

Tuesday, October 15, 2013, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Presentations to Council - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, the Tracy Public Library, 20 East Eaton Avenue, and on the City's website www.ci.tracy.ca.us

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS - Certificates of Appointment – Adult Members of the Youth Advisory Commission

1. CONSENT CALENDAR

A. Approval of Minutes

B. Approve a Minor Amendment to the Aspire (formerly Tracy Sierra Development) Apartment Project Planned Unit Development Final Development Plan and Off-Street Parking Space Reduction – The Project is Located on Approximately 10.8 Acres on the North Side of Pavilion Parkway, Northeast of the Intersection of Pavilion Parkway and Power Road – Application Number PUD13-0005 – Applicant is Tracy 300 L.P.

C. Acceptance of Yosemite Vista Unit 2, Phase 2, Tract 3495, for Bright Development

D. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a Class Specification and Pay Range for a Part-Time, Limited Service Police Range Master in the Police Department

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2013-14

4. PUBLIC HEARING TO APPROVE AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2014

5. PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE TRACY MUNICIPAL CODE (ZONING REGULATIONS) REGARDING TIME LIMITS AND EXTENSIONS FOR DEVELOPMENT REVIEW PERMITS (TMC CHAPTER 10.08, ARTICLE 30) – APPLICATION NUMBER ZA13-0002

6. DISCUSS AND PROVIDE DIRECTION ON THE (1) AIRPORT IMPROVEMENTS AND TIMELINE PRIOR TO FINALIZING THE AIRPORT DESIGN AND LAYOUT PLAN, AND (2) REVIEW ITEMS RELATED TO SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT AN APPLICATION TO AMEND THE ELLIS SPECIFIC PLAN FROM SURLAND COMMUNITIES, LLC. IS NOT CONSISTENT WITH THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN

7. ITEMS FROM THE AUDIENCE

8. STAFF ITEMS

A. RECEIVE AND ACCEPT THE CITY MANAGER INFORMATIONAL UPDATE

9. COUNCIL ITEMS

10. ADJOURNMENT

August 20, 2013, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Ives called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

The invocation was offered by Pastor Jessica Richmond, Seventh Day Adventist Church.

Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives present.

Leon Churchill, Jr., City Manager, presented the Employee of the Month Award for August to Vince Weyant, Police Department, and Zabih Zaca, Development Services Department.

Mayor Ives swore in new Police Officers Nick Heaney, Jerrod Jesser, Dwayne Pavelski, Troy Silcox and Camillo Swiger.

Leon Churchill, Jr., City Manager, introduced new Public Works Director, David Ferguson.

1. CONSENT CALENDAR - It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Approval of Minutes – Special meeting minutes of May 13, 2013, were approved.
 - B. Approve Professional Services Agreement No. RM-2 with Rajappan & Meyer Consulting Engineers, Inc., of San Jose, California, to Provide Professional Services for Completion of Final Design, Plans, Specifications and Cost Estimates (PS & E), and right-of-way Plates and Legal Descriptions for the I-205/Lammers Road/Eleventh Street New Interchange Project, CIP 73084, Federal Project No. Demo3LN-5192 (021), Authorize the Development Services Director to Approve Amendments to this Agreement for Additional Services, if Needed, up to the Amount of \$200,000, and Authorize the Mayor to Execute the Agreement – Resolution 2013-121 approved the agreement.
 - C. Award a Construction Contract to the Lowest Responsive Responsible Bidder for Installation of Fiber Optics from City Hall to the Transit Station CIP 77543, and Authorize the Mayor to Execute the Contract – Resolution 2013-122 awarded the contract.
 - D. Acceptance of the Lincoln Park Well & Production Well #1 Rehabilitation Project – CIP 75076, Completed by Zim Industries of Fresno, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-123 accepted the project.
 - E. Acceptance of the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, Completed by MCI Engineering of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-124 – accepted the project.

- F. Approval of Master Professional Services Agreement (MPSA) HA13-01 with Harris and Associates, Approval of Task Order No. 1 To MPSA HA13- 01 for Providing Program Management Services for Multiple Projects – Resolution 2013-125 approved the agreement.
 - G. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Establishing a New Classification and Salary Range for Building and Fire Inspector I/II; and Reallocate Two Vacant Fire Inspector Positions to Building and Fire Inspector I/II in the Building Safety and Fire Prevention Division of the Development Services Department – Resolution 2013-126 authorized the amendment.
 - H. Authorize an Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a New Limited Services Classification Specification and Salary Range for Facility Attendant; Reclassify Five Incumbent Recreation Leader II Employees to the Facility Attendant Classification in the Community Facilities Division of the Public Works Department; and Authorize a FY 13/14 Supplemental Budget Appropriation – Resolution 2013-127 authorized the amendment.
 - I. The City Council of the City of Tracy Acting as the Governing Body of the Successor Agency for the Community Development Agency of the City of Tracy Approving the Recognized Obligation Payment Schedule (ROPS) – Resolution 2013-128 approved the ROPS.
 - J. Authorize the Purchase of Four Chevrolet Caprice PPV Sedans from Wondries Fleet Sales of Alhambra, California – Resolution 2013-129 authorized the purchase.
 - K. Accept a Grant from the California Office of Traffic Safety and Appropriate \$69,731 of Reimbursable Funds From the General Fund to the Police Department's Fiscal Year 2013-14 Budget for the Selective Traffic Enforcement Program (STEP) Grant – Resolution 2013-130 accepted the grant.
 - L. Accept a Grant From the California Office of Traffic Safety and Appropriate \$39,118 of Reimbursable Funds From the General Fund to the Police Department's Fiscal Year 2013-14 Budget for the Sobriety Checkpoint Grant Program and Authorize the Police Chief to Execute the Grant Agreement – Resolution 2013-131 accepted the grant.
2. ITEMS FROM THE AUDIENCE – Linda Jiminez thanked Council Member Rickman and Leon Churchill, Jr., City Manager, for hearing the community's desires and not rezoning the Tracy Ball Park.

A resident of Summer Lane asked Council to reassess traffic concerns on Summer Lane and have speed humps installed.

Steve Nicolaou asked that Council reconsider the action taken on August 6, 2013, regarding the Tracy Airport runway length. Mr. Nicolaou provided Council with a court document outlining a lawsuit filed by TRAQC against the City of Tracy.

Dave Anderson, President of the Tracy Airport Association, echoed Mr. Nicolaou's request of having the topic of runway length return for Council consideration. Mr. Anderson provided Council with an update of the Airport Open House event held June 29, 2013.

Several residents of Twentieth Street addressed Council regarding speeding issues occurring on their street between Parker Avenue and East Street.

3. PUBLIC HEARING TO FORGO STANDARD PROCUREMENT PROCESSES TO CONTRACT WITH PG&E FOR LED STREET LIGHT RETROFIT PROGRAM; CONSIDER APPROVAL OF PG&E STREET LIGHT AGREEMENT, SUBMITTAL OF THE ON-BILL FINANCIAL SUPPLEMENT AND CUSTOMIZED RETROFIT INCENTIVE APPLICATION FOR STREET LIGHT RETROFIT PROGRAM AND AUTHORIZE THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS - David Ferguson, Public Works Director, provided the staff report. In early deployments, LED street light technology was met with varying degrees of community acceptance. This technology has been continuously tested and improved over time and has entered the mainstream as the best overall economic solution for community lighting. LED street lights last longer than traditional high pressure sodium (HPS) lighting currently installed throughout the City. The LED light increases clarity and color distinction for the viewer. The LED light head has the ability to direct light down as opposed to the HPS fixtures that allow light to spill all around the head. LED technology reduces energy consumption thereby reducing energy costs. LED street lights will require less maintenance/replacement over time and will reduce the level of light pollution currently generated by City street lights.

City staff has recently installed LED lighting during the road widening project on Corral Hollow Road; north of Grant Line Road to the West Valley Mall entrance. LED lighting provides a number of benefits to the community. The lighting consumes less energy than traditional lighting, which costs less, supporting Council's commitment to increased operational efficiencies. LED lighting can be better directed, reducing light pollution, contains no mercury and lasts three to five times longer than the existing HPS.

The City spends approximately \$550,000 yearly on electricity for 4,602 street lights throughout the City. The lighting system includes a variety of light fixtures, but the majority are HPS, which have been the standard for many years. Converting approximately 400 lights of the overall system to LED technology will cost the City approximately \$250,000 and reduce the City's electric bill by about one-half for those converted.

PG&E has met with City representatives and conducted an inventory of the street light system. This has allowed PG&E to provide an accurate assessment of the City's potential energy savings. The lights chosen are 200 watt or higher which allows the most energy cost savings per location and are concentrated in industrial areas and on major arterials such as Grant Line Road, MacArthur Drive, Schulte Road, and Eleventh Street.

On-Bill Financing (OBF) allows government agencies to make facility improvements without large outlays of cash. PG&E will finance the project, and the City will pay the loan – interest-free – through monthly utility bills. OBF is available to fund many technologies, including lighting, refrigeration, HVAC, and LED street lights. Loan funds must be used to purchase and install qualifying energy efficient equipment.

The PG&E turnkey program allows for a streamlined solution to implementing energy conservation projects. The goal of the program is to implement energy saving projects at facilities and use the money saved from reduced energy consumption and operational maintenance costs to pay the debt service for the design and construction of the project. The program does not provide for the addition of new fixtures, poles or electrical infrastructure. The program is divided into phases. The City would be responsible to apply for, and obtain the loan. There is no direct cost, only staff time required to do this.

PG&E will provide necessary documents to support the loan application; will prepare the paperwork to convert the applicable fixtures to a new billing rate, and process PG&E rebates which are estimated at \$53,500 for this project. The rebate funding will be applied to the purchase of the fixtures to reduce the overall project cost to approximately \$250,000 in line with OBF limits. PG&E handles all project construction tasks, including obtaining low bid contractors, obtaining and disposing of fixtures, construction oversight, and warranty of the work. The work is anticipated to take about four months from start to finish. As the City's local energy provider, PG&E has access to all relevant billing rate structure information and available incentives. PG&E benefits from these projects by being able to add renewable/sustainable projects to its energy portfolio which defers the expense of building future electricity sources.

Participation in the Turnkey Program would involve the City executing an agreement with PG&E to convert approximately 400+/- street lights, and complete paperwork for billing and rebates. PG&E would then develop the project and contract the work in cooperation with the City, and assist the City in providing final information for the funding. PG&E will carry the entire expense of the project.

The proposed agreement with PG&E is atypical of the City's usual contracting procedures. This proposal falls within an exceptions to the usual procedures. California Government Code Sections 4217.12 and 4217.13 allow the City to forgo standard procurement processes for "energy services contracts" and "energy financing contracts" if it finds it best serves the City interest. Based on the cost and payback period on investment and the long term benefit to the City in reduced energy use and costs, it is recommended the City Council support participation in the Turnkey Program. By authorizing the Mayor to execute the subsequent energy financing contract, the City Council also finds that the subsequent contract is a qualified energy financing contract and that the contract is in the best interest of the City, that public notice was properly given, and that funds for the repayment are projected to be available from revenues available from funding that would otherwise have been used for purchase of electrical energy.

Participation in the PG&E Street Light Replacement Turnkey program will require a loan in the amount of \$250,000 from PG&E's OBF, which allows government agencies to

make facility improvements without large outlays of cash. Loan terms are based on monthly savings; therefore there will be no impact on the General Fund during the repayment period. It is anticipated that the loan repayment will take approximately 8-10 years, after which the City will realize an annual savings of \$31,170, based on today's utility rates. There will likely be other smaller annual savings for maintenance. LED fixtures have a good reputation for needing little to no maintenance work for an extended period, and the fixtures will all be new with a ten year warranty on the fixture, eight year warranty on the photo controls, and a one year warranty on the installation.

Staff recommended that Council hold a public hearing to forgo standard procurement processes to contract with PG&E for LED street light retrofit program; approve PG&E Street Light Agreement, submittal of OBF Supplement and Customized Retrofit Incentive Application for Street Light Retrofit Program and authorize the Mayor to execute any associated agreements and applications.

Council Member Manne asked what the lifecycle of the LED lights were versus HPS lights. Mr. Ferguson stated the LED lights came with a warranty of 10 years while HPS lights have a warranty between three and five years.

Council Member Manne asked if staff had received any comments or concerns from neighboring residents regarding the lighting. Mr. Ferguson stated that the lights were proposed on major thoroughfares and not necessarily in residential areas.

Council Member Rickman asked if this was being considered citywide. Leon Churchill Jr., City Manager, indicated the idea had been presented to previous Councils and that he did not intend to bring it back unless circumstances changed dramatically.

Council Member Rickman asked if the rebates would go toward loan re-payments. Mr. Ferguson indicated the rebates would allow the City to purchase additional lights. Council Member Rickman asked how long it would be until a savings was realized. Mr. Ferguson stated it was an eight year payback period and after that time, a yearly savings of approximately \$31,000 is expected.

Mayor Ives opened the public hearing. There was no one wishing to address Council on the item.

It was moved by Mayor Pro Tem Maciel and seconded by to adopt Resolution 2013-132 approving to forgo standard procurement processes to contract with PG&E for LED Street Light Retrofit Program; approving PG&E Street Light Agreement; approving submittal of the On-Bill Financial Supplement and Customized Retrofit Incentive Application for Street Light Retrofit Program and authorizing the Mayor to execute any associated agreements and applications. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP ON AN 18.6-ACRE PARCEL TO CREATE 105 LOTS, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN (PDP/FDP) AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 105 SINGLE-FAMILY HOMES LOCATED WITHIN THE 18.6 ACRE INFILL SITE ON THE WEST SIDE OF MACARTHUR DRIVE, NORTH OF VALPICO ROAD. THE APPLICANT IS VALLEY OAK PARTNERS AND

OWNERS ARE DERONE W. AND D.A THRASHER- APPLICATION NUMBERS TSM13-0002 AND PUD13-0002 – Victoria Lombardo, Senior Planner, provided the staff report. The subject property is located on the west side of MacArthur Drive, south of and adjacent to the Ashley Park subdivision and north of and adjacent to the Valpico and MacDonald Apartment projects, properties with approvals in place that have not yet commenced construction. The project consists of 18.6 acres that the applicant wishes to subdivide for the construction of 105 single-family homes. The proposed project will connect with two stubbed streets from the Ashley Park subdivision to the north, and with a street (Glenbriar Drive) and pedestrian walkway to the Valpico and MacDonald Apartment projects to the south. The project site, along with the adjacent existing Ashley Park subdivision, was annexed to the City in 1973.

In 2007 this property was rezoned from Low Density Residential (LDR) to Planned Unit Development (PUD), along with the adjacent out-parcels along MacArthur Drive. With that rezoning, a Vesting Tentative Subdivision Map, and Concept, Preliminary and Final Development Plans were approved for the development of 103 single-family homes on the project site.

The current zoning designation is PUD, with a General Plan designation of Residential Low, allowing for 2.1 to 5.8 dwelling units per gross acre. The property to the west of the project site is zoned M-1 (but has a General Plan designation of Residential High), and is currently vacant. The southern border of the project site is zoned High Density Residential (HDR), and two apartment projects have been approved for the site, but not yet constructed. The applicant of this project and the applicants of the adjacent apartment projects worked together with the City to incorporate both vehicular and pedestrian access points between the two sites for convenient future access. The 18.6-gross acre site is bordered on the north side by existing single-family homes zoned LDR.

In accordance with current Tracy Municipal Code regulations, in order to establish a PUD zone, the minimum and maximum standards must be established for the project in the Concept, Preliminary and Final Development Plan (PDP). The Final Development Plan (FDP) must be approved prior to any construction, and typically finalizes all of the details laid out by the PDP, and any changes proposed. It is typical for the CDP to be approved upon annexation or rezoning, and then later the PDP and FDP are often reviewed concurrently, showing their conformity with the adopted CDP.

When this property was rezoned to PUD in 2007, a CDP/PDP/FDP was approved for the land that encompassed the 103 lots that were proposed for development at the time. In addition, the CDP only was approved for the five “out-parcels”, as the project proponent did not own or plan to develop those lots. That situation remains today, and the CDP will provide for the provision of streets, utilities and development standards upon the redevelopment of those lots.

The proposed lot sizes range from 4,176 to 8,544 square feet and are divided into three different lot size groups with varying building regulations. The gross density of the proposed subdivision is 5.6 units per acre, within the range allowable under the site’s General Plan designation of Residential Low.

The subdivision design utilizes the existing street patterns from the property to the north, and connects to the apartment projects to the south, ultimately creating a street connection from the existing and proposed residences to Valpico Road. The design of this project relating to the existing, proposed, and future development through the use of existing stubbed streets and the creation of new ones to future development is a direct result of the City's discussions regarding connectivity.

Each unit within the project will include two side-by-side parking spaces within an enclosed garage as provided within Tracy Municipal Code. These garages will be accessed from public streets. On-street parking has also been provided on the project site, as the street sections as designed allow on-street parking on both sides of the streets.

The minimum setbacks, lot coverage, and other requirements vary for each of the three lot sizes, and the housing product is appropriately sized to fit on the proposed lots. Staff worked with the applicant to create the development standards for the subdivision so the end result would be a well-planned but flexible subdivision that accounts for the needs of the future residents of the proposed houses, with regards to building and shade structure additions, pools, and the like.

The proposed houses are one and two stories in height. The Tracy Municipal Code provides that height limits can be established in each PUD, as appropriate. The proposed maximum building height is 35 feet, which is consistent with the zoning regulations of all of the adjacent single-family homes in the LDR zone, which are allowed to be up to two and a half stories, or 35 feet, whichever is less.

The project does not currently have any RGAs and will apply for RGAs in accordance with the 2005 Growth Management Ordinance (GMO) prior to the issuance of any building permits for the project. The project falls within the "Primary Area" of the 2005 GMO and is eligible to apply for RGAs in accordance with the 2005 GMO Guidelines.

The Tracy Joint Unified School District has determined that the Tiburon Village project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate the proposed developments' impacts on school facilities, a Memorandum of Understanding was executed with the School District, which will cause a per-unit fee to be charged for each of the 105 units constructed.

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 their own park, or pay park in-lieu fees. Since the minimum park size within the City is typically required to be two acres, this project will pay the park in-lieu fees, as the 105 homes proposed would only constitute a need for a 1-acre park. (The total population estimate for the project area is 344 residents, based on 105 dwelling units, and 3.28 people per unit.) In addition, community parks are required at a rate of 1 acre of park land per every 1,000 residents, resulting in 0.34 acres of community park area required, or mitigation fees paid.

A joint Initial Study/Negative Declaration was prepared for the project site and the adjacent commercial project (Valpico Town Center), as both projects were being processed in the same time frame and each required environmental documentation. The Valpico Town Center project has since been amended to accommodate an apartment project. That Initial Study was completed, and went through the required review period as prescribed by the California Environmental Quality Act (CEQA) before the Initial Study and the Negative Declaration were presented to and approved by the Planning Commission during the review and approval of the Valpico Town Center project. This project is consistent with the Valpico/South MacArthur Development Projects Initial Study and Negative Declaration, approved by the Planning Commission in April of 2004. The project is also consistent with the analyses completed in the General Plan Environmental Impact Report approved by City Council February 1, 2011.

The Planning Commission held a public hearing to discuss this project on July 24, 2013. They inquired about details regarding traffic impacts, variety in the streetscape (plotting of single and two-story units) park land, and RGAs. Two neighboring property owners also addressed the Commission with concerns about traffic on MacArthur Drive and with requests to plot single-story units adjacent to their existing homes. After their questions were addressed by staff, the Planning Commission recommended approval of the project as presented.

This agenda item will not require any expenditure of funds. The applicant paid the application fees for the staff time that was required for review of the proposed project. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements.

Staff and the Planning Commission recommended that Council approve the amendment to the Tiburon Village Vesting Tentative Subdivision Map, Application Number TSM13-0002, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0002, based on the findings and subject to the conditions contained in the City Council Resolution dated August 20, 2013.

Mayor Ives opened the public hearing. Douglas Rich, Valley Oak Partners, thanked staff for their work on the project.

Sam Muaddi stated the Developer and staff worked with him to accommodate single story homes near his property.

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

It was moved by Mayor Pro Tem Maciel and seconded by to adopt Resolution 2013-133 approving an amendment to the 105-Lot Tiburon Village Vesting Tentative Subdivision Map and an amendment to the Preliminary and Final Development Plan for an 18.6-acre site located on the west side of MacArthur Drive, approximately 600 feet north of Valpico Road – Application Numbers TSM13-0002 and PUD13-0002. Voice vote found all in favor; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER REZONING A 47.1-ACRE PARCEL FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, APPROVAL OF A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN, AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36. THE APPLICANT AND PROPERTY OWNER IS CORRAL HOLLOW DEVELOPMENT, LLC. APPLICATION NUMBERS PUD13-0001 AND TSM12-0001 – Scott Claar, Associate Planner, provided the staff report. The subject property has a General Plan designation of Residential Low and zoning of Low Density Residential (LDR). The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast (Gretchen Talley Park). The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots, agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the property.

The applicant's proposal includes rezoning the subject property from LDR to Planned Unit Development (PUD). PUD zoning has been used throughout many areas of the City to achieve creative site plans that do not fit within the constraints of a particular zone, such as LDR.

The proposed Kagehiro Phase 3 PUD has a density of 5.3 dwelling units per gross acre. The proposed average lot size is 5,885 square feet with a low of 5,000 square feet and a high of approximately 13,000 square feet. The majority of the lots are sized at 55 feet wide by 100 feet deep (5,500 square feet). This varies from the LDR zone, which has a minimum lot size of 5,600 square feet. The proposed PUD would be consistent with the General Plan designation of Residential Low, including the density range of 2.1 to 5.8 dwelling units per gross acre.

The proposed PUD zoning regulations would allow lot sizes that are slightly smaller and narrower than allowed in the LDR zone (50 to 55 feet wide compared to 56 feet in the LDR), houses that are slightly closer together (five-foot minimum side setbacks with 10 feet between houses compared to side setbacks of four feet and ten feet with 14 feet between houses in the LDR), and houses that cover slightly more of the lot (up to 55% maximum lot coverage compared to 45% in the LDR). The proposed setbacks and lot sizes are similar to many other PUDs that have been approved throughout the City.

The Preliminary and Final Development Plan consists of the proposed site plan and architecture. The site has some constraints due to its dimensions and being an infill parcel surrounded by existing development with stubbed streets and a West Side Irrigation District ditch along the southern property boundary.

The proposed site plan consists of 252 single-family residential lots on approximately 47 acres. The subdivision would have its primary access from Corral Hollow Road and from Kagehiro Drive, with secondary access points from existing streets to the north and east.

The proposed project includes one single-story floor plan and is proposed on 15% to 25% of the lots. The City's Design Goals and Standards state that there should be at

least one single-story floor plan designed with each subdivision and used on approximately 25% of the lots. The proposed project meets all other requirements of the City's Design Goals and Standards.

The proposed Vesting Tentative Subdivision Map would subdivide the 47.1 acre parcel into 252 residential lots and public streets with sidewalks and landscaping. The street sections would be 35 feet wide curb to curb with parking on both sides (total public right of way width of 55 feet).

The applicant has proposed a revision to the Vesting Tentative Subdivision Map, which would extend Mia Way as a through street into the Kagehiro Phase 3 subdivision, as described in Condition of Approval number C.6.10. This revision would include having lots 34 and 35 fronting onto Mia Way, including driveway access, rather than on Kagehiro Drive. This proposed revision is the result of a request from some of the neighbors on Kagehiro Drive. The applicant will lose one lot (lot 36) with the extension of Mia Way. However, the applicant will have an opportunity to make minor adjustments during the Final Map process to maintain 252 total lots.

Notwithstanding the vested rights this Vesting Tentative Subdivision Map is entitled to under the provisions of the Subdivision Map Act, the applicant has expressly requested that the project be subject to those applicable fees anticipated to be adopted by the City Council to implement the Citywide Master Plans. These fees will relate to: water, recycled water, wastewater, storm drainage, roadways, parks, public facilities and public safety. The requirement for payment of such fees has been incorporated into the Conditions of Approval. Therefore, the project would be subject to such fees at the time they are adopted.

The project will require 252 RGAs for the construction of the 252 proposed residential units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Tentative Subdivision Map is approved. The RGAs will be required prior to the issuance of any building permits.

The Tracy Unified School District has determined that the project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate the proposed project's impacts on school facilities, the Tracy Unified School District and the developer executed an MOU, which requires payment of school fees.

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. Rather than including land dedicated for park uses within the proposed project, the project applicant will be paying park in-lieu fees, which could be used to acquire property and expand the adjacent existing Gretchen Talley Park. This is consistent with the findings that larger parks (such as mid-sized Neighborhood Parks and Community Parks) are more desirable to the community, as described in the City's Parks Master Plan. City Council will ultimately determine whether the funds are used to expand Gretchen Talley Park or develop parks elsewhere in the City.

The applicant conducted a neighborhood meeting on June 25, 2013, to present the project to the nearby residents, as requested by staff. Approximately thirty neighbors were present at the meeting. The project was generally well-received by the neighbors, although some concerns were expressed. The primary concerns were related to traffic congestion at the intersection of Corral Hollow Road and Valpico Road, the potential for high-speed traffic on Kagehiro Drive, and plans for the West Side Irrigation District canal.

