

NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

Date/Time: Wednesday, April 24, 2019
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 3/27/19

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A REQUEST FOR A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO SELL AN APPROXIMATELY 43- to 47-FOOT WIDE STRIP OF PROPERTY TO MULTIPLE PROPERTY OWNERS, A PORTION OF ASSESSOR'S PARCEL NUMBER 212-040-67. THE APPLICANT IS THE CITY OF TRACY AND THE PROPERTY OWNERS ARE BARYALAI AND LAMIA FEROZ, AND ARNAUDO BROS. APPLICATION NUMBER DET19-0001
- B. RECOMMEND CITY COUNCIL APPROVAL OF REVISED CITY WIDE DESIGN GOALS AND STANDARDS TO INCLUDE RESIDENTIAL FRONT YARD LANDSCAPE STANDARDS FOR NEW SUBDIVISIONS.
- C. PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR ELLIS PHASE 3 (TOWN & COUNTRY), CONSISTING OF APPROXIMATELY 311 RESIDENTIAL LOTS, TWO PARKS, AND FOUR OTHER PARCELS ON APPROXIMATELY 74.36 ACRES, LOCATED BETWEEN CORRAL

HOLLOW ROAD AND LAMMERS ROAD IN THE VICINITY OF ELLIS TOWN DRIVE. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM18-0005

- D. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING APPROVAL OF AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN TO ADDRESS MINOR REVISIONS AND CLARIFICATIONS RELATED TO THE IMPLEMENTATION OF PHASE 1A DEVELOPMENT. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBER SPA18-0002
- E. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SMOKE SHOP AT 1655 PARKER AVENUE – APPLICANT IS DALE COSE AND PROPERTY OWNER IS CHEMANOOR AND BERNADETTE ZACHARIAH – APPLICATION NUMBER CUP19-0001

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

Posted: April 19, 2019

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

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development Services Department located at 333 Civic Center Plaza during normal business hours.

**MINUTES
TRACY CITY PLANNING COMMISSION
MARCH 27, 2019, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Vice Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Vice Chair Hudson and Commissioners Gable, Kaur, and Wood present, Chair Orcutt absent. Also present were: Leticia Ramirez, Assistant City Attorney; Bill Dean, Assistant Development Services Director; Al Gali, Associate Civil Engineer; Lorna Goldsmit, Administrative Assistant II; and Peggy Beeuwsaert, Recording Secretary.

MINUTES

Vice Chair Hudson introduced the Minutes from the February 13, 2019, meeting.

ACTION: It was moved by Commissioner Gable, and seconded by Commissioner Wood, that the Planning Commission Meeting Minutes of February 13, 2019, be approved. A voice vote found all in favor, 4-0-1-0; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

Robert Tanner expressed concerns relative to pedestrian crossings for the blind.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW PERMIT APPLICATION FOR FAÇADE MODIFICATIONS AND A SIGN PERMIT APPLICATION FOR NEW WALL SIGNS FOR THE EXISTING TARGET STORE LOCATED IN THE WEST VALLEY MALL AT 2800 NAGLEE ROAD, ASSESSOR PARCEL NUMBER 212-050-23. APPLICANT IS MARK KALTSAS FOR TERRAMARK AND OWNER IS TARGET CORPORATION. APPLICATION NUMBERS D19-0004 & SGN19-0012

Bill Dean presented the staff report and recognized Associate Planner Kimberly Matlock, who could not be present at the meeting, for her work on this project. He then addressed questions from the Commission.

Vice Chair Hudson opened the public hearing at 7:08 p.m.

John Schwarz of JHS Consulting, representing the applicant, spoke and addressed questions from the Commission.

Vice Chair Hudson closed the public hearing at 7:11 p.m.

Bill Dean addressed additional questions from the Commission.

ACTION: It was moved by Commissioner Kaur, and seconded by Commissioner Wood, that the Planning Commission approve the development review permit for façade modifications and approve the sign permit for new wall signs at the existing Target Store located in the West Valley Mall at 2800 Naglee Road, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated March 27, 2019; further, it was confirmed that the signs must be no larger than 10 feet in diameter.

A roll call vote found all in favor, 4-0-1-0; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CORRAL HOLLOW WEST PLANNED UNIT DEVELOPMENT TO PERMIT HIGH-DENSITY SINGLE-FAMILY RESIDENTIAL USES AND ESTABLISH DEVELOPMENT STANDARDS AND APPROVAL OF A 42-LOT VESTING TENTATIVE SUBDIVISION MAP AND DEVELOPMENT REVIEW PERMIT ON AN APPROXIMATELY 3.5-ACRE LOT LOCATED AT 2483 W. SCHULTE ROAD, ASSESSOR'S PARCEL NUMBER 240-660-37. THE REQUEST INCLUDES AN AMENDMENT TO THE CITY'S DESIGN GOALS AND STANDARDS FOR RESIDENTIAL HOMES. THE APPLICANT IS BRIGHT DEVELOPMENT AND OWNER IS POND CREEK, LLC. APPLICATION NUMBERS PUD18-0003, TSM18-0004, AND D18-0029

Bill Dean presented the staff report and thanked Kimberly Matlock for her work on this project. He and Al Gali then addressed questions from the Commission.

Vice Chair Hudson opened the public hearing at 7:34 p.m.

Mark Beisswanger of Bright Development, representing the applicant, spoke and answered questions from the Commission.

Vice Chair Hudson closed the public hearing at 7:41 p.m. Discussion amongst the Commissioners ensued.

Vice Chair Hudson re-opened the public hearing at 7:44 p.m. As no one came forward, the public hearing was closed. Further discussion amongst the Commissioners followed.

ACTION: It was moved by Commissioner Wood, and seconded by Commissioner Kaur, that the Planning Commission recommend that the City Council take the following actions:

1. Approve a revision to the City of Tracy Design Goals and Standards for residential design as contained in the Planning Commission Resolution dated March 27, 2019, and

2. Approve the following on an approximately 3.5-acre lot located at 2483 W Schulte Road, Assessor's Parcel Number 240-660-37:
 - a. That the City Council adopt an ordinance amending the Corral Hollow West Planned Unit Development to permit high density single-family uses and establish development standards (Application Number PUD18-0003), and
 - b. That the City Council approve a 42-lot vesting tentative subdivision map and a development review permit (Application TSM18-0004 & D18-0029), subject to the conditions contained in the Planning Commission Resolution dated March 27, 2019, provided that staff work with the developer regarding landscaping for Schulte Road and the surrounding area and make appropriate modifications to the Conditions of Approval prior to the City Council meeting where this item will be heard.

A roll call vote found all in favor, 4-0-1-0; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean congratulated Lorna Goldsmith on her promotion to Administrative Assistant II, introducing her as the new Planning Commission Secretary. He also congratulated Peggy Beeuwsaert on her promotion to Planning Technician.

Referring to Robert Tanner's comments earlier in the meeting, Bill Dean informed the Commission that a memorandum addressing pedestrian crossings for the blind is currently being prepared by the City Engineer, adding that he would inform the Commissioners once that effort concludes. Following a request from the Commission, Mr. Dean reassured them that he will contact Robert Tanner to advise him of this.

4. ITEMS FROM THE COMMISSION

Commissioner Gable provided a brief history on signage in the city and how it has evolved.

5. ADJOURNMENT

It was moved by Commissioner Wood, and seconded by Vice Chair Hudson, to adjourn. Voice vote found all in favor; passed and so ordered.

Time: 7:51 p.m.

CHAIR

STAFF LIAISON

April 24, 2019

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER A REQUEST FOR A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO SELL AN APPROXIMATELY 43- to 47-FOOT WIDE STRIP OF PROPERTY TO MULTIPLE PROPERTY OWNERS, A PORTION OF ASSESSOR'S PARCEL NUMBER 212-040-67. THE APPLICANT IS THE CITY OF TRACY AND THE PROPERTY OWNERS ARE BARYALAI AND LAMIA FEROZ, AND ARNAUDO BROS. APPLICATION NUMBER DET19-0001

DISCUSSION

Project Description

The proposal is for Planning Commission to determine that an approximately 43- to 47-foot wide strip (the strip) of City-owned property is in conformance with the City's General Plan allowing the vacant land to be sold to the adjacent property owners. Attachment A identifies the location of the subject property. This strip was previously used by Naglee-Burke Irrigation District as a drainage ditch, but is no longer used or needed for that purpose. This strip is not a separate, legal lot of record; it is part of the parcel purchase by the City approximately 25 years ago, for the development of Detention Basin 10 (DB10). Prior to the disposition of any City-owned property, the Planning Commission must determine the conformance of the property with the City's General Plan.

Sale of City-Owned Property – General Plan Conformity

The subject property is City-owned, adjacent to a City maintained storm-drain pond (DB10). The Naglee-Burke Irrigation District discontinued use of the ditch many years ago. Other portions of this unused strip of property have previously been transferred to adjacent property owners as development applications have been approved, including: Tracy Volkswagen in 2012, Tracy Collision in 2014, and Caliber Collision in 2016. The remaining portion of the strip will be divided and merged with the adjacent properties resulting in the elimination of the strip. One of these properties is the DMV site and the other two properties are currently vacant. Attachment B is a parcel map that provides the dimensions of the strip, which is 669.03 feet long and ranges from 43.32 feet to 47 feet wide.

The City has no plans or intention to use the strip of property. The strip of property has a General Plan designation of Commercial and, when owned by the adjacent private property owner, can be developed and used for commercial purpose, consistent with the General Plan. Any site improvements will undergo normal City review for compliance with City standards.

All of the City's DB10 improvements, including perimeter fence and raised service drive around the basin, are outside of the strip of property. In its current, undeveloped

condition, the strip of property is a maintenance liability for the City and an attractive nuisance for members of the public.

California Environmental Quality Act Documentation

The project is exempt from the California Environmental Quality Act per Guidelines Section 15312. The Section 15312 exemption pertains to the sale of surplus government properties including property of such size, shape, or inaccessibility that it is incapable of independent development or use. Therefore, no further CEQA documentation is needed.

RECOMMENDATION

Staff recommends that the Planning Commission determine the sale of the approximately 43- to 47-foot wide strip of property from the City to the adjacent property owners is consistent with the General Plan.

RECOMMENDED MOTION

Move that the Planning Commission determine that the sale of the approximately 43- to 47-foot wide strip of property from the City to the adjacent property owners is consistent with the General Plan.

Prepared by: Genevieve Fernandez, Assistant Planner

Reviewed by: Alan Bell, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

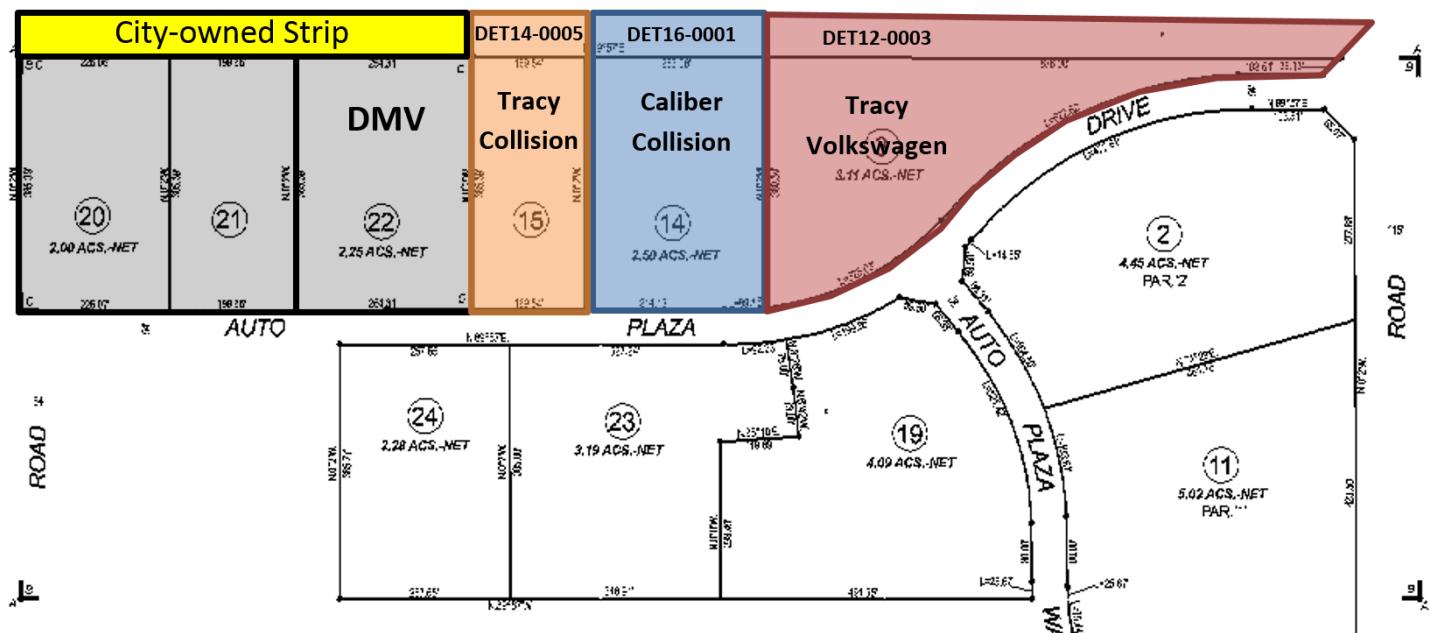
ATTACHMENTS

Attachment A – Location Maps

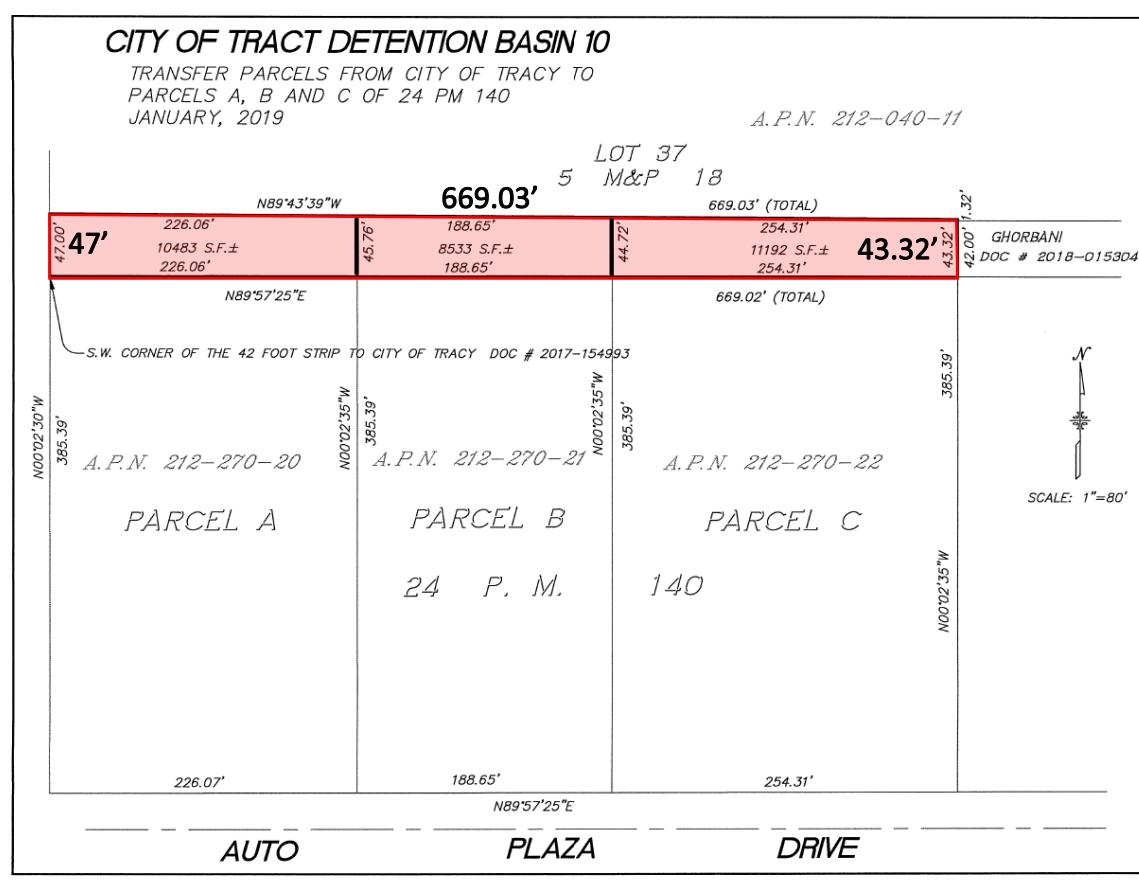
Attachment B – Parcel Map

Attachment C – Planning Commission Resolution

Location Maps



Site Image



RESOLUTION 2019-_____

DETERMINING THAT THE SALE OF A 43- TO 47-FOOT WIDE STRIP OF PROPERTY
IS IN CONFORMANCE WITH THE CITY'S GENERAL PLAN, A PORTION OF
ASSESSOR'S PARCEL NUMBER 212-270-67. THE APPLICANT IS THE CITY OF
TRACY AND THE PROPERTY OWNERS ARE BARYALAI AND LAMIA FEROZ, AND
ARNAUDO BROS. APPLICATION NUMBER DET19-0001

WHEREAS, Three parcels are adjacent to an approximately 43- to 47-foot wide strip of City-owned property (the "strip"), comprising approximately 31,500 square feet, (portion of Assessor's Parcel Number 212-040-67), purchased by the City as part of a larger parcel for use as Drainage Basin 10 (DB10), and

WHEREAS, DB10 has been completed, is in its ultimate, developed location, and the City has no use for the 43- to 47-foot wide strip, or plans to use the strip, and

WHEREAS, Continued ownership of the strip by the City in its undeveloped condition causes a potential maintenance liability for the City, an attractive nuisance to members of the public, and inefficient use of potentially valuable real estate, and

WHEREAS, Both the strip and the adjacent property are designated Commercial by the City's General Plan, and

WHEREAS, California Government Code Section 65402(a) requires the Planning Commission to determine whether the "location, purpose, and extent" of real estate disposal by the City is in conformance with the General Plan, prior to such disposal, and

WHEREAS, The Planning Commission considered the project on April 24, 2019;

Now, THEREFORE, BE IT RESOLVED, That the Planning Commission determines the sale of the 43- to 47-foot wide strip of property is in conformance with the City of Tracy General Plan, based on the considerations identified above.

* * * * *

The foregoing Resolution 2019-_____ was adopted by the Planning Commission on the 24th day of April 2019, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

CHAIR

ATTEST:

STAFF LIAISON

AGENDA ITEM 1.B

REQUEST

RECOMMEND CITY COUNCIL APPROVAL OF REVISED CITY WIDE DESIGN GOALS AND STANDARDS TO INCLUDE RESIDENTIAL FRONT YARD LANDSCAPE STANDARDS FOR NEW SUBDIVISIONS.

DISCUSSION

Background

On May 16, 2017, City Council most recently reviewed and approved updates to the Citywide Design Goals and Standards, originally adopted in 2002, and periodically amended. That 2017 update provided more detailed standards for all types of development, but an additional request was made at that time for the establishment of residential front yard landscape standards for new single-family homes, which is the subject of the current amendment.

Front Yard Landscape Standards

The City of Tracy has standards in the Tracy Municipal Code for the landscaping of automobile parking lots, and little else. In 2002, when the City's original Design Goals and Standards were adopted, a short chapter containing some standards for private property landscaping aside from parking lot areas was included. The 2017 revision included a more comprehensive chapter of landscape standards, including planting characteristics, design around the perimeter of sites, parking lot landscaping, pedestrian paths, water conservation, sustainability, and planting for stormwater management. This was a significant expansion of previous standards, but all of the standards are applicable only to commercial, industrial and larger scale residential projects with parking lots, such as apartments.

The request made by City Council to develop a set of landscape standards for single-family residential front yards has resulted in this proposed addition to the Citywide Design Goals and Standards (Attachment A).

Unlike many cities, Tracy does not yet have a requirement for new residential developments to install front yard landscaping at the time of construction or occupancy of the new homes. While most builders do install front yard landscapes, (almost all leave the rear yards to homeowners) they tend to be minimal, meeting minimum state law standards for water efficiency. The result can be monotony, the exact same landscape at every house in the subdivision.

The proposed standards include various goals that reflect the City's desire to create a higher level of landscape design, while also promoting water conservation and ease of maintenance, thus promoting the maintenance and longevity of the landscape.

These standards are proposed to apply only to initial installation of new single-family home development projects and to conversions of residential landscapes that require a Development Review Permit, per Tracy Municipal Code. That means that smaller new single-family home projects with four or fewer units, as well as remodels of landscaping

on single lots would be exempt from these new requirements. The review of the landscaping against the new standards would be completed as a part of the building permit plan review for the new houses.

RECOMMENDATION

Staff and the Planning Commission recommend that Council review and approve the proposed revisions to the Design Goals and Standards for single-family residential front yards.

Prepared by: Victoria Lombardo, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A: Draft addition to the Design Goals and Development Standards

Attachment B: Planning Commission Resolution

5 RESIDENTIAL LANDSCAPE

These residential landscape standards for initial installation provide a framework for achieving a high-quality landscape character for all new single-family, duplex, and multi-family residential development projects, as well as conversions of existing residential landscapes that require a Development Review permit. While these standards could apply to entire yards, they specifically apply to front and side yards that are visible from a public roadway. The landscape design standards complement the mandatory site development regulations as described in the City of Tracy Municipal Code and Specific Plans.

The following goals provide a framework for these residential landscape standards:

- GOAL 1.** To promote a sense of community and create more pleasant residential neighborhoods.
- GOAL 2.** To retain flexibility and encourage creativity through appropriate landscape design.
- GOAL 3.** To encourage high-quality residential landscape design that create useful spaces that enhance the usability and function of private outdoor spaces, and accentuate the character of the adjacent architecture.
- GOAL 4.** To promote water use management and water conservation using water-efficient landscaping, limited use of natural lawn, and aggressive use of water-conserving irrigation technology and management consistent with the requirements of the State-mandated Water Efficient Landscape Ordinance (hereafter abbreviated to WELO), in compliance with California Government Code Section 65591 et seq.
- GOAL 5.** To maintain residential landscape areas long past their approval and construction.



5.1 Applicability

5.1.1 Residential

These standards are applicable to all new single-family, duplex, and multi-family residential development projects. The focus of these standards are for residential front (and side where applicable) yard landscapes that front onto a public street and exceed 500 square feet, but are less than 2,500 square feet in total landscape area size.

The front yard landscape is considered the landscape area that fronts a street and is on the street side of a wall or fence and can be seen from the street. This is inclusive of traditional front yards where the door to the home and/or garage is located as well as side yards for corner lots. It does not apply to landscapes that front alleys. It may also apply to areas which front paseos, bike paths, and other public ways per the determination of the Development Services Director.

Most residential front yards in Tracy have less than 2,500 square feet of landscape area. As such, they fall under the Prescriptive Method of WELO compliance (per the Department of Water Resources Title 23, Chapter 2.7, Sections 490 - 497.2). Front yard landscapes that are larger than 2,500 square foot will also need to comply with the more water restrictive requirements of WELO. Hardscape items within the front yard such as driveways and sidewalks do not count toward the total landscape area.

Multi-family developments, such as apartments, condos, shall submit detailed landscape plans for the entire project, substantially complying with all concepts within these standards.

5.2 Submittal Requirements

All applicable landscapes shall be designed in plan form incorporating the design standards herein and submitted to the City of Tracy Planning Department with the building permit application. It is recommended that the scale be no greater than 1" = 20' (scale may vary due to size of project).

The landscape plans shall include paving materials, finishes, plant palettes, notes, call-outs, details and sections and a WELO checklist. The design submittal shall include notes confirming the use and specific type of low precipitation automatic irrigation technology and the total square footage of the area to be landscaped and irrigated. All existing utilities shall also be identified on the submittal.

The Development Services Director may exclude or provide modified compliance requirements based on specific project conditions on a project-by-project basis.

5.3 Front Yard Landscape

The following standards describe typical landscape materials and allowable percentages of those materials that may be used with the design of residential front yard landscapes. Multiple combinations may be used, but it is important that an overall cohesive design be created staying within the allowable percentages. It is not intended that all of the following materials be included in a single landscape design, but rather a combination (typically two-to-four) to create an aesthetically pleasing, functional, low-water use landscape that complements the home and surrounding neighborhood.

The recommendations and percentages offer direction and set goals for landscape aesthetic and water usage; they are not intended to discourage or stifle creative design. While each landscape design is still required to meet code requirements, new materials may become available and special applications may require unique design solutions. Alternate materials, means of installation, and percentages can be submitted for review and approval by the Development Services Director.



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5.4 Front Yard Design Guidelines

The following landscape materials standards should be incorporated into the landscape plan for residential front yards. Minimum required and maximum allowed use, as a percentage of the total landscape area (unless otherwise noted), are shown in Table 5-1: Residential Front Yard Landscape Material Coverages.

Examples of conceptual front yards landscapes that apply these landscape standards are shown in Figures 5-1 through 5-5 at the end of this chapter.

Table 5-1: Residential Front Yard Landscape Material Coverages

Material	Minimum Requirement ¹	Maximum Allowed Use ¹
Natural Lawn	0 %	25 %
Synthetic Lawn	0 %	60 %
Natural Lawn Substitutes	0 %	60 %
Trees	2 @ 24-inch box	--
Shrubs and Groundcover	35 %	100 %
Impervious Hardscape	0 %	20 %
Pervious Hardscape	0 %	20 %
Walkable Permeable Groundcover	0 %	30 %
Organic Wood Mulch	--	--
Soil Amendment	See Section 5.4.10	--

Notes:

1. Percent as total of front yard landscape area, unless otherwise noted.



5.4.1 Natural Lawn

Historically, front lawns have been used extensively throughout Tracy and their use has set a character of the community. However, due to water conservation interest, lawns are allowed but not encouraged and should be limited.

The following standards should be considered for natural lawns:

- Natural lawn utilizing “warm season” grass species should not exceed 25% of the total front yard landscape area on single-family homes and duplexes.
- Natural lawn is prohibited in multi-family residential developments and may only be used in functional and/or recreation use areas with the approval of the Development Services Director.

Warm season grasses include a variety of species that originated in tropical areas. Their peak growing time is mid-summer when temperatures are the hottest. Those warm-season grasses that are considered drought-tolerant (which includes most, but not all, warm-season species) have the ability not only tolerate heat, but they also can survive on very little water during peak growing times. Water-season grass species include, but are not limited to:

- *Bahia*
- *Bermuda*
- *Buffalo*
- *Centipede*
- *Fescue*
- *St. Augustine*
- *Zoysia*



St. Augustine



Bermuda



Fescue



Zoysia

Examples of warm season natural lawn species



UC Verde® buffalo grass may be mowed as a lawn or left long for a landscape meadow. Unlike other lawns, this grass only requires weekly watering during the warm season to maintain its appearance. Its slow growth means mowing is required once every two to three weeks for lawns or once a year for a meadow, to invigorate growth.



5.4.2 Synthetic Lawn

The use of synthetic lawn (artificial turf) is allowed and encouraged as a substitute for natural lawn.

The following standards should be considered for synthetic lawns:

- Synthetic lawn must be a high-quality product that has a natural lawn appearance and installed in a quality manner to comply with the installation recommendations and specifications of the manufacturer; including a six-inch by six-inch concrete curb separating the synthetic lawn from the adjacent shrub planting. Proper sub-base, fine grading, and edge securement (anchored screw strips) must be provided.
- Synthetic lawn should not exceed 60% of the front yard landscape area on single-family homes and duplexes. In multi-family residential developments, it should be limited to no more than 30% of the front yard landscape area.
- Irrigation is not needed for synthetic lawn and may only be included per the approval of the Development Services Director if there is a special condition that requires a level of cleaning or cooling that is not typical for front yard usage.



Examples of synthetic turf

5.4.3 Natural Lawn Substitutes

Groundcover plants that are low and continuous may be used as a substitute for traditional natural lawn. These may include plant species that can take foot traffic and serve a similar purpose as a traditional natural lawn or they may include species that remain continuous and low, offering the uniform appearance of a lawn, but do not handle foot traffic as well.

