

**October 5, 2010, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Ives called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

The invocation was provided by Pastor Kevin James, New Creation Bible Fellowship.

Roll call found Council Member Abercrombie, Maciel, Tolbert, Mayor Pro Tem Tucker, and Mayor Ives present.

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for October 2010, to Robert Rosenberg, Information Systems Tech II, Finance Department.

Mayor Ives and Acting Fire Chief Germaine Friends administered the Oath of Office to Michael Oliveri, who was promoted to Fire Captain, and Bobby Arnold, who was promoted to Fire Engineer.

Mayor Ives presented a proclamation to Pastor Scott McFarland, Journey Christian Church, Pastor Jon Fields, Grace Church, and Gene Birk, proclaiming October 23, 2010, as Make a Difference Day throughout Tracy.

Mayor Ives presented a proclamation to Lorraine Perez, Domestic Violence/Cal Works Program Coordinator, Women's Center of San Joaquin County proclaiming October as Domestic Violence Awareness Month.

Commissioners Raj Makker and Laqshya Taneja presented the Youth Advisory Commission's Annual Report.

Council Member Maciel thanked the presenters for their commitment to the Youth Advisory Commission and the community.

Mayor Pro Tem Tucker asked about the multigenerational program. Mr. Taneja indicated it was done in an attempt to bridge the gap between youth and the seniors.

Mayor Ives stated he appreciated their strategic goals.

1. CONSENT CALENDAR - It was moved by Council Member Abercrombie and seconded by Council Member Tolbert to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Minutes Approval – Special meeting minutes of June 15, 2010, and regular meeting minutes of August 3, 2010, were adopted.

- B. Acceptance of the Shoulder Backing at Various Street Locations, 2009 Project - CIP 73120, Completed by Teichert Construction, of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2010-165 accepted the project.
- C. Authorize a Professional Services Agreement with West Coast Arborist, Inc. for Tree Maintenance in the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2010-2011, Authorize the City Manager to Execute Subsequent Agreement Extensions for Up to Four One-Year Terms, and Authorize the Mayor to Execute the Agreement – Resolution 2010-166 authorized the agreement.
2. ITEMS FROM THE AUDIENCE - Paul Miles stated he had presented information regarding the allegations of Police misconduct to Council on six occasions, without any resolution. Mr. Miles stated the City's lack of action regarding the allegations represented gross negligence. Mr. Miles indicated he will post information to [www.tracy-ca.us](http://www.tracy-ca.us) in an effort to hold the City accountable and requested an independent investigation be undertaken. Mayor Ives provided a statement regarding Mr. Miles' concerns.

Nancy Young, Cypress Drive, addressed Council acknowledging the Fire OPS teams that participated in the event over the weekend. Ms. Young stated she has a new respect for Firefighters and EMTs.

George Buffleben, President of Tracy Friends of the Library, indicated the Tracy Friends of the Library is considering a proposal from Library Systems & Servicing, LLC (LSSI) regarding managing the public library. Mr. Buffleben asked Council to review the proposal and provide input. Mr. Buffleben recommended Council oppose the LSSI proposal.

Brian Van Lehn, 540 Winston Court, addressed Council regarding a resolution of the noise issues with Leprino Foods. Mr. Van Lehn provided examples of efforts they have made to mask the noise. Mr. Van Lehn requested that Council represent all the residents of Tracy without bias.

3. PUBLIC HEARING TO CONSIDER APPLICATIONS TO AMEND THE BROOKVIEW CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN AND THE BROOKVIEW VESTING TENTATIVE SUBDIVISION MAP FOR THE 10-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF BROOKVIEW DRIVE AND PERENNIAL PLACE, ASSESSOR'S PARCEL NUMBER 248-560-28. THE APPLICANT AND PROPERTY OWNER IS BROOKVIEW PROPERTIES, LLC. APPLICATION NUMBERS D10-0003 AND TSM10-0001 - Scott Claar, Associate Planner, presented the staff report. Mr. Claar stated that the subject property consists of a vacant 10-acre parcel located approximately 300 yards east of Tracy Boulevard. The site is bordered by Brookview Drive on the south, Perennial Place on the east, Lasata Drive on the north, the rear of residential lots that front onto Treana Court on the northwest, and a 2-acre City park on the southwest.