The intersection of Corral Hollow Road and Valpico Road is located in the jurisdiction of San Joaquin County, outside of the City limits. Under existing conditions, the four-way-stop intersection operates at LOS E with an average delay of 44 seconds in the PM peak hour (worst peak hour). The County has a Capital Improvement Project to signalize this intersection and provide minor improvements to the intersection.

In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City's General Plan, the City prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan. The Transportation Master Plan identified a range of roadway and intersection improvements that would be needed for buildout of the General Plan. The Kagehiro Phase 3 project is responsible for the payment of fair-share traffic mitigation fees to the City of Tracy.

Regarding concerns for the potential of high-speed traffic on Kagehiro Drive, the City will require a sign warrant analysis prior to construction of the project and also incrementally at every 50th building permit. It is likely that two additional stop signs will be needed along Kagehiro Drive before full buildout of the project. Once the warrant analysis identifies the need for new stop signs, the stop signs will be installed at the Developer's expense (unless the stop signs are warranted under existing conditions, in which case the signs would be installed at the City's expense).

Concerns were also raised regarding the plans for the West Side Irrigation District property and the location of the perimeter fence for the project. As explained at the neighborhood meeting, the West Side Irrigation District (WSID) property would remain the same as existing. The WSID property is outside of the City limits and outside of the project area. The southern perimeter of the project would be adjacent to the northern edge of the WSID property, and would consist of a standard residential fence (six foot high wood fence). The WSID has stated that their plans for the irrigation canal are to leave it in its existing, open state. This explanation relieved the neighbors' concern that the canal would be covered and the project would be located immediately adjacent to their property.

The project is consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011. As described in the CEQA 15183 Analysis, all cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. In accordance with California

Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

The Planning Commission held a public hearing to discuss this project on July 24, 2013. There were no comments from the public, except for the applicant. The Planning Commission recommended approval of the project as presented by staff.

This agenda item will not require any expenditure of funds. The applicant paid the application fees for the staff time that was required for review of the proposed project. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements.

Staff and the Planning Commission recommended that Council take the following actions: 1) Introduce an Ordinance of the City of Tracy rezoning a 47.1 acre parcel, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, from Low Density Residential Zone to Planned Unit Development Zone, Application Number PUD13-0001; and 2) Adopt a Resolution, approving a Concept, Preliminary and Final Development Plan for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number PUD13-0001, subject to the conditions and based on the findings contained in the City Council Resolution dated August 20, 2013; 3) Adopt a Resolution, approving a Vesting Tentative Subdivision Map for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number TSM12-0001, subject to the conditions and based on the findings contained in the City Council Resolution dated August 20, 2013.

Mayor Ives opened the public hearing.

Jerry Finch, 2406 Merced Street, San Leandro, outlined the features of the project and introduced Dan Hale, architect, who provided a power point presentation of the project.

Mr. Singh addressed Council expressing excitement for the project. Mr. Singh asked Council to consider covering the water channel next to the project.

Zak Azizi indicated he had worked successfully with staff regarding his concerns. A concern Mr. Azizi mentioned was the anticipated increase in traffic to the area, specifically on Kagehiro Drive, suggesting that a speed hump be considered.

Terry Sonnefeld stated he was concerned that neither project included low income or senior housing to address a continued problem in Tracy.

Dave Anderson stated he would like the City to hold the developers responsible to build according to original plans and constraints. Mr. Anderson further stated that he was discouraged that this infill project would have to work between seven and eight years to get enough RGAs to build the project out.

Bob Otani thanked Mayor Ives and Maria Hurtado for their efforts in getting cameras installed in Gretchen Talley Park. Mr. Otani thanked the traffic division for placing radar trucks on their streets to reduce speeding. Mr. Otani expressed concerns with the

addition of homes and subsequent number of vehicles that would be traveling the residential streets.

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

Mayor Ives asked staff to respond to the question regarding the water channel. Mr. Claar stated the irrigation canal is owned by the West Side Irrigation District (WSID) and is currently outside the city limits. Mr. Claar indicated if the land between Kagehiro Phase 3 and Valpico Road is annexed, WSID will re-visit plans for the channel.

Mayor Ives asked if the fences would be standard wooden fences. Mr. Claar stated there were plans for standard wooden fences on the south side of the property.

Mayor Ives asked at whose discretion the park-in-lieu fees could be used to expand Gretchen Talley Park. Mr. Claar stated it was Council's discretion. Mayor Ives asked if there was an existing plan and if so, how was it developed. Kul Sharma, City Engineer, stated the City or the Developer could build the park. Mr. Sharma added that before any development plans were made, public input would be sought and then plans will be presented to the Parks and Community Services Commission for approval.

Mayor Ives asked staff to address traffic concerns on Kagherio Drive. Mr. Sharma stated a condition of approval of the tentative map requires the developer to conduct a trigger analysis which may require installation of traffic calming devices such as stop signs, which would be taken care of when the final map is approved. Mr. Sharma added that Kagherio Drive was designed for the proposed subdivision and includes three additional street outlets. Regarding Wanda Hirsch School, Mr. Sharma indicated staff has been working with the school on solutions, but there were limited options and limited funding. Mr. Sharma stated one option was to widen Dove Street on the southern side which would encroach into the landscaping.

Mayor Ives asked for information regarding low income or senior housing. Andrew Malik, Development Services Director, stated with the dissolution of redevelopment, the State has eliminated tools regarding senior or low income housing such as mandatory restrictions or inclusionary housing and that this development was a response to market rate housing.

Mayor Ives asked staff to respond to the implication that landscape maintenance district fees might go up. Mr. Sharma stated there may be additional maintenance costs in connection with park improvements, but the new housing units will share those costs with all properties in the district.

Mayor Ives asked what the definition was of "wide open streets". Mr. Sharma stated if the term was mentioned, the intent was to have Kagherio Drive designed to accommodate traffic from the new subdivision.

Council Member Young asked if there were plans for stop signs or speed humps at other locations. Mr. Sharma indicated a traffic analysis of Kagherio Drive will determine if traffic calming devices will be required, which is done at the tentative map stage.

Mayor Pro Tem Maciel asked if any traffic improvements were anticipated for Corral Hollow Drive. Mr. Sharma stated staff has been talking with the County and they have a plan for a street light at Corral Hollow Road and Valpico Road and that currently there were no plans to widen Corral Hollow Road. Mr. Sharma stated staff was working on a precise plan line from I-580 to Old Schulte Road.

Mayor Pro Tem Maciel stated traffic was a recurring concern and asked if there was a program in place where residents can call in with their concerns. Mr. Sharma stated a traffic committee meeting is held once per month where residents can bring their traffic concerns for discussion and possible resolution. Mr. Sharma stated he would ensure that the meeting place and time is noticed on the City's website.

The Clerk read the title of Proposed Ordinance 1186. It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to waive the reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to introduce Ordinance 1186. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2013-134, approving a Concept, Preliminary and Final Development Plan and a Vesting Tentative Subdivision Map for a 252-lot residential subdivision, known as Kagehiro Phase 3, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, Application Numbers PUD13-0001 and TSM12-0001. Voice vote found all in favor; passed and so ordered.

6. PUBLIC HEARING TO ADOPT AND APPROVE BY IMPLEMENTING RESOLUTION, THE ESTABLISHMENT OF ROADWAYS, WATER, WASTEWATER, STORM, RECYCLED WATER, PARKS AND PUBLIC BUILDING DEVELOPMENT IMPACT FEES, FINANCE AND IMPLEMENTATION PLAN (FIP), INCLUDING INFRASTRUCTURE TECHNICAL ANALYSIS, REPORTS, STUDIES, AND THE CAPITAL IMPROVEMENT PROGRAM FOR THE ELLIS PROGRAM AREA - Kul Sharma, City Engineer, provided the staff report. The Ellis program area consists of approximately 320 acres of 2,250 residential units with commercial and storage areas. The Ellis Program Area is generally located between Corral Hollow Road and Lammers Road south of Valpico Road.

The Ellis Program Area Finance and Implementation Plan (FIP) is comprised of two elements: (1) The Finance Plan is essentially a summary of the means by which Ellis Specific Plan properties will use fee financing to pay for public facilities; (2) The Implementation Plan which identifies the timing of construction of the required public facilities, is based upon the timing of anticipated revenue from this development.

Ellis Program Area technical analysis, reports, studies and impact fees for Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Buildings have been completed by consultants contracted by the City. The Recycled Water studies are part of the Citywide Water Master Plan already completed and approved by City Council in January 2013. The following technical analysis, reports and studies were

completed to identify the infrastructure improvements required to serve the Ellis program area:

- Ellis Program sub basin Final Storm Drainage Technical Report by Storm Water Consulting, September 2012.
- Ellis Specific Water System Analysis-Technical Memorandum by West Yost, August 14, 2013.
- Ellis Program Wastewater Analysis, Finance and Implementation Program fees by CH2MHILL, August 14, 2013.
- Ellis Program Area Traffic Impact fees by Harris & Associates, December 2012.
- Ellis Program Area Public Building Study by Harris & Associates, December 2012.
- Ellis Program Area Park Study by Harris & Associates, December 2012.

The City entered in to Professional Services Agreements with various consultants to complete the above studies in early 2008 and thereafter. These studies were recently finalized and completed along with the completion of the Ellis Specific Plan and the Development Agreement.

In preparing the development impact fees, the City has been consistent with the procedural and substantive requirements of the Mitigation Fee Act (also known as AB 1600) as set forth in the technical analysis, reports, and studies. The findings and conclusions for each infrastructure fee are summarized in each individual analysis report. The traffic fees are based upon the project mitigations identified in the Ellis Specific Plan Environment Impact Report completed by Fehr and Peers.

The fees have been calculated from the estimated cost of fair share improvements required for Ellis Program area. The estimated cost includes the construction costs and soft costs (markups), which include the cost of design, construction management (including inspection), construction contingencies, and program implementation. The total fair share cost of the infrastructure element was divided by the development units to calculate the per unit fee. The technical studies used the following markups:

- 10% Design
- 10% Construction Management and Inspection
- 15% Construction Contingencies
- 5% Program Implementation/Management

The Ellis Program area is responsible for its fair share of impacts to the Tracy Storm Drainage, Water, Wastewater, Recycled Water, Traffic, Parks and Public Building Systems as described in the above reports. Ellis Program property owners will pay their fair share at the building permit stage or as agreed per the Development Agreement between Ellis Development and the City. The recycled water fee is listed in this agenda item to identify all development impact fees for the Ellis Program; however, its analysis and AB 1600 nexus findings will be considered for adoption by City Council as a separate item. Thus, the recycled water fee will become effective only after adoption of the Citywide Water Impact fees by City Council and meeting the timing requirements.

The Ellis Finance and Implementation Plan (FIP) identify the public facilities, which are the responsibility of the Ellis development. These facilities are the result of various technical analysis, reports, and studies prepared for the Ellis development and are made part of the Ellis FIP. Ellis will pay its fair share of infrastructure costs through

development impact fees. It also shows a phasing schedule when the “program” public facilities are currently planned to be constructed to maintain City standards. Since some of the infrastructure improvements of Ellis program area will overlap the citywide developments, Ellis FIP and development impact fees may be revised with updated scopes of projects/facilities which are the responsibilities of Ellis.

The entire Ellis FIP is based on an estimated build out schedule of the Ellis Program Area. Since the FIP is based on estimates, the absorption rate and impact fees will be subject to annual reviews and updated to reflect the actual development and actual costs of construction. Annual adjustments will be subject to City Council approval.

The Ellis Program Area FIP relates to the collection of impact fees for the program infrastructure. It identifies capital improvement project priorities and forecasts the cash flow requirements for design and construction. Cash flow is directly related to absorption rates and, therefore, capital improvement projects that require funds be collected from impact fees are limited to fees actually collected. The Implementation Plan will be subject to annual updates approved by City Council concurrently with the Finance Plan to reflect current and projected absorption rates, revised capital improvement project priorities, and available funding.

This agenda item supports objective 1.c of the Economic Development Strategic Plans in ensuring quality infrastructure to meet future development needs.

There is no fiscal impact on the General Fund. Development impact fees for the Ellis Program Area are paid by the developer to fund the infrastructure improvements.

Staff recommended that Council adopt and approve: 1) The Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Building Development Impact Fees for Ellis Program development as set forth in the resolution; 2) The Ellis Program Finance and Implementation Plan, including infrastructure technical analysis, reports, studies, and Ellis Program Capital Improvement Plan.

Mr. Sharma provided Council with a revised fee sheet.

Mayor Ives stated earlier in the evening Council was handed a new objection or writ of mandate and asked Dan Sodergren, City Attorney, to advise Council on the matter. Mr. Sodergren stated it was filed on behalf of Tracy Regional Alliance for a Qualify Community (TRAQC), and was a technical or procedural manner. Mr. Sodergren indicated the attorney’s office was aware of the matter and that Surland has responded by letter. Mr. Sodergren added that it had no relevance to the matter for Council consideration.

Mayor Ives opened the public hearing.

Dave Anderson read a portion of the legal papers provided to Council regarding the legal action on the Ellis project. Mr. Anderson stated Council should read the document before moving forward.

Les Serpa, Surland Communities, LLC, thanked staff and consultants who worked on the technical studies and legal analysis for the project. Mr. Serpa stated they have seen the letter and believes it is irrelevant to this project and past the legal challenge time.

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

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-135 establishing Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Building Development Impact Fees for the Ellis Program Area. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-136 approving the Ellis Program Finance Area and Implementation Plan, including the Infrastructure Technical Analysis, Reports, Studies and the Ellis Capital Improvement Plan. Voice vote found all in favor; passed and so ordered.

7. APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND WT MITCHELL GROUP, INC. FOR THE CITY-OWNED PROPERTY LOCATED AT 729/741 CENTRAL AVENUE AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT – Scott Claar, Associate Planner, provided the staff report. Mr. Claar stated that the total building is approximately 11,000 square feet, which includes a large basement area. The ground level of the building encompasses approximately 8,500 square feet of the total building. The strategic objective in purchasing the property was to develop a public-private partnership for the construction of a catalyst restaurant in downtown Tracy. Additionally, the property's key location next to the Grand Theatre and the fact that the property owner was a willing seller provided a unique economic development opportunity for the City. Redevelopment funds were used to purchase the property prior to the State eliminating redevelopment agencies in California.

After contacting and interviewing several developers and prospective restaurants in the fall of 2011, a Request for Qualifications (RFQ)/Letter of Interest was sent out to restaurants and brew pubs in Northern California. The owners of Ruth McGowan's Brew Pub in Cloverdale submitted a letter of interest. Council authorized staff to begin negotiations with this prospect in March of 2012. Those negotiations have not progressed due to the need for additional investors.

Over the past several months, staff has reached out to numerous developers and restaurant owners seeking potential renewed interest in the project given a strengthening local economy. Staff's outreach efforts identified three developers who expressed preliminary interest in the site. After providing detailed site information and touring the facility with the three prospects, WT Mitchell Group, Inc., submitted a letter of interest to move forward with due diligence on purchasing the site.

WT Mitchell Group has a long history of developing commercial projects throughout Northern California. A summary of the company's recent project experience was provided to Council, along with plans for a project currently underway for Centennial Village, a transit-oriented mixed use development in South San Francisco.

Mr. Mitchell, President of WT Mitchell Group, has indicated that the first phase of the project will focus on leasing the property. He estimates that it may take 9 to 12 months to obtain a binding agreement with a tenant(s) that is satisfactory to the City to anchor the redevelopment of downtown. He has requested that the City enter into an Exclusive Negotiating Rights Agreement (ENRA) with him to provide the parameters for a good faith negotiation.

An ENRA has been prepared to provide the parameters for a six month negotiating period. During that time, if the Developer is successful in obtaining a signed Letter of Interest (LOI) from a tenant that is acceptable to the City, then a Purchase Agreement will be prepared for Council consideration. The ENRA does provide a provision for a four month extension period if the Developer is making sufficient progress in the negotiation of an LOI or lease agreement with a desired tenant.

This agenda item supports the Economic Development Strategic Plan's goal of attracting retail and entertainment uses that offer resident's quality dining, shopping, and entertainment experiences, and specifically implements the following Action/Task: Action/Task 2.c.3: Secure successful development partner/tenant(s) for the Westside Market building.

There is no impact to the General Fund as a result of approving this ENRA, aside from staff time. The City budgeted \$1 million for this downtown restaurant/brewpub project, of which, approximately \$950,000 is remaining (CIP# 79364).

Staff recommended that Council approve an Exclusive Negotiating Rights Agreement by and between the City of Tracy and WT Mitchell Group, Inc., for the City-owned property located at 729/741 Central Avenue and authorize the Mayor to sign the agreement.

Council Member Rickman asked if the plan was for a specific project. Mr. Malik indicated Mr. Mitchell believes the site is great for a brew pub because of its size and could include small restaurants or entertainment.

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

Council Member Rickman asked staff to keep in contact with the owners of Ruth McGowan's Brew Pub.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-137 approving an Exclusive Negotiating Rights Agreement by and between the City of Tracy and WT Mitchell Group, Inc. for a City-owned property located at 729/741 Central Avenue and authorizing the Mayor to execute the agreement. Voice vote found all in favor; passed and so ordered.

Mayor Ives called for a recess at 9:15 p.m., reconvening at 9:26 p.m.

8. DISCUSS AND APPROVE THE FORMATION OF A SENIOR STEERING COMMITTEE AND AUTHORIZE A FY 13/14 SUPPLEMENTAL APPROPRIATION OF \$10,000 – Kim

Scarlata, Recreation Program Manager, stated that at the July 2, 2013, Council meeting, Council directed staff to identify best practice approaches to forming a Senior Steering Committee that would provide the local senior population a forum to identify and discuss current and future service needs.

Staff identified and evaluated several cities that used a Senior Steering Committee structure to outreach to their respective senior community. Cities surveyed included Claremont Heights, Encinitas, Loomis, Norco, Oakland, and Sonora. Many of these agencies engage the senior population through town hall and community forums.

Based on staff research, the membership of Senior Steering Committees vary and are made up of representatives from the community or a blend of community members and existing City Commissioners. Council may wish to form a Senior Steering Committee using the latter model, which would include both existing commissioners and members of the public. Ms. Scarlata provided an outline of various considerations regarding the formation of a Tracy Senior Steering Committee, including the committee's purpose, responsibilities, committee structure, appointment guidelines, staffing, fiscal impacts, and implementation timeline.

Should Council choose to form a Senior Steering Committee, it is recommended that a series of community conversation meetings be held to outreach to local seniors and gather feedback related to their current and future service needs. The meetings would focus on relevant topics identified by the Committee and be led by an outside facilitator. A report discussing input received from the senior community would be presented to the City Council and Parks and Community Services Commission at a future joint meeting.

Should Council choose to form a Senior Steering Committee, the estimated timeframe for implementation, including the committee recruitment process and hosting two community conversation meetings would be approximately six months.

This item relates to the Council Strategic priority, Quality of Life, Goal 1, Improve current recreation and entertainment programming and services to reflect the community and match trending demands.

Should Council form a Senior Steering Committee, two initial community conversations would be held and facilitated by an outside consultant. The consultant would lead the community discussions and prepare and present a report summarizing the findings at a future joint City Council and Parks and Community Services Commission meeting. Facilitation costs are anticipated to be approximately \$10,000 and will require a supplemental appropriation to the General Fund.

Staff recommended that Council discuss and approve the formation of a Tracy Senior Steering Committee and authorize a supplemental appropriation of \$10,000.

Mayor Ives invited members of the public to address Council on the item.

Robert Tanner stated what he has heard is that there is not enough room for people interested in attending senior activities. Mr. Tanner further stated he did not see why the

City needed to spend money for a consultant and believes the City has competent staff that can have a conversation with seniors.

Linda Jiminez referred to Attachment A of the staff report which addressed membership guidelines and asked if seniors who have never worked outside the home would be able to volunteer for the committee. Ms. Jiminez suggested town hall style meetings would be appropriate for seniors, in a convenient location, accessible to public transit and held during the day.

Ms. Scarlata clarified that the discussion was regarding a steering committee structure and not a commission, and that one of those committee members should have the suggested experience.

Council Member Rickman asked if a senior resident that attends the Lolly Hansen Senior Center for recreational activity would qualify to serve on the committee. Ms. Scarlata indicated they could provide their input at one of the community conversations.

Mayor Pro Tem Maciel indicated he shared the same concern and would like the committee to be as inclusive as possible.

Mayor Pro Tem Maciel clarified that the steering committee would be comprised of three senior community members at large and all three would have to work or worked in a senior related field. Ms. Scarlata indicated that was correct, in addition to a commissioner from each of the City's commissions.

Council Member Young added that an individual who spoke at a previous Council meeting and who is active with seniors is not over the age of 55. Council Member Young suggested the criteria be changed to indicate "either/or".

Terry Sonnefeld suggested the word "work" be taken out of the description because it eliminates volunteers. Mr. Sonnefeld stated he believes there are qualified individuals who can conduct two meetings and provide a report to the Council. Mr. Sonnefeld also stated limiting the steering committee to two meetings was not good; that monthly meetings at a place where everyone knows where it is would be preferable. Mr. Sonnefeld suggested Council not spend \$10,000 on a consultant.

Brent Riddle indicated he echoed some of the sentiments shared. Mr. Riddle stated he represents the Tracy Senior Advocacy Association which actively serves senior citizens in the community. Mr. Riddle asked that Council not spend \$10,000 on town hall meetings. Mr. Riddle stated that Council had asked for a unique count of those who are served at the Lolly Hansen Senior Center which he did not see listed in the report. Mr. Riddle added that he took the activity guide to his last senior meeting and half of the individuals did not know the guide existed or where to get a copy. Mr. Riddle suggested a Senior Commission would be a permanent solution.

Robert Tanner stated he noticed that the town hall meetings were scheduled to be held at night and suggested they be held on a Saturday morning at the Transit Station.

Mayor Pro Tem Maciel indicated Mr. Sonnefeld would qualify to serve on the committee and that work does not necessarily mean getting paid. Mayor Pro Tem Maciel indicated each commission would appoint their own member and the reason a minimum age was suggested was to ensure seniors have a voice. Mayor Pro Tem Maciel stated he does not like the price tag, but doesn't believe a volunteer would be able to facilitate the group. Mayor Pro Tem Maciel indicated the suggestions for time of day be considered when scheduling meetings. Mayor Pro Tem Maciel stated he endorsed the basic concept presented by staff.

Council Member Manne stated he also endorsed the concept, stating the membership guidelines could be refined. Council Member Manne stated he would like to see an application process and was not necessarily in favor of age restrictions. Council Member Manne added that having a commissioner from each of the commissions was relevant.

Council Member Young indicated the proposal represented a medium ground but was not exactly what she asked for. Council Member Young stated a commission would be on-going and would address senior concerns as they come up. Council Member Young indicated the proposal was too finite and not far reaching.

Council Member Rickman indicated he did not understand why the particular membership guidelines were chosen. Council Member Rickman stated he did not agree with spending \$10,000 for a consultant and believed there are qualified people in-house to conduct the community conversations.

Mayor Ives asked if staff had a consultant in mind. Ms. Scarlata stated no.

Mayor Ives indicated what the City would likely get was a list of items seniors want and that a consultant might be able to broaden the discussion. Mayor Ives indicated once the community is asked about their needs, the City better be willing to do something once the answers are provided. Mayor Ives stated he would like to see more strategic items come out of the process and was not convinced that a consultant would arrive at that conclusion. Mayor Ives further stated he would be more willing to spend the money if he knew of a well qualified consultant.

Council Member Rickman stated senior issues vary from one town to another and that \$10,000 could be spent on senior related items. Council Member Rickman suggested instead of automatically looking outside for help, to look to staff.

Mayor Ives asked Council if they want to move forward with the process. It was Council consensus to move forward.

Mayor Ives asked Council to address membership guidelines for the three at large members. Mayor Pro Tem Maciel suggested that items one and two be desirable and not mandatory. Council Member Rickman stated he does not like item two, but was in favor of the minimum age requirement. It was Council consensus to make items one and two desirable.

Mayor Ives asked for input regarding hiring a consultant. Mayor Pro Tem Maciel stated the dollar amount was steep, but if you want a quality product in a timely manner, then the City would have to hire someone that would be held accountable. Council Member Manne indicated if Council was serious in supporting seniors then it was a price that needed to be paid. Council Member Young stated it was probably the most unbiased way to proceed. Mayor Ives stated it was important that the City obtain a consultant who is experienced. Council Member Rickman stated Council has not looked at staff as a possible alternate.

Council Member Rickman asked Mr. Churchill if there was a staff member who was qualified. Leon Churchill, City Manager, stated the dilemma was 1) if staff served in a facilitation role, would it be believable, particularly if some of the information received denigrates staff; 2) there is reason to believe that there will be competing pieces of information and how it would be interpreted. Mr. Churchill stated given those reasons, he would like the option to seek professional facilitation and to ground the process in local values.

Ms. Scarlata recapped Council direction: Regarding membership requirements, make items one and two optional; the commissions to appoint their members individually; use an application process for the at large members; and appoint a Council subcommittee at a subsequent Council meeting to review the applications and appoint.

Council Member Young asked if one of the community meetings could be held during the day and one during the evening. Ms. Scarlata indicated the dates and times would be up to the steering committee.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-138 authorizing the formation of a Tracy Senior Steering Committee and authorize a FY 13/14 supplemental appropriation of \$10,000. Voice vote found all in favor; passed and so ordered.

