# COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR PUBLIC HEARING MEETING AGENDA

Monday, August 12, 2024, 1:00 P.M.

Tracy City Hall, Conference Room 203, 333 Civic Center Plaza, Tracy

# THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).

During the upcoming Director Public Hearing meeting, public comment will be accepted via the options listed below. All interested persons are invited to participate by:

- joining the meeting via Microsoft Teams by:
  - viewing the Public Hearing Login information at https://www.cityoftracy.org/government/public-notices; or
  - visiting the Microsoft Teams website at <a href="https://www.microsoft.com/microsoft-teams/join-a-meeting">https://www.microsoft.com/microsoft-teams/join-a-meeting</a> and using the following Meeting ID: 297 787 574 756 and Passcode: 6uWXoT; or
  - calling the Microsoft Teams teleconference line at (209) 425-4338 Conference
     ID: 626 184 995# to submit statements orally during the meeting; or
- submitting comments in writing before the meeting by sending written statements to publiccomment@cityoftracy.org.

#### MEETING AGENDA

#### CALL TO ORDER

1. PUBLIC HEARING TO CONSIDER (1) APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT AN HOA RECREATIONAL FACILITY WITHIN TRACY HILLS PHASE 2A LOCATED AT THE NORTHWEST CORNER OF SIERRA VIEW DRIVE AND WHITE HART AVENUE AND (2) DETERMINING THAT THE PROJECT IS CONSISTENT WITH THE TRACY HILLS SPECIFIC PLAN FOR WHICH AN ENVIRONMENTAL IMPACT REPORT WAS CERTIFIED BY THE CITY COUNCIL ON APRIL 5TH 2016 AND THAT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15168(c)(2), NO FURTHER ENVIRONMENTAL ASSESSMENT IS REQUIRED. THE APPLICANT IS JOHN PALMER AND THE PROPERTY OWNER IS LENNAR HOMES OF CALIFORNIA. INC. APPLICATION NUMBER D23-0009.

**ADJOURNMENT** 

Posted: August 8, 2024

# DIRECTOR PUBLIC HEARING AGENDA ITEM 1

#### REQUEST

PUBLIC HEARING TO CONSIDER (1) APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT AN HOA RECREATIONAL FACILITY WITHIN TRACY HILLS PHASE 2A LOCATED AT THE NORTHWEST CORNER OF SIERRA VIEW DRIVE AND WHITE HART AVENUE, AND (2) DETERMINING THAT THE PROJECT IS CONSISTENT WITH THE TRACY HILLS SPECIFIC PLAN FOR WHICH AN ENVIRONMENTAL IMPACT REPORT WAS CERTIFIED BY THE CITY COUNCIL ON APRIL 5<sup>TH</sup> 2016 AND THAT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15168(c)(2), NO FURTHER ENVIRONMENTAL ASSESSMENT IS REQUIRED. THE APPLICANT IS JOHN PALMER AND THE PROPERTY OWNER IS LENNAR HOMES OF CALIFORNIA, INC. APPLICATION NUMBER D23-0009.

# **DISCUSSION**

On October 19, 2021, the City Council approved the Tracy Hills Phase 2 project, which included a General Plan Amendment, Tracy Hills Specific Plan Amendment, and Vesting Tentative Subdivision Map to create 1,470 single-family lots and various other parcels, including multiple public parks, and a parcel for an HOA recreational facility, located south of I-580 and west of Corral Hollow Road.

This agenda item involves a public hearing to consider approving a Development Review Permit to construct the HOA recreational facility within Tracy Hills Phase 2A located at the northwest corner of Sierra View Drive and White Hart Avenue (Attachment A – Project Plans).

The proposed HOA recreational facility includes a swimming pool with dimensions of 75 feet in length and 45 feet in width, outdoor seating areas and shade structures, a jumbotron LED screen, a 5,119 square foot community building, event lawn area, pickle ball courts, landscaping, and parking area. The perimeter of the facility would include a combination of tubular steel fencing and decorative masonry wall. The pickle ball courts would be enclosed by a chain link fence equipped with sound dampening panels. The facility would be gated for access by HOA members only.

The project is consistent with the Tracy Hills Specific Plan. The building architecture includes an attractive design with a modern farmhouse aesthetic, including a high-pitch gable roof and a mix of vertical and horizontal siding, as well as brick veneer elements, that is compatible with the surrounding residential area and has a similar design theme as the Tracy Hills Welcome Center and the Hillview HOA pool facility.

#### **Environmental Document**

The project is consistent with the Tracy Hills Specific Plan, for which an Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016. In accordance

Director Public Hearing Agenda Item 1 August 12, 2024 Page 2

with California Environmental Quality Act (CEQA) Guidelines Sections 15168(c)(2), no further environmental assessment is required.

# **RECOMMENDATION**

Staff recommends that the Community and Economic Development Director (1) approve the Development Review Permit to construct an HOA recreational facility within Tracy Hills Phase 2A located at the northwest corner of Sierra View Drive and White Hart Avenue, based on the findings contained in the Director Determination (Attachment B – Director Determination), and (2) determine that the project is consistent with the Tracy Hills Specific Plan for which an Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 and that in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15168(c)(2), no further environmental assessment is required.

Prepared by Scott Claar, Acting Planning Manager

#### <u>ATTACHMENTS</u>

A: Project Plans

B: Director Determination

Exhibit 1 – Conditions of Approval







# PROJECT DESCRIPTION:

INSPIRED BY THE REGION'S AGRICULTURAL HERITAGE, THE TRACY HILLS RECREATION FACILITY FEATURES A MODERN FARMHOUSE AESTHETIC. IT IS A FRESH INTERPRETATION OF A CLASSIC STYLE, EXPRESSED THROUGH SIMPLISTIC AND UNDERSTATED FORMS. THE MODERN FARMHOUSE VERNACULAR INCORPORATES LAP SIDING, BOARD & BATTEN SIDING, BLACK CASEMENT WINDOWS, MODULAR BRICK, AND CLEAN DETAILS. CHARMING IN ITS SIMPLISTIC FORM, THE TRACY HILLS RECREATION CENTER PROVIDES AN INVITING SPACE FOR RESIDENTS TO GATHER.