The subject property is contained within Garden Square, which is an existing 375-lot residential subdivision consisting of approximately 91 acres. The 10-acre subject property was originally designated as a school site by the Concept Development Plan (CDP) for Garden Square, which was approved in October 2000. In September 2002,

the Jefferson School District informed the City that it no longer desired to locate a school on this site and released all interest in the property, which granted development opportunity back to the property owner.

On June 19, 2007, the Council approved a 95-lot residential subdivision on the 10-acre subject property, known as Brookview (Application Numbers 12-04-D and 3-04-TSM). Since that time, no development has occurred on the vacant parcel. On June 23, 2010, Brookview Properties, LLC submitted applications to amend the Brookview Concept, Preliminary and Final Development Plan and the Brookview Vesting Tentative Subdivision Map.

The previously approved Brookview project consisted of a 95-lot residential subdivision. The development plan contained elements such as houses that fronted onto the adjacent public park, a variety of residential building types, and a portion of the houses with alley loaded garages.

The proposed changes to the Brookview project primarily include reducing the density from 95 to 80 lots, removing the Affordable Housing component, amending the housing types to all two-story designs, and removing the zero lot line houses.

The street layout and block configuration would remain the same, with the exception that the alley in the center block would be eliminated. The project would still feature houses fronting onto the adjacent public park and a portion of the houses would have alley-loaded garages.

The proposed amendment to the Vesting Tentative Subdivision Map would subdivide the 10-acre parcel into 80 residential lots, public streets and alleys. The street sections would include a five-foot landscape strip between the curb and sidewalk as previously approved.

The project would include two primary product types, described as "traditional lots" and "alley loaded lots." The traditional lots would be located on the perimeter of the site fronting Lasata Drive and Perennial Place, and in the center block area. The traditional lots would range in size from approximately 3,600 to 5,000 square feet and contain houses ranging between approximately 2,100 and 2,500 square feet with front-loaded garages.

The alley loaded lots would be located in the southwestern portion of the site, adjacent to the public park and at the entry point from Brookview Drive. The alley loaded lots would range in size from approximately 2,600 to 5,000 square feet and contain houses ranging between approximately 1,700 and 2,000 square feet with rear-loaded garages. In order to make up for the lack of rear yard area and the narrow side yards, these lots would have an easement on the contiguous neighbor's side yard, so that each property owner would enjoy the use of one 10-foot wide side yard, while giving up their 5-foot side yard on the opposite side.

The proposed architecture features a variety of house designs with six plan types with each plan type having two to three different elevations. The architectural styles include Traditional, Mediterranean, and Spanish. The architecture includes a variety of building materials and details appropriate to the styles. Garages are deemphasized and 18 houses have garages that would face an alley.

The proposed amendments to the Brookview PUD zoning regulations are intended to allow for a creative site plan that includes a mix of residential building types, sizes, and densities and a variety of lot sizes and configurations. Setbacks and other development standards are planned to accommodate the proposed development and also to address future property owner requests such as shade structures, pools, and detached accessory buildings.

The General Plan land use designation is Residential Low. The proposed project would be consistent with the density allowed for by the General Plan designation of Residential Low. Densities in the Residential Low category range from 2.1 to 5.8 units per gross acre with an average of 3.5 units per gross acre. The density of the Garden Square subdivision is currently 4.1 units per gross acre and with the proposed project it would be 5.0 units per gross acre (375 existing dwellings + 80 new dwellings = 455 dwellings, divided by 91.1 acres = 5.0 dwelling units per gross acre).

The proposed amendments to the Brookview project would be consistent with the City's Design Goals and Standards and the following General Plan policies:

Community Character Element - CC-6.1 – Policy P4

Blocks within neighborhoods should contain a mix of lot sizes and house sizes.

Community Character Element - CC-6.1 – Policy P1

There shall be a variety of architectural styles in each neighborhood and within each block of a neighborhood.

Community Character Element – CC-6.2 – Policy P5

The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.