9. CONSIDERATION OF APPOINTMENT OF TWO COUNCIL MEMBERS TO SERVE AS CITY REPRESENTATIVES ON A JOINT CITY/COUNTY CRIMINAL JUSTICE TASK FORCE – Leon Churchill, Jr., City Manager, provided the staff report. On March 26, 2007, the County hosted a City/County meeting to discuss various regional and county-wide issues. Subsequently, the Joint City/County Criminal Justice Task Force was formed with representatives from the County and each City, including the City Manager and Chief of Police of the respective agencies. The Task Force was charged to evaluate and develop program and funding recommendations to be considered by the respective City Councils and the Board of Supervisors.

Since its formation, the Task Force met periodically and focused primarily on identifying revenue sources to operate an expanded jail facility. The Task Force last met in February 2010.

Vice Chairman Bob Elliott and Supervisor Carlos Villapudua are the County's representatives of the Task Force and would like to reconvene the Task Force as a forum to maintain a dialogue and exchange ideas on how best to address the many facets of crime in San Joaquin County.

This agenda item relates to: Public Safety Goal 2: To promote public health, safety, and community welfare by responding and addressing unsafe, unhealthy or blighted conditions in homes, neighborhoods and the entire community.

Mr. Churchill recommended that Council consider appointment of two Council members to serve on the Joint City/County Criminal Justice Task Force, along with the Chief of Police and the City Manager.

Mr. Churchill indicated the request was a reiteration of a previous attempt from several years ago and was championed by Supervisor Elliott.

Mayor Pro Tem Maciel and Council Member Rickman were appointed to serve on the Joint City/County Criminal Justice Task Force, along with the Chief of Police and City Manager; Council Member Manne was appointed as an alternate.

10. ACCEPT CONSULTANT UPDATE ON CITY COST ALLOCATION PLAN – Jenny Haruyama, Administrative Services Director, provided the staff report. In response to a Council Member's request to evaluate the application of City overhead, Management Partners was retained in April 2013, to examine the City's cost allocation methodology. The evaluation process also involved meeting with local developers who had expressed concerns about how overhead was applied and amounts paid for applicable projects.

After completing its analysis, Management Partners concluded that the City's cost allocation methodology was reasonable and acceptable, and was within industry standards. It was also determined that the City's presentation of its overhead charges would benefit from further clarification on customer invoices. After reviewing the findings with members of the development community, the consultants reported that participants were less concerned about the overhead methodology and more focused on the City's policy to recover full overhead costs.

Ms. Haruyama introduced Andy Belknap, Ray Durant, and Nancy Hetrick of Management Partners who provided the report.

Ms. Haruyama added that at a future meeting in Fall 2013, the consultants will present a final report and suggested next steps for Council consideration.

This item is in accordance with Council Strategy Priority for Organizational Efficiency, Goal 1: To advance City Council's fiscal policies.

Staff recommended that Council accept Management Partner's update on the City's Cost Allocation Plan and current methodology.

Council Member Rickman asked if Management Partners was the consultant that did the original study. Mr. Belknap stated yes. Council Member Rickman, referred to overhead, clarified that the tendency to say "subsidize development" means anyone who enters into a cost recovery agreement, not just big development. Council Member Rickman referred to overhead fees asking if they come out of the general fund and if that was an expense that needed to be recovered. Mr. Belknap indicated they were considered a supply and some small part of their cost would find their way into the overhead calculation.

Council Member Rickman asked if the reason for the analysis was to find more revenue. Mr. Belknap stated the City was facing a financial shortfall and was looking at a number of ways for the City to raise revenue, reduce expenditures, change practices, and different ways of doing business.

Council Member Rickman asked for an example of a fee and a tax. Mr. Belknap stated there was a difference between user fees and taxes. Mr. Belknap stated the law allows cities to levy user fees to recover their costs through an accepted over-heading practice. Mr. Belknap stated this was a standard approach. Mr. Belknap added that the City fees were higher now than before because the City elected to recover their costs. However, the fees are not egregious in terms of how the City calculates the formula. Mr. Belknap further stated it was a policy decision whether to engage in full cost recovery.

A discussion ensued regarding development, fees, overhead, and cost recovery.

Ms. Haruyama stated if adjustments are made in overhead, then there would be a fiscal impact to the general fund. Ms. Haruyama further stated it was staff's responsibility to make the Council aware of fiscal impacts so they could make the policy decisions.

Ms. Haruyama stated if overhead was removed, there would be a potential budget gap of \$1.5 million. Ms. Haruyama added it did not mean the City could not explore alternatives to fill that gap.

Council Member Rickman stated every year there is a budget and every year salary is included and if one year there is no development, does that mean the City is in the red. Ms. Haruyama stated for budget purposes, assumptions are made, alternatives explored and suggestions provided.

Mr. Belknap indicated when Management Partners return to Council, they could show what the impact would be if full cost recovery was not pursued.

Council Member Young asked if the City had a standard billable rate. Mr. Belknap stated the City calculates the rate by employee.

Council Member Young indicated a discussion may be necessary to decide what overhead should or should not go into the billable rate.

Mr. Belknap reiterated that the system the City of Tracy is using is accurate and a fair attempt at getting full cost recovery.

Mayor Pro Tem Maciel stated the City has always indicated that development pays for itself and clarifying that fact may be needed. Mayor Pro Tem Maciel stated it was important that the fees the City is charging are clear to those paying the fees.

Council Member Manne stated he agreed that development should pay for itself, but wants to make sure that the City is recovering its cost and not receiving more than the costs to develop.

Council Member Manne asked Mr. Belknap if he was involved in the original study and recommendation to Council in 2008. Mr. Belknap stated yes. Mr. Belknap added that Management Partners was involved in the establishment of a full cost recovery mechanism, but did not design the mechanism or the methodology.

Council Member Rickman asked if he stood behind the recommendation. Mr. Belknap stated yes.

Council Member Rickman provided an example of a person paying taxes for a service (government) asking how those general benefits apply to these fees. Mr. Belknap provided an example where a number of services are delivered that are a general benefit that you can't apply a price to such as Police and Fire; if you can identify that an individual is receiving a service by choice, then that is when it is appropriate to use a user fee.

Council Member Young referred to an earlier statement made regarding doing the right thing, not just what we have the right to do. Council Member Young stated she believed that is what the Council is challenged to do.

Mike Souza, Souza Development, thanked staff for bringing this item forward to Council. Mr. Souza stated they noticed fees increased approximately four to five years ago shortly after Council provided the direction to do a full cost recovery. Mr. Souza outlined the various steps they have taken with staff to get the fees reduced. Mr. Souza stated the fees Tracy charges are inconsistent with fees charged by other cities. Mr. Souza further stated it is understood the fee is for overhead, but the amount is unfair. Mr. Souza asked Council to direct staff to work with developers to find equilibrium.

Ms. Haruyama indicated staff had a conversation with Mr. Souza today regarding cost recovery agreements and asked that Council direct staff to explore options especially regarding cost recovery agreements with developers.

Chris Long, Surland Companies, thanked staff and Management Partners for explaining the costs built into cost recovery agreements. Mr. Long stated prior to this methodology they were paying 100% of staff time and want to be assured they are not paying more than that.

Mayor Ives asked Mr. Churchill if he and staff were proposing to work with the development community and bring back options for Council consideration. Leon Churchill, Jr., City Manager, indicated staff's interpretation was to work up options and alternatives to the cost recovery agreement. Mr. Churchill added that staff can explain what context and how it relates to other items that are billed.

Council Member Rickman referred to the Capital Improvement Project for the animal shelter discussing budget and how internal charges are applied which do not make sense to him. Mr. Churchill stated there are generally accepted accounting principles which the City does follow.

Council Member Rickman asked why it took so long for this item to return to Council.

Council Member Young stated she understood that staff would be meeting with the developers to make it clear what they are paying for and encouraged staff to consider a standardized billing rate for consistency across the board, as well as setting an expectation of billable hours for particular projects.

Mayor Pro Tem Maciel asked how staff would reach out to developers that were not present at the meeting. Ms. Haruyama stated staff took a broad approach when this discussion arose and they would continue to do the same and adjust for schedules.

Mayor Ives stated Mr. Churchill will get back to Council regarding a second discussion on the item.

Council accepted the Management Partner's update on the City's Cost Allocation Plan and current methodology.

11. SECOND READING AND ADOPTION OF ORDINANCE 1185 AN ORDINANCE OF THE CITY OF TRACY INCREASING WASTEWATER RATES - The Clerk read the title of proposed Ordinance 1185.

Steve Nicolaou stated he agreed that the City needs the outfall pipeline. Mr. Nicolaou referred to the April 16, 2013, special meeting regarding a rate increase taking effect now and a potential increase in July 2015, asking if the increase was just for the current increase. Mayor Ives stated Council was only considering the current increase.

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

It was moved by Council Member Manne and seconded by Mayor Pro Tem Maciel to adopt Ordinance 1185. Roll call vote found all in favor; passed and so ordered.

12. ITEMS FROM THE AUDIENCE – Marla Israel, coordinator of a neighborhood watch group, addressed Council regarding public safety. Ms. Israel asked Council if they hold staff accountable when they direct staff to handle a matter and allocate funds for the process. Ms. Israel outlined a continuing health and safety issue at 1690 Duncan Drive. Ms. Israel asked Council to find out why this situation has not been resolved. Ms. Israel provided Council with a handout.

Mayor Ives asked that a status report on the Duncan Drive matter be provided at the next Council meeting. Mr. Churchill indicated he would provide a report to Council.

13. STAFF ITEMS
 - A. RECEIVE AND ACCEPT THE CITY MANAGER INFORMATIONAL UPDATE - Council accepted the City Manager informational update.
14. COUNCIL ITEMS
 - A. THE LEAGUE OF CALIFORNIA CITIES REQUEST THAT THE CITY COUNCIL DETERMINE THEIR POSITION ON TWO RESOLUTIONS TO BE CONSIDERED

AT THE 2013 ANNUAL BUSINESS MEETING OF THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE – Maria Hurtado, Assistant City Manager, provided the staff report. The League of California Cities (LOCC) Annual Conference is scheduled for Wednesday, September 18, through Friday, September 20, 2013, in Sacramento. An important part of the conference is the Annual Business Meeting. At this meeting, the League membership considers and takes action on resolutions that establish League policy. At the request of the LOCC, and in order to expedite the conduct of business at this policy-making meeting, a City Council Member from each city is designated as the voting delegate.

At the City Council meeting held on July 16, 2013, Mayor Pro Tem Maciel was designated as the voting delegate and Council Member Young as an alternate for the City of Tracy.

The League will consider two resolutions at this year's annual conference:

1. Water Bond Funds: A resolution calling upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local government in water conservation, ground water recharge and reuse of storm water and urban runoff programs. This resolution was referred to the Environmental Quality Policy Committee.

2. Public Safety Realignment: A resolution calling upon the Governor and the Legislature to enter into discussions with the League and California Police Chiefs' Association representatives to identify and enact strategies that will ensure the success of public safety realignment from a local municipal law enforcement perspective. This resolution was referred to the Public Safety Policy Committee.

The League requests that City Council discuss the resolutions and determine the City's position so that the Council's designated voting delegate Mayor Pro Tem Maciel or alternate voting delegate Councilmember Young can represent the City's position on each resolution at the Annual Meeting.

This agenda item is a routine operational item and is not related to the Council's four strategic plans.

Staff recommended that Council discuss and determine their position on the two resolutions to be considered at the 2013 Annual Business Meeting of the League of California Cities Annual Conference.

Council Member Rickman asked if the water bond was related to Los Angeles trying to get water from our area. Dan Sodergren, City Attorney, indicated he was not certain. Maria Hurtado, Assistant City Manager, stated it was a request for the Governor to work with the League to ensure funding was in place to meet mitigations for mandated requirements.

It was Council consensus to have the voting delegate vote "yes" on both of the League's resolutions.

15. ADJOURNMENT – It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time: 11:50 p.m.

The above agenda was posted at the Tracy City Hall on August 15, 2013. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

City Clerk

AGENDA ITEM 1.B

REQUEST

APPROVE A MINOR AMENDMENT TO THE ASPIRE (FORMERLY TRACY SIERRA DEVELOPMENT) APARTMENT PROJECT PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT PLAN AND OFF-STREET PARKING SPACE REDUCTION – THE PROJECT IS LOCATED ON APPROXIMATELY 10.8 ACRES ON THE NORTH SIDE OF PAVILION PARKWAY, NORTHEAST OF THE INTERSECTION OF PAVILION PARKWAY AND POWER ROAD – APPLICATION NUMBER PUD13-0005 – APPLICANT IS TRACY 300 L.P.

EXECUTIVE SUMMARY

This is a minor amendment to the Final Development Plan of an apartment project PUD approved by the City Council in February 2013. The proposal is to amend the layout of the buildings, building design, adding garages, and approving a parking space reduction in accordance with City off-street parking space requirements. Staff and the Planning Commission recommend approval.

DISCUSSION

Background

On February 19, 2013, the City Council approved the 300-unit Tracy Sierra Development apartment project, located on approximately 10.8 acres on the north side of Pavilion Parkway, directly across Pavilion Parkway from the Winco grocery store. The project included a General Plan designation amendment from Commercial to Residential High (GPA12-0002), an I-205 Corridor Specific Plan amendment from General Commercial to High Density Residential (SPA12-0004), and a Planned Unit Development Preliminary and Final Development Plan (PUD12-0001). Attachment A contains the site plan, floor plans, exterior elevations, and other details of the project approved on February 19, 2013.

Project Description

Subsequent to City Council approval, the project was purchased by a different developer who is proposing modifications to the project's site plan, floor plans, off-street parking, and other design elements. Attachment B contains the currently proposed site plan, floor plans, and exterior elevations. Attachment C contains a comparison table of project details between the February 19, 2013 approved version and the current proposal.

The proposal is consistent with the previously approved project with minor modifications to the clubhouse/pool location, layout of the buildings, building

design and a requested reduction in the number of required off-street parking spaces (discussed below).

The approved project consists of seven, 4-story residential buildings, a small 2-story clubhouse, and leasing center. The majority of residential units were 1-bedroom units. Parking was provided with a combination of carports and surface parking.

The site has been modestly reconfigured with eight, 4-story residential buildings and a larger clubhouse and fitness center. Off-street parking was eliminated along Pavilion Parkway and replaced with four residential buildings to shield parking from public view, resulting in an improved presence of the project to Pavilion Parkway.

The size and configuration of each building has been modified to increase the number of 2- and 3-bedroom units. The original approval included 228, 1-bedroom units and 72, 2-bedroom units. The current proposal, by contrast, contains 66, 1-bedroom units; 205, 2-bedroom units; and 30, 3-bedroom units. The average unit size has increased from 875 square feet to 1090 square feet. The building reconfiguration results in an increase in the total number of units from 300 to 301. The increase of one residential unit increases the project's gross density from 23.6 to 23.7 dwelling units per gross acre – an insignificant change that is within the High Density Residential limit of 25 units per gross acre.

A number of individual garages and enclosed bicycle parking have also been added within the ground floor of each residential building, allowing some ground floor units to have direct access garages. Garage sizes range from single-car, double car (side-by-side), and double car (tandem).

The floor plan modifications were achieved while the overall building design aesthetic and building articulation have been maintained in the revision. Building materials consist of cement plaster, vertical board and batten cement board siding, and horizontal cement board lap siding, providing a variety of contrasting textures and colors, similar to what was previously approved.

The number of vehicle entrance/exit points will remain unchanged: one driveway each at Pavilion Parkway, Power Road, and Robertson Drive. The driveway at Robertson Drive will be relocated slightly to the east from what was previously proposed. The project maintains its two-way, internal, circular driveway to access all of the on-site parking spaces. Approximately one-half of the previous number of carports have been eliminated and replaced with individual garages within the ground floor of the residential buildings.

The developer is proposing the modifications to increase the project's function and marketability. Overall, the changes have a positive impact on the project's design. All of the project's conditions of approval, adherence to City standards, and other requirements of the February 19, 2013 City Council approval will remain unchanged.

Off-Street Parking Modifications

City parking standards require 1.5 off-street parking spaces per 1-bedroom unit, 2.0 spaces per unit with two or more bedrooms, and one guest space for every five units. City standards also prohibit tandem spaces to be used to meet minimum parking

requirements. This 301-unit project contains 66, 1-bedroom units and 235 units with two or more bedrooms. Therefore, it would require 629 off-street parking spaces. The project, by contrast, proposes 604 off-street parking spaces, 58 of which are in-garage, tandem spaces. Therefore, only 546 of the spaces may be used to satisfy off-street parking requirements – 14 percent fewer than is required by City parking standards. The recommended solution is to grant a 14 percent parking space reduction in accordance with Tracy's off-street parking zoning regulations (discussed below).

The number of off-street parking spaces required for multi-family projects by the City of Tracy is higher than many other jurisdictions. Recognizing this, the City Council has adopted policies directing the City to evaluate and amend off-street parking requirements where appropriate. For example, one related General Plan Housing Element policy relates to this topic:

Policy 3.5: "Promote flexible development standards to provide for a variety of housing types."

Measure T-2 of the City's Sustainability Action Plan addresses off-street parking requirements more directly:

Sustainability Action Plan Measure T-2, in relevant part: Reduced Parking Requirement.

Amend the Zoning Ordinance to allow a reduction in parking requirements under the following circumstances:

-Actual demand lower than as required in code as demonstrated by a parking study.

Finally, General Plan Policy CC-7.1P1 states, in relevant part:

The City shall encourage high-density residential development ... uses to locate in the I-205 regional commercial area by offering development incentives to these types of projects. Incentives may include, but are not limited to, less ... parking requirements. These areas shall have direct pedestrian and bicycle access to nearby commercial and retail uses.

In 2012, the City Council adopted Tracy Municipal Code Section 10.08.3470(e), which provides for the City to grant an off-street parking space reduction of up to 20 percent for new projects if the owner submits a parking study documenting that such off-street parking spaces will not be necessary to mitigate parking demand for the project.

For this project, the applicant prepared a parking study (Attachment D) to evaluate the number of parking spaces appropriate for this project. The parking study includes a summary of Institute of Transportation Engineers parking survey conclusions and references the 2012 Tracy apartment survey prepared for the MacDonald Apartments project.

The parking study demonstrates that the 546 off-street parking spaces proposed for this project is more than adequate to mitigate the parking demand. Staff, therefore, is recommending approval of a 14 percent parking space reduction for the project.

CEQA Documentation

On February 19, 2013, the City Council approved an Addendum to the Winco EIR as part of the Tracy Sierra Development apartment project approval. The proposed amendment to the Project's Final Development Plan is consistent with the EIR Addendum, and therefore, no additional CEQA documentation is necessary.

Planning Commission Review

On September 25, 2013, the Planning Commission conducted a public meeting to review the project. The project applicant and architect addressed the Planning Commission to answer questions and speak in favor of the proposal. Following the discussion, the Planning Commission (5-0 vote) recommended that the City Council approve the minor amendment to the PUD Final Development Plan and the off-street parking space reduction.

STRATEGIC PLANS

The proposal is a routine item without direct connection to the City's strategic plans.

FISCAL IMPACT

This agenda item will not require any specific expenditure from the General Fund. Project applicants pay application processing fees to help off-set costs associated with processing development applications.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve, by resolution, the Planned Unit Development Final Development Plan amendment and 14 percent parking space reduction for the Tracy Sierra Development apartment project.

Prepared by: Alan Bell, Sr. Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A – February 19, 2013 Approved Site and Other Plans (Oversized Plans)
Attachment B – Proposed Project Plans (Oversized Plans)
Attachment C – Comparative Summary of Proposed Project Modifications
Attachment D – Parking Study for Aspire Apartment Project

CLIENT
 TRACY SIERRA
 DEVELOPMENT

PROJECT
 TRACY SIERRA
 DEVELOPMENT
 PAVILION PARKWAY
 AND ROBERTSON DR.
 TRACY, CA 95304

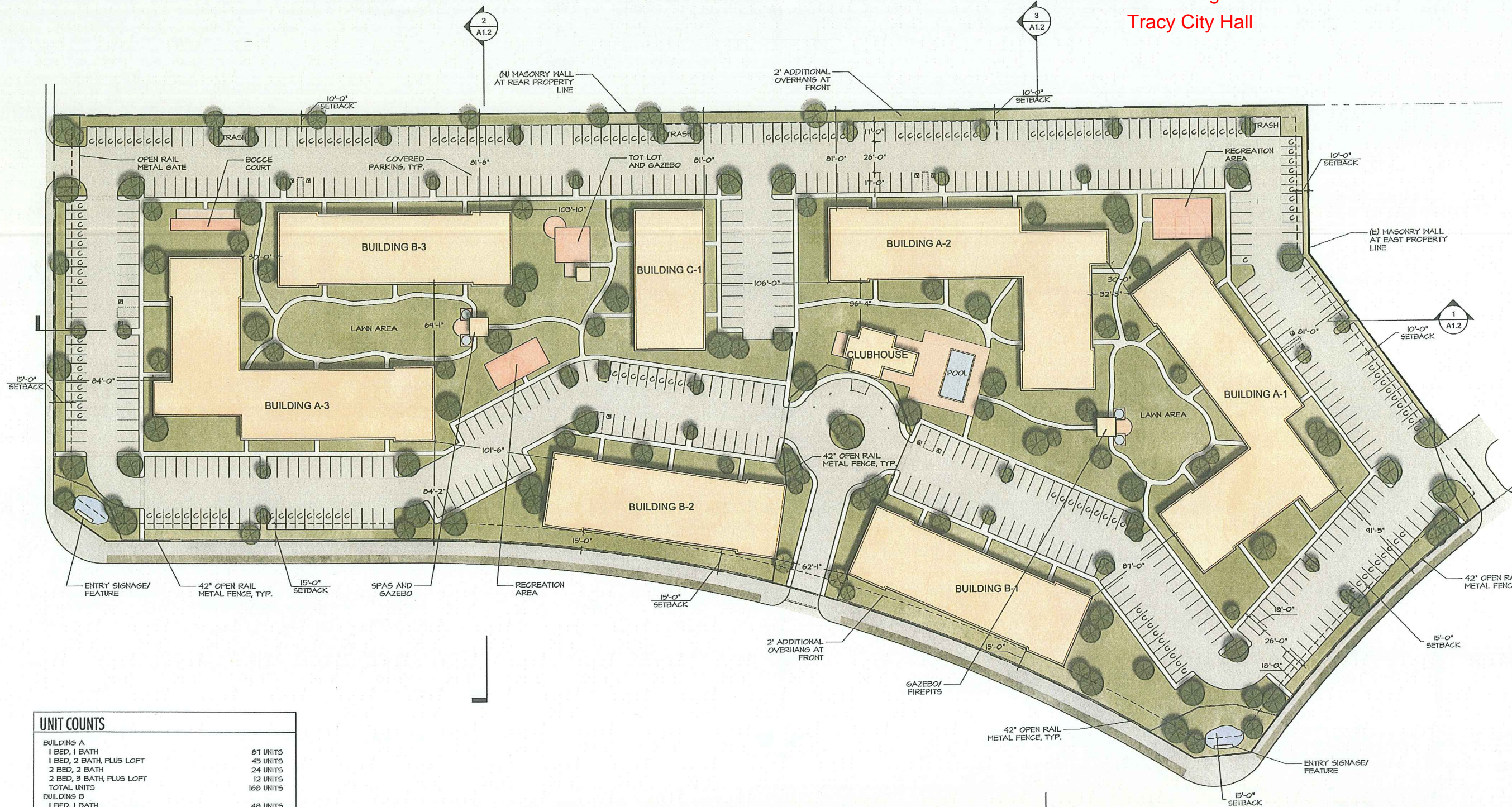
REVISIONS

DATE
 JAN. 17, 2013

SCALE
 1"=40'-0"

