

**Wednesday, November 15, 2023, 7:00 P.M.**

A quorum of Planning Commission will be in attendance at  
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy  
Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE  
PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE  
FOLLOWING METHOD:**

*As always, the public may view the Planning Commission meetings live on the City of Tracy's website at [CityofTracy.org](http://CityofTracy.org) or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.*

*If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.*

**Remote Public Comment:**

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

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
  - **Event Number: 2552 933 0552** and **Event Password: Planning**
  - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - Join by phone by dialing +1-408-418-9388, 2552 933 0552#75266464# Press \*3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

*Comments received on Webex outside of the comment periods outlined above will not be included in the record.*

**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 (209/831-6105) 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. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Addressing the Council on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. 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.

**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 on the City's website: [www.cityoftracy.org](http://www.cityoftracy.org).

**MEETING AGENDA**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF CITY COUNCIL PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 10/25/23 Regular Meeting

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure*, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.

1. NEW BUSINESS

- 1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: (1) APPROVING A DEVELOPMENT REVIEW PERMIT OF A NEW 7,562 SQUARE FOOT RESTAURANT WITH SITE IMPROVEMENTS AT 2770 NORTH NAGLEE ROAD; AND (2) DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332. THE APPLICANT IS BJ'S RESTAURANT, INC. AND PROPERTY OWNER IS SPP OUTPARCEL SPE, LLC, APPLICATION NUMBER D23-0005.
  
- 1.B STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: (1) APPROVING A DEVELOPMENT REVIEW PERMIT FOR CONSTRUCTION OF A NEW FREEWAY SIGN AT PARKWAY PLAZA, LOCATED AT THE SOUTHEAST CORNER OF INTERNATIONAL PARKWAY AND I-205; AND (2) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15183 AND 15311. THE APPLICANT AND OWNER IS DREW MICHEL ON BEHALF OF R&B DELTA II LLC, APPLICATION NUMBER D21-0003.

Planning Commission Agenda

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2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: November 9, 2023

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at [www.cityoftracy.org](http://www.cityoftracy.org).

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 25, 2023, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Vice Chair Atwal called the meeting to order at 7:00 p.m.

Miranda Aguilar, Administrative Assistant, notified Vice Chair Atwal of an action required pursuant to Assembly Bill 2449 and that Chair Orcutt is present via Webex Video.

Vice Chair Atwal requested Chair Orcutt state his request and description of circumstances giving rise to the need under 'Just Cause' or 'Emergency Circumstances' exception.

Chair Orcutt requested to participate via Webex Video due to his service in the Military requiring him to travel.

**ACTION:** It was moved by Vice Chair Atwal and seconded by Commissioner English to approve Chair Orcutt's request to participate via Webex. A voice vote found Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning in favor. Passed and so ordered; 4-0-0-0.

**PLEDGE OF ALLEGIANCE**

Vice Chair Atwal led the pledge of allegiance.

**ROLL CALL**

Roll Call found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt present. Also present: Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Jeffrey Crosswhite, Assistant City Attorney; and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Vice Chair Atwal introduced the Regular Meeting Minutes from the September 27, 2023 Planning Commission Regular Meeting.

**ACTION:** It was moved by Commissioner English and seconded by Commissioner Penning to approve the September 27, 2023 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning in favor. Passed and so ordered; 5-0-0-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Victoria Lombardo, Senior Planner, introduced City of Tracy's new Assistant City Attorney, Jeffrey Crosswhite.

**ITEMS FROM THE AUDIENCE**

None.

## 1. NEW BUSINESS

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: (1) APPROVING A SIX-MONTH RENEWAL (EXT23-0002) OF CONDITIONAL USE PERMIT CUP22-0004 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 2420 W. GRANT LINE ROAD, APNS 238-600-37 & 238-190-22; AND (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS MIKE SOUZA AND THE PROPERTY OWNERS ARE TOSTE FAMILY ENTERPRISES AND J T STORAGE, LP., APPLICATION NUMBER EXT23-0002.**

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Vice Chair Atwal opened the Public Hearing at 7:10 p.m.

Mike Souza, partner of Garden of Eden, introduced himself, Zoe Schreiber, and Jivtesh Gill from Garden of Eden and expressed thanks to Kimberly Matlock for the report and advised he is here for any questions they may have.

Seeing as no one else came forward, Vice Chair Atwal closed the Public Hearing at 7:12 p.m.

Victoria Lombardo, Senior Planner, addressed questions from the Commission.

**ACTION:** It was moved by Chair Orcutt and seconded by Chair Atwal that the Planning Commission adopt a resolution:

1. Approving of Conditional Use Permit CUP22-0004 for a cannabis storefront retailer (Dispensary) at 2420 W. Grant Line Road, APNs 238-600-37 & 238-190-22; and
2. Approving Development Review Permit D22-0009 for exterior modifications to the of the building and extending the time period to establish the dispensary site under the conditional use permit from six-months to 12-months; and
3. Determining that this Project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Commissioner Vice Chair Atwal, and Chair Orcutt in favor; Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning opposed. Motion denied: 2-0-3-0.

**ACTION:** It was moved by Chair Orcutt and seconded by Vice Chair Atwal that the Planning Commission adopt a resolution:

1. Approving a six-month renewal (EXT23-0002) of Conditional Use Permit CUP22-0004 for a cannabis storefront retailer (Dispensary) at 2420 W. Grant Line Road, APNs 238-600-37 & 238-190-22; and
2. Determining that this Project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt in favor. Passed and so ordered: 5-0-0-0.

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: (1) APPROVING A SIX-MONTH RENEWAL (EXT23-0004) OF CONDITIONAL USE PERMIT CUP22-0003 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) 951 N. CENTRAL AVENUE, APN 235-056-07; AND (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS STOCKTON GATEWAY, LLC AND THE PROPERTY OWNER IS JIVA TCY, LLC, APPLICATION NUMBER EXT23-0004.**

Kimberly Matlock, Associate Planner, made a verbal correction to the staff report stating the applicant is JIVA TCY and the property owner is Stockton Gateway.

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Vice Chair Atwal opened the Public Hearing at 7:39 p.m.

Raj Pottabathni, Managing Director at JIVA TCY, spoke via Webex and thanked city staff for their work and stated he is available for questions.

Ana Mendoza, Community Relations Director at JIVA TCY, expressed excitement for the renewal.

Kevin Dougherty, property owner for 951 N. Central Avenue, expressed support for Raj and his team and looks forward to the opening of the business.

Talwinder Singh, Tracy resident, expressed appreciation to City Staff and suggested the City of Tracy be involved in activities for children.

Vice Chair Atwal explained public comment is for item 1B currently and he may speak on items not on the agenda at the end during items from the audience.

Seeing as no one else came forward, Vice Chair Atwal closed the Public Hearing at 7:44 p.m.

Kimberly Matlock, Associate Planner, addressed questions from the Commission.

**ACTION:** It was moved by Chair Orcutt and seconded by Vice Chair Atwal that the Planning Commission adopt a resolution:

1. Approving a six-month renewal (EXT23-0004) of conditional use permit CUP22-0003 for a cannabis storefront retailer (Dispensary) AT 951 N. Central Avenue, APN 235-056-07; and
2. Determining that this project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt in favor. Passed and so ordered: 5-0-0-0.

## **2. ITEMS FROM THE AUDIENCE**

Talwinder Singh, Tracy resident, suggested the City of Tracy be more active in creating more indoor/outdoor activities for the kids and future generations.

## **3. DIRECTOR'S REPORT**

None.

## **4. ITEMS FROM THE COMMISSION**

Chair Orcutt thanked the Commission for attending the October 24, 2023 concurrent meeting with City Council regarding the Housing Element.

Vice Chair Atwal thanked Chair Orcutt for his service to the country and welcomed Jeffrey Crosswhite, Assistant City Attorney.

## **5. ADJOURNMENT**

**ACTION:** It was moved by Commissioner Boakye-Boateng and seconded by Commissioner English to adjourn.

A voice vote found Commissioner Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt, in favor. Passed and so ordered: 5-0-0-0.

Time: 7:49 p.m.

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CHAIR

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STAFF LIAISON

November 15, 2023

AGENDA ITEM 1.A

RECOMMENDATION

**STAFF RECOMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:**

- 1. APPROVING A DEVELOPMENT REVIEW PERMIT OF A NEW 7,562 SQUARE FOOT RESTAURANT WITH SITE IMPROVEMENTS AT 2770 NORTH NAGLEE ROAD; AND**
- 2. DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

**THE APPLICANT IS BJ'S RESTAURANT, INC. AND PROPERTY OWNER IS SPP OUTPARCEL SPE, LLC, APPLICATION NUMBER D23-0005.**

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission approve a Development Review Permit for removal of an existing restaurant building and replacing with a 7,562 square foot restaurant with site improvements and determine that such approval is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332.

BACKGROUND

On May 2, 2000, the City Council approved a Preliminary and Final Development Plan (PDP/FDP) for the subject property, then operated as a "Chevy's" restaurant, which was described as a 7,700 square foot restaurant with outdoor dining, a full-service bar, and associated parking and landscape improvements within the I-205 Corridor Specific Plan at 2770 North Naglee Road. Chevy's operated on the site for over a decade before it closed. On May 20, 2014, the City Council approved an amendment to the 2770 North Naglee Road Preliminary and Final Development Plan (PDP/FDP) for a "Red Robin's" restaurant, which was described as a 5,671 square foot restaurant. Although the restaurant is now closed, the Red Robin building still occupies the site.

ANALYSIS

*Site Description*

The existing site at 2770 North Naglee Road is a 1.65-acre parcel located east of Naglee Road north of Hampton Inn. The applicant and owner wish to tear down and replace the existing building with a new 7,562 square foot BJ's restaurant. In addition to the proposed building there will be site improvements including an increase of parking by 23 spaces and an increase of nine trees and various shrubs. The proposed building includes 252 seats total with 53 seats in the Bar area. The proposed building consists of four-sided architecture with horizontal and vertical relief through use of metal canopies, popouts, and varying materials, heights, and colors to provide visual interest on all sides of the building. The use of high-quality design elements like brick veneer in three different patterns and two colors, the composite wood looking siding, and

ample use of windows help create an attractive façade with a sense of arrival. The trash enclosure, which is attached to the east side of the building, will be compromised of materials and colors matching the building. The parapet walls will be tall enough to screen all the roof-mounted equipment from public view as required.

#### *Zoning*

The project site is designated Commercial Center in the I-205 Corridor Specific Plan and has a General Plan designation of Commercial. The site's zone district is Planned Unit Development (PUD), as the entire I-205 Specific Plan is implemented by the PUD Zone. Restaurants are a permitted use within the Commercial Center land use designation assigned to the property by the I-205 Specific Plan. The project site is located within 500 feet of a freeway and therefore the Development Review Permit application requires review in a public hearing by Planning Commission as defined in Tracy Municipal Code, section 10.08.3950.

#### *Parking*

Based on the parking requirements within the I-205 Specific Plan, the existing parking lot with the additional 23 spaces, will be more than sufficient for the size and land use of the proposed new building. There will be 106 spaces, and the proposed building requires 93. A majority of the landscaping on the site will remain, which allows the project to begin with the benefit of mature landscaping in addition to nine new trees.

#### *Consistency with General Plan Policies and City Standards*

The proposal is compatible with the surrounding commercial land uses of restaurants, hotels, and retail stores. The project meets the requirements of the City of Tracy Design Goals and Standards by providing complementary level of detailing and quality materials on all sides of building, providing visually attractive windows, entries, and integrated elements of building façade for signage (Attachment B: Site Plan, Floor Plan, and Elevations).

As evidenced in the analysis above, this proposed development with recommended conditions of approval meets the City's objectives for design as required by the Tracy General Plan and the City of Tracy Design Goals and Standards, including the following:

Goal CC-1     Superior design quality throughout Tracy.

Objective CC-1.1     Preserve and enhance Tracy's unique character and "hometown feel" through high-quality urban design.

Policy P3.     All new development and redevelopment shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian-orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, focal points, and landmarks.

Design Goals and Standards  
General Design Goals

GOAL 1. Facilitate and achieve the highest possible quality of site planning, architecture, and landscaping throughout the City.

GOAL 3. Ensure that high-quality architectural design is integral to the building design rather than applied as an afterthought.

## FINDINGS

Development Review Permits must meet the requirements set forth in TMC Section 10.08.3920. Before approving a Development Review Permit, the Planning Commission must make the following findings:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Staff recommends that the Planning Commission make the requisite findings for this project based on the evidence in the record, including, without limitation, the following:

- (a) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project would develop an existing site that is surrounded by commercial development and the proposed new 7,652 sq. ft. restaurant building will have four-sided architecture with horizontal and vertical relief through use of metal canopies, popouts, and varying materials, heights, and colors to provide visual interest on all sides of the building meeting the City's objectives for quality design.
- (b) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and State Regulations for building design and construction and zoning development standards.

## PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

## COORDINATION

This development application was reviewed by multiple City Departments, the South San Joaquin County Fire Authority, the San Joaquin Environmental Health Department, the Air

Pollution Control District, PG&E, and San Joaquin Council of Governments regarding the Habitat Conservation Plan as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

**CEQA DETERMINATION**

The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15332 which pertains to certain infill development projects, because the project is consistent with the General Plan and Zoning; occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. No further environmental assessment is necessary.

**ACTION REQUESTED OF THE PLANNING COMMISSION**

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:**

- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE DEVELOPMENT OF A 7,562 SQUARE FOOT RESTAURANT WITH SITE IMPROVEMENTS AT 2770 NORTH NAGLEE ROAD; AND**
- 2. DETERMINE THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

Prepared by: Kenny Lipich, Associate Planner

Reviewed by: Alan Bell, Senior Planner

William Dean, Assistant Development Services Director

Jeffrey Crosswhite, Assistant City Attorney

Bijal M. Patel, City Attorney

Approved by: Karin Schnaider, Assistant City Manager/Interim Development Services Director

Attachments:

Attachment A – Location Map

Attachment B – Plan set (Site Plan, Floor Plan, Elevations, and Preliminary Landscape Plan) received on October 17, 2023

Attachment C - Planning Commission Resolution

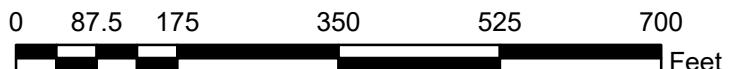
Exhibit 1 – Findings

Exhibit 2 – Conditions of Approval

ATTACHMENT  
A



Think Inside the Triangle™

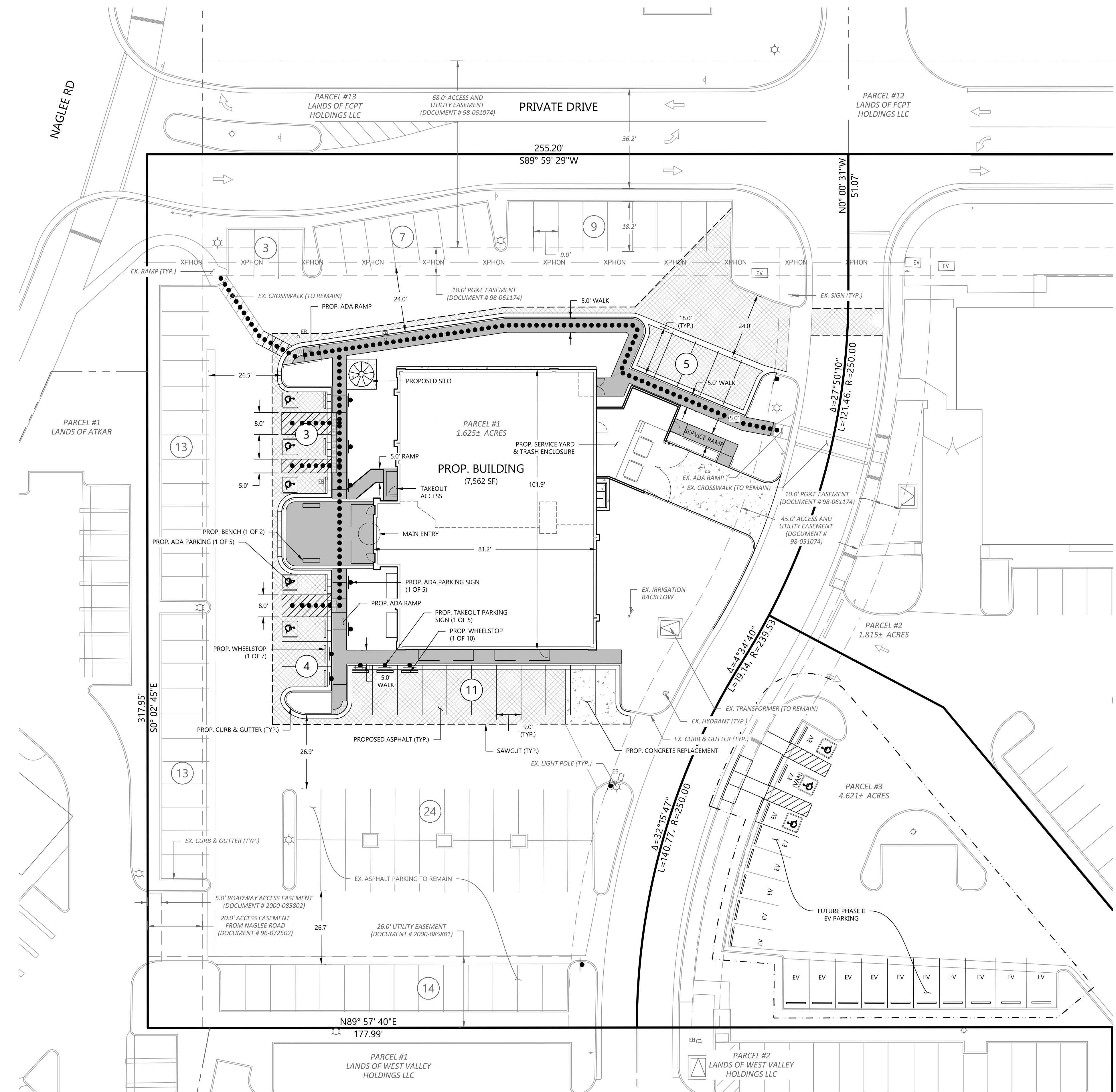




# SITE DEVELOPMENT PLAN

# BJ'S RESTAURANT - TRACY

LOCATED AT: 2770 NAGLEE ROAD  
TRACY, CA 95304



## LEGEND:

—	PROPERTY LINE
● ● ● ● ● ● ● ● ● ●	ADA ACCESSIBLE ROUTE
	PROPOSED BUILDING
—	EXISTING BUILDING
— — — — —	PROPOSED EASEMENT
— — — — —	EXISTING EASEMENT
— — — — —	PROPERTY SETBACK
	PROPOSED CURB & GUTTER
	EXISTING CURB & GUTTER
— — — — —	PROPOSED SAWCUT
	PROPOSED ASPHALT
	PROPOSED WALK
	PROPOSED LIGHT POLE
	EXISTING LIGHT POLE
	PROPOSED SIGN
	EXISTING SIGN

## NOTES:

1. ALL DIMENSIONS TO CURBS ARE TO FLOWLINE UNLESS OTHERWISE INDICATED.

## TABULATION

ZONING: PUD	
<u>SITE AREA</u>	
±70,785 SQ FT	
1.625 AC.	
<u>BUILDING AREA</u>	
BUILDING FOOTPRINT: 7,562 SQ FT	
BUILDING HEIGHT: 32'-0"(MAX.)	
BUILDING COVERAGE: 7,562 SF/10%	
LANDSCAPE COVERAGE: 11,766 SF/18%	
HARDSCAPE COVERAGE: 51,457 SF/72%	
<u>PARKING</u>	
KISTING STALLS:	83 STANDARD
EMOVED STALLS:	STANDARD 18/ADA 5
ROPOSED STALLS:	13 STANDARD 5 TAKEOUT 5 ADA
TOTAL PARKING:	106

EV PARKING PROVIDED WITH FUTURE PHASE 1

# SITE PLAN

# BJ'S TRACY SITE DEVELOPMENT PLAN

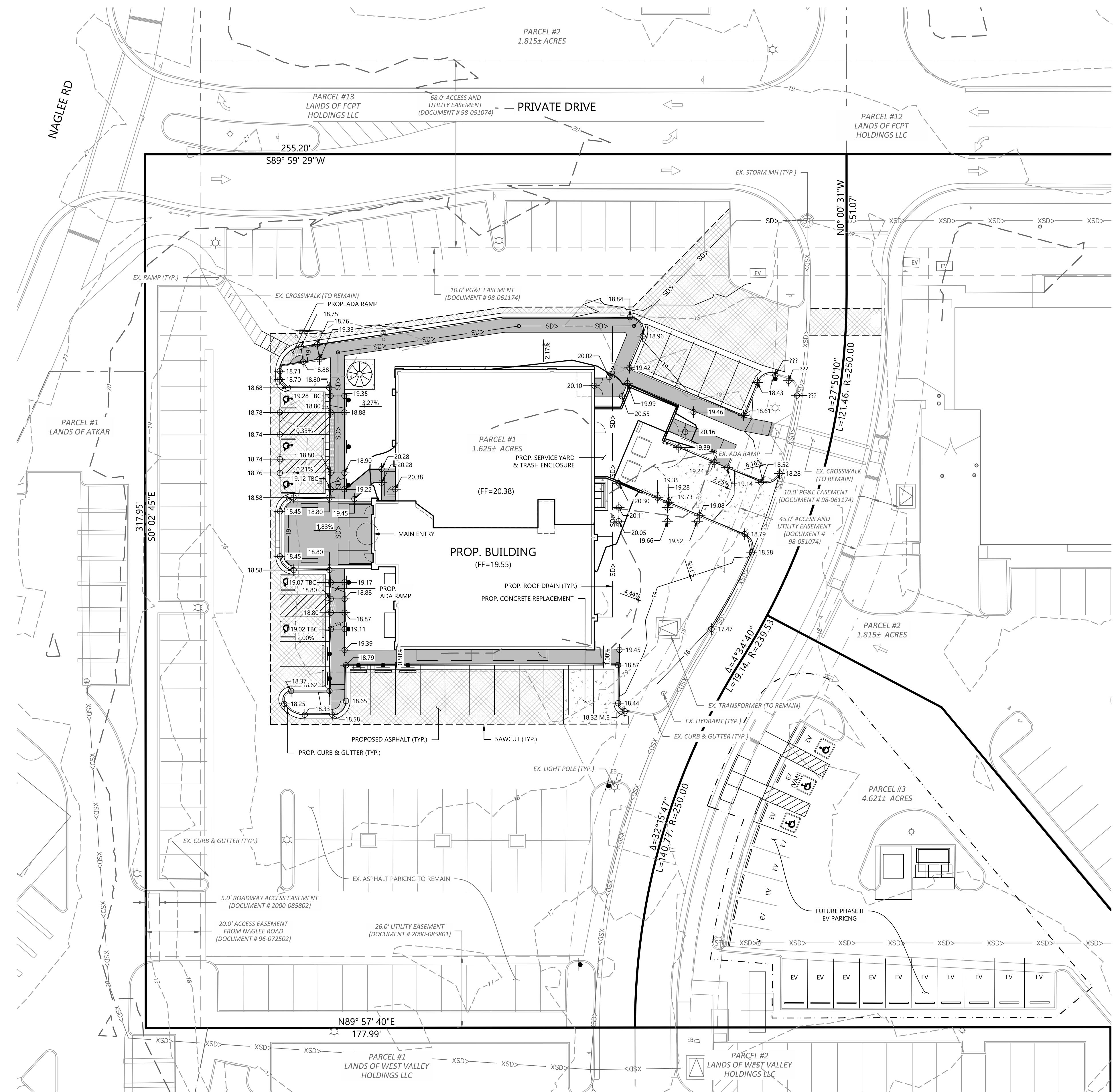
The logo for PROOF CIVIL consulting engineers. It features a large, stylized, blocky letter 'P' and 'C' that are partially overlapping and oriented diagonally. These letters are set within a circular frame that has a thick, dark outer border and a lighter, textured inner circle. Below the letters, the company name 'PROOF CIVIL' is written in a bold, sans-serif font, with 'PROOF' on the first line and 'CIVIL' on the second line. To the right of 'CIVIL', the words 'consulting engineers' are written in a smaller, lowercase, sans-serif font. The entire logo is positioned on the left side of the page, with the company's address and contact information on the right.

SEAL:

REVISIONS				
PROJ. NO.:	DATE:	NO.	DATE	DESCRIPTION
23012	03/31/2023	1	06/29/2023	RESPONSE TO COMMENTS
		2	10/17/2023	PARKING REVISIONS
DRAWN BY:	LLG			
CHECKED BY:	JGD			

DRAWING NO.  
**C2**  
2 OF 12

**SITE DEVELOPMENT PLAN**  
**BJ'S RESTAURANT - TRACY**  
LOCATED AT: 2770 NAGLEE ROAD  
TRACY, CA 95304



PRO	OF CIVIL
consulting	engineers
600 Grant Street   Suite 210   Denver, CO	
SEAL:	
FOR AND ON BEHALF OF PROOF CIVIL CO.	

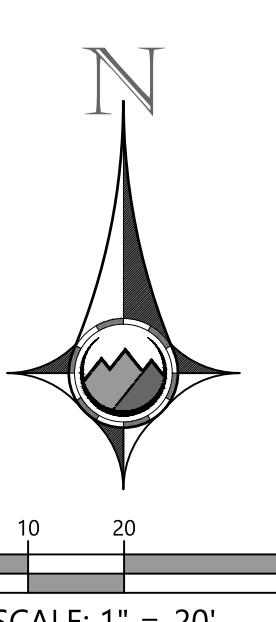
**PROOF CIVIL**  
**consulting engineers**  
600 Grant Street | Suite 210 | Denver, CO

PROJ. NO.:	REV. NO.:	REVISIONS
23012	1	DATE: 03/29/2023
03/31/2023	2	RESPONSE TO COMMENTS 10/17/2023 PARKING REVISIONS

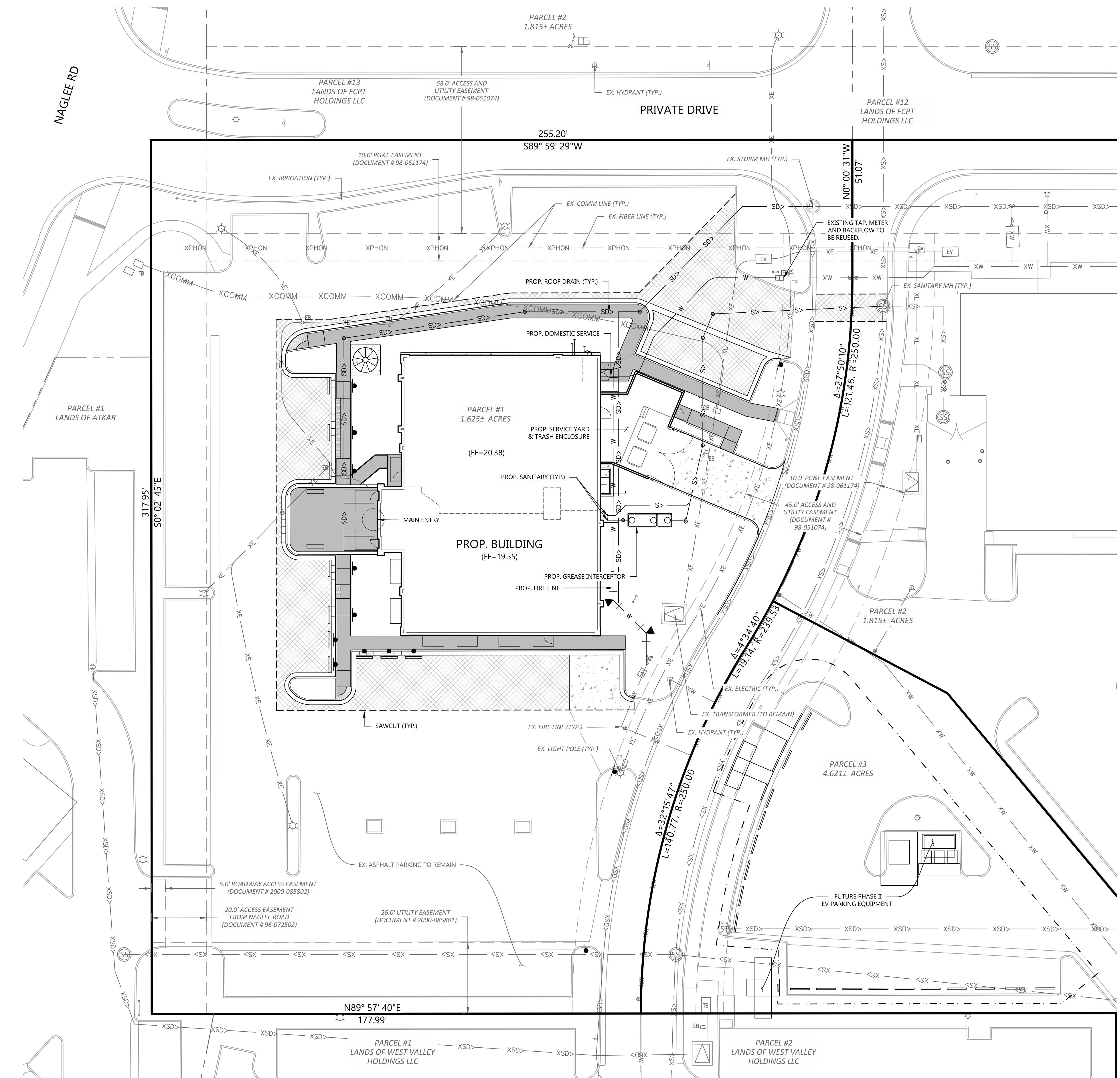
DRAWN BY: LLG  
CHECKED BY: JGD

**GRADING PLAN**  
**BJ'S TRACY**  
SITE DEVELOPMENT PLAN

DRAWING NO. C3  
3 OF 12  
SCALE: 1" = 20'



**SITE DEVELOPMENT PLAN**  
**BJ'S RESTAURANT - TRACY**  
LOCATED AT: 2770 NAGLEE ROAD  
TRACY, CA 95304



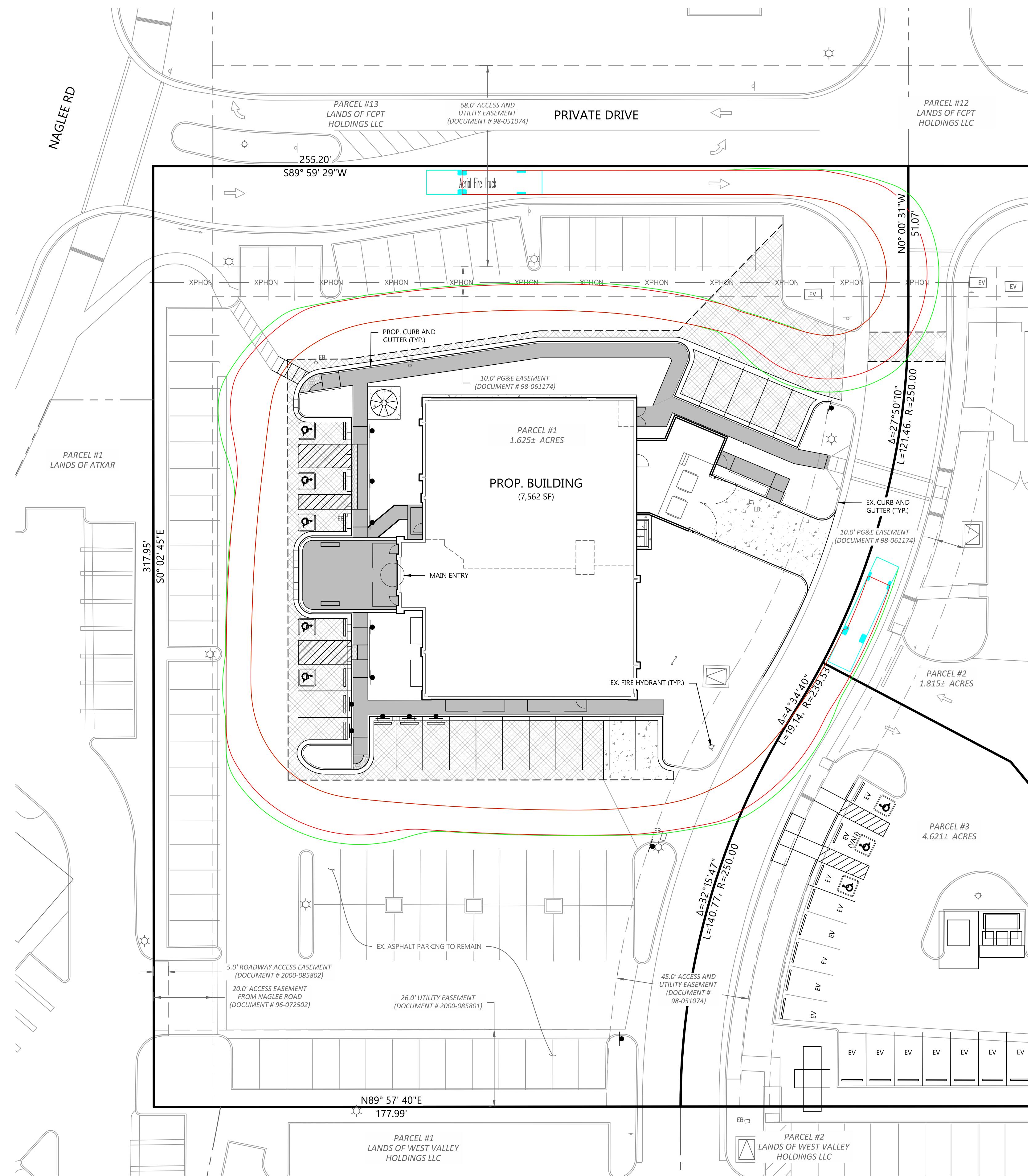
LEGEND:	
	PROPERTY LINE
	PROPOSED BUILDING
	EXISTING BUILDING
	PROPOSED EASEMENT
	EXISTING EASEMENT
	PROPERTY SETBACK
	PROPOSED STORM LINE
	EXISTING STORM LINE
	PROPOSED INLET
	EXISTING INLET
	PROPOSED WATER LINE
	EXISTING WATER LINE
	PROPOSED HYDRANT & VALVE
	EXISTING HYDRANT & VALVE
	PROPOSED SAN SEWER LINE
	EXISTING SAN SEWER LINE
	EXISTING ELECTRICAL LINE
	EXIST. OVERHEAD ELEC. LINE
	EXISTING TELECOMM LINE
	EXISTING GAS LINE
	EXISTING IRRIGATION LINE
	EXISTING FIBER OPTIC LINE
	PROPOSED LIGHT POLE
	EXISTING LIGHT POLE

PROOF CIVIL	
consulting engineers	
600 Grant Street   Suite 210   Denver, CO	
SEAL:	
FOR AND ON BEHALF OF PROOF CIVIL CO.	
REVISIONS	
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# SITE DEVELOPMENT PLAN

# BJ'S RESTAURANT - TRACY

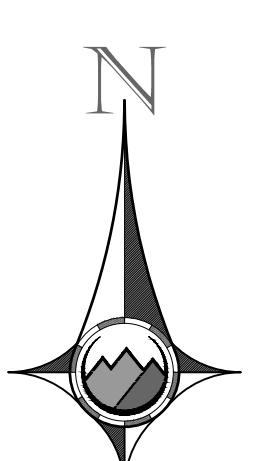
LOCATED AT: 2770 NAGLEE ROAD  
TRACY, CA 95304



LEGEND:	
	PROPERTY LINE
	ADA ACCESSIBLE ROUTE
	PROPOSED BUILDING
	EXISTING BUILDING
	PROPOSED EASEMENT
	EXISTING EASEMENT
	PROPERTY SETBACK
	PROPOSED CURB & GUTTER
	EXISTING CURB & GUTTER
	PROPOSED SAWCUT
	PROPOSED ASPHALT
	PROPOSED WALK
	PROPOSED LIGHT POLE
	EXISTING LIGHT POLE
	PROPOSED SIGN
	EXISTING SIGN

# **FIREFIGHTER ACCESS PLAN**

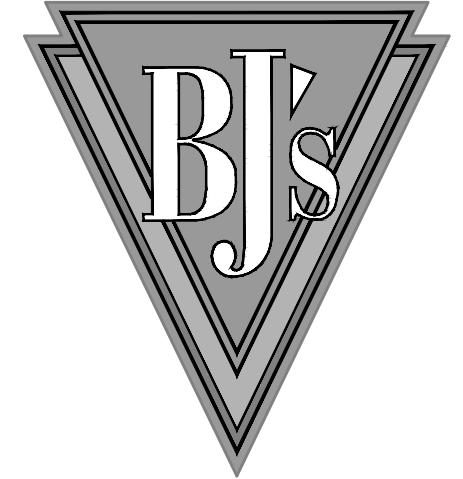
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A scale bar with tick marks at 10 and 20 inches. The bar is 30 inches long.

C5  
5 OF 12





# landscape code requirements

## LANDSCAPING REQUIREMENTS FOR PARKING AREAS:

PARKING AREA: 36,192 SF  
INTERIOR PARKING LOT LANDSCAPE AREA:

REQUIRED: 7,238 SF (20%)  
PROVIDED: 8,411 SF (50%)

I-205 SPECIFIC PLAN (RESO 99-240, SEC 4.1.2.D.2) FREE STANDING, CAFES, RESTAURANTS AND OTHER ESTABLISHMENTS 1 PARKING SPACE PER 3 SEATS INCLUDING PATIO SEATS.

SEATS: 365 SEATS + 40 PATIO SEATS = 306 SEATS PER SHEET A1.5 ACTUAL SEATING TABULATION

PARKING SPACES REQUIRED: 99 (296 SEATS/3)

1 TREE PER EACH 6 REQUIRED AUTO PARKING SPACES:

REQUIRED: 20 (99/6)

PROVIDED: 20 (INCLUDING 15 EXISTING TREES)

CANOPY TREES: 40% OF PARKING AREA SHADeD AT MATURITY. CANOPY TREES SHALL Be TYPE THAT NORMALLY ACHIEVES MINIMUM CANOPY DIAMETER OF 25'.

REQUIRED: 14,477 SF (40%)

PROVIDED: 18,370 SF (50%)

MINIMUM 10' WIDE (INSIDE DIMENSION) LANDSCAPE STRIP ALONG PROPERTY LINES ADJACENT TO PUBLIC RIGHTS-OF-WAY AND PRIVATE STREETS.

SCREENING OF PARKING AREA FROM PUBLIC RIGHTS-OF-WAY SHALL BE PROVIDED AT MINIMUM HEIGHT OF 2.5' AND MAXIMUM 3' MEASURING FROM TOP OF PARKING AREA PAVEMENT.

## DESIGN GOALS AND STANDARDS:

LANDSCAPE AREAS SHALL BE PROVIDED ON SITE IN ADDITION TO THE REQUIRED PARKING AREA LANDSCAPE AREAS, I.E. AROUND MAIN BUILDING ENTRIES, OUTDOOR GATHERING AREAS, AND ALONG LONG BUILDING ELEVATIONS. IN THESE AREAS TREES SHALL BE PROVIDED AT A RATIO OF AT LEAST 1 TREE FOR EVERY 1,000 SF OF LANDSCAPE/HARDSCAPE AREA, NOT INCLUDING REQUIRED PARKING LOT TREES. TREES SHALL BE INSTALLED AT A MINIMUM SIZE OF 24" BOX, AND SHRUBS SHALL BE INSTALLED AT A MINIMUM SIZE OF 5 GALLONS. AREA AROUND BUILDING: 4,577 SF; REQUIRED: 5 TREES; PROVIDED: 5 TREES

CALGREEN SURFACE PARKING AREAS: SHADE TREE PLANTINGS, MINIMUM NO. 10 CONTAINER SIZE OR EQUAL, SHALL BE INSTALLED TO PROVIDE SHADE OVER 50% OF THE PARKING AREA WITHIN 15 YEARS.

REQUIRED: 18,099 SF (50%) PROVIDED: 18,370 SF (50%)

CALGREEN LANDSCAPE AREAS: SHADE TREE PLANTINGS, MINIMUM NO. 10 CONTAINER SIZE OR EQUAL, SHALL BE INSTALLED TO PROVIDE SHADE OVER 20% OF THE LANDSCAPE AREA WITHIN 15 YEARS.

REQUIRED: 2,455 SF (20%) PROVIDED: 6,827 SF (50%)

CALGREEN HARDSCAPE AREAS: SHADE TREE PLANTINGS, MINIMUM NO. 10 CONTAINER SIZE OR EQUAL, SHALL BE INSTALLED TO PROVIDE SHADE OVER 20% OF THE HARDSCAPE AREA WITHIN 15 YEARS.

REQUIRED: 2,959 SF (20%) PROVIDED: 3,530 SF (23%)

TOTAL LANDSCAPE AREA: 12,276 SF

TOTAL PARKING AREA: 36,192 SF

TOTAL HARDCAPE AREA: 14,797 SF

TOTAL BUILDING AREA: 7,522 SF

TOTAL SITE AREA: 70,787 SF

## PLANTING SCHEDULE

SYMBOL	KEY	QTY.	BOTANICAL NAME COMMON NAME	SIZE CONDITION	COMMENTS
	PC	19	PISTACHIA CHINENSIS CHINESE PISTACHE	9x4' 1.5' CAL 24" BOX	TREE, SLOW/MOD GROWTH RATE, 15 x 15' @ 3-5 YEARS, 30 x 30' @ MATURITY, 707 SF CANOPY @ MATURITY
	BR	11	BOUGAINVILLEA RASPBERRY ICE RASPBERRY ICE BOUGAINVILLEA	24' SPR #5 CONT	SHRUBBY VINE, FAST GROWTH RATE, 2' x 4' @ 3-5 YEARS, 3' x 5' @ MATURITY LOW WATER USE
	CV	16	CALLISTEMON V. LITTLE JOHN LITTLE JOHN CALLISTEMON	24' HT #5 CONT	SHRUB, FAST GROWTH RATE, 2' x 2' @ 3-5 YEARS, 3' x 3' @ MATURITY LOW WATER USE
	HP	13	HESPERALOE PARVIFLORA RED YUCCA	18' HT #5 CONT	PERENNIAL, MOD GROWTH RATE, 2' x 2' @ 3-5 YEARS, 3' x 4' @ MATURITY LOW WATER USE
	IC	30	ILEX CORNUATA BURFORDII NANA/ DWARF BURFORD CHINESE HOLLY	24' HT #5 CONT	SHRUB, MOD GROWTH RATE, 3' x 3' @ 3-5 YEARS, 6' x 6' @ MATURITY LOW WATER USE
	JH	52	JUNIPERUS HORIZONTALIS PLUMOSA BLUE RUG JUNIPER	COMPACTA' 18' SPR #5 CONT	SHRUB, MOD GROWTH RATE, 1' x 4' @ 3-5 YEARS, 1' x 2' @ MATURITY SHRUB, FAST GROWTH RATE, 1' x 4' @ 3-5 YEARS, 2' x 3' @ MATURITY LOW WATER USE
	LN	25	LANTANA NEW GOLD/ NEW GOLD LANTANA	12' HT/SPR #1 CONT	SHRUB, SLOW GROWTH RATE, 3' x 3' @ 3-5 YEARS, 6' x 6' @ MATURITY LOW WATER USE
	LF	41	LEUCOPHYLLUM FRUTESCENS TEXAS SAGE	24' HT #5 CONT	SHRUB, SLOW GROWTH RATE, 3' x 3' @ 3-5 YEARS, 6' x 6' @ MATURITY PERENNIAL GRASSES, MOD GROWTH RATE, 3' x 3' @ 3-5 YEARS, 4' x 4' @ MATURITY LOW WATER USE
	LC	33	LEYMUS CONDENSATUS CANYON PRINCE CANYON PRINCE WILD RYE	12'-16' HT #5 CONT	SHRUB, MOD GROWTH RATE, 1' x 4' @ 3-5 YEARS, 2' x 3' @ MATURITY PERENNIAL GRASSES, MOD GROWTH RATE, 3' x 3' @ 3-5 YEARS, 4' x 4' @ MATURITY LOW WATER USE
	MR	51	MUHLENBERGIA RIGENS DEER GRASS	18' HT #5 CONT	SHRUB, MOD GROWTH RATE, 3' x 3' @ 3-5 YEARS, 3' x 4' @ MATURITY PERENNIAL GRASSES, MOD GROWTH RATE, 3' x 3' @ 3-5 YEARS, 3' x 4' @ MATURITY LOW WATER USE
	RI	48	PHAPROTELEA INDICA INDIAN PRINCESS INDIAN PRINCESS INDIAN HAWTHORN	24' HT #5 CONT	SHRUB, MOD GROWTH RATE, 3' x 3' @ 3-5 YEARS, 3' x 5' @ MATURITY LOW WATER USE
	RO	18	ROSMARINUS OFFIC. HUNTINGTON CARPET HUNTINGTON CARPET ROSEMARY	12' SPR #1 CONT	SHRUB, SLOW GROWTH RATE, 1' x 3' @ 3-5 YEARS, 1' x 4' @ MATURITY LOW WATER USE
	SG	23	SALVIA GREGGII AUTUMN SAGE	18' HT #1 CONT	SHRUB, MOD GROWTH RATE, 2' x 2' @ 3-5 YEARS, 1' x 1.4' @ MATURITY LOW WATER USE
	YF	23	YUCCA FILAMENTOSA ADAMS NEEDLE	24' HT #5 CONT	SHRUB, MOD GROWTH RATE, 2' x 2' @ 3-5 YEARS, 2.5' x 5' @ MATURITY LOW WATER USE
	RR		2'-3' DIAMETER RIVER ROCK, 5' DEPTH OVER PERMEABLE WEED BARRIER LANDSCAPE FABRIC, TOP OF ROCK FLUSH WITH FINISHED GRADE.		

## LEGEND - EXISTING

	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	PROP. TREE PROTECTION FENCING

REASON FOR REMOVAL OF EXISTING TREES IS DUE TO CONFLICT WITH PROPOSED SITE IMPROVEMENTS AND UNDERGROUND UTILITIES.

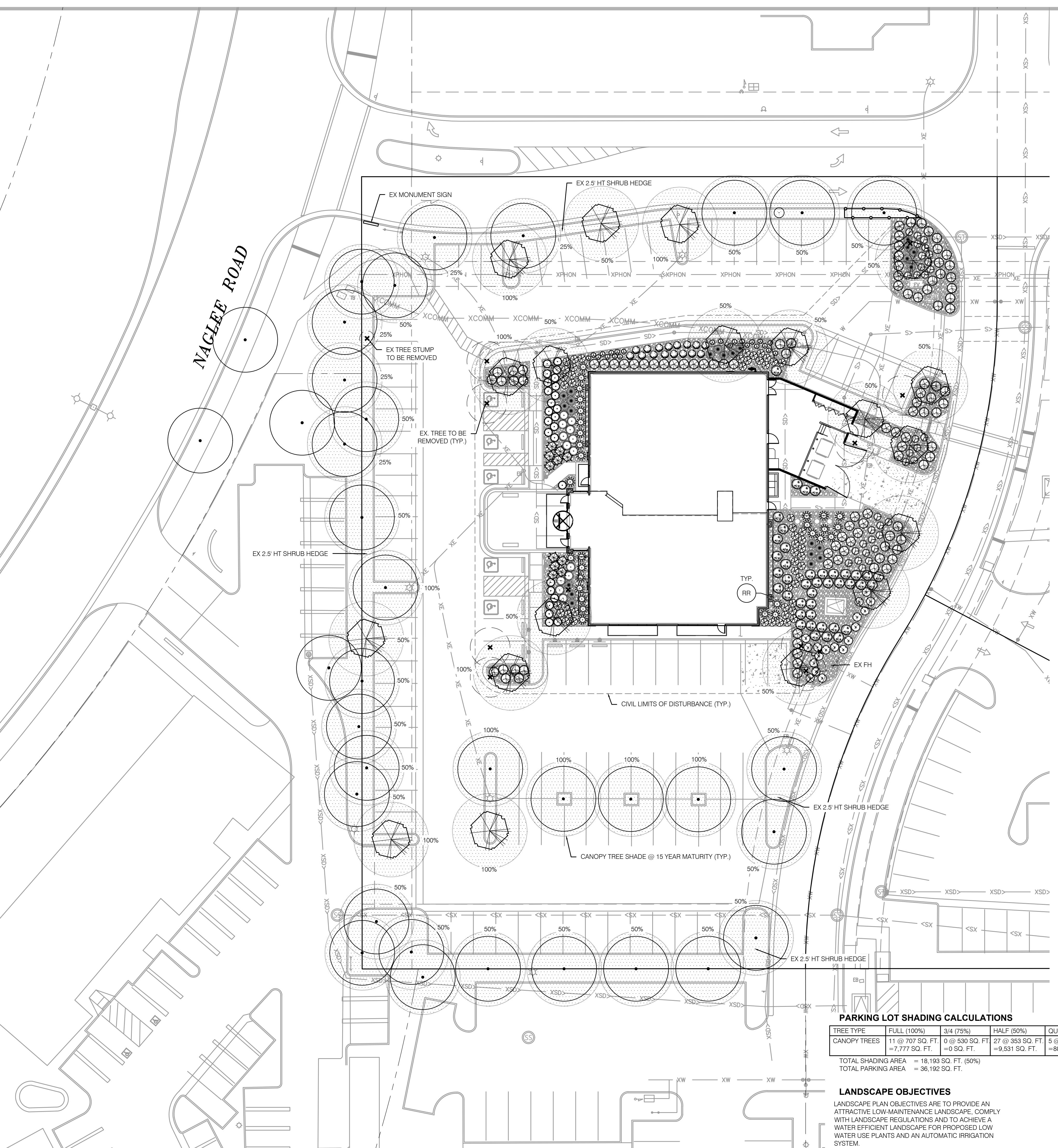
## EXISTING TREE NOTES

- GENERAL CONTRACTOR SHALL PROVIDE TREE PROTECTION AROUND EXISTING TREES TO REMAIN WITHIN LIMITS OF PROPOSED CONSTRUCTION PRIOR TO BEGINNING DEMOLITION / GRADING ACTIVITY. SEE TREE PROTECTION FENCING DETAIL.
- GENERAL CONTRACTOR SHALL REMOVE STUMP AND NEARBY ROOTS TO A DEPTH OF 18' FOR EXISTING PLANT MATERIAL TO BE REMOVED.



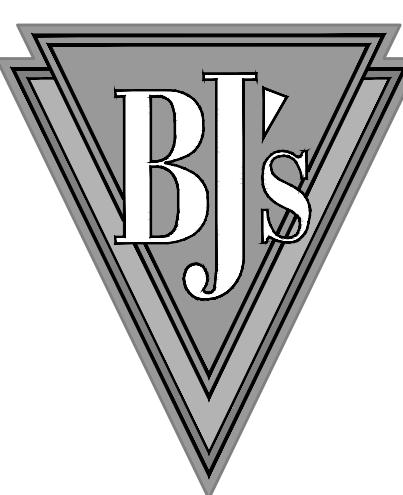
Know what's below.  
Call before you dig.

SCALE: 1" = 20.00'  
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NORTH



**LANDSCAPE OBJECTIVES**  
LANDSCAPE PLAN OBJECTIVES ARE TO PROVIDE AN ATTRACTIVE LOW-MAINTENANCE LANDSCAPE, COMPLY WITH LANDSCAPE REGULATIONS AND TO ACHIEVE A WATER-EFFICIENT LANDSCAPE FOR PROPOSED LOW WATER USE PLANTS AND AN AUTOMATIC IRRIGATION SYSTEM.



RESTAURANT  
BREWHOUSE

## project info

2770 NAGLEE ROAD  
TRACY, CA 95304prototype:  
PROTO-7000-DR

## issue dates

submission: date  
PLANNING SUBMITTAL 06-30-2023  
HEALTH SUBMITTAL 06-21-2023  
BUILDING PERMIT 09-13-2023  
BID  
CONSTRUCTION

revisions: date

plumbing

electrical

mechanical

civil

plumbing

mechanical

electrical

designed by:  
checked by:  
seal

sheet info

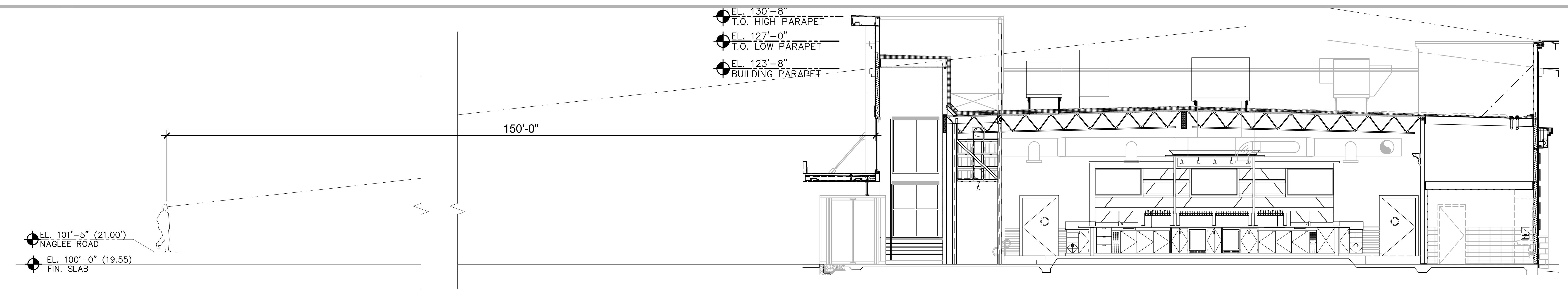
landscape

structural

architectural

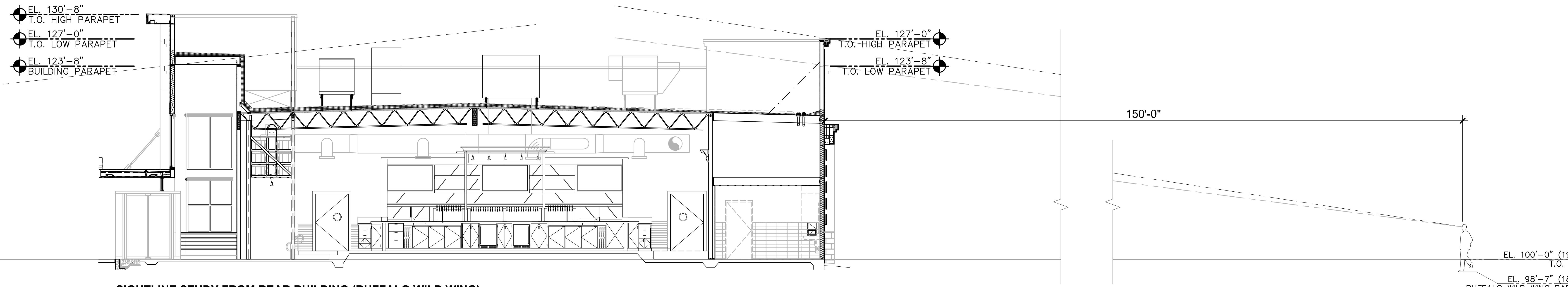
SIGHT LINE  
STUDY PLAN

A3.0A



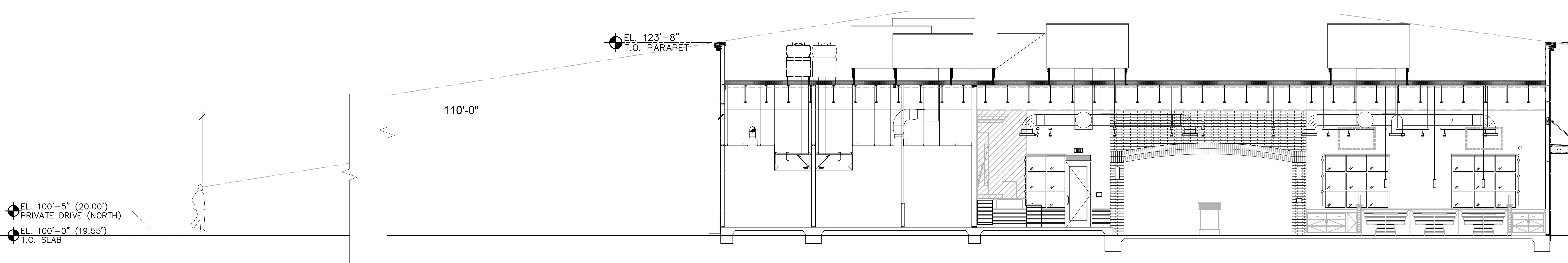
A3.0A-01 SIGHTLINE STUDY FROM FRONT BUILDING (NAGLEE RD)

SCALE: 3/16"=1'-0"



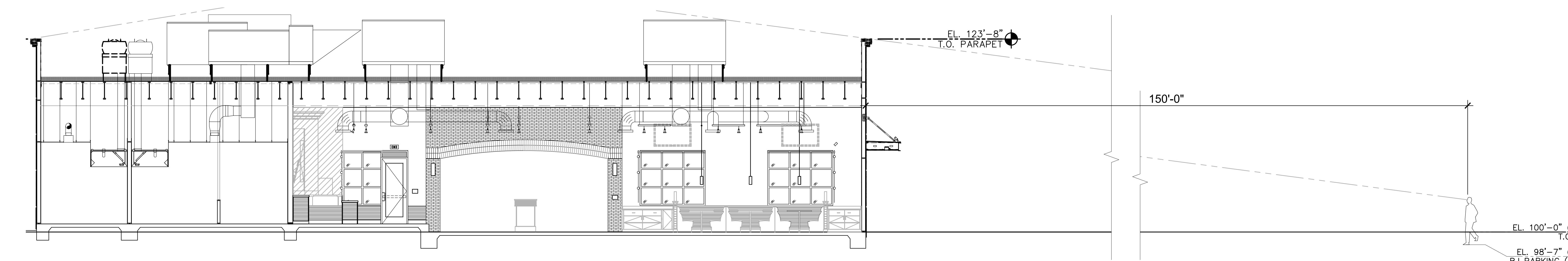
A3.0A-02 SIGHTLINE STUDY FROM REAR BUILDING (BUFFALO WILD WING)

SCALE: 3/16"=1'-0"



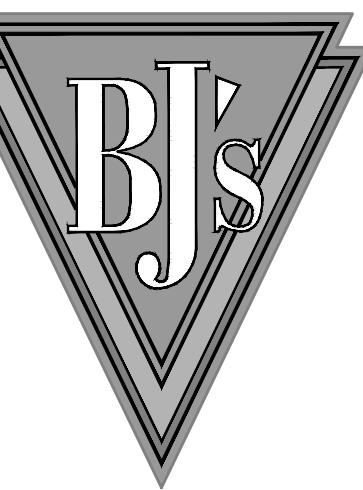
A3.0A-03 SIGHTLINE STUDY FROM LEFT BUILDING (PRIVATE DRIVE)

SCALE: 3/16"=1'-0"



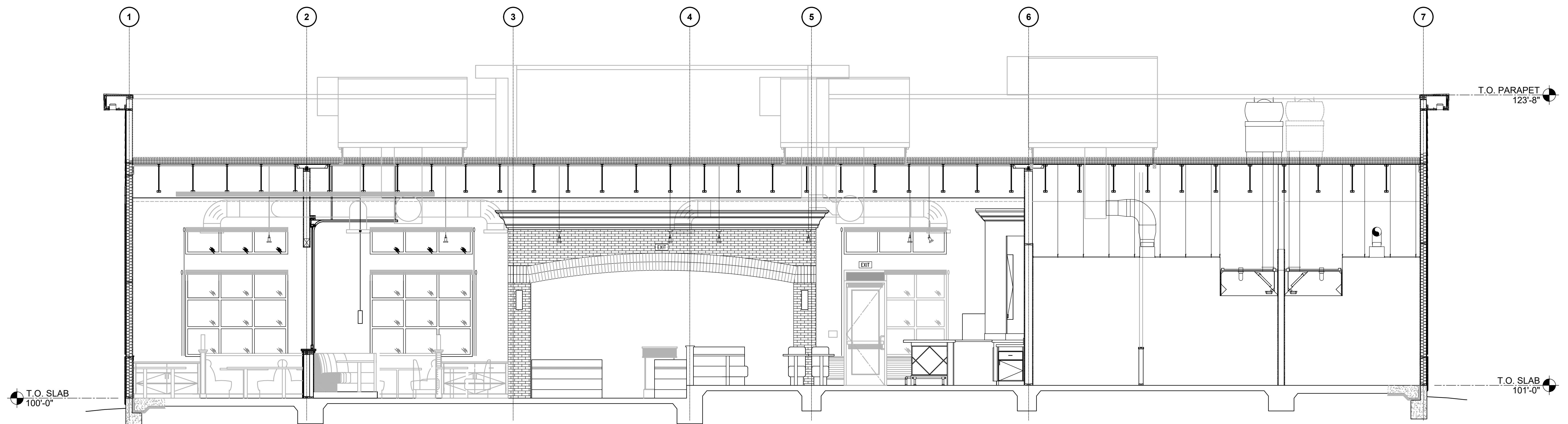
A3.0A-04 SIGHTLINE STUDY FROM RIGHT BUILDING (BJ PARKING SOUTH)

SCALE: 3/16"=1'-0"



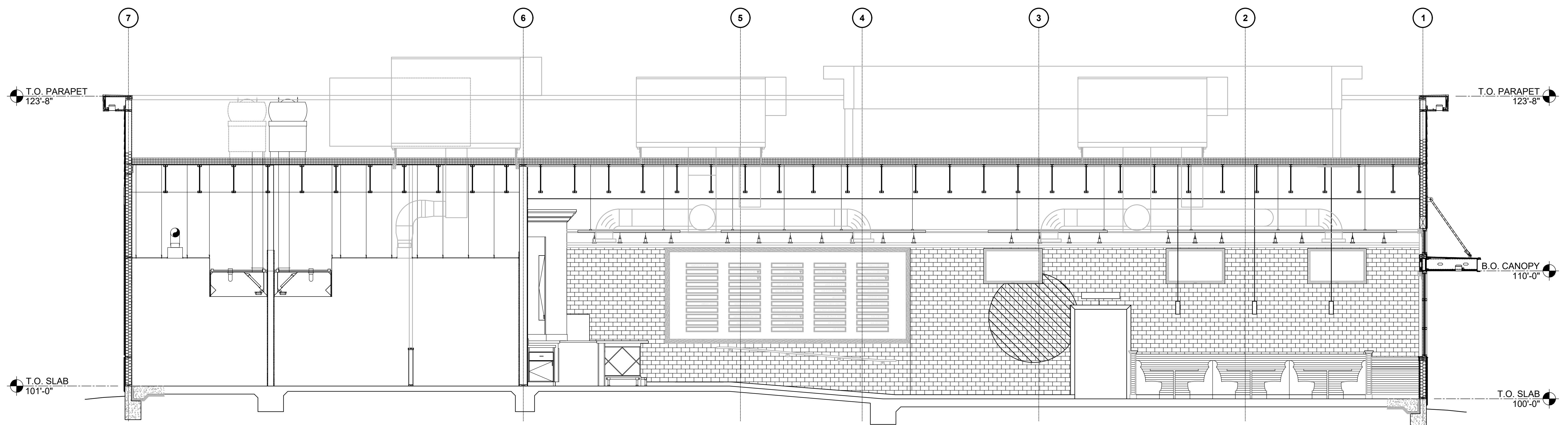
## 01 building section

SCALE | 1/4" = 1'-0"



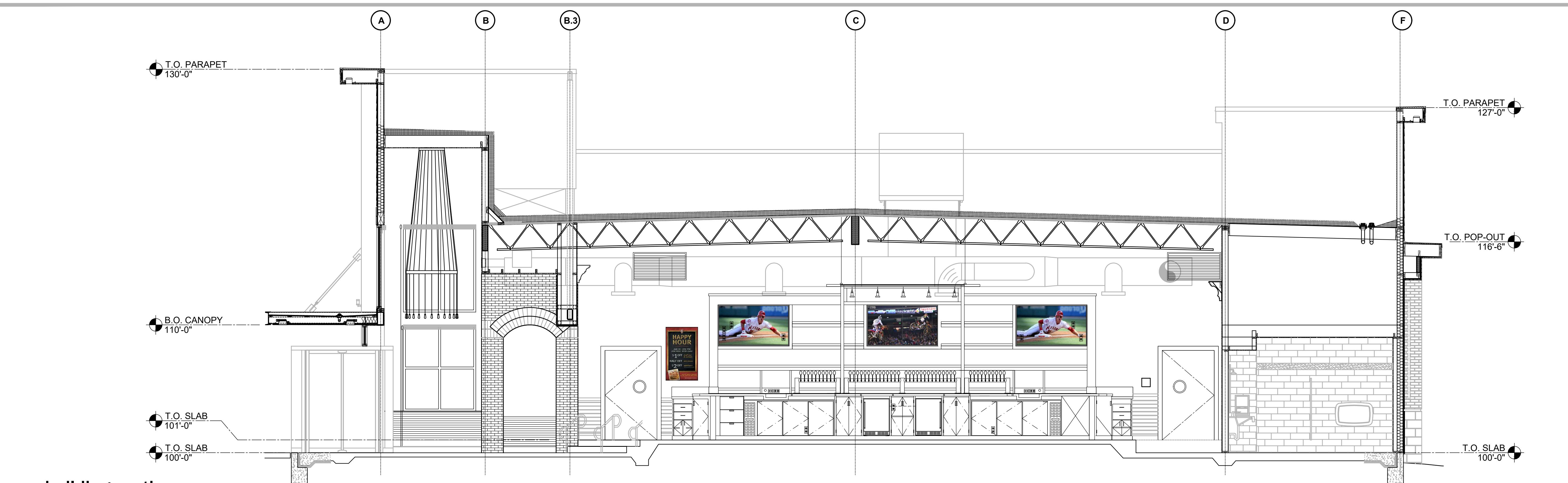
## 02 building section

SCALE | 1/4" = 1'-0"



## 03 building section

SCALE | 1/4" = 1'-0"



## project info

2770 NAGLEE ROAD  
TRACY, CA 95304prototype:  
PROTO-7000 - DR

## issue dates

submission: date  
PLANNING SUBMITTAL  
HEALTH SUBMITTAL  
BUILDING PERMIT  
BID  
CONSTRUCTION

revisions: date

plumbing date

mechanical date

electrical date

designed by:  
checked by:  
seal

## sheet info

## BUILDING SECTIONS

A3.0

civil

structural

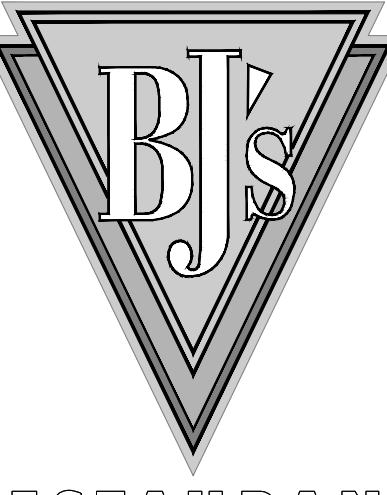
landscape

7007 DISCOVERY BLVD  
DUBLIN, OH 43017  
614.634.7000 T

WDPARTNERS.COM

project no. | BJSBJ0388

own



# RESTAURANT BREWHOUSE

EXTERIOR FINISHES				
KEY	COLOR	APPLICATION	MANUFACTURER / SOURCE	DESCRIPTION
<b>PAINT</b>				
PT-24	BRONZE	WINDOW FRAMES AND BRAKE METAL	MATCH KAWNEER DARK BRONZE #40	
PT-25	BLACK	CORNICE / COPING / METAL CANOPIES	SHERWIN-WILLIAMS (BLACK "DOMINO")	SW 6989
PT-26	NOMADIC DESERT	EXTERIOR SERVICE DOOR/TRASH GATE	SHERWIN-WILLIAMS	SW 6107
<b>STONE/ BRICK VENEER</b>				
KEY	COLOR	APPLICATION	MANUFACTURER / SOURCE	DESCRIPTION
STN-2	SEPIA	EXTERIOR WALL FINISH	RESOURCE BUILDING MATERIALS CONTACT: CARY HAGEN P: 1.949.678.3242 MCNEAR BRICK & BLOCK 1 MCNEAR BRICKYARD RD. SAN RAFAEL, CA 94901 P: 888.442.6811	USE GROUT RELEASE MCNEAR STANDARD CORED BRICK 8 1/8" x 2 7/16" x 3 7/8" THICK <b>GROUT:</b> CUSTOM BUILDING PRODUCTS - ANTIQUE WHITE, SANDED, 3/16" JOINT SIZE. DO NOT APPLY SEALER
STN-3	RAWHIDE			
STN-4	SEPIA	EXTERIOR WATERTABLE	WOODTONE SIDING WOODTONE.COM CONTACT: TRACI RIZZO P: 1.800.446.6475 (O) 1.425.754.3171 (D)	McNEAR THIN ROWLOCK UNIT <b>GROUT:</b> CUSTOM BUILDING PRODUCTS COLOR: #127
CL-1	RUSTIC SERIES MAPLE	EXTERIOR WALL FINISH		
				COLORGUARD WOODTONE LAP SIDING PANEL 8-1/4"x12'-0" TRIM BOARD - (RIP DOWN TO 2 1/2"), MITER AT CORNERS WHERE APPLIES.

## 01 front elevation

**SCALE**  $1/4'' = 1'-0''$

## project info

2770 NAGLEE ROAD  
TRACY, CA 95304

**prototype:**  
PROTO - 7000 - DR

**Issue dates**  
**submission:**

PLANNING SUBMITTAL	06-30-
HEALTH SUBMITTAL	08-21-
BUILDING PERMIT	09-11-
BID	

## CONSTRUCTION

---

1. *What is the primary purpose of the study?*

---

designed by:  
checked by:  
**seal**

## sheet info

# EXTERIOR ELEVATIONS

A2.0

© 2007 by the author

Architectural elevation drawing of a brick building facade for a Restaurant and Brewhouse. The drawing shows multiple levels with brickwork, windows, and a canopy. Various structural components like STN-2, CL-1, and PT-25 are labeled. Height markers include T.O. PARAPET levels and B.O. CANOPY levels. A central logo for "RESTAURANT BJS BREWHOUSE" is present. A dashed line indicates the "OUTLINE OF ROOF TOP UNITS BEYOND".

Labels and dimensions:

- T.O. PARAPET 130'-0"
- T.O. PARAPET 127'-0"
- T.O. PARAPET 123'-8"
- TOP OF SOLDIER COURSE 117'-10"
- B.O. CANOPY 110'-0"
- T.O. PARAPET 127'-0"
- T.O. PARAPET 123'-8"
- T.O. PARAPET 116'-6"
- T.O. CMU WALL 8'-4"

Structural components:

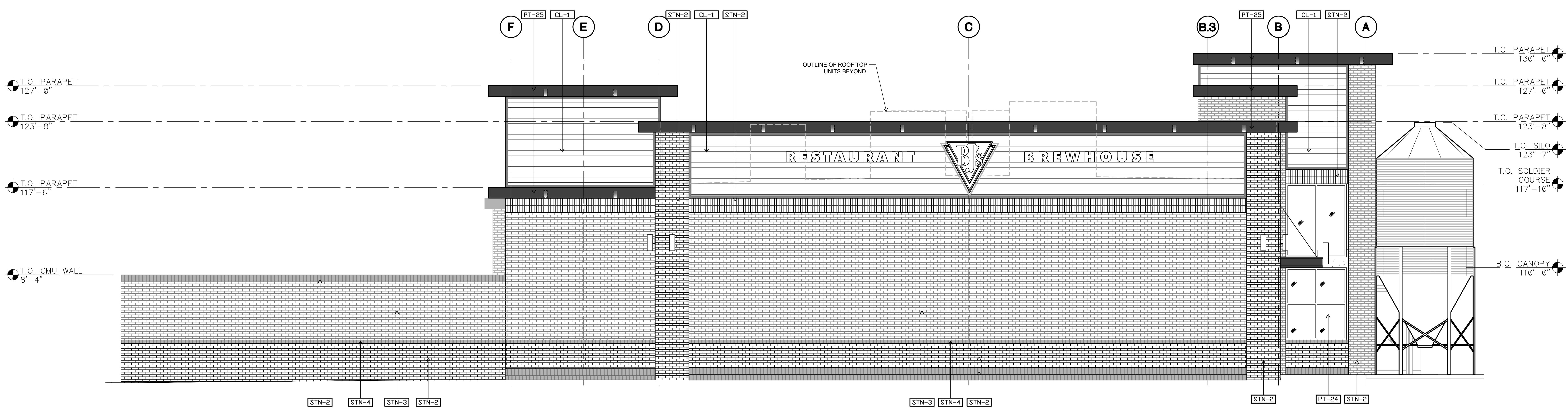
- STN-2, CL-1, PT-25
- STN-4, STN-3, STN-2
- PT-24
- PT-26

Other features:

- OUTLINE OF ROOF TOP UNITS BEYOND
- RESTAURANT BJS BREWHOUSE

## 02 right elevation

SCALE  $1/4'' = 1'-0''$

RESTAURANT  
BREWHOUSE

01 left elevation

SCALE | 1/4" = 1'-0"

## project info

2770 NAGLEE ROAD  
TRACY, CA 95304prototype:  
PROTO - 7000 - DR

## issue dates

submission: date  
PLANNING SUBMITTAL 06-30-2023  
HEALTH SUBMITTAL 08-21-2023  
BUILDING PERMIT 08-11-2023  
BID CONSTRUCTION

## revisions: date

plumbing

electrical

mechanical

civil

structural

landscape

equipment

architectural

designed by:  
checked by:  
seal

## sheet info

EXTERIOR  
ELEVATIONS

A2.1

civil

structural

landscape

equipment

architectural

civil

structural

landscape

equipment&lt;/div



FRONT ENTRY ELEVATION



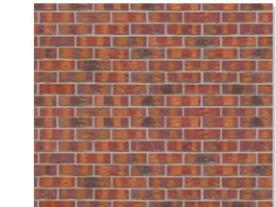
RIGHT ELEVATION

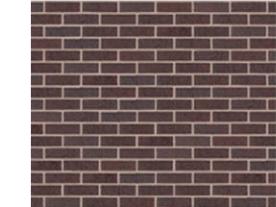


REAR ELEVATION

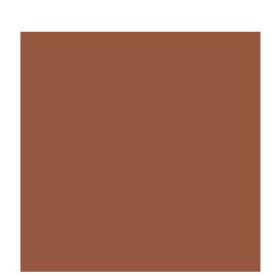


LEFT ELEVATION

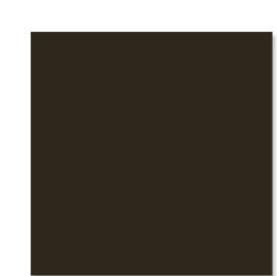
 BRICK VENEER  
MCNEAR BRICK  
COLOR: RAWHIDE (STN-3)

 BRICK VENEER  
MCNEAR BRICK  
COLOR: SEPIA (STN-2)

 COMPOSITE SIDING  
WOODTONE RUSTIC SERIES  
COLOR: MAPLE (CL-1)

 MECHANICALS/DOORS - PAINT  
SHERWIN WILLIAMS  
SW2803 ROOKWOOD TERRA COTTA

 PARAPET CORNICE  
SHERWIN WILLIAMS  
SW6989 GLOSS DOMINO

 STORE FRONT  
KAWNEER  
DARK BRONZE FINISH

NOTE: BUILDING MATERIALS SHOWN ARE REPRESENTATIONAL ONLY AND DO NOT REFLECT ENVIRONMENTAL VARIABLES.



## BJ's Restaurant & Brewhouse

2770 NAGLEE ROAD  
TRACY, CA 95304

**wd**

Copyright wdpartners BJSBJ0388 08.15.2023

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CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

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- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR DEVELOPMENT OF A NEW 7,652 SQUARE FOOT RESTAURANT WITH SITE IMPROVEMENTS AT 2770 NORTH NAGLEE ROAD; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

**WHEREAS**, A development review permit application for development of a new 7,652 square foot restaurant with site improvements was submitted on April 4, 2023; and

**WHEREAS**, The site has a General Plan land use designation of Commercial and is zoned Planned Unit Development within the Commercial Center designation in the I-205 Corridor Specific Plan, wherein such uses are principally permitted; and

**WHEREAS**, The Planning Commission can approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.3920, which findings are set forth in Exhibit 1; and

**WHEREAS**, The project is categorically exempt from CEQA based on Guidelines Section 15332, which pertains to certain infill development projects, because the project is consistent with the General Plan and Zoning; occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services, no further environmental assessment is necessary; and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the applications on November 15, 2023; now, therefore, be it

**RESOLVED:** That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15332 (Infill Development Projects); and be it

**FURTHER RESOLVED:** That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the approval of Development Review Permit D23-0005 for development of a new 7,652 square foot restaurant with site improvements; and be it

**FURTHER RESOLVED:** That the Planning Commission, based on the CEQA determination of exemption and the adoption of requisite findings, hereby approves

Development Review Permit D23-0005 for development of a new 7,652 square foot restaurant with site improvements located at 2770 North Naglee Road, subject to the Conditions of Approval contained in Exhibit 2.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Planning Commission on November 15, 2023, by the following vote:

AYES: COMMISSION MEMBERS:  
NOES: COMMISSION MEMBERS:  
ABSENT: COMMISSION MEMBERS:  
ABSTENTION: COMMISSION MEMBERS:

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CHAIR

ATTEST:

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STAFF LIAISON

Exhibit 1 – Project Findings

Exhibit 2 – Project Conditions of Approval

**City of Tracy  
Development Review Permit Findings  
Application Number D23-0005**

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project would develop an existing site that is surrounded by commercial development and the proposed new 7,652 sq. ft. restaurant building will have four-sided architecture with horizontal and vertical relief through use of metal canopies, popouts, and varying materials, heights, and colors to provide visual interest on all sides of the building meeting the City's objectives for quality design.
2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and State Regulations for building design and construction and zoning development standards.

**City of Tracy  
Development Review Permit  
Conditions of Approval**  
7,562 Square Foot Restaurant with Site Improvements  
2770 N. Naglee Rd.  
Application Number D23-0005  
November 15, 2023

These Conditions of Approval shall apply to the Development Review Permit for a development of a new 7,562 square foot restaurant with site improvements at 2770 North Naglee Road, (hereinafter "Project"), proposed by Jared Taylor on behalf of BJ's Restaurant (hereinafter "Applicant") and SPP Outparcel SPE, LLC (hereinafter "Property Owner").

**A. Definitions**

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer to perform the duties set forth herein.
4. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, City's Design Goals and Standards, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
5. "Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Conditions of Approval" shall mean the conditions of approval, applicable to Development Review Permit Application Number D23-0005.
7. "Property" means the subject property of the Development Review Permit for development of a new 7,562 square foot restaurant with site improvements at 2770 North Naglee Road (APN 212-050-60), (hereinafter "Project"), proposed by Jared Taylor on behalf of BJ's Restaurant, (hereinafter "Applicant"), Application Number D23-0005.

**B. Planning Division Conditions of Approval**

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning

and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., “CEQA Guidelines”).

2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Pursuant to Government Code Section 66020, including Section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
4. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on October 17, 2023, to the satisfaction of the Development Services Director.
5. Following the final inspection or certificate of occupancy, the applicant shall have one year to submit EV parking construction plans identified on the site plan as future phase II to the Building Safety Division, to the satisfaction of the Chief Building Official.
6. Prior to final inspection or certificate of occupancy, the back side of any visible roof parapets shall consist of the same material and be painted the same color as the front side of the roof parapets, to the satisfaction of the Development Services Director.
7. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency, to the satisfaction of the Utilities Director.
8. Prior to issuance of a building permit, the Developer shall submit construction documents, plans, specifications, and/or calculations to the Building Safety Division, which meet all applicable requirements of Title 24 California Code of Regulations, to the satisfaction of the Chief Building Official.
9. Prior to issuance of a building permit, the Developer shall submit plans that clearly depict an accessible route per California Building Code (CBC) 11B-206.2.2 from each building to the trash enclosure and all facilities on-site, to the satisfaction of the Chief Building Official.
10. Prior to issuance of a building permit, the Developer shall conform with all requirements of the California Fire Code as amended by the Tracy Municipal Code, to the satisfaction of the South San Joaquin County Fire Authority.

11. Prior to final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Director. Plans to demonstrate such compliance shall be submitted to the City prior to the issuance of a building permit.
12. Prior to the issuance of a building permit, the developer shall submit plans demonstrating that the trash enclosure shall be a masonry enclosure at a minimum height of seven feet, exterior materials and colors to match the proposed building, solid metal doors painted to match the proposed building colors, a roof designed with complementary materials and design, and a concrete apron in front of the enclosure where the dumpsters, loading/transport equipment, or vehicles will maneuver, to the satisfaction of the Development Services Director.
13. Prior to final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
14. Prior to final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the adjacent building surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
15. No signs are approved as a part of this development review permit. Approval of a separate sign permit by the Development Services Department is necessary prior to the installation of any signs.
16. Prior to issuance of a building or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOC), to the satisfaction of the Development Services Director.
17. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees, to the satisfaction of the APCD.

**C. South San Joaquin County Fire Authority Conditions of Approval**

Contact: Daniel Stowe (209) 831-6707 [daniel.stowe@sjcfire.org](mailto:daniel.stowe@sjcfire.org)

1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - i. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
  - ii. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed, and approved by SSJCFA prior to installation.
  - iii. Fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground fire service.
  - iv. Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
  - v. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.
  - vi. Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with NFPA 14 §6.4.5.4. FDC locations shall be approved by the fire code official prior to issuance of construction permit.
  - vii. A fire control room is required for this project. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
  - i. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - ii. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - iii. Permit holder is responsible for any additional inspection fees incurred and shall be paid prior to final inspection.
3. All fire hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
4. A Knox box shall be required for this project. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.

5. Building shall be provided with approved address identification that is illuminated in accordance with CFC §505 as amended by the Tracy Municipal Code.
6. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
7. Prior to construction, an address must be posted at the construction site entrance. Address must be a minimum of 4 inches high by  $\frac{1}{2}$  inch numerals. Address must be provided so that emergency service personnel can locate the construction site in the event of an emergency.

**D. The following conditions provide the applicant with options for funding required Citywide services.**

Contact: Guadalupe Pena 209.831.6834 Guadalupe.pena@cityoftracy.org

**D.1. Streets and Streetlights**

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”), by doing one of the following, subject to the approval of the City’s Finance Director:

- a. Community Facilities District (CFD). Developer shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the final inspection, Developer shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:
  - 1) Form a Property Owner’s Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement

Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”);

- 2) Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) of the POA to ensure the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”);
- 3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”).

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”) are met prior to issuance of the building permit for the Property, subject to the Finance Director’s review and approval, the terms of this condition

shall be considered to have been met and this condition shall become null and void.

D.2. Landscaping Maintenance

Prior to issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for public landscaping for the Property at a high-quality service level as determined by the Parks Director by doing one of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:
  1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;
  2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA of all public landscape areas that will serve the Property;

3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;
4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. Direct funding. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails.

November 15, 2023

Agenda Item 1.B

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:**

- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR CONSTRUCTION OF A NEW FREEWAY SIGN AT PARKWAY PLAZA, LOCATED AT THE SOUTHEAST CORNER OF INTERNATIONAL PARKWAY AND I-205; AND**
- 2. DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15183 AND 15311.**

**THE APPLICANT AND OWNER IS DREW MICHEL ON BEHALF OF R&B DELTA II LLC, APPLICATION NUMBER D21-0003.**

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission approve a Development Review Permit for construction of a new 70-foot-tall commercial Freeway Sign (as defined in Section 3.8 of the Cordes Ranch Specific Plan) at Parkway Plaza and determine that such approval is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311.

BACKGROUND

On January 22, 2022, the City's Planning Commission approved a Tentative Parcel Map (Application No. TSM18-0002) to allow the subdivision of an approximately 17.6-acre site into 14 parcels (Attachment A). On January 13, 2021, the City received a Development Review Permit application to construct a 70-foot-tall freestanding pylon sign consistent with the sign program in the Cordes Ranch Specific Plan at Parkway Plaza formerly West Parkway Village.

On April 22, 2021, the City notified applicant that the Development Review Permit cannot be approved until a tenant improvement building permit is issued for a business located at Parkway Plaza, because, per Tracy Municipal Code Section 10.08.4490(g), signs can only be constructed for a bona fide business. On July 27, 2022, the Chevron Gas Station and Convenience Store building permit was issued, and temporary certificate of occupancy was approved on August 3, 2023, thereby allowing the sign to be constructed for an existing business on the site. The Development Review Permit, if approved by Planning Commission, would provide authorization for the Freeway Sign to be constructed.

A Development Review Permit is regulated by Tracy Municipal Code (TMC) Title 10 Article 30, most recently amended by Ordinance 1236 on July 18, 2017. The application is to be reviewed for compliance with the regulations in the Tracy Municipal Code, the Cordes Ranch Specific Plan, and the City's Standard Plans and Specifications (Engineering standards).

## ANALYSIS

### *Zoning*

The proposed 70-foot-tall freeway sign is located on the northeast corner of Parkway Plaza commercial center as indicated in Attachment B. The project site is surrounded by undeveloped commercial parcels (Attachment B: Location Map). The proposed project conforms with General Commercial Zoning District and Freeway Sign Design Standards in the Cordes Ranch Specific Plan.

In other site locations in the City, “freeway signs” are governed wholly by Tracy Municipal Code Section 10.09.4500(d)(5) and require a Conditional Use Permit. However, those standard provisions were modified by the adoption Cordes Ranch Specific Plan Zone (See TMC § 10.08.3021) for freeway signs located in that area. Under Sections 3.8, 8.4 and 8.5 of the Cordes Ranch Specific Plan, a Freeway Sign requires Development Review approval in accordance with the zoning, development, and design standards provided in that Specific Plan.

### *Architecture & Design*

The proposed design of the freeway sign is substantially consistent with the Freeway Sign Design Standards provided in Section 3.8 of the Cordes Ranch Specific Plan, consistent with the Freeway sign Design Example provided in Figure 3.4 of that section, and consistent with the Freeway Sign standards under Tracy Municipal Code, as modified by the Cordes Ranch Specific Plan. The proposed double-faced freeway sign is 70 feet tall and 22 feet wide. The sign consists of eight sign panels per sign face. The lowest sign face is located 21 feet off the ground (Attachment B: Site Exhibit).

### *CEQA*

The proposed project is consistent with the Cordes Ranch Specific Plan Environmental Impact Report (EIR), approved by the City Council on September 3, 2013, and the General Plan EIR approved by the City Council on February 1, 2011. Pursuant to CEQA Guidelines Section 15183, no additional environmental documentation is required. An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project which were not already discussed in the Cordes Ranch and General Plan EIRs. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, land use and other potential cumulative impacts have already been considered within the original environmental documentation. No new evidence of potentially significant effects has been identified as a result of this project.

The project is also categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15311 that pertains to construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premises signs.

### *Consistency with City Standards*

The project site is designated Commercial in the Tracy General Plan and zoned General Commercial Zoning District in the Cordes Ranch Specific Plan.

As evidenced in the analysis above, this proposed development coupled with recommended conditions of approval meets the City's objectives for design as required by the Tracy General Plan and the City of Tracy Design Goals and Standards, including the following:

**Design Goals and Standards**

**Signage**

GOAL 1. To allow only for signage that is architecturally integrated with its surroundings in terms of size, shape, color, texture, placement, and lighting so that it is architecturally complementary to the overall design of the building(s).

**FINDINGS**

Under the Cordes Ranch Specific Plan, Freeway Signs require Development Review. Development Review Permits must meet the requirements set forth in TMC Section 10.08.3920. Before approving a Development Review Permit, the Planning Commission must make the following findings:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Staff recommends that the Planning Commission make the requisite findings for this project based on the evidence in the record, including, without limitation, the following:

- (a) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed freeway sign would be developed in substantial conformance with the Cordes Ranch Specific Plan and create visual attraction to a large commercial area along Interstate 205.
- (b) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and State Regulations for building design and construction and Cordes Ranch Specific Plan sign design standards.

**PUBLIC OUTREACH/ INTEREST**

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

## COORDINATION

This development application was reviewed by multiple City Departments, the South San Joaquin County Fire Authority, the San Joaquin Environmental Health Department, the Air Pollution Control District, Caltrans, PG&E, and San Joaquin Council of Governments regarding the Habitat Conservation Plan as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

## CEQA DETERMINATION

The proposed project is consistent with the Cordes Ranch Specific Plan Environmental Impact Report (EIR), approved by the City Council on September 3, 2013, and the General Plan EIR approved by the City Council on February 1, 2011. Pursuant to CEQA Guidelines Section 15183, no additional environmental documentation is required. An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project which were not already discussed in the Cordes Ranch and General Plan EIRs. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, land use and other potential cumulative impacts have already been considered within the original environmental documentation. No new evidence of potentially significant effects has been identified as a result of this project.

The project is also categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15311 that pertains to construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premises signs.

## ACTION REQUESTED OF THE PLANNING COMMISSION

### **STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:**

- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR CONSTRUCTION OF A NEW FREEWAY SIGN AT PARKWAY PLAZA, LOCATED AT THE SOUTHEAST CORNER OF INTERNATIONAL PARKWAY AND I-205; AND**
- 2. DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTIONS 15183 AND 15311.**

Prepared by: Kenny Lipich, Associate Planner

Reviewed by: Alan Bell, Senior Planner

William Dean, Assistant Development Services Director

Jeffrey Crosswhite, Assistant City Attorney

Bijal M. Patel, City Attorney

Approved by: Karin Schnaider, Assistant City Manager / Interim Development Services Director

Attachments:

Attachment A – TSM18-0002 Parcel Map  
Attachment B – Vicinity map, site plan, and sign elevation  
Attachment C – Planning Commission Resolution  
Exhibit 1 – Findings  
Exhibit 2 – Conditions of Approval

# TENTATIVE SUBDIVISION MAP 3966

# ST PARKWAY VILLAGE



Scale 1" = 60'

END

EXISTING	
—	ASPHALT BERM
—	BLOCK/RETAINING WALL
—	BUILDING LINE
—	CONCRETE CURB
—	CONCRETE CURB & GUTTER
—	CONTOUR LINE
—	DRIVEWAY
—	EDGE OF PAVEMENT
—	FENCE LINE
—	LOT LINE
—	MONUMENT/MONUMENT LINE
—	OVERHEAD POWER LINE
—	PROPERTY LINE
—	RAINWATER LEADER
—	RECLAIMED WATER LINE
—	SIDEWALK
—	SANITARY SEWER LINE
—	STORM DRAIN—MANHOLE & CATCH BASIN
—	WATER LINE
—	BACKFLOW PREVENTER
—	DOUBLE DETECTOR CHECK VALVE
—	ELECTROLIER
—	FIRE HYDRANT
—	MANHOLE
—	POWER POLE/JOINT POLE
—	SPOT ELEVATION
—	TRAFFIC SIGN
—	TREE
—	UTILITY BOX
—	WATER METER
—	AREA DRAIN
—	BACK OF WALK
—	BEGIN ASPHALT SWALE
—	BOTTOM OF WALL
—	BUILDING LINE
—	CATCH BASIN
—	CLEANOUT TO GRADE
—	CONCRETE
—	CONCRETE HEADWALL
—	DOMESTIC WATER SERVICE
—	DOWN SPOUT
—	END ASPHALT SWALE
—	EASEMENT
—	FACE OF BERM
—	FACE OF CURB
—	FIRE HYDRANT
—	FIRE SERVICE
—	FACE OF WALK
—	FLOW LINE
—	GRADE BREAK
—	GROUND
—	INVERT ELEVATION
—	OVERFLOW
—	OFFICIAL RECORD
—	PAVEMENT
—	PUBLIC UTILITY EASEMENT
—	RADIAL BEARING
—	RIGHT OF WAY
—	RAINWATER LEADER
—	RIM ELEVATION
—	ROOF DRAIN
—	STORM DRAIN
—	STORM DRAIN CATCH BASIN
—	STORM DRAIN MANHOLE
—	SQUARE FEET
—	SANITARY SEWER
—	SANITARY SEWER MANHOLE
—	SWALE
—	TOP OF BERM
—	TOP OF CURB
—	TOP OF WALL
—	TRANSFORMER
—	TRASH ENCLOSURE
—	WALK LIGHT
—	CONCRETE
—	TREATMENT PLANTED

## CEI AREA SUMMARY

PARCEL	AREA
PARCEL 1	43,533± SF
PARCEL 2	66,550± SF
PARCEL 3	66,959± SF
PARCEL 4	68,384± SF
PARCEL 5	46,624± SF
PARCEL 6	78,724± SF
PARCEL 7	85,653± SF
PARCEL 8	50,063± SF
PARCEL 9	51,741± SF
PARCEL 10	43,554± SF
PARCEL 11	35,572± SF
PARCEL 12	33,410± SF
PARCEL 13	32,850± SF
PARCEL 14	34,053± SF
PARCEL DEDICATION	30,323± SF
TOTAL	768,013 SF

INITIATIVE SUBDIVISION MAP 3966  
WEST PARKWAY VILLAGE  
CONCEPTUAL GRADING PLAN

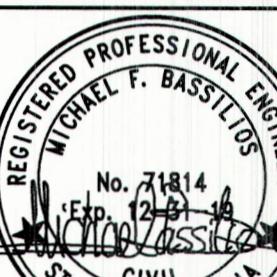
SHEET

2

F 5 SHEET



Think Inside



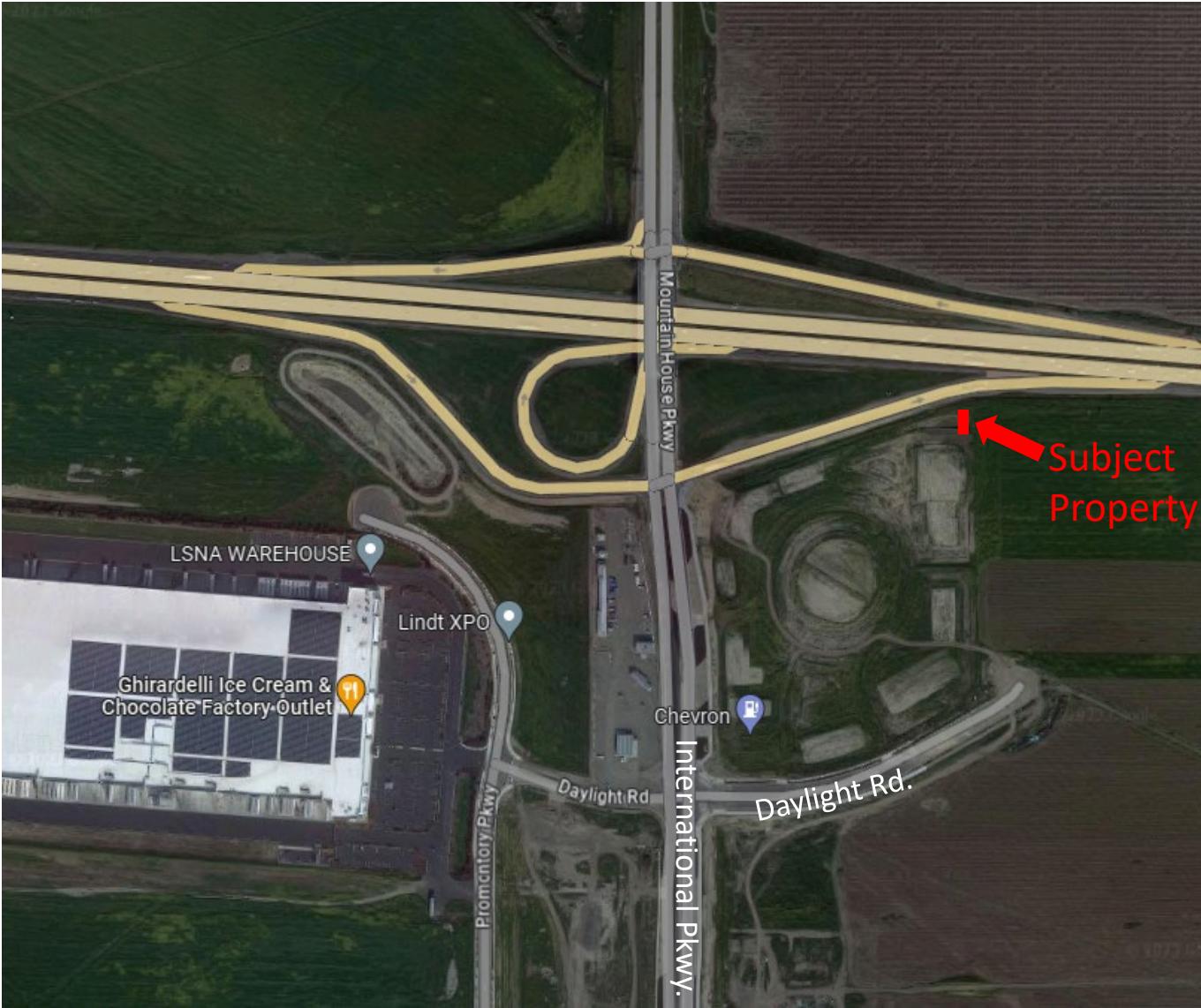
AL ENGINEER  
ELIOS

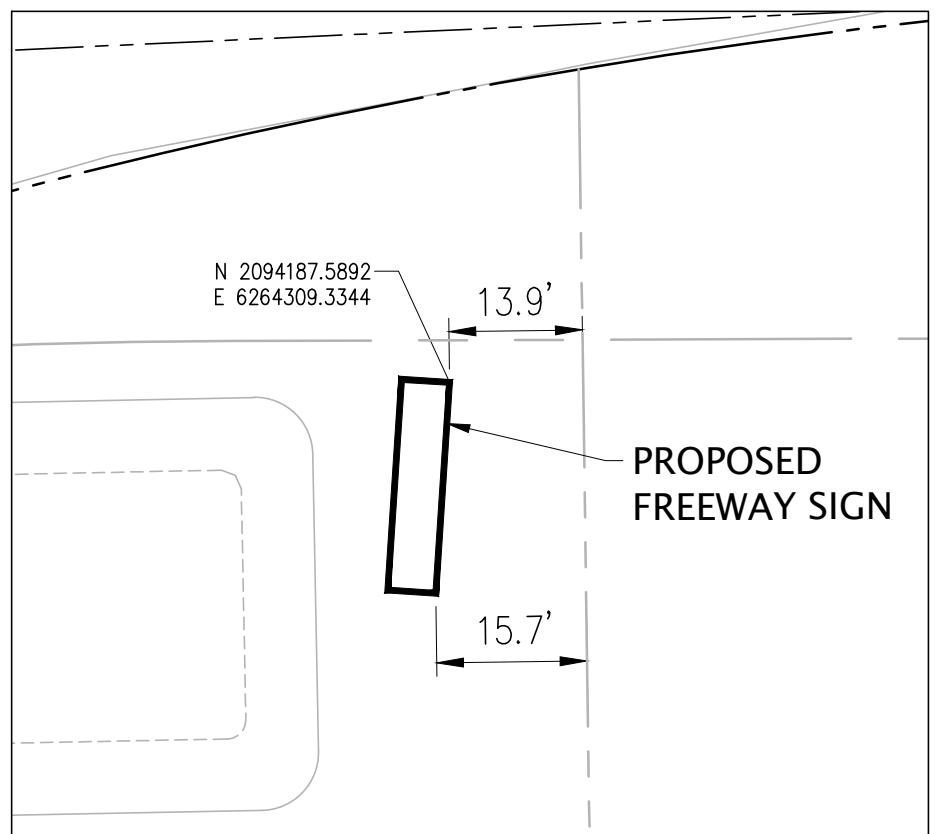
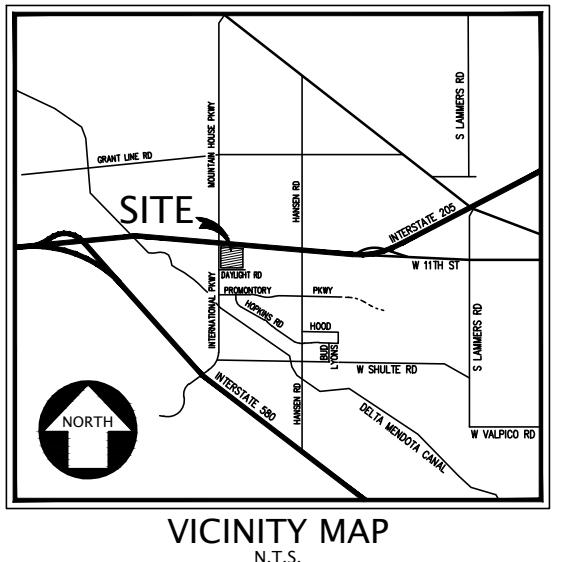
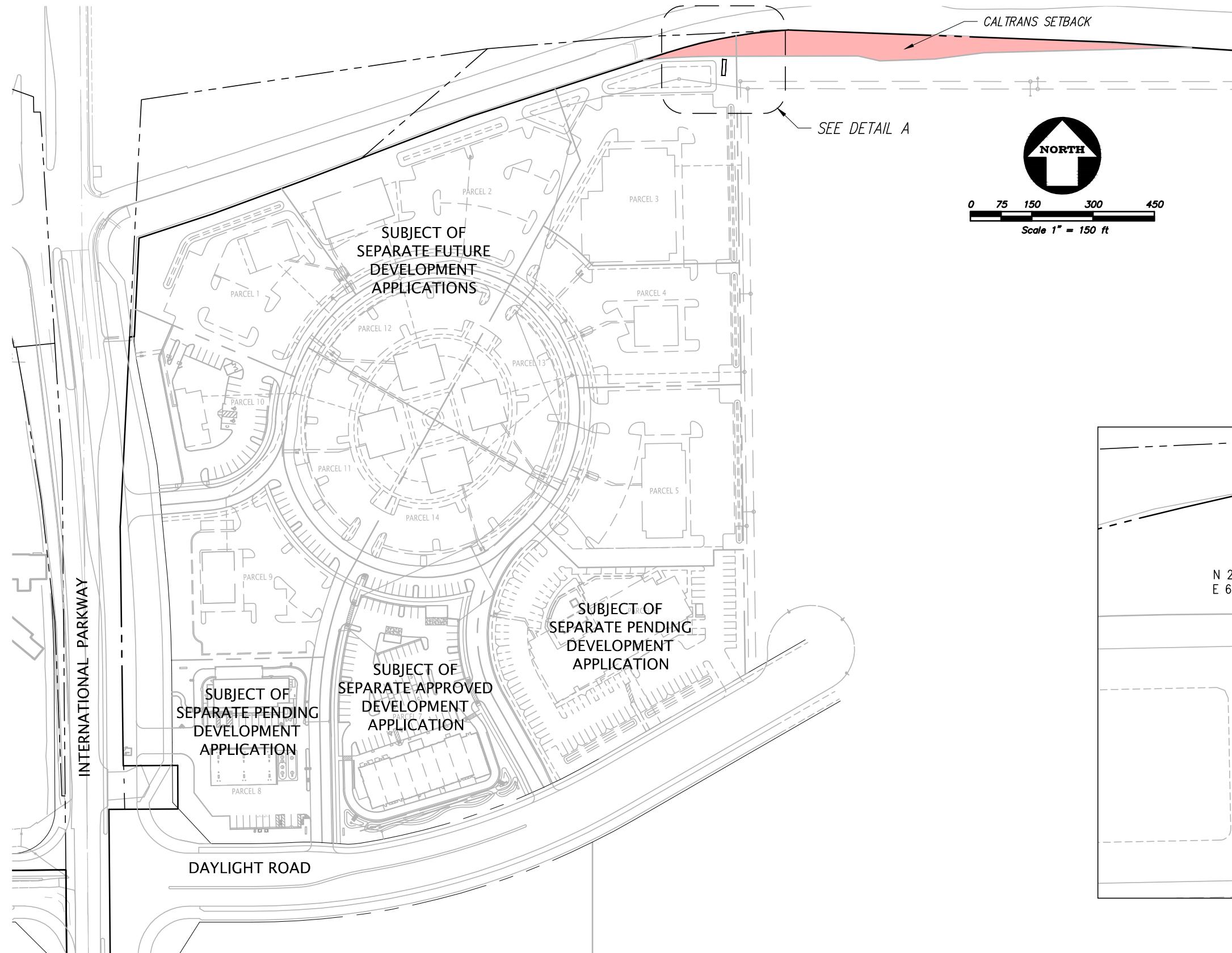