LENNAR HOMES OF CALIFORNIA, INC 2603 CAMINO RAMON, SUITE 525 SAN RAMON, CALIFORNIA 94583 PHONE: 925.327.8350

# ARCHITECT:

WOODLEY ARCHITECTURAL GROUP 2943 PULLMAN STREET, SUITE A SANTA ANA, CALIFORNIA 92705 PHONE: 949.553.8919

# LANDSCAPE ARCHITECT:

SUMMERS/MURPHY & PARTNERS 34197 PACIFIC COAST HIGHWAY, SUITE 200 DANA POINT, CALIFORNIA 92629 PHONE: 949.443.1446

# **CIVIL ENGINEER:**

RUGGERI-JENSEN-AZAR 2541 WARREN DRIVE, SUITE 100 ROCKLIN, CALIFORNIA 95677 PHONE: 916.630.8900

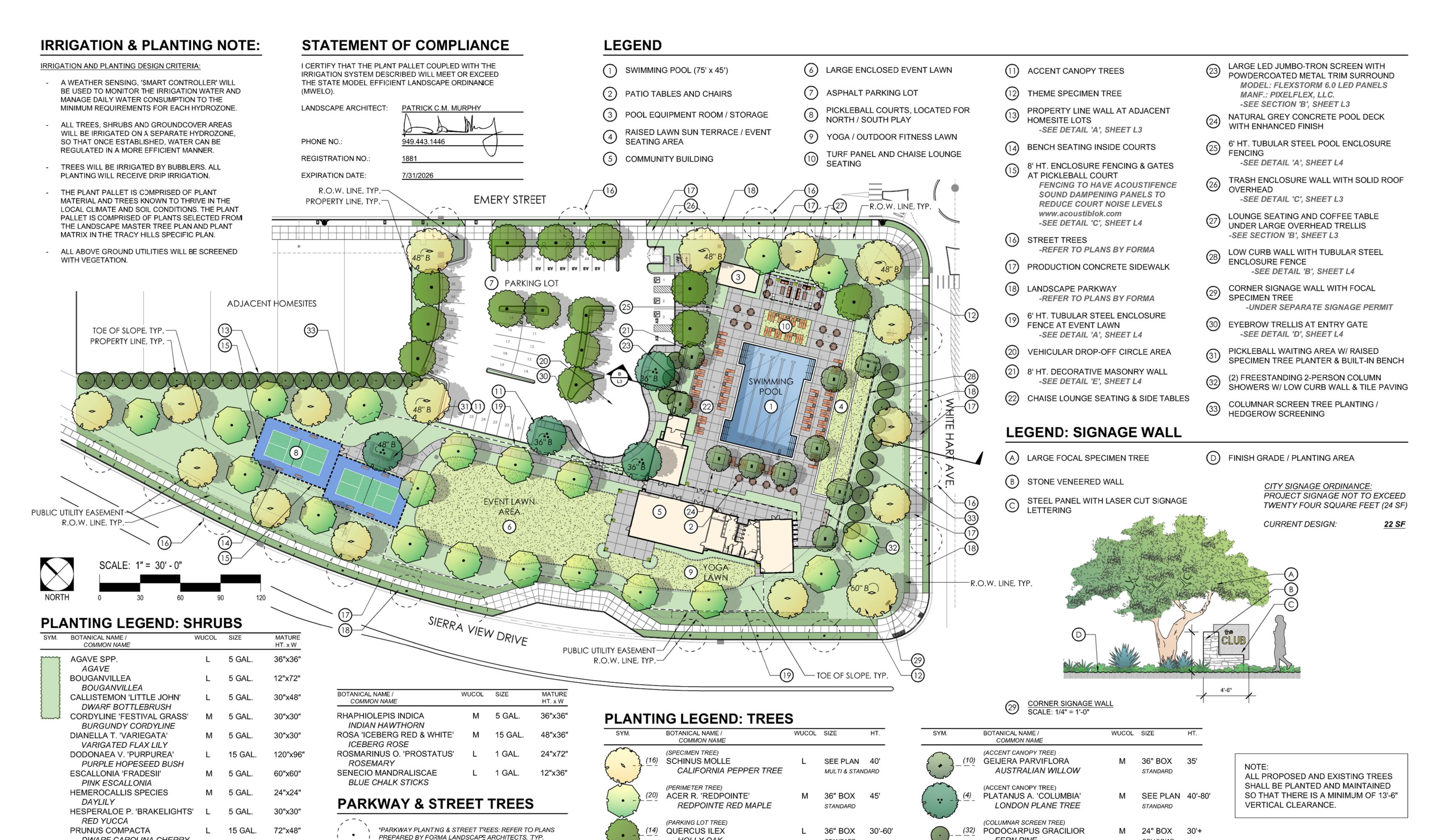
# SHEET INDEX:

- TITLE SHEET
- LANDSCAPE PLAN
- CONSTRUCTION LAYOUT
- DETAILS
- DETAILS
- FLOOR PLAN
- FRONT & REAR ELEVATIONS
- RIGHT & LEFT ELEVATIONS
- PARTIAL ELEVATIONS
- ROOF PLAN
- SECTIONS A & B
- SECTIONS C, D & E
- COLORS AND MATERIALS
- POOL EQUIPMENT BUILDING
- PRELIMINARY GRADING &
  - UTILITY PLAN