PROPOSED
 SITE PLAN

SHEET
 A1.1

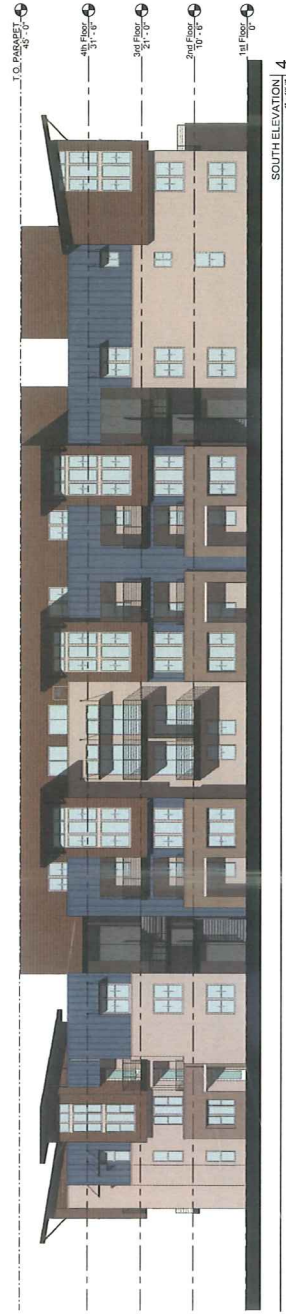


| UNIT COUNTS | |
|--------------------------------------|-------------------------|
| BUILDING A | |
| 1 BED, 1 BATH | 81 UNITS |
| 1 BED, 2 BATH, PLUS LOFT | 45 UNITS |
| 2 BED, 2 BATH | 24 UNITS |
| 2 BED, 3 BATH, PLUS LOFT | 12 UNITS |
| TOTAL UNITS | 168 UNITS |
| BUILDING B | |
| 1 BED, 1 BATH | 48 UNITS |
| 1 BED, 2 BATH, PLUS LOFT | 24 UNITS |
| 2 BED, 2 BATH | 24 UNITS |
| 2 BED, 3 BATH, PLUS LOFT | 12 UNITS |
| TOTAL UNITS | 108 UNITS |
| BUILDING C | |
| 1 BED, 1 BATH | 16 UNITS |
| 1 BED, 2 BATH, PLUS LOFT | 8 UNITS |
| 2 BED, 2 BATH | 0 UNITS |
| 2 BED, 3 BATH, PLUS LOFT | 0 UNITS |
| TOTAL UNITS | 24 UNITS |
| ALL BUILDINGS | |
| 1 BED, 1 BATH | 151 UNITS |
| 1 BED, 2 BATH, PLUS LOFT | 77 UNITS |
| 2 BED, 2 BATH | 48 UNITS |
| 2 BED, 3 BATH, PLUS LOFT | 24 UNITS |
| TOTAL UNITS | 300 UNITS |
| PARKING REQUIREMENTS | |
| (151) 1 BED, 1 BATH X 1.1 | 256.7 SPACES |
| (77) 1 BED, 2 BATH, PLUS LOFT X 1.1 | 130.4 SPACES |
| (48) 2 BED, 2 BATH X 2.2 | 105.6 SPACES |
| (24) 2 BED, 3 BATH, PLUS LOFT X 2.2 | 52.8 SPACES |
| TOTAL SPACES REQUIRED | 546 SPACES |
| TOTAL COVERED SPACES | 300 SPACES |
| TOTAL COMPACT SPACES ALLOWED | 164 SPACES |
| HANDICAP PARKING REQUIREMENTS | 546 SPACES X .02 |
| II HANDICAP SPACES | |

| IMPERVIOUS CALCULATIONS | |
|---|---------------------|
| LOT SIZE: | 410,541 S.F. |
| PROPOSED COVERAGE: | |
| MAIN RESIDENTIAL BUILDINGS | 100,307 S.F. |
| ACCESSORY BUILDINGS | 5,038 S.F. |
| PARKING/DRIVEWAYS | 170,450 S.F. |
| PATHWAYS | 21,235 S.F. |
| PATIOS/TERRACES | 3,346 S.F. |
| RECREATION AREAS | 6,335 S.F. |
| TOTAL IMPERVIOUS AREA | 312,711 S.F. |
| % IMPERVIOUS COVERAGE | 66.5% |
| % BUILDING COVERAGE | 21.5% |
| PROPOSED FERVIOUS SURFACES: | |
| LANDSCAPED AREAS | 151,880 S.F. |
| LANDSCAPED WITHIN PARKING AREAS | 72,817 S.F. |
| LANDSCAPED COVERAGE WITHIN PARKING | 42.7% |
| ADDITIONAL TREES | III MINIMUM |

PROPOSED SITE PLAN
 00 20 40 80 feet





RECEIVED
AUG 05 2013
CITY OF TRACY

SCALE 1" = 10'-0"

TRACY APARTMENTS

TRACY, CALIFORNIA

Building A Elevations

DATE: 2013.08.05
PROJECT NO: 1155-0001
SCALE: 1" = 10'-0"
SHEET: A2.4





NORTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"

TRACY APARTMENTS

TRACY, CALIFORNIA

Building B Elevations



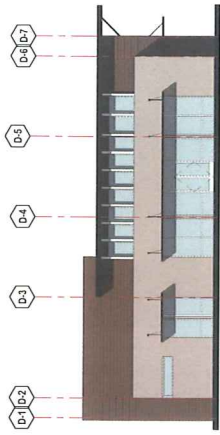
DATE: 2013.08.05
PROJECT NO: 1156-0001
SCALE: 1" = 10'-0"
SHEET: A2.5

RECEIVED
AUG 05 2013
CITY OF TRACY

LPFS

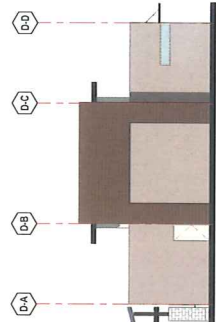
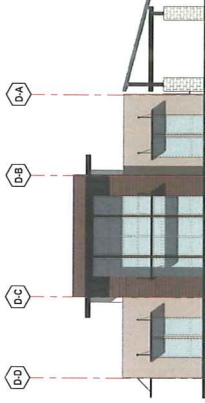
2001 McHenry St. • City of Tracy • Suite 100 • Sacramento CA 95803
714.443.0323 • www.lpfcs.com

SCALE: 1" = 10'-0"



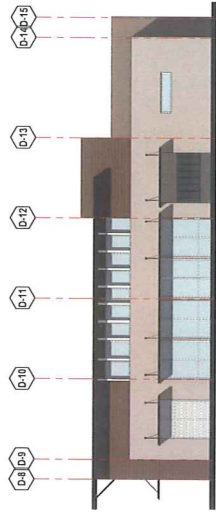
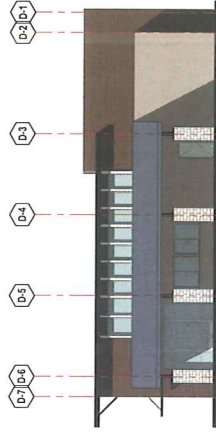
CLUBHOUSE SOUTH ELEVATION
1" = 10'-0"

CLUBHOUSE EAST ELEVATION
1" = 10'-0"



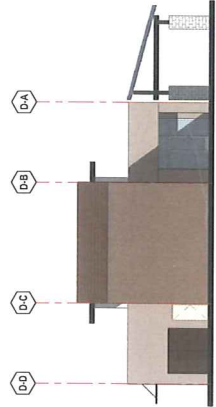
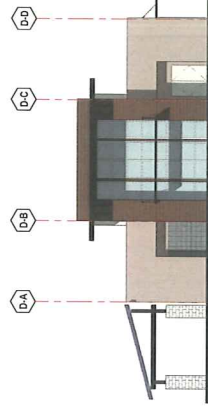
CLUBHOUSE WEST ELEVATION
1" = 10'-0"

CLUBHOUSE NORTH ELEVATION
1" = 10'-0"



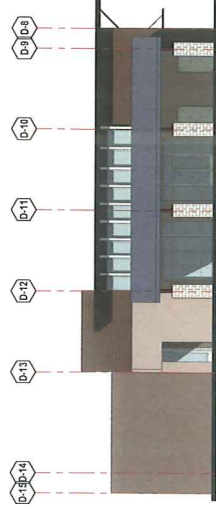
FITNESS CENTER SOUTH ELEVATION
1" = 10'-0"

FITNESS CENTER WEST ELEVATION
1" = 10'-0"



FITNESS CENTER EAST ELEVATION
1" = 10'-0"

FITNESS CENTER NORTH ELEVATION
1" = 10'-0"



RECEIVED
AUG 05 2013
CITY OF TRACY

TRACY APARTMENTS

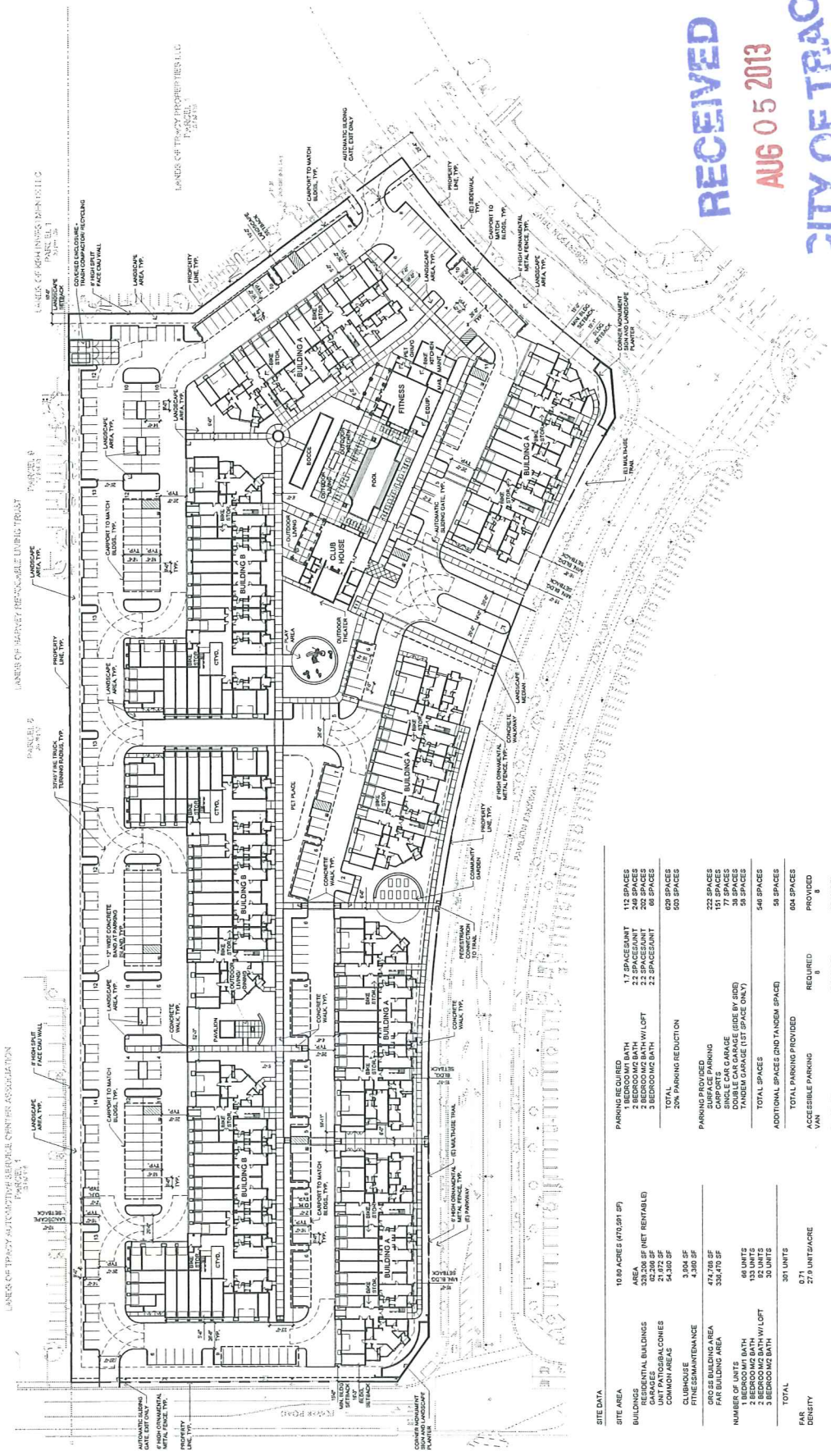
TRACY, CALIFORNIA

Clubhouse/Fitness Center
Elevations

DATE: 07/29/13
PROJECT NO.: 1156-0001
SCALE:
SHEET: A2.6



2005 National Park Drive, Suite 100, Sacramento, CA 95833
707.542.4444 (local) 916.442.4444 (toll-free)



RECEIVED

AUG 05 2013

CITY OF TRACY

SCALE 1" = 40'-0"



SITE PLAN

DATE: 08-05-2013
 PROJECT NO: 1155-0001
 SCALE: 1" = 40'-0"
 SHEET: A1.00

| Category | Quantity | Notes |
|--------------------------------------|---------------------|-------|
| PARKING REQUIRED | 113 SPACES | |
| SURFACE PARKING | 17 SPACES | |
| 2 BEDROOMS BATH | 22 SPACES | |
| 3 BEDROOMS BATH W/ LOFT | 22 SPACES | |
| 4 BEDROOMS BATH | 22 SPACES | |
| 500 SPACES | 500 SPACES | |
| 500 SPACES | 500 SPACES | |
| 20% PARKING REDUCTION | 500 SPACES | |
| PARKING PROVIDED | 222 SPACES | |
| SURFACE PARKING | 17 SPACES | |
| SINGLE CAR GARAGE | 77 SPACES | |
| DOUBLE CAR GARAGE (SIDE BY SIDE) | 38 SPACES | |
| TRIPLE CAR GARAGE (100 SPACES MAX) | 38 SPACES | |
| TOTAL SPACES | 546 SPACES | |
| ADDITIONAL SPACES (INDIVIDUAL SPACE) | 59 SPACES | |
| TOTAL PARKING PROVIDED | 604 SPACES | |
| ACCESSIBLE PARKING | PROVIDED | |
| VAN | PROVIDED | |
| BIKE PARKING | PROVIDED | |
| 5% OF AUTO SPACES | 27 | |
| | 307 (TOTAL) - GUEST | |

SITE DATA

| | |
|----------------------|---------------------------|
| SITE AREA | 10.89 ACRES (470,891 SF) |
| BUILDINGS AREA | 332,306 SF (NET RENTABLE) |
| UNIT PATIO/BALCONIES | 21,877 SF |
| COMMON AREAS | 54,300 SF |
| CLUBHOUSE | 3,004 SF |
| FITNESS/MAINTENANCE | 4,350 SF |
| DRG-32 BUILDING AREA | 472,790 SF |
| FAN BUILDING AREA | 336,470 SF |
| NUMBER OF UNITS | 46 UNITS |
| 2 BEDROOM BATH | 133 UNITS |
| 3 BEDROOM W/ LOFT | 30 UNITS |
| 50 UNITS | |
| TOTAL | 307 UNITS |
| FAR DENSITY | 0.71 |
| | 27.5 UNITS/ACRE |

TRACY APARTMENTS

TRACY, CALIFORNIA

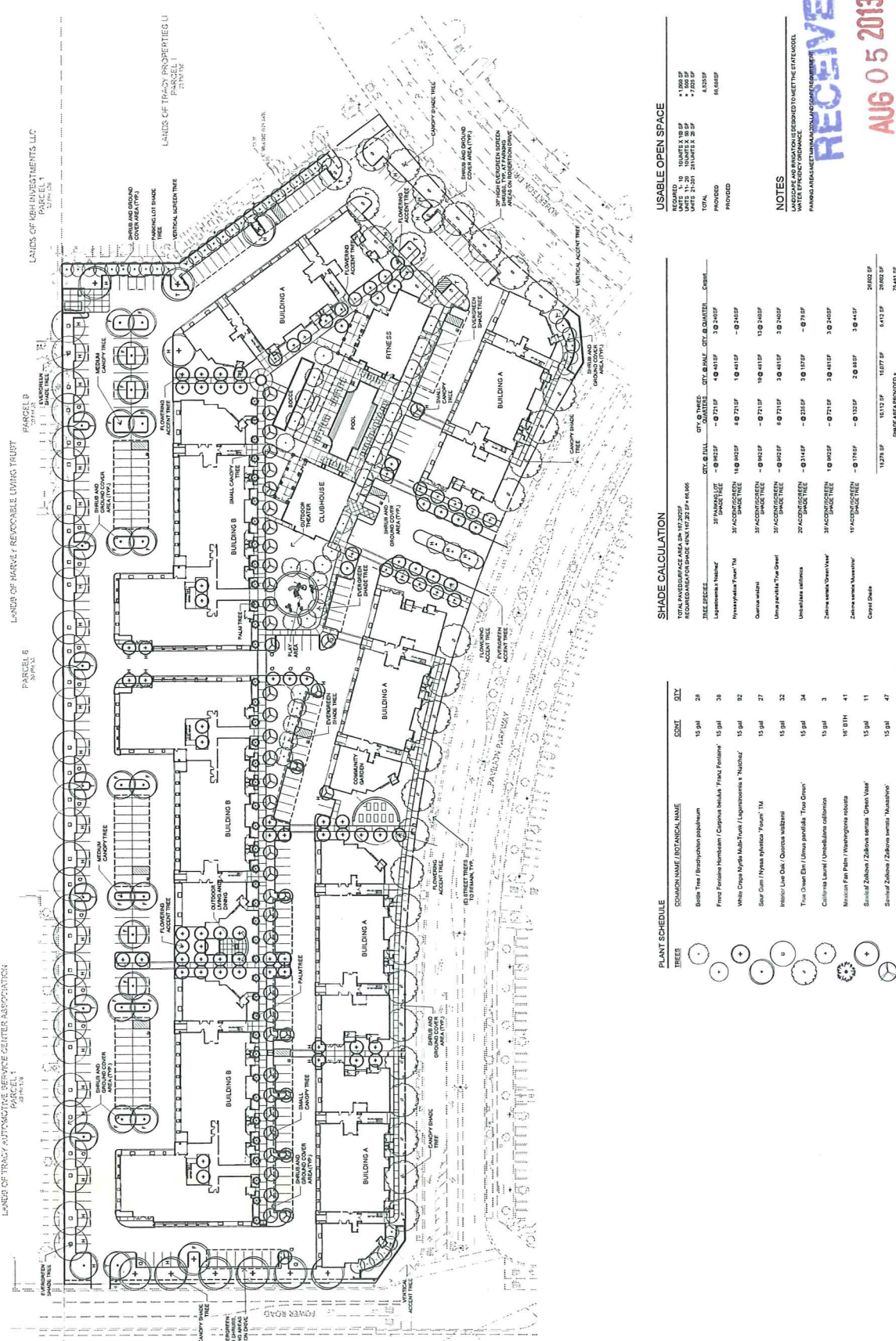
LAND OF TRACY APARTMENTS, LLC
PARCEL 1
32,741 SF

LAND OF HARVEY / RESPONSIBLE LIVING TRUST
PARCEL 6
20,741 SF

LAND OF HARVEY / RESPONSIBLE LIVING TRUST
PARCEL 8
20,741 SF

LANDS OF HIGH INVESTMENTS, LLC
PARCEL 1
32,741 SF

LANDS OF TRACY PROPERTIES, L.P.
PARCEL 1
32,741 SF



PLANT SCHEDULE

| TREE | COMMON NAME / BOTANICAL NAME | CODE | QTY |
|------|---|------------|-----|
| ● | Bottle Tree / Euphorbia polycarpa | 15 gal | 20 |
| ○ | Tree Fern / Ficus macleodii / Ficus macleodii | 15 gal | 30 |
| ○ | White Crown / Nymphaea tuberosa / Nymphaea tuberosa | 15 gal | 52 |
| ○ | Self-Clean / Nymphaea tuberosa / Nymphaea tuberosa | 15 gal | 27 |
| ○ | Interior Live Oak / Quercus wislizeni | 15 gal | 32 |
| ○ | Tree Fern / Ficus macleodii / Ficus macleodii | 15 gal | 34 |
| ○ | California Laurel / Umbellularia californica | 15 gal | 3 |
| ○ | Mexican Fan Palm / Washingtonia robusta | 16' 50/16' | 41 |
| ○ | Sanford Zilliox / Zillioxia sericea / Green Vine | 15 gal | 11 |
| ○ | Sanford Zilliox / Zillioxia sericea / Mulchbox | 15 gal | 47 |

SHADE CALCULATION

| TREE SPECIES | 35' ACROSS / GREEN SHADE TREE | CITY @ 100' HILL | CITY @ 75' HILL | CITY @ 50' HILL | CITY @ 25' HILL | CITY @ 10' HILL | CITY @ 5' HILL | CHINA |
|--------------------------|-------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Leguminosae 'Nectar' | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| Nymphaea tuberosa 'TM' | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| Quercus wislizeni | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| Umbellularia californica | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| Washingtonia robusta | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| Zillioxia sericea | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| Control Shade | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF | 1 @ 802 SF |
| TOTAL | 6 @ 4812 SF | 6 @ 4812 SF | 6 @ 4812 SF | 6 @ 4812 SF | 6 @ 4812 SF | 6 @ 4812 SF | 6 @ 4812 SF | 6 @ 4812 SF |

USABLE OPEN SPACE

| | |
|-------------|-----------|
| REMOVED | 10,000 SF |
| UNITS 1-10 | 10,000 SF |
| UNITS 11-20 | 10,000 SF |
| UNITS 21-30 | 10,000 SF |
| TOTAL | 40,000 SF |
| PROVIDED | 40,000 SF |
| PROVIDED | 40,000 SF |

NOTES
LANDSCAPE AND PLANTATION DESIGNED TO MEET THE SITE MODEL.
PLANTING SCHEDULE AND QUANTITIES ARE SUBJECT TO CHANGE.
LANDSCAPE AND PLANTATION TO BE PROVIDED BY THE CONTRACTOR.
LANDSCAPE AND PLANTATION TO BE PROVIDED BY THE CONTRACTOR.
LANDSCAPE AND PLANTATION TO BE PROVIDED BY THE CONTRACTOR.

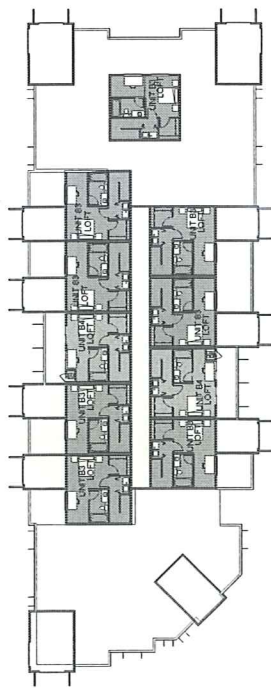
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AUG 05 2013
CITY OF TRACY

TRACY APARTMENTS
TRACY, CALIFORNIA

LANDSCAPE PLAN
DATE: 08-05-2013
PROJECT NO: 1156-0001
SCALE: 1" = 40'-0"
SHEET: 1, 10

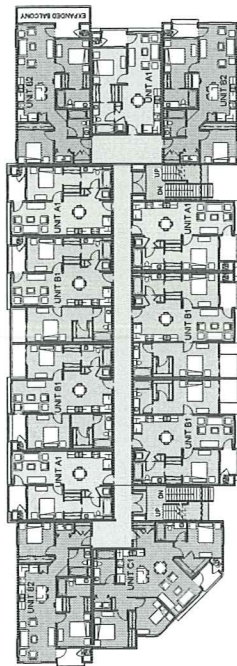
LEGACY HOMES

IPFS
248 N. Main Street, Suite 100, Sacramento, CA 95833
754.442.0033 | ipfsdesign.com

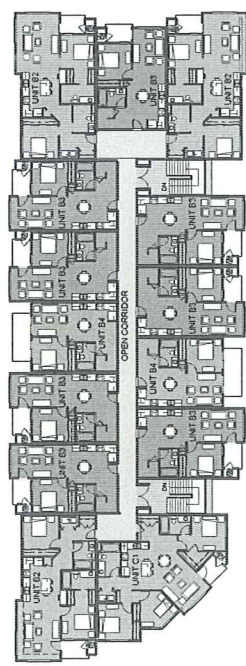


BUILDING A, 4TH FLOOR PLAN
1/8" = 1'-0"

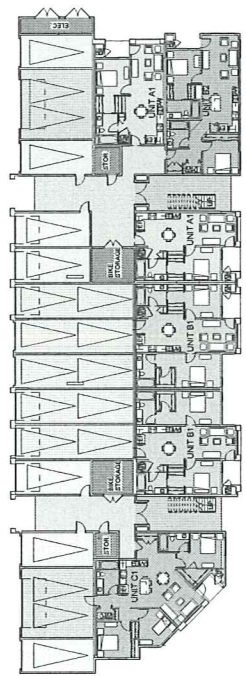
BUILDING A, 2ND FLOOR PLAN
1/8" = 1'-0"



BUILDING A, 3RD FLOOR PLAN
1/8" = 1'-0"



BUILDING A, 1ST FLOOR PLAN
1/8" = 1'-0"



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AUG 05 2013

CITY OF TRACY
SCALE: A1/8" = 1'-0"

TRACY APARTMENTS

TRACY, CALIFORNIA

BUILDING A FLOOR PLANS

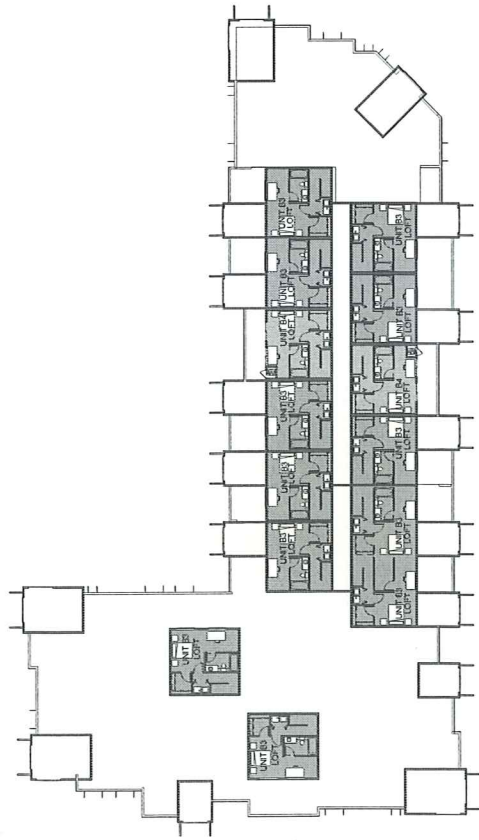
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PROJECT NO: 1156-0001
SCALE: A1/8" = 1'-0"
SHEET: A2.1