The following standards should be considered for natural lawn substitutes:

- Natural lawn substitutes shall not exceed 60% of the total front yard landscape area on single-family homes and duplexes. In multi-family residential developments, it should be limited to no more than 30% of the front yard landscape area.
- To qualify as a natural lawn substitute, the plant species must be able to fill in completely within one year, be evergreen, completely cover the ground without bare spots, be low (less than eight (8) inch height), able to be maintained at a relatively uniform height naturally or by infrequent mowing, and must be dense enough to discourage weeds.
- A natural lawn substitute should consist of a single species of plant or a mixture of species that combine to create a single uniform appearance (such as low-water use no- mow Fescue blends). Multiple species may be used in multiple sweeps or masses of single species each to create a layered groundcover appearance.
- The water use requirements of the natural lawn substitute species must be less than that of natural lawn with water use of 60% or less of Kentucky Blue Grass.
- Areas of the natural lawn substitute may be depressed to allow stormwater to percolate into the soil (encouraged where appropriate), but plant species shall be selected that will be hardy to the wet winter soil.
- Low water use lawn species (that looks and functions like traditional front yard lawns) may qualify as a 'lawn substitute' only if it can be

proven that the water usage needs of the species meet the requirements of this section.

Possible natural lawn substitute plant species include, but are not limited to:

- Asian Jasmine
- Chamomile
- Cotoneaster
- Dymondia
- Herniaria (Green Carpet)
- Juniper
- Kurapia
- Mondo
- Native species no-mow fescue blend (red fescues)
- Silver Carpet
- Zoysia (Korean Grass)

Examples of Natural Lawn Substitutes



Silver Carpet



Dymondia



Kurapia



Mondo

5.4.4 Trees

Trees are an integral part of any landscape design and shall be included with all landscape design plans. In many cases the inclusion of trees is required by code and/or development agreements. They provide shade that reduces heat gain, produce oxygen that mitigates green-house gas emissions, slow the process of rainwater entering the storm drain system, provide habitat for birds and other urban wildlife, and substantially enhance the character and livability of Tracy. Their inclusion in all landscape design is critical.

The following standards should be considered for trees:

- Tree species should be selected based on the space that is available and their intended overall size.
- Wherever achievable, large spreading shade trees should be planted. Large trees in narrow planters, directly adjacent to overhead power lines, and directly adjacent to street lights should be avoided. Similarly, trees should be planted clear of underground utilities.
- At least two trees (min. 24-inch box), in addition to the required street trees, should be planted per single-family front yard. Alternatively, three 15-gallon size trees can be used in place of the two 24-inch box trees where the size of the front yard area allows for such.
- The front yard trees should be planted in informal clusters, creating movement throughout the entire street. Mature tree size and scale should be considered.
- Corner lots should have an additional requirement of one gallon vines at 10 feet on-center installed against the street side yard wall or fence.
- All 24-inch box trees should be double staked and 15 gallon trees should be single staked. All trees should be tied to stakes with a rubber "cinch tie" or equal. All trees in turf areas should include arbor guards.

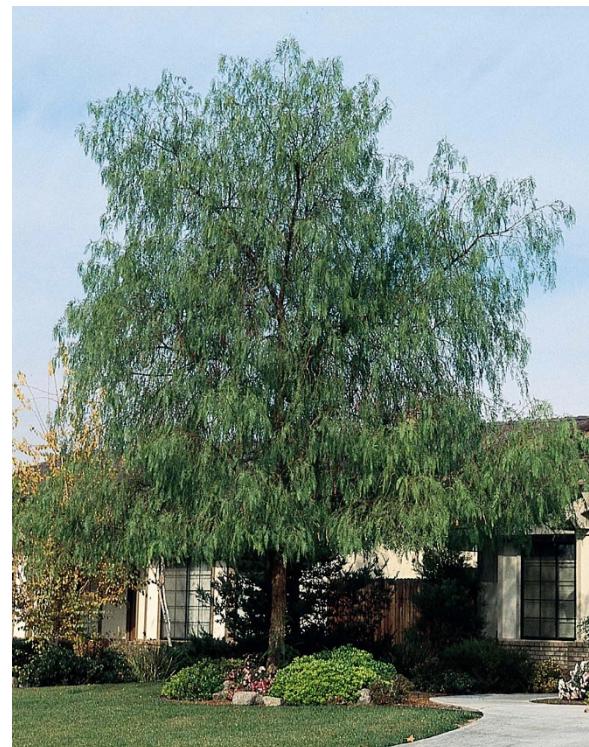


Crepe myrtle

Examples of Appropriate Residential Tree Species



London Plane Tree



California Pepper Tree



Flowering Plum

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5.4.5 Shrubs and Groundcover

Shrubs and groundcover create a visually-appealing layered appearance and consists of a combination of herbaceous and perennial plant species. These plantings typically provide the backdrop for natural lawn and lawn substitute plantings. These are typically located directly in front of the home (foundation planting) and along the fence and between front yards. Their use can be greater than what has been traditionally provided due to the reduction in the amount of lawn that is allowed.

The following standards should be considered for shrubs and groundcovers:

- The minimum shrub and groundcover coverage is 35% of the total front yard area.
- Plant species should be chosen for their ability to reinforce the neighborhood character, which includes plant varieties, color, texture of plant material, diversity, and form.
- Plant species should have low and medium water use needs, provide a variety of sizes and color, create a layered and interesting year-round appearance, and have a mature size that is appropriate for their use.
- The design and selection of plant species and spacing should be done in such a way that when the landscape is mature there are no bare spots and no need to replenish mulch for aesthetics.
- Plants should not be planted so close together that they overlap each other and become too overgrown and dense. Model homes can be excluded from this requirement at the discretion of the Development Services Director.
 - Shrubs should be spaced a maximum of 75% of their mature growth.
 - Groundcovers should be installed at spacings that will allow them to grow together to completely cover the ground within three years. For example, plants that have a mature spread of three feet should not be planted five feet apart as they will never grow to touch each other.
- Areas with shrubs and groundcover may be depressed to allow stormwater to percolate into the soil (encouraged where appropriate), but plant species shall be hardy to the winter wet soil conditions.
- Shrubs shall be five-gallon size for background/foundation and one gallon size for foreground. If the planting area allows only a single row, the minimum size shall be five-gallon.
- Where blank exposed walls visible from the street exist, front yard should have a minimum of three 15-gallon accent shrubs, vines, or espaliers to provide visual screening. This is in addition to the shrubs mentioned above.
- Plants should not require more than 30% of their foliage be removed to maintain their intended functional use. For example, don't use a species that has a mature size of 10' tall if it is intended to be maintained at four (4) feet tall.
- All shrub areas should have ground cover planted at a maximum of eight (8) inches on-center triangular spaced, from rooted cuttings or liners. A wider spacing can be considered for four (4) inch pots or one gallon sizes.
- A three (3) inch layer of shredded mulch should be used under all shrub masses without groundcover.
- All landscape areas should be finished with no less than eight (8) inches of amended topsoil.



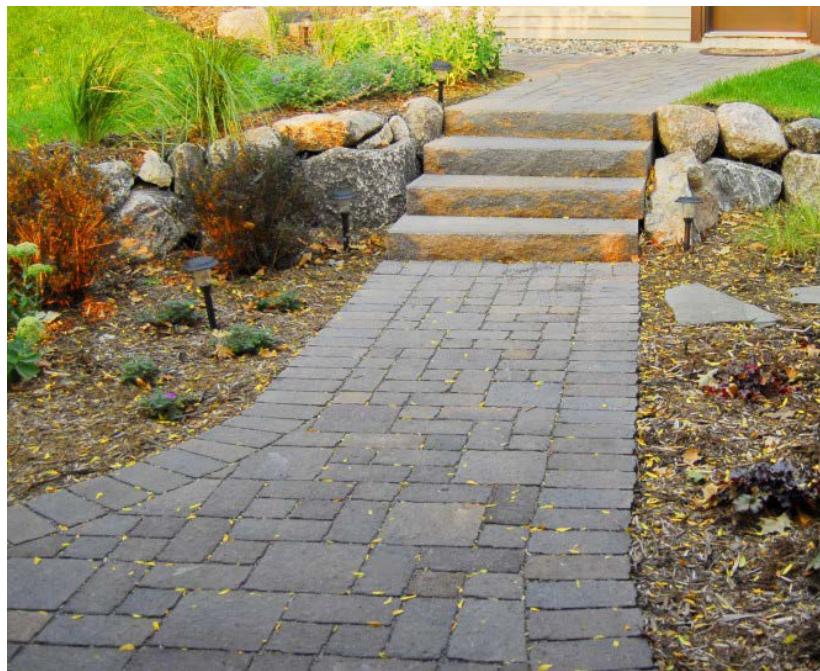
Using a rich variety of shrubs and groundcovers can create a visually dynamic and relatively low-maintenance residential landscape.

5.4.6 Impervious Hardscape

For the purposes of these standards, the term impervious hardscape refers to landscape elements that are constructed of concrete or have a concrete base or similar material that does not allow rain or irrigation water to flow through. Driveways and sidewalks that serve the function of the home are not considered to be landscape areas and are therefore not part of this section.

The following standards should be considered for impervious hardscapes:

- Impervious hardscape may include but are not limited to colored and stamped concrete patios, concrete mow curbs, wet-set cobble, non-permeable interlocking pavers, stone or tile on concrete base, etc.
- The maximum allowed use of impervious hardscape is 20 % of the total landscape area.
- These materials should be incorporated into the landscape to complement the planting areas and create functional space such as mow edges, walkways, aesthetic edges and transitions.
- Impervious hardscapes are not intended or allowed to be used to replace large areas of landscape. Their use and overall incorporation into the landscape is subject to the discretion of the Development Services Director.



5.4.7 Pervious Hardscape

Pervious hardscape consists of landscape accent materials such as decomposed granite (DG), ornamental aggregate, cobble, boulders, river rock, pea gravel, and tumbled glass mulch. It is different from the walkable permeable groundcover described below in that this material is provided in the design as an aesthetic treatment and not designed as a walkable functional element.

The following standards should be considered for pervious hardscapes:

- Pervious hardscape materials are not intended to replace large portions of the landscape, but rather, to accent and supplement them.
- The maximum allowed use of pervious hardscapes is 20 % of the total landscape area.
- Pervious hardscapes should be consistent with the overall design of the landscape and compliment the character of the surrounding community.
- Dry stream beds should include a variety of cobble and boulder sizes, should be depressed into grade, and designed to appear as a natural component of the landscape. If the design is more contemporary, the use of these materials can take on a more contemporary aesthetic such as sweeps or bands, but is generally limited to two areas.
- Where appropriate, pervious hardscapes (e.g. a dry stream bed) may be used as a functional element to convey and/or percolate stormwater.



Pervious hardscapes are limited to 20% of the landscape area and should be tastefully integrated with trees and shrubs



Pervious hardscapes that visually dominate the landscape are prohibited



Examples of dry creek bed landscape treatments.

5.4.8 Walkable Permeable Groundcover

Walkable permeable groundcover includes informal walkways, seating areas, and patios. Permeable means water can move through them to the soil below.

The following standards should be considered for walkable permeable groundcover:

- The use of small seating areas, patios, informal walkways, etc. are encouraged, provided that their design is integrated with the sidewalk layout (the sidewalk to the front door) and landscape design.
- The maximum allowed use of walkable permeable groundcover is 30 % of the total landscape area.
- The inclusion of functional space within the front yard that can be used like a porch and/or seating area is encouraged and fosters community interaction.
- Permeable materials include decomposed granite (DG) (without stabilizer polymer binder), permeable pavers, stepping pads of concrete, stone, etc. (with permeability between them), ornamental aggregate, pea gravel, and other similar paving substitute materials.
- Loose materials such as ornamental aggregate, DG, pea gravel, etc. should have a secure containment edging such as steel edging, recycled plastic bender board, three-ply wood bender board, or other acceptable containment edge.
- At the discretion of the Development Services Director, the maximum allowed use of walkable permeable groundcover may be increased (as a percentage of the landscape area) if there is functional use such as stormwater conveyance and percolation.



Example of a walkable permeable groundcover incorporating flagstone pavers and decomposed granite.

5.4.9 Organic Wood Mulch

Organic wood mulch (bark mulch) helps to retain soil moisture, moderate soil temperature, and suppress weeds while plants grow to maturity.

The following standards should be considered for using organic wood mulch in landscape areas:

- Organic wood mulch may be used within the shrub and groundcover areas only and is not allowed as a landscape treatment without plants. It is required with the installation of shrubs and groundcover and may be needed for some natural lawn substitute species.
- Organic wood mulch should be installed at minimum three (3) inches depth. Because shrubs and groundcovers should be designed to grow together within three years so that no organic mulch is visible.
- All planters (non-slope) should include a minimum of three inches (measured after settling) of organic wood mulch. Areas of planted groundcover should include a minimum of one and a half inches of organic wood mulch. Slope planting with point-to-point drip or subterranean irrigation should include a minimum of four (4) inches of organic wood mulch.
- Color enhanced mulches are prohibited.
- Mulch may be omitted for native re-vegetation projects upon the recommendation of the project biologist and/or the landscape architect or landscape professional with valid reasons, and as approved by the Development Services Director.
- A two (2) inch layer of decomposed granite or crushed rock or gravel mulch may be substituted for organic wood mulch when appropriate to the overall landscape design, and as approved by the Development Services Director.



5.4.10 Soil Amendment

All new planting areas shall be amended with at least four (4) cubic yards of soil amendment (compost) to a depth of six (6) inches per 1,000 square feet of planting area. The soil amendments are not required for non-planted areas such as synthetic lawn, pervious hardscape, etc.

5.4.11 Accessories

Other landscape items such as low walls, seat walls, fences, art, decorative containers, etc. may be incorporated into the landscape as part of a cohesive and comprehensive landscape design. They may be included, but are not required, to the extent allowed by current codes and homeowner association regulations (CC&Rs) and per the discretion of the Development Services Director.

The construction of walls, fences and hedges shall comply with the City of Tracy Municipal Code, Section 10.08.3250 - Wall, fence and hedge requirements.



5-5 Irrigation

All living plant landscape areas shall be provided with automated irrigation system that is designed to be compliant with all applicable codes and requirements including WELO, California Building Code, and Tracy Municipal Code.

Irrigation shall be designed to meet the water needs of the plants without providing more water than the plants need and without running off onto sidewalks and streets or adjacent properties. Irrigation water shall be contained within the landscape area that it is intended to irrigate (no runoff).

The following standards should be considered for irrigation systems in landscape areas:

- Plants with similar water usage needs shall be irrigated together and plants with different water needs shall be placed on separate circuits.
- Irrigation water should remain within the landscape area that it is intended to water. For instance, lawn irrigation should not overspray into shrub areas or other areas that do not require irrigation.
- Spray irrigation should only be used for lawn areas (maximum 25% of the landscape area) and should be designed to not overspray outside of the lawn area. Only irrigation nozzles that use larger water droplet size such as rotator nozzles, precision nozzles, and other nozzles are allowed.

- Traditional spray irrigation is prohibited as it creates too much mist and does not meet the efficiency requirements of WELO.
- The use of drip and/or low flow bubbler irrigation is encouraged for all landscape areas, and is required for all non-natural lawn irrigation. The use of subsurface drip is encouraged for natural lawn areas.
- There shall be a manual shut off valve at the point of irrigation service connection to allow the irrigation system to be shut off separate from any other water needs (such as the water used inside the house).
- The irrigation controller should be multi-programmable and incorporate sensors to adjust run times based on soil moisture information to automatically adjust the run times.
- The irrigation system should be timed to operate during cooler period of the day or (preferably) at night to minimize evaporation.
- Irrigation systems shall be installed with a rain shut off sensor.
- All natural and manufactured slopes over four vertical feet should be landscaped and irrigated utilizing point-to-point drip irrigation and container trees and mass planted shrubs and mulch. Spray head irrigation is discouraged.



5.6 Model Home Planting

Promoting high-quality landscape design and water conservation awareness is an important residential landscape goal. Helping to educate new-home buyers provides an excellent opportunity to help promote this goal to future Tracy homeowners.

The following standards should be considered when designing landscape areas for model homes associated with new residential developments:

- Each model home shall display different landscape designs and materials for each residential model.
- Model homes shall be used to demonstrate and encourage water conservation.
- Signs and exhibits shall be posted at one for each model home to demonstrate water conservation through its landscape design concept. Written information shall be provided to all homebuyers. The signage and literature shall clearly state the design concept, materials and water efficient practices implemented to achieve this concept. Written information shall be available in the sales office.
- New homeowners shall be given a brochure/handout explaining optimal settings for their irrigation system(s), current water alert stage, watering windows, and watering standards consistent with WELO requirements. This will encourage efficient watering and provide common water conservation practices to the homeowner.
- If the residential development contains CC&Rs, a condition shall be incorporated into any related project approval prohibiting the use of water-intensive landscaping and requiring the use of low water use landscaping consistent with these standards. Additionally, such a condition shall also require the CC&Rs to incorporate provisions concerning landscape irrigation system management and maintenance.



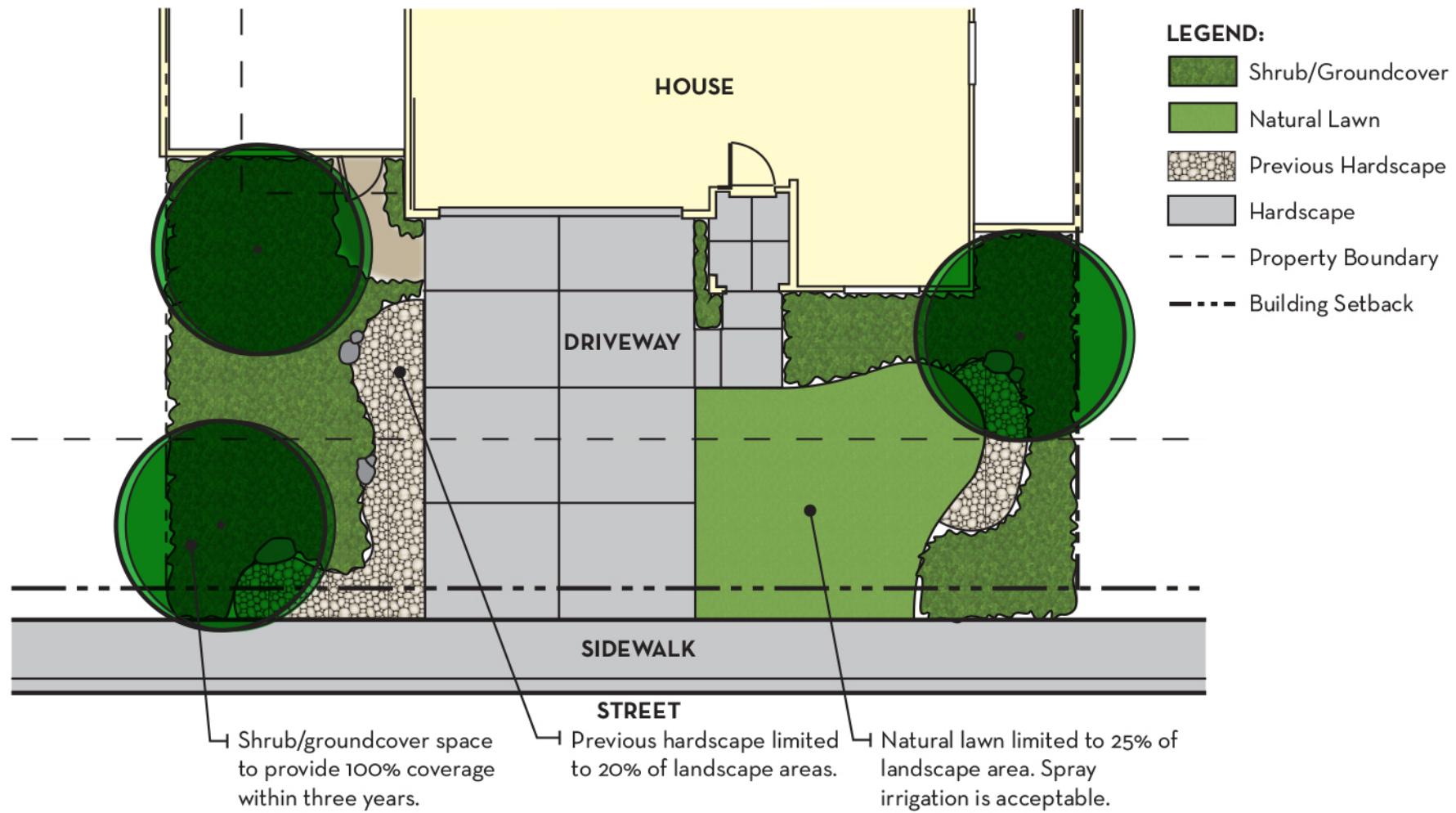
Figure 5-1: Natural Lawn and Plants Conceptual Landscape Plan

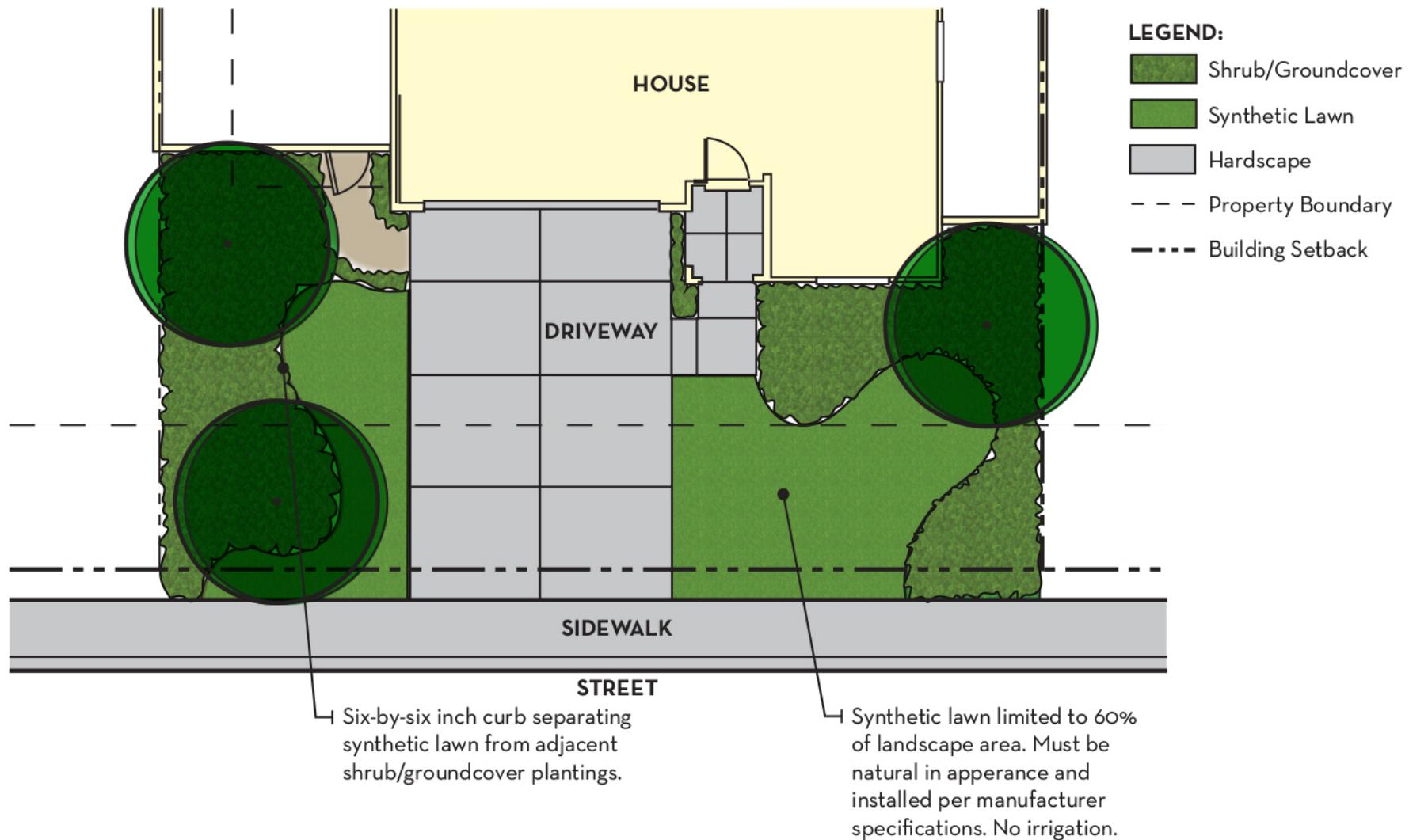
Figure 5-2: Synthetic Lawn and Plants Conceptual Landscape Plan

