

**TRACY CITY COUNCIL**

**ORDINANCE NO. 1334**

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**FOR THE VALPICO GLENBRIAR APARTMENT PROJECT LOCATED AT VALPICO ROAD AND MACARTHUR DRIVE (APARTMENTS PROJECT):**

**(A) ADOPTING A NEGATIVE DECLARATION FOR THE EXPANSION OF THE APARTMENTS PROJECT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD OF THE PROPERTY LOCATED AT 2625 S. MACARTHUR DRIVE (PARKING SITE) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**(B) APPROVING A GENERAL PLAN AMENDMENT REDESIGNATING THE PARKING SITE FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA22-0003);**

**(C) AMENDING THE ZONE DISTRICT OF THE PARKING SITE FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R22-0002); AND**

**(D) APPROVING A DEVELOPMENT REVIEW PERMIT EXPANDING THE APARTMENTS PROJECT PARKING LOT TO INCLUDE A PORTION OF THE REAR YARD LOCATED AT 2625 S. MACARTHUR DRIVE (D22-0013)**

**WHEREAS,** The 264-unit Valpico Glenbriar Apartments Project was approved by the City Council on October 1, 2019, Resolution Number 2019-195; and

**WHEREAS,** During construction, the Apartments Project was sold from the original developer (Katerra) to Guardian Capital, which intends to complete construction, own, and manage the project; and

**WHEREAS,** The Apartments Project was approved with 417 off-street parking spaces, which is consistent with City standards; and

**WHEREAS,** Guardian Capital wishes to provide additional off-street parking spaces for tenants and guests beyond the existing number of parking spaces; and

**WHEREAS,** Guardian Capital has acquired an interest in approximately 13,440 square feet of adjacent property on which to develop additional parking; and

**WHEREAS,** Guardian Capital submitted a Development Review Permit (Application Number D22-0013) to develop the adjacent property as additional parking, connected to the existing Apartments Project site; and

**WHEREAS,** The Apartments Site has a General Plan designation of Residential High and is zoned High Density Residential, and

**WHEREAS,** The adjacent property (Parking Site), on which the parking lot will be expanded, has a General Plan designation of Commercial and is zoned Community Shopping Center; and

**WHEREAS,** Guardian Capital has requested the General Plan and zoning designations of the Parking Site be amended from Commercial and Community Shopping Center, respectively, to Residential High and High Density Residential, respectively, in order to be consistent with the General Plan and zoning designations of the Apartments Project site; and

**WHEREAS,** The Planning Commission conducted a public hearing on September 28, 2022, and considered the Initial Study/Negative Declaration dated September 2022 and prepared in accordance with the California Environmental Quality Act (CEQA) (attached as Exhibit 5) for the parking lot expansion project, finding no significant effect on the environment, and recommended that the City Council adopt it; and

**WHEREAS,** At the public hearing, the Planning Commission also reviewed and considered the proposed Development Review Permit for the parking expansion and recommended its approval, subject to the conditions of approval set forth in Exhibit 4; and

NOW THEREFORE BE IT RESOLVED:

**SECTION 1. Incorporation of Recitals/Findings.** The City Council of the City of Tracy hereby finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

**SECTION 2. CEQA Negative Declaration.** The City Council, based on its independent judgment and analysis, has reviewed and considered the proposed project and has determined, based on the whole record before it, including the Initial Study/Negative Declaration set forth in Exhibit 5 and comments received, that there is no substantial evidence that the parking lot expansion project will have a significant effect on the environment and hereby adopts the Initial Study/Negative Declaration, as full satisfaction of the requirements under CEQA for the Apartments Project parking lot expansion.

**SECTION 3. General Plan Amendment.** The City Council hereby approves the General Plan map amendment from Commercial to Residential High for the approximately 13,440 square foot Parking Site as indicated in Exhibit 2.

**SECTION 4. Zoning Map Amendment.** The City Council approves the Zoning Map amendment from Community Shopping Center to High Density Residential for the approximately 13,440 square foot Parking Site as indicated in Exhibit 3.

**SECTION 5. Development Review Permit.** The City Council approves the Development Review Permit for the Valpico Glenbriar Apartments parking lot expansion based on the findings contained in Exhibit 1 and subject to the Conditions of Approval set forth in Exhibit 4.

**SECTION 6. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall be affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 7. Effective Date.** This Ordinance shall become effective upon the thirtieth (30<sup>th</sup>) day after final adoption.

**SECTION 8. Publication.** The City Clerk is directed to publish this Ordinance in a manner required by law.

**SECTION 9. Codification.** This Ordinance shall not be codified in the Tracy Municipal Code.

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The foregoing Ordinance 1334 was introduced a regular meeting of the Tracy City Council on the 15th day of November 2022, and adopted on the 6th day of December 2022, by the following vote:

AYES:	COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTENTION:	COUNCIL MEMBERS: NONE

SIGNED: Nancy D. Young, Mayor

ATTESTED: Adrienne Richardson, City Clerk

A copy of the following exhibits:

Exhibit 2 – Proposed General Plan Designation

Exhibit 3 – Proposed Zoning District

Exhibit 4 – Project Conditions of Approval

Exhibit 5 – Project Negative Declaration

can be viewed upon request by making an appointment with the City Clerk's Office

**Tracy City Council Findings for Ordinance No. 1334**

The City Council findings related to adopting the CEQA Negative Declaration for the Valpico Glenbriar Parking Lot Expansion Project General Plan Map Amendment, Zoning Map Amendment, and Development Review Permit:

City of Tracy has reviewed and considered the proposed project and has determined, based on the whole record before it, including the Initial Study and comments received, there is no substantial evidence that the project will have a significant effect on the environment, with substantial supporting evidence provided in the Initial Study, prepared by De Novo Planning Group, dated September 2022;

The City Council findings related to approving the Development Review Permit for the Valpico Glenbriar Parking Lot Expansion Project, Application Numbers D22-0013, are as follow:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the number of additional parking spaces will be above and beyond minimum requirements of City regulations to help reduce potential effects of peak parking demand times and potentially allow tenants and guests to park closer to their tenant spaces or building destinations.
2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, City Standard Plans, and other City regulations in that it is consistent with the Storm Drainage Technical Memorandum prepared for the project by Wood Rodgers, is consistent with the City Storm Drainage Master Plan, it is consistent with City Off-Street parking area landscape requirements (Tracy Municipal Code Section 10.08.3560), and is consistent with City of Tracy Standard Plan 141 regarding parking space and drive aisle dimension requirements.