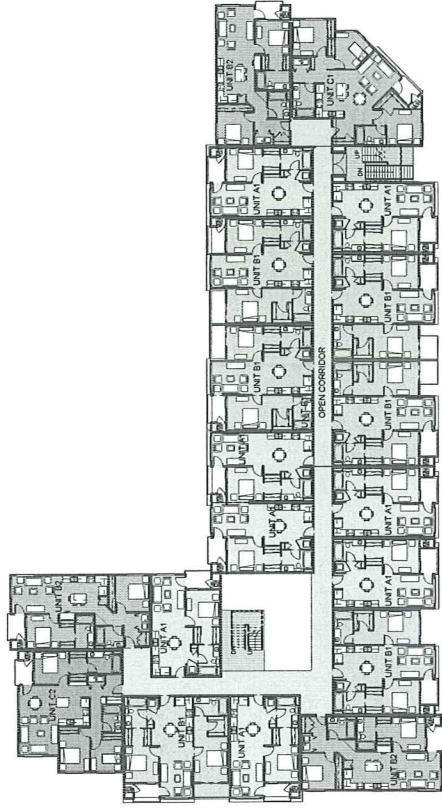
LEGACY HOMES

LPFS

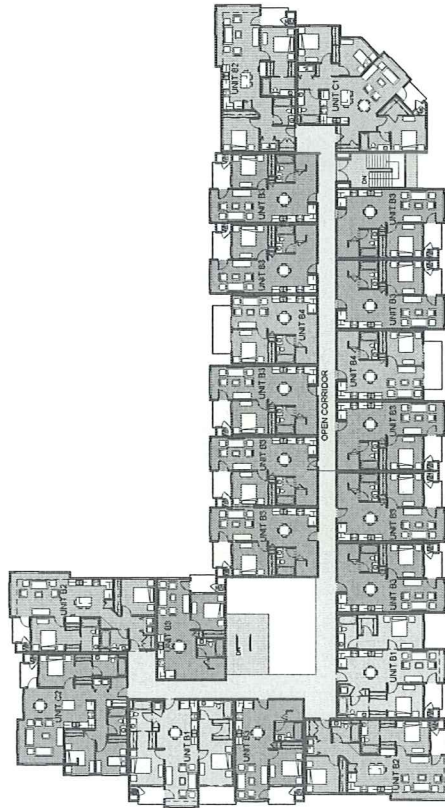
244 National Park Drive, Suite 100, Sacramento CA 95833
TEL: (415) 837-1000



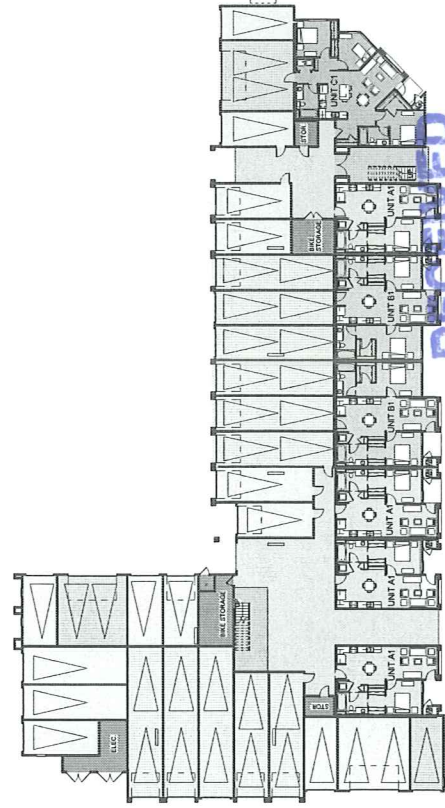
BUILDING B, 4TH FLOOR PLAN
SCALE: 1/8" = 1'-0"



BUILDING B, 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"



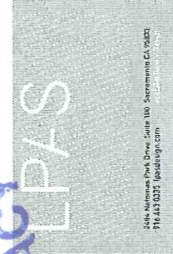
BUILDING B, 3RD FLOOR PLAN
SCALE: 1/8" = 1'-0"



BUILDING B, 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

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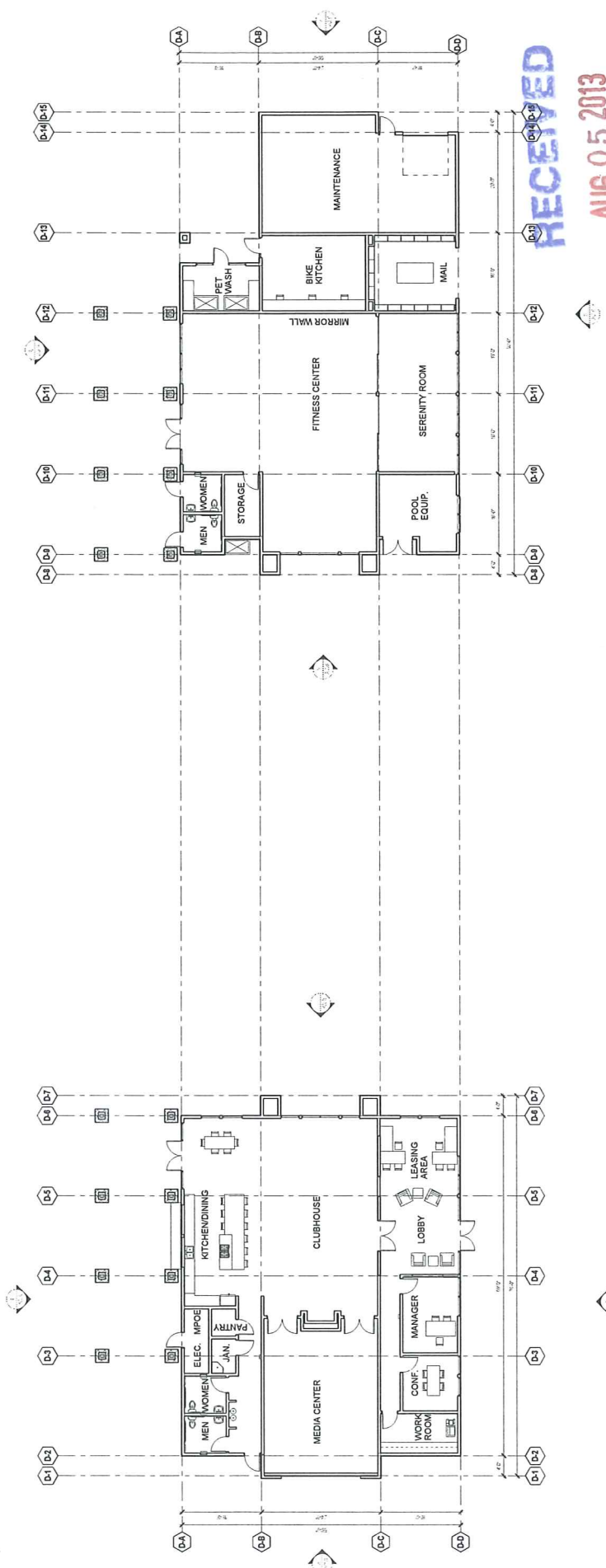
BUILDING B FLOOR PLANS

DATE: 07/11/13
PROJECT NO: 1156-0001
SCALE: 1/8" = 1'-0"
SHEET: A22

TRACY APARTMENTS

TRACY, CALIFORNIA

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CITY OF TRACY
CLUBHOUSE AND FITNESS CENTER FLOOR PLANS

TRACY APARTMENTS

TRACY, CALIFORNIA

Clubhouse/Fitness Center Floor Plans

DATE: 07/29/13
PROJECT NO: 1156-0001
SCALE:
SHEET: A2.3



2448 N. Main Street, Tracy, CA 95376
Tel: (415) 837-1000
www.lph.com

Tracy Apartments Marketing Name: ASPIRE

Scheme 5: Revised Plan

Tracy, CA
Project No: 1156-0001

8/2/2013

PROJECT SUMMARY

Site Summary:

Site Area: 470,591 SF
10.80 Acres

| | Existing/Approved Project | REVISED PROJECT: ASPIRE | Difference |
|--|---------------------------|-------------------------|--------------|
| Building Footprint: | 102,070 SF | 148,000 SF | 45,930 SF |
| Open Space: | 368,521 SF 78.3% | 322,591 SF 68.6% | (45,930) SF |
| Building Summary: | | | |
| Building Areas: | | | |
| Net Rentable Area: | 262,445 SF | 328,206 SF | 65,761 SF |
| Garages: | 0 SF | 62,266 SF | 62,266 SF |
| Unit Patios / Balconies: | 18,000 SF | 21,672 SF | 3,672 SF |
| Common Areas: | 46,800 SF | 54,360 SF | 7,560 SF |
| Clubhouse: | 2,720 SF | 3,904 SF | 1,184 SF |
| Maintenance Building: | 0 SF | 4,360 SF | 4,360 SF |
| Gross Building Area: | 329,965 SF | 474,768 SF | 144,803 SF |
| FAR Building Area: | 265,165 SF | 336,470 SF | 71,305 SF |
| Number of Units: | | | |
| 1 Bdr | 151 Units 50.3% | 66 Units 22.0% | (85) Units |
| | 1Bdr / 1 Bth | 0 Units 0.0% | (77) Units |
| | 1Bdr / 2 Bth w/ Loft | 113 Units 37.7% | 65 Units |
| 2 Bdr | 48 Units 16.0% | 92 Units 30.7% | (24) Units |
| | 2 Bdr / 2 Bth | 0 Units 0.0% | 30 Units |
| | 2 Bdr / 2 Bth w/ Loft | 24 Units 8.0% | 1 Units |
| | 2 Bdr / 3 Bth w/ Loft | 0 Units 0.0% | 216 SF/Unit |
| 3 Bdr | 0 Units 0.0% | 30 Units 10.0% | 0.15 |
| | 3 Bdr / 2 Bth | 301 Units 100.3% | |
| Total | 300 Units 100.0% | 301 Units 100.3% | |
| Average Unit Size: | 875 SF/Unit | 1090 SF/Unit | |
| FAR: | 0.56 | 0.71 | |
| Density: | 27.8 Units per Acre | 27.9 Units per Acre | |
| Parking Summary: | | | |
| Parking Required: | | | |
| 1Bdr / 1 Bth | 1.7 Spaces/Unit | 257 Spaces | (145) Spaces |
| 1Bdr / 2 Bth w/ Loft | 1.7 Spaces/Unit | 131 Spaces | (131) Spaces |
| 2 Bdr / 2 Bth | 2.2 Spaces/Unit | 106 Spaces | 143 Spaces |
| 2 Bdr / 2 Bth w/Loft | 2.2 Spaces/Unit | 0 Spaces | 202 Spaces |
| 2 Bdr / 3 Bth w/ Loft | 2.2 Spaces/Unit | 53 Spaces | (53) Spaces |
| 3 Bdr / 2 Bth | 2.2 Spaces/Unit | 0 Spaces | 66 Spaces |
| Total | | 546 Spaces | 83 Spaces |
| 20% Parking Reduction Allowed | | | 503 Spaces |
| Parking Provided: | | | |
| Surface Parking | 241 Spaces | 222 Spaces | (19) Spaces |
| Carpools | 300 Spaces | 151 Spaces | (149) Spaces |
| Single Car Garage | 0 Spaces | 77 Spaces | 77 Spaces |
| Double Car (Side by Side) | 0 Spaces | 38 Spaces | 38 Spaces |
| Tandem Garage (1st Space Only) | 0 Spaces | 58 Spaces | 58 Spaces |
| Total Spaces: | 541 Spaces | 546 Spaces | 5 Spaces |
| Additional Spaces (2nd Tandem Space) | 0 Spaces | 58 Spaces | 58 Spaces |
| Total Parking Provided: | 541 Spaces | 604 Spaces | 63 Spaces |
| Surplus Parking (Without Tandem Spaces): | -5 Spaces | 43 Spaces | 48 Spaces |
| Surplus Parking (With Tandem Spaces): | | 101 Spaces | 101 Spaces |

**Parking Study
For
Aspire Apartment Project
(Formally Tracy Sierra Development)
NE Corner of Pavilion Parkway and Robertson Drive**

Dated: August 12, 2013

Request: Applicant is requesting an off-street parking space reduction of approximately fourteen percent (14%).

Basis for Request: City of Tracy Zoning Ordinance (Title 10 of Tracy Municipal Code), Article 26 (Off-Street Parking Requirements), Section 10.08.3470(e), Exceptions, allows for up to twenty (20) percent reduction in the number of off-street parking spaces required in section 10.08.3480.

Reason for Request:

| | |
|---|--------------------------------|
| A) Required Parking Spaces per City (Section 10.08.3480): | 629 |
| B) Parking Spaces Provided By Project (1 st tandem space counted): | 546 (13.2% less of 629) |
| C) Parking Spaces Provided By Project (2 nd tandem space counted): | 604 (4% less of 629) |
| D) Required Parking Spaces per City with 14% reduction: | 541 (14% less of 629) |

Breakdown of Project Provided Parking

| | |
|--|------------|
| Surface Spaces: | 222 |
| Carports Spaces: | 151 |
| Garage Spaces (Single Car): | 77 |
| Garage Spaces (Double Car): | 38 |
| Tandem (1 st Space Only): | <u>58</u> |
| Sub-Total of Project Parking: | 546 |
| Tandem (2 nd Space Only): | <u>58</u> |
| Total Project Parking Provided: | 604 |

As outlined above, the project as proposed, and not taking into consideration a 14% reduction in the number of required parking space, the project is short in meeting city parking requirements by approximately 83 spaces. Should the City of Tracy approve a 14% reduction in the number of parking spaces within the proposed project, the project would meet its requirements for parking.

Justification for Parking Reduction of 14 Percent

Current Tracy Parking Standards. Planning commentators have long criticized cities for mandating too much parking for high density residential uses, thereby raising the cost of multi-family housing, wasting urban space, and forcing inefficient designs onto the project sites. As a matter of fact, the Tracy General Plan Housing Element calls for an examination of parking requirements to improve affordability, allowing credit for on-street parking, and other parking adjustments to lower costs. This parking analysis suggests that it would be possible to reduce parking requirements in Tracy on a project-by-project basis and have no adverse impact on the quality of life of the people who reside in the apartment project or the adjacent parcels (businesses and/or residents).

The current apartment parking standards for Tracy are as follows:

- Studio/1 bedroom = 1.5 spaces per unit
 - One (1) of the 1.5 Spaces Shall be a Covered Space
 - Plus, 0.2 Spaces per Unit for "Guest" Parking

- 2 bedroom, plus = 2.0 spaces per unit
 - One (1) of the 2.0 Spaces Shall be a Covered Space
 - Plus, 0.2 Spaces per Unit for "Guest" Parking

Tracy Parking Study by Others. According to a June 2012 Tracy Parking Study prepared by M.S. Urban Planning on another multi-family project site in Tracy, the Tracy parking code requires parking supply substantially in excess of parking demand, even at peak demand hours (which for apartments are on weekday nights). As noted above, Tracy requires 1.7 parking spaces for one bedroom units and 2.2 parking spaces for two bedroom and larger units. The Parking Study (June 2012) surveyed 5 apartment projects in Tracy and found underutilized parking lots at each of the apartment sites. The late evening (10 p.m.) average for surveyed projects in Tracy was 1.24 vehicles parked per unit.

Institute of Transportation Engineers (ITE) Parking Generation Manual. As part of this study, the Applicant reviewed the ITE Parking Generation Manual, 4th Edition 2010, Land Use: 221, Low/Mid-Rise Apartment (Attached). The ITE surveyed suburban apartments average peak period parking demand was 1.23 vehicles per dwelling unit.

The June 2012 Tracy Parking Study average of 1.24 vehicles per dwelling unit was conducted during the 10 p.m. hour which according to the ITE manual represents 92% of the peak period. Thus, by increasing the June 2012 results of a 1.24 average by 8% (to get to 100% of the peak period parking demand, which is 12 a.m. to 4 a.m.) shows an adjusted peak period demand of 1.34 vehicles per dwelling unit for those apartments surveyed as part of the June 2012 study.

Although the 1.34 vehicles per dwelling unit average is higher than the ITE average of 1.24 vehicles per dwelling unit, the results are not surprising given the automobile dependency of most Tracy apartment locations and the higher proportion of commuters who need a car to get to jobs outside of the City of Tracy.

In summary, the ITE results were:

| | |
|--|--------------------|
| Low/Midrise Apartment: Weekday Suburban Peak Period: | 1.23 vehicles/unit |
| Low/Midrise Apartment: Weekday Urban Peak Period: | 1.20 vehicles/unit |
| Low/Midrise Apartment: Saturday Urban (overnight): | 1.03 vehicles/unit |

Conclusions

- The ITE Parking Generation Manual evaluated 21 sites with an average size multi-family use of 311 dwelling units. The ITE study computed an average peak period parking demand of 1.23 vehicles per dwelling unit.
- A local Parking Survey conducted in June of 2012 by M.S. Urban Planning surveyed 5 local Tracy Apartment sites and computed an average peak period parking demand of 1.34 vehicles per dwelling unit (adjusted to demonstrate peak period parking demand).
- As currently designed, the project provides 546 spaces (1.81 vehicle spaces per dwelling unit).
- A 14% reduction in off-street parking would require the project to provide 541 spaces. As noted above, the project currently as designed provides 546 spaces.

Project's Anticipated Parking Demand Scenario: If we use the higher average from the local June 2012 Parking Study of 1.34 vehicles per dwelling unit, and to be conservative we add 0.2 vehicles per dwelling unit to accommodate for guest parking ($1.34 + 0.2 = 1.54$ vehicles per dwelling unit), the project would hypothetically need a minimum of 464 spaces to accommodate the anticipated peak parking demand. As designed, the project provides 546 spaces. This scenario results in a surplus of 82 spaces during the peak parking demand hours.

As designed and only counting one of the two tandem spaces, the project provides for an average of 1.81 vehicles per dwelling unit (546 spaces / 301 units). This number is well above the ITE Parking Generation Manual for parking demand associated with multi-family uses (1.24 vehicles per dwelling unit). Based on the number of spaces provided (not counting the 2nd space within the tandem garage) and levels of demand for similar projects as documented in the ITE Parking Generation Manual, the project will be able to meet the parking demand created by the project. Thus, the applicant request for an off-street parking space reduction of approximately fourteen percent (14%) is not anticipated to adversely impact the future residents of the project or adjoining businesses.

Other Supporting Evidence:

- A reduction in the parking will help meet planning goals and policies set by the City of Tracy in their General Plan (Housing Element 2012) and Sustainability Action Plan (2011). Both documents encourage a reduction in the city parking requirements.
- FPI Management (FPI) has been engaged to provide property management services for the Aspire 301-unit apartment project, to be constructed in the City of Tracy. FPI is an exclusive third party multifamily property management provider. FPI is ranked as the 11th largest management company in the nation, currently managing over 67,000 units in 11 states. FPI has been providing property management services for over 45 years. They have extensive

experience in the development, lease up and management of newly constructed multifamily properties. With proper management of the facility FPI would not anticipate any parking constraints as a result of the City granting the requested reduction in the required parking spaces.

- Due to the sites unique urban location near all types of commercial services, it is anticipated that some tenant dependency on the automobile will be reduced. There are no technical means to quantify this impact but the site's logistics provides for this opportunity for the future tenants to be less dependent on the automobile.

**INSTITUTE OF TRANSPORTATION ENGINEERS
PARKING GENERATION, 4th EDITION**

Parking Generation, 4th Edition

An Informational Report of the
Institute of Transportation Engineers

The Institute of Transportation Engineers (ITE) is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs. ITE facilitates the application of technology and scientific principles to research, planning, functional design, implementation, operation, policy development and management for any mode of ground transportation. Through its products and services, ITE promotes professional development of its members, supports and encourages education, stimulates research, develops public awareness programs and serves as a conduit for the exchange of professional information.

Founded in 1930, ITE is a community of transportation professionals including, but not limited to transportation engineers, transportation planners, consultants, educators and researchers. Through meetings, seminars, publications and a network of 17,000 members, working in more than 90 countries, ITE is your source for expertise, knowledge and ideas.

Parking Generation is an informational report of the Institute of Transportation Engineers. The information has been obtained from the research and experiences of transportation engineering and planning professionals. ITE informational reports are prepared for informational purposes only and do not include Institute recommendations on which is the best course of action or the preferred application of the data.



Institute of Transportation Engineers

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ISBN-10: 1-933452-55-2

Printed in the United States of America

Land Use: 221 Low/Mid-Rise Apartment

Description

Low/mid-rise apartments are rental dwelling units located within the same building with at least three other dwelling units: for example, quadrplexes and all types of apartment buildings. The study sites in this land use have one, two, three, or four levels. High-rise apartment (Land Use 222) is a related use.

Database Description

The database consisted of a mix of suburban and urban sites. Parking demand rates at the suburban sites differed from those at urban sites and, therefore, the data were analyzed separately.

- Average parking supply ratio: 1.4 parking spaces per dwelling unit (68 study sites). This ratio was the same at both the suburban and urban sites.
- Suburban site data: average size of the dwelling units at suburban study sites was 1.7 bedrooms, and the average parking supply ratio was 0.9 parking spaces per bedroom (three study sites).
- Urban site data: average size of the dwelling units was 1.9 bedrooms with an average parking supply ratio of 1.0 space per bedroom (11 study sites).

Saturday parking demand data were only provided at two suburban sites. One site with 1,236 dwelling units had a parking demand ratio of 1.33 vehicles per dwelling unit based on a single hourly count between 10:00 and 11:00 p.m. The other site with 55 dwelling units had a parking demand ratio of 0.92 vehicles per dwelling unit based on counts between the hours of 12:00 and 5:00 a.m.

Sunday parking demand data were only provided at two urban sites. One site with 15 dwelling units was counted during consecutive hours between 1:00 p.m. and 5:00 a.m. The peak parking demand ratio at this site was 1.00 vehicle per dwelling unit. The peak parking demand occurred between 12:00 and 5:00 a.m. The other site with 438 dwelling units had a parking demand ratio of 1.10 vehicles per dwelling unit based on a single hourly count between 11:00 p.m. and 12:00 a.m.

Four of the urban sites were identified as affordable housing.

Several of the suburban study sites provided data regarding the number of bedrooms in the apartment complex. Although these data represented only a subset of the complete database for this land use, they demonstrated a correlation between number of bedrooms and peak parking demand. Study sites with an average of less than 1.5 bedrooms per dwelling unit in the apartment complex reported peak parking demand at 92 percent of the average peak parking demand for all study sites with bedroom data. Study sites with less than 2.0 but greater than or equal to 1.5 bedrooms per dwelling unit reported peak parking demand at 98 percent of the average. Study sites with an average of 2.0 or greater bedrooms per dwelling unit reported peak parking demand at 13 percent greater than the average.

For the urban study sites, the parking demand data consisted of single or discontinuous hourly counts and therefore a time-of-day distribution was not produced. The following table presents a time-of-day distribution of parking demand at the suburban study sites.

Land Use: 221 Low/Mid-Rise Apartment

| Based on Vehicles per Dwelling Unit (Suburban) | Weekday | |
|---|------------------------|------------------------|
| Hour Beginning | Percent of Peak Period | Number of Data Points* |
| 12:00-4:00 a.m. | 100 | 14 |
| 5:00 a.m. | 96 | 14 |
| 6:00 a.m. | 92 | 14 |
| 7:00 a.m. | 74 | 1 |
| 8:00 a.m. | 64 | 1 |
| 9:00 a.m. | - | 0 |
| 10:00 a.m. | - | 0 |
| 11:00 a.m. | - | 0 |
| 12:00 p.m. | - | 0 |
| 1:00 p.m. | - | 0 |
| 2:00 p.m. | - | 0 |
| 3:00 p.m. | - | 0 |
| 4:00 p.m. | 44 | 1 |
| 5:00 p.m. | 59 | 1 |
| 6:00 p.m. | 69 | 1 |
| 7:00 p.m. | 66 | 9 |
| 8:00 p.m. | 75 | 9 |
| 9:00 p.m. | 77 | 10 |
| 10:00 p.m. | 92 | 14 |
| 11:00 p.m. | 94 | 14 |

* Subset of database

Parking studies of apartments should attempt to obtain information on occupancy rate and on the mix of apartment sizes (in other words, number of bedrooms per apartment and number of units in the complex). Future parking studies should also indicate the number of levels contained in the apartment building.