Figure 5-3: Courtyard Enclosure Conceptual Landscape Plan

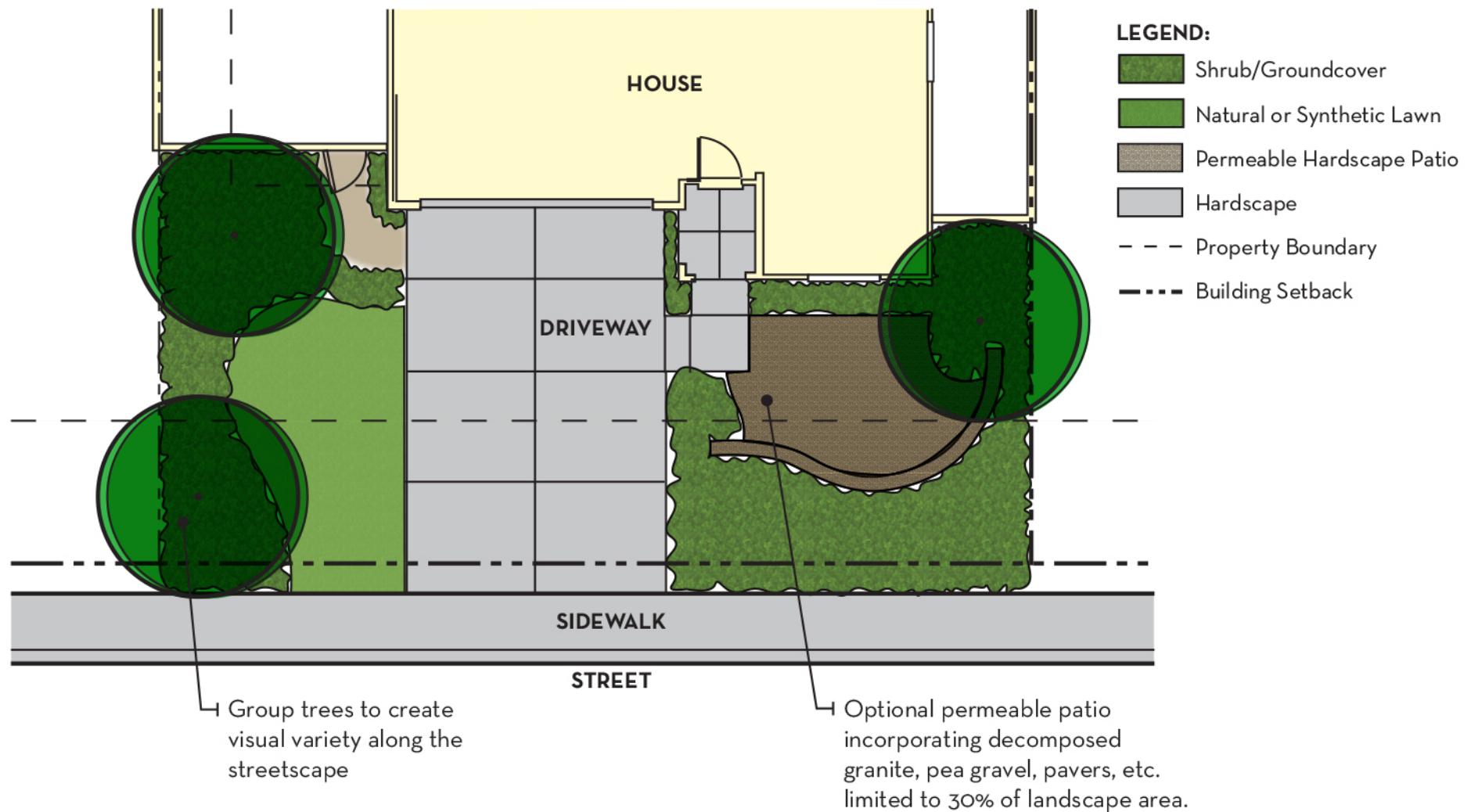


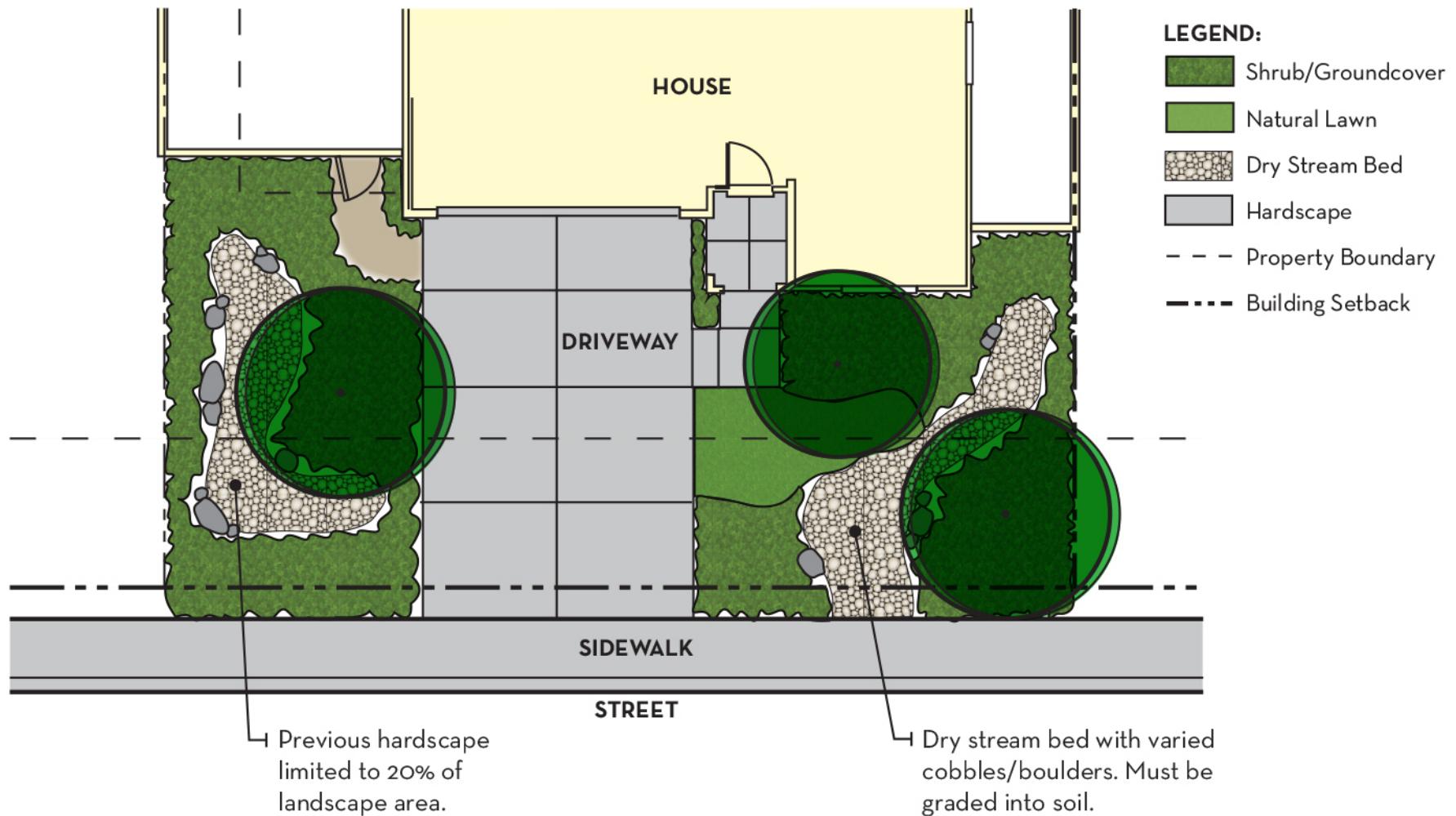
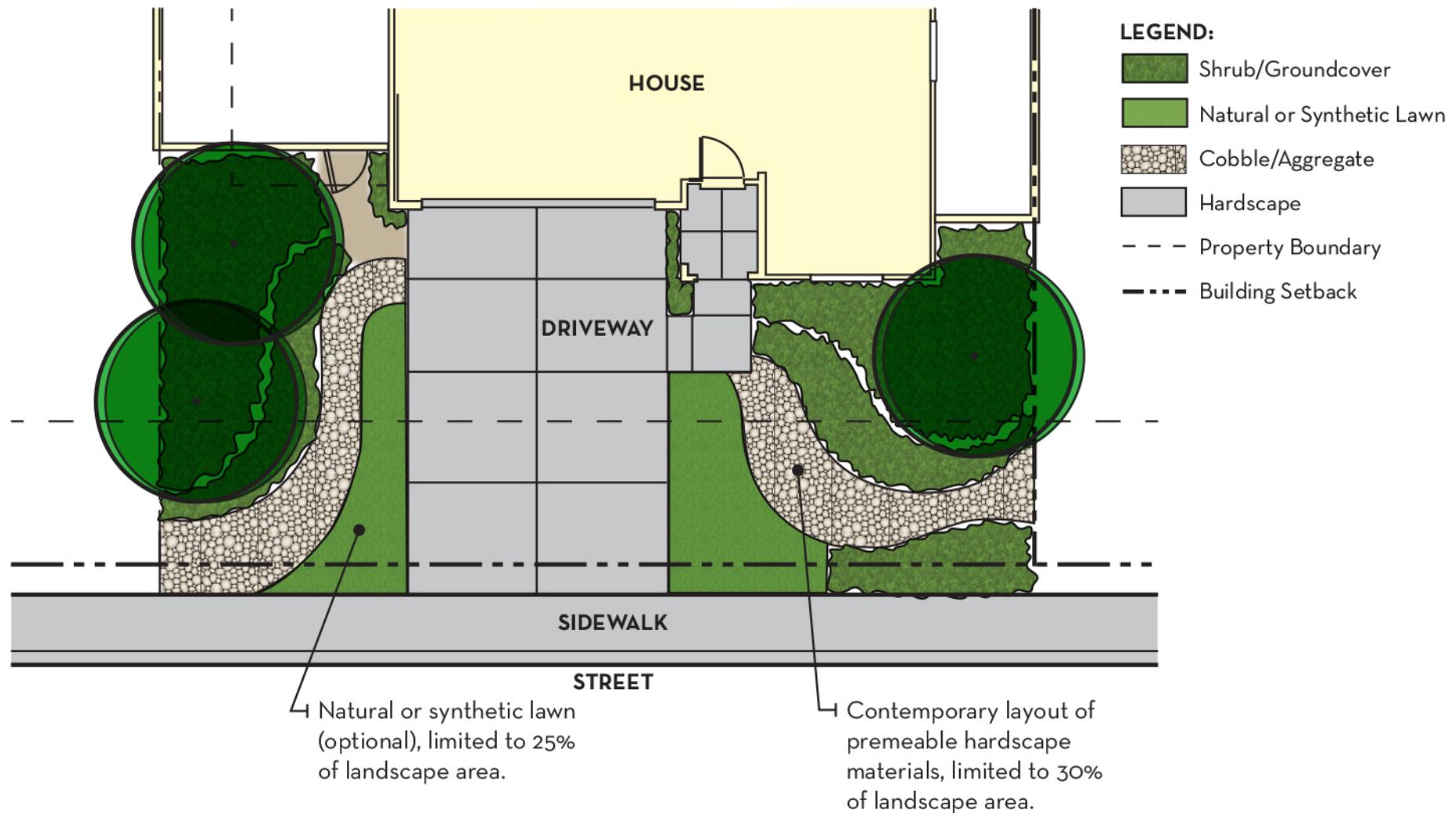
Figure 5-4: Dry Stream Bed Conceptual Landscape Plan

Figure 5-5: Contemporary Conceptual Landscape Plan

RESOLUTION 2019-_____

RECOMMENDING APPROVAL OF REVISED CITY WIDE DESIGN GOALS AND
STANDARDS TO INCLUDE RESIDENTIAL FRONT YARD LANDSCAPE STANDARDS FOR
NEW SUBDIVISIONS

WHEREAS, City Council has directed staff to create landscape standards for residential new single-family home front yards, and

WHEREAS, Staff has drafted landscape standards that promote water conservation, ease of maintenance, and longevity of the landscape for consideration, and

WHEREAS, The proposed revisions are consistent with the City's General Plan goals, policies and actions, and

WHEREAS, the Planning Commission held a public hearing to review the proposed Landscape standards on April 24, 2019;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby recommend that the Tracy City Council approve the revisions to the Design Goals and Standards, as indicated in Exhibit 1.

* * * * *

The foregoing Resolution 2019-_____ was adopted by the Planning Commission of the City of Tracy on the 24th day of April, 2019, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

5 RESIDENTIAL LANDSCAPE

These residential landscape standards for initial installation provide a framework for achieving a high-quality landscape character for all new single-family, duplex, and multi-family residential development projects, as well as conversions of existing residential landscapes that require a Development Review permit. While these standards could apply to entire yards, they specifically apply to front and side yards that are visible from a public roadway. The landscape design standards complement the mandatory site development regulations as described in the City of Tracy Municipal Code and Specific Plans.

The following goals provide a framework for these residential landscape standards:

- GOAL 1.** To promote a sense of community and create more pleasant residential neighborhoods.
- GOAL 2.** To retain flexibility and encourage creativity through appropriate landscape design.
- GOAL 3.** To encourage high-quality residential landscape design that create useful spaces that enhance the usability and function of private outdoor spaces, and accentuate the character of the adjacent architecture.
- GOAL 4.** To promote water use management and water conservation using water-efficient landscaping, limited use of natural lawn, and aggressive use of water-conserving irrigation technology and management consistent with the requirements of the State-mandated Water Efficient Landscape Ordinance (hereafter abbreviated to WELO), in compliance with California Government Code Section 65591 et seq.
- GOAL 5.** To maintain residential landscape areas long past their approval and construction.



5.1 Applicability

5.1.1 Residential

These standards are applicable to all new single-family, duplex, and multi-family residential development projects. The focus of these standards are for residential front (and side where applicable) yard landscapes that front onto a public street and exceed 500 square feet, but are less than 2,500 square feet in total landscape area size.

The front yard landscape is considered the landscape area that fronts a street and is on the street side of a wall or fence and can be seen from the street. This is inclusive of traditional front yards where the door to the home and/or garage is located as well as side yards for corner lots. It does not apply to landscapes that front alleys. It may also apply to areas which front paseos, bike paths, and other public ways per the determination of the Development Services Director.

Most residential front yards in Tracy have less than 2,500 square feet of landscape area. As such, they fall under the Prescriptive Method of WELO compliance (per the Department of Water Resources Title 23, Chapter 2.7, Sections 490 - 497.2). Front yard landscapes that are larger than 2,500 square foot will also need to comply with the more water restrictive requirements of WELO. Hardscape items within the front yard such as driveways and sidewalks do not count toward the total landscape area.

Multi-family developments, such as apartments, condos, shall submit detailed landscape plans for the entire project, substantially complying with all concepts within these standards.

5.2 Submittal Requirements

All applicable landscapes shall be designed in plan form incorporating the design standards herein and submitted to the City of Tracy Planning Department with the building permit application. It is recommended that the scale be no greater than 1" = 20' (scale may vary due to size of project).

The landscape plans shall include paving materials, finishes, plant palettes, notes, call-outs, details and sections and a WELO checklist. The design submittal shall include notes confirming the use and specific type of low precipitation automatic irrigation technology and the total square footage of the area to be landscaped and irrigated. All existing utilities shall also be identified on the submittal.

The Development Services Director may exclude or provide modified compliance requirements based on specific project conditions on a project-by-project basis.

5.3 Front Yard Landscape

The following standards describe typical landscape materials and allowable percentages of those materials that may be used with the design of residential front yard landscapes. Multiple combinations may be used, but it is important that an overall cohesive design be created staying within the allowable percentages. It is not intended that all of the following materials be included in a single landscape design, but rather a combination (typically two-to-four) to create an aesthetically pleasing, functional, low-water use landscape that complements the home and surrounding neighborhood.

The recommendations and percentages offer direction and set goals for landscape aesthetic and water usage; they are not intended to discourage or stifle creative design. While each landscape design is still required to meet code requirements, new materials may become available and special applications may require unique design solutions. Alternate materials, means of installation, and percentages can be submitted for review and approval by the Development Services Director.



CITY OF TRACY

5.4 Front Yard Design Guidelines

The following landscape materials standards should be incorporated into the landscape plan for residential front yards. Minimum required and maximum allowed use, as a percentage of the total landscape area (unless otherwise noted), are shown in Table 5-1: Residential Front Yard Landscape Material Coverages.

Examples of conceptual front yards landscapes that apply these landscape standards are shown in Figures 5-1 through 5-5 at the end of this chapter.

Table 5-1: Residential Front Yard Landscape Material Coverages

Material	Minimum Requirement ¹	Maximum Allowed Use ¹
Natural Lawn	0 %	25 %
Synthetic Lawn	0 %	60 %
Natural Lawn Substitutes	0 %	60 %
Trees	2 @ 24-inch box	--
Shrubs and Groundcover	35 %	100 %
Impervious Hardscape	0 %	20 %
Pervious Hardscape	0 %	20 %
Walkable Permeable Groundcover	0 %	30 %
Organic Wood Mulch	--	--
Soil Amendment	See Section 5.4.10	--

Notes:

1. Percent as total of front yard landscape area, unless otherwise noted.



5.4.1 Natural Lawn

Historically, front lawns have been used extensively throughout Tracy and their use has set a character of the community. However, due to water conservation interest, lawns are allowed but not encouraged and should be limited.

The following standards should be considered for natural lawns:

- Natural lawn utilizing “warm season” grass species should not exceed 25% of the total front yard landscape area on single-family homes and duplexes.
- Natural lawn is prohibited in multi-family residential developments and may only be used in functional and/or recreation use areas with the approval of the Development Services Director.

Warm season grasses include a variety of species that originated in tropical areas. Their peak growing time is mid-summer when temperatures are the hottest. Those warm-season grasses that are considered drought-tolerant (which includes most, but not all, warm-season species) have the ability not only tolerate heat, but they also can survive on very little water during peak growing times. Water-season grass species include, but are not limited to:

- *Bahia*
- *Bermuda*
- *Buffalo*
- *Centipede*
- *Fescue*
- *St. Augustine*
- *Zoysia*



St. Augustine



Bermuda



Fescue



Zoysia

Examples of warm season natural lawn species



UC Verde ® buffalo grass may be mowed as a lawn or left long for a landscape meadow. Unlike other lawns, this grass only requires weekly watering during the warm season to maintain its appearance. Its slow growth means mowing is required once every two to three weeks for lawns or once a year for a meadow, to invigorate growth.



5.4.2 Synthetic Lawn

The use of synthetic lawn (artificial turf) is allowed and encouraged as a substitute for natural lawn.

The following standards should be considered for synthetic lawns:

- Synthetic lawn must be a high-quality product that has a natural lawn appearance and installed in a quality manner to comply with the installation recommendations and specifications of the manufacturer; including a six-inch by six-inch concrete curb separating the synthetic lawn from the adjacent shrub planting. Proper sub-base, fine grading, and edge securement (anchored screw strips) must be provided.
- Synthetic lawn should not exceed 60% of the front yard landscape area on single-family homes and duplexes. In multi-family residential developments, it should be limited to no more than 30% of the front yard landscape area.
- Irrigation is not needed for synthetic lawn and may only be included per the approval of the Development Services Director if there is a special condition that requires a level of cleaning or cooling that is not typical for front yard usage.



Examples of synthetic turf

5.4.3 Natural Lawn Substitutes

Groundcover plants that are low and continuous may be used as a substitute for traditional natural lawn. These may include plant species that can take foot traffic and serve a similar purpose as a traditional natural lawn or they may include species that remain continuous and low, offering the uniform appearance of a lawn, but do not handle foot traffic as well.

The following standards should be considered for natural lawn substitutes:

- Natural lawn substitutes shall not exceed 60% of the total front yard landscape area on single-family homes and duplexes. In multi-family residential developments, it should be limited to no more than 30% of the front yard landscape area.
- To qualify as a natural lawn substitute, the plant species must be able to fill in completely within one year, be evergreen, completely cover the ground without bare spots, be low (less than eight (8) inch height), able to be maintained at a relatively uniform height naturally or by infrequent mowing, and must be dense enough to discourage weeds.
- A natural lawn substitute should consist of a single species of plant or a mixture of species that combine to create a single uniform appearance (such as low-water use no- mow Fescue blends). Multiple species may be used in multiple sweeps or masses of single species each to create a layered groundcover appearance.
- The water use requirements of the natural lawn substitute species must be less than that of natural lawn with water use of 60% or less of Kentucky Blue Grass.
- Areas of the natural lawn substitute may be depressed to allow stormwater to percolate into the soil (encouraged where appropriate), but plant species shall be selected that will be hardy to the wet winter soil.
- Low water use lawn species (that looks and functions like traditional front yard lawns) may qualify as a 'lawn substitute' only if it can be

proven that the water usage needs of the species meet the requirements of this section.

Possible natural lawn substitute plant species include, but are not limited to:

- Asian Jasmine
- Chamomile
- Cotoneaster
- Dymondia
- Herniaria (Green Carpet)
- Juniper
- Kurapia
- Mondo
- Native species no-mow fescue blend (red fescues)
- Silver Carpet
- Zoysia (Korean Grass)

Examples of Natural Lawn Substitutes



Silver Carpet



Dymondia



Kurapia



Mondo

5.4.4 Trees

Trees are an integral part of any landscape design and shall be included with all landscape design plans. In many cases the inclusion of trees is required by code and/or development agreements. They provide shade that reduces heat gain, produce oxygen that mitigates green-house gas emissions, slow the process of rainwater entering the storm drain system, provide habitat for birds and other urban wildlife, and substantially enhance the character and livability of Tracy. Their inclusion in all landscape design is critical.

The following standards should be considered for trees:

- Tree species should be selected based on the space that is available and their intended overall size.
- Wherever achievable, large spreading shade trees should be planted. Large trees in narrow planters, directly adjacent to overhead power lines, and directly adjacent to street lights should be avoided. Similarly, trees should be planted clear of underground utilities.
- At least two trees (min. 24-inch box), in addition to the required street trees, should be planted per single-family front yard. Alternatively, three 15-gallon size trees can be used in place of the two 24-inch box trees where the size of the front yard area allows for such.
- The front yard trees should be planted in informal clusters, creating movement throughout the entire street. Mature tree size and scale should be considered.
- Corner lots should have an additional requirement of one gallon vines at 10 feet on-center installed against the street side yard wall or fence.
- All 24-inch box trees should be double staked and 15 gallon trees should be single staked. All trees should be tied to stakes with a rubber "cinch tie" or equal. All trees in turf areas should include arbor guards.

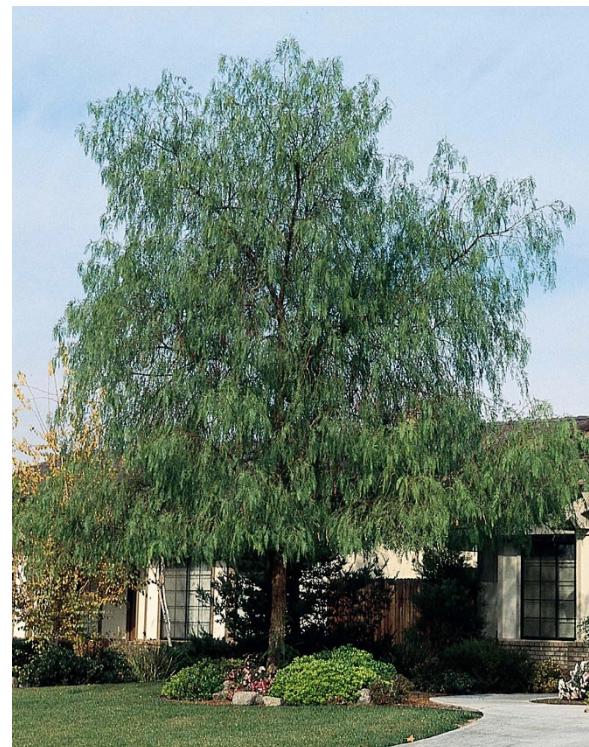


Crepe myrtle

Examples of Appropriate Residential Tree Species



London Plane Tree



California Pepper Tree



Flowering Plum

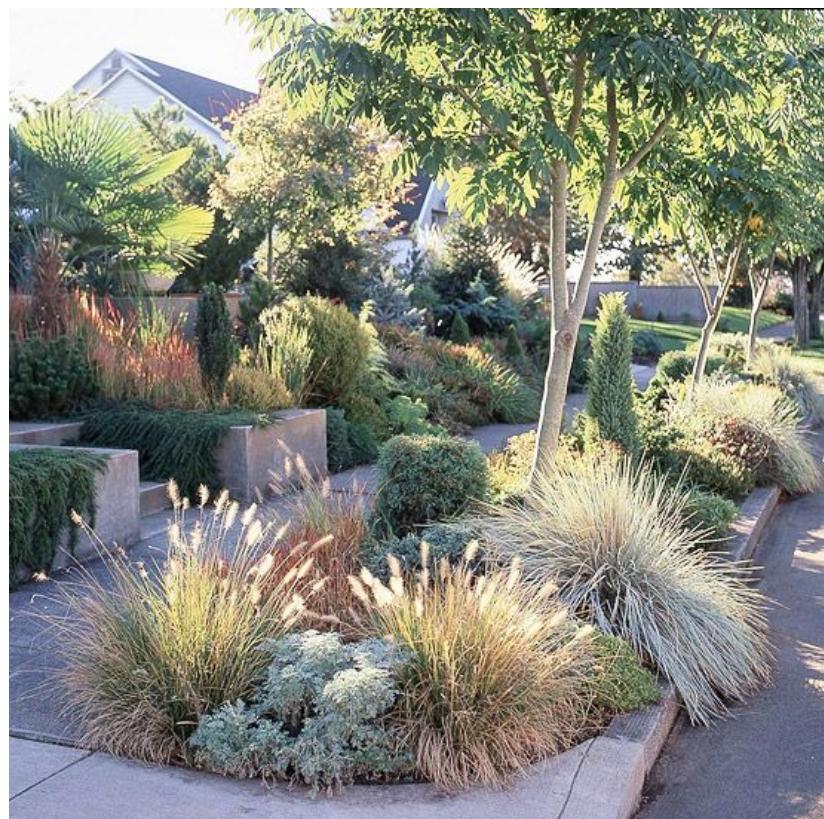
CITY OF TRACY

5.4.5 Shrubs and Groundcover

Shrubs and groundcover create a visually-appealing layered appearance and consists of a combination of herbaceous and perennial plant species. These plantings typically provide the backdrop for natural lawn and lawn substitute plantings. These are typically located directly in front of the home (foundation planting) and along the fence and between front yards. Their use can be greater than what has been traditionally provided due to the reduction in the amount of lawn that is allowed.

The following standards should be considered for shrubs and groundcovers:

- The minimum shrub and groundcover coverage is 35% of the total front yard area.
- Plant species should be chosen for their ability to reinforce the neighborhood character, which includes plant varieties, color, texture of plant material, diversity, and form.
- Plant species should have low and medium water use needs, provide a variety of sizes and color, create a layered and interesting year-round appearance, and have a mature size that is appropriate for their use.
- The design and selection of plant species and spacing should be done in such a way that when the landscape is mature there are no bare spots and no need to replenish mulch for aesthetics.
- Plants should not be planted so close together that they overlap each other and become too overgrown and dense. Model homes can be excluded from this requirement at the discretion of the Development Services Director.
 - Shrubs should be spaced a maximum of 75% of their mature growth.
 - Groundcovers should be installed at spacings that will allow them to grow together to completely cover the ground within three years. For example, plants that have a mature spread of three feet should not be planted five feet apart as they will never grow to touch each other.
- Areas with shrubs and groundcover may be depressed to allow stormwater to percolate into the soil (encouraged where appropriate), but plant species shall be hardy to the winter wet soil conditions.
- Shrubs shall be five-gallon size for background/foundation and one gallon size for foreground. If the planting area allows only a single row, the minimum size shall be five-gallon.
- Where blank exposed walls visible from the street exist, front yard should have a minimum of three 15-gallon accent shrubs, vines, or espaliers to provide visual screening. This is in addition to the shrubs mentioned above.
- Plants should not require more than 30% of their foliage be removed to maintain their intended functional use. For example, don't use a species that has a mature size of 10' tall if it is intended to be maintained at four (4) feet tall.
- All shrub areas should have ground cover planted at a maximum of eight (8) inches on-center triangular spaced, from rooted cuttings or liners. A wider spacing can be considered for four (4) inch pots or one gallon sizes.
- A three (3) inch layer of shredded mulch should be used under all shrub masses without groundcover.
- All landscape areas should be finished with no less than eight (8) inches of amended topsoil.



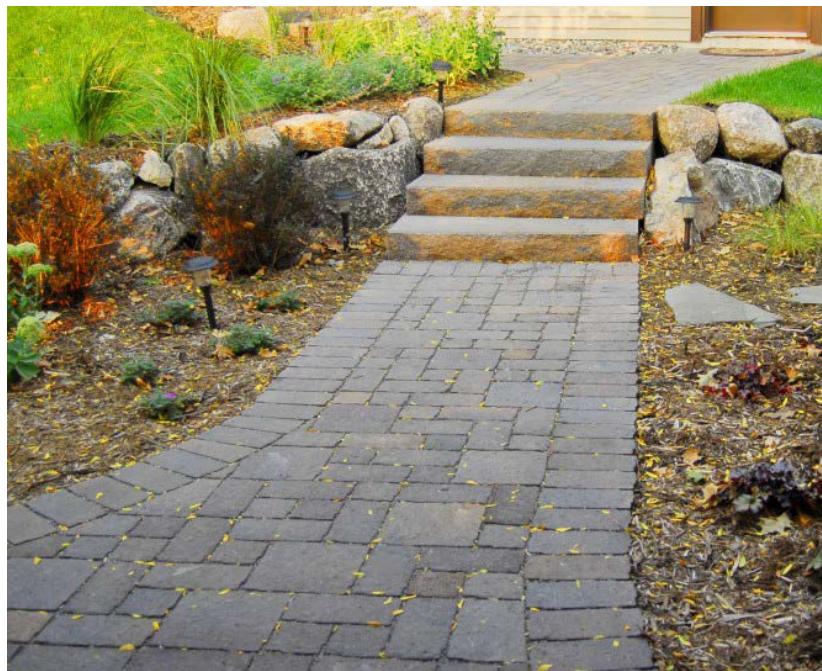
Using a rich variety of shrubs and groundcovers can create a visually dynamic and relatively low-maintenance residential landscape.

5.4.6 Impervious Hardscape

For the purposes of these standards, the term impervious hardscape refers to landscape elements that are constructed of concrete or have a concrete base or similar material that does not allow rain or irrigation water to flow through. Driveways and sidewalks that serve the function of the home are not considered to be landscape areas and are therefore not part of this section.

The following standards should be considered for impervious hardscapes:

- Impervious hardscape may include but are not limited to colored and stamped concrete patios, concrete mow curbs, wet-set cobble, non-permeable interlocking pavers, stone or tile on concrete base, etc.
- The maximum allowed use of impervious hardscape is 20 % of the total landscape area.
- These materials should be incorporated into the landscape to complement the planting areas and create functional space such as mow edges, walkways, aesthetic edges and transitions.
- Impervious hardscapes are not intended or allowed to be used to replace large areas of landscape. Their use and overall incorporation into the landscape is subject to the discretion of the Development Services Director.



5.4.7 Pervious Hardscape

Pervious hardscape consists of landscape accent materials such as decomposed granite (DG), ornamental aggregate, cobble, boulders, river rock, pea gravel, and tumbled glass mulch. It is different from the walkable permeable groundcover described below in that this material is provided in the design as an aesthetic treatment and not designed as a walkable functional element.

The following standards should be considered for pervious hardscapes:

- Pervious hardscape materials are not intended to replace large portions of the landscape, but rather, to accent and supplement them.
- The maximum allowed use of pervious hardscapes is 20 % of the total landscape area.
- Pervious hardscapes should be consistent with the overall design of the landscape and compliment the character of the surrounding community.
- Dry stream beds should include a variety of cobble and boulder sizes, should be depressed into grade, and designed to appear as a natural component of the landscape. If the design is more contemporary, the use of these materials can take on a more contemporary aesthetic such as sweeps or bands, but is generally limited to two areas.
- Where appropriate, pervious hardscapes (e.g. a dry stream bed) may be used as a functional element to convey and/or percolate stormwater.



