



City of Tracy
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DEVELOPMENT SERVICES

CITY OF TRACY
DETERMINATION OF THE
DEVELOPMENT SERVICES DIRECTOR

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Application Number EXT21-0001

A determination of the Development Services Director approving a three-year extension for the previously approved Development Review Application Number D19-0011 for a new approximately 85,000 square foot, warehouse building and related parking and site improvements, on a five acre site, located at 1850 N Chrisman Road, Tracy (Assessor's Parcel Number 250-030-32) The owner is Black Creek Group.

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

- TMC Sec 10.08.3920 et seq.: Development Review
- TMC Sec 10.08.3440 et seq.: Off-Street Parking Requirements
- Northeast Industrial Specific Plan
- City of Tracy Design Goals and Standards

The Development Services Director has determined that the project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15332 pertaining to infill development projects

THE DEVELOPMENT SERVICES DIRECTOR HEREBY APPROVES THE THREE YEAR EXTENSION (TO AUGUST 1, 2024) OF THE DEVELOPMENT REVIEW APPLICATION AS DESCRIBED IN THE PLANS RECEIVED BY THE DEVELOPMENT SERVICES DEPARTMENT ON JUNE 26, 2019 AND PREVIOUSLY APPROVED ON AUGUST 1, 2019 SUBJECT TO ALL CONDITIONS OF APPROVAL FOR D19-0011. THIS EXTENSION REQUEST HAS BEEN GRANTED AS THE CURRENT PANDEMIC HAS CREATED SIGNIFICANT CONSTRAINTS ON DEVELOPMENT AND FUNDING OPPORTUNITIES LIMITING THE POTENTIAL FOR THE APPLICANT TO DEVELOPMENT THIS SITE DURING THE PREVIOUS APPROVAL TIMEFRAME.

William Dean, Interim Development Services Director

8/29/21

Date of Action



Exhibit 1
Chrisman Warehouse
Conditions of Approval
Application Number EXT21-0001, Original Approval D19-0011
August 12, 2021

These Conditions of Approval shall apply to the real property described as the Chrisman Warehouse Development Review, Application Number EXT21-0001 which extends the original approval for D19-0011 for an additional 3 years. The subject property is located at 1850 N Chrisman Road (APN 250-030-32).

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "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.
3. "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 (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the Chrisman Warehouse Development Review, Application Number D19-0011. The subject property is located at 1850 N Chrisman Road (APN 250-030-32).
5. "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.
6. "Project" means Development Review Application Number D17-0018 located on the real property at 1850 N Chrisman Road (APN 250-030-32).
7. "Property" means the real property located at 1850 N Chrisman Road (APN 250-030-32).
8. "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.

B. General Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
4. 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.
5. Except as otherwise modified herein, all construction shall be consistent with the plans (Attachment A) received by the Development Services Department on June 26, 2019.
6. No signs are approved as part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.
7. Prior to the issuance of a building permit, the applicant shall provide 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, and the Standard Plans (Parks and Streetscape), to the satisfaction of the Development Services Director, and consistent with the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons. Root barriers (two-feet deep by eight feet long) shall be installed along all buildings or edge of planter where a tree is within ten feet of building or edge of planter.
8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape

and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site 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 on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.

9. Prior to issuance of a building permit, the applicant shall submit construction documents demonstrating parking space and drive aisle dimension compliance with City Standard Plan 154, to the satisfaction of the Development Services Director.
10. No roof-mounted equipment or utilities including, but not limited to HVAC units, fans, vents, antennas, and dishes, whether proposed as part of this application or future improvements, shall be visible from the Chrisman Road or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public rights-of-way by the exterior parapet walls of the building, or otherwise, to the satisfaction of the Development Services Director.
11. All vents, gutters, downspouts, flashing, electrical conduit, gas meters, bollards, electrical panels and doors, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent building surface to the satisfaction of the Development Services Director.
12. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way or adjacent or nearby residential property, to the satisfaction of the Development Services Director.
13. Prior to issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
14. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
15. Trash enclosures and access doors shall be designed in accordance with stormwater quality standards (covered, connection to sanitary sewer, as applicable), be at least seven feet tall as measured from the grade outside of the trash enclosure, be of masonry construction with solid (opaque) metal doors, and compatible in materials and color with the adjacent or connected building to the satisfaction of the Development Services Director.
16. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy June 2015 Multi-Agency Post-Construction Stormwater Standards manual (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.

17. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
18. Prior to the issuance of a building permit, the developer shall demonstrate compliance with San Joaquin Valley Air Pollution Control District (APCD) Rule 9510 (Indirect Source Rule) to the satisfaction of the APCD.
19. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
20. No outdoor storage of materials is permitted on the site.
21. No chain link fence is permitted at the project site (1850 N Chrisman Road) where it would be visible from the public right-of-way. Electronically charged, razor wire, barbed wire, integrated corrugated metal, or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric fences are not permitted anywhere on site.
22. Truck loading areas, dock doors, storage areas, and above-ground utilities shall be substantially screened from view from the public right-of-way, which includes, but is not limited to, Chrisman Road, Paradise Road, and Grant Line Road, to the satisfaction of the Development Services Director.
23. Before the approval of a building permit, the applicant shall submit detailed plans that show the location and improvements for a high-quality outdoor employee break area to the satisfaction of the Development Services Director. Such area shall be incorporated as part of site design and should include special paving, tables, benches, shade trees and other amenities that support employee events and serve as an informal gathering space.
24. Prior to issuance of a Building Permit, the Developer shall, at its cost, annex the entire Project area into the existing Tracy Consolidated Landscape Maintenance District (TCLMD) if it has not already done so. It is understood that when property annexes into the TCLMD, the property owners will be assessed for their pro rata share of assessment district maintenance costs of public landscaping as described in the TCLMD for the Project area. Before issuance of a building permit, the developer shall deposit a first year's assessment equivalent to the Maintenance District's first 12 months of estimated costs, based on the approved landscaping budget analysis.

25. At time of building permit submittal, applicant to provide an accessible route to connect accessible facilities to the right of way as per CBC 11B-206.2.2.
26. At time of grading permit submittal, applicant to provide written verification that the PG&E line is abandoned. This includes written verification that PG&E has no intention to use easement and intends to abandon the easement, verification that the PG&E elements have been removed, and recording the abandoned easement in the deed.
27. At time of building permit submittal, applicant to include Construction Waste Management Plan to obtain a minimum diversion (recycle and/or salvage for reuse) of a minimum 65% as per CalGreen Section 5.408.
28. 4. Prior to construction of any structures, 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.
29. Construction type shall be determined at building permit stage and remain throughout the entire project.
30. Demonstrate a 26' aerial fire apparatus access road in accordance with 2016 California Fire Code, Appendix D.
31. Demonstrate fire hydrant spacing in accordance with 2016 California Fire Code, Appendix CC.
32. Obtain a fire flow report showing a minimum 1,625 gpm at 20 psi per 2016 California Fire Code, Appendix B, Table B105.1(2) as modified by Tracy Municipal Code, Section 9.06.060. *1,625 gpm is based on 85,000 sf, Type I-B construction 3,250gpm divided by 50%.*
33. Specify location(s) of fire department connection which is located at the fire pump room or fire control room, accessible from the exterior of the structure.
34. Specify Knox switch and optical transmitter for all electronic gates in accordance with 2016 California Fire Code, Section 506.
35. Notate emergency responder radio coverage may be required for this building. Testing and installation may take place after the building construction, but prior to the final inspection. Please note, the cost to retrofit is quite costly.
36. Each tenant shall contact our offices prior to opening for business to schedule a new business inspection.
37. Provide sprinkler plans and hydraulic plans from a licensed fire protection company.

38. If high-piled storage is proposed, separate applications and permits are required. Design may require additional doors, per 2016 California Fire Code Section 3206.6.1.1. It may alter the fire suppression system requirements.
39. 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 which meet all requirements of Title 24 California Code of Regulations, as applicable per Title 24 California Code of Regulations.

Engineering Division Conditions of Approval:

C. Engineering Division Conditions of Approval

C.1. General Conditions

Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/ reports prepared for the Project listed as follows:

- a) *L&C Eagle Properties (East Side of Chrisman Road) Downstream Storm Drain Capacity Analysis* prepared by Storm Water Consulting, Inc., dated June 26, 2019 and any subsequent updates. (“**Storm Drainage Analysis**”)

C.2. Grading Permit

Developer shall provide all relevant 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. Grading and Drainage Plans prepared on a 24” x 36” size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.
- C.2.2. 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.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
 - a. After completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
 - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.