Additional Data

- Apartment occupancy can affect parking demand ratio. In the United States, successful apartment complexes commonly have a vacancy rate between 5 and 10 percent.¹

Study Sites/Years

Canada:

Central City, Not Downtown:
Brooks, AB (1998)

Puerto Rico:

Central City, Not Downtown:
Mayaguez, PR (2007)

¹ Rental and Homeowner Vacancy Rates for the United States: 1960 and 1965 to 2009, U.S. Census Bureau.
<http://www.census.gov/hhes/www/housing/hvs/qtr309/q309tab1.html>

Land Use: 221

Low/Mid-Rise Apartment

United States:

Suburban:

Skokie, IL (1964); Glendale, CA (1978); Irvine, CA (1981); Newport Beach, CA (1981); Dallas, TX (1982); Farmers Branch, TX (1982); Euless, TX (1983, 1984); Baytown, TX (1984); Syracuse, NY (1987); Devon, PA (2001); Marina del Rey, CA (2001); Milburn, NJ (2001); Parsippany, NJ (2001); Springfield, NJ (2001); Westfield, NJ (2001); Beaverton, OR (2002); Hillsboro, OR (2002); Portland, OR (2002); Vancouver, WA (2002); Goleta, CA (2008); Ventura, CA (2008); Englewood, CO (2009)

Urban:

Dallas, TX (1982, 1983); San Francisco, CA (1982); Syracuse, NY (1984, 1987); Santa Barbara, CA (1994); Long Beach, CA (2000); Santa Monica, CA (2001); San Diego, CA (2001)

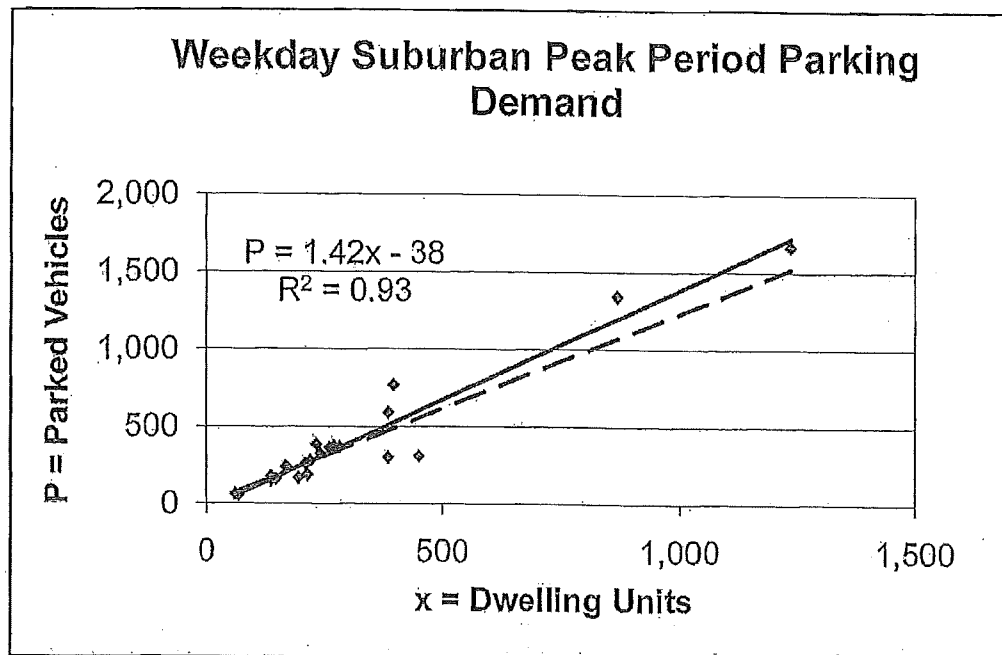
4th Edition Source Numbers

1007, 1015, 1114, 1137

Land Use: 221 Low/Mid-Rise Apartment

**Average Peak Period Parking Demand vs. Dwelling Units
On a: Weekday
Location: Suburban**

| Statistic | Peak Period Demand |
|------------------------------------|--------------------------------------|
| Peak Period | 12:00–5:00 a.m. |
| Number of Study Sites | 21 |
| Average Size of Study Sites | 311 dwelling units |
| Average Peak Period Parking Demand | 1.23 vehicles per dwelling unit |
| Standard Deviation | 0.32 |
| Coefficient of Variation | 21% |
| 95% Confidence Interval | 1.10–1.37 vehicles per dwelling unit |
| Range | 0.59–1.94 vehicles per dwelling unit |
| 85th Percentile | 1.94 vehicles per dwelling unit |
| 33rd Percentile | 0.68 vehicles per dwelling unit |

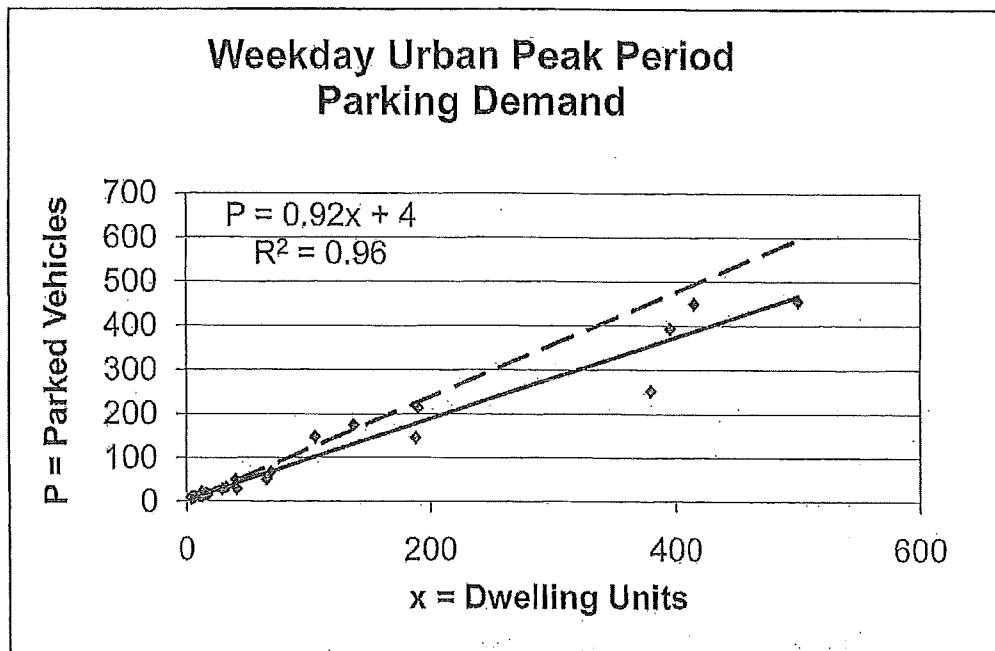


◆ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 221 Low/Mid-Rise Apartment

**Average Peak Period Parking Demand vs. Dwelling Units
On a Weekday
Location: Urban**

| Statistic | Peak Period Demand |
|------------------------------------|--------------------------------------|
| Peak Period | 10:00 p.m.–5:00 a.m. |
| Number of Study Sites | 40 |
| Average Size of Study Sites | 70 dwelling units |
| Average Peak Period Parking Demand | 1.20 vehicles per dwelling unit |
| Standard Deviation | 0.42 |
| Coefficient of Variation | 35% |
| 95% Confidence Interval | 1.07–1.33 vehicles per dwelling unit |
| Range | 0.66–2.50 vehicles per dwelling unit |
| 85th Percentile | 1.61 vehicles per dwelling unit |
| 33rd Percentile | 0.93 vehicles per dwelling unit |

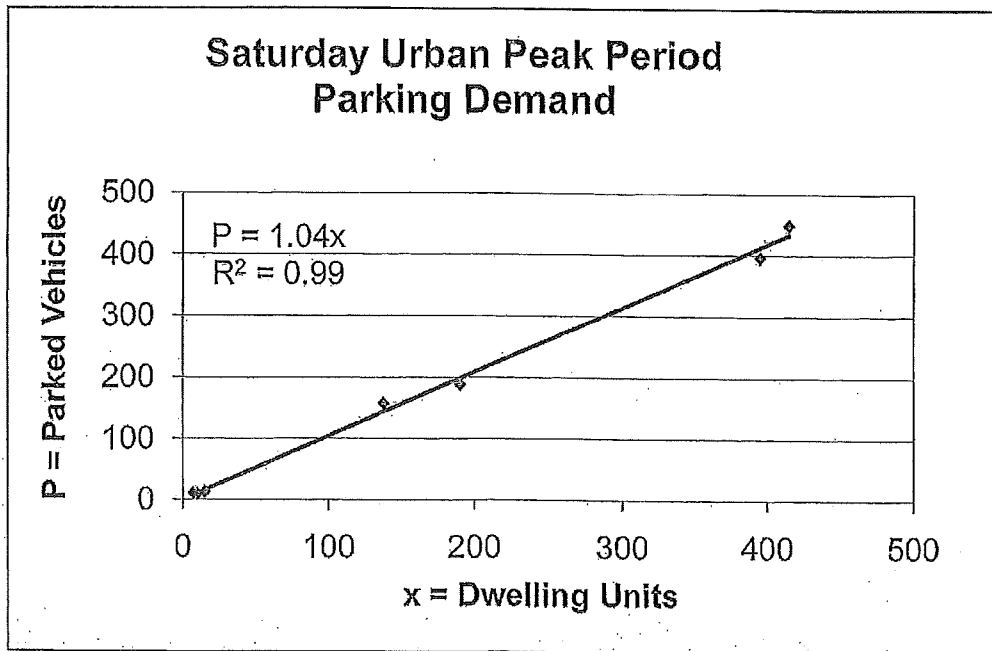


◆ Actual Data Points — Fitted Curve - - - Average Rate

Land Use: 221 Low/Mid-Rise Apartment

**Average Peak Period Parking Demand vs. Dwelling Units
On a Saturday
Location: Urban**

| Statistic | Peak Period Demand |
|------------------------------------|---|
| Peak Period | No clear peak period emerged from the data; likely to fall between 10:00 p.m. and 6:00 a.m. |
| Number of Study Sites | 8 |
| Average Size of Study Sites | 147 dwelling units |
| Average Peak Period Parking Demand | 1.03 vehicles per dwelling unit |
| Standard Deviation | 0.19 |
| Coefficient of Variation | 19% |
| Range | 0.80–1.43 vehicles per dwelling unit |
| 85th Percentile | 1.14 vehicles per dwelling unit |
| 33rd Percentile | 0.93 vehicles per dwelling unit |



◆ Actual Data Points — Fitted Curve/Average Rate

RESOLUTION _____

APPROVING A PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT PLAN MINOR AMENDMENT FOR THE TRACY SIERRA DEVELOPMENT APARTMENT PROJECT (ASPIRE) AND OFF-STREET PARKING SPACE REDUCTION – THE PROJECT IS LOCATED ON APPROXIMATELY 10.8 ACRES ON THE NORTH SIDE OF PAVILION PARKWAY AT THE NORTHEAST CORNER OF PAVILION PARKWAY AND POWER ROAD – APPLICATION NUMBER PUD13-0005

WHEREAS, On February 19, 2013, the City Council approved the Planned Unit Development (PUD) Preliminary and Final Development Plan (PUD12-0001) for the Tracy Sierra Development Apartment Project, and

WHEREAS, The new owner is proposing modifications to the project's site plan, floor plans, off-street parking, and other design elements, and

WHEREAS, The proposed modifications are minor and constitute a minor amendment to the PUD Final Development Plan, and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.3470(e), the property owner conducted a parking study, including evaluation of a Tracy parking survey and Institute of Transportation Engineers conclusions, finding that a 14 percent reduction in the number of required off-street parking spaces will be sufficient to mitigate off-street parking demand for the project, and

WHEREAS, All conditions of approval and other requirements of the February 19, 2013 City Council approval will remain unchanged, and

WHEREAS, On September 25, 2013, the Tracy Planning Commission reviewed the proposal and recommended approval to the City Council;

NOW, THEREFORE, BE IT RESOLVED, That City Council (1) approves the PUD Final Development Plan Minor Amendment as indicated on plans received by the City on August 5, 2013, and (2) determines that 541 off-street parking spaces (a 14 percent reduction) is sufficient to mitigate off-street parking demands of the project.

* * * * *

Resolution _____
Page 2

The foregoing Resolution 2013-_____ was passed and adopted by the Tracy City Council on the 15th day of October, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

Attest:

City Clerk

AGENDA ITEM 1.C

REQUEST

ACCEPTANCE OF YOSEMITE VISTA UNIT 2, PHASE 2, TRACT 3495, FOR BRIGHT DEVELOPMENT

EXECUTIVE SUMMARY

Bright Development has completed Subdivision Improvements for Yosemite Vista Unit 2, Phase 2, in accordance with the Subdivision Improvement Agreement, project plans, and specifications. Staff recommends City Council accept the improvements as completed to enable the City to release the developer's bond.

DISCUSSION

On November 7, 2012, City Council approved the Subdivision Improvement Agreement for Yosemite Vista Unit 2, Phase 2, Tract 3495. This subdivision is located east of MacArthur Drive, south of Yosemite Drive, and contains 51 lots. MCR Engineering Inc., of Manteca, California, prepared the improvement plans titled "Improvement Plans for Yosemite Vista Unit 2, Phase 2, Tract 3495."

Bright Development, the developer of Yosemite Vista Unit 2, Phase 2, Tract 3495, has completed all work required to be done in accordance with the Agreement, and has requested acceptance of the subdivision public improvements. The estimated cost of infrastructure improvements is as follows:

Cost Breakdown:

| | |
|------------------------------|---------------------|
| Roadways | \$253,845.00 |
| Water Lines | \$138,356.00 |
| Sewer Lines | \$110,633.00 |
| Street Drainage | \$ 42,157.00 |
| Curbs/gutter/sidewalk | \$167,325.00 |
| Street Lights | \$ 31,000.00 |
| Miscellaneous & Contingency) | <u>\$ 74,331.60</u> |
| Total | \$817,647.60 |

A total of 2.86 acres or 124,498 square feet has been dedicated as part of the public right-of-way. The project carries a one-year warranty bond for all public improvements.

STRATEGIC PLAN

This agenda item is consistent with the City Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

FISCAL IMPACT

There will be no fiscal impact to the General Fund. All costs are borne by the developer, Bright Development.

RECOMMENDATION

That City Council, by resolution, accept the improvements as complete in accordance with the Subdivision Improvement Agreement for Yosemite Vista Unit 2, Phase 2, Tract 3495, including the project plans and specifications. The Development Services Department will notify the Developer to prepare and record a Notice of Completion with San Joaquin County. Lastly, the City Engineer will release all bonds in accordance with the terms of the Subdivision Improvement Agreement.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer
Andrew Malik, Development Services Director

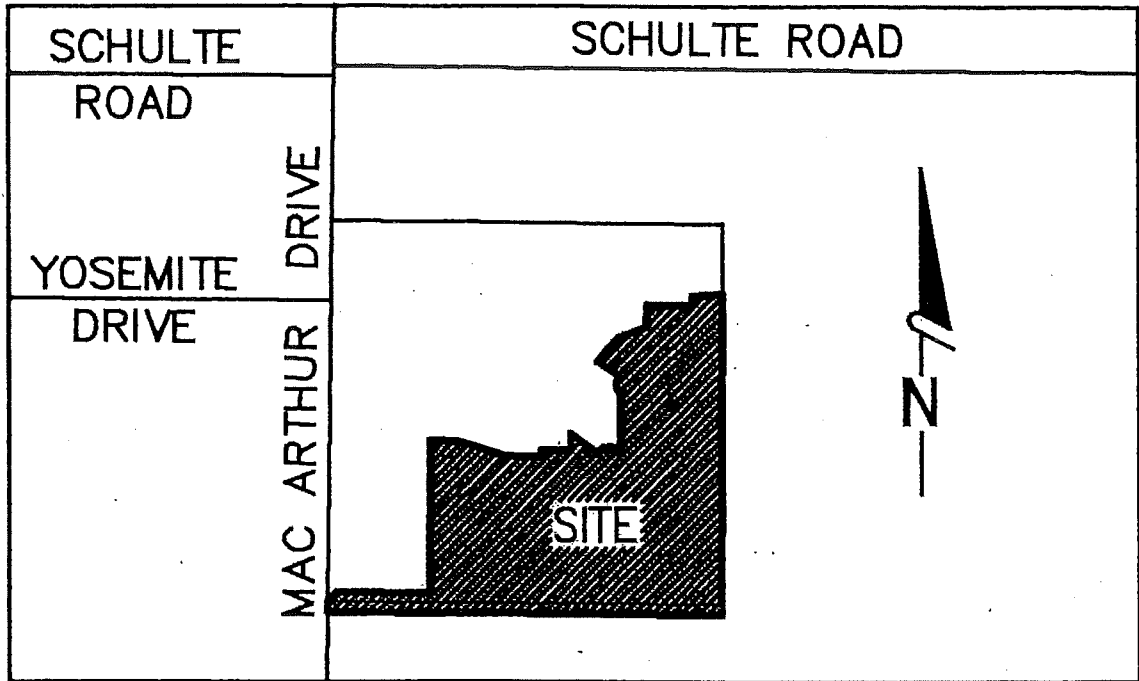
Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENT

Attachment A: Vicinity Map

YOSEMITE VISTA SUBDIVISION

UNIT 2, TRACT NO. 3495



VICINITY MAP

NOT TO SCALE

RESOLUTION 2013-_____

ACCEPTING YOSEMITE VISTA UNIT 2, PHASE 2, TRACT 3495, FOR BRIGHT DEVELOPMENT

WHEREAS, On November 7, 2012, City Council approved the Subdivision Improvement Agreement for Yosemite Vista Unit 2, Phase 2, Tract 3495, and

WHEREAS, Bright Development, the developer of Yosemite Vista Unit 2, Phase 2, Tract 3495, has completed all work required to be done in accordance with the Agreement, and has requested acceptance of the subdivision public improvements, and

WHEREAS, The estimated cost of infrastructure improvements is as follows:

| | |
|------------------------------|---------------------|
| <u>Cost Breakdown:</u> | |
| Road | \$ 253,845.00 |
| Water | \$ 138,356.00 |
| Sewer | \$ 110,633.00 |
| Street Drainage | \$ 42,157.00 |
| Curbs/gutter/sidewalk | \$ 167,325.00 |
| Street Lights | \$ 31,000.00 |
| Miscellaneous & Contingency) | <u>\$ 74,331.60</u> |
| Total | \$ 817,647.60 |

WHEREAS, A total of 2.86 acres or 124,498 square feet has been dedicated as part of the public right-of-way;

NOW, THEREFORE, BE IT RESOLVED, That City Council accepts the improvements as complete in accordance with the Subdivision Improvement Agreement for Yosemite Vista Unit 2, Phase 2, Tract 3495, including the project plans and specifications. The Development Services Department will notify the Developer to prepare and record a Notice of Completion with San Joaquin County. Lastly, the City Engineer will release all bonds in accordance with the terms of the Subdivision Improvement Agreement.

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 15th day of October 2013, by the following vote:

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

Mayor

ATTEST:

City Clerk

October 15, 2013

AGENDA ITEM 1.D

REQUEST

AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION AND 7 CAD9BG5 HCB PLANS AND POSITION CONTROL ROSTER BY APPROVING THE ESTABLISHMENT OF A CLASS SPECIFICATION AND PAY RANGE FOR A PART-TIME, LIMITED SERVICE POLICE RANGE MASTER IN THE POLICE DEPARTMENT

EXECUTIVE SUMMARY

The requested action establishes a new part-time, limited service classification for a Police Range Master in the Police Department. This classification will operate and maintain the Police Departments firing range training facility as well as perform firearms training for sworn police personnel.

DISCUSSION

The Tracy Police Department range is undergoing major improvements including, but not limited to, electrical service upgrades, new landscaping, new restroom facilities and running water. Currently, the oversight and maintenance of the range is done by patrol officers and public works respectively.

There are agreements in place with seven other agencies to use the range on a regular basis. At this time, when these agencies use the range, there is no oversight by the City of Tracy to ensure proper use of the facility.

The establishment of a new Part-Time Range Master will provide enhanced oversight provided by the Police Department while the range is being used by other agencies, mitigating improper or unauthorized use, reducing the City's risk exposure. The position will also alleviate the use of sworn officer time allowing them to return to their primary duties.

This report recommends establishing a job classification and pay range for the new part-time, limited service position.

Establish Classification Specification and Pay Range: Police Range Master – (Part-Time, Limited Service):

Staff recommends the hourly rate of pay for this part-time, limited service position range from \$21 to \$30 per hour. This classification will be responsible for operating and properly maintaining the Police Departments firing range training facility as well as performing firearms training for sworn police personnel.

STRATEGIC PLAN

This agenda item supports the Governance Strategic Plan and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization that attracts, motivates, develops and retains high quality, engaged, informed and high performing workforce.

Goal 2: Ensure continued fiscal sustainability through financial and budgetary stewardship.

FISCAL IMPACT

There is no additional General Fund fiscal impact as a result of establishing this classification. In the FY 13/14 budget, approximately \$15,000 was allocated to the Police Department operating budget to fund this position.

RECOMMENDATION

That City Council, by resolution, authorize the Administrative Services Director to amend the City's Classification and Compensation Plans, and the Budget Officer to amend the City's Position Control Roster by approving the establishment of the classification specification and pay range for a part-time, limited service Police Range Master.

Prepared by: Judy Carlos, HR Analyst
Michael Vieira, Police Lieutenant

Reviewed by: Gary R. Hampton, Chief of Police
Jenny Haruyama, Administrative Services Director

Approved by: R. Leon Churchill, Jr., City Manager

Attachment: Police Range Master job description

POLICE RANGE MASTER

Class Title: Police Range Master
Department: Police
EEO Code: 68
FLSA Status: Non-exempt

Class Code: 90517
Bargaining Group: Limited Service
Effective Date: October 15, 2013

DESCRIPTION

Under general supervision, assures proper operation and maintenance of the Police Department's firing range training facility, provides firearms training and performs related duties as required.

SUPERVISION RECEIVED AND EXERCISED

General supervision is provided by Police Range Cadre Supervisor or others as directed by the Police Chief.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- Provides firearms instruction and training; maintaining records of firearms training and qualification scores.
- Maintains an inventory of equipment and supplies necessary in fulfilling the needs of police training requirements.
- Maintains or arranges for the maintenance of the buildings and grounds of the entire Training Facility.
- Performs firing range maintenance duties which include maintaining targets, range equipment and range facility.
- Prepares requisitions, receives items and checks for proper quantity and description of all firearms related training supplies and equipment.
- Instructs in proper pistol and rifle firing, range safety procedures, assembly and disassembly of firearms, the use of related equipment and applicable law enforcement methods and procedures.
- Conducts weapons and other training sessions and delivers safety and other lectures to all department personnel and members of outside agencies or groups.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Equivalent to a High School diploma or GED equivalent.

Specialized training in firearms use/safety and weapons maintenance/repair.

Experience:

Two years of responsible experience in working with weapons, which involved record keeping, inventory control and maintenance of related firearms training equipment. One of the two years must have been as prior law enforcement or military weapons firearms instructor.

Firing range experience which includes providing basic firearms training as well as advanced marksmanship training activities.

Armorer background is desirable.

SPECIAL REQUIREMENTS

Must be able to work a flexible schedule, including evenings and weekends to accommodate the needs of the Police department.

This job requires a Criminal Background check and fingerprinting.

LICENSES AND CERTIFICATES

Possession of or ability to obtain an appropriate, valid California Drivers' License.

Possession of a California P.O.S.T. Firearms Instructor Certificate

And

P.O.S.T. Rifle Instructor Certificate.

MINIMUM QUALIFICATIONS

Knowledge of:

- Federal, State and local laws and related regulations pertaining to obtaining, possessing firearms and to officer involved shootings.
- Modern law enforcement methods, procedures and techniques relating to the use of pistols, rifles and shotguns.
- Firearms functions such as field stripping and maintenance of weapons, firing positions, loading and unloading and firing range procedures.
- The occupational hazards and the safety precautions necessary in the safe operation of a firing range.

- Methods and procedures pertaining to the receipt, storage and issuance of firearms training related equipment.

Ability to:

- Provide instruction in pistol, rifle and specialty weapons firing, firearms safety, firearm assembly and disassembly, use of related equipment and applicable law enforcement methods.
- Effectively operate and maintain the police firearms training facility.
- Reason logically and communicate effectively orally and in writing.
- Establish and maintain effective relationships with those contacted in the course of work.
- Safely move, lift and carry up to 50 lbs. of materials or equipment.
- Possess a mature and professional attitude towards firearms and be able to reinforce safe firearm practices designed to protect officers and citizens.
- Possess the maturity, experience and ability to supervise personnel of all ranks during firearms training in a way that elicits compliance with all departmental qualifications, training and regulations.
- Remain abreast of current weapons and training techniques and have the ability to contribute to the development and implementation of appropriate training in conjunction with the Police Department's Range Cadre Members.

TOOLS AND EQUIPMENT USED

Personal computer, handguns, and other weapons as required, ammunition, targets, protective ear plugs and protective eye wear.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The incumbent walks, kneels, crouches, crawls and twists and may also grasp, lift and carry boxes of ammunition and other items weighing 50 pounds or less. The incumbent is also exposed to the extreme noise of firearms requiring the use of protective ear plugs/gun mufflers. The incumbent must be able to meet the physical requirements of the class and have mobility, vision, hearing and dexterity levels appropriate to the duties to be performed.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed in a shooting range and in an office environment. When in an office, work requires sitting for periods of time and using a computer keyboard and screen. When in a shooting range environment, work requires standing for periods of time and the incumbent will be exposed to a variety of firearms, and other weapons, related chemicals, gun cleaning solvents, ammunition and explosive materials, ammunition smoke and hand and power tools related to weapon repair.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

This job description does not constitute an employment agreement between the City of Tracy and the employee and is subject to change by the City as the needs of the City and/or the requirements of the job change.

RESOLUTION _____

AUTHORIZING AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY APPROVING THE ESTABLISHMENT OF A CLASS SPECIFICATION AND PAY RANGE FOR A PART-TIME, LIMITED SERVICE POLICE RANGE MASTER IN THE POLICE DEPARTMENT

WHEREAS, The City has a Classification and Compensation Plan, and a Position Control Roster; and

WHEREAS, The creation of a part-time Police Range Master position will allow the Police Department more oversight of the firing range facility, and

WHEREAS, It is necessary to amend the City Classification and Compensation Plans and the Position Control Roster effective October 15, 2013 as follows:

Establish Classification and Compensation

Police Range Master: \$21 to \$30 per hour

NOW THEREFORE BE IT RESOLVED, That City Council authorizes the Administrative Services Director to amend the City's Classification Plan for the established classification; and

BE IT FURTHER RESOLVED, That the Budget Officer is authorized to amend the Compensation Plan and the Position Control Roster to reflect the approved changes.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council the 15th day of October, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 3

REQUEST

PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2013-14

EXECUTIVE SUMMARY

The City of Tracy (City) annually receives funds from the Transportation Development Act (TDA). Under provisions of the TDA, a local public hearing must be held annually to review any unmet transportation needs prior to allocation of TDA funds. Staff recommends that City Council receive public testimony concerning any unmet transportation needs. Comments will be forwarded to the San Joaquin Council of Governments to substantiate the validity of proposed unmet transit needs.