Pervious hardscapes are limited to 20% of the landscape area and should be tastefully integrated with trees and shrubs



Pervious hardscapes that visually dominate the landscape are prohibited



Examples of dry creek bed landscape treatments.

5.4.8 Walkable Permeable Groundcover

Walkable permeable groundcover includes informal walkways, seating areas, and patios. Permeable means water can move through them to the soil below.

The following standards should be considered for walkable permeable groundcover:

- The use of small seating areas, patios, informal walkways, etc. are encouraged, provided that their design is integrated with the sidewalk layout (the sidewalk to the front door) and landscape design.
- The maximum allowed use of walkable permeable groundcover is 30 % of the total landscape area.
- The inclusion of functional space within the front yard that can be used like a porch and/or seating area is encouraged and fosters community interaction.
- Permeable materials include decomposed granite (DG) (without stabilizer polymer binder), permeable pavers, stepping pads of concrete, stone, etc. (with permeability between them), ornamental aggregate, pea gravel, and other similar paving substitute materials.
- Loose materials such as ornamental aggregate, DG, pea gravel, etc. should have a secure containment edging such as steel edging, recycled plastic bender board, three-ply wood bender board, or other acceptable containment edge.
- At the discretion of the Development Services Director, the maximum allowed use of walkable permeable groundcover may be increased (as a percentage of the landscape area) if there is functional use such as stormwater conveyance and percolation.



Example of a walkable permeable groundcover incorporating flagstone pavers and decomposed granite.

5.4.9 Organic Wood Mulch

Organic wood mulch (bark mulch) helps to retain soil moisture, moderate soil temperature, and suppress weeds while plants grow to maturity.

The following standards should be considered for using organic wood mulch in landscape areas:

- Organic wood mulch may be used within the shrub and groundcover areas only and is not allowed as a landscape treatment without plants. It is required with the installation of shrubs and groundcover and may be needed for some natural lawn substitute species.
- Organic wood mulch should be installed at minimum three (3) inches depth. Because shrubs and groundcovers should be designed to grow together within three years so that no organic mulch is visible.
- All planters (non-slope) should include a minimum of three inches (measured after settling) of organic wood mulch. Areas of planted groundcover should include a minimum of one and a half inches of organic wood mulch. Slope planting with point-to-point drip or subterranean irrigation should include a minimum of four (4) inches of organic wood mulch.
- Color enhanced mulches are prohibited.
- Mulch may be omitted for native re-vegetation projects upon the recommendation of the project biologist and/or the landscape architect or landscape professional with valid reasons, and as approved by the Development Services Director.
- A two (2) inch layer of decomposed granite or crushed rock or gravel mulch may be substituted for organic wood mulch when appropriate to the overall landscape design, and as approved by the Development Services Director.



5.4.10 Soil Amendment

All new planting areas shall be amended with at least four (4) cubic yards of soil amendment (compost) to a depth of six (6) inches per 1,000 square feet of planting area. The soil amendments are not required for non-planted areas such as synthetic lawn, pervious hardscape, etc.

5.4.11 Accessories

Other landscape items such as low walls, seat walls, fences, art, decorative containers, etc. may be incorporated into the landscape as part of a cohesive and comprehensive landscape design. They may be included, but are not required, to the extent allowed by current codes and homeowner association regulations (CC&Rs) and per the discretion of the Development Services Director.

The construction of walls, fences and hedges shall comply with the City of Tracy Municipal Code, Section 10.08.3250 - Wall, fence and hedge requirements.



5-5 Irrigation

All living plant landscape areas shall be provided with automated irrigation system that is designed to be compliant with all applicable codes and requirements including WELO, California Building Code, and Tracy Municipal Code.

Irrigation shall be designed to meet the water needs of the plants without providing more water than the plants need and without running off onto sidewalks and streets or adjacent properties. Irrigation water shall be contained within the landscape area that it is intended to irrigate (no runoff).

The following standards should be considered for irrigation systems in landscape areas:

- Plants with similar water usage needs shall be irrigated together and plants with different water needs shall be placed on separate circuits.
- Irrigation water should remain within the landscape area that it is intended to water. For instance, lawn irrigation should not overspray into shrub areas or other areas that do not require irrigation.
- Spray irrigation should only be used for lawn areas (maximum 25% of the landscape area) and should be designed to not overspray outside of the lawn area. Only irrigation nozzles that use larger water droplet size such as rotator nozzles, precision nozzles, and other nozzles are allowed.

- Traditional spray irrigation is prohibited as it creates too much mist and does not meet the efficiency requirements of WELO.
- The use of drip and/or low flow bubbler irrigation is encouraged for all landscape areas, and is required for all non-natural lawn irrigation. The use of subsurface drip is encouraged for natural lawn areas.
- There shall be a manual shut off valve at the point of irrigation service connection to allow the irrigation system to be shut off separate from any other water needs (such as the water used inside the house).
- The irrigation controller should be multi-programmable and incorporate sensors to adjust run times based on soil moisture information to automatically adjust the run times.
- The irrigation system should be timed to operate during cooler period of the day or (preferably) at night to minimize evaporation.
- Irrigation systems shall be installed with a rain shut off sensor.
- All natural and manufactured slopes over four vertical feet should be landscaped and irrigated utilizing point-to-point drip irrigation and container trees and mass planted shrubs and mulch. Spray head irrigation is discouraged.



5.6 Model Home Planting

Promoting high-quality landscape design and water conservation awareness is an important residential landscape goal. Helping to educate new-home buyers provides an excellent opportunity to help promote this goal to future Tracy homeowners.

The following standards should be considered when designing landscape areas for model homes associated with new residential developments:

- Each model home shall display different landscape designs and materials for each residential model.
- Model homes shall be used to demonstrate and encourage water conservation.
- Signs and exhibits shall be posted at one for each model home to demonstrate water conservation through its landscape design concept. Written information shall be provided to all homebuyers. The signage and literature shall clearly state the design concept, materials and water efficient practices implemented to achieve this concept. Written information shall be available in the sales office.
- New homeowners shall be given a brochure/handout explaining optimal settings for their irrigation system(s), current water alert stage, watering windows, and watering standards consistent with WELO requirements. This will encourage efficient watering and provide common water conservation practices to the homeowner.
- If the residential development contains CC&Rs, a condition shall be incorporated into any related project approval prohibiting the use of water-intensive landscaping and requiring the use of low water use landscaping consistent with these standards. Additionally, such a condition shall also require the CC&Rs to incorporate provisions concerning landscape irrigation system management and maintenance.



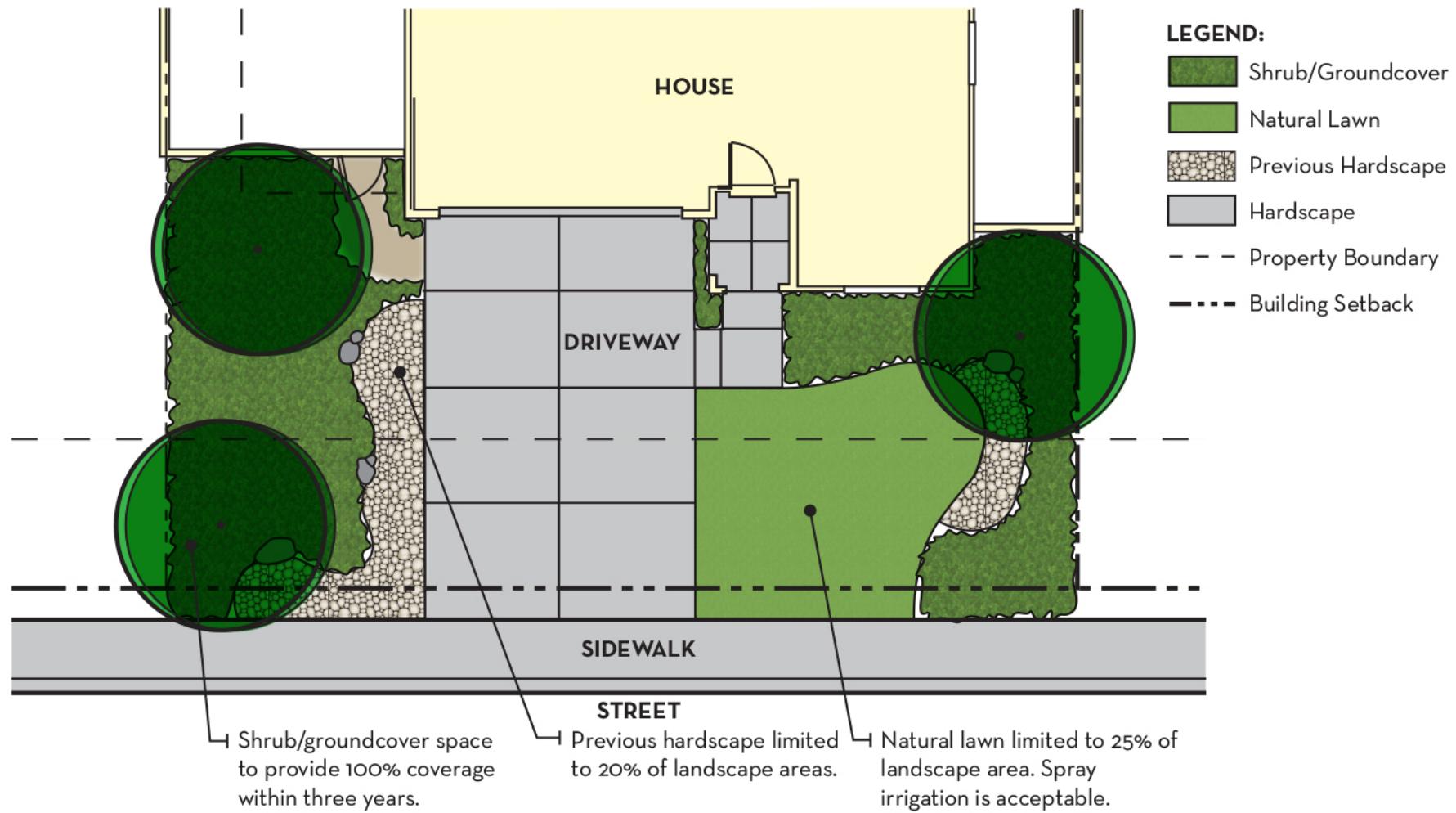
Figure 5-1: Natural Lawn and Plants Conceptual Landscape Plan

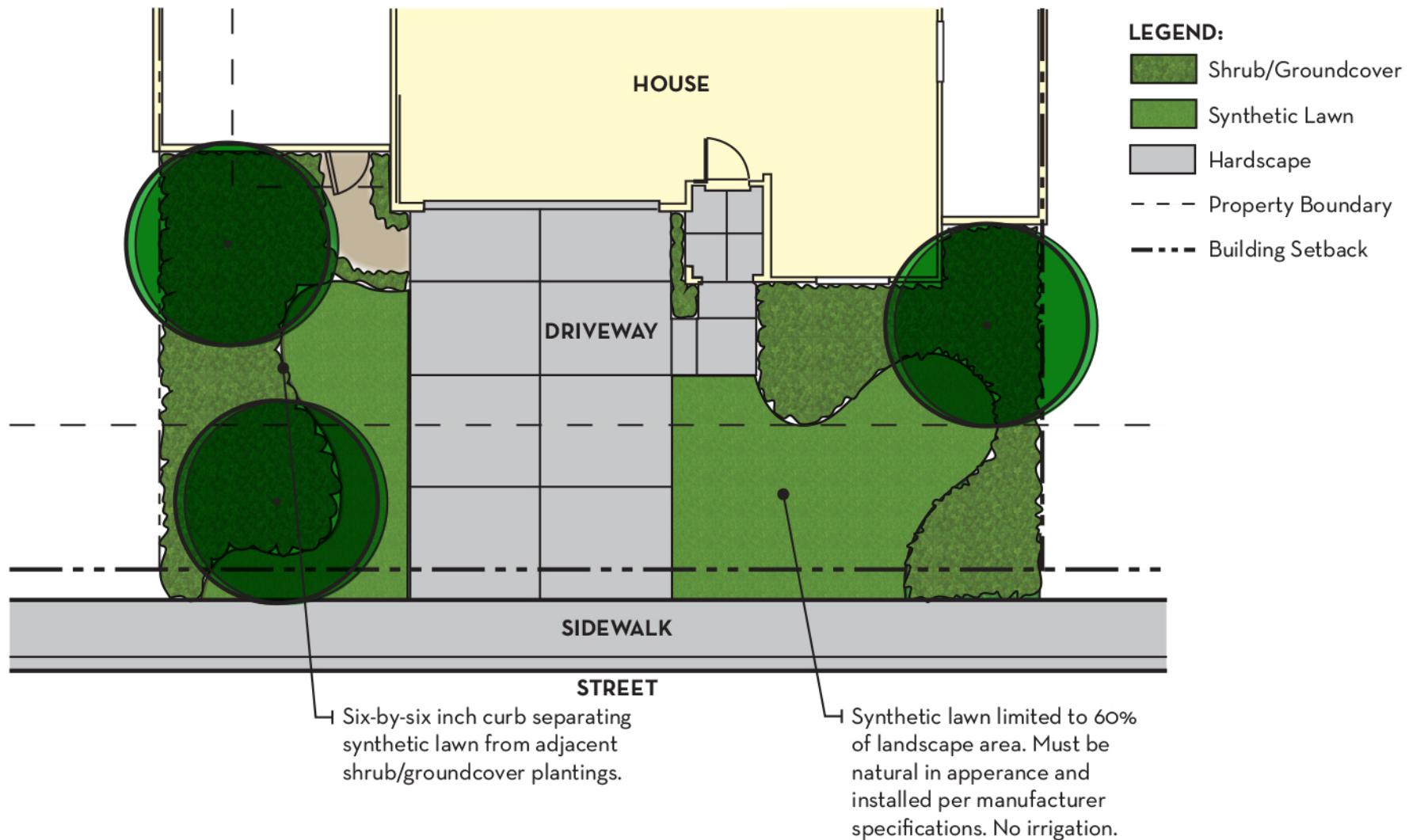
Figure 5-2: Synthetic Lawn and Plants Conceptual Landscape Plan

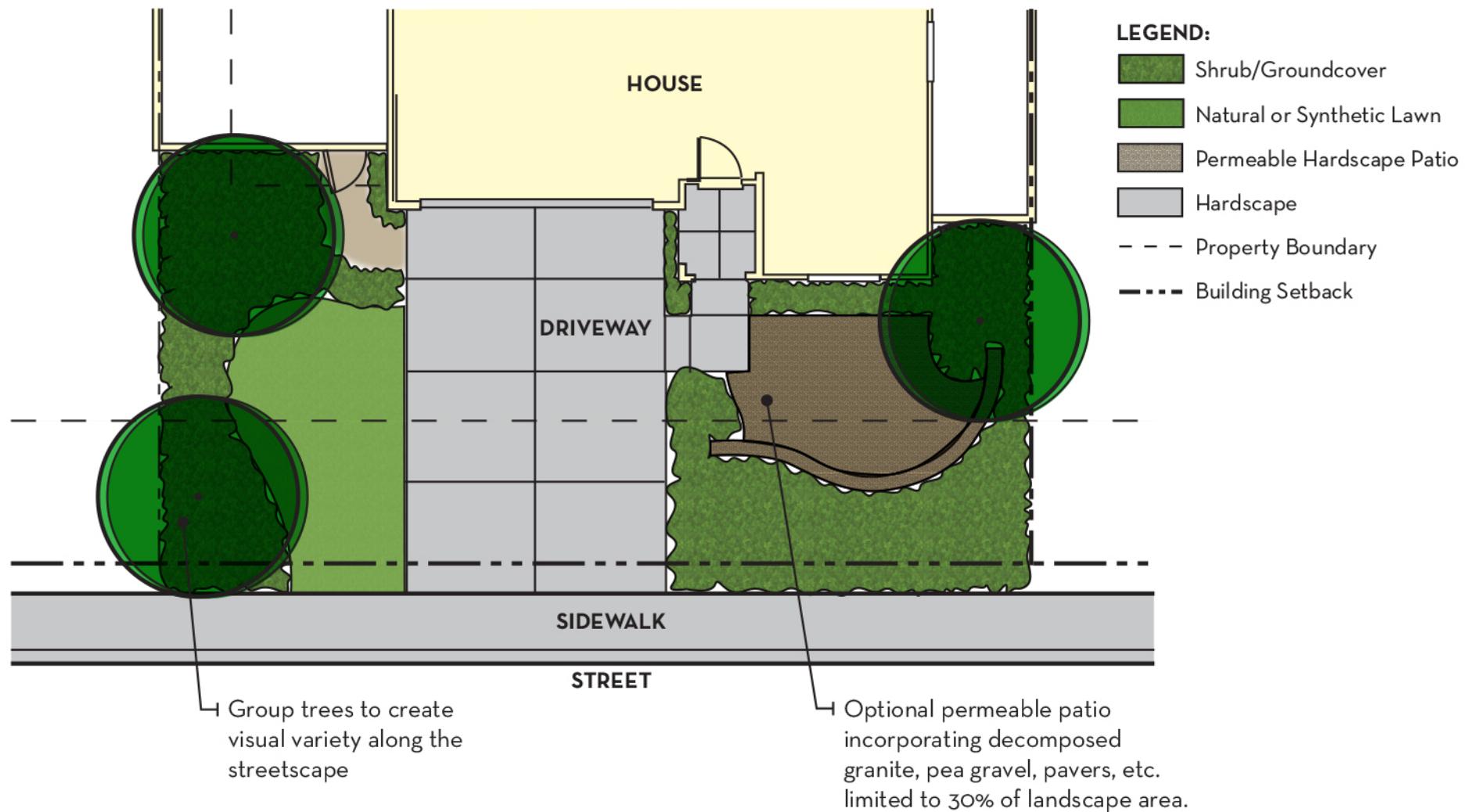
Figure 5-3: Courtyard Enclosure Conceptual Landscape Plan

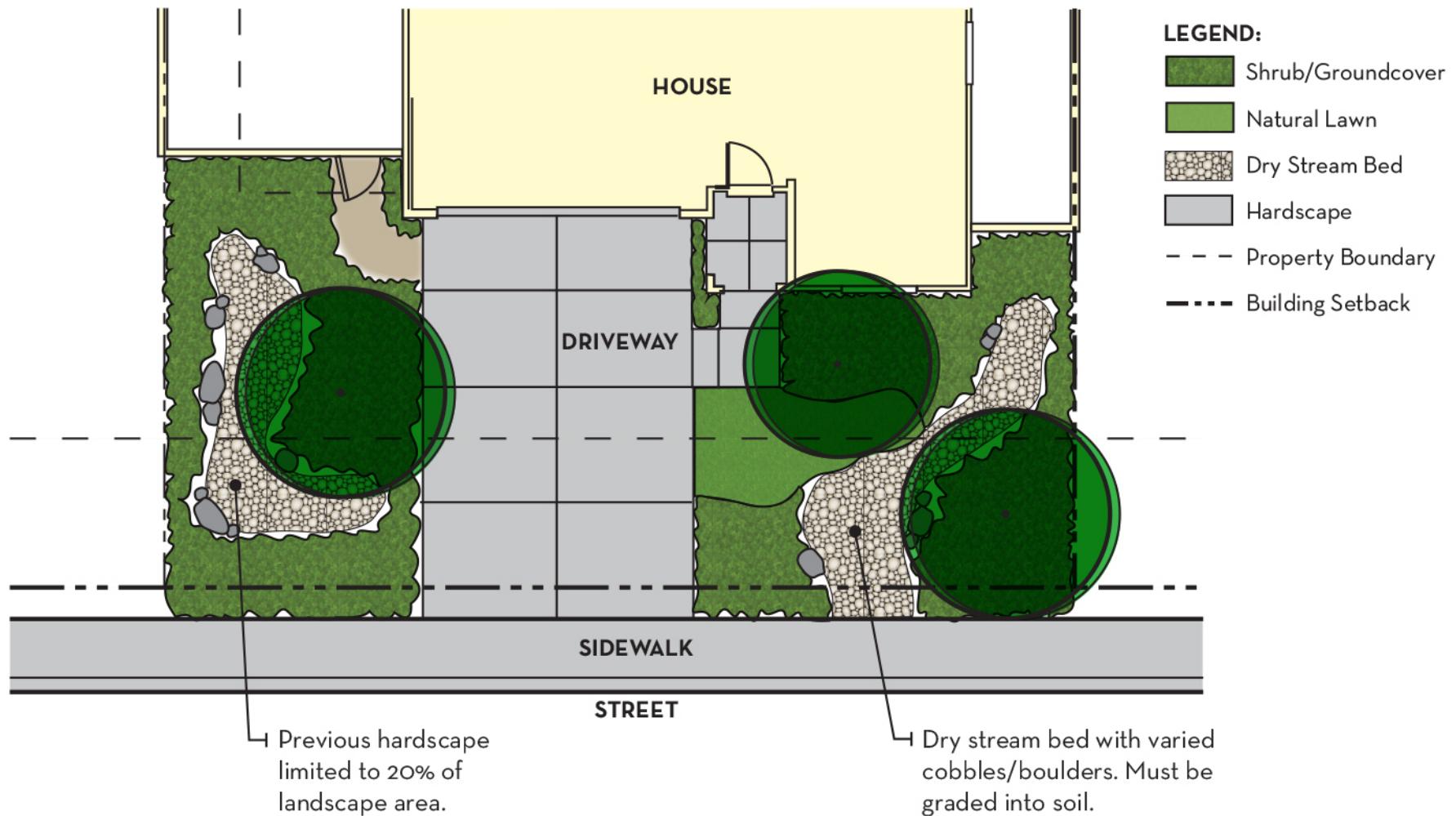
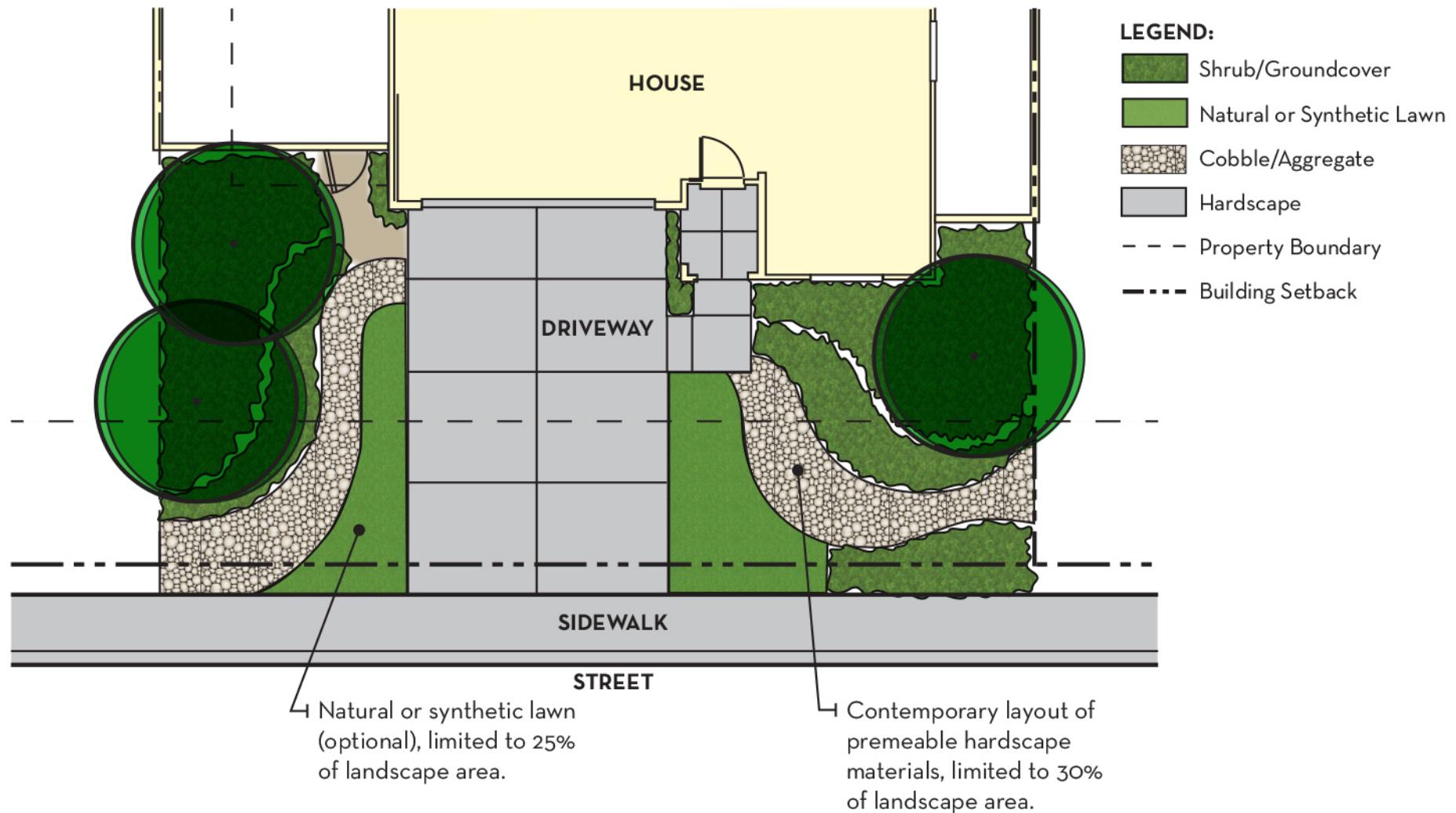
Figure 5-4: Dry Stream Bed Conceptual Landscape Plan

Figure 5-5: Contemporary Conceptual Landscape Plan

AGENDA ITEM 1.C

This item involves a Public Hearing to consider approval of a Tentative Subdivision Map for Ellis Phase 3 (Town & Country), consisting of approximately 311 residential lots, two parks, and four other parcels on approximately 74.36 acres, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive. The Applicant is The Surland Companies. Application Number TSM18-0005

Additional time is needed to discuss the draft conditions of approval on this project. Staff recommends that the Planning Commission OPEN the Public Hearing and continue it until the next regularly scheduled Planning Commission Meeting.

AGENDA ITEM 1.D

REQUEST

PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING APPROVAL OF AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN TO ADDRESS MINOR REVISIONS AND CLARIFICATIONS RELATED TO THE IMPLEMENTATION OF PHASE 1A DEVELOPMENT. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBER SPA18-0002

BACKGROUND

On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan. The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580 (Attachment A: Location Map). On April 5, 2016, City Council also approved a Vesting Tentative Subdivision Map for approximately 1,160 single-family residential lots in Phase 1A. The Phase 1A area is currently under construction by Integral Communities, Lennar Homes, Shea Homes, and Meritage Homes.

DISCUSSION

On October 3, 2018, an application was submitted to amend the Tracy Hills Specific Plan to address minor revisions and clarifications related to the implementation of Phase 1A development (Attachment B: Proposed Tracy Hills Specific Plan Amendment).

The proposed amendment involves the following items:

- Minor revisions and clarifications to setbacks
 - Setback from Phillips 66 easement revised from 5 feet to 16.25 feet to be consistent with developer's agreement with Phillips 66
 - Side swing garages allowed to be setback only 10 feet from the front property line if the garage door does not face a street
 - AC condenser units allowed to encroach into minimum side yard setback, if at least one side yard maintains the minimum setback
- Correction to Figure 2-5
 - A portion of the project location boundary needed to be corrected on Figure 2-5 because it had mistakenly included a small portion of land that is not part of the project boundary.
- Figure regarding garage type examples removed because it was not relevant to adjacent text.
- Note added to clarify that the minimum standards for housing variation shall be achieved by reviewing the mix of house designs across an entire tentative subdivision map area.
- Revised description of the intent of architectural character and styles to clarify the room for flexibility.
- A couple notes added regarding compliance with Building Code standards.

- Master plan fence heights revised by 12" or less, depending on the specific fence type.
- Figures and text updated to show park names for Phase 1A, which include Tracy Hills Park, Starcross Park, and Greymont Park.
- Figures updated to remove medians adjacent to angled parking spaces along the perimeter of the parks to allow for more park area.
- Details added regarding banners for the street light poles along Tracy Hills Drive.
- Note added to state that the tree species list will be superseded if the City adopts an Urban Forestry Management Plan with an updated tree list.
- Note added to state that utility boxes and vaults may be located in street parkways. This would only be done in special cases where house setbacks or other lot constraints do not provide the required franchise utility clearances.