HOLLY OAK

TRACY HILLS PHASE 2 HOA RECREATION FACILITY

DWARF CAROLINA CHERRY

LANDSCAPE PLAN SHEET: L1



STANDARD

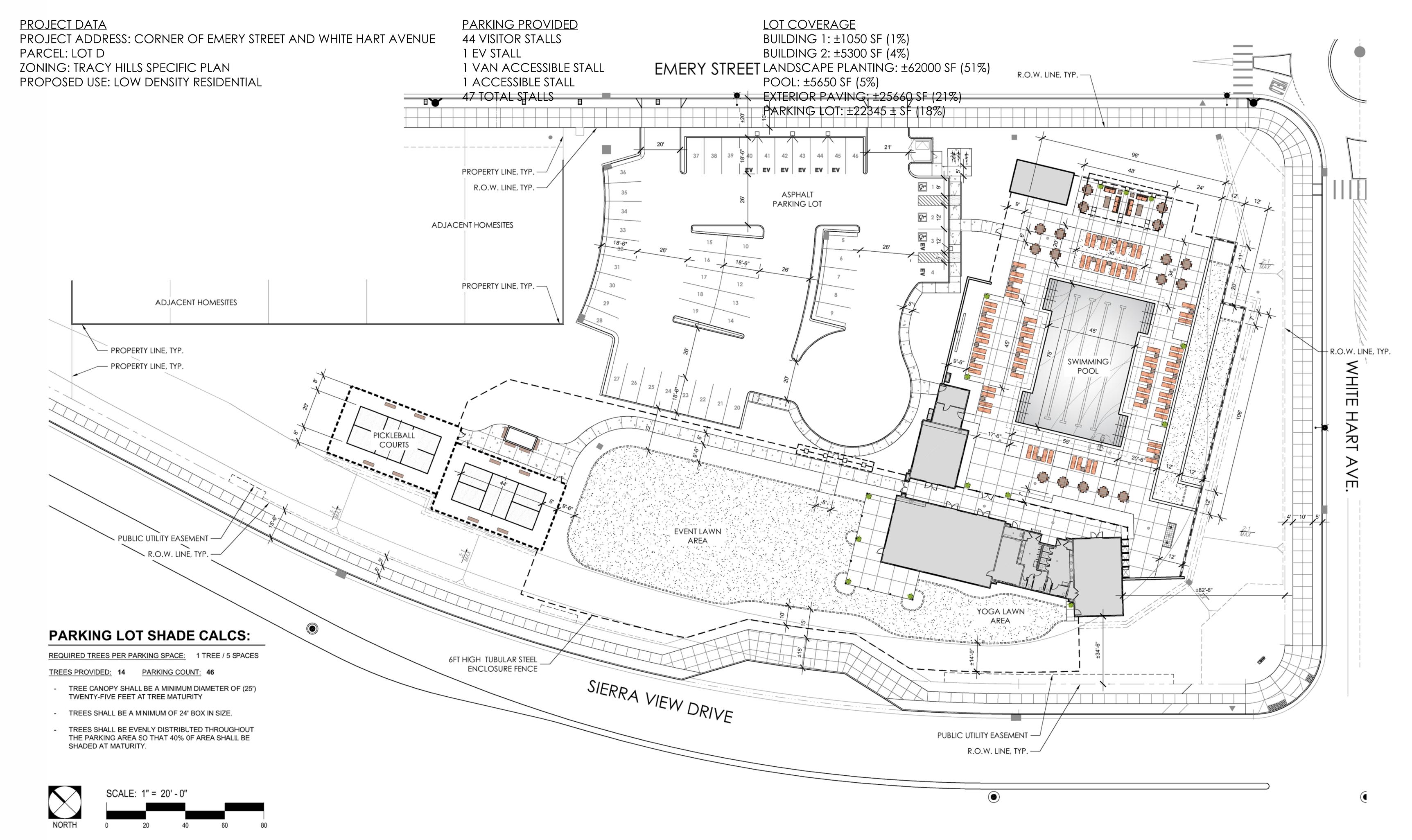


COLUMNAR

FERN PINE









SHEET: L2

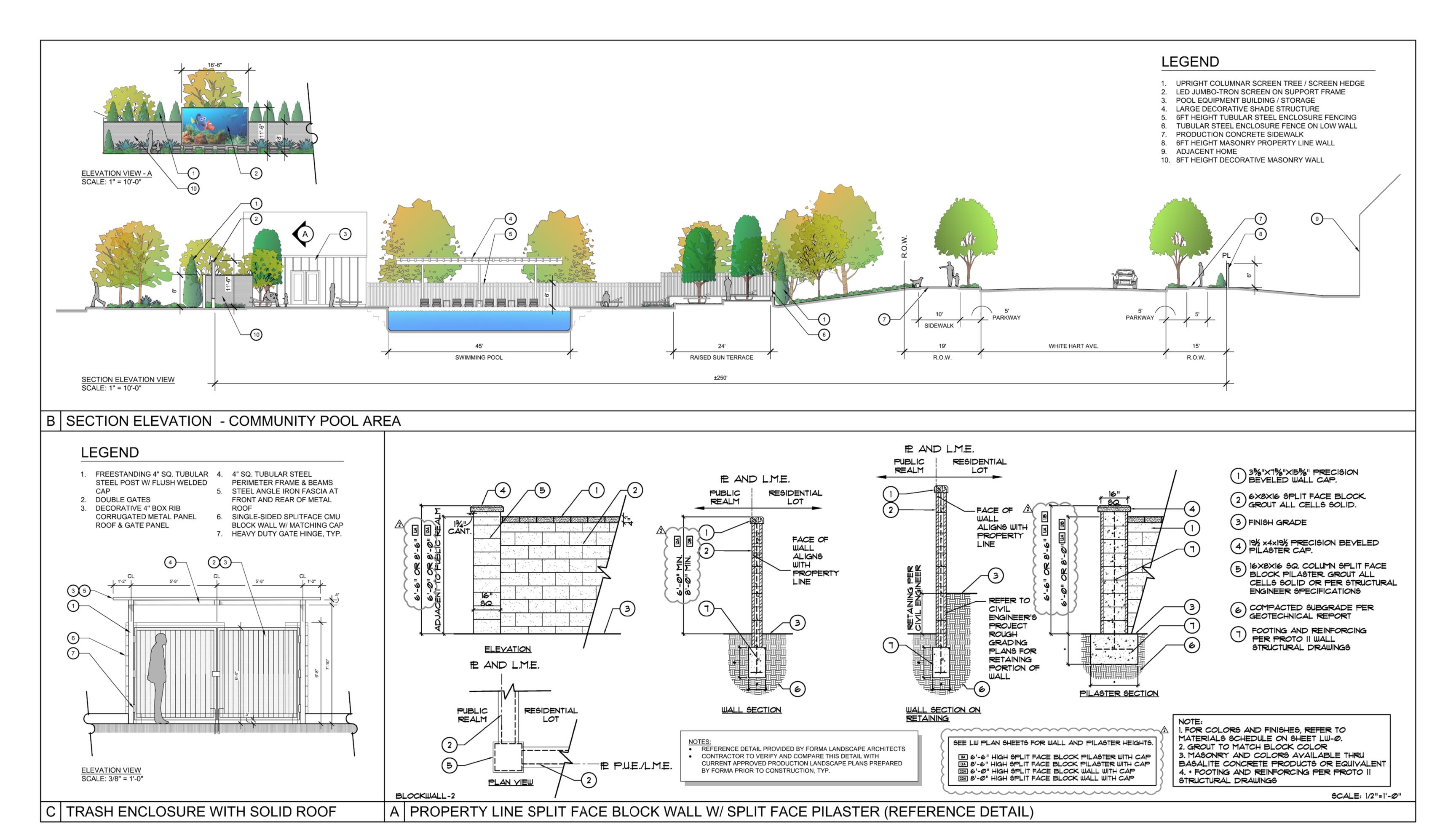








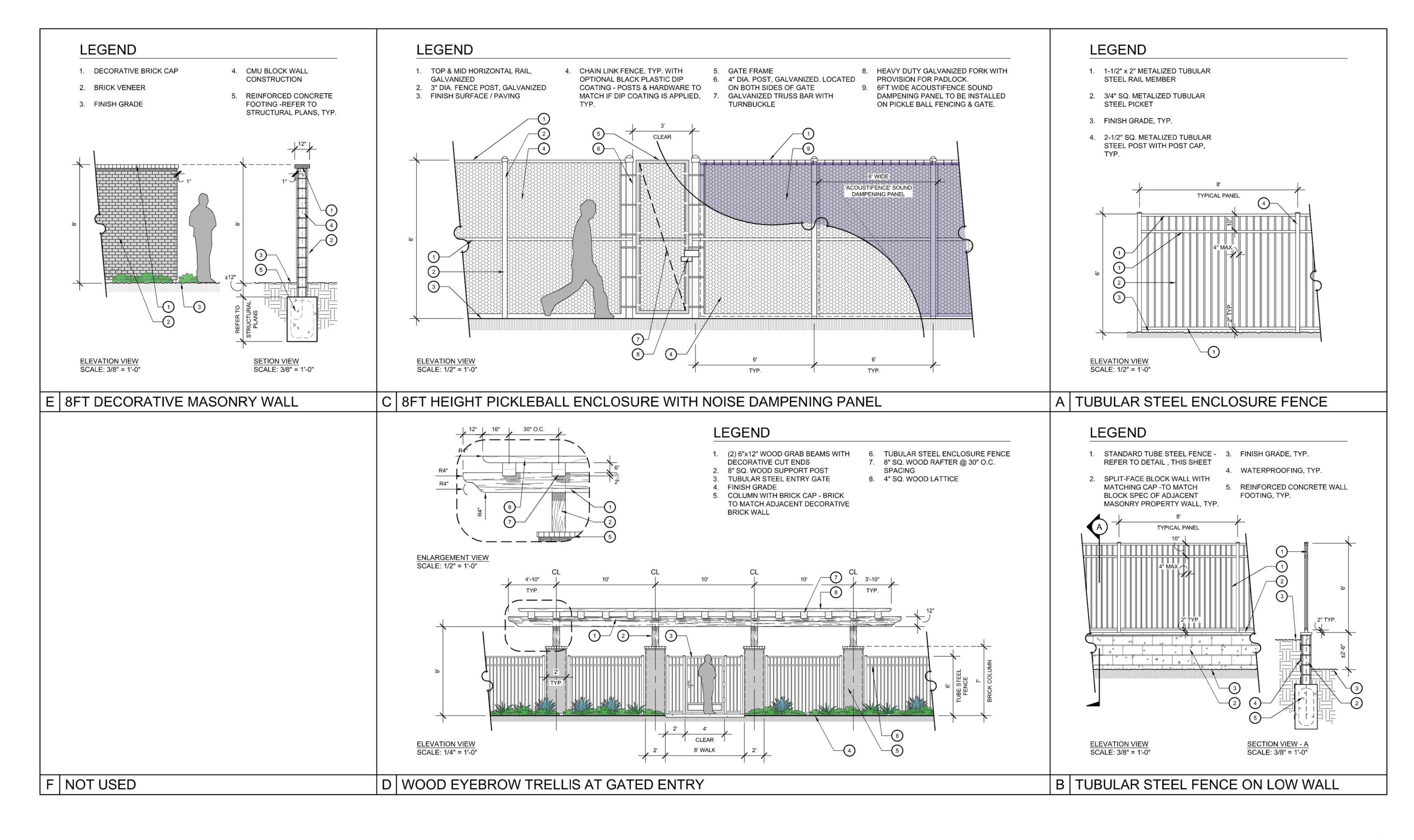










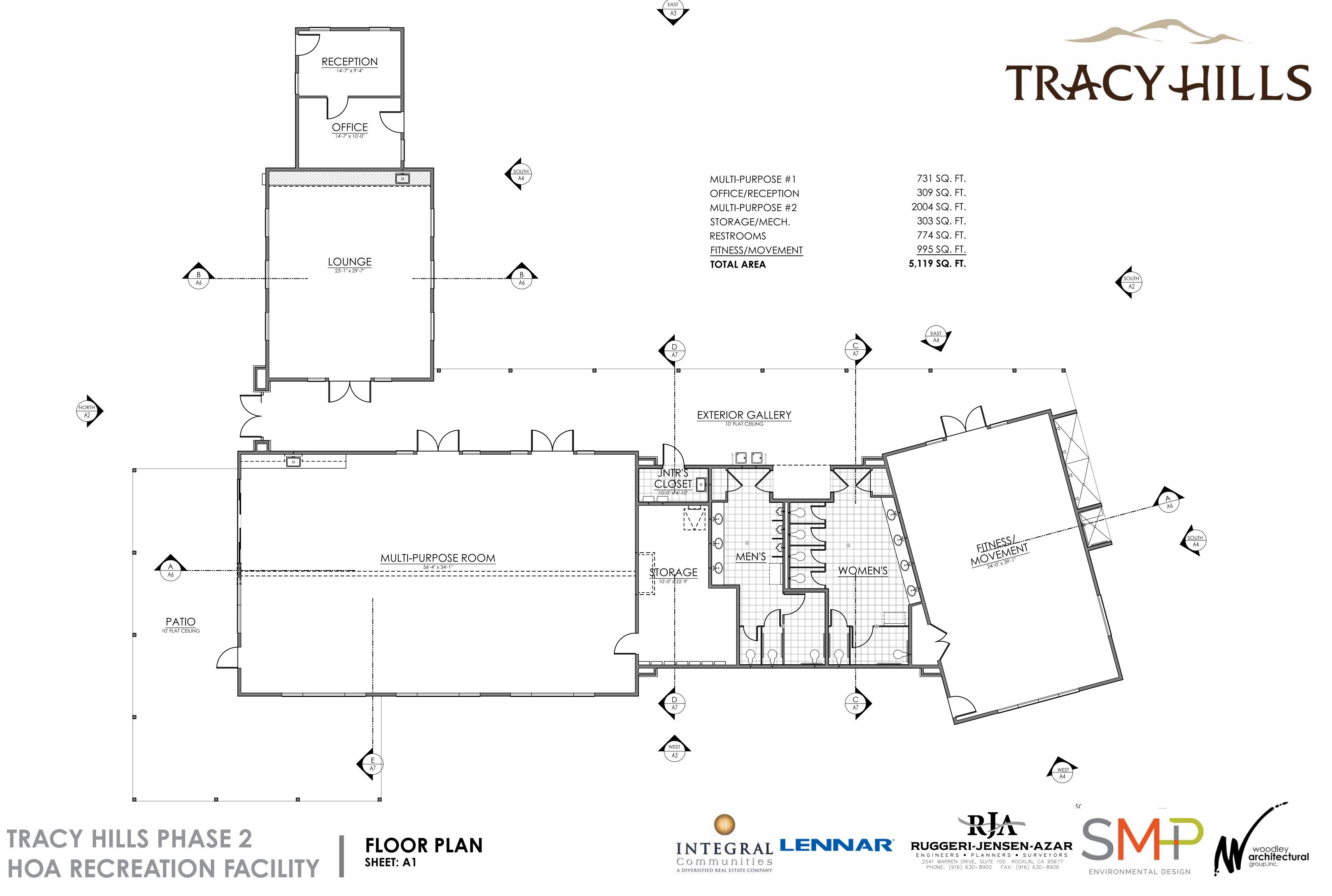












# TRACY41LLS



NORTH ELEVATION SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"