- c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.

- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, and elevation of the highest observed groundwater level.

- C.2.5. Provide documentation or letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) stating that this Project meets their requirements related to dust control and a copy of the approved Air Impact Assessment /ISR from SJVAPCD.

- C.2.6. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site and off-site storm drainage.

- C.2.7. Construction Easements or agreements with the owners of the adjacent properties shall be obtained prior to the start of any construction encroaching onto the adjacent properties.

- C.3. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant 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. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. 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.

 - C.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

 - C.3.3. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

 - C.3.4. If required, signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC. The

Developer's obligations in the DIA shall be deemed to be satisfied upon the release of the Improvement Security.

C.3.5. Check payment 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.3.6. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4. Improvement Plans:

Improvement Plans shall contain the design, construction details and specifications of all improvements necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, City Design Standards, Standard Plans and Specifications, these Conditions of Approval, and the following requirements:

C.4.1. The Improvement Plans, including the Grading and Drainage Plans, shall be prepared in accordance with the City's Subdivision Ordinance and Design Standards. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- 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.
- b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
- c. Three (3) copies of the Project's Geotechnical /Soils Report, prepared or signed and stamped by a Geotechnical Engineer.
- d. The Project's on-site drainage connections to City's storm drainage system and on-site storm water treatment as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.

C.4.2. Grading and Drainage Plans

Site Grading

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used.

- b. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- c. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced concrete or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. Structural calculations shall be submitted with the Grading and Storm Drainage Plans.
- d. The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s) for grading beyond the property boundaries. If required, slope easement must be recorded prior to the issuance of the final building certificate of occupancy.

Storm Drainage

- e. The Developer shall design and install storm drain lines and connection to the existing 24" storm drain pipe that extends north along the east side of the subject property. The point of connection to the 24" storm drain pipe will be at one of three potential locations. 1) near the site's northeast corner, 2) just south of the site's southeast corner, or 3) at Grant Line Road to the north of the site's northeast corner, per the Stormwater Analysis and City Regulations.
- f. The Developer shall dedicate drainage and maintenance access easements as required by the City. Easement shall include retention basins, (future) stormwater treatment basins, and ultimate storm drain connection to public storm drain system.
- g. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

Temporary Drainage System – Onsite Retention Basin(s)

- h. If Detention Basin NEI and other downstream storm drain facilities per the Storm Drainage Master Plan are not in service when the project is constructed, then the Developer may construct as interim onsite (or off-site) Temporary Retention Basin. The Temporary Retention Basin shall be designed in accordance with City Regulations and Standards. The Temporary Retention Basin shall be designed to retain storm water run-off from the Project resulting from 200% of the 10-year, 48-hour storm event in compliance with Sections 5.06 and 5.07 of City of Tracy Design Standards.

- i. The Developer shall provide a geotechnical investigation with respect to the Temporary Retention Basin(s) that validates percolation rates for the subsurface soils at and below the bottom of the basin are acceptable.
- j. Developer shall be responsible for maintenance of Temporary Retention Basin(s) until the downstream drainage facilities are installed and accepted by the City. The Developer shall sign an improvement agreement (Deferred Improvement Agreement), to ensure maintenance of the basin during the interim, (prior to connection to the permanent public storm drain system), and to ensure restoration of the basin area to existing condition once it is no longer requires, and making connection to permanent NEI storm drainage system. The scope of improvements and security required with the Deferred Improvement Agreement will be determined during the improvement plan review.
- k. Excavated materials shall be kept within the basin site. If the excavated materials are removed from the basin site, the Developer shall post cash security or equivalent for the cost of import backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. If excavated materials are retained on-site, the stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1.
- l. A metal fence and access gate shall be installed by the Subdivider to enclose the basin site.
- m. The bottom of the temporary on-site storm drainage retention basin(s) shall be 5 feet above the observed highest groundwater elevation at the basin site, or as approved by the City Engineer. The Geotechnical Report shall also indicate the observed highest groundwater elevation at the basin site.
- n. The Developer shall record a temporary storm drainage easement to grant rights to the City to access the temporary storm drainage retention basin(s) for any necessary emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall include a sunset clause that the easement will automatically be terminated at such time as the above-referenced permanent storm drainage improvements are completed.