The proposed project is located within the Jefferson Elementary School District for grades K – 8 and the Tracy Unified School District for grades 9 – 12.

In order to mitigate the proposed project's impacts on school facilities, the Tracy Unified School District has a mitigation agreement in place for the entire Garden Square subdivision, which would apply to the proposed project. The Jefferson Elementary School District has a fee of \$2.94 per square foot of residential development, which would apply to the proposed project, payable at the time of building permit issuance.

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build parks or pay park in-lieu fees. The City's requirement for park land is three acres of Neighborhood Park and one acre of Community Park, for a total of four acres of park land per 1,000 residents.

In this case, staff has determined that no dedication of park acreage is desired within the proposed project because the Garden Square subdivision is adjacent to an existing park. Garden Square contains a 2-acre park in the vicinity of Regis Drive and Brookview Drive; and an 8-acre park in the vicinity of Dietrick Avenue and Dandelion Loop, which is along the southern boundary of the subdivision. The total existing park acreage is approximately 10 acres.

The population estimate for Garden Square, including the proposed project, is 1,492 residents (375 existing dwelling units + 80 new dwelling units = 455 total dwelling units, multiplied by 3.28 people per unit). The City's requirement of park land for a subdivision consisting of 1,492 residents is approximately 6 acres.

The applicant would be required and has agreed to pay the park in-lieu fees. These fees would provide funds for the creation of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

The applicant conducted a neighborhood meeting on July 27, 2010, to share the proposed amendments to the Brookview project with nearby residents. Five neighbors were present at the meeting. According to the applicant, the primary concern of the neighbors was related to existing high-speed traffic on Brookview Drive.

During the review process for the previously approved Brookview project, many of the neighborhood residents expressed concerns and opposition. The primary concerns of the neighbors were related to traffic, density, building height, and Affordable Housing. Many of these previous concerns have been addressed by the reduction in density, the removal of the zero lot line houses, the removal of the three-story houses, and the elimination of the Affordable Housing component.

A traffic study was conducted as part of the previously approved Brookview project. The traffic study concluded that all eight study intersections currently operate at an acceptable level of service and are expected to continue to operate acceptably with the proposed project. The eight study intersections include South Tracy Boulevard and Whispering Wind Drive, Whispering Wind Drive and Regis Drive, Brookview Drive and Regis Drive, Brookview Drive and Bonsai Avenue, Brookview Drive and Perennial Place, Lasata Drive and Perennial Place, Lasata Drive and Treana Court, and Lasata Drive and Regis Drive. The two future street intersections at Brookview Drive and Perennial Place are also expected to operate acceptably with the proposed project.

The Planning Commission held a public hearing on August 25, 2010, to consider the proposal. There were no comments from the public. Following questions from Planning Commissioners for staff and the applicant, the Planning Commission voted 4-0-0-1 to recommend that City Council approve the project.

This project is consistent with the Mitigated Negative Declaration that was adopted by City Council on June 19, 2007 for the previously approved Brookview project. The proposed amendments to the Brookview project would include a reduction in density from 95 to 80 lots. The street and block layout would be the same as previously approved. No potentially significant impacts would result from this project that weren't previously addressed in the adopted Mitigated Negative Declaration. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is required.

The amended Brookview project would be required to comply with the mitigation measures of the adopted Mitigated Negative Declaration. The mitigation measures include requiring compliance with all applicable rules and regulations of the San Joaquin Valley Air Quality Pollution Control District, compliance with General Plan mitigation measures to reduce the impacts of temporary noise from construction activities, and requirement of the applicant to pay an in-lieu park fee.

There will be no impact to the General Fund as a result of this project.

Staff and the Planning Commission recommended that the Council take the following actions for the 10-acre parcel located at the northwest corner of Brookview Drive and Perennial Place:

1. Introduce an ordinance amending the Concept Development Plan for the Brookview Planned Unit Development from a 95-lot residential subdivision to an 80-lot residential subdivision; and
2. Amend the Brookview Preliminary and Final Development Plan and the Brookview Vesting Tentative Subdivision Map, subject to the conditions and based on the findings contained in the City Council Resolution dated October 5, 2010.