DISCUSSION

Under provisions of the State of California Transportation Development Act (TDA), local public hearings must be held annually to review any unmet transit needs prior to the allocation of TDA funds. The hearings will be held on October 15, 2013, at 1:30 p.m. in the Tracy Transit Station Conference Room 105, and again at 7:00 p.m. in City Hall Council Chambers during the regularly-scheduled City Council meeting.

The City of Tracy requested TDA funds for Fiscal Year 2012-13 for the following purposes:

| | |
|--|------------------|
| 1. Public Transportation Operating Costs | \$ 687,450 |
| 2. Public Transportation Capital Costs | \$ 410,227 |
| 3. Roads and Streets Projects | \$2,175,484 |
| 4. Pedestrian and Bicycle Projects | \$ 52,316 |
| 5. TDA Administration | \$ <u>76,100</u> |

TOTAL 2012-13 CLAIM: \$3,401,577

The TRACER Public Transit System provides Fixed Route and Paratransit Bus services Monday through Friday from 7:00 a.m. until 7:00 p.m., and Saturdays from 9:00 a.m. to 5:00 p.m. The Paratransit Subsidized Taxi service operates during the days and hours that the Paratransit Bus service is not in operation.

The purpose of the public hearing is for the City Council to receive public testimony concerning any unmet transportation needs which may exist for the Tracy community. No decision as to the sufficiency of local transit services is requested from the Council.

The minutes of the public hearing on October 15, 2013, shall be forwarded to the San Joaquin County Council of Governments (SJCOG) which has the responsibility of determining whether transit needs remain unmet and would be reasonable to meet by the applicable jurisdiction. Staff members from SJCOG will attend the Tracy public

hearings to witness the community responses and to answer specific questions concerning the TDA process.

Attached are copies of the Notice of Public Hearing relative to the Unmet Transit Needs Hearings (Exhibit "A") published in the TriValley Herald newspaper, as well as the circular (Exhibit "B") that was delivered to over forty social services/activity agencies within the Tracy community.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's strategic plans.

FISCAL IMPACT

The public hearing does not require any direct expenditure of City funds and will not impact the General Fund.

RECOMMENDATION

There is no action required other than the public hearing.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works

Approved by: R. Leon Churchill, Jr., City Manager

Attachments:

Exhibit "A" – Public Hearing Notice
Exhibit "B" – Circular

NOTICE OF PUBLIC HEARING
CITY OF TRACY

A public hearing will be held on October 15, 2013, at 1:30 p.m. at the Tracy Transit Station, 50 East Sixth Street, Conference Room 105, for the purpose of inviting discussion and statements relative to unmet public transportation needs. Additionally, at 7:00 p.m., or as soon thereafter as possible, the Tracy City Council will hold a public hearing in the Council Chambers, at Tracy City Hall, 333 Civic Center Plaza, to hear statements relative to unmet public transportation needs which can reasonably be met (required by Section 6656, California Administrative Code), prior to allocation of TDA funds for roads and street purposes.

All interested persons are invited to be present and to submit statements orally or in writing, before or during the meeting.

Information concerning this matter may be obtained at the Tracy Transit Station, 50 E. Sixth Street, Tracy, CA 95376.

Sandra Edwards
City Clerk
Publish: 9/13, 10/4, 10//11 2013



Think Inside the Triangle™

UNMET TRANSIT NEEDS HEARING

PUBLIC HEARING

TRACER Fixed Route
SJRTD Bus Service
Park-N-Ride
Car Pooling

TRACER Paratransit
Taxi Service
Ride Sharing
Rail Service / ACE



TUESDAY, OCTOBER 15, 2013

HEARING 1: 1:30 p.m. - 2:30 p.m.
Room # 105
Tracy Transit Station
50 E. Sixth Street

HEARING 2: 7:00 p.m.
City Council Chamber
City Hall, Tracy

The City of Tracy & The San Joaquin Council of Governments
would like to know if

you have any Unmet Transit Needs.

If you (or others in your community) believe that you would benefit from having public transportation in your area, you are invited to comment on at the City of Tracy Unmet Public Hearing.

Your concerns are important to us.

UNMET TRANSIT NEEDS SUGGESTIONS

If unable to attend the public hearing, written comments and statements may be submitted to: Jayne Pramod, Transportation Coordinator, Tracy Transit Station, 50 E. Sixth Street, Tracy, CA-95376 or emailed to Jayne.pramod@ci.tracy.ca.us

For Information contact: City of Tracy Transit Station at (209) 831 4287

AGENDA ITEM 4

REQUEST

PUBLIC HEARING TO APPROVE AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2014

EXECUTIVE SUMMARY

In 2001 the City began participating in the newly established San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The fees for participation in the plan were established in 2001 and updated in 2005, 2007, 2008, 2009, 2010, 2011, 2012 and 2013. Pursuant to the land sales comparables and the Consumer Price Index (CPI), the fees are proposed to be updated for collection starting January 1, 2014. The revised fees represent an overall 4.6 percent increase from the fees collected in 2013.

DISCUSSION

Background

In 2001, City Council approved a resolution to establish the authority to collect a development fee for the SJMSCP. That fee was established in 2001, and subsequently updated in 2005, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.

The formula for updating the fee was categorized into three distinct components to better calculate an accurate fee per acre [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)]. The final mitigation fees (Table 1) reflect true costs in each category and other real costs associated to fulfill the goals of the plan.

Category A (acquisition) - Comparables

This category is directly related to land valuation based on comparables, which occur in specific zones of the plan. This category is evaluated on a yearly basis by taking all qualified comparables in each zone, including SJCOG, Inc. easements, to set a weighted cost per acre using the same methodology as in the Financial Analysis Update in 2006 as amended in mid-2012 by the Habitat Technical Advisory Financial Sub-Committee and SJCOG, Inc. The SJCOG, Inc. easements are evaluated using the appraised value of the property in the before condition included with the fee title sales of other property occurring in San Joaquin County. The final weighted cost per acre of each zone is calculated into a blended rate under Category A (acquisition) figure for each habitat type.

The criteria to determine valid comparables used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
2. Sales not less than 40 acres
3. Sales not greater than 500 acres

4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
5. Must be land which would fulfill mitigation under the plan
6. Comparable sales reviewed by the Habitat Technical Advisory Financial Sub-committee
7. Not greater than 2 years old from the date of June 30th of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.

The calculation results in an increase to the Agricultural/Natural Habitat type of Category A component from \$7,788.41 to \$8,288.74.

Category B (assessment & enhancement) - Consumer Price Index

This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The CPI has been deemed appropriate regarding the cost of inflation for this category. The California CPI calculation increased 1.7%.

The calculation results in an increase of the Category B component to be \$ 3,189.59, up from last year’s \$3,136.27.

Category C (management & administration) - Consumer Price Index

This category is an average of the California CPI, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The CPI has been deemed an appropriate measure regarding the cost of inflation for this category. The California CPI calculation increased 1.9%.

The calculation results in an increase of the Category C component to be \$1,816.28, up from \$1,785.92 in 2013.

SJCOG, Inc. staff calculated the fees using the SJMSCP Financial Analysis formula model [FEE= Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & Admin)] which is shown in Table 1 below. The overall result in the calculations was an increase in the fees from 2013 to 2014.

Table 1 – Mitigation Fees to Be Adopted for 2014

| Habitat Type | Category A | Category B | Category C | Total Fee | Rounded Fee* |
|--------------------------|-------------|------------|------------|--------------------|-----------------|
| Open Space | \$3,894.21 | \$1,568.14 | \$901.85 | \$6,364.19 | \$6,656 |
| AG/Natural | \$7,788.41 | \$3,136.27 | \$1,785.92 | \$12,710.60 | \$13,295 |
| Vernal Pool (grasslands) | \$30,008.16 | \$590.61 | \$6,488.39 | \$37,087.16 | \$39,047 |

| | | | | | |
|----------------------|-------------|-------------|------------|--------------------|-----------------|
| Vernal Pool (wetted) | \$30,008.16 | \$41,814.48 | \$6,488.39 | \$78,311.03 | \$80,972 |
|----------------------|-------------|-------------|------------|--------------------|-----------------|

*rounded to the nearest dollar to be adopted and in place by January 1, 2014

All of the land within and adjacent to the current City limits are classified as Open Space or AG/Natural, as there are no vernal pools near the City of Tracy. The current (2013) per-acre fees in the relevant categories are \$6,364 per acre for Open Space and \$12,711 for AG/Natural.

Monitoring Plan Funding:

Along with the annual index adjustment, the SJMSCP is required to monitor the plan to address funding shortfalls as stated in Section 7.5.2.1 of the plan. SJCOG, Inc. shall undertake an internal review of the SJMSCP funding plan every three years to evaluate the adequacy of each funding source identified in the plan, identify existing or potential funding problems, and identify corrective measures, should they be needed in the event of actual or potential funding shortfalls. This will be reported to the permitting agencies for review in Annual Reports. A review of the Financial Analysis Plan, similar to the process undertaken in the 2006 review, will occur every five years to ensure the adopted methodology is fulfilling the goals of the plan.

STRATEGIC PLAN

This agenda item does not relate to any of the Council's strategic plans.

FISCAL IMPACT

This agenda item will not require any specific expenditure of funds. All of the fees collected with each project will be applied toward the SJMSCP.

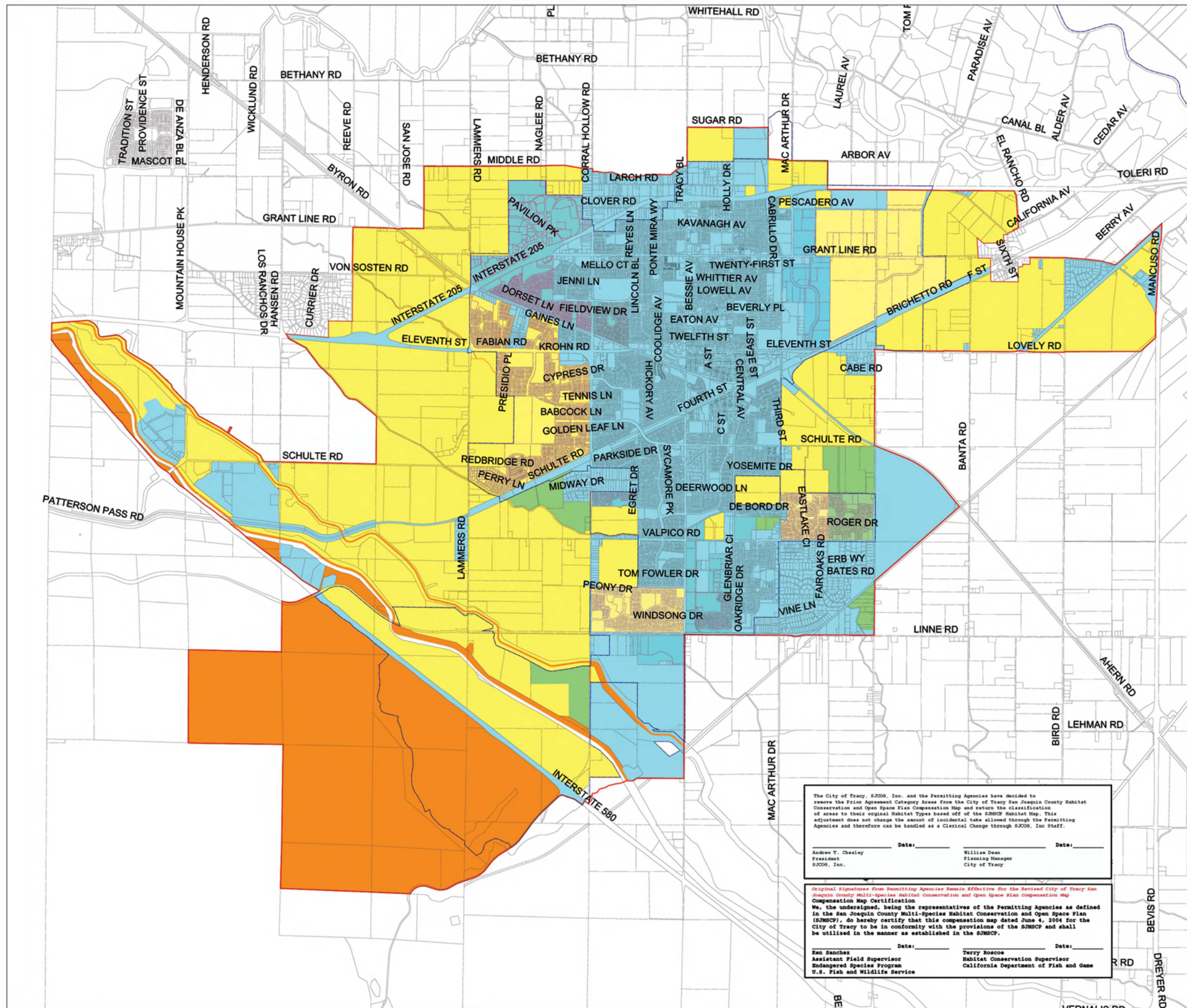
RECOMMENDATION

Staff recommends that City Council approve, by resolution, the amended development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, as shown in the City Council resolution dated October 15, 2013.

Prepared by: Victoria Lombardo, Senior Planner, City of Tracy
 Steve Mayo, Senior Regional Planner, SJCOG
 Reviewed by: Bill Dean, Assistant Development Services Director
 Andrew Malik, Development Services Director
 Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A - City of Tracy Land Category / Pay Zones Map



- LAND CATEGORY / PAY ZONES**
- CATEGORY A
EXEMPT
NO PAY ZONE
 - CATEGORY B
OTHER OPEN SPACES
PAY ZONE A
 - CATEGORY C
AG. HABITAT OPEN SPACES
PAY ZONE B (Agricultural)
 - CATEGORY D
NATURAL LANDS HABITAT
PAY ZONE B (Natural)
 - CATEGORY E
VERNAL POOLS
PAY ZONE C
- PLANNING AREA BOUNDARY**
- URBAN EXPANSION AREA
 - CITY LIMITS
 - PARCEL LINE

San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

The City of Tracy, 2006, Inc. and the Permitting Agencies have decided to remove the Prior Agreement Category Areas from the City of Tracy San Joaquin County Habitat Conservation and Open Space Plan Compensation Map and return the classification of areas to their original Habitat Types based off of the SJMSCP Habitat Map. This adjustment does not change the amount of incidental take allowed through the Permitting Agencies and therefore can be handled as a Clerical Change through SJ006, Inc Staff.

Date: _____
Andrew T. Chesley
President
SJ006, Inc.

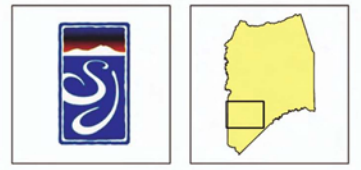
Date: _____
William Dean
Planning Manager
City of Tracy

Original Signatures from Permitting Agencies Remain Effective for the Revised City of Tracy San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Compensation Map

We, the undersigned, being the representatives of the Permitting Agencies as defined in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), do hereby certify that this compensation map dated June 4, 2004 for the City of Tracy to be in conformity with the provisions of the SJMSCP and shall be utilized in the manner as established in the SJMSCP.

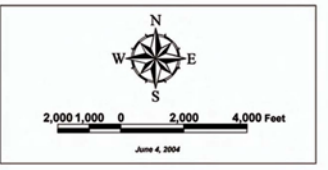
Date: _____
Ken Sanchez
Assistant Field Supervisor
Endangered Species Program
U.S. Fish and Wildlife Service

Date: _____
Terry Roscoe
Habitat Conservation Supervisor
California Department of Fish and Game



CITY OF TRACY COMPENSATION MAP (REVISED MARCH 2006)

San Joaquin Council of Governments
555 East Weber Avenue
Stockton, CA 95202



RESOLUTION 2013 - _____

ADOPTING AMENDED DEVELOPMENT FEES FOR THE SAN JOAQUIN COUNTY
MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP)

WHEREAS, The City Council of the City of Tracy adopted an (Ordinance / Resolution) establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Tracy; and

WHEREAS, A "Fee Study" dated July 16, 2001 was prepared which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, The purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Tracy and in San Joaquin County; and

WHEREAS, After considering the Fee Study and the testimony received at the public hearing, the Tracy City Council approved said report; and further found that the future development in the City of Tracy will need to compensate cumulative impacts to threatened, endangered, rare and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses; and

WHEREAS, An "Updated Fee Study" dated November 2, 2006 was prepared which analyzed and identified the costs and funding of the SJMSCP, and the Tracy City Council approved updated SJMSCP Development Fees on January 16, 2007, and subsequently approved the annual update to those fees on October 16, 2007 and October 21, 2008, October 20, 2009 and October 19, 2010, October 19, 2011, October 2, 2012; and

WHEREAS, The current SJMSCP Development Fee for open space lands is \$6,364 an acre for the year 2013 due to annual adjustments consistent with the California Construction Cost Index (CCCI); and

WHEREAS, The current SJMSCP Development Fee for natural lands and agricultural lands is \$12,711 an acre for the year 2013 due to annual adjustments consistent with the California Construction Cost Index (CCCI); and

WHEREAS, The updated fee per acre for open space lands as adjusted pursuant to land sale comparables and the Consumer Price Index for the year 2014 is \$6,656; and

WHEREAS, The updated fee per acre for natural lands and agricultural lands as adjusted pursuant to land sale comparables and the Consumer Price Index for the year 2014 is \$13,295; and

WHEREAS, To ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually; and

WHEREAS, The Assessment and Enhancements and Management and Administration components shall be adjusted annually based on the Consumer Price Index (CPI). The Acquisition Cost component shall be adjusted annually based on a minimum of ten comparable agricultural sales within the previous two years. If ten acceptable comparables are not found, then the two year window will increase in three month intervals until ten acceptable comparable agricultural sales are found. The comparable agricultural sales shall meet the following criteria: over forty acres in size, but under 500 acres in size, no orchard or vineyard properties shall be included, and all comparable sales must be on land that is consistent as mitigation land under the SJMSCP. In addition, all SJCOG, Inc. transactions regardless of size or sale type will be included in the comparables; and

WHEREAS, The Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than 10 days prior to the date of this Public Hearing;

NOW, THEREFORE, The City Council finds as follows:

1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Resolutions 2001-050 and 2007-021, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Resolutions 2001-050 and 2007-021, the cost of land has changed in San Joaquin County, and that in order to maintain the reasonable relationship established by Resolutions 2001-050 and 2007-021, it is necessary to adjust the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for open space shall be \$6,656 an acre, as adjusted pursuant to land sale comparables and the Consumer Price Index, as shown in Exhibit A attached hereto.
4. The Development Fee for natural lands and agricultural land shall be \$13,295 an acre as adjusted pursuant to land sale comparables and the Consumer Price Index, as shown in Exhibit A attached hereto.
5. The Development Fee for vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit "A" and attached hereto.
6. The Fee provided in this resolution shall be effective on January 1, 2014, which is at least sixty (60) days after the adoption of this resolution.

The foregoing Resolution 2013-_____ was adopted by the City Council on the 15th day of October 2013, by the following vote:

| | |
|----------|------------------|
| AYES: | COUNCIL MEMBERS: |
| NOES: | COUNCIL MEMBERS: |
| ABSENT: | COUNCIL MEMBERS: |
| ABSTAIN: | COUNCIL MEMBERS: |

Mayor

ATTEST:

City Clerk

Exhibit A

2014 Updated Habitat Fees

| Habitat Type | Fee Per Acre |
|--------------------------|--------------|
| Multi-Purpose Open Space | \$ 6,656 |
| Natural | \$ 13,295 |
| Agriculture | \$ 13,295 |
| Vernal Pool - uplands | \$ 39,047 |
| Vernal Pool - wetted | \$ 80,972 |

AGENDA ITEM 5

REQUEST

PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE TRACY MUNICIPAL CODE (ZONING REGULATIONS) REGARDING TIME LIMITS AND EXTENSIONS FOR DEVELOPMENT REVIEW PERMITS (TMC CHAPTER 10.08, ARTICLE 30) – APPLICATION NUMBER ZA13-0002

EXECUTIVE SUMMARY

This is a request to increase the time limit for the life of a Development Review permit and to establish provisions for permit extensions. Currently, these permits have a duration of one-year, which is not always long enough to enable private financing to be secured.

DISCUSSION

The proposal is a City-initiated request to amend the Tracy Municipal Code Development Review process to (1) create flexibility in the duration of a Development Review approval and (2) allow for extensions of time if the applicant does not obtain a building permit prior to Development Review expiration.

Development Review is the typical, discretionary process in the City of Tracy a developer follows to obtain approval of a site plan, building architecture, utility connections, and other development details. Development Review typically occurs after (or concurrent with) zoning for a site and prior to (or concurrent with) building permit approval. Attachment A is an excerpt from the Tracy Municipal Code (TMC, Chapter 10.08, Article 30) regarding the Development Review process.

Existing TMC Section 10.08.4080 prescribes a one-year time limit for a Development Review approval. No provisions are made for longer periods of time, when appropriate, for an applicant to obtain a building permit or to obtain an extension of the Development Review approval.

Attachment A contains a strike-through underline version of the proposed Ordinance, amending TMC Section 10.08.4080. The proposal establishes a two-year, initial time limit for Development Review approval and allows the City to grant an approval for a greater period of time, up to three years, if the size, complexity, or other characteristics of the project warrant a longer time period. For example, a project may have multiple phases,

each of which may take two or more years to complete. For a project with multiple buildings or phases, the City may find it reasonable to grant an approval to last more than two years.

Secondly, the proposed amendment adds a provision for an applicant to seek an extension of their approval, in the event they have not obtained building permits prior to Development Review expiration. This provision recognizes that an applicant may not always accurately forecast the time they need to obtain a building permit due to unforeseen circumstances such as market demand, financing, or other issues.

Finally, the proposed amendment includes a few clean-up items, such as updating the definition of "Director" and clarifying that the Director may refer Development Review applications to the Planning Commission for decision.

This minor amendment to the City's development process will increase flexibility for property owners and the City. It makes the entitlement process more predictable and is consistent with the City's on-going efforts to make Tracy more business friendly.

PLANNING COMMISSION REVIEW

On September 25, 2013, the Planning Commission conducted a public hearing to review the project. No speakers addressed the Commission regarding the proposal. Following a discussion, the Planning Commission (5-0 vote) recommended that the City Council approve the proposed Tracy Municipal Code Amendments.

STRATEGIC PLANS

The proposal is related to the Economic Development Strategy, Objective 3: permit streamline/assistance.

FISCAL IMPACT

This agenda item will not require any specific expenditure from the General Fund. Project applicants pay application processing fees to help off-set costs associated with processing Development Review applications and extensions.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve the proposed amendments regarding time limits and extensions for Development Review applications.

Prepared by: Alan Bell, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A – Proposed Ordinance Regarding Time Limits and Extensions for Development Review Approvals

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING TRACY MUNICIPAL CODE SECTIONS 10.08.4020 (ACTION BY COMMUNITY DEVELOPMENT DIRECTOR) AND 10.08.4080 (TIME LIMITS) REGARDING DEVELOPMENT REVIEW APPROVALS AND ADDING SECTION 10.08.257, DEFINITION OF DIRECTOR

The City Council of the City of Tracy ordains as follows:

SECTION 1. A new Section 10.08.257, Director, is added to the Definitions of Title 10.08 (Zoning Regulations) of the Tracy Municipal Code to read as follows:

“10.08.257 Director.

“Director” means the City’s Director of Development Services or his or her designee. It includes any former title for the position, such as community development director.”

SECTION 2. Section 10.08.4020, Action by the Community Development Director, of the Tracy Municipal Code is amended and renamed to read as follows:

“10.08.4020 ~~Action by Community Development Director~~Hearing and application. The Director shall schedule a noticed public hearing on the extension. After ~~reviewing the preliminary report with the applicant and~~ considering the application and the information received at the hearing, the ~~Community Development~~ Director shall approve, conditionally approve or deny the application. The Director may instead refer the application to the Planning Commission for decision.”

SECTION 3. Section 10.08.4080, Time Limit, of the Tracy Municipal Code amended and renamed to read as follows:

10.08.4080 Time Limits: Extensions.

~~An approved architectural package shall be valid for one year.~~

(a) Time limits. A development review permit approval lapses two years after the date it became effective unless: (1) by condition of the permit a greater time is allowed, up to three years, based on the size, complexity or other project characteristics; or (2) a building permit is issued and construction is begun and diligently pursued toward completion.

(b) Extensions.

(1) The development review permit is automatically extended (without separate notice or public hearing) for a corresponding period of time if the Planning Commission approves extension of a conditional use permit for the same project, under Section 10.08.4250.

(2) The property owner may apply for one or more extensions before the development review permit has lapsed. Submittal of the application for extension together with the application fee suspends the expiration date until the decision on the extension, and the City will not issue a building permit during the period of suspension.

