

CITY OF TRACY
DETERMINATION OF
THE DEVELOPMENT SERVICES DEPARTMENT

Application Number D18-0024

A determination of the Development Services Department approving a Development Review application to expand the American Custom Meats parking lot by approximately one acre for additional parking spaces and landscaping improvements located at 4350 and 4276 N. Tracy Blvd. The applicant is Schack and Company, Inc. The property owners are the City of Tracy and American Custom Meats.

Staff has reviewed the application and determined that the following City regulations apply:

1. M-1 Light Industrial Zone (TMC Chapter 10.08, Article 20)
2. Development Review (TMC Chapter 10.08, Article 30)
3. City of Tracy Design Goals and Standards

The Development Services Department has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Industrial and all applicable General Plan policies as well as with the Light Industrial (M1) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental review is necessary.

THE DEVELOPMENT SERVICES DEPARTMENT, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY APPROVES DEVELOPMENT REVIEW APPLICATION NUMBER D18-0024, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT 1 AND BASED ON THE FOLLOWING FINDINGS:

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 property would be developed for industrial use as an expansion of the American Custom Meats parking area, consistent with the Light Industrial (M1) Zone, and include desirable elements such as additional on-site parking for employees and guests, as well as additional landscaping, including shade trees, throughout the parking area and along the property edge fronting N. Tracy Blvd.
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, applicable Infrastructure Master Plans, and other City regulations.



Andrew Malik
Assistant City Manager

5/14/21

Date of Action

City of Tracy
Development Review
Conditions of Approval
American Customs Meats Parking Lot Expansion
4350 and 4276 N. Tracy Blvd.
Assessor's Parcel Numbers 212-200-01 and 212-200-02
Application Number D18-0024
May 13, 2021

These Conditions of Approval shall apply to the Development Review application to expand the American Custom Meats parking lot by approximately one acre for additional parking spaces and landscaping improvements located at 4350 and 4276 N. Tracy Blvd., Assessor's Parcel Numbers 212-200-01 and 212-200-02, Application Number D18-0024 (hereinafter "Project"), proposed by Schack and Company, Inc. (hereinafter "Applicant").

A. Definitions.

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
4. "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.
5. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
6. "Conditions of Approval" means these conditions of approval applicable to the Development Review application to expand the American Custom Meats parking lot by approximately one acre for additional parking spaces and landscaping improvements located at 4350 and 4276 N. Tracy Blvd., Assessor's Parcel Numbers 212-200-01 and 212-200-02, Application Number D18-0024.
7. "Property" means the subject property of the Development Review application to expand the American Custom Meats parking lot by approximately one acre for additional parking spaces and landscaping improvements located at 4350 and 4276 N. Tracy Blvd., Assessor's Parcel Numbers 212-200-01 and 212-200-02, Application Number D18-0024.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Developer fails to file a protest of the Exactions 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 of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
4. The project shall be developed in substantial compliance with the plans received by the Development Services Department on December 5, 2018, except as modified herein, to the satisfaction of the Development Services Director or Assistant City Manager.
5. The parking area landscaping shall be increased to comply with the 20% minimum requirement, pursuant to Tracy Municipal Code Section 10.08.3560. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the City's Water Efficient Landscape Ordinance, and all other applicable City regulations, to the satisfaction of the Development Services Director or Assistant City Manager. The landscape plan shall provide calculations that demonstrate how the project satisfies landscape requirements for the parking area. The landscape plan shall indicate space being counted as parking area, landscape area, and canopy tree shade area. Landscaping shall comprise 20% of the parking area. Canopy trees shall be evenly distributed throughout the parking area so that 40% of the parking area shall be shaded at tree maturity. Canopy trees shall be the type that normally achieves a minimum canopy diameter of 25 feet. All parking area trees shall be a minimum 24-inch box size. Landscape islands and tree wells shall provide a

minimum 4-foot wide planting dimension. The private property perimeter landscape strip adjacent to the public right-of-way shall have a minimum 10-foot wide dimension along the entire street frontage, except at the driveway locations and the designated pedestrian crossing.

6. Prior to the issuance of a building permit, an Agreement for the Maintenance of Landscape and Irrigation Improvements, installed in compliance with the plans referenced in Condition of Approval Number B.5., above, shall be executed and financial security submitted to the Development Services Department, to the satisfaction of the Development Services Director or Assistant City Manager. The Agreement shall ensure maintenance of the landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the landscape and irrigation improvements, or \$2.50 per square foot of landscape area.
7. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency to the satisfaction of the Utilities Director.
8. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the APCD.
9. Prior to issuance of a building permit or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOG), to the satisfaction of the Development Services Director or Assistant City Manager.
10. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, or painted to match the adjacent building or landscaping, to the satisfaction of the Development Services Director or Assistant City Manager.
11. Prior to the issuance of a building permit, the Developer shall comply with all applicable Stormwater Quality Regulations, to the satisfaction of the Utilities Director. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix

D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.