In general, amendments to Specific Plans are common as development occurs and implementation details become clearer. In the case of Tracy Hills, a series of additional Specific Plan Amendments will likely be submitted within the coming months as development plans for future phases are proposed.

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve an amendment to the Tracy Hills Specific Plan to address minor revisions and clarifications related to the implementation of Phase 1A development, as specified in the recommended Planning Commission Resolution dated April 24, 2019 (Attachment C: Planning Commission Resolution).

MOTION

Planning Commission recommends that the City Council approve an amendment to the Tracy Hills Specific Plan to address minor revisions and clarifications related to the implementation of Phase 1A development, as specified in the Planning Commission Resolution dated April 24, 2019.

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: Andrew Malik, Assistant City Manager

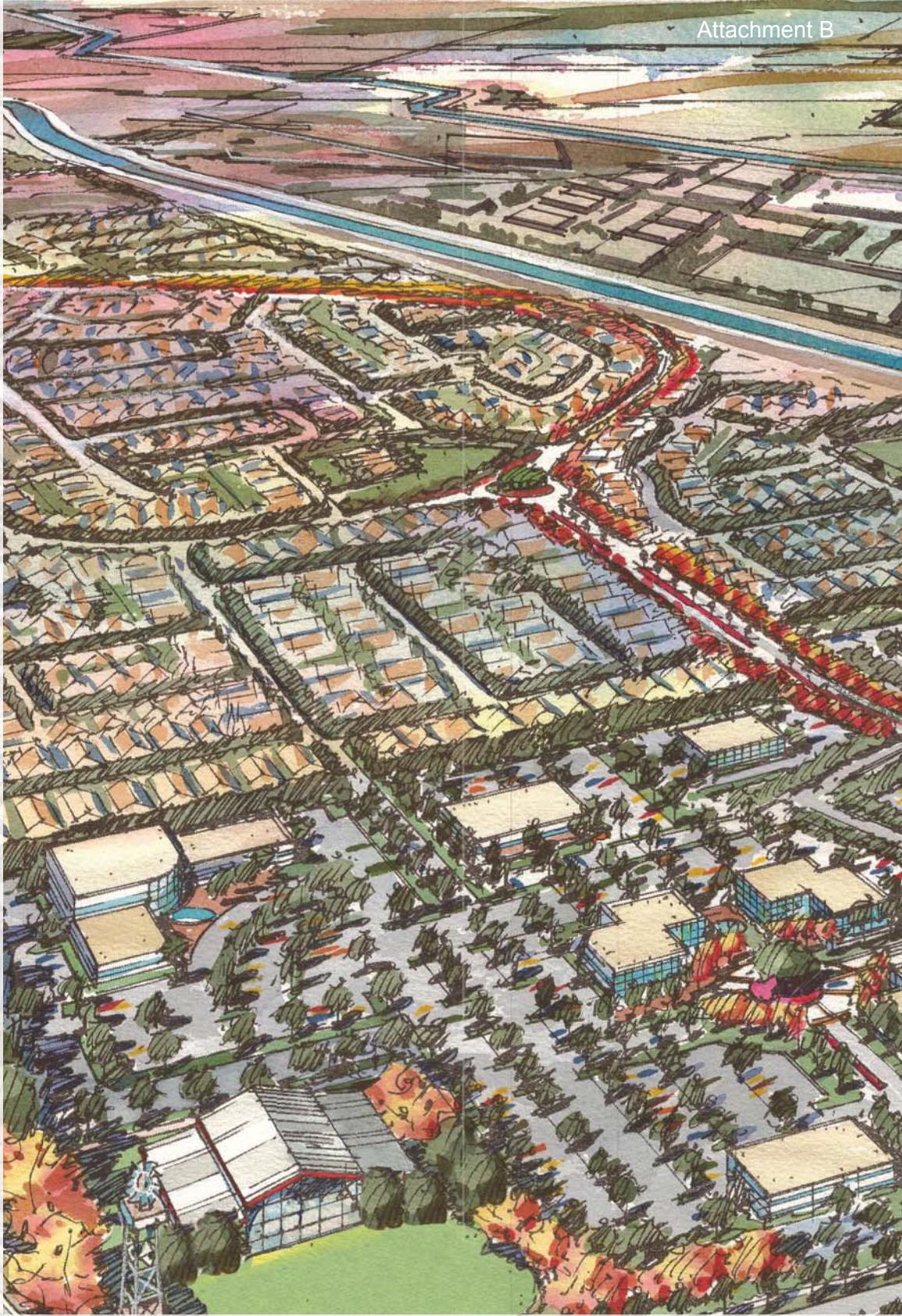
ATTACHMENTS

Attachment A: Location Map

Attachment B: Proposed Tracy Hills Specific Plan Amendment

Attachment C: Planning Commission Resolution





Tracy Hills Specific Plan

Approved April 5, 2016

Tracy City Council Resolution 2016-063

DRAFT Amendment April 16, 2019





2. ZONING AND DEVELOPMENT STANDARDS

2.1.3 Development Standards for RE-TH, LDR-TH, MDR-TH, and HDR-TH

TABLE 2-3
DEVELOPMENT STANDARDS - RESIDENTIAL ZONING DISTRICTS

Development Standard	RE-TH	LDR-TH	MDR-TH	HDR-TH
Allowable Density Range	0.5 to 2.0 DU/AC	2.1 to 5.8 DU/AC	5.9 to 12.0 DU/AC	12.1 to 25.0 DU/AC
Maximum Lot Coverage ⁽⁸⁾	45%	45%	45%	45%
Minimum Lot Size	15,000 s.f.	3,900 s.f.	3,500 <u>s.f.</u>	(1)
Minimum Lot Width	45' minimum at street frontage	45' minimum at street frontage	45' minimum at street frontage	(1)
Minimum Front Yard Setback ⁽²⁾⁽³⁾⁽⁴⁾	30 feet	10 feet	10 feet	15 feet
Minimum Front Yard Setback ⁽²⁾⁽³⁾⁽⁴⁾ Garage	30 feet	20 feet ⁽¹⁰⁾	20 feet ⁽¹⁰⁾	
Minimum Side Yard Setback ⁽²⁾⁽³⁾⁽⁶⁾⁽⁹⁾	10 feet	5 feet	5 feet	15 feet, street side; 10 feet interior side
Minimum Rear Yard Setback ⁽²⁾⁽³⁾	30 feet	10 feet	10 feet	10 feet
Maximum Building Height ⁽⁷⁾	35 feet	35 feet	35 feet	35 feet

(1) To be determined upon approval of the Tentative Subdivision Map: The developer shall demonstrate that every lot has size and dimensions capable of meeting the land use, public utilities, and development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines:
(refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum 16.255 feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) All setbacks measured from property line.

(4) There shall be no parking in the front yard between the house and the public right-of-way, except in the driveway.

(5) For rear yard, minimum setback is 5 feet for detached garage.

(6) For all corner lots, the minimum street side yard setback is 10 feet.

(7) Detached accessory structures that encroach into the rear or side yard setbacks shall have a maximum height of 10 feet.

(8) Maximum Lot Coverate up to 55% shall be permitted for single story elevation.

(9) AC condenser units may encroach into the minimum side yard setback. At least one side yard of the lot shall maintain the minimum setback.

(10) The minimum front yard setback to a side swing garage is 10 feet, if the garage door does not face a street.

2. ZONING AND DEVELOPMENT STANDARDS



2.2 GENERAL HIGHWAY COMMERCIAL ZONING DISTRICT

2.2.1 Purpose

The purpose of the General Highway Commercial (GHC-TH) Zone is to provide a mix of retail and services for local residents and travelers.

2.2.2 Permitted and Conditionally Permitted Uses Within GHC-TH

Table 2-1, Permitted and Conditionally Permitted Uses, indicates uses permitted within the General Highway Commercial zoning district of the Tracy Hills Specific Plan. The table also lists conditional uses that are subject to the granting of a Conditional Use Permit.

2.2.3 Development Standards for GHC-TH

Development Standards shall be in accordance with the Tracy Municipal Code Chapter 10.08, Zoning Regulations, Article 19, General Highway Commercial Zone (GHC), except as modified within this Specific Plan.

TABLE 2-4
DEVELOPMENT STANDARDS – GENERAL HIGHWAY COMMERCIAL ZONING DISTRICT

Development Standard	General Highway Commercial Zoning District
Maximum Lot Coverage	No Requirement
Minimum Lot Size	(1)
Minimum Lot Width	(1)
Minimum Front Yard Setback ⁽²⁾	No Requirement
Minimum Interior Side Yard Setback ⁽²⁾⁽³⁾	No Requirement
Minimum Street Side Yard Setback ⁽²⁾	No Requirement
Minimum Rear Yard Setback ⁽²⁾⁽³⁾	No Requirement
Maximum Building Height	45 feet

(1) No subdivision or lot line adjustment shall be approved or lots otherwise created with size or dimensions rendering it incapable of meeting the land use, public utilities, or development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines:
(refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum [16.255](#)-feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) No Requirement, except when adjacent to a residential zoning district, in which case 15 feet shall be required. Such yards shall be increased by 4 feet for every story above the ground floor or 10 feet in height above 25 feet, whichever is less.

2. ZONING AND DEVELOPMENT STANDARDS



TABLE 2-5
DEVELOPMENT STANDARDS – MIXED USE BUSINESS PARK ZONING DISTRICT

Development Standard	Mixed Use Business Park Zoning District
Maximum Lot Coverage	No Requirement
Minimum Lot Size	(1)
Minimum Lot Width	(1)
Minimum Front Yard Setback ⁽²⁾	No Requirement
Minimum Interior Side Yard Setback ⁽²⁾⁽³⁾	No Requirement
Minimum Street Side Yard Setback ⁽²⁾	No Requirement
Minimum Rear Yard Setback ⁽²⁾⁽³⁾	No Requirement
Maximum Building Height ⁽⁴⁾	45 feet

(1) No subdivision or lot line adjustment shall be approved or lots otherwise created with size or dimensions rendering it incapable of meeting the land use, public utilities, or development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines:
 (refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum 16.255 feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) No Requirement, except when adjacent to a residential Zoning District, in which case 15 feet shall be required. Such yards shall be increased by 4 feet for every story above the ground floor or 10 feet in height above 25 feet, whichever is less.

(4) The Community Gateway Icon, which is conceptually described and depicted in Section 3.4.5, Community Monumentation, shall have a maximum height of 50 feet.



2. ZONING AND DEVELOPMENT STANDARDS

2.4 LIGHT INDUSTRIAL ZONING DISTRICT

2.4.1 Purpose

The Light Industrial (M1-TH) zoning district allows for manufacturing and other industrial facilities.

2.4.2 Permitted and Conditionally Permitted Uses Within M1-TH

Table 2-1, Permitted and Conditionally Permitted Uses, indicates uses permitted within the Light Industrial zoning district of the Tracy Hills Specific Plan. The table also lists conditional uses that are subject to the granting of a Conditional Use Permit.

2.4.3 Development Standards for M1-TH

Development Standards shall be in accordance with the Tracy Municipal Code Chapter 10.08, Zoning Regulations, Article 20, Light Industrial Zone (M-1), except as specified herein.

TABLE 2-6
DEVELOPMENT STANDARDS - LIGHT INDUSTRIAL ZONING DISTRICT

Development Standard	Light Industrial Zoning District
Maximum Lot Coverage	No Requirement
Minimum Lot Size	(1)
Minimum Lot Width	(1)
Minimum Front Yard Setback ⁽²⁾	No Requirement
Minimum Interior Side Yard Setback ⁽²⁾⁽³⁾	No Requirement
Minimum Street Side Yard Setback ⁽²⁾	No Requirement
Minimum Rear Yard Setback ⁽²⁾⁽³⁾	No Requirement
Maximum Building Height	45 feet

(1) No subdivision or lot line adjustment shall be approved or lots otherwise created with size or dimensions rendering it incapable of meeting the land use, public utilities, or development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines: (refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum [16.255](#) feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) No Requirement, except when adjacent to a residential zone, in which case 15 feet shall be required. Such yards shall be increased by 4 feet for every story above the ground floor, or 10 feet in height above 25 feet, whichever is less.

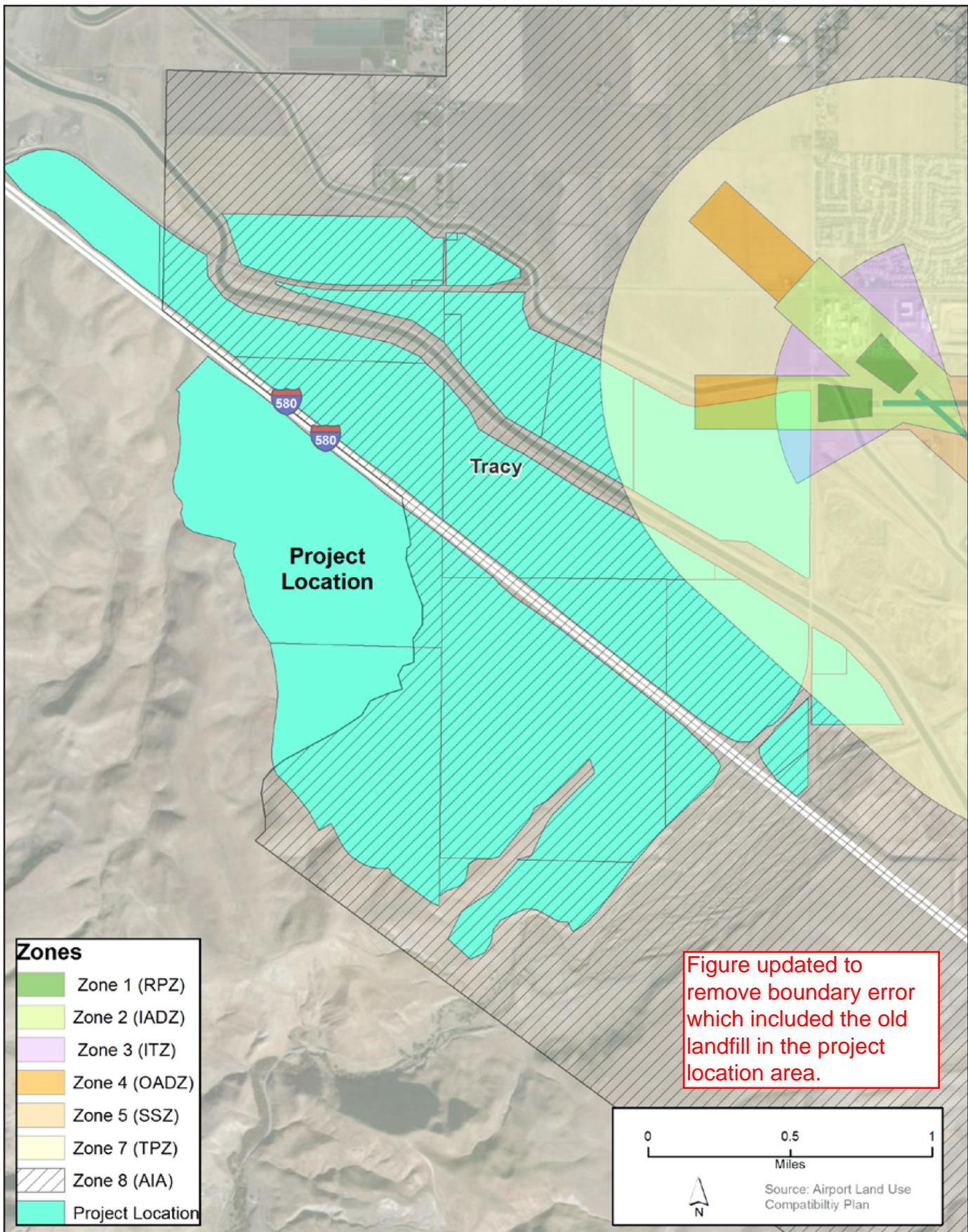


Figure 2-5

Tracy Municipal Airport Land Use Compatibility Zones



TRACY HILLS
Specific Plan



Figure Removed



Garages are setback and designed to complement overall design.



Variation in garage locations provides interest in the streetscape.

2. Garages

- Within a neighborhood (defined as up to 200 dwelling units) there shall be a minimum of three garage door designs provided to avoid monotony along the streetscape. Each garage door design shall be used in at least 25% of the neighborhood.
- To minimize building bulk and the focus on vehicular elements, a maximum of two car garage bays shall front to the street.
- Garages shall be designed so they are not the primary focus in the streetscape and will be complementary to the rest of the home.
- Driveways shall have a maximum width of 18' (measured at property line) so that it will not negatively impact the streetscape and walkability of the neighborhood.



Diversity of floor plans provides interest to the streetscape.



Different elevations along the streetscape make for a more interesting experience.



A successful combination of different building plans and elevations offer each home an individuality that harmonizes with other homes at the neighborhood scale.

3.2.3 Variation

Diversity and variation in building plans and elevations is important in the development and maintenance of an overall neighborhood character and the creation of place. Successfully executed, diversity and variation of buildings offers a neighborhood a distinct yet cohesive built pattern that can extend to the larger community fabric.

The variation requirements below help to promote a visually interesting and balanced streetscape that can expand on and integrate into the larger context.

1. Plans and Elevations

- Refer to building plans and elevation requirements in the Residential Design section of The City of Tracy Design Goals and Standards regarding a minimum mix of floor plans and elevations. **The minimum standards for housing variation shall be achieved and calculated by reviewing the mix of house designs across an entire tentative subdivision map area.**
- In addition to the variation requirements of The City of Tracy Design Goals and Standards, in general, the following shall apply:

- » Maximum of three houses of the same style may be located next to each other.
- » Elevations may be repeated on the same block or facing each other on the other side of the street only if they contain a different materials and color palette.
- » No two houses of the same elevation and floor plan shall be next to each other.



3.2.4 Architectural Character and Styles

Drawing from its Californian and agrarian roots, Tracy Hill's architecture will reflect architectural vernaculars native to California, and styles that have emerged from European-inspired aesthetics, while respecting the history of the City of Tracy, California and its heritage.

Derived from architectural vernaculars inherent to California, Tracy Hills has distilled specific architectural styles from Arts and Crafts, Colonial, Farmhouse, European-agrarian, Mediterranean, and Spanish aesthetics to express the eclectic beauty of its surrounding influences. Within these overarching vernaculars, any of their inspired styles and interpretations thereof are allowable for the community of Tracy Hills, provided that they maintain the essential characteristics of their parent vernacular and meet the community's standard for high-quality design.

The specified style character palette of Tracy Hills includes Country European, Colonial, Early California, Victorian Revival, Western Farmhouse, Craftsman Bungalow, and Mediterranean Revival, as these styles most embody the surrounding architecture and its locale. Each of these specified styles embodies one of the parent vernaculars, its intrinsic character and essential elements. However, while the styles specified for the character palette provide the typical characteristics and imagery to guide design and to aid overall direction, they are intended to be descriptive, rather than prescriptive, or limiting to the design process. Additionally, modern and contemporary interpretations of the Tracy Hills' character palette and parent vernaculars are encouraged, to allow the community to reflect the tastes of today and offer flexibility to evolve with those of tomorrow.

Altogether, with its diverse and dynamic character palette and parent vernaculars, the architecture of Tracy Hills will provide the community with an aesthetic that truly reflects its land and unique architectural heritage.



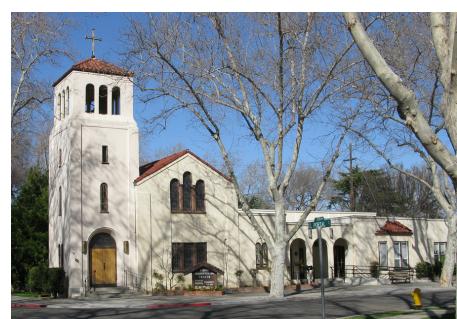
Former Tracy High School- Mediterranean Revival



Historic Tracy Homes- Victorian Revival



Tracy Historical Museum- Early California

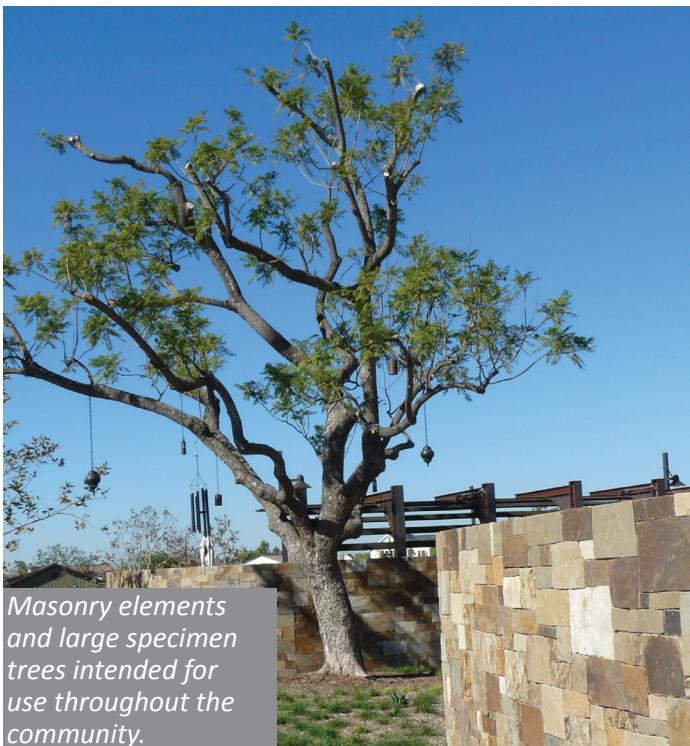


First Presbyterian Church- Early California



Several identifying design and landscape elements will be incorporated throughout the community at parks, passive open space areas, neighborhood entries, the Welcome Home Center, and commercial areas, and will generally include:

- Timeless stone and corten steel look/finish for monumentation, wayfinding, and accessory structures.
- Natural landscaped areas blended with manicured landscaping.
- Low water, drought tolerant and native tree and shrub materials, such as California Sycamores and Oaks.
- Natural materials such as stone and wood.
- Varied paving materials, including stone, concrete, wood, decomposed granite, and concrete pavers. [*\(Path of travel shall meet the requirements of California Building Code \(CBC\) 11B Division 4 for accessible routes\)*](#)



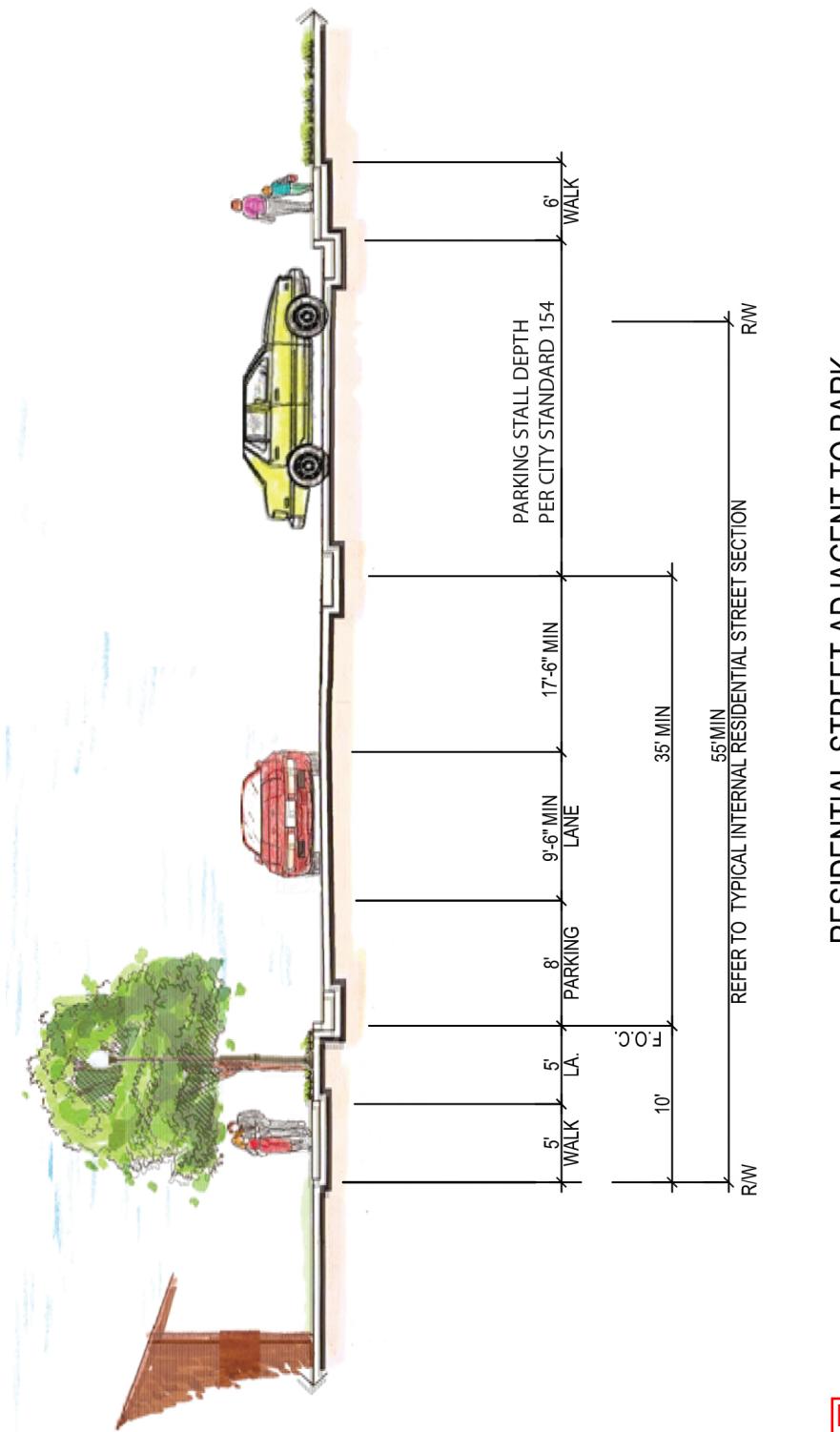


Figure 3-12

Parking Stall Note: The measurement of a parking stall will include the full length as measured at the angle of the parking space as per CBC 11B-502.2. Parking spaces and access aisles shall not exceed a slope of 1:48 as per CBC 11B-502.4.



3.4.7 Edge Conditions/Easements

One hundred foot wide conservation easements are recorded within the Specific Plan along most of both sides of I-580 and the south side of the California Aqueduct, totaling approximately 120 acres. These easements were dedicated to San Joaquin Council of Governments in 2012. The purpose of these conservation easements is to provide permanent wildlife habitat. These conservation easements will be owned and maintained by the project's HOA and zoned Tracy Hills Conservation (C-TH). No development within these areas will be allowed except for installation of landscape materials, irrigation, and protective fencing. Signs will be attached to the fencing advising the public to "stay out of the conservation easement areas."

1. Conservation Easement - Interstate 580

Residential development will interface with the I-580 conservation easement and a landscape buffer zone. An 8' high sound wall is planned at portions of the residential development boundary for sound attenuation from the nearby Interstate 580 Freeway. (Refer to Wall and Fence Section 3.4.11, for identification of those specific locations). The sound wall will be screened from the Interstate by groupings of evergreen and deciduous trees. The buffer zone between the sound wall and the conservation easement will include a 10' wide maintenance access road, a drainage swale, and landscape area. A **4'-7"** high, easement barrier fence on the property line in between the conservation easement and the Tracy Hills development is proposed. The fence will act as a barrier between the conservation easement and the buffer zone with the intent to keep wildlife out of the community, keep larger domestic animals from entering the conservation easement and will serve as a barrier to people in the interest of public safety and integrity of the easement for wildlife.

2. Conservation Easement - California Aqueduct

The California Aqueduct Conservation Easement will have the existing native landscape "protected-in-place" and no additional landscape or irrigation improvements are proposed.



Figure 3-13 Edge Conditions/Easements Key Map



Typical aesthetic flavor of the design and/or maintenance of Conservation Easement area and buffer along the 580 Interstate Fwy corridor with Quercus agrifolia.



4'-7" Easement Fence acts as a barrier to wildlife, domestic animals and pedestrians.



8'-0" Sound barrier/ Sound wall acts as a sound barrier, as well as a physical barrier to wildlife, domestic animals and pedestrians.

Photo represents block wall material finish and texture. Color of wall to be as specified in the wall and fence section 3.4.11 within this document.