(3) The approval body for the original permit shall conduct a public hearing. If the original approval body was the Director, he or she may refer the extension request to the Planning Commission for a public hearing and decision.

(4) The Director (or Planning Commission upon referral) may approve an extension for up to three years if it finds there are no substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or law that affect the approval.

(5) The decision may be appealed under Section 10.08.4040.”

SECTION 4. This ordinance applies to any unexpired development review permit at the time this ordinance takes effect, automatically extending the period of initial approval to a total of two years.

SECTION 5. The City Council finds that this Tracy Municipal Code Amendment is not subject to CEQA under CEQA Guidelines Section 15061(b)(3), which applies to projects that do not have the possibility to have a significant effect on the environment.

SECTION 6. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 7: This Ordinance shall be published once in the _____, a newspaper of general circulation, within 15 days from and after its final passage and adoption.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council held on the 15th day of October, 2013, and

Ordinance _____

finally passed and adopted by said Council at its regular meeting on the _____ day of _____, 2013, by the following vote:

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

Mayor

ATTEST:

City Clerk

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING TRACY MUNICIPAL CODE SECTIONS 10.08.4020 (ACTION BY COMMUNITY DEVELOPMENT DIRECTOR) AND 10.08.4080 (TIME LIMITS) REGARDING DEVELOPMENT REVIEW APPROVALS AND ADDING SECTION 10.08.257, DEFINITION OF DIRECTOR

The City Council of the City of Tracy ordains as follows:

SECTION 1. A new Section 10.08.257, Director, is added to the Definitions of Title 10.08 (Zoning Regulations) of the Tracy Municipal Code to read as follows:

“10.08.257 Director.

“Director” means the City’s Director of Development Services or his or her designee. It includes any former title for the position, such as community development director.”

SECTION 2. Section 10.08.4020, Action by the Community Development Director, of the Tracy Municipal Code is amended and renamed to read as follows:

“10.08.4020 Hearing and application. The Director shall schedule a noticed public hearing on the extension. After considering the application and the information received at the hearing, the Director shall approve, conditionally approve or deny the application. The Director may instead refer the application to the Planning Commission for decision.”

SECTION 3. Section 10.08.4080, Time Limit, of the Tracy Municipal Code amended and renamed to read as follows:

10.08.4080 Time Limits; Extensions.

(a) Time limits. A development review permit approval lapses two years after the date it became effective unless: (1) by condition of the permit a greater time is allowed, up to three years, based on the size, complexity or other project characteristics; or (2) a building permit is issued and construction is begun and diligently pursued toward completion.

(b) Extensions.

(1) The development review permit is automatically extended (without separate notice or public hearing) for a corresponding period of time if the Planning Commission approves extension of a

conditional use permit for the same project, under Section 10.08.4250.

(2) The property owner may apply for one or more extensions before the development review permit has lapsed. Submittal of the application for extension together with the application fee suspends the expiration date until the decision on the extension, and the City will not issue a building permit during the period of suspension.

(3) The approval body for the original permit shall conduct a public hearing. If the original approval body was the Director, he or she may refer the extension request to the Planning Commission for a public hearing and decision.

(4) The Director (or Planning Commission upon referral) may approve an extension for up to three years if it finds there are no substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or law that affect the approval.

(5) The decision may be appealed under Section 10.08.4040.”

SECTION 4. This ordinance applies to any unexpired development review permit at the time this ordinance takes effect, automatically extending the period of initial approval to a total of two years.

SECTION 5. The City Council finds that this Tracy Municipal Code Amendment is not subject to CEQA under CEQA Guidelines Section 15061(b)(3), which applies to projects that do not have the possibility to have a significant effect on the environment.

SECTION 6. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 7: This Ordinance shall be published once in the _____, a newspaper of general circulation, within 15 days from and after its final passage and adoption.

* * * * *

Ordinance _____

Page 3

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council held on the 15th day of October, 2013, and finally passed and adopted by said Council at its regular meeting on the _____ day of _____, 2013, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 6

REQUEST

DISCUSS AND PROVIDE DIRECTION ON (1) AIRPORT IMPROVEMENTS AND TIMELINE PRIOR TO FINALIZING THE AIRPORT DESIGN AND LAYOUT PLAN, AND (2) REVIEW ITEMS RELATED TO SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT AN APPLICATION TO AMEND THE ELLIS SPECIFIC PLAN FROM SURLAND COMMUNITIES, LLC IS NOT CONSISTENT WITH THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN

EXECUTIVE SUMMARY

Staff requests that Council discuss the Tracy Municipal Airport ("Airport") improvements and timeline prior to updating the Airport Layout Plan ("ALP") and finalizing the Airport design. Additionally, staff requests Council discuss San Joaquin County Airport Land Use Commission's ("ALUC") determination that the application to amend the Ellis Specific Plan submitted by Surland Communities, LLC ("Surland") is not consistent with the ALUC's Airport Land Use Compatibility Plan ("ALUCP").

This staff report presents Council with additional information relative to the Federal Aviation Administration ("FAA") re-pavement grant timeline, which results in a staff recommendation regarding the Airport runway length. Additionally, Council is presented with two options related to the amendment application for the Ellis Specific Plan submitted by Surland. These options are now available given ALUC's determination of inconsistency.

DISCUSSION

This staff report is divided into two sections: the first section provides Council with an Airport improvement update and timeline associated with obtaining FAA pavement grant funding and the associated implications to the Airport design. The second section provides Council with two options in response to ALUC's determination that the application to amend the Ellis Specific Plan is inconsistent with the ALUCP.

SECTION ONE: UPDATE ON AIRPORT IMPROVEMENTS AND REPAVEMENT GRANT TIMELINE:

A longstanding City goal has been to repave the Airport runway. Over the years, staff has taken several steps necessary to secure FAA funding. The most recent step was the completion of a Pavement Maintenance and Management Plan that delineated the necessary pavement improvements at the Airport. On June 18, 2013, staff presented Council with an update on the Airport Pavement Project and recommended changes to both the runway width and length. Staff recommended adjusting the runway width from 100 feet to 75 feet and the taxiway width from 40 feet to 35 feet. This recommendation was made in order to meet FAA standards and receive full

funding. Additionally, because the City had an opportunity to complete a revised airport design, staff also recommended reducing the runway length from 4,002 feet to 3,997 feet, which was estimated to be compatible with existing operations and planned development at the airport. Subsequent to the June 18, 2013, recommendations on runway width and length, staff better understands the FAA's grant review and grant award timeline.

The total cost for a complete re-pavement of the Airport is estimated at \$15,589,000. The FAA requires a 10% match. The City will submit an FAA pavement grant application in the amount of \$13,255,740 (90% of funding), which requires a City funding match of \$2,333,260 (a 10% match is an approved Capital Improvement Project). The improvements would be completed over four years, as FAA funding is received on an annually proportioned basis.

In order to meet the FAA 2014 funding cycle, adherence to the timeline below is necessary:

| | |
|--------------------|--|
| Oct. - Dec. 2013: | Consultant revises ALP and Finalizes Airport Capital Improvement Plan ("ACIP") Plan |
| Jan. 2014: | ALP and ACIP is submitted to FAA for review |
| Jan. - Sept. 2014: | FAA review of ALP and ACIP (6-9 month review, if runway length remains as currently outlined in ALP (4,002 ft.) ¹ |
| Mar. - Apr. 2014: | Pavement construction application submitted to FAA |
| Jun. - Sept. 2014: | Anticipated acceptance of ALP by FAA |
| Jun. - Sept. 2014: | Construction grant awarded by FAA |

Because the City's goal is to ensure timely submittals of required documents to meet the 2014 funding cycle and because changing the runway length in the ALP would add an additional three months to the FAA review, staff recommends leaving the runway length at 4,002 feet. (Attachment A: Historical Timeline Related to Runway Length).

SECTION TWO: OVERRULE REQUEST:

Currently, the Airport Land Use Compatibility Plan ("ALUCP") restricts land use within a safety zone that covers a portion of the Ellis project. Surland submitted applications to amend the City's General Plan and Ellis Specific Plan, which the ALUC determined to be inconsistent with the ALUCP. As a result, City Council must decide whether to overrule the ALUC's determination. The overruling allows denser housing

¹ An additional 3-month review period would be added if changes to the Runway length (shortened to 3, 997) are requested and included in the ALP (extending the review time to Dec. 2014 jeopardizes the City's ability to meet the 2014 FAA funding cycle).

within the safety zone than is currently permitted.

Airport Land Use Commission Law and Overrule

The State Aeronautics Act (“Act”) establishes Airport Land Use Commissions for the purpose of “...protect public health, safety, and welfare, by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards with areas around public airports to the extent that these areas are not already devoted to incompatible uses.” In San Joaquin County, the San Joaquin Council of Governments (SJCOG) serves as the ALUC.

The ALUC is required to adopt an ALUCP for the Airport and the surrounding area. By law, the City must submit to the ALUC any amendments to the General Plan or a specific plan, or adoptions or approvals to a zoning ordinance or building regulation within the area covered by the ALUCP. If the ALUC determines that an action, regulation, or permit is inconsistent with the ALUCP, the City may, after a public hearing, overrule the determination by a two-thirds vote of the City Council.

If Council chooses to overrule the ALUC, the City must provide the ALUC and the State Division of Aeronautics (“Division”) a copy of the proposed decision and findings at least 45 days prior to the decision to overrule. The ALUC and the Division may provide comments to the City Council within 30 days of receiving the proposed decision and findings. The comments by the Division and the ALUC serve as advisories to the City Council.

Surland’s Application

In January, 2013, City Council approved a General Plan Amendment and a Specific Plan for the Ellis project (“current approvals”). These current approvals allow 2,250 houses at Ellis, however only four or five houses are permitted in the area currently restricted by the ALUCP safety zones.

In July, 2013, Surland submitted applications requesting a General Plan Amendment and Specific Plan Amendment to the Ellis project, which were revised in August, 2013 (“proposed amendments”). The proposed amendments would allow density in this area of Ellis at approximately 4 to 9 units per every acre of land. Attachment B displays a map comparing the current approvals and the proposed amendments.

Subsequently, in a letter dated September 30, 2013, the City received notification from SJCOG regarding a determination that the proposed amendments are not consistent with the ALUCP. The notification provides three options:

- 1) Do not approve the application;
- 2) Request a revision to the project for consistency with the Airport Land Use Plan;
- 3) As provided within the State Aeronautics Act PUC Sections 21676 and 21676.5 overrule the ALUC determination by a two-thirds vote of the governing body.

As mentioned above, City Council has the authority to overrule the ALUC.

City Council Options related to Surland's application

Staff is seeking direction from the Council as to whether or not staff should begin work on determining findings for an overruling, or not. As such, the Council has the following two options:

- 1) ***Direct staff to not pursue an overruling.***
Under this option, staff is unable to recommend approval of the proposed amendments unless they are changed to conform to the ALUCP;
- 2) ***Direct staff to pursue an overruling.***
This option is a three-step process. First, staff would seek an airport consultant and recommend City Council approval of a contract relating to making findings (one month). Second, a draft of the findings will be presented to the ALUC and the Division of Aeronautics for comment (two-three months). Third, the application for amendments to the Ellis project would proceed to Planning Commission for a hearing to make a recommendation to City Council and then City Council for a hearing and action on the overrule and the applications (three months). This option would ultimately require a two-thirds vote of the City Council, which equates to a four-fifths vote of five members, as mentioned above.

STRATEGIC PRIORITIES:

This item does not relate to Council's identified Strategic Priorities.

FISCAL IMPACT

With regard to the Airport Pavement Design, the City currently has a contract with a consultant for the ALP update. At this time it is not known whether that contract would have to be amended to address FAA related processes if City Council directs staff to shorten the runway to less than 4,002 feet.

With regard to the Ellis Specific Plan Amendment, if City Council chooses to pursue an overrule (Option 2 under Section Two), these costs would be paid by Surland under the City's Cost Recovery Agreement, therefore there is no impact to the General Fund.

RECOMMENDATION

Staff recommends that City Council discuss and provide direction on the (1) Airport improvements and timeline, maintaining runway length at 4,002 feet, prior to finalizing the airport design and layout plan, and (2) review items related to San Joaquin County Airport Land Use Commission's determination that the application to amend the Ellis Specific Plan from Surland Communities, LLC is not consistent with the San Joaquin County Airport Land Use Commission Compatibility Plan.

Prepared by: Bill Dean, Assistant Development Services Director
Ed Lovell, Management Analyst II, Public Works Department
Andrew Malik, Development Services Director
Monica Gutierrez, Management Analyst, City Manager's Office

Reviewed by: Maria A. Hurtado, Assistant City Manager

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A: Historical Timeline Related to Airport Runway Length
Attachment B: Comparison of Ellis current approvals and proposed amendments

ATTACHMENT A

Airport Runway Length Historical Timeline

- 1975: Airport Master Plan states 4000 feet
- 1980: Appraisal for land purchase for approach zones refers to runway length of 4000 feet
- 1983: Airport Land Use Commission (San Joaquin County Council of Governments) adopted an Airport Land Use Compatibility Plan referring to runway lengths of 3880 feet and 3418 feet
- 1993: Airport Land Use Compatibility Plan amended (SJCOG acting as Airport Land Use Commission) and refers to runways of 3680 feet and 3418 feet
- 1997: Airport Land Use Compatibility Plan amended (SJCOG acting as Airport Land Use Commission) to use the draft (yet-to-be-adopted) Tracy Airport Master Plan and Caltrans Division of Aeronautics handbook as the basis for the safety zones
- 1998: Tracy Airport Master Plan adopted by City Council. The runway lengths referenced in previous ALUP (3418 feet and 3680 feet) were noted to be understated runway lengths, and actual pavement is 4004 feet and 4002 feet
- 2001: Airport Layout Plan approved by Federal Aviation Administration. Runway length is 4002 feet. (Minor updates to ALP approved by Caltrans in 2006 and 2007 - runway remains 4002 feet)
- 2007: Slurry seal and stripping on all runways and taxiways due to poor condition of pavement; specs required work to be completed in accordance with runway length as established on the ALP. However, it was later identified that the resulting length of stripped area is 3996 feet
- 2008: Ellis project approved under 1993 ALUP (as amended in 1997)
- 2009: SJCOG finalizes ALUCP and lists the safety areas as a hybrid scenario based on argument from City that runway is right on the line of delineation between short and medium safety cones
- 10/2011: Transportation Advisory Commission and City Council meet to discuss future airport projects, one of which was to fix the pavement at the airport
- 12/2011: Survey of runway ends due to mistake in painting and slurry seal at the end of the runway and the final stripped length was identified as 3996 feet

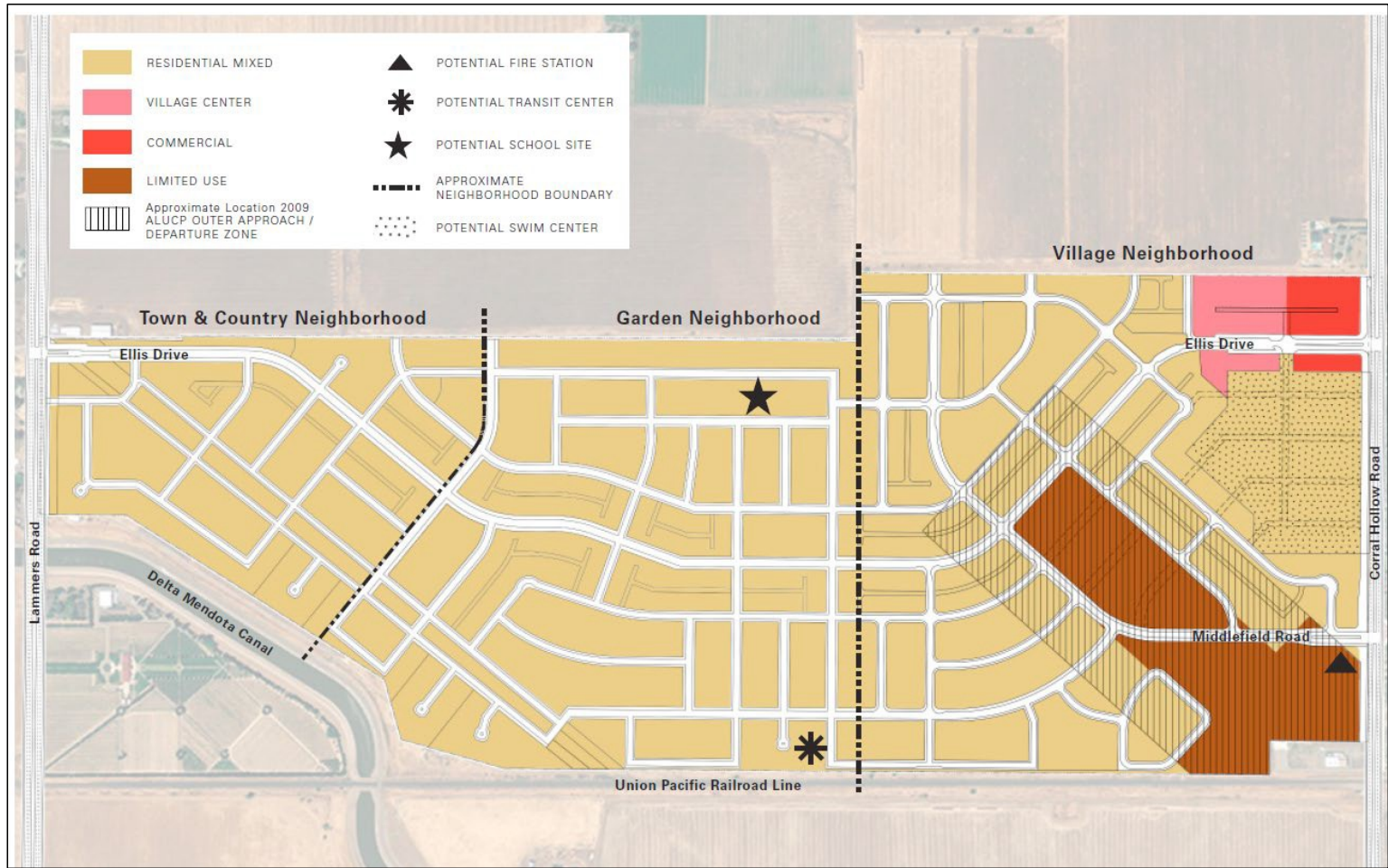
- 1/2012: Staff sends City Council a memo notifying them that the length of the runway under then current conditions was 3996 feet, and that that length would serve as the base for future airport multi-phased planning including identifying optimal runway length
- 3/2012: Pilots express concern to City Council about the airport runway length
- 5/1/2012: City Council receives airport update agenda item and directs staff to establish runway length at 4000 feet
- 10/2012: Pavement Maintenance and Management Plan (PMMP) began by Airport Consultant, completed in 3/2012 shows deterioration of pavement at the airport. PMMP Required in order to apply for FAA grant. Staff notifies City Council that the runway asphalt had been patched and painted to restore length back to 4000 feet
- 1/2013: Ellis project approved again by City Council, consistent with 2009 ALUCP.
- 2013: Airport Consultant begins design work on reconstruction of all pavements at the airport
- 5/2013: FAA notifies City staff that runway width standards had changed and that an updated ALP would be required prior to award of any grant to fix the pavement
- 6/2013: City staff brings agenda item to City Council to have runway length set at 3997 as part of the ALP update.

Ellis Specific Plan

ATTACHMENT B

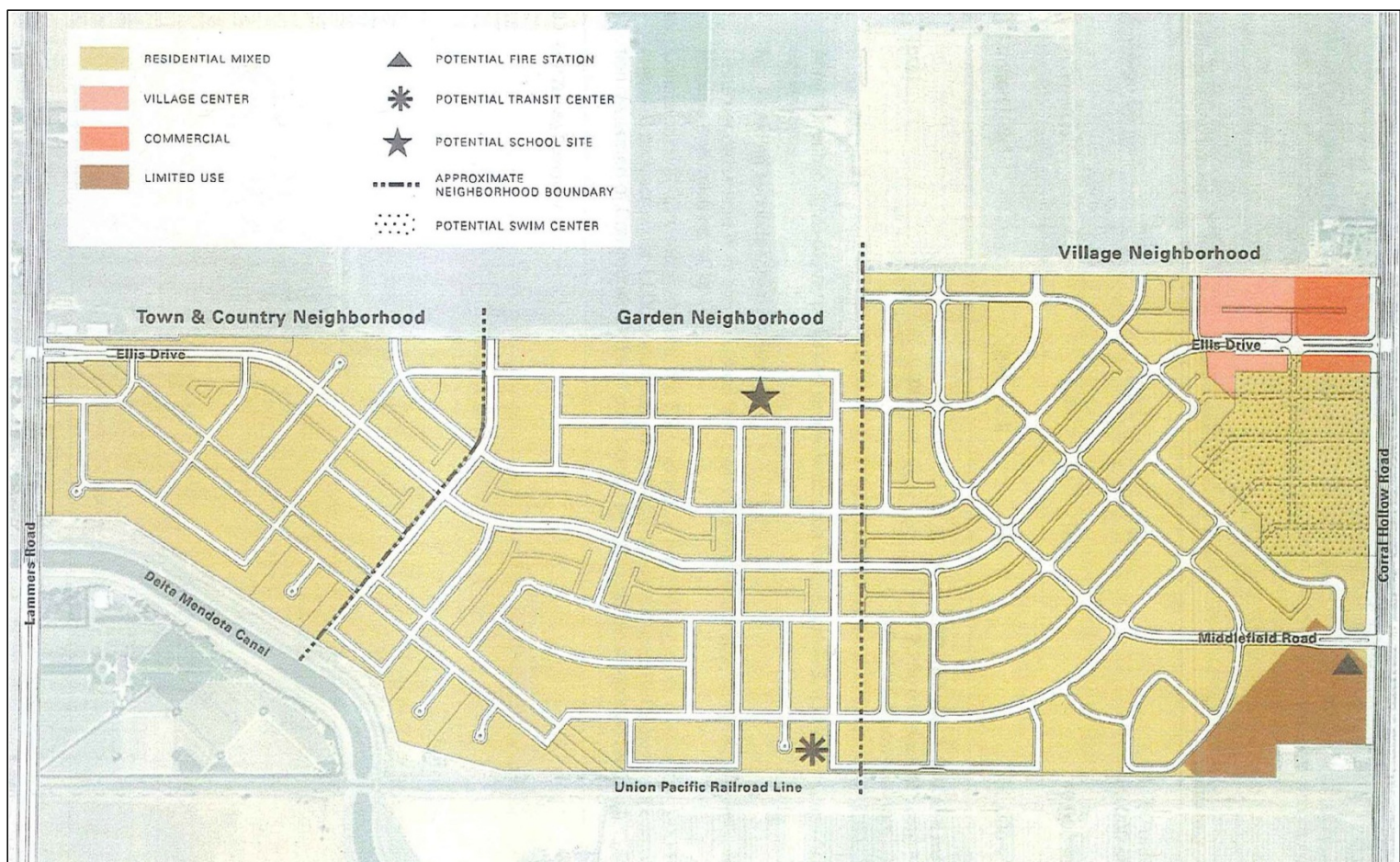
Approved Ellis Specific Plan

A Total of 2250 residential units can be built within the Ellis project. A portion of this project has to conform to the 2009 ALUCP which limits the density of units on a portion of the site. This portion of the site is approximately 22.8 acres in size and is identified as the tan cross-hatched pattern on the map below. Within this portion of Ellis, the ALUCP limits residential density to 1 dwelling unit per 5-acres. This means that only 4 homes could be built within the cross-hatched area. The remaining residential portions of Ellis are permitted to have a density of between 4 and 9 units per 1-acre. Actual density will not be known until applications for subdivision maps have been submitted and approved by City Council.



Current Surland Application

A total of 2,250 residential units could be built within the Ellis project. An “overrule” by City Council would allow housing to be built at a density of 4 to 9 units per acre in the area (approximately 40 acres) that currently is limited by the 2009 ALUCP to 1 unit per every 5 acres. This means that the number of homes within this portion of Ellis under an “overrule” by City Council would increase by approximately 160 to 360 units. This does not affect the total number of units at Ellis.



Zoning/Unit Comparison Table

| | Zoning | Acres | Number of units |
|----------|-------------------------|-------|-----------------------------|
| Current | Limited Use | 26.2 | 0 |
| | Residential Mixed/ALUCP | 22.8 | 4.5 (1 unit/5 acres) |
| Proposed | Limited Use | 9 | 0 |
| | Residential Mixed | 40 | 160 to 360 (4-9 units/acre) |

AGENDA ITEM 8.A

REQUEST

RECEIVE AND ACCEPT THE CITY MANAGER INFORMATIONAL UPDATE

EXECUTIVE SUMMARY

This agenda item will update the Council on newsworthy events.

DISCUSSION

The City Manager will provide Council with an informational report on various items, including upcoming special events, status on key projects, or other items of interest in an effort to keep Council, staff, and residents abreast of newsworthy events.

STRATEGIC PLAN

This agenda item does not relate to the Council's strategic plans.

FISCAL IMPACT

There is no fiscal impact with this informational item.

RECOMMENDATION

That Council receive and accept the City Manager's informational update.

Prepared by: R. Leon Churchill, Jr., City Manager
Reviewed by: R. Leon Churchill, Jr., City Manager
Approved by: R. Leon Churchill, Jr., City Manager