WEST ELEVATION SCALE: 3/16" = 1'-0"



EAST ELEVATION











PARTIAL EAST ELEVATION @ FITNESS/MOVEMENT

SCALE: 3/16" = 1'-0"



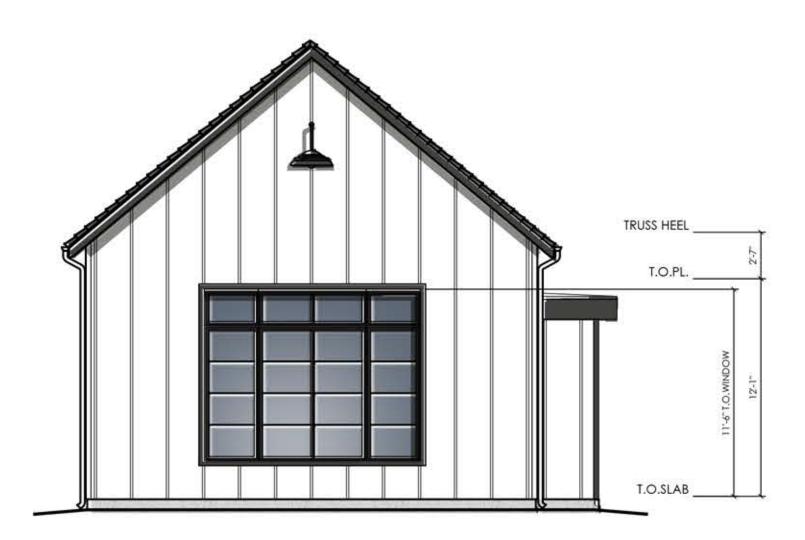
PARTIAL SOUTH ELEVATION @ MULTI-PURPOSE

SCALE: 3/16" = 1'-0"



PARTIAL SOUTH ELEVATION @ FITNESS/MOVEMENT

SCALE: 3/16" = 1'-0"



PARTIAL WEST ELEVATION @FITNESS/MOVEMENT

SCALE: 3/16" = 1'-0"