Figure updated to reflect park names.



Figure 3-22 Conceptual, Overall Illustrative, Parks and Landscape Plan - Phase 1A



Public Parks shown herein are conceptual in nature. Parks will be designed and improved by the Developer in accordance with the Citywide Parks Master Plan.

- Tracy Hills Park is located by the east entrance planned roundabout from the Multi Use Business Park. The recreation program for this park includes sufficient parking, a soccer field overlay, a large age separated tot lot area, several picnic opportunities, shade structures, a large plaza area with bench seating, a restroom facility and an enclosed trash container area. Expansive open space areas for passive recreation use are planned as well as a trail system connection to the main loop road.

Figure updated to reflect removed medians @ parking. Text updated with park name.



Figure 3-23 Tracy Hills Park



- Starcross Park is centrally located in the project south of the Retention Basin. A Retention Basin is adjacent to Starcross Park, as shown in Figure 3-24, and it will serve as a full functioning retention basin. Access to the retention basin will be restricted to service vehicles only and will be encircled by a maintenance road and screen trees. The recreation program for this park includes sufficient parking, a soccer field, a large age-separated tot lot area, several picnic opportunities, shade structures, areas with bench seating, a restroom facility and an enclosed trash container area. The park also provides a connection to the west and east areas of the project by the Pipeline Easement Trail system.

Figure updated to reflect removed medians @ parking. Text updated with park name.



Figure 3-24 Starcross Park



- Greymont Park is located by the planned roundabout west of the project. The recreation program for this park includes sufficient parking, a soccer field, a baseball field overlay, a large age separated tot lot area, several picnic opportunities with barbecues, shade structures, areas with bench seating, a restroom facility, and an enclosed trash container area. There will be a trail system connection to Pipeline trail easement and Spine Road.

Figure updated to reflect removed medians @ parking. Text updated with park name.

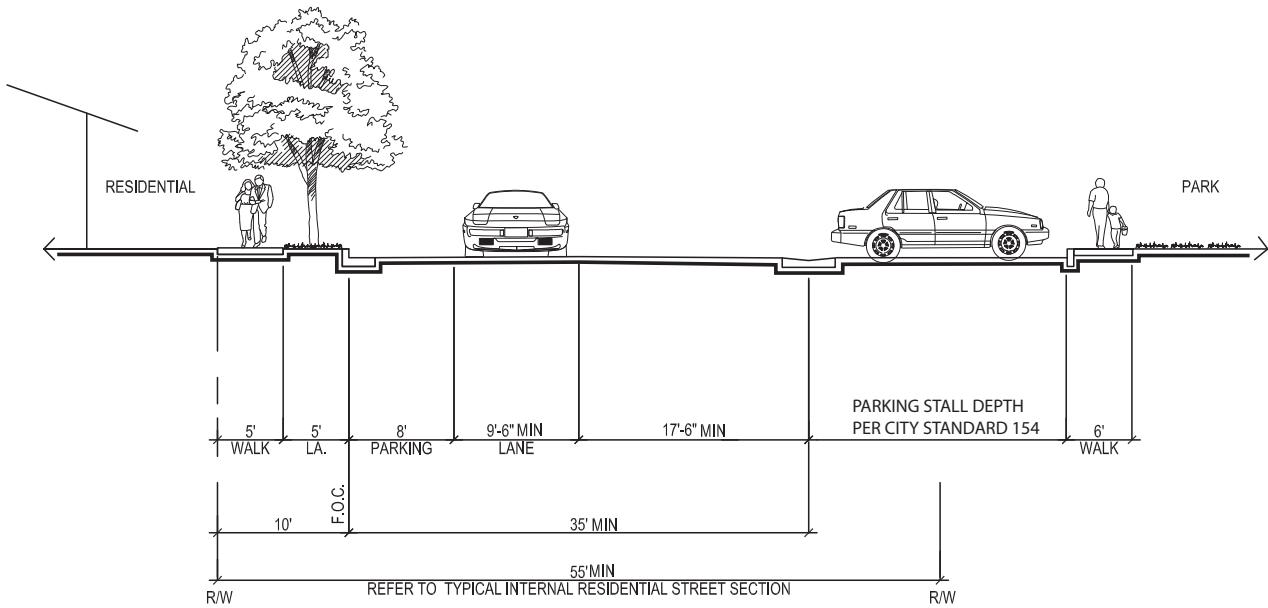


Figure 3-25 Greymont Park

Images and graphics represent conceptual programming design for spatial reference only and are subject to change-
Public Park Program will be the responsibility of the City.



Typical section of proposed angled parking located at the Public Parks.



Angled Parking (Typ.)

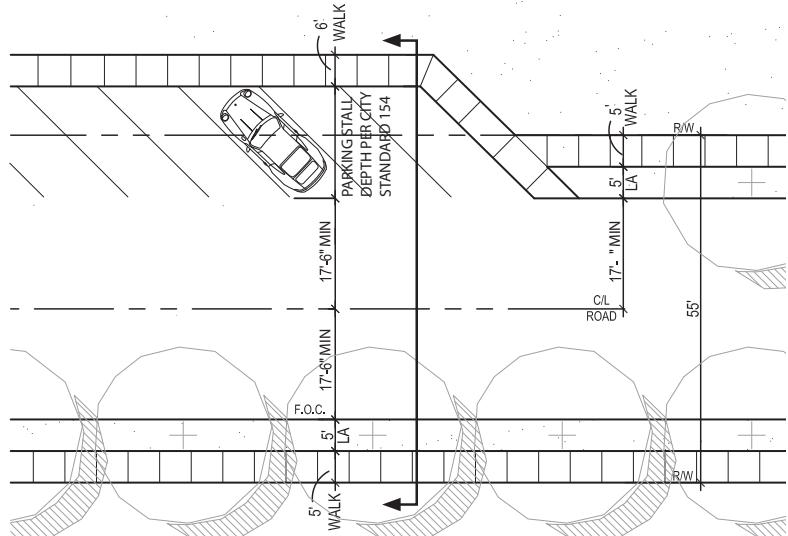


Figure updated to reflect revised park parking configuration & note added

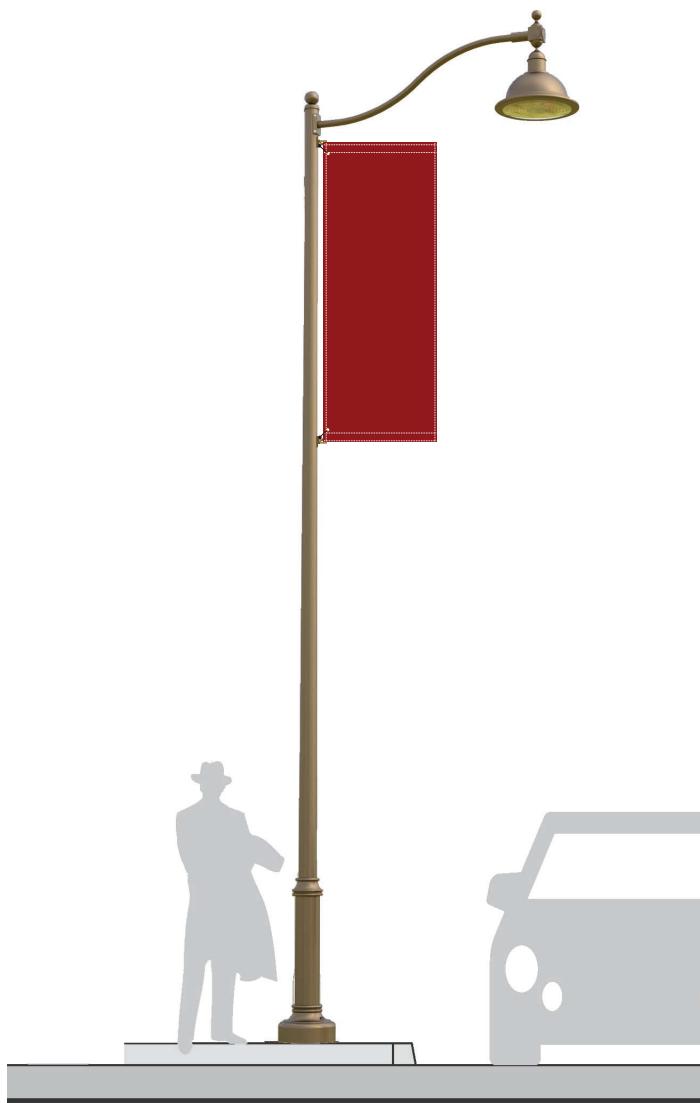
Figure 3-26 Public Park Angled Parking Street Section and Plan View

Parking Stall Note: The measurement of a parking stall will include the full length as measured at the angle of the parking space as per CBC 11B-502.2. Parking spaces and access aisles shall not exceed a slope of 1:48 as per CBC 11B-502.4.

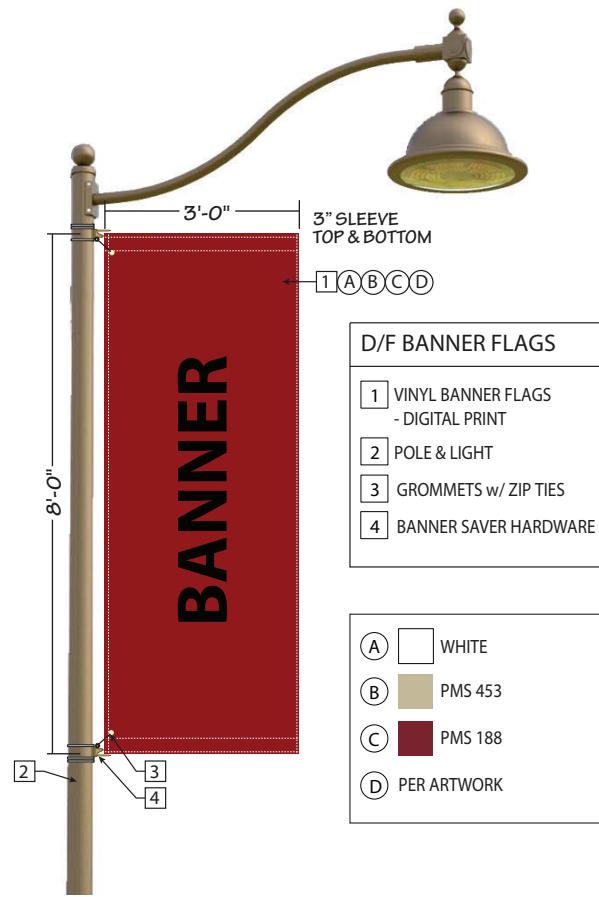


Figure updated
and figure added to
reflect proposed
banners on Tracy
Hills Drive

- The type and location of building lighting should prevent direct glare onto adjacent property, streets and skyward by the use and application of shields.
- Pedestrian scale fixtures are encouraged over “high mast” poles.
- Consistent lighting fixtures shall be used throughout the Specific Plan Area to enhance community character.
- Light shall be confined on-site through orientation, the use of shading/directional controls, and/or landscape treatment.
- Light standard banners are encouraged to promote community awareness and activities. **Banners may be located along Tracy Hills Drive.**



Lighting Family shown as conceptual design intent. Available through Associated Lighting Reps., Inc. or equivalent (510) 638-3800



Banner shown as conceptual design intent.

Tracy Hills Specific Plan

3. DESIGN GUIDELINES



LEGEND

Symbol	Description of Community Theme Walls/Locations
—	6'-0" Min. Proto II Block Decorative Wall- Split face Block w/cap.
—	8'-0" SimTek Fence with 1' buried - 7'-0" Overall. OR Split face Block w/ cap.
—	6'-0" Block Wall - Split face Block w/ cap
—	8'-0" Sound Wall- Split face Block w/cap.
—	4'-7" Conservation Easement Fence- No Finish- allow to rust naturally
—	3'-3" Concrete Split Rail Fence

Legend Updated to
reflect revised
heights

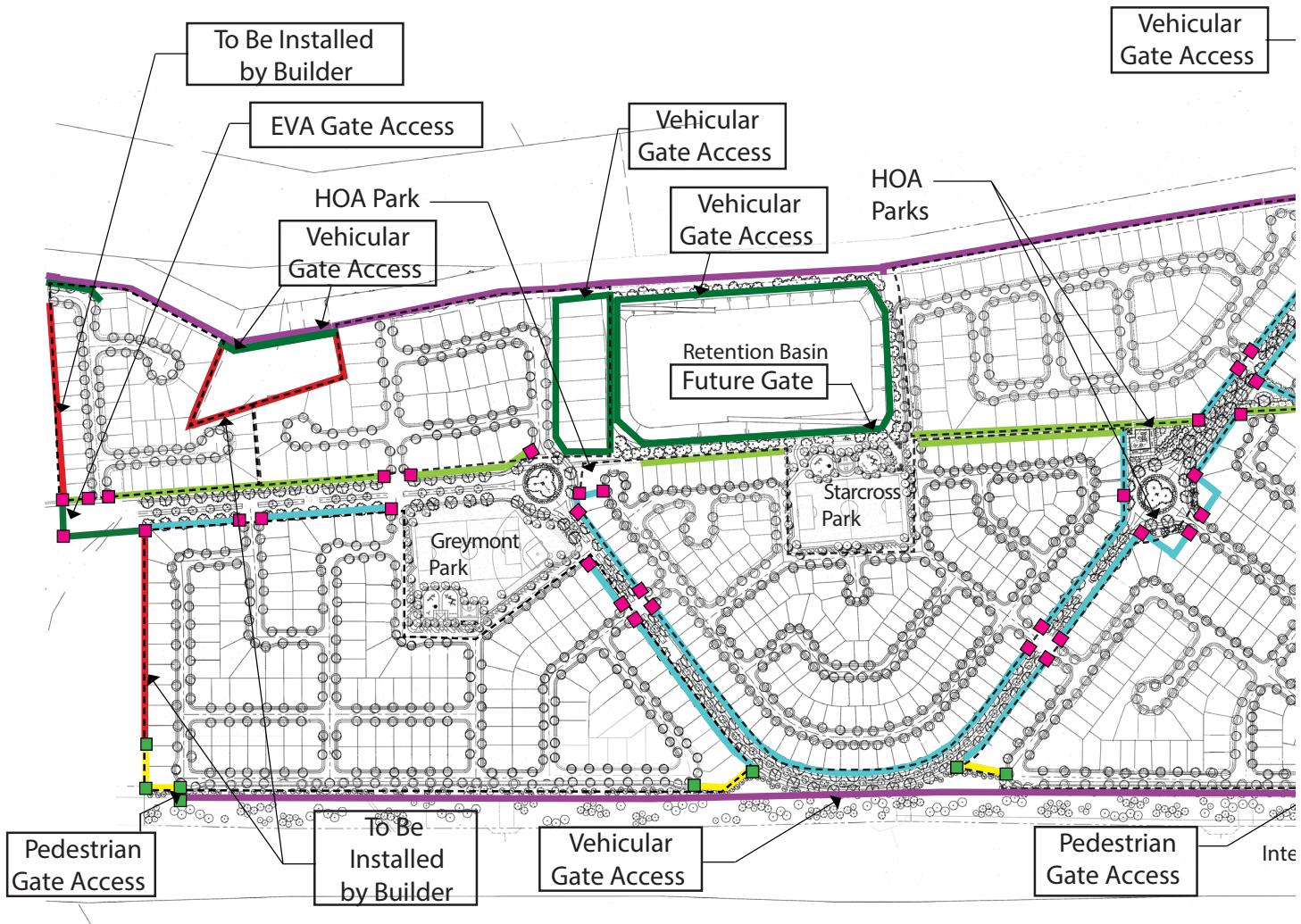


Figure 3-29 Master Wall and Fence Plan - Phase 1A



LEGEND

Symbol Description of Community Theme Walls/Locations

- 4'-0" Black Vinyl-clad Chain Link Fence on mowcurb at Dog Park
(Height specification per the City of Tracy)
- Low Block Wall at Entry Monument Signage
- 8'-0" Block Wall- Split face Block w/cap. (By others)
- 8'-6" Pilaster- Split face Block w/cap.
- 6'-6" Min. Pilaster- Split face Block w/cap.
- 6'-6" Pilaster- Split face Block w/cap.

Approximate Pilaster location shown

Legend Updated to
reflect revised
heights



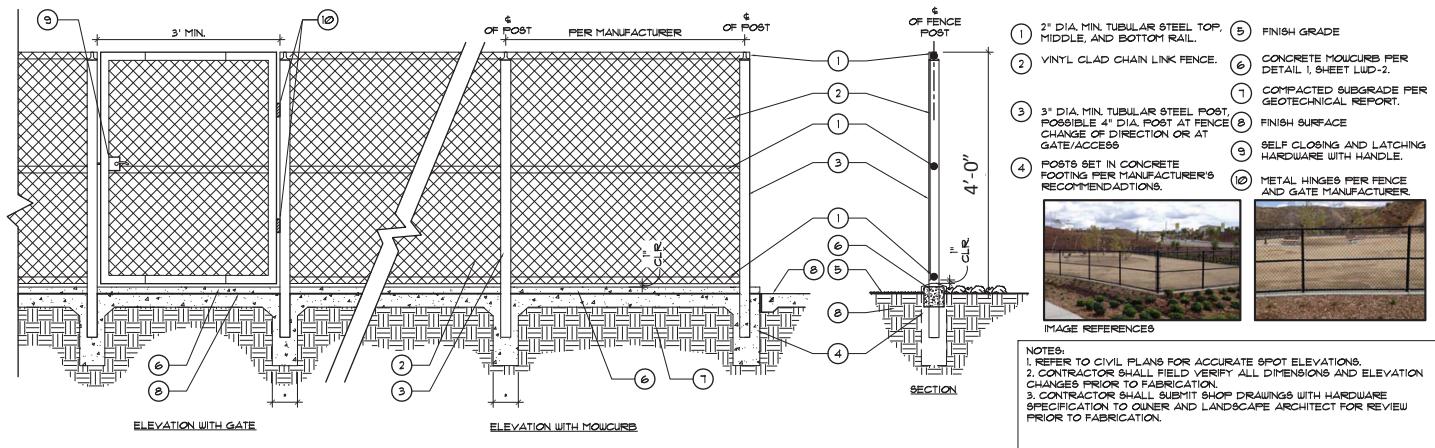
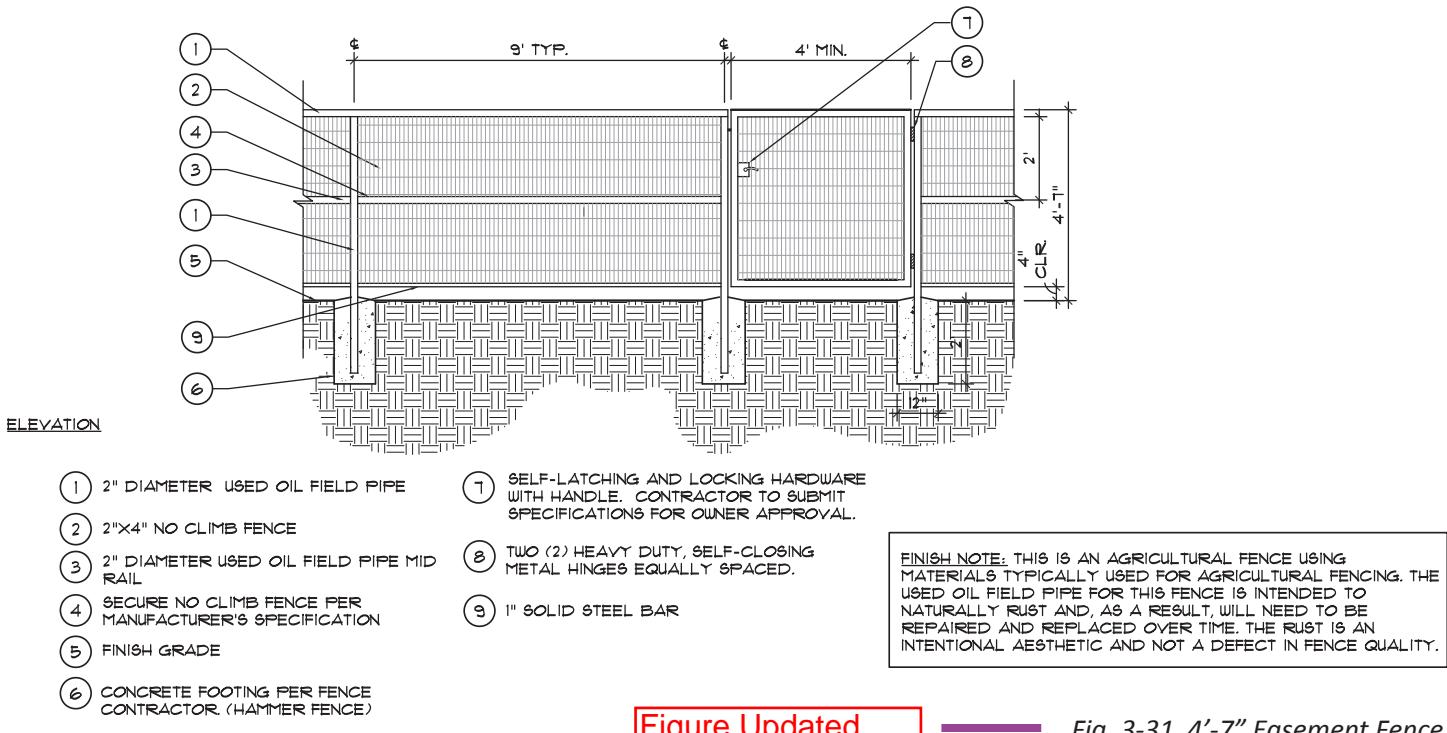


Fig. 3-30 4'-0" Black Vinyl-coated Chain Link Fence



Gate Note: Gate locations that are publicly accessible shall meet accessibility requirements as per CBC 11B for the hardware and operable parts of the gate.

