

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, April 14, 2021
7:00 P.M. (or as soon thereafter as possible)

Location: City Hall
333 Civic Center Plaza, Tracy

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.

THIS REGULAR MEETING WILL BE 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 ARE STRONGLY ENCOURAGED TO PARTICIPATE REMOTELY AT THE APRIL 14, 2021 MEETING

Remote Access to City of Tracy Planning Commission Meeting:

In accordance with the guidelines provided in Executive Order N-29-20 on social distancing measures, the City of Tracy will allow for remote participation at the upcoming Planning Commission meeting on Wednesday, April 14, 2021.

Remote Public Comment:

*Public comment, limited to 250 words or less, submitted via email **will only be accepted for agenda items before the start of the Planning Commission meeting at 7:00 p.m.** Please send an email to publiccomment@cityoftracy.org and identify the item you wish to comment on in your email's subject line.*

During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Phone** by dialing (209) 831-6010, or
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following:
Event Number: 182 838 1541 and **Event Password:** Planning
 - **If you would like to participate in the public comment anonymously**, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
- *Protocols for submitting comments by phone:*
 - *Identify the item you wish to comment on to staff when calling in. Comments received by phone will be accepted for the "Items from the Audience/Public Comment" and "New Business" portions of the agenda.*

- *Comments received by phone for the “Items from the Audience/Public Comment” portion of the agenda must be received by the time the Chairperson opens that portion of the agenda for discussion.*
- *Comments received by phone on each “New Business” will be accepted until the Chairperson announces that public comment for that item is closed.*
- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the “Items from the Audience/Public Comment” or “New Business” portions of the agenda:*
 - *Listen for the Chairperson to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the “Items from the Agenda/Public Comment” or “New Business” portions of the agenda will be accepted until the public comment for that item is closed.*
- *The total allotted time for public comment will be as follows:*
 - *Items from the Audience: **15 minutes***
 - *New Business: **10 minutes***

Comments received by publiccomment@cityoftracy.org, phone call, or on Webex outside of the comment periods outlined above will not be included in the record.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

DIRECTOR’S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.*

1. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.08.2930 REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE – APPLICANT IS CHARANJIT JUTLA – APPLICATION NUMBER ZA20-0002.
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: April 8, 2021

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 via the City of Tracy website at www.cityoftracy.org.

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.08.2930 REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE – APPLICANT IS CHARANJIT JUTLA – APPLICATION NUMBER ZA20-0002.

DISCUSSION

The Highway Service (HS) Zone is one of the City’s commercial zoning districts. The HS Zone is located near the I-205 interchanges with Tracy Blvd., MacArthur Dr., and Grant Line Road (Attachment A – HS Zone Locations). The HS Zone permits freeway-oriented uses, such as hotels, gas stations, and restaurants.

The HS Zone includes requirements regarding lot area and lot frontage. Tracy Municipal Code Section 10.08.2930 states the following:

“10.08.2930 Lot area (HS)

All lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet and shall have a minimum width of 150 feet frontage.”

The lot area and lot frontage requirements must be satisfied in order to create a new lot or modify the boundaries of an existing lot.

The applicant is proposing an amendment to the minimum lot frontage requirement in the HS Zone, in order to allow for a potential future subdivision. The applicant is the owner of an approximately 2.2-acre parcel (approximately 96,000 square feet) located north of I-205 at 3775 N. Tracy Blvd. The applicant’s property includes an existing Chevron gas station on the front portion of the parcel and approximately 1.4 acres (approximately 63,000 square feet) of vacant, undeveloped land on the back portion of the parcel. The vacant portion of the parcel is located behind the Chevron gas station and a neighboring Shell gas station. The vacant portion of the parcel is bisected by a private driveway/ access easement that provides access from the public right-of-way to the Holiday Inn Express. The applicant would like to potentially subdivide this parcel into three lots, consisting of one lot for the Chevron gas station and separate lots for the vacant land on both sides of the private driveway/ access easement (Attachment B – Example of Potential Subdivision).

Analysis

In this example of potential subdivision, two of the lots would not have frontage on a public right-of-way, which is not allowed by the HS Zone. These two lots would need to use the private driveway/ access easement to access the public right-of-way. However, this is the same way that this portion of the property would access the public right-of-way

even if the parcel is not subdivided. The only difference is the potential location of property lines. If the lot frontage requirement is amended, the undeveloped portion of the parcel could potentially be subdivided and sold as separate lots, which would help make the site more readily available for development. The subdivision would require approval of a Tentative Parcel Map by the City Engineer.