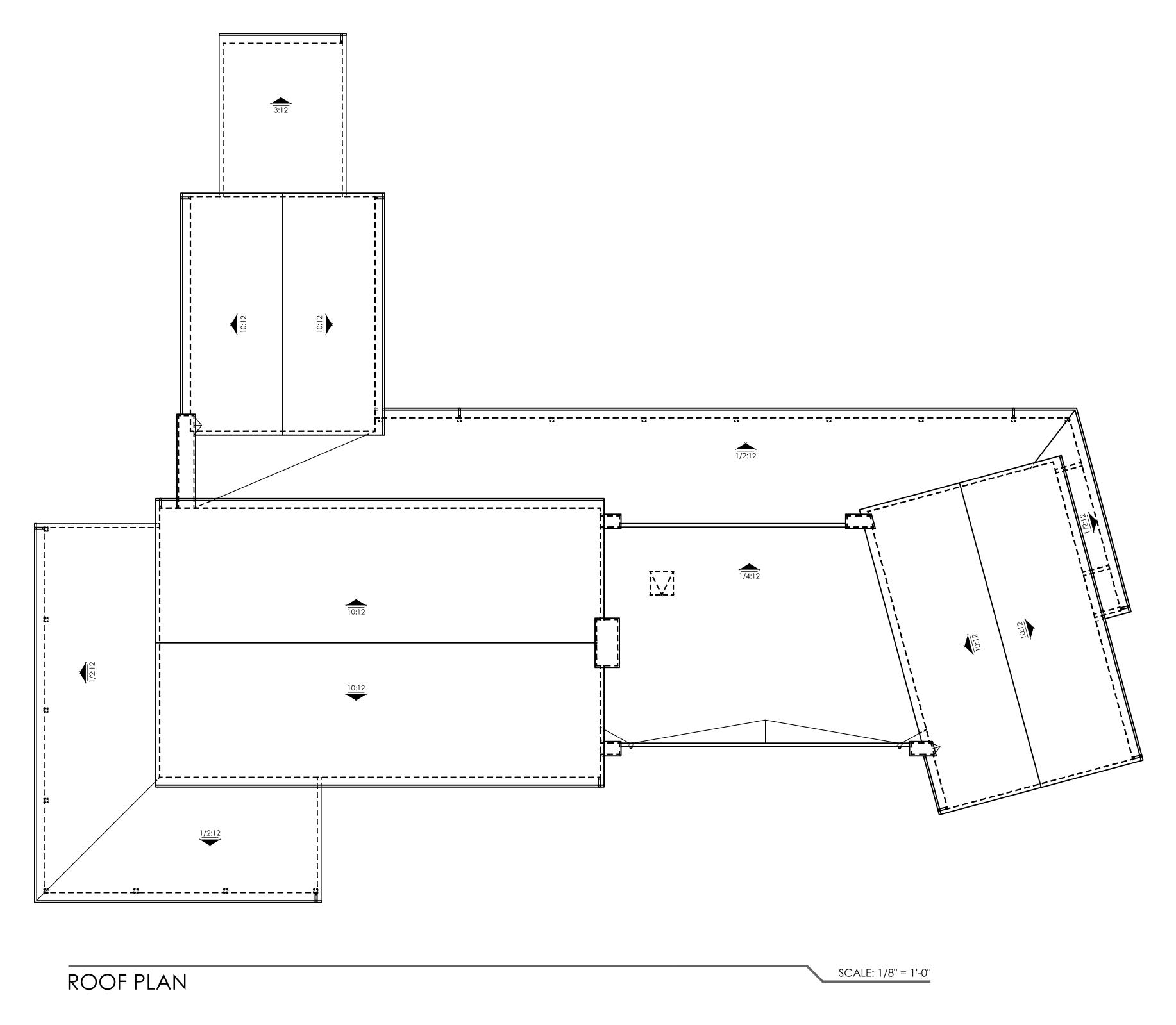




TRACY HILLS PHASE 2
HOA RECREATION FACILITY

PARTIAL ELEVATIONS
SHEET: A4



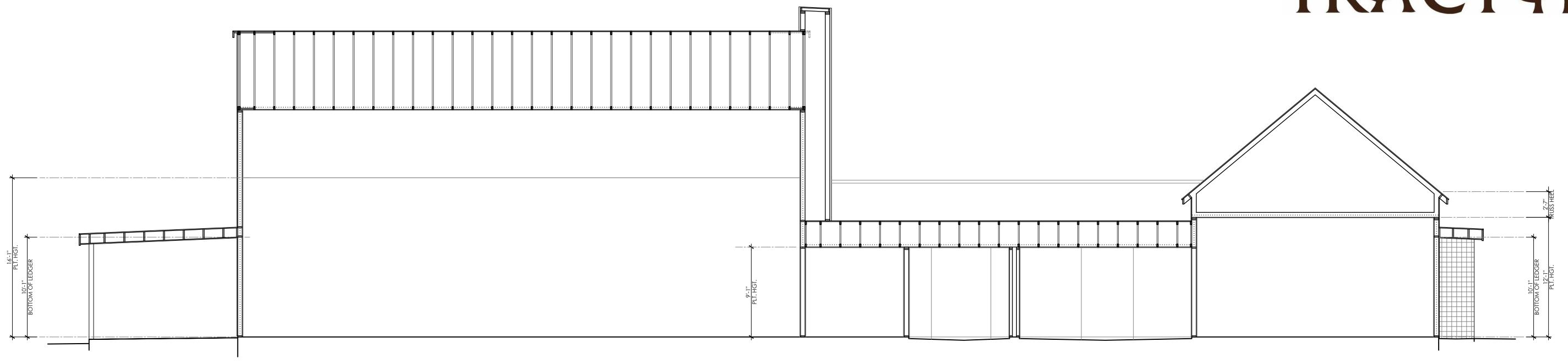




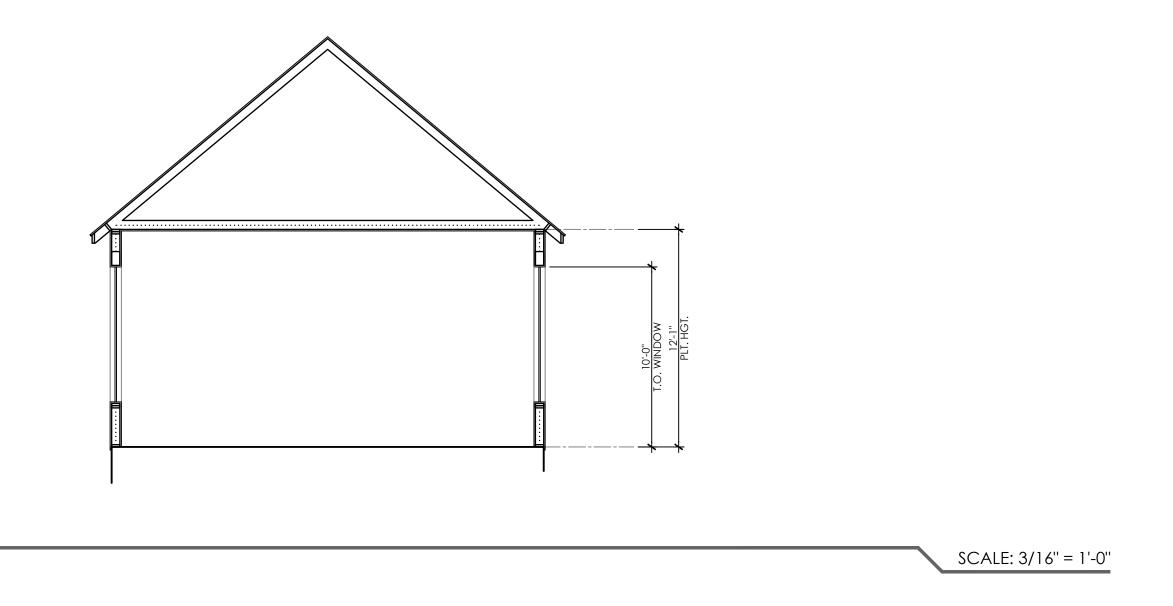








SECTION A SCALE: 3/16" = 1'-0"