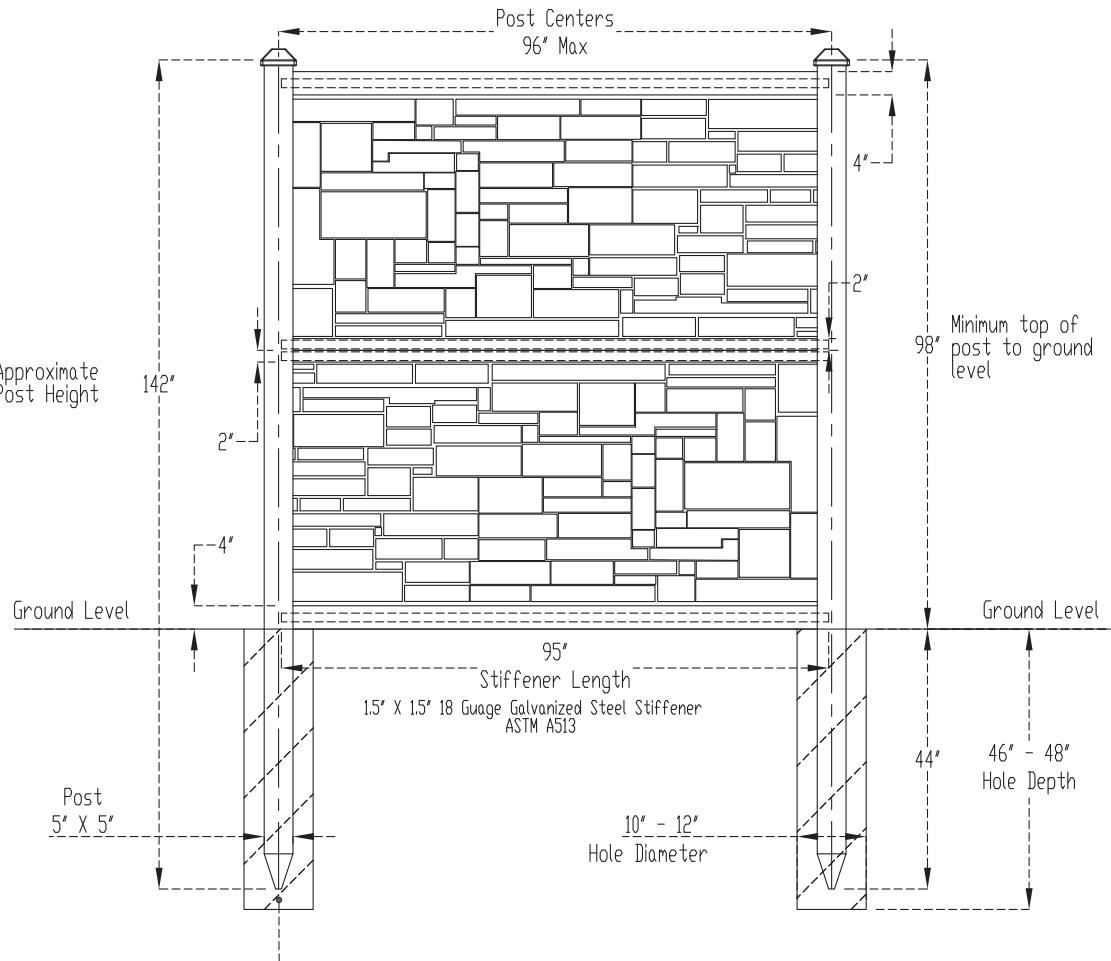


Fig. 3-32 8'-0" Simtek Fence
Color: Eco Brown or equal

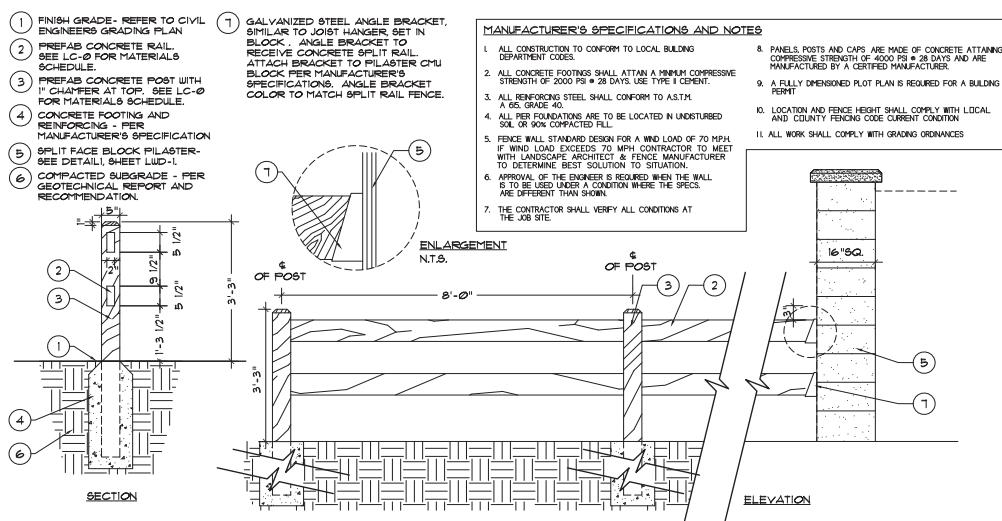


Fig. 3-33 3'-3" Concrete Split Rail Fence

Figure Updated





Tracy Hills Specific Plan

3. DESIGN GUIDELINES

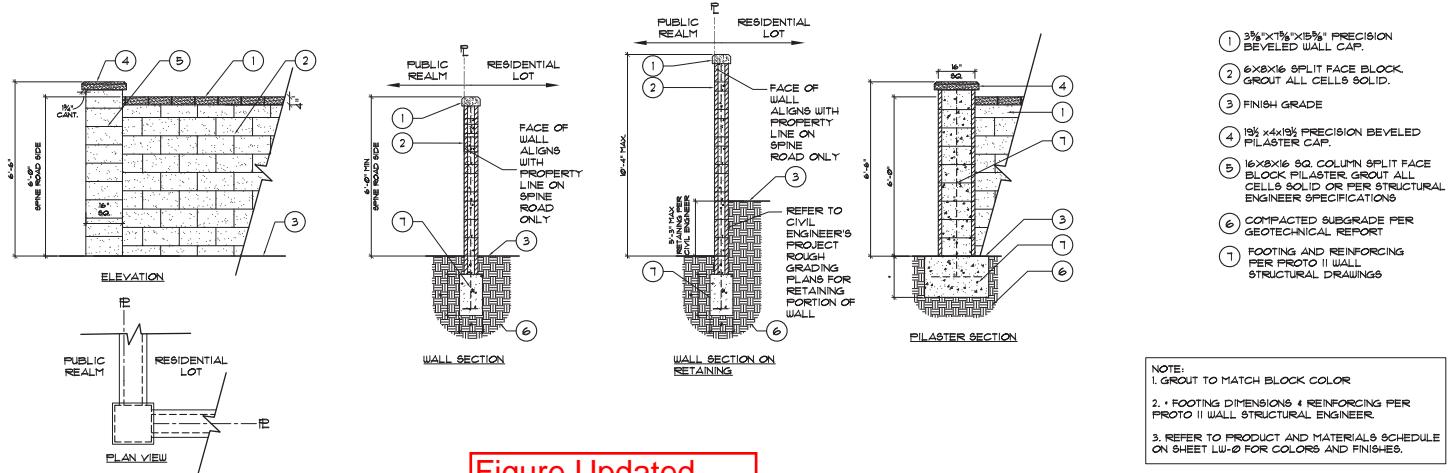


Figure Updated

Fig. 3-34 6'-0" Min. Proto II Block Wall or Equal

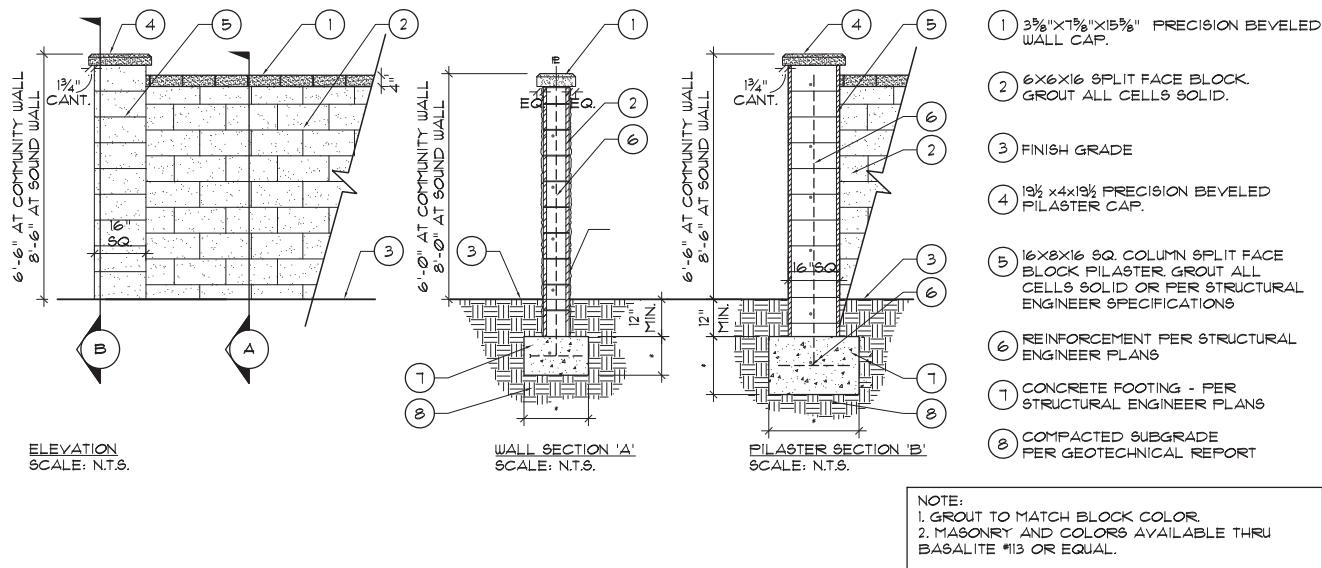


Fig. 3-35 6'-0" Builder Block Wall or 8'-0" Sound Wall



3. DESIGN GUIDELINES

Symbol	Description/Location
	Spine Road (Refer to Construction Document set prepared by FORMA) Parkway Tree (both sides) - <i>Platanus acerifolia 'Columbia'</i> at 35' O.C. Backdrop Tree - <i>Pinus elliottii</i> (informal massing) Median Tree - <i>Ulmus parvifolia 'Drake'</i> at 35' O.C. Roundabout Tree - <i>Quercus wislizenii</i> (3 per Roundabout) and <i>Cedrus deodara</i> (3 per Roundabout at HOA Park)
	Mixed Use Business Park Refer to Section 3.4.15 for Landscape Plant Matrix, "Mixed Use Business Park" column
	Frontyard Trees- Each lot is required to receive (1) 24" box tree in addition to the street trees/parkway trees shown in the Master Tree Plan. Tree species to be determined by the builders' Landscape Architects in accordance with the enclosed Plant Matrix and will be associated with the various architectural elevations.
	Symbol Description/Location
	Neighborhoods 1, 3, and 8 Parkway Trees Primary Tree - <i>Ulmus parvifolia 'Drake'</i> - (Drake Chinese Elm) Minimum 24" Box at 30' O.C.
	Secondary Tree - <i>Quercus rubra</i> (Red Oak)
	Secondary Tree - <i>Chionanthus retusus</i> (Chinese Fringe Tree)
	Neighborhoods 4, 7, and 6 West (W) Parkway Trees
	Primary Tree - <i>Zelkova 'Village Green'</i> (Village Green Zelkova) Minimum 24" Box at 30' O.C.
	Secondary Tree - <i>Ginkgo biloba 'Autumn Gold'</i> (Autumn Gold Ginkgo-male)
	Secondary Tree - <i>Acer rubrum 'Redpointe'</i> (Redpointe Red Maple)
	Neighborhoods 2, 5, and 6 East (E) Parkway Trees
	Primary Tree - <i>Pistacia chinensis 'Keith Davey'</i> (Chinese Pistache-male) Minimum 24" Box at 30' O.C.
	Secondary Tree - <i>Koelreuteria bipinnata</i> (Chinese Flame Tree)
	Secondary Tree - <i>Carpinus betulus</i> (Hornbeam)

Note added

NOTE: If, during the City's review of improvement plans or subsequent tree replacements, there is a conflict between a tree species shown in the Tracy Hills Specific Plan and a later adopted Urban Forestry Management Plan (UFMP), then the tree species shown in the UFMP shall prevail, subject to the review and approval of the City Urban Forestry Supervisor/Arborist or other designee of the Public Works Director.



*Rhus lancea**Ulmus parvifolia**Zelkova serrata**Chamaerops humilis*

Botanical Name	Common Name	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Use Business Park	100' Conservation Easement
<i>Quercus ilex</i> *	Holly Oak	•	•	•	•	•	•	
<i>Quercus lobata</i> *	Valley Oak	•	•	•	•	•	•	•
<i>Quercus palustris</i>	Pin Oak		•	•	•	•	•	•
<i>Quercus rubra</i>	Red Oak	•	•	•	•	•	•	
<i>Quercus suber</i> *	Cork Oak	•	•	•	•	•	•	
<i>Quercus virginiana</i>	Southern Live Oak	•	•	•	•	•		
<i>Quercus wislizenii</i> *	Interior Live Oak	•	•	•	•	•		
<i>Rhus lancea</i> *	African Sumac	•	•	•	•	•	•	
<i>Sapium sebiferum</i>	Chinese Tallow Tree			•	•	•	•	
<i>Sequoia sempervirens</i>	Coast Redwood	•			•			
<i>Ulmus parvifolia</i> var.	Chinese or Evergreen Elm	•	•	•	•	•	•	
<i>Ulmus</i> sp. 'Frontier'	Frontier Elm	•	•	•	•	•	•	
<i>Ulmus</i> sp. 'Homestead'	Homestead Elm	•	•	•	•	•	•	
<i>Ulmus</i> sp. 'Liberty'	Liberty Elm	•	•	•	•	•	•	
<i>Ulmus</i> sp. 'Prospector'	Prospector Elm	•	•	•	•	•	•	
<i>Umbellularia californica</i>	California Bay	•	•	•	•	•	•	
<i>Zelkova serrata</i>	Sawleaf Zelkova	•	•	•	•	•	•	
<i>Zelkova serrata</i> 'Green Vase'	Green Vase Zelkova	•	•	•	•	•	•	
<i>Zelkova serrata</i> 'Village Green'	Village Green Zelkova	•	•	•	•	•	•	
<i>PALMS (not allowed on any city or city maintained property)</i>								
<i>Butia capitata</i> *	Pindo Palm			•	•	•	•	
<i>Chamaerops humilis</i> *	Mediterranean Fan Palm			•	•	•	•	
<i>Cycas revoluta</i>	Sago Palm			•	•	•	•	
<i>Phoenix dactylifera</i> *	Edible Date Palm				•	•	•	
<i>Washingtonia filifera</i>	California Fan Palm			•	•	•	•	
<i>Washingtonia robusta</i>	Mexican Fan Palm			•	•	•	•	

NOTE: If, during the City's review of improvement plans or subsequent tree replacements, there is a conflict between a tree species shown in the Tracy Hills Specific Plan and a later adopted Urban Forestry Management Plan (UFMP), then the tree species shown in the UFMP shall prevail, subject to the review and approval of the City Urban Forestry Supervisor/Arborist or other designee of the Public Works Director.

Note added

*Indicates drought-tolerant species

**Indicates that designer must select a low water or drought-tolerant variety only

***Indicates that designer must select a zone-appropriate species



4.7 PUBLIC FACILITIES AND SERVICES

The Tracy Hills Specific Plan will require a full range of public services. The Specific Plan addresses the services to be provided by a variety of public and private entities including infrastructure, educational facilities, and parks and recreation.

4.7.1 Electricity

The Tracy Hills project is in the PG&E service area. PG&E has indicated that the 12 KV lines in Lammers and Corral Hollow Roads will provide sufficient capacity to service approximately half the proposed project. In order to accommodate the entire Tracy Hills project a substation may be built at or near the project site. Refer to Chapter 3, Design Guidelines, for methods of screening utilities equipment, and/or other similar facilities, from adjacent to residential development. [Utility boxes and vaults may be located in street parkways where house setbacks, etc., do not provide the required franchise utility clearances.](#)

4.7.2 Natural Gas

PG&E existing gas facilities lie at the northeastern most edge of the Tracy Hills project. These facilities consist of a two-inch gas line and a 26-inch high pressure gas main. A two-inch gas line runs along Lammers Road and terminates near the Delta-Mendota Canal (where Lammers Road ends). A 26-inch high pressure gas main runs in a northwesterly direction roughly paralleling the Delta-Mendota Canal.

In order to serve the Tracy Hills project, gas lines will have to be extended from the existing gas mains just south of the Delta-Mendota Canal, south to the site and across or under the California Aqueduct and Interstate 580.

[Utility boxes and vaults may be located in street parkways where house setbacks, etc., do not provide the required franchise utility clearances.](#)

4.7.3 Telephone

AT&T, or other service provider, currently has few customers in the vicinity of the Tracy Hills project. Therefore, the project site will require the extension of a trunkline to the site.

Telephone service lines may be traditional copper conductor lines or advance technology fiber optic cables.

[Utility boxes and vaults may be located in street parkways where house setbacks, etc., do not provide the required franchise utility clearances.](#)

4.7.4 Cable Television

The Tracy Hills area may be served by Comcast or other cable television providers. This service will utilize fiber optic cables or other technologies. All residents and companies living or working in Tracy Hills will be able to take advantage of these technologies. [Utility boxes and vaults may be located in street parkways where house setbacks, etc., do not provide the required franchise utility clearances.](#)

4.7.5 Solid Waste

Solid waste from the project will be accommodated at the Tracy Materials Recovery Facility (MRF transfer facility). The MRF transfer facility is planned to accommodate a City of Tracy population which includes Tracy Hills in accordance with the County Solid Waste Master Plan. Solid waste will eventually be hauled from the MRF transfer facility to the County Foothill landfill east of Tracy.

The City of Tracy uses a franchise hauler to provide solid waste collection services to its residents. Based upon the current generation factor of 7.52 pounds/person/day (residential, commercial, industrial average), solid waste production will be approximately 54 tons/day.

RESOLUTION 2019-_____

RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN TO ADDRESS MINOR REVISIONS AND CLARIFICATIONS RELATED TO THE IMPLEMENTATION OF PHASE 1A DEVELOPMENT, APPLICATION NUMBER SPA18-0002

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan, and

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council also approved a Vesting Tentative Subdivision Map for approximately 1,160 single-family residential lots in Phase 1A, and

WHEREAS, On October 3, 2018, an application was submitted to amend the Tracy Hills Specific Plan to address minor revisions and clarifications related to the implementation of Phase 1A development (Application Number SPA18-0002), and

WHEREAS, The proposed amendment involves minor revisions and clarifications to setbacks, correction of an error in Figure 2-5, clarification of architectural character and styles, notes added regarding compliance with Building Code standards, minor revisions to fence heights, figures and text updated to show park names, updates to parking design at parks, details added regarding banners on street light poles, notes added regarding the tree species list, and notes added regarding utility boxes, and

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

WHEREAS, On April 24, 2019, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendment to the Tracy Hills Specific Plan;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends that the City Council approve an amendment to the Tracy Hills Specific Plan to address minor revisions and clarifications related to the implementation of Phase 1A development (Application Number SPA18-0002), as specified in Attachment "B" of the Planning Commission staff report dated April 24, 2019.

* * * * *

The foregoing Resolution 2019-_____ was passed and adopted by the Planning Commission of the City of Tracy on the 24th day of April 2019, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

April 24, 2019

AGENDA ITEM 1.E

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SMOKE SHOP AT 1655 PARKER AVENUE – APPLICANT IS DALE COSE AND PROPERTY OWNER IS CHEMANOOR AND BERNADETTE ZACHARIAH – APPLICATION NUMBER CUP19-0001

DISCUSSION

Background

On December 17, 2018, a business owner spoke with staff at the Development Services Department front counter regarding the potential for opening a business at 1655 Parker Avenue. The site is zoned Neighborhood Shopping (NS). The business owner asked questions about whether the zoning would allow a smoke shop and specifically asked about the sale of tobacco products, high-end handmade American glass art, and also beer, wine, and liquor sale. Staff's initial response was that the use would be allowed.

On December 21, 2018, an application was submitted for a business license tax to operate a business named Ziggy's at 1655 Parker Avenue. The taxpayer's description included tobacco products and high-end handmade American glass art. HDL companies handles the City's processing of business license tax payments. Staff reviewed the application on January 11, 2019 for zoning purposes. Staff's notes in the business license file mistakenly referred to the use of a retail smoke shop as falling under Use Group 42, which would indicate the use is principally permitted in the NS zone.

A business license tax certificate was issued to the business owner on February 15, 2019. The business license tax certificate states that, "This certificate does not entitle the holder to conduct business before complying with all requirements of the Tracy Municipal Code and other applicable laws, nor to conduct business in a zone where conducting such business violates law." A business license tax certificate is a receipt of payment of the tax. It is not authorization to operate a business.

At the City Council meeting on February 5, 2019, a resident spoke during the public comment portion of the meeting and expressed opposition to the proposed smoke shop at 1655 Parker Avenue. The resident submitted a petition with approximately 150 signatures of people opposed to the smoke shop. The petition requested that the City not issue a business license for a smoke shop at 1655 Parker Avenue.

Following the submittal of the petition, staff's review of the permitted uses for the NS Zone was elevated to the Director level. Upon further review, it was determined that a smoke shop is classified as Use Group 43 (rather than Use Group 42), which means that the business owner must obtain approval of a Conditional Use Permit, in order to operate a smoke shop at 1655 Parker Avenue. A detailed explanation of the zoning is provided below. Staff discussed the zoning determination with the owners of Ziggy's on March 11, 2019.

Project Description

On March 21, 2019, an application was submitted for a Conditional Use Permit (CUP) to allow a smoke shop at 1655 Parker Avenue (Attachment A: Location Map). The subject property at 1655 Parker Avenue consists of approximately 18,600 square foot lot, which includes an existing building of approximately 2,868 square feet in the middle portion of the lot, an existing parking area with 11 parking spaces in the front portion of the lot, and landscaping or undeveloped area in the rear portion of the lot (Attachment B: Site Plan).

The applicant's Business Plan Executive Summary, which was submitted as part of the CUP application, indicates that the proposed retail store would sell tobacco products such as cigarettes, cigars, papers, hookah tobacco, and e-juice, as well as smoking accessories, such as hookahs, e-cigarettes and vaporizers, along with general merchandise, such as backpacks, clothing, snacks, and incense. Retail items to be sold would also include glass pipes, water pipes, and water pipe accessories. According to the applicant, the business would specialize in Heady glass, which consists of handmade American glass pipes, water pipes, sculptures and jewelry (Attachment C: Project Description).

Zoning Analysis

The range of permitted uses in the NS zone is more limited than most other commercial zones in the City. The Tracy Municipal Code states that the purpose of the NS zone is for land uses intended for the convenience of the surrounding neighborhoods. The NS zone permits Use Group 30 (institutional and recreational uses serving local residential areas), Use Group 41 (business and professional offices less than 3,000 square feet and providing services to residents of the surrounding neighborhoods), and Use Group 42 (consumer services and retail trade).

Use Group 42 (consumer services and retail trade) includes the following:

- (a) Food stores (including supermarkets);
- (b) Miscellaneous retail, including only:
 - 1. Drugstores;
 - 2. Liquor stores;
 - 3. Candy or ice cream stores;
 - 4. Newsstands; and
 - 5. Hobby or craft shops;
- (c) Personal service shops:
 - 1. Barber and beauty shops;
 - 2. Garment pressing, repairs, or alterations;
 - 3. Laundromats and cleaning pickup stations; and
 - 4. Shoe repair shops
- (d) Veterinary clinics (limited to 3,000 square feet in the NS zone)

Due to miscellaneous retail being limited to only the specific uses listed above, a smoke shop does not fit in Use Group 42. A smoke shop fits in the category of Use Group 43 (consumer services and retail trade), which is conditionally permitted in the NS Zone.

Miscellaneous retail is more broadly described in Use Group 43, excluding only fuel and ice dealers, hay, grain, and feed, monuments and tombstones, and auto accessory stores. Uses in Use Group 43 must obtain approval of a CUP in order to be located in the NS zone.

City records indicate that previous uses on the site included a 7-11 store from approximately 1969 to 1973, a dry cleaner/ laundromat from 1973 through the 1980's, a nursery school/ childcare center in the 1990's, and then a church starting in 2001. All of these previous uses are permitted by the NS zone. A business license for a boutique was denied in 1976.

There are currently nine existing smoke shops located in Tracy. Seven of those smoke shops are located in zones that principally permit Use Group 43. Of the other two smoke shops, one is located in a commercial area that permits all retail uses and the other is located in a shopping center that previously had approval for a Conditional Use Permit to allow all retail uses.

Land Use Compatibility with Surrounding Area

The surrounding area consists primarily of residential uses, except for a few neighboring parcels which are zoned NS. The properties to the north and west are zoned Medium Density Cluster (MDC), which is a residential zone. The immediately adjacent property to the south is occupied by the Parker Villa Apartments, which is a nonconforming use in the NS zone. Other properties located further to the south are zoned MDC. The adjacent property to the east, immediately across Parker Avenue, includes the Parker Market and Le Mirage beauty salon, both of which are zoned NS. Other properties located further to the east are zoned High Density Residential (HDR).

A copy of comments received from neighbors, including the petition, a letter, and email, are provided as Attachment D. All comments received have been in opposition to the proposed use.

From the standpoint of land use and zoning, a smoke shop is very similar to a liquor store or retail market, which are principally permitted uses in the NS zone. For example, the Parker Market sells many of the same retail products that would be sold in the smoke shop, including tobacco related products and accessories. Additionally, the market also sells alcoholic beverages. Staff does not perceive there to be a substantial difference between the land use impacts associated with a smoke shop and those of a liquor store or the existing market.

Parking

The minimum number of off-street parking spaces required by the Tracy Municipal Code for a retail use is one parking space per 250 square feet of floor area. Based on this information, the approximately 2,868 square foot retail building is required to have 11 parking spaces on the site. The subject property contains 11 parking spaces, which satisfies the minimum requirement.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is required.

Special Update

On the morning of April 19, 2019, staff learned that the business owner initiated exterior building improvements that require a Development Review permit. Additionally, it was brought to staff's attention that the business owner has not resolved their outstanding code violation case related to other exterior improvements (i.e. roll-up door). Pursuant to Tracy Municipal Code Sections 10.08.3930 and 10.083950, such exterior improvements to the building require a Development Review permit and when paired with another application that requires Planning Commission review, the Development Review permit shall be combined with the Planning Commission agenda item, in order for Planning Commission to be able to review the whole of the project. The applicant is working collaboratively with staff to resolve these outstanding code violations. Staff will provide a verbal update at this Planning Commission public hearing.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow a smoke shop at 1655 Parker Avenue, subject to the conditions as stated in the Planning Commission Resolution dated April 24, 2019 (Attachment E).

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow a smoke shop at 1655 Parker Avenue, subject to the conditions as stated in the Planning Commission Resolution dated April 24, 2019.

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Department Director

Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

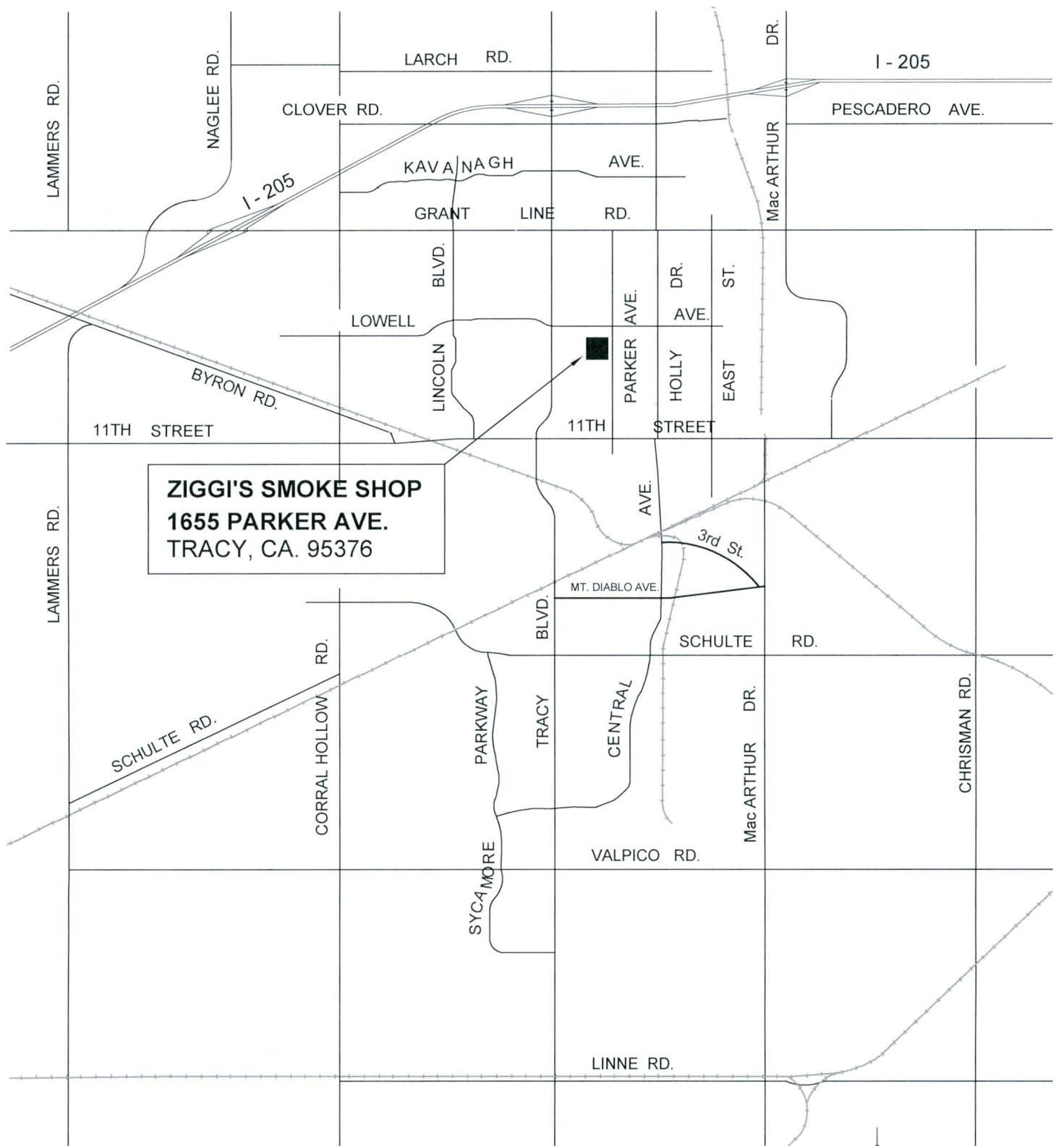
Attachment A – Location Map

Attachment B – Site Plan

Attachment C – Project Description

Attachment D – Public Comments

Attachment E – Planning Commission Resolution



LOCATION MAP



ATTACHMENT B
Smoke Shop - Site Plan

Provided under separate cover

RECEIVED

APR 08 2019

April 3, 2019

CITY OF TRACY
DEVELOPMENT SERVICES

**Ziggys Smoke Shop
Business Plan Executive Summary**

1.1 Company

1655 Parker Ave, Tracy CA, 96376

Ziggys Smoke Shop is a small retail store established in 2008 in Stockton California. There are currently 3 locations, one in Huntington Beach California established in 2012, and one in Coconut Grove Miami established in 2016. We have been nationally nominated as Americas best Smoke Shop in 2019 by the Glass Vegas expo, and in 2018 by the American Glass expo. We credit our success by having knowledgeable staff and friendly customer service.

1.2 Management

Being a small business, the owners are hands on with all aspects of the business. The structure consists of managers, assistant managers, and clerks. Duties include cleaning and organizing the display cases, stocking product, visiting and calling wholesalers, sales and customer service, and always learning about current and future products.

1.3 Goals and objectives

We aspire to be the best smoke shop in America. Our goal is to have the largest variety of product possible along with a knowledge and friendly staff to be able to answer questions any customers might have regarding the products they are purchasing. We pride ourselves in having the latest and best products in the industry by researching and asking customers what they want and need, which separates us from other smoke shops.

1.4 Target Market

Art Collectors, Tobacco smokers, consumers who want to quit smoking tobacco, and general merchandise shoppers.

1.5 Products

We carry tobacco products such as cigarettes, cigars, papers, hookah tobacco, and e-Juice. Smoking accessories such as hookahs, e-cigarettes and vaporizers; along with general merchandise such as backpacks, clothing, snacks, and incense. Glass pipes, water pipes, and water pipe accessories. We specialize in Headyglass, which consists of handmade American glass pipes, waterpipes, sculptures and jewelry.

1.6 Ownership Background

We have been in the industry for over 10 years. Our background of knowledge has been acquired from years of customer service and sales. Our vast knowledge of our products comes from attending multiple conventions such as AGE (the American glass expo), Glassvegas, TPE (tobacco expo) and Champs. We have also formed a bond with product owners, wholesalers, distributors, and most importantly glass

artists all across the country. We own a glass blowing studio in Huntington Beach near or HB Ziggys location, which is where artists from all over the country come to make their art. Our studio is also famous for housing collaborations of multiple glass artists to make one-of-a-kind masterpieces which have been featured in multiple articles, magazines, and documentaries. Our most famous piece is known as Glass Odyssey. It's a collaboration of 25 taking over 3000 hours to create.

1.7 Hours of Operation

Monday – Saturday 9am - 10pm
Sunday 10am - 9pm

PETITION

We the undersigned do hereby petition the City of Tracy, Tracy City Manager, Tracy Mayor, Tracy City Council, Tracy City Attorney, Tracy Finance Office, Tracy Business License Department and its agents to formally oppose the issuance of a City Business License to perform the business known and designated as Ziggy's Smoke Shop or any business similar to Ziggy's Smoke Shop in the residential neighborhood in and about the address of 1655 Parker Avenue, Tracy, CA owned by Dr. Zachery.

It is the understanding of Petitioners that this address will conduct business activities similar or identical to the business currently located at 1235 Alpine Avenue, Stockton, CA.