Most commercial zoning districts in Tracy do not have a lot frontage requirement, including the Community Shopping Center (CS) Zone, Neighborhood Shopping (NS) Zone, and the Central Business District (CBD) Zone. Similar to this proposed amendment to the HS Zone, the General Highway Commercial (GHC) Zone was amended by the City Council in 2017 to not have a lot frontage requirement for lots with combined parking areas and common driveways. The I-205 Corridor Specific Plan, Tracy Hills Specific Plan, and the Cordes Ranch Specific Plan also do not have lot frontage requirements in commercial zones. Many of these commercial zones include lots with no frontage on a public right-of-way.

The minimum lot frontage requirement in the HS Zone was based on ideas from the past. Commercial development, in years past, did not normally subdivide shopping centers into multiple lots. Older shopping centers in Tracy, such as La Plaza Market (former Food-4-Less) and World Gym (former grocery store), for example, have only two lots with typical sizes of 3.5 to over eight acres. By contrast, commercial shopping centers developed more recently contain a separate lot for each tenant or building within each development, resulting in smaller lot sizes and narrow frontage, if any, on the public right-of-way. For example, Tracy Marketplace contains 24 lots, the West Valley Mall consists of 23 lots, and the Save Mart Center along Tracy Boulevard is comprised of six lots. Property lines passing through shopping centers are indistinguishable by customers visiting the centers. The separate lots associated with modern shopping centers are largely a function of ownership interests and financing needs. It is less common to have a single owner of a shopping center with independent financing today than it was in the past.

Another recent example is West Parkway Village, which involves a commercial zone in close proximity to a freeway interchange. On January 22, 2020, the Planning Commission approved a Tentative Subdivision Map for West Parkway Village, which is an area zoned General Commercial by the Cordes Ranch Specific Plan and located at the southeast corner of the I-205 interchange with International Parkway. The General Commercial Zone in the Cordes Ranch Specific Plan does not have a requirement for lot frontage. The Tentative Subdivision Map for West Parkway Village was approved with 14 parcels, many of which do not have frontage on a public right-of-way. The parcels will have access to the public right-of-way through common driveways and access easements (Attachment C – Example of West Parkway Village).

The circulation and utilities function well within multiple-lot shopping centers because cross easements are recorded on the lots allowing pedestrian and vehicle circulation, customer and delivery access, and site maintenance or signs to occur across property lines. The City ensures adequate driveway spacing and other right-of-way improvements, in general, through roadway design standards and not through zoning, as may have been more prevalent in decades past.

Commercial properties that are not part of a shopping center may also utilize access easements to access the public right-of-way. For example, the Holiday Inn Express property happens to have lot frontage on Larch Road, but the primary access for the hotel is from Tracy Boulevard through an access easement across the applicant's property. This is a private driveway that is shared by users on multiple lots, including Chevron, Shell, and Holiday Inn Express.

The proposed amendment would allow lots to be created in the HS Zone with no lot frontage requirement, if such lots access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots (Attachment D – Proposed Amendment in Red-Line Version). There would be no change to the minimum lot area requirement of 22,500 square feet. The complete draft ordinance is included in Attachment E, Exhibit 1.

Environmental Document

The proposed amendment to the Tracy Municipal Code is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental review is necessary.

RECOMMENDATION

Staff recommends that Planning Commission recommend that City Council introduce and adopt an ordinance amending Tracy Municipal Code Section 10.08.2930 regarding the minimum lot frontage requirement in the Highway Service Zone, as stated in the Planning Commission Resolution dated April 14, 2021 (Attachment E – Planning Commission Resolution).

SUGGESTED MOTION

Move that the Planning Commission recommend that City Council introduce and adopt an ordinance amending Tracy Municipal Code Section 10.08.2930 regarding the minimum lot frontage requirement in the Highway Service Zone, as stated in the Planning Commission Resolution dated April 14, 2021.