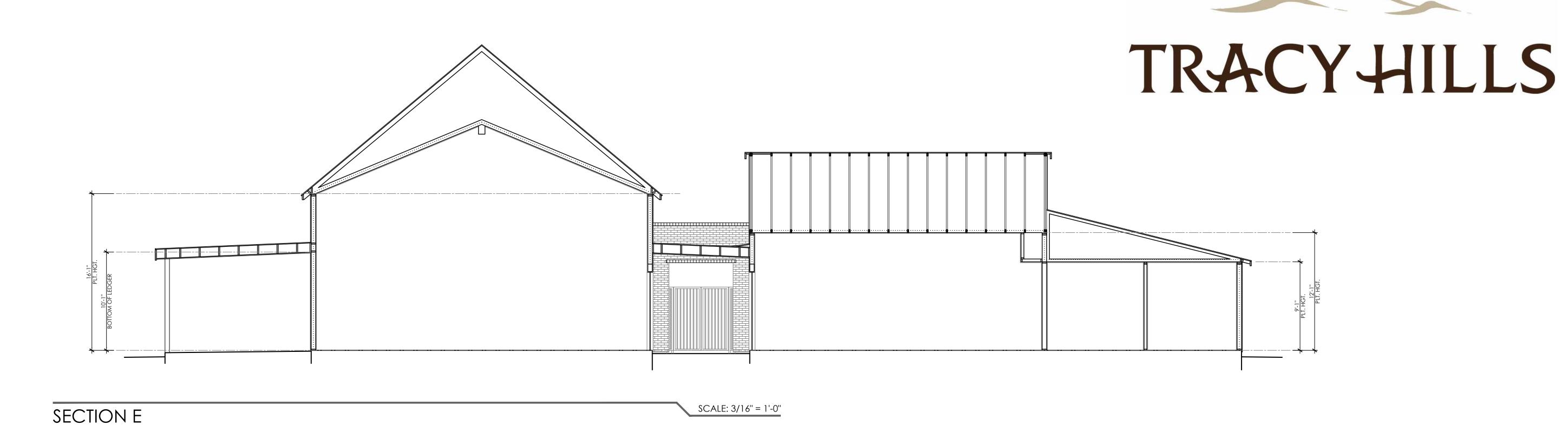


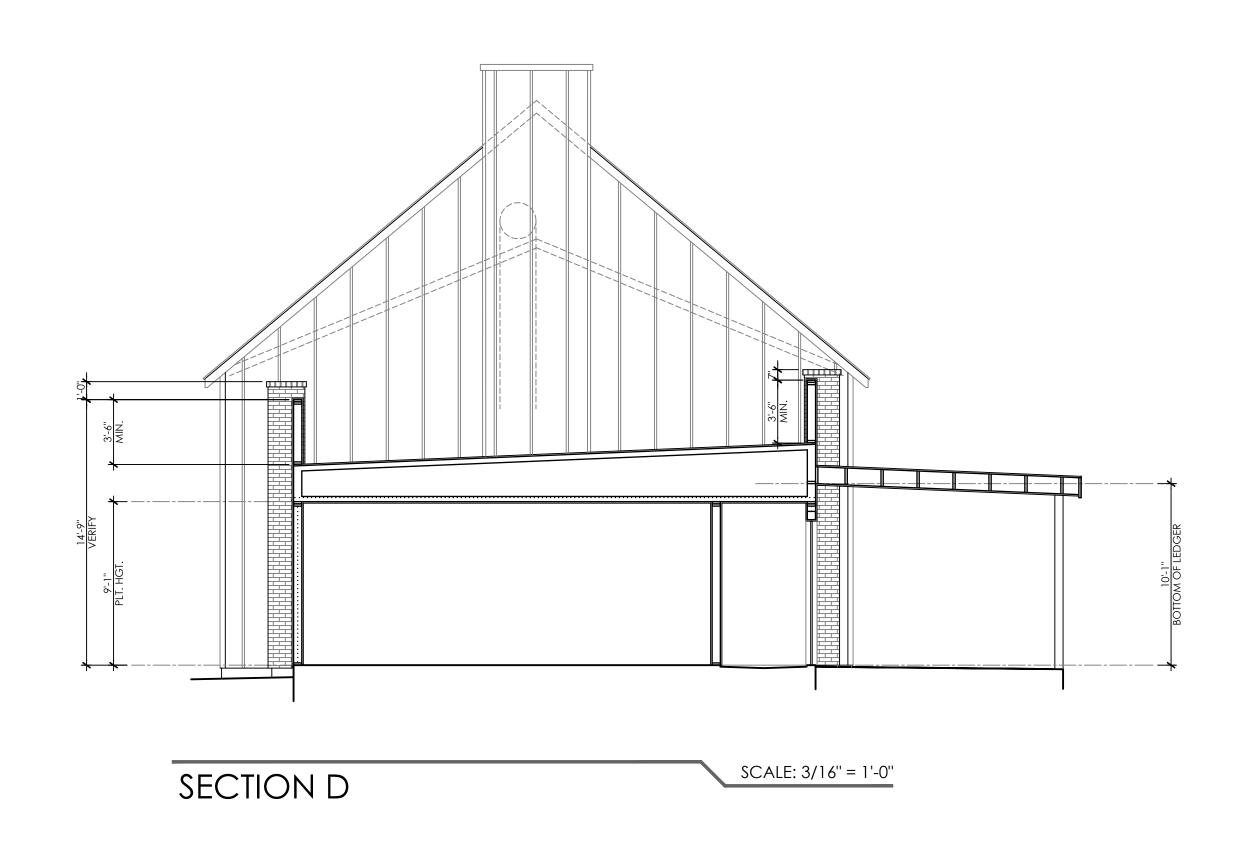


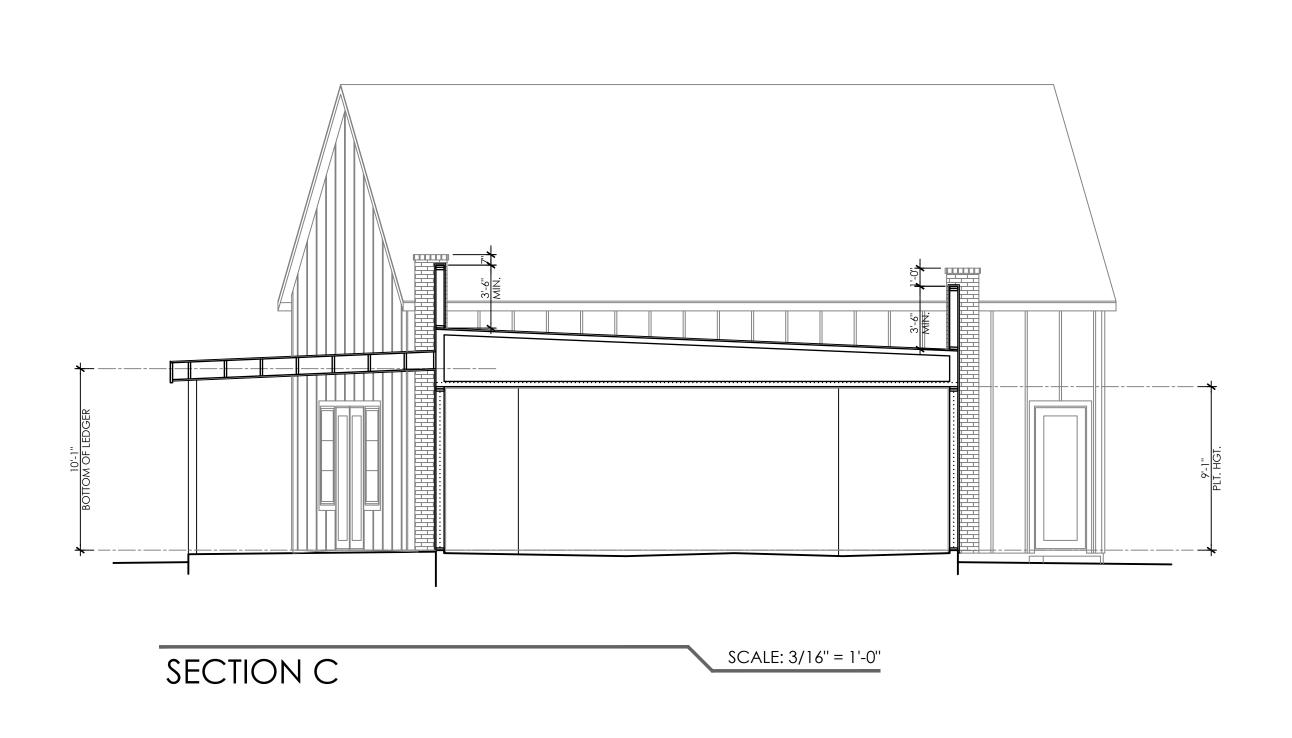




SECTION B



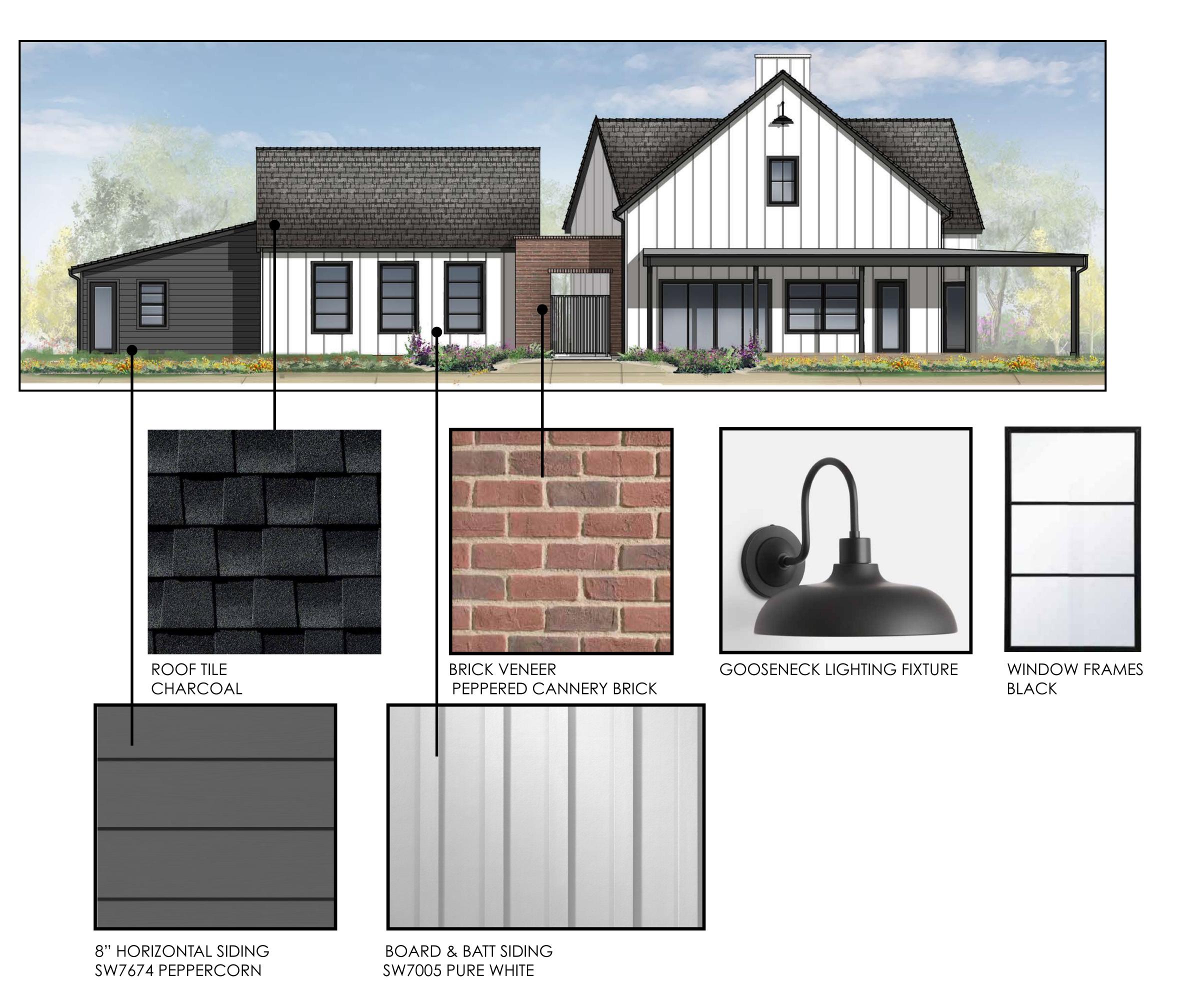














**ROOF- GAF** 

PAINT- SHERWIN WILLIAMS

MASONRY- CREATIVE MINES OR SIMILAR

ROOF:

