

**MINUTES
TRACY CITY PLANNING COMMISSION
OCTOBER 28, 2020, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, phone and WebEx during the meeting.

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 Commissioner Atwal, Commissioner Francis, Commissioner Wood, Vice Chair Hudson, and Chair Orcutt present. Also present were: Andrew Malik, Assistant City Manager; Leticia Ramirez, City Attorney; Bill Dean, Assistant Development Services Director; Robert Armijo, City Engineer; Frederik Venter, engineering consultant, Kimley-Horn; Scott Claar, Senior Planner; Genevieve Federighi, Associate Planner; Kenny Lipich, Assistant Planner; Kimberly Matlock, Associate Planner; and Andrea Pedigo, Executive Assistant.

MINUTES

Chair Orcutt introduced the Minutes from the October 14, 2020 meeting.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Francis to approve the October 14, 2020 Planning Commission meeting minutes. A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean thanked the Commissioners for their full attendance, pointed out six public hearings on the agenda, and thanked various members of staff for assisting with meeting logistics. Mr. Dean also informed the Commissioners of a modification to the Conditions of Approval for Agenda Item 1.B, to be explained in further detail during the staff presentation of that item, welcomed Leticia Ramirez, City Attorney, and Andrew Malik, Assistant City Manager, to the meeting, and stated that most of the Planning Division staff were present as well.

ITEMS FROM THE AUDIENCE

There were no comments from the Public.

1. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER APPROVING A DEVELOPMENT REVIEW PERMIT FOR AN APPROXIMATELY 315 SQUARE FOOT PATIO STRUCTURE FOR TEXAS ROADHOUSE AT 2422 NAGLEE ROAD. APPLICANT IS SCHACK AND COMPANY, INC. PROPERTY OWNER IS PERO MARGARETIC. APPLICATION NUMBER D19-0024

Scott Claar, Senior Planner, delivered the staff report and presented a photo of the subject site.

Chair Orcutt opened the Public Hearing at 7:09 p.m.

Richard Paulsen of Schack and Company, 1025 Central Avenue in Tracy, representing the project applicant, spoke and addressed questions from the Commission.

Chair Orcutt closed the Public Hearing at 7:17 p.m.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Atwal that the Planning Commission approve a Development Review Permit for an approximately 315 square foot patio structure for Texas Roadhouse at 2422 Naglee Road, Application Number D19-0024, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 28, 2020.

A roll call vote found all in favor; passed and so ordered; 5-0-0-0.

B. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TELECOMMUNICATION FACILITY IN THE FORM OF A TREE, KNOWN AS A MONOPINE, AND ASSOCIATED EQUIPMENT, LOCATED AT 1780 WHIRLAWAY LANE, ASSESSOR'S PARCEL NUMBER 244-020-40. APPLICANT IS BEN HACKSTEDDE FOR VERIZON. PROPERTY OWNER IS CITY OF TRACY. APPLICATION NUMBERS CUP19-0014 AND D19-0039

Genevieve Federighi, Associate Planner, delivered the staff report and a PowerPoint presentation, adding that Condition 9 had been deleted as a Condition of Approval because it pertains to a Landscape Maintenance Agreement, which is not needed because the City will be maintaining the landscaping once installed.

Chair Orcutt paused the meeting for two minutes at 7:24 p.m. to give the Commissioners an opportunity to review an email from a neighbor suggesting alternative locations, then called the meeting back to order at 7:26 p.m.

Ms. Federighi addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 7:33 p.m.

It was formally announced that an email which exceeded the 250-word limit had been received and a copy given to the Commissioners at the meeting.

Bonnie Hernandez of 4677 Encanto Lane, who identified herself as the author of the email, spoke.

Chair Orcutt closed the Public Hearing at 7:40 p.m.

Commission and Staff discussion followed.

Chair Orcutt re-opened the Public Hearing at 7:45 p.m. so that the applicant could address questions from the Commission.

Applicant Ben Hackstedde of Sequoia Development Services, representing Verizon, spoke.