Prepared by: Scott Claar, Senior Planner
Kenny Lipich, Assistant Planner
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

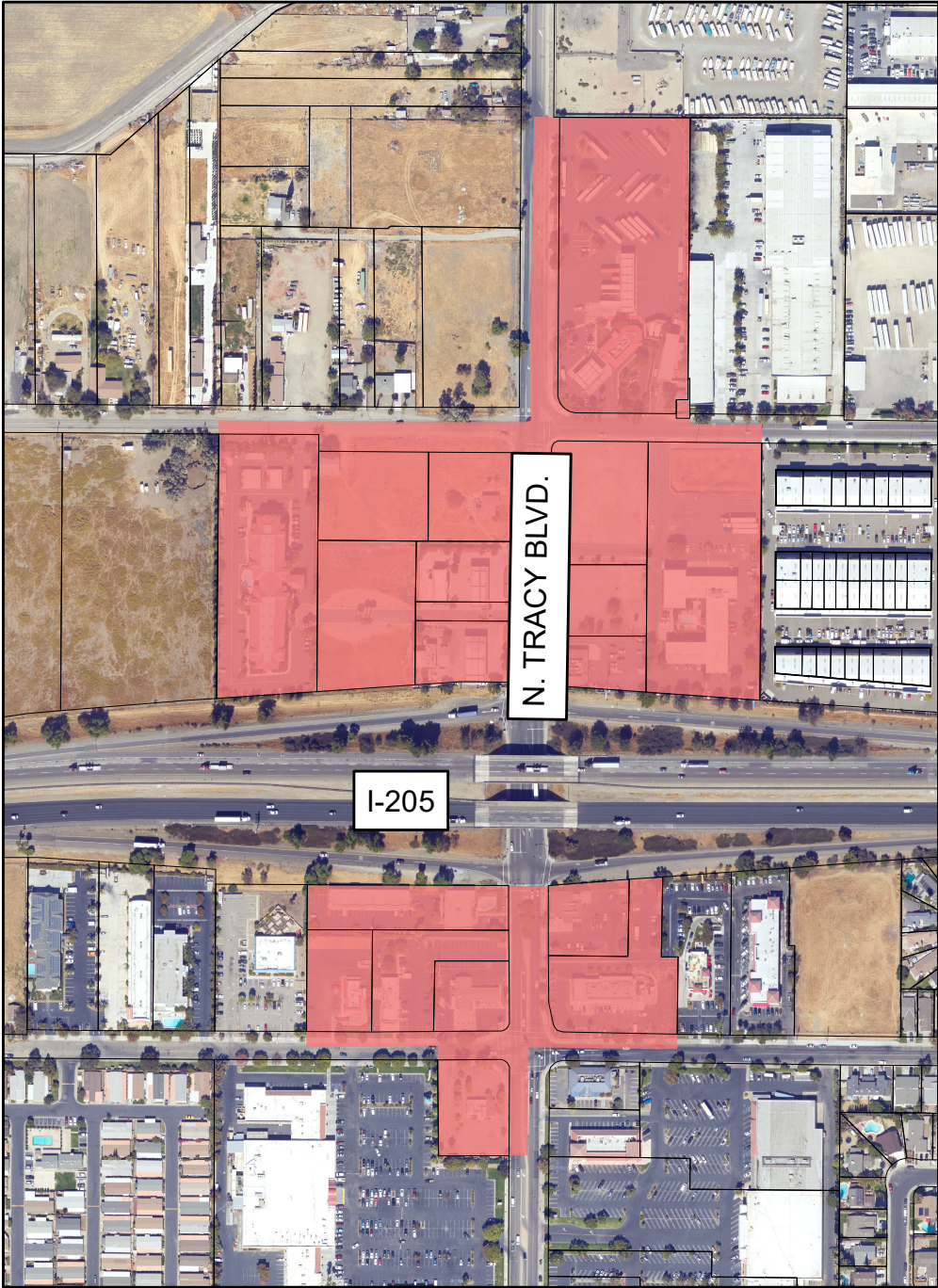
Attachment A – HS Zone Locations
Attachment B – Example of Potential Subdivision
Attachment C – Example of West Parkway Village
Attachment D – Proposed Amendment in Red-Line Version
Attachment E – Planning Commission Resolution