TIMBERLINE HDZ CHARCOAL

BOARD & BATT:

SW7005 PURE WHITE

FASCIA & TRIM:

**HORIZONTAL SIDING:** 

SW7069 IRON ORE

SW7674 PEPPERCORN

DOORS:

SW7069 IRON ORE

**BRICK VENEER:** 

PEPPERED CANNERY BRICK





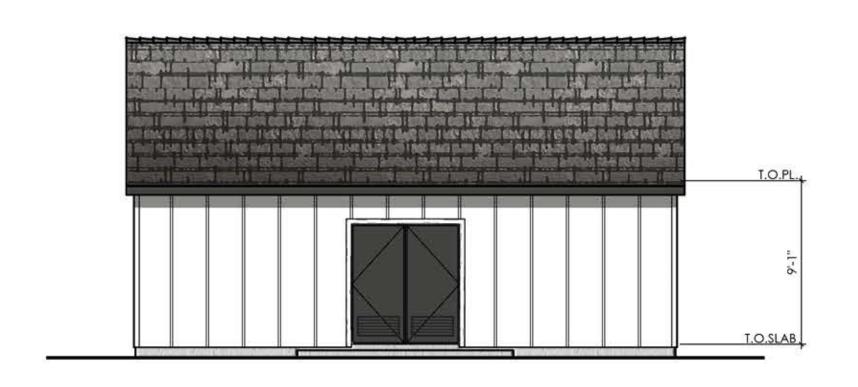


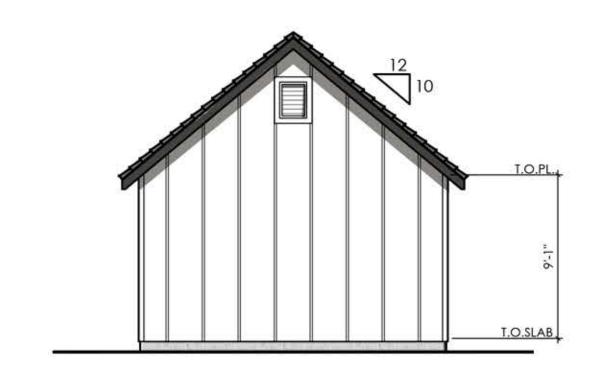


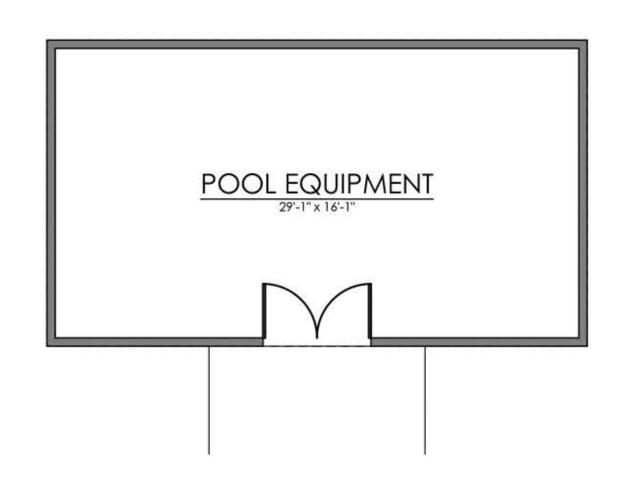




SCALE: 3/16" = 1'-0"



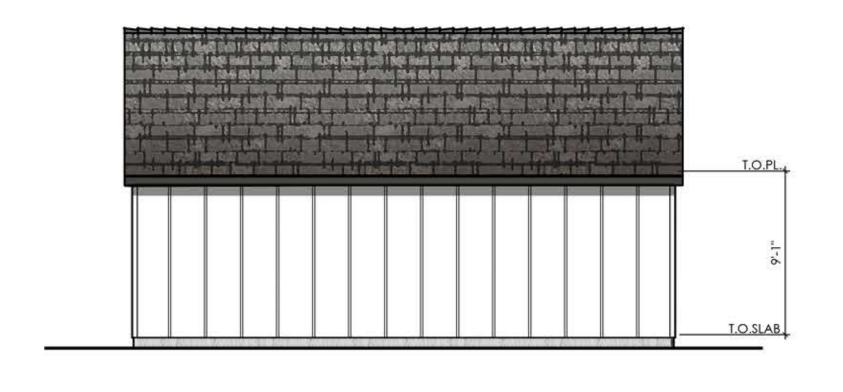


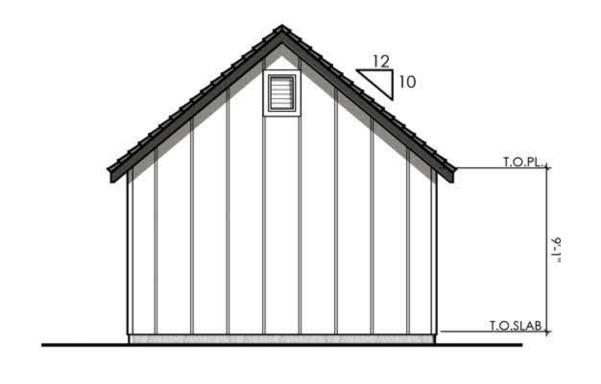


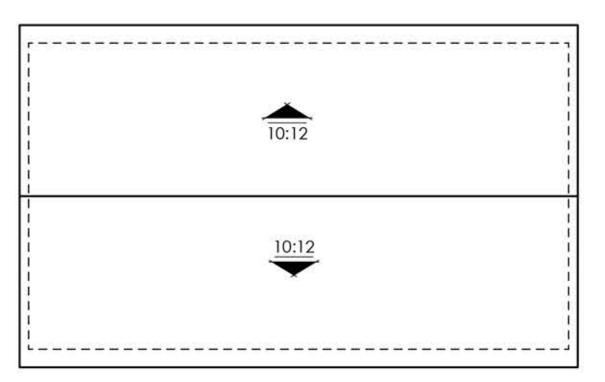
WEST ELEVATION SCALE: 3/16" = 1'-0"

SOUTH ELEVATION SCALE: 3/16" = 1'-0"

FLOOR PLAN







EAST ELEVATION SCALE: 3/16" = 1'-0"

NORTH ELEVATION SCALE: 3/16" = 1'-0"

**ROOF PLAN** 

SCALE: 3/16" = 1'-0"