Stormwater Treatment:

- o. No storm water treatment is required for the interim condition with Temporary Retention Basin(s). However, the Permanent Drainage System when the SDMP Storm Drain Line is connected to master plan facilities (build-out condition), shall meet City Regulations and shall comply with the applicable requirements of the *Multi-Agency Post-Construction Stormwater Standards Manual* and storm water regulations that were adopted by the City Council in July 2015 and any subsequent amendments. Developer shall complete design and construction of the modifications needed to the Off-site Temporary Retention Basin(s) to provide required treatment capacity within the basins when connection to master plan facilities is made per the Deferred Improvement Agreement. Alternatively, the Site Plan shall be revised to incorporate on-site treatment facilities if the off-site

temporary retention basin will not be available to serve this Project for treatment.

- p. Prior to the issuance of the building certificate of occupancy, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.3. Sanitary Sewer

- a. The Developer shall design and construct all on-site sewer improvements in accordance with the City's Design Standards and Standard Specifications. The Developer shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection to the existing 12" sewer line in Chrisman Road.
- b. The Developer is responsible for the cost of installing the Project's sanitary sewer connection, including 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 sanitary sewer connection.
- c. The City's responsibility to maintain sewer lateral is from the onsite sewer manhole or sewer cleanout at the right-of-way line/property line to the point of connection with the sewer main.
- d. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2019, the City had an unused capacity of approximately 153 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.4. Water System

- a. At the time of submittal of Improvement Plans / Grading Plans for the Project, the Developer shall submit water demand calculation and design documents to demonstrate adequate water and pressure for domestic and fire demands. The Developer shall pay for the cost of review and preparation of Technical Memorandum by City's consultant. The Developer shall comply with the recommendations of the Technical Memorandum.
- b. 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 City of Tracy Fire Code Official.

- c. 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 offsite water mains and connections.
- d. Domestic and Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read 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 final inspection of the building. The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- e. 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.
- f. 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 City's Fire Code Official and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Code Official and Chief Building Official, 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.

C.4.5. Chrisman Road

Chrisman Road is classified as a 6-lane parkway in the Tracy Transportation Master Plan (TMP). North of Paradise Road, the existing portion of Chrisman Rd between Grant Line Road and Paradise Road, adjacent to the project has been constructed approximately on the eastern half of the future roadway and the widened curb returns at the intersections. The roadway will be widened toward the project site.

- a. The Developer shall remove and replace the attached sidewalk along the frontage of the Project site per City of Tracy Standards to the satisfaction of the City Engineer.
- b. The roadway improvements to be constructed with this Project shall include, but are not limited to, concrete curb, gutter and sidewalk, accessible ramps, asphalt concrete pavement, signing and striping, storm drains, catch basins, fire hydrants, LED street lights, landscape with automatic irrigation system and other improvements as determined by the City Engineer.
- c. Currently, the intersection of Chrisman Road and Paradise Road is all-way stop-controlled. In the TMP, Chrisman Road is classified as an expressway, and Paradise Road is classified as an industrial collector. The intersection will require future signalization as the Northeast Industrial (NEI) area develops and the planned street improvements are implemented. The signalization of this intersection is not included in the NEI or Master Plan fee programs. Therefore, a fair share payment is needed to fund signalization.
 - (i) Developer shall pay fair share cost of \$12,720.00 for this future traffic signal prior to issuance of the grading permit for the Project.

C.4.6. Project Driveways:

The Developer shall install two driveways to serve the site from Chrisman Road. Project driveways shall be designed for STAA truck access and provide adequate safe sight distances.

- a. Proposed northerly driveway on Chrisman Road shall function as a shared driveway in the future, when Silva parcel to north develops. Reserve mutual ingress/egress easement or access easement for future access for Silva parcel. (Due to proximity of Chrisman Rd/Grant Line Rd intersection, no other driveway on Chrisman Rd will be allowed for future development on Silva parcel).

C.4.7. 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. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California. The Traffic Control Plan shall be to the satisfaction of the City Engineer.