Dan Schack and Richard Paulsen spoke, and their questions were addressed by staff and the applicant.

Chair Orcutt closed the Public Hearing at 7:59 p.m.

Commission and staff discussion followed.

In response to a telephone call received by City staff, Chair Orcutt re-opened the Public Hearing at 8:01 p.m.

Bonnie Hernandez of 4677 Encanto Lane spoke again. Staff addressed her questions.

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

Commission and staff discussion followed.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Wood that the Planning Commission approve the Conditional Use Permit and Development Review Permit to allow the construction of a new telecommunication facility in the form of a tree, known as a monopine, and associated equipment, located at 1780 Whirlaway Lane, Assessor's Parcel Number 244-020-40, Application Numbers CUP19-0014 and D19-0039, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated October 28, 2020.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

C. PUBLIC HEARING TO CONSIDER A TENTATIVE SUBDIVISION MAP (CLOVER ESTATES) TO DIVIDE TWO PARCELS INTO NINE PARCELS ON 1.85 ACRES LOCATED ON THE SOUTH SIDE OF CLOVER ROAD, BETWEEN BUTHMANN AVENUE AND HOLLY DRIVE, ASSESSOR'S PARCEL NUMBERS 214-430-46 and 214-430-47; THE APPLICANT IS SCHACK AND COMPANY, INC. AND PROPERTY OWNER IS ALI AHMED; APPLICATION NUMBER TSM19-0008

Genevieve Federighi, Associate Planner, delivered the staff report and a PowerPoint presentation, and addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 8:19 p.m.

Applicants Dan Schack and Richard Paulsen of Schack and Company spoke and addressed questions from the Commission, as did staff.

Chair Orcutt closed the Public Hearing at 8:26 p.m.

ACTION: It was moved by Commissioner Wood and seconded by Vice Chair Hudson that the Planning Commission approve the 9-lot Tentative Subdivision Map (Clover Estates) on 1.85 acres located on the south side of Clover Road, between Buthmann Avenue and Holly Drive, APNs 214-430-46 and 214-430-47, Application Number TSM19-0008, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 28, 2020 (Attachment D).

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

D. PUBLIC HEARING TO RECOMMEND THAT CITY COUNCIL ADOPT AN ORDINANCE RESTRICTING THE LOCATION OF TOBACCO RETAILERS

Bill Dean, Assistant Director of Development Services, delivered the staff report and a map depicting tobacco retailer locations in the city, and addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 8:42 p.m.

There were no comments from the Public.

Chair Orcutt closed the Public Hearing at 8:44 p.m.

Commission and Staff discussion followed.

ACTION: It was moved by Vice Chair Hudson and seconded by Chair Orcutt that the Planning Commission recommend that City Council adopt the proposed City ordinance establishing location restrictions on tobacco retailers.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

E. PUBLIC HEARING TO CONSIDER INTRODUCING AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH TRACY HILLS PROJECT OWNER, LLC AND TRACY PHASE I, LLC FOR THE TRACY HILLS PROJECT LOCATED AT THE SOUTHWEST CORNER OF CORRAL HOLLOW ROAD AND TRACY HILLS DRIVE, APPLICATION DA20-0001

Bill Dean presented the item and introduced Robert Armijo, City Engineer, who delivered a PowerPoint presentation and answered questions from the Commission along with Fredrik Venter, Andrew Malik, and Leticia Ramirez.

Chair Orcutt opened the Public Hearing at 9:49 p.m.

Mike Souza of Souza Realty, representing the applicant, spoke.

Chair Orcutt closed the Public Hearing at 10:04 p.m.

Commission and Staff discussion followed. Commissioner Francis disclosed that he had met with applicants Mike Souza and John Palmer.