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Nick Eaton	1614 Parker Ave	1/7/19
Loisise Landicina	1614 Parker Ave	1/8/19
Richard Davis	32 E Whittier Ave	1/7/19
Benito Rojio	225 W EATON AVE	1/7/19
Elroy Ture	225 W. BEVERLY AVE	1/7/19
Any BMW	225 W. BEVERLY AVE	1/7/19
Anna Fragoso	216 W. BEVERLY AVE	1/8/19
Michelle Grop	158 W. Carlton Way	1-8-19
Merent		1-8-19
John Ruiz	128 W. Carlton Way	1-8-19
Alex Medina	1714 Holly Dr	1-8-19
Cuth Chay	32 E. Whittier Ave.	1-8-19
Vanessa H	32 E. Whittier Ave.	1-8-19
Miridiana Alvarado	1641 PARKER AVE #B	1-9-19
Natasha Calistancen	400 W. Emerson Ave	1/9/19
Elektra Corona	920 Powell	Jan 1, 2019

PETITION

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NAME	ADDRESS	DATE
Nicole Densmore	2031 W. 11th St	1-18-19
Brianna Muelker	2031 W. 11th St.	1-18-19
JOSEPH SCOTT	650 Forest Hills Dr.	1-18-19
FRANCISCO Baran	719. WEST ST.	1-18-19
Shaffer	204 W 1/ST	1-18-19
Eric Breitfeller	507 E. 11th St	1-18-19
JOE Jarequi	125 W. MT. ORO Ave	1-18-19
Dewen Veerma	149 B CARLTON	JAN-18-19
Panjet Singh	147 A Carlton	1-18-19
Lillian Opiava	502 W Campainia	1-18-19
Logan Dutton	406 E eaton	1-18-19
Mario Armand	406 E eaton	1/18/19
RICHARD Gomez	414 West 10 St	1/18/19
AARON ROTAN	939 WINDIER AVE	1-18-19
Gray Hernandez	216 Biscay	1-18-19
Stephan Kitz	Tracy, CA	1/18/19
Mike West	Tracy, CA	1/18/19
JOSH SPARKMAN	" " "	1/18/19
Jeff Jackson	me 1 Rd	1/18/19
Jerome Smith		
MICHAEL RUMIEC		-18-19

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NAME	ADDRESS	DATE
DAVE CRND	720 GALLERY DR. TRACY CA 95376	1/18/19
MARK FORBES	333 8TH Tracy	1-19-19
Rebecca Lyles	Tracy, CA 95376	1/18/19
PRUEPA	Tracy CA 95304	1-18-19
Jeannette Channiss	Tracy CA 95376	1-18-19
Felisse Corone	660 School St #3 95376	1-18-19
Kiera Costillia	241 W. Highland AVE, Tracy 95376	1-18-19
NICK DUISTRAN	147 W 5TH ST TRACY 95376	1/18/2019
Cody Rocky	229 n Locall Tracy	1/18/19
SIMONE	330 W 11th ST.	1-18-19
Martene	1226 Parker, CA	1/18/19
Joie Town	538 Uncerton Way	1/18/19
JL 351, E Kennedy b 65 School St		1-18-19
Lizandro Yanez	221 E 9TH ST TRACY	1-18-19
Ari Bustam	330 W. Beverley St, Tracy CA 95376	
Ellena Pereira	761 W. Mt Diablo	1/18/19
Tawnya Cancilla	916 1st Tracy	1/18/19

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NAME	ADDRESS	DATE
Kenneth Briddle	735 ROOSEVELT AVE	1-18-19
Jeff Sorelweiss	15733 RANCHO RAMON	18 JAN 19
Danny Bourassa		1-18-19
Kelly Miles	316 W 7TH	1-18-19
Phyllis der Kuyper	236 Highway Ct	1-18-19
Tiffany Flyer	150 W 14th St.	1-18-19
Lori	150 W 16th	1-18-19
Caitlin McClain	114 W 7th Street	1-18-2019
Gabriel Aragon	220 Camelot Dr	1-18-19
JD Sonnson	1485 Maple Grove Lane	1-18-19
Fernando Sandoval	146 W 8th St	1-18-19
Melanie Alemán	115 Yosemite Dr.)	118/19
Blindm Soner	1540 Peer Run Ln	1-18-19
Ryan Kish	101 Windmill Lane	1-18-19
George AZTec	TRACY CA	1-18-19
Enid Ob Perez	Tracy CA	1-18-19
Jay Arnoldies	Tracy CA	1-18-19
SARAH WARD	TRACY CA	1-18-19
Tina Farkins	1337 WALLST	1-18-19
Jeremy Laccarone	TRACY CA	1-18-19
Shane Bishop	Tracy	1-18-19

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NAME	ADDRESS	DATE
Steven Kordan	77 west 6th	1-18-2019
Scott Vandenberg	345 Parker Dr	1-18-2019
DANIEL RODARTE	891 Sequoia Blvd	1-18-2019
Matt Shroat	1309 Hamlet CT	1-18-2019
ANITA Coccinva	110 E. LOWELL Ave	1-18-2019
TED TORRES	2929 1/2 MacARTHUR	1-18-2019
Andrew Trin	161 Turquoise Way	1-18-2019
Desiree Williams	937 WEST St.	01-19-2019
Marcela Saedwar	1108 E Highland Ave	1-19-2019
Mike Alberto	105 W. Highland	1-19-19
Mark	207 W 12th	1-19-2019
Mark	4724 Calamity Ct	1-19-19
Adam Balcunas	1819 Wall St	1-19-19
JIM Williams	66 N 8th	1-19-19
M. Jimmerson	3952 MEMORI CT	1-19-19
C. Butcher	1371 Hwy Dr. #	1-19-19
Mike Stone	2249 Carol Ann Dr.	1-19-19
WAYNE KAMPFEN	4553 MONARCH Ln	1/19/19

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Nick Eaton	1614 Parker Ave	1/7/19
Louise Landicina	1614 Parker Ave	1/8/19
Richard Lewis	329 Whistlers Ave	1/7/19
Benito Rojas	225 W. EATON AVE	1/21/19
Loyne	225 W. BEVERLY AVE	1-7-19
Amy BMW	225 W. BEVERLY AVE	1-7-19
Cantos Sodis	1660 Parker Ave	1-10-19
Veronica Cruz	1660 Parker Ave	1-10-19
Lesley Spehr	1565 Parker Ave	1-12-19
Manuela Gonzalez	1662 PARKER	1-16-19
Feliciiana Flores	1662 Parker	1-14-19
Martina Flores	1662 PARKER	1-14-19
Virginia Stosier	229 W. Lowell Ave	1-19-19
Patricia Macias	1307 Bessie Ave	1-20-19

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NAME	ADDRESS	DATE
Don Fisci	1619-B Parker Ave.	1-9-19
Tom Brown	410 Hollywood Ave	1/9/19
Tom Christen	1125 W Lowell Ave	1/19/19
Henry Custalio	345 W Whittier	1/19/19

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NAME	ADDRESS	DATE
Ron & Pam Steve	1225 W. EATON AVE 1534 W. 100th ST	01-07-2018 01-11-2018
STEVE DOLONG	1565 PARTEE AVE	01-12-19

Petition to Stop Tobacco Store From Opening at 1655 Parker Ave. Tracy, CA

Petitioners name and background	Currently a tobacco store is trying to establish business in a local residential neighborhood on Parker Ave. Tracy, CA. This location is surrounded by residential housing and central to a number of local schools in the neighborhood.
Action petitioned for	<ul style="list-style-type: none"> -One Middle School within half a mile -One Elementary School with half a mile -A K-12th Grade charter school located within half a mile. -Two High Schools within a mile
<p>This location is not suitable for a business that actively promotes and sells tobacco products.</p> <p>We, the undersigned, are concerned citizens who urge our leaders to act now to stop the proposed tobacco store from opening at 1655 Parker Ave. Tracy.</p>	

Printed Name	Signature	Address	Comment	Date
Mark Tolcs		300 w Emerson		1-4-19
Martin Felix		1636 Parker Ave		1-4-19
Casey Beier		15824 Carlson Way		1/5/19
Emilio Espinoza		1407 Chest Dr		1-5-19
Sheri Dooly		308 w. Union St		1-5-19
Lindsay McKeon		244 w Lowell		1-5-19
Chris Johnson		1720 Parker Ave		1-5-19
Chris Colvin		1720 Parker Ave		1-5-19
Giselle Balleza		1629 Hwy 49		1-5-19

Printed Name	Signature	Address	Comments	Date
Monica Colon	<u>Monica Colon</u>	107 W Carlton Way #7		1-5-2019
Nick Eaton	<u>Nick Eaton</u>	1614 Parker Ave		1/7/2019
Rick Reeves	<u>Rick Reeves</u>	32 Whittie Av		1/7/2019
Marcynnes Mazzoni	<u>Marcynnes Mazzoni</u>	220 W Carlton		1/8/2019
James Nunes	<u>James Nunes</u>	220 W Carlton Way		1-8-19
Yessus Ruiz	<u>Yessus Ruiz</u>	128 W. Carlton Way		1-8-19
Maria Perez	<u>Maria Perez</u>	220 W. Carlton Way		1-8-19
Alex Medina	<u>Alex Medina</u>	1714 Holly Dr		1-8-19
Art Chavas	<u>Art Chavas</u>	82 E. Whittier Dr		1-8-19
Yvonne Haro	<u>Yvonne Haro</u>	32 E. Whittier Dr		1-8-19
Victoria Mann	<u>Victoria Mann</u>	100 W. Emerson Av.		1-9-19
Victor Gondi	<u>Victor Gondi</u>	925 Lowell		1-9-19
Don Fisci	<u>Don Fisci</u>	1619-B Parker Ave		1-9-19
Dan Bowers	<u>Dan Bowers</u>	410 Hollywood Ave		1/9/19
Teri Christie	<u>Teri Christie</u>	245 W Lowell		1/9/19
Henry Castoldi	<u>Henry Castoldi</u>	345 W. Whittier		1/10/19

December 26, 2018

Parker Villa Apartments
1641 Parker Ave #B
Tracy, CA 95376
209-229-8137

To Whom It May Concern:

My name is Viridiana Acosta and I am the on-site manager for Parker Villa Apartments, which is right next door to the empty lot that is being considered for a smoke shop location. I would like to express my concerns about this and why I am against this. This area has been through numerous attempts of trying to get the area cleaned up and into a much better neighborhood for our surrounding neighbors. The community has started a Neighbor Watch program to keep the crime rates down and to clean up the streets of unwanted trespassing. I feel that if we bring in a smoke shop, this will add traffic to the area and bring back illegal activities that we are trying to keep out of the area.

On top of trying to keep out unwanted trespassing, this would not be a good area for a smoke shop, there is a school less than 2 blocks away, which means there will be children always passing by. Also, there is a convenient store right across the street that already serves as a local shop to get needs such as lottery tickets and smoking needs.

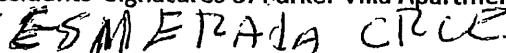
As a mother, I also know that I would not want thus right next door to us and once again as mentioned before bringing in foot traffic that is not necessary for this area, there are already 6 surrounding smoke shops, one less than half a mile from here, which also recently opened.

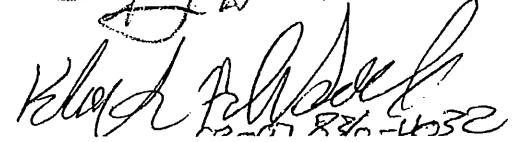
I have also included a few signatures from the residents that live at the complex that believe that this smoke shop that is considering opening next to us would not be beneficially to the neighborhood. I would be more than happy to answer any questions that you may have regarding this issue, so please feel free to reach out to me if you would like.

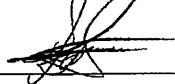
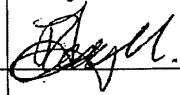
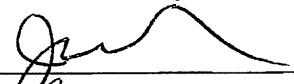
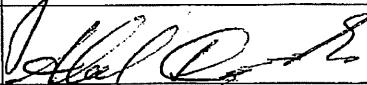
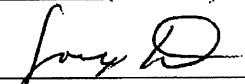
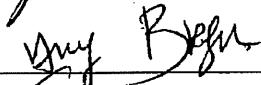
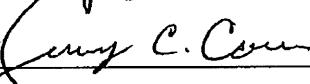
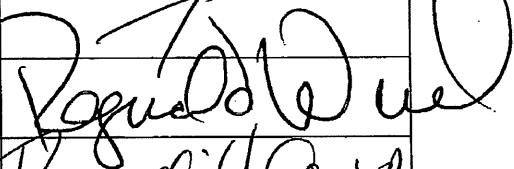
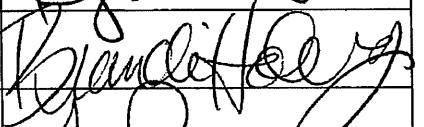
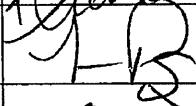
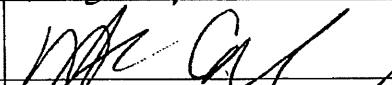
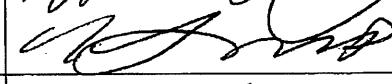
Sincerely,

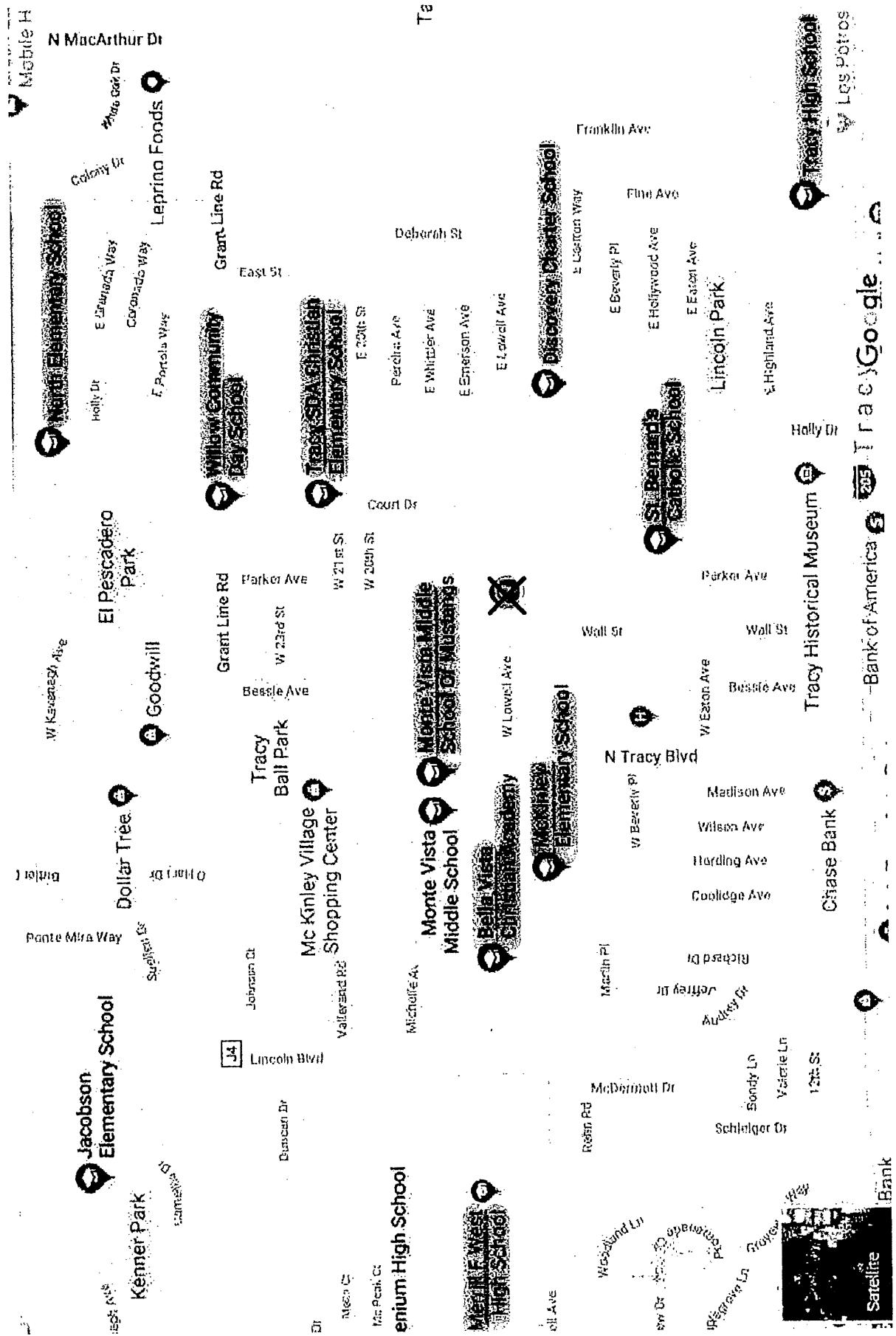

Viridiana Acosta
On-Site Apartment Manager

Residents' Signatures of Parker Villa Apartments

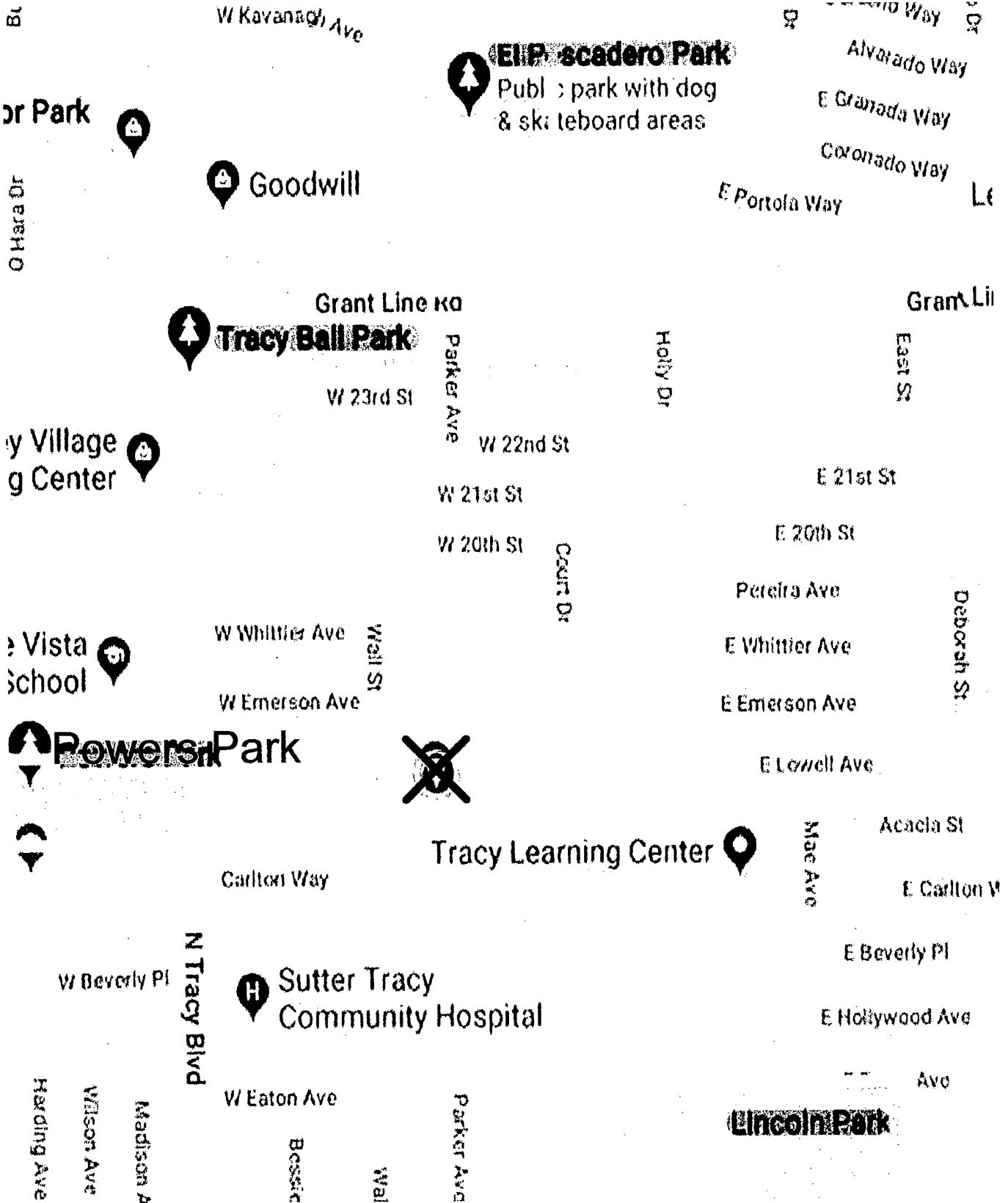

ESMERALDA CRUZ


Kisha Belkadeh
209-229-8137

Printed Name	Address	Signature
David Leon	Beverly Pl	
Brent Malone	Parker ave	
MATT Forbes	300 Emerson AVE	
Julie Box	224 W. CARLTON	
James Nunes	220 WESTCARLTON	
Aber Dorod	209 ASCIA	
Jody Tve	225 W. Beverly	
Amy Bryan	225 W. Beverly	
Timmy C Conn	8217 JEWELL CT	
Michelle Ap	158 W. Carlton Way	
Carmen Romo	1638 Parker Ave.	
Reginald West	1619 Parker Ave	
Brandi Habey	344 Lowell Ave	
Trevor Pope	237 W Lowell	
Armando Estiu	1950 Wall St	
Mario Hernandez	7030 20 th St	
Martin Fox	1636 Parker Ave	
Josh Alvarez	104 W CARLTON WAY	
Ted Marino	26 W Emerson	



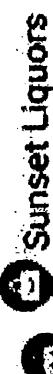
- Schools within one mile
10 total (one is K-12)



-Parks within one mile
4 total

Leprino Foods

5 Portola Way



Sunset Liquors

5 N Smokey Dr

Bessie Ave
W 23rd St

W 22nd St

E 21st St

W 21st St

E 23rd St

Court Dr

Deborah St
Perkins Ave
E Whittier Ave
E Emerson Ave

W Whites Ave-
Wall St
W Emerson Ave

Monte Vista
Middle School

W Lowell Ave
W Benton Ave
W Bayberry Pl

Franklin Ave

Acacia St
Mac Ave
E Carlton Way

Carlton Way

McKinley
Elementary School

Kearny Pl

N Tracy Blvd

W Eaton Ave
Bessie Ave

Madison Ave

W Benton Ave
Wall St

Wardlow Ave

Woodlawn Ave

W 1st St

W 2nd St

W 3rd St

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Scott Claar

From: jorge sarmento <jfspmfpf@hotmail.com>
Sent: Sunday, April 14, 2019 11:53 AM
To: Scott Claar
Subject: 1655 parker ave

To senior planner, Scott Claar the plan always sounds better when its not next door to your house. why put a business that attracts loud obnoxious music, trash, drug users and undesirables next to residential families with children? I think this kind of business would be better placed next to the Tracy police department, don't you? or maybe next door to the property owners or Dale Coses, because we all know there will be problems and crime there. but it is possible these highly educated folks running the Department of Development Services at 333 Civic Center Plaza know something I don't.

RESOLUTION 2019-_____

PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A
SMOKE SHOP AT 1655 PARKER AVENUE – APPLICANT IS DALE COSE AND THE
PROPERTY OWNER IS CHEMANOOR AND BERNADETTE ZACHARIAH
APPLICATION NUMBER CUP19-0001

WHEREAS, An application was submitted on March 21, 2019 for a Conditional Use Permit to allow a smoke shop at 1655 Parker Avenue, and

WHEREAS, The subject property is zoned Neighborhood Shopping (NS), and

WHEREAS, A smoke shop is classified as Use Group 43, which is a conditionally permitted use in the NS zone, and

WHEREAS, Conditionally permitted uses must obtain approval of a Conditional Use Permit, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The NS zone permits liquor stores and retail markets, and

WHEREAS, An existing market adjacent to the subject property sells many of the same retail products that would be sold in a smoke shop, including tobacco related products and accessories, and

WHEREAS, A smoke shop would not have substantially greater or different land use impacts on neighboring properties than a liquor store or a retail market, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development, and

WHEREAS, The Planning Commission held a public meeting to review and consider Conditional Use Permit Application Number CUP19-0001 on April 24, 2019;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby approve a Conditional Use Permit to allow a smoke shop at 1655 Parker Avenue, Application Number CUP19-0001, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right because the proposed use is not permitted unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the zone in which the site is located because a smoke shop, as conditioned,

will be compatible with adjacent uses and is allowed in the Neighborhood Shopping (NS) zone if the Planning Commission approves a Conditional Use Permit.

3. 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 because, from the standpoint of land use and zoning, a smoke shop is very similar to a liquor store or retail market, which are principally permitted uses in the NS zone, and the proposed smoke shop will comply with the City of Tracy General Plan and requirements of the Tracy Municipal Code.
4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

The foregoing Resolution 2019-_____ was adopted by the Planning Commission of the City of Tracy on the 24th day of April, 2019, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
1655 Parker Avenue
Assessor's Parcel Number 233-066-08
Application Number CUP19-0001
April 24, 2019

A. General Provisions and Definitions

- A.1. These Conditions of Approval shall apply to the real property located at 1655 Parker Avenue, Assessor's Parcel Number 233-066-08, Application Number CUP19-0001 (hereinafter "Project"), proposed by Dale Cose (hereinafter "Applicant").
- A.2. 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 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 Application Number CUP19-0001.
 - 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 the smoke shop at 1655 Parker Avenue, Assessor's Parcel Number 233-066-08, Application Number CUP19-0001.
- A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be operated in substantial compliance with the project description received by the Development Services Department on April 8, 2019 and the site plan received by the Development Services Department on April 10, 2019.

- A.4. 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.
- 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:
 - 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").
- 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 Design Goals and Standards.
- A.7. 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

- B.1. The project shall be operated in substantial compliance with the project description received by the Development Services Department on April 8, 2019 and the site plan received by the Development Services Department on April 10, 2019, except as modified herein, to the satisfaction of the Development Services Director or Assistant City Manager.
- B.2. The hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. daily and all uses shall be conducted wholly inside the building, to the satisfaction of the Development Services Director or Assistant City Manager.

C. Building Division Conditions

- C.1. Applicant to comply with requirements of storage of hazardous materials per control area as per Table 307.1(1) and Table 307.1(2). The provided SDS for 'Flavored E Liquid with Nicotine' indicates that the "mixture has not been subjected to toxicology testing but has been blended from materials with established toxicological bibliographies." Based on the data on the ingredients, the Propylene Glycol and

Glycerin indicates Class III-B combustible liquid. The Nicotine as an ingredient with 98% concentration is considered 'Highly Toxic' with an LD50 of 50 mg/kg on albino rabbits. Given that the mixture has not been tested, we have to use the established toxicology data. Thus, per CBC Table 307.1(1), class IIIB combustible liquids are limited to 13,200 gallons. However, per CBC Table 307.1(2), Highly Toxic liquids are limited to 10 pounds. Per footnote i, for gallons of liquids, divide the amount in pounds by 10 in accordance with Section 5003.1.2 of the California Fire Code. This gives us just 1 gallon of highly toxic liquid in each control area. Note that given CBC Table 414.2.2, the building can have up to 4 control areas if given the proper 1 hour fire resistance rating for fire barriers. With 4 control areas with Fire Barriers as designed per CBC 707, you could have 4 gallons. Also, per CBC Table 414.2.2 footnote e, with specific approved storage cabinets, gas cabinets or exhausted enclosures as specified in the California Fire Code, the Maximum allowable quantities shall be increased 100 percent. Thus, with 4 control areas and approved storage cabinets, gas cabinets, or exhausted enclosures, you could have 8 gallons of the E-Juice stored.

- C.2. Prior to any work to construct, enlarge, alter repair, move demolish, or change the occupancy of the building or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the 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, as applicable per Title 24 California Code of Regulations.
- C.3. The City of Tracy is excited to announce the launch of Electronic Submittals effective January 1, 2019. At that time, Applicants will have the option to submit plans electronically or hardcopy for Building permit through June 30, 2019. Effective July 1, 2019, all projects requiring plans MUST be submitted electronically. See the City of Tracy Website to review additional information about electronic plan check requirements to ensure your projects are processed in a timely matter. Any questions regarding Electronic Plan Review can be addressed by one of our Building Permit Technicians. They can be reached M-TH 8a-6p and every other Friday 8a-5p at (209) 831-6400.

D. South San Joaquin County Fire Authority Conditions

- D.1. Prior to any work to construct, enlarge, alter, repair, move, demolish or change the occupancy or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the applicant must submit construction documents, plans, specifications and/or calculations to South San Joaquin County Fire Authority which meets all requirements of Title 24, California Code of Regulations.
- D.2. New business fire inspection is required. Contact Fire Prevention at 209.831-6707 to schedule an inspection.