in which the irrigation system properly irrigates the street trees to the satisfaction of the Public Works Director. Said repair shall extend beyond Developer's frontage if needed to cause said irrigation system to function properly. Developer shall obtain an encroachment permit for this work prior to commencing any repair, construct, reconstruct or otherwise alter the irrigation system. Said repair, construct, reconstruct shall be conducted in conformance with the City Standard Detail D8.11.1.

AGENDA ITEM 1.D

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE ROCKING HORSE VESTING TENTATIVE SUBDIVISION MAP FOR 226 LOTS TO APRIL 5, 2021. THE PROJECT IS LOCATED ON THE EAST SIDE OF LAMMERS ROAD NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE APPLICANT AND PROPERTY OWNER IS CALANDEV, LLC - APPLICATION NUMBER EXT18-0003

DISCUSSION

On April 5, 2016, the City Council approved a Vesting Tentative Subdivision Map (VTSM) and Planned Unit Development for a 226-lot detached single-family subdivision (Rocking Horse – Attachment A). The subdivision is located on Lammers Road, north of Redbridge Road.

Pursuant to Government Code Section 66452.6(a)(1) and Tracy Municipal Code (TMC) Sections 12.16.080 and 12.28.060, approved vesting tentative subdivision maps have an initial life of 24 months, and a final map must be filed prior to expiration to retain its vested rights. The applicant filed the request for extension prior to the April 5, 2018 expiration and requested a thirty-six month extension of the map approval. The Rocking Horse PUD approval does not have an expiration date and remains valid.

Per TMC Sections 12.16.090 and 12.28.060, the Planning Commission may grant extensions for up to three years if an extension request is filed prior to the expiration of the map. If the Planning Commission approves the applicant's request for a three year extension, the Rocking Horse VTSM would have a revised expiration date of April 5, 2021.

Environmental Document

A Mitigated Negative Declaration for the Rocking Horse project was approved by the City Council on April 5, 2016. The extension of the map does not propose new significant changes to the environment that were not analyzed in the Initial Study and subsequent Mitigated Negative Declaration. Therefore, no further documentation is needed.

RECOMMENDATION

Staff recommends that the Planning Commission approve Application Number EXT18-0003 to extend the life of the Vesting Tentative Subdivision Map, Application Number TSM15-0001, to April 5, 2021 based on the findings contained in the Planning Commission Resolution dated December 5, 2018.

RECOMMENDED MOTION

Move that the Planning Commission approve Application Number EXT18-0003 to extend the life of the Vesting Tentative Subdivision Map, Application Number TSM15-0001, to April 5, 2021 based on the findings contained in the Planning Commission Resolution dated December 5, 2018.

Prepared by: Victoria Lombardo, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A - Original Rocking Horse Vesting Tentative Subdivision Map
Attachment B - Planning Commission Resolution

ATTACHMENT A

Original Rocking Horse Vesting Tentative Subdivision Map

Provided under separate cover

RESOLUTION 2018-_____

APPROVING AN EXTENSION OF THE ROCKING HORSE VESTING TENTATIVE SUBDIVISION MAP FOR 226 LOTS TO APRIL 5, 2021. THE PROJECT IS LOCATED ON THE EAST SIDE OF LAMMERS ROAD NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE APPLICANT AND PROPERTY OWNER IS CALANDEV, LLC. - APPLICATION NUMBER EXT18-0003

WHEREAS, The City Council approved the Vesting Tentative Subdivision Map and Planned Unit Development for the Rocking Horse 226-lot subdivision on April 5, 2016, and

WHEREAS, Pursuant to Government Code Section 66452.6(a)(1), the Vesting Tentative Subdivision Map was scheduled to expire on April 5, 2018, and

WHEREAS, Pursuant to Tracy Municipal Code Sections 12.28.060 and 12.16.090, the Planning Commission may grant extensions for vesting tentative subdivision maps for a period of up to three years, and

WHEREAS, On March 29, 2018, Calandev, LLC submitted a request to extend their Vesting Tentative Subdivision Map approval to April 5, 2021, and

WHEREAS, The project is consistent with the General Plan and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code, in terms of density, circulation, and land use, and

WHEREAS, The site is physically suitable for the proposed density of development, which is below the maximum density allowed by the General Plan designation of Residential Low, and

WHEREAS, Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate service levels are met and match adjacent street improvements, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, and

WHEREAS, The project complies with all other applicable ordinances, regulations, and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to approval of a final map, and

WHEREAS, The project does not propose changes that would result in any revisions to the previous Initial Study and Mitigated Negative Declaration that analyze the project site;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the City of Tracy does hereby approve the extension of the Rocking Horse Vesting Tentative Subdivision Map (Application Number TSM 15-0001) to April 5, 2021.

The foregoing Resolution 2018-_____ was adopted by the Tracy Planning Commission on the 5th day of December, 2018, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

AGENDA ITEM 1.E

REQUEST

PUBLIC HEARING TO CONSIDER AN APPEAL OF THE APPROVAL OF DEVELOPMENT REVIEW PERMIT APPLICATION NUMBER D17-0022. THE PERMIT APPROVAL INCLUDED THREE INDUSTRIAL BUILDINGS TOTALING APPROXIMATELY 1,484,097 SQUARE FEET AND A TEMPORARY RETENTION BASIN, TRUCK LOADING AREAS, AND RELATED PARKING, LANDSCAPING, AND STORMWATER TREATMENT IMPROVEMENTS ON AN APPROXIMATELY 75.14-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF GRANT LINE ROAD AND SKYLARK WAY, ASSESSOR'S PARCEL NUMBER 250-020-93. APPELLANT IS LOZEAU DRURY, LLP AND PERMIT HOLDER/OWNER IS MAJESTIC LIVERMORE PARTNERS, LLC. - APPLICATION NUMBER APL18-0003

DISCUSSION

The appellant has requested that this agenda item be discussed and considered at the next regularly scheduled Planning Commission meeting on December 19, 2018.

RECOMMENDATION

Staff recommends that this agenda item be re-noticed for December 19, 2018, per the appellant's request.

Prepared by: Kimberly Matlock, Associate Planner

Approved by: Bill Dean, Assistant Development Services Department Director

ATTACHMENT

Attachment A – Continuance Request Letter dated November 29, 2018



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RECEIVED
NOV 29 2018
CITY OF TRACY
DEVELOPMENT SERVICES

November 29, 2018

By E-mail

City of Tracy Planning Commission
c/o Andrew Malik
Secretary of the Planning Commission &
Director of the Development Services Department
Kimberly Matlock, Planner
City of Tracy
Department of Development Services
333 Civic Center Plaza
Tracy, CA 95376
Kimberly.Matlock@ci.tracy.ca.us
des@cityoftracy.org

**RE: Appeal of Determination of the Assistant City Manager Approving
Application No. D17-0022 for the Majestic Tracy Distribution Center on
APN 250-020-93.**

Dear Mr. Malik and Ms. Matlock:

I am writing on behalf of Laborers' International Union of North America Local Union No. 73 ("LIUNA") to request that the hearing on the above referenced appeal currently scheduled for December 5, 2018 before the City of Tracy Planning Commission be continued until December 19, 2018. It is our understanding that the applicant has no objection to the requested continuance. If you could please let me know as soon as possible whether the hearing will be continued would be greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Lozeau".

Michael R. Lozeau