ACTION:

It was moved by Commissioner Wood and seconded by Vice Chair Hudson that the Planning Commission recommend that City Council introduce an Ordinance approving an amendment to the Development Agreement with Tracy Hills Project Owner, LLC and Tracy Phase I, LLC for the Tracy Hills Project located at the southwest corner of Corral Hollow Road and Tracy Hills Drive. This recommendation includes extending the current DA trigger for the commencement of construction for the northerly portion of the widening of Corral Hollow Road between Linne Road and the California Aqueduct from 1,800 residential units to 2,600 residential units.

A roll call vote found all in favor. Passed and so ordered; 5-0-0-0.

Chair Orcutt ordered a five-minute recess at 10:55 p.m., and reconvened the meeting at 11:00 p.m.

F. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR AN AMENDMENT TO THE NORTHEAST INDUSTRIAL SPECIFIC PLAN AND A DEVELOPMENT REVIEW PERMIT FOR AN APPROXIMATELY 99-FT TALL, 1,355,618 SF INDUSTRIAL BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON AN APPROXIMATELY 86-ACRE AREA SOUTH OF E. GRANT LINE ROAD, EAST OF SKYLARK WAY, AND WEST OF CHRISMAN ROAD (ASSESSOR'S PARCEL NUMBERS 250-020-93, 250-020-80, 250-020-81, AND 250-020-95).

**APPLICANT IS HPA, INC. AND PROPERTY OWNER IS PROLOGIS,
L.P. – APPLICATION NUMBERS SPA20-0005 AND D20-0017**

Kimberly Matlock, Associate Planner, delivered the staff report and a PowerPoint presentation.

Fire Chief Randall Bradley spoke and addressed questions from the Commission, as did Ms. Matlock.

Chair Orcutt opened the Public Hearing at 11:24 p.m.

- Len Lovall, Political Coordinator of Ironworkers Union Local 378, spoke in opposition to the project.
- Richard Johnson, speaking on behalf of the Union Ironworkers, expressed opposition to the project.
- Jason Lindsey of Antioch, Business Agent for Ironworkers Local 378, spoke in opposition to the project.
- John Dalrumpel of Oakland spoke in favor of the project, stating he was speaking for 200 families in and around Tracy.
- Jason Gali, President and Business Agent of Ironworkers Local 378, spoke in opposition to the project.
- Project Applicant Ali Harandi, a member of Prologis's Central Valley team and resident of San Francisco, delivered a PowerPoint presentation.

Chair Orcutt closed the Public Hearing at 11:43 p.m.

Commission and Staff discussion followed.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Atwal that the Planning Commission do the following:

1. Recommend that the City Council approve an amendment to the NEI Specific Plan relating to maximum height and minimum setbacks for buildings located south of Grant Line Road, east of Skylark Way, and west of Chrisman Road, and
2. Recommend that the City Council approve Development Review Permit application D20-0017 for an approximately 1,355,618-square foot, 99-foot tall industrial building and associated parking, landscaping, and trucking areas on property located south of Grant Line Road, east of Skylark Way, and west of Chrisman Road.

A roll call vote found Vice Chair Hudson, Commissioner Atwal, Commissioner Francis, and Commissioner Wood in favor; Chair Orcutt opposed. Passed and so ordered; 4-1-0-0.

2. ITEMS FROM THE AUDIENCE

There were no comments from the Public.

3. DIRECTOR'S REPORT

Bill Dean, Assistant Director of Development Services, thanked the Commission for their attendance at this five-hour meeting, and reminded all that the Planning Commission meeting schedule shifts in the last two months of the year, from the second and fourth Wednesdays of the month to the first and third Wednesdays of the month.

4. ITEMS FROM THE COMMISSION

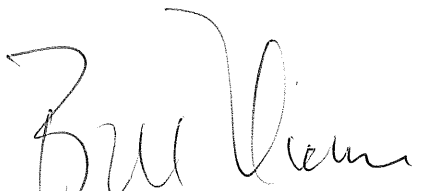
There were no comments from the Commission.

5. ADJOURNMENT


ACTION: It was moved by Chair Orcutt and seconded by Vice Chair Hudson to adjourn.

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

Time: 12:00 a.m.



STAFF LIAISON



CHAIR