12. Prior to final inspection, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way, to the satisfaction of the Development Services Director or Assistant City Manager.
13. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas, to the satisfaction of the Development Services Director or Assistant City Manager.
14. Prior to issuance of a building permit, the Developer shall obtain approval of a lot line adjustment to merge the property's two parcels into one parcel (Assessor's Parcel Number 212-200-01 and 212-200-02) and have the lot line adjustment recorded by the San Joaquin County Clerk's Office, to the satisfaction of the Development Services Director or Assistant City Manager.

C. Engineering Division Standard Conditions of Approval

C.1. General Conditions

- C.1.1. Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/memorandums prepared for the Project listed as follows:

1) NONE

C.2. Grading Permit

All grading (earth moving) work (on-site and off-site, including soil importation, placement and compaction) will require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until the Developer provides all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.2.1. The Developer has completed all requirements set forth in this section.
- C.2.2. The Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property.

- C.2.3. The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Title 12), City Design Documents as defined in Chapter 12.36 of the TMC, and these Conditions of Approval.
- C.2.4. On-site Grading/Drainage Plans (Improvement Plans) prepared on a 24-inch x 36-inch size 4-millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.
- C.2.5. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.2.6. For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. The Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage

fees shall be paid by the Developer. The Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

- C.2.7. An electronic copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The geotechnical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction requirements and recommendations, retaining wall design specifications, paving recommendations, and elevation of the highest observed groundwater level.
- C.2.8. Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).
- C.2.9 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.2.10 If overhead on-site private utilities (such as electric, TV cable, telephone, and others) including project's service connections are present, the Developer will be required to underground those overhead utilities. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City.

Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. Limits of on-site private overhead utilities undergrounding will be the total length of the utility located within the Project and to the nearest pole(s). If the nearest pole(s) is more than 100 feet, the pole(s) can be relocated so that it is 100 feet from the Project's property line.

- C.2.11 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.2.12 Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent private property where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent private property with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council and any subsequent amendments.

The Developer and its heirs shall be responsible for repairing and maintaining the on-site storm drain retention basin at the Developer's (or heirs') sole cost and expense.

C.2.13 Access and Traffic Circulation to Existing Businesses - The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses and residents. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.2.14 No trench shall be left open or uncovered and unprotected during the night. Appropriate signs and barricades shall be installed on the street and on all trenches during and after work hours. If the Developer or its authorized representative(s) elect to use steel plates to cover street trenches, said steel plate will be skid-resistance, will be pinned to the adjacent asphalt concrete pavement, and ramped on all sides. All ramps will be a minimum two feet wide and will be the entire length of each side.

C.2.15 Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits, agreement processing, construction inspection, testing fees and other applicable fees as required by these Conditions of Approval. Developer shall submit payment in the form of a check. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 16, 2017, per Resolution 2017-098.

- C.2.16 Payment of San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees (SMF), as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.
- C.2.17 Payment of all applicable Infill development impact fees required by these Conditions and City Regulations. The final fees to be paid are the Infill Properties development impact fees that are in effect at the time of issuance of the Grading Permit.
- C.2.18 Developer shall replace the existing ditch, either an irrigation ditch or drainage ditch, with an underground pipe. Said underground pipe shall conform to the City's design document as defined in Title 12 of the TMC.

C.3 Encroachment Permit

Any work within the public right-of-way, including the installation of utility connections to City's storm, water and sanitary sewer lines, construction of driveway, frontage improvements will require an Encroachment Permit.

The City will not accept encroachment permit application for the Project as complete until the Developer provides all documents related to said encroachment permit required by the applicable City regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.3.1. Off-site/Public Infrastructure Improvement Plans prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in Section C.1, these Conditions of Approval, the City's Design Documents as defined in Title 12 of the TMC, City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted and amended by the City, and/or as otherwise specifically approved by the City. The Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.3.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.

- C.3.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
- C.3.1.c. Provide the appropriate number of copies of the Project's Geotechnical/Soils Report, prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street pavement thickness, materials, compaction and other pertinent information.
- C.3.1.d. If the project has any landscaping within the right-of-way, Developer shall comply with the current MWELo requirements.
- C.3.1.e. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent private property where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent private property with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council and any subsequent amendments.

The Developer and its heirs shall be responsible for repairing and maintaining the on-site storm drain retention basin at the Developer's (or heirs') sole cost and expense.

- C.3.2. Sanitary Sewer - Developer shall not alter its existing sanitary sewer lateral. Any alternation on-site will require a permit from Building and Safety. Any alternation of the sanitary sewer connection in the right-of-way will require City approved plans and the following conditions apply:

It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. The Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

The Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

C.3.3. Water Distribution System - Developer shall not alter its existing water connections, including fire hydrant connections. Any alternation on-site will require a permit from Building and Safety. Any alternation of any water connection, including fire hydrant connections, in the right-of-way will require City approved plans and the following conditions apply:

Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

Repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City.

Repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Fire Marshal, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

All water connections shall conform to City Standard Detail No. 403/404 with a continuous copper connection. Any minor deviations shall be processed through Section 1.05-1.07 of the 2008 Design Standards.

- C.3.4. Developer shall construct frontage improvements conforming to Figure 4.15c of the 2012 Transportation Master Plan. Improvement shall include but not limited to curb, gutter, 10-ft sidewalk, 13-ft (includes gutter pan) travel lane, and stripe the 16-ft side future median in thermoplastic.
- C.3.5. Developer shall remove the interim ADA ramp located by the Developer's existing driveway. Developer shall install a new ADA ramp adjacent to the existing driveway such as the crosswalk will be perpendicular to the street instead of skewed as presently constructed. Developer shall remove the existing crosswalk and reinstall said crosswalk in thermoplastic.
- C.3.6. Developer shall install a new bike route sign.
- C.3.7. Developer shall remove and if possible preserve the existing beacon. Developer shall relocate the beacon to the new sidewalk. If needed to keep the flashing lights in the drivers' view, Developer shall install a new beacon with a longer arm. In conjunction with the new beacon or relocated beacon, Developer shall also construct the beacon's appurtenances.

- C.3.8. Developer shall relocate the metal protective canister and the utility the canister is protecting to the new sidewalk. At the City's request, Developer shall replace the canister with a new protective cover. Installation shall conform to City Documents as defined in Title 12 of the TMC.
- C.3.9. Developer shall dedicate enough land to the City to conform to Figure 4.15c of the 2012 Transportation Master Plan. Tracy Boulevard is master planned with a 74-ft wide right-of-way.
- C.3.10. Developer shall install street trees in street tree wells and the trees' irrigation system along their frontage. Said street tree wells shall conform to the City's Design Documents as defined in Title 12 of the TMC. The irrigation system shall be connected to the Developer's on-site water system.
- C.3.11. Access and Traffic Circulation to Existing Businesses - The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses and residents. All costs of measures needed to provide safe and functional access shall be borne by the Developer.
- C.3.12. Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10-foot wide Public Utility Easement (P.U.E.) to be installed to serve the Project. If necessary, the Developer shall dedicate 10-foot wide P.U.E. for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.
- C.3.13. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.
- C.3.6.a Developer shall submit payment in the form of a check for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 16, 2017, per Resolution 2017-098.
- C.3.14. All streets and utilities improvements within public right-of-way shall be designed and constructed in accordance with City regulations, and City's Design Documents as defined in Title 12 of the Municipal Code including the City's Facilities Master Plan for storm drainage, roadway, wastewater and

water adopted and amended by the City, or as otherwise specifically approved by the City.

- C.3.15. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. Traffic Control Plan shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.
- C.3.16. No street trench shall be left open or uncovered and unprotected during the night. Appropriate signs and barricades shall be installed on the street and on all trenches during and after work hours. If the Developer or its authorized representative(s) elect to use steel plates to cover street trenches, said steel plate will be skid-resistance, will be pinned to the adjacent asphalt concrete pavement, and ramped on all sides. All ramps will be a minimum two feet wide and will be the entire length of each side.
- C.3.17. Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.

C.4. Building Permit

No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.4.1. The Developer has completed all requirements set forth in Condition C.1, C.2 and C.3 above.

- C.4.2 To be in conformance with Section 7.04.120, developer shall only improve the leased portion of the property.

C.5. Certificate of Occupancy

Certificate of Occupancy (Final) of the Project's building(s) will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer that:

- C.5.1. The Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.5.2. The Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these

Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

- C.5.3. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- C.5.4. The Developer shall submit centerline tie sheets or a record of survey for the following: new public streets, altered survey monuments, or benchmarks. The Developer shall submit corner records for destroyed and reestablished curb returns. At the City Engineer's request, the Developer shall file survey data with the San Joaquin County.
- C.5.5. The Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.6. Special Conditions
- C.6.1. When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a 2-inch thick asphalt concrete (AC) overlay with reinforcing fabric at least 25-feet from all sides of each utility trench. A 2-inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes.
- C.6.2. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. In addition, the information will be submitted both to San Joaquin County and the City. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871). If the Developer's project altered curb returns, the Developer shall submit to the City either corner records or centerline tie sheets.

- C.6.3. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.6.4. If water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. The Developer shall pay all fees associated with obtaining the account number for the water service.
- C.6.5. Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.
- C.6.6. If the project has any landscaping, Developer shall comply with the current MWELo requirements.
- C.6.7. The tenant(s) of the existing building will not allow its heavy duty trucks to enter or exit the site using the new proposed driveway. To facilitate this restriction, Developer shall install the appropriate signs facing both outward towards the street and inward towards the parking lot.