Mayor Ives opened the public hearing.

Jerry Finch, 2406 Merced Street, Managing Property for Brookview Properties, LLC, addressed Council indicating Mr. Claar did a great job outlining the changes in the project. Mr. Finch stated this amendment was in response to the changing market conditions and added that if the market improved, they hoped to begin construction within the next year. Mr. Finch addressed the concerns residents had with the original proposal and how the amendment would lessen those concerns. Mr. Finch referred to a recent neighborhood meeting where residents voiced their appreciation of the changes. Mr. Finch stated that one resident did complain about vehicle racing that occurs in the neighborhood.

Mr. Dan Hale, Hunt Hale Jones Architects, 44 Spear Street, San Francisco, provided a PowerPoint presentation outlining the architectural features of the project.

Council Member Tolbert indicated she was a strong proponent of affordable and workforce housing that was included in the original proposal. Council Member Tolbert applauded Brookview for their ability to re-work the product in order to begin construction as soon as the economy began to recover. Council Member Tolbert asked why no single story homes were offered. Mr. Finch stated that today's economy does not allow single story homes at this site.

Council Member Tolbert asked when they might be able to begin construction. Mr. Finch indicated he was optimistic that they could proceed within the year.

Craig Salwaechter, 4083 Payton Lane, indicated he was the recipient of a home built by Mr. Finch and Mr. Evans. Mr. Salwaechter indicated he and the neighbors were in support of the project.

Larry Gamino, 21 W. First Street, stated the architectural design did not represent the needs of Tracy. Mr. Gamino added this was not the time to build more houses. Mr. Gamino indicated the land needed to be preserved for a future school site. Mr. Gamino urged Council not to approve the amended project since it represented further urban sprawl.

Craig Salwaechter responded that the Jefferson School District had been looking for a site for a potential school that included at least 50 acres. This 10-acre site was not

appropriate for a high school and that is why the Jefferson School District had rejected the site.

Mr. Gamino indicated affordable, according to the document, was between \$250,000 and \$300,000. Mr. Gamino suggested affordable housing was \$76,000.

Vasco Soares, 270 Hunter Trail, addressed Council indicating the site was appropriate for housing and that the project had been down-sized. Mr. Soares stated he was in favor of the project and added it was a good opportunity to build homes for Tracy.

As there was no one further wishing to address Council on the item, the public hearing was closed.

Council Member Abercrombie indicated he did not appreciate references to Bay Area people and Tracy people and added Tracy was one community. Council Member Abercrombie stated 10 acres was not an appropriate size for a high school and that the area is surrounded by homes and did not represent urban sprawl.

Council Member Maciel indicated he agreed with Council Member Abercrombie's comments regarding the community, and added the homes would be a welcome addition to the neighborhood. Council Member Maciel indicated he was in support of the project.

Mayor Pro Tem Tucker indicated she too supported the project. Mayor Pro Tem Tucker added the developer has built a quality product in the City, and has addressed the neighbors' concerns.

Mayor Ives indicated he missed dealing with residential building issues. The site has had a history and has been an interesting piece for a number of years.

Mayor Ives asked the Clerk to read the title of Proposed Ordinance 1152.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to waive reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to introduce Ordinance 1152. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Resolution 2010-167, amending the Brookview Preliminary and Final Development Plan and the Brookview Vesting Tentative Subdivision Map for the 10-acre parcel located at the northwest corner of Brookview Drive and Perennial Place. Voice vote found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – None.
5. COUNCIL ITEMS – Council Member Maciel stated kudos were due to the Fire Department for putting on the OPS event.

Council Member Maciel stated an extensive project was taking place on West Ninth Street, and a lot of goods for the project are being purchased locally. Council Member Maciel commended City staff and economic development for their programs and efforts to retain and support the businesses in Tracy.

Council Member Abercrombie asked anyone to provide recommendations for Make A Difference Day.

Mayor Ives indicated that on October 28, 2010, there would be a ground breaking ceremony for the Tracy Gateway Project.

6. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 8:35 p.m.

The above agenda was posted at the Tracy City Hall on September 30, 2010. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk