

Wednesday, February 26, 2025, 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

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 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 Planning Commission, 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: 2553 370 4751** 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 when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, 2553 370 4751, #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 Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Planning Commission on Items on the Agenda – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission'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 Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission 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 Planning Commission 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 Planning Commission. 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 Planning Commission 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 Planning Commission 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, 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 Planning Commission. When members of the public address the Planning Commission, 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 Planning Commission 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 Planning Commission prior to or at the public hearing.

Full copies of the agenda are available on the City's website: www.cityoftracy.org.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – NONE

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 CONDITIONAL USE PERMIT (CUP24-0009) FOR AN AUTO BODY SHOP AT 50 SLOAN CT (ASSESSOR'S PARCEL NUMBER 212-220-06) AND (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301, PERTAINING TO EXISTING FACILITIES.
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: February 20, 2025

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.



PLANNING COMMISSION STAFF REPORT

Item No. 1.A

DATE	February 26, 2025
TITLE	G & C Auto Body
LOCATION	50 Sloan Ct (APN: 212-220-06)
APPLICATION TYPE	Conditional Use Permit (CUP24-0009)
CEQA STATUS	Categorically Exempt CEQA Guidelines Section 15301
PROJECT PLANNER	Kellie Jones (209) 831-6432 Kellie.Jones@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution (1) Approving a Conditional Use Permit (CUP24-0009) for an Auto Body Shop at 50 Sloan Ct (Assessor's Parcel number 212-220-06) and (2) determining that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15301, pertaining to existing facilities.

PROJECT DESCRIPTION

Proposed Project

On December 17, 2024, a conditional use permit application was submitted to establish the G & C Auto Body Shop at 50 Sloan Court (Attachment A: Location Map). The subject property is an approximately 1.31-acre parcel with one existing building. The building has a total area of 14,950 square feet. The subject property is designated Industrial in the Tracy General Plan and zoned Light Industrial (M-1), in which automotive repair uses are conditionally permitted.

The conditional use permit would grant the project site the ability to conduct automotive body repair. All services and repairs would be conducted within the existing building to minimize any potential impacts to the neighboring properties (Attachment B: Site Plan/Floor Plan).

Automotive repair is compatible with the surrounding buildings and businesses, which include other similar auto-oriented land uses of truck parts manufacturing equipment rentals and emergency vehicle specialization services.

Parking and Circulation

There are currently a total of 26 parking spaces provided at the property, with accompanying landscaping. There are 25 parking spaces required for the automotive repair use (based on the TMC requirement of 1 parking space per 600 square feet of gross floor area). As such, no changes will need to be made to the parking area or the landscaped areas for this proposed project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

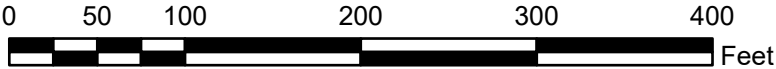
The project is categorically exempt from the California environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, pertaining to existing facilities.

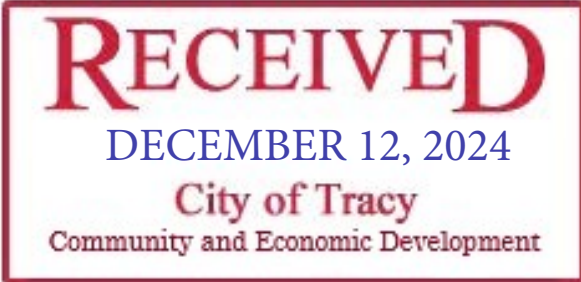
SUMMARY

The requested Conditional Use Permit would grant the project site the ability to conduct automotive body repair. All services and repairs are conducted within the building to minimize any potential impacts to the neighboring properties. Staff recommends approval of the project.

ATTACHMENTS

- A. Location Map
- B. Plan Set
- C. Planning Commission Resolution;
Exhibit 1 – Findings
Exhibit 2 - Conditions of Approval





G & C AUTO BODY

CONDITIONAL USE PERMIT

50 SLOAN COURT

TRACY, CA



TOM WILSON ARCHITECT, INC.
5055 Business Center Drive
Suite 108 PMB 344
Fairfield, CA 94534
Tel: (707) 747-1231
www.tw-architects.com



G & C AUTO BODY
CONDITIONAL USE PERMIT
50 SLOAN COURT
TRACY, CA

VICINITY MAP	OWNER	ARCHITECT	DRAWING INDEX	DATE: 11-05-2024

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SHEET NOTES

- 1 EXISTING PROPERTY LINE.
- 2 EXISTING DRIVEWAY TO REMAIN.
- 3 EXISTING PARKING TO REMAIN.
- 4 EXISTING PUBLIC SIDEWALK TO REMAIN.
- 5 EXISTING LANDSCAPE TO REMAIN.
- 6 EXISTING ACCESSIBLE TENANT ENTRANCE TO REMAIN.
- 7 EXISTING DRIVE TO REMAIN.
- 8 EXISTING GATE/FENCE TO REMAIN.
- 9 REPLACE EXISTING MONUMENT SIGN.
- 10 REPLACE EXISTING WALL SIGN.

SIGN CALCULATIONS

TRACY CODE OF ORDINANCE SECTION 10.08.4480: SIGN AREA SHALL NOT EXCEED 1/2 S.F. PER LINEAR FOOT
ALLOWED WALL SIGN AREA (HOLLY DR.): 300 L.F. x .5 S.F. = 150 S.F.

SITE DATA

APN:	212-220-06
ZONING:	IL (LIGHT INDUSTRIAL)
SITE AREA:	±56,942 S.F. (±1.31 AC.)
(E) BUILDING AREA	14,950 S.F.
BUILDING COVERAGE	26 %
PARKING REQUIRED: AUTO SHOP (14,950 / 600) =	25 SPACES
EXISTING PARKING: STANDARD (9'X18')	24 SPACES
ACCESSIBLE SPACES	2 SPACES
TOTAL (E) SPACES	26 SPACES
BICYCLE PARKING REQUIRED:	2 SPACES
BICYCLE PARKING REQUIRED:	2 SPACES

GENERAL NOTES

- NO SIGNS, MOUNDS, FENCES OR LANDSCAPING ALLOWED WITHIN THE CROSSHATCHED AREA OVER A 3' HIGH LINE OF SIGHT ABOVE THE STREET PAVEMENT GRADE EXCEPT.
- NO TREES PERMITTED WITHIN THE CROSSHATCHED AREA WITH A MATURE TREE TRUNK DIAMETER OVER 6 INCHES AND ALL TREE BRANCHES MUST BE TRIMMED TO A HEIGHT OF 7' ABOVE THE GROUND.

LEGEND

- PROPERTY LINE
- - - - - EXISTING 6" HIGH METAL FENCE
- [X] SHEET NOTE TAG
- 10'-0" VISION TRIANGLE



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50 SLOAN COURT
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DATE: 11-05-2024

REV. NO. REV. DATE

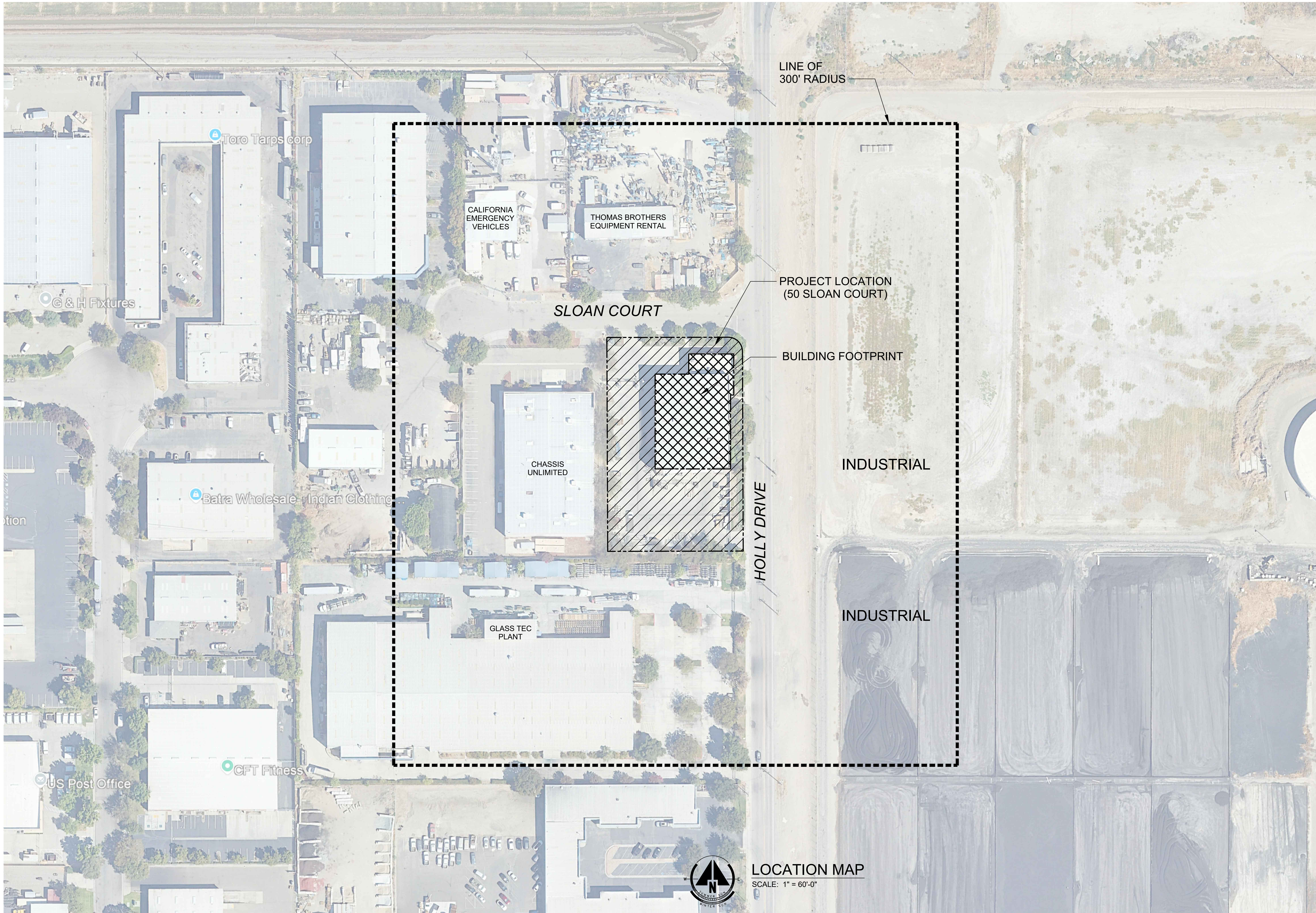
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SITE PLAN

DR1.0

JOB NO.: GNC29

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LOCATION MAP

DR1.1

JOB NO.: GNC29

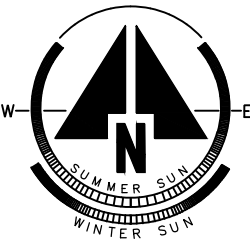
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PLOTTED: 11/7/2024 8:34 AM C:\Users\TWA-HK\Tom Wilson Architect\Shored - Documents\Projects\TWA Projects\GNC- G and C Auto Body\Drawings\DR- dwgs\GNC29_DR1.2 (Aerial Map).dwg by TWA-HK



LEGEND

PHOTO NUMBER, SEE SHEET DR2.2
 DIRECTION



AERIAL MAP
 SCALE: N.T.S.



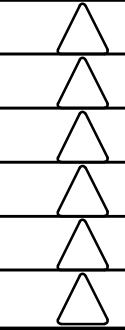
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G & C AUTO BODY
 CONDITIONAL USE PERMIT
 50 SLOAN COURT
 TRACY, CA

DATE: 11-05-2024

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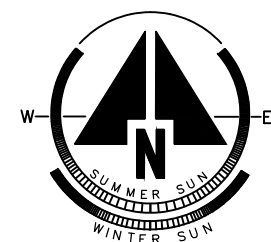
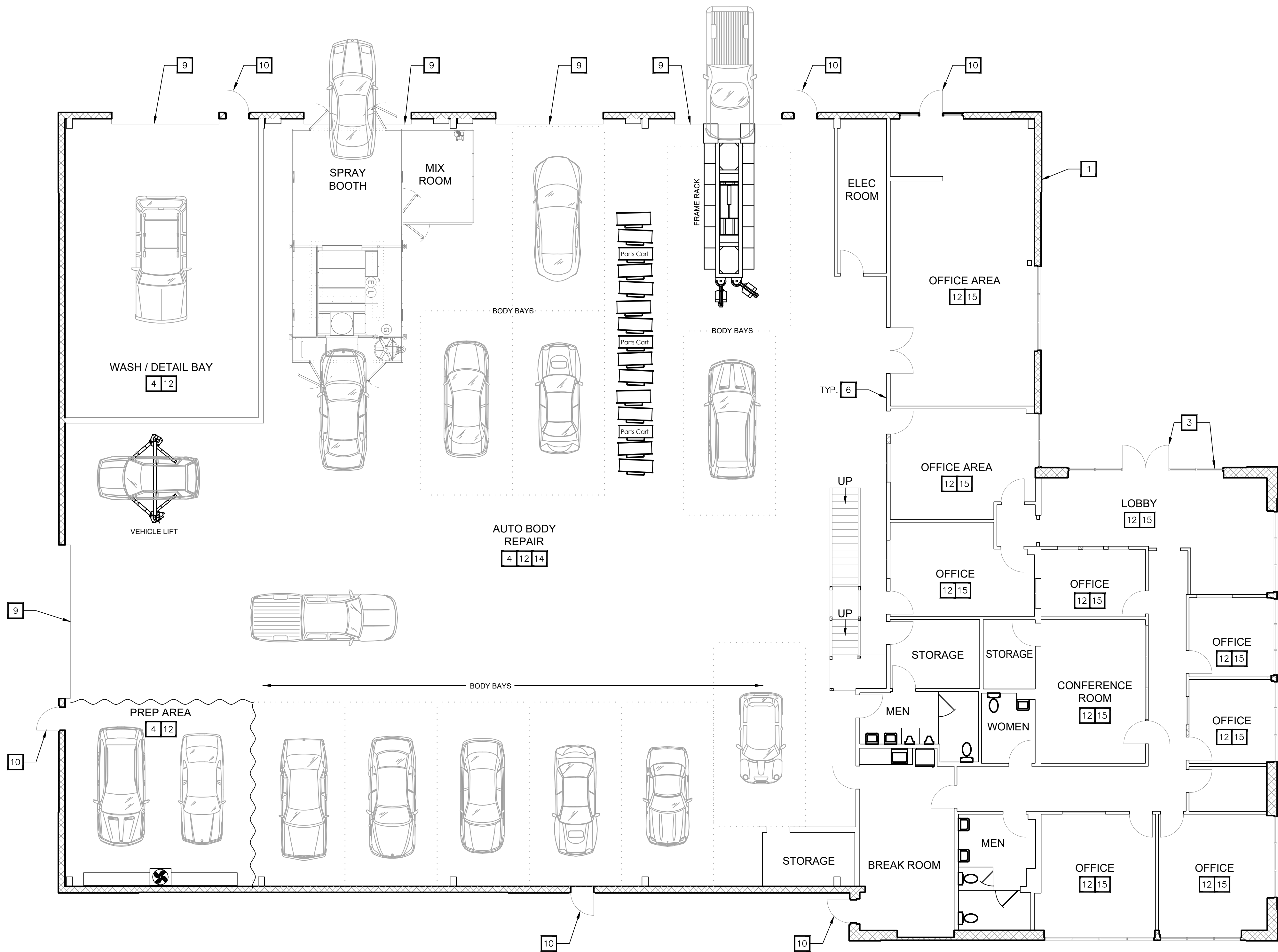


AERIAL MAP

DR1.2

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NEW FLOOR PLAN

SCALE: 1/8" = 1'-0"

SHEET NOTES

- EXISTING EXTERIOR WALL TO REMAIN.
- EXISTING STEEL INTERIOR STRUCTURAL COLUMN TO REMAIN.
- EXISTING STOREFRONT SYSTEM AND ENTRANCE DOORS WHERE OCCURS TO REMAIN, CLEAN TYP.
- EXISTING CONCRETE SLAB TO REMAIN.
- EXISTING INTERIOR DOOR AND FRAME TO REMAIN.
- EXISTING INTERIOR WALL TO REMAIN.
- EXISTING ELECTRICAL PANELS TO REMAIN.
- EXISTING ELECTRICAL MSD AND ELECTRICAL METERS TO REMAIN.
- EXISTING ROLL UP DOOR TO REMAIN. PROVIDE SIGNAGE AT EACH DOOR LOCATIONS STATING DOORS TO REMAIN OPEN DURING BUSINESS HOURS AND TIMES THAT THE FANS ARE IN OPERATION.
- EXISTING EXTERIOR DOOR AND FRAME TO REMAIN.
- EXISTING CEILING AND MECHANICAL REGISTERS TO REMAIN, ALL EXISTING LIGHTING TO BE REMOVED AND REPLACED
- ALL EXISTING LIGHTING ABOVE TO BE REMOVED AND REPLACED.
- REMOVE ALL EXISTING FLOORING THROUGHOUT. PATCH AND REPAIR CONCRETE FLOOR SLAB. GRIND SMOOTH AND PROVIDE LEVELING COMPOUND IF NEEDED TO ACHIEVE MAXIMUM ELEVATION CHANGE OF 1/8" VERTICAL IN 10'-0" HORIZONTAL.
- EXPOSED CONCRETE FLOOR.
- NEW CARPET AND RUBBER 4" RUBBER BASE.

GENERAL NOTES

- G AND C AUTO BODY HOURS OF OPERATIONS MONDAY--FRIDAY 7:30AM -- 5:00PM.
- G AND C AUTO BODY TOTAL AMOUNT OF EMPLOYEES: 12-15

LEGEND

- | | |
|--|------------------------|
| | EXISTING EXTERIOR WALL |
| | EXISTING INTERIOR WALL |
| | NEW INTERIOR WALL |



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G & C AUTO BODY
CONDITIONAL USE PERMIT
50 SLOAN COURT
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REV. NO. REV. DATE



NEW FLOOR
PLAN

DR2.0

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2 NORTH SIDE

NORTH SIDE 2



1 NORTH SIDE

NORTH SIDE



4 SOUTH SIDE

SOUTH SIDE



3 NORTHEAST CORNER

NE CORNER



5 EAST SIDE

EAST SIDE



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PHOTOGRAPHS

DR2.2

JOB NO.: GNC29

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025-_____

-
- 1. GRANTING A CONDITIONAL USE PERMIT, APPLICATION NUMBER CUP24-0009, TO ALLOW AN AUTOMOTIVE BODY REPAIR SHOP AT 50 SLOAN CT, ASSESSORS PARCEL NUMBER (APN) 212-220-06;**
 - 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15301.**

WHEREAS, the primary regulatory framework governing land uses in the City of Tracy (City) are the General Plan and the City's zoning ordinance, which is codified in Title 10 of the Tracy Municipal Code (TMC); and

WHEREAS, on December 17, 2024, a conditional use permit application was submitted to establish an automotive body repair shop at 50 Sloan Ct; and

WHEREAS, the subject site is designated Industrial in the Tracy General Plan and zoned Light Industrial (M-1), in which automotive repair services are conditionally permitted; and

WHEREAS, the Planning Commission may grant a Conditional Use Permit, on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.4250; and

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities; and now, therefore, be it

RESOLVED: That the Planning Commission hereby determines, based on the evidence in the record and its own independent judgement, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, pertaining to existing facilities; and be it

FURTHER RESOLVED: That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the granting of a Conditional Use Permit to allow an automotive

body repair shop at 50 Sloan Ct, APN 212-220-06; and be it

FURTHER RESOLVED: That the Planning Commission hereby grants a Conditional Use Permit (CUP24-0009) for an automotive body repair shop at 50 Sloan Ct, APN 212-220-06 based on the findings set forth in Exhibit 1 and subject to the Conditions of Approval contained in Exhibit 2, attached hereto

* * * * *

The foregoing Resolution 2025-_____ was adopted by the Planning Commission on February 26, 2025, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**CITY OF TRACY
CONDITIONAL USE PERMIT FINDINGS
APPLICATION NUMBER CUP24-0009**

Conditional Use Permits (CUPs) must meet the requirements set forth in TMC Sections 10.08.4250-10.08.4330. Pursuant to TMC Section 10.08.4290, the Planning Commission shall conduct a noticed public hearing, consider the application materials, and pertinent evidence and testimony in support of the findings required for approval provided in TMC Section 10.08.4310. Upon conclusion of the public hearing and consideration of the entire record, the Planning Commission may approve the CUP if the record supports all of the following findings:

- (a) That there are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right;
- (b) That the proposed location of the conditional use is in accordance with the objectives of Tracy Municipal Code Chapter 10.08, Zoning Regulations, and the purposes of the zone in which the site is located;
- (c) That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity; and
- (d) That the proposed use will comply with each of the applicable provisions of Tracy Municipal Code Chapter 10.08, Zoning Regulations.

Therefore, the Planning Commission conducted a noticed public hearing on February 26, 2025, and upon its conclusion, makes the following requisite findings for a Conditional Use Permit based on consideration of the entire record of evidence, including, without limitation, the following:

- (a) There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because this use would provide a service of automotive body repair that is compatible with the uses in the M1 Zone and is allowed with the granting of a Conditional Use Permit.
- (b) The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code and the M-1 Zone in which the site is located given the existing improvements and the industrial nature of the area. The use is also complementary to the surrounding uses (automotive parts manufacturing, heavy equipment rental, etc.). The business will be open Monday through Friday. The use will not generate any traffic or other impacts to the site that is not consistent and characteristic of existing uses in the vicinity.
- (c) The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project is consistent with other uses located in the vicinity and

the existing improvements are such that the use will not have any additional impact than was anticipated at time of original site improvements.

- (d) The project is consistent with the zoning and other elements of the Tracy Municipal Code, the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, and California Fire Codes.

**CITY OF TRACY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
CONDITIONS OF APPROVAL**

Auto Body Shop
Conditional Use Permit, Application Number CUP24-0009
February 26, 2025

A. General Provisions and Definitions

A.1. General. These Conditions of Approval apply to:

The Project: A Conditional Use Permit for an automotive body repair shop on a 1.31-acre site located at 50 Sloan Ct (Assessor's Parcel number 212-220-06).

The Property: The real property located at 50 Sloan Ct (Assessor's Parcel number 212-220-06).

A.2. Definitions.

- 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 Community and Economic Development Director, or the City Engineer to perform the duties set forth herein.
- c. "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, the M-1 (Light Industrial) zone, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy Community and Economic Development Department, or any other person designated by the City Manager or the Community and Economic Development Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property, Application Number CUP24-0009. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "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.

- A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project plans received by the Community and Economic Development Department on December 12, 2024, to the satisfaction of the Community and Economic Development Director.
- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. 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:
- The Planning and Zoning Law (Government Code sections 65000, et seq.),
 - The California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"),
 - The Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"),
 - California Building Code, and
 - California Fire Code
- A.6. 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 the City's Design Goals and Standards.
- A.7. 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.
- A.8. Indemnification. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly,
- to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall

defend, indemnify and hold harmless the City, its employees, agents and

officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. Planning Division Conditions

- B.1. All vehicular repairs shall be conducted wholly within the existing building, and no materials or equipment shall be stored outside.

C. Building Division Conditions

- C.1. At time of building permit submittal, applicant to justify building area based on construction type and occupancy type as per CBC Chapter 5.
- C.2. Prior to building alterations, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.
- C.3. At time of building permit, applicant to indicate if there will be any storage of hazardous materials and provide hazardous materials inventory report by a qualified individual to justify quantity.

D. South San Joaquin County Fire Authority (SSJFA) Conditions

- D.1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - D.1.1. 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.
 - D.1.2. Deferred submittals for fire sprinkler system tenant improvement, fire suppression systems for paint booth, and fire alarm system tenant improvement shall be listed on the coversheet. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
 - D.1.3. 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.

- D.2. Prior to occupancy of the new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- D.3. A Knox Box shall be required for this project if one is not already installed on the property. Each tenant shall have keys placed in the Knox Box. 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 Knox Box for after-hours emergency access.
- D.4. Additional comments may occur upon submittal of construction documents.