C.4.8. Joint Utility Trench Plans:

The Developer shall submit Joint Utility Trench plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the PUE.

- a. The Developer shall submit Joint Trench Utility improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project. These utilities shall be installed within the 10-foot wide Public Utility Easement (PUE) that will be offered for dedication to the City.
- b. The Developer will be required to pay \$_____ for 50% of the cost of undergrounding overhead utilities located along the west side of Chrisman Road into an underground facility (In-Lieu Fee). Staff to research if any credits for previously completed (by others) undergrounding on the east side of Chrisman Road will be applicable to this Project. The limits of the undergrounding work, for the purpose of determining the In-Lieu Fee, shall be the length of the Project's frontage on Chrisman Road. The In-Lieu Fee shall be paid by the Developer at the time of issuance of the Building Permit.

C.4.9. Street Cut(s):

When street cuts are made for installation of utilities, the Developer is required to install 2-inch thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2-inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. The limits of the 2-inch asphalt concrete overlay shall conform to Section 3.14 of the 2008 Design Standards.

C.4.10. Street Repairs:

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 along Chrisman Road, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.5. 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.5.1. Payment of the Development Impact Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater Treatment, Public Safety, Public Facilities, and Parks per the Master Plan.
- C.5.2. Storm Drainage and wastewater conveyance fee applicable for the project shall be in accordance with the Fee Analysis and AB 1600 Report.
- C.5.3. Payment of San Joaquin County Facilities Fees as required in Chapter 13.24 of the Tracy Municipal Code, and these Conditions of Approval.

C.5.4. Payment of the Regional Traffic Impact Fees (RTIF) as required in Chapter 13.32 of the Tracy Municipal Code and these Conditions of Approval.

C.5.5. Submit a signed and notarized Grant of Easement for the dedication of the storm water maintenance easement and associated improvements.

C.6. Acceptance of Public Improvements:

Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

C.6.2. 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.6.3. Planting materials dedicated to the City conform to the 90 day "Maintenance and Plant Establishment" period in accordance with paragraph 308.07 of the City's Standard Specifications.

C.7. Temporary or Final Building Certificate of Occupancy:

No Temporary or Final Building Certificate of Occupancy will be issued by the City until the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6, above.

C.7.2. Prior to issuance of the Certificate of Occupancy for the project, the Developer shall grant access rights to the City for the use, operation, repair, and maintenance of traffic detecting loops, wires, conduits, and pull boxes that will be located within the Property. The Developer shall submit a signed and notarized Grant of Easement and provide legal description and plat map that describes the easement area. The Developer shall pay for the cost of dedicating easement and preparing the legal description and plat map.

C.7.3. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. 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, and contingency).

C.8. Improvement Security:

The Developer shall provide improvement security for all public facilities, as required by the OIA, DIA, and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC and the Development Agreement. The amount of improvement security shall be as follows:

C.8.1. Faithful Performance (100% of estimated cost of constructing the public facilities),

C.8.2. Labor & Materials (100% of estimated cost of constructing the public facilities), and

C.8.3. Warranty (10% of estimated cost of constructing the public facilities)

C.9. Release of Improvement Security:

Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

C.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section 12.36.080 of the TMC.

C.9.2. Written request from Developer and a copy of recorded Notice of Completion

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.10.2. 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.10.3. If tile drain system (irrigation system installed decades ago by farmers or irrigation districts) exists within the Project that also runs to the adjacent properties, the Developer shall coordinate with the owners of the neighboring properties for the relocation of affected tile drains, installation of interceptors and reconnecting to the outfall system. The Developer is fully responsible for any damage, repair and maintenance from the Project's activities including but not limited to all type of construction, the weight of the building and vehicular movements to existing tile drain system within the Project. The Developer shall

indemnify, defend, and hold harmless the City (including its elected officials, officers, agents, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from or arising out of merely the existence of the tile drain system and interceptors or from damaged or undamaged existing underground tile drain system issues by Developer or Developer's agents, representatives, contractors, subcontractors, or employees, adjacent property owner or adjacent property owner's agents, representatives, contractors, subcontractors, or employees.

- C.10.4. 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. 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. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).
- C.10.5. 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 Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, 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.