 HIGHWAY SERVICE (HS) ZONE LOCATIONS

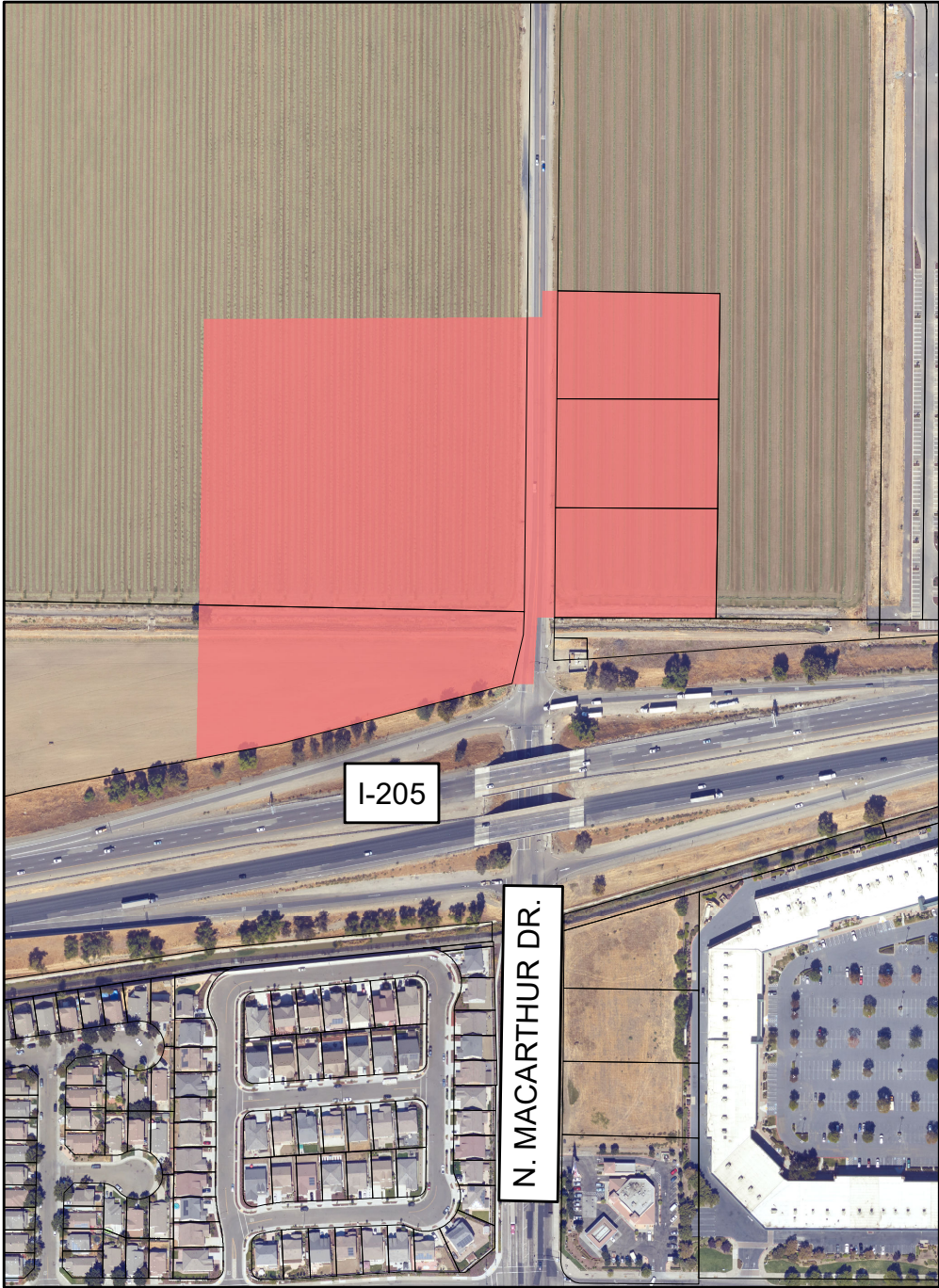
I-205/GRANT LINE RD. INTERCHANGE



I-205/N. TRACY BLVD. INTERCHANGE



I-205/N. MACARTHUR DR. INTERCHANGE



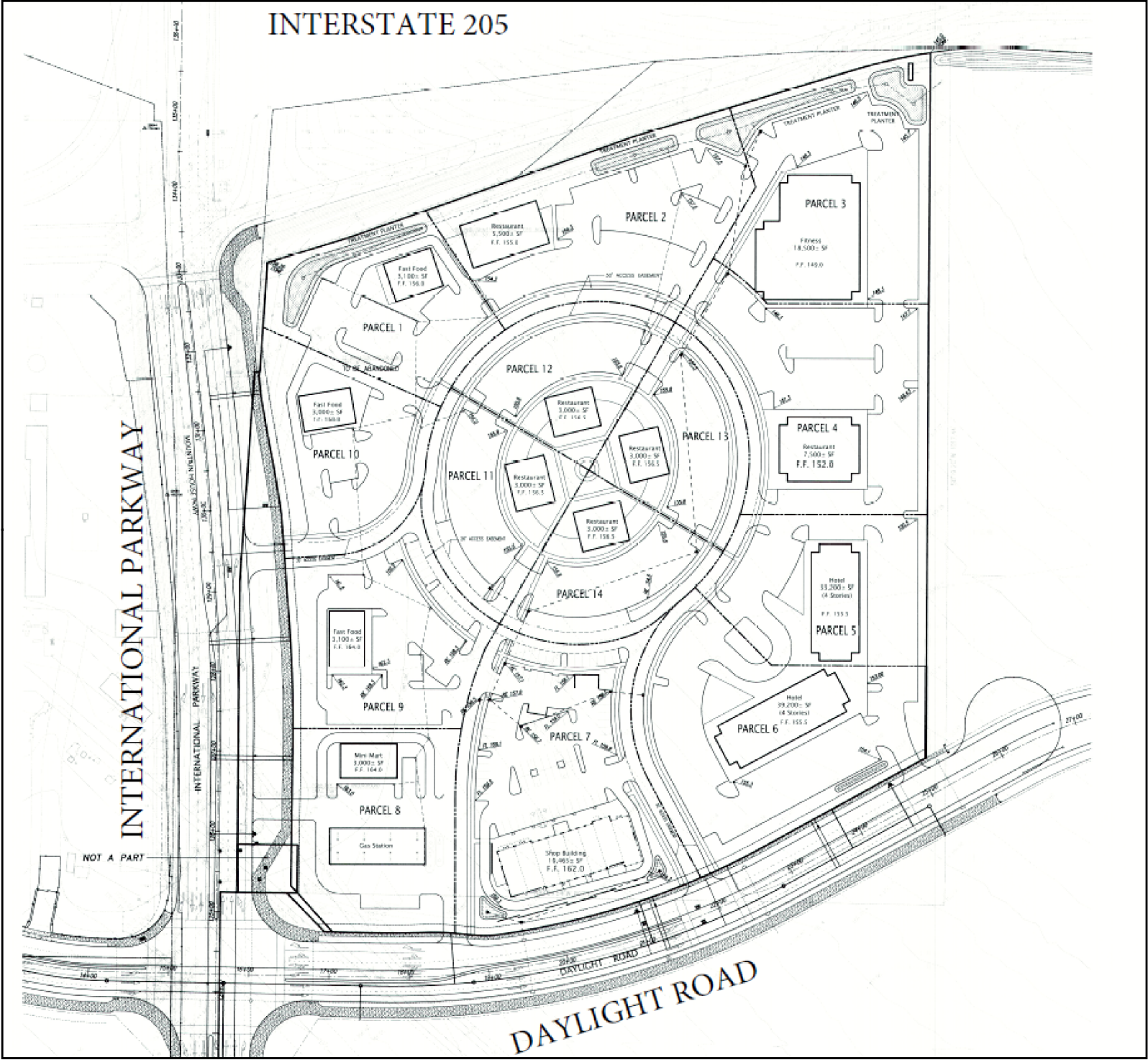
EXAMPLE OF POTENTIAL SUBDIVISION



EXAMPLE OF WEST PARKWAY VILLAGE

I-205/INTERNATIONAL PARKWAY INTERCHANGE

INTERSTATE 205



Proposed Amendment in Red-Line Version

Tracy Municipal Code Section 10.08.2930 regarding the minimum lot frontage requirement in the Highway Service (HS) Zone would be amended as follows:

10.08.2930 Lot Area (HS).

All lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet ~~and~~. Additionally, all lots shall have a minimum width of 150 feet of frontage along a public right-of-way, except lots that access the public right-of-way through a common ingress and egress that is shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots.

