

**MINUTES
TRACY CITY PLANNING COMMISSION
DECEMBER 5, 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.

ROLL CALL

Roll Call found Chair Orcutt, Vice Chair Hudson, and Commissioners Kaur and Wood present, Commissioner Gable absent. Also present were: Bill Dean, Assistant Development Services Director; Leticia Ramirez, Assistant City Attorney; Vicki Lombardo, Senior Planner; Scott Claar, Senior Planner; Genevieve Fernandez, Assistant Planner; and Peggy Beeuwsaert, Recording Secretary.

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance.

MINUTES

Chair Orcutt introduced the Minutes from the October 10, 2018, meeting.

ACTION: It was moved by Vice Chair Hudson, and seconded by Chair Orcutt, that the Planning Commission meeting minutes of October 10, 2018, be approved. A voice vote found those present at the October 10 meeting in favor, 3-0-1-1; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean stated that two documents had been distributed at the dais prior to the start of the meeting: (1) regarding Agenda Item 1.E, a letter from the appellant withdrawing the appeal, thus rendering a discussion of that item unnecessary; and (2) a revised resolution for Agenda Item 1.A., modifications to which pertained to findings relative to parking requirements, to be discussed during that item. Mr. Dean then informed the Commission that the City Council had approved a one-month leave of absence for Commissioner Gable (for December).

ITEMS FROM THE AUDIENCE

None.

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

Genevieve Federighi presented the staff report. Chair Orcutt opened the public hearing at 7:05 p.m. Applicant Noel Briones spoke. Chair Orcutt closed the public hearing at 7:06 p.m.

ACTION: It was moved by Vice Chair Hudson, and seconded by Commissioner Wood, 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.

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

- 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

Scott Claar presented the staff report and, along with Bill Dean and Leticia Ramirez, addressed questions from the Commission.

Chair Orcutt opened the public hearing at 7:27 p.m. Applicant Dale Cose spoke and answered questions from the Commission. Robert Tanner spoke. Chair Orcutt closed the public hearing at 7:34 p.m.

The Commissioners discussed the project. Staff addressed additional questions from the Commission.

Chair Orcutt re-opened the public hearing at 7:38 p.m. so that Applicant Cose could address questions from the Commission. Chair Orcutt closed the public hearing at 7:46 p.m., after which staff answered questions from the Commission.

ACTION: It was moved by Vice Chair Hudson, and seconded by Commissioner Kaur, 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.

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

- 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

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

Chair Orcutt opened the public hearing at 7:48 p.m. Bob Harris, representing property owner James Tong, spoke. Chair Orcutt closed the public hearing at 7:51 p.m.

ACTION: It was moved by Commissioner Kaur, and seconded by Vice Chair Hudson, 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.

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

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

Vicki Lombardo presented the staff report and, along with Bill Dean, addressed questions from the Commission.

Chair Orcutt opened the public hearing at 7:57 p.m. As no one came forward, Chair Orcutt closed the public hearing.

ACTION: It was moved by Commissioner Kaur, and seconded by Vice Chair Hudson, 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.

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

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

This item was not discussed due to a withdrawal of the appeal by the appellant (see "Director's Report Regarding this Agenda" on Page 1).

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean advised the Commission that there may be items for the December 19 meeting, adding that staff will keep the Commission informed. Mr. Dean then thanked the Commissioners for a fantastic year and wished them a great holiday season.

4. ITEMS FROM THE COMMISSION

Vice Chair Hudson wished the staff happy holidays and stated that it has been a great year working with everyone. Chair Orcutt echoed his sentiments and thanked staff for their great work.

5. ADJOURNMENT

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

Time: 8:00 p.m.



STAFF LIAISON


CHAIR

ATTACHMENTS:

- Revised resolution for Agenda Item 1.A., modifications to which pertain to findings relative to parking requirements.
- Letter from Appellant withdrawing appeal (Agenda Item 1.E).

REVISED

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, including providing required

parking consistent with the Planning Commission’s previous determination regarding parking requirements for fitness studios.

- 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



T 510.836.4200 | 410 12th Street, Suite 250 | www.lozeaudrury.com
F 510.836.4205 | Oakland, Ca 94607 | michael@lozeaudrury.com

December 4, 2018

By E-mail – Hard Copy to Follow

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: Withdrawal of 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 the Laborers' International Union of North America, Local Union No. 73 ("LIUNA"). LIUNA hereby withdraws its appeal, filed on November 13, 2018, requesting review by the Planning Commission of the October 30, 2018 Determination of the Assistant City Manager on behalf of the Development Services Department Director approving the Development Review Permit application for Project D17-0022, aka Majestic Tracy Distribution Center, Assessor's Parcel Number 250-020-93 ("Project"). If you could please confirm that the appeal has been withdrawn would be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Lozeau".

Michael R. Lozeau