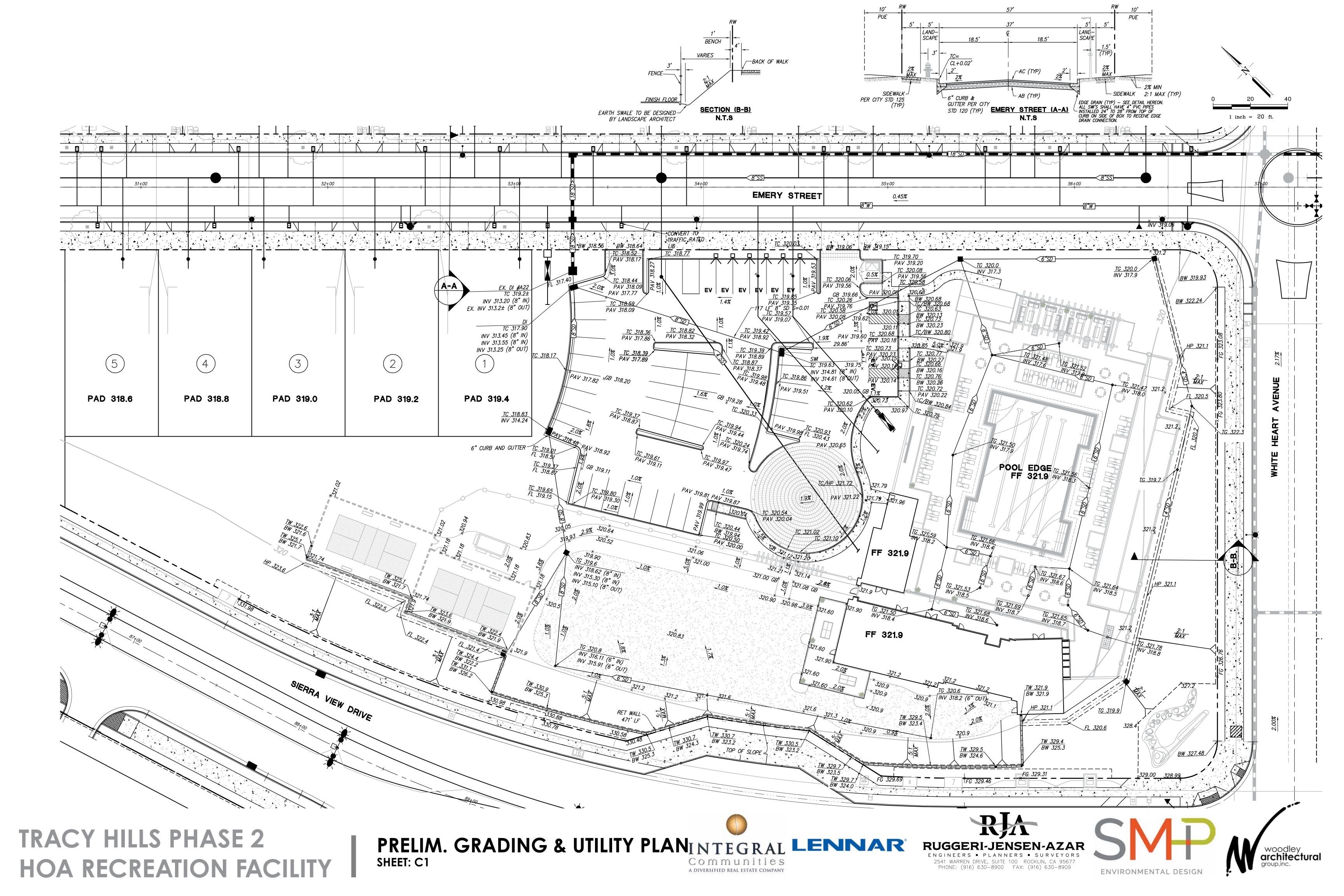












# CITY OF TRACY DETERMINATION OF THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

### Application Number D23-0009

A determination of the Community and Economic Development Director (1) approving a Development Review Permit to construct an HOA recreational facility within Tracy Hills Phase 2A located at the northwest corner of Sierra View Drive and White Hart Avenue (portion of Assessor's Parcel Number 251-060-27), Application Number D23-0009, and (2) determining that the project is consistent with the Tracy Hills Specific Plan for which an Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 and that in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15168(c)(2), no further environmental assessment is required. The applicant is John Palmer. The property owner is Lennar Homes of California, Inc.

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

- 1. Tracy Hills Specific Plan
- 2. Development Review (TMC Chapter 10.08, Article 30)
- 3. City of Tracy Design Goals and Standards

The Community and Economic Development Director has determined that the project is consistent with the Tracy Hills Specific Plan for which an Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016. In accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15168(c)(2), no further environmental assessment is required.

THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY APPROVES DEVELOPMENT REVIEW PERMIT APPLICATION NUMBER D23-0009, SUBJECT TO THE 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 building architecture includes an attractive design with a modern farmhouse aesthetic, including a high-pitch gable roof and a mix of vertical and horizontal siding, as well as brick veneer elements, that is compatible with the surrounding residential area and has a similar design theme as the Tracy Hills Welcome Center and the Hillview HOA pool facility.
- 2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the Tracy Hills Specific Plan, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable Infrastructure Master Plans, and other City regulations.

Forrest Ebbs	Date of Action	
Community and Economic Development Director		

# City of Tracy Development Review Permit Conditions of Approval

Tracy Hills Phase 2A HOA Recreational Facility
Located at the northwest corner of Sierra View Drive and White Hart Avenue
Application Number D23-0009
August 12, 2024

These Conditions of Approval shall apply to the Development Review Permit to construct an HOA recreational facility within Tracy Hills Phase 2A located at the northwest corner of Sierra View Drive and White Hart Avenue (portion of Assessor's Parcel Number 251-060-27), Application Number D23-0009 (hereinafter "Project"), proposed by John Palmer (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. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy, or any other person designated by the City Manager or the Community and Economic Development 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 Hills Specific 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).
- "Conditions of Approval" means these conditions of approval applicable to the Development Review Permit to construct an HOA recreational facility within Tracy Hills Phase 2A located at the northwest corner of Sierra View Drive and White Hart Avenue (portion of Assessor's Parcel Number 251-060-27), Application Number D23-0009.
- 7. "Property" means the subject property of the Development Review Permit to construct an HOA recreational facility within Tracy Hills Phase 2A located at the northwest

corner of Sierra View Drive and White Hart Avenue (portion of Assessor's Parcel Number 251-060-27), Application Number D23-0009.

# **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 Community and Economic Development Department on April 25, 2024, to the satisfaction of the Community and Economic Development Director.
- 5. Prior to the issuance of a building permit, the developer shall submit plans that demonstrate compliance with the current Title 24 California Code of Regulations at time of application, to the satisfaction of the Chief Building Official.
- 6. Prior to the issuance of a building permit, the developer shall submit plans that demonstrate compliance with the City's Water Efficient Landscape Ordinance, to the satisfaction of the City's Water Resources Division.

# C. <u>Engineering Division Conditions of Approval</u>

- C.1. Reserved
- C.2. Reserved

## C.3. Reserved

# C.4. <u>Grading Permit</u>

All grading work (on-site and off-site) shall 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.

Prior to the release of the Grading Permit for the Project, Developer shall provide 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.4.1 Developer has completed all conditions set forth in this section.
- C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, construction, etc.) of all other public agencies and/or private entities with jurisdiction or interest over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.
- C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.
- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. 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.4.5 On-site Grading Plan shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF. These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by the Project's Registered Civil Engineer of Record and the Project's Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Grading Plan 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.4.6 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.4.7 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (<a href="mailto:stephanie.hiestand@cityoftracy.org">stephanie.hiestand@cityoftracy.org</a>) 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. 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 (<a href="mailto:stephanie.hiestand@cityoftracy.org">stephanie.hiestand@cityoftracy.org</a>) 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. 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.4.8 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by the Project's Registered Geotechnical Engineer. The technical report must include relevant information related to, but not limited to, soil types and characteristics; soil bearing capacity; recommendations of soil and pavement compaction, import fill gradation, retaining wall design, slope gradients, flexible and in-flexible pavement (including paving calculations such as 5-values, gravel factors, gravel equivalence); bore logs; elevation of the highest observed groundwater level; infiltration testing at the bottom floor elevation of the proposed basin; and other design recommendations or geotechnical tests to the satisfaction of the City Engineer.

C.4.9 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless the Project's Registered Geotechnical Engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – Developer shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading Plan. Developer may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

Slope easements will be recorded, prior to the issuance of the Grading Permit. The Developer shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

<u>Walls</u> - Developer shall show proposed retaining walls and masonry walls on the on-site Grading Plan. The Developer is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building Safety Division. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

C.4.10 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.

C.4.11 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

# C.5. Reserved

#### C.6. Building Permit

Prior to the release of a building permit within Project boundaries, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.6.1 Developer has satisfied all conditions in C.1 through C.4 in these Conditions of Approval and has obtained a City approved Grading Permit.
- C.6.2 Developer shall pay any applicable development impact fees.

# C.7 Reserved

#### C.8 Special Conditions

- C.8.1 Reserved
- C.8.2 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.8.3 Prior to the release of the Building Permit, 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. Developer shall pay all fees associated with obtaining the account number for the water service.