RESOLUTION 2021- _____

PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE AMENDING SECTION 10.08.2930 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE – APPLICATION NUMBER ZA20-0002

WHEREAS, The Highway Service (HS) Zone is located near the I-205 interchanges with Tracy Blvd., MacArthur Dr., and Grant Line Road; and

WHEREAS, The HS Zone permits freeway-oriented commercial uses, such as hotels, gas stations, and restaurants; and

WHEREAS, Tracy Municipal Code Section 10.08.2930 requires that all lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet and shall have a minimum width of 150 feet frontage; and

WHEREAS, An application was submitted to amend the minimum lot frontage requirement in the HS Zone; and

WHEREAS, The proposed amendment would allow lots to be created in the HS Zone with no lot frontage requirement, if such lots access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots; and

WHEREAS, Most commercial zoning districts in Tracy do not have a lot frontage requirement, including the Community Shopping Center (CS) Zone, Neighborhood Shopping (NS) Zone, and the Central Business District (CBD) Zone; and

WHEREAS, The General Highway Commercial (GHC) Zone was amended by the City Council in 2017 to not have a minimum lot frontage requirement for lots with combined parking areas and common driveways; and

WHEREAS, The I-205 Corridor Specific Plan, Tracy Hills Specific Plan, and the Cordes Ranch Specific Plan also do not have lot frontage requirements in commercial zones; and

WHEREAS, Existing commercial development patterns throughout Tracy demonstrate that public right-of-way frontage requirements are not necessary for lots that access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots; and

WHEREAS, The City can effectively regulate the proximity of driveways and other public right-of-way improvements through roadway design standards without requiring street frontage; and

WHEREAS, The proposed amendment to the Tracy Municipal Code is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)); and

WHEREAS, The Planning Commission held a duly noticed public hearing to consider this matter on April 14, 2021;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission recommends that the City Council introduce and adopt an ordinance amending Section 10.08.2930 of the Tracy Municipal Code regarding the minimum lot frontage requirement in the Highway Service Zone, as shown in attached Exhibit 1.

The foregoing Resolution _____ was adopted by the Planning Commission on the 14th day of April 2021, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.2930 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE

WHEREAS, The Highway Service (HS) Zone is located near the I-205 interchanges with Tracy Blvd., MacArthur Dr., and Grant Line Road; and

WHEREAS, The HS Zone permits freeway-oriented commercial uses, such as hotels, gas stations, and restaurants; and

WHEREAS, Tracy Municipal Code Section 10.08.2930 requires that all lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet and shall have a minimum width of 150 feet frontage; and

WHEREAS, An application was submitted to amend the minimum lot frontage requirement in the HS Zone; and

WHEREAS, The proposed amendment would allow lots to be created in the HS Zone with no lot frontage requirement, if such lots access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots; and

WHEREAS, Most commercial zoning districts in Tracy do not have a lot frontage requirement, including the Community Shopping Center (CS) Zone, Neighborhood Shopping (NS) Zone, and the Central Business District (CBD) Zone; and

WHEREAS, The General Highway Commercial (GHC) Zone was amended by the City Council in 2017 to not have a minimum lot frontage requirement for lots with combined parking areas and common driveways; and

WHEREAS, The I-205 Corridor Specific Plan, Tracy Hills Specific Plan, and the Cordes Ranch Specific Plan also do not have lot frontage requirements in commercial zones; and

WHEREAS, Existing commercial development patterns throughout Tracy demonstrate that public right-of-way frontage requirements are not necessary for lots that access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots; and

WHEREAS, The City can effectively regulate the proximity of driveways and other public right-of-way improvements through roadway design standards without requiring street frontage; and

WHEREAS, The proposed amendment to the Tracy Municipal Code is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)); and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on April 14, 2021 and recommended that City Council introduce and adopt the ordinance; and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on _____, 2021.

The Tracy City Council hereby ordains as follows:

SECTION 1. Section 10.08.2930, Lot Area (HS), of Title 10 (Planning and Zoning) of the Tracy Municipal Code is amended to read as follows:

“10.08.2930 Lot Area (HS).

All lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet. Additionally, all lots shall have a minimum width of 150 feet of frontage along a public right-of-way, except lots that access the public right-of-way through a common ingress and egress that is shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots.”

SECTION 2. This Ordinance takes effect 30 days after its final passage and adoption.

SECTION 3. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov’t. Code §36933.)

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2021, and finally adopted on the _____ day of _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST: _____ MAYOR

CITY CLERK