2850 Collier Canyon Road  
Livermore, California 94551  
Phone (925) 245-  
[www.kierwright.com](http://www.kierwright.com)

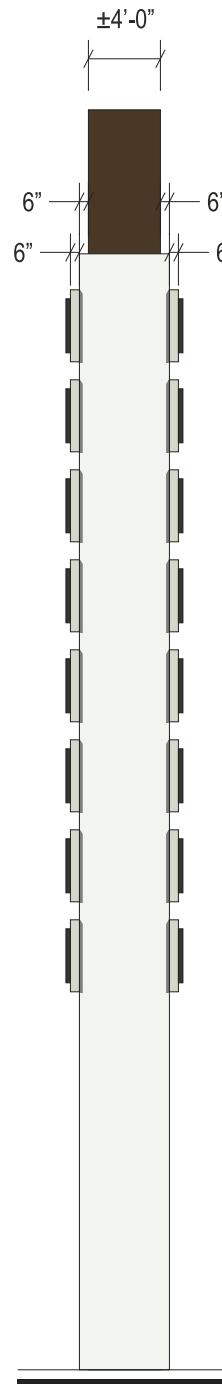
M.F.B.	SYMBOL	DATE	DESCRIPTION	APPROVED
DRAWN BY:		09/05/19	CITY SUBMITTAL	
-		10/04/19	CITY SUBMITTAL	
CHECKED BY:		11/26/19	CITY SUBMITTAL	
M.F.B.		12/19/19	CITY SUBMITTAL	
SCALE:				

## Attachment B

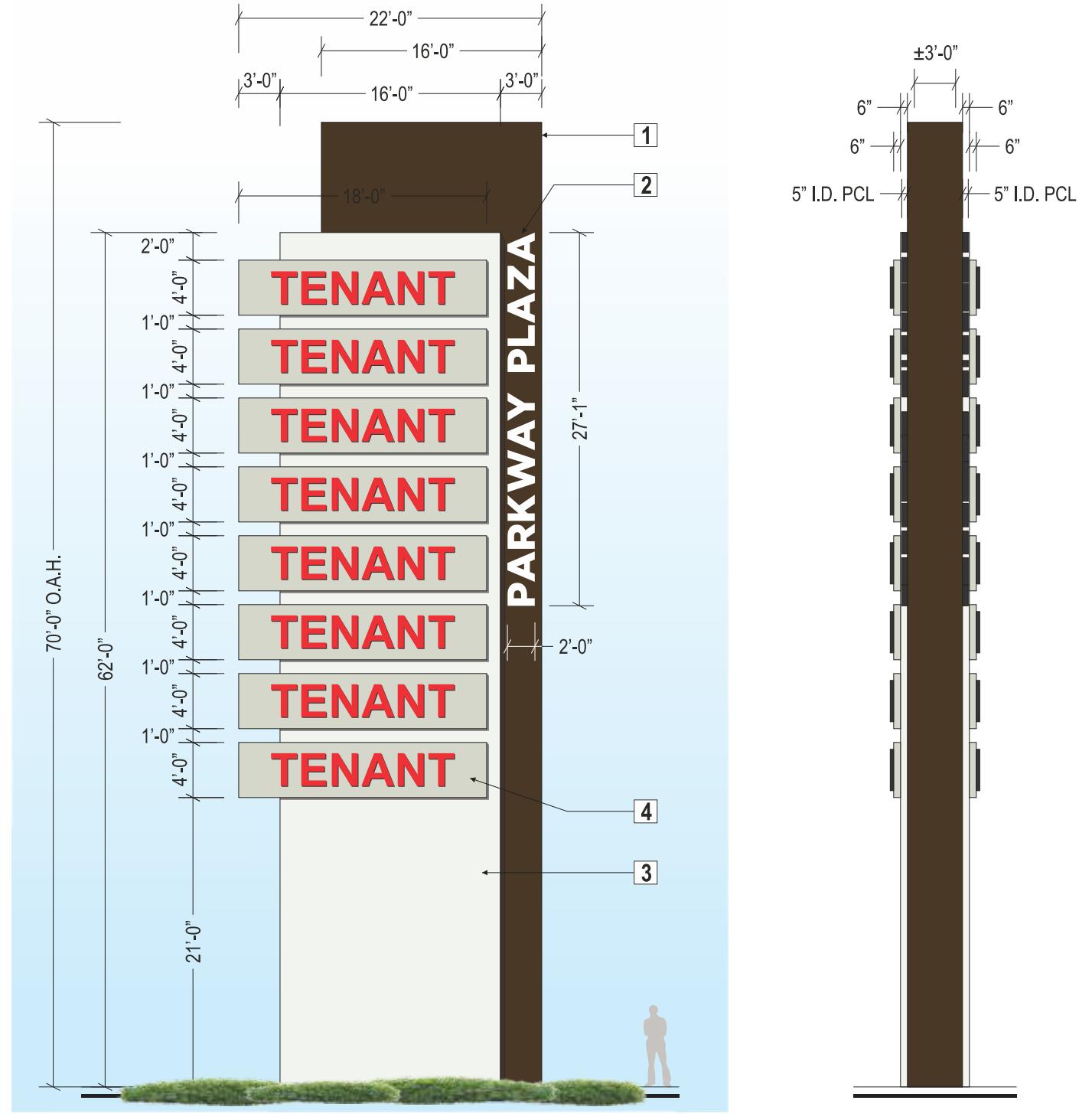




DETAIL A  
SCALE 1"=20'



**SIDE ELEVATION**  
SCALE: 3/32" = 1'-0"



**DOUBLE FACE LED ILLUMINATED PYLON SIGN ELEVATION**  
SCALE: 3/32" = 1'-0"

**SIDE ELEVATION**  
SCALE: 3/32" = 1'-0"

**SPECIFICATIONS:**

- 1 ALUMINUM FABRICATED MAIN STRUCTURE TEXTURE AND PAINTED. COLOR T.B.D.
- 2 I.D. NAME: 5" DEEP PAN CHANNEL LETTERS BLACK RETURN AND TRIM CAP WITH WHITE ACRYLIC FACES. 6500K WHITE LED's ILLUMINATION
- 3 ALUMINUM FABRICATED RAISED STRUCTURE TEXTURE AND PAINTED. COLOR T.B.D.
- 4 ALUMINUM FABRICATED S/F TENANT CABINETS SMOOTH FINISH PAINT. COLOR T.B.D.  
"TENANTS GRAPHIC": TO BE 3" DEEP LED ILLUMINATED PAN CHANNEL SIGN. COLORS PER TENANT SPECIFICATIONS.

**RECEIVED**  
January 13, 2021  
City of Tracy  
Development Services

1) This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. 2) The location of the disconnect switch after installation shall comply with the Srtical 600.6 (A)(1) of the National Electrical Code

FILE: parkway plaza pylon - tracy

Client Review Status

Revision

Date

Project Information

Date: 12-01-20

Job #00000

Page: 1

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United Sign Systems requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision

CLIENT APPROVAL DATE

⚠ per request  
⚠ -

01-04-21 IL  
00-00-00

LANDLORD APPROVAL DATE

Client: Parkway Plaza  
Location: -  
Address: Address  
City/ST/Zip: Tracy, CA  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Sales: Brian Campbell Designer: IL Release By: 00-00-00

---

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

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- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR CONSTRUCTION OF A NEW FREEWAY SIGN AT PARKWAY PLAZA, LOCATED AT THE SOUTHEAST CORNER OF INTERNATIONAL PARKWAY AND I-205; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15183 AND 15311.**

**WHEREAS**, A development review permit application for construction of a new freeway sign was submitted on January 13, 2021; and

**WHEREAS**, The site has a General Plan land use designation of Commercial and is zoned General Commercial in the Cordes Ranch Specific Plan; and

**WHEREAS**, The Planning Commission can approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.3920, which findings are set forth in Exhibit 1;

**WHEREAS**, in other site locations in the City not applicable to this project, "freeway signs" are governed wholly by Tracy Municipal Code Section 10.09.4500(d)(5) and require a Conditional Use Permit;

**WHEREAS**, "Freeway Signs" as defined by Tracy Municipal Code Section 10.09.4500(d)(5) were modified by the adoption Cordes Ranch Specific Plan Zone (See TMC § 10.08.3021) for freeway signs located in that area; under Sections 3.8, 8.4 and 8.5 of the Cordes Ranch Specific Plan, a Freeway Sign requires Development Review approval in accordance with the zoning, development, and design standards provided in that Specific Plan;

**WHEREAS**, The proposed project is consistent with the development standards applicable to Freeway Signs provided in the Cordes Ranch Specific Plan;

**WHEREAS**, The proposed project is consistent with the Cordes Ranch Specific Plan Environmental Impact Report (EIR), approved by the City Council on September 3, 2013, and the General Plan EIR approved by the City Council on February 1, 2011;

**WHEREAS**, An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project which were not already discussed in the Cordes Ranch and General Plan EIRs; there is no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, land use and other potential cumulative impacts have already been considered within the original environmental documentation; no new evidence of potentially significant effects has been identified as a result of this project;

**WHEREAS**, pursuant to CEQA Guidelines Section 15183, no additional environmental documentation is required;

**WHEREAS**, the project is also categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15311 that pertains to construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premises signs; and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the applications on November 15, 2023; now, therefore, be it

**RESOLVED:** That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15183 and 15311; and be it

**FURTHER RESOLVED:** That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the approval of Development Review Permit D21-0003 for construction of a new freeway sign at parkway plaza; and be it

**FURTHER RESOLVED:** That the Planning Commission, based on the CEQA determination of exemption, the Conditions of Approval, and the adoption of requisite findings, hereby approves Development Review Permit D21-0003 for construction of a new freeway sign at parkway plaza located at the southeast corner of International Parkway and I-205, subject to the Conditions of Approval contained in Exhibit 2.

\* \* \* \* \*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Planning Commission on November 15, 2023, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTENTION:	COMMISSION MEMBERS:

---

CHAIR

ATTEST:

---

STAFF LIAISON

Exhibit 1 – Project Findings  
Exhibit 2 – Project Conditions of Approval

**City of Tracy  
Development Review Permit Findings  
Application Number D21-0003**

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed freeway sign would be developed in substantial conformance with the Cordes Ranch Specific Plan and create visual attraction to a large commercial area along Interstate 205.
2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and State Regulations for building design and construction and Cordes Ranch Specific Plan sign design standards.

**City of Tracy  
Development Review Permit  
Conditions of Approval**

Freeway Sign in West Parkway Village  
Southeast Corner of International Parkway and I-205  
Assessor's Parcel Number 209-460-35  
Application Number D21-0003  
November 15, 2023

These Conditions of Approval shall apply to the Development Review Permit to construct a freeway sign in West Parkway Village, located at the southeast corner of International Parkway and I-205, Assessor's Parcel Number 209-460-35, Application Number D21-0003 (hereinafter "Project"), proposed by Drew Mickel on behalf of R&B Delta II, LLC (hereinafter "Applicant" and "Property Owner").

1. The following definitions shall apply to these Conditions of Approval:
  - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
  - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
  - c. "City Regulations" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Cordes Ranch Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
  - d. "Conditions of Approval" shall mean these conditions of approval, applicable to Development Review Permit Application Number D21-0003.
  - e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
  - f. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
  - g. "Project" means construction of an approximately 70-foot tall freeway sign located on the northeast corner of Parkway Plaza at the southeast corner of International Parkway and I-205, Application Number D21-0003.

2. Compliance with submitted plans. Except as otherwise modified herein, the project shall be developed in substantial compliance with the site plan received on April 12, 2021 and sign elevation received on January 13, 2021 by the Development Services Department.
3. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
4. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
  - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
  - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
5. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
6. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

**B. Planning Division Conditions**

1. Except as modified herein, the project shall be developed in substantial compliance with the site plan received on April 12, 2021 and sign elevation received on January 13, 2021 by the Development Services Department, to the satisfaction of the Development Services Director.
2. The project shall be developed and maintained in compliance with section 3.8 Sign Standards of the Cordes Ranch Specific Plan which includes a maximum height of 70 feet, minimum width of 22 feet, maximum number of

sign panels of 8 per sign face, and height of the lowest sign panel shall be 8 feet minimum.

C. Building Division Conditions

1. Applicant shall submit a building permit application along with all pertinent construction documents such as plans, specifications, and calculations to the Building Safety Division prior to construction of Freeway Sign. Construction documents shall conform to the Title 24 California Code of Regulations edition effective on